

The Recorder

Inclusive, independent, indispensable.

What we have here is a failure to communicate

April 18, 2019

Wow. Just when we think Dominion Energy couldn't possibly make any more missteps than we've already covered, here the company comes with yet another example of its inability to pay attention.

The company proposing to take our citizens' land for an unneeded \$7.5 billion gas pipeline has shown us time and again that it doesn't listen to those who live here.

We're coming up on five years of this utter ignorance.

From the moment Dominion announced its plans in May 2014, we have witnessed its almost comical inability to get anything right. And now, as reported in this week's Recorder, we find Dominion has completely ignored landowners again, and is prepared to condemn property in Bath County's Little Valley for an access road without going through proper channels, and no one is finding it funny at all. Especially the Virginia Outdoors Foundation.

Dominion filed a lawsuit to condemn land that includes an open-space conservation easement held by the VOF. This particular easement was not one of those included in a land swap arrangement Dominion and the VOF forged to trade the right to cross other VOF easements in exchange for an easement on Hayfields Farm in McDowell and another tract of land in Nelson County.

The VOF, caught by surprise under Dominion's condemnation lawsuit, told the Federal Energy Regulatory Commission in a sharply worded letter April 9 that Dominion failed to consult the state agency before it planned the road across the easement. "VOF strongly urges FERC to require that an alternative access road be found since this route has never been authorized by the VOF Board of Trustees," the agency told FERC, calling the move "alarming."

Furthermore, the easement sits in a “high potential” zone for the endangered rusty patch bumblebee and within the Little Valley Slope Conservation Site, and the proposed road would cross more than 800 feet of the easement. Jeanette Robinson and her family own the land, and got served with lawsuit documents a couple of weeks ago.

Did Dominion know its road would cross a VOF easement? Yep. The Robinsons told Dominion about it during scoping meetings years ago.

Did Dominion research the area in question? Supposedly it did its due diligence and looked at the land records in the courthouse. The Robinsons noted the easement deed is recorded there.

Making matters worse, Mrs. Robinson said the company has repeatedly failed to communicate with all of her family members who co-own the property. Did Dominion have all their names and address? Yes, indeed.

So, how could Dominion simply ignore this easement?

The Robinsons called the company either incompetent or dishonest, and accuse Dominion of trying to bully its way through their land. VOF called this latest move an “error.”

But there is a five-year record of evidence now that shows Dominion is incompetent, and dishonest, and a bully. It’s had that long to re-route this access road, negotiate with VOF, if the road really must go across the easement, which we doubt, and do its homework. Instead, it filed a lawsuit to condemn the land, costing the landowners legal bills and headaches and costing the VOF yet more time and energy in defending its easement holding.

So, if you think your land is safe, and you can negotiate fair terms with this company, think again. We don’t think this is a simple matter of Dominion’s left hand being unaware of its right. If that’s the case, incompetence is the right word, but it puts no one’s mind at ease. Considering the hundreds of ways this pipeline would cause damage to our citizens, our environment, our water quality, and the sensitive species here in the Highlands, we have no faith Dominion can get this built in any reasonable, conscientious way.

When will this untenable, unjustified, preposterous project get shelved for good? Not soon enough.

Sigh.