

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division

MOUNTAIN VALLEY PIPELINE, LLC,

Plaintiff,

v.

THE NATURE CONSERVANCY, et al.,

Defendants.

Case No. 7:17-CV-492

**ANSWER OF THE NATURE CONSERVANCY**

The Nature Conservancy (“TNC”) hereby answers the complaint filed by Mountain Valley Pipeline, LLC (“MVP”) as follows:

1. In response to paragraph 1 of the Complaint, TNC admits FERC entered an order on October 13, 2017 granting MVP the certificate attached as Exhibit 1, the content of which speaks for itself. TNC does not admit or deny that “the Pipeline will help meet the public’s demand for natural gas in the Northeast, Mid-Atlantic and Southeast regions of the United States by providing transportation of natural gas to those regions from the Marcellus and Utica Shale regions.”

2. TNC admits the allegations contained in paragraph 2 of MVP’s complaint.

3. TNC admits the allegations contained in paragraph 3 of MVP’s complaint.

4. TNC admits the allegations contained in paragraph 4 of MVP’s complaint.

5. TNC does not admit or deny the allegations contained in paragraph 5 of MVP’s complaint.

6-123. Paragraphs 6 through 123 of MVP's complaint provides the names of landowners and a description of the interests in land MVP seeks to acquire in this condemnation action. TNC does not have an interest in the property described in paragraphs 6 through 123.

124. As to the allegations contained in paragraph 124 of MVP's complaint, TNC admits it has an interest in property over which MVP seeks to build the Pipeline. Specifically, TNC holds a conservation easement over the land of Mark Cronk and Alison Cronk. TNC neither admits nor denies the allegations describing the easements MVP seeks to acquire.

125-302. Paragraphs 125 through 302 of MVP's complaint provides the names of landowners and a description of the interests in land MVP seeks to acquire. TNC does not have an interest in the property described in paragraphs 280 through 302.

303. TNC admits FERC entered an order granting MVP a certificate as alleged in paragraph 303 of the Complaint, to which order TNC objects. TNC states that Exhibit 1 speaks for itself as to any findings by FERC.

304. TNC does not admit or deny the allegations contained in paragraph 304 of MVP's complaint.

305. TNC does not admit or deny the allegations contained in paragraph 305 of MVP's complaint.

306. As to TNC, TNC denies the allegations contained in paragraph 306 of MVP's complaint.

307. TNC does not admit or deny the allegations contained in paragraph 307 of MVP's complaint.

308-310. Paragraphs 308 through 310 of MVP's complaint contain a description of the

easements MVP seeks to acquire. TNC is not required to respond to these paragraphs.

311. To the extent it matters, all allegations not expressly admitted herein are hereby denied.

312. TNC demands a trial by jury to determine just compensation and any other issue in which there is a factual dispute.

313. TNC denies MVP has the right to immediate possession by a preliminary injunction before the issue of just compensation is determined and paid to TNC.

**TNC's Objection and Defense to the Taking in Accordance with Rule 71.1(e)(2)(C)**

314. On or about November 13, 2017, TNC filed a request for a rehearing of the October 13, 2017 FERC Order granting a Certificate of Public Convenience and Necessity for the construction of the Pipeline. TNC's request for rehearing is pending.

315. Since the mid 1980's, TNC has acquired fee title and conservation easements in ten tracts comprising 5,489 acres in the Bottom Creek watershed in Montgomery and Roanoke Counties, Virginia.

316. TNC holds those property interests (including the conservation easement on the property of Mark and Alison Cronk) to protect the upland and riparian forests that safeguard the creek's water quality.

317. In TNC's request for rehearing, TNC contends FERC did not adequately examine the adverse impacts the proposed Pipeline will have on Bottom Creek and TNC's conservation easement.

318. TNC asks FERC to take a closer look at these adverse impacts and either change the route of the Pipeline to go around TNC's conservation easement or to require site specific measures to avoid or minimize the Pipeline's impact.

319. To permit the construction of the Pipeline over TNC's conservation easement to go forward before TNC's request for rehearing is resolved, will cause irreparable harm to TNC and the public interest TNC seeks to protect.

320. Accordingly, MVP's complaint is premature and should be dismissed as to TNC until TNC's request for rehearing is resolved.

**Demand for Jury Trial**

321. TNC also demands a jury trial on the issue of just compensation and any other factual disputes, such jury trial(s) to be tried separately from all the other defendants.

WHEREFORE, TNC asks this Court for:

1. Entry of an order dismissing MVP's Complaint;
2. Alternatively, if it is determined MVP has a substantive right to acquire the interest in land sought from TNC, TNC demands a trial by jury to determine just compensation in a separate trial from the other defendants;
3. TNC also demands interest on any award from the date of taking until paid and its costs and attorneys' fees to the extent allowed by law;
4. TNC also demands a trial by jury for any additional factual disputes to be resolved; and,
5. Any other relief required to make TNC whole.

THE NATURE CONSERVANCY

s/ William B. Hopkins, Jr.

By: Counsel

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CERTIFICATE OF SERVICE

I, HEREBY CERTIFY that on the 4<sup>th</sup> day of December, 2017, a true and correct copy was served via the CM/ECF system upon the following counsel of record:

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s/ William B. Hopkins, Jr.  
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