Pipelines 101

Episode 4: Land Trust, Forestry, Engagement, and Monitoring
October 31, 2018
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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.”

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The Nature Conservancy and the 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)
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
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 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
Dominion Pipeline
Proposed Route
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
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.
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
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
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
Pipeline Monitoring Resources

Visual observations of activities

Trout Unlimited/WV Rivers Powerpoint

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

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 Monitoring Resources
Existing Programs: Mountain Valley Watch: Mountain Valley Pipeline

http://newrivergeographics.com/
Pipeline Monitoring Resources

Existing Programs: Mountain Valley Watch: Mountain Valley Pipeline

http://newrivergeographics.com/
Resources

🔧 FERC Dispute Resolution Hotline
🔧 877-337-2237 ferc.adr@ferc.gov
🔧 PHMSA National Response Center
🔧 800-424-8802 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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