

**BOROUGH OF PENNINGTON  
RESOLUTION 2014 – 11.9**

**A RESOLUTION REQUESTING THE FEDERAL ENERGY REGULATORY  
COMMISSION (FERC) TO CONDUCT A FORMAL SCOPING MEETING IN  
LIEU OF AN OPEN HOUSE FORMAT**

**WHEREAS**, the natural gas pipeline proposed by PennEast Pipeline Company LLC is presently the only proposed pipeline route in the State of New Jersey that is not in compliance with New Jersey policy of co-location in an existing Right of Way; and

**WHEREAS**, the construction of the proposed PennEast pipeline will, therefore, certainly cause irreparable harm to the environment and resources of Pennington Borough; and

**WHEREAS**, due to PennEast LLC not co-locating the proposed pipeline route, as a result it is absolutely necessary to take steps to assure alternatives including co-location will be fully evaluated and then ordered as is prescribed by the United States National Environmental Policy Act (NEPA); and

**WHEREAS**, the express Congressional purpose of NEPA is: "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation;" (National Environmental Policy Act, 42 U.S. Code § 4321); and

**WHEREAS**, the National Environmental Policy Act requires that:  
"(2) all agencies of the Federal Government shall—

...

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

...

(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;(42 U.S. Code § 4322); and

**WHEREAS**, to date PennEast LLC scheduled only one (1) Open House meeting for a two (2) hour period for all stakeholders and the public in New Jersey, and as the

Open House meetings do not offer a reasonable opportunity for stakeholders and the public to provide specific information to PennEast LLC for use in preparing the required environmental resource review materials for submission to FERC; and

**WHEREAS**, given the short timeline of the FERC review process it is critical to provide fair and reasonable opportunities for all stakeholders and the public to identify all relevant issues for this major pipeline project, pursuant to the National Environmental Policy Act; and

**WHEREAS**, Scoping is the process of defining and refining the scope of an environmental impact statement (EIS) and the alternatives to be investigated pursuant to the FERC rules; and

**WHEREAS**, in order to assure timely and relevant information is provided to FERC by PennEast LLC, a reasonable and sufficient number of Scoping meetings should be held with at least two weeks advance written notice provided to all stakeholders and to the public within the communities that are or may be impacted by this proposed pipeline; and

**WHEREAS**, the proposed route is expected to change a number of times between this date and when PennEast may decide to file a formal application with FERC; and

**WHEREAS**, all route changes will impact and irreparably harm previously unidentified lands, and Scoping meetings may not have addressed the environmental impacts to lands on newly proposed routes; and

**NOW THEREFORE BE IT RESOLVED** on this 3<sup>rd</sup> day of November, 2014, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey that the Borough Council shall hereby take all steps necessary to insure that all PennEast Pipeline proposed routes be reviewed in detail and in full compliance with the fundamental public policies and directives for the protection of environmental resources and for the implementation of alternatives when unresolved conflicts arise as set forth in the National Environmental Policy Act, U.S. Code § 4332(E); and

**BE IT FURTHER RESOLVED** that the Borough Council hereby finds and urges that because of our significant environmental resources - including but not limited to Category 1 surface waters, environmentally sensitive lands, preserved open space, preserved farmlands, organic farmlands, public parklands, and lands protected with conservation easements - that will be irreparably harmed if the PennEast pipeline is constructed as proposed, a complete Environmental Impact Statement (EIS) be conducted in accordance with the National Environmental Policy Act; and

**BE IT FURTHER RESOLVED** that the Borough Council hereby urges FERC to give due and careful consideration to the overall cumulative impact of building a completely new pipeline through the Borough's significant environmental resources and to the State policy of co-location in existing Right of Ways; and

**BE IT FURTHER RESOLVED** that the Borough shall take all necessary steps to ensure that a sufficient and reasonable number of Scoping meetings shall occur with at

least two weeks written notice to all stakeholders and the public in all impacted communities regarding any and all proposed routes and route changes with the goal of ensuring that the EIS will include accurate, detailed, and complete documentation and analysis of all environmental resources along all proposed routes including the "final" route at least two weeks in advance of PennEast LLC filing any formal application with FERC; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be distributed to Governor Chris Christie, U.S. Senator Robert Menendez, U.S. Senator Cory Booker, Congressman Rush Holt, Congressman Leonard Lance, Senator Shirley K. Turner, Assemblywoman Bonnie Watson Coleman, Assemblyman Reed Gusciora, Senator Christopher Bateman, Assemblyman Jack M. Ciattarelli, Assemblywoman Donna Simon, Senator Michael J. Doherty, Assemblyman Erik C. Peterson, Assemblyman John DiMaio, Mercer County Board of Chosen Freeholders, Hunterdon County Board of Chosen Freeholders, Affected Municipalities in Hunterdon and Mercer Counties in New Jersey, Affected Municipalities in Luzerne, Carbon, Northampton and Bucks Counties in Pennsylvania and the New Jersey State League of Municipalities.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Davy	X				Lawver	X			
Gnatt	X				Marciante	X			
Griffiths	M				Tucker	S			

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on November 3, 2014.

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Elizabeth Sterling, Borough Clerk