

# Pipelines 101

Episode 4: Land Trust, Forestry, Engagement, and Monitoring

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# Pipelines 101: Episode 4

Shelley Hudson Robbins

Energy and State Policy Director  
Upstate Forever



## Conservation Easements

Natural Gas Act, 15 U.S.C. § 717f(h) authorizes eminent domain once a certificate is granted.

*Kelo v. City of New London* (2005, a 5-4 vote) affirmed that economic development is a permissible public purpose sufficient to justify taking private property rights through eminent domain.



# Conservation Easements

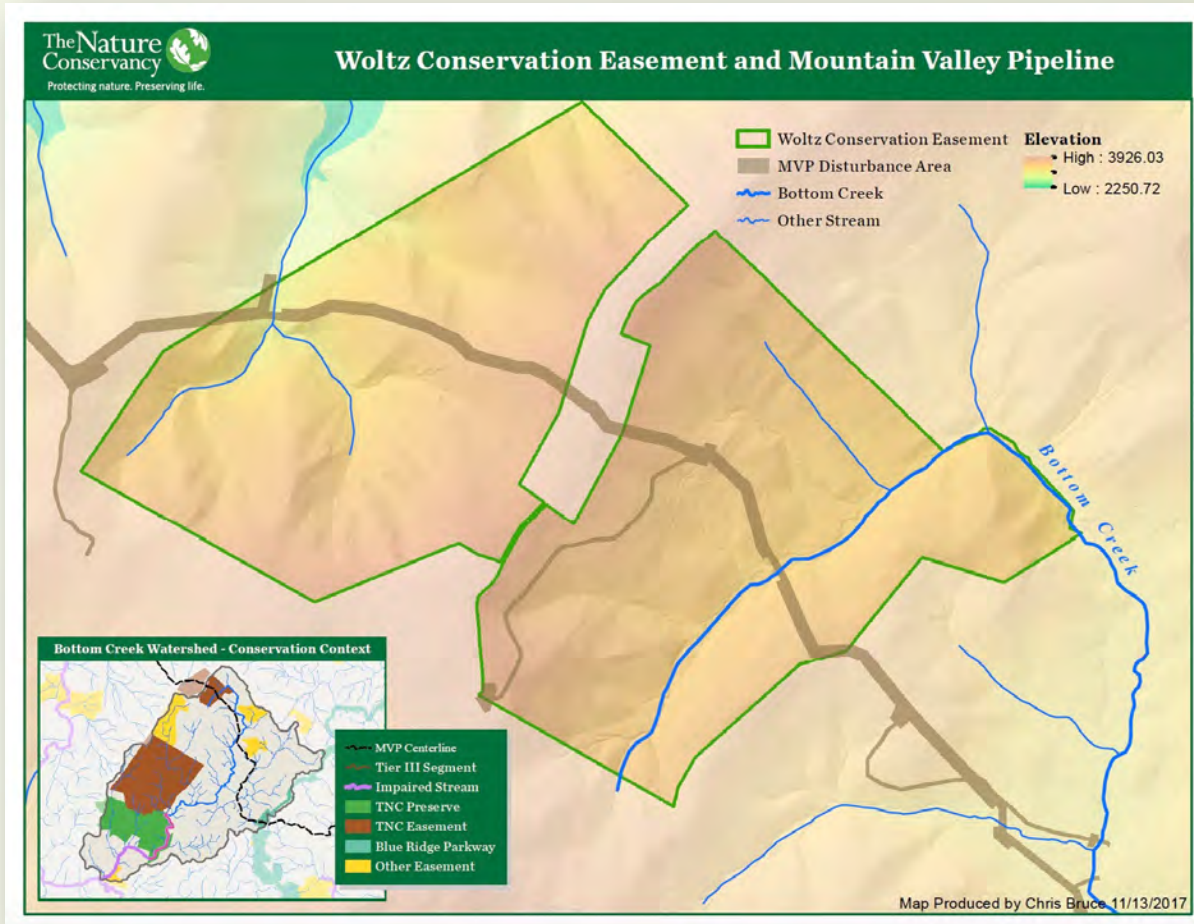
Korngold Opinion cited:

Eminent domain is especially necessary in the case of conservation easements when “private arrangements such as conservation easements frustrate an essential public need.”

William and Mary Environmental Law and Policy Review  
Vol. 35:625



# The Nature Conservancy and the MVP





# TNC & MVP

FERC Docket CP16-13

TNC filed a request for rehearing of the order issuing the certificate and a stay on November 13, 2017

FERC denied that request on June 15, 2018

“The Nature Conservancy argues that the Commission violated NEPA and the Administrative Procedure Act by failing to respond to its argument that the MVP Project route would violate the terms of a conservation easement that The Nature Conservancy holds over the Woltz’s property. We disagree. The Final EIS specifically addressed this claim, noting that The Nature Conservancy believes that a pipeline through its property would violate the terms of its easement. As discussed previously above and in the Final EIS, Commission staff took The Nature Conservancy’s concerns into account and considered alternatives to avoid these easements. However, these alternatives did not offer a significant environmental advantage. Under these circumstances, the Commission is not required to conclude that an easement between private parties requires altering the pipeline route. Neither NEPA nor the Administrative Procedure Act required any additional analysis.” (emphasis added)

P. 121-122 of 6/15/18 order



# Timber and Forestry Issues

- Allowed uses
- Timber losses – who pays?
- Clearing of cut timber
- Hunting rights, structures, and time restrictions (no construction or penalty during hunting season)
- Forester supervision – who pays?
- Access gates – where? Who has keys?
- Prescribed burns
- Restoration specifications



# Timber and Forestry Issues

Other issues to be negotiated:

- What can go in the pipeline?
- How long can it sit abandoned before reverting?
- What else can go in the ROW?



