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Pipeline Surveys Raise Landowner Concerns

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Reporter

Can a company enter your land without your permission? If it's a natural gas company, sometimes, yes.

Cumberland couple Otto Carroll and Peggy Bouchard own 60 acres of land off Raines Tavern Road in southern Cumberland County. They received a letter requesting permission to enter their land to survey for the Dominion Southeast Reliability Project. The pipeline is currently in its initial planning stages and is slated to run from Ohio to North Carolina. Preliminary maps show it crossing Buckingham, Cumberland and Prince Edward counties.

Bouchard responded in writing to Dominion, denying permission, she told the Cumberland Board of Supervisors during the public comment portion of their July 8 meeting

Not long after, she received another certified letter. This one saying to expect surveyors on her land sometime after July 11.

Dominion representatives then claimed they hadn't received her letter, she continued. She had not sent her denial via certified mail.

As proposals accumulate for natural gas pipelines throughout the region, landowners are wondering what their rights are.

Know this: if you receive a letter from a natural gas company, silence is enough to give them permission to enter your land, according to an opinion on *State Code* issued by the Attorney General's Office of Virginia eight years ago. If a natural gas line company requests a landowner's permission and later sends a notice of intent to enter, both via certified mail, and the owner does not respond, the company can enter the land to survey, and will not be considered trespassers, states the opinion.

"I cannot stress enough. If I was a property owner and I was receiving communications from a natural gas company wishing to seek access to my property, I would scrape together every penny I could and hire an attorney," says Dan Holmes, Director of State Policy at the Piedmont Environmental Council. He is not a lawyer, points out Holmes, but as a lobbyist, he is very familiar with the "legaleze" of the state codes.

If a landowner wants to reply to a request to survey, denying entry, Holmes urges them to do so by certified mail. Document everything, he stresses. Eventually, landowners will also have to negotiate right-of-way and compensation. You want a lawyer that is familiar with eminent domain and utility right-of-way negotiations, says Holmes.

Bouchard and her husband, Otto Carroll, are upset. They want to know what the impact of the proposed pipeline will be on their property's value. As a real estate agent, Bouchard says she knows it isn't going to be good. They also want to know how the pipeline will

impact their insurance. Cumberland supervisors did not have any answers for her questions when she spoke to them during their July meeting.

Dominion hasn't told Bouchard or Carroll where on their 60 acres the pipeline will run. Will it run through the pasture? The stand of planted pines? Near their home?

Since the board meeting, Dominion has verbally confirmed that they received Bouchard's letter asking them not to enter her land. But, when she talks to them on the phone, Bouchard does not feel confident they will respect her request.

They told her several times over the phone, "We'll honor your request, but we have the right to survey," says Bouchard. "Nobody will give you a straight answer...There is no 'but' in a real answer and there was a 'but' in that answer."

A group of citizens opposing the proposed Dominion natural gas pipeline in Nelson County, called Friends of Nelson, has sent letters to landowners in the County, strongly urging them to deny Dominion entry to their land for surveying and, if they have been contacted, to obtain a lawyer.

The Recorder, a newspaper covering Highland and Bath counties, reported in a July 10 article that "Responding to public outcries, including a petition signed by more than 350 county residents, Nelson supervisors passed a resolution Tuesday asking Dominion to meet with them before surveying begins in preparation for building a proposed interstate natural gas transmission pipeline."

Bouchard is not hopeful that her request will be respected. "They'll come on if they want to," she said of Dominion. "I don't think they give a darn what we want."

In the meantime, she at least has Cumberland Board of Supervisor Chairman Lloyd Banks' support. He encouraged her to contact the Sheriff's Office if anyone came onto her land without her consent. He would later comment during the meeting:

"I'm very concerned about someone sending a letter saying that they're going to show up on Tuesday and just start stomping through somebody's place. Maybe other places, but I don't want see that happening here in our County. I don't think any of us here want unwelcome guests showing up and stomping around."