



# Ohio's ROW Clash

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# The OEC – who we are

The Ohio Environmental Council advocates for healthy air, land, and water to make Ohio a better place in which to live, work, and play.

# The OEC – who we are

collaboration

supporting & leading environmental/  
conservation groups

education

training member groups and fostering  
environmental awareness

observation

keeping watch for opportunities to  
protect Ohio's environment



# The OEC – who we are

legislation

launching legislative agendas &  
proposing reform

litigation

fighting for better legal protection of  
Ohio's environment



# The Cause of the Conflict – Unprecedented Clearings

- ROW's with limited historical clearings for trees expanded
- Landowners asked to submit to new practices



# Fuel to the Fire

## Three Main Roots of Controversy

- Landowner Pipeline operator disconnect
- Ohio Law
- Tactics of Gas Companies in Ohio

# Landowner Pipeline Operator Disconnect

## Justifications Provided

- “Change in world events”
- “911”
- “Homeland Security”
- Trees in ROW present an “imminent hazard” to pipelines and wellheads

Regular folks don't believe it



# Failure of Logic

Property owners frustrated, confused

- Risk to personal safety
- Chance of catastrophic explosion

Due to a less than 50 foot permanent clearing





# Resistance to Change

- Reliance on history of use
- Reliance on previous representations by company representatives
- Protection of property rights, resistance to erosion

# Ohio Law

## Contract

Interpretation against drafter in case of ambiguity

## Real Property

History of use a major component of test in Ohio

Common law standard leads to case by case determinations

# Tactics of gas Companies

Litigation

Bad Press

Legislation

# Litigation

## Creating Precedent

- Developing a string of case
- Intimidation tactic
- Under-resourced defendants
- Suing a:
  - Church ?
  - School ?
  - Nature Preserve ?

Huge element of chance

# Bad Press

Misleading Representations lead to:

- Negative press, average citizens motivated to get involved
- Coverage that hurts image
- Public opinion hardens

# Legislation

Bad press, angry citizens leads to political action

- Senator David Goodman's Bill – would dramatically limit clearing
- Bringing together disparate groups
- Ohio's environmental community joins property rights community

# Solutions – lessening the tension

## 4 Simple Rules for transmission operation

- Be Honest
- Sue as a last resort
- Treat people with respect and dignity
- Meet the landowner halfway



# Honesty

**Jake:** You lied to me!

**Elwood:** It wasn't lies, it was ... Bullshit.

*The Blues Brothers*

- Don't tell people about national security
- Don't tell people about federal requirements
- Be honest about reasoning behind, even it means admitting that fiduciary concerns dictate the decision – people understand
- Don't give people the run around

# Sue as a last resort

"The first thing we do, let's kill all the lawyers". - (Act IV, Scene II Henry VI)

- Suits are often unnecessary
- A litigious company soon loses stature in a community
- The roll of the dice may not always go your way

# Treat people with respect and dignity

Most landowners wouldn't object if simply treated with respect

- Notify before a cut
- Give individuals a chance to present alternative
- Treat land with respect



# Meet the Landowner halfway

Compromise is more than possible

- Most landowners are reasonable
- More often than not, negotiation will be fruitful
- A bad optic – compromise with the big but not the small
  - Mohican Forest
  - New Albany Country Club and Development

# Safety and Conservation can simultaneously be advanced

Questions?

Thanks for your time.

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