## Timber and Forestry Issues

What can go in the pipeline?

-“transportation of natural gas only” (most restrictive)

-“transportation of water and gases” (covers hydrostatic testing)

## Timber and Forestry Issues

How long can it be abandoned before reverting?

-5 years appears to be standard language

-18 months is the shortest negotiated

# Timber and Forestry Issues

What else can go in the ROW?

“a pipeline of the same size and capacity and appurtenances”

“a pipeline of similar or different size and appurtenances”

“a single pipeline as authorized by the certificate” (most restrictive)

## 🌿 Timber and Forestry Issues

### Timber truck crossings:

”Exhibit A shows the locations of points on the Right of Way where provision shall have been made for the safe crossing of the certified facilities by logging trucks and other vehicles.”



# Utilizing GIS to Inform Stakeholder Outreach

Katie Hottel  
GIS Manager  
Upstate Forever





# Converting PDF's to Map Features

## ❖ ArcGIS Georeferencing Tool

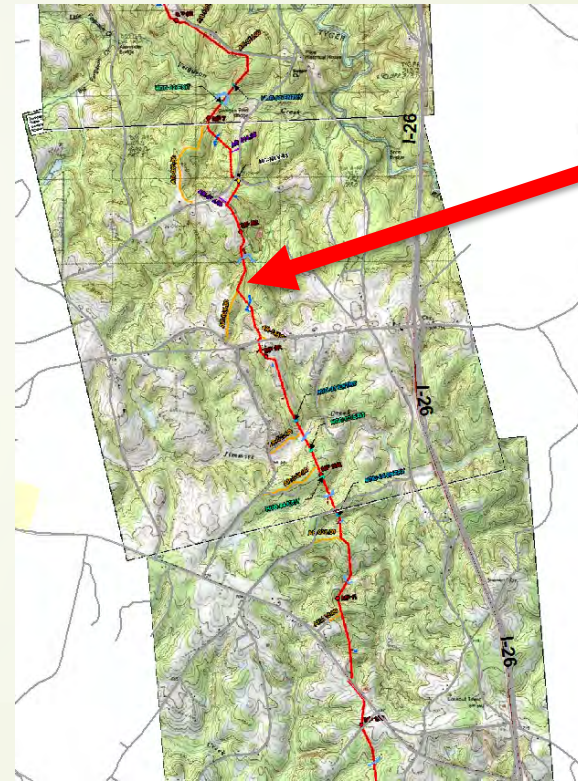
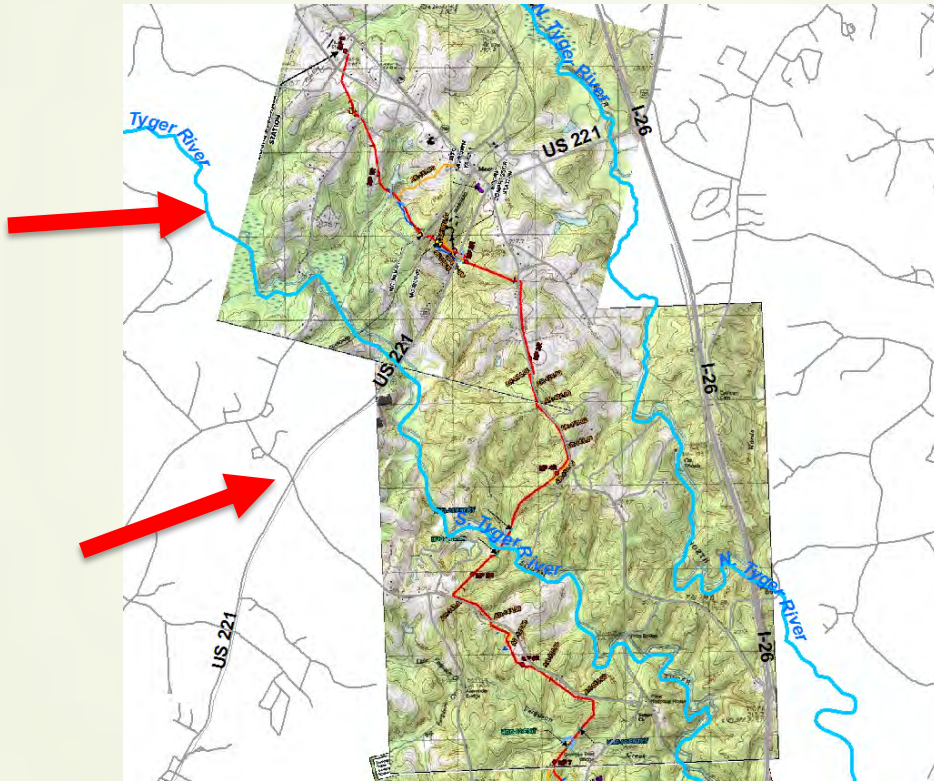
- PDF's start out as rasters, or images, with no association to locations in physical space
- Coordinate system of map used to relate image to ground system of geographical coordinates
- Associating an image with spatial locations

# Converting PDF's to Map Features

- ✦ Using geographical points of interest (POI) to “geo-locate”
  - Road crossings/intersections, contour lines, rivers, etc.
  - Need multiple POI's
  - May rotate your image to fit into “space”

