

## THE RECORDER, 082114

### Concerns about pipeline strong

#### Nearly 100 gather to share info about Dominion plan

BY ANNE ADAMS • STAFF WRITER

MONTEREY — There was fear twitching in their voices. And overwhelming frustration. Residents and landowners who potentially or almost certainly could have their properties torn up and taken by Dominion Resources were in Monterey Tuesday night — mostly from Highland, but also from surrounding counties.

These are folks living a quiet, country life, who now find themselves confronting a powerful utility company with a federal project for a 42-inch gas pipeline that would, at least for a while, bring blasting, dust, erosion, and make part of their land unusable — not to mention adding an expensive, legal headache borne from the the bureaucracy of a federal process.

They felt powerless, many of them. But there was a collective hope in the room. They were serious about finding out more about something that could permanently alter their quality of life. They came with lists of questions in hand.

It was a town hall gathering in The Highland Center sponsored by Highlanders for Responsible Development, a grassroots group formed about nine years ago to protect the integrity of this county's natural resources. HRD hosted the evening to give citizens an opportunity to share information and ask questions about the 450-mile, three-state pipeline proposed by Dominion Resources, which would carry gas from shale in West Virginia to facilities in North Carolina, including a spur to the Hampton Roads area on Virginia's coast. Attendees included the Monterey mayor and at least once council member, plus all three county supervisors.

"I've gotten the letters," said Highland resident Karen Ancarrow, referring to requests to survey her land. "I responded, but I have a lot of concerns. I just cannot imagine this construction ... all the blasting." It's hard enough to put in a garden with all the rock in the ground, she said, wondering how a pipeline could be buried in such terrain. Plus, if your parcel is small, "they'll be taking a good chunk of your property," she said. HRD president Lew Freeman had welcomed the 93 people attending, giving a brief background about the group. Following presentations by Southern Environmental Law Center attorney Greg Buppert, and University of Virginia senior scientist Rick Webb, Freeman opened the floor to questions. About a dozen hands shot up immediately.

#### *Water issues*

Citizens wondered how Dominion would handle everything from stream crossings to erosion, to getting enough water to pressure-test the line.

Would Dominion bridge any streams? No one knows, Webb said. "Dominion said it would work with the Department of Environmental Quality."

While there's a trench to bury the line, what stops that trench from becoming a river? Or the bottom from becoming a flood zone? The answer is, likely nothing will stop the water from filling the trenches, Webb said. "We will see, in the erosion and sediment control plan, what Dominion plans to do."

Freeman noted Dominion did not adequately address that question in its most recent meetings with county supervisors. "There are a lot of unknowns," he said.

"Won't the pipeline just float to the surface?" wondered Ann Wefer.

Williamsville resident Nelson Hoy said not only is that possible, but it's likely a trench could hold water for the next 100 years.

"The topography here makes this different from other places," added Buppert, noting the striking difference in Highland's terrain, where the pipeline would have to traverse so many ridges at elevations of 3,000 feet and higher.

Another wondered where Dominion would get the enormous amount of water needed to pressure-test the line. "They'll need gallons and gallons of water," Freeman said. "They pressure test in sections, is my understanding, but they'll take the water from local sources, and dispose of it in an environmentally acceptable manner."

Iris Hooke was concerned that even if the pipeline did not cross her property, its construction could affect her water. "If they go above me, they could change the river," she said. "Then, it's impacting me. Does it do me any good to say anything?"

Freeman assured her she should express her concerns, and noted the Federal Energy Regulatory Commission's process allows for comments. "Yes, you do have a voice," he said.

Hooke wondered how far away construction could impact water supplies. "There's no limit to the distance," Webb said. "It could have an affect 12-13 miles away. We can't say any distance is reasonably safe."

### *Surveying*

Nancy Witschey of Blue Grass wanted to know what percentage of survey requests have been declined. Buppert said he did not know for sure. "FERC approves a lot of these pipelines," he said, "although there are instances where pipelines don't make it through the process."

A Waynesboro landowner asked whether it would be appropriate for property owners to evaluate special assets on their land, and Buppert agreed that was a good idea.

An Augusta resident wondered whether there was any good strategy for stopping surveyors from entering private property.

In Highland County, about eight miles have been surveyed so far, and 46 percent of residents contacted have given surveyors permission to enter their land, Freeman noted.

But only 25 percent of Nelson County residents have done so.

“We’d like only 5 percent in Augusta,” added Nancy Sorrels, an Augusta resident and former county supervisor.

Buppert noted Virginia law stipulates that as long as Dominion complies with providing proper notice, the company can enter to survey even if landowners do not grant permission. “Nelson landowners have challenged this,” he added.

Sorrels said in Augusta, Dominion mailed survey requests in June, then completely changed the route, and sent out new letters. The alliance in that county has recommended landowners simply write “no” on the requests for surveying. By declining permission, surveyors are then required to enter only on foot, and use only hand equipment for their work. She stressed that people who don’t allow surveying can still list areas that should be avoided on their land.

