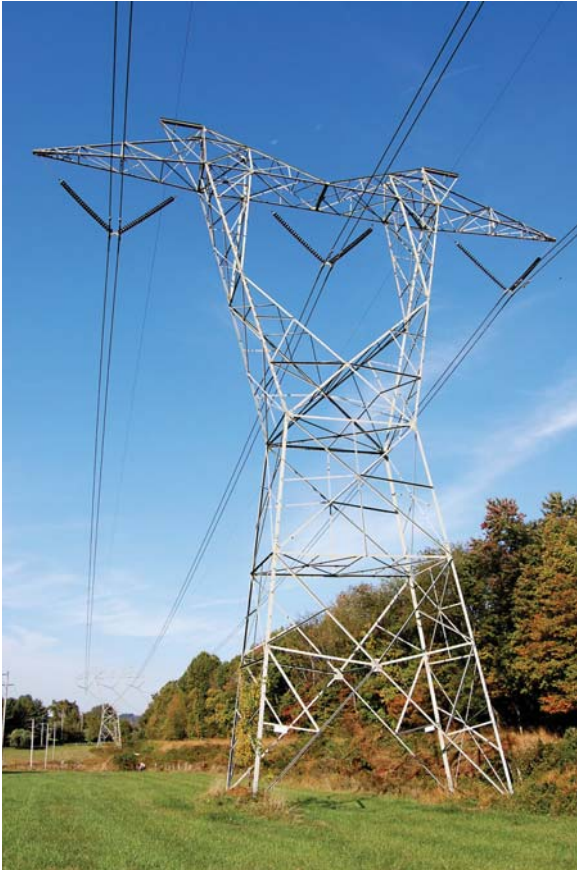


Easements Endangered: Proposed Electric Transmission Corridor and



The Brandywine Conservancy and other conservation organizations are actively working to prevent thousands of acres of protected land threatened by a recently-designated electric transmission corridor and proposed new gas pipelines.

In Pennsylvania and Delaware, nearly 80 land trusts have protected over 440,000 acres, primarily through conservation easements, a widely-used land planning and conservation tool. These thousands of acres include municipal, state and federal parks, as well as battlefields and other historic places that could be irrevocably impaired by these utility projects.

In the 2005 Energy Policy Act, Congress authorized the Department of Energy to designate “National Interest Electric Transmission Corridors” and to create a process for expediting approvals of new long distance electric transmission routes. The act exempts the Federal Energy Regulatory Commission (FERC) from complying with existing environmental laws, including the National Historic Preservation Act. It also allows utilities to appeal any state’s utility siting decisions to FERC if a state does not make a decision within a one-year period or a state denies an application for electrical transmission lines. The act also authorizes FERC to overrule states through federal eminent domain powers.

Last October, the Department of Energy announced final designations for two National Interest Electric Transmission Corridors, including a Mid-Atlantic Area Corridor. This far-reaching area includes the entire state of Delaware and 52 of 67 counties in Pennsylvania, along with all or part of Maryland, New Jersey, New York, Ohio, Virginia, West Virginia and the District of Columbia. All of the more than 43,000 acres of land permanently protected by the Brandywine Conservancy are located within this proposed corridor.

The Pennsylvania Land Trust Association calls the designation of the transmission corridor “...unprecedented federal

eminent domain that threatens Pennsylvania landowners, landscapes, energy alternatives and national security and undermines state regulations.” The condemnation of private property and public resources should be a last resort rather than the centerpiece of energy policy.

The Brandywine Conservancy and other conservation organizations wrote letters to members of Congress and to the Department of Energy urging that these corridors not be designated without conducting a regional environmental analysis with an eye on protecting resources, considering the use of alternative energy sources to reduce the dependency on fossil fuels (as required under the Energy Policy Act) and expanding the public process to educate landowners and others so they understand the implications of the corridor designations.

In designating these corridors, the Department of Energy did not conduct a programmatic Environmental Impact Statement as required under the National Environmental Policy Act. The Brandywine Conservancy has joined with other groups and the Southern Environmental Law Center to seek a rehearing on the corridor designation.

Gas Pipelines May Affect Protected Land

Proposed Gas Pipeline in Lancaster and Chester Counties, PA

Gas pipelines are another type of utility infrastructure that threatens Conservancy easements. While several proposed gas pipelines are in the works, one proposal of great concern is the AES/Sparrows Point Mid-Atlantic Pipeline. Proponents are seeking FERC approval to construct the new gas pipeline through Conservancy-eased lands. The pipeline, which would extend about 87 miles from the Chesapeake Bay to Eagle, PA, would imperil at least 90 acres of preserved land, with numerous stream crossings in the Octoraro, Buck and Doe, and Brandywine watersheds. About eight percent of the proposed pipeline would affect at least 18 landowners and cross through 2,500 acres of property protected by conservation easements granted by individual landowners to the Brandywine Conservancy. These properties are contiguous to over 20,000 additional Conservancy-eased acres.

In June, the Conservancy provided testimony and written comments regarding the project’s draft Environmental Impact Statement, with the hope that the siting of the LNG terminal at Sparrows Point in Maryland might be delayed. Unfortunately, later that month, the U.S. Secretary of Commerce overturned Maryland’s objection to the proposed LNG project, and it will proceed.

The Conservancy will continue to focus on the significant impacts that these projects can have on permanently protected eased land as well as on farmland, forests and water quality.

