

Residents all revved up, but unlikely to win

Editorial Board



Wednesday night's Dominion presentation to the Augusta County Board of Supervisors was a carefully scripted affair that felt much like a formality on the road to a foregone conclusion.

Dominion outlined its plan install a large, high-pressure natural gas pipeline across much of Virginia, including through Augusta County, to supply gas to customers in Virginia and North Carolina. Dominion talked about the federal regulatory process, about its corporate citizenship and about additional public meetings to come.

Yes, the land will be left in good shape. Yes, the outside contractors will likely create some jobs and sprinkle a few dollars in the area during construction.

No, this isn't natural gas for export because the gas coming through other pipelines will be used for foreign sales. Maybe some of the gas will be generated from hydrofracking elsewhere because there's no way to know. Yes, Dominion will negotiate with landowners about how much they will be compensated and to some extent how the pipe is configured on their land.

Dominion talked about the regulatory process ahead, all the approvals that likely will be forthcoming and the public sessions still to be conducted. It explained that the safety measures built into the pipeline will depend on how the land will be used today and maybe in the near future, not necessarily over the line's lifespan that could cover 80 years or more.

What the experts didn't talk much about is what, if anything, the overflow crowd at the Government Center and their elected representatives can do to change or block Dominion's plans. That's because they can't do much at all. Dominion holds all the cards, courtesy of our General Assembly.

To see how government could influence such plans, consider how the pipeline map shifted in the days before the meeting.

The federal government, which does have sway over Dominion's plans, decided that the originally proposed path would cut through sensitive areas of the George Washington National Forest and Blue Ridge Parkway that would be better left alone. So they will be left alone.

To align with those federal wishes, the pipeline now will cut through more populated areas of Augusta County than originally intended.

The federal government was able to make these changes because Congress hasn't abdicated its right to look out for the public good on its lands. Not so the Virginia General Assembly.

In Virginia, utilities can seize our land by eminent domain, without government approval needed. That's a stunning power to give a private industry, something that might have made some sense when the railroads

were opening up the Western frontier, but hardly appropriate in this day and age.

Eminent domain can serve a greater good. If there's absolutely no other way to create an interstate or build a fire station than to force a private property owner to sell his or her land, then it allows the government to buy the land at a fair market price. The greater good is served.

It's somewhat more dubious when government takes land only to sell or gift it to a private developer for economic development. That's something Virginia voters ruled out in 2012 with a constitutional amendment.

But the door was left wide open for a utility to alone exercise this most governmental of powers. In fact it was kicked wide open in 2004 with an act of the General Assembly, one that was supported by Dels. Steve Landes, Ben Cline and Sen. Emmett Hanger. That bill allowed utilities to send surveyors on private property without permission of the landowner. The 2012 amendment intentionally left that provision untouched.

Our local government officials don't have a meaningful vote to cast on this issue. They can do a resolution, which will be forwarded among reams of data in the regulatory process. But it's mostly for show, which even Dominion admitted at the beginning of Wednesday's session when they said most applications are approved at the federal level.

Relieved of real power, some supervisors used the public hearing to score populist points.

David Karaffa worried about water supply issues, but when he expounded he seemed more interested in the risk to to industry than residents. He also fretted about how close schools could be to the pipeline, and was only assured they'd be out of a theoretical blast zone were there to be an accident. Hardly reassuring.

Tracy Pyles was the only supervisor who really seemed to catch the crowd's attention with a rousing speech that showed how helpless and hapless the Board of Supervisors is in a state where the General Assembly has given away — Pyles implied "sold" — the right to govern.

So the process marches on. It's disconcerting to watch and those who oppose the pipeline probably have a few more plays to make. They'll be loud, public and probably futile.

It's tough to see how they'll trump a major utility which holds governmental power and has its sights on building this pipeline, regardless of who does or doesn't want it in their backyard. Even David had a rock to throw at Goliath.

Our View represents the majority opinion of the newspaper's editorial board, Roger Watson, president and publisher; David Fritz, executive editor; and Deona Landes Houff, community conversations editor.