

## **An Analysis of Municipal Response in MA and NH to the Kinder Morgan NED Project**

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Evaluating public response to massive projects which have widespread public and private consequences across a large number of communities - such as Kinder Morgan's proposed NED project - is of great importance, but performing such an evaluation is complicated.

Simply comparing the number of supportive versus opposing comments in the FERC docket can provide some insight, but is not a very "robust" measure and is subject to valid criticism as being sensitive to bias by prolific writers or well organized letter writing campaigns.

Evaluating the "quality" of those comments - for example giving less weight to simple "I love it" or "I hate it" comments and greater weight to longer well reasoned comments or to those from organizations rather than individuals - could improve the measure, but requires extensive analysis and remains very subjective.

Furthermore, the above approaches only sample those individuals or organizations which have recorded their comments into the FERC Docket. In researching this topic **I have found that a very large portion of municipal comments or actions have never been recorded in the FERC docket.** These many comments placed in other media can be difficult to find or available only to subscribers.

Looking at "Official Governmental Acts", such as resolutions or ordinances passed by the legislative or executive branches of local governments, provides a much more robust measure. Such actions represent the "*majority will of the citizens*" organized as entire municipalities, expressed either directly by the voters themselves or by their elected or appointed representatives, rather than expressions from individuals. Such actions are also part of the public record and thus more readily accessible.

Looking at "Official Governmental Acts" is the approach taken in this report:

**In my analysis I have only included official governmental actions which clearly expressed support or opposition while leaving out submissions which only expressed concerns or discussed specific issues - the latter being more in the nature of "scoping" documents highlighting special areas of concern rather than actions clearly indicating community support or opposition..**

**If I have missed relevant official acts please email details to [garth@Mason-NH.org](mailto:garth@Mason-NH.org).**

*First a brief explanation for readers not familiar with the nature of local governments in Massachusetts and New Hampshire:*

*With the exception of large cities, most municipalities in the region use some variant of "Town Meeting" governance. The majority use the "Open Town Meeting" (Open\_TM) form in which all registered voters can participate; a smaller number use a "Representative Town Meeting" (Repr\_TM) in which voting is by elected representatives rather than by the citizens themselves.*

*In terms of the more familiar Federal model, the Town Meeting functions as the "Legislative Branch"; the elected "Board of Selectmen" or "Select Board" head the "Executive Branch", and the "Judicial Branch" is usually implemented at the County or State levels.*

*Town Meeting is held at least once a year - the "Annual Town Meeting" - and can be called into session as needed for "Special Town Meetings". As with any legislature, its focus is on budgetary issues and the passing of local zoning and other ordinances.*

*The "Board of Selectmen", most often either 3 or 5 members elected to overlapping multi-year terms, direct the day to day business of the Town and its various departments, and oversee local law enforcement.*

*In addition there are independent specialized Boards and Commissions such as a Planning Board, Board of Health, Conservation Commission, etc.*

*The Town Meeting form of government dates back to Colonial times. It can be cumbersome at times but it does represent "democracy" and the "will of the people" in its most pure and direct form.*

## Executive Summary:

A search was performed for any official actions by municipal governments or legislative bodies in Massachusetts and New Hampshire which clearly expressed support or opposition to the NED pipeline. The year(s) in [ ] in the right column indicate whether the town was crossed by the NED pipeline in the original [2014] route through Massachusetts or in the revised [2015] route through New Hampshire. A number of towns not directly crossed by either NED proposal also took official actions (19 in MA, 3 in NH).

**No town in either State was found to have taken any official actions in support of NED.**

In Massachusetts 55 towns were found to have taken at least one official action in **opposition** to NED, representing a population of **551,766** residents (2010 census). Of the 50 MA towns crossed by NED, **72%** (36/50) took official action in opposition, joined by another 19 MA towns not crossed by NED.

In New Hampshire, 20 towns were found to have taken at least one official action in **opposition** to NED, representing a population of **154,462** residents (2010 census). Of the 19 NH towns crossed by NED, **89%** (17/19) took official action in opposition, joined by another 3 NH towns not crossed by NED.

**Summary: Municipal opposition is very strong throughout the affected region with 72% (MA) to 89% (NH) of impacted towns in official opposition. NO municipal actions in support were found.**

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### Massachusetts Towns having taken at least one official action in opposition to NED

<u>Town</u>	<u>County</u>	<u>St</u>	<u>Popul.</u>	<u>Town Gvmt</u>	<u>Crossed by NED</u>
Becket	Berkshire	MA	1,779	Open_TM	
Cheshire	Berkshire	MA	3,235	Open_TM	[2015]
Dalton	Berkshire	MA	6,756	Open_TM	[2014, 2015]
Hancock	Berkshire	MA	721	Open_TM	[2015]
Lanesborough	Berkshire	MA	3,091	Open_TM	[2015]
Lenox	Berkshire	MA	5,025	Open_TM	[2014]
North Adams	Berkshire	MA	13,708	Mayor-CI	
Peru	Berkshire	MA	847	Open_TM	[2014, 2015]
Pittsfield	Berkshire	MA	44,737	Mayor-CI	[2014]
Richmond	Berkshire	MA	1,475	Open_TM	[2014]
Sandisfield	Berkshire	MA	915	Open_TM	
Washington	Berkshire	MA	538	Open_TM	[2014]
Williamstown	Berkshire	MA	7,754	Open_TM	
Windsor	Berkshire	MA	899	Open_TM	[2014, 2015]
Amherst	Hampshire	MA	37,819	Repr_TM	
Chesterfield	Hampshire	MA	1,222	Open_TM	
Cummington	Hampshire	MA	872	Open_TM	
Middlefield	Hampshire	MA	521	Open_TM	
Northampton	Hampshire	MA	28,549	Mayor-CI	
Pelham	Hampshire	MA	1,321	Open_TM	
Plainfield	Hampshire	MA	648	Open_TM	[2014, 2015]
Worthington	Hampshire	MA	1,156	Open_TM	
Ashfield	Franklin	MA	1,737	Open_TM	[2014, 2015]
Buckland	Franklin	MA	1,902	Open_TM	
Conway	Franklin	MA	1,897	Open_TM	[2014, 2015]
Deerfield	Franklin	MA	5,125	Open_TM	[2014, 2015]
Erving	Franklin	MA	1,800	Open_TM	[2014, 2015]
Gill	Franklin	MA	1,500	Open_TM	
Greenfield	Franklin	MA	17,456	Mayor-CI	
Leverett	Franklin	MA	1,851	Open_TM	

Northfield	Franklin	MA	3,032	Open_TM	[2015]
Orange	Franklin	MA	7,839	Open_TM	[2014]
Shelburne	Franklin	MA	1,893	Open_TM	[2015]
Sunderland	Franklin	MA	3,684	Open_TM	
Warwick	Franklin	MA	780	Open_TM	[2014, 2015]
Wendell	Franklin	MA	848	Open_TM	
Ashburnham	Worcester	MA	6,081	Open_TM	[2014]
Athol	Worcester	MA	11,584	Open_TM	[2014]
Berlin	Worcester	MA	2,866	Open_TM	[2015]
Bolton	Worcester	MA	4,897	Open_TM	[2014, 2015]
Royalston	Worcester	MA	1,258	Open_TM	[2014]
Templeton	Worcester	MA	8,013	Open_TM	
Winchendon	Worcester	MA	10,300	Open_TM	[2014]
Ashby	Middlesex	MA	3,074	Open_TM	[2014]
Dracut	Middlesex	MA	29,457	Open_TM	[2014, 2015]
Dunstable	Middlesex	MA	3,179	Open_TM	[2014]
Groton	Middlesex	MA	10,646	Open_TM	[2014]
Pepperell	Middlesex	MA	11,497	Open_TM	[2014]
Townsend	Middlesex	MA	8,926	Open_TM	[2014, 2015]
Tyngsborough	Middlesex	MA	11,292	Open_TM	[2014]
Wilmington	Middlesex	MA	22,325	Open_TM	[2014]
Andover	Essex	MA	33,201	Open_TM	[2014, 2015]
Methuen	Essex	MA	47,255	Mayor-CI	[2014, 2015]
Peabody	Essex	MA	52,251	Mayor-CI	[2015]
Brookline	Norfolk	MA	58,732	Repr_TM	

55 Towns in MA, total population of **551,766**

**New Hampshire Towns having taken at least one official action in opposition to NED**

<b>Town</b>	<b>County</b>	<b>St</b>	<b>Popul.</b>	<b>Town Gvmt</b>	<b>Crossed by NED</b>
Fitzwilliam	Cheshire	NH	2,394	Open_TM	[2015]
Richmond	Cheshire	NH	1,161	Open_TM	[2015]
Rindge	Cheshire	NH	6,045	TM+TwnMgr	[2015]
Troy	Cheshire	NH	2,146	Open_TM	[2015]
Winchester	Cheshire	NH	4,340	Open_TM	[2015]
Amherst	Hillsborough	NH	11,308	Open_TM	[2014, 2015]
Brookline	Hillsborough	NH	5,053	Open_TM	[2015]
Greenville	Hillsborough	NH	2,079	Open_TM	[2015]
Hollis	Hillsborough	NH	7,702	Open_TM	[2014]
Hudson	Hillsborough	NH	24,538	Open_TM	[2015]
Litchfield	Hillsborough	NH	8,271	Open_TM	[2015]
Mason	Hillsborough	NH	1,389	Open_TM	[2015]
Merrimack	Hillsborough	NH	25,494	T.Council	[2015]
Milford	Hillsborough	NH	15,099	Open_TM	[2015]
New Ipswich	Hillsborough	NH	5,116	Open_TM	[2015]
Pelham	Hillsborough	NH	12,970	Open_TM	[2015]
Sharon	Hillsborough	NH	352	Open_TM	
Temple	Hillsborough	NH	1,372	Open_TM	
Wilton	Hillsborough	NH	3,673	Open_TM	
Windham	Rockingham	NH	13,960	Open_TM	[2015]

20 Towns in NH, total population of **154,462**

**The main body of this report is organized in three sections:**

Section 1: *Overview of Pipeline* which reviews the NED proposal’s history and the affected towns

Section 2: *Summary* which contains a brief description of the actions taken by each town

Section 3: *Supporting materials*: which contains the entire text of each action (bookmarked by town)

**Section 1: Overview of proposed pipeline routing**

The original proposal was last described in the Tennessee Gas Pipeline (TGP) November 2014 “RE-SOURCE REPORT 1, GENERAL PROJECT DESCRIPTION” (FERC Docket PF14-22 : 20141105-5096(29901023).pdf). This proposal has been replaced.

It proposed the following pipeline segments:

<u>Leng</u>	<u>Town</u>	<u>County, State</u>	<u>Leng</u>	<u>Town</u>	<u>County, State</u>
<b>Wright to Dracut Pipeline Segment (36’)</b>			<b>Pittsfield Lateral (12’)</b>		
4.48	Richmond	Berkshire, MA	0.72	Dalton	Berkshire, MA
5.55	Lenox	Berkshire, MA	1.05	Pittsfield	Berkshire, MA
0.33	Washington	Berkshire, MA	<b>West Nashua Lateral (12’)</b>		
1.39	Pittsfield	Berkshire, MA	3.56	Pepperell	Middlesex, MA
5.63	Dalton	Berkshire, MA	8.10	Hollis	Hillsborough, NH
3.40	Hinsdale	Berkshire, MA	0.28	Amherst	Hillsborough, NH
0.88	Peru	Berkshire, MA	<b>Lynnfield Lateral (20’)</b>		
4.71	Windsor	Berkshire, MA	0.93	Methuen	Essex, MA
5.57	Plainfield	Hampshire, MA	7.34	Andover	Essex, MA
7.10	Ashfield	Franklin, MA	1.66	Tewksbury	Middlesex, MA
4.17	Conway	Franklin, MA	2.77	Wilmington	Middlesex, MA
5.73	Deerfield	Franklin, MA	3.17	North_Reading	Middlesex, MA
4.55	Montague	Franklin, MA	0.38	Reading	Middlesex, MA
1.53	Erving	Franklin, MA	0.37	Lynnfield	Essex, MA
3.46	Warwick	Franklin, MA	<b>Haverhill Lateral (16’)</b>		
4.58	Orange	Franklin, MA	4.84	Methuen	Essex, MA
3.67	Athol	Worcester, MA	2.15	Salem	Rockingham, NH
2.24	Royalston	Worcester, MA	<b>North Worcester Lateral (12’)</b>		
7.01	Winchendon	Worcester, MA	2.60	Bolton	Worcester, MA
7.36	Ashburnham	Worcester, MA	12.44	Boylston	Worcester, MA
4.91	Ashby	Middlesex, MA	0.30	Northborough	Worcester, MA
7.40	Townsend	Middlesex, MA	0.49	West_Boylston	Worcester, MA
4.41	Pepperell	Middlesex, MA	0.15	Shrewsbury	Worcester, MA
2.00	Groton	Middlesex, MA	0.02	Worcester	Worcester, MA
5.10	Dunstable	Middlesex, MA	<b>Fitchburg Lateral Extension (12’)</b>		
4.72	Tyngsborough	Middlesex, MA	1.26	Townsend	Middlesex, MA
8.42	Dracut	Middlesex, MA	3.70	Lunenburg	Worcester, MA

*Note: Leng is the length in miles of pipeline in each town. Where the pipeline meandered back and forth across town boundaries, rather than having multiple separate entries for a town (as was done in the TGP document), I have instead summed the lengths within each town into a single entry.*

On December 8, 2014, TGP submitted a substantial change which moved a large section of the proposed pipeline Northward out of Massachusetts and into New Hampshire (FERC Docket PF14-22 : 20141208-5217). The most recent description of this revised proposal is found in TGP's March 2015 "RESOURCE REPORT 1, GENERAL PROJECT DESCRIPTION" (FERC Docket PF14-22 : 20150313-5090(30329510).pdf) This revised proposal, as of March 2015, now lists the following pipeline segments:

<b><i>Leng</i></b>	<b><i>Town</i></b>	<b><i>County, State</i></b>	<b><i>Leng</i></b>	<b><i>Town</i></b>	<b><i>County, State</i></b>
<b>Wright to Dracut Pipeline Segment (36")</b>			<b>Maritimes Delivery Line (30")</b>		
2.52	Hancock	Berkshire, MA	1.20	Dracut	Middlesex, MA
4.99	Lanesborough	Berkshire, MA	<b>Concord Delivery Line (24")</b>		
1.92	Cheshire	Berkshire, MA	0.51	Dracut	Middlesex, MA
3.40	Dalton	Berkshire, MA	<b>Lynnfield Lateral (20")</b>		
3.00	Hinsdale	Berkshire, MA	2.68	Dracut	Middlesex, MA
0.84	Peru	Berkshire, MA	4.04	Andover	Essex, MA
4.74	Windsor	Berkshire, MA	2.41	Tewksbury	Middlesex, MA
5.55	Plainfield	Hampshire, MA	2.78	Wilmington	Middlesex, MA
7.10	Ashfield	Franklin, MA	3.20	North_Reading	Middlesex, MA
3.39	Conway	Franklin, MA	0.38	Reading	Middlesex, MA
1.27	Shelburne	Franklin, MA	0.37	Lynnfield	Essex, MA
5.37	Deerfield	Franklin, MA	<b>Peabody Lateral (24")</b>		
4.72	Montague	Franklin, MA	2.51	Lynnfield	Essex, MA
2.81	Erving	Franklin, MA	0.34	Middleton	Essex, MA
8.54	Northfield	Franklin, MA	1.82	Peabody	Essex, MA
0.77	Warwick	Franklin, MA	0.70	Danvers	Essex, MA
5.57	Winchester	Cheshire, NH	<b>Haverhill Lateral (20")</b>		
6.15	Richmond	Cheshire, NH	1.67	Dracut	Middlesex, MA
1.59	Troy	Cheshire, NH	1.99	Salem	Rockingham, NH
5.75	Fitzwilliam	Cheshire, NH	4.05	Methuen	Essex, MA
8.90	Rindge	Cheshire, NH	<b>North Worcester Lateral (12")</b>		
6.30	New_Ipswich	Hillsborough, NH	2.62	Bolton	Worcester, MA
1.68	Greenville	Hillsborough, NH	4.21	Berlin	Worcester, MA
3.91	Mason	Hillsborough, NH	0.29	Northborough	Worcester, MA
1.18	Milford	Hillsborough, NH	6.37	Boylston	Worcester, MA
2.73	Brookline	Hillsborough, NH	0.48	West_Boylston	Worcester, MA
1.93	Milford	Hillsborough, NH	0.15	Shrewsbury	Worcester, MA
4.03	Amherst	Hillsborough, NH	0.02	Worcester	Worcester, MA
4.49	Merrimack	Hillsborough, NH	<b>Fitchburg Lateral Extension (12")</b>		
2.68	Litchfield	Hillsborough, NH	5.08	Mason	Hillsborough, NH
2.54	Londonderry	Rockingham, NH	5.20	Townsend	Middlesex, MA
2.48	Hudson	Hillsborough, NH	3.70	Lunenburg	Worcester, MA
2.23	Windham	Rockingham, NH			
5.45	Pelham	Hillsborough, NH			
2.82	Dracut	Middlesex, MA			

**One further change:** on June 2, 2015, TGP announced that it was removing the "North Worcester Lateral" from the project (FERC Docket PF14-22 : 20150602-5146).

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## Section 2: Summary, sorted by State, then within Counties by Town name

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The municipalities are listed alphabetically within each County. The Counties are arranged within a State by West to East direction, more or less following the pipeline's path, and bookmarked by County.

The header line for each entry contains : Municipality **Name**, **County**, **State**, **Population** and **Governance** style (e.g., **Open\_TM** for Open Town Meeting, **Repr\_TM** for Representative Town Meeting, **Mayor-CI** for Mayor plus Council, **TM+TwnMgr** for combined Town Meeting with a Town Manager, or **T\_Council** for Town Council forms of governance, respectively).

Each town's exposure to the pipeline is indicated in [ ] at the right edge as follows:

crossed by pipeline in November 2014 proposed routing [2014]

crossed by pipeline in March 2015 proposed routing [2015]

Some towns without pipeline crossings in either routing have taken actions as a result of concerns about indirect impacts or in solidarity with the affected towns - for example Temple, NH, whose elementary school and emergency response center are within 1/2 mile of the compressor station in New Ipswich, NH.

The line following the header line contains the telephone number for the Town or City Clerk, if known, otherwise for the main office number; followed by the URL for the official town website if one exists.

Subsequent lines list the date, body and brief description of each act in opposition.

The full text of each action, e.g., resolution, letter, etc., can be found in Section 3: Supporting Materials, where the entries are arranged alphabetically by town name and so bookmarked for ease of access.

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### Berkshire County, MA

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<b>Becket</b>	<b>Berkshire</b>	<b>MA</b>	<b>1,779</b>	<b>Open_TM</b>	[ ]
	413-623-8934 x11			< <a href="http://www.townofbecket.org">http://www.townofbecket.org</a> >	
	May 10, 2014, Annual Town Meeting, Article 28: Resolution To Ban "Fracked Gas" Pipelines And To Champion Sustainable Energy				
<b>Cheshire</b>	<b>Berkshire</b>	<b>MA</b>	<b>3,235</b>	<b>Open_TM</b>	[2015]
	(413) 743-1690 x22			< <a href="http://www.cheshire-ma.com">http://www.cheshire-ma.com</a> >	
	June 8, 2015, Annual Town Meeting, Article 14:Resolution Opposing the Gas Pipeline in Cheshire, MA				
<b>Dalton</b>	<b>Berkshire</b>	<b>MA</b>	<b>6,756</b>	<b>Open_TM</b>	[2014, 2015]
	413-684-6111 x14			< <a href="http://www.dalton-ma.gov">http://www.dalton-ma.gov</a> >	
	June 30, 2014, Special Town Meeting, Article 8: Resolution To Ban New High Capacity/High Pressure Pipelines And To Champion Sustainable Energy.				
	October 27, 2014 Dalton Select Board: unanimous vote to oppose NED				
	March 9, 2015, Dalton Select Board: voted to deny TGP survey access				
<b>Hancock</b>	<b>Berkshire</b>	<b>MA</b>	<b>721</b>	<b>Open_TM</b>	[2015]
	(413) 738-5225			< <a href="http://www.mass.gov/portal/cities-towns/hancock.html">http://www.mass.gov/portal/cities-towns/hancock.html</a> >	
	May 4, 2015, Annual Town Meeting, Article 17: Resolution Opposing the Northeast Energy Direct Proj-				

ect of the Tennessee Gas Pipeline in Hancock Massachusetts.

<b>Lanesborough</b>	<b>Berkshire</b>	<b>MA</b>	<b>3,091</b>	<b>Open_TM</b>	<b>[2015]</b>
	413-442-1351			< <a href="http://www.lanesborough-ma.gov">http://www.lanesborough-ma.gov</a> >	
	May 18, 2015, Board of Selectmen: vote to deny survey access on town properties				
	June 9, 2015, Annual Town Meeting, Article 27: Resolution to Oppose the Pipeline				
<b>Lenox</b>	<b>Berkshire</b>	<b>MA</b>	<b>5,025</b>	<b>Open_TM</b>	<b>[2014]</b>
	(413)637-5500 x4			< <a href="http://www.townoflenox.com">http://www.townoflenox.com</a> >	
	May 1, 2014, Annual Town Meeting, Article 24: Resolution To Ban “Fracked Gas” Pipelines And To Champion Sustainable Energy				
<b>North Adams</b>	<b>Berkshire</b>	<b>MA</b>	<b>13,708</b>	<b>Mayor-CI</b>	<b>[]</b>
	(413)662-3000 x3011			< <a href="http://www.northadams-ma.gov">http://www.northadams-ma.gov</a> >	
	October 14, 2014, City Council Meeting: Resolution to Ban “Fracked Gas” Pipeline and to Support Sustainable Energy in the Commonwealth of Massachusetts				
<b>Peru</b>	<b>Berkshire</b>	<b>MA</b>	<b>847</b>	<b>Open_TM</b>	<b>[2014, 2015]</b>
	(413)655-8312			< <a href="http://www.mass.gov/portal/cities-towns/peru.html">www.mass.gov/portal/cities-towns/peru.html</a> >	
	June 6, 2015, Town Meeting, Article 42: Resolution To Ban New High Capacity/ High Pressure Pipelines And To Champion Sustainable Energy				
<b>Pittsfield</b>	<b>Berkshire</b>	<b>MA</b>	<b>44,737</b>	<b>Mayor-CI</b>	<b>[2014]</b>
	(413)499-9361			< <a href="http://www.pittsfield-ma.org">http://www.pittsfield-ma.org</a> >	
	November 12, 2014, City Council: Resolution to Oppose the Pipeline				
<b>Richmond</b>	<b>Berkshire</b>	<b>MA</b>	<b>1,475</b>	<b>Open_TM</b>	<b>[2014]</b>
	(413)698-3555			< <a href="http://www.richmondma.org">http://www.richmondma.org</a> >	
	July 9, 2014, Special Town Meeting, Article 1: resolution to oppose pipeline and to rescind survey permission				
<b>Sandisfield</b>	<b>Berkshire</b>	<b>MA</b>	<b>915</b>	<b>Open_TM</b>	<b>[]</b>
	(413)258-4711			< <a href="http://www.sandisfield.info">http://www.sandisfield.info</a> >	
	May 17, 2014, Annual Town Meeting: Resolution to Oppose the Pipeline, unanimous vote				
<b>Washington</b>	<b>Berkshire</b>	<b>MA</b>	<b>538</b>	<b>Open_TM</b>	<b>[2014]</b>
	(413)623-8878			< <a href="http://www.washington-ma.com">http://www.washington-ma.com</a> >	
	December 15, 2014, Special Town Meeting, Article 3: Resolution to ban pipeline				
	January 12, 2015, Selectmen’s letter of support for ban + copy of Article 3				
<b>Williamstown</b>	<b>Berkshire</b>	<b>MA</b>	<b>7,754</b>	<b>Open_TM</b>	<b>[]</b>
	(413)458-9341			< <a href="http://williamstown.ws">http://williamstown.ws</a> >	
	May 19, 2015, Annual Town Meeting, Article 43: Resolution Opposing NED and Supporting Renewable Energy				



May 2, 2014, Annual Town Meeting, Article 18: Resolution To Ban “Fracked Gas” Pipelines And To Champion Sustainable Energy, passed with only 4 opposed

**Worthington**      **Hampshire**      **MA**      **1,156**      **Open\_TM**      **[]**  
(413)238-5577 x110      <<http://www.worthington-ma.us>>

May 3, 2014, Annual Town Meeting, Article 27: Resolution to ban “fracked gas” pipelines and to champion sustainable energy

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**Franklin County, MA**  
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**Ashfield**      **Franklin**      **MA**      **1,737**      **Open\_TM**      **[2014, 2015]**  
(413)628-4441 x5      <<http://www.ashfield.org>>

June 23, 2014, Special Town Meeting:

ARTICLE 1. Citizen Petition: Ashfield Community Rights Resolution

ARTICLE 2. Citizen Petition: Resolution To Oppose TGP NED Pipeline Through Ashfield

**Buckland**      **Franklin**      **MA**      **1,902**      **Open\_TM**      **[]**  
(413)625-8572      <<http://town.buckland.ma.us>>

September 25, 2014, Special Town Meeting, Article 4: Buckland Community Rights Resolution

**Conway**      **Franklin**      **MA**      **1,897**      **Open\_TM**      **[2014, 2015]**  
(413)369-4235 x4      <<http://townofconway.com>>

May 12, 2014, Town Meeting: resolution in opposition

**Deerfield**      **Franklin**      **MA**      **5,125**      **Open\_TM**      **[2014, 2015]**  
(413)665-1400 x101      <<http://www.deerfieldma.us>>

April 28, 2014, Annual Town Meeting, Article 31: vote to refuse access

August 20, 2014, Selectmen: resolution in opposition to pipeline

January 14, 2015, Letter from Atty. Bonifaz representing Deerfield

January 20, 2015, Board of Health: Kinder Morgan decision

February 4, 2015, Letter from Atty. Bonifaz representing Deerfield in Federal Torts Claim

February 23, 2015, “, amended

**Erving**      **Franklin**      **MA**      **1,800**      **Open\_TM**      **[2014, 2015]**  
413-422-2800 x106      <<http://www.erving-ma.org>>

June 29, 2015, Special Town Meeting, Article 18: Resolution To Ban “Fracked Gas” Pipelines To Champion A Safe And Healthy Environment In Erving, Massachusetts

**Gill**      **Franklin**      **MA**      **1,500**      **Open\_TM**      **[]**  
(413) 863-8103      <<http://www.gillmass.org>>

August 25, 2014, Select Board: Resolution to Ban “Fracked Gas” Pipelines and Champion Sustainable

Energy

<b>Greenfield</b>	<b>Franklin</b>	<b>MA</b>	<b>17,456</b>	<b>Mayor-CI</b>	<b>[]</b>
	(413)772-1555			< <a href="http://www.townofgreenfield.org">http://www.townofgreenfield.org</a> >	
August 20, 2014, Town Council: Resolution Opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts					
<b>Leverett</b>	<b>Franklin</b>	<b>MA</b>	<b>1,851</b>	<b>Open_TM</b>	<b>[]</b>
	(413)548-9150			< <a href="http://www.leverett.ma.us">http://www.leverett.ma.us</a> >	
May 3, 2014, Selectment: Resolution to Ban the Pipeline					
<b>Montague</b>	<b>Franklin</b>	<b>MA</b>	<b>8,437</b>	<b>Repr_TM</b>	<b>[2014, 2015]</b>
	(413)863-3200 x203			< <a href="http://www.montague.net">http://www.montague.net</a> >	
July 14, 2014, Selectmen: Resolution to stop the pipeline, unanimous					
May 2, 2015, Annual Town Meeting, Article 29: Resolution To Ban “Fracked Gas” Pipelines And To Champion Sustainable Energy					
May 4, 2015, Selectmen: appoint representatives to PLAN-NE					
May 19, 2015, Selectmen: join the PLAN-NE Network for the purpose of intervention in DPU proceedings re NED					
<b>Northfield</b>	<b>Franklin</b>	<b>MA</b>	<b>3,032</b>	<b>Open_TM</b>	<b>[2015]</b>
	(413)498-2901 x12			< <a href="http://www.northfield.ma.us">http://www.northfield.ma.us</a> >	
August 26, 2014, Selectmen: resolution opposing					
May 5, 2015, Annual Town Meeting: Ballot question re Pipeline: 428 opposing pipeline, 78 in favoring, 13 blanks					
<b>Orange</b>	<b>Franklin</b>	<b>MA</b>	<b>7,839</b>	<b>Open_TM</b>	<b>[2014]</b>
	(978)544-1100 x101			< <a href="http://townoforange.org">http://townoforange.org</a> >	
August 21, 2014, Special Town Meeting, Article 4: Resolution to Ban the Pipeline, unanimous					
<b>Shelburne</b>	<b>Franklin</b>	<b>MA</b>	<b>1,893</b>	<b>Open_TM</b>	<b>[2015]</b>
	(413)625-0300			< <a href="http://www.townofshelburne.com">http://www.townofshelburne.com</a> >	
May 6, 2014, Town Meeting: Article 34: Community Rights					
May 5, 2015, Town Meeting: Article 36 to establish a Pipeline Committee					
<b>Sunderland</b>	<b>Franklin</b>	<b>MA</b>	<b>3,684</b>	<b>Open_TM</b>	<b>[]</b>
	(413)665-1442			< <a href="http://www.townofsunderland.us">http://www.townofsunderland.us</a> >	
April 24, 2015, Annual Town Meeting: Article 10: Resolution in Opposition to NED					
<b>Warwick</b>	<b>Franklin</b>	<b>MA</b>	<b>780</b>	<b>Open_TM</b>	<b>[2014, 2015]</b>
	(978)544-8304			< <a href="http://www.warwickma.org">http://www.warwickma.org</a> >	
May 5, 2014, Annual Town Meeting: Article 39: Resolution To Ban “Fracked Gas” Pipelines And To Champion Sustainable Energy					

**Wendell Franklin MA 848 Open\_TM** []  
(978)544-3395 <<http://www.wendellmass.us>>  
February 27, 2014, Special Town Meeting: Article 5: to ban fracking, except for water wells, unanimous  
June 7, 2014, Annual Town Meeting: Articles 38, 39: Resolutions to ban fracking, Fracked Gas Pipelines  
and to Champion Sustainable Energy, both unanimous

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**Worcester County, MA**  
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**Ashburnham Worcester MA 6,081 Open\_TM** [2014]  
(978)827-4100 x114 <<http://www.ashburnham-ma.gov>>  
October 28, 2014, Special Town Meeting: Article 8: Resolution in opposition

**Athol Worcester MA 11,584 Open\_TM** [2014]  
(978)249-4551 <<http://www.athol-ma.gov>>  
October 20, 2014, Fall Town Meeting, Article 17: Resolution Opposing The Northeast Expansion Of  
The Tennessee Gas Pipeline In Massachusetts And To Champion Sustainable Energy

**Berlin Worcester MA 2,866 Open\_TM** [2015]  
(978)838-2931 <<http://www.townofberlin.com>>  
September 8, 2014, Board of Selectmen: Resolution to Ban the Pipeline  
May 11, 2015, Annual Town Meeting, Article 36: Resolution to ban release of lands from Article 97

**Bolton Worcester MA 4,897 Open\_TM** [2014, 2015]  
(978)779-2771 <<http://www.townofbolton.com>>  
August 28, 2014, Selectmen: unanimous resolution of opposition to the pipeline  
October 29, 2014, Conservation Commission: letter in opposition  
May 4, 2015, Annual Town Meeting: Articles 23 & 24 to support Selectmen's resolution and to instruct  
legislators to vote against any removal of land from Chapter 97 protection. Both unanimous votes.

**Royalston Worcester MA 1,258 Open\_TM** [2014]  
(978)249-0493 <<http://www.royalston-ma.gov>>  
November 21, 2014, Special Town Meeting, Article 7: Resolution to ban fracked gas pipelines and to  
champion sustainable energy, passed unanimously as amended

**Templeton Worcester MA 8,013 Open\_TM** []  
(978)939-8466 <<http://www.templeton1.org>>  
July 28, 2014, Board of Selectmen: Resolution opposing pipeline

**Winchendon Worcester MA 10,300 Open\_TM** [2014]  
(978)297-2766 <<http://www.townofwinchendon.com>>  
August 4, 2014, Special Town Meeting, Article 4: Resolution Opposing the Northeast Expansion of the

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**Middlesex County, MA**

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<b>Ashby</b>	<b>Middlesex</b>	<b>MA</b>	<b>3,074</b>	<b>Open_TM</b>	<b>[2014]</b>
	(978)386-2424 x10			< <a href="http://www.ci.ashby.ma.us">http://www.ci.ashby.ma.us</a> >	
May 3, 2014, Town Meeting, Article 12: Resolution To Ban “Fracked Gas” Pipelines And To Champion Sustainable Energy, unanimous vote					
<b>Dracut</b>	<b>Middlesex</b>	<b>MA</b>	<b>29,457</b>	<b>Open_TM</b>	<b>[2014, 2015]</b>
	(978)453-0951			< <a href="http://www.dracut-ma.us">http://www.dracut-ma.us</a> >	
January 13, 2015, Selectmen: Resolution Opposing the Northeast Expansion of the Tennessee Gas pipeline in Dracut, Massachusetts					
<b>Dunstable</b>	<b>Middlesex</b>	<b>MA</b>	<b>3,179</b>	<b>Open_TM</b>	<b>[2014]</b>
	(978)649-4514, x222			< <a href="http://www.dunstable-ma.gov">http://www.dunstable-ma.gov</a> >	
October 20, 2014, Special Town Meeting, Article 18: Resolution to call on Select Board to stand in opposition					
<b>Groton</b>	<b>Middlesex</b>	<b>MA</b>	<b>10,646</b>	<b>Open_TM</b>	<b>[2014]</b>
	(978)448-1100			< <a href="http://www.townofgroton.org">http://www.townofgroton.org</a> >	
June 30, 2014, Special Town Meeting, Article 1: resolution opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts					
November 3, 2014, Conservation Commission: opposition to pipeline route					
<b>Pepperell</b>	<b>Middlesex</b>	<b>MA</b>	<b>11,497</b>	<b>Open_TM</b>	<b>[2014]</b>
	(978)433-0339			< <a href="http://www.town.pepperell.ma.us">http://www.town.pepperell.ma.us</a> >	
June 30, 2014, Special Town Meeting, Article 1: resolution opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts, unanimous vote					
<b>Townsend</b>	<b>Middlesex</b>	<b>MA</b>	<b>8,926</b>	<b>Open_TM</b>	<b>[2014, 2015]</b>
	(978)597-1700 x1704			< <a href="http://www.townsend.ma.us">http://www.townsend.ma.us</a> >	
July 31, 2014, Special Town Meeting, Article 1: Resolution opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts, unanimous vote					
March 11, 2015, Conservation Commission: letter of opposition					
<b>Tyngsborough</b>	<b>Middlesex</b>	<b>MA</b>	<b>11,292</b>	<b>Open_TM</b>	<b>[2014]</b>
	(978)649-2300 x129/130			< <a href="http://www.tyngsboroughma.gov">http://www.tyngsboroughma.gov</a> >	
October 8, 2014, Special Town Meeting, Article 2: resolution opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts					
<b>Wilmington</b>	<b>Middlesex</b>	<b>MA</b>	<b>22,325</b>	<b>Open_TM</b>	<b>[2014]</b>
	(978)658-2030			< <a href="http://www.town.wilmington.ma.us">http://www.town.wilmington.ma.us</a> >	

January 12, 2015, Board of Selectmen: unanimous vote to oppose the Kinder Morgan plan and to authorize the Town of Wilmington's formal participation in the Northern Massachusetts Municipal Gas Pipeline Coalition

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### Essex County, MA

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**Andover**            **Essex**            **MA**    **33,201**            **Open\_TM**            **[2014, 2015]**  
(978) 623-8255            <<http://www.andoverma.gov>>

May 4, 2015, Annual Town Meeting, Article 59: Resolution to ban the Northeast Energy Direct pipeline project and to Support Sustainable Energy in the Commonwealth of Massachusetts

**Methuen**            **Essex**            **MA**    **47,255**            **Mayor-CI**            **[2014, 2015]**  
(978) 983-8515            <<http://www.ci.methuen.ma.us>>

July 6, 2015, City Council: Resolution Opposing the Kinder Morgan Northeast Energy Direct Pipeline Project in Methuen, Massachusetts. Passed on 1st reading; 2nd & final reading scheduled Aug 3

**Peabody**            **Essex**            **MA**    **52,251**            **Mayor-CI**            **[2015]**  
(978) 538-5756            <<http://www.peabody-ma.gov>>

June 12, 2015, Mayor: letter opposing

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### Norfolk County, MA

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**Brookline**            **Norfolk**            **MA**    **58,732**            **Repr\_TM**            **[]**  
(617)730-2010            <<http://www.brooklinema.gov>>

November 18, 2014, Special Town Meeting, Article 19: Resolution Opposing the Expansion of Natural Gas through Pipelines and Hydraulic Fracturing in Massachusetts

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### Cheshire County, NH

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**Fitzwilliam**            **Cheshire**            **NH**    **2,394**            **Open\_TM**            **[2015]**  
(603) 585-7723            <<http://www.fitzwilliam-nh.gov>>

December 22, 2014, Selectmen: denying access

February 16, 2015, Conservation Commission: letter opposing

March 10, 2015, Town Meeting: Resolution to Oppose

May 5, 2015, co-signed NH Municipal Pipeline Coalition letter, (FERC # 20150508-5040)



June 30, 2015, co-signed NH Municipal Pipeline Coalition letter #2

<b>Brookline</b>	<b>Hillsborough NH</b>	<b>5,053</b>	<b>Open_TM</b>	<b>[2015]</b>
	(603) 673-8855		< <a href="http://www.brookline.nh.us">http://www.brookline.nh.us</a> >	
	December 22, 2014, Selectboard: Statement of Opposition			
	March 11, 2015, Town Meeting: Articles 17, 18 & 19			
	May 5, 2015, co-signed NH Municipal Pipeline Coalition letter, (FERC # 20150508-5040)			
	June 30, 2015, co-signed NH Municipal Pipeline Coalition letter #2			
<b>Greenville</b>	<b>Hillsborough NH</b>	<b>2,079</b>	<b>Open_TM</b>	<b>[2015]</b>
	(603) 878-2084		< <a href="http://www.greenvillenh.org">http://www.greenvillenh.org</a> >	
	March 14, 2015, Town Meeting: Article 17: opposing approval by NH EFSE			
	June 30, 2015, co-signed NH Municipal Pipeline Coalition letter #2			
<b>Hollis</b>	<b>Hillsborough NH</b>	<b>7,702</b>	<b>Open_TM</b>	<b>[2014]</b>
	(603) 465-2209		< <a href="http://www.hollisnh.org">http://www.hollisnh.org</a> >	
	September 20, 2014, Special Town Meeting, Articles 1...14 in opposition, all approved 491 to 1			
<b>Hudson</b>	<b>Hillsborough NH</b>	<b>24,538</b>	<b>Open_TM</b>	<b>[2015]</b>
	(603) 886-6024		< <a href="http://www.hudsonnh.gov">http://www.hudsonnh.gov</a> >	
	June 23, 2015, Select Board: unanimous vote to oppose the Kinder Morgan pipeline			
	July 10, 2015, Board of Selectmen: send letter of opposition			
<b>Litchfield</b>	<b>Hillsborough NH</b>	<b>8,271</b>	<b>Open_TM</b>	<b>[2015]</b>
	(603) 424-4046		< <a href="http://www.litchfieldnh.gov">www.litchfieldnh.gov</a> >	
	May 5, 2015, co-signed NH Municipal Pipeline Coalition letter, (FERC # 20150508-5040)			
	May 19, 2015, Planning Board: letter of opposition			
	June 30, 2015, co-signed NH Municipal Pipeline Coalition letter #2			
<b>Mason</b>	<b>Hillsborough NH</b>	<b>1,389</b>	<b>Open_TM</b>	<b>[2015]</b>
	603-878-2070		< <a href="http://masonnh.us">http://masonnh.us</a> >	
	December 23, 2014, Select Board: voted to oppose NED, and to deny access to Town owned properties			
	December 27, 2014, Conservation Commission: letter to NH AG			
	January 27, 2015, joint Selectmen + Conservation Commission letter to AG			
	March 10, 2015, Annual Town Meeting, Articles 12, 13: to oppose and to fund opposition to NED			
	April 28, 2015, Board of Selectmen: letter to FERC noting Town Meeting vote			
	May 5, 2015, co-signed NH Municipal Pipeline Coalition letter, (FERC # 20150508-5040)			
	June 30, 2015, co-signed NH Municipal Pipeline Coalition letter #2			
<b>Merrimack</b>	<b>Hillsborough NH</b>	<b>25,494</b>	<b>T.Council</b>	<b>[2015]</b>
	(603) 424-2331		< <a href="http://www.merrimacknh.gov">www.merrimacknh.gov</a> >	
	May 5, 2015, co-signed NH Municipal Pipeline Coalition letter, (FERC # 20150508-5040)			
	June 30, 2015, co-signed NH Municipal Pipeline Coalition letter #2			

<b>Milford</b>	<b>Hillsborough NH</b>	<b>15,099</b>	<b>Open_TM</b>	<b>[2015]</b>
	(603) 673-2257		< <a href="http://www.milford.nh.gov">http://www.milford.nh.gov</a> >	
	June 30, 2015, co-signed NH Municipal Pipeline Coalition letter #2			
<b>New Ipswich</b>	<b>Hillsborough NH</b>	<b>5,116</b>	<b>Open_TM</b>	<b>[2015]</b>
	(603) 878-2772		< <a href="http://www.townofnewipswich.org">http://www.townofnewipswich.org</a> >	
	June 2, 2015, Select Board: voted to oppose the pipeline & to join NH Municipal Pipeline Coalition			
	June 30, 2015, co-signed NH Municipal Pipeline Coalition letter #2			
<b>Pelham</b>	<b>Hillsborough NH</b>	<b>12,970</b>	<b>Open_TM</b>	<b>[2015]</b>
	(603) 635-8233		< <a href="http://www.pelhamweb.com">http://www.pelhamweb.com</a> >	
	February 17, 2015, Select Board: voted to not support the pipeline			
	May 5, 2015, co-signed NH Municipal Pipeline Coalition letter, (FERC # 20150508-5040)			
	May 14, 2015, Select Board: letter of opposition			
	June 30, 2015, co-signed NH Municipal Pipeline Coalition letter #2			
<b>Sharon</b>	<b>Hillsborough NH</b>	<b>352</b>	<b>Open_TM</b>	<b>[]</b>
	603-924-9250		< <a href="http://sharonnh.org">http://sharonnh.org</a> >	
	June 10, 2015, Conservation Commission: vote to oppose			
<b>Temple</b>	<b>Hillsborough NH</b>	<b>1,372</b>	<b>Open_TM</b>	<b>[]</b>
	(603) 878-2536		< <a href="http://templenh.org">http://templenh.org</a> >	
	April 14, 2015: Selectmen vote to send letter (dated March 31, 2015) to Governor and Congressional representatives opposing NED pipeline			
	April 28, 2015: Selectmen vote to sign NH Municipal Pipeline Coalition letter opposing the NED pipeline			
	May 5, 2015, co-signed NH Municipal Pipeline Coalition letter, (FERC # 20150508-5040)			
	June 30, 2015, co-signed NH Municipal Pipeline Coalition letter #2			
<b>Wilton</b>	<b>Hillsborough NH</b>	<b>3,673</b>	<b>Open_TM</b>	<b>[]</b>
	(603) 654-9451		< <a href="http://ci.wilton.nh.us">http://ci.wilton.nh.us</a> >	
	May 11, 2015, Wilton Energy Committee: votes to oppose NED			

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**Rockingham County, NH**  
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<b>Windham</b>	<b>Rockingham NH</b>	<b>13,960</b>	<b>Open_TM</b>	<b>[2015]</b>
	(603) 432-7732		< <a href="http://www.windhamnewhampshire.com">http://www.windhamnewhampshire.com</a> >	
	May 11, 2015, Board of Selectmen: letter of opposition			

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### Section 3: Supporting materials:

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*Note: many documents were sourced as scanned images of paper originals with the scans subsequently being converted into text by OCR (Optical Character Recognition) software. Performance is strongly dependent on the quality of the scan and the size and clarity of the typeface. Such documents are very likely to contain many errors...*

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#### Letters co-authored by multiple municipalities:

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**Letter #1 sent by NH Municipal Pipeline Coalition,      FERC PF14-22 Docket # 20150508-5040**

*{This file contains 44 separate letters. The following letter is addressed to New Hampshire Governor Hassan but I have not included the identical letters that were addressed to the following officials:*

*US Senator Jeanne Shaheen  
US Representative Ann McLane Kuster  
NH Senator Gary L. Daniels  
NH Senator Donna M. Soucy  
NH Representative Richard W. Barry  
NH Representative Richard W. Hinch  
NH Representative Jeanine M. Notter  
NH Representative Phillip N. Straight  
NH Representative Lars T. Christiansen  
NH Representative Shawn N. Jasper  
NH Representative Robert H. Haefner  
NH Representative Russell T. Ober  
NH Representative Eric I. Schleien  
NH Representative Charlene F. Takesian  
NH Representative John B. Hunt  
NH Representative Franklin W. Sterling  
NH Representative James A. Parison  
NH Representative James W. McConnell  
NH Representative Bruce L. Tatro  
NH Representative Frank A. Byron  
NH Representative Mark L. Proulx  
NH Representative Christopher R. Adams*

*US Senator Kelly Ayotte  
US Representative Frank Guinta  
NH Senator Andy Sanborn  
NH Representative John L. Balcom  
NH Representative Chris Christensen  
NH Representative Josh Moore  
NH Representative Anthony J. Pellegrino  
NH Representative Kevin A. Avarad  
NH Representative Chuck W. Morse  
NH Representative Eric P. Estevez  
NH Representative Lynne M. Ober  
NH Representative Kimberly A. Rice  
NH Representative Gregory G. Smith  
NH Representative Jordan G. Ulery  
NH Representative Susan Emerson  
NH Representative James E. Coffey  
NH Representative Marjorie J. Shepardson  
NH Representative Benjamin L. Tilton  
NH Representative Ralph G. Boehm  
NH Representative Andre A. Martel  
NH Representative Jack B. Flanagan*

*}*

#### **NH Municipal Pipeline Coalition**

Amherst  
Brookline  
Fitzwilliam  
Greenville  
Litchfield  
Mason  
Merrimack  
Milford  
Pelham

May 5, 2015

Governor Maggie Hassan

Office of the Governor  
State House  
107 North Main Street  
Concord, NH 03301

Richmond  
Rindge  
Temple  
Troy

Re: Kinder Morgan/Tennessee Gas Pipeline Co.

Federal Energy Regulatory Commission Docket No. PF-14-22-000

Dear Governor Hassan:

We are elected officials and/or town administrators from 10 New Hampshire towns affected by the proposed Northeast Energy Direct (NED) high-pressure gas pipeline project. The pipeline, proposed by Kinder Morgan Company and Tennessee Gas Pipeline Company, originates in New York, passes through western Massachusetts, and then traverses 17 New Hampshire towns before terminating in Dracut, Massachusetts.

We believe that the proposed NED pipeline is wrong for New Hampshire, is unnecessary to meet the projected energy needs of New England, is an inappropriate use of eminent domain for the benefit of a private corporation, and is an insult to the conservation efforts of the state, municipalities, and conservation easement holders given the existence of better alternatives.

The NED pipeline project is currently in the pre-filing stage at the Federal Energy Regulatory Commission. Kinder Morgan is expected to file an application for a “certificate of public convenience and necessity” in September 2015. Once the certificate is granted, Kinder Morgan/Tennessee will have the ability to use federal eminent domain to acquire rights of way for the pipeline. We believe that 1) the “necessity” or need for this project is better addressed by competing projects that would require less taking of private and public land, 2) the capacity of the NED pipeline far exceeds the utility needs of New England, such that taking of land for NED is more for the benefit of its owners than to the benefit of New England gas consumers, and 3) the proposed pipeline route impacts protected conservation land, watersheds, and aquifers.

New England has an acknowledged need for additional energy sources to meet peak demand. In response, several companies have proposed projects to bring more natural gas to New England. These include Spectra Energy’s Algonquin Incremental Market (AIM) line, which received FERC certification on March 3, 2015, their pending Atlantic Bridge line, increasing capacity to Maine and Canada, and the Kinder Morgan NED proposal. Taken together, the capacity of these proposed pipelines far exceeds New England’s projected energy needs. The projects that truly use existing gas pipeline rights of way, such as Algonquin, should be favored over the projects that require extensive acquisition of new rights of way, such as NED.

Kinder Morgan describes the NED pipeline as mostly “co-located” with an existing power line easement owned by Eversource (formerly Public Service ofNH). The term co-location falsely implies the pipeline will be entirely within the power line right of way, and thus have little impact on adjacent land. This is not the case. For technical reasons, the pipeline must be adjacent to, not under, the 350,000 volt powerline. Kinder Morgan must acquire approximately 100 feet of land parallel to the existing powerline easement. Therefore, the “co-location” of the pipeline has the same impact on private and public lands as it would if not co-located. In addition, about 10 miles of pipeline, such as the Mason lateral line, would not be “co-located” with any existing easement, increasing further the amount of private and public land that will have to be acquired.