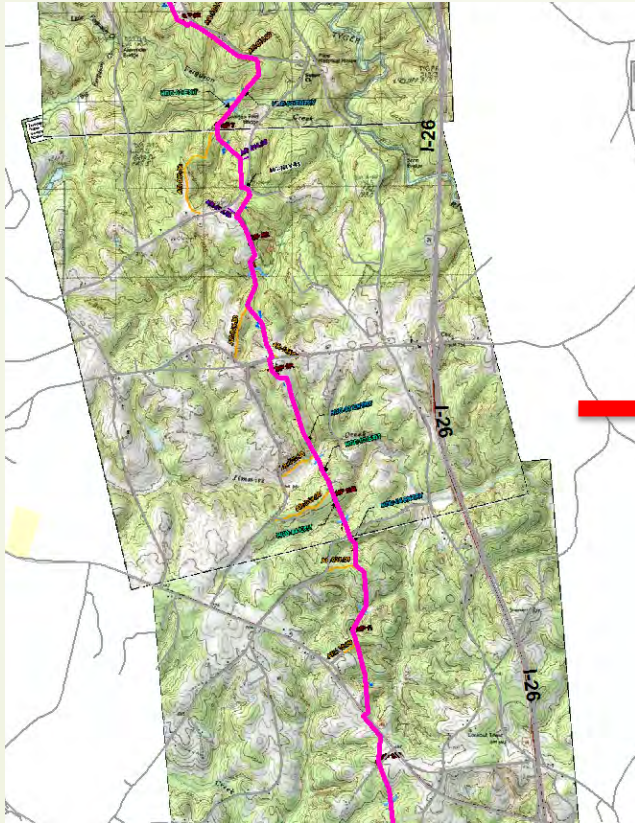


# Converting PDF's to Map Features



# Converting PDF's to Map Features

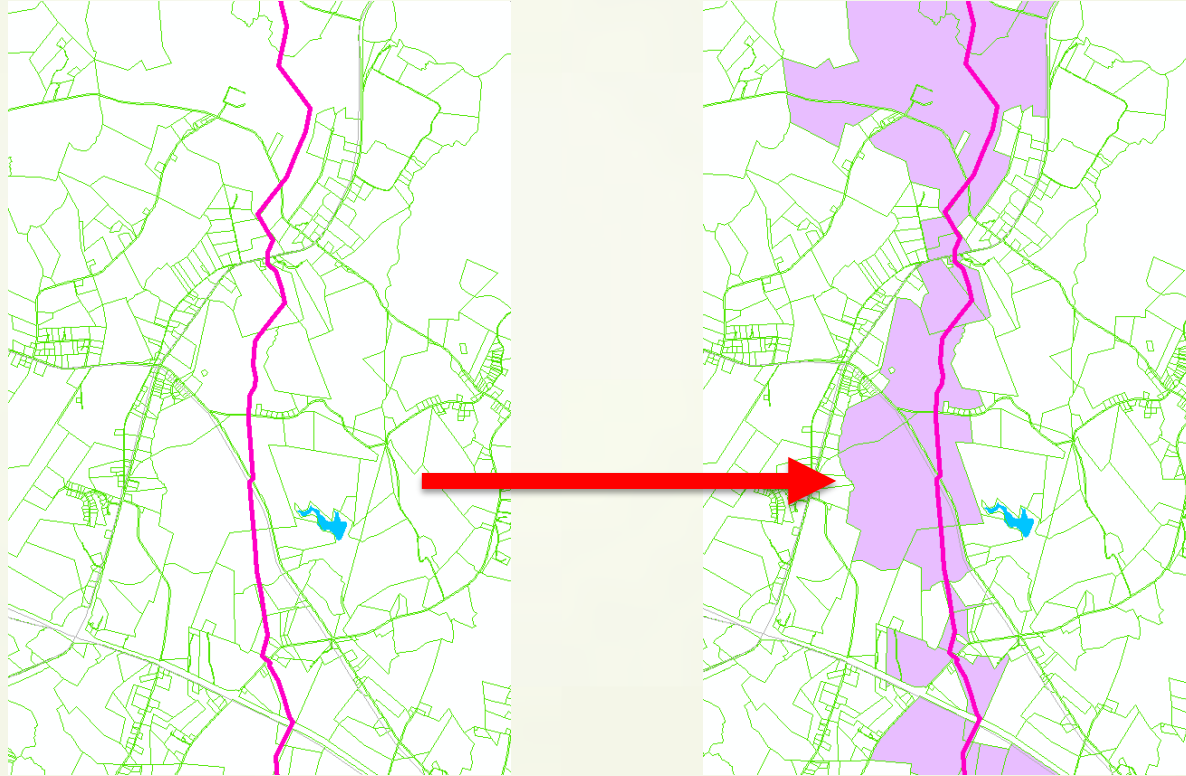
- Geo-locate PDF's
- Trace route in GIS



# Using the Route to Target Landowners

- ❖ GIS Parcel Data for each County
  - Available for purchase for use in GIS programs
    - Can be expensive
    - Not useful to non-GIS users; large datasets can't be used on Google Maps or Google Earth
  - Public information on County Websites
    - Look at parcels one-by-one
    - Time consuming to pull data

# Using the Route to Target Landowners



# Using the Route to Target Landowners

- ✦ Names and addresses of all adjacent landowners
- ✦ Targeted mailings to mobilize support/information sharing
- ✦ Informing those directly affected



507 Pettigru Street 201 E. Broad St. Suite 1C  
Greenville, SC 29601 Spartanburg, SC 29306

### To the Landowners Impacted by the Dominion Pipeline:

SC DHEC will be holding an information session on March 21, 2017 at 6:00 P.M. They are currently evaluating Dominion's application for a water quality permit for the 55-mile pipeline project. They also plan to invite Dominion Carolina Gas Transmission, LLC, SCANA/SCE&G, and the SC Office of Regulatory Staff.

When: Tuesday, March 21, 2017 at 6:00 P.M.

