

From: [Ron Hairston](#)
To: [Plainsandeastern](#)
Subject: Property Owner Survey
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Attachments: [Landowner Survey w-notes 150713.pdf](#)

Please accept the attached file as comments to the Plains & Eastern Clean Line application. Almost all property owners impacted by the project object to DOE approving Clean Line's application for the "manifest injustice" it creates.

The uncompensated losses created by the project create *"...arbitrary seizures of one class of citizens for the service of the rest."* James Madison.

On behalf of myself and my neighbors, we pray for your wisdom and sense of justice.

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While this survey intersects only a fraction of the population of property owners who stand to lose much in the wake of the Plains & Eastern Clean Line project, it does bring validity to many of the verbal claims made by these stakeholders during public meetings, and those issues written as comments to the Environmental Impact Study.

The survey will illuminate a strong need to improve processes so that they ensure just outcomes for all who may be impacted. We will also see that contrary to the claims made by the Applicant and those presented in the EIS, there is ample evidence to demonstrate that property owners are subject to conditions leading to “manifest injustice” at the hands of Clean Line and DOE.

Purpose

- To gain a better understanding of property owner issues
 - Focused on land owners who stand to lose substantial investment to homes & property
 - Includes owners directly impacted
 - Includes adjacent owners who are impacted but are not compensated
 - Capture effectiveness of process notifications

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Adjacent property owners remain ignored. Many will suffer egregious financial harm without restitution because of the far reaching effects of corona noise that extends to this class of property owners. As royalties offering just compensation for oil & gas production reach out to adjacent property owners, so should compensation for the damaging effects caused by this project be applied to all property owners impacted.

Purpose (cont'd)

- Measure quality of engagement of property owners in scoping process & dEIS
- Capture property losses estimated by property owners and appraisers
- Measure sensitivity of property values impacted by power line structures and corona noise

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True costs to property owners due to corona noise pollution, and that from the presence of gargantuan support structures or lattice towers, can no longer be ignored.

Dates of Survey & Population

- Dates of survey response - June 2, 2015 to June 11, 2015
- 95 Participants (obvious duplicates removed)
- Target audience
 - Property owners directly under ROW
 - Adjacent owners measurably impacted

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The 95 survey participants represent a fraction of negatively impact property owners.

If nothing else, this survey brings to light how much more DOE needs to understand the plight of those caught in the path of the PECL project. In the words of Justice Scalia in last month's ruling against the EPA, all costs must be considered in decision-making or "agency action is unlawful.

Dates of Survey & Population (cont'd)

- Responders

- Actual property owners – 98% (93)
- Assisting family member – 1% (1)
- Assisting neighbor – 1% (1)

What the survey will show are the real concerns of those actually impacted.

Dates of Survey & Population (cont'd)

- Distance from 150-200 ft ROW and structures
 - 0-500 ft – 51.6% (49)
 - 500-1,000 ft – 11.6% (11)
 - 1,000-2,000 ft – 11.6% (11)
 - Over 2,000 ft – 11.6% (11)
 - Unknown – 13.7% (13)

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There remain many unsuspecting property owners whose lands lay just beyond the ROW. They fall into one of three categories: a) They don't comprehend yet the financial impact that corona noise and visual pollution from up to 200 ft tall towers will have on their property values. b) They feel inadequate to fight the influence of big business and government. Or, c) They simply haven't been made fully aware of what's coming.

Notification Process

- When first notified of the Plains & Eastern project
 - Prior to publishing dEIS (Dec 2014) 42% (40)
 - During announcement of dEIS (Dec 2014) 19% (18)
 - After Jan 2015 11% (10)
 - Never notified 28% (27)

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Less than half of the survey respondents were notified of the PECL project in time to participate in the scoping process.

More than one-quarter that are actively involved have never received notification from Plains & Eastern Clean Line that they may be a stakeholder in the project.

Notification Process (cont'd)

- How property owner was notified
 - Official letter from Clean Line 29% (28)
 - Land agent 8% (8)
 - Notice in newspaper 16% (15)
 - A friend or neighbor 42% (40)
 - Unknown 4% (4)

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One and one-half as many property owners learned about the project from a neighbor or friend than through official notification. What does this say about transparency?

Scoping Process Participation

- Property owner awareness of Scoping Process and level of participation
 - Aware and participated in Scoping Process 25% (24)
 - Aware but did not participate 4% (4)
 - Not aware & therefore excluded from participation 71% (67)

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Only a fraction of impacted property owners had the opportunity to participate in the Scoping Process. Again, transparency fails.

Scoping Process Participation (cont'd)

- How made aware of Scoping Process
 - Notified by official letter 7% (7)
 - Notified by land agent 2% (2)
 - Notified by notice in newspaper 3% (3)
 - Notified by friend or neighbor 22% (21)
 - Unknown or don't remember 15% (14)
 - Was not aware of Scoping Process 51% (48)

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When one considers today's means of communication, it's hard to imagine how over half were not aware of the Scoping Process.