Eminent domain is an extraordinary power that must be used sparingly. Other projects, such as the Spectra Energy’s proposal to enlarge an existing pipeline, can bring a significant amount of natural gas to New England with far less impact to public and private landowners than the NED project. As a matter of public policy, projects requiring heavy use of eminent domain, such as NED, should be discouraged.

Most of the municipalities in the proposed NED pipeline route are rural communities that highly value their open space, rural character, and conservation land. The NED pipeline is routed through many tracts

offland conserved by town conservation commission ownership, or conservation easements held by groups such as the Society for the Preservation of New Hampshire Forests. The taking of land through such parcels directly violates the terms of conservation easements, and contravenes the intent of the donors of conservation land.

The NED project will more deeply and directly impact wetlands and aquifers on the route than the existing powerlines do. Rivers must be tunneled under. Mats must be laid down in wetlands to support the weight of the excavating equipment. Herbicides, among other methods, will be used in the long-term to control vegetative growth, particularly in wetlands that machine mowing would damage. Public policy should discourage projects that heavily impact conservation lands, water resources, and environmentally sensitive areas.

For the foregoing reasons, we oppose the Kinder Morgan/Tennessee NED proposal. We urge you to contact the Federal Energy Regulatory Commission, Docket PF-114-22-000, and challenge the need for the NED pipeline in light of other less impactful pipeline proposals.

Is the proposed NED project “right” for New Hampshire? We do not believe so. If you do, please help us understand why. If not, please advise us of the steps you can take to ensure that it does not unnecessarily damage our state.

Sincerely,

Tad Putney  
Town Administrator  
Brookline

Susan Silverman  
Chair, Board of Selectmen  
Fitzwilliam

Jason Hoch  
Town Administrator  
Litchfield

Bernie O’Grady  
Chair, Board of Selectmen  
Mason

Eileen Cabanel  
Town Manager  
Merrimack

Brian McCarthy  
Town Administrator  
Pelham

Carol Jameson  
Chair, Board of Selectmen  
Richmond

Robert Hamilton  
Chair, Board of Selectmen  
Rindge

Gail Cromwell  
Chair, Select Board  
Temple

Warren Davis  
Conservation Commission  
Troy

*Source: FERC PF14-22 Docket # 20150508-5040*

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**Letter #2 sent by NH Municipal Pipeline Coalition,**

*{This file contains 3 separate letters. The following letter is addressed to New Hampshire Governor Hassan but I have not included the identical letters that were addressed to:*

*US Senator Jeanne Shaheen*

*US Senator Kelly Ayotte*

**NH Municipal Pipeline Coalition**

Amherst  
Brookline  
Fitzwilliam  
Greenville  
Litchfield  
Mason

June 30, 2015

Governor Maggie Hassan  
Office of the Governor  
State House  
107 North Main Street  
Concord, NH 03301

Merrimack  
Milford  
Pelham  
Richmond  
Rindge  
Temple  
Troy

Re: Kinder Morgan/Tennessee Gas Pipeline Co.  
Federal Energy Regulatory Commission Docket No. PF-14-22-000

Dear Governor Hassan:

This letter serves as an update to our earlier correspondence dated May 5th. At this point, we have not received a response and wanted to provide you with additional information.

Selectboard members and town administrators from 13 NH towns impacted by the proposed Kinder Morgan pipeline met with Senator Shaheen on June 22<sup>nd</sup> at her office in Manchester. We valued the opportunity to share our concerns and recommendations and look forward to her continued assistance as we move forward with our efforts.

We have heard and understand your concerns regarding the current supply of natural gas in the region and its impact on electricity prices and economic development. We appreciate this perspective and would welcome the opportunity to share both our concerns and research with you. Projects currently being pursued by both Spectra Energy and Portland Natural Gas Transmission System would significantly increase natural gas supplies in the region without the need for eminent domain of both private and public lands, construction in currently pristine woods and wetlands of New Hampshire, or the addition of the largest compressor station in the eastern United States within the borders of New Hampshire.

We could meet in Concord at a time of your choosing or extend an open invitation for you to meet with us during one of our bi-weekly meetings at the Brookline town hall.

We would welcome the opportunity to discuss this project further and hope to hear from you soon.

Sincerely,

Tad Putney  
Town Administrator  
Brookline

Susan Silverman  
Board of Selectmen  
Fitzwilliam

Brian McCarthy  
Town Administrator  
Pelham

Charlie Moser  
Member, Board of Selectmen  
Mason

Kelley Collins  
Town Administrator  
Greenville

Jason Hoch  
Town Administrator  
Litchfield

Carol Jameson  
Chair, Board of Selectmen  
Richmond

Roberta Oeser  
Member, Board of Selectmen  
Rindge

Gail Cromwell  
Chair, Select Board  
Temple

Warren Davis  
Conservation Commission  
Troy

Mark Bender  
Town Administrator  
Milford

Jim O'Mara  
Town Administrator  
Amherst

George Lawrence  
Chair, Board of Selectmen  
New Ipswich

Eileen Cabanel  
Town Manager  
Merrimack

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Amherst, MA

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RESULTS  
ANNUAL TOWN MEETING  
April 27, 29, May 4, 6, 11, 13, 18 & 20, 2015

....

ARTICLE 30. Petition – Resolution in Opposition to Construction of Proposed Pipeline (Perkins et al)  
VOTED Yes 133, No 7 to adopt the following resolution:

WHEREAS, a proposed high pressure pipeline carrying natural gas obtained through hydraulic fracturing (“fracked gas”), currently called the ‘Northeast Energy Direct’ project, of Kinder Morgan/Tennessee Gas Pipeline Company, L.L.C. (the “TGP Pipeline”), would run through many communities in western Massachusetts;

WHEREAS, additional plans for other such new or expanded fracked gas pipelines have been proposed for other locations in the Commonwealth;

WHEREAS, the New England governors previously proposed a utility bill tariff or tax to help pay for new pipeline construction, which would have required ratepayers to invest in more fossil fuel infrastructure, although the prior Massachusetts administration stepped back from that proposal;

WHEREAS, in addition to the inherent risks of high pressure gas pipelines – possible ruptures, fires and explosions, and possible impacts to sensitive areas along the pipeline route – fracked gas may carry additional risks of hydraulic fracturing (“fracking”) chemicals; recognizing as well the added environmental burdens for communities that are the site of the fracking;

WHEREAS, there is growing concern regarding the impact of methane, the main component of natural gas, on global climate change, from gas leaks at drilling sites and along pipelines, in addition to the impact of the carbon dioxide produced when the gas is burned;

WHEREAS, instead of increasing our dependency on fossil fuels like natural gas, we are better served by embracing and strengthening the Commonwealth’s commitments to combating global climate change through increased energy efficiency and renewable energy; and

WHEREAS, the Town of Amherst has a direct interest in protecting public health, public land and the environment in the Pioneer Valley, the Commonwealth, New England and our shared world;

NOW, THEREFORE, BE IT RESOLVED that the Town of Amherst through its Representative Town Meeting:

- 1) Opposes the construction of the proposed TGP Pipeline and any such new or expanded pipelines carrying fracked gas in the Commonwealth;
- 2) Opposes any tariffs that may be imposed on Massachusetts ratepayers to fund the TGP Pipeline or other such new or expanded fracked gas pipelines;
- 3) Stands in solidarity with communities opposing the TGP Pipeline and other such pipelines; and
- 4) Asks that our state and federal representatives and the Governor oppose the TGP Pipeline and any other such new or expanded pipelines carrying fracked gas in the Commonwealth and oppose any tariffs or taxes that may be imposed on ratepayers to fund any of the same; and

Action taken 5/20/15.

The business of the warrant having been completed, Town Meeting voted to dissolve at 8:25 p.m. 152 town meeting members were checked in.

Attest:

Sandra J. Burgess  
Town Clerk

Source: <http://amherstma.gov/DocumentCenter/View/31476>

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**Amherst, NH**

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AMHERST TOWN WARRANT  
THE STATE OF NEW HAMPSHIRE  
MARCH 10, 2015

.....

ARTICLE 32: Grant Amherst Board of Selectmen Pipeline Intervener Status

Shall the Town authorize the Amherst Board of Selectmen to file with the New Hampshire Site Evaluation Committee and the Federal Energy Regulatory Commission (FERC) as an intervener, either by itself or in a coalition with other impacted communities regarding the matter of the proposed Kinder Morgan / Tennessee Pipeline project, in order to present the claims of Amherst residents and property owners and protect their rights?

(The Board of Selectmen recommends this article by a vote of 5-0-0.)

This article has an estimated tax impact of \$00 (zero cents per thousand).

Source:<http://amherstnh.gov/wp-content/uploads/2013/03/Town-Report-2014-web.pdf>

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Town of Amherst, New Hampshire  
P.O.Box 960 2 Main Street  
Amherst, NH 03031  
603-673-6041 | [www.amherstnh.gov](http://www.amherstnh.gov)

March 23,2015

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE, Room 1A  
Washington, DC 20426

Comments of the Town of Amherst, NH

Re: Tennessee Gas Pipeline Company, LLC. (“TGP”)

Docket No. PF14-22-000: Proposed Northeast Energy Direct (“NED”)

Dear Ms. Bose:

On December 8,2014 the Town of Amherst was notified by Kinder Morgan (KM) that KM had formally proposed to shift the route of its proposed Northeast Energy Direct (NED) pipeline from its previously proposed route through the Commonwealth of Massachusetts to a new route that passes partially through Massachusetts and partially (-71 miles) through the State of New Hampshire, before returning to Massachusetts to terminate at the gas Hub in Dracut, Massachusetts. This new route includes approximately four (4) miles through the Town of Amherst, NH.

As the duly elected Board of Selectmen responsible for directing the municipal government of the Town of Amherst in line with the wishes of its residents, and as specifically empowered by Warrant Article of the voters to intervene on behalf of the Town and its residents in all issues pertaining to the proposed NED pipeline, we have strong reservations with the NED project as proposed. Specifically, it is the judgment of the Selectmen of that the proposed route through Amherst is poorly chosen with numerous adverse effects on our community and must be changed if this pipeline is to pass through the Town at all. The reasons for this judgment are set out below.

### **I. Character of the Town**

The Amherst Planning Board completed and made public the Town's latest Master Plan in July 2010. It documented the town's existing condition and our community's historical significance, its existing and unique historic, "small town" and semi-rural character and values, and also its goals for improving the quality of life in town and carefully managing new residential and industrial development in Amherst through the year 2030. The document also references the fact that Amherst is often ranked "one of New Hampshire's most desirable places to live."

Introducing a new commercial/industrial use area in the form of the proposed natural gas pipeline near schools and state-protected conservation property, over important natural resources, through existing residential neighborhoods, and far outside the borders of our town's existing industrial/commercial-zoned areas conflicts with the stated goals of the 2010 Amherst Master Plan, and with the desires of a majority of its residents.

The current pipeline route as proposed by the Tennessee Gas Pipeline Company and Kinder Morgan would:

- 1 - Introduce new, significant and adverse effects on the community that would disrupt and compromise the town's unique historic, "small town" and semi-rural character, as well as existing natural landscapes and middle school and high school recreation fields.
- 2 - Disturb and permanently diminish the quality of life in existing residential neighborhoods because of significant construction through cul-de-sac neighborhoods that would be bisected by the proposed pipeline, because of permanent clear-cutting and pipeline maintenance, and because of the potential of the seizure of privately owned residential land through eminent domain.
- 3 - Unnecessarily risk the town's most precious surface waterway - the Souhegan River, which is used for a range of recreational activities and contributes in many ways to the town's rural character and high quality of life-as well as wetland areas, including Ponemah Bog (more on this below).
- 4 - Undermine the town's stated Master Plan goal of carefully managing both residential and industrial/commercial development. Specifically, the Master Plan cited "Neighborhood Protection" and the "public participation, review meetings and web site input" that clearly demonstrated Amherst's desire for "enhancing/reinforcing residential neighborhoods ..... while recognizing opportunities for enhancement of the town's tax base, specifically along "the existing commercial corridor along Route 101-A" and other existing zoning areas already home to commercial and industrial uses/parcels.

While the 2010 Amherst Master Plan did not specifically address the introduction of a natural gas transmission pipeline through the town, it clearly stated Amherst's values and the elements of community that constitute its identity and contribute to its high quality of life. It is, therefore, easy to understand how Tennessee's / Kinder Morgan's current proposed route would compromise large components of the town's future vision of its identity and quality of life.

It is worth noting that New Hampshire is the second most heavily forested state in the United States (behind Maine). The people of Amherst, as in many other New Hampshire communities, live here in part because the heavily forested environment is integral to the character of the town. The extensive tree cutting required by pipeline construction is therefore particularly disruptive-especially in the residential

areas-and degrades the NH flavor of semi-rural character we seek to preserve.

While the Town of Amherst is not opposed to new commercial and industrial development in order to broaden the community's tax base, it should not be done at the expense of our natural resources, school recreation fields, conservation properties, existing residential neighborhoods and unique "small town" character.

## **II. Environmental Impacts:**

On December 29, 2014, the Amherst Board of Selectmen asked the Amherst Conservation Commission (ACC) to perform an Environmental Assessment of the impact of the proposed KM pipeline route. On March 19, 2015, the ACC issued its preliminary report (attached). Quoting from that report:

"Based on a review of land use along the proposed pipeline route in Amherst as depicted by the Nashua Regional Planning Commission (see [mapgeo.com](http://mapgeo.com)), there are approximately seven different land use categories for properties along or abutting the proposed route.

1) Utility (6.2%) - With the exception of a proposed bypass in the vicinity of the Souhegan High School and Amherst Middle School, the proposed pipeline route aligns with the current Eversource Energy transmission line ROW along its entire path through Amherst. Land use for this ROW and a 13 acre parcel on Hertzka Drive are designated as Utility.

2) Open Space (13.6%) - Two properties designated as Open Space are traversed by the proposed pipeline route. These coincide with conservation lands owned by the Town of Amherst (Scott and Sherburne parcels) and the NH Audubon Society (Ponemah Bog Wildlife Sanctuary).

3) Vacant Land (16.5%) - Several areas abutting the proposed pipeline are designated as vacant land with no present use including large parcels where the route enters Amherst on the west and in several locations along the entire route through the Town.

4) Institutional (1.1%) - One 6 acre parcel abutting the pipeline route as it crosses Rte. 122 is designated as Institutional. This is the Amherst Christian Church property.

5) Commercial (3.5%) - Several Commercial properties are crossed by the proposed pipeline route. They are located on either side of Rte. 101A.

6) Residential (56%) - Residential properties (principally one household) [I.e. single-family versus multi-family] abut the proposed pipeline route at several locations within the Town, but primarily in the eastern half.

7) Schools (2.8%) - This includes the Souhegan High School, Amherst Middle School and associated recreational fields."

To summarize, land that is used for residential (56%), schools (2.8%), Church (1.1%), and environmentally sensitive open space (13.6%) represents a combined 73.5% of the proposed pipeline route. It is hard to imagine a pipeline route that would be more prejudicial to maintaining the small town and "semi-rural" character of Amherst.

## **III. Ponemah Bog:**

From the ACC's Preliminary Environmental Assessment:

"The largest wetland system in the vicinity of the proposed pipeline alignment is Ponemah Bog. Ponemah Bog, a peatland, is technically a poor fen and is the most heavily traveled sanctuary owned and maintained by the New Hampshire Audubon Society. It has a half-mile boardwalk leading to a large variety of plant communities. The plants include three species of orchids, one being the grass pinks, *Calopogon tuberosus*, and three species of carnivorous plants, with the pitcher plants, *Sarracenia purpurea*, one of these species.

The bog developed in a 100-acre glacial kettlehole. Having no water inlet or outlet, it resulted in the development of an ecosystem inhospitable to most plants due to the low nutrient level and high acidity. The 90% organic soil resulted from sphagnum moss growing on the surface of the water forming

a thick mat, which was stabilized by interlacing roots and rhizomes from the herbaceous and woody plants that eventually slowly developed. This floating mat has 15 to 20 feet of acidic water (pH 4.5) beneath it; therefore, the common description, a “quaking bog.”

This development has been very slowly happening over 10,000 years. Removal of narrow sections of the mat 70 years ago has seen very little regrowth of vegetation other than sphagnum moss due to the hostile growing environment.”

And:

“Specific impacts to Ponemah Bog have been identified. Due to the hostile environment conditions present in Ponemah Bog, even minor disruption to the mat could take decades to repair, as has been evidenced from the situation of construction and maintenance of the Eversource Energy easement.” (Emphasis added)

To summarize, Ponemah Bog is a unique and irreplaceable environment, requiring over 10,000 years to develop. As stated above, it has very poor “healing” abilities when perturbed by outside forces. Removal of narrow sections of mat 70 years ago have seen very little regrowth. It is highly likely that the construction process for the pipeline, as well as continued interventions for maintenance and repairs of the pipeline would constitute a disruption from which the ecosystem would never fully recover, and which could very well represent continued, increasing disruption over time. For this reason, any route that requires crossing and disrupting Ponemah Bog is completely unacceptable to the Town of Amherst.

#### **IV. Scott Conservation Land (aka Scott Parcel):**

The Scott Parcel (referenced above) was acquired by Amherst through the State of New Hampshire’s Land Conservation Investment Program (LCIP). As such, the State of New Hampshire retains an interest in the property. The Town has already been notified by the NH Office of Energy and Planning that: “The lands and interests in lands (such as easements) acquired through LCIP are held in public trust and by law, the sale, transfer, conveyance, or release of any such land or interest in land from public trust is prohibited. In addition, there may be restrictions contained in the deed of this conservation property that could be in conflict with construction of a pipeline.” Therefore, even if the Amherst 80S were inclined to grant an easement across this conservation land, it is legally prohibited from doing so.

#### **V. The Souhegan River:**

From the ACC’s Preliminary Environmental Assessment:

“According to the NRPC NED~Environmental Resources Overlay Map, the pipeline crosses a waterway on a parcel on Hollis Road, another between Center Road and Terrace Lane and the Souhegan River in four locations to the east of Boston Post Road, impacting an estimated 2,200 linear feet of the River both directly (the alignment of the pipeline intersects with the river) and indirectly (within the 400-foot study area); additionally, the 400-foot study zone intersects with approximately 700 linear feet of the Souhegan to the west of Boston Post Road.

“Kinder Morgan personnel have indicated that they will use the HOD intersect method at two locations along the proposed pipeline route. FERC requires an additional 50-foot buffer for workspace in areas of drilling near waterbodies, suggesting the aforementioned impacted acreages may be increased. Drilling utilizes a lubricating slurry of bentonite clay and unspecified additives to protect the drill bit, facilitate removal of cuttings, and maintain bore diameters. Depending on the depth to which borings advance, regional groundwater flows could be impacted including the need to breach underlying bedrock formations.

The current recreation uses along the pipeline route include the following:

Boating, Fishing, Hiking, Swimming, Open Space Recreation. Tourism is New Hampshire’s second largest industry and recreation areas provide value to the area.

There are two canoe accesses on the Souhegan River in Amherst and several other ports for kayaking and canoeing along the entire river. The Class II and, III rapids here are utilized in the spring months

at medium to high water and begin the western region. There are sections in Amherst that are slower and ideal for family canoeing, swimming and picnicking even during the summer months when the river is otherwise too shallow.

The Souhegan River provides habitat for at least six resident cold and warm water fish species. Naturally reproducing fish species include small mouth bass, banded sunfish, pumpkinseeds, yellow perch, suckers and dace. Introduced game species include brown, brook and rainbow trout. The New Hampshire Fish and Game Department River stocks the River annually with more than 5,000 trout as part of a “put and take” angling program. The River is also stocked annually with up to 5,000 Atlantic salmon fry as part of an ongoing anadromous fish restoration effort by the Adopt a Salmon Family program sponsored by the Souhegan Watershed Association and the United States Fish and Wildlife Service. Further, adult salmon may return to their natal Souhegan to lay their eggs for the next decade or more.”

The Souhegan River is an integral part of Amherst’s environment and quality of life. The Town understands that Horizontal Directional Drilling (HDD) technology is mature and that crossing (underneath) rivers using this technique is a common practice in pipeline construction, however, the proposed route for the pipeline would need to cross the Souhegan River not once but four different times, This would seem to introduce not one but four different potential points of failure” related to river crossing, both during the construction phase and in the decades to come. If there were no alternative to crossing the Souhegan River, that would be one thing. However, the proposed river crossings are completely unnecessary. Also from the ACE’s Preliminary Environmental Assessment:

“The Souhegan River within the Town of Amherst experiences a considerable amount of fluvial erosion due to the nature of the soils (see Section 2.5 - Geology and Soils). As a result of this continual process of sediment removal, transport, and re-deposition, the watercourse of the Souhegan River is constantly moving within these soils. At least 29 oxbow ponds and fluvial vernal pools are present within 1,000 feet of the Souhegan River in Amherst, as reviewed by aerial photographs; many more, smaller waterbodies that have resulted from the active fluvial processes of the River may be revealed through ground inspection. Moreover, this creation of a new watercourse is happening presently, as evidenced by the changes in the watercourse in the vicinity of the proposed pipeline alignment that have occurred within the recent past. For example, the Souhegan River directly to the west of Boston Post Road, where Kinder Morgan is proposing to align their pipeline, has changed its position multiple times in the past 10 years. Likewise, the farmland and low-lying lands to the south and north of the Souhegan River to the east of Boston Post Road is subject to similar course modification.

“The meandering nature of the Souhegan River presents long-term concerns for the stability of the soils in which Kinder Morgan proposes to install the pipeline. The primary concern is that the soils may be subject to fluvial erosion, causing the rechanneling of the River. The potential for erosion requires reassessment of the proposed pipeline alignment from immediately north of Steams Road to 5,500+/- linear feet to the east. It is possible that some of the proposed pipeline may become uncovered over this section during the lifetime of the pipeline if installed, as much of this pipeline alignment is proposed to be placed with standard construction techniques (i.e. trenched). Two specific locations, the area immediately to the west of Boston Post Road and the area between the two proposed HDD sections on the north side of the Souhegan River approximately Station No. 1100+00, are highly susceptible to future reposition of the riverbed (within the next 10 to 100 years based on recent activity). The shallow depth to which these sections will be laid creates a potential hazard of exposure and vertical conflict with the future watercourse.” (Emphasis in the original)

We understand that the choice to cross under the Souhegan River was made to avoid following the Eversource Right of Way (ROW) where it passes between the Amherst Middle School and the Souhegan High School. However, we consider this ‘detour’ to be an artifact of a poorly chosen route for the pipeline. To be clear, we do not support a pipeline route that runs between the Middle School and the High School either. The currently proposed route requires selecting either a ‘bad’ choice or a ‘worse’ choice

when it reaches the vicinity of Amherst's schools and the Souhegan River.

## **VI. Public Safety Concerns:**

The Town of Amherst shares all of the concerns other impacted communities have regarding a high pressure gas transmission pipeline passing through the community. These concerns are made more acute by the proposed route's passage through residential neighborhoods. In particular, we are concerned with its proposed bisecting of neighborhoods including Simeon Wilson Road, Tamarack Lane, Rhodora Drive, and Patricia Lane that are cui-de-sacs with a single point of access and egress. Residents of these neighborhoods are concerned with potential safety risks related both to pipeline construction and with the potential for a pipeline incident that could isolate and trap residents and/or restrict access to them by emergency vehicle and services.

It is difficult to see how the concerns of these residents could be addressed with the currently proposed pipeline route.

We will defer our more general concerns with public safety, e.g. training and equipment for first responders, communications between Amherst first responders and KM concerning potential incidents, incident response, etc., to a later date. However, given the proposed pipeline route through residential, church, and recreational properties, the industry standard response of "call us and keep everyone away until we can get there" will not be an adequate incident response protocol.

## **VII. Conclusion:**

The Town of Amherst, through its Board of Selectmen, strongly opposes the currently proposed route through the town of Amherst, NH for the NED pipeline. While (loosely) paralleling the Eversource ROW, the proposed route is disruptive to the character of the town and the quality of life for its residents, threatens unacceptable harm to ecologically sensitive areas, and represents apparently irresolvable safety concerns for at least some residents on or near the proposed route.

When KM is ready to rethink its selection of a route through the town of Amherst, the Board of Selectmen would ask that KM engage the town early in the replanning process. The currently proposed, unsuitable route has generated much concern and uncertainty among the residents of Amherst. It would be preferable to engage early with the representatives of the Town, rather than put together another, unsuitable route and set off additional concerns and uncertainty among Amherst residents.

Thank you.

Dwight Brew, Chairman  
John D'Angelo, Vice Chairman  
Nate Jensen, Clerk  
Thomas Grella  
Reed Panasiti

*{only cover letter included above, see FERC PF14-22 Docket # 20150324-5132 for full report}*

*Source: FERC PF14-22 Docket # 20150324-5132*

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Town of Amherst, New Hampshire  
P.O. Box 960, 2 Main Street  
Amherst, NH 03031  
1.(603).673.6041 | [www.amherstnh.gov](http://www.amherstnh.gov)

June 8, 2015

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission

888 First Street, NE, Room 1A  
Washington, DC 20426

Comments of the Town of Amherst, NH

Re: Tennessee Gas Pipeline Company, L.L.C. (“TGP”)

Docket No. PF14-22-000: Proposed Northeast Energy Direct (“NED”)

Dear Ms. Bose:

The Board of Selectmen of the Town of Amherst, as the duly elected officials responsible for directing the municipal government of the Town of Amherst in line with the wishes of its residents, and as specifically empowered by Warrant Article of the voters to intervene on behalf of the Town and residents in all issues pertaining to the Northeast Energy Direct (NED) natural gas transmission pipeline project (FERC Docket No. PF14-22) proposed by Kinder Morgan (KM), continue to have strong reservations about the project. We have already documented some of the sources of our concern in previous letters to the Federal Energy Regulatory Commission (FERC).

An additional area of concern stems from the widespread citation of “regional energy needs” as the main justification for the pipeline under the FERC process. We believe discussion has reached a critical point where confusion over the true status of the State of New Hampshire’s energy needs — or rather, the lack thereof — requires clarification to our residents before this process continues any further under such justification, especially since Amherst homeowners are already concerned about negative economic impacts on property values as speculation about the proposed pipeline increases.

Clarifying whether any New Hampshire energy needs will be served by the pipeline is not only common courtesy to the people of the State of New Hampshire, but a legal requirement, since the authority under which the FERC is allowed to permit companies like KM to potentially seize private land through the exercise of eminent domain rests on a determination of “public necessity” for the energy under discussion<sup>1</sup>. In light of this, we the representatives of the residents of Amherst call on the FERC, our elected state leaders and federal representatives to conduct an objective and transparent, data-based analysis of the real power needs of the residents of New Hampshire. To put it simply, we do not believe that the proposed NED pipeline serves the energy needs of either New Hampshire or of the Town of Amherst. In support of this assertion we present the following information gathered by our Pipeline Task Force.

### **I. The Phony Problem: New Hampshire’s Power Generation Need**

One of the most disconcerting factors that this proposed pipeline project has brought to light is that New Hampshire’s power needs and related issues are rarely, if ever, discussed directly or taken into consideration. There is much talk in the media and from KM about “New England’s power needs”<sup>2</sup> <sup>3</sup>, and how the NED gas pipeline will meet those power needs if adequately subscribed<sup>4</sup>. These assertions stem from the comments of a “non-governmental organization” created in 2008 - the New England State Committee on Electricity (NESCOE) - that actually has taken quasi-governmental authority (while rejecting any form of governmental accountability to the people) in making regional power decisions<sup>5</sup>. In the NESCOE context, there is much talk about Massachusetts’<sup>6</sup> and Maine’s power needs<sup>7</sup>; however, New Hampshire’s own power situation is little discussed.

Even though New Hampshire is a smaller state, the Constitution does not distinguish between small states’ rights and large states’ rights. New Hampshire is a distinct entity with its own economy, not simply a convenient pass through corridor for power demands from other states. And in fact, New Hampshire has a very different power situation than its neighbors. Specifically:

1. New Hampshire is a net exporter of power<sup>8</sup>. New Hampshire’s net generation of power in 2012 (the most recent EIA data available) was 19,264 thousand megawatthours, while direct use was only 10,870 thousand megawatthours. This means that New Hampshire had one of the highest ratios of power generation versus consumption in the country in 2012<sup>9</sup> (tied for 5th with Alabama).

{table, not included here}

2. New Hampshire already has 63 operating power plants. This means that we as a state host the noise, byproducts, safety risk, and road traffic that goes into maintaining these plants' generation capacity. We as a citizenry absorb the many impacts of their location in our state<sup>10</sup>.

While we understand that power needs in the region cannot be completely separated from New Hampshire, and that those regional needs may impact power prices within New Hampshire, we think it important to note that New Hampshire itself does not have the same power dynamic as its neighboring power customers. We are, in fact, more than self-sufficient in power production to the point where we export a substantial share of the power we produce to other economies.

This distinction is important because the issue of power generation — from whatever source the power is generated — gets conflated and confused with power consumption as part of the justification for this pipeline. There are many, many steps between the laying of a natural gas transmission pipeline and the consumption of, and payment for, electricity by ratepayers, and each step has its own impact on retail electricity prices. Yet the justification for this project never includes a realistic look at New Hampshire's power needs, or lack thereof.

The simplistic view is that if there is more gas available in New Hampshire, more power will be produced here, thereby driving down costs. This view is refuted by New Hampshire's current status as a major power exporter, one which (somehow) also has very high electric rates. In New Hampshire, there is no need for even more power generation, nor is there any proof — which is required by FERC from an applicant — that this pipeline will result in reduced retail power prices, as has been claimed.

## **II. The Real Problem: New Hampshire's Power Distribution Needs**

As most New Hampshire residents know first-hand, while New Hampshire supplies sufficient power and transmission for its own citizenry and then some, it does have a distribution problem for all power types — including electrical and natural gas. Older power lines, heavily forested land, high winds, ice storms, and heavy snow totals make distribution a challenging issue for electrical power. The environmental conditions are also part of why so few natural gas laterals feed off current transmission pipelines in New Hampshire.

As New Hampshire seeks to grow its industry and business environment, expanded and reliable distribution systems for electricity and for natural gas will be critical. Thus, the immediate public need for energy infrastructure improvement in New Hampshire lies in improved power distribution not in greater regional power generation. The proposed NED Pipeline is therefore a distraction from the capital improvements we need in our state to improve the reliability of energy supply for our residents and industries.

Addressing the state's actual need, the New Hampshire Public Utilities Commission's recent (17-April-2015) Order of Notice (IR 15-124) "Investigation into Approaches to Ameliorate Adverse Wholesale Electricity Market Conditions in New Hampshire"<sup>11</sup> is a welcome analysis. It reflects a reasoned recognition of the fact that regulatory and financial practices have as much impact on price as supply and demand metrics.

When the point about the need for better power distribution rather than more generation is raised with KM, as it has been in many town meetings throughout New Hampshire, their answer is that any distribution (be it electrical or natural gas) is the problem and responsibility of the private utilities that own those lines or laterals, or the citizens using that power. However, their answer is directly undercut by the fact that the KM natural gas transmission pipeline proposal would potentially be funded using a tariff proposed by NESCOE as an addition to New Hampshire (and other states') residents' power bills to meet part of their demonstration of financial backing for this pipeline project<sup>12</sup>.

We want to emphasize this point again: a quasi-governmental interstate organization has proposed to tax electric rate payers in six states to demonstrate to the federal government part of the proof of financial backing for the private enterprise that is the NED gas transmission pipeline in order to justify the potential seizure of private property.

We understand that the status of this proposed tariff is still uncertain, but that fact in and of itself is part of the problem. The FERC Statement of Policy, issued September 15, 1999 (Docket No. PL99-3-000) makes clear that pipeline expansions — which this one appears to be — are not to be subsidized by existing customers to ensure that there is a market need for the project. We

realize that electric ratepayers are not direct customers of transmission pipeline companies — they are more like customers of the customers of the customers of transmission pipeline companies. However, quoting the FERC Statement of Policy referenced above: “If one of the benefits of a proposed project would be to lower gas or electric rates for consumers, then the applicant’s market study would need to explain the basis for that projection. Vague assertions of public benefits will not be sufficient.”

FERC’s policy is that existing customers can have their rates increased if the pipeline can demonstrate that the expansion will improve service to existing customers. As we noted, the distribution service problem faced by New Hampshire retail electric customers is clearly not addressed. A NESCOE tariff<sup>13</sup> — proposed or confirmed — undermines the whole purpose of the pre-filing and need determination phase of the NED project by giving New Hampshire residents the impression that even if needs analysis falls through later in the NED pipeline review process, an ex-post-facto tariff hangs out there ready to ‘rescue’ it.

Any method of raising the cost of electricity to retail customers in order to subsidize the proposed NED pipeline — whether through a tariff or through some even more creative and less transparent scheme — in hypothetical service to the goal of “lower gas or electric rates for customers” would appear to be a direct violation of the FERC’s Statement of Policy.

### **III. The Cost / Benefit Analysis is Unclear — At Best**

To summarize: New Hampshire’s primary public need is for enhanced electric power and natural gas distribution, not added power generation or gas transmission. Yet the FERC is seriously considering a proposal championed by NESCOE to not only ask New Hampshire residents to potentially fund through tariffs / taxes a private enterprise that provides little to no demonstrated New Hampshire public power benefit, but also to give up portions of their town conservation lands, private property, and chosen life styles to build it. How is this project — in any way — either a public benefit or public necessity for New Hampshire and the residents of the Town of Amherst?

This latter question is not rhetorical. The Town of Amherst would like to better understand from the FERC how it will calculate the direct benefits to be provided by this project and offset them against the direct costs to individuals in its path. We need this information so that we can educate our elected state officials and federal representatives on whether this pipeline — and specifically its recently proposed rerouting through 71 miles of New Hampshire — is truly justifiable, especially when we know that there are multiple pipeline proposals for the region (not just New Hampshire) under consideration<sup>14</sup>. If there are a number of different proposed pipelines for the New England region before the FERC right now, and the benefits of those lines accrue primarily to Massachusetts, shouldn’t

those pipelines be built in Massachusetts — as was originally proposed for the NED Pipeline project? Under what conceivable justification might the FERC and the United States Government impose burdens and taxation on the residents of New Hampshire for the ease, benefit, and convenience of residents of Massachusetts?

We ask these questions on behalf of our residents in order to allow people to make informed decisions, and to provide accurate and useful feedback to the FERC. We appreciate that the FERC process takes into account many different impacts from pipeline construction — and seeks to mitigate those impacts. However, as pipeline proposals are approved and scoped, we are concerned that the initial, fundamental question of public need and public benefit is not being addressed in a way that recognizes quantifiable and qualitative differences within and between the New England member states and how those differences align — or do not — with the many pipeline proposals for the New England region.

Before the proposals you are asked to approve result in disrupting homes, potentially seizing hard-

earned property, and fundamentally altering people's lives, we ask you to engage with us and our elected state and federal representatives in an open and honest analysis about the real benefits, the real costs, and how the recipients of the benefits align with those being asked to bear the burden of the costs, from these proposals.

#### **IV. Conclusion: New Hampshire is Not a Utility Conduit for New England**

The information gathered by the Town of Amherst and cited in this letter strongly suggests that the State of New Hampshire's true needs are not accounted for in the NED pipeline proposal. What this data does indicate is that KM, using NESCOE regional data as a cover, proposes to subject New Hampshire property owners to potential losses in value, use, and enjoyment due to easements "negotiated" under the background threat of seizure by eminent domain.

The proposed NED project's original route through Massachusetts — only entering New Hampshire with a lateral pipeline to supply the sole confirmed customer in New Hampshire — was a much better attempt to assign the burdens caused by the project onto the residents of the state that would receive the majority of the benefits of the NED pipeline. The decision to reroute this proposed pipeline through 71 miles of New Hampshire, to the detriment, harm and potential taxation of New Hampshire residents, and for the ease, comfort, and convenience of residents of Massachusetts would, if approved by the FERC, potentially represent an unconstitutional taking from residents of New Hampshire for the benefit of residents of another state.

Should FERC condone, encourage, and permit such an abuse of power to take place, we, the governing body of the Town of Amherst, either alone or in combination with the other New Hampshire towns whose residents would be similarly exploited for the benefit of residents in other states, would feel compelled to seek full constitutional redress, including injunctive relief, to ensure that the U.S. Constitution's provisions related to takings, equal protection, and state's rights (federalism) are properly followed.

We understand that as of yet there has been no formal filing by KM with the FERC for the NED project, and that in the pre-filing phase the route proposed by KM may change. Indeed, it already has. However, if the FERC finds the issues we have raised in this letter to be substantive, then it would seem that the FERC has an obligation to inform KM that its recently proposed route change for the NED pipeline — through 71 miles of New Hampshire — may be neither justifiable, nor legally supportable. In which case, the sooner KM is made aware of this, the sooner it can revise its plans and, when it actually files the application for the NED pipeline, KM can propose a route that more accurately matches the burdens imposed with the potential benefits to be received.

Respectfully

Dwight Brew, Chairman

John D'Angelo, Vice Chairman

Tom Grella, Selectman

Nate Jensen, Selectman

Reed Panasiti, Selectman

cc: Allen Fore, Kinder Morgan

Lucas Meyer, Kinder Morgan

Maggie Hassan, Governor of New Hampshire

Joseph Foster, Attorney General of New Hampshire

Shawn Jasper, Speaker of the New Hampshire House of Representatives

Chuck Morse, President of the New Hampshire State Senate

Kelly Ayotte, U. S. Senator

Jeanne Shaheen, U. S. Senator

Frank Guinta, U. S. House of Representatives

Ann McLane Custer, U. S. House of Representatives

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- 1 The Natural Gas Act of 1938, [http://www.eia.gov/oil\\_gas/natural\\_gas/analysis\\_publications/ngmajorleg/ngact1938.html](http://www.eia.gov/oil_gas/natural_gas/analysis_publications/ngmajorleg/ngact1938.html)
  - 2 Kinder Morgan, January 2015 presentation to the town of Milford, NH; discussion of need begins on slide 13; <http://www.milford.nh.gov/documents/ned-nh-project-presentation>
  - 3 “New England’s Energy Brokers Must Look Beyond Natural Gas.” The Boston Globe. April 9, 2015. <http://www.bostonglobe.com/opinion/editorials/2015/04/09/new-england-energy-brokers-must-look-beyond-natural-gas/axqBhIpyv0yDBxii0GKoJO/story.html>
  - 4 “Energy Project Finding Support.” Bakken. April 19, 2015. <http://bakken.com/news/id/237238/energy-project-finding-support/>
  - 5 New England States Committee on Electricity, [http://www.nescoc.com/uploads/WhatisNESCOE\\_Sept2014.pdf](http://www.nescoc.com/uploads/WhatisNESCOE_Sept2014.pdf)
  - 6 “Anatomy of a Pipeline Decision: A Scheme of Dubious Legality.” By Mary Douglas, The Berkshire Edge, October 20, 2014. <http://theberkshireedge.com/anatomy-pipeline-decision-scheme-dubious-legality/>
  - 7 “Eye on Augusta: Legislature Goes Big for Natural Gas.” By Andy O’Brien, Maine Free Press, August 1, 2013. <http://www.freepressonline.com/main.asp?Search=1&ArticleID=27545&SectionID=96&SubSectionID=541&S=1>
  - 8 “New Hampshire State Energy Profile.” U.S. Energy Information Administration. <http://www.eia.gov/state/print.cfm?sid=NH>
  - 9 “New Hampshire Electricity Profile 2012.” U.S. Energy Information Administration. <http://www.eia.gov/electricity/state/NewHampshire/>
  - 10 “New Hampshire Power Plants.” <http://www.powerplantjobs.com/ppj.nsf/powerplants1?openform&cat=nh&Count=500> and the Global Energy Observatory Power Plant list at <http://globalenergyobservatory.org/constructNetworkIndex.php>
  - 11 The State of New Hampshire Public Utilities Commission, IR 15-124, April 17, 2015 <http://www.puc.nh.gov/Regulatory/Orders%20of%20Notice/041715onIR15-124%20Elec%20Distribution%20Utils.PDF>
  - 12 “Anatomy of a Pipeline Decision: A Scheme of Dubious Legality.” By Mary Douglas, The Berkshire Edge, October 20, 2014. <http://theberkshireedge.com/anatomy-pipeline-decision-scheme-dubious-legality/>
  - 13 <http://www.clf.org/blog/clean-energy-climate-change/breaking-news-nescoc-suspends-vote-tariff-proposals/>
  - 14 “Pipeline Expansion Projects.” Northeast Gas Association. March 2015. [http://www.northeastgas.org/pipeline\\_expansion.php](http://www.northeastgas.org/pipeline_expansion.php)

*Source: FERC PF14-22 Docket # 20150609-5069*

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June 30, 2015, Co-signed NH Municipal Pipeline Coalition letter #2

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**Andover, MA**

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W A R R A N T  
THE COMMONWEALTH OF MASSACHUSETTS  
ESSEX, SS.  
MONDAY, THE FOURTH DAY OF MAY, 2015

...

Gas Pipeline Resolution

ARTICLE 59. To see if the Town will vote to approve the following Resolution to ban the Northeast Energy Direct pipeline project and to Support Sustainable Energy in the Commonwealth of Massachusetts.

NOW, THEREFORE, BE IT RESOLVED that the citizens of the Town of Andover, Massachusetts:

1. Hereby commend our Town Manager and Selectmen for their efforts to re-route the proposed Tennessee Gas Pipeline company’s high-pressured pipeline through Andover.

2. Believe that the proposed pipeline goes against current Commonwealth of Massachusetts and Andover commitments to renewable energy technologies and combating global climate change; and
3. Call upon businesses and residents to maximize energy conservation to reduce demand; call upon utilities and the state to actively reduce peak demand shortfalls through pricing and backup storage options; and call upon the state to continue to aggressively promote adoption of renewable energy technologies.
4. Demand that the Commonwealth require and oversee the repair to all existing gas pipelines prior to and as a condition of allowing expansion of gas supply pipelines, and give preference to incremental expansion of existing pipelines and to short-term solutions such as liquefied natural gas prior to any consideration of building new pipeline infrastructure in the State
5. Hereby request our State and Federal Legislators and our Executive Branch Officials to enact legislation, and take such other and further actions, as is necessary to disallow such projects that go against our commitments to life, the environment, our economic well-being and our personal health and safety; and, instead, to legislate more stringent energy efficiency and further exploration of, and subsidies for, renewable energy sources; and also:

BE IT RESOLVED that the following individuals receive an Official Copy of This RESOLUTION:

President Barack Obama  
 United States Senator Elizabeth Warren  
 United States Senator Edward Markey  
 United States Representative Seth Moulton  
 United States Representative Niki Tsongas  
 Governor Charlie Baker  
 Massachusetts Senator Barbara L'Italien  
 Massachusetts Representative James Lyons  
 Massachusetts Representative Frank Moran  
 All five Commissioners of the Federal Regulatory Commission  
 On petition of John P. Hess and others                      VOTE: Approved (5/11)

*Source:*

*<http://andoverma.gov/townmeeting/15warrant.pdf>, <http://andoverma.gov/townmeeting/15results.pdf>*

**Ashburnham, MA**

Town of Ashburnham  
 Proceedings of the Special Town Meeting  
 October 28, 2014

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Article 8.

To see if the Town will vote on a Non-Binding Resolution on the Ashburnham Gas Pipeline,

Whereas a proposed interstate High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Ashburnham, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electrical generation; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said projected pipeline routing may traverse and impact protected wetlands surrounding Naukeag Lake, a reservoir for the towns of Ashburnham and Winchendon; and

Whereas a high pressure gas pipeline impacts numerous homeowners property rights, including potential for leak, rupture or devastating explosion, causing untold damage to property and lives; and

Whereas said pipeline creates a fifty-foot wide, cleared swath of land, traversing and destroying mile of wooded area and wildlife habitat, divides numerous parcels of land, negatively affects property values and esthetics of the town, affecting all residents; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility tariff, as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. (“TGP,” a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas we the citizens of Ashburnham, Massachusetts, choose not to participate in such encumbrances to the life, vibrancy, and economic stability, affecting the Town of Ashburnham, the Towns and Cities bisected by the pipeline, as well as the citizens of the Commonwealth of Massachusetts and our neighbors in New York state and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running; now, therefore, be it

Resolved, that the people of Ashburnham, Massachusetts:

1. Hereby call on our Selectboard to stand in opposition to TGP’s high pressure pipeline and not allow it within our town borders;
2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth or our Nation; and
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well-being, and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.  
(Requested by Citizen Petition)

or act in relation thereto.

SELECTMEN RECOMMEND: YES

CAPITAL PLAN COMM RECOMMEND: N/A

ADVISORY BD. RECOMMEND: NO

TAX RATE IMPACT: N/A

Explanation: Citizen petition

Article 8 Voted: On motion of Cynda Joyce, it was voted to accept this Non-Binding Resolution on the Ashburnham Gas Pipeline as printed in the warrant.

Majority “YES”

Source:[http://www.ashburnham-ma.gov/Pages/AshburnhamMA\\_News/Proceedings%20of%20STM%20-%20October%2028,%202014.pdf](http://www.ashburnham-ma.gov/Pages/AshburnhamMA_News/Proceedings%20of%20STM%20-%20October%2028,%202014.pdf)

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## Ashby, MA

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### RESULTS OF ANNUAL TOWN MEETING

May 3, 2014

Article 12. The motion was made and seconded to endorse the following non-binding resolution:

#### RESOLUTION TO BAN “FRACKED GAS” PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Ashby, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy unknowable amounts of forest, conservation land and farmland with the installation of the pipeline and maintenance in perpetuity of a 50 foot right-of-way through the use of herbicides; and

Whereas said pipeline would destroy unknowable amounts of wetlands and the flora and fauna dependent upon Ashby's rivers and streams, all of which have been identified as outstanding resource waters; and

Whereas said pipeline would adversely affect property values of properties within 300 feet of the pipeline as well as probable use of eminent domain to secure parcels along the pipeline route; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

Whereas said pipeline has the potential to ruin wells and drinking water through blasting activities and/or leakage of methane gas; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. ("TGP", a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Ashby, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well being to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running; now, therefore, be it Resolved, that the people of Ashby, Massachusetts:

1. Hereby call on our Board of Selectmen to stand in opposition to TGP's high pressured pipeline and not allow it within our town borders;
2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth; and
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take any such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well being and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

VOTE: UNANIMOUS

*Source: [http://ashbyma.gov/document/Clerk/town\\_meeting/RES%20ATM%20140503FINAL.pdf](http://ashbyma.gov/document/Clerk/town_meeting/RES%20ATM%20140503FINAL.pdf)*

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## Ashfield, MA

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Town of Ashfield in County of Franklin  
Special Town Meeting  
June 23, 2014

### ARTICLE 1. Citizen Petition: Ashfield Community Rights Resolution

Whereas representatives from large-scale energy infrastructure projects have approached Ashfield land-

owners as regards to. But not limited to, the installation of industrial-scale wind turbines, the cutting of trees along utility lines on Ashfield's roads, and most recently the proposed routing of a high-pressure gas pipeline to carry shale gas through 76 Ashfield properties; and

Whereas landowners have been approached without advance notice from town officials or police due to there being no regulation requiring a corporation, county or state to contact local authorities prior to contacting property owners; and

Whereas landowners are being asked to permit surveying or to sign agreements to lease land; and

Whereas, there exists the inherent right of the residents of Ashfield to govern their own community, including, without limitation, the Declaration of Independence's declaration that governments are instituted to secure the rights of people, and the recognition within the State Constitution that all power is inherent in the people.

THEREFORE BE IT RESOLVED THAT WE CALL UPON OUR LEADERS TO ADOPT RULES, BYLAWS, OR TAKE SUCH OTHER ACTION AS NECESSARY.

TO SUPPORT the right of the people of Ashfield to hold public hearings and make motions to vote on all corporate, state or federal energy infrastructure and other large-scale projects 'within the town as they arise. Such projects may include, but are not limited to: pipeline construction, resource extraction, the removal of ground water for bottling and export, transmission line expansion, industrial wind installations, large-scale solar arrays, and the dumping of toxic fracking wastewater from neighboring states.

TO DEFEND majority rule, as determined by that vote, as the ultimate authority in approving such projects, affirming the rights of the people who live here over the rights of an absentee entity.

TO PROHIBIT any activity by the developers of such projects in Ashfield before the people of Ashfield have had the opportunity to put motions to vote, and only then if the majority has ruled in favor of allowing the project. Activities include, but are not limited to, entering private property, surveying, photographing private property, negotiating leases, blasting, removing trees and road construction.

TO ENSURE that our Select Board is informed of any proposed project prior to any contact with landowners and that the residents of Ashfield learn of each proposal first through their elected officials.

TO PROTECT the right of Ashfield farms, businesses and companies to engage in resource harvesting and/or industrial activity as currently permitted in our by-laws.

or act relative thereto.

