

Plainsandeastern

From: Ron Hairston <ron.hairston@ph-clan.com>
Sent: Thursday, July 09, 2015 12:54 PM
To: Plainsandeastern
Subject: DOE Getting the "Cart Before the Horse" - Issue #2
Attachments: Comments RJH - EIS Draft Dec 2014 Environ Justice 150223.pdf

Plains & Eastern Clean Line remains silent on a multitude of questions. For this reason, DOE's decision regarding Clean Line's application should be withheld until outstanding issues are resolved and been given an adequate opportunity for debate and cross examination by qualified representatives of the opposing property owners. DOE should appoint, with property owner endorsement, "ad-litem" legal and technical representation to ensure property owners get fair consideration on the plethora of issues attending this complex project.

An issue that has never been properly addressed relates to the routes selected and how they impact the poor, agrarian lives, and culture. In my letter on environmental justice dated February 23, 2015 (attached) legitimate issues of concern are raised and are deserving of DOE's full attention.

DOE needs to be diligent and make sure that all issues that remain a concern for property owners are investigated in a manner that protects their rights as property owners. To do otherwise creates a violation "*...by arbitrary seizures of one class of citizens for the service of the rest.*" James Madison

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February 23, 2015

Plains & Eastern Clean Line EIS
216 16th Street, Suite 1500
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Subject: Comments on Environmental Justice Assessment

References: Section 3.5 Environmental Justice
US Census Bureau estimates <http://quickfacts.census.gov/qfd/states/05000.html>
Section 3.4 Electrical Environment
Section 3.11 Noise
Electrical Environment Assessment, Exponent, Inc., January 14, 2014
Noise Technical Report, Ecology and Environment, Inc., December 2013

Main Problems: Significant conclusions in Section 3.5 Environmental Justice are incorrect. Important factors are left out of the methodology and new Census information points to troubling changes in poverty status in affected counties. The factors mentioned below should be added to the methodology and the updated Census information should be used as the Draft EIS is being updated.

1. The conclusion reached in paragraph 3.5.6.6 stating that "No unavoidable adverse impacts were identified" is not reasonable in view of the comments and evidence outlined in this paper.
2. Adverse financial impact incurred as a result of the Project, and borne by property owners who are already victims of increasing poverty levels, has not been addressed in Section 3.5.
3. Financially measurable adverse impacts resulting from corona noise and line-and-structure visual pollution are grossly understated in their respective sections of the EIS. The erroneous conclusions found in these sections are carried forward throughout the EIS thereby compounding the problem.
4. Adverse impacts to nearby property owners who are not under the ROW but are subject to the far reaching effects of noise and visual pollution that may measurably impact home and land valuation are ignored in Section 3.5 and throughout the EIS.

5. The adverse impact of cultural and historical alterations borne by family farmers as a result of the project is ignored in Section 3.5 and throughout the EIS.

Evidence:

1. Avoidable & Unavoidable Adverse Impacts Ignored:

- a. Paragraph 3.5.6.6 stating that “No unavoidable adverse impacts were identified” is an illogical conclusion when one considers the magnitude of the Project and the immense number of complex problems that have to be addressed, solved, and mitigated..
- b. By ignoring the problems listed throughout this paper, both avoidable and unavoidable impacts have been hidden from view, assessment, and active mitigation.
- c. Table 3.5-1 draws from EO 12898 addressing environmental justice and states: *“Requires each federal agency to make the achievement of environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.”* The words “human health or environmental effects” should not be interpreted to exclude financial impact on minority and low-income populations that may be affected by Project activities.

2. Increasing Poverty Levels Ignored:

- a. The poverty level data presented in EIS Tables 3.5-8 and 3.5-11 underestimates affected county poverty levels when compared to current US Census Bureau estimates.
- b. The earlier data used in the EIS reported that there were six (6) counties in Arkansas with poverty levels ranging from 20.1% to 26.0%. Current US Census data shows that median household income in eight (8) of thirteen (13) affected counties now range from 20.1% to 28.1% below the poverty level. This is an increase of two (2) counties falling into an area of concern and worthy of attention. The top poverty level among these counties is another troubling statistic rising from 26.0% to 28.1%.
- c. Comparing earlier US Census Bureau estimates with current estimates shows that nine (9) of thirteen (13) counties have endured increasing poverty levels rather than remaining stable or improving. This statistic and those mentioned above should increase our diligence when assessing environmental justice, and bring to light potentially adverse effects that may have previously been overlooked.
- d. Table 3.5-8 does not include poverty status for three counties (Cleburne, Cross, and Johnson).

3. Disproportionate Impact on the Poor Ignored:

- a. The Environmental Justice section of the EIS fails to capture, analyze, and quantify how the poor in society may suffer disproportionately when compared to middle or high income households.
- b. It doesn't explain how their uncompensated for losses or the hidden consequences of being affected by the transmission line may disproportionately impact various parts of their lives such as: Nutrition, health, current & future financial wellbeing, shelter, transportation, education, and employment.

