

# Protecting Communities and Special Places

e-Newsletter August 16, 2013



**"If we're leaking a lot of methane we're counteracting any sort of (beneficial) impact in the near-term."**

**~ Colm Sweeney**

**University of Colorado**

**Boulder**

## IN THIS ISSUE

In the Pipeline's Path

Higher Methane  
Leakage Rates

What Can You Do in  
National Forests?

Take Action!

In The News

Quote of the Day

## UPCOMING EVENTS

**Keep the "Public" in  
Public Lands**

**Thursday  
AUGUST 22  
11:00 a.m.**

**State Capitol Rotunda  
Harrisburg, Pa.**

**Your presence at this  
event will help send the  
message to  
Gov. Corbett!**

With Governor Corbett considering to open additional pristine areas of the Loyalsock State Forest to shale gas drilling, RDA joins other conservation and outdoor recreation organizations to deliver an outpouring of support

## In the Pipeline's Path

By ANN PINCA

As pipeline networks expand across the United States, landowners are finding that the shale gas boom affects more than those who live "on the shale." Natural gas and its liquid products must get to market by pipeline, and pipeline owners and operators look to position their pipelines in the most direct and cost effective pathway as possible.

The resulting spider web of natural gas pipelines includes gathering lines from the well pad and transmission lines that transport the gas long distances. With three LNG (liquefied natural gas) export facility permits approved and approximately 20 more pending, pipeline networks will increase as new export facilities come online and more wells are drilled to fulfill export contracts.

While many see natural gas as a boon to U.S. economy, those who find their property in the pathway of a pipeline may feel differently, especially if they are subject to eminent domain proceedings. No one is exempt from this process, as the Sisters of Loretto nuns and Abbey of Gethsemani monks discovered when

calling for public input on the use of public lands for fracking.

Email questions to:  
keepitwildrda@gmail.com

-----  
-----  
**MSNBC PREMIERES  
"THE POLITICS OF  
POWER WITH CHRIS  
HAYES"**

**TONIGHT!  
FRIDAY, AUGUST 16  
8:00 p.m.**

MSNBC will premiere a new documentary, "The Politics of Power with Chris Hayes", Friday, August 16 at 8PM.

[Take a sneak peak here](#)

**New Phone  
Number!  
Contact RDA at  
888-332-1244**

**"There are just so many different things you can do in national forests."**

So it says in the video released in July by the USDA (United States Department of Agriculture). And they are right, but the irony in this video and [accompanying press release](#) touting the economic and recreational benefits of our state forests can't be more painfully felt than in Pennsylvania's [Allegheny National Forest](#), where despite [attempts to stop it, drilling continues to fragment and industrialize the forest.](#)

[See photos of what the oil and gas industry can do in your national forest.](#)

For more information on efforts to protect the Allegheny National Forest, visit the [Allegheny Defense Project](#) web site.

notified that a proposed natural gas liquids pipeline plans to cross their central Kentucky properties.

In Philadelphia, landowners received [eminent domain notices](#) from Sunoco Logistics Partners LP for the Mariner East project, a pipeline also intended to carry natural gas liquids such as propane, butane, and ethane from Washington County across southern Pennsylvania to the former [Marcus Hook Refinery](#) now planned to be an export facility.

Meanwhile, opposition remains fierce against the [Constitution pipeline](#) planned to carry Marcellus Shale natural gas from Susquehanna County in Pennsylvania to Schoharie County, New York.

### **What to consider when a pipeline crosses your path**

*A recent guest commentary published in the Oneonta, NY [The Daily Star](#) discusses one person's experience with the Constitution pipeline. We reprint the entire column here, **though we point out that landowners in the path of the Marc 1 pipeline had a very different experience with eminent domain than that suggested by the author, of which our readers need to be aware.** Based on the experiences of those involved in negotiations for the [Marc 1 pipeline](#), the pipeline company's ability to use eminent domain decreased landowners' bargaining power and, through special legal circumstances, also removed any appeals process to eminent domain proceedings, leaving landowners with minimal compensation for their property. Landowners in the path of a pipeline should know that in the Marc 1 case, some landowners were not given an opportunity to negotiate before eminent domain filings were made. All landowners should consult a knowledgeable attorney before signing any pipeline agreement. [Be sure to read about Marc 1 eminent domain issues here.](#)*

### **Pipeline firm is offering landowners a raw deal**

By Christopher Hammond, originally published August 3, 2013

I met with Bob Lidsky the other day, a Davenport landowner whose property sits in the path of the proposed "Constitution Pipeline." Bob told me about his interactions with the pipeline company's "Right of Way Agent," and showed me the documents he had received.

The agent's introductory letter starts with a conflict of interest: "My responsibility is to be the 'voice' of the Constitution [sic] directly with you, (landowner) as well as to represent 'your voice' and best interest to communicate and work in 'good faith' negotiations."

