

Vermont Watchdog.org

Passing gas: Will seized private land clear way for natural gas pipeline?

By Yaël Ossowski

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If you build it, they will come ... and take your land.

Vermonters might face that scenario if the state's largest private energy company can get approval for its new natural gas pipeline.

Vermont Gas Systems put forth a proposed extension of the [Addison Rutland Natural Gas Project](#)^[2] pipeline project to bring natural gas to southern counties of the Green Mountain State. Environmental groups have [already opposed](#)^[3] the extension because it would carry "fracked gas" to delicate areas of the state.

Should the Vermont Public Service Board approve it over the next few months, the project could open a veritable Pandora's Box, relating not just to environmental issues but also to private property and eminent domain, thus uniting an interesting array of traditionally libertarian and progressive activists.

"People are concerned about the lack of participation in the democratic process on the decision, the injustice of running the pipeline through lower class neighborhoods and trailer parks as well as the government threatening to take people's land through eminent domain proceedings," said Emily Reynolds, a member of [Rising Tide Vermont](#)^[4], one of the environmental groups opposing the pipeline.

She told Watchdog.org the state should reject such a project.

Though the government is traditionally the culprit in cases of seizing private land, scholars argue the same could hold true for certain private industries.

In 2008, University of Minnesota Law School professor Alexandra Klass, [partnering with the libertarian Cato Institute](#)^[5], wrote a paper on the growing threat of eminent abuse by private entities as well as public ones.

"It is shortsighted to ignore private takings for natural resource development in states where such condemnations are prevalent and to treat the issue as one that is a relationship only between local governments wielding too much power and vulnerable private property owners," wrote Klass.

She's joined in her skepticism by the Institute for Justice, a libertarian law firm dedicated to protecting the basic individual and property rights of people across the country.

The Castle Coalition, a nationwide grassroots property rights group run by the Institute for Justice, gives [Vermont a D-](#)^[6] for its eminent domain procedures and legislation, seemingly favoring the bigger industries over private landowners. It has criticized the state for giving certain industries a “loophole” in the law justifying seizing private property.

“The Vermont Legislature needs ... substantial reforms that will close the ‘blight’ loophole, clearly limit the approved public uses of eminent domain, and prohibit the transfer of private property to other private parties,” [writes the Castle Coalition on their website](#)^[6].

According to the [Addison County Independent](#)^[7], at least some residents of the small communities to be affected by the pipeline extensions have [already voiced concerns](#)^[7] about the security of keeping their homes and land.

Representatives for the gas company are reportedly holding town meetings through the state to explain the specific plans for laying the pipe and whether certain property owners would be affected.

More are planned in the coming months.

This puts the question of the Green Mountain State’s energy future, and the fate of several property owners, in the hands of the Public Service Board.