4. Losses due to Corona Noise & Visual Pollution Ignored:

- a. Uncompensated financial losses in any form may disproportionately and unjustly impact minorities and those below the poverty level. The effect of corona noise and visual pollution from lines and structures with their measurable negative financial consequences for property owners are unjustly ignored for those under the ROW and those near or adjacent to it.
- b. By excluding important information about corona noise from the printed EIS, much of the meaningful description and its effect are hidden from public view. A separate Noise Technical Report provides a partial understanding of corona noise but doesn't provide information needed to answer the question: "How loud will corona noise be N number of feet away?" This key information illustrated by Figure 9, AN Profile in fair and foul weather, is buried in the Electrical Environment Assessment Technical Report.
- c. The EIS throughout falsely assumes that there is no permanent financial loss that will occur a few feet beyond the ROW as a result of corona noise and visual pollution. Home and property owners, real estate agents, and lending institutions say otherwise. The Applicant has elected to use EPA noise level standards that are limited to health and safety concerns rather than recognize that the financial impact ranges far beyond the ROW. From the Noise Technical Report published by Ecology and Environment, Inc.:
 - i. Description of Human Sensitivity to Noise: *"Noise is defined as any unwanted sound. Sound is defined as any pressure variation that the human ear can detect...The unit of noise measurement is a decibel (dB). The most common weighting scale used is the A-weighted scale, which was developed to allow sound-level meters to simulate the frequency sensitivity of human hearing...The A-weighted scale is logarithmic, so an increase of 10 dB actually represents a sound that is... [perceived by humans as only]... twice as loud. Typical human responses to changes in noise level include: A 3-dBA change is the threshold of change detectable by the human ear. A 5-dBA change is readily noticeable. A 10-dBA*

change is perceived as a doubling (or halving) of noise level... [Sound Pressure Level] changes in inverse proportion to the square of the distance from the sound source. In a large open area with no obstructive or reflective surfaces, it is a general rule that at distances greater than 50 feet, the SPL from a point source of noise drops off at a rate of 6 dB with each doubling of distance away from the source... The drop-off rate also will vary with both terrain conditions and the presence of obstructions in the sound propagation path.” pp.5-6.

- ii. Correlation of EPA Noise Level Standards Fits Public Health – Not Financial Impact: *“The US EPA considers [a daytime noise level] of 55 dBA to be the maximum sound level that will not adversely affect public health and welfare by interfering with speech or other activities in outdoor areas...an additional 10-dB weighting imposed on the equivalent sound levels occurring during nighttime hours (10:00 p.m. to 7:00 a.m.), which accounts for peoples’ greater sensitivity to sound during nighttime hours.”* p. 12.
 - iii. Applicant Chooses to Ignore Financial Impact on Affected Property Owners: *“Although the US EPA limit is a guideline, Clean Line [wrongly] used this limit to evaluate impacts [financial and other] from operations and maintenance by comparing the Project operation noise levels estimated for the noise-sensitive receptors to the [daytime] limit of 55 dBA.”* p. 12.
- d. EIS Sections 3.5 Environmental Justice, 3.11 Noise, and the Noise Technical Report wrongly assume that corona noise will be obscured by ambient background noise within a short distance from the transmission line. The Applicant wrongly assumes that at distances from the transmission line greater than 130 ft, home and property owners will not be burdened with unacceptable noise levels. Background noise measured in the quiet rural area at my home is less than 30 dBA. Against this low ambient noise common to rural areas, corona noise 2,000 ft or more from the transmission line may be audible. The effects of varied terrain such as found in mountainous areas has not been studied or assessed. I can hear chatter of human voices over one half mile away and church bells from over three miles away. Some of this is assumed to be due to the channeling or amplifying effects of the local terrain, much as commonly experienced at an outdoor amphitheater.
- e. EIS Sections 3.5 Environmental Justice, 3.11 Noise, and the Noise Technical Report also wrongly assume that corona noise pollution, except at levels observed within a few feet of the line, is not financially damaging. Using EPA standards that do not correlate to corona noise impact on home and property values is a grossly unjust metric. The fact is that no buyer of a home or home site will want their home to be within any audible level of electrical hissing and crackling emanating from a nearby transmission line. This is particularly problematic in

rural areas where ambient or background noise may be a very low 20 to 30 dBA providing little ability to mask irritating corona noise as far as 1,000 ft or more away. The inability to sell a home due to this kind of noise pollution can be financially devastating for adjacent homeowners as well as for those whose property is under the ROW. As a case in point, two-thirds of the value of my home and the 29 acres it sits on is tied to the house. It is prized for its beautiful view and quiet setting. The devastating nature of corona noise pollution, not to mention visual pollution, from the transmission line will remove most of the value of the home and degrade the value of the surrounding acreage. The combined loss may be as much as 85%. This is no small amount and it is not a unique circumstance. I continue to hear other property owners stating that they will be similarly affected.

