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Dominion asks one more time

BY JOHN BRUCE • STAFF WRITER

Dominion is seeking landowner permission to avoid court proceedings.

Dominion announced that it mailed registered letters Monday to landowners who have denied permission to survey their property for its proposed gas transmission pipeline.

Five are Highland landowners, a Dominion spokesman said.

One, Pen Goodall, told The Recorder that he does not intend to grant permission or go to court. “It’s my land,” he said.

Dominion is “respectfully asking them to reconsider and give us permission to survey before we go to state courts and seek affirmation of laws that allow us to survey,” said spokesman Frank Mack.

“This letter is not required by state law. Dominion has met the legal requirement of each state to give notice to landowners and could survey on their property today,” Mack explained. “The letter is another example of how we are trying to work with the landowners so that the best route with the least impact to the environment, historic and cultural resources can be determined.

“Our goal is to work with landowners to obtain permission, something that over the years we have been very successful in doing. Allowing our crews to survey is the best way to ensure that we obtain important information from each landowner, such as the exact location of streams, historic structures or the family cemetery and whether the parcels in question are, in fact, suitable for pipeline construction at all.

“Landowners of about 73 percent of all the tracts along the ACP route have given us permission to survey,” Mack added.

Of the roughly 2,500 landowners and 3,300 total tracts of land along the route, 226 letters are being sent to the owners of 297 tracts – or just less than 10 percent of each total.

Letters are being sent:

- In Virginia, to 189 owners of 247 of the roughly 1,700 tracts of land along the route (14.5 percent of the Virginia tracts);
- In West Virginia, to five owners of 12 of the roughly 360 tracts of land along the route (3 percent of the West Virginia tracts); and
- In North Carolina, to 32 owners of 38 of the roughly 1,250 tracts of land along the route (3 percent of the North Carolina tracts).

The following is the text of the letter, signed by John D. Wilburn, partner, McGuire Woods LLP.

“Over the past few months, you have received correspondence from Dominion Transmission Inc. requesting permission to enter your property to conduct a survey and examine the survey corridor for environmental, historic and cultural features (the “studies”), as authorized by Virginia law. The studies are for the Atlantic Coast Pipeline project, which was formerly referred to as the Southeast Reliability Project. The project is a proposed interstate natural gas pipeline extending from north central West Virginia into southern North Carolina. The Project is intended to meet the growing need for clean-burning natural gas for power generation – thus promoting cleaner air – as well as for homes and businesses throughout this currently underserved region.

“McGuire Woods LLP represents DTI and Atlantic Coast Pipeline LLC in connection with the project. Please note that DTI is a contractor to ACP for project engineering and construction, and that DTI has assigned or will assign its rights under these letters to ACP as the project owner. Future communications will come on behalf of ACP.

“My purpose in writing is to respectfully repeat this request for permission to access your property to conduct the studies. This work aids in determining the best route for the pipeline.

“You have indicated that you would not authorize the studies, and that we and our contractors should stay off your land. Acting in good faith, we have honored your request. We firmly believe it is in the best interest of all landowners to grant access, even those landowners who do not support the project. Granting access does not forego any other property rights and does not declare support for the project. What it does do is help provide information that can determine the best route for the pipeline and whether the parcels in question are, in fact, suitable for pipeline construction at all.

”Thus far we have received permission to survey over 70 percent of the pipeline route. That work, in addition to discussions with landowners, has provided valuable insight in selecting the current pipeline route. Landowner requests are taken into consideration when determining the pipeline route, though adjustments to the proposed pipeline route cannot be guaranteed.

“Please allow me to review the study process in the hope it will make you more comfortable in agreeing to allow the studies:

- The studies will help identify the best route for the pipeline with the least impact to the environment, historic and cultural resources. They also give us the ability to gather information required by the federal government as part of its review of the pipeline proposal.
- The first step will be for a crew to mark or “flag” the proposed route. Thereafter, a survey crew will pinpoint the route using transits and other surveying equipment. Accompanying this crew or shortly behind it will be technicians who will study the proposed route for any artifacts of historical or archeological significance, endangered species, soil types and other environmental conditions. A more detailed description of the work the accompanying crew will perform is set forth in the enclosed “Survey Process” sheet.
- During this process, there may be very minor earth disturbance during the search for historical artifacts. Any such disturbance will be promptly refilled and repaired. Our surveyors may also need to clear pathways through brush or other growth. Although we expect no damage to your property, ACP will reimburse you for

any actual damages caused by the studies. The goal is to make its presence on your property as discreet and unobtrusive as possible, while also fulfilling the requirements of the federal government review process.

“As I noted, the studies allow ACP to develop the best overall route. It could be that your land contains features that would suggest the pipeline should be located on another property, or perhaps on another portion of your Property. These features could include wetlands, a family cemetery, or similar items. Your cooperation would allow ACP to better evaluate the presence of such features so that the best overall route can be selected for review by the Federal Energy Regulatory Commission.

“Even though Virginia law gives ACP the right to perform this work because it has sent the requisite letters and notices, our desire is to conduct the studies with your cooperation. If you are willing to grant permission, please sign in the space below and return one copy of this letter to me in the enclosed self-addressed stamped envelope. Or you can fax a copy of this letter to me at (703) 712-5230, or scan it and email it to me at jwilburn@mcguirewoods.com.

“Unfortunately, if ACP is not able to obtain your consent to the studies, we intend to file a lawsuit to secure a court order granting access. That is not our preference, which is the reason for this final request. I would, therefore, ask that you please reconsider your position and grant permission for ACP to conduct its preliminary work so that legal proceedings can be avoided. I would also be pleased to discuss any concerns you may have or reasonable conditions you may require in connection with your permission. However, I would ask that you contact me with your position within the next ten days. We would like to work with you to resolve this issue and to accommodate as many of your concerns as possible. If you have any other questions, please do not hesitate to contact me at (703) 712-5059. Thank you for your consideration.”

Separately, the county Economic Development Authority is set to vote on a proposal, to help landowners with right-of-way information resources, for supervisors to consider at their Nov. 19 work session.