

City of Lambertville

RESOLUTION 51-2018

A Resolution to the Federal Energy Regulatory Commission to Request A Rehearing of the Proposed PennEast Pipeline

WHEREAS, the Governing Body of the City of Lambertville formally requests the Federal Energy Regulatory Commission to hold a rehearing its decision to issue a Certificate of Public Convenience and Necessity for the highly controversial PennEast Pipeline project; and

WHEREAS, the certificate was issued with a 4-1 vote, with FERC Commissioner Gluck, a recent appointee to the Commission, dissenting from the decision questioning the asserted need for the project for the following reasons:

- Affiliates of PennEast Pipeline hold more than 75 percent of the pipeline’s subscribed capacity;
- Contracts among affiliates may be less probative of that need because they are not necessarily the result of an arm’s length negotiation;
- The certification lacks evidence in making the public interest determination;
- Issuing a conditional certificate comes with significant consequences for landowners whose properties lie in the path of the proposed pipeline;
- Issuing the certificate means allowing the company to gain access to properties for purposes of collecting the remaining data it needs to support the permit applications.

WHEREAS, before a FERC Certification can be challenged in federal court, a rehearing request must be submitted and either approved or denied by the agency. FERC has 30 days to respond. Unfortunately, according to a Dossier of FERC Abuses crafted by the Delaware Riverkeeper Network, FERC traditionally responds to rehearing request with a tolling order, which neither grants nor denies the request, and as a result places challengers like the Delaware Riverkeeper Network in legal limbo for months, sometimes over a year; and

WHEREAS, the Delaware Riverkeeper Network has submitted to FERC a Motion for Stay to halt construction and any other land disturbance pending the rehearing request, stating “Unless a stay is issued by the Commission, construction of the Project will go forward without the benefit of the meaningful environmental analysis that the National Environmental Policy Act requires;” and

WHEREAS, if built, the PennEast pipeline would cut through creeks, wetlands, forest and communities in Luzerne County, Carbon County, Northampton County, and Bucks County, Pennsylvania and through communities in Mercer and Hunterdon Counties in New Jersey. The 116-mile fracked gas pipeline would include three laterals extending off the mainline, a

compression station and appurtenant above ground facilities. Pennsylvania has issued Clean Water Act 401 Certification for the project, but not the underlying state permits necessary to support the Certification. The Delaware Riverkeeper Network is actively engaged in a legal challenge against Pennsylvania's certificate. New Jersey has not taken steps to issue its approval for the project. Approvals are also required from the Delaware River Basin Commission and the US Army Corp of Engineers.

NOW THEREFORE BE IT RESOLVED BY THE Governing Body of the City of Lambertville in the County of Hunterdon, in the State of New Jersey that we formally request the Federal Energy Regulatory Commission to hold a rehearing for the approval of the PennEast pipeline project because the necessary approvals from NJDEP, DRBC or USACE have not been received.

ADOPTED: February 20, 2018



I, Cynthia L. Ege, CMR, RMC, City Clerk of the City of Lambertville in the County of Hunterdon in the State of New Jersey, certify this to be a true copy of the resolution adopted at the regularly scheduled session of Mayor and Council held on February 20, 2018 at the Phillip L. Pittore Justice Center located at 25 South Union Street in the City.

A handwritten signature in black ink, which appears to read "Cynthia L. Ege". The signature is written in a cursive style.

Cynthia L. Ege, CMR, RMC, City Clerk

City of Lambertville

RESOLUTION 52-2018

A Resolution to Request the State of New Jersey, Department of Environmental Protection to Strengthen Freshwater Wetland Rules

WHEREAS, the City of Lambertville is located on the Delaware River in the County of Hunterdon and in the great State of New Jersey, and

WHEREAS, the Delaware River is a resource for recreation but more importantly drinking water for the residents of our area, and

WHEREAS, the former administration's changes to the Freshwater Wetlands Rules in December 2017 have made it easier to build pipelines through our wetlands, and

WHEREAS, in recognition of the importance of preserving quality of life, we formally request that the State of New Jersey through the Department of Environmental Protection (DEP) strengthen the Freshwater Wetlands Rules to protect against the following:

- Destruction of our pristine waterways;
- permits without oversight,
- permits for 10 years instead of 5 years,
- raising the standards for water quality impacts, to prohibit temporary disturbances that have lasting effects on wetlands, and limits the buffers and transition areas that used to be required for construction of pipelines.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, we formally request and urge you to revert the Freshwater Wetlands Rules back to the former high standards they used to follow in order to maintain and preserve waterways in our state.

ADOPTED: February 20, 2018



I, Cynthia L. Ege, CMR, RMC, City Clerk of the City of Lambertville in the County of Hunterdon in the State of New Jersey, certify this to be a true copy of the resolution adopted at the regularly scheduled session of Mayor and Council held on February 20, 2018 at the Phillip L. Pittore Justice Center located at 25 South Union Street in the City.

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Cynthia L. Ege, CMR, RMC, City Clerk