



## **ABRA Update #8 – December 9, 2014**

### **Nelson County landowner suit scheduled for hearing, trial**

A law suit filed September 30 by five Nelson County landowners against Dominion Transmission, Inc. (DTI) will now proceed toward trial. The action challenges the constitutionality of a Virginia statute that permits a pipeline company to survey land without a property owner's permission (VA Code 56-49.01), a 2004 law that was passed almost unanimously by the General Assembly.

A hearing on a motion to dismiss filed by DTI will be held on Feb 5 at 10:30 am at the Federal Courthouse in Harrisonburg, VA. It will be open to the public. There will be no testimony or evidence taken at the hearing. Assuming the case is not dismissed, a trial on the landowners' suit has been set for August 10-14, 2015 in the Federal Courthouse in Charlottesville.

The September 30 complaint contends that the law violates the U.S. Constitution, as follows:

*When a State takes away the property rights of its citizens, such taking amounts to one or more of the following: a taking under the Fifth Amendment, a seizure under the Fourth Amendment, a seizure under the Fourth Amendment, or a deprivation under the Fourteenth Amendment; and the State is obligated to provide either compensation for the taking, or, when it is not a taking, due process prior to the seizure or deprivation.*

A copy of the September 30 complaint was sent to ARBRA members with the October 6 ABRA Update #1. For your reference, another copy is attached to this Update.

### **VA Soil and Water District Opposes Atlantic Coast Pipeline Route**

The Thomas Jefferson Soil and Water Conservation District (TJSWCD) has written the Federal Energy Regulatory Commission opposing the proposed route of the Atlantic Coast Pipeline (ACP). The December 5 letter (a copy is attached to this Update) notes that the ACP "will result in the clearing of wide swaths of forests on steep, geologically unstable slopes. Based on our knowledge of the critical environmental concerns associated with clearing and grading in this terrain and geology, the TJSWCD respectfully requests that an alternative route for Dominion Power's Atlantic Coast Pipeline be chosen." The TJSWCD jurisdiction includes Nelson County, through which the ACP would transverse.

There are 47 Soil and Water Conservation Districts in Virginia, operating under the management umbrella of the Virginia Department of Conservation and Recreation. They were established in the 1930s to develop comprehensive programs and plans to conserve soil resources, control and prevent soil erosion, prevent floods and conserve, develop, utilize and dispose water.

## **In the News . . . .**

**NC pipeline should help lower power rates** – WRAL TV, Raleigh, NC, 12/2/14  
<http://www.wral.com/company-nc-pipeline-should-help-lower-power-rates/14239065/>

**Vermont Governor back landowners on eminent domain** – Rutland Herald, 12/4/14  
<http://rutlandherald.com/article/20141204/THISJUSTIN/312049996>

**Some utilities are rushing to raise fixed charges**  
– American Council for an Energy Efficient Economy, 12/4/14  
<http://aceee.org/blog/2014/12/some-utilities-are-rushing-raise-fixe>

**72 million man-hours of work in Marcellus construction since 2008**  
– Public News Service, 12/5/14  
<http://www.publicnewsservice.org/2014-12-05/livable-wages-working-families/72-million-man-hours-of-work-in-marcellus-construction-since-2008/a43283-1>

**Energy firms in secretive alliance with attorneys general** – NY Times, 12/6/14  
<http://www.nytimes.com/2014/12/07/us/politics/energy-firms-in-secretive-alliance-with-attorneys-general.html>

**Fossil-fuel lobbyists work to curb environmental rules** – Washington Post, 12/7/14  
(See attachment to this Update)

**What's ahead for the Atlantic Coast Pipeline** – WDBJ7, Roanoke, 12/7/14  
<http://www.wdbj7.com/video/whats-ahead-for-the-atlantic-coast-pipeline/30123834>

**"Pipeline Air Force" Scrambles Against Dominion's Plan** – WMRA-FM, 12/8/14  
<http://wmra.org/post/pipeline-air-force-scrambles-against-dominions-plan>

**Suddenly, It's Raining Gas Projects and Tax Breaks** – Bacon's Rebellion, 12/8/14  
<http://www.baconsrebellion.com/2014/12/suddenly-its-raining-gas-projects-and-tax-breaks.html>

**For some, gas pipeline through Va. carries concerns** Virginian-Pilot, 12/8/14  
<http://hamptonroads.com/2014/12/some-gas-pipeline-through-va-carries-concerns>

**MTV eyes Roanoke County as site for compressor station** – Roanoke Times, 12-8-14  
[http://www.roanoke.com/news/local/roanoke\\_county/mountain-valley-pipeline-eyes-roanoke-county-as-site-for-compression/article\\_e99a1ecf-b563-52cd-8be5-d8236174a99d.html](http://www.roanoke.com/news/local/roanoke_county/mountain-valley-pipeline-eyes-roanoke-county-as-site-for-compression/article_e99a1ecf-b563-52cd-8be5-d8236174a99d.html)