

Goldman & Braunstein, LLP

Protecting the rights of property owners throughout Ohio

The following are answers to specific NEXUS pipeline questions raised by meeting attendees, subdivided into general subject areas:

I. Project Plans and Routing:

Will there be any aboveground facilities on my property?

Aboveground appurtenances such as valve sites, though relatively rare, are clearly indicated on NEXUS's detailed alignment sheets. Most properties will not have any aboveground appurtenances, and we will strictly prohibit NEXUS from adding any on your property unless clearly specified and paid for in your easement. In the unlikely event that NEXUS decides to build an aboveground appurtenance on your property, we will inform you in advance and your final easement will clearly indicate the size, location and nature of the appurtenance. If you would like to confirm whether NEXUS's current plans show any aboveground appurtenances on your property, do not hesitate to contact us.

Where will NEXUS's "staging areas" be located?

NEXUS intends to place its staging areas for materials and equipment as shown on the alignment sheets filed with FERC. If you have not seen NEXUS's alignment sheet covering your property, please contact our office and we will be happy to send it to you.

Can I get NEXUS to stake my property to show where the easement areas and pipeline will be located?

Yes. Contact our office and we will have NEXUS stake your property.

Is NEXUS's route set in stone or can it be changed?

NEXUS's latest published route on your property will likely remain unchanged. If you would like to confirm NEXUS's latest route across your property, please contact our office and we will be happy to send it to you.

II. Construction Timeframe and Details:

Does NEXUS have a completion deadline?

No. However, large pipeline projects like NEXUS usually take 8-9 months to complete once construction begins. Construction on individual properties usually takes 2-3 months.

Where will NEXUS start and finish the project?

Large pipeline projects like NEXUS generally do not have points of “start” and “finish.” Rather, these projects usually have multiple crews working simultaneously along the entire route.

What will be done with the excess soil from the pipeline trench?

Your easement will address the issue of what will be done with excess subsoils after the trench is backfilled over the pipe(s). We can negotiate, according to your preference, whether to have it removed from your property or retained by you for use on your property.

Will soils from other properties be brought onto my property?

We are negotiating easement terms that will prohibit NEXUS from mixing soils from different properties. We are also negotiating for terms that address the unlikely scenario of importing soil to your property. In such rare instances, NEXUS would be obligated to ensure that the imported soil is free of all noxious weeds and any environmental contamination.

How deep will the NEXUS pipeline be buried?

We will negotiate for as great a depth as we can get. We have generally been successful at obtaining at least 4 feet of cover from the top of the pipe, and sometimes more. In certain cases where rock is encountered close to the surface, the depth could be as little as 3 feet, but no less.

What is the “blast radius” of the NEXUS pipeline?

The Federal regulations provide a formula to calculate the “potential impact radius” or “PIR” of natural gas pipelines, which is defined as the area within which a failure of the pipeline could have a significant impact on people or property. For the NEXUS pipeline this radius is about 940 feet outward in all directions from the point of failure.

III. Your Rights:

Can I plant crops this year?

Yes. We advise you to plant your crops and treat your property as you always have, as NEXUS's projected construction start date is uncertain.

Can I observe the construction and restoration on my property?

Absolutely, but you may not interfere with the work. If you happen to observe something you feel is improper, call us immediately.

Can I remove NEXUS's survey stakes?

Yes. You are not obligated to leave NEXUS's survey stakes on your property.

Can I build within the easement area after construction is complete?

You may build within the temporary easement area but not within the permanent easement area.

Who will perform drain tile repair work?

We are negotiating easement terms that will enable you to select a local contractor of your choice to complete any necessary drain tile repairs.

What types of compensation am I entitled to?

You are entitled to 3 basic elements of compensation: (1) the fair market value of the property or easement taken; (2) any damages or decrease in value to the remainder of your property; and (3) any damages to crops.

IV. Limitations on NEXUS's Rights under Your Easement:

Will NEXUS be able to sublease its easement across my property to other companies?