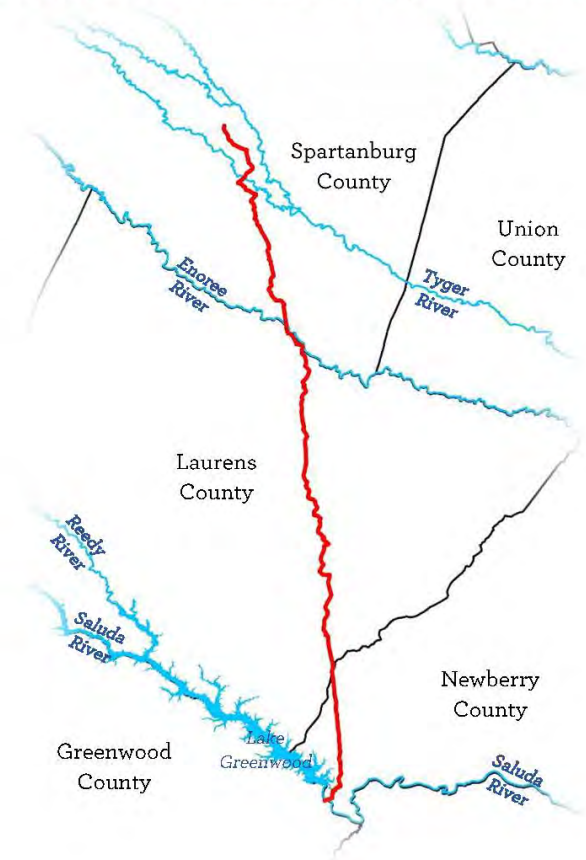
Where: Florence Chapel Middle School  
290 Shoals Road, Duncan, SC 29334

More information about Upstate Forever's position on the pipeline may be found at [www.UpstateForever.org](http://www.UpstateForever.org).



Landowner Name  
Street Address  
City, State Zip

## Proposed Dominion Pipeline Route



# Results

- 165 properties directly crossed by proposed pipeline route in 3 UF counties

# Monitoring – What Could Go Wrong??



Erosion Control Failure:  
Threat to water and safety



# Monitoring Resources

David Sligh  
Conservation Director  
Wild Virginia



# Pipeline Monitoring Resources

## Aims of Monitoring?

Define the goals and the potential uses of information gathered

- Complaints to regulators
- Public exposure of problems
- Legal action (Clean Water Act Citizen suits)



# Pipeline Monitoring Resources

## Water Quality Assessments

Start early – characterize background conditions to show impacts later

Training, ongoing supervision, quality control program

Different levels of expertise and quality of data produced



# Pipeline Monitoring Resources

Example: SC Adopt-A-Stream

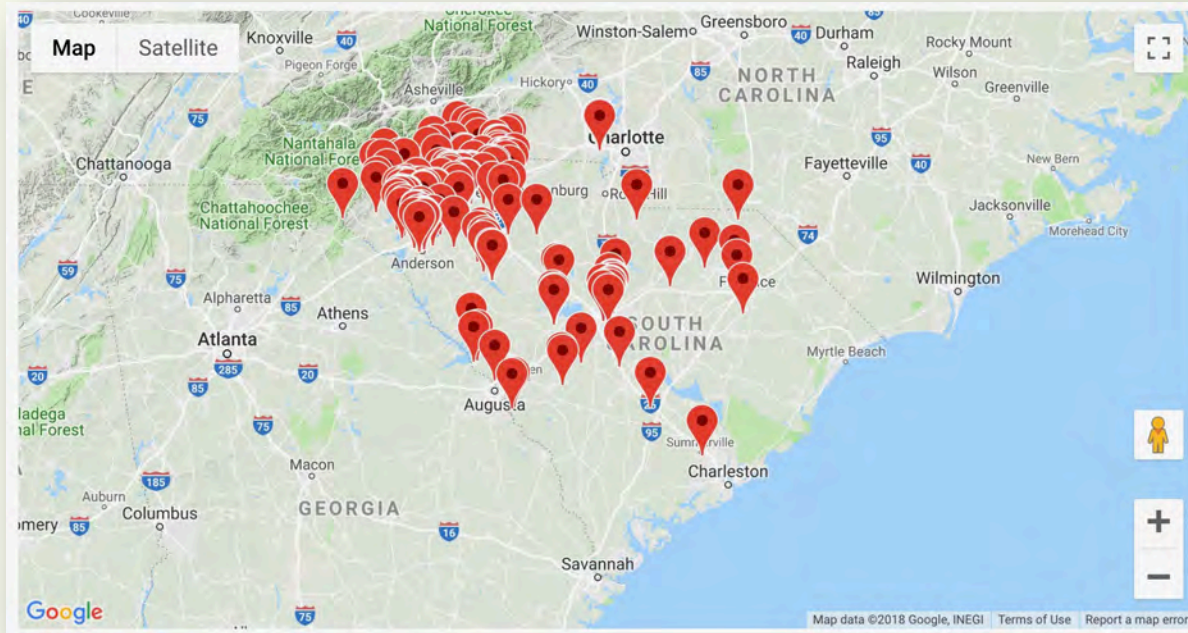
<https://www.clemson.edu/public/water/watershed/scaas/index.html>



The screenshot shows a web browser displaying the Clemson University website for the SC Adopt-a-Stream Program. The browser's address bar shows the URL: <https://www.clemson.edu/public/water/watershed/scaas/index.html>. The page header includes the Clemson logo and the text "PUBLIC SERVICE AND AGRICULTURE". A navigation menu on the left lists various options, with "SC Adopt a Stream" selected. The main content area features a banner with the text "ADOPT A STREAM" and logos for the "CENTER for WATERSHED EXCELLENCE" and "dhec". Below the banner, a welcome message reads: "Welcome to South Carolina Adopt-a-Stream, a new program with growing enthusiasm and membership for the protection of South Carolina's waterways!"



