

Support for Landowners

Visit NOSSEP.org for a detailed map & information from the community about SSEP & T-15

I. What can landowners do?

****First and foremost: do not sign an easement! If you have an existing easement, you can still consider the points below to potentially negotiate beneficial amendments to an existing easement.***

Land agents and surveying

If you received a letter from the pipeline company asking to survey your land, you are likely on the pipeline route although the final route could change. This is called a pre-condemnation survey letter that asks for permission to survey your land. You do not need to allow access right away. It is to your advantage to slow down and prolong this step. **YOU CAN DENY OR RESCIND PERMISSION TO SURVEY YOUR LAND.**

If the pipeline company is expanding the right of way or putting in new pipe, they must notify you and often need to negotiate a new easement.

Please know that the land agents that contact you are hired by and answer only to the pipeline company. They are under no obligation to tell you the truth, and they are acting only in the interest of the company, no matter what they say. Land agents often tell people they are the only hold-outs, or that the compensation will be reduced if you don't sign today. Do not believe everything they say! Do not be intimidated and do not feel rushed.

Before signing anything, talk to a lawyer and read up on your rights and how to protect your land. You can find more landowner resources, tips and information at: www.pipelinecenter.org

Negotiating an easement and finding legal help

There is NO standard easement. Each case is different. In general, the company does not want to sue you and condemn your land under eminent domain. It is expensive and bad publicity, so they would rather negotiate an easement.

Remember: do not sign an easement without talking to a lawyer first. Unfortunately, most landowners sign the very first offer they are given. These early agreements almost never offer good terms for the landowner.

In the case of Transco SSEP, the company needs to get a FERC certificate before it has the power of eminent domain to take your land, and that won't be for many months. **YOU ARE UNDER NO OBLIGATION TO SIGN AN EASEMENT AGREEMENT.**

- Speak to an eminent domain attorney:
 - Steven Newton and John Ward of Nicholls and Crampton Law Firm:
 - Steven's contact: 919-781-1311 or SNewton@nichollscrampton.com
 - John's contact: 919-781-1311 or JWard@nichollscrampton.com

- Cathy Cralle-Jones and Andrea Bonvecchio at Bryan Bryce Law Firm:
 - Cathy's contact: (919) 754-1600 or cathy@attybryanbrice.com
 - Andrea's contact: (919) 754-1600 or andrea@attybryanbrice.com
- Chris Johns at Cobb & Johns Law Firm:
 - Chris's contact: chris@cobbjohns.com
- Check out the non-profit Pipeline Center's vetted list of eminent domain lawyers: www.pipelinecenter.org/find-eminent-domain-attorney

Know your rights, demand clear answers

You need to know your rights and deserve clear information, starting with:

- How much of your land will be used and for what?
- How will your land be restored after construction, and by when? What can be done if it is not?
- Will the company pay you for landscaping or crops damaged during construction or installation? Will they re-seed or re-plant areas that are disturbed?
- Will you lose all of your topsoil?
- Will they replace any gates or fencing they remove?
- Who has access to the part of the route on your land and when?
- What exactly will be transported in the pipeline and what are the safety instructions, where are cut-off valves located, etc?

There will be rules as to what you can do with the part of your property covered by the easement and may affect your access, use, and enjoyment of your land. An easement can affect your property value as well your land and its use for generations.

You can negotiate and demand many things, such as:

- Higher compensation - it is NOT true that you should be compensated only for the acreage that the pipeline is in; your remaining land can be affected too
- How many pipelines will be allowed on your land
- To be notified in advance if access to your land is required
- How frequently the company will access and maintain the route after construction ● To clearly mark the route so that you can visualize how close it is to buildings, animals, etc.

II. Participating with FERC (Federal Energy Regulatory Commission)

When an interstate pipeline or extension is proposed, the federal government agency known as FERC is the main regulating agency that oversees the project's process, including whether to grant the project a "certificate of need" and thereby allowing it to move forward.

Transco SSEP will apply to FERC in the Fall of 2024.

The process generally consists of two phases. The first phase is called "Pre-Certificate Activities" and the second is "Post-Certificate Activities." Pre-certificate activity involves the filing of the project application, public participation, intervention, and environmental reviews. Post-certificate activity happens after the FERC certificate (which permits the project to move forward) has been issued.

The process also includes opportunities for rehearing and judicial reviews of the certificate,

pipeline compliance with FERC-issued conditions, eminent domain, construction, and ongoing operations.

Landowners: register to be an intervenor with FERC!

If you live on the route, make sure that you register to be an “intervenor” - this means that you will be mailed all relevant information and can appeal or request information from FERC.

If you do not register as an intervenor in the beginning, you will lose your right to do

so. To sign up to be an intervenor visit: www.ferc.gov/how-intervene

For help intervening email OPP@FERC.GOV or call: 202-502-6595

Note: Pipelines within state lines, such as the proposed T-15 in NC, are not overseen by FERC.

III. Next steps & resources

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 - Chris Johns at Cobb & Johns Law Firm:
 - Chris’s contact: chris@cobbjohns.com
- Sign up to be an intervenor at www.ferc.gov/how-intervene
- Contact your neighbors and let them know your concerns and direct them to nossep.org to sign up for more information
- Check nossep.org regularly for updates, community meetings and public participation announcements
- Visit pipelinecenter.org for more landowner resources, including a list of vetted eminent domain lawyers
- Check out the landowner tips provided by the Federal Department of Transportation: <https://primis.phmsa.dot.gov/comm/ROWBrief.htm>
- Check out the tips for farmers on pipeline routes: www.farmanddairy.com/top-stories/read-this-before-you-sign-that-pipeline-easement-lea

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