## ARTICLE 2. Citizen Petition: Resolution To Oppose Tennessee Gas Pipeline's (TGP) Pipeline Through Ashfield .

Whereas the people of Ashfield, as citizens of the state of Massachusetts are, according to our state's Constitution, "born free and equal, and have certain natural, essential, and unalienable rights; among them which may be reckoned the right of enjoying and defending our lives and liberties; that of acquiring, possessing, and protecting property"; and our inalienable rights give us the authority to control our destiny; and

Whereas Tennessee Gas Pipeline Company L.L.C., a subsidiary of Kinder Morgan (hereinafter "TGP") is proposing to construct a pipeline to transport fossil fuels through our town; and

Whereas said pipeline poses risks to water, safety, & human life and health; from leaks, ruptures and explosions and said pipeline will abut existing direct voltage transmission wires, further increasing these risks; and

Whereas said pipeline requires the destruction of habitat: forest wetlands, conservation land and farmland, and goes counter to Massachusetts' commitments to renewables and combating climate change; and

Whereas said pipeline will result in property devaluation of abutting and neighboring properties reducing the town's tax base and will inhibit the sale of affected property; and

Whereas said pipeline will have financial consequences for the town, including health, fire, water, emergency preparedness and highway departments; and

Whereas affected landowners will be forced to monitor safety on behalf of the pipeline company and live in permanent fear for themselves, their dependents, their visitors, and their livestock; and

Whereas ratepayers in Massachusetts communities, including Ashfield, will bear the financial burden through increased electrical bills while a private corporation reaps the benefits; and

Whereas we, the citizens of Ashfield, choose not to participate in such encumbrances to the life, safety, economic stability, and general well being of our town.

Therefore, it is resolved that the citizens of Ashfield Massachusetts

1. Oppose the proposed TGP pipeline through Ashfield and neighboring communities.
2. Hereby call on our Selectboard and all relevant town permitting authorities to contest the proposed TGP pipeline.
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such actions as are necessary to prohibit this pipeline and the hazardous condition it engenders from within the boundaries Ashfield.

*Source: <http://ashfield.org/documents/TownClerk/STMposted062314mtg.pdf>*

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## **Athol, MA**

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### COMMONWEALTH OF MASSACHUSETTS

Worcester, S.S.

To either of the Constables of the Town of Athol, in the County of Worcester, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Athol, qualified to vote in the election and Town affairs, to meet in the Memorial Building in said Athol on Monday, October 20, 2014 at 7 p.m., then and there to act on the following articles:

.....

Article 17: To see if the Town of Athol will vote to accept the following resolution:

#### RESOLUTION OPPOSING THE NORTHEAST EXPANSION OF THE TENNESEE GAS PIPELINE IN MASSACHUSETTS AND TO CHAMPION SUSTAINABLE ENERGY

Whereas a proposed high-pressure transmission pipeline carrying natural gas may come through Athol and/or neighboring communities in the North Quabbin Region while providing no benefit to the people of Athol; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and efforts to combat global climate change, creating infrastructure that will promote and prolong the use of fossil fuels perhaps for another 60--100 years; and

Whereas said pipeline would destroy unknowable amounts of forest, conservation land, farmland, and environmentally sensitive areas; and

Whereas property owners who object to the presence of the pipeline on their property would be potentially subject to eminent domain powers granted to a private company by the federal government; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and  
Whereas the cost of said gas pipeline may be funded in part by Massachusetts residents through a utility bill tariff as well as through environmental costs not required by law to be paid for by Tennessee Gas Pipeline Company, LLC (“TGP”, a subsidiary of Kinder Morgan Energy Partners, L.P.), making rate payers and tax payers bear financial burdens and risks for the endeavors of a private corporation; and  
Whereas we the citizens of Athol, Massachusetts choose not to participate in such encumbrances to life, vibrancy, economic stability, and general well being of our citizens or that of our neighbors who live on or near the path of the high-pressure pipeline and the associated compression stations, be it Resolved, that the people of Athol, Massachusetts:

1. Hereby oppose said pipeline, and any other similar pipeline carrying high volumes of natural gas under high pressure through the woods, wetlands, farmland, conservation land, and rural residential land of the North Quabbin region;
2. Call upon our Select Board to stand with us in opposition to Kinder Morgan and/or Tennessee Gas Pipeline’s high pressure gas pipeline by acting to not allow it within our town borders;
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that violate our commitments to life, the environment, our economic well being, and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and financial assistance for renewable energy sources, said instruction to be issued on behalf of the residents of the Town of Athol by the Select Board; or act in relation thereto.

Vote: majority vote as printed;

*vote per Town Clerk, July 16, 2015*

Sources: [http://www.nofrackedgasinmass.org/notgp/wp-content/uploads/2014/09/ATHOL\\_art17.pdf](http://www.nofrackedgasinmass.org/notgp/wp-content/uploads/2014/09/ATHOL_art17.pdf),  
<http://atholdailynews.com/main.asp?SectionID=69&SubSectionID=197&ArticleID=124266>

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## **Becket, MA**

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May 10, 2014 Annual Town Meeting - Minutes excerpt:

Article 28: We, the undersigned citizens of Becket, Massachusetts,

### **RESOLUTION TO BAN “FRACKED GAS” PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY**

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Western Massachusetts impacting neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would permanently alter forest, conservation land and farmland in a manner that cannot be mitigated; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or explosion causing damage to property and lives; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. (“TGP”, a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Becket, Massachusetts choose not to participate in such encumbrances to the

life, vibrancy, economic stability, and general well being to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running; now, therefore, be it Resolved, that the people of Becket, Massachusetts:

1. Hereby call on our Board of Selectmen to stand in opposition to TGP's high pressured pipeline, proposed for the transportation of natural gas obtained through hydraulic fracturing, and not allow it within our town borders;
2. Hereby request our state, federal legislators and executive branch devote our resources to creating a comprehensive renewable energy infrastructure rather than fortifying our reliance on fossil fuels.

Article petitioned by voters

Majority Vote Required

Article 28 Was moved and seconded from the floor.

Colleen O'Connor spoke in favor of sustainable energy, but noted that there had been no discussion of solar in Town. Mr. Alvin Blake of the Energy Committee referred Ms. O'Connor to the next meeting of the Energy Committee where solar power for municipal use would be discussed. Mr. Toomey spoke against the proposed pipeline, and in favor of the motion. Steve Rosenthal noted that a vote in favor of the motion was voting against the pipeline. Mr. Massini asked why we were voting against a pipeline that wasn't proposed to come through Becket. Meredyth noted one of the proposed routs took the pipeline through Washington, so this motion is preemptive in nature, to send a message to our representatives that we don't want a pipeline, and spoke against the pipeline. Ann Spadafora noted the environmental damage that fracking caused to the water table, and noted that huge swaths of the forests and farmland would be cut and remain cleared if a pipeline were to be installed. Mr. Massini suggested that if a pipeline is to be installed, they would use currently open transmission lines and wouldn't be clearing new land. Meredyth Babcock acknowledged that there was financial motivations to attempt to use existing transmission lines, but asserted that new paths would be cut, and pointed out other issues with the project.

A vote was taken and the motion on Article 28 Passed.

*Source: email from Becket Town Clerk, July 13, 2015*

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## **Berlin, MA**

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### Resolution by the Berlin Board of Selectmen

Whereas, Kinder Morgan has proposed a new 30" high pressure gas pipeline through northern Massachusetts, as part of a Northeast Energy Direct Project hereinafter called the Project, and,

Whereas, the Project also proposes a new 12" high pressure natural gas pipeline, known as the Worcester Lateral, to be installed in Berlin and neighboring towns connecting the pipeline with a location on the Worcester-Shrewsbury line, and

Whereas, Kinder Morgan has identified properties in Berlin that it intends the Worcester lateral to cross but has declined to provide the town of Berlin with detailed and current information on the exact route it is proposing, and

Whereas, it appears that Kinder Morgan is proposing that the Worcester lateral cross some of the most scenic, historic, and environmentally sensitive farmland and open space in Berlin including conservation land owned by the town of Berlin, and

Whereas, a high pressure gas line, by its nature carries the potential for leaks, ruptures, or devastating explosions causing untold damage to property and lives, and

Whereas, the Project and the Worcester Lateral will destroy large amounts of forest, wetlands, conserva-

tion land and farmlands and require maintenance in perpetuity of a 30 – 50 foot right of way, and  
Whereas, the Worcester Lateral will adversely affect property values, adversely affect residents' livelihood and otherwise negatively impact the integrity of the Town's scenic character, and  
Whereas, our energy challenges are better addressed through investment in energy conservation measures as well as green and renewable energy solutions, and  
Whereas, Berlin and our neighboring communities have adopted comprehensive master plans, zoning bylaws, wetlands bylaws, and other land use controls to provide for the orderly development of our communities and the conservation and protection of our communities for future generations to come, as good stewards of the land should, and  
Whereas, the elimination of environmental threats to our forests and streams from improvident development is the fundamental purpose for the adoption of our land use controls and master plans, and  
Whereas, Berlin and our neighboring communities have publicly and privately set aside large tracts of land and restricted their development for conservation and open space purposes as part of their master plans  
Now, therefore, be it resolved that the Board of Selectmen of Berlin hereby declare they:  
Stand in opposition to Kinder Morgan's Energy Direct Project and to the Worcester Lateral; and  
Stand in opposition to any and all similar projects that may later be proposed: and  
Stand in opposition to any effort to locate the Worcester Lateral within Berlin's borders; and  
Will participate in and provide comments to any meetings held by the Federal Energy Regulatory Commission (FERC) with regard to the Worcester Lateral, that question the need for the new gas pipeline, including the Worcester Lateral, and that identify alternative routes outside of Berlin; and  
Will seek to intervene in any proceeding before FERC which seeks a Certificate of Public Necessity and Convenience with regard to the Worcester Lateral and oppose Kinder Morgan's application; and  
Be it further resolved that the Board of Selectmen of Berlin hereby call upon our state and federal legislators and Executive branch officers;  
To enact legislation and take any such other actions as are necessary to oppose such energy projects that go against our commitment to public safety, our environment, our economic well-being and sense of community.

This 8th day of September in the year 2014.

Berlin Board of Selectmen  
Thomas Andrew, Chair  
Walter Bickford  
Judith Booman

*Source: <http://www.townofberlin.com/wp-content/uploads/2014/09/BOS-Resolution-fully-executed.pdf>*

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Berlin Annual Town Meeting, May 11, 2015

A true copy, Attest: I, Eloise E. Salls, Town Clerk of Berlin, hereby certify that the following is a true and complete extract from the records of the Annual Town Meeting of May 11, 2015:  
Phone 978-838-2931 - Fax 978-838-0014 - email: [townclerk@townofberlin.com](mailto:townclerk@townofberlin.com)

Article 36 - Voted to request that the Board of Selectmen ensure the continued protection of all Article 97 lands in Berlin and to oppose any proposal to construct a natural gas pipeline or any other project or facility through conservation lands in Berlin protected under Article 97 of the Amendments to the Massachusetts Constitution and to also oppose the construction of these projects on farmland, wetland or

woodland not currently protected by Article 97.

In addition, to request the State Representative and State Senator representing Berlin to vote NO on any legislative proposal to override Article 97, or to take by eminent domain, or to remove conservation lands from the protection of Article 97, in order to plan or install any high-pressure Interstate or intra-state natural gas pipeline and any pipeline related project or facility.

There was one opposing vote.

*Source: file "2015 Proceeding art 37003.pdf" sent July 14, 2015, by Berlin Town Clerk*

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## **Bolton, MA**

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### RESOLUTION BY THE BOLTON BOARD OF SELECTMEN

WHEREAS, Bolton is bisected by a 10" natural gas pipeline, which is more than 35 years old, that is operated by Tennessee Gas Pipeline LLC, a subsidiary of Kinder Morgan, Inc. ("Kinder Morgan"); and

WHEREAS, Kinder Morgan has proposed a new 30" high-pressure gas pipeline through northern Massachusetts as part of a proposed Northeast Direct Energy Project (the "Project"); and

WHEREAS the Project also proposes a new 12" natural gas pipeline to be installed in Bolton and neighboring towns connecting the existing Bolton pipeline with a location on the Worcester-Shrewsbury line (the "Worcester Lateral"); and

WHEREAS Kinder Morgan has identified properties in Bolton that it intends the Worcester Lateral to cross but has declined to provide the Town of Bolton with detailed and current information on the route it is proposing; and

WHEREAS, it appears that Kinder Morgan is proposing that the Worcester Lateral cross some of the most historic, scenic and environmentally sensitive farmland and open space in Bolton including conservation land owned by the Town of Bolton; and

WHEREAS, a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and,

WHEREAS, the Project and the Worcester Lateral will destroy large amounts of forest, wetlands, conservation land and farmland, and require maintenance in perpetuity of a 30-50 foot right-of-way; and

WHEREAS, the Worcester Lateral will adversely affect property values, adversely affect residents' livelihood and otherwise negatively impact the integrity of the town's scenic character; and

WHEREAS, our energy challenges are better addressed through investments in energy conservation measures as well as green and renewable energy solutions; and

WHEREAS, Bolton and our neighboring communities have adopted comprehensive master plans, zoning bylaws, wetlands bylaws and other land use controls to provide for the orderly development of our communities and the conservation and protection of our communities for future generations to come, as good stewards of the land should; and

WHEREAS, the elimination of environmental threats to our forests and streams from improvident development is the fundamental purpose for the adoption of our land use controls and master plans; and

WHEREAS, Bolton and our neighboring communities have publicly and privately set aside large tracts of land and restricted their development for conservation and open space purposes as part of their master plans;

NOW, THEREFORE, BE IT RESOLVED that the Board of Selectmen of Bolton hereby declare they:

Stand in opposition to Kinder Morgan's Northeast Direct Energy Project and to the Worcester Lateral; and

Stand in opposition to all similar projects that may be later proposed; and

Stand in opposition to any efforts to locate any portion of the Worcester Lateral within Bolton's borders; and

Will participate in and provide comments to any scoping meetings held by the Federal Energy Regulatory Commission with regard to the Worcester Lateral, that question the need for the new pipeline and that identify alternative routes outside of Bolton; and

Will seek to intervene in any proceeding before the Federal Energy Regulatory Commission which seeks a Certificate of Public Necessity and Convenience with regard to the Worcester Lateral and oppose Kinder Morgan's application; and

BE IT FURTHER RESOLVED that the Board of Selectmen of Bolton hereby call upon our State and Federal legislators and executive branch officers:

To enact legislation and take any such other actions as are necessary to oppose such energy projects that go against our commitment to public safety, the environment, our economic well-being and sense of community.

This 28th day of August, in the year 2014.

Bolton Board of Selectmen  
Lawrence Delaney, Chairan  
Mark Sprague  
Stanley Wysocki

*Source: <http://www.townofbolton.com/pages/Resolution%20signed%208-28-14.pdf>*

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#### Bolton Conservation Commission

October 29, 2014

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

RE: Tennessee Gas Pipeline Company, L.L.C., Docket No. PF14-22-000

Request to Use Pre-filing Procedures for Proposed Northeast Energy Direct Project

Dear Secretary Bose:

We are writing in opposition to the Tennessee Gas Pipeline (TGP) Company's September 15, 2014, request to the Federal Energy Regulatory Commission (FERC) to use the pre-filing procedure for TGP's proposed Northeast Energy Direct (NED) Project and the Commission's subsequent acceptance of that request. The Bolton Conservation Commission is writing in opposition to TGP's NED project.

The residents of Bolton passed a resolution on August 28, 2014 opposing this project as a community, as did a number of contiguous towns. We stand with our town as stewards of the land, and ask FERC to reject TGP's plan. There are many causes for our concern, including:

- ~ Loss of protected and environmentally important land that is a large component of our community and its heritage
- ~ The use of vague and outdated maps
- ~ Lack of transparency
- ~ Respect for state and local laws

~ Questionable necessity of the TGP project

Loss of protected and environmentally important land - The parcels of conservation land and farmland in Bolton protected by Massachusetts Conservation Restrictions and Agricultural Preservation Restrictions that would be traversed by the pipeline are significant to both Bolton and New England's environmental and cultural history. "Massachusetts Department of Conservation and Recreation and the Freedom's Way Heritage Association have collaborated to bring the Heritage Landscape Inventory program (HLI) (1) to communities" Bolton falls within the HLI project and is home to some of the most pristine landscapes in central Massachusetts. Many in Bolton list the town's abundance of open space and protected lands as a strong influence on their desire to live in this community. Many have given of their time, talent and treasure to purchase and protect land as well as secure agricultural/conservation restrictions. A decision by FERC to allow TGP to clear cut a 100 foot path through the heart of these lands, thus circumventing state and local laws designed to protect these lands, would be devastating to all of our efforts fostering indifference toward future opportunities to preserve our landscape.

The use of vague and outdated maps - TGP used 26 year old, outdated maps for creating what it claims to be a 21 century solution. We join others in stating that it is extremely misleading for TGP to use 1988 USGS topographical maps for their official pre-filing proposal when MassGIS maps are current and readily available. Without accurate maps, it is impossible for our community to properly consider the ecological impact, including the number of vernal pools and endangered species habitats that will be affected by this proposed project. We believe TGP's use of outdated maps is a clear violation of 18 C.F.R.157.21(d)(4) which requires a "detailed description of the project, including location maps and plot plans to scale showing all major plant components, that will serve as the initial discussion point for stakeholder review."

Lack of transparency — On June 26, 2014, TGP representatives attended a Selectmen's Meeting to answer questions from the commission and the community regarding this project. Most questions were submitted to TGP in advance and many had already been asked of TGP in other regional meetings, yet they openly refused to provide answers to many of these questions. Some unanswered questions include:

~ How does TGP propose to prevent the introduction of invasive species while working in protected lands?

~ How many pumping stations would be needed both now and in the future? What would the effects of noise and heat from these stations have on wildlife?

~ How would the TGP propose to maintain the cleared land without the use of pesticides that would be extremely dangerous and detrimental to our conservation and wetlands? At this meeting, TGP refused to give us an accurate map of the proposed path that would cut through our town. This was the number one question submitted. TGP brought a project engineer to this meeting who did not know the size of pipe that is proposed to go through our town, nor that the proposed new pipe was of a larger diameter than the pipe it would be branching off of (which he admitted himself didn't make much sense). The fact that TGP's engineer did not know basic details of the project that our own citizens were able to uncover indicates to the Commission that this meeting was for 'show'nd served no real purpose of trying to engage/inform the public, rather it is being falsely used to claim that outreach has been done.

TGP hired The NLS Group to acquire contract rights, including approval to "survey" the municipal conservation land. The contractor was not given the authority to directly meet with the Commission to discuss any of the specifics about the survey. We were not provided with information about access either by vehicle or foot; what damage their might be to endangered species habitat, stonewalls, existing trails, and vegetation; who would conduct the survey; and how any evaluation of endangered species, forest value, archeological artifacts would be obtained. Neither TGP nor the consultant provided any information on how any damage to these municipal resources would be restored. TGP's approval form provided no guarantees that cleanup and restoration would occur in any form. We found TGP and their consultants to be less than forthcoming with their intentions. Respect for State and Local laws — Extrapolating from

the information provided to Bolton to date, the Commission finds the proposed TGP line will be located within riparian corridors, cross streams, ponds, vegetated wetlands, and vernal pool habitat. The line will cross land owned and maintained by the Town of Bolton as conservation land under Article 97 of the Massachusetts Constitution, land owned and maintained by the Bolton Conservation Trust (a local land trust), private property with conservation restrictions and agricultural restrictions also protected under Article 97. The Commonwealth of Massachusetts (including the Town of Bolton) must determine if this NED project meets the criteria for the “exceptional circumstance” that would allow it to dispose of Massachusetts Article 97 land. Real estate of equal natural and monetary value would need to be found to ensure “no net loss of Article 97 lands under the ownership and control of the Commonwealth and its political subdivisions.” In order to maintain the balance of these assets within this municipality, the Conservation Commission of Bolton, would need adequate time to explore and present the options available &om the limited pool of potential open spaces.(2)

Questionable necessity of the TGP project - MA EOEEA Secretary Bartlett proposes in her letter (September 16, 2014) to FERC that it is unclear whether the capacity of this pipeline is needed. The proposed New England portion of the TGP NED Project would deliver far more capacity than is needed to meet projected energy or power generation needs. An executive whose company owns gas-fired power plants in New England recently told the Wall Street Journal that proposing a massive pipeline-building program for our region is like “trying to kill a cockroach with a sledgehammer”. Massachusetts has a number of viable, far less invasive options for meeting its future energy needs (options that include both renewable and fossil fuels). These include but are not limited to;

- ~ Fixing the leaks in existing pipelines in our region could improve energy efficiency substantially.
- ~ To address “peak” energy needs in the summer and the winter, “peak shaving” strategies can be improved. These include:
  - o Promoting new energy storage solutions to manage peak demand such as Electric Thermal Storage powered by air source heat pumps
  - o Switching to smart meters to create a market incentive for homes to run appliances during non-peak hours and for firms to invest in equipment that helps them manage peak usage
  - o Increasing storage of liquefied natural gas (LNG) at power generation facilities (LNG currently provides 30% of daily peak supply in the winter for several local gas utilities for heating fuel and provides about 10% of New England’s total annual gas supply)
  - o Implementing innovations in the future such as distributed storage using electric
- ~ Programs that subsidize residential conversion of oil heating systems to natural gas can be scaled back, and some of those funds can be redirected to weatherization programs for homes that have oil or propane heat.
- ~ Lifting the cap on the amount of energy that can be sold back to the grid by customers with their own renewable energy systems — particularly by municipalities — would allow much of generation capacity lost when coal burning plants are closed down to be replaced by renewable energy. This cap was already reached and raised once earlier in 2014, due to the success of programs like the one in Gloucester, MA. There is evidence that shale gas in Pennsylvania and New York will only be plentiful and cheap for a few years. Already, exploration is not profitable at present gas prices, so the promise of cheap gas prices after these pipelines are built may not come to fruition. Over the period from 2020 to 2030, shale drilling in New York may only be profitable at gas prices that are two to four times what we currently pay, making this the least desirable option for our energy needs that may prove to be a financial burden to our citizens.

As stewards of the land held in trust for the citizens of Bolton, regulators of waterways, wetlands and wildlife habitat, our Commission cannot, in good conscious endorse any aspect of this proposed plan, and we ask FERC to reject this Northeast Energy Direct Project.

For the Bolton Conservation Commission,

Carol A. Gumbart

Conservation Administrator

CC: Congressman James McGovern

Congresswoman Nicki Tsongas

Secretary Maeve Valley Bartlett

Mass. Representative Kate Hogan

Mass. Senator Jennifer Flanagan

Bolton Town Administrator Donald Lowe

(1) <http://www.mass.gov/eea/docs/dcr/stewardship/histland/recon-reports/holton.odf>

(2) <http://www.mass.gov/eea/docs/eea/dcs/dcsarticle97.odf>

*Source: FERC PF14-22 Docket # 20141103-0023*

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TOWN OF BOLTON, MASSACHUSETTS

ANNUAL TOWN MEETING

Monday, May 4, 2015

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Article 23: Resolution by the Board of Selectmen

To see if the Town will vote to support the Resolution voted and signed by the Board of Selectmen on August 28, 2014; or do or act relating thereto.

WHEREAS, Bolton is bisected by a 10" natural gas pipeline that is more than 35 years old that is operated by Tennessee Gas Pipeline LLC, a subsidiary of Kinder Morgan, Inc. ("Kinder Morgan"); and

WHEREAS, Kinder Morgan has proposed a new 30" high-pressure gas pipeline through northern Massachusetts as part of a proposed Northeast Direct Energy Project (the "Project"); and

WHEREAS the Project also proposes a new 12" natural gas pipeline to be installed in Bolton and neighboring towns connecting the existing Bolton pipeline with a location on the Worcester- Shrewsbury line (the "Worcester Lateral"); and

WHEREAS Kinder Morgan has identified properties in Bolton that it intends the Worcester Lateral to cross but has declined to provide the Town of Bolton with detailed and current information on the route it is proposing; and

WHEREAS, it appears that Kinder Morgan is proposing that the Worcester Lateral cross some of the most historic, scenic and environmentally sensitive farmland and open space in Bolton including conservation land owned by the Town of Bolton; and

WHEREAS, a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and,

WHEREAS, the Project and the Worcester Lateral will destroy large amounts of forest, wetlands, conservation land and farmland, and require maintenance in perpetuity of a 30-50 foot right-of-way; and

WHEREAS, the Worcester Lateral will adversely affect property values, adversely affect residents' livelihood and otherwise negatively impact the integrity of the town's scenic character; and

WHEREAS, our energy challenges are better addressed through investments in energy conservation measures as well as green and renewable energy solutions; and

WHEREAS, Bolton and our neighboring communities have adopted comprehensive master plans, zoning bylaws, wetlands bylaws and other land use controls to provide for the orderly development of

our communities and the conservation and protection of our communities for future generations to come, as good stewards of the land should; and

WHEREAS, the elimination of environmental threats to our forests and streams from improvident development is the fundamental purpose for the adoption of our land use controls and master plans; and

WHEREAS, Bolton and our neighboring communities have publicly and privately set aside large tracts of land and restricted their development for conservation and open space purposes as part of their master plans; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Selectmen of Bolton hereby declare they: Stand in opposition to Kinder Morgan's Northeast Direct Energy Project and to the Worcester Lateral; and

Stand in opposition to all similar projects that may be later proposed; and

Stand in opposition to any efforts to locate any portion of the Worcester Lateral within Bolton's borders; and

Will participate in and provide comments to any scoping meetings held by the Federal Energy Regulatory Commission with regard to the Worcester Lateral, that question the need for the new pipeline and that identify alternative routes outside of Bolton; and

Will seek to intervene in any proceeding before the Federal Energy Regulatory Commission which seeks a Certificate of Public Necessity and Convenience with regard to the Worcester Lateral and oppose Kinder Morgan's; application; and

BE IT FURTHER RESOLVED that the Board of Selectmen of Bolton hereby call upon our State and Federal legislators and executive branch officers:

To enact legislation and take any such other actions as are necessary to oppose such energy projects that go against our commitment to public safety, the environment, our economic wellbeing and sense of community; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: On August 28th, 2014, the Bolton Board of Selectmen unanimously voted to approve the above Resolution. By placing this article on the Annual Town Meeting warrant, it affords the residents of Bolton the opportunity to declare whether or not they endorse this resolution as well.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: Majority

Vote: Approved, unanimous

Article 24: Pertaining to Lands Protected Under Article 97 of the Amendments to the Constitution of the Commonwealth ("Article 97 Land")

To see if the Town will vote to instruct our State Representative and State Senator representing Bolton to vote NO on any legislative proposal to Article 97 or to remove any Land from the protection of Article 97 of the Constitution of the Commonwealth of Massachusetts in order to plan, construct or install any high-pressure interstate or interstate natural gas pipeline and any other related infrastructure; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: In 1972 Massachusetts voters approved Article 97 - "The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural

resources is hereby declared to be a public purpose. The general court shall have the power to enact legislation necessary or expedient to protect such rights. Bolton has quite a bit of land that falls under Article 97. A ‘YES’ vote instructs our State Representative and State Senator to uphold Article 97 of our Massachusetts Constitution.

Board of Selectmen Recommendation: Approved  
Advisory Committee Recommendation: Approved  
Vote Required: Majority  
Vote: Approved, unanimous

Source: [http://www.townofbolton.com/Pages/BoltonMA\\_Admin/ATM%20Warrant%20May%204,%202015%20Final.pdf](http://www.townofbolton.com/Pages/BoltonMA_Admin/ATM%20Warrant%20May%204,%202015%20Final.pdf), vote per Bolton Town Clerk

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## Brookline, MA

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### TOWN OF BROOKLINE, MASSACHUSETTS SPECIAL TOWN MEETING

November 18, 2014

To Whom It May Concern:

I, Patrick J. Ward, Town Clerk of the Town of Brookline, duly qualified and acting as such and having custody of the records, hereby certify that the following actions were taken under Article #19 at the Special Town Meeting called for Tuesday, November 18, 2014 at 7:00 P.M., adjourned to and dissolved on Wednesday, November 19, 2014 at 10:06 P.M.

VOTED: that the Town adopt the following resolution:

Resolution Opposing the Expansion of Natural Gas through Pipelines and Hydraulic Fracturing in Massachusetts

WHEREAS, natural gas is a non-renewable fossil fuel which generates significant carbon emissions and other pollutants when burned;

WHEREAS, natural gas is primarily composed of methane, which is at least 30 times more potent than carbon dioxide in terms of climate change, and is highly flammable, and leaks at every step of production and distribution;

WHEREAS, natural gas might be obtainable in Massachusetts by hydraulic fracturing (“fracking”), a drilling method that contaminates ground water, and harms human health through its chemical byproducts;

WHEREAS, the so-called Northeast Energy Direct Project of the Tennessee Gas Pipeline is a new high-pressure natural gas pipeline (hereafter “the Pipeline”) proposed by Tennessee Gas Pipeline Company LLC, a subsidiary of Kinder Morgan, Inc. that would run from New York through Massachusetts to Dracut;

WHEREAS, the Pipeline would likely transport natural gas obtained in New York and Pennsylvania through hydraulic fracturing;

WHEREAS, said Pipeline would divide and destroy large amounts of forest, conservation land, wetlands, and farmland, which may be obtained through eminent domain;

WHEREAS, the \$1-3 billion cost of the Pipeline could be borne by all ratepayers including those in Brookline through a tariff;

WHEREAS, said expansions of natural gas represent a new, long-term commitment to fossil fuels that does not honor the spirit of state and local commitments to renewable energy;

BE IT RESOLVED THAT the Town of Brookline:

1. Affirms the need for public policy at the local, state and federal levels to encourage energy efficiency, conservation, renewable energy projects to combat climate change, and supports legislation to ban or impose a long-term moratorium within the Commonwealth on hydraulic fracturing as well as storage, treatment or disposal of hydraulic fracturing fluid or byproducts.
2. Stands in opposition to the Northeast Energy Direct Project of the Tennessee Gas Pipeline and all similar pipeline projects.
3. Shall cause a copy of this resolution to be presented to the Town's state and Federal legislative representatives, the Governor, Massachusetts Secretary of Energy and Environmental Affairs, and Federal Energy Regulatory Commission asking them to take action to prevent the construction of the Pipeline within the borders of the Commonwealth of Massachusetts.

The above vote, taken under Article #19, on Wednesday, November 19, 2014, was PASSED BY A MAJORITY VOTE, was so declared by the Moderator and is so recorded.

ATTEST: Patrick J. Ward  
Town Clerk

*Source:file "Article 19.doc" from Brookline Town Clerk, July 17, 2015; also <http://brooklinema.gov/DocumentCenter/Home/View/6009>*

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**Brookline, NH**

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TOWN OF  
BROOKLINE, NEW HAMPSHIRE  
Minutes  
Selectboard  
Monday, December 22, 2014

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Gas Pipeline Update

Tad said Kinder Morgan has agreed to hold a public meeting after the holidays. Darrell noted again that lands purchased by the town have no designation as conservation land. Buddy said the lands were purchased with conservation commission funds. Brendan moved, seconded by Sue to send a letter to Kinder Morgan supporting the Conservation Commission's position to deny access to town property for any purpose and stating that the Selectboard does not support a gas pipeline in Brookline. Voted yes 4-0. Tad said some recommendations have been made to protect the town's interests: Identify a firm that will do an environmental impact study of the town's land; Identify an appraisal firm that can appraise the impact of the pipeline on the town-owned land's value; and identify an eminent domain attorney. Drew said lining up experts now is very important.

*Source: <http://www.brookline.nh.us/selectboardtown-administrator/minutes/selectboard-minutes-52>*

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TOWN OF  
BROOKLINE, NEW HAMPSHIRE  
SELECTBOARD  
P.O.BOX360—1 Main Street  
BROOKLINE, NH 03033-0360  
Telephone (603) 673-0055, ext 213

March 16, 2015

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: Kinder Morgan Proposed Northeast Energy Direct (NED) Prgfect

Docket No. PF14-22-000

Dear Ms. Bose:

At Brookline's annual town meeting on March 11th, voters overwhelmingly passed several warrant articles related to the proposed pipeline. By way of this letter the Selectboard wishes to convey to FERC the outcome of these recent votes.

The following is the wording of the articles that were passed:

- "Shall the Town of Brookline vote to oppose approval by the Energy Site Evaluation Committee af the construction and installation of a natural gas pipeline by Tennessee Gas Pipeline Company, LLC (a Kinder Morgan Company) as part of the Northeast Energy Direct Pmject because the proposal is inconsistent with the Town's goal of protecting and preserving aquifers, drinking water including community and private wells, wetlands, streams, and other bodies of water. In addition, the proposal to extract water to use in drilling or other operations, whether from a body of water or well, is inconsistent with the Town's goal to protect such waters."
- "Shall the Tawn of Brookline vote to oppose approval by the Energy Site Evaluation Committee of the co~on and installation. of a natural gas pipeline by Tennessee Gas Pipeline Company, LLC (a Kinder Morgan .:Company) as part of the Northeast Energy Direct Project because the proposal is inconsistent with the basic tenet of individual property rights whereas if apprtived Tennessee Gas Pipeline Company, LLC shall have the " power to foroe) private pmperty owners to give upright under Eminent Domain procetslings ira order to create a new corridor for the instajation of the pipeline pmj act."
- "Shall we impose a moratorium on any interstate gas pipeline projects within the Town of Brookline? The moratorium shall be effective immediately upon the vote and shall include, but not be limited to, land acquisition, surveying, tree removal, or any physical alteration of any land within the Town of Brookline intended for pipeline construction or development."

A similar letter will be forwarded to the NH Energy Facility Site Evaluation Committee once a project application is filed with them.

We trust that FERC will consider the votes of Brookline's residents as it moves through the NED application process and appreciate the opportunity to express our concerns.

Sincerely,

Darrell Philpot      Susan Adams      Karl D. Dowling  
John J. Carr      Brendan Denehy

*Source: FERC PF14-22 Docket # 20150325-0032*

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May 5, 2015, Co-signed NH Municipal Pipeline Coalition letter #1 (FERC # 20150508-5040)

June 30, 2015, Co-signed NH Municipal Pipeline Coalition letter #2

September 25, 2014

SPECIAL TOWN MEETING WARRANT  
TOWN OF BUCKLAND,  
COMMONWEALTH OF MASSACHUSETTS, FRANKLIN SS.

...

ARTICLE 4: We, the following registered voters of the Town of Buckland petition

- the following article to be placed on the next scheduled Special Town Meeting Warrant
- and the calling of a Special Town Meeting specifically for this article, if no other Special Town Meeting has already been scheduled to see if the Town of Buckland would vote to approve the following Resolution:

BUCKLAND COMMUNITY RIGHTS RESOLUTION

Whereas representatives from large-scale energy infrastructure projects have approached landowners in neighboring Franklin County towns regarding, but not limited to, the proposed routing of a high-pressure natural gas pipeline to carry shale gas through 9 Franklin county towns - potentially through 76 properties in Ashfield alone; and

Whereas landowners in Franklin County towns have been approached without advance notice from town officials or police due to there currently being no regulation requiring a corporation, county or state to contact local authorities prior to contacting property owners; and Whereas landowners in Franklin County towns are being asked to permit surveying or to sign agreements to lease land; and

Whereas it is possible that the proposed routing of a high-pressure natural gas pipeline could shift to run through Buckland properties; and

Whereas there exists the inherent right of the residents of Buckland to govern their own community, including, without limitation, the Declaration of Independence's declaration that governments are instituted to secure the rights of people, and the recognition within the State Constitution that all power is inherent in the people.

BE IT THEREFORE RESOLVED THAT WE CALL UPON OUR LEADERS TO ADOPT RULES, BY-LAWS, OR TAKE SUCH OTHER ACTION AS NECESSARY

TO SUPPORT the right of the people of Buckland to hold public hearings and make motions to vote on all corporate, state or federal energy infrastructure and other largescale projects within the town as they arise. Such projects may include, but are not limited to: pipeline construction, pipeline compression station construction, resource extraction, the removal of ground water for bottling and export, transmission line expansion, and the dumping of toxic fracking wastewater from neighboring states or toxic wastewater produced or collected at natural gas compression stations.

TO DEFEND majority rule, as determined by that vote, as the ultimate authority in approving such projects, affirming the rights of the people who live here over the rights of an absentee entity.

TO PROHIBIT any activity by the developers of such projects in Buckland before the people of Buckland have had the opportunity to put motions to vote, and only then if the majority has ruled in favor of allowing the project. Activities include, but are not limited to, surveying or photographing private property, negotiating leases, blasting, removing trees and road construction.

TO ENSURE that our Select Board is informed of any proposed project prior to any contact with landowners and that the residents of Buckland learn of each proposal first through their elected officials.

TO PROTECT the right of Buckland farms, businesses and companies to engage in resource harvesting and/or industrial activity as currently permitted in our by-laws.

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**Cheshire, MA**

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CHESHIRE ANNUAL TOWN MEETING

Monday, June 8th, 2015

Article 14: To see if the Town will vote to adopt the following non-binding resolution, or take any other action in relation thereto:

[Note: This article is placed on the warrant via registered voter petition.]

Resolution Opposing the Gas Pipeline in Cheshire, MA

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Cheshire, MA or neighboring communities, and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy unknowable amounts of forest, wetland conservation land and farmland; potentially harm drinking water and personal health; and infringe on personal property rights; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

Whereas the projected route of the pipeline traverses under the Cheshire Reservoir thus risking contamination of the lake, this would affect not only the people and wildlife in the area, but also the economics and reputation of the Town of Cheshire; and

Whereas the cost of said pipeline may require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. ("TGP", a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Cheshire, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well being of our neighbors in the Commonwealth of Massachusetts and in the State of New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running;

NOW, THEREFORE, BE IT RESOLVED, that the residents of Cheshire, Massachusetts:

1. Hereby call on our Select Board to stand in opposition to any high-pressured pipeline and not allow it within our town borders; and
2. Stand in solidarity with nearby communities who are taking measures to disallow the pipeline within their borders and to ban its construction in our region, including: Dalton, Hancock, Lenox, North Adams, Pittsfield, Richmond, Sandisfield, Washington, Windsor (Berkshire); Chesterfield, Cummington, Northampton, Pelham, Plainfield, Worthington (Hampshire); Ashfield, Buckland, Conway, Deerfield, Gill, Greenfield, Leverett, Montague, Northfield, Orange, Shelburne, Warwick, Wendell (Franklin); Ashburnham, Athol, Berlin, Bolton, Royalston, Templeton, Winchendon (Worcester); Ashby, Dracut, Dunstable, Groton, Pepperell, Townsend, Tyngsborough, Wilmington (Middlesex); Brookline (Norfolk); and Brookline, Hollis and Mason (Hillsborough County, New Hampshire); and
3. Cause a copy of this resolution to be presented to the Town of Cheshire's state and federal legislative representatives, FERC and the Governor and Secretary of the Department of Conservation and

Recreation, asking them to take action to prevent construction of the Pipeline within the borders of the Commonwealth of Massachusetts and to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well being and our bodily safety, and instead to legislate more stringent energy efficiency and further exploration of subsidies for renewable energy sources.

*Source: <http://www.cheshire-ma.com/images/pdf/CheshireATMwarrantFY16.pdf>*

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## **Chesterfield, MA**

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Town of Chesterfield in the County of Hampshire  
Annual Town Meeting  
May 12, 2014

ARTICLE 20: To see if the Town will vote to approve the following Resolution, or to take any other action relative thereto:

**RESOLUTION TO BAN “FRACKED GAS” PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY**

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Chesterfield, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy valuable forest, conservation land and farmland; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing damage to property, the environment and lives; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. (“TGP”, a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; now, therefore, be it

Resolved, that the people of Chesterfield, Massachusetts:

1. Hereby call on our Selectboard to stand in opposition to TGP’s high pressured pipeline and not allow it with in our town borders;
2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth; and
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to the environment and our long term economic wellbeing and safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

ARTICLE 20: VOTE CARRIES

A true copy. Attest: Sandra L. Wickland, Town Clerk

*Source: [http://www.townofchesterfieldma.com/attachments/221\\_2014%2005-12%20%20ATM%20Warrant%20Final.pdf](http://www.townofchesterfieldma.com/attachments/221_2014%2005-12%20%20ATM%20Warrant%20Final.pdf)*

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## Conway, MA

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The Town of Conway, Massachusetts approved the following resolution at its annual Town Meeting on May 12, 2014:

Whereas a High-pressure pipeline carrying natural (“fracking”) gas has been proposed to transit the Town of Conway and surrounding communities en route to Dracut Mass for export by The Tennessee Gas Company (see map); and

Whereas the construction of said pipeline would necessitate the destruction of woodlands, trails and wildlife habitat in the environmentally sensitive areas of Pine Hill and the South River State Forest; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or other toxic environmental impacts; and Whereas mitigation of said impacts could constitute an undue burden on the Town Fire Department; and

Whereas insuring the security of said pipeline could also become an additional burden on the Town Police Department; and

Whereas the cost of the construction of said pipeline (by a private corporation) as currently proposed would be partially defrayed by Massachusetts ratepayers in the form of a utility bill tariff; and

Whereas we the Citizens of Conway have chosen to live here because we treasure our natural environment;

be it resolved that:

We the citizens of Conway Massachusetts hereby call upon our Selectboard to convey our opposition to this project to all concerned (including our State and Federal legislators) on our behalf.

*Source: FERC PF14-22 Docket # 20141211-5052*

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## Cummington, MA

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CUMMINGTON, MASSACHUSETTS  
ANNUAL TOWN MEETING MINUTES  
MAY 2, 2014

....

Article 20: Motion Carried to adopt the following resolution:

Resolution to Ban “Fracked Gas” Pipelines and to Champion Sustainable Energy

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Cummington, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy unknowable amounts of forest, conservation land and farmland; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company L.L.C. (“TGP”, a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the

endeavors of a private corporation; and

Whereas, we the citizens of Cummington, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well being to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running; now, therefore, be it

Resolved, that the people of Cummington, Massachusetts:

1. Hereby call on our Selectboard to stand in opposition to TGP's high pressure pipeline and not allow it within our town borders;
2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth or our Nation; and
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well being and our bodily safety, and instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

A true record of this meeting to the best of my knowledge.

Attest:

Donna C. Jordan

Town Clerk of Cummington

May 12, 2014

*Source: <http://www.cummington-ma.gov/Boards.php?2#minutes>*

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## Dalton, MA

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Town of Dalton, Massachusetts

Special Town Meeting

June 30, 2014

June 30, 2014 Special Town Meeting

.....

ARTICLE 8, It was moved, seconded and voted that the Town accept the following resolution:

**RESOLUTION TO BAN NEW HIGH CAPACITY/HIGH PRESSURE PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY.**

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Dalton or neighboring communities, bringing said fuel en route to Dracut, Massachusetts, potentially to be used for electricity generation; and

Whereas said pipeline goes against current Massachusetts commitments to encourage renewable energy development and combat global climate change; and

Whereas said pipeline would destroy as yet undetermined amounts of forest, conservation land and farmland; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and Whereas the cost of said pipeline would be imposed on Massachusetts citizens as a utility bill tariff, causing Massachusetts citizens to bear the financial and environmental risks associated with the endeavors of a private corporation (Tennessee Gas Pipeline Corporation, TGP, a subsidiary of Kinder Morgan Energy Partners, L.P.); and

Whereas, we the citizens of Dalton, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well-being to our neighbors in New York and wherever additional oil and gas exploration, extraction and transportation via high pressure pipeline is occurring,

Be it Resolved, that the people of Dalton, Massachusetts:

- 1, Hereby call on our Select Board to stand in opposition to TGP's high capacity/high pressure pipeline and not allow it within our town borders;
- 2, Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that put our physical and environmental health at risk, and to encourage energy efficiency and further exploration of and financial support for renewable energy development and the displacement of fossil fuel use.

The above Article was submitted via a citizens' petition signed by one hundred eighteen (118) registered voters, A minimum of one hundred (100) valid signatures are necessary for a citizens petition to appear on a Special Town Meeting Warrant, The Article is required to appear exactly as written. Any motion or explanation is typically the responsibility of the petitioner.

CARRIED. DECLARED MAJORITY,

Meeting adjourned at 8:00 p.m.,

ATTEST:Barbara L. Suriner, TOWN CLERK

*Source:FERC PF14-22 Docket # 20141201-0010*

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TOWN OF DALTON  
Town Hall  
462 Main Street  
Dalton, MA 01226-1601

November 10, 2014

Cheryl A. LaFleur, Chairman  
Federal Energy Regulatory Commission  
ATTN: Jeff C. Wright, Director  
Office of Energy Projects  
888 First Street, NE  
Washington, DC 20426

RE: Proposed Tennessee Gas Pipeline Northeast Energy Direct Pmject

Dear Chairman LaFleur and members of the Commission:

Please be advised that the proposed Tennessee Gas Pipeline project, above referenced, will cross the southern part this community fmm west to east. The proposed project has been intensely debated here as to its merits and necessity.

To that end, residents of Dalton initiated a petition which culminated in a proposed Resolution taken up at a Special Town Meeting held on June 30, 2014. At that meeting the voters of Dalton voted to approve the Resolution as presented and entitled, "RESOLUTION TO BAN NEW HIGH CAPACITY/HIGH PRESSURE PIPLINES AND TO CHAMPION SUSTAINABLE ENERGY. We have enclosed the Town Clerk's certified copy of the resolution for your information. Said Resolution called on the Dalton Select Board to "stand in opposition" to the project snd to "instruct" state and Federal officials to "disallow such projects" Subsequently, the Green Dalton Committee at its meeting of September 17, 2014 voted unanimously to express their opposition to the pipeline snd asked this Select Board to take action against this proposal as well.

At the Dalton Select Board regular meeting on October 27, 2014, the five member board voted unanimously, to oppose the proposed Tennessee Gas Pipeline because of four main reasons. First, preliminary maps indicate that the pipeline will run close to or perhaps through our watersheds at Cleveland and Ashley Reservoirs. The potential for contamination of the water supply of the townspeople of Dalton, as well as Pittsfield served by these reservoirs is unacceptable. Further, we stand with the many townspeople who have indicated to us both in writing and in person at select board meetings their opposition to the taking of land by eminent domain should this project move forward. Furthermore, this proposed pipeline will cut a large swath of land through this small New England community thereby scarring the esthetics of land now used recreationally by residents and visitors alike. The Pipeline will therefore diminish the attractiveness and cause a potential financial strain due to less recreational traffic through the town. Lastly, we join our state representatives (State Representative Paul Mark and State Senator Benjamin Downing) who have spoken out as a coalition of the Berkshire County delegation against the pipeline's proposed route through protected State land.

In summary, we, the Town of Dalton Select Board, urgently request that the Federal Energy Regulatory Commission strongly considers the issues and impacts of Tennessee Gas Pipeline Company LLC's project on watershed infringement, the taking of land by eminent domain as well as the use and disturbance of protected state lands, not only within the borders of the Town of Dalton, but across the Commonwealth of Massachusetts. If these issues cannot be resolved, then the Federal Energy Regulatory Commission should deny Tennessee Gas Pipeline Company LLC's application to construct this project.

Sincerely,

The Dalton Select Board

Cc.

Senator Elizabeth Warren

Senator Edward Markey

Representative Richard Neal

Governor, Deval Patrick

State Senator Benjamin Downing

State Representative Paul Mark.

Governor Elect Charles Baker

Berkshire Regional Planning Commission

*Source: FERC PF14-22 Docket # 20141201-0010*

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TOWN OF DALTON  
Town Hall  
462 Main Street  
Dalton, MA 01226-1601

Telephone (413) 684-6111  
ANIMAL CONTROL/HEALTH AGENT, Ext. 28  
BOARD OF ASSESSORS, Ext. 21  
BOARD OF APPEALS, Ext. 29  
INSPECTION SERVICES, Ext. 27 or 29  
PLANNING BOARD, Ext. 29  
TREASURER, Ext. 15

Fax (413) 684-6107  
TOWN MANAGER, Ext. 12  
TOWN ACCOUNTANT, Ext. 17  
TOWN CLERK/REGISTRAR, Ext. 15  
TOWN COLLECTOR, Ext. 26  
SELECT BOARD, Ext. 11  
OTHER BOARDS, Ext. 11

April 13, 2015

Tennessee Gas Pipeline Company, LLC  
1615 Suffield Street  
Agawam, MA 01001  
Mr. Robert Winter

Percheron Field Services  
Land Agent for Tennessee Gas Pipeline Company, LLC  
1615 Suffield Street  
Agawam MA 01001

Mailed via first Class Mail and Certified Mail, Return Receipt Requested

RE: Request for Survey Permission

LL'1)::Jgf WD 57.04/ 64.01; Total # of tracts: 2,  
Map/Block/Lot: 212-1/ 215-26

Dear Tennessee Gas Pipeline Company and Mr. Winter:

At its meeting of March 9, 2015, the Select Board voted to deny Tennessee Gas Pipeline Company, L.L.C./-Northeast Energy Direct request for survey permission on town land. The five (5) member board voted two ayes and three opposed to allow the Tennessee Gas Pipeline survey request. Any such physical entry onto town property will be considered unauthorized. Permission to perform such surveys on Town land is explicitly denied.

