



NORTHWEST PROPERTY RIGHTS COALITION

January 20, 2008

West-wide Energy Corridor DEIS
Argonne National Laboratory
9700 S. Cass Avenue
Building 900, Mail Stop 4
Argonne, IL 60439

To Whom It May Concern:

The NWPRC is a group of citizen activists in Oregon and Washington who believe that an individual's land should not be taken for the benefit of private business. The use of eminent domain for energy corridors is troubling for the reasons we set forth below. Given the scale and scope of the West-wide Energy Corridor we are disturbed and astonished to find so little consideration of these foreseeable impacts on private property. Only a single sentence refers to eminent domain in the *Summary Of Public Scoping Comments For The Programmatic Environmental Impact Statement, Designation Of Energy Corridors On Federal Land In The 11 Western States (Doe/Eis-0386)* and no other reference we could readily find in the draft DEIS.

We request that DOE, as part of this historic, ambitious and far reaching study, examine the history, fairness, and just compensation aspects of eminent domain in utility routing and make recommendations for reform. In particular we are concerned with the following:

- Eminent domain is not a fair game. It forces unwilling sellers into a transaction they wouldn't enter into in a free and open market. There is no requirement for pipeline companies to honor property lines or to start with willing landowners or to prefer existing rights-of-way. There is no provision enabling owners along a pipe route to pool their resources to strike a good and fair agreement. Companies have a responsibility to do the most good for the public with the least harm to individuals. But it seems the "least harm" component has been replaced with a "least cost" one. When it comes to eminent domain the pipeline company holds all the cards.

- Eminent domain, in theory, provides for “just compensation.” However, while gas companies negotiate contracts every day, for most landowners this is a once in a lifetime event. There is no help in assessing the other losses such as loss of value to the rest of the property outside the easement area; the owner must prove it anew in each case. There is no ongoing revenue, simply a one-time payment—even though there are ongoing restrictions to the landowner and the gas company maintains ongoing rights to access. And no legal assistance. In practice, eminent domain for gas pipelines falls far short of the just compensation standard.
- Eminent domain enables LNG facilities to be sited far from the markets they serve. For example, California wants the environmental benefits of generating more of its electricity from natural gas, but it has resisted putting LNG facilities on its coast. No matter, eminent domain makes it possible to put the plants in Oregon and pipe it down.
- Eminent domain enables multinational corporations and well funded venture firms to raise money for speculative projects. This system places too heavy a burden on those targeted for pipelines. Merely drawing the line on the map, for projects that may or may not be realized, has uncompensated, real-world effects. People in the path of the preliminarily pipeline route (routes often move up to miles away) may not be able to sell their land when and how they would like; they may experience stress and anxiety; precious time is taken up in meetings and phone calls, and all of this activity is uncompensated; while corporations stand to reap millions.
- Eminent domain has strayed far from the original intent of "public use" when it comes to mean turning over control of one's property to foreign corporations or their subsidiaries. The international private market has responded to demand and the overwhelming public benefit has been achieved. The marginal additional extensions to the existing system by private companies for private gain puts it at the same level of public benefit as fast food restaurants and large retailers. That is, able to pay their own way and in no need of special status.

Sincerely

Marc Auerbach,
Chair

cc: Senators: Wyden, Smith, Murray, and Cantwell. Governors Gregoire and Kulongoski