No. NEXUS will not be permitted to allow other companies to use its easement on your property. Our easement terms will allow only for NEXUS's use, and only for the installation of ONE pipeline and any necessary appurtenances such as cathodic protection equipment and pipeline markers.

Can NEXUS install its pipeline in an existing easement on my property and avoid compensating me?

No. NEXUS will obtain new easements on each property the pipeline crosses and will compensate you for the entire easement area that it uses.

Will NEXUS be able to install additional lines in the future under this easement?

No. Our easement will be limited to only the single pipeline specified in your easement. In the rare cases where NEXUS needs additional appurtenances such as valve sites, we will negotiate those separately with NEXUS and the specific property owner. Additionally, our NEXUS easement will limit the products transported through NEXUS's line(s) to strictly "natural gas."

Can NEXUS's crews go anywhere on my property?

No. NEXUS's crews must stay within the easement area only. This will be clearly defined on a survey attached to your easement.

Can NEXUS's crews work all hours of the day or night?

No. We will negotiate easement terms that limit NEXUS's crews to working only during daylight hours, except in the unlikely event of an emergency.

Can NEXUS locate a temporary access road on my property?

NEXUS's right-of-way plans indicate that there will be very few temporary access roads ("TARs"). However, in the rare instances that NEXUS needs TARs on certain properties, those TARs are subject to the same Federal approvals as the rest of the project. Any TARs NEXUS takes will be clearly defined in the easement documents and additional compensation will be due property owners.

How close to houses can NEXUS locate its pipeline?

Unfortunately, there are no regulations requiring a minimum distance between the pipeline and houses. We have intervened on our clients' behalf so that FERC will require the pipeline to stay clear of houses. We believe that close proximity to a large diameter, high pressure gas line will severely reduce the value of a home and requires higher compensation for the homeowner.

V. NEXUS's Obligations under Your Easement:

Who is liable if the NEXUS pipeline on my property causes injury to a third party?

NEXUS would likely be held liable for damages caused by operation of the pipeline. However, you would likely also be named as a defendant and could incur the costs of defending yourself in the resulting lawsuit. We are negotiating an easement that aims to prevent this by requiring NEXUS to pay for and maintain adequate levels of insurance, naming you as a secondary insured, and to provide you with indemnification to protect you from any liability for such damages.

What will be done to stop recreational trespassers (ATVs, snowmobiles, etc.) along the easement?

We are negotiating for easement terms in which NEXUS will be obligated to construct fencing across the easement at certain property lines and at public road crossings where the easement cuts through wooded areas. We have found that these areas tend to attract the greatest number of recreational trespassers.

What will be done to ensure the safety of my livestock during construction?

Our easement will require NEXUS to construct temporary fencing of sufficient strength to ensure the safety of your livestock, where necessary. We will also ensure that NEXUS maintains fenced livestock crossings over the easement area where necessary to ensure continuous access to forage or water. In addition, we will negotiate for extra compensation in cases where NEXUS's construction causes a need for added livestock feed. In some instances, we are also able to negotiate additional compensation for the temporary relocation and boarding of certain breeds of horses.

Who is liable for drain tile problems that arise 2-3 years after NEXUS's construction?

NEXUS is liable for any drain tile problems it causes. During the first few years after construction, most problems will become apparent and we will work to ensure that NEXUS repairs the damaged tile per its obligations under your easement.

Will this easement bind NEXUS's successors?

Yes. In the event NEXUS's easement is transferred to another company (successor) in the future, the successor will also be bound to the terms of the easement.

What is a "side letter" agreement? Is it recorded? Is it enforceable?

A side letter agreement is a separate contract between the pipeline company and the landowner. Unlike an easement, side letter agreements are generally not recorded and are most appropriately used for provisions that are pertinent only in the short-term, such as during the initial construction of the pipeline. However, provisions that address long-term issues such as the ongoing rights and obligations of the parties should be contained in the recorded easement.

If you have other questions please do not hesitate to call Mike (614-229-4540) or Clint (614-229-4489)