You should also be aware that as a result of its meeting of October 27, 2014, pursuant to Special Town Meeting vote of June 30, 2014 (a copy of which is attached hereto), the Select Board, after a unanimous vote, sent a letter to the Federal Energy Regulatory Commission (FERC) in opposition to the proposed Gas Pipeline because of four main reasons. First, preliminary maps indicate that the pipeline will run close to or perhaps through our watershed at Cleveland Reservoir. The potential for contamination of the water supply of the townspeople of Dalton, as well as Pittsfield served by this reservoir is unacceptable. Further, we stand with the many townspeople who have indicated to us both in writing and in person at Select Board meetings their opposition to the taking of land by eminent domain should this project move forward. Furthermore, this proposed pipeline will cut a large swath of land through this small New England community thereby scarring the esthetics of land now used recreationally by residents and visitors alike. The Pipeline will therefore diminish the attractiveness and cause a potential financial strain due to less recreational traffic through the town. Lastly, we join our state representatives (State Representative Paul Mark and State Senator Benjamin Downing) who have spoken out as a coalition of the Berkshire County delegation against the pipeline' proposed route through protected State land.

Very truly yours,

Dalton Select Board

Djm

cc: Federal Energy Regulatory Commission  
Senator Elizabeth Warren  
Senator Edward Markey  
Representative Richard Neal  
Governor Charles Baker  
Senator Benjamin Downing  
Representative Paul Mark  
Berkshire Regional Planning Commission

*Source: FERC PF14-22 Docket # 20150428-0084*

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**Deerfield, MA**

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THE DEERFIELD 2014 TOWN REPORT  
FY2014 ANNUAL TOWN MEETING AS VOTED

I Barbara J Hancock, duly appointed and qualified Clerk of the Town of Deerfield hereby certify that the following votes were taken at the Annual Town Meeting held on Monday, April 28, 2014 in the Auditorium at Frontier Regional School on North Main Street in the Village of South Deerfield.

Town Meeting convened at 7:06 p.m. on April 28, 2014.

...

#### ARTICLE 31

Voted that the Town present any instructions to its officers, boards, committees, commissioners.

Voted that the Selectboard of the Town of Deerfield refuse permission to Kinder Morgan (KM), its subsidiaries and/or subcontractors, to survey Town properties within the Town of Deerfield as potential locations for the proposed 30-36" high pressure Northeast Expansion pipeline, as motioned by Lisa Turowski as follows:

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Deerfield and/or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used primarily for electricity generation and possibly for export; and

Whereas said pipeline would destroy, damage or alter substantial amounts of property within the Town of Deerfield, including farmland protected under the Agricultural Preservation Restriction Program, conservation land and wildlife habitat; and public and private sources of drinking water; and would likely reduce property values, raise insurance costs, and potentially make some private land unsellable; and

Whereas Kinder Morgan (KM) and its subsidiaries and/or subcontractors including Tennessee Gas Pipeline Company (TGP) are seeking to survey land in Deerfield as potential locations for a proposed 30-36" high pressure pipeline named the Northeast Expansion, and such "surveys" include cutting of tree limbs and possibly other undefined actions to create "unobstructed site lines" along the proposed route; and

Whereas the pipeline regulatory process is far too fast and biased against addressing local concerns once surveys are complete; and

Whereas once the Federal Energy Regulatory commission (FERC) grants the pipeline project a "Certificate of Public Convenience and Necessity" FERC is empowered to seek the taking of private property by eminent domain and to otherwise grant project overrides to local, state and federal laws in what it calls "the public interest"; and

Whereas once FERC approves KM/TCP's application, history shows that it becomes virtually impossible to significantly change or stop the pipeline; and

Whereas ratepayers would bear the financial risk for the endeavors of a private corporation, Tennessee Gas Pipeline Company, L.L.C., a subsidiary of Kinder Morgan Energy Partners, L.P., since the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law of TGP.

Motion Carried, so declared the Moderator

Source:[http://www.deerfieldma.us/Pages/DeerfieldMA\\_BOS/ATR/2014%20Annual%20Town%20Report.pdf](http://www.deerfieldma.us/Pages/DeerfieldMA_BOS/ATR/2014%20Annual%20Town%20Report.pdf)

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LAW OFFICE OF CRISTOBAL BONIFAZ

180 Maple Street P. O. Box 180 Conway, Massachusetts 01341

Telephone 413-369-4263

Fax 413-369-0076

Electronic Mail:cbonifaz@comcast.net

January 14, 2015

Lori Ferry Project Manager  
Aecom Technology Corporation  
10 Oms Street, Suite 405  
Providence, RI 02904

In Re: Order Dated October 22, 2014 of the Board of Health of Deerfield Regarding Kinder Morgan and all its Subsidiaries and/or Affiliated Companies.

Dear Lori Ferry:

This office represents the Town of Deerfield Massachusetts in all matters concerning the Kinder Morgan and all its subsidiaries and/or affiliated companies' proposed fracked gas pipeline designed to cross the Town of Deerfield Massachusetts (hereinafter jointly KM). Please direct all future communications to my attention.

The Town of Deerfield is in receipt of your letters dated December 30, 2014 directed to the Board of Health of Deerfield and the Planning Board of Deerfield.

Aecom Technology Corporation (AECOM) needs to be aware that the construction and installation of the proposed KM pipeline was banned by the Board of Health of Deerfield after an extensive adjudicatory hearing on October 23, 2014.

KM has taken the position on this ban that they plan to request an "appropriate" authority to overturn the ban. KM has failed to respond to my request as to why Massachusetts does not have joint jurisdiction with FERC on the proposed pipeline given that a great portion of the fracked gas projected to be transported through Massachusetts is for export.

The Town of Deerfield will provide the information you requested under the Freedom of Information Act it falling outside the October 23 ruling of the Board of Health of Deerfield.

Sincerely,

Cristóbal Bonifaz

Cc: Cheryl A. LaFleur Chairperson Federal Energy Regulatory Commission  
Representative Stephen Kulik  
Senator Elizabeth Warren  
James L. Messenger, Esq. Attorney for Kinder Morgan  
CB/mj

-----  
LAW OFFICE OF CRISTOBAL BONIFAZ  
180 Maple Street P. O. Box 180 Conway, Massachusetts 01341  
Telephone 413-369-4263  
Fax 413-369-0076  
Electronic Mail: cbonifaz@comcast.net

December 30, 2014

James L Messenger, Esq.  
IaClair Ryan  
One International Place  
Eleventh Floor  
Boston, Massachusetts 02110

RE: In the Matter of the Deerfield BOH Regarding Kinder Morgan and Affiliated Companies and/or Subsidiaries.

Dear Mr. Messenger:

Please allow me to first wish the best for you and your family for the New Year.

I am responding to your letter to me dated December 24, 2014. The BOH of Deerfield has asked me to forward to you the enclosed Op-Ed provided in draft form to BOH by David Gilbert Keith a well-known environmental researcher. The piece concludes after a detailed analysis that the inescapable conclusion is that most of the gas to be transported through Massachusetts by Kinder Morgan is for export to foreign countries rather than for exclusive use in the North East of the United States.

If this is correct I would appreciate any legal citations to the effect that FERC has exclusive jurisdiction over the installation and operation of the pipeline as you have asserted in your previous two letters. I believe it is uncontested that if all the gas to be transported was exclusively for export to foreign countries the installation and operation of such a pipeline would fall outside FERC's jurisdiction. The question BOH wants to raise with you is whether or not Massachusetts has joint jurisdiction with FERC on the proposed pipeline given that a portion of the gas projected to be transported through the pipeline is for export.

I thank you in advance for the attention you will give to this letter.

Sincerely,

Cristóbal Bonifaz

-----  
41 Old Main St. (Box 304)  
Deerfield, MA 01342  
PHONE: 413/773-8235  
dbukeith@comcast.net  
December 30, 2014

Justin Abelson, Editorials Editor  
Greenfield Recorder  
Greenfield, MA 01301

#### Pipeline's Public Cost for Private Profit

Kinder Morgan, Inc., is proposing to build a pipeline to transport "fracked" natural gas from the New York border to Dracut in eastern Massachusetts, all to be paid for by us. The gas, however, is not intended for us. New England cannot use that much gas. For Kinder Morgan pretending the region needs so much more natural gas is crucially important to government mandated increases in utility rates and takings by eminent domain.

Kinder Morgan is, if I may risk being honest, lying about the purpose of the pipeline. It is really about getting a glut of gas to foreign markets—and the destination matters.

As proposed, the pipe will carry 2.2 billion cubic feet per day (bcf/day). The "net inflow" capacity of natural gas to the state (amount coming into the state minus what we send back out) is about 2.1 bcf/day, so this single pipeline could more than double the amount of gas available, far more than we have ever used.

We are told Kinder Morgan's pipeline will prevent costly power shortages during prolonged cold spells or heat waves. But it really wouldn't take more gas to prevent such flow-rate problems. We could, as an industry study notes, buy electricity from Hydro-Quebec or revert to other fuels. Massachusetts already has a gas inflow capacity that is more than double the amount of gas we consume.

Then we are reminded that past use does not include the new demand created by power plants converting to gas to generate electricity. The consulting firm ICF International has reported: "The projected deficits in gas supply apply only to the power sector; gas supply capabilities are adequate to meet non-power, firm [residential and industrial] gas demand." Demand for more gas relates only to electrical generation.

In Massachusetts, however, the “repowering” change at power plants has largely already happened and, thanks in part to conservation and green energy efforts, it has had only marginal effect on total gas use. Furthermore, 2.2 bcf/day of gas is simply a huge amount of energy — enough to produce twenty times the average annual output of the Vermont Yankee nuclear power plant. Using conservative conversion factors that include energy loss in power generation, the pipeline will deliver enough fuel to produce more than twice the combined power generated in all of New England by coal, petroleum and nuclear fuels in 2012. If residential/ industrial use and power generation cannot use all that gas, where will it go?

Not coincidentally, the owners of the Maritimes /k Northeast Pipeline, which has been bringing fuel to Dracut from Canada, have asked permission to reverse its flow to take fuel from Massachusetts to the port of St. John in Brunswick, Canada. There the gas may be liquefied for shipping. The US Energy Information Agency is not hiding the conclusion: “Increased natural gas production would meet most demand from added LNG [Liquefied Natural Gas] exports,” meaning the oversupply will meet its need for demand through exports to other markets. <http://www.eia.uov/todavineruv/detail.cfm?id=187711>

Kinder Morgan is proposing to profit from government authority to take private property under the guise of public gain. But fuel for export is about private gain, not the greater good of the Commonwealth. If Massachusetts is not going to be even the main recipient of the benefits of this pipeline, why should its citizens—and regional electric rate-payers —bear all the multibillion dollar cost? We will pay through takings of private and public property as well as through government mandated increases in electric rates to pay this private company for building its own money-making infrastructure. Why should we be made to pay Kinder Morgan for the greater good of Kinder Morgan?

Massachusetts cannot use 2.2bcf/day of gas. Neither can New England. Prices in Europe are much higher than here. Kinder Morgan and the companies it will serve want to get their gas to the more lucrative market. But if they admit that goal, they lose the excuse for taking private property by eminent domain. If the good is not public, people’s land should stay private. Let Kinder Morgan pay for its own pipe and pay reasonable royalties to landowners for what goes through it on its way overseas.

David Gilbert Keith is an independent researcher and co-author of “The Hidden Cost of Oil : New Orleans to Indonesia” for Environmental Rights International. He lives in Deerfield, MA.

*Source: FERC PF14-22 Docket # 20150122-0042*

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TOWN OF DEERFIELD

Board of Health  
8 Conway Street  
South Deerfield, Massachusetts  
Voice Mail: 413-665-1400  
Fax: 413-665-1411

## BOARD OF HEALTH’S DECISION ON THE KINDER MORGAN PROPOSED PIPELINE

This matter has come before the Deerfield, Massachusetts Board of Health at the request of citizens of Deerfield that the Board hold hearings in order to determine whether the “fracked” gas pipeline Kinder Morgan Corporation proposes to build in Deerfield presents unreasonable risk to the health and lives of the citizens of Deerfield. For the reasons set forth below, the Board of Health of Deerfield does indeed find that the proposed pipeline presents an unreasonable risk to the health and lives of the residents of Deerfield and ORDERS Kinder Morgan or any of its subsidiaries or affiliated companies to immediately cease from carrying on activities in Deerfield associated with said pipeline.

### **I. Background**

Kinder Morgan is a Texas Corporation with headquarters in Houston, Texas and offices in Holyoke,

Massachusetts. On or about February of 2014 Kinder Morgan announced that it planned to build a pipeline carrying natural gas produced by hydraulic fracturing-fracking-to transit the Town of Deerfield, Massachusetts.

On August 20, 2014 the Deerfield Board of Selectmen held a public hearing, at the request of Deerfield residents, to hear testimony about the concern many residents had over anticipated impacts of the proposed pipeline. In response, the Board of Selectmen issued a non-binding resolution in opposition to the installation of the pipeline on Deerfield's land.

Residents of the Town of Deerfield requested the Board of Health of Deerfield ("BaH") on the same date, August 20, 2014, to hold hearings and determine, under the provisions of M.G.L. Ch. 111 §§. 31 and 143, whether or not construction and operation of the proposed pipeline presents an unreasonable risk to the health and lives of residents of the Town of Deerfield. The Board of Health agreed to conduct the requested hearings and set a hearing date for September 9, 2014.

That same evening of August 20, 2014 BaH send an e-mail to the local representative of Kinder Morgan, notifying Kinder Morgan of the forthcoming hearing. (Ex.-1 at pg. 6). This e-mail communication was followed by a Certified Letter addressed to the General Counsel of Kinder Morgan on August 26, 2014 giving notice of the scheduled hearing. (Ex.-1 at pgs. 1-3). Joseph Listengart, General Counsel of Kinder Morgan, received the Certified Letter communication on September 3, 2014 (Ex.-1 at pg. 5). Kinder Morgan notified the BaH via telephone at approximately 12:30 PM on the day scheduled for the hearing, September 9, 2014, that Kinder Morgan would not be attending the hearing (Certified Transcript ["CT"] at pg.4).

The BaH went forward with the scheduled public hearing on September 9, 2014 as planned, at the auditorium of the Frontier Regional School in Deerfield. At this hearing the BaH introduced twelve exhibits into the hearing record (CT at pgs. 9-25). Exhibits 1-12 were introduced by the BaH for the truth of the matters asserted therein and without objection from Kinder Morgan.

Kinder Morgan was notified that the hearing had taken place in spite of their default absence and that BaH had granted Kinder Morgan fifteen days, ending on September 24, 2014, to comment on all matters and Exhibits presented at the hearing (CT at pg.5 and Ex.-13). Kinder Morgan defaulted failing to respond to the BaH request by the deadline set of September 24, 2014 at 4:00 PM (CT at pg. 24).

On September 24, 2014 Kinder Morgan wrote to the BaH, in a letter delivered on September 26, 2014, two days past the deadline, in response to BaH communications of August 26, 2014 (Ex.-1) and September 12, 2014 (Ex.-13).

In this defaulted letter, filed past the deadline set by the BOH, Kinder Morgan alleged that the Federal Energy Regulatory Commission ("FERC") "will be the government agency responsible for reviewing" the projected pipeline (Ex.-14). Kinder Morgan chose to ignore all facts introduced into the record of the BOH hearing of September 9, 2014.

## **II. Facts.**

### **a. Kinder Morgan's subsidiary was convicted in California of six felony counts regarding the deaths of Javier Ramos, Israel Hernandez, Tae Chin, Victor Rodriguez and Miguel Reyes. (Ex.- 2)**

The Supreme Court of the United States has

... rejected the argument that political speech of corporations or other associations should be treated differently under the First Amendment simply because such associations are not "natural persons." *Citizens United v. Federal Election Commission* Supreme Court of the United States 558 Us. 310 at 343; 130 S. Ct. 876 at 900; 175 L. Ed. 2d 753 at 784 (2010) (citations omitted)

The order of the Supreme Court establishing that corporations cannot be treated differently from "natural persons", albeit in the context of the First Amendment, gives clear indication to the BOH that a

corporation cannot be treated differently from “natural persons” in the context of felonies committed. Felons have limited rights in Massachusetts, i.e., cannot participate in elections as they cannot vote while incarcerated, cannot be members of the Gaming Commission, etc.

The Deerfield BOH hereby finds that a corporation convicted of felonies resulting in the tragic deaths of five people presents an unreasonable risk to the health and lives of residents of Deerfield if such felon were to be allowed to build a massive, high pressure fracked-gas pipeline, the dangers of which will be enumerated in the sections which follow.

**b. Kinder Morgan’s Safety Violations and Accidents (Ex.2)**

Kinder Morgan was cited by the Hazardous Materials Safety Administration for violating its regulations five times in 2011 (Ex.-2 at pg.-4).

In Texas, alone, from 2003 to 2014 Kinder Morgan experienced 36 “significant incidents” resulting in fatalities or hospitalization, fires, explosions or spills (Ex-2 pgs. 4 and 5, describing the incidents in detail with adequate references).

The Deerfield BOH hereby finds that allowing a corporation known to have acted with such willful disregard for regulations enacted to prevent injury to or death of residents and citizens to build and operate a massive high pressure “fracked” gas transportation pipeline through the town would present unreasonable risk to the health and lives of residents of Deerfield.

**c. Kinder Morgan Has a Record of Bribery, Pollution, Fraud, Scams, Thefts, Deaths, Felonies, Environmental Disasters, Labor Violations, Unsafe Working Conditions, and Influence Buying. (Ex.-4 at pgs. 7-11).**

Kinder Morgan’s operations in Portland, Oregon, have been home to pollution, lawbreaking, and even bribery. (Ex.-4 at pg. 7).

The Federal Bureau of Investigations determined that between 1997 and 2001 “Kinder Morgan systematically scammed some of its customers, including the Tennessee Valley Authority (‘TVA’), a publicly owned provider of electricity in the mid-South” (Ex.-4 at pg.-7).

The same federal investigation found that at its Grand River Terminal in Kentucky, Kinder Morgan officials took coal from a customer’s stockpiles and resold nearly 259,000 tons (Ex.-4 at pg.-7).

In another case the US Environmental Protection Agency (“EPA”) fined Kinder Morgan \$613,000 for violations of the Clean Air Act after “regulators discovered that the company had been illegally mixing an industrial solvent described as a ‘cyclohexane mixture’ into unleaded gasoline and diesel” (Ex.-4 at pg-7).

In 2010 the federal government fined Kinder Morgan \$1 million for repeatedly violating the Clean Air Act. The US Department of Justice found that “among other crimes” Kinder Morgan managers lied in permit applications, stating that the company would control its pollution when all the while they knew the control equipment was not being operated or even maintained properly (Ex-4 at pg.-7).

Currently, Kinder Morgan is under investigation by the EPA for violating the federal Renewable Fuels Standard. Officials believe that Kinder Morgan purchased conventional fossil fuels while filing falsified documents certifying that the fuels came from renewable sources (Ex.-4 at pg-8).

The Deerfield BOH hereby finds that if allowed to build and operate a massive fracked gas transportation pipeline through the town, a corporation on the record as having acted with such willful disregard for regulations enacted to prevent injury to or death of residents and citizens would present unreasonable risk to the health and lives of residents of Deerfield.

**d. Kinder Morgan’s Pipelines Have Endangered Lives in Many Communities across the United States and Canada.**

In 2007 a Kinder Morgan pipeline ruptured in Burnaby, British Columbia, forcing 50 families to evacuate their homes as oil rained down on a residential neighborhood (Ex.-4 at pg. 8).

In January of 2012 a Kinder Morgan storage facility in British Columbia spilled roughly 29,000 gallons of crude oil into the community of Abbotsford (Ex.4 at pg. 90).

In April of 2004 a long stretch of a Kinder Morgan corroded pipeline ruptured, spilling 123,000 gallons of diesel fuel into a sensitive saltwater wetland on San Francisco Bay. Kinder Morgan pled guilty on four counts relating to that spill as well as an unrelated spill in Los Angeles Harbor (Ex.-4 at pg. 9).

In November of 2004 an oil pipeline of a Kinder Morgan subsidiary burst in the Mojave Desert, sending a jet of fuel 80 feet into the air. The break closed the nearby interstate highway and contaminated more than 10,000 tons of soil in the habitat of the federally endangered California Desert Tortoise (Ex.-4 at pg. 10).

In 2005 Kinder Morgan spilled 70,000 gallons of fuel into Oakland's inner harbor, and then 300 gallons into the Donner Lake watershed in Sierra Nevada. And in 2007 the City of San Diego sued Kinder Morgan for falsifying records of the clean-up of a fuel leak that contaminated the aquifer (Ex.-4 at pg. 10).

In May of 2011 the US Pipeline and Hazardous Materials Safety Administration announced a proposed \$425,000 fine against Kinder Morgan for safety violations following a federal investigation into Kinder Morgan's having spilled 8,600 gallons of hazardous liquids in New Jersey (Ex.-4 at pg. 10).

In December of 2011 a two-year-old Kinder Morgan natural gas pipeline leaked in Ohio, spewing 127,000 cubic feet of natural gas and forcing residents to evacuate their homes (Ex.-4 at pg. 10).

The Deerfield BOH hereby finds that allowing a corporation with a known record of endangering the lives of residents across North America to build and operate a massive fracked gas transportation pipeline through the town would present unreasonable risk to the health and lives of residents of Deerfield.

**e. Pipeline Transportation of Fuels is a Dangerous Operation in the United States and Worldwide.**

From 2000 to 2009 there were 460 accidents on record related to pipeline discharges of fuels, whether gas or liquids, in the United States (Ex.-5 at pgs. 1 to 23). Pipelinelated incidents have brought pipeline safety to national -and presidential - attention (Ex.-6 at pgs. 1-5).

From 1994 through 2013 the United States had 745 serious incidents with gas distribution, causing 728 fatalities, 1059 injuries, and \$110 million in property damage (Ex.-7 at pg.-2).

National Public Radio reported in January of 2014 that more than 6,000 leaks of gas had occurred in the District of Columbia alone (Ex.-8 at pgs. 1-4). In Massachusetts in the last ten years it has cost consumers more than \$1.5 billion for fuel leaked from pipelines (Ex.-9 at pgs. 1-4).

The Deerfield BOH hereby finds that there is a danger to the health and lives of residents of Deerfield if the BOH were to permit construction and operation of natural gas pipeline within the town of Deerfield, particularly when the company constructing and operating the pipeline is Kinder Morgan, as per sections a to d above.

**f. Kinder Morgan's Official, Mark Hamrich, Reported at a Public Meeting Held at Greenfield Community College on July 14, 2014 that Kinder Morgan Does Not Know the Composition of the Gas Resulting from Fracking to be Transported in the Proposed Pipeline.**

Fracking is a process designed to extract gas from shale buried in the soil. Fracking fluid is a toxic brew consisting of multiple chemicals which may include toxic materials such as petroleum distillates, ethylene glycol, methanol, polyacrylamide and many others (Ex.-11 and Ex-12 at pgs. 1-3).

Kinder Morgan has not denied that some of these fracking chemicals might be present in the fracked gas to be transported through the pipeline.

The Deerfield BOH finds the statement by Mark Hamrich of Kinder Morgan at an open meeting disingenuous as the actual composition of the gas in the pipeline can be established at any time by simple gas and/or liquid chromatography analysis.

The Deerfield BOH hereby finds that the unknown composition of the gas in the pipeline does indeed present a danger to the health and lives of residents of Deerfield if the BOH were to permit construction and operation of natural gas pipeline within the town of Deerfield, particularly when the company constructing and operating the pipeline, Kinder Morgan, does not know the composition of the gas to be transported through the pipeline.

**g. Many Residents of Deerfield Have Shallow Wells Which Might Be Contaminated by Leaks from the Proposed Pipeline, and There is No Evidence that the Proposed Pipeline Will Not Disturb the Aquifer and thus Endanger Residents of Deerfield (CT at pages 21-22).**

The Deerfield BOH hereby finds that given possible contamination of the fracked gas with fracking chemicals from possible corrosion and leaks from the pipeline that installation of the massive pipeline through Deerfield will indeed endanger the health and lives of the residents of Deerfield by contaminating drinking water drawn from the shallow wells of many Deerfield residents.

**III. The Board of Health of Deerfield Has Authority to Prevent the Construction and Operation of the Proposed Pipeline Within the Confines of the Town of Deerfield.**

**a. The Board of Health of Deerfield Has Authority under M.G.L. Ch. 111 §§. 31 and 143 to Conduct Hearings and Determine Whether or Not the Proposed Kinder Morgan Pipeline Presents an Unreasonable Danger to the Health and Lives of the Residents of Deerfield.**

Kinder Morgan, in a belated letter arriving at the offices two days after the close of comments on the subject matter of the hearings (Ex.-14), implies that any resolution by the BOH in this matter is inconsistent with the Federal Constitution and Federal statutes, and thus that it is invalid under the supremacy clause of the United States Constitution, Art. VI, cl. 2.

This argument has been dealt adequately by the Supreme Court of Massachusetts in *Arthur D. Little v. Commissioner of Health of Cambridge* 395 Mass. 535; 481 NE.2d 441; 1985 Mass. LEXIS 1720(1985).

The Supreme Court considered the argument in light of two principles which are traditionally the basis of preemption analysis.

First, “[p]reemption ... is not favored, and State laws should be upheld unless a conflict with Federal law is clear.” *Attorney Gen. v. Travelers Ins. Co.*, 385 Mass. 598,602 (1982) (*Travelers 1*), vacated, 463 Us. 1221 (1983), reaffirmed, 391 Mass. 730 (1984), aff’ d sub nom. *Metropolitan Life Ins. Co. v. Massachusetts*, 471 Us. 724 (1985). See *Commonwealth v. McHugh*, 326 Mass. 249, 265-266 (1950); *Exxon Corp. v. Governor of Md.*, 437 Us. 117, 132 (1978). State law is not preempted merely by reference to some vaguely defined Federal policy, or on the ground that Congress has enacted a statute which is tangentially relevant to the subject at issue. Instead, the plaintiff here is obligated to show preemption “with hard evidence of conflict ... on the basis of the record evidence in this case.” *Grocery Mfrs. of Am., Inc. v. Department of Pub. Health*, 379 Mass. 70, 81-82 (1979), quoting *Kargman v. Sullivan*, 552 F.2d 2, 6 (1st Cir. 1977). Generally speaking, “a finding of no preemption is regarded as preferable because Congress can overrule it by appropriate legislation, while a finding of preemption cannot be changed by the states.” *Agency Rent-A-Car, Inc. v. Connolly*, 686 F.2d 1029, 1038 (1st Cir. 1982). See *Pacific Gas & Elec. Co. v. State Energy Resources Conservation & Dev. Comm’n*, 461 Us. 190, 216 (1983).

Secondly, the Court argued that the Supreme Judicial Court of the Commonwealth and the United States Supreme Court have been particularly reluctant to overturn State laws which are “deeply rooted in local feeling and responsibility.” *Travelers L supra* at 611, quoting *San Diego Bldg. Trades Council v. Garmon*, 359 us. 236, 243-244 (1959). *Massachusetts Elec. Co. v. Massachusetts Comm’n Against Discrimination*, 375 Mass. 160, 174 (1978). This principle applies with special force to laws designed to protect the public health and welfare, a subject of “particular, immediate, and perpetual concern” to any municipality 6 E. *McQuillin, Municipal Corporations* §24.01 (3d ed. rev. 1980). In fact, according to an early decision of the Massachusetts Supreme Judicial Court, *Vandine*, peti-

tioner, 6 Pick. 187, 191 (1828), “[t]he great object of the city is to preserve the health of the inhabitants.” Accordingly, municipal health and safety regulations, such as that at issue here, carry a heavy presumption of validity and are only rarely preempted by Federal law. *Travelers L supra* at 612. See *Malone v. White Motor Corp.*, 435 U.S. 497, 513 n.13 (1978). “The States traditionally have had great latitude under their police powers to legislate as ‘to the protection of the lives, limbs, health, comfort, and quiet of all persons.’” *Metropolitan Life Ins. Co. v. Massachusetts*, 471 U.S. 724, 756 (1985), quoting *Slaughter-House Cases*, 16 Wall. (83 US.) 36, 62 (1873). *Huron Portland Cement Co. v. Detroit*, 362 U.S. 440, 442-443 (1960).

**b. The Federal Energy Regulatory Commission Cannot Prevent the BOH of Deerfield from Issuing Regulations Safeguarding the Health and Lives of the Residents of Deerfield.**

The law created by Congress designed to regulate pipeline transportation of natural gas in the United States is the Natural Gas Act, 15 USCS §§ 717 et seq. The Federal Energy Regulatory Commission is the agency created by Congress to enforce the Natural Gas Act.

The purpose of The Natural Gas Act is to protect consumers against exploitation .... The Natural Gas Act was intended to provide, through exercise of national power over interstate commerce, agency for regulating wholesale distribution to public service companies of natural gas moving interstate, which United States Supreme Court has declared to be interstate commerce not subject to certain types of state regulation .... Congress, in drafting Natural Gas Act, was not only expressing its conviction that public interest requires protection of consumers from excessive prices for natural gas, but was also manifesting its concern for legitimate interests of natural gas companies in whose financial stability gas-consuming public has vital stake .... Purpose of Congress in enacting Natural Gas Act was to create comprehensive and effective regulatory scheme, and to underwrite just and reasonable rates to consumers of natural gas .... Primary aim of Natural Gas Act is to protect consumers against exploitation at hands of natural gas companies; to that end, Congress created comprehensive and effective regulatory scheme .... Purposes of Natural Gas Act are to protect consumers against exploitation at hands of natural gas companies, to underwrite just and reasonable rates to consumers of natural gas, and to afford consumers complete, permanent, and effective bond of protection from excessive rates and charges .... Primary aim of Natural Gas Act is protection of consumers against exploitation at hands of natural gas companies, and congressional intent is to give Federal Power Commission [now FERC] jurisdiction over rates of all wholesale sales of natural gas in interstate commerce .... Natural Gas Act is intended to create, through exercise of national power over interstate commerce, agency for regulating wholesale distribution to public service companies of natural gas moving interstate, and is, for this purpose, expected to balance investor and consumer interests; Federal Power Commission’s [now FERC’s] responsibilities include protection of future, as well as present, consumer interests .... Fundamental purpose of Natural Gas Act is to assure adequate and reliable supply of gas at reasonable prices .... Basic purpose of Natural Gas Act is protection of public interest .... Purpose of Natural Gas Act is to underwrite just and reasonable rates to consumers of natural gas .... Protection of interest of consumers in adequate supply of gas at reasonable rates is overall purpose of Natural Gas Act. ... Purposes of Natural Gas Act, including that of protecting consumers from prices which are forced above just and reasonable level by market power of natural gas suppliers, impose limits on Federal Power Commission’s [now FERC’s] broad discretion to devise methods of natural gas regulation capable of equitably reconciling diverse and conflicting interests .... Purpose of regulation under Natural Gas Act is to provide reliable and adequate supply of gas for interstate market at lowest reasonable cost; Federal Power Commission [now FERC] must regulate, through application of Act, in such manner as to encourage exploration, development, and dedication of natural gas to interstate market. ... It is not purpose or intent of Natural Gas Act to interfere with intrastate transportation, sale, or use of natural gas, and Act was not designed to limit state authority to prevent waste in its natural gas resources. [(Natural Gas

Act 15 USCS §717 Section III (A) (2)] (Citations Omitted).

**c. Safeguarding the Health and Lives of Residents of Towns in Massachusetts by Boards of Health Is Not a Preempted Activity by The Natural Gas Act.**

These are the State Activities preempted by the Natural Gas Act according to the Statute and Court decisions, (Court Citations Omitted):

Natural Gas Act preempts regulatory powers over transportation and sale of natural gas in interstate commerce. . . . Congress meant by Natural Gas Act to create comprehensive and effective regulatory scheme, complementary in its operation to those of states and in no manner usurping their authority .... Natural Gas Act does not envisage federal regulation of entire natural gas field to limit of constitutional power, but contemplates exercise of federal power as specified in Act, particularly in that interstate segment which states are powerless to regulate because of commerce clause of Federal Constitution .... Congress, in enacting Natural Gas Act, did not intend to cut down state regulatory power, but rather to supplement it by closing gap between federal and state powers created by prior decisions of United States Supreme Court .... Congress, in enacting Natural Gas Act did not give Federal Power Commission [now FERC] comprehensive powers over every incident of gas production, transportation, and sale; rather, Congress invested Commission with authority over certain aspects of this field, leaving residue for state regulation; however, from fact that Congress intended to impose comprehensive regulatory system on transportation, production, and sale of gas, it follows that as to problem which is not, by its very nature, one with which state regulatory commissions can be expected to deal, Congress desired regulation by federal authority rather than no regulation. . . . Interstate sales of gas are not to be determined by case-by-case analysis of impact of state regulation upon national interest. ... Congress meant by Natural Gas Act to create comprehensive and effective regulatory scheme of dual state and federal authority, and, from this fact, it follows that as to problem which is not, by its very nature, one with which state regulatory commissions can be expected to deal, Congress desired regulation by federal authority rather than no regulation; when dispute arises over whether given transaction is within scope of federal or state regulatory authority, problem should not be approached negatively, thus raising possibility that “no man’s land” will be created; in borderline case where congressional authority is not explicit, crucial question is whether state authority can practicably regulate given area, and, if it cannot, federal authority governs .... Congressionally designed interplay between state and federal regulation under Natural Gas Act does not permit states to attempt to regulate purchasing decisions of interstate pipelines in mere guise of regulating natural gas production .... Congress, in enacting Natural Gas Act (15 USCS §§ 717 et seq.), did not envisage federal regulation of entire natural gas field to limit of federal constitutional power; rather, Act is designed to supplement state power and to produce harmonious and comprehensive regulation of industry, and neither state nor federal regulatory body is to encroach upon jurisdiction of other. ... In passing Natural Gas Act, Congress took care not to intrude unnecessarily upon state prerogatives; Congress did not intend Federal Power Commission [now FERC] to act as local forum on matters over which it had no regulatory jurisdiction .... Federal regulatory control is proper during period from time that Federal Power Commission [now FERC] has made determination that federal jurisdiction exists until conclusive upholding of such finding by last available court, and state authorities have no right to regulate unfettered merely because courts have not conclusively reviewed Commission’s finding of jurisdiction .... In borderline cases under Natural Gas Act (15 USCS §§717 et seq.) involving respective ambits of state and federal regulatory authority, courts ask whether it is within capability of states to regulate in accordance with purposes of Act, and if it is not, courts can preserve efficacy of Act only by determining that federal authority prevails .... Under Natural Gas Act, regulation of interstate transportation and sale for resale of natural gas is committed exclusively to jurisdiction of Federal Power Commission [now FERC], and jurisdiction over such transactions cannot be asserted by state agency. Courts have subject matter

jurisdiction under 28 USCS § 1331 in action in which companies sought declaration that zoning amendment providing for absolute prohibitions and limitations on siting of liquefied natural gas facilities was preempted by Natural Gas Act, and also sought injunction barring enforcement of amendment because complaint sought both declaratory and injunctive relief on grounds of preemption .... If Natural Gas Act, 15 USCS §§ 717 et seq., grants jurisdiction to Federal Energy Regulatory Commission over matter, its jurisdiction is exclusive .... Gas producers do not have “natural” monopoly power; that is, the industry does not possess the inherent technical characteristics that prevent its efficient and economical operation unless operated as a monopoly. Therefore, the theory that a regulatory agency is necessary to represent consumers when they bargain on rates with a natural monopolist like a utility no longer applies to gas production; FERC has a fundamentally different regulatory obligation, a narrower authority to administer the NGPA and to prescribe higher price ceilings only in certain circumstances .... Regulation of natural gas companies engaged solely in interstate commerce and sale for resale has been preempted by federal government. ... Natural Gas Act was so framed and enacted as to complement and in no manner usurp state regulatory authority .... Where natural gas company was not engaged in exclusively interstate operations, state control was not precluded by Natural Gas Act. Natural Gas Act 15 USCS §717Section III (B)(6) (Citations Omitted).

The Natural Gas Act is primarily concerned with safeguarding consumer financial protection from predatory practices of corporations involved in natural gas transportation. Thus it specifically preempts certain activities .... Order of state regulatory agency requiring interstate natural gas pipeline company to take gas ratably, in proportion to shares of various well owners and operators, from common gas pool and to purchase gas under nondiscriminatory conditions is preempted by comprehensive scheme of federal regulation .... When applied to “natural gas companies” within meaning of Natural Gas Act (NGA) (15 USCS §§ 717 et seq.), state statute under which state’s public service commission regulates issuance of securities by public utilities transporting natural gas in interstate commerce is preempted by NGA as regulation of natural gas companies’ rates and facilities .... Interstate natural gas pipelines operate within field-reserved under Natural Gas Act (15 USCS §§ 717 et seq.) for federal regulation--ofbuying gas in one state and transporting it for resale in another, so inevitably states are preempted from directly regulating such pipelines in such way as to affect pipelines’ cost structures . ... Needs of metropolitan area for adequate and efficient supply of natural gas outweighed state’s plan for community development, and therefore regional development commission’s action in refusing to issue permit for construction of natural gas plant was arbitrary and unwarranted imposition on interstate commerce in conflict with Natural Gas Act. ... Oklahoma statute providing that pipeline company, on request, shall furnish gas to one whose premises are crossed by its pipeline frustrates full effectiveness of Natural Gas Act because it frustrates exercise of power which Congress has delegated to Federal Power Commission [now FERC]; state statute violates supremacy clause and is without effect. ... Natural Gas Act (15 USCS §§ 717-717w) pre-empts state public utilities securities regulation law which requires public utilities, including natural gas companies as defined under 15 USCS §717a(6), operating in state to obtain approval of state’s public service commission before issuing long-term securities .... District Court properly determined that Oklahoma’s ratable take statute and implementing regulation, requiring interstate pipeline company to purchase natural gas from all producers of natural gas reservoir or field, was pre-empted by federal regulatory scheme established by Natural Gas Act (15 USCS §§ 717 et seq.) and Natural Gas Policy Act (15 USCS §§ 3301 et seq .... Under Natural Gas Act (15 USCS §§ 717 et seq.) Congress had implicitly preempted state regulation of interstate pipeline company’s direct transportation of natural gas from wellhead in Oklahoma to ultimate consumer in Michigan .... As applied to interstate pipeline construction, New York State regulatory scheme governing construction of natural gas transmission lines was preempted by Natural Gas Act (15 USCS §§ 717 et seq.), since Congress intended to vest exclusive jurisdiction to regulate pipelines in FERC,

and Congress had occupied field of regulation regarding interstate gas transmission facilities .... Oklahoma statute directly regulating interstate pipeline companies in their purchase of natural gas by rendering them liable to all royalty owners in entire drilling and spacing unit regardless of whether they had complied with their obligations to parties with whom they had contracted was preempted by Natural Gas Act (15 USCS §§ 717 et seq.) as amended by Natural Gas Policy Act (15 USCS §§ 3301 et seq.) insofar as state statute applied to interstate pipelines engaged in purchase of natural gas .... In case involving natural gas pipeline regulation, Iowa provisions regulated in federally occupied field because (1) Federal Energy Regulatory Commission (FERC) considered environmental concerns and specifically addressed issues of soil preservation and land restoration, which were very areas that board members wished to regulate, (2) there was substantial potential for collision between Iowa provisions and FERC plan in that Iowa regulations imposed additional requirements in number of areas, (3) imminent possibility of collision between Iowa provisions and federal regulatory scheme affected ability of FERC to achieve uniformity of regulation, which was objective of NGA, (4) it was undeniable that Congress delegated authority to FERC to regulate wide range of environmental issues relating to pipeline facilities, and (5) because FERC had authority to consider environmental issues, states could not engage in concurrent site-specific environmental review; thus, Iowa's regulations were preempted by Natural Gas Act (NGA), 15 USCS §§ 717 et seq., and trial court did not err in granting summary judgment to gas companies granting permanent injunction in companies' favor. ... Rhode Island's Coastal Resource Management Program's Category B Assent (licensing) process required by 04-000-010 R.I. Code R. § § 100.1(A), (D), 300.1, clearly conflicted with exclusive authority of Federal Energy Regulatory Commission (FERC), which it had exercised in instant case, to license siting, construction, expansion, or operation of liquefied terminals under 15 USCS § 717b(e)(I); by finding dredging activities were part of construction and operation of terminal facility, FERC interpreted dredging at issue to be within its jurisdiction, and thus, assent process utilized by Rhode Island clearly collided with FERC's delegated authority and was preempted .... Where natural gas company could have raised question whether Natural Gas Act (15 USCS §§ 717 et seq.) preempted state franchise law before FERC at same time that company was raising question in state court, Court of Appeals would not require FERC to reopen proceedings at late date in order to permit introduction of preemption question .... On review--under §§ 1 and 5 of Natural Gas Act (15 USCS §§ 717, 717d)--of FERC Order No. 636, which comprehensively restructured natural gas industry through mandatory unbundling of sales and transportation services, court would uphold (1) FERC's jurisdiction to regulate re-sale of interstate-transportation rights in general, as well as specifically its jurisdiction over local distribution companies (LDCs) who broker capacity to local end-users and over municipal LDCs, (2) uphold FERC's decision that state authorized "buy/sell arrangements" are pre-empted by FERC's capacity-release program, and (3) uphold FERC's decision to exclude Part 157 shippers .... Where established course of business of gas distributing company is predominantly interstate, mere fact that some gas is sold and delivered in state of its origin affords that state no superior power to regulate or control transaction .... State constitutional provision and statute which gives state users first priority at obtaining new natural gas that may be found in state is invalid as being violation of Supremacy Clause of United States Constitution since these state provisions clearly frustrate Congressional intent to provide adequate and reasonably priced supply of natural gas for entire nation with equal access to both intrastate and interstate markets . ... Oklahoma ratable take provision in natural gas statute and regulation is unconstitutional where state attempted to prevent discrimination in favor of anyone common source of supply as against another by allowing state to skew free market for gas, because federal law and policy to allow price to be determined by free flow of commerce among states preempts state regulation .... Federal Energy Regulatory Commission's granting of certificate of public convenience and necessity for bypass transportation of natural gas preempts regulatory power of state public service commission, where bypass

will allow direct transportation of gas from Oklahoma facilities to Michigan steel plant, because 15 USCS § 717(b) applies to this approved interstate transportation of gas, which is neither “other sale” nor “local distribution” within meaning of residual regulatory authority of states .... In interstate natural gas pipeline companies’ suit against state utilities board members, state laws relating to pipelines and land restoration, Iowa Code ch. 479A and 199 Iowa Admin. Code chs. 9 and 12, were preempted .... Amendment to county zoning regulation, which provided for absolute prohibitions and limitations on siting of liquefied natural gas (LNG) facilities, was preempted under Supremacy Clause of U.S. Const. art. VI by Natural Gas Act (NGA) because 15 USCS § 717b(e)(1) provided Federal Energy Regulatory Commission (FERC) with exclusive authority over siting of LNG terminals; NGA governed virtually every step of LNG facility’s siting, construction, and operation; zoning amendment conflicted with NGA by impeding upon FERC’s jurisdiction; and, although 15 USCS §717b-1 (b) required FERC to consult with state agencies on matters of local concern and 15 USCS §717b(d) reserved to states their delegated authority under certain environmental statutes, Congress intentionally structured NGA to give states no decision-making authority .... Requiring plaintiff natural gas company to obtain permit under Connecticut’s Structures, Dredging and Fill Act, Conn. Gen. Stat. §22a-359 et seq., for pre-construction, construction, and operation of its federally authorized gas pipeline conflicted with Federal Energy Regulatory Commission’s certifying project, and permit requirement was therefore preempted by Natural Gas Act. ... Because Natural Gas Act, 15 USCS §§717 et seq., and Federal Energy regulatory Commission’s regulations promulgated thereunder govern virtually every facet of liquefied natural gas facility’s siting, construction, and operation, Congress has occupied entire field of natural gas regulation and thereby preempted state assent processes .... Natural Gas Act (NGA), 15 USCS §§ 717 et seq., delineates specific areas of federal regulatory authority; section 1(b) of Natural Gas Act (NGA), 15 USCS §§ 717 et seq., gives Federal Energy Regulatory Commission plenary jurisdiction over three areas, and three areas only: (1) transportation of natural gas in interstate commerce, (2) sale in interstate commerce of natural gas for resale, and (3) natural-gas companies engaged in such transportation or sale .... State commerce commission is without authority to regulate issuance of securities issued by natural gas pipeline companies to finance construction and acquisition of facilities subject to jurisdiction of Federal Power Commission [now FERC]. Natural Gas Act 15 USCS §717Section III (B)(7). (Citations Omitted).

#### **IV. Conclusion**

The Deerfield BOH finds that the proposed hydraulic fracturing-fracking-pipeline will endanger the health and lives of the residents of Deerfield, and hereby bans the construction and operation of such pipeline within the boundaries of the Town of Deerfield. The Board of Health of Deerfield has the authority to ban construction and operation of the proposed pipeline and the Federal Energy Regulatory Commission does not have the legal authority to preempt the decision of the Board of Health.

#### **ORDER.**

For all the reasons stated in this opinion the Board of Health of Deerfield orders Kinder Morgan or any of its subsidiaries or affiliated companies to cease immediately all its activities in Deerfield related to construction of the proposed hydraulic fracturing pipeline within the boundaries of the town of Deerfield, Massachusetts.

So ORDERED.

Carolyn Shores Ness  
Chair, Deerfield Board of Health

Mark E. Gilmore  
Member, Deerfield Board of Health

David W. Wolfram  
Member, Deerfield Board of Health

*Source:* [http://deerfieldma.us/pages/DeerfieldMA\\_Health/FinalKMDecision.pdf](http://deerfieldma.us/pages/DeerfieldMA_Health/FinalKMDecision.pdf)

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VIA CERTIFIED MAIL/RETURN RECEIPT

March 17, 2015

Honorable Angela M. O'Connor  
Chairperson, Department of Public Utilities  
1 South Station Track 13  
Boston, MA 02110

In Re: Notice of Legal Action

Honorable Angela M. O'Connor:

This Office represents Massachusetts residents who were notified by Kinder Moran and/or an affiliate or subsidiary company (hereinafter jointly "KM") that KM is in the process of seeking permits from the Federal Energy Regulatory Commission ("FERC") to transport 2.2 billion cubic feet of fracked gas per day from the Marcellus Shale through Massachusetts and that KM will be seeking DPU's authority to take my clients' properties, or an easement on my clients' properties, under the eminent domain provisions of M.G.L. Ch. 164 § 69R.

My clients have established by expert testimony that 2.2 billion cubic feet per gas per day exceeds by three hundred percent the usage of gas by the New England States, leaving three quarters of the proposed 2.2 billion cubic feet for exportation to foreign countries upon approval by the Federal Department of Energy [DOE]. (See attached expert report.)

Article X of the Massachusetts Constitution as well as the Fifth Amendment of the United States Constitution allow for eminent domain takings by government entities provided the takings are for "public use".

Given the fact that exported gas is not for "public use", but rather for the profit of KM, my clients have filed tort actions against FERC and DOE on the ground of negligence in not recognizing that neither FERC nor DOE have jurisdiction to approve the proposed KM pipeline and the exportation of gas transported by such pipeline. (See sample filing against FERC and DOE attached.)

The same legal basis applies to legal actions my clients will undertake against DPU if DPU entertains applications by KM to take the properties of my clients by eminent domain. The legal actions against DPU will be for negligence and for abuse of process since as of the date of this letter DPU is on notice that it does not have the constitutional power required to entertain applications by KM for eminent domain takings. The combined value loss of my clients' properties since KM announced the construction of the pipeline is in the millions of dollars for which my clients will hold DPU responsible.

Thank you for the attention you will give to this letter.

Sincerely,

Cristóbal Bonifaz, Esq.

Cc: Honorable Maura Healey Attorney General Massachusetts (with all attachments).  
Sent Certified Mail/Return Receipt  
Honorable Cheryl A. LaFleur Chairperson Federal Energy Regulatory Commission  
Honorable Ernest Moniz Secretary Department of Energy.

Honorable Stephen Kulik Representative Massachusetts Legislature  
Honorable Elizabeth Warren Massachusetts Senator  
CB/mj

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VIA CERTIFIED MAIL/RETURN RECEIPT

February 23, 2015

Honorable Cheryl A. LaFleur  
Chairperson  
Federal Energy Regulatory Commission  
888 First Street,  
Washington, DC 20426

Honorable Ernest Moniz  
Secretary  
US Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585

Honorable Eric H. Holder  
US Attorney General  
US Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Honorable Karen L. Goodwin  
US Attorney's Office  
District of Massachusetts  
300 State Street, Suite 230  
Springfield, MA, 01105

RE: FEDERAL TORTS CLAIMS

FOR NEGLIGENCE AGAINST THE FEDERAL ENERGY REGULATORY COMMISSION AN AGENCY OF THE UNITED STATES, THE DEPARTMENT OF ENERGY OF THE UNITED STATES, HONORABLE CHERYL A. LAFLEUR AS CHAIRPERSON OF FEDERAL ENERGY REGULATORY COMMISSION, HONORABLE ERNEST MONIZ AS SECRETARY US DEPARTMENT OF ENERGY, AND THE UNITED STATES. THE CLAIM IS PRESENTED BY THE TOWN OF DEERFIELD MASSACHUSETTS.

Dear Honorable Cheryl A. LaFleur, Honorable Ernest Moniz, Honorable Eric H. Holder and Honorable Karen L. Goodwin:

On February 4, 2015 this office served a claim under the Federal Torts Claim Act ("FTCA") by the Town of Deerfield Massachusetts against the Federal Regulatory Commission (FERC) and the United States for monetary damages caused to Claimant by FERC and the United States.

