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Texas pipeline company seeks Georgia domain

Hearing held Monday in front of U.S. District Court Judge Clay Land

Judge does not immediately grant Sabal Trail's request

Texas company has proposed natural gas pipeline through Alabama, Georgia, Florida

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While he did not immediately give a Houston, Texas, pipeline company the eminent domain easement rights it was seeking from owners of 25 southwest Georgia properties, a federal judge was clear that approval for the pipeline has been granted and that issue was not in question in his court.

The Sabal Trail Pipeline is a \$3 billion project that will run 465 miles through Alabama, Georgia and Florida. In February, the Federal Energy Regulatory Commission approved the project, which will have about 156 miles of pipe in nine Georgia counties.

What was at issue in front of U.S. District Court Judge Clay Land in his Columbus courtroom on Monday was a request from the pipeline company to allow it to immediately seize the private property easements in order to begin construction.

“FERC gave Sabal the right to build a pipeline,” Land said. “Your resistance fell on deaf ears with FERC. ... I hope in the next 14 to 21 days you are going to sit down in good faith.”

Atlanta attorneys F. Edwin Hallman, Jr., representing former U.S. Sen. Bob Graham, and Christian F. Torgrimson, representing Atlanta businessman Ted Turner, took the lead for the property owners. Graham and Turner both own

large tracts in Dougherty County that would be impacted by the pipeline and its construction. There were more than two dozen attorneys in attendance and about half of them addressed the court.

Hallman and Torgrimson argued that the Georgia land proposed for the pipeline had not been properly surveyed and the pipeline company had too much leeway to move the 36-inch pipe that will carry natural gas.

Land agreed some of the mapping was not as precise as it needed to be.

“You are asking the U.S. District Court to approve a plan that is flawed,” Land told Sabal attorneys Matthew Calvert of Atlanta and Lela Hollabaugh of Nashville, Tenn.

“We are in a hurry because of our customers’ needs and our desire to have the ability to supply them gas,” Hollabaugh told the court.

Sabal plans to have the pipeline completed next May. Land, however, was clear that he was not going to be rushed by the pipeline company.

“I am not going to allow you to take more than FERC allowed,” Land said.

But he implied he would not allow the property owners to unnecessarily stall the project.

“It’s time to see the writing on the wall,” Land said to the impacted property owners.

The judge gave Sabal 14 days to gain access to the properties in question and perform exact surveys where the pipeline will be placed. Attorneys for Turner, whose nearly 8,000-acre tract is known as Nonami, said they had already negotiated such an agreement for access with Sabal. The attorneys for the property owners will then have two weeks to respond to the Sabal surveys.

Land indicated his decision could come in about a month.

“If you are going to take a citizen’s property rights, they need to know what you are taking,” Land said.

Attorneys for the property owners briefly touched on safety issues, pointing out that a Sabal pipeline near Pittsburgh exploded on Friday, injuring one person. Sabal attorneys pointed out that was not relevant to Monday’s hearing.

Even if Sabal gains the land it needs from private landowners, it still must reach an agreement with the state of Georgia. The General Assembly in its most recent session failed to pass a resolution that would have granted Sabal easements under five Georgia rivers or creeks including the Chattahoochee and Flint rivers. Rep. Debbie Buckner, a Junction City Democrat who represents some of the land in question, attended the court hearing.

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