

# Pipeline Fact Sheet

Two natural gas pipelines are proposed to be constructed near Hinton: 1) the EQT/NextEra Mountain Valley Pipeline (MVP) and 2) the Transco Western Marcellus Pipeline. Both pipelines would begin in Wetzel or Marshall Counties, pass through western Greenbrier, Summers, and Monroe counties, and join the existing Transco Atlantic Pipeline in Pittsylvania County, Virginia. From this pipeline, the natural gas could be sent to the Mid-Atlantic and the Southeast, including to export terminals. The Mountain Valley Pipeline would be able to transport at least 2 billion cubic feet per day of natural gas, and the Western Marcellus Pipeline 1-2 billion cubic feet. Facilities associated with the MVP project would include up to four compressor stations.

The Mountain Valley Pipeline is planned to be 36-42 inches in diameter. It will require 75 feet of permanent easement and an additional 50 feet of temporary easement during the construction. Fewer details are available for the Western Marcellus Pipeline proposal, but it is expected to be similar. Pipeline construction and maintenance will have impacts on the environment and on property values.

***If your land is affected by a pipeline project, and if you are approached by someone from a pipeline company, do not sign anything without first getting legal advice.***

## What is the expected timeline for the Mountain Valley Pipeline?

EQT begins to contact landowners. Surveys of properties begin	Sept.-Oct. 2014
EQT submits formal application to Federal Energy Regulatory Commission (FERC)	Late 2015
If FERC approves project, construction begins	Late 2016
EQT's projected "In-Service" date	Late 2018

According to the FERC, it normally takes one to two years from the time of formal application until FERC issues an order approving or denying the pipeline. If it is approved, construction may begin shortly thereafter.

## What is required for the projects to proceed?

Both pipelines must obtain approvals from a number of state and federal agencies, including FERC. FERC is a federal agency with primary jurisdiction over interstate natural gas pipelines. To issue a certificate of public convenience and necessity, the Federal Energy Regulatory Commission (FERC) must find that the **public benefits** of the project outweigh adverse impacts. FERC must consider economic aspects of the project such as whether the pipeline enhances competitive gas transportation alternatives, the possibility of overbuilding, subsidization of the pipeline by existing customers, and the potential for overcapacity. FERC must also consider the environmental impacts and unnecessary exercise of eminent domain. Many pipeline companies conduct a "pre-filing" process prior to submitting a formal application for FERC review. During both the pre-filing process and certificate application periods, FERC will: (1) review the project for environmental and other concerns; (2) evaluate the need for the pipeline; (3) evaluate proposed facility locations; and (4) evaluate overall impacts of the construction.

## Will FERC consider environmental concerns?

The National Environmental Policy Act (NEPA) requires FERC to review the environmental impacts of the proposed project, most likely in a comprehensive Environmental Impact Statement (EIS), before issuing a

Certificate. The EIS must include alternatives to the project and must analyze the project's impacts on the environment. The public has the right to comment during both in the pre application "scoping" process and on the Draft EIS.

## **How can I challenge the pipeline or make my views known during this process?**

There are several ways to make comments and to challenge the pipelines. FERC will solicit and accept comments during its review of the environmental impacts and economic aspects of the pipeline projects. Greenbrier River Watershed Association (GRWA), the West Virginia Highlands Conservancy and other groups will, with help from lawyers, economic experts and environmental scientists, prepare extensive comments and participate in all phases of the regulatory process. There is also the possibility of litigation, if necessary to assure compliance with the law. You can sign onto comments from GRWA, the Highlands Conservancy and their allies or submit comments of your own, with help from these (and other) groups. Additionally, if you are interested in protecting your property rights either before or during the eminent domain process, you need to consult with a lawyer. Join the email list at [www.mareproject.org](http://www.mareproject.org) to be notified about when opportunities for comment begin or to get help with other questions or concerns.

## **What about surveys?**

Mountain Valley Pipeline (MVP) is currently requesting survey permission from property owners for various routing options within a "study corridor." If FERC grants the certificate to MVP, MVP will acquire the right of eminent domain. However, MVP has not applied for the certificate and the applications take 1-2 years for FERC to process. Until then, a landowner may exclude anyone from his or her property by posting, fencing or just telling them to leave unless they have a deed, lease, right of way, right of eminent domain or some other interest that would include the right to conduct surveys. A pipeline company's right to survey must be backed by a legal document. If the surveyor cannot produce a document, you do not have to let him or her onto your property. There is a statute in West Virginia that addresses surveying by corporations that are seeking the power of eminent domain. That statute, contrary to what you may hear from pipeline representatives, allows surveying **only for projects determined to be "for public use,"** a determination that has not been made by a West Virginia court for either the Mountain Valley or Western Marcellus pipeline. If a pipeline representative asks you to sign a document allowing it onto your property, do not do so until you obtain legal advice. Again, do not sign anything before talking to a lawyer.

## **Will eminent domain come into play?**

If FERC approves the pipeline, then a pipeline company may go to federal court and use eminent domain to acquire rights of way that the landowners are unwilling to grant. There is no right of eminent domain granted by FERC until it grants a certificate of public convenience. In all events, landowners must be fairly compensated for the loss of their property rights. ***We recommend that landowners get legal representation before signing any agreement.*** The Greenbrier River Watershed Association is not a law firm, cannot offer legal advice and does not offer legal advice by distributing this document.

## **For more information please contact:**

**Greenbrier River Watershed Association:** [www.greenbrier.org](http://www.greenbrier.org), [info@greenbrier.org](mailto:info@greenbrier.org)

**Mid-Atlantic Responsible Energy Project:** [www.mareproject.org](http://www.mareproject.org)