



February 26, 2015

Dear Neighbor-on-an-alternate-route-of-Dominion's-ACP,

Friends of Nelson is sending you this letter because your property appears to be on or near new proposed routes for the Atlantic Coast pipeline in Nelson County. Dominion announced Monday, February 23 that they are sending out notices to property owners, requesting permission to survey 186 new parcels in Nelson County. Since Dominion is still trying to determine a preferred route through Nelson, Friends of Nelson considers all property owners—whether in the path of earlier routes or on these new “alternate” routes—to be vulnerable.

As a property owner on the route myself, I know only too well just how frightening, overwhelming and discouraging this pipeline news is. With nine months of fighting Dominion behind us, Friends of Nelson has come a long way in our resistance. We hope you can take solace in our teamwork. You are not alone, and this pipeline is not the “done deal,” Dominion would have you believe. We continue to work very hard to stay organized and on top of the news, and many volunteers stand ready to support and defend Nelson County.

The first and most important tactic we've learned since Dominion announced plans for the Atlantic Coast Pipeline last May, is the power of simply refusing to allow survey.

Despite the intention of an odious 2004 Virginia law, purportedly allowing gas companies to legally trespass, our united block of refusals (78% of Nelson County landowners) to give survey permission has effectively slowed down and tied Dominion up in numerous lawsuits. (We currently await the verdict of a federal court decision regarding the constitutionality of this Virginia law.)

According to legal experts, the most effective way for anyone to deny survey, is to *send a certified, return-receipt letter* right back to Dominion, clearly stating that *permission to enter property is NOT granted Dominion, nor any representatives of the company, for any reason.* We strongly urge you to send your response back to Dominion immediately, since they state they can legally enter within 15 days of sending you their request and “Intent to Enter.”

Second most important thing for our resistance has been staying in touch with each other. Without communication, especially with our neighbors on the route, we would be alone and powerless—Dominion's goal.

If you suddenly find yourself a new landowner on an “alternate route,” please send us an email as soon as possible at friendsofnelson@gmail.com and let us know. Hearing from you will not only help us figure out the precise route (and what damage it would do)—but just as critical, we'll be able to keep you informed with our news and information emails.

Because the federal regulatory process for pipeline approval is complicated, we must work very hard to keep everyone abreast of important events and opportunities to participate. Please don't hesitate to visit FriendsofNelson.com. And if you enjoy “live chatter,” link into the Friends of Nelson Facebook page.

Even if you lead a “low tech” lifestyle without a computer or email, you can call us (434) 260-3298 and leave a message. We will add you to our list of landowners who can only receive news via USPS mail and phone calls.

I realize, at this point, that your head is probably spinning. Hang in there! You're almost at the second part of this letter, where we've compiled a list of frequently asked questions and answers.

Important dates

- ▶ This Saturday, February 28, Friends of Nelson Community Dance and Silent Auction, 7–10 pm at Rockfish Valley Community Center, featuring Square and Round Dances with live music and instruction. (No partners necessary!) Join us for fundraising against the pipeline, information sharing, and fun! Tickets are \$15 in advance or \$20 at the door.
- ▶ Thursday, March 12, 7 pm—the next Friends of Nelson Public Meeting at Rockfish Valley Community Center

Thank you—Hope you stay in touch!

Joanna Salidis

President, Friends of Nelson

Frequently Asked Questions

First and foremost, please realize that Friends of Nelson volunteers work diligently to seek the knowledge of experts and to research the best courses of action. *We cannot and DO NOT offer legal advice.* We strongly encourage you to obtain your own legal counsel.

1. What's the big deal? Aren't there gas pipelines buried all over the place?

The Atlantic Coast Pipeline would be a 42-inch diameter, high-pressure transmission line. Dominion has never built such a large, high-pressure pipeline before, and there are comparatively few pipelines of this size and pressure, in operation anywhere in the United States. The enormous diameter and pressure increases the danger if there were ever to be a leak or explosion—the blast radius being between a quarter and half a mile. While individual concerns vary, the following points seem to upset property owners the most: safety, the “ugly-but-temporary” 125-foot clear-cut construction easement, the “ugly-and-permanent” 75-foot clear-cut right of way (ROW), the potential loss or damage to wells and springs, questions concerning future liability and responsibility of a pipeline on one's land, the potential for perpetual future uses by Dominion of the ROW across one's land, and the potential devaluation of one's property.

2. Can I really refuse access for surveying?

Yes! We still have rights as US citizens and residents. Send your refusal via certified, return-receipt mail within 15 days, and save your receipts.

Currently, the survey without permission statute, Va. code 56-49.01, is immersed in legal controversy. Landowners have sued Dominion in federal court claiming the statute is unconstitutional. Dominion has sued landowners in local courts claiming they have the right to access property even if permission is explicitly denied. None of these suits has been resolved and they are unlikely to be resolved for months.