“Don’t confront Doyle Land Services,” she added. “They’re just doing their job.”

Highland attorney Melissa Dowd noted the statute giving Dominion authority to survey specifically says the surveyors will not be considered “trespassing” if they enter land without permission. “But if you do a criminal act, you will be prosecuted,” she said.

Pen Goodall, who lives in the Laurel Fork area, said he has been continually pressured by surveyors to allow access to his property. “Now, they’re going to get a court order to come across,” he said.

Mike Hughes, who owns property in Hightown, said after a conversation with a surveyor, he granted permission only under the conditions they agreed to by phone, and he asked the surveyor to put those in writing. “That was six weeks ago, and I have not received written confirmation of that phone conversation,” he said. “I signed under duress, subject to what we agreed to. But they’re going to do what they want to do.”

#### *Cultural resources*

Winifred Stephenson, who plans to move to Highland soon, asked about archaeological sites.

Webb said no one knew yet how many could be affected. He noted the route had been changed to avoid most of the core McDowell Battlefield area, however.

Sorrels, a member of the Shenandoah Valley Battlefields Foundation, said the new path crosses near the breastworks, and the U.S. Forest Service has a lot of archaeological sites on record.

#### *Eminent domain*

Buppert explained that during the FERC review process, economic impacts will be weighed against the impacts of using eminent domain.

Do you have to spend your own money to fight an eminent domain threat? “Yes,” Buppert said. “You have to hire your own lawyer, pay your own experts, and pay to try your case.”

Realtor and Bolar resident Ryan Hodges asked whether it made a difference if everyone refused to negotiate with Dominion. “Is that valued differently?” he asked.

Buppert explained FERC will consider how much eminent domain authority Dominion would have to use, but is 50 percent of those refusing enough to affect the FERC decision? No one knows. Dominion said it typically negotiates successfully with 90 percent of landowners affected by a project, he said. How would things change if eminent domain had to be used on 100 percent of landowners? No one knows. FERC has said that use of eminent domain is considered an adverse impact, Buppert said, but the question is how much it outweighs a public benefit.

Annette Naber wondered whether it was possible for landowners to join forces in some kind of class action suit.

Buppert said the question was complicated. “Typically, class action is used when large groups show an injury,” he said.

Sorrels added Dominion has stated it will negotiate with landowners up to the last minute before asserting eminent domain authority.

#### *Hazards*

One citizen noted surveyors have already been on the historic Hevener Farm in Hightown, and asked about the impacts of blasting and road structure.

Freeman noted Augusta officials also asked about blasting, but Dominion’s response was not specific. “They were kind of saying, ‘Trust us,’” he said.

Another asked about the potential for gas leaks.

Webb said Dominion describes a potential impact zone of 1,100 feet in all directions.

FERC must consider safety issues, Buppert added. “But FERC often references the great safety record of the natural gas industry.” Wintergreen

A real danger, Webb said, was the karst topography and the risk of a collapse under the pipe.

Dan Kauffman said he searched pipeline explosions on Google and got 46,000 “hits” online. “These things are blowing up all the time,” he said.

Has Dominion ever built a 42-inch pipeline over mountains?

“No,” said Webb. “As far as I can tell, Dominion has never built a 42-inch pipeline on any terrain.”

#### *Intervenors*

Buppert, in his presentation (see sidebar) explained the process of registering as an intervenor once Dominion officially applies for a certificate from FERC. Becoming an intervenor allows one to have access to all the studies and documents generated in the case.

Prompted by a question from Dowd, Buppert clarified that becoming an intervenor does not automatically give a person standing to sue in court. However, if one did not register as an intervenor, then he or she cannot bring suit later.

Freeman stressed that anyone can file comments with FERC, even if they have not become intervenors.

#### *Environmental concerns*

An Allegheny Mountain School resident asked whether anyone had been successfully fought a pipeline project due to threats to endangered species, such as protected bat species in this area.

Webb said he did not know, but that typically, companies with projects threatening protected species file for a federal Incidental Take Permit, which includes generating a Habitat Conservation Plan. That would allow limited damage to protected species without prosecution.

Laurel Fork landowner Lucile Miller asked whether Dominion would use herbicides to keep the pipeline area cleared of growth. Sorrels noted Dominion has said it would not use herbicides, but rather keep the easement areas cleared with bush hogs. “It has to be permanently cleared,” she said.

#### *Pocahontas*

Tuesday, Dominion representatives met with Pocahontas County Commissioners at the same time HRD hosted its meeting in Monterey. One person, who attended both, reported the Pocahontas meeting was equally well attended, and most were overwhelmingly opposed to the pipeline proposal.

He said the most interesting part of the meeting was when a reporter asked if Dominion would promise the gas was not for export. The audience broke into spontaneous applause, he said.