Draft EIS Participation

- Availability of dEIS
 - Aware of dEIS and received printed copy 35% (33)
 - Aware of dEIS and relied on web access 22% (21)
 - Aware of dEIS but did not request copy or access on web 7% (7)
 - Not aware of dEIS availability 36% (34)

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Notice that when the public is reliably contacted and made aware of a Scoping Process or the opportunity to review the dEIS, a minority (7% for the dEIS) don't take advantage of it.

Even then, too many property owners (36%) are engaged in Clean Line Issues as it pertains to their home or land, and they still did not know about the dEIS.

Draft EIS Participation (cont'd)

- How property owner was notified of the availability of dEIS and comment period
 - Official letter from Clean Line 15% (14)
 - Land agent 2% (2)
 - Notice in newspaper 1% (1)
 - A friend or neighbor) 22% (21)
 - Unknown 60% (57)

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50% more property owners were notified by word of mouth than by a letter from Clean Line.

This survey shows that the effectiveness of notification by newspaper was nil. Other avenues are needed to reach many who are no longer tethered to paper. Our means of communication has changed drastically over the years.

The high number of “unknown” responses is a further reflection of the lack of targeted and deliberate notification processes.

Draft EIS Participation (cont'd)

- Use of dEIS

- Read all or most in detail 7% (7)
- Read some in detail, scanned rest 21% (20)
- Scanned all or most materials 5% (5)
- Read or scanned some sections, skipped the rest 13% (12)
- Scanned some sections, skipped the rest 20% (19)
- Did not read or scan all or most 34% (32)

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The next slide provides the explanation of why so many did not dig into the expansive dEIS document package.

Draft EIS Participation (cont'd)

- Level of difficulty understanding dEIS
 - Easy to understand 4% (4)
 - Somewhat difficult, could use help 39% (37)
 - Very difficult, requires subject matter expert 29% (28)
 - Did not read or scan dEIS 23% (22)
 - No response 4% (4)

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Clearly, property owners need the assistance of subject matter experts as they wade through the often hard to comprehend technical and legal aspects of the dEIS.

To obtain a fair process leading to just outcomes, “ad litem” representation is required for nearly all.

Draft EIS Participation (cont'd)

- Many reports not in printed materials & hidden on Reference CD
 - Read or scanned reports found in reference CD 12% (11)
 - Aware of reports on CD but skipped them 6% (6)
 - Did not know that materials printed did not include additional report in CD 82% (78)

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When receiving a hard copy of the dEIS, one would expect that everything would arrive in printed form. The most revealing aspects of corona noise pollution are buried in the overlooked Reference CD.

Recalling the need for “ad litem” representation in the notes for the previous slide, we cannot stress enough how property owners are systematically removed from due process simply because many issues have a degree of complexity requiring technical assistance.

Impact on Home/Land Value

- Level of concern for lines, structures, & noise impacting property values
 - Lines, structures, & corona noise will permanently devalue home and/or land 98% (93)
 - There will be little devaluation to home and/or land due to visual and/or noise pollution 2% (2)

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When reviewing the remaining slides bearing the title “Impact on Home/Land Value”, it’s clear that reliance on the methods, reports, and data used in the dEIS for analysis and conclusions, creates huge segments of overlooked costs borne by property owners.

See YouTube video <https://youtu.be/iO10vqvzElo> for an overview.

Impact on Home/Land Value (cont'd)

- Visual impact from up to 200 ft tall structures and line
 - Massive structures & line will permanently devalue home/land 98% (93)
 - Don't know impact 2% (2)
- Degree of devaluation
 - A lot 91% (86)
 - Moderate 8% (8)
 - Little or none 1% (1)

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Almost everyone surveyed honestly believes that the visual impact from massive towers rising to the point of becoming the dominant terrain features will in fact have a devastating impact on the value of their homes and land.

Impact on Home/Land Value (cont'd)

- The value of property based on scenic qualities
 - Home/land value based to a measurable extent on scenic qualities 91% (86)
 - Home/land value not measurably tied to scenic qualities 3% (3)
 - Unknown 6% (6)

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Clearly, the value of home/land is heavily influenced by scenic qualities. The extremely large structures for power lines have an impact that goes far beyond the conclusions reached in the dEIS.

Impact on Home/Land Value (cont'd)

- Degree visual pollution from massive structures & line will make home/land difficult to sell
 - Impossible 47% (45)
 - Very difficult 47% (45)
 - Moderately difficult 5% (5)
 - Little or no difficulty 0% (0)

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As you can see, 94% genuinely believe that proximity to the line will make their home/land much more difficult sell. What prospective home buyer would want to buy a home with a view destroyed by steel lattice structures rising six-times higher than the surrounding trees?