# Pipeline Monitoring Resources



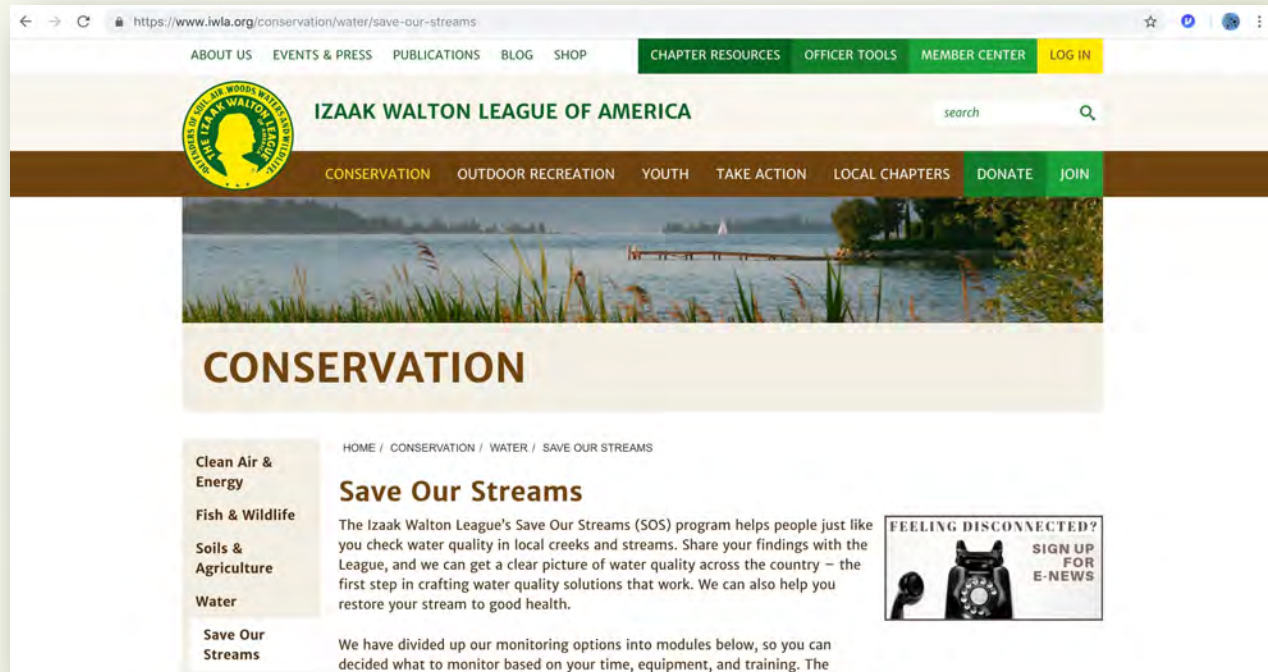
Significant gap in the Pee Dee and Lowcountry



# Pipeline Monitoring Resources

Save Our Streams – Izaak Walton League

[www.iwla.org/conservation/water/save-our-streams](http://www.iwla.org/conservation/water/save-our-streams)



The screenshot shows the Izaak Walton League of America website. The URL in the browser is <https://www.iwla.org/conservation/water/save-our-streams>. The navigation menu includes: ABOUT US, EVENTS & PRESS, PUBLICATIONS, BLOG, SHOP, CHAPTER RESOURCES, OFFICER TOOLS, MEMBER CENTER, and LOG IN. The main header features the Izaak Walton League of America logo and a search bar. Below the header is a secondary navigation menu with: CONSERVATION, OUTDOOR RECREATION, YOUTH, TAKE ACTION, LOCAL CHAPTERS, DONATE, and JOIN. The main content area has a large image of a lake with a dock and the word "CONSERVATION" in large brown letters. Below this is a breadcrumb trail: HOME / CONSERVATION / WATER / SAVE OUR STREAMS. The main heading is "Save Our Streams". The text below reads: "The Izaak Walton League's Save Our Streams (SOS) program helps people just like you check water quality in local creeks and streams. Share your findings with the League, and we can get a clear picture of water quality across the country – the first step in crafting water quality solutions that work. We can also help you restore your stream to good health." To the right of this text is a small graphic with a rotary phone and the text "FEELING DISCONNECTED? SIGN UP FOR E-NEWS". On the left side of the page, there is a vertical menu with categories: Clean Air & Energy, Fish & Wildlife, Soils & Agriculture, Water, and Save Our Streams. The "Save Our Streams" category is highlighted.



## 🌿 Pipeline Monitoring Resources

Visual observations of activities

Trout Unlimited/WV Rivers Powerpoint

[http://appvoices.org/resources/VA\\_pipeline\\_assessment/VA\\_Pipeline\\_Visual\\_Assessment\\_Webinar.pdf](http://appvoices.org/resources/VA_pipeline_assessment/VA_Pipeline_Visual_Assessment_Webinar.pdf)

Landowners

Local groups, individual recruits

On the ground – difficult access, trespassing risks

Aerial surveillance



## 🌿 Pipeline Monitoring Resources

Aerial Surveillance – Resources

Southwings

“Conservation Through Aviation”

[www.southwings.org](http://www.southwings.org)

