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Impacted Landowners Applaud Wyden’s and Merkley’s Upcoming Legislation to Stop Use of Eminent Domain for Pacific Connector Gas Pipeline Jordan Cove LNG Export Projects

WASHINGTON, DC - Today, Oregon Senators Ron Wyden and Jeff Merkley announced they will introduce legislation in September to strengthen the rights of landowners who face eminent domain claims from private companies’ natural gas pipeline development. The Senators said property owners in southern Oregon in the path of the proposed Pacific Connector Pipeline and Jordan Cove LNG Facility (“Jordan Cove”) are just one example of the Federal Energy Regulatory Commission’s (FERC) failure to protect landowner’s rights. After decades of landowners and other impacted communities advocating for these rights, the legislation should change the tide of corporate interests overreaching and make clear that the law protects property rights.

Stacey McLaughlin, affected landowner from Douglas County, said:

“I learned today that Senator Merkley along with Senator Wyden expanded the scope of legislation to reaffirm limitations relating to Eminent Domain use by private companies under the Natural Gas Act. Merkley’s *Ending Natural Gas Companies’ Seizure of Land for Export Profits Act* will put a stop to FERC’s unlawful political reading and interpretation of the Natural Gas Act and specifically prevent private companies from condemning any state lands for any gas project making it clear they may not take private property when the project is an export project. Here we have Democratic Leaders standing up for the rights of all - but importantly the rights of states - against corporate profit and I am very proud of my senators.”

Senator Merkley said in a joint news release issued by his and Wyden’s offices:

“For decades, the deck has been stacked in favor of private pipeline companies who can steamroll people’s private property rights to build export pipelines that won’t benefit Americans. If big pipeline corporations want to use land in Southern Oregon or across America, they should negotiate with the landowners for that right.”

Wyden’s *Reaffirming Property Rights Through Natural Gas Act Modernization Act* would propose amendments to the Natural Gas Act of 1938 (NGA) to make it clear that gas exports are not, by definition, in the public interest, to standardize gas developers’ communications to landowners while also

setting time limits on FERC actions, to set stricter standards on eminent domain claims, to provide a more robust appeals process for landowners, and more.

Senator Wyden said in a joint news release issued by his and Merkley's offices:

“It's become painfully apparent in southern Oregon and far too many other places that private pipeline companies have repeatedly abused property owners by claiming eminent domain in the public interest, safe in the knowledge that FERC will provide them cover. My bill and Senator Merkley's bill would restore a much-needed balance that defends landowners' rights with due process that's both fair and common-sense.”

FERC has been operating under the assumption that the current NGA enables it to grant Pembina, the Canadian company behind Jordan Cove, the power to seize impacted landowners' property through eminent domain prior to full approval of the project and based on a legally mandated presumption that export projects are in the public interest. These existing provisions, which have not been updated since the United States became a net natural gas exporter, have been reinterpreted by FERC to authorize Pembina to seize and permanently own any property seized from landowners even if Jordan Cove ultimately joins the [growing list of failed fossil fuel energy projects](#). As a result, under the current NGA, Jordan Cove landowners remain vulnerable to Pembina's eminent domain power even while their [petition to stay or invalidate FERC's decision](#) – based on legal precedent that FERC cannot consider gas exports to be of public convenience and necessity – is pending in the D.C. Circuit Court of Appeals.

Ron Schaaf and Deb Evans, affected landowners for 15 years, said:

“We applaud Senator Wyden and Senator Merkley for their substantive, focused and groundbreaking bills to modernize the Natural Gas Act. Protection of constitutionally guaranteed property rights is a key tenant of the bills and something every US citizen should support. Thank you Senator Wyden and Senator Merkley!”

Clarence Adams, affected landowner in Douglas County and President of Landowners United, said:

“I am very pleased that Senator Wyden and Senator Merkley have finally listened to the landowners who are deeply affected by projects such as Jordan Cove. For years big gas and big oil have run roughshod over landowners who have limited resources to fight back. Score one for the 'little guy.’”

Pamela Brown Ordway, affected landowner in the Douglas County Coastal Zone Management Area, said:

“Until now, landowners' rights in the FERC process have, for the most part, been ignored. This legislation acknowledges that these projects do not happen in a vacuum; when projects are approved, there are lives and livelihoods that are directly and permanently impacted. I am encouraged that Senator Wyden's and Senator Merkley's legislation address the fact that

landowners have been forced to navigate through a process that seemed designed to discourage their participation.”

John Clark, affected landowner in Winston, said:

“I am in my eighties, I fought in Korea, and served the public as a Fire Chief for many years; the threat of eminent domain has haunted me and affected my health for more than a decade. Senator Wyden’s and Senator Merkley’s legislation is welcome news and I hope will help me preserve the legacy of my land for my children and grandchildren.”

Frank Adams, affected landowner in Douglas County, said:

“I am a 3-tour marine Vietnam Veteran, and have spoken to you numerous times at town hall meetings in the Roseburg area regarding the Pembina natural gas pipeline and their wanting to use eminent domain to take my hard earned and fought for land for 16 years. I was so elated to hear you were coming onboard to help us veterans and other landowners to protect our Constitutional rights. With my waning health and finances, now could not be a better time to introduce this bill. It’s not right for a foreign entity to take over our rights and our land. Thank you ever so much for your hard work pertaining to this bill and retention of our rights.”

Bill Gow, affected landowner and rancher in Douglas County, said:

“As a conservative and full-time rancher, my family and I are dependent on the conservation of our land for our livelihood and our way of life. To be swallowed up by corporate America who wants to put their profit ahead of my values, is wrong. It is good to finally see bills that recognize the constitutional rights of rural Americans. We’ve been stomped on by corporate greed with no understanding of how we operate, our values, and the protection of core property rights guaranteed by our Constitution.”

Both senators will introduce their bills when the Senate returns to business in September. Wyden and Merkley also are co-sponsoring the other’s bills.

Background and Resources

Impacted landowners, Tribes, and environmental and climate activists have been fighting the Jordan Cove Project for over 15 years, citing concerns about the use of eminent domain, the undermining of tribal sovereignty, and the impacts to the environment. Read more about this fight [here](#) and [here](#).

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