

For pipelines, Chesco is fertile territory

A natural-gas push could take land even if owners protect it or protest

By Nancy Petersen, Inquirer Staff Writer

Ken Miller's visitor was unexpected, and her offer was unwelcome.

Introducing herself as a representative of Dominion Keystone, she told Miller that the new company might want to buy a right-of-way through his Chester County dairy farm for a natural-gas pipeline. She presented a map showing a proposed 150-foot-wide right-of-way across the back of Miller's Birchrun Hills Farm, in West Vincent Township, and a five-acre piece that the company might want to buy for a monitoring station.

Miller, a fourth-generation farmer and a township supervisor, was stunned. "My farm is not that big," 54 acres, "and we intend on farming it for a long time," he said. "It did not make for a good day." Miller, 55, is one of hundreds in Chester County confronting requests from companies for larger rights-of-way to expand existing pipelines or for new rights-of-way to add lines.

And under federal law, the landowners might not have much choice.

What Dominion Keystone would pay is not known because it hasn't decided whose land it wants. The price depends partly on the land's appraised value; farmers also would be compensated because land dug up for a pipeline takes about five years to return to productivity.

More than 700 miles of natural-gas pipelines crisscross Chester County, and because natural gas is a clean-burning fuel, demand is growing. Last month, the Federal Energy Regulatory Commission approved a controversial expansion of a Williams-Transcontinental pipeline near Downingtown and Exton.

For natural-gas suppliers looking to build pipelines, Chester County has an advantage that few other places can match, Dominion Keystone spokesman Dan Donovan said. "There is a nexus of three federal pipelines there" - Texas Eastern, Columbia and Williams-Transcontinental - "and from there gas can go anywhere on the East Coast," he said.

There is also plenty of farmland and open space, catnip for pipeline companies.

Now Miller and other landowners who thought conservation easements guarded against development are shocked to find out that when pipelines enter the picture, that protection doesn't mean much.

The 1938 Natural Gas Act gave what is now the Federal Energy Regulatory Commission full authority over interstate natural-gas pipelines, overriding state or local restrictions such as easements, FERC spokeswoman Tamara Young-Allen said. But there is a caveat.

"The easement requires that certain resources be protected forever," said Sherri Evans-Stanton, director of the Brandywine Conservancy's Environmental Management Center. "So that forces the company to negotiate."

On land where the conservancy holds an easement, she said, the organization will be at the negotiating table with the landowner.

"We have a legal interest, too," Evans-Stanton said, adding that while it may not be possible to halt a pipeline, its environmental impact can be lessened.

An 88-mile pipeline proposed by the AES Corp. of Virginia and known as the Mid-Atlantic Express would run between Sparrows Point, Md., and Eagle in Upper Uwchlan Township. Thirty-two miles would be in Chester County. Construction would affect more than 400 landowners, 2,500 preserved acres, and at least 20 streams and tributaries, including Brandywine Creek.

"We are looking closely at stream crossings, and trying to negotiate the least wide, permanently maintained cut as possible," said Theodosia Price, a senior land planner at the conservancy.

If a landowner refuses to sell a right-of-way for the line, the company can ask FERC for permission to condemn it. "The power of eminent domain is the one power that trumps everything else," Evans-Stanton said. "In this case, the government is using it for private projects. It is unfortunate."

West Vincent has become the latest battleground between the pipeline companies and landowners. Dominion Keystone, an offshoot of Dominion Resources Inc. of Virginia, hopes to build a 280-mile pipeline from Greene County in the southwest corner of Pennsylvania to Chester County.

More than a mile beneath the surface in Greene County - and in much of western and northern Pennsylvania, parts of West Virginia, and eastern Ohio - a huge geologic formation known as Marcellus shale has trapped in its fractures what experts say are trillions of cubic feet of natural gas.

The high price of natural gas has made drilling for that gas economically feasible. Although 80 percent of the pipeline would follow an existing Texas Eastern route, Donovan said Dominion Keystone wanted to acquire rights-of-way in Chester County and land for a station that would connect the pipeline to one or all of the area's three major pipelines.

The pipeline would come in from Lancaster County at Honey Brook Township, and pass through West Nantmeal, Wallace, East Nantmeal, West Vincent, West Pikeland, and Charlestown townships. "Once we find out what land is available for a station, then we will decide the pipeline route," Donovan said. "But we need to get in there and talk to the community and find out their feelings about the whole thing."

Although Dominion Keystone is meeting with landowners in the western and central parts of the state, he stressed that the pipeline project is in its very preliminary stage. No meetings have been set with Chester County landowners, Donovan said. He added that the timetable called for filing an application with the FERC for a certificate next year, with construction starting in 2011.

But a pipeline is not part of Ken Miller's vision for his farm. He and his wife, Sue, have launched a cheesemaking business using milk from their Holstein cows. Among fans of artisan cheeses, Birchrun Blue has been a runaway hit, and has helped put the small dairy farm on a path of sustainability.

"We've all taken steps to preserve our ground," Miller said of himself and his neighbors. "And then Dominion comes in. I never thought it would happen, but here it is."