- f. The Electrical Environment Assessment Technical Report and Figure 9 (AN profile in fair and foul weather) does not extend the X-axis to the minimum point that corona noise may be audibly perceived and thereby cause devastating financial harm to homes and other property.
- g. The actual impact of corona noise on home and other property owners will not be known until after the transmission line is built and placed into operation. By then, it will be too late to justly address the issue.
- h. The visual impact is also financially negative. It may range further than noise pollution depending on terrain shape and vegetation.

5. Adjacent and Nearby Property Owner Loses Ignored:

- a. Particularly egregious for those below the poverty line, only property owners under the right of way are identified for compensation. Those whose property values will be affected by the far reaching effects of corona noise and visual pollution are ignored.
- b. As illustrated in the attached figure on page 10, property owners, near the damaging effects of the transmission line but who are not under the ROW, may incur financial damage as do their neighbors who are under the ROW. In some instances, these adjacent property owners may actually incur more financial damage than an owner whose property is under the ROW.

6. Unique Agrarian Lives and Difficult Recovery from Impacts Ignored:

- a. The environmental justice assessment fails to address how farmers and other rural property owners, often living below the poverty line, can be unjustly affected. The consequences they bear are unique to agrarian life. Section 3.5 ignores the difficulty they may have recovering from the impacts borne by them as a result of the project.

- b. Unlike living and working in or near a city where options for homes and jobs abound, a farmer can't simply move and take his livelihood elsewhere. Unlike "spec" houses and look-alike neighborhoods, finding another farm or rural property in the proximity to family and having virtually the same attributes, may be impossible.
- c. Often, when property is removed from his use, compensation for the land taken and for the loss of productivity falls short of making the farmer or landowner whole. This unjust exchange can destroy without compensation the use of future home sites set aside for the next generation of family farmers. The landowner may lose the very reason he chose the location, possibly for the peace and quiet it provides or the beauty that binds him to the land.
- d. In addition to financially related impacts, there are other social implications that we simply cannot place a value on. Where the farm or land has supported multiple generations, what is the just value that can be placed on breaking a chain of family history and the proud culture removed from the generations that follow? What price can we place on historical homes where family members have been born and where cemeteries bear ancestors?
- e. It is difficult for many of us to comprehend (many of us never will) how the farmer with his family and land are one. Like a married couple, the two become one unit. Taking any part of it away is like removing part of their oneness; part of their identity. These kinds of life changing events are more than unjust, they are unconscionable.

Solutions:

1. Avoidable & Unavoidable Adverse Impacts:

- a. Addressing each of the problems and the evidence mentioned above, assess the issues, quantify impacts to the maximum extent possible, and characterize those that cannot be quantified in a meaningful way. Catalog all identified adverse impacts into an Avoidable and Unavoidable Adverse Impacts List in the EIS.
- b. For avoidable impacts, clearly describe how they may be mitigated so that just outcomes prevail.
- c. For unavoidable impacts, look for and assess new routes that may eliminate or reduce the adverse impacts. Where unavoidable adverse impacts remain, describe and quantify what parts of each impact can or cannot be mitigated.

2. Increasing Poverty Levels:

- a. Update the EIS to include the most recent US Census data for poverty levels in the affected counties.

- b. Drawing on historical data and future projections, estimate poverty levels in affected counties over the next five years, or longer if practicable.
- c. Assess the impact of the direct and indirect effects of the Project on financially disadvantaged property holders under and near the right of way.
- d. Include and assess the impacts of increasing poverty levels into the list described in Solutions para. 1.

3. Disproportionate Impact on the Poor:

- a. Capture, analyze, and quantify how affected property owners in economically challenged counties may suffer disproportionately when compared to middle or high income property owners in more affluent counties.
- b. For this group, identify potential uncompensated losses that may impact various parts of their lives such as: Nutrition, health, current & future financial wellbeing, shelter, transportation, education, and employment.
- c. Include the identified disproportionate impacts on the poor into the list described in Solutions para. 1.

4. Corona Noise and Visual Pollution:

- a. Integrate the information from the Noise Technical Report and Electrical Environment Assessment Technical Report into the Sections 3.5 Environmental Justice and 3.11 Noise so that the analysis and conclusions regarding corona noise may be easily accessed.
- b. Identify and list in the EIS all properties within audible range of corona noise emanating from the transmission line.
- c. Recognize that the impact of corona noise pollution can destroy the value of homes and other property far beyond the ROW. Recognize that the impact of visual pollution can degrade the value of homes and other property far beyond the ROW.
- d. Assess and catalog the adverse impacts of corona noise and visual pollution into the list described in Solutions para. 1.
- e. Describe the Applicant's plan for noise abatement and restitution of home and other property values impacted by corona noise and visual pollution.

