

Friends of Nelson Landowner Resources for Surveying Phase of Proposed Dominion Pipeline

July 18, 2014

This is not legal advice. We encourage you to seek your own legal counsel.

Addresses and Phone Numbers

- Dominion: Mr. Russell W. Johnson, Manager, Land, Lease, & Right of Way, Dominion Transmission, Inc., 445 West Main Street; Clarksburg, WV, 26301
- Doyle Land Services (surveyors): 888-895-8716; Mark Fisher 832-350-1263, ROW rep; Jack Scanlon 208-716-5363, ROW rep; David G. Behrens, ROW rep

General

- We strongly encourage all landowners who have received certified letters from Dominion to respond in a registered, return-receipt, certified letter refusing permission to survey.
- Keep copies of all correspondence and postal certificates.
- We strongly encourage all landowners who have received certified letters from Dominion to let us know: friendsofnelson@gmail.com. This helps us determine the route, and will enable us to keep you informed in the future.
- Tell us more about your property (streams, forests, historic district, etc.), as this shows what will be impacted by the pipeline, and will help oppose it.
- We strongly encourage all landowners who have NOT received certified letters from Dominion, but believe they may be on the route, to send a registered, return-receipt, certified letter refusing permission to survey. This is for good measure. Dominion seems to have poor landowner records. There have been errors in addresses, as well as property parcel numbers.
- If you have already granted permission, we recommend that you rescind it in a registered, return-receipt, certified letter.
- If you ignored the letter from Dominion and no longer have it, we recommend writing Dominion a registered, return-receipt, certified letter to say you do not grant Dominion Transmission, Inc, nor any of its agents, permission to enter for any reason.
- We recommend posting "No Trespassing" signs on your property boundaries with your name and phone number.
- No Trespassing signs should be highly visible from the roadway.
- If possible, record all interactions with Dominion/Doyle personnel.
- Always stay calm and polite.
- Share your information from phone conversations, visits, etc. with others, including Friends of Nelson, friendsofnelson@gmail.com, or on the Friends of Nelson Facebook page.
- Beware: Please know that if you remove survey stakes from "government authorized work" ---and if Dominion can prove they have the legal right to be on your property or on the property with the survey stakes--- Dominion could press charges against you. You could be fined 3 times the cost of the original work, if the work has to be done over because of your actions.

If surveyors or others show up on your property and you don't want them there

- Call 911 (or dispatcher at Sheriff's Office: [434 263-7050](tel:4342637050))
- If you would like to have trained, non-violent, law-abiding, support while surveyors are on your property, you can call *Free Nelson*. A trained non-violent, peaceful, law-abiding response team is available to all Nelson County property owners who want this assistance to protest surveyors are on their property. For this service, you must be on their list in advance. Email *Free Nelson* at freenelson@gmx.com to add your property to their response-team-protest list. Then, if surveyors arrive on your property, just call (434) 465-4946 to invite the response team to your property. They will take pictures in a "camera party."
- Remember your rights! Because Virginia code (see below) does not allow "motor vehicles, self-propelled machinery, nor power equipment" to be used for surveying without your permission, you can ask them to stop using this equipment. If they do not, you should call the sheriff.

If you find survey stakes on your property and you didn't receive any notice of surveying from Dominion

- As Virginia code (see below) requires notice for surveying, you may be able to file charges for trespassing. Consult a lawyer.
- Please let us know at FriendsofNelson@gmail.com. This information will help us find the proposed route.
- Consider calling local media and reporting your story.

If you find survey stakes on public property

- Please email friendsofnelson@gmail.com and tell us where you saw the stakes. Better yet, take pictures and send them to us.

If ROW (right of way) personnel have arranged to visit you and you've agreed to meet with them:

- In advance, find a recording device---Many cell phones or digital cameras will work, or even an old cassette recorder.
- Write down a list of your questions in advance.
- If there's time, maybe invite a friend over to listen and jot notes, as well.
- When the Dominion representative arrives, announce that you are recording the visit for the record.
- Request your own copy of your property map to keep---justified for your further study.
- Repeat your reasons for wanting more accurate information.
- Ask a lot of questions and express your worries.
- Listen to the answers, and take your time asking more questions.

Virginia Code related to gas pipeline surveying (Dominion needs to meet all of the conditions in the code for it NOT to be considered trespass, if you denied permission to survey. If they do not, consider seeking legal counsel.)

§ 56-49.01. Natural gas companies; right of entry upon property.

A. Any firm, corporation, company, or partnership, organized for the bona fide purpose of

operating as a natural gas company as defined in 15 U.S.C. § 717a, as amended, may make such examinations, tests, hand auger borings, appraisals, and surveys for its proposed line or location of its works as are necessary (i) to satisfy any regulatory requirements and (ii) for the selection of the most advantageous location or route, the improvement or straightening of its line or works, changes of location or construction, or providing additional facilities, and for such purposes, by its duly authorized officers, agents, or employees, may enter upon any property without the written permission of its owner if (a) the natural gas company has requested the owner's permission to inspect the property as provided in subsection B, (b) the owner's written permission is not received prior to the date entry is proposed, and (c) the natural gas company has given the owner notice of intent to enter as provided in subsection C. A natural gas company may use motor vehicles, self-propelled machinery, and power equipment on property only after receiving the permission of the landowner or his agent.

B. A request for permission to inspect shall (i) be sent to the owner by certified mail, (ii) set forth the date such inspection is proposed to be made, and (iii) be made not less than 15 days prior to the date of the proposed inspection.

C. Notice of intent to enter shall (i) be sent to the owner by certified mail, (ii) set forth the date of the intended entry, and (iii) be made not less than 15 days prior to the date of mailing of the notice of intent to enter.

D. Any entry authorized by this section shall not be deemed a trespass. The natural gas company shall make reimbursement for any actual damages resulting from such entry. Nothing in this section shall impair or limit any right of a natural gas company obtained by (i) the power of eminent domain, (ii) any easement granted by the landowner or his predecessor in title, or (iii) any right-of-way agreement, lease or other agreement by and between a natural gas company and a landowner or their predecessors in title or interest.