Impact on Home/Land Value (cont'd)

- Impact of corona noise emanating from line
 - Constant hissing & crackling will permanently devalue home/land 89% (85)
 - Don't know impact 11% (10)
- Degree of devaluation
 - A lot 86% (82)
 - Moderate 11% (10)
 - Little or none 3% (3)

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To gain some perspective on the negative impact corona noise may have, view the Corona Noise Simulator on YouTube at <https://youtu.be/Kk09d2a-qqw> .

Impact on Home/Land Value (cont'd)

- The value of property based on ambient quietness and sounds from nature
 - Home/land value based to a measurable extent on quiet setting 97% (92)
 - Home/land value not measurably tied to scenic qualities 3% (3)

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Like scenic qualities, the quietness of the neighborhood or home setting can carry considerable value. This is especially true in rural areas where people go to find tranquility in the beauty of mountains, valleys, and lakes; and the peace of the hushed sounds of nature undiminished by the tools of man.

Impact on Home/Land Value (cont'd)

- Degree that constant corona noise pollution from the line will make home/land difficult to sell
 - Impossible 41% (39)
 - Very difficult 52% (49)
 - Moderately difficult 6% (6)
 - Little or no difficulty 1% (1)

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Similar to the visual impact on the salability of a home, 93% genuinely believe that proximity to the line will make their home/land much more difficult sell due to corona noise. What prospective home buyer would want to buy a home where he hears electrical hissing every moment he's outside? What buyer seeking the ambience offered in rural areas would want to listen to hissing that overpowers the sound of crickets and calls of whippoorwills as he tried to sleep with the windows open during an otherwise peaceful night?

Impact on Home/Land Value (cont'd)

- Estimates of uncompensated loss due to corona noise and visual pollution
- \$10,000-\$25,000 6% (6)
- \$25,000-\$50,000 15% (14)
- \$50,000-\$100,000 15% (14)
- \$100,000-\$200,000 21% (20)
- \$200,000-\$500,000 19% (18)
- \$500,000-\$1,000,000 12% (11)
- \$1,000,000+ 6% (6)
- Unknown 6% (6)

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Fair valuations can only come by engaging a process where current property values are assessed in contrast with future value, where the impact of corona noise and visual pollution is honestly assessed.

From the survey, we can clearly observe the order of magnitude of uncompensated property devaluation that may very well lead to “manifest injustice”.

Impact on Home/Land Value (cont'd)

- Loans denied due to the planned routing of the Plains & Eastern Clean project
 - Yes, loan denied 2% (2)
 - Did not apply for loan 98% (93)
- Appraisals done reflecting loss
 - Yes and reflected in loss estimate 4% (4)
 - No, willing to seek fair appraisal 58% (55)
 - No, don't want appraisal 38% (36)

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The small number of loan applications may reflect the normal low-turnover rate of property in the area where PECL plans to construct their transmission line.

Another way to read this is that 100% of the home loans applied for were denied because mortgage investors recognize the financial risks that occur whenever such a large project pushes through.

According to the survey, of the four appraisals done the average loss is over \$200,000. In the many counties where 20% or more of families have earnings below the poverty level, a much smaller loss can have devastating effects.

Impact on Home/Land Value (cont'd)

- Where to go for fair appraisals
 - Local appraiser familiar with dynamics of home/land values in local area 100% (95)
 - Clean Line using internal resources or contracted appraisers 0% (0)
- Will DOE consider full financial cost to property owners (direct & adjacent)
 - Yes 0% (0)
 - Don't know 14% (13)
 - No 86% (82)

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From this slide we can see how the public has lost trust in the ability of Clean Line to honestly and justly compensate them for their losses. We can also see that this distrust has been attached to DOE as they partner with an investor class that seeks to take unjust advantage of property owners who are simply a nuisance in the way of earning a profit.

Recommendations

- Make sure that DOE's decision-making does not create "manifest injustice" for any class affected by the proposed Plains & Eastern Clean Line project.
- Recognize the impact on Adjacent Property owners. Do not preclude them from just compensation.
- Consider all relevant factors including the far-reaching effects of Section 1223 "Advanced Technologies" and how they may carry with them unintended consequences over unprecedented distances.
- Provide a forum where honest debate of issues may lead to sound decisions.

Recommendations (cont'd)

- Require certified appraisers, familiar with the dynamics of the area of impact, to determine property devaluation. They should have a realistic understanding of how large, noisy transmission lines may impact property values beyond rights-of-way.
- Provide “ad-litem” representation to ensure that the property owner class can properly defend their interests in the face of the investor class, Clean Line.
- Look for “out-of-the-box” solutions (i.e.. Using public lands) that simultaneously achieves national interests while protecting Article V rights of property owners.

Conclusion

James Madison: ***"Government is instituted to protect property of every sortThis being the end of government, that is NOT a just government,... nor is property secure under it, where the property which a man has ... is violated by arbitrary seizures of one class of citizens for the service of the rest."***