Volunteer pilots

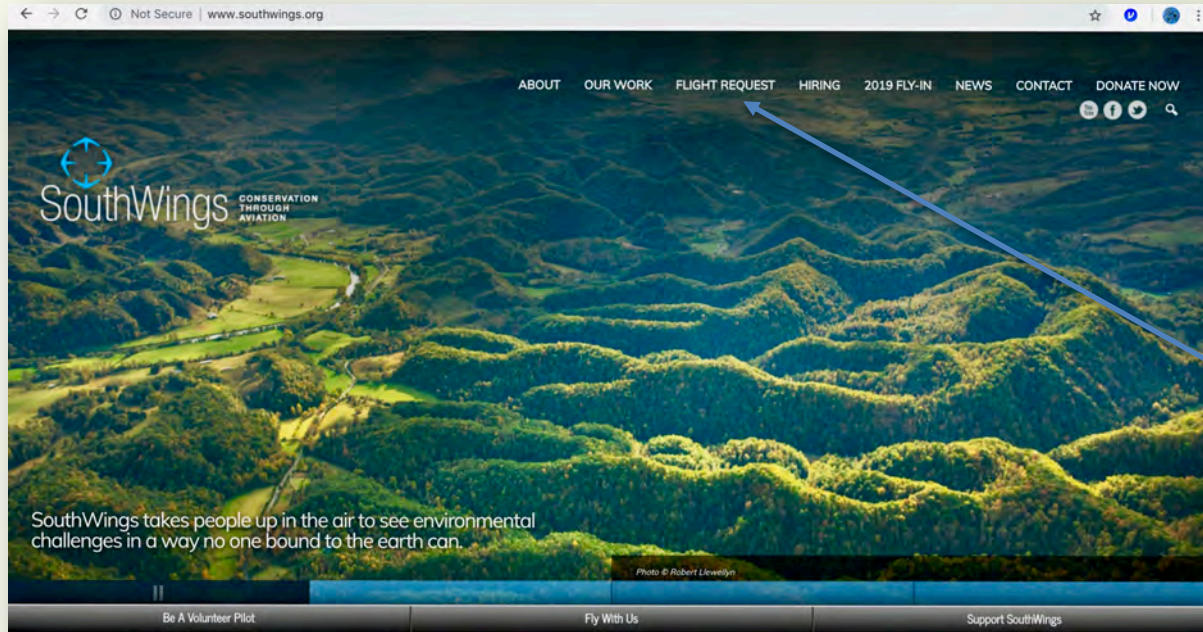
Drone operators







# Pipeline Monitoring Resources



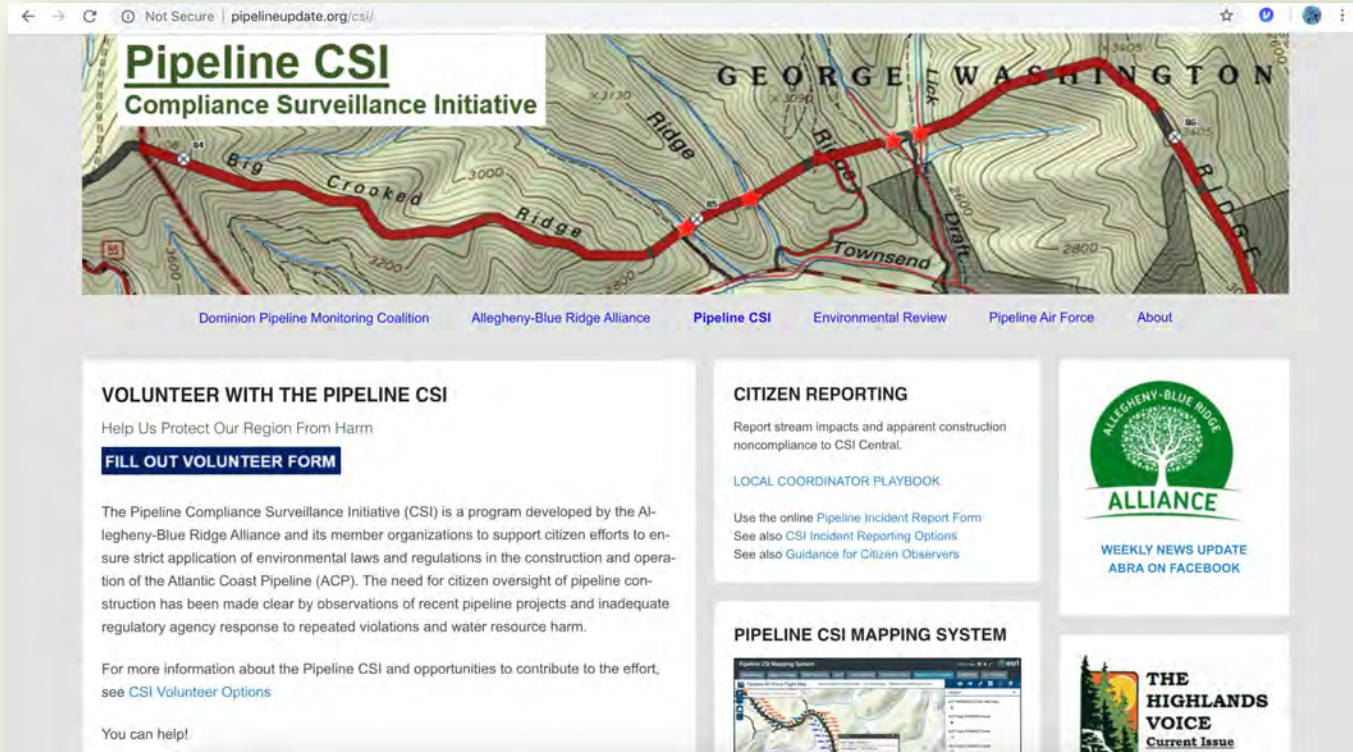
Request  
A Flight



# Pipeline Monitoring Resources

Existing Programs: Pipeline Compliance Surveillance Initiative (CSI) Atlantic Coast Pipeline