*The agent is working for the interests of the pipeline company; it is unethical to claim to also represent the landowner's best interests.*

Although the Right of Way agreement gives the company access to the entire property, landowners are only offered three times the value of the 50-foot strip of "impacted acreage" where the pipeline will lie. This one-time monetary offer is the only payment for any damages the company might cause during installation of the pipeline. No compensation whatever is offered for loss of property value.

Signing within three months gets the landowner three times the value of the impacted acreage. Signing during the next three months brings only twice the value, and waiting beyond that results in a payment of only 1½ times the value.

*This puts a lot of pressure on the landowner to make a quick decision and sign the agreement without taking time to do the necessary research in order to make an informed decision.*

Watch the USDA video to see what you should be able to do in national forests.



Forests Help  
People And The  
Economy

"When Americans spend time enjoying the great outdoors in our National Forests, everyone benefits."

USDA Secretary  
Tom Vilsack

## TAKE ACTION!

### SRBC Comprehensive Plan

Comments due  
**August 26**

The Lower Susquehanna Riverkeeper asks concerned citizens to comment on the SRBC's (Susquehanna River Basin Commission) update to its Comprehensive Plan.

Significant staff turnover at the SRBC executive level could mean the time remains ripe to continue strong advocacy encouraging the SRBC to change the status quo as regards fracking in the Susquehanna River Basin.

A hearing took place on this topic in Harrisburg on August 15, but written comments will be accepted through August 26.

[Read here](#) for Talking Points provided by the Lower Susquehanna Riverkeeper.

There are many potential consequences of signing the pipeline company's Right of Way agreement. Mortgages generally prohibit hazardous activity and hazardous substances from being on the mortgaged property. Will the landowner be able to get a mortgage to build a home if there's an easement for a gas pipeline on the land? Will the landowner be able to sell the land later with this limitation on the property?

Signing makes the landowner potentially liable for any damage that results from the industrial activity they have voluntarily allowed on their land. Bob's insurance agent told him he wouldn't be covered for any damages resulting from pipeline activity, since his coverage does not extend to business activity, which he would be entering into by accepting compensation from the pipeline company for an easement to use his land for industrial operations. These and other issues should be explored by every landowner before signing a Right of Way agreement.

A follow-up letter from the pipeline company threatens the landowner with the forcible seizure of land through eminent domain if they do not sign. This letter states that eminent domain is the "last option considered." It doesn't state why.

The reason, kept well-hidden by the pipeline company, is that the landowner might get a lot more money through eminent domain proceedings. The pipeline company does not want to resort to the courts because it will raise their costs considerably, and limit their rights regarding use of the easement (the terms of the agreement permit the pipeline company to build any kind of

"appurtenant" facilities they deem necessary, including compressor stations, to expand the size of the pipeline, and to run anything they want through the pipeline, including tar sands).

*Landowners should consult an eminent domain attorney, many of whom will work on a contingency-fee basis.*

Bob told me the pipeline agent misrepresented the terms of the Right of Way agreement to him more than once in order to convince him to sign. Landowners should be very wary of this. The terms of the Right of Way contract specifically exclude any verbal or written agreements or promises made by the agent to the landowner from being enforceable in court.

When Bob told the agent that the pipeline would destroy the only site on his property where a home could be built, the agent replied that the route is not negotiable. Bob was not happy that his property would be destroyed for the purpose he intended, and that he would only receive a pittance in compensation, based on the value of the small strip of land where the pipeline would be constructed.

When confronted with this fact, the agent did not argue the point that the amount offered was only a small fraction of the amount the property would depreciate in value, stating only that the price was firm and the pipeline company would not negotiate.

Well, there is a real Constitution out there, and it states that the government will not seize land without just compensation to the landowner. In a court of law, the land subject to taking must be valued at its "highest and best use." A court will also take into consideration any decline in the value of the remaining parcel. The court may also award the landowner compensation for appraisal costs and legal fees.

It is not just the pipeline company's terms that are non-negotiable, the U.S. Constitution and its command of just compensation when land is seized is also non-negotiable. And if a judge orders the pipeline company to pay the landowner six or seven times their "non-negotiable" offer, there will be no negotiating that, either.

## This Week's Scoops

Oops - seems Governor Corbett forgot to mention his vacation home purchased far away from the Marcellus Shale last year, and ironically, former DEP Secretary Krancer forgot to mention his vacation home purchase, too - in a state with a current ban on fracking. Guess they don't plan to play in Pennsylvania - wonder why?

But Governor Corbett did enjoy a break from stumping for the natural gas industry last week, letting U.S. Senator Bob Casey do the job instead as the Senator unveiled his plan to use federal dollars for his Marcellus Shale On-the-Job Training Act.

It's good to know that our federal tax dollars will help the gas industry, just as our state tax dollars continue to be used for the development of CNG stations and vehicles.

It's also good to know that another economic benefit from the shale extraction industry is flourishing landfills; Pennsylvania surely needs more of those.