Please find enclosed and Amended Claim adding the Depart of Energy ("DOE") to the cause of action.

In addition the Amended Claim makes it clearer the nature of the claim and corrects the report of Claimant's expert adding page 7 to that report not filed by error.

You may consider this date February 23, 2015 as the date of filing rather than February 4, 2015 when the original claim was filed. The six months FTCA period will begin to run as soon as you receive this Amended Claim.

You will also be receiving shortly via Certified Mail/Return Receipt an identical claim but filed by a resident of Deerfield whose property is under threat of expropriation by Kinder Morgan.

Thank you for the attention you will give to this matter.

Sincerely,

Cristóbal Bonifaz

CB/mj

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VIA CERTIFIED MAIL/RETURN RECEIPT

February 23, 2015

Honorable Cheryl A. LaFleur  
Chairperson  
Federal Energy Regulatory Commission  
888 First Street,  
Washington, DC 20426

Honorable Ernest Moniz  
Secretary  
US Department of Energy  
1000 Independence Ave., SW  
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Honorable Eric H. Holder  
US Attorney General  
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Honorable Karen L. Goodwin  
US Attorney's Office  
District of Massachusetts  
300 State Street, Suite 230  
Springfield, MA, 01105

RE: FEDERAL TORTS CLAIMS FOR NEGLIGENCE AGAINST THE FEDERAL ENERGY REGULATORY COMMISSION AN AGENCY OF THE UNITED STATES, THE DEPARTMENT OF ENERGY OF THE UNITED STATES, HONORABLE CHERYL A. LAFLEUR AS CHAIRPERSON OF FEDERAL ENERGY REGULATORY COMMISSION, HONORABLE ERNEST MONIZ

AS SECRETARY US DEPARTMENT OF ENERGY, AND THE UNITED STATES. THE CLAIM IS PRESENTED BY THE TOWN OF DEERFIELD MASSACHUSETTS.

### **SUMMARY OF THE CLAIM**

This is a claim for monetary damages caused to The Town of Deerfield, Massachusetts (“Claimant”) by negligent actions of the Federal Energy Regulatory Commission an agency of the United States, the Department of Energy of the United States, Honorable Cheryl A. LaFleur as Chairperson of the Federal Energy Regulatory Commission, Honorable Ernest Moniz as Secretary US Department of Energy and the United States.

### **FACTS**

Kinder Morgan’s subsidiary the Tennessee Gas Pipeline Company, L.L.C. (“TGP”) filed on September 15, 2014 a request with the Federal Energy Regulatory Commission’s (“FERC”) seeking eventual approval to build a pipeline to carry 2.2.billion cubic feet of natural gas per day from the Marcellus Shale through New England.

Prior to September 15, 2014 and starting sometime in 2014 Kinder Morgan conducted a series of public meetings in Franklin County Massachusetts describing the nature and extent of the project including the projected pipeline capacity and the volume of gas expected to be transported through the pipeline.

At no time has FERC conveyed to Kinder Morgan, or any of its subsidiaries or affiliated companies, that since a portion of the gas expected to be transported through the pipeline is for export to foreign countries, rather than for usage within the United States, FERC has been and will continue to be in violation of the United States constitution if it continues to take any action regarding the project.

The Department of Energy (“DOE”) claims jurisdiction over the exportation of Natural Gas.

At no time has DOE taken into account in its permitting processes to export Natural Gas that the transportation of gas for export, including KM’s gas, is carried through pipelines approved by FERC under alleged authority granted to FERC by 2005 Amendments to the National Gas Act (“NGA”), and that approval by FERC of such transportation of Natural Gas for export is in violation of the Constitution of the United States.

The lack of realization and communication by FERC of these facts to KM and/or TGP is a negligent act which has resulted in monetary expenses for Claimant and will result in future expenses and damages by and to Claimant if FERC fails to cease all actions on the proposed pipeline forthwith.

The lack of realization, and communication by DOE of these facts, to anyone, in its continuing granting of permits for exportation of Natural Gas, transported under FERC’s approval for export, are negligent acts that have resulted in expenses and damages to Claimant and will result in future expenses and damages by and to Claimant if DOE fails to cease all actions on the granting of permits for the exportation of natural gas transported by pipelines approved and permitted by FERC for the transportation of natural gas for export.

As per the expert opinion attached the amount of gas KM/TGP wants to transport through the pipeline far exceeds the needs of the New England States and it is the inescapable conclusion of the expert that a great portion of this gas will be exported to foreign countries.

### **DISCUSSION**

The National Gas Act was enacted by Congress in 1938 and was subsequently amended in 1954 and 1992. June 21, 1938, ch 556, § 1, 52 Stat. 821; March 27, 1954, ch 115, 68 Stat. 36; Oct. 24, 1992, P.L. 102-486, Title IV, § 404(a)(1), 106 Stat. 2879.

In 1977 Congress Created the Federal Energy Regulatory Commission and granted the newly created

agency responsibility for formulation and implementation of a national energy program where that responsibility had been previously fragmented among various departments and agencies of the Federal Government. 42 U.S.C. § 7111 et seq.

The newly created Federal Agency assumed as of that date full responsibility for the creation of regulations and implementation of the Natural Gas Act which had been previously assigned to the Federal Power Commission which was terminated as of the date of enactment of 42 U.S.C. § 7111 et seq. 15 U.S.C. § 717. Transfer of Functions.

The Federal Energy Regulatory Commission lacked the power to regulate natural gas for import and export from the day its creation in 1977 through 2005 and Courts clearly recognized this lack of power:

An exporter of natural gas that, like Entex, is not otherwise engaged in interstate gas transactions is not a “natural-gas company” within the meaning of the Act, because the Act defines a “natural-gas company” as a “person engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of such gas for resale,” Natural Gas Act § 2(6), 15 U.S.C. § 717a(6) (1976), and defines “interstate commerce” as “commerce between any point in a State and any point outside thereof, or between points within the same State but through any place outside thereof, But only insofar as such commerce takes place within the United States,” Id. § 2(7), 15 U.S.C. § 717a(7) (emphasis added). See *Border Pipe Line Co. v. Federal Power Commission*, 84 U.S.App.D.C. 142, 171 F.2d 149 (1948); *Compañía de Gas de Nuevo Laredo v. Energy Regulatory Commission* 606 F. 2d 1029 (1979)(emphasis here only).

In 2005 with the advent of fracking in the United States Congress amended the National Gas Act and extended jurisdiction of the Federal Energy Regulatory Commission (“FERC”) to the exportation of Natural Gas with the following language:

(a) Necessity of regulation in public interest. As disclosed in reports of the Federal Trade Commission made pursuant to S. Res. 83 (Seventieth Congress, first session) and other reports made pursuant to the authority of Congress, it is hereby declared that the business of transporting and selling natural gas for ultimate distribution to the public is affected with a public interest, and that Federal regulation in matters relating to the transportation of natural gas and the sale thereof in interstate and foreign commerce is necessary in the public interest. 15 U.S.C § 717 (a).

Congress erred in justifying the inclusion of jurisdiction of gas for export based on public interest by referring to “...S. Res. 83 (Seventieth Congress, first session) and other reports made pursuant to the authority of Congress.” Id.,” since S. Res 83 of the seventieth Congress (1928) was based on Federal Trade Commission reports which dealt solely with intrastate commerce. Congressional Record of S. Res. 83 of the Seventh Congress 1928.

The National Gas Act was enacted in 1938, and the awarding of gas for export jurisdiction to FERC took place in 2005. Congress’ assertion of public interest in its amendment to the NGA of 2005 was not only baseless but highly premature as evident from the two attached letters to DOE by two different groups of senators, one group arguing that gas exportation is in the public interest and the other asserting that it is not in the public interest. (See attached letters to DOE by senators dated July 13, 2013 and February 11, 2015).

There are two public policy issues related to exportation of gas which have not been dealt by either group of senators:

1. Exportation of United States’ gas to foreign countries depletes a national resource for future usage, and for the use of future generations, without bringing any benefit whatsoever to the public interest.
2. Exportation of United States’ gas to be burned into carbon dioxide and water in foreign countries adds significantly to the catastrophe of climate change which is of great concern to the United States and its government.

The fact that exporting natural gas depletes a national resource from usage by future generations is self-

explanatory.

The issues of climate change the result of such export touches on an issue which has generated a great deal of concern to the Government of the United States and other governments across the world. The exportation of gas vacates the purpose of reduction of carbon dioxide emissions in a country that exports fossil fuels at the same time. If and when the United States becomes an exporter of energy, because of fracking, any agreement of the United States with other countries such as China for emission reductions within the United States are meaningless since the exported fossil fuels will be converted to carbon dioxide in other countries. This carbon dioxide emitted by possibly exported fossil fuels is not taken into account in the United States-China agreement to reduce carbon dioxide emissions within each country.

Public interest is not however the critical issue as to why FERC cannot regulate transportation of natural gas across the United States for export and why DOE cannot approve exportation of such natural gas which has been transported across the United States in pipelines regulated by FERC.

The issue is that the 2005 Amendment to the National Gas Act permitting transport of gas for export is unconstitutional. .

FERC is violating the United States Constitution by approving gas transportation pipelines for exportation, and DOE is violating the United States Constitution by approving export of gas which has been transported across the United States for export.

FERC and DOE have been negligent in not realizing this constitutional flaw. The negligence of FERC and DOE has caused damages to individuals and towns across the United States for which there is a remedy at law under the Federal Torts Claim Act. 42 U.S.C. § 2671 et seq.

The Natural Gas Act provides for eminent domain taking of property to satisfy the goals set by FERC.

h) Right of eminent domain for construction of pipelines, etc. When any holder of a certificate of public convenience and necessity cannot acquire by contract, or is unable to agree with the owner of property to the compensation to be paid for, the necessary right-of-way to construct, operate, and maintain a pipe line or pipe lines for the transportation of natural gas, and the necessary land or other property, in addition to right-of-way, for the location of compressor stations, pressure apparatus, or other stations or equipment necessary to the proper operation of such pipe line or pipe lines, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated: Provided, That the United States district courts shall only have jurisdiction of cases when the amount claimed by the owner of the property to be condemned exceeds \$3,000. 15 U.S.C. § 717F

To the extent that FERC's domain includes the exportation of gas this section of the Act is in conflict with the Fifth Amendment of the United States:

“[N]or shall private property be taken for public use, without just compensation.” U.S. Const., Amdt. 5. That Clause is made applicable to the States by the Fourteenth Amendment. See *Chicago, B. & Q. R. Co. v. Chicago*, 166 U.S. 226, 41 L. Ed. 979, 17 S. Ct. 581 (1897). (Emphasis here only).

The conflict comes about because the Supreme Court has correctly read the Fifth Amendment language defining when private properties can be taken by eminent domain, with the key to such analysis being “public use”.

On the one hand, it has long been accepted that the sovereign may not take the property of A for the sole purpose of transferring it to another private party B, even though A is paid just compensation. On the other hand, it is equally clear that a State may transfer property from one private party to another if future “use by the public” is the purpose of the taking; the condemnation of land for a railroad with

common-carrier duties is a familiar example. *Susette Kelo et al., v. City of New London* Supreme Court of the United States 545 U.S. 469, 477; 125 S. Ct. 2655, 2661; 162 L. Ed. 2d 439, 444 ( 2005.) (Emphasis here only)>

In *Kelo Id.*, in an opinion by Stevens, J., joined by Kennedy, Souter, Ginsburg, and Breyer, JJ., it was held that the city’s proposed disposition of property under the development plan qualified as a “public use” under the Fifth Amendment, so that the city properly could use the power of eminent domain to acquire the unwilling sellers’ property.

We emphasize that nothing in our opinion precludes any State from placing further restrictions on its exercise of the takings power. Indeed, many States already impose “public use” requirements that are stricter than the federal baseline. Some of these requirements have been established as a matter of state constitutional law, while others are expressed in state eminent domain statutes that carefully limit the grounds upon which takings may be exercised. As the submissions of the parties and their amici make clear, the necessity and wisdom of using eminent domain to promote economic development are certainly matters of legitimate public debate. This Court’s authority, however, extends only to determining whether the City’s proposed condemnations are for a “public use” within the meaning of the Fifth Amendment to the Federal Constitution. Because over a century of our case law interpreting that provision dictates an affirmative answer to that question, we may not grant petitioners the relief that they seek. *Kelo Id.*, at 489; 2668; 457-458.

*Kelo Id.*, is not the case here. FERC has already approved the installation of gas pipelines across the country which will transport gas for export to foreign markets, and DOE has approved exportation of such gas without any “public use”. The exportation of natural gas is a very profitable venture for private parties and as per *Kelo Id.*, such enrichment of a private party is not justification for Fifth Amendment takings.

FERC and DOE have a myriad of lawyers at their disposal. FERC and DOE have the advantage of instant consultation with attorneys from the Department of Justice and the Department of Energy, yet both have failed negligently to determine that the exportation of natural gas which is not for “public use”, cannot be regulated or dictated by FERC, and DOE cannot approve liquefied natural gas plants which use such transported gas for export.

The actions of FERC in regulating gas pipelines transporting gas for export are negligent and this negligence has caused damages to towns and individuals across this country for which there is a remedy at law under the Federal Torts Claim Act 42 U.S.C.§2671 et seq.

The actions of DOE in approving the exportation of gas carried through pipelines approved by FERC, to transport gas for export, are negligent and this negligence has caused damages to towns and individuals across this country for which there is a remedy at law under the Federal Torts Claim Act 42 U.S.C.§2671 et seq.

In the last analysis what FERC and DOE have negligently overlooked is that “public interest” is not equivalent to “public use” within the meaning of the Fifth Amendment.

Congress, the Executive and the Courts can approve gas or oil transportation pipelines only when the proposed oil and gas pipelines do not take private land by eminent domain or threaten to take private land by eminent domain. This is the restriction imposed by the Fifth Amendment whether the proposed pipeline is the KM pipeline, pipelines scheduled to transport tar sands’ oil, or any other similar pipelines.

### **CONCLUSION**

Claimant is presenting here a solid claim for damages against FERC, DOE and the United States under the Federal Torts Claim Act supported by expert testimony and completed Form 95. For all the reasons stated in this claim FERC, DOE and the United States must admit their negligent unconstitutional behavior by awarding the sum certain damages to Claimant specified in the accompanying

Form 95, and by suspending herewith all activities on the proposed pipeline project which will only result in future additional claims for damages by Claimant, and perhaps others, against FERC, DOE, and the United States.

Sincerely,  
Cristóbal Bonifaz, Esq.  
CB/mj

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David Gilbert Keith  
41 Old Main St. (Box 304)  
Deerfield, MA 01342

February 3, 2015

Attorney Cristobal Bonifaz  
Law Office of Cristobal Bonifaz  
180 Maple Street  
P.O. Box 180  
Conway, Massachusetts 01341

Dear Attorney Bonifaz:

Thank you for asking me to study the Kinder Morgan proposed project of constructing a gas pipeline through certain towns in Massachusetts, including especially Deerfield, and to reach an opinion as to whether A.) the New England states can use the 2.2 billion cubic feet of natural gas per day the pipeline will be capable of transporting or, B.) the amount exceeds what New England states can use in the foreseeable future, and C.) a large portion of the delivered natural gas will be exported from New England.

As an independent researcher I have provided environmental analysis for over 20 years in a number of legal cases involving oil spills as well as noise, air, and water pollution related to aircraft. I am co-author of "The Hidden Cost of Oil: New Orleans to Indonesia" and "After the Gold Rush." I am currently a member of the Deerfield Energy Resources Committee.

As per the facts delineated below it is my expert opinion that a great portion of this gas will not find use in New England and will be exported from the United States.

*Marcellus and Utica production has already overwhelmed demand in the US Northeast area and has begun to push outward.* -- Pieridae Energy (Canada) Ltd., Application to import natural gas. Nov. 6, 2013

1: Natural Gas Consumption & Demand in New England Kinder Morgan, Inc. is proposing to build a pipeline from New York State capable of delivering 2.2 billion cubic feet [bcf] per day to Dracut, Massachusetts. For the reasons delineated below, I conclude that New England simply cannot use this much additional energy and a very large portion of this gas will instead find its demand as Liquefied Natural Gas shipped to markets overseas.

To understand why 2.2bcf/day of natural gas exceeds demand in New England, it is important to look at the difference between supply and delivery rate.

Recent studies have concluded that New England has had to pay more for fuel during peak demand days because of constraints in the supply of natural gas.<sup>i</sup> On peak days the inflow of gas comes close to the maximum inflow capacity, triggering higher costs as the reserve threshold is approached and alternate fuels and generation (such as Hydro-Quebec) must be used. This constraint has two components. The first is regulatory disincentive for electric power generating facilities to buy forward contracts.<sup>ii</sup> The second is more a shortage of flow than of gas itself. The household equivalent would

be turning on all the water taps and then flushing the toilets. The tanks would take longer to refill and the shower would be unsatisfying—but that is different from running out of water.<sup>1</sup>

New England does not need more gas. It may need marginally faster delivery of gas. According to the US Energy Information Agency [EIA], the natural gas inflow capacity of New England is twice its net inflow capacity (inflow less outflow), meaning almost half the gas that can come into New England must go back out again. And even existing net inflow capacity is almost two thirds more gas than the region consumes.

The six New England states consumed 889 billion cubic feet [bcf] of natural gas in 2013. For the six years ending in 2013, the total inflow capacity to New England states has remained constant at 3,120bcf/yr with net inflow capacity constant at 1,441bcf/yr. The capacity is already in place to deliver more gas than the region uses.

Delivery rate—a separate issue—will be improved by completion of two projects expected to be completed in 2016. Spectra Energy’s Algonquin Incremental Market Project will deliver .33bcf/day and Kinder Morgan’s Tennessee Gas Pipeline [TGP] Northeast Connecticut Expansion 0.07bcf/day. These improvements will likely ease price volatility in New England, but the larger question is whether New England has sufficient demand to use the gas being delivered. Given these expansions and Kinder Morgan’s proposed 2.2bcf/day Northeast Direct Pipeline, the answer is no.

*{chart, not included here}*

Fig. 1 Source data: U.S. EIA:

[www.eia.gov/pub/oil\\_gas/natural\\_gas/analysis\\_publications/ngpipeline/StatetoState.xls](http://www.eia.gov/pub/oil_gas/natural_gas/analysis_publications/ngpipeline/StatetoState.xls)

[http://www.eia.gov/dnav/ng/ng\\_cons\\_sum\\_a\\_EPG0\\_VC0\\_mmcfa.htm](http://www.eia.gov/dnav/ng/ng_cons_sum_a_EPG0_VC0_mmcfa.htm)

Gas for heating and industrial use, so-called “firm” demand, is not expected to increase beyond supply, but it does get a sort of first refusal—by contract—on the total supply, leaving the remainder to electrical power generators.<sup>2</sup> Yet the power sector has not provided sufficient demand for pipeline expansions:

In 2011, Spectra Energy (operator of the Algonquin pipeline) proposed the Algonquin Incremental Market (AIM) Project to expand its citygate capacity by a nonbinding nomination of 1 Bcf/day. In December 2013, the proposed capacity expansion was 0.33 Bcf/day, with the target completion in November 2016.<sup>5</sup> The size of the pipeline capacity expansion was reduced 65% from the original proposal because of lack of interest in signing up for long-term firm transport capacity contracts.<sup>iii</sup>

Most of new demand and price volatility comes from increasing use of natural gas to power electrical generation. ICF International, LLC. has projected that the only shortage of capacity would occur on “design days” when demand would approach inflow capacity. Even for these days, ICF reports: “The projected deficits in gas supply apply only to the power sector; gas supply capabilities are adequate to meet non-power, firm gas demand.”<sup>iv</sup>

*{chart, not included here}*

Figure 2 New England Natural Gas Demand: Base Case

Source: Energy Information Administration historical data, Black & Veatch Projection

The consulting firm Black & Veatch determined that overall gas consumption in New England is not expected to increase much over the next fifteen years despite the repowering of electrical power plants, as shown in the chart above:<sup>v</sup>

Repowering cannot create demand to match the 803bcf/year Kinder Morgan proposes to deliver. For financial as well as environmental reasons, the only power plants it would make sense to convert to natural gas are coal, petroleum, and nuclear. EIA data shows that by 2012 (the most recent year for which data is available) coal use was already down by roughly 80%, from generating 17% of the total power supply in 1990 to 3% in 2012. Petroleum is already all but phased out in 2012, dropping

from 27% of power generation in 1990 to 0.4% in 2012.

Repowering all remaining coal, petroleum, and nuclear power plants in New England to natural gas would increase consumption of natural gas by 363bcf/yr. Even this extremely unlikely demand scenario leaves 440bcf—considerably more than half—of the Kinder Morgan pipeline capacity unused. It is argued that New England could benefit from additional pipeline capacity to avoid peak demand hour cost spikes. But the difference between flow capacity and supply is most relevant to the question of how the gas itself will be used.

By definition peak days are not average days. Even on the coldest of days, when residential heating is a larger percentage of use, demand for gas is not constant. The U.S. Energy Information Agency notes that the ratio between peaks and average consumption of electricity has been rising, especially in New England. The ratio increases as the difference between the peak and the average becomes greater. In 2012 the peak hour demand ratio was 1.78, meaning peak demand was 78% greater than the hourly average.<sup>vi</sup> Since the main use of new gas supplies is to be power generation, the few demand spikes of the year will be increasingly removed from overall demand. While incremental pipeline capacity growth might prevent price increases during the few peak hours of the year, there is no need for the fuel new pipelines will deliver for the thousands of other hours of the year or even the other hours of that peak day.

Daily Demand Fluctuation: ISO-NE system load, January 7, 2014

*{chart, not included here}*

Figure 3: (Synapse Energy Economics, Inc., 1/7/2015) Note here that even within a demand day, the peak hour demand is roughly 20% higher than the same day's average demand.<sup>vii</sup>

Imagining a highest demand scenario, with an unprecedented 1.6% per year growth in firm (heating and industrial) demand and with all nuclear, coal and petroleum power plants in New England converting to gas next year, the firm demand for natural gas throughout New England would increase by 242bcf/yr by 2030 with the new generation demand adding another 363bcf/yr for a total of 606bcf/yr. Even this all-but impossible scenario leaves a quarter of the capacity of Kinder Morgan's proposed pipeline unused.

Far more likely would be a slight decline in firm demand (as alternative energy and conservation projects take effect) and remaining coal plants repowering to natural gas or being replaced altogether. Coal and petroleum powered generation in New England produced about 4,500,000 MegaWatt-hours [MWh] in 2012. The now-closed Vermont Yankee nuclear plant produced another 5,000,000 MWh. Using the EIA's conversion factor (which includes power plant efficiency ratings), generating 9,500,000MWh would consume about 75bcf of gas. So what will happen to the rest of the 803bcf/yr Kinder Morgan's Northeast Energy Direct pipeline could deliver?

Part 2: Destination

The only evident shortage in New England is in delivery capacity—rate of flow and concurrent cost constraints—not actual gas. Since the gas transported through Kinder Morgan's pipeline far exceeds New England's demand, where will it go? Regarding increased production in general, the U.S. Energy Information Agency concludes, "Increased natural gas production would meet most demand from added LNG exports.... In the export scenarios that EIA was asked to analyze, LNG exports from the Lower 48 states start in 2015 and increase at a rate of 2 billion cubic feet (Bcf) per day per year, ultimately reaching 12, 16 or 20 Bcf/d."<sup>viii</sup>

Figure 4:

*{chart, not included here}*

Source: U.S. Energy Information Administration, Effect of Increased Levels of Liquefied Natural Gas Exports on U.S. Energy Market

Note: Excludes natural gas used to fuel added liquefaction. Scenarios 12, 16, 20, and Alt 20 refer to different liquefied natural gas export scenarios, explained in the article text and in the full report. Reference Case baseline comes from EIA's Annual Energy Outlook 2014.<sup>ix</sup>

Indeed, such considerations are already well under way. The Canadian Broadcast Corporation reports: "The company that owns majority interest in the Maritimes and Northeast Pipeline has announced plans to reverse its flow from south to north, putting pressure on New Brunswick's Saint John's Canaport liquefied natural gas terminal to convert into an export facility." The same report notes that another LNG export facility is also proposed for Guysborough County in Nova Scotia and adds: "The Saint John's terminal is idle for extended periods each year. For the most part, it sends gas into the United States during peak winter demand periods."<sup>x</sup> The Maritimes & Northeast pipeline was built to bring Canadian gas south, ending in Dracut, Massachusetts, but demand is already proving insufficient and Canadian production is diminishing. The far greater flood of gas Kinder Morgan proposes to deliver will not "sit idle." The natural gas transported through Kinder Morgan's NED pipeline will likely find much of its demand in exports as liquefied natural gas.

Some plans have moved beyond speculation. Pieridae Energy (Canada) Ltd., the operator of the Goldboro LNG terminal, has already signed a 20 year contract with E.ON Global Commodities SE, a German energy company, for \$35B for dedicated exports of LNG. "This is more than a memorandum of understanding or a letter of intent. This is a binding agreement and a significant step forward for the project," Alfred Sorenson, president and chief executive officer of Pieridae, said Monday.<sup>xixii</sup> Pieridae is proceeding through the permitting process:

*In the enclosed Application, Pieridae Energy (Canada) Ltd. ("Pieridae"), as general partner of Goldboro LNG Limited Partnership, seeks long-term, multi-contract authorization to import up to 1.0 billion cubic feet of natural gas per day through the existing pipeline system(s) between Canada and the US ("US") and export up to 1.4 billion cubic feet per day of natural gas, as liquefied natural gas, ("LNG") from a point near Goldboro, Guysborough County, Nova Scotia. -- Thomas Dawson, Senior VP and COO, Pieridae Energy (Canada) Ltd. Letter to (Canadian) National Energy Board, November 6, 2013<sup>xixiii</sup>*

In its application for a license to import natural gas, Pieridae describes anticipated adjustments to the M&NP to "reverse the flow and increase overall capacity" and notes:

*The Applicant's facility location is effectively already connected to the North American gas grid by the MN&P [sic] system. It is therefore already connected to market hubs where large volumes of gas are traded and market prices are established through trading. It is also already connected through M&NP to off shore Nova Scotia gas production.<sup>3</sup>*

The application is for importing gas from the U.S. Although Pieridae's application needs to show benefits for Canadians— such as implying Nova Scotia's production might find a market— so long as the U.S. supplies are cheaper, they will be the main feedstock for the Goldboro LNG plant. The application clearly states: "The choices exercised [for short and long-term purchases] will be based on the most economically efficient options at any given point in time."<sup>4</sup> So long as gas from the U.S. is cheaper, it will be used. A report by Ziff Energy is cited to support the assertion both that U.S. supplies will be reliable and generally cheaper than Canadian production for the 20 year term of the application.<sup>xiv</sup>

Pieridae is asking to import 1.0bcf/day of natural gas and cites only the Maritimes & Northeast Pipeline as the feeder source for that import.

Pieridae's environmental statement is forthright: "The facility's objective is to receive gas via the existing M&NP pipeline in Goldboro, liquefy, store, and load the LNG onto LNG vessels for export to markets in Europe and Asia."<sup>xv</sup> Pieridae's most recent import application states: "U.S. sourced gas will be delivered to Canada through the Maritimes and Northeast Pipeline U.S. ("M&N U.S.") feeding into the M&N Canada system; both pipelines collectively known as the Maritimes and Northeast

Pipeline (“M&NP”) system.”xvi

The Maritimes and Northeast Pipeline ends—or begins—in Dracut, Massachusetts. Kinder Morgan’s proposed Northeast Energy Direct pipeline will also end in Dracut. It seems entirely reasonable to assume that the 1.0bcf/day Pieridae hopes to import to Goldboro will be fed, at least in large part, by gas transported through the Kinder Morgan pipeline, gas that will not be used in New England.

Conclusion:

- New England may have a capacity shortage that constrains delivery of available natural gas to power generators during comparatively few peak demand hours per year.
- New England does not have any evident shortage of natural gas itself. Additional gas, therefore, is not needed even if incremental growth of pipelines to deliver gas more quickly might be helpful.
- New England cannot use another 803bcf/yr of natural gas. At least a large portion of this gas will be exported.

Thank you again for giving me this opportunity to examine this important issue.

Sincerely,

David Gilbert Keith

- 1 “The interstate pipelines have a combined capacity of approximately 3,500 MMcf/d to serve New England’s residential, commercial, municipal, and industrial customers, as well as the demands of the region’s natural-gas- fired power plants. During the peak winter period for natural gas demand, natural gas consumption can easily reach the capacity limits of the pipelines.” ISO NE, Inc. “2013 Annual Markets Report,” p. 13, May 6, 2013 [http://www.iso-ne.com/staticassets/documents/markets/mkt\\_anlys\\_rpts/annl\\_mkt\\_rpts/2013/2013\\_amr\\_final\\_050614.pdf](http://www.iso-ne.com/staticassets/documents/markets/mkt_anlys_rpts/annl_mkt_rpts/2013/2013_amr_final_050614.pdf) (Accessed 1/25/2015)
- 2 “Therefore, in the context of this report, a gas supply ‘deficiency’ suggests that the firm shippers are at or near their full contract limits and there is insufficient interruptible pipeline capacity remaining to meet the overall needs of the electric generators. A potential deficit of supplies available to electric generators does not mean that the pipelines serving New England are under-designed or otherwise incapable of meeting their contractual firm shipper obligations; rather it raises a number of questions about how to address potential supply shortages for electric generators.” ICF International, LLC., “Assessment of New England’s Natural Gas Pipeline Capacity to Satisfy Short and Near Term Electric Generation Needs: Phase II,” p.1, Nov. 20, 2014 [http://www.iso-ne.com/staticassets/documents/2014/11/final\\_icf\\_phii\\_gas\\_study\\_report\\_with\\_appendices\\_112014.pdf](http://www.iso-ne.com/staticassets/documents/2014/11/final_icf_phii_gas_study_report_with_appendices_112014.pdf) (Accessed 1/26/2015)
- 3 Pieridae Application to Canada’s National Energy Board “authorizing the import of natural gas and the export of liquefied natural gas,” Nov. 6, 2013 p.5 <https://docs.neb-one.gc.ca/lleng/lisapi.dll?func=ll&objId=1059285&objAction=browse> (Accessed 2/2/2015)

4 Ibid. p. 5

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E.g.:

- “2013 Annual Markets Report,” ISO NE, Inc. May 6, 2013 [http://www.iso-ne.com/staticassets/documents/markets/mkt\\_anlys\\_rpts/annl\\_mkt\\_rpts/2013/2013\\_amr\\_final\\_050614.pdf](http://www.iso-ne.com/staticassets/documents/markets/mkt_anlys_rpts/annl_mkt_rpts/2013/2013_amr_final_050614.pdf) (Accessed 1/25/2015),
  - “Assessment of New England’s Natural Gas Pipeline Capacity to Satisfy Short and Near Term Electric Generation Needs: Phase II,” ICF International, LLC., 11/20/2014 [http://www.iso-ne.com/staticassets/documents/2014/11/final\\_icf\\_phii\\_gas\\_study\\_report\\_with\\_appendices\\_112014.pdf](http://www.iso-ne.com/staticassets/documents/2014/11/final_icf_phii_gas_study_report_with_appendices_112014.pdf) (Accessed 1/25/2015)
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- ii “In the case of natural gas, part of the problem results from the predominance of market-driven electricity generation investment within the New England region. Merchant generators in search of the lowest cost fuels have gravitated toward natural gas as a default, and no single generator has an incentive to invest in the

forward contracts, firm gas transportation service, fuel diversification or storage that would be necessary to increase reliability and reduce price volatility.” --Quadrennial Energy Review Task Force Secretariat and Energy Policy and Systems Analysis Staff, U.S. Dept. of Energy, Letter Re: “Infrastructure Constraints in New England,” 4/15/2014 [http://energy.gov/sites/prod/files/2014/04/f15/BriefingMemo\\_InfrastructureConstraintsinNewEngland\\_April21.pdf](http://energy.gov/sites/prod/files/2014/04/f15/BriefingMemo_InfrastructureConstraintsinNewEngland_April21.pdf) (Accessed 1/26/2015)

- iii U.S. EIA, “High prices show stresses in New England natural gas delivery system,” Feb. 7, 2014 <http://www.eia.gov/naturalgas/review/deliverysystem/2013/> (Accessed 2/2/2015)
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- v Black & Veatch, “Natural Gas Infrastructure and Electric Generation: Proposed Solutions for New England, B&V Project No. 178511, Prepared for: The New England States Committee on Electricity, 8/26/2013 [http://www.nescoe.com/uploads/Phase\\_III\\_Gas-Elec\\_Report\\_Sept.\\_2013.pdf](http://www.nescoe.com/uploads/Phase_III_Gas-Elec_Report_Sept._2013.pdf) (Accessed 1/24/2015)
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- vii “Massachusetts Low Gas demand Analysis: Final Report,” Synapse Energy Economics, Inc., p.25 Jan. 7, 2015 <http://www.mass.gov/eea/docs/doer/fuels/doer-low-demand-report-final.pdf> (Accessed 1/25/15)
- viii U.S. Energy Information Agency, “Today in Energy: Increased natural gas production would meet most demand from added LNG exports,” 11/12/14 <http://www.eia.gov/todayinenergy/detail.cfm?id=18771> (Accessed 1/25/15) See also: U.S. EIA “Annual Energy Outlook with projections to 2040,” Marcellus natural gas exceeds 100% of the demand projected for the New England and Mid-Atlantic Census Divisions from 2016 through 2040 in the Reference case, requiring transportation of some Marcellus gas to other markets. During the expected peak production period for the Marcellus shale, from 2022 through 2025, its total production exceeds natural gas consumption in the New England and Middle Atlantic regions by more than 1.0 Tcf over the period. [http://www.eia.gov/forecasts/aeo/MT\\_naturalgas.cfm](http://www.eia.gov/forecasts/aeo/MT_naturalgas.cfm) (Accessed 2/3/2015)
- ix Ibid.
- x CBC News: “New uses sought for Saint John’s Canaport LNG terminal,” 1/23/2015 <http://www.cbc.ca/news/canada/new-brunswick/new-uses-sought-for-saint-john-s-canaport-lng-terminal-1.2538819> (Accessed 1/25/2015)
- xi Housley Carr, “Movin’ Out—Exporting U.S.-Sourced LNG from the Maritimes,” RBN Energy LLC 4/2/2014 <https://rbnenergy.com/movin-out-exporting-us-sourced-lng-from-the-maritimes> (Accessed 2/3/2015)
- xii Bill Power, “Pieridae inks \$35-billion deal for gas from Goldboro LNG,” Chronicle Herald, June 3, 2013 <http://thechronicleherald.ca/business/1133470-pieridae-inks-35-billion-deal-for-gas-from-goldboro-lng> (Accessed 2/2/2015)
- xiii [https://docs.neb-one.gc.ca/lleng/llisapi.dll/fetch/2000/90466/94153/552726/1059367/1059542/1059285/A3Q5K7\\_-\\_Cover\\_Letter\\_to\\_NEB\\_re\\_Application\\_by\\_Pieridae\\_Energy\\_Canada.pdf?nodeid=1058907&vernum=-2](https://docs.neb-one.gc.ca/lleng/llisapi.dll/fetch/2000/90466/94153/552726/1059367/1059542/1059285/A3Q5K7_-_Cover_Letter_to_NEB_re_Application_by_Pieridae_Energy_Canada.pdf?nodeid=1058907&vernum=-2) (Accessed 2/2/2015)
- xiv “Ziff Energy’s forecast is for Eastern Canadian gas production to increase to 0.5 Bcf/d (0.5 PJ/d) in 2014 from the initial production capability of Deep Panuke, then declining until 2019 when it is anticipated Appalachian gas will support Eastern Canadian demand over the forecast period.” p.30 “Ziff Energy believes robust low-cost supply from the US Appalachia region will be available to cover Eastern Canadian demand, including for LNG exports in an integrated and fully functioning North American market based on open and transparent pricing.” p50 — William J. Winnick, P.Eng. “Long-Term Natural Gas Supply and Demand Forecast to 2050 for Pieridae Energy (Canada) Ltd.,” October, 2014 file:///C:/Users/HAL/Downloads/Pieridae%20Energy\_Application\_Appendix\_A\_Ziff\_Soloman\_Supply\_Demand\_Report%20-%20A4D7C4.pdf (Accessed 2/3/2015)
- xv Pieridae Goldboro Registration, p. 3 <http://novascotia.ca/nse/ea/goldboro-lng/Goldboro-LNG-Registration.pdf> (Accessed 2/2/2015)
- xvi Pieridae Application to Canada’s National Energy Board “authorizing the import of natural gas and the export of liquefied natural gas,” October 24, 2014 <https://docs.neb-one.gc.ca/lleng/llisapi.dll?func=ll&objId=2541508&objAction=browse> (Accessed 2/3/2015)

See also:

Maugeri, Leonardo, "Falling Short: A Reality Check for Global LNG Exports," 12/19/2014 [http://belfercenter.ksg.harvard.edu/publication/24870/falling\\_short.html](http://belfercenter.ksg.harvard.edu/publication/24870/falling_short.html) (Accessed 2/3/2015) Writing after gas prices have fallen considerably, Maugeri nevertheless concludes: "In fact, the LNG scheme most likely to materialize, the 10-MTpa [million (metric) tonnes per annum] Goldboro LNG, is on the East Coast, in Nova Scotia. It has already secured a long-term customer (German E.on) for 20 years, starting in 2019, but had not received an export license as of November 2014. This is also the only scheme whose selling price formula is not oillinked." p.30

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United States Senate  
WASHINGTON, DC 20510

July 9, 2013

The Honorable Ernest Moniz  
Secretary of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

Dear Secretary Moniz:

Thank you for your department's recent approval of the second permit to export Liquefied Natural Gas (LNG) to non-Free Trade Agreement countries. We are writing to encourage you to continue to review and make decisions on the remaining applications in an expeditious manner.

The world is hungry for U.S. natural gas, and the geopolitical implications of LNG exports are tremendous. To bolster their own energy and national security profiles, nations around the world are seeking opportunities to diversify their energy supplies. For the first time, the United States is being recognized as one of their options. Responsible development of natural gas can benefit the environment and our international priorities.

This shift can pay both economic and political dividends. The international community is working diligently to reduce its reliance on Iranian energy supplies. The availability of U.S. LNG exports can help curtail the need for Iranian energy. Similarly, we can also provide secure LNG supplies to long-standing allies and strategic partners in Europe and Japan. One certainty in the marketplace is that nations need energy to fuel their economies. The only question is where they will get that energy. If the U.S. does not aggressively market LNG abroad, many of these nations may have no choice but to purchase energy from Iran or other nations that are not aligned with our own national interests.

While LNG export terminals do take years to develop and build, many planned facilities have already advanced negotiations toward long-term sales agreements with international consumers. Long-term sales agreements are essential for project developers to secure the financing they need to construct LNG terminals, but no funding arrangement will be finalized until the Department of Energy (DOE) approves a project's permit application. Other facilities already have the ability to import LNG and are simply waiting for approval to build export capabilities. We have heard that DOE is planning to consider the remaining permit applications in six to eight week intervals. Currently, twenty export applications remain in the queue. On this timeline, DOE may not rule on the final application until two years from now. By then, the private financing and market opportunities making these projects attractive may have dissipated, and foreign customers will be forced to turn to other suppliers to secure their energy needs.

As the final December 2012 NERA Economic Consulting study commissioned at the request of DOE shows, LNG exports will have a net positive impact on the domestic economy. In fact, many prospective natural gas production activities have been placed on hold out of concern that future demand forecasts are insufficient to support additional production. If more demand comes online through LNG exports, producers will be able to create jobs and economic growth through new

manufacturing, construction, and production activities. Further, LNG exports will facilitate a tremendous transfer of wealth from abroad directly into the U.S. economy. Additionally, we recognize the benefits that expanded production of natural gas, especially from shale gas, in recent years has provided for important sectors of our domestic economy. We do not expect that to change because the costs to liquefy and ship natural gas abroad provide a substantial discount for domestic consumers and a competitive advantage for industrial users.

We appreciate the attention you have already given this topic since your confirmation. However, we are concerned that the timeline for considering these applications may jeopardize our ability to retain a competitive position against other natural gas exporting nations who are also working diligently to export LNG. The fact is there is a global race for market share underway. American competitors have been at a disadvantage for the past year and a half because DOE has delayed action on pending applications. We are hopeful and optimistic that DOE will now pursue a winning strategy that allows the U.S. to compete effectively in this global market. Given this knowledge, will you consider increasing the speed at which you make decisions on these applications? Will you also consider evaluating multiple permit applications during the next rounds of consideration? Further, will you consider prioritizing the projects that have clearly established they are commercially viable?

Again, we very much appreciate your department's recent approval of the Freeport LNG project in Texas and look forward to your response to these questions.

Sincerely,

Signed by 34 Senators

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United States Senate  
WASHINGTON, DC 20510  
February 11, 2015

Secretary Ernest Moniz  
United States Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Dear Secretary Moniz:

We are writing to express our concerns about the pace at which the United States Department of Energy (DOE) is approving large volumes of liquefied natural gas (LNG) exports. We are concerned that LNG exports will disproportionately benefit the natural gas industry, at the expense of households and industries that will suffer from higher natural gas and electricity prices. In addition, we do not believe enough consideration has been given to regional impacts, particularly for states that are not large producers of natural gas, rely heavily on natural gas-intensive industries, or have limited access to natural gas. Given the potential for long-term negative impacts on many regions and industries in the United States, we ask the DOE to address the following major concerns, and to reconsider the pace at which it is approving LNG exports to non-free trade agreement (FTA) countries.

To date, the DOE has issued final authorizations for four LNG export projects, and conditional authorizations for four additional projects. Approved export volumes for these projects include 10.56 billion cubic feet per day (bcf/d) to non-FTA countries, and an additional 1.63 bcf/d to FTA countries. The total approved exports for these projects represent 16.5 percent of our domestically produced natural gas, which will be sold overseas to countries such as South Korea and Japan, where LNG prices are three to four times higher than in the United States. Exporting to countries with higher LNG prices will drive up domestic prices, which should be a key consideration in your public interest determination. We commend the DOE for exploring this issue by commissioning two studies on the economic

impacts of LNG exports, which were performed by the DOE's Energy Information Administration (EIA) and NERA Economic Consulting (NERA). But we are concerned with the conclusions you draw from these analyses, which we believe demonstrate that large volumes of LNG exports are not consistent with the public interest.

First, we are concerned that large volumes of LNG exports will hurt American industries. The DOE has argued that LNG exports are in the public interest because they will increase the net gross domestic product (GDP) of the United States. This argument is rooted in the analysis performed by NERA, but the same study found that LNG exports preferentially benefit natural gas property owners and producers, at the expense of other industries. For example, NERA states that the agricultural, electricity, and paper, pulp, and primary metal manufacturing sectors will suffer disproportionately negative economic impacts: output in these industries decreases in all export scenarios, and labor income across all industries could decline by up to \$25 billion in 2035.

We are also concerned that large volumes of LNG exports could hurt American families and households. According to the NERA and EIA studies, wage income decreases while the price of residential natural gas increases in all export scenarios. In the most extreme case, residential natural gas expenditures increased by 10 percent before 2025. Such a rapid and dramatic increase, coupled with a decrease in wage income, would be damaging, particularly for low-income households that rely on natural gas for heating and cooking.

EIA also expects supply prices to rise at the producer level, with a maximum predicted increase of 23 percent. This will translate to higher electricity prices for American households and industries, because natural gas currently accounts for more than 30 percent of electricity generation in the United States. Further, the Environmental Protection Agency's draft Clean Power Plan encourages the growth of natural gas-powered electricity, so the domestic demand for natural gas is likely to increase over the next 15 years. The combination of increased demand for natural gas in the electricity sector, and decreased domestic supply due to LNG exports, suggests that the cost to American consumers is likely even higher than predicted by EIA's analysis.

Finally, we urge you to consider the cumulative volume of approved natural gas exports as you finalize your decisions for pending LNG export applications. The maximum LNG export volume that is considered in detail in your commissioned economic studies is 20 bcf/d. But to date, nearly twice that amount has been proposed for LNG exports to non-FI'A countries. While many of these projects may not ultimately be built, these LNG export volumes also do not include the large quantities of natural gas that have already been approved for export via pipeline. Moreover, NERA's analysis of unlimited LNG exports showed that the negative impacts described in this letter would grow with increasing volumes of LNG exports. Therefore, the burden on American households and industries could be even greater than we have described if you continue to approve LNG exports at such a rapid pace.

Given the long-term nature of your authorizations, which typically extend for twenty years, we believe that these predicted negative impacts on the majority of the American economy are too great a risk. Therefore, we ask that you reconsider the pace of your approvals, in light of the following questions about the regional, sectoral, and social impacts of LNG exports:

1. How do you weigh the impact of the predicted widespread increase in consumer natural gas and electricity prices--particularly for low-income households and states that are not large producers of natural gas, rely heavily on natural gas-intensive industries, or have limited access to natural gas--against the concentrated economic benefits for the natural gas industry?
2. How do you balance the predicted widespread loss of manufacturing and jobs against the concentrated economic benefits for the natural gas industry?
3. How would your analysis and conclusions change if you took into account the growth in natural gas-powered electricity generation that is encouraged by the Environmental Protection Agency's draft Clean Power Plan?

4. In your review of pending and future applications for LNG exports to non-FTA countries, do you plan to consider the cumulative volume of approved LNG exports, and the corresponding cumulative economic burden on American households and industries?
5. In order to ensure consistency in future reviews of LNG export applications, how should the definition of “public interest” be clarified? Do you think such a definition should consider the economic impacts on certain regions and sectors?

To summarize, we are concerned about the pace at which the DOE is approving large volumes of LNG exports. Your own commissioned studies have shown that LNG exports would disproportionately benefit the natural gas industry, while driving up natural gas prices, reducing labor compensation, and decreasing output in all other domestic industries. These negative regional, sectoral, and social impacts suggest to us that large volumes of LNG exports are not consistent with the public interest, so we ask that you address our major questions and concerns, and reconsider the pace at which you are approving LNG exports to non-FTA countries.

Thank you for your attention to this matter. We look forward to your responses to these important questions.

Sincerely,

Signed by 16 Senators

*Source:*[http://deerfieldma.us/pages/DeerfieldMA\\_Health/Notice%20of%20Legal%20Action.pdf](http://deerfieldma.us/pages/DeerfieldMA_Health/Notice%20of%20Legal%20Action.pdf)

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## **Dracut, MA**

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Dracut Board of Selectmen

January 13, 2015

Resolution Opposing the Northeast Expansion of the Tennessee Gas pipeline in Dracut, Massachusetts

WHEREAS, a proposed High Pressure Pipeline carrying natural gas may come through Dracut and our neighboring communities; and

WHEREAS, a high-pressure gas pipeline by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

WHEREAS, said pipeline may potentially destroy forests, wetlands, conservation land a farmland, and would pass beneath the Merrimack River, and require maintenance in perpetuity of an expanded utility right-of-way through the possible use of herbicides; and

WHEREAS, said pipeline may adversely affect property values, adversely affect residents’ safety, liveli- hood and otherwise may negatively impact the integrity of the town’s bucolic character; and

WHEREAS, the cost of said pipeline may require Massachusetts citizens to pay a utility bill tariff, as well as environmental costs not required by law for Tennessee Gas Pipeline Company\_ L.L.C. (“TGP”. “ subsidiary of Kinder Morgan Energy Partners, L.P.), potentially making ratepayers bear financial risk for the endeavors of a private corporation; and

WHEREAS, our energy challenges are better addressed through investments in energy conservation measures as well as green and renewable energy solutions; and

WHEREAS, the currently proposed pipeline route was chosen in a private, closed process so that there has been no chance for open, public discussion or debate of alternate routing possibilities and trade-offs; and

WHEREAS, federal eminent domain powers will be used to forcibly take pipeline easements from un- willing landowners; and

NOW THEREFORE BE IT RESOLVED THAT the Selectmen of Dracut, Massachusetts:

- 1, Stand in opposition to Tennessee Gas Pipeline Company, L.L.C.'s Northeast Expansion pipeline and not allow it within town borders;
2. Oppose any pipeline that potentially threatens the safety of any Dracut residents, visitors, or property; and
- 3, Hereby request that our state and federal legislators and executive branch officials to enact legislation and take any such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic wellbeing and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

BOARD OF SELECTMEN

*Source: [http://www.dracutma.gov/sites/dracutma/files/minutes/minutes-file/january\\_13\\_2015.doc](http://www.dracutma.gov/sites/dracutma/files/minutes/minutes-file/january_13_2015.doc)*

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Town of Dracut  
TOWN HALL  
62 ARLINGTON STREET  
DRACUT, MASSACHUSETTS 01826

May 11, 2015

Mr. Alan Fore  
Kinder Morgan  
9 Park Street, Suite 200  
Boston, MA 02108

Dear Mr. Fore,

The Dracut Board of Selectmen voted unanimously on April 28, 2015 to authorize its Chairman to sign a letter expressing the following:

That no Private Company or Corporation shall be allowed to conduct surveying activity on any public way within the Town of Dracut or on any Town property for the purpose of a natural gas pipeline project, without the express written consent of the Board of Selectmen, until such time as a Public Interest Determination has been made in accordance with the applicable Federal Energy Regulatory Commission application process for such project.

