## Virginia Landowner Information

Have you been contacted by Mountain Valley Pipeline or Doyle Land Services? Please contact Appalachian Voices’ Virginia Field Organizer, Lara Mack, at lara@appvoices.org or call 434-293-6373 to help us track the proposed route.

### Know your rights, Landowners!

**Surveys: If you have not received a notice from MVP, LLC OR if the notice lists a different day than the day the surveyors arrived OR if the notice did not arrive via certified mail OR if the postmark is less than 15 days prior to the proposed entry, you have the right to say NO to surveyors.**

Easements: Your ability to refuse to negotiate and require the pipeline companies to use eminent domain is one of the most powerful tools you have to protect your land. Refusing to sign an easement agreement gives you the most influence over the process. The pipeline company does NOT have the right of eminent domain until the Federal Energy Regulatory Commission (FERC) issues the company a Certificate of Public Convenience and Necessity. To learn more about that process, visit FERC’s website, click on “Guides”, and check out the landowner guides available:

<https://www.ferc.gov/resources/guides/industry-guides.asp>

“To condemn property, a company must show: (1) that it holds a certificate of public convenience and necessity from FERC authorizing the project; (2) the land to be taken is necessary for the project and (3) the company has been unable to acquire the property through negotiation.”

When a landowner negotiates an easement, it makes it easier for pipeline companies to acquire FERC approval. Withholding your permission delays and could even prevent project certification.

**Talk to your community members!** If landowners along the proposed route refuse access, even for surveying, FERC will lack the information on environmental impacts it is required to analyze, delaying the issuance of a Certificate of Public Convenience and Necessity.

You can also send letters to FERC telling them you will not negotiate an easement on your property. If you are currently an affected property owner, you may have time read up on your rights and be prepared. However, if the route changes at the last minute, your neighbor may not be prepared. The pipeline company can change the route with little notice, leaving other community members scrambling and subject to pressure to sign easements.

**DO NOT negotiate an easement before the pipeline company has received a Certificate of Public Convenience and Necessity from FERC.**

**REMEMBER:** The government may not take private property through eminent domain unless the taking confers a public use and the owner of the property is compensated justly.

**Read the fine print of easement agreements and get a lawyer!** Easement agreements are a type of contract. Therefore, they are likely to contain provisions that are difficult for a non-lawyer to understand. Certain clauses may come with consequences that the landowner did not anticipate. Finding a lawyer that understands property law and eminent domain is a very good idea. The lawyer can help explain what the contract means, help you negotiate with the developer (if you so choose), and help you take this issue to court.

Though we recommend above all to *not sign an easement*, we also encourage you to read the entire document thoroughly, whether you are able to secure legal assistance or not. There is not a standard width for pipeline easements, and the easement is not guaranteed to be above or below ground. Fine print in previous contracts has left *landowners* responsible for any leaks or spills from the pipeline within the easement, not the pipeline company. The pipes, buried or above ground, will not be removed by the pipeline company when it is no longer in use. Some easements contain language granting the developer ownership of the easement “in perpetuity,” a.k.a. forever.

**Pipeline companies are required to do ongoing inspections**. They will conduct frequent flyovers to inspect the land from the air, so the typical easement agreement will grant the company the right to regularly clear any vegetation that could block their view.

### Dangers

For some companies, leaks are rare. For others, leaks happen frequently. Because Mountain Valley Pipeline is a relatively new LLC, we do not have a lot information on their track record. However, if MVP LLC uses Precision Pipeline as their construction contractor (like they have for much of the mainline), there is a large body of evidence showing construction will be done poorly. If a leak happens on your property, the consequences can be huge. You could be legally and fiscally responsible, and could be in great danger. To learn how to detect a leak and what to do, visit:

<http://pstrust.org/about-pipelines1/pipelines-for-landowners/what-to-do-in-an-emergency/>