

The Honorable Ron Wyden
United States Senate
Washington, D.C. 20510

May 27, 2019

Dear Senator Wyden:

Both Sylvia and I asked you a question at your town-hall meeting at Marshfield High school auditorium on May 25, 2019. In my question, I mentioned that 101 Oregon landowners have refused to sign right-of-way easements with Pembina for the Pacific Connector pipeline despite increased financial offers from the company and underhanded and deceptive negotiating tactics by some of their land agents.

You voiced concern with “underhanded and deceptive negotiating tactics” and asked for a specific example. I gave you one specific example of a widow in Coos County and I mentioned that there were other examples which I could provide. You said you wanted more information and asked your Field Representative, Molly McCarthy, to give me her contact information, which she did.

Before I give you some examples as you requested, we both would like to thank you for coming to our community to hear from your constituents. We really appreciate you taking the time to travel around Oregon and listen to what we all have to say. We were pleased with your town-hall meeting and based on the standing ovation for you at the end, we think that most others also felt that way.

As I mentioned to you, our small ranch along Haynes Inlet in Coos Bay is along two alternate routes of the Pacific Connector currently being considered in FERC’s Draft Environmental Impact Statement. We are opposed to the Jordan Cove project and have volunteered as a landowner liaison to help other property owners in Coos County that are on the proposed route.

As a landowner liaison, we are regularly contacted by other property owners, often distraught, who have questions or concerns about the project.

Landowner Incidents with Pembina

In early December, 2018, I received a phone call from Cynthia who lives on a small farm near Dora, about 20 miles east of Coquille. She was frantic. She mentioned that a helicopter had just been flying very low over her field and had spooked her grazing livestock toward one of her perimeter fences. She was sure that the way the cows were running, that they would break through the barbed wire/electric fence and escape

down along the East Fork of the Coquille River. Luckily, they veered off at the last second, and remained in the pasture.

She told me she was sure it was Pembina's helicopter conducting aerial reconnaissance because earlier the company had requested access to her land to survey the pipeline route and a block valve facility planned for her "front yard".

Now a block valve is a tangle of huge 36 inch pipes that erupt out of the ground for about a 100 feet before it descends back down into the earth. There is usually one or more valves and the whole facility is on a larger gravel or cement pad, surrounded by a chain link fence. It's where the pipeline is shut down if there's "an incident" or sometimes they are used for access to clean the pipe. Jordan Cove says it will occupy about 1/5 of an acre of her pasture, not counting the access road out to it. In Cynthia's case, it would be right out her kitchen window, a blight on her current idyllic setting and view.

Cynthia had clearly denied the company access to her property but on another day found two of their employees opening her gate as they were leaving her pasture. She told them in no uncertain words to never set foot on her property again. If they did, she would call the sheriff. Sometime after that was when the helicopter showed up.

In the next day or so at Cynthia's invitation, I drove out to her farm to meet her. The mid sixties lady, gently weathered by years of working the farm, showed me the field where the helicopter had flown very low over her livestock, now peacefully grazing in the pasture, the picturesque Coast Range mountains forming the backdrop to the bucolic setting.

She told me about her farm and how much it meant to her. Cynthia's a widow; her husband, the love of her life, died early in their marriage. She keeps his picture on a wall in a back bedroom. She smiled a lot when she told me about him.

She told me that her grandfather and grandmother had owned the property and that her parents had first met there. Her grandmother had passed away, and her grandfather was having difficulty keeping up all the chores on the farm. It was then that she quit her job in the banking industry in Phoenix and moved back to Oregon to help her grandfather run the farm. Cynthia and her grandfather lived together, a number of years, two generations of a rural Oregon family keeping up the farm, until he passed. When he died, he willed the ranch to Cynthia and the day she finally got back to the farm, exhausted after taking care of the funeral and all the other business and financial arrangements, waiting in her mailbox was a letter from Williams saying they wanted her land for their pipeline. That was the beginning of our nightmare. That was back in 2004.

I left a somewhat calmed Cynthia a "NO LNG" sign for her front yard and returned home.

About three weeks later I received another frantic call from her. She called to say that one of Pembina's agents, a Mathew Schoetz, stopped by and asked her if she had reviewed the most recent offer that had been sent to her. When Cynthia told him that she really hadn't read it but she wasn't interested anyway, he then made a threat.

You know that block valve you don't want in your front yard, he asked. If you sign this agreement right now, I'll make sure that the block valve will go onto one of your neighbor's property. But if you don't sign, it will stay right on your property.

That was an outright threat; I'm not sure what the legal term is, but maybe its extortion. I don't know, I just know it's wrong. I had hoped that Cynthia told him to go do something unnatural to himself. But those were my thoughts. She's just too sweet a lady to say something like that. When I talked with her it was very evident that she wasn't happy and was distraught by the land agent's threat.

This January I was a guest on a Jefferson Public Radio talk show. I was asked to talk about the Jordan Cove project and the impact on landowners. Among other stories, I talked about Cynthia's incident, mentioning all the details, including the land agent's name. Jordan Cove's public affairs person was on the same show after me. Sometime after public airing of the story, Jordan Cove must have moved the plans for the block valve off of Cynthia's property. We know that because we have the easement showing where it is now planned; on one of Cynthia's neighbors property.