Another attending noted Dominion had established a 400-foot corridor, but had not completed studies on the Monongahela National Forest, or even applied for a special use permit to survey on the forest. “People are receiving their letters requesting permission to do surveys, and they are really wanting to know where it’s going to go,” she said.

At the HRD meeting, Webb said, “This project cannot be fought on any one issue. It must be fought cumulatively, a fight on every front.”

Sorrels agreed. “This needs to be a death by 1,000 cuts,” she said. “We need to stop them at every point, make it so miserable and costly that they go away.”

#### *Included photos:*

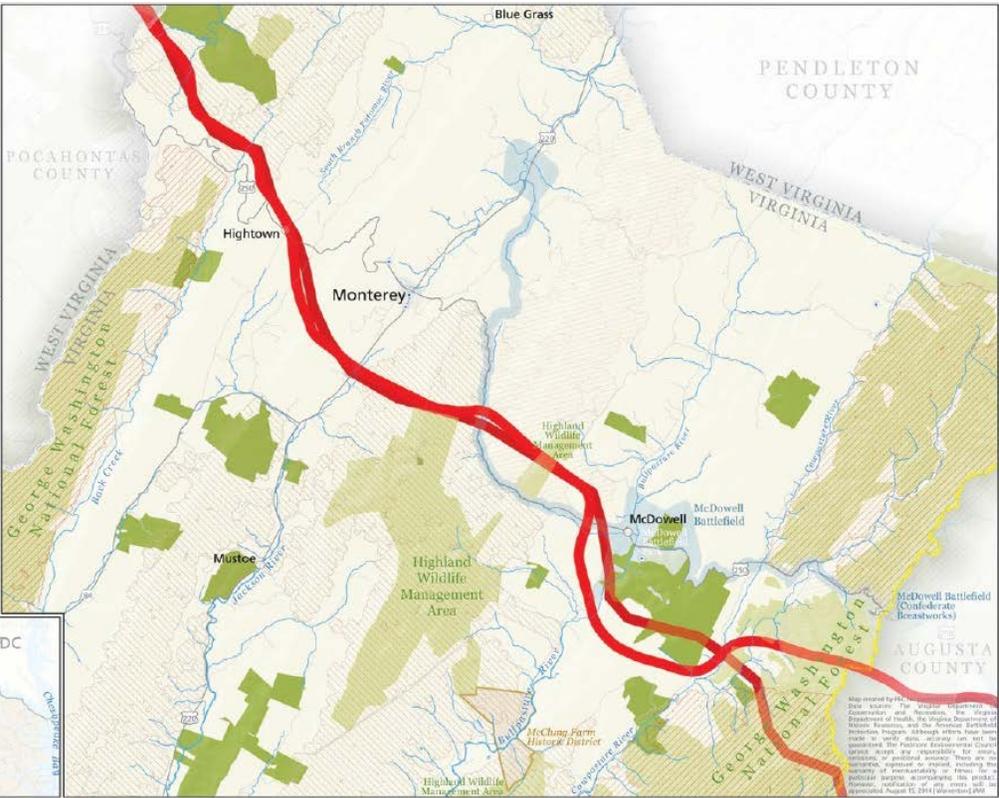
**These [following] maps show the most recent proposed pipeline route in Augusta (below) and Highland (above) counties. They were created by a GIS specialist at the Piedmont Environmental Council, based on information provided by Dominion to other agencies. (Courtesy the Shenandoah Valley Network)**

**Dominion Southeast Reliability Project**  
**Gas Pipeline Study Corridors: Highland County**



- Gas Pipeline: Current Study Corridor
- Gas Pipeline: Initial Study Corridor
- Conservation Easements
- Publicly Owned Land
- Historic Districts
- Civil War Battlefield
- Public Wells and Springs
- via* Natural Landscape Assessment
- Outstanding Ecological Integrity
- Very High Ecological Integrity
- High Ecological Integrity

The potential pipeline routes shown on this map were derived from publicly available data and are an approximation of any potential or actual pipeline routes. The route data are for illustrative purposes only and are not official or exact routes, nor should they be used for analysis.



**Dominion Southeast Reliability Project**  
**Gas Pipeline Study Corridors: Augusta County**



- Gas Pipeline: Current Study Corridor
- Gas Pipeline: Initial Study Corridor
- Conservation Easements
- Publicly Owned Land
- National Forest Special Biological & Wilderness Area
- VDF Special Project Area
- Historic Districts
- Civil War Battlefields
- Public Water Intakes
- Public Wells and Springs
- via* Natural Landscape Assessment
- Outstanding Ecological Integrity
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Webb also showed this photo depicting the construction of a 42-inch gas pipeline in Nebraska, the same size as the one proposed by Dominion Resources. (Source: [www.pricegregory.com](http://www.pricegregory.com)).



**Rick Webb's presentation included this photo of a large pipeline under construction in flat terrain from "Pipelines in Pennsylvania: A Case Study of Lycoming County, 2012, League of Women Voters of Pennsylvania."**