You are completely within your legal rights to say NO to survey—and doing so slows down Dominion's plans—at least until there is a legal resolution to the above cases.

3. How might my refusing survey ultimately block Dominion?

Federal regulations require Dominion to determine the “best” route—so consecutive landowners refusing access to their properties would naturally slow such a determination. Expert sources say that *delaying* is an effective strategy.

Refusing access to survey is one of the best methods we have of broadcasting our objections. When permission is given, Dominion immediately assumes you are in favor of the pipeline plan, and reports your “approval” to the Media and the Federal Energy Regulatory Commission (FERC), twisting the statistics in their favor.

4. But Dominion states they *need to survey* to avoid my cemetery, my garden, or my barn! Isn’t this true?

No. Dominion has access to the most powerful new technologies for seeing our properties from above (with Google Earth, for example). Real reason: Dominion needs the surveys to make a thorough and valid presentation to the Federal Energy Regulatory Commission. We want to prevent the finalizing of any route. If worst comes to worst, nothing will stop Dominion from gaining access through eminent domain, if FERC grants them a permit at the end of the regulatory process. Why not make Dominion wait and survey at that time?

5. Can Dominion take my property and build the pipeline on it if I refuse?

Yes. But, they can only do so if they follow a precise legal process and ultimately receive permission from the Federal Energy Regulatory Commission (FERC). We are only in the first phase of the *pre-filing* process right now. There are several important steps to the FERC process—and *we need you to participate!* You can stay informed by signing up for our emails.

6. I’ve heard that Dominion has sued landowners in Nelson who refused permission to survey. If I refuse, won’t they sue me?

Dominion has sued some landowners in Nelson, and they might sue you. But, in this case, being sued does not mean that you have broken any laws or done anything wrong! Dominion simply wants to gain access to your property for survey, and this intimidation is their way to pressure you. The worst result would be losing the suit, which will simply give Dominion access to survey—nothing more.

7. But I can’t afford a lawyer!

At least three eminent domain law firms have stepped forward to represent landowners “pro bono” in the initial survey suits, as part of their engagement for eminent domain services. This means:

- You would not have to pay anything to the law firms up front.
- If eminent domain *never happens*, you will owe *NOTHING*.
- The law firms charge a general percentage of an eventual settlement (usually 33% above Dominion’s first written offer). This means the law firms would take a percentage of the settlement with Dominion as their payment.

There are a lot of opinions on the topic of eminent domain lawyers. It is important to know that engaging one early is a useful tool in the fight to stop the pipeline.

- Having a lawyer sends a powerful message of opposition to Dominion. The lawyer might prevent the project from progressing (with legal action that blocks access to your property, as in the survey suits).
- Experts stress the dangers of signing Dominion papers without the help of legal representation. These agreements are complicated and could give Dominion all sorts of unnecessary future rights on your properties if you aren’t careful.
- We highly recommend protecting your rights and getting the best terms and price for your land with legal representation.

Here are three eminent domain attorneys currently engaged by local landowners:

- Chuck Lollar, with Waldo & Lyle, P.C. <http://waldoandlyle.com>, (757) 622-5812
- Henry Howell, with The Eminent Domain Litigation Group (EDLG) <http://eminentdomaingroup.us>, (757) 446-9998
- Joe Lovett, with Appalachian Mountain Advocates (Joe is an environmental attorney, but he works with an eminent domain lawyer who would represent you if you chose his services.) <http://www.appalmad.org>, (304) 645-9006

Some of you may already have a family lawyer you prefer or you'd simply rather pay a lawyer by the hour, instead of signing any future percentage agreement. If you would like a recommendation for a lawyer who will work by the hour, contact us.

8. What if I throw Dominion's letter in the trash and forget about it?

Unfortunately, throwing away Dominion's survey request letter and not sending any reply is actually the same as giving them permission. To prove to Dominion that you won't allow them to survey, you must deny permission via certified, return-receipt mail—and it's easy! You can even hand write something very simple denying the company all access for any reason. Posting "No Trespassing" signs clearly visible at each entrance to your property is another way to strengthen your refusal.

9. What will happen after I send Dominion my own "official" letter to deny them permission to survey, via certified, return-receipt USPS mail?

When you use certified, return-receipt mail, once Dominion receives your letter clearly stating: **I DO NOT GIVE PERMISSION FOR ANY DOMINION REPRESENTATIVE TO ENTER MY PROPERTY FOR SURVEY**, the recipient must sign a receipt, which is returned to you for your records (your proof that they got your message).

Then... wait for it... drum roll... Dominion will most likely ignore your letter! You'll get an official "Intent to Enter" notice, as if you never responded! (At least we all did.) This might confuse, since you have your proof. No worries. Just keep your receipt and call the sheriff if surveyors arrive. And of course, stay calm, and share your travails with the Friends of Nelson community!