

Green Sergeant's Bridge

New Jersey's Only Remaining Covered Bridge

Delaware Township

Hunterdon County, New Jersey

www.DelawareTwpNJ.org

OFFICE OF TOWNSHIP COMMITTEE

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February 5, 2018

Dear Friends and Neighbors,

On January 19, 2018, the Federal Energy Regulatory Commission (FERC) granted PennEast a Certificate of Public Convenience and Necessity, conditioned on PennEast securing other needed approvals. Although FERC's decision is disappointing, it was expected, as FERC has approved almost every pipeline it has considered. The process now shifts to New Jersey and other agencies where we stand a much greater chance of stopping this project from harming our residents and Township. In fact, now is an important time to continue our fight and to work as a unified community to defeat this destructive project.

The FERC certificate is explicitly conditioned on permits from the Delaware River Basin Commission (DRBC) and the New Jersey Department of Environmental Protection (NJDEP), among others. PennEast will have to apply to both of these agencies and it will take time before the agencies can complete a meaningful review of PennEast's application, particularly since the majority of the required surveys have not yet been performed. We expect the NJDEP, under Commissioner McCabe, to be very strong in enforcing environmental laws and reviewing permits for PennEast. We also expect Governor Murphy to move New Jersey to a clean energy future. Despite this, you may hear PennEast make the following claims:

1. PennEast may say that this conditional certificate means the pipeline has an environmental seal of approval. In reality, that is not true, since FERC placed significant conditions on their approval and other agencies must still perform a detailed environmental review and could deny these permits. PennEast has signaled their intention to reapply for permits with NJDEP once they had received FERC approval. The required surveys and analyses will take time. Further, in New York State, under similar circumstances, the Constitution pipeline was unable to obtain a Clean Water Act approval from the State and was not built despite receiving a FERC certificate!
2. PennEast will assert that the FERC certificate gives them the power of eminent domain and that they can now "take" homeowners property. In reality, the "taking" of property through eminent domain is a legal process that unfolds in court and does not happen immediately with the grant of the certificate. At this point in time, it is our understanding that PennEast DOES NOT have the right to survey or enter your property unless you have already signed an agreement granting PennEast that right.

It is critical for homeowners to understand their options and rights and seek guidance from qualified attorneys and/or other affected homeowners because PennEast is already using the FERC certificate as a lever to pressure landowners to accept their offers. In fact, we understand that PennEast has sent "Final Offers" with deadlines of February 5th to all impacted homeowners who have thus far refused to negotiate. Many homeowners have decided that they will not work with PennEast and will try to defend

their private property from condemnation. This approach should have the positive potential outcome of retaining a homeowner's right to seek court action to remove any easement granted through eminent domain if the pipeline is not built. Homeowners are encouraged to seek advice and legal counsel as they see fit to make these important decisions.

Additionally, PennEast may begin serving condemnation papers as early as February 6, 2018. Landowners should be aware that PennEast and its representatives have the right to come to your door to "serve" legal documents. (Service of these court papers means that the actual court documents are delivered to you or your lawyer as notice of the court proceeding.) However, unless a landowner has signed a right of way agreement with PennEast, PennEast DOES NOT have legal right to access your land for survey or other purposes until a court order of condemnation. These condemnation proceedings may take months.

If a homeowner feels someone is trespassing, they should immediately call 911 to contact the local police force. There is also a new Text Alert system: If a landowner needs help or has questions, they can text "ezlandassist 797-797" and someone will get back to you. Volunteers have also created an impacted homeowner email listserv called "PennEast Landowner Forum" where homeowners can share concerns and suggestions with each other. To be included on the listserv, please send an email to penneastlandowners@gmail.com and request permission to join.

Delaware Township will be hosting a special PennEast pipeline meeting at 6:45 pm on February 12, 2017 at the municipal building. Speakers will give an update on the status of the pipeline, and also educate impacted landowners on what to expect in the near future, their property rights and how our community can provide support.

We in Delaware Township have spent significant time and effort over the years protecting our residents' water supply, environment and quality of life. The Township continues to stand with our property owners and will continue to participate in any way possible in the review process as the PennEast application is considered at the state level and by all relevant agencies.

Sincerely,

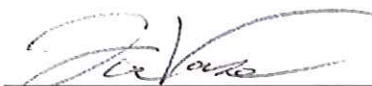


Sam Thompson

Mayor

By: Jodi McKinney, Twp. Clerk, authorized by and on behalf of

Sam Thompson, Mayor



Joe Vocke

Deputy Mayor