You are asked to adhere to this decision of the Board of Selectmen.

Sincerely,

Joseph DiRocco, Jr., Chairman  
Board of Selectmen

*Source: FERC PF14-22 Docket # 20150603-0079*

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**Dunstable, MA**

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OFFICE OF THE TOWN CLERK  
511 MAIN STREET  
DUNSTABLE, MA 01827-1313  
(978) 649-4514 x222  
FAX (978) 649-4371

CSkerrett@dunstable-ma.gov

SPECIAL TOWN MEETING

October 20, 2014

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ARTICLE 18. Motion made and seconded that the Town vote to approve the following revised nonbinding resolution:

Whereas a High-Pressure Pipeline carrying natural gas proposed by Tennessee Gas Pipeline Company, L.L.C. ("TGP"), a subsidiary of Kinder Morgan Energy Partners, L.P., may come through the Town of Dunstable, or neighboring communities; and

Whereas said pipeline would destroy significant amounts of forest, conservation land and farmland and introduce the use of herbicides for the maintenance in perpetuity of a 50 foot right of way; and

Whereas said pipeline would destroy significant amounts of wetlands and flora and fauna within them which are dependent upon Dunstable's rivers and streams, all of which have been identified as outstanding resource waters; and

Whereas said pipeline would adversely affect property values within 300 feet of the pipeline as well as introducing probable use of eminent domain to secure parcels along the pipeline route; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or explosion; and

Whereas said pipeline has the potential to ruin wells and drinking water through blasting activities and/or leakage of methane gas;

Resolved, therefore, that we, the people of Dunstable, Massachusetts, call on our Select Board to stand in opposition to TGP's high pressured pipeline and not allow it within our town borders.

The Board of Selectmen recommends approval of this article.

Majority Vote Required

Voted in the Affirmative

*Source: [http://www.dunstable-ma.gov/pages/DunstableMA\\_ClerkTownMtg/2014/2014](http://www.dunstable-ma.gov/pages/DunstableMA_ClerkTownMtg/2014/2014)*

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**Erving, MA**

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TOWN OF ERVING

12 East Main Street

ERVING, MASSACHUSETTS 01344

Tel. 413-422-2800

Fax 413-422-2808

Email: [admin.thomas.sharp@erving-ma.org](mailto:admin.thomas.sharp@erving-ma.org)

SPECIAL TOWN MEETING

June 29, 2015

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ARTICLE 18

RESOLUTION TO BAN "FRACKED GAS" PIPELINES TO CHAMPION A SAFE AND HEALTHY ENVIRONMENT IN ERVING, MASSACHUSETTS

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing

may come through Erving, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts and beyond to be used for electricity generation and heating; and

Whereas this same company is proposing the building of an 80,000 horsepower Compressor station in neighboring Northfield; and

Whereas said pipeline and compressor station would destroy unknowable amounts of forest, conservation land, farmland, recreation land as well as damage the quality of our air and water; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property, our natural resources, and the lives of our people and the local wildlife; and

Whereas the cost of said pipeline could require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. ("TGP", a subsidiary of Kinder Morgan Inc.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas the building of a pipeline and/or compressor station will cause property values to decrease dramatically; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas, we the citizens of Erving, Massachusetts choose not to participate in such dangers to the life, vibrancy, economic stability, and wellbeing of our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running; now, therefore, be it

Resolved, that the people of Erving, Massachusetts:

1. Hereby call on our Town Meeting to vote to stand in opposition to Tennessee Gas Pipeline Company's high pressured gas pipeline and not allow it within our town borders.
2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of the town of Erving.
3. Hereby instruct the Select board that all future decisions concerning a proposed gas pipeline or compressor station, must be voted on by the residents of Erving.

SUBMITTED by the CITIZEN PETITION

*Source: [http://www.erving-ma.org/images/stories/townmeetings/STM\\_062915.pdf](http://www.erving-ma.org/images/stories/townmeetings/STM_062915.pdf)*

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## **Fitzwilliam, NH**

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BOARD OF SELECTMEN  
P.O. BOX 725  
FITZWILLIAM, NH 03447  
(603) 585-7723 Fax: (603) 585-7744  
email: fitzwilliamnh(RWivalley.net

December 22, 2014

Tennessee Gas Pipeline Company, LLC  
1615 Suffield Street  
Agway, MA 01001

Re: Denying access to Fitzwilliam town property located at Map 12 Lot 58, Fullam Hill Road, Fitzwilliam, New Hampshire.

The Board of Selectmen of the Town of Fitzwilliam, New Hampshire have voted to deny permission to

the Tennessee Gas Pipeline Company, LLC (a Kinder Morgan Company), its representatives, contractors, sub-contractors, and all associates, access to any town land to perform surveys, or for any other purpose. Any physical entry onto town property will be considered unauthorized, and treated as trespassing.

Sincerely,

Susan Silverman, Chairman

Nancy Camey

Christopher Holman

Board of Selectmen

cc: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission.

*Source: FERC PF14-22 Docket # 20150113-0086*

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CONSERVATION COMMISSION  
FITZWILLIAM, NEW HAMPSHIRE  
03447

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
\$\$\$ First Street, NE, Room 1A  
Washington, DC 20426

Northeast Energy Direct Docket 1 PF14-22

NED Gas Pipeline Resolution

The mission of the Fitzwilliam Conservation Commission is to protect the natural resources of the Town of Fitzwilliam, New Hampshire. In regards to this mission, the Fitzwilliam Conservation Commission is in opposition to the Kinder Morgan / Tennessee Natural Gas Pipeline proposal for the following reasons:

1. The proposed route will require at least an additional 125 foot right of way (ROW) through approximately 5.8 miles of Fitzwilliam, resulting in disruption of at least 88 acres of town lands.
2. The proposed route will traverse a state park, town-owned lands designated for conservation/open space, priority areas for future conservation identified in the town's Open Space Plan, and numerous lakes, rivers, streams, wetlands and stratified drift aquifers.
3. Construction and future maintenance of this pipeline will permanently and adversely affect the natural resource values along the pipeline route and undermine past and future efforts to maintain the town's open-space character so highly valued by Fitzwilliam citizens.
4. The burying and placement of the pipeline in or under water supplies will require drilling and extensive blasting that could adversely affect private wells, the principal source of drinking water for nearly all of Fitzwilliam's residents.
5. The proposed use of herbicides as a means of vegetation control has the potential to adversely affect fish, wildlife, water quality and human health through contamination of ground and surface water, in contradiction to the environmental goals of the 2012 Fitzwilliam Master Plan.
6. The pipeline, by virtue of high capacity, appears intended to supply much of its contents for export, and therefore will not benefit the citizens of Fitzwilliam or the majority of citizens of New Hampshire
7. The construction of this pipeline will further extend New Hampshire's dependence on fossil fuels, contribute to global warming, and increase the degradation of the earth's atmosphere through methane, carbon dioxide and other greenhouse gas emissions.

8. The continued investment in fossil fuel infrastructure is contrary to the goals of reduced carbon emissions outlined in the “New Hampshire Climate Action Plan” (NHCAP), and is contrary to the course of action New Hampshire has agreed to in the “Regional Greenhouse Gas Initiative” (RGGI) plan.
9. Additional construction and operation of pumping/pressurization stations along the pipeline route could further degrade the Fitzwilliam natural landscape and quality of life for its citizens.
10. The potential for pipeline leaks of unknown materials into the Fitzwilliam environment presents risks that are hard to predict or quantify.
11. Explosions, however unlikely, present the risk of significant and dramatic damage to town natural resources and citizens.

Signed (16 Feb. 2015)

Jeanne E. Sable,  
Secretary

Paul M. Kotila, Chair

Rick Brackett

Mandy Exel

Barbara Green

Hiel Lindquist

Cheryl Norskey

Dorothy Zug

CC: Gov. Maggie Hassan

Sen. Andy Sanborn

Rep. John B. Hunt

Rep. Franklin W. Sterling

Rep. Susan Emerson

*Source: FERC PF14-22 Docket # 20150313-0007*

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The Town of Fitzwilliam, NH voted overwhelmingly for the following resolution opposing the proposed Tennessee Gas Pipeline Company LLC project (the Northeast Energy Direct Project “Project”) to construct and operate a 30-36 inch design capacity high pressure natural gas pipeline through the Town of Fitzwilliam.

Whereas, because of the adverse impacts construction, operation and maintenance of the Project will have on the Town of Fitzwilliam, its historic, rural character and aesthetics; the threat the project poses to Town surface waters, groundwater aquifers, wetlands, lakes, ponds, rivers and streams; the threat of contamination of Town water supplies and the water wells of Town citizens; the threat to Town recreational and conservation areas; the threat of the taking Town and private property by eminent domain; and the threat to the economic well-being and tax base of the Town and to the property values of property owners; the threat to the health and safety of the Town residents and property posed by a large capacity high pressure gas pipeline carrying flammable liquid natural gas in close proximity to high voltage power transmission lines; and,

Whereas, the Project violates the carefully crafted letter and spirit of the 2012 Fitzwilliam New Hampshire Master Plan which bears the theme: “Growth is inevitable and desirable, but the destruction of community character is not. The question is not whether your part of the world is going to change. The question is how”; and,

Whereas, the Project violates the carefully crafted provisions of the Town of Fitzwilliam Planning and Zoning Ordinances; and,

Whereas, the Project, because the preemptive effect of Chapter RSA 162-H, Energy Facility Evaluation, Siting, Construction and Operation, violates the inherent right of the people of the Town of Fitzwilliam to govern their own community, including, without limitation, the rights guaranteed by Article 1 of the New Hampshire Constitution-Bill of Rights that all government of right originates from the people, is founded in consent, and is instituted for the general good; and

Whereas, the people of the Town of Fitzwilliam find that the construction of the Project violates the rights of the people of the Town of Fitzwilliam, their environment and neighborhoods by threatening their health, safety and welfare; and,

Whereas, by the adoption of this Warrant, the voters of the Town of Fitzwilliam direct the Board of Selectmen to challenge the Project in such judicial, legislative and administrative bodies, both federal and state, as have jurisdiction over the project because:

1. Construction, operation and maintenance of the Project will include drilling, blasting, rock crushing and excavation using heavy equipment and trucks, causing the contamination of surface and ground water from blasting emulsions and compounds; air contamination from dust and debris; and air contamination from diesel exhaust from crushers, heavy equipment and trucks; and,
2. Construction, operation and maintenance of the Project threatens injury and damage to the health and safety of Town residents and their property because of the proximity of a large high pressure gas pipeline carrying flammable natural gas to high voltage power transmission lines; and,
3. Operation and maintenance of the Project threatens injury and damage to wildlife and indigenous plants and trees because of the use of herbicides and poisons in the pipeline right of way both from air born transmission and from leaching into surface and ground waters; and,
4. Construction, operation and maintenance of the Project threatens injury and damage to the irreplaceable historical and rural character of the Town and aesthetics of the Town, in violation of the letter and spirit of the 2012 Fitzwilliam Master Plan, and Town Planning and Zoning Ordinances; and,
5. Construction, operation and maintenance of the Project threatens adverse impacts on Town lakes, rivers, streams, brooks, estuaries, wetlands, surface and ground waters; and,
6. Construction, operation and maintenance of the Project threatens adverse impacts to Town forest lands, recreational and conservation areas; and,
7. Construction, operation and maintenance of the Project will require the involuntary taking of Town property by the pipeline company, including precious conservation and recreation property, by eminent domain in violation of Article 12- a of the New Hampshire Constitution the provision that property cannot be taken for private use; and,
8. Construction, operation and maintenance of the Project will require the involuntary taking of private property by the pipeline company by eminent domain in violation of Article 12-a of the New Hampshire Constitution the provision that property cannot be taken for private use; and,
9. Construction, operation and maintenance of the Project threatens the economic well-being and aggregate tax base of the Town.

Therefore, be it resolved that the Town of Fitzwilliam, acting through its Board of Selectmen, shall undertake such action as necessary to protect the Town of Fitzwilliam from the threat to the Town of Fitzwilliam's right to govern the conduct of projects within its borders and to protect the Town and its residents from the adverse impacts of the Project in such judicial, legislative and administrative bodies, both federal and state, as have jurisdiction in the matter, or take any action thereon.

*Source: FERC PF14-22 Docket # 20150421-5082*

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**Gill, MA**

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TOWN OF GILL  
MASSACHUSETTS  
www.gillmass.org

**RESOLUTION TO BAN “FRACKED GAS” PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY**

Whereas a proposed high-pressure pipeline carrying natural gas obtained through hydraulic fracturing may come through communities neighboring the Town of Gill, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation; and,

Whereas said pipeline goes against current Commonwealth of Massachusetts commitments to renewable energies and combating global climate change; and,

Whereas said pipeline would destroy unknowable amounts of forest, conservation land and farmland; and,

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and,

Whereas the cost of said pipeline may require Massachusetts citizens and businesses to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. (a subsidiary of Kinder Morgan Energy Partners, L.P.), thereby making individual ratepayers bear financial risk for the endeavors of a private corporation; and,

Whereas, we the Selectboard, speaking for the citizens of Gill, Massachusetts, choose not to participate in such encumbrances upon the lives, vibrancy, economic stability, and general wellbeing of our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running,

Now, therefore, be it Resolved, that the Selectboard of Gill, Massachusetts:

1. Oppose said pipeline, and any new pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth; and
2. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, om economic wellbeing and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

Signed this 25th day of August, 2014

Gill Selectboard

Randy P. Crochier, Chair

John R. Ward

Greg Snedeker

Telephone 413-863-9347 325 Main Road, Gill MA 01354 Fax 413-863-7775

*Source: <http://www.gillmass.org/pdfs/Selectboard/Minutes/2014/SBMinutes2014-0825.pdf>*

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**Greenfield, MA**

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Order no. FY 15-006

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESOLUTION TITLED “RESOLUTION OPPOSING THE NORTHEAST EXPANSION OF THE TENNESSEE GAS PIPELINE IN MASSACHUSETTS”. CITY OF GREENFIELD MASSACHUSETTS

In the Town Council, June 18, 2014

Upon the Recommendation of Councilor Patrick Devlin and Council President Mark Wisnewski

**Resolution Opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts**

WHEREAS, the so-called Northeast Expansion of the Tennessee Gas Pipeline is a high-pressure natural gas pipeline (hereafter “the Pipeline”) proposed by Tennessee Gas Pipeline Company, a subsidiary of Kinder Morgan, Inc. that would run through many communities in Western Massachusetts; and

WHEREAS, the Town of Greenfield is a regional interest in protecting the environment in the Pioneer Valley and in the United States, and the public health generally; and

WHEREAS, the Pipeline would transport natural gas obtained through hydraulic fracturing, a drilling method well known for its potential for ground water contamination, impact on air quality, and the harmful health effects of its chemical byproducts, among others; and

WHEREAS, pipelines of this kind carry inherent risks such as leaks and ruptures, and, as conveyors of flammable gas, can cause accidents such as the 2010 explosion in a residential neighborhood in San Bruno, California that resulted in the death of eight people and the destruction of 38 homes; and

WHEREAS, the Pipeline may pass through environmentally sensitive areas in our region such as forests and wetlands, as well as beneath the Connecticut River; and

WHEREAS, taxpayer money would pay for the pipeline as well as evacuations and emergency response in the event of explosions, fires or other accidents; and

WHEREAS, our energy challenges are better addressed through investments in green and renewable energy solutions.

NOW THEREFORE BE IT RESOLVED THAT the Town Council of Greenfield Massachusetts

1. Stands in opposition to the Northeast Expansion of the Tennessee Gas Pipeline and all similar projects that may be later proposed.
2. Stands in solidarity with nearby communities working to disallow the Pipeline within their borders.
3. Affirms the need for public policy at the local, state and federal levels to encourage renewable energy and combat climate change, and supports legislation to ban or impose a long-term moratorium on hydraulic fracturing as well as storage, treatment or disposal of hydraulic fracturing fluid or byproducts within the Commonwealth.
4. Shall cause a copy of this resolution to be presented to the Town of Greenfield’s legislative representatives and the Governor, asking them to take action to prevent the construction of the Pipeline within the borders of the Commonwealth of Massachusetts. Greenfield Town Council August 20, 2014

DISCUSSION: Councilor’s discussion included the following comments:

- Premature to take this from the table for a vote.
- The application to Federal Energy Regulatory Commission (FERC) was being submitted in September and the vote should be taken prior to that to allow for the resolution to be submitted.
- Would have liked to have others present alternative energy sources.
- Reasoning for the need for a pipeline.
- General usage of gas verses spikes in gas usage.
- The Town of Greenfield has been working to have a larger gas supply for the region for a long time. This would attract business and benefit the region economically.

- High cost of utilities in New England.
- Solar was a viable alternative for personal use but not for industrial use.
- Fix the existing line rather than build a new one.
- Dangers and concerns of Fracking.
- Objections to Executives participating in Councilor deliberation.
- Competition for jobs.
- Environmental concerns with all heating sources.
- The resolution needed to be sent to FERC to let them know we do not want the pipeline.
- Ask FERC to hold a Public Hearing in Franklin County.

MOTION: On a motion by Councilor Ricketts, second by Councilor Allis, it was unanimously, VOTED: TO CALL THE QUESTION.

It was by majority (2 no),

VOTED: TO APPROVE ORDER NO. FY 15 -006.

*Source: [http://www.townofgreenfield.org/Pages/GreenfieldMA\\_CouncilMin/2014/Council%20Minutes%2008-20-14.pdf](http://www.townofgreenfield.org/Pages/GreenfieldMA_CouncilMin/2014/Council%20Minutes%2008-20-14.pdf)*

## Greenville, NH

### GREENVILLE TOWN WARRANT STATE OF NEW HAMPSHIRE

Annual Town Meeting  
March 14, 2015

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Article 17. By Petition. Whereas the proposed Northeast Energy Direct (NED) high-pressure natural gas pipeline project is inconsistent with the basic principle of individual property rights, in that, if approved, Tennessee Gas Pipeline Company, LLC – a for-profit corporation – would have the power to force private property owners to give up rights under eminent domain proceedings in order to create a new corridor for the installation of the pipeline project,

and whereas the proposal is inconsistent with the Town’s goal of protecting and preserving its aquifers and drinking water, including community and private wells, wetlands, streams, and other bodies of water, in that local water would be extracted, polluted, and reintroduced during drilling or other operations, and in that blasting would affect rock formations essential to maintaining groundwater and wells.

and whereas the town’s emergency and maintenance services would be grossly inadequate to cope with the effects of a catastrophic accident involving the pipeline.

The Town of Greenville resolves to oppose approval by the NH Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Gas Pipeline Company, LLC (a Kinder Morgan Company) as part of the Northeast Energy Direct Project.

*Source: <http://www.greenvillenh.org/TownReports/2014.pdf>*

Office of the Selectmen  
TOWN OF GREENVILLE NH  
P.o. Box 343  
Greenville, NH 03048-0343  
Phone: (603) 878-2084

April 9, 2015

Governor Maggie Hassan  
Office of the Governor  
State House  
107 North Main Street  
Concord, NH 03301

Re: Town Meeting Vote in Greenville

Please note that the following Article was petitioned onto our 2015 Town Meeting Warrant. The Article passed by voice vote at our meeting on Saturday, March 14, 2015.

Article 17. By Petition.

Whereas the proposed Northeast Energy Direct (NED) high-pressure natural gas pipeline project is inconsistent with the basic principle of individual property rights, in that, if approved, Tennessee Gas Pipeline Company, LLC- a for-profit corporation - would have the power to force private property owners to give up rights under eminent domain proceedings in order to create a new corridor for the installation of the pipeline project,

and whereas the proposal is inconsistent with the Town's goal of protecting and preserving its aquifers and drinking water, including community and private wells, wetlands, streams, and other bodies of water, in that local water would be extracted, polluted, and reintroduced during drilling or other operations, and in that blasting would affect rock formations essential to maintaining groundwater and wells.

and whereas the town's emergency and maintenance services would be grossly inadequate to cope with the effects of a catastrophic accident involving the pipeline.

The Town of Greenville resolves to oppose approval by the NH Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Gas Pipeline Company, LLC(a Kinder Morgan Company) as part of the Northeast Energy Direct Project.

If you have any questions, please feel free to contact us, at your convenience

Sincerely,

Kelley A. Collins  
Town Administrator

*Source: private communication, not yet in FERC Docket*

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June 30, 2015, Co-signed NH Municipal Pipeline Coalition letter #2

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**Groton, MA**

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TOWN OF GROTON  
SPECIAL TOWN MEETING WARRANT and MINUTES

JUNE 30, 2014

ARTICLE 1: NON-BINDING RESOLUTION

To see if the Town will vote to adopt the following non-binding resolution opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts:

Resolution Opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts

WHEREAS, a proposed High-Pressure Pipeline carrying natural gas may come through Groton and our neighboring communities, en route to Dracut, Massachusetts; and

WHEREAS, a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

WHEREAS, said pipeline may potentially destroy forests, wetlands, conservation land and farmland, and would pass beneath the Nashua River, and require maintenance in perpetuity of a 50 foot right-of-way through the possible use of herbicides; and

WHEREAS, said pipeline may adversely affect property values, adversely affect residents' livelihood and otherwise may negatively impact the integrity of the town's bucolic character; and

WHEREAS, the cost of said pipeline may require Massachusetts citizens to pay a utility bill tariff, as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. ("TGP", a subsidiary of Kinder Morgan Energy Partners, L.P.), potentially making ratepayers bear financial risk for the endeavors of a private corporation; and

WHEREAS, our energy challenges are better addressed through investments in energy conservation measures as well as green and renewable energy solutions; and

WHEREAS, the currently proposed pipeline route was chosen in a private, closed process so that there has been no chance for open, public discussion or debate of alternate routing possibilities and tradeoffs; and

WHEREAS, federal eminent domain powers will be used to forcibly take pipeline easements from unwilling landowners; and

WHEREAS, the proposed pipeline route crosses the grounds of the Groton-Dunstable Regional High School and threatens the safety of students, faculty and facilities.

NOW THEREFORE BE IT RESOLVED THAT the people of Groton, Massachusetts:

1. Hereby call on our Selectmen to stand in opposition to Tennessee Gas Pipeline Company, L.L.C.'s Northeast Expansion pipeline and not allow it within town borders;
2. Oppose any pipeline that potentially threatens the safety of any Groton students, faculty or school facilities; and
3. Hereby request that our state and federal legislators and executive branch officials to enact legislation and take any such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well-being and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

or take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: Recommendation Deferred Until Town Meeting

Finance Committee: Recommendation Deferred Until Town Meeting

ARTICLE 1: NON-BINDING RESOLUTION Mover: Peter Cunningham

MOTION: I move that the Town vote to adopt the non-binding resolution opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts as printed in the Warrant for the June 30, 2014 Special Town Meeting.

Moved and Seconded

Quantum of Town Meeting Vote: Majority

Groton Board of Selectmen

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Room 1 A  
Washington, DC 20426

RE: Tennessee Gas Pipeline Company, L.L.C., Docket No. PF14-22-000 Request to Use Pre-filing Procedures for Proposed Northeast Energy Direct Project

Dear Secretary Bose:

On June 30, 2014, the Groton Board of Selectmen called for and held a Special Town Meeting to discuss the Kinder Morgan and Tennessee Gas Pipeline Company, L.L.C. Northeast Energy Direct Project. At this Special Town Meeting, the voters of the Town of Groton voted unanimously to adopt a resolution in opposition to the project. A copy of the vote of the Town Meeting is attached. Groton's local legislative authority is vested in the traditional New England open Town Meeting whereby any registered voter may participate and vote on town matters.

Please take this resolution into consideration when reviewing the Kinder Morgan Northeast Energy Direct project.

Thank you for your time and consideration.

Sincerely,  
Joshua A. Dergen, Chairman  
Groton Board of Selectmen

Source:FERC PF14-22 Docket # 20141020-0019

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TO: Kimberly Bose, Secretary, Federal Energy Regulatory Commission  
FROM: Groton Conservation Commission  
DATE: November 3, 2014  
SUBJECT: Opposing the Proposed Tennessee Gas (Kinder-Morgan) Pipeline

Dear :

Massachusetts and the town of Groton are fortunate in having significant open space preserved for the benefit and enjoyment of the public and the preservation of our natural heritage. That natural space depends in no small part on the good stewardship and selfless volunteer efforts of members of the public to preserve for us and our children the benefits of an intact environment.

Over many years the citizens of Groton have made conscious decisions to preserve our natural heritage. Within the borders of our community, and all towns along the proposed pipeline route, there exist significant delicate natural areas. These areas are home to many species that are threatened or endangered. The pipeline route as proposed would destroy a 100' wide corridor through many of these environmentally sensitive areas. The construction would necessitate the destruction of wetlands, vernal pools, forested areas and other areas of high ecological value. After construction a permanent 50' wide right of

way would be maintained in perpetuity by the use of mechanical and chemical means, thus eliminating the natural environments that existed prior to the pipelines construction. Once these sensitive areas have been destroyed or fragmented they cannot be restored.

There exist alternate routes along existing pipeline paths and rights of way that would preserve our environmentally sensitive areas as they would traverse existing disturbed corridors. That such an alternate route would entail additional time and expense is not in doubt, however, preservation of our irreplaceable natural heritage should be considered as a high, if not top, priority of any proposed project. The Groton Conservation Commission hopes that FERC will strongly consider the opinions and suggestions of other environmental groups, including the Massachusetts Audubon Society, The Nature Conservancy, and the Conservation Law Foundation, who also oppose this project.

The Groton Conservation Commission is not opposed to delivery of natural gas to Massachusetts via a pipeline, but with the choice of the proposed route. The Groton Conservation Commission therefore cannot support and so opposes the Tennessee Gas Pipeline (Kinder Morgan Energy Partners) project as proposed and urges the members of FERC to give the highest consideration to an alternate pipeline corridor that would not impact our environmentally sensitive areas.

Respectfully,

Groton Conservation Commission  
John Smegelski, Chairman  
Peter Morrison, Vice Chairman  
Susan Black, Clerk  
Renna Sweezy, Member  
Marshall E. Giguere, Member  
Bruce Easom, Member  
Mary Metzger, Member

*Source: FERC PF14-22 Docket # 20141103-5172*

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## **Hancock, MA**

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Town of Hancock  
3650 HANCOCK ROAD HANCOCK, MASSACHUSETTS 01237 413-738-5225 FAX 413-738-5310

Town of Hancock  
Annual Town Meeting  
May 4, 2015

SEVENTEENTH - To transact any other business that may legally come before said meeting.

Motion made to accept article (17th) SEVENTEENTH as read, second. Discussion: Cathleen Duffy from the Town of Hancock Group HOOP asked to read a non-binding resolution opposing the Northeast Energy Direct Project of the Tennessee Gas Pipeline in Hancock, Massachusetts (see attached Resolution). Be it Resolved, that the people of Hancock, Massachusetts request our Selectboard to stand in opposition of the Kinder-Morgan Northeast Direct Energy Pipeline and all related projects that may be later proposed; stand in solidarity with nearby communities working to disallow the Pipeline within their borders, and ban its construction in our region by issuing a resolution as the other towns have done; and that our Selectboard present a copy of this resolution to the Town of Hancock's state and federal legislative representatives and the Governor, asking them to take action to prevent the construction of the Pipeline within the borders of the Commonwealth of Massachusetts, with a further copy presented to the President of the United States. Several questions were addressed and with no further discussion the Resolution passed unanimously by all (71) registered voters.

A True Copy Attest As Recorded at the Annual Town Meeting:

May 4, 2015

Linda C. Burdick

Town Clerk

Resolution Approved: Board of Selectmen

Sherman L. Derby, Sr. Chairman

Arthur F. Williams, Jr.

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Resolution Opposing the Northeast Energy Direct Project of the Tennessee Gas  
Pipeline in Hancock Massachusetts.

Whereas, the so-called Northeast Energy Direct Energy Pipeline is a high-pressure natural gas pipeline (hereafter “the Pipeline”) proposed by Kinder Morgan, Inc., that would run through Hancock and neighboring communities in Berkshire County; and

Whereas, the Pipeline would transport natural gas of an unknown composition obtained in neighboring regions through hydraulic fracturing (“fracking”), a drilling method by which toxic chemicals are mixed with water and injected into the ground, exposing surrounding residents to a risk of water contamination, deteriorating air quality, exposure to chemical byproducts, as well as loss of property value; and

Whereas, the Pipeline would require an easement of 100 feet, in which the land would be cleared and maintained with herbicide and pesticide use, and which could be located either on private property or in co-location with existing utility corridors, thereby presenting a known risk of electromagnetic interference and compounded damages in the event of an accident (source: article 3.3, <http://www.maine.gov/energy/pdf/LD1786%20Co-Location%20Report%20FINAL%20May%202011.pdf>); and

Whereas, high-pressure gas pipelines of this kind carry an inherent risk of leaks, ruptures, fires, explosions, and accidents, burdening taxpayers with the costs of evacuation, emergency response and community reconstruction in the event of such an accident; and

Whereas, Kinder Morgan, Inc., as documented in the September 9, 2014, Deerfield Board of Health hearing, has a known record of endangering the lives of residents across North America through safety violations and accidents, such as the 2011 leak of a two-year-old natural gas pipeline in Ohio that released 127,000 cubic feet of natural gas and forced residents to evacuate homes; and

Whereas, the cost of constructing said Pipeline may be borne by New England ratepayers through a utility bill tariff, despite the fact that Kinder Morgan would receive a guaranteed rate of return on the Pipeline once constructed, thus forcing ratepayers to subsidize the profits of a private corporation; and

Whereas, construction of the Pipeline cannot be expected to lower the costs of gas or electricity in the Commonwealth, and Kinder Morgan, as Pipeline operator, can choose to contract with companies that will sell the gas for export; and

Whereas, further development of fossil fuel infrastructure is in conflict with the Massachusetts Global Warming Solutions Act; and

Whereas, said Pipeline may pass through environmentally sensitive areas such as forests, wetlands, and conservation lands, compounding the threat to regional watersheds and to the health and well-being of human, animal and plant life; and so therefore, be it:

Resolved that the people of Hancock, Massachusetts:

1. Move to request that our Selectboard stand in opposition to the Kinder-Morgan Northeast Direct Energy Pipeline and all related projects that may be later proposed;

2. Stand in solidarity with nearby communities working to disallow the Pipeline within their borders, and ban its construction in our region, by issuing a resolution as the following Berkshire County towns have done: Dalton, Lenox, North Adams, Pittsfield, Richmond, Sandisfield, Washington and Windsor, and a number of affected towns in Franklin, Hampshire, Middlesex, Norfolk and Worcester Counties as well as Stephentown, Nassau and Schodack in New York state;
3. That our Selectboard present a copy of this resolution to the Town of Hancock's state and federal legislative representatives and the Governor, asking them to take action to prevent the construction of the Pipeline within the borders of the Commonwealth of Massachusetts, with a further copy presented to the President of the United States.

A TRUE COPY AS PRESENTED MAY 4, 2015 HANCOCK TOWN MEETING  
LINDA C BURDICK, TOWN CLERK

*Source: fax from Hancock Town Clerk, July 15, 2015*

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## Hollis, NH

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2014 Special Town Meeting - Warrant

HOLLIS SPECIAL TOWN MEETING

SEPTEMBER 20, 2014

To the inhabitants of the Town of Hollis, in the County of Hillsborough, in the State of New Hampshire, qualified to

vote in Town affairs: You are hereby notified to meet in the Hollis Brookline High School Gymnasium on Saturday,

September 20, 2014 at 9 AM to participate in a Special Town Meeting. You are hereby notified that voting upon the

questions below will be held following discussion of these questions and to transact any other business which may

properly arise at the meeting.

### ARTICLE 1

Are you in favor of adopting the following as proposed by the Board of Selectmen: To see if the Town of Hollis will vote to oppose approval by the New Hampshire Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Natural Gas Company as part of the Northeast Energy Direct Project because the proposal is inconsistent with the Town's goal of preserving the Town's rural character.

### ARTICLE 2

Are you in favor of adopting the following as proposed by the Board of Selectmen: To see if the Town of Hollis will vote to oppose approval by the New Hampshire Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Natural Gas Company as part of the Northeast Energy Direct Project because the proposal is inconsistent with the Town's goal of protecting and preserving the water quality in the Town's lakes, rivers, streams, brooks, estuaries, groundwater, and other bodies of water.

### ARTICLE 3

Are you in favor of adopting the following as proposed by the Board of Selectmen: To see if the Town of Hollis will vote to oppose approval by the New Hampshire Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Natural Gas Company as part of the Northeast Energy Direct Project because the proposal is inconsistent with the Town's

goal of preserving and protecting local wildlife, including but not limited to the federally protected marbled salamander, hognose snake, hog-peanut, Sickle-pod, butterfly-weed, Wiegand's sedge, Houghton's umbrella sedge, ram's head lady's slipper, burweed, goat's rue, and trailing arbutus.

#### ARTICLE 4

Are you in favor of adopting the following as proposed by the Board of Selectmen: To see if the Town of Hollis will vote to oppose approval by the New Hampshire Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Natural Gas Company as part of the Northeast Energy Direct Project because the proposal is inconsistent with the Town's goal of preserving its rural character because of the potential affects upon scenic roads, roadside trees, and stonewalls.

#### ARTICLE 5

Are you in favor of adopting the following as proposed by the Board of Selectmen: To see if the Town of Hollis will vote to oppose approval by the New Hampshire Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Natural Gas Company as part of the Northeast Energy Direct Project because the proposal is inconsistent with the Town's goal of preserving and protecting forests, woodlands, wetlands, and open-space areas for recreational purposes.

#### ARTICLE 6

Are you in favor of adopting the following as proposed by the Board of Selectmen: To see if the Town of Hollis will vote to oppose approval by the New Hampshire Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Natural Gas Company as part of the Northeast Energy Direct Project because the proposal would have an adverse impact upon the property values within the Town, thereby reducing tax revenues and impairing the tax base of the Town, net of any positive tax impact from the proposed pipeline.

#### ARTICLE 7

Are you in favor of adopting the following as proposed by the Board of Selectmen: To see if the Town of Hollis will vote to oppose approval by the New Hampshire Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Natural Gas Company as part of the Northeast Energy Direct Project because the proposal would adversely affect aesthetics within the Town by disturbing pristine or recreational forests, trails, woodlands, and wetlands and by clear-cutting a fifty-foot wide path for the construction of said pipeline.

#### ARTICLE 8

Are you in favor of adopting the following as proposed by the Board of Selectmen: To see if the Town of Hollis will vote to oppose approval by the New Hampshire Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Natural Gas Company as part of the Northeast Energy Direct Project because the proposal would adversely affect aesthetics within the Town by altering or disturbing scenic roads, roadside trees, and stonewalls and by clear-cutting a fifty-foot wide path for the construction of said pipeline.

#### ARTICLE 9

Are you in favor of adopting the following as proposed by the Board of Selectmen: To see if the Town of Hollis will vote to oppose approval by the New Hampshire Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Natural Gas Company as part of the Northeast Energy Direct Project because the proposal would adversely affect aesthetics within the Town by altering or disturbing historic sites and areas.

#### ARTICLE 10

Are you in favor of adopting the following as proposed by the Board of Selectmen: To see if the Town of

Hollis will vote to oppose approval by the New Hampshire Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Natural Gas Company as part of the Northeast Energy Direct Project because the proposal would adversely affect health and safety within the region by causing construction materials, soil, dust, and potential contaminants to enter the water shed that supplies water to the greater Nashua area.

#### ARTICLE 11

Are you in favor of adopting the following as proposed by the Board of Selectmen: To see if the Town of Hollis will vote to oppose approval by the New Hampshire Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Natural Gas Company as part of the Northeast Energy Direct Project because the proposal would adversely affect health and safety within the Town and in the greater Nashua area due to the continuous presence of a natural gas pipeline proximate to groundwater, aquifers, water sheds and surface water, which supply water to the greater Nashua area.

#### ARTICLE 12

Are you in favor of adopting the following as proposed by the Board of Selectmen: To see if the Town of Hollis will vote to oppose approval by the New Hampshire Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Natural Gas Company as part of the Northeast Energy Direct Project because the proposal would adversely affect health and safety within the Town by causing construction materials, soil, dust, and potential contaminants to enter wetland areas and/or groundwater.

#### ARTICLE 13

Are you in favor of adopting the following as proposed by the Board of Selectmen: To see if the Town of Hollis

will vote to oppose approval by the New Hampshire Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Natural Gas Company as part of the Northeast Energy Direct Project because the proposal would traverse large tracts of conservation land property and would involve economic uses that are inconsistent with other economic uses within said areas, such as silviculture and agriculture.

#### ARTICLE 14

Are you in favor of adopting the following as proposed by the Board of Selectmen: To see if the Town of Hollis will vote to oppose approval by the New Hampshire Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Natural Gas Company as part of the Northeast Energy Direct Project because the Town lacks the required equipment or personnel for emergency services to adequately address potential health and safety risks that the proposal presents.

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2014 Special Town Meeting - Minutes

SATURDAY, SEPTEMBER 20, 2014

...

Motion by Francis Kennedy to look at article 4 and the change the word “affects” to “effects”. Seconded by Michael Harris. Yes – 419 No- 1 CARRIED

ARTICLES 1- 14 CARRIED Yes - 419 No – 1 as amended ARTICLE 4 – change to effects from affect.

A True Copy of Record – Attest:

Nancy B Jambard  
Hollis Town Clerk

Source:<http://www.hollisnh.org/reports/townreport2014.pdf>, see also FERC # 20141105-5059

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## Hudson, NH

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EXCERPT OF BOARD OF SELECTMEN'S JUNE 23, 2015 MEEETING

..... {general discussion of proposed KM/NED pipeline}

**Motion by Selectman McGrath, seconded by Selectman Coutu, that the Town of Hudson does not want nor do we need Kinder Morgan in the Town of Hudson.**

..... {further discussion of proposed KM/NED pipeline & Hudson 's response}

**Vote: Motion carried 5-0.**

{letter to be drafted, Chairman to sign unless significant changes}

Source: file "Excerpt of BOS minutes 6-23-15.docx" from Hudson, NH, Town Clerk, July 16, 2015

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### TOWN OF HUDSON

Board of Selectmen

12 School Street Hudson, New Hampshire 03051 603/886-6024 FAX 603/598-6481

July 10,2015

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE, Room 1A  
Washington, DC 20426

RE: Tennessee Gas Pipeline Company, LLC, Docket No. PFI4-22-000 (Reg. No. 18301 FERC ID# F291489)

Dear Ms. Bose:

The Town of Hudson, New Hampshire, is one of seventeen New Hampshire towns affected by the proposed Northeast Energy Direct (NED) high-pressure gas pipeline project as proposed by the Kinder Morgan Company and the Tennessee Gas Pipeline Company. The Hudson Board of Selectmen is strongly in favor of increasing our energy supply in both availability and pricing to benefit more businesses in coming to the town and region, but believes that the Kinder Morgan project is too excessive for the Town of Hudson and the region.

Based on the citizens' testimony at a public meeting held by the Board of Selectmen on June 16, 2015 with representatives from Kinder Morgan and based on all of the information that we have acquired, we believe that this is not the best project for this area. We respectfully request that the Federal Energy Regulatory Commission consider other approved or proposed lines along already established pipeline corridors in New England.

On June 23, 2015, the Hudson Board of Selectmen voted unanimously to oppose the proposed Northeast Energy Direct (NED) pipeline.

Sincerely,

Hudson Board of Selectmen  
Richard J. Maddox

Chairman

*Source: file "3266\_001.pdf" from Board of Selectmen's Executive Secretary, July 17, 2015.*

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**Lanesborough, MA**

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TOWN OF LANESBOROUGH SELECTMEN'S MEETING

Submitted by Diane Stevens, Town Secretary

May 18, 2015

.....

Kinder Morgan access to Town Property for surveys

Motion 15-61. Motion made by Robert Ericson to not allow Kinder Morgan access to Town property for surveys, seconded by Henry Sayers. Unanimously voted.

*Source: <http://www.lanesborough-ma.gov/vertical/sites/%7B35069B63-55EF-4033-982E-FE5C4BF36433%7D/uploads/051815.pdf>*

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ANNUAL TOWN MEETING  
TOWN OF LANESBOROUGH  
COMMONWEALTH OF MASSACHUSETTS

Tuesday, June 9, 2015 at 7:00 p.m.

...

ARTICLE 27. To see if the Town will support the following Kinder Morgan Pipeline Petition:

The citizens of Lanesborough call upon the Selectmen to send a letter to Rep. Gail Cariddi, Sen. Ben Downing, Governor Baker, Secretary of the ERC, Senators Markey and Warren, Congressman Neal, the FERC, the Speaker of the State House of Representative and Majority Leader of the State Senate urging them to do all they can to stop the TNG pipeline from being built in the Commonwealth of Massachusetts.

Whereas a proposed High-Pressure Pipeline carrying natural gas and assorted chemicals obtained through hydraulic fracturing has been designated to come through Lanesborough and neighboring communities, bringing said fuel to Dracut, Mass; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas the existence of a gas pipeline in our town would have a devastating impact on property values and the ability of citizens to sell their land when necessary; and

Whereas said pipeline would impact unknowable amounts of forest, conservation land, farmland, the recharge area for the Lanesborough town water supply; and

Whereas a high-pressure gas pipeline must be vented periodically releasing gas and dangerous carcinogens into the air and, by its nature, carries potential for leaks, rupture, or devastating explosion causing untold damage to property, lives, and our drinking water; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, LLC ("TGP", a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas the projected route of the pipeline traverses the Water Supply Protection Overlay District of the

Lanesborough zoning bylaw which was established to “preserve and protect existing and potential sources of drinking water supplies and prevent temporary and permanent contamination of the environment.” ; and

Whereas the pipeline traverses the Flood Plain/Wetlands Protection Overlay District of the Lanesborough zoning bylaw which was established to “protect, preserve and maintain the water table and the water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the residents of the town of Lanesborough;” and

Whereas, we the citizens of Lanesborough, Massachusetts, which became a Green Community in 2014, choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well being of our community and wherever hydraulic fracturing is occurring and the pressurized pipeline is running; now, therefore be it

Resolved, that the people of Lanesborough, Massachusetts:

Hereby call on our Selectmen to stand in opposition to TGP’s high pressured pipeline and not allow it within our town borders:

1. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth or our nation; and
2. Stand in solidarity with nearby communities working to disallow the Pipeline within its borders and ban its construction in our region, including (as of 12/20/2014) Becket, Dalton, Hinsdale, Lenox, North Adams, Pittsfield, Peru, Richmond, Sandisfield, Washington, Windsor, Chesterfield, Cummington, Northampton, Pelham, Plainfield, Worthington, Ashfield, Buckland, Conway, Deerfield, Gill, Greenfield, Leverett, Montague, Northfield, Orange, Shelburne, Warwick, Wendell, Ashburnham, Athol, Berlin, Bolton, Royalston, Templeton, Winchedon, Ashby, Dunstable, Groton, Pepperell, Townsend, Tyngsborough, Brookline; and
3. Cause a copy of this resolution to be presented to the Town of Lanesborough’s state and federal legislative representatives, FERC and the Governor and Secretary of the Department of Conservation and Recreation, asking them to take action to prevent construction of the Pipeline within the borders of the Commonwealth of Massachusetts and to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well being and our bodily safety and instead to legislate more stringent energy efficiency and further exploration of subsidies for renewable energy sources.

*Source: [http://www.lanesborough-ma.gov/vertical/sites/%7B35069B63-55EF-4033-982E-FE5C4BF36433%7D/uploads/ATM\\_Warrant\\_06\\_09\\_15.pdf](http://www.lanesborough-ma.gov/vertical/sites/%7B35069B63-55EF-4033-982E-FE5C4BF36433%7D/uploads/ATM_Warrant_06_09_15.pdf)*

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**Lenox, MA**

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TOWN OF LENOX

October 17, 2014

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St., NE  
Room 1 A  
Washington, DC 20426

RE: Tennessee Gas Pipeline Company, LLC, Docket No. PF14-22-000 Pre-filing Pmcedures for Proposed Northeast Energy Direct Project

Dear Secretary Bose:

On May 1, 2014 at the Annual Town Meeting, residents of the Town of Lenox adopted a resolution in opposition to the Kinder Morgan Tennessee Gas Pipeline, LLC, Northeast Energy Direct Project (aka Northeast Expansion Project). The vote by the citizens of Lenox on Warrant Article 24 regarding the resolution in opposition to the pipeline, was passed by majority vote.

A certified copy of the vote is enclosed. Please consider this vote when reviewing the Kinder Morgan Tennessee Gas Pipeline Northeast Energy Direct Project Docket No. PF14-22-000.

I appreciate your time and consideration of this measure.

Sincerely,

Jenifer D. Picard  
Town Clerk

Enclosure: Certified Copy vote of the Annual Town Meeting Article 24

cc: His Excellency Deval Patrick Governor

The Honorable Elizabeth Warren, US Senator

The Honorable Edward J. Markey, US Senator

The Honorable Richard E. Neal, US Congressman

The Honorable Benjamin B. Downing, State Senator

The Honorable William "Smitty" Pignatelli, State Representative

Secretary Maeve Vallely-Bartlett, Secretary of Energy and Environmental Affairs

Certified Vote Annual Town Meeting

May 1, 2014

ARTICLE 24. It was moved and seconded to approve the RESOLUTION TO BAN "FRACKED GAS" PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY Petition.

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Lenox, which is a Green Community that supports the transition to new energy technologies; so be it resolved that we, the people of Lenox, Massachusetts:

1. Hereby call on our Selectboard to stand in opposition to Tennessee Gas Company LLC's high pressure pipeline, and not allow it within our town borders;
2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within our borders; and
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well-being and our bodily safety, and, instead, to legislate more stringent energy efficiency, carbon and methane emissions restrictions, and further exploration of and subsidies for renewable energy sources. (Petition — Non-binding)

The article passed with a vote of 132 in favor and 53 opposed.

Attest: Jenifer D. Picard, Town Clerk

*Source: FERC PF14-22 Docket # 20141023-0011*

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**Leverett, MA**

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CITIZENS PETITION TO

Oppose the Tennessee Gas pipeline and to champion sustainable energy

WHEREAS Tennessee Gas Pipeline Company, L.L.C. is preparing to construct a high-pressure pipeline

carrying natural gas obtained through hydraulic fracturing through our state, including nine towns in Franklin County; and

WHEREAS the process of hydraulic fracturing is currently the focus of intense scientific scrutiny, generating citizen protests, moratoriums, and calls for accelerated development of green energy sources; and

WHEREAS said pipeline would destroy unknowable amounts of forest, wetlands, conservation land and farmland in Franklin County and throughout the state; and

WHEREAS a high-pressure gas pipeline, by its nature, carries the potential for leaks, ruptures or devastating explosions posing a risk to the integrity of our drinking water, public safety, and personal health; and

WHEREAS said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

WHEREAS the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law to be paid for by Tennessee Gas Pipeline Company, L.L.C. , making ratepayers bear financial risk for the endeavors of a private corporation;

NOW, THEREFORE BE IT RESOLVED, that the people of Leverett, Massachusetts:

- 1) Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth;
- 2) Support Massachusetts House Bill #3796 which acts to protect our drinking water, public safety and personal health from hydraulic fracturing and the chemicals and fluids associated with fracking for a period ending December 31, 2024; and
- 3) Hereby instruct our state legislators and executive branch officials to enact legislation and take other such actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well being and our personal safety, and instead to legislate more stringent energy efficiency and further exploration of subsidies for renewable energy sources.

AND BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Federal Energy Regulatory Commission; U.S. Senators Markey and Warren; Congressman Jim McGovern; Governor Deval Patrick; State Senator Stan Rosenberg; and State Representative Stephen Kulik.

*Source: text: <http://www.nofrackedgasinmass.org/notgp/wp-content/uploads/2014/02/Leverett-Pipeline-resolution.pdf>, signing: <http://leverett.ma.us/files/Sb%20minutes%203.4.2014.doc>*

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## Litchfield, NH

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### TOWN OF LITCHFIELD

2 Liberty Way, Suite 1, Litchfield, NH 03052

Tel: 603-424-4046 Fax: 603-424-3014 [www.litchfieldnh.gov](http://www.litchfieldnh.gov)

20 April 2015

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: Tennessee Gas Pipeline Company, L.L.C, Docket PF14-22-000

Dear Secretary Bose:

As the elected governing body, we wish to share concerns about Kinder Morgan's Northeast Energy Di-

rect (NED) project proposed to pass through our community. The New Hampshire portion of this route includes approximately 2.68 miles in Litchfield with an estimated impact of 67 landowners.

1. The current route passes through a residential neighborhood with cul-de-sacs at each end, leaving a single point of access and egress in the case of any hazard during either construction or operation. More troubling, the proposed right of way area severely impacts 13 residential properties along Wren Street and Mockingbird Lane. The current utility easement for Eversource bisects these lots which are approximately an acre each. Further disruption with the necessary setbacks for the pipeline from the existing electrical service appears to severely hamper the use and enjoyment of these properties. Additionally, with such a major disruption to the use and enjoyment of these properties, we are concerned about the detrimental impact on resale value which not only directly impacts these residents, but also the town generally through the loss of tax base.