Another elderly couple in Coos County, living their retirement years on an incredible piece of property situated between two beautiful Coho Salmon spawning streams, called me to report that they had been approached by two "slick" land agents. The couple reported that the agents told them that the project is a "done deal" and that most everyone has signed right-of-way agreements.

This is a very common report we get from landowners. Another is that if you don't sign now, you won't get any money when this actually goes to the eminent domain proceedings. Some land owners have been lead to believe that the company already has eminent domain authority. Of course this is patently false.

There are more stories, many more. Another county landowner for Douglas county reported on another incident.

"My neighbor, a 93-year-old World War II veteran who suffers from mild dementia was continuously harassed by representatives from Pembina, even after they were ordered to stay away by his guardian." After ordering title reports for his property, Pembina discovered his faltering financial situation and made outlandish promises to him.

Senator Wyden, you must be aware of these facts about the Oregon landowners that are threatened by this project. We landowners are a tightly knit group; we love our land, beyond just a financial figure. In many cases our land is our livelihood; our land is our

life, inseparable from our selves. It's hard to explain. I wish I could do a better job of articulating our connection to the land.

Oregon Landowner Demographics

Oregon rural landowners are an aging population. It's just a fact of who owns acreage in rural areas. In many cases these properties have been handed down for several generations. In many cases, this pipeline project will outlive some of these rural residents.

We landowners maintain a database of the all us landowners and our properties affected by the Pacific Connector pipeline. 75% of these landowners are over 65 years of age; 95% are over 55.

Many of these landowners live in remote areas of the state; many don't have high speed internet access; some don't have internet access at all. Many don't have even know how to use a computer. Many live far from libraries where copies of the DEIS are supposed to be housed. Many of the landowners can't drive at night, after their chores are done, to get to a library if a paper copy of the DEIS is even available.

Yet, the landowners are expected to comment on the DEIS. The landowners want to save their land but can't often even have their words heard about how they feel about their land being taken. And I won't even mention that a Canadian company is who is trying to take it.

Right-of-Way Agreements with Pembina

One of the most poignant examples of this issue with elderly Oregon landowners and their inherent abilities, sophistication or lack thereof and financial prowess, is the right-of-way easements that have been signed and recorded to date. They include private parcels and private timber companies. They, of course, do not include federal or state lands.

Here are the current stats:

Approximate Number of private properties along the route	257
Approximate Number of private properties with signed rights-of-way	156
Approximate Number of private properties that have not signed	101

Of the signed rights-of-way (ROW) agreements with Pembina, we have in our position about 150. These ROW easements tell an interesting story.

There is a dramatic difference between the ROW agreements sold by the private timber companies and those sold by private individuals.

The average number of pages (viz. the details, intensity, coverage, protection, etc) for the private timber companies is about 80 pages. Many timber companies ROW exceed 100 pages. The longest is 123 pages.

The average number of pages for private individuals is about 7 pages. Most of them are about 5-10 pages.

What does this tell us?

It tells us that the private timber companies have the in house lawyers, the sophistication, the necessary accountability to stockholders, to be able to set strong protections to protect their assets. (It's important to know that any selling of timber is covered in separate easements, that only cover wood products; usually another 10-20 pages for that).

On the other hand, it makes us wonder if the private Oregon landowners are really covered with their ROW's. Maybe the private landowner doesn't have funds for an appropriate attorney; maybe in their community there is not an attorney that knows the detail of the Natural Gas Act, or all the other details of selling a permanent easement to a multinational corporation. We have heard that Pembina offers to pay for a lawyer for these easements, but it's important to know that there are probably few attorneys in the State of Oregon that are even qualified to handle such a legal issue. And they likely already work for Pembina!

Financial Compensation

We have no idea what Pembina is actually paying for these ROW easements. We would guess that the private timber companies are being compensated at a much larger rate than what the private landowner is. But we have no way of knowing this. This is not a public record. We believe that it is likely that Oregon Private landowners, those that wish to sell a ROW to Pembina, are being cheated out what is proportionately being paid to the sophisticated private timber companies. But we have no way of knowing this.

Conclusions

We think that Pembina is taking advantage of Oregon landowners. We think that they are preying on the rural, elderly population that has no recourse in this game. They have no recourse when it comes to the sophisticated film flam men that come to try and buy ROW's on their property.

Oregon Landowners for the most part, have little recourse when trying to comment on the DEIS. Many don't have either access or the sophistication to be able to comment on a largely digital document. The few libraries where paper documents are supposedly available, may be difficult for many of our senior landowners to access.

Oregon Landowners have little or no recourse when dealing with the ROW easements that the company is buying. Oregon Landowners don't have access to skilled attorneys, but both financial and geographical reasons.

Oregon Landowners may be being cheated on what their property is actually worth, based on what private timber owners may have been able to negotiate.

WHAT WE ASK

We landowners are asking for a day with you, Senator Wyden. We believe that we can introduce you to a number of landowners that can tell you their story. Tell the story of what is happening on their land, and why you should be there to help them.

We would like to arrange a day long field trip for you to meet and listen to Oregon Landowners that stand to be devastated by the Pacific Gas Connector Pipeline.

Thank you,

Larry and Sylva Mangan
93780 Hillcrest Lane
North Bend, OR> 97459
541-756-7543
541-297-5985
larrysylviamangan@frontier.com