<http://pipelineupdate.org/csi/>



**Pipeline CSI**  
Compliance Surveillance Initiative

[Dominion Pipeline Monitoring Coalition](#) [Allegheny-Blue Ridge Alliance](#) [Pipeline CSI](#) [Environmental Review](#) [Pipeline Air Force](#) [About](#)

**VOLUNTEER WITH THE PIPELINE CSI**  
Help Us Protect Our Region From Harm  
[FILL OUT VOLUNTEER FORM](#)

The Pipeline Compliance Surveillance Initiative (CSI) is a program developed by the Allegheny-Blue Ridge Alliance and its member organizations to support citizen efforts to ensure strict application of environmental laws and regulations in the construction and operation of the Atlantic Coast Pipeline (ACP). The need for citizen oversight of pipeline construction has been made clear by observations of recent pipeline projects and inadequate regulatory agency response to repeated violations and water resource harm.


For more information about the Pipeline CSI and opportunities to contribute to the effort, see [CSI Volunteer Options](#)

You can help!

**CITIZEN REPORTING**  
Report stream impacts and apparent construction noncompliance to CSI Central.  
[LOCAL COORDINATOR PLAYBOOK](#)

Use the online [Pipeline Incident Report Form](#)  
See also [CSI Incident Reporting Options](#)  
See also [Guidance for Citizen Observers](#)

**ALLEGHENY-BLUE RIDGE ALLIANCE**  
[WEEKLY NEWS UPDATE](#)  
[ABRA ON FACEBOOK](#)

**PIPELINE CSI MAPPING SYSTEM**  


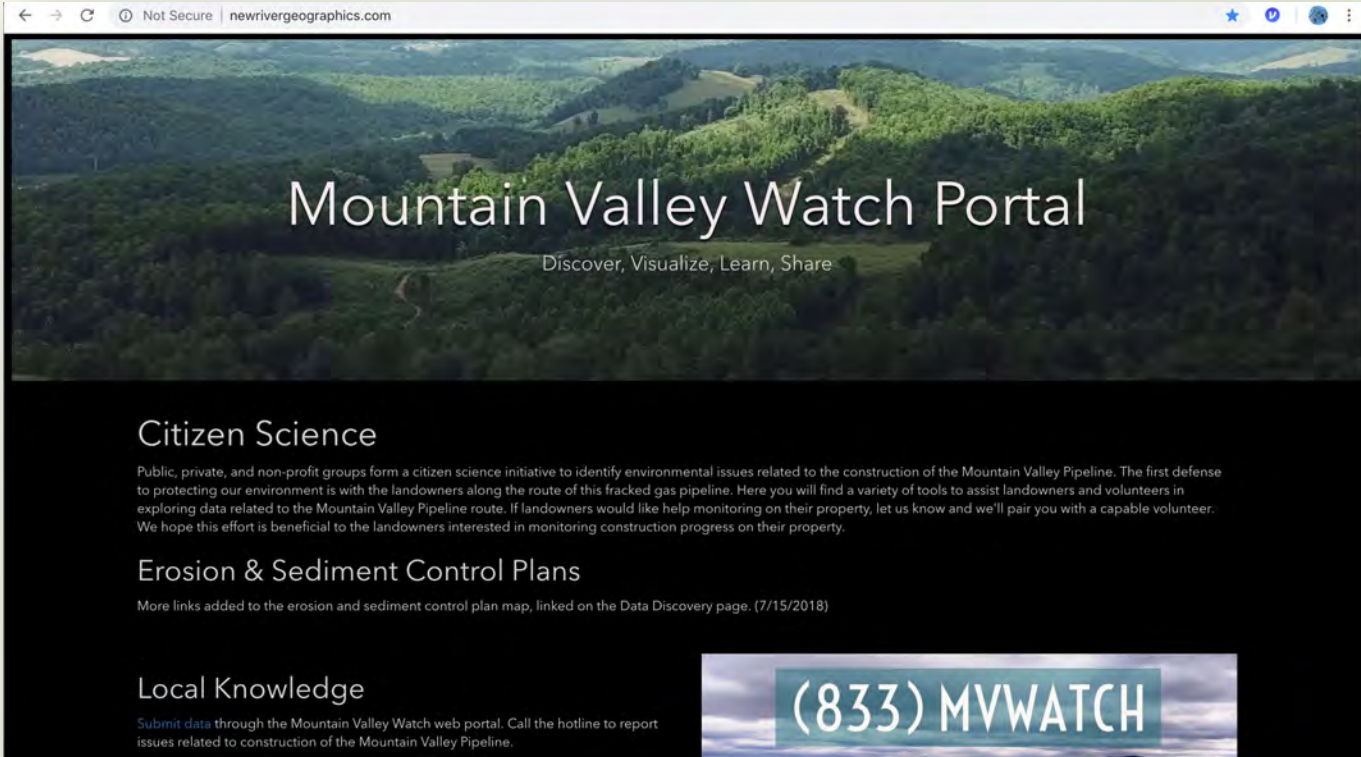
**THE HIGHLANDS VOICE**  
Current Issue



# Pipeline Monitoring Resources

Existing Programs: Mountain Valley Watch: Mountain Valley Pipeline

<http://newrivergeographics.com/>



← → ↻ Not Secure | newrivergeographics.com

## Mountain Valley Watch Portal

Discover, Visualize, Learn, Share

### Citizen Science

Public, private, and non-profit groups form a citizen science initiative to identify environmental issues related to the construction of the Mountain Valley Pipeline. The first defense to protecting our environment is with the landowners along the route of this fracked gas pipeline. Here you will find a variety of tools to assist landowners and volunteers in exploring data related to the Mountain Valley Pipeline route. If landowners would like help monitoring on their property, let us know and we'll pair you with a capable volunteer. We hope this effort is beneficial to the landowners interested in monitoring construction progress on their property.