2. Currently, there are five major pipeline projects proposed for New England that have the potential to carry 4.5 billion cubic feet of gas per day which appears to be more than four times the amount that any independent study has identified as necessary to meet the region's future need. Clearly, it is not feasible from an economic perspective for all of these projects to proceed simultaneously. In this light, the Kinder Morgan project seems excessive and the actual need relative to other activities in the market has not been adequately demonstrated to justify the disruption to our community. We are further concerned about the long run viability of the Kinder Morgan project, if market conditions do not warrant its continued operation after installation in Litchfield. Our residents may endure the disruption for no long term community or regional benefit.

3. The routing of the so called "Powerline Alternative" through New Hampshire appears to be an action of perceived regulatory convenience. The pipeline enters Massachusetts and ends in Massachusetts, but has an unnecessary diversion into New Hampshire. No new distribution facilities have been proposed for New Hampshire and no new electricity generators have been sited or approved in New Hampshire. Moreover, the major electric distribution and generation company in the state and the company that services Litchfield, Eversource Energy has committed as a co-developer of the competing Spectra Energy Access Northeast project. Again, we do not see why our community should endure the disruption by the speculative Kinder Morgan project.

4. No meaningful commitment has been made to expand residential and commercial natural gas service as a result of this pipeline. While our local provider, Liberty Utilities, has committed to use a small portion of the massive capacity of the Kinder Morgan project, their actual agreement does not appear to represent any expansion of capacity in our community. Small portions of Litchfield have natural gas service from Liberty Utilities and others have sought our Board's assistance to expand that service. However, Liberty's lack of commitment on this, tied to the new capacity of this proposed pipeline, does not demonstrate any benefit of the Kinder Morgan pipeline to Litchfield. Further, we have heard testimony at a recent hearing that we hosted, that a major commercial/industrial user in town has had requests from Liberty to reduce usage during peak demand periods. Yet, no specific guaranty has been made that the enhanced regional capacity proposed by the Kinder Morgan pipeline will address this business disruption.

Based on all of the concerns outlined above, we feel this project is not appropriate for our community. At our meeting of April 13, 2015, the Board of Selectmen voted unanimously to oppose this project.

This project has generated a significant amount of interest and concern in our community. We urge careful consideration of these issues and further request that one of the required scoping meetings be held in Litchfield so that our residents' concerns can be heard directly.

Steven D. Perry, Chairman  
John R Brunelle, Vice Chairman  
Brent T. Lemire  
Frank A. Byron  
Kevin C Bourque

cc: Senator Jeanne Shaheen  
Senator Kelly Ayotte  
Representative Ann Kuster  
Governor Maggie Hassan  
State Senator Donna Soucy  
State Representative Frank Byron  
State Representative Ralph Boehm  
State Representative Ardre Martel  
State Representative Mark Proulx

*Source: FERC PF14-22 Docket # 20150427-0125*

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TOWN OF LITCHFIELD  
PLANNING BOARD  
2 LIBERTY WAY, SUITE 1  
LITCHFIELD, NH 03052-2345

Phone: (603) 424-2131

Internet <http://litchfieldnh.gov> Opb

Fax: (603) 424-3014

e-mail: [planning@litchfieldnh.gov](mailto:planning@litchfieldnh.gov)

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

May 19, 2015

Re: Tennessee Gas Pipeline Company, LL.C, Docket #PF14-22-000

Dear Secretary Bose:

We, the Litchfield Planning Board, are writing to share concerns our board has with Kinder Morgan's Northeast Energy Direct (NED) project which is proposed to pass through our town. The New Hampshire portion of this route includes approximately 2.68 miles in Litchfield, passing west to east through the entire width of town.

The current route passes through some of our town's most densely populated residential neighborhoods, which are comprised of several subdivisions with numerous cul-de-sacs which would be isolated in the event of any emergency with the proposed pipeline during construction or operation. In total, approximately 46 residential properties within 300 feet, or 202 with 1/4 mile, would be affected. Prior to the pipeline proposal, actions by the Planning Board have allowed for the development of additional parcels of residential subdivisions in the immediate area of the proposed pipeline route. While some of these developments are incomplete, there has been active and substantial development and building taking place. When these subdivisions are complete, they will have created additional cul-de-sacs which would be isolated in the event of any emergency with the proposed pipeline during construction or operation.

The proposed pipeline route will cross both of the north - south thoroughfares in our town, The Charles Bancroft Highway (NH Rt. 3A) and Albuquerque Ave., essentially cutting our town in half in the event of any emergency with the pipeline; isolating residents in the south half or town from the fire and police services which are located to the north of the proposed pipeline route. The costs associated with developing additional public safety capacity to service areas south of the pipeline would be significant and would need to be factored into any consideration of the proposed cost for the project.

Other portions of town through which the pipeline is proposed to run include areas protected by conservation easements and environmental protection zoning. Specifically, the areas along the Wren Street

corridor are within a stratified drift aquifer area which is protected from development by Litchfield Zoning Ordinance §1250, ~Aquifer Protection District”, as are parcels owned by the Town of Litchfield in the neighboring vicinity. Wells from this aquifer are used by the Pennichudk Water Works, Inc. to provide municipal drinking water to the communities of Litchfield and Hudson, NH. Several private residential wells also draw from this aquifer. The entire proposed pipeline route runs through the Nesenkeag Brook Watershed. Further, the town has looked at potential impacts to properties within a quarter mile of the proposed pipeline. As proposed, the pipeline may further impact four properties with conservation significance, seven Natural Heritage sites, the Nesenkeag Archeological site, and the Brickyard Recreational Park. The New Hampshire Fish and Game Department, in their 2010 ‘Wildlife Action Plan- identified large areas through which the proposed pipeline would run as “Highest Ranked Habitat in NH” for protection and preservation.

In the Planning Board’s efforts to make public utilities more widely available, we find that no meaningful commitment has been made to expand residential and commercial natural gas service as a result of this pipeline. While our local provider, Liberty Utilities, has committed to use a small portion of the massive capacity of the Kinder Morgan project, their actual agreement does not appear to represent any expansion of capacity in our community. Small portions of Litchfield have natural gas service from Liberty Utilities and others have sought our Board’s assistance to expand that service. However, Liberty’s lack of commitment on this, tied to the new capacity of this proposed pipeline, does not demonstrate any benefit of the Kinder Morgan pipeline to Litchfield. Further, we have heard testimony at a recent hearing that a major commercial/industrial user in town has had requests from Liberty to reduce usage during peak demand periods. Yet, no specific guaranty has been made that the enhanced regional capacity proposed by the Kinder Morgan pipeline will address this business disruption.

Based on the concerns stated above, we believe this project is not appropriate for our community, and further would be detrimental to the goals and objectives stated within the Master Plan of our Town. At our meeting of April 21, 2015, the Planning Board voted to oppose this project.

This project has generated a significant amount of interest and concern in our community. We urge careful consideration of these issues and further request that one of the required scoping meetings be held in Litchfield so that our residents’ concerns can be heard directly.

Tom Young, Chair	Michael Croteau
Michael Caprioglio, Vice-Chair	Jason Guerrette
Russell Blanchette	Matthew Shoemaker
	Steven Perry, Ex-Officio

cc:

Senator Jeanne Shaheen  
Senator Kelly Ayotte  
Representative Ann Kuster  
Governor Maggie Hassan  
State Senator Donna Soucy  
State Representative Frank Byron  
State Representative Ralph Boehm  
State Representative Andre Martel  
State Representative Mark Proulx

*Source: private communication, not yet in FERC Docket*

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May 5, 2015, Co-signed NH Municipal Pipeline Coalition letter #1 (FERC # 20150508-5040)

June 30, 2015, Co-signed NH Municipal Pipeline Coalition letter #2

Town of Mason, New Hampshire  
Selectmen Meeting 12-23-14  
Approved Minutes

.....

• Public informational meeting on pipeline- Charlie Moser, chairman, suggested inviting Kinder Morgan to attend our public meeting which would give Kinder Morgan the opportunity to speak directly with the townspeople about the pipeline project. Select Person, Louise Lavoie, informed the Board that the town of Brookline wrote a public letter in support of the Conservation Commission's position on the opposition to Kinder Morgan. Joe McGuire, townsperson, suggested a similar letter be drawn up to state such position. After some discussion on the reasons to support the town of Mason's Conservation Commission publicly along with Chairman Moser stating he would like to make sure there is fairness to Kinder Morgan to present their side, Charlie Moser drew up a letter to be sent to Kinder Morgan via certified mail.

The resolution is as stated:

*The Board of Selectmen hereby adopts the findings of the Mason Conservation Commission regarding the proposed gas pipeline and associated infrastructure and opposes said project. The Board of Selectmen deny access to Kinder Morgan Tennessee Pipeline Co. and its affiliates to enter upon land owned by the Town of Mason for any reason until such time as Kinder Morgan has made a formal public presentation to the Board of Selectmen and the people of Mason, at which time the Selectmen may take further action as appropriate.*

Motion made by Charlie Moser to accept the above resolution. Seconded by Bernie O'Grady. Vote 3-0 in the affirmative.

Public meeting to be set for Tuesday, January 6th, 2015 at 7:30PM at Mason Elementary School's Multi-Purpose room.

Letter will be sent along with resolution stated above to Kinder Morgan via certified mail. A letter will also be sent to Allen Fore, representative for Kinder Morgan, inviting them to the January 6th, 2015 public hearing on the pipeline.

Source: [http://masonnh.us/wp-content/uploads/Selectmen\\_MtngMins\\_2014\\_12\\_23.pdf](http://masonnh.us/wp-content/uploads/Selectmen_MtngMins_2014_12_23.pdf)

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December 27, 2014

To: Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E. Room 1A  
Washington, D.C. 20426

Re: Tennessee Gas Pipeline Company. LLC, Docket No. PF14-22  
In Opposition to Proposed Northeast Energy Direct Project

Accompanying letters from Mason NH Conservation Commission Document that this Project is a threat to the integrity of New Hampshire Conservation Easements and Conservation Lands.

From: Mason Conservation Commission  
Robert B.Larochelle, Chairman

December 24, 2014

Dijit Taylor  
Executive Director  
LCHIP  
13 West Street, Suite 3  
Concord, NH 03301

Dear Dijit,

Mason Conservation Commission would like to ask LCHIP for assistance in dealing with a serious threat to the integrity of the Fifield Tree Farm Conservation Easement. This threat arises from the recently announced NH route for Northeast Energy Direct Project's large high-pressure gas pipeline. Kinder Morgan and its subsidiary Tennessee Gas Pipeline Co. propose to locate this project adjacent to the PSNH right-of-way crossing 17 southern NH towns. Construction of this pipeline would involve clearing a swath up to 150 feet wide across the northern part of the Fifield Tree Farm, crossing Spaulding Brook. Fifty feet of this would never be allowed to grow back. Herbicides could be used here, even in wetlands, to prevent the growth of anything other than grasses and other shallow-rooted species.

Kinder Morgan plans further violation of the Fifield Tree Farm Conservation Easement by extending a smaller gas pipeline, the Fitchburg Lateral, southward across Spaulding Brook in the western part of the Tree Farm on Black Brook Road. Our 2014 easement monitoring includes photographs of both these proposed pipeline routes.

The Spaulding Brook corridor and nearly all of the Fifield Tree Farm lying north of this brook is mapped as Highest Ranked Habitat in New Hampshire by the NH Wildlife Action Plan. Recognizing its significant natural quality, LCHIP invested in permanently protecting this outstanding habitat. And the Fifield family generously enabled this investment by granting the Fifield Tree Farm Conservation Easement at a very reduced price. Through this donation, the family sought to secure the natural values of their land in perpetuity. A conservation easement creates a public trust forever.

No private company should be allowed to violate this public trust for a project of dubious need. Mason Conservation Commission has voted to oppose this pipeline project because it poses a threat to Mason's natural resources. The extensive blasting involved in construction would imperil water supplies — all Mason's residents depend on their own groundwater wells. The subsequent herbicide use would menace aquatic habitat — Craig Fifield remembers dead fish appearing in Spaulding Brook after PSNH applied herbicide to the powerline corridor in the 1970s. For the past two decades PSNH has used physical means to control vegetation. But the gas pipeline company includes herbicides in its vegetation control plan, citing the practice as the preferred method of control in wetlands.

Mason Conservation Commission urges you and LCHIP staff to take whatever steps you can to preserve the integrity of the Fifield Tree Farm Conservation Easement. We fear threats like this can undermine people's confidence in conservation easements, leading to a loss of faith in this tool among potential future contributors. We strongly encourage you to express LCHIP's concern to the Federal Energy Regulatory Commission (FERC), and to all state officials and legislators who should be concerned.

Below is FERC's mailing address, with the project docket number. FERC's website can be difficult to navigate. At [www.nhpipelineawareness.org](http://www.nhpipelineawareness.org) there is helpful information on accessing the FERC comment process.

Many thanks for your assistance.

Sincerely,

Robert B. Laroche  
Chairman, Mason Conservation Commission

FERC mailing address:  
Kimberly D. Bose, Secretary

Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Re: Tennessee Gas Pipeline Company. LLC  
Proposed Northeast Energy Direct Project (Docket No. PF14-22)

Copies of this letter have been sent to the following:

Governor Maggie Hassan  
Senator Kelly Ayotte  
Senator Jeanne Shaheen  
Representative Annie Kuster  
Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission  
State Senator Kevin Avar  
State Representative Jack Flanagan  
State Representative Christopher Adams  
Glenn Normandeau, Executive Director, NH Fish and Game  
Tom Burack, Commissioner, NH Dept. of Environmental Services (NHDES)  
Eugene Forbes P.E., Director, NHDES Water Division  
Tracey Boisvett, Director, NH Conservation Land Stewardship Program  
Meredith Hatfield, Director, NH Office of Energy and Planning (NHOEP)  
Karen Cramton, NHOEP Deputy Director and Administrator of Energy Programs  
Craig Fifield  
Mason Board of Selectmen

*Source: FERC PF14-22 Docket # 20150106-0012*

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Town of Mason  
Board of Selectmen/Mason Conservation Commission  
16 Darling Hill Road  
Mason, NH 03048  
(603) 878-2070

January 27, 2015

Lisa M. English, Director, Charitable Trusts Unit  
Office of the Attorney General, NH Department of Justice  
33 Capitol Street, Concord, NH 03301-6397

Dear Attorney English:

The Mason Board of Selectment and the Mason Conservation Commission would like to ask your assistance to prevent potential violations of Mason's conservation easements and threats to conservation lands posed by the Northeast Energy Direct (NED) Project's planned gas pipeline routes in Mason. Kinder Morgan and its subsidiary Tennessee Gas Pipeline Co. are proposing to cross five (5) of Mason's conservation lands with the large east-west 36" high-pressure line and the smaller 12" Fitchburg lateral line.

The 508-acre Fifield Tree Farm Conservation Easement is at risk of being violated by both pipelines. This outstanding Tree Farm was recognized in 2003 when Woodie Fifield received the Hillsborough County Tree Farmer of the Year award. After Woodie died, his family honored his desire to protect the Tree Farm permanently. In 2008 they granted the Fifield Tree Farm Conservation Easement to the town, with the assistance of a grant from the NH Land and Community Heritage Investment Program

(LCHIP). In addition to its forest resources, the Fifield Tree Farm Conservation Easement protects nearly 2 miles along Spaulding Brook, a high-quality trout stream. The NH Wildlife Action Plan maps this brook corridor and nearly all of the Fifield Tree Farm lying north of this brook as Highest Ranked Habitat in New Hampshire. The conservation easement allows for public access for hunting and fishing and non-motorized trail recreation on the Tree Farm's 6 miles of trails. The Fifield Tree Farm is one of Mason's most significant open spaces.

Construction of these pipelines would involve clearing a swathe up to 150 feet wide across the northern and western parts of the Fifield Tree Farm, crossing Spaulding Brook at least twice. Fifty feet of this corridor would never be allowed to grow back. Herbicides could be used here, even in wetlands, to prevent the growth of anything other than grasses and other shallow-rooted species. Although Kinder Morgan says they plan to collocate the main pipeline along the existing power line right-of-way, it has to be sited at least 100 feet from the power lines due to electrical interference. This will create a whole new corridor of disturbed land.

These pipelines would violate Conservation Easement Sections 4.7 Topography and Mineral Resources, 4.8(a) Preservation of Existing Water Resources, 4.11(a) Prohibited Uses, Construction, General, 4.11(e) Roads, and 4.17 Utilities. The Fifield Tree Farm Conservation Easement was carefully crafted to protect in perpetuity an outstanding wildlife habitat, high quality water resources, a working forest, and a scenic place of quiet outdoor recreation. The statewide significance of the Fifield Tree Farm has been recognized through LCHIP's participation in its permanent protection. Please take all necessary steps to protect the integrity of this public trust.

Three other Mason conservation lands that would be impacted by the pipelines have also been recognized at the state level as worthy of protection. Two of these are upstream of the Fifield Tree Farm along Spaulding Brook: the town's 163-acre Spaulding Brook Conservation Land and the adjoining 12.5-acre Doonan Conservation Easement. Both were protected in 1991 through a grant from the NH Land Conservation Investment Program (LCIP). The deed for Spaulding Brook refers to the public trust in accordance with RSA 221-A.

The Doonan Conservation Easement was a gift from Frank Doonan to help the town match the LCIP grant for acquiring the Spaulding Brook Conservation Land. It adds significantly to the conservation value of the town land by completing the protection of Spaulding Brook Pond's wild shoreline. This pristine 15.8-acre pond is the crown jewel of both conservation lands. It's a vital wildlife habitat — otter and osprey are seen here, attracted by its fish. The NH Wildlife Action Plan maps this pond and the Spaulding Brook corridor as Highest Ranked Habitat in New Hampshire.

If the proposed large gas pipeline is located north of the power line right-of-way, the wildlife habitat value of the Doonan Easement and the Spaulding Brook Conservation Land would be seriously harmed. Wherever it is located on these lands, gas pipeline construction and maintenance would damage the conservation values that the Doonan family, the town and the state have protected. Specifically, it would violate the Use Limitation provisions of the Doonan Conservation Easement, Sections 1.A, C, D, and F. The town's Spaulding Brook Conservation Land is subject to similar limitations. LCIP requires the town to monitor and report on both conservation lands annually to assure that their management upholds the conservation values for which they were protected.

Another Mason conservation property that would be severely affected by both gas pipelines is the Mason Railroad Trail, including its associated historic quarry land. Preserved for outdoor recreation in 1985 through a state Land and Water Conservation grant, this 6.7 mile trail runs from Townsend State Forest in MA, through New Hampshire's Russell Abbott State Forest. It is the spine of a significant trail network. The RR Trail has received 3 major grants from the NH Recreational Trails Program — in 1997 for grading and clearing the full length of the trail corridor, in 2008 for building the Black Brook bridge, and in 2012 for repairing the historic Jackson Road trestle. For all these projects, snowmobile club members, horseback riding club members, and Conservation Commission members contributed many hours of

volunteer labor. The Mason Railroad Trail is a recreational resource benefiting the whole region. It was one of the first railroad lines in New Hampshire to become a recreational trail.

In both locations where the gas pipelines are proposed to cross the RR Trail and its associated historic quarry, there are sizable areas of exposed bedrock. Blasting to install the pipelines is likely to obliterate the historic quarry and heavily damage these parts of the RR Trail. Considering the many investments of public funds and volunteer labor in the Mason Railroad Trail, this seems a breach of the public trust.

Last but not least is Mason's 93-acre Mitchell Hill Conservation Land, abutting the Fifield Tree Farm Conservation Easement, and lying along Spaulding Brook and Black Brook. Both these brooks are mapped as Highest Ranked Wildlife Habitat in NH. The uplands and wetlands of Mitchell Hill Conservation Land are fine moose habitat. This land was acquired in 1999 with town conservation funds, thanks to the significant bargain sale agreed to by the late Reginald Lyons. Mr. Lyons' contribution to conservation, along with the people of Mason's conservation investment establishes that this land is an important public asset, though no state funds were involved here. Yet the fact that this land was already conserved may have enhanced LCHIP's favorable consideration of the Fifield Tree Farm Conservation Easement. Together these 601 acres form an outstanding unfragmented natural environment that should have its conservation status respected forever.

Now Kinder Morgan proposes to lacerate these protected natural areas by two gas pipelines — a violation of both the donors' and the town's goals and intentions.

Land conservation has long been a goal of the town of Mason. The town's 1981 Comprehensive Plan set forth these policies:

- to preserve, protect and improve, where appropriate, the historic, recreational and scenic resources of the town;

- to provide for the recognition, management and protection of agricultural, forest and water resources that are vital to an overall land use plan and the well-being of the community;

- to provide for the preservation of those natural resources which give the town much of its beauty and rural atmosphere;

- to provide opportunities for recreation commensurate with the developing needs of the town by encouraging gifts of private land or the public use of open spaces by private owners. (Vol.II, pages 5,7)

These goals were re-affirmed in the 2007 Mason Master Plan Update, in particular the goal to "encourage the use of conservation easements with willing landowners to protect high priority lands." (page 6) Mason Conservation Commission, together with the Board of Selectmen, fear that threats like these gas pipelines can undermine confidence in conservation easements, leading to a loss of faith in this very important land protection tool. New Hampshire citizens who have long supported conserving land may lose trust in public land protection programs. New Hampshire people cherish our heritage of public lands, as evidenced by HB227, an act relative to eminent domain on public lands, now moving through the Legislature. The Selectmen and Commission appeal to you to defend these lands that serve as charitable trusts for the benefit of the public.

A list of Mason's conserved lands that are in peril is below, along with deed numbers for your reference.

Thank you very much for your assistance.

Sincerely,

Charles V. Moser, Chairman, Mason Board of Selectmen

Robert B. Larochelle, Chairman, Mason Conservation Commission

Affected Conservation Land (references to Hillsborough County Registry of Deeds Book/Page):

Fifield Tree Farm Conservation Easement      508.1 acres      Book 7992 page 0276 (page 1 of 57 pages)

Spaulding Brook Conservation Land	163.3 acres	Book 5301 page 0868 - 73
Mason Railroad Trail	94.4 acres	Book 3438 pages 0422- 26
Mitchell Hill Conservation Land	93 acres	Book 6188 page 0843
Doonan Conservation Easement	12.5 acres	Book 5301 pages 0874 - 82

Cc: Attorney General Joseph A. Foster

Dijit Taylor, Director, NH Land and Community Heritage Investment Program (LCHIP)

Tracey Boisvert, Director, NH Conservation Land Stewardship Program

Governor Maggie Hassan

Senator Kelly Ayotte Senator Jeanne Shaheen Representative Annie Kuster

Representative Frank Guinta

State Senator Kevin Avarad State Representative Jack Flanagan State Representative Christopher

Adams

Craig Fifield

William Doonan

FERC- Docket # PF14-22

*Source:FERC PF14-22 Docket # 20150204-0033*

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## MASON TOWN WARRANT

March 10, 2015

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12. To see if the Town will authorize the Board of Selectmen to take all reasonable and prudent actions to oppose the proposed Northeast Energy Direct high pressure gas pipeline, lateral line, and appurtenances, and all reasonable and prudent actions necessary to mitigate the impact thereof on the land and people of the Town of Mason. Such actions may include but are not limited to participating directly in all Federal and State regulatory processes related to such pipeline project, joining in coalition with the selectmen of other affected New Hampshire towns in opposing or mitigating the effects of the proposed project, and hiring legal professionals and consultants to advise and appear on behalf of the Town of Mason in regulatory and/or judicial proceedings related thereto. This authorization shall remain in effect until rescinded by a vote of the town meeting.

Recommended by the Board of Selectmen. Unanimous vote to approve.

13. To see if the Town will vote to raise and appropriate the sum of Eighty Thousand Dollars (\$80,000) to be expended at the discretion of the Board of Selectmen in opposition to the proposed Northeast Energy Direct high pressure gas pipeline, lateral line, and appurtenances, and/or to minimize the impact thereof on the land and people of the Town of Mason, including but not limited to expenditures for legal representation and consultants, land use planning and zoning consultation, public information purposes, administrative and court filing fees, participation in multi-town coalitions, and any and all other expenses reasonably related to opposing said pipeline project and/or mitigating the effects thereof. This will be a non-lapsing appropriation per RSA 32-7, VI and will not lapse until December 31, 2018.

Recommended by the Board of Selectmen. Unanimous vote to approve.

*Source:[http://masonnh.us/wp-content/uploads/Mason\\_2014\\_Annual\\_Report.pdf](http://masonnh.us/wp-content/uploads/Mason_2014_Annual_Report.pdf)*

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Office of the Board of Selectmen

Town of Mason  
16 Darling Hill Road - Mann House  
Mason, New Hampshire 03048  
(603) 878-2070 (603) 878-4892 Fax

April 28, 2015

Norman C. Bay, Chairman  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: Docket: PF-14-22-000  
Lead Applicant: Tennessee Gas Pipeline Company, LLC

Dear Chairman Bay and Commissioners:

The Town of Mason is located in Hillsborough County, New Hampshire, along the route of the applicant's proposed Northeast Energy Direct high pressure gas pipeline. Tennessee proposes running 3.9 miles of 36" of pipe (main line), and 5.08 miles of 12" pipe (Fitchburg lateral) through Mason. [1] With a total 8.98 miles of pipeline, Mason is one of the New Hampshire towns most heavily impacted by the proposed line.

We are writing to advise you that at the annual Mason Town Meeting on March 14, 2015, the voters voiced unanimous opposition to the NED project by approving the following two warrant articles:

Article 12. To see if the town will authorize the Board of Selectmen to take all reasonable and prudent actions to oppose the proposed Northeast Energy Direct high pressure gas pipeline, lateral line, and appurtenances, and all reasonable and prudent actions necessary to mitigate the impact thereof on the land and people of the Town of Mason. Such actions may include but are not limited to participating directly in all Federal and State regulatory processes related to such pipeline project, joining in coalition with the selectmen of other affected New Hampshire towns in opposing or mitigating the effects of the proposed project, and hiring legal professionals and consultants to advise and appear on behalf of the Town of Mason in regulatory and/or judicial proceedings related thereto. This authorization shall remain in effect until rescinded by a vote of the town meeting.

Article 13: To see if the town will raise and appropriate the sum of \$80,000.00 to be expended at the discretion of the Board of Selectmen in opposition to the proposed Northeast Energy Direct high pressure gas pipeline, lateral line, and appurtenances, and/or to minimize the impact thereof on the land and people of the Town of Mason, including but not limited to expenditures for legal representation and consultants, land use planning and zoning consultation, public information purposes, administrative and court filing fees, participation in multi-town coalitions, and any and all other expenses reasonably related to opposing said pipeline project and/or mitigating the effects thereof. This will be a non-lapsing appropriation per RSA 32-7, VI and will not lapse until December 31, 2018.

In accordance with the foregoing, the Board of Selectmen notifies you, the Federal Energy Regulatory Commission, that the people of the Town of Mason, overwhelmingly oppose the NED project.

Respectfully submitted,

TOWN OF MASON, NH

By its Selectmen:

Bernard O'Grady, Selectman  
Louise M. Lavoie, Selectman  
Charles V. Moser, Selectman

CVM/

cc: Tennessee Gas Pipeline Company, LTD

Kinder Morgan  
Gov. Hassan  
Sen. Shaheen  
Sen. Ayotte  
Sen. Avarad  
Rep. Flanagan  
Rep. Adams

*Source: FERC PF14-22 Docket # 20150616-5080, 20150622-0013*

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May 5, 2015, Co-signed NH Municipal Pipeline Coalition letter #1 (FERC # 20150508-5040)

June 30, 2015, Co-signed NH Municipal Pipeline Coalition letter #2

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### **Merrimack, NH**

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May 5, 2015, Co-signed NH Municipal Pipeline Coalition letter #1 (FERC # 20150508-5040)

June 30, 2015, Co-signed NH Municipal Pipeline Coalition letter #2

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### **Methuen, MA**

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Resolution Opposing the Kinder Morgan Northeast Energy Direct Pipeline Project in Methuen, Massachusetts

WHEREAS, Kinder Morgan has proposed to install a 20-inch high-pressure pipeline (Haverhill lateral) bringing natural gas through Methuen and neighboring communities; and

WHEREAS, the proposed 20-inch high-pressure pipeline is in close proximity to many established residential neighborhoods, bringing into question the safety of the citizens of Methuen, first responders and community in the event of a rupture or explosion; and

WHEREAS, the recognition of significant disruption to Methuen's conservation land, wetlands, areas of historic relevance, construction and restoration hardship to direct abutters, decreased property values and permanent expanded utility right-of-ways which could be maintained and defoliated through the use of herbicides; and

WHEREAS, the funding of the pipeline as a tariff on gas and/or electricity bills, the likely use of the pipeline for export to send a substantial volume of gas to the Canadian Maritimes is unfair to Methuen residents; and

WHEREAS, lack of demonstrated domestic "need" for gas to be transported by the so-called Haverhill Lateral positions Methuen to bear substantial risk with no direct benefit to Methuen for the financial enrichment of Kinder Morgan; and

WHEREAS, solutions to regional energy challenges during peak demand are better addressed through alternate proposals by other pipeline companies (PNGTS) with less impact to quality of life and the environment, smaller pipeline expansion projects, investment in energy efficiency, LNG storage, and renewable energy solutions.

NOW THEREFORE BE IT RESOLVED THAT the City Council of Methuen, Massachusetts:

1. Stands in strong opposition to Kinder Morgan Northeast Energy Direct pipeline;
2. Calls upon Kinder Morgan to take the necessary steps to avoid Methuen as part of the pipeline expansion and take the necessary steps to prevent additional pipeline construction in Methuen given the

existence of underutilized pipelines;

3. Instructs Methuen's state and federal delegation in the legislature and US Congress to promote alternatives to the Kinder Morgan plan which would satisfy our energy needs including renewable energy resources and repair to existing gas pipeline infrastructure.

BE IT FURTHER RESOLVED THAT the City Clerk be directed to send a copy of this resolution to Methuen's Representatives in the Massachusetts General Court, Senator Kathleen O'Connor –Ives, Representative Linda Dean Campbell, Representative Diana DiZoglio, Representative Frank A. Moran and to Massachusetts Governor Charles Baker. As well as Methuen's representatives in Congress, Senator Elizabeth Warren, Senator Edward Markey and Congresswoman Nikki Tsongas.

[draft: June 24, 2015]

*{approved without amendment on 1st reading; 2nd & final reading scheduled for August 3, 2015}*

*Source: <http://www.cityofmethuen.net/sites/methuenma/files/file/file/tr15252.pdf>; & City Council Secretary, July 17, 2015*

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## Middlefield, MA

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Town of Middlefield  
Annual Town Meeting  
Warrant

Town Hall Auditorium  
May 2, 2015  
Polls open 12:00 noon  
Business meeting starts at 1:30 pm

...

ARTICLE 30. To see if the Town will vote to oppose the construction of the TGP (Tennessee Gas Pipeline Company, L.L.C) high pressure natural gas pipeline and/or compressor station within the town borders of Middlefield, Massachusetts.

Sponsor: Citizens' petition      VOTE: passed by "wide majority" per Selectmen's Office

*Source: <http://middlefieldma.net/wp-content/uploads/townmeeting/warrants/2015-05-02-atm-warrant.pdf>*

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## Milford, NH

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June 30, 2015, Co-signed NH Municipal Pipeline Coalition letter #2

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## Montague, MA

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SELECTMEN'S MEETING MINUTES

July 14, 2014

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Roy Rosenblatt and Lee Wicks, Request signature on Resolution to stop the pipeline

Rosenblatt asks the Board to reaffirm their commitment by sending the resolution onwards to appropriate state officials. They are opposed to pipeline because it will not bring gas to homes and business-

es, the pipeline will degrade the landscape, reduce property values, upset wild life habitat and it is presumed to go over much state protected Chapter 97 land on Hatchery Road. It will require clearing, excavation and blasting on protected land on Town land and other communities, on individual land taken by eminent domain and we the electric users, the rate payers will be paying millions of dollars for this pipeline.

Nelson makes the motion to authorize the Selectboard to ban “Fracked Gas Pipelins and to sign off on the resolution as presented. Seconded by Fairbrother, approved unanimously. Boutwell – aye, Fairbrother – Aye, Nelson - Aye

*Source:*[http://www.montague.net/pages/montaguema\\_BOSMin/2014/S01F25E0A.0/BOS072814.pdf](http://www.montague.net/pages/montaguema_BOSMin/2014/S01F25E0A.0/BOS072814.pdf)

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### **Montague resolution**

#### **RESOLUTION TO BAN “FRACKED GAS” PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY**

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Montague or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation;

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change;

Whereas said pipeline would destroy unknowable amounts of forest, conservation land and farmland;

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives;

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. (“TGP”, a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation;

Whereas, we the Selectman, speaking for the citizens of Montague Massachusetts, choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well being to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running;

Now, therefore, be it Resolved, that the Selectman of Montague, Massachusetts:

1. Oppose said pipeline, and any new pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth;
2. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well being and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

*Source:*<http://www.nofrackedgasinmass.org/montague-resolution-2>

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ANNUAL TOWN MEETING  
TOWN OF MONTAGUE  
COMMONWEALTH OF MASSACHUSETTS  
May 2, 2015

.....

ARTICLE 29. MOVED: That the Town vote to act on the following petition:

RESOLUTION TO BAN “FRACKED GAS” PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Montague, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy unknowable amounts of forest, conservation land, and farmland; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C (“TGP“, a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Montague, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well-being to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running now, therefore, be it

Resolved, that the people of Montague, Massachusetts:

1. Hereby call on our Selectboard to stand in opposition to TGP's high pressured pipeline and not allow it within our town borders;
2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth or our Nation; and
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well being and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

(Petitioned Article)

**AMENDED ARTICLE:** That the Town vote to act on the following petition:

RESOLUTION TO BAN “FRACKED GAS” PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Montague, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts and beyond to be used for electricity generation and heating; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy unknowable amounts of forest, conservation land, and farmland; and Native American Burials and Artifacts, and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

Whereas the cost of said pipeline could require Massachusetts citizens to pay a utility bill tariff as well

as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C (“TGP“, a subsidiary of Kinder Morgan Inc.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Montague, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well-being to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running now, therefore, be it

Resolved, that the people of Montague, Massachusetts as represented by this meeting, oppose TGP’s high-pressured pipeline and its construction within our borders:

1. Hereby call on our Selectboard to reiterate it’s opposition to TGP’s high pressured pipeline and not allow it within our town borders;

(Petitioned Article)

PASSED/MAJORITY VOTE AS AMENDED

*Source:*[http://www.montague-ma.gov/pages/MontagueMA\\_Admin/TownMtgInfo/2015/02182015Votes](http://www.montague-ma.gov/pages/MontagueMA_Admin/TownMtgInfo/2015/02182015Votes)

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## SELECTMEN’S MEETING MINUTES

May 4, 2015

Jeff Singleton, Montague DPU Pipeline Intervention

Current status of TGP pipeline issue in Montague: The Montague Selectboard voted to oppose the TGP pipeline last July. Last Saturday Montague town meeting passed a similar resolution by a vote of 51-11. These votes raise the question of Montague “intervention” in Berkshire Gas’s application before the DPU.

Why is Department of Public Utilities reviewing Berkshire’s contract with TGP?: Berkshire Gas, which serves Montague, is applying to TGP for a long-term contract for natural gas through the proposed Northeast Direct pipeline. These contracts are essential for TGP/Kinder Morgan to show the “need” for a pipeline in its application to the Federal Energy Regulatory Commission (FERC). The contracts, or “precedent agreements,” must first be approved by the state Department of Public Utilities.

What is an “intervention” in the DPU process.: Customers of companies like Berkshire can raise objections to the proposed precedent agreements before the DPU. A private non-profit called PLAN-NE is organizing a number of these interventions. According to Katy Eiseman, the director of the group:

“The basic standard the DPU looks at is whether the contract “(1) is consistent with the portfolio objectives established in the Company’s Supply Plan; and (2) compares favorably to the range of alternatives reasonably available to the Company and its customers.” Because Montague is a municipality in Berkshire’s service area, and also would be directly impacted by the pipeline, the town is in a good position to bring up what reasonable alternatives compare favorably to the pipeline -- so that would include your own energy policies. We also intend to encourage the DPU to look at impacts of the pipeline...much of the explanation of available alternatives will be left to the technical experts, but I’m sure that specifics about impacts and energy policies, etc. would be helpful.”

PLAN-NE has hired a lawyer named Richard Kanoff to represent people and organizations, including towns, who would like to intervene in the DPU process. The state Attorney General is also intervening before the DPU.

Proposed Option for Montague: I would propose that Montague representatives meet with PLAN-NE and Richard Kanoff next week. The goal would be to find out more about the DPU process, the basis for the PLAN-NE intervention, Montague’s role, cost, and time frame. Also we should establish research capacity/public discussion on reasonable alternatives to a pipeline.

Nelson makes the motion to appoint Frank Abbondanzio and an available Selectmen, Walter Ramsey, Jeff Singleton, Ariel Elan, Diane McAvoy to represent Montague with Plan New England at a mutually agreeable date and time during the month of May. Seconded by Fairbrother, approved unanimously. Boutwell – Aye, Nelson – Aye, Fairbrother - Aye

*Source:*[http://www.montague.net/pages/montaguema\\_BOSMin/I020E1589.0/BOS050415.pdf](http://www.montague.net/pages/montaguema_BOSMin/I020E1589.0/BOS050415.pdf)

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## SELECTMEN'S MEETING MINUTES

May 19, 2015

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Montague Intervention in DPU Hearing Regarding proposed pipeline: Resolved that the Town of Montague join the PLAN-NE Network for the purpose of intervention in DPU proceedings involving the proposed Kinder Morgan Northeast Energy Direct Pipeline Pursuant to the Town Meeting vote of May 2, 2015, Article #29

Abbondanzio: We had a conference call today with Legal Counsel who is representing the Coalition group. On Friday, one of the representatives of the coalition received notification that this had to be filed by this coming Friday so it did not get on the agenda. We published an amendment to the agenda today stating: Montague Intervention in DPU Hearing Regarding proposed pipeline: Resolved that the Town of Montague join the PLAN-NE Network for the purpose of intervention in DPU proceedings involving the proposed Kinder Morgan Northeast Energy Direct Pipeline Pursuant to the Town Meeting vote of May 2, 2015, Article #29

Boutwell makes the motion that the Town of Montague join the PLAN-NE Network for the purpose of intervention in DPU proceedings involving the proposed Kinder Morgan Northeast Energy Direct Pipeline Pursuant to the Montague Town Meeting vote of May 2, 2015, Article #29. Seconded by Kuklewicz. Approved unanimously. Boutwell – Aye, Kuklewicz – Aye, Nelson - Aye

*Source:*[http://www.montague.net/pages/montaguema\\_BOSMin/I020EE04A.0/BOS051915-Attach.pdf](http://www.montague.net/pages/montaguema_BOSMin/I020EE04A.0/BOS051915-Attach.pdf)

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## New Ipswich, NH

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Town of New Ipswich, New Hampshire

BOARD OF SELECTMEN MEETING

JUNE 2, 2015

PRESENT: George Lawrence, Chairman, Woody Meiszner, Becky Doyle, Joanne Meshn

Proposed pipeline: Selectman Meiszner informed those present that Kinder Morgan had filed a document with FERC identifying the location of the compressor. The location involves two parcels in New Ipswich. Further he stated he had spoken with a subcontractor for FERC and she was contacting Gary Somero to schedule a scoping meeting.

Documents submitted during the discussion included an article from Forensic Appraisal Group, Ltd. on valuation issues with gas pipeline easements, from the US Department of Transportation on The State of the National Pipeline Infrastructure, Maryann Harper's Comments of Record to the NH Senate, and a page of emissions caused by compressors.

Dennis Gauvin questioned why the Selectmen had not taken a stand on the pipeline when 835 people had signed the petition. Wendy Freeman submitted an additional petition. Selectman Lawrence made a motion to accept the new petition opposing the pipeline. This brings the total signatures to

835. Selectman Doyle seconded the motion and it passed unanimously. Selectman Lawrence read the petition.

The Selectmen discussed whether or not to follow the wishes of the petitioners or to schedule a special Town meeting. Selectman Doyle questioned if the Board was leaning towards opposing the pipeline why schedule a special Town meeting. Further discussion is needed before deciding on the meeting. Wendy Freeman stated Liz Freeman had given a rationale for opposing the pipeline with regard to the Master Plan and following its guidance.

Selectman Doyle stated economic and environmental unbiased studies should be conducted but there is no funding. Opposing the pipeline and being interveners gives the Town a foot in the door with FERC and the SEC in representing New Ipswich. Maria Szmauz read an article from Mass Plan which stated there is more political strength when a Town takes a stand.

Selectman Lawrence spoke on his concern regarding the noise of the compressor and the contamination on the lot where the compressor is to be located. Also, the proposal violates the Master Plan and the Zoning Ordinance.

Ilene McGurk stated she had spoken with a representative from Kinder Morgan regarding the compressor and they were not sure how many acres would be taken up with its location. Further she explained a scoping meeting is scheduled by FERC and is a forum for asking questions and making comments on the proposal.

Bob Boynton spoke on the location of the compressor and the need for determining specific zones around the area. He also urged the Selectmen to act now on requesting remediation because of the lead on the lot before it is sold.

Selectman Lawrence stated his biggest concern was the lack of adequate emergency services to respond in the case of a catastrophe.

Wendy Freeman encouraged the Selectmen to vote tonight to oppose the petition so everyone can work together and move forward.

Rollie Coates questioned how much time is there before a decision needs to be made. Wendy Freeman responded Kinder Morgan plans to file an official application in September. A scoping meeting will be held before then. Once the application is filed, it needs to be reviewed and challenged. A lot of work needs to get done by September.

Funding was discussed including appealing to the Governor for funds, funding from environmental groups and joining a coalition.

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Proposed pipeline: John Kieley from Temple stated Temple had joined the pipeline coalition for access to expert information and clout. Their Selectmen voted to approve \$2,000 to be spent to be part of the coalition. If joining the coalition, a contribution to the coalition would be appropriate. Funding could come from private funds sent directly to the coalition. There is no \$2,500 minimum.

.....

Proposed pipeline: Selectman Doyle outlined her concerns with the proposed pipeline: lack of consistency with the Master Plan and noncompliance with the Zoning Ordinance, lack of infrastructure of emergency services, lack of funding for environmental and economic impact studies, lack of cooperation with Kinder Morgan with respect to calculation data for tax estimates and willingness to provide data on economic and environmental studies. She questioned if the Board did not take a stand would they be able to be heard at the table. Selectman Lawrence responded that they would be heard more if they took a stand. Further, he stated his major concern was the compressor and safety. Selectman Meiszner stated his reason to oppose the pipeline was based on noncompliance with the Master Plan.

Selectman Meiszner made a motion to oppose the Kinder Morgan pipeline. Selectman Lawrence seconded the motion and it passed unanimously.

With regard to joining the NH Municipal Pipeline Coalition, Selectman Doyle stated she would like to have a discussion and would first like to review the budget and determine legally if Town funds can be expended.

Selectman Meiszner made a motion to join the NH Municipal Pipeline Coalition. Selectman Lawrence seconded the motion and it passed with Selectman Doyle abstaining.

*Source: file "06-02-15 minutes.doc" sent by Town Clerk, landuse@townofnewipswich.org*

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June 30, 2015, Co-signed NH Municipal Pipeline Coalition letter #2

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## North Adams, MA

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Office of the City Clerk  
City of North Adams  
10 Main Street Room 109  
North Adams, Massachusetts 01247  
(413) 662-3000 Ext. 1

City Clerk Marilyn Gomeau

REGULAR MEETING OF THE CITY COUNCIL

October 14, 2014

.....

11,404 The President presented a Resolution supporting the ban of Fracked Gas Pipeline and supporting sustainable energy in the Commonwealth of Massachusetts, which was referred to the Public Services Committee and postpone at the meeting of August 26th

On motion Of Councilor Wilkinson, duly seconded by Councilor lamb, it was VOTED: to adopt the Resolution Councilor Moran gave the report of the Public Service Committee. The committee recommended a few minor changes in the wording. In the 6th paragraph delete and residents and insert in its place on behalf of the residents and in paragraph 7 delete and residents and insert in its place on behalf of the residents. Sub section 2 add new after /or any.

On motion of Councilor Lamb, duly seconded by Councilor Buddington it was VOTED: to accept the committee report as presented.

Councilor Bona said he had very mixed opinions on this matter, and would like to have a better understanding of this Resolution.

Rachel Branch, 999 Massachusetts Avenue an advocate against the pipeline, stated it is a public safety issue, a public health issue and it's about saving our planet. Roger Eurbin, 677 Ashland Street noted it was a safety issue shipping natural gas by train. We have hundreds of tank cars coming through here.

Councilor Bullett said she too was uncomfortable with voting on the resolution without having more answers.

The Resolution, as amended, was adopted by yea and nay vote as follows; yea Councilor Buddington, Lamb, Merrigan, Moran, Wilkinson. Nay Councilor Bona, Bullett. Councilor Blackmer abstained.

*Source: <http://www.northadams-ma.gov/UserFiles/File/CityClerk/City%20Council%20Minutes%20201>*

North Adams Resolution

City of North Adams

In City Council

Resolution to Ban “Fracked Gas” Pipeline and to Support Sustainable Energy in the Commonwealth of Massachusetts

WHEREAS, a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through The Commonwealth of Massachusetts, bringing said fuel en route from Richmond to Dracut, Massachusetts, to be used for electricity generation; and

WHEREAS, said pipeline goes against current Commonwealth of Massachusetts’ commitments to renewable energies and combating global climate change; and

WHEREAS, said pipeline would destroy significant swaths of forests, conservation land and farmland; and

WHEREAS, a high-pressure gas pipeline, by its nature, carries the potential for leaks, rupture and/or damaging explosions causing untold damage to lives, public health, public safety and to property; and

WHEREAS, the cost of said pipeline would require Massachusetts’ citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. (“TGP” a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

WHEREAS, We, the City Council on behalf of the residents of the City of North Adams, County of Berkshire, Commonwealth of Massachusetts, choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well-being of our neighbors in The Commonwealth of Massachusetts and in The State of New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running;

NOW, THEREFORE, BE IT RESOLVED, that the City Council on behalf of the residents of the City of North Adams, Massachusetts:

1. Hereby call on our Mayor Richard J. Alcombright and members of our City Government to stand in opposition to TGP’s high-pressured pipeline and not allow it within The Commonwealth of Massachusetts;
2. Oppose said pipeline, and/or any new pipeline, carrying natural gas obtained through hydraulic fracturing within the borders of our Commonwealth or The United States; and
3. Hereby request our State and Federal Legislators and our Executive Branch Officials to enact legislation, and take such other and further actions, as is necessary to disallow such projects that go against our commitments to life, the environment, our economic well-being and our personal health and safety; and, instead, to legislate more stringent energy efficiency and further exploration of, and subsidies for, renewable energy sources; and also

BE IT RESOLVED that the following individuals receive an Official Copy of This RESOLUTION:

President Barack Obama

United States Senator Elizabeth Warren

United States Senator Edward Markey

United States Representative Richard Neal

Governor Deval L. Patrick

*Source: <http://www.nofrackedgasinmass.org/north-adams-resolution/>*

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**Northampton, MA**

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CITY OF NORTHAMPTON MASSACHUSETTS

In the City Council, May 15, 2014

Upon the Recommendation of Councilor Ryan R. O'Donnell and Council President William H. Dwight.  
Resolution Opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts

WHEREAS, the so-called Northeast Expansion of the Tennessee Gas Pipeline is a high pressure natural gas pipeline (hereafter "the Pipeline") proposed by Tennessee Gas Pipeline Company, a subsidiary of Kinder Morgan, Inc. that would run through many communities in Western Massachusetts; and

WHEREAS, the City of Northampton has a regional interest in protecting the environment in the Pioneer Valley and in the United States, and the public health generally; and

WHEREAS, the Pipeline would transport natural gas obtained through hydraulic fracturing, a drilling method well known for its potential for ground water contamination, impact on air quality, and the harmful health effects of its chemical byproducts, among others; and

WHEREAS, pipelines of this kind carry inherent risks such as leaks and ruptures, and, as conveyors of flammable gas, can cause accidents such as the 2010 explosion in a residential neighborhood in San Bruno, California that resulted in the death of eight people and the destruction of 38 homes; and

WHEREAS, the Pipeline may pass through environmentally sensitive areas in our region such as forests and wetlands, as well as beneath the Connecticut River; and

WHEREAS, taxpayer money would pay for evacuations and emergency response in the event of explosions, fires or other accidents; and

WHEREAS, our energy challenges are better addressed through investments in green and renewable energy solutions.

NOW THEREFORE BE IT RESOLVED THAT the City Council of Northampton, Massachusetts

1. Stands in opposition to the Northeast Expansion of the Tennessee Gas Pipeline and all similar projects that may be later proposed.
2. Stands in solidarity with nearby communities working to disallow the Pipeline within their borders.
3. Affirms the need for public policy at the local, state and federal levels to encourage renewable energy and combat climate change, and supports legislation to ban or impose a long-term moratorium on hydraulic fracturing as well as storage, treatment or disposal of hydraulic fracturing fluid or byproducts within the Commonwealth.
4. Shall cause a copy of this resolution to be presented to the City of Northampton's legislative representatives and the Governor, asking them to take action to prevent the construction of the Pipeline within the borders of the Commonwealth of Massachusetts.