5. Adjacent and Nearby Property Owners:

- a. Identify and list in the EIS all properties within 2,000 ft of where the actual ROW will be located.
- b. Recognize that adjacent and nearby property owners may be affected by corona noise and visual pollution just as those property owners whose land is under the ROW.
- c. Assess and catalog the adverse impacts borne by adjacent and nearby landowners into the list described in Solutions para. 1.

6. Unique Agrarian Lives:

- a. Capture, analyze, and quantify how farmers and rural landowners are unique in their ties to the land and why recovery from land altered by the project or relocating to a comparable property is so difficult.
- b. List any uncompensated financial losses that may occur as well as the cultural and historical losses possible due to changes to their way of life even though difficult to quantify.
- c. Include the identified unique impacts to agrarian lives in the list described in Solutions para. 1.

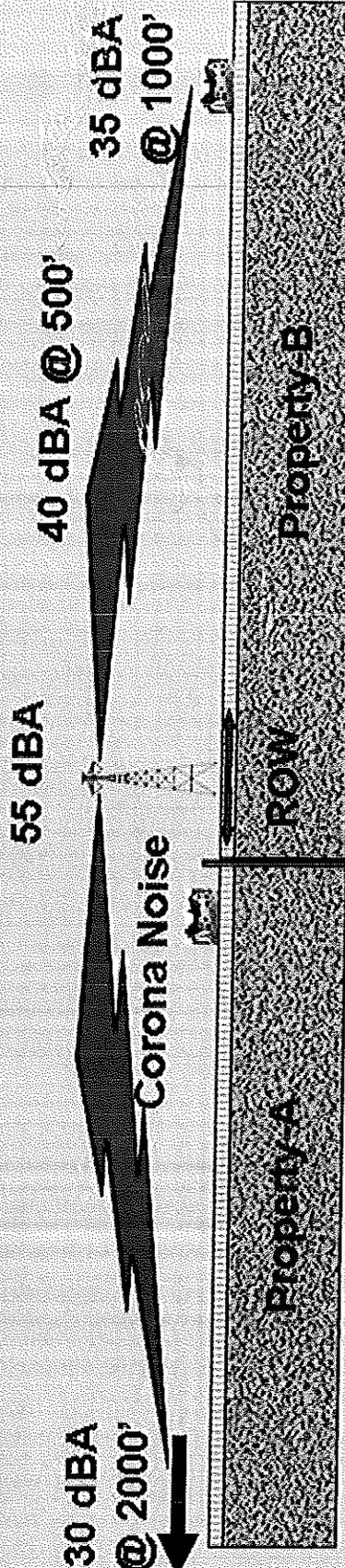
Of all the problems and solutions mentioned, the issues surrounding corona noise pollution must take priority. The far reaching effects have the potential to be financially devastating to property owners, especially those living below the poverty line. Currently this is not recognized as a problem, there is no plan for just compensation, and the details remain hidden from plain view of the public who are expected to comment on the EIS.



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Attachment:
Figure-Noise Pollution Destroys Home Value

NOISE POLLUTION DESTROYS HOME VALUE



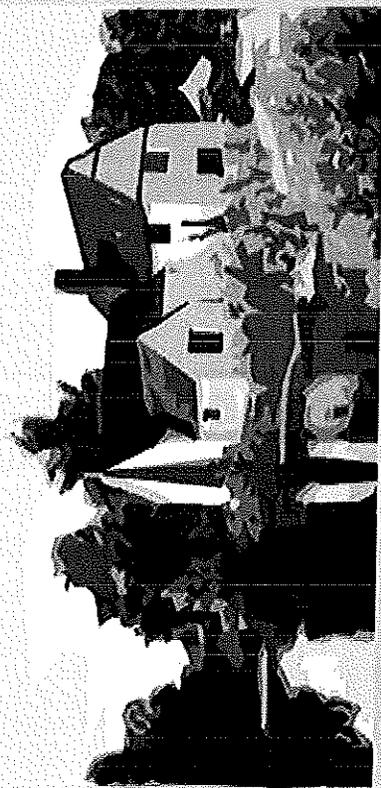
Owner-A Compensation - None

- Change in Home & Land value due to Visual & Noise Pollution is **IGNORED**

Owner-B Compensation

- Right of Way
- Structures
- Change in Home & Land value due to Visual & Noise Pollution

Low 30 dBA Rural Background Noise



Corona Noise

- Continuous Hissing & Crackling destroys home values
- Make homes impossible to sell
- Ruins value of land set aside for home building
- Actual effects known only after line is placed into operation—too late then!