### Erosion & Sediment Control Plans

More links added to the erosion and sediment control plan map, linked on the Data Discovery page. (7/15/2018)

### Local Knowledge

Submit data through the Mountain Valley Watch web portal. Call the hotline to report issues related to construction of the Mountain Valley Pipeline.

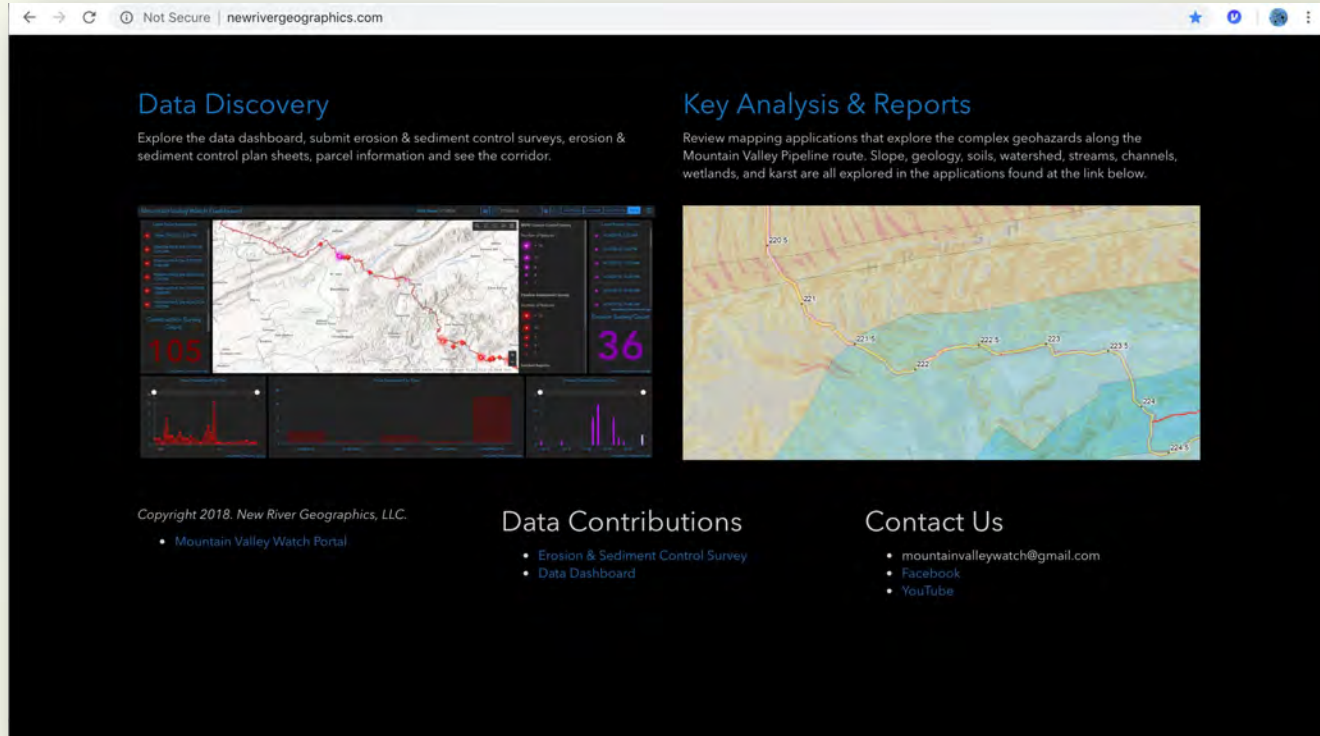
**(833) MVWATCH**



# Pipeline Monitoring Resources

Existing Programs: Mountain Valley Watch: Mountain Valley Pipeline

<http://newrivergeographics.com/>



The screenshot shows a web browser window with the URL <http://newrivergeographics.com/>. The page is divided into two main sections: "Data Discovery" and "Key Analysis & Reports".

**Data Discovery**  
Explore the data dashboard, submit erosion & sediment control surveys, erosion & sediment control plan sheets, parcel information and see the corridor.

**Key Analysis & Reports**  
Review mapping applications that explore the complex geohazards along the Mountain Valley Pipeline route. Slope, geology, soils, watershed, streams, channels, wetlands, and karst are all explored in the applications found at the link below.

The "Data Discovery" section features a central map with a red pipeline route, flanked by two vertical lists of data categories. Below the map are three small charts: a bar chart on the left, a line graph in the middle, and a bar chart on the right. Large numbers "105" and "36" are displayed in red and purple respectively.

The "Key Analysis & Reports" section shows a topographic map with a yellow pipeline route and various colored overlays representing different geohazard types.

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**Data Contributions**

- Mountain Valley Watch Portal
- Erosion & Sediment Control Survey
- Data Dashboard

**Contact Us**

- [mountainvalleywatch@gmail.com](mailto:mountainvalleywatch@gmail.com)
- Facebook
- YouTube



# Resources

- ❧ FERC Dispute Resolution Hotline
- ❧ 877-337-2237 [ferc.adr@ferc.gov](mailto:ferc.adr@ferc.gov)
- ❧ PHMSA National Response Center
- ❧ 800-424-8802 [hazmatonline.phmsa.dot.gov](http://hazmatonline.phmsa.dot.gov)

# Questions?????

- ❖ [www.upstateforever.org/pipelines-101](http://www.upstateforever.org/pipelines-101)
- ❖ Archive of webinars and other helpful documents
- ❖ Please share this resource!

# Thank you!

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