

# Sabal Pipeline project files 160 eminent domain lawsuits



The Sabal Trail natural-gas transmission pipeline project has filed 160 eminent domain lawsuits in Alabama, Georgia and Florida.



By **Paul Brinkmann** · Contact Reporter

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**A** natural-gas pipeline project for Duke, FPL and Spectra has filed 160 eminent-domain lawsuits in Alabama, Georgia and Florida. The lawsuits seek to seize hundreds of acres from landowners, and more lawsuits may follow.

The project, called the Sabal Trail Transmission pipeline, is targeting 25 properties in Central Florida, mostly in **Osceola County**. The pipeline company began filing the suits in federal court last week.

Wealthy and famous landowners are among the targets, including fitness celebrity Brenda Dykgraaf, who owns vacant land in the path of the pipeline near Reunion. Another suit seeks to slice through the middle of the proposed Greenpointe Communities plan for 2,400 homes near Intercession City in

Osceola County.

“It’s something I’m fighting every day,” said Gerald McGratty, who oversees property for Greenpointe, also known as BK Ranches. “My engineers have proposed other routes. I’m trying to get Sabal to change it. If they don’t change it, there will be consequences.”

The pipeline company insists that it already has federal and court authority to seize the property under the Natural Gas Act. Sabal claims its project must be under construction by June 21 and in service, by May 1, 2017.

### **Slicing through**

According to maps provided by the utilities, the Sabal pipeline would come through the Four Corners area of northwestern Osceola County, dip south of Walt Disney World property, cross Interstate 4 near Celebration and connect with a hub of pipelines just west of Reunion Resort Golf Course.

The Greenpointe property is one of the biggest properties targeted in Central Florida. The Sabal Trail Transmission project is seeking almost 20 acres for a 50-foot wide easement through the site. McGratty, a court-appointed receiver for the property, says he’s been negotiating in good faith.

“They made me an offer of \$600,000. But I’ve got a 1,000 acre ranch, and an application in for 2,400 homes and more development,” McGratty said. “They want to run pipeline right through the center of my property.”

He believes the easement and the damage it could cause to the proposed Greenpointe project would reach around \$13 million in damages if he’s allowed to litigate.

Dykgraaf, who couldn't be reached immediately for comment, is targeted for a little more than 2 acres in the condemnation lawsuits. She owns a home in Windermere and other properties in the area.

### **Energy need**

Florida is heavily dependent on natural gas for its energy -- it accounted for 61 percent of Florida's power generation in 2014, while coal accounted for almost 23 percent and nuclear, 12 percent.

The pipeline, overseen by Sabal Trail Transmission LLC, is a joint venture of Spectra Energy Corp., NextEra Energy Inc. (owner of FPL) and Duke Energy.

The utilities claim that the underground pipeline will bring “additional affordable, clean natural gas supplies to Florida, while increasing the reliability of the region’s energy delivery system and positively impacting the economy in the Southeast region of the United States, specifically Alabama, Florida and

Georgia.” The utilities also point out that the project will immediately create jobs.

The Sabal pipeline will eventually be able to carry 1 billion cubic feet per day. Currently, The Florida Gas Transmission Company has the largest pipeline into the state with about 3.1 billion cubic feet per day, but that is almost full with only 6 percent of its design capacity anticipated to be available by 2017. The second biggest pipeline into Central and Southern Florida is the Gulfstream Natural Gas System, running at full capacity of 1.3 billion cubic feet per day.

In Central Florida, a connecting pipeline will head south from the hub near Reunion, and another spoke will connect to the Hunter’s Creek area.

### **Federal authority**

According to the lawsuits, Sabal has already purchased easements from 1,248 owners and needs 346 more owners to turn over their property. The lawsuits were filed starting last week in federal court. They all seek a preliminary injunction to grant immediate condemnation.

Sabal is claiming that courts have already reviewed the project, and that it has the authority to claim the property because it was granted approvals by the Federal Energy Regulatory Commission.

Condemnation is needed “to ensure the timely completion of the project and avoid irreparable harm,” the lawsuits state,” Sabal’s attorneys claim in the lawsuits.

### **Anti-pipeline**

The Sabal Trail Transmission project is no stranger to controversy. A website called SpectraBusters.org lists dozens of environmental groups and activists who have already opposed the pipeline project.

“This pipeline would feed an FPL power plant in Florida for no benefit to citizens of Alabama or Georgia, while tearing a 100 foot wide right of way through all three states,” the website says. “There’s no excuse for another natural gas pipeline when solar power is cheaper and brings jobs and energy.”

One of the groups opposed to the project is New Orleans-based Gulf Restoration Network.

Johanna de Graffenreid, coastal campaign manager for the group, said many property owners are only now realizing how aggressive the Sabal Trail project will be. She doesn’t believe Sabal actually has all the permits needed to begin construction.

“I’ve talked to property owners who are really blindsided by this. People in rural areas in the South may never have heard of these companies. For many people involved, the land is their livelihood and part of their culture,” de Graffenreid said.

The property lawsuits come at a time of heightened publicity about natural gas leak dangers, following a massive leak near Porter Ranch, Calif., where Southern California Gas Co. reported in October that up to 1,200 tons per day were flowing from a storage well. It wasn't until February that the leak was fully capped. Residents in the area fled their homes after enduring nosebleeds and nausea.

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