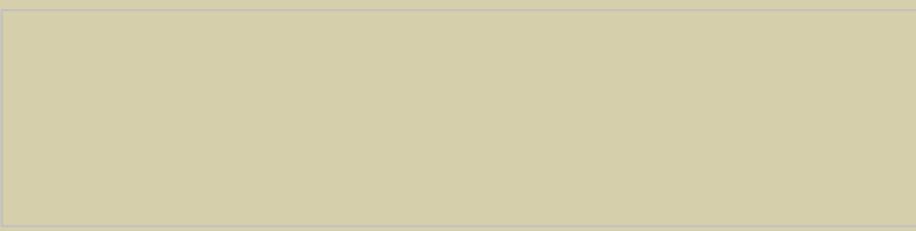
But don't talk to the folks at Essroc Cement Corporation about economic benefits, as they stand to lose property value from a pipeline planned to cross their property.

Like we said - no one is safe when the pipeline wants to cross your path.

---

### Join RDA

We welcome your active participation and are in need of help for special



Images in this article represent gathering line construction in Sullivan County, Pa.

IMAGES by ANN PINCA

## Higher Methane Leakage Rates Confirmed by Scientists

Air samples collected in 2007 from a tower near Denver, Colorado, indicated high levels of methane according to an 2012 article. Researchers at the National Oceanic and Atmospheric Administration (NOAA) and the University of Colorado Boulder traced the methane to nearby natural gas production in the Denver-Julesburg Basin.

These findings contributed to the ongoing debate questioning whether natural gas is actually better for global warming than coal, as heat-trapping methane is almost 25 times more efficient than carbon dioxide at trapping heat in the atmosphere.

At that time, first author on the study Gabrielle Pétron, an atmospheric scientist at NOAA and at the University of Colorado Boulder, stated, "If we want natural gas to be the cleanest fossil fuel source, methane emissions have to be reduced." Noting that emissions will vary depending on the site, Pétron saw no reason to think that the Denver-Julesburg Basin was unique. "I think we seriously need to look at natural-gas operations on the national scale."

Moving forward, a recently published article has reported on a new study by scientists at NOAA and University of Colorado Boulder, including Pétron, which shows that subsequent research above an active natural gas field in Utah again revealed high methane leakage rates from oil and gas extraction operations. For this study, researchers obtained data through ground-based instruments and by direct air samples collected by low-flying research aircraft above the gas field.

This new study indicates methane leakage rates of between 6.2 to 11.7 percent at the gas field, a figure much higher than EPA estimates, according to the article. The new study points once again to the issue that increased natural gas production and subsequent methane leakage will provide no benefit to climate change over all, and may even have a larger immediate climate impact when compared to coal-fired power plants.

Obviously, knowing exactly how much methane leaks into the air from U.S. natural gas production is crucial to understanding whether or not it provides any climate benefit. As Colm Sweeney, a coauthor of the new study and a scientist with the Cooperative Institute for Research in Environmental Sciences (CIRES) at the University of Colorado Boulder, sums it up, "If we're leaking a lot of methane we're counteracting any sort of (beneficial) impact in the near-term."

Although further studies on methane leakage are necessary, it is becoming evident to many that gas industry proponents' claims that natural gas is helping to stem climate change may not prove true. Instead, like leaking methane, that theory could blow up in their faces if real science proves it wrong.

*This article was written by Ted Stroter, RDA Board Editor, and Ann Pinca,*

*Managing Editor, using information from the following articles: "Air sampling*

*reveals high emissions from gas field", Jeff Tollefson, and "Methane Leaking in*

*Utah Suggests Higher National Rate". Andrew Freedman.*

events, publicity, research, and other projects.

Contact us for details.

As a 501(c)(3) non-profit organization, RDA relies on donations for the important work we do. In order for RDA to continue its valuable education and advocacy outreach in 2013, please consider a tax-free contribution to our efforts.

[Join Our Mailing List!](#)

### RDA Newsletter

*Ann Pinca, managing editor*

*Ted Stroter, RDA Board of Directors editor*

*Ralph Kisberg, contributing editor*

*Robbie Cross, President - RDA Board of Directors*

*Jenni Slotterback, Secretary - RDA Board of Directors*

*Barb Jarmoska, Treasurer - RDA Board of Directors*

*Mark Szybist - RDA Board of Directors*

*Kevin Heatley - RDA Board of Directors*

*Roscoe McCloskey - RDA Board of Directors*

This weekly e-letter is written and designed by the RDA consultants and Board of Directors and sent to RDA members/subscribers. Every effort is made to assure complete accuracy in each issue. This publication and the information contained herein is copyrighted by RDA and Ann Pinca and may not be reproduced without permission.

All rights reserved. Readers are invited to forward this newsletter in its entirety to broaden the scope of its outreach. Readers are also invited to comment to the managing editor regarding contents and to submit articles to be considered for publication in a future issue.

[Return to top](#)

Donations may also be sent by mail to: Responsible Drilling Alliance, P.O. Box 502, Williamsport, PA 17703

**Thank you for your support!**

[Donate](#)