*Source: file "14.085\_tennpipeline.pdf" from Northampton Town Clerk, July 16, 2015; also available at [http://www.nofrackedgasinmass.org/notgp/wp-content/uploads/2014/05/Resolution\\_Pipeline.pdf](http://www.nofrackedgasinmass.org/notgp/wp-content/uploads/2014/05/Resolution_Pipeline.pdf)*

CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS  
WALLACE J. PUCHALSKI MUNICIPAL BUILDING  
212 MAIN STREET, NORTHAMPTON  
Northampton, MA  
May 15, 2014

.....

Councilor Spector moved to accept the Resolution Opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts,' Councilor Carney seconded the motion. The motion passed on a Roll Call Vote of 8Yes, 0 No, 1Abstention (Councilor Murphy)

Discussion: Councilor O'Donnell explained that this is a regional issue; 11 other Cities and Towns have passed similar Resolutions. Councilor Spector indicated that the Tennessee Gas Pipeline would bring gas to this region that we don't need and wouldn't use. Councilor LaBarge expressed concerns about the amount of private property that would be affected and the environmental impact that this Pipeline would impose. Councilor Dwight noted that the Energy Commission voted unanimously to support the Resolution .

*Source:*<http://www.northamptonma.gov/AgendaCenter/ViewFile/Minutes/05152014-1066>

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CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS  
WALLACE J. PUCHALSKI MUNICIPAL BUILDING  
212 MAIN STREET, NORTHAMPTON  
Northampton, MA  
June 5, 2014

.....

Resolution Opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts (2nd Reading)

Councilor LaBarge moved to approve the Resolution opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts, second reading;

Councilor Sciarra seconded. The resolution passed in second reading with a Roll Call Vote of 8 Yes, 1 No, 1 Abstention (Councilor Murphy)

*Source:*<http://www.northamptonma.gov/AgendaCenter/ViewFile/Minutes/06052014-1104>

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(Minutes of June 18, 2015) 398  
As amended in City Council on July 9, 2015  
CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS  
WALUCE J. PUCHALSKI MUNICIPAL BUILDING  
212 MAIN STREET, NORTHAMPTON  
Northampton, MA  
June 18,2015

.....

15.451 Resolution Calling for Transparency and Public Representation Regarding Natural Gas Infra-

structure - 2nd Reading

Councilor Klein moved to amend the resolution by adding the following wording:

“Whereas, a 2013 research report released by the office of Senator Edward Markey documents that between 2000 and 2011, by not replacing leaking natural gas pipelines, gas companies have passed on to Massachusetts ratepayers between \$640 million and \$1.5 billion in costs for “unaccounted for”) gas that never reached their homes, businesses, and municipalities, and that this leaked gas has contributed irreparably to the degradation of the public’s health; climate change; and between 2004 and 2012, caused over 250 explosions; and

Whereas, according to the U.S. Environmental Protection Agency, in 2011, leaks and other processes of the natural gas distribution system were the largest source of methane emissions in the U.S., accounting for 19 percent of total methane emissions, methane being a gas that possesses global warming potential far greater than other greenhouse gases, specifically: it has been measured to be over 80 times more powerful a greenhouse gas than carbon dioxide over a 20 year period; and

Whereas, this unaccounted for gas, if captured through repair and upgrade of the current pipeline infrastructure, could likely meet a significant portion, if not all, of our energy needs and allow for new hook-ups; and

Whereas. Massachusetts House Bill 2870|Senate Bill 1768, an Act relative to protecting consumers of gas and electricity from paying for leaked and unaccounted for gas, seeks to protect customers from paying for unaccounted for gas by prohibiting providers from including the cost of unaccounted for gas, as well as the costs of reducing or remedying loss, in the rate base;

NOW THEREFORE BE IT RESOLVED that the City Council of Northampton, Massachusetts:

Calls for Massachusetts gas companies to. rather than build new pipeline in the State, repair the current pipeline infrastructure to eliminate the leakage of natural gas and in so doing reduce the health, safety and environmental dangers associated with gas leaks; and

Goes on record as supporting MA H. 2870|S. 1768 to prohibit Massachusetts gas companies from passing on to consumers costs associated with leaked) unaccounted for gas.”

Councilor Spector moved to accept the amendment to the Resolution; Councilor LaBarge seconded the motion. The amendment was approved on a roll call vote of 7 Yes, 0 No, 2 Absent (Councilors Dwight and Carney).

Councilor Murphy moved to accept the resolution in second reading as amended; Councilor O’Donnell seconded the motion. The motion was approved on a roll call vole of 7 Yes, 0 No, 2 Absent (Councilors Dwight and Carney).

The folioing resolution passed in second reading:

Upon the Recommendation of Council President William H. Dwight, Councilor Ryan R. O ‘Donnell. Council Vice-President Jesse M. Adams, and Councilor Alisa F. Klein

Resolution Calling for Transparency and Public Representation Regarding Natural Gas Infrastructure

WHEREAS, Columbia Gas of Massachusetts has imposed a moratorium on providing new natural gas service to residential and commercial customers in the City of Northampton, just as Berkshire Gas has in other communities throughout Hampshire and Franklin Counties; and

WHEREAS, The moratorium in Northampton carries serious economic consequences for the City, and impedes important development including the two proposed affordable housing projects on Pleasant Street; and

WHEREAS, Berkshire Gas has cited lack of capacity in the natural gas pipeline spur known as the Northampton Lateral as the reason for its moratorium, and indicated that only the construction of the Northeast Expansion of the Tennessee Gas Pipeline (now known as the Northeast Energy Direct project)

can provide the extra capacity required to restore service; and

WHEREAS, Residents of Western Massachusetts have rightly raised questions about the timing of the moratoria possibly being directly related to widespread public opposition to the Tennessee Gas Pipeline expansion; and

WHEREAS, Clarity and transparency would benefit the impacted communities, both local and regional, by restoring public confidence and trust; and

WHEREAS, In addition to those supporting the Northeast Energy Direct project, residents who oppose the project should be represented in proceedings conducted by the Department of Public Utilities as it reviews potential agreements between local natural gas utilities and the Tennessee Gas Pipeline Company; and

WHEREAS, The Pipe Line Awareness Network for the Northeast, Inc. is an nonprofit corporation representing the interests of residents opposed to the overbuilding of gas pipeline capacity in the region;

WHEREAS, a 2013 research report released by the office of Senator Edward Markey documents that between 2000 and 2011, by not replacing leaking natural gas pipelines, gas companies have passed on to Massachusetts ratepayers between \$640 million and \$1.5 billion in costs for “unaccounted for” gas that never reached their homes, businesses, and municipalities, and that this leaked gas has contributed irreparably to the degradation of the public’s health; climate change; and between 2004 and 2012, caused over 250 explosions; and

WHEREAS, according to the U.S. Environmental Protection Agency, in 2011, leaks and other processes of the natural gas distribution system were the largest source of methane emissions in the U.S., accounting for 19 percent of total methane emissions, methane being a gas that possesses global warming potential far greater than other greenhouse gases, specifically: it has been measured to be over 80 times more powerful a greenhouse gas than carbon dioxide over a 20 year period; and

WHEREAS, this unaccounted for gas, if captured through repair and upgrade of the current pipeline infrastructure, could likely meet a significant portion, if not all, of our energy needs and allow for new hook-ups; and

WHEREAS, Massachusetts House Bill 2870/Senate Bill 1768, an Act relative to protecting consumers of gas and electricity from paying for leaked and unaccounted for gas, seeks to protect customers from paying for unaccounted for gas by prohibiting providers from including the cost of unaccounted for gas, as well as the costs of reducing or remedying loss, in the rate base;

NOW THEREFORE BE IT RESOLVED that the City Council of Northampton, Massachusetts:

1. Calls on Columbia Gas and Berkshire Gas to embrace complete transparency and make public all engineering and financial information substantiating the claim that the Northampton Lateral is at capacity, and to explain why the need for the moratorium was not known farther in advance; and
2. Asks the companies to explore alternative solutions including upgrading existing infrastructure, as well as put forth their plans in the case that the Northeast Energy Direct project does not materialize; and
3. Affirms its support for the intervention of the Pipe Line Awareness Network for the Northeast, Inc. in proceedings before the Massachusetts Department of Public Utilities that relate to the Northeast Energy Direct project.
4. Asks the Department of Public Utilities to consider the project in the broader context of the Commonwealth’s energy future, which should encourage conservation, greater energy efficiency and renewable sources.
5. Calls for Massachusetts gas companies to, rather than build new pipeline in the State, repair the current pipeline infrastructure to eliminate the leakage of natural gas and in so doing reduce the health, safety and environmental dangers associated with gas leaks; and

6. Goes on record as supporting MA H. 2870/S. 1768 to prohibit Massachusetts gas companies from passing on to consumers costs associated with leaked, unaccounted for gas.

The Council Clerk shall send copies of this resolution to U.S. Senators Ed Markey and Elizabeth Warren, Congressman James McGovern, Governor Charlie Baker, Attorney General Maura Healey, State Senate President Stanley Rosenberg, and State Representatives Peter Kocot and Stephen Kulik.

Rules suspended. passed two readings, resolved and enrolled

*Source: <http://northamptonma.gov/AgendaCenter/ViewFile/Minutes/06182015-1731>*

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## Northfield, MA

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TOWN OF NORTHFIELD  
BOARD OF SELECTMEN  
69 Main Street, Northfield, Massachusetts 01360  
Phone: (413) 498-2901 Fax: (413) 498-5103

August 26, 2014

Federal Energy Regulatory Commission  
Senator Edward Markey  
Senator Elizabeth Warren  
Congressman James McGovern  
Governor Deval Patrick  
State Senator Stanley Rosenberg  
State Representative Paul Mark

Ladies and Gentlemen,

The Board of Selectmen for the Town of Northfield voted on August 26, 2014 to accept the following Resolution:

“WHEREAS, Kinder Morgan is proposing to construct a high pressure gas transmission pipeline in Northfield through forest, wetlands, farmland and land under conservation restriction and permanently alter and disturb these lands,

BE IT RESOLVED that the Board of Selectmen as duly elected representatives of the people of Northfield, Massachusetts:

- 1) Oppose the proposed Kinder Morgan pipeline within the borders of our town and Commonwealth;
- 2) Hereby ask our legislators and executive branch officials to enact legislation and take other such actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well-being and our personal safety, and instead to legislate more stringent energy efficiency and further explorations of subsidies for renewable energy sources.

AND BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Federal Energy Regulatory Commission; U.S. Senators Markey and Warren; Congressman Jim McGovern; Governor Deval Patrick; State Senator Stan Rosenberg; and State Representative Paul Mark.”

Please take this Resolution into consideration if the proposal from Kinder Morgan is submitted.

Sincerest Regards,

John G. Spanbauer, Chair

Jed Proujansky

Tracy Rogers

*Source: FERC PF14-22 Docket # 20150402-5101*

*Source: <http://www.northfield.ma.us/files/Board%20of%20Selectmen/2015%20documents/Kinder%20Morgan/Signed%20resolution%20re%20kinder%20morgan.pdf>*

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Annual Town Election  
Northfield, Massachusetts  
Tuesday May 5, 2015

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Non-Binding Question

Are you in favor of the “Northeast Energy Direct Project” as proposed by Kinder Morgan, Inc. wherein approximately 8.5 Miles of a natural gas pipeline and an 80,000 hp compressor station may be located within the Town of Northfield?

A YES vote means that you are in FAVOR of the proposal

A NO vote means that you are OPPOSED to the proposal

YES 78

NO 421

Blanks 13

Attest

Daniel R. Campbell

Town Clerk

Source:[http://www.northfield.ma.us/files/Town\\_Clerk/2015/Annual%20Town%20Election%20May%205%202015.pdf](http://www.northfield.ma.us/files/Town_Clerk/2015/Annual%20Town%20Election%20May%205%202015.pdf)

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**Orange, MA**

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ARTICLE 4: RESOLUTION TO BAN FRACKED GAS PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Orange and/or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation and possibly for export; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy unknowable amounts of forest, conservation land and farmland; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. (“TGP”, a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Orange, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well being to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running; now, therefore, be it

Resolved, that the people of Orange, Massachusetts:

1. Hereby call on our Selectboard to stand in opposition to Kinder Morgan and/or Tennessee Gas Pipe-

- line's (TGP) high pressured gas pipeline and not allow it with in our town borders;
2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth or our Nation; and
  3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well being and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

Presented by Citizens' Petition.

ARTICLE 4: RESOLUTION TO BAN FRACKED GAS PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY

Motion to accept the resolution as printed.

Motion to move the question. Motion passed, unanimously.

Motion passed unanimously.

*Source: email from Orange Town Clerk, July 14, 2015*

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**Peabody, MA**

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CITY OF PEABODY

24 LOWELL STREET  
PEABODY, MA 01960

P.978-538-5700  
F.978-638-5980

OFFICE OF THE MAYOR  
EDWARD A. BETTENCOURT, JR

June 12, 2015

Sandra Waldstein, Director  
The State, International and Public Affairs Division  
FERC  
888 First Street, NE  
Washington, DC 20426

RE: Docket No. PF14-22

Dear Ms. Waldstein:

The Tennessee Gas Pipeline, L.L.C. has submitted to FERC an Application to open a pre-filing proceeding of Tennessee Gas Pipeline Company, L.L.C. under New Docket for Tennessee's Northeast Energy Direct Project under PF14-22.

As part of this project, Tennessee Gas has proposed building a spur of subsurface pipeline in an area of Peabody, Massachusetts wholly unsuited for such a utility. As Mayor of Peabody, I feel it is my duty to convey to FERC the concerns and fears of so many in our community.

First, the area proposed for pipeline construction runs adjacent to one of our city's most beloved and tight knit neighborhoods. Families who live here are justly concerned about a disruptive construction project which could forever alter the landscape of their homes. Homeowners have also expressed to me their concerns relative to public safety and protection of property.

Also, the area proposed for pipeline construction runs along the Peabody Independence Greenway. Known locally as simply 'the Bikepath,' the Greenway is a favorite destination for thousands of walkers, joggers, cyclists and wildlife enthusiasts. Many of these individuals have expressed their dismay over this pipeline proposal and I share their concern for preservation of this vital community resource.

Finally, the area proposed for pipeline construction is home to a number of natural resources which could be jeopardized by such a large scale and disruptive project. Thanks to its vicinity to the Ipswich River, the area is rife with wetlands, plants, trees, and other types of vegetation. While Peabody is renowned as a center of industry and technology, we treasure our open space and natural resources.

I join my fellow elected officials on the City Council as well as hundreds of Peabody residents who have united to oppose this project. The Tennessee Gas proposal will disrupt Peabody neighborhoods, jeopardize public safety, decimate a treasured recreational amenity and wipe out precious natural resources. Thank you for your consideration of this public comment.

Warmest regards,

Edward A. Bettencourt, Jr.

Mayor, City of Peabody

Cc—Kimberly D. Bose

*Source: FERC PF14-22 Docket # 20150624-0023*

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## **Pelham, MA**

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May 3, 2014, Annual Town Meeting, Article 36: Bylaw prohibiting the storage, use, or dispersal in town or on its roads of any waste products from the process of hydraulic fracturing for gas and oil

Town Meeting passed a bylaw prohibiting the storage, use, or dispersal in town or on its roads of any waste products from the process of hydraulic fracturing for gas and oil.

*Source: [http://www.masslive.com/news/index.ssf/2014/05/pelham\\_is\\_first\\_community\\_in\\_s.html](http://www.masslive.com/news/index.ssf/2014/05/pelham_is_first_community_in_s.html)*

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Michael Hussin, PELHAM, MA.

November 24, 2014

I writing to register my opposition to the Northeast Energy Direct project of the Tennessee Gas Pipeline Company, L.L.C. (“TGP”), the natural gas pipeline proposed to be built through Massachusetts.

I feel this pipeline is unnecessary, damaging to the environment, costly, and the wrong direction for our state which is attempting to become LESS reliant on fossil fuels. This pipeline is a step backwards..

My community of Pelham, Massachusetts while not in the direct path of the pipeline has firmly registered its opposition to siting this pipeline anywhere in our State by voting nearly unanimously in its Fall 2014 Town Meeting to support neighbor communities who refuse the project as well as any attempt to have Massachusetts utility ratepayers contribute financially to its construction.

The resolution Pelham passed is contained below:

Sincerely ,

Michael Hussin

October 15, 2014

TOWN OF PELHAM, MASSACHUSETTS

Resolution To Ban “Fracked Gas” Pipeline and Any Proposed Utility Rate Tariffs for New Natural Gas Pipeline Infrastructure

WHEREAS, a proposed high pressure pipeline carrying gas obtained through hydraulic fracturing, the

so-called Northeast Energy Direct project of the Tennessee Gas Pipeline Company, L.L.C. (“TGP”), would run through many communities in Western Massachusetts;

And WHEREAS, the Town of Pelham has a regional interest in protecting the environment in the Pioneer Valley and the public health generally;

And WHEREAS, it has been proposed that the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as the environmental costs, making ratepayers bear financial risk for the endeavors of a private corporation;

And WHEREAS, instead of increasing our dependency on unsafe fossil fuels we are better served by embracing Massachusetts’ commitments to renewable energies and combating global climate change.

Therefore Be it Resolved That the Town of Pelham:

1. Opposes any tariffs imposed on Massachusetts ratepayers to fund TGP’s high pressured pipeline; and
2. Stands in solidarity with nearby communities working to disallow the Pipeline within their borders; and
3. Shall cause a copy of this resolution to be presented to our State representatives and the Governor, asking them to take action to oppose the TGP Pipeline and its related tariffs within the borders of the Commonwealth of Massachusetts.

*Source:FERC PF14-22 Docket # 20141125-5000*

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## **Pelham, NH**

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### TOWN OF PELHAM BOARD OF SELECTMEN MEETING MINUTES

February 17, 2015

APPROVED – March 3, 2015

Kinder Morgan Project Update: Selectmen discussion on actions taken to date and strategic plan going forward.

Mr. Gleason stated the agenda item was intended for discussion by the Board only and would not be requesting public input at this time. There will be open house discussions; a list will be provided. He told the public the Selectmen were vigorously pursuing Kinder Morgan to conduct an open house/public participation meeting in March with Pelham. He provided a brief synopsis of what had transpired to date. The Selectmen were sent a letter January, 2014 from Kinder Morgan informing a project would be coming forward; they pursued information and open dialog, but received no response despite repeated requests from the Town to Kinder Morgan. In November, 2014 the press indicated the project would come through Pelham and wanted the Town’s reaction. The Town again contacted Kinder Morgan and informed they were very displeased information was coming from the press and not Kinder Morgan. Kinder Morgan then contacted the Town and held an ‘exploratory’ meeting on December 11, 2014. Also present was Liberty Utilities, who wasn’t directly interested in the project, but may be interested in purchasing gas if the project came to fruition. During the meeting in December, Kinder Morgan promised Pelham they would conduct an open house in January, 2015 at Sherburne Hall. They also stated the gas availability for the Town would be solely the responsibility of Liberty Utilities; however, Liberty would only pledge to contract for gas from Kinder Morgan (which would be a separate discussion). Kinder Morgan indicated there were no distribution points planned for Pelham; Liberty would investigate future/potential distribution points, but would make no commitment. They also indicated they would be contacting all the abutters.

Mr. Gleason stated a press release came out January 12th listing open house dates, in which Pelham was

ignored. At that time Mr. McCarthy contacted the President of Kinder Morgan to express the Town's utmost displeasure with the manner in which the project was being handled and keeping information from Pelham. Kinder Morgan has now contacted the Town and promised to conduct an open house in March, 2015. Mr. Gleason informed Pelham was pushing for two things: 1) a public meeting between the Selectmen and Kinder Morgan representatives in Sherburne Hall to explain the impact to Pelham and what the beneficial effects will be; and 2) subsequent public meeting during which the public will participate and be allowed to express their views/concerns and ask questions and receive answers.

Mr. Gleason outlined what the Selectmen had done, such as 1) directed Town Administrator to participate in a 17-town coalition to investigate available options; 2) Selectmen Lynde appointed to a Nashua Regional Planning Commission ('NRPC') subcommittee assigned to assess impacts and options; 3) State Representatives have been made aware and promised to follow up on the situation and concern that Kinder Morgan was not being responsible and forthright with Pelham; 4) Selectmen McDevitt, Lynde and Gleason attended an informational meeting (Feb. 6th) in Windham to try to gather information from other views; and 5) Selectmen plan to attend area open house meetings. Mr. Gleason noted that the Conservation Chairman Paul Gagnon had been contacted by conservation groups throughout the State. He hoped for the Board's concurrence to delegate Mr. Gagnon as the representative to participate in conservation meetings and report back to the Board.

Mr. Gleason hoped after the Board discussed the situation to have a strategy moving forward.

Mr. McCarthy discussed the 17-town coalition (New Hampshire Pipeline Coalition). When information began streaming through the press two months ago, he started receiving telephone calls from other town administrators/managers whose communities potentially would be affected by the pipeline. They decided to form a coalition to work in unison with a goal to collectively review the project and decide if it will benefit or hurt the communities. Two weeks ago the coalition held a meeting that was attended by representatives from the offices of Senator Shaheen, Senator Ayotte, Congressman Guinta and Congresswoman Kuster. The coalition wanted the representatives to hear their frustration in dealing with Kinder Morgan. The coalition interviewed an attorney because they felt they were getting to a point where it was difficult to determine fact and fiction and were seeking accurate feedback. The attorney would review information from Kinder Morgan to ensure its validity so it could be brought back to the communities. The second critical goal of the coalition is to hire an environmentalist to examine the project and determine if there would be any problems with conservation issues, potential impacts to well water etc. Mr. McCarthy noted his goal was to speak with members of Pelham's Conservation Commission and Historical Society and learn how the project may impact the community. The cost of the attorney and environmentalist will be split between the communities participating in the coalition.

Mr. McCarthy stated he had received citizen correspondence that communicated concern regarding the project. One person questioned if the project/process could be slowed down to allow time to digest and understand information. In turn, Mr. McCarthy contacted Governor Hassan's office to inform he'd received citizen correspondence requesting that the project slow down. He was told there was nothing to slow down at this time as Kinder Morgan was in the 'pre-filing' stage (educating communities phase) and had not officially filed with the Federal Energy Regulatory Commission ('FERC') and didn't intend to file until October, 2015. The Governor's office voiced concern about the pipeline crossing some State of New Hampshire conservation property. Mr. McCarthy asked if a representative from the Governor's office would attend the open house meeting in Pelham and was told they would. Also, he will be 'kept in the loop' and informed of any updates received by the Governor's office. Mr. McCarthy was contacted by Beverly Woods, the Executive Director of the Northern Middlesex Council of Governments. That coalition was successful in thwarting Kinder Morgan's attempts to install a pipeline from Pepperell, MA to Hollis, NH. They provided informational packets for review. Mr. McCarthy will make the information available for download on the Town website.

- Mr. McDevitt asked for more information regarding the reason for bringing an attorney ‘on board’. Mr. McCarthy envisioned the attorney’s role as being legal advice for what the communities could do regarding the proposed project. Hypothetically, if a community were to present an objection, it would be wise to have legal opinion as to how to proceed.
- Mr. Gleason felt it was important to emphasize there was little the Town could do in terms of impacting the project since it was under FERC’s control/decision. Mr. McCarthy believed the voices of the Governor, Senator, Congresswoman and Congressman would be heard.
- Mr. McDevitt wanted to be clear that Kinder Morgan hadn’t met with the Board. When the Town received a letter, two Selectmen had an exploratory discussion. He questioned Mr. McCarthy if Kinder Morgan sent a request to survey Town land. Mr. McCarthy answered yes; they have since been forwarded to the New Hampshire Municipal Association for review. Mr. McDevitt asked to review what the Town received. He then read aloud a portion of a newspaper article indicating that Merrimack hired a lawyer for pipeline guidance. Mr. McCarthy commented they were part of the coalition. He explained the coalition was in the preliminary stages of obtaining legal advice; a sample contract (for services) had been forwarded to him earlier in the day. The coalition will have a discussion regarding such at their next meeting and he will then have information to present to the Selectmen for review. Mr. McDevitt discussed attending a meeting in Windham, which was well attended. He learned if a person received a request for a survey, they could take an affirmative action and indicate people weren’t allowed on their land. He felt the Town should know exactly what they should do before signing anything and sending it back. He suggested posting (in the Town Hall corridor) a copy of tax maps highlighting where the proposed pipeline would run through Town. He noted there was a lot of incorrect information coming out. There was also concern being brought forward regarding the safety of and accidents within pipelines (as published in USA Today). He also referenced a local government guide put out by the Pipeline Safety Trust, who claimed to be a credible independent organization.
- Mr. Lynde reiterated there was a lot of information. He stated the Nashua Regional Planning Commission (‘NRPC’) had created an Energy Facilities Advisory Committee for fact finding. He felt for the Town to make an informed decision, they should back it up with credible data. He believed there were several groups gathering data and felt there was time prior to Kinder Morgan filing in October. Mr. Lynde stated they had the power of a voice and the power of representatives.
- In Mr. Gleason’s opinion, Kinder Morgan had not been forthright with the Town thus far. They were learning of new information every day. From what he learned, there is no perceived economic or environmental benefit to Pelham. His initial interest was to try and get gas to Pelham but had since understood it was a separate issue from Kinder Morgan. Kinder Morgan is a transmission facility and Liberty Utilities is a distribution company. He stated safety, inconvenience and disruption to abutters far outweighed any benefits. The concern regarding the incineration zones has not been addressed. He felt Kinder Morgan should discuss in an open environment how these concerns will be corrected. He noted there would also be concerns with heavy equipment and noise. A response has not been given in connection with the EMI interference and local communications. Mr. Gleason didn’t understand why Kinder Morgan planned to come through the electric lines and not through the existing gas lines. Based on all the concerns, he saw no reason why the Selectmen should back the project until Kinder Morgan provided information.
- Mr. Viger questioned what steps were next and if citizens had been notified and would have an opportunity to give opinion. Mr. Gleason believed some abutters had received notification letters in December. Mr. Viger questioned what residents could do if the project was approved to go through their property. Mr. McCarthy suggested residents seek some type of legal advice if they had any questions/concerns regarding correspondence from Kinder Morgan. He noted the Town received letters regarding their parcels on February 13, 2015 that requested authorization to access the properties. He found it interesting there was no place on the correspondence to decline the request to enter

properties. He forwarded the correspondence to NHMA for review and opinion; once a response is received, he'll apprise the Board.

Mr. Lynde questioned if the NHMA response would also be applicable to private land owners. Mr. McCarthy replied his concern was in the interest of the Town; however, he would send a follow up question to NHMA. Mr. Lynde believed they should hold their judgment until the impact could be understood.

Based on the letter received by the Town, Mr. Viger was concerned with there being no opportunity to deny permission to enter a property. Mr. McDevitt asked to see a copy of the letter received by the Town. He then read information aloud within a FERC document that pertained to natural gas companies obtaining rights-of-way through eminent domain. Mr. McCarthy provided the Board with a copy of the letter received by the Town. Mr. McDevitt reviewed the letter and didn't see where a person could indicate 'yes' or 'no' to having their land surveyed. During a meeting in Windham, it was noted ignoring the Kinder Morgan letter could imply consent/permission. He believed the Town should find out how to react. Mr. Gleason noted a copy of the letter had been forwarded to NHMA for review/comment. Their response will be provided to the Board.

Mr. Gleason stated the Town was doing everything they could under the circumstances. He recommended giving Mr. McCarthy the authorization to continue involvement with the 17-town coalition and provide the Board with their recommendations. He felt Mr. Lynde should continue his activity with the NRPC and the Selectmen should appoint Conservation Chairman Paul Gagnon as their representative to meet with the various conservation groups that were seeking input. He wanted to continue to vigorously push Kinder Morgan to meet with the Selectmen and also conduct a public hearing/open house in Pelham. Based on what they currently knew, and the absence of meaningful information from Kinder Morgan, Mr. Gleason asked if the Board would be comfortable issuing a statement that they were not in support of the activity until such time as information was provided.

Mr. Viger saw no benefit to Pelham, and at present was not inclined to support the activity.

Mr. Haverty had no philosophical disagreement with issuing the statement. He also saw no benefit to the Town and in contrast saw environmental and safety impacts to residents. He was unclear what weight an objection from the Town would carry, other than being on record as objecting. Mr. Gleason commented by having a discussion, it would let people know where the Selectmen stood on the issue. In his opinion the project had no identified benefit to the Town.

Mr. Lynde felt it would be better to let the 17-town coalition form a position and support it, rather than making a statement at this time. He wasn't comfortable with the proposed activities and had recently learned that most of the gas would come through Town to be exported to another country. He believed the Board could make a statement indicating their concern but believed an official statement would have more impact with the backing of factual information, data and backing of other towns. Mr. McDevitt suggested flipping the situation around and have Kinder Morgan prove that the project is a good idea as opposed to everyone trying to prove it was a bad idea. Mr. Lynde supported Mr. McDevitt's suggestion. He agreed they needed to provide information showing the pipeline would be good for Pelham.

Mr. Haverty pointed out they had an existing easement and may not have to prove it would be a good idea based on an enabling act. He commented that the Town would have other opportunities to weigh in regarding construction hours, noise levels, pollution etc. He was leaning toward taking a softer approach by lending support to the 17-town coalition and get a better understanding regarding the Town's rights. Mr. Viger said possibly the coalition was waiting for one community to take the lead and state they were against the project. Mr. Haverty replied there wasn't a lack of people standing up and saying they didn't want the pipeline. There were plenty communities standing up and saying no. Mr. Gleason commented that they wanted to do the pipeline in Massachusetts; Massachusetts fought them and they came to New Hampshire because it would be easier. He felt they should be sent a

strong message saying we don't want the activity in our back yard unless there's a strong benefit to do so. He didn't want to wait until October to find out they should have taken a stand sooner. He stated Pelham had given ample opportunity to Kinder Morgan to come into Town and explain what they wanted to do and they have in turn ignored Pelham.

Mr. McDevitt suggested stating the Town did not at the present time support the Kinder Morgan proposal and await proof from Kinder Morgan that there is any benefit to the Town of Pelham. Mr. Lynde replied they would come in and speak of tax revenues being a benefit. He added they needed information to make an informed decision. Mr. Haverty suggested if the Town was going to issue a statement they should go beyond saying they question the benefit to the Town and articulate the fact they feel there is a danger of negative consequences.

Mr. Gleason suggested saying there was no perceived benefit to Pelham. The risk and disruption of services and especially safety concerns dictate that we don't support this project. Mr. Viger added the risks don't outweigh the benefit to the Town. Mr. McDevitt believed everyone was saying the same thing.

Mr. Lynde didn't want to ask Kinder Morgan to come in and tell the Town the activity was a good thing; they probably couldn't do so. He suggested stating at the present time the Pelham Board of Selectmen could find no reason to support the gas line and were in the process of fact finding.

Mr. Gleason pointed out a Union Leader article that reviewed Kinder Morgan accidents across the country. There were more than twenty accidents that were serious enough to be reported to the Pipeline and Hazardous Materials Safety Administration. Based on the perceived risk to the Town, Mr. Gleason could not back the project and believed the Board should state Kinder Morgan would have to convince them otherwise.

Mr. McDevitt suggested the statement: Based on the information we have, we do not at the present time support the Kinder Morgan proposal. Mr. Lynde agreed with the language.

MOTION:

(McDevitt/Lynde) To state the position of the Board of Selectmen as: Based on the information we have, we do not at the present time support the Kinder Morgan proposal.

VOTE: (5-0-0) The motion carried.

The Selectmen unanimously voiced support of Mr. McCarthy continuing his involvement with the 17-town coalition.

MOTION:

(McDevitt/Haverty) To appoint Conservation Chairman Paul Gagnon as the representative to the conservation group.

VOTE: (5-0-0) The motion carried.

*Source: <http://www.pelhamweb.com/board-of-selectmen/minutes/minutes-59>*

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May 5, 2015, Co-signed NH Municipal Pipeline Coalition letter #1 (FERC # 20150508-5040)

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TOWN OF PELHAM  
Office of the Selectmen  
6 Village Green  
Pelham, NH 03076

May 14, 2015

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE Room 1A  
Washington, DC 20426

Re: Tennessee Gas Pipeline Company, LLC, Docket No. PF14-22-000 (Reg. No. 18301  
FERC ID 1 F291489)

Dear Ms. Bose:

The Town of Pelham, New Hampshire (Town), a municipality as defined by 15 USC 717a (3), will be crossed by the Alternative Route as proposed in the Tennessee Gas Pipeline Company, LLC, (Company) December 8, 2014, Supplemental Filing-Adoption of Alternative Route as Part of Proposed Route (Wright, New York to Dracut, Massachusetts Pipeline Segment, (the Project) and, as a result, will be directly, substantially and adversely impacted by the construction, operation and maintenance of the pipeline.

The Town of Pelham opposes the Project.

The Draft Environmental Report, submitted November 2014, by the Company at 10.3.1.8, page 10.3.1.8, New Hampshire Power line Alternative and the accompanying Tables and Maps do not adequately detail the precise route and impacts on the Town of Pelham nor does the Draft Environmental Report adequately address the following threats to the Town:

1. The construction, operation and maintenance of the Project will include drilling, blasting, rock crushing and excavation using heavy equipment and trucks, causing the contamination of surface and ground water from blasting emulsions and compounds; air contamination from dust and debris; and air contamination from diesel exhaust from crushers, heavy equipment and trucks; and,
2. The operation and maintenance of the Project threatens injury and damage to wildlife and indigenous plants and trees because of the use of herbicides and poisons in the pipeline right of way both from air born transmission and from leaching into surface and ground waters; and,
3. The construction, operation and maintenance of the Project threatens adverse impacts on Town lakes, rivers, streams, brooks, estuaries, wetlands, surface and ground waters; and the impact of blasting, drilling, pumping and releasing of contaminated waste water on Pelham's large stratified drift aquifer is of particular concern.
4. The construction, operation and maintenance of the project threatens adverse impacts to Town forest lands, recreational and conservation areas; and,
5. The construction, operation and maintenance of the Project will require the involuntary taking of Town property by the pipeline company, including precious conservation and recreation property, by eminent domain in violation of Article 12- a of the New Hampshire Constitution, the provision that property cannot be taken for private use; and,
6. The construction, operation and maintenance of the Project threaten the economic well-being and aggregate tax base of the Town.
7. Town of Pelham will be exposed to the expansion of transmission lines in relation to the Merrimack Valley Reliability Project (MVRP). The proposed pipeline is slated to "coexist" in the same right of way or alongside of this transmission line expansion. The construction, operation and maintenance of the Project threatens injury and damage to the health and safety of Town residents and their property because of the proximity of a large high pressure gas pipeline carrying flammable liquid natural gas to high voltage (345-kV) power transmission lines.

The Town of Pelham, New Hampshire, requests that:

1. The Company provides a full and comprehensive analysis of the impacts of the project on the Town;

2. The Company provides a precise description of the route of the pipeline through the Town;
3. The Company precisely identifies each environmental impact the project will have on the Town;
4. The Company addresses the threats to the Town identified at items 1-7 above.
5. A time certain be entered that will permit the Town and each citizen and property owner of the Town of Pelham to have full opportunity to express concerns about the adverse impacts of the Project upon them and their property but in no event earlier than 90 days after the filing of this letter.
6. Or in the latter, schedule a Scoping Meeting for Pelham and the Eastern NH towns to address our concerns and to be held in Pelham, New Hampshire.

Lastly, please address any filings, communications and correspondence regarding this project to: The Pelham Board of Selectmen, 6 Village Green Pelham, New Hampshire 03076.

Respectfully submitted,

Brian McCarthy, Town Administrator  
bmccarthy@pelhamweb.com

cc: Board of Selectmen  
File

*Source: FERC PF14-22 Docket # 20150602-0047*

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June 30, 2015, Co-signed NH Municipal Pipeline Coalition letter #2

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## Pepperell, MA

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### TOWN OF PEPPERELL, MASSACHUSETTS SPECIAL TOWN MEETING

June 30, 2014

#### ARTICLE 1

By Citizens' Petition

#### NON-BINDING RESOLUTION

To see if the Town will vote to adopt the following non-binding resolution opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts:

Resolution Opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts

WHEREAS, a proposed High-Pressure Pipeline and a lateral pipeline carrying natural gas may come through Pepperell and our neighboring communities, en route to Dracut, Massachusetts and Nashua, New Hampshire; and

WHEREAS, said pipeline contravenes current Massachusetts commitments to renewable energies and combating global climate change; and

WHEREAS, the pipeline would transport natural gas obtained through hydraulic fracturing, a drilling method well known for its potential for ground water contamination, impact on air quality, and the harmful health effects of its chemical byproducts, among others; and

WHEREAS, a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

WHEREAS, said pipeline would destroy unknowable amounts of forest, wetlands, conservation land and

farmland, and would pass beneath the Nashua and Nissitissit Rivers, and require maintenance in perpetuity of a 50 foot right-of-way through the possible use of herbicides; and

WHEREAS said pipeline would adversely affect property values, adversely affect residents' livelihood and otherwise negatively impact the integrity of the town's bucolic character; and

WHEREAS, the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff, as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. ("TGP", a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

WHEREAS, our energy challenges are better addressed through investments in energy conservation measures as well as green and renewable energy solutions.

NOW THEREFORE BE IT RESOLVED THAT the people of Pepperell, Massachusetts

1. Hereby call on our Selectmen to stand in opposition to Tennessee Gas Pipeline Company, L.L.C.'s Northeast Expansion pipeline and not allow it within town borders;
2. Stand in opposition to all similar projects that may be later proposed;
3. Oppose any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth; and
4. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take any such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well-being and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

or take any other action relative thereto.

Motion by: Margaret Scarsdale, 90 Nashua Road

I move that the Town vote to adopt the non-binding resolution opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts as printed in the Official Warrant for this Special Town Meeting.

Motion required a majority vote and passed by unanimous voice vote. Motion Carried

*Source: <http://ma-pepperell.civicplus.com/DocumentCenter/View/2667>*

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## Peru, MA

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Town of Peru, Massachusetts  
Town Meeting  
June 6, 2015

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### Article 42: RESOLUTION TO BAN NEW HIGH CAPACITY/ HIGH PRESSURE PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY

WHEREAS, a proposed High Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Peru and neighboring communities, bringing said fuel en route to Dracut, Massachusetts, potentially to be used for electricity generation; and

WHEREAS, said pipeline goes against current Massachusetts commitments to encourage renewable energy development and combat global climate change; and

WHEREAS, said pipeline would destroy as yet undetermined amounts of forests, conservation land and farmland; and

WHEREAS, a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untol damage to property and lives; and

WHEREAS, we, the citizens of Peru, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well-being to our neighbors in New York and whenever additional oil and gas exploration, extraction and transportation via high pressure pipeline is occurring,

BE IT RESOLVED, that the people of Peru, Massachusetts:

1. Hereby stand by the Select Board's opposition to TGP's high capacity/ high pressure pipeline and not allow it within our town borders;
2. Hereby request our State and Federal Legislators and our Executive Branch Officials to enact legislation, and take such other and further actions, as is necessary to disallow such projects that go against our commitments to life, the environment, our economic well-being and our personal health and safety; and, instead, to legislate more stringent energy efficiency and further exploration of, and subsidies for safe renewable energy sources.

Motion: Gary Stergis

Second: Kayla Ruess

Discussion: Peggy White, Lafayette Drive, speaks in favor for this resolution.

Article Passes Overwhelmingly.

Moderator Richard Haupt made a motion to adjourn.

Motion: Sam Haupt

Second: Candice Cahalan

No discussion. Meeting is adjourned at 10:40p.m., June 6, 2015

*Source: fax from Peru Town Clerk's office, July 12, 2015*

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## **Pittsfield, MA**

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City of Pittsfield

7-8 2014

To the City Council of the City of Pittsfield:

The undersigned respectfully

Requests that a presentation be given by Berkshire Environmental Action Team (BEAT) and No Fracked Gas in Mass. regarding the proposed Northeast Energy Pipeline.

Respectfully submitted,

Christopher J. Connell

Pittsfield City Councilor

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2014-88  
PETITION

REQUESTING THAT A PRESENTATION BE GIVEN BY BERKSHIRE ENVIRONMENTAL ACTION TEAM AND NO FRACKED GAS IN MASS. REGARDING THE NORTHEAST ENERGY PIPELINE

From COUNCILOR CONNELL

Received, Office of City Clerk JULY 9, 2014

IN CITY COUNCIL

JULY 15, 2014  
READ AND REFERRED TO THE  
COMMITTEE ON PUBLIC HEALTH AND SAFETY

Linda M. Tyer, Clerk  
IN CITY COUNCIL  
November 12, 2014  
Recommendation Approved  
Linda M. Tyer, Clerk

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City of Pittsfield

July 28, 2014

To the City Council of the City of Pittsfield:

The Committee on on Public Safety and Health

to whom was referred the Petition from Councilor Connell that a presentation be given by Berkshire Environmental Action Team (BEAT) and No Fracked Gas in Mass regarding the proposed Northeast Energy Pipeline having considered the same, report and recommend that the City Council voice its' opposition to the gas line in Pittsfield.

Respectfully submitted,  
Kevin Morandi, Chairman

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REPORT OF COMMITTEE ON PUBLIC HEALTH AND SAFETY

ON A PETITION FROM COUNCILOR CONNELL REQUESTING THAT A PRESENTATION BE GIVEN BY BERKSHIRE ENVIORNMENTAL ACTION TEAM AND NO FRACKED GAS IN MASS REGARDING THE PROPOSED NORTHEAST ENERGY PIPE-LINE RECOMMENDING THAT THE CITY COUNCIL VOICE ITS OPPOSITION TO THE GAS LINE IN PITTSFIELD

Filed AUGUST 6, 2014  
IN CITY COUNCIL  
AUGUST 12, 2014  
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Text from Minutes, November 12, 2014:

A report from the Committee on Public Health and Safety on a petition from Councilor Connell that a presentation be given by Berkshire Environmental Action Team (BEAT) and No Fracked Gas in Mass regarding the proposed Northeast Energy Pipeline, recommending that the City Council voice its opposition to the gas line in Pittsfield was read.

Councilor Connell moved to remove from the table and it was passed by unanimous vote of the ten members present.

Councilor Lothrop stated that he is a member of the Conservation Commission and he believes that he has an inherent conflict; he recused himself and left the room.

Councilor Connell stated that this was tabled in the anticipation of giving some members of the business community a chance to voice their feelings; it's been over a month but and nothing has been heard; it appears that Kinder Morgan is not willing to change anything; he firmly believes that the City Council should oppose the pipeline.

Councilor Connell moved to accept the report.

Councilor Caccamo stated that this is a daunting project; the environmental aspects are detrimental; these lines cross far too close to drinking water for Pittsfield and the county; Kinder Morgan has stated that they would not be able to alter the proposed route; everyone must be mindful that it is the federal energy regulatory agency that will make the final decision; it is unknown how much weight a symbolic vote will have.

The motion to accept the report was passed unanimous vote of the nine members present.

Councilor Connell moved to approve the recommendation.

Councilor Morandi stated that this came to the committee back in July and the City Council was asked to wait for the businesses to weigh in; there hasn't been a strong sense that the business community wants this pipeline; there has been strong urging from other Berkshire towns who are opposing the pipeline running through the watershed.

Councilor Tully stated that she is not in favor of the pipeline because of environmental issues and it is too large for our needs.

Councilor Cotton stated that he agonized over this; he has seen the signatures on the petition and he has a great deal of respect for that; he is not convinced that the suggested detriments are greater than the potential benefits; cannot see any downside to having excess energy available to the community; there are many green energies that have environmental issues.

Councilor Krol stated that it is very telling how an organization reacts to the communities that it will be partnering with that is why it was a surprise that that Kinder Morgan would not change the route at all; the plan was never to really listen to the community and actions speak louder than words; the Berkshires are progressive and looks to the future; many are looking for more diverse way to provide energy and to encourage fracking.

The motion to approve the recommendation was passed 8 to 1; Councilor Cotton opposed.

Linda M. Tyer, City Clerk  
City of Pittsfield  
70 Allen Street  
Pittsfield, MA 01201

*Source: email from Pittsfield City Clerk, July 13, 2015*

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## **Plainfield, MA**

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TOWN OF PLAINFIELD, MA  
MAY 2, 2014 ANNUAL TOWN MEETING  
ARTICLE 18 TO BAN TGP

Article 18. To see if the Town will vote to pass the following *non binding*\* RESOLUTION TO BAN "FRACKED GAS" PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY:

Whereas a proposed High-pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Plainfield, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation; and

Whereas, said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy unknowable amounts of forest, conservation land, farmland and archeological and historic sites; and Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. (“TGP”, a subsidiary of a private corporation); and

Whereas, we the citizens of Plainfield, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general wellbeing to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running; now therefore, be it

Resolved, that we the people of Plainfield, Massachusetts

1. Stand in opposition to TGP’s high pressured pipeline and call upon the members of the Plainfield Select Board to act on our behalf as needed, *in their discretion*\*.
2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth.
3. Instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic wellbeing and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

Voters’ Request

Motion made and supported. Article amended by Bob Corash. Change of language indicated by \*. Article 18 as amended passed with 4 opposed.

*Source: file “Article 18 May 2, 2014 Town Meeting.docx” from Plainfield Town Clerk, July 15, 2015*

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## Richmond, MA

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TOWN OF RICHMOND  
WARRANT FOR A SPECIAL TOWN MEETING  
Commonwealth of Massachusetts  
Berkshire, ss  
July 9, 2014

ARTICLE 1 - To see if the town will vote to adopt the following non-binding resolution regarding Kinder Morgan’s proposed Northeast Expansion Project:

WHEREAS, Kinder Morgan Energy Partners and its subsidiary Tennessee Gas Pipeline Co. have proposed to build a new 30”-36” high-pressure (ca, 1,500 psi) pipeline, also known as the Northeast Expansion Project, for the transport of “fracked gas” from Richmond to Dracut, Massachusetts.

WHEREAS, a new route for this pipeline would cut across Richmond, passing through town property, a number of environmentally sensitive areas, and very close to several private residences. It would require roughly 75’ of Right of Way that would be denuded of all vegetation except grass and maintained through the use of herbicides.

WHEREAS, the design of such a pipeline would include the construction of compressor stations every 40-60 mi. These stations cover several acres, have multiple compressor engines and large exhaust fans, both of which are sources of non-stop noise. Air sample testing of these stations have shown that they emit dozens of chemicals that are known carcinogens, neurotoxins and endocrine disruptors.

WHEREAS, high pressure pipelines of this kind carry inherent risks such as leaks and ruptures, and as conveyors of flammable gas, can and have caused accidents resulting in explosions and major fires

that have been occurring across the US with greater frequency.

WHEREAS, town taxpayer money would pay for emergency response in the event of explosions, fires or other accidents since Kinder Morgan (as a gas utility) is exempt from liability in addition to being exempt from the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Superfund Act.

WHEREAS, the pipeline, while being run by a private “for profit” company, would be paid for by Massachusetts citizens through a utility bill tariff.

WHEREAS, landowners would be adversely affected through devaluation of property and difficulty procuring homeowners insurance.

WHEREAS, this pipeline is inconsistent with what we treasure in Richmond and provides no benefit to the town and it’s residents. This gas is not intended for use in Richmond. Money paid to the town by Kinder Morgan would not compensate the Town for the environmental losses and liabilities caused by the pipeline.

NOW THEREFORE BE IT RESOLVED THAT the people of Richmond, Massachusetts

1. Hereby call on our Selectboard to stand in opposition to Kinder Morgan’s pipeline expansion or any similar projects that may be proposed later, within our Town borders;
2. Call on the Board of Selectmen to rescind the permission that has been granted to KM to survey Town of Richmond property;
3. Cause a copy of this resolution to be presented to Richmond’s state representatives and the Governor, asking them to take action to prevent the construction of the Pipeline within the borders of the Commonwealth of Massachusetts

Given under our hands this 25th day of June, 2014

ALAN B. HANSON, CHAIRMAN  
MARGUERITE J. RAWSON  
ROGER W. MANZOLINI  
BOARD OF SELECTMEN

I have posted up true and attested copies hereof, one at the Richmond Town Hall, one at the Richmond Post Office, one at the Bartlett’s Orchard Building, and one at the Richmond Shores Civic Association bulletin board, fourteen days, at least, before said meeting.

THOMAS G. GRIZEY June 25, 2014

Noting there was a quorum present Town moderator, John Whitney, called the STM to order at 7:30 p.m. Town Clerk, Katherine Zahn, read the Warrant posting, introductions were made and instructions given.

At 8:28 pm. a motion to move the question was made, seconded and approved unanimously and Article 1 was approved by majority vote.

A True Copy, Attest:

Katherine M. Zahn

Town Clerk

*Source: [http://www.richmondma.org/vertical/sites/%7B9DC0A798-F1C3-4B1E-8269-2CF29B5BB3F8%7D/uploads/2014\\_Richmond\\_Town\\_Report\\_online.pdf](http://www.richmondma.org/vertical/sites/%7B9DC0A798-F1C3-4B1E-8269-2CF29B5BB3F8%7D/uploads/2014_Richmond_Town_Report_online.pdf)*

Heritage Commission  
Town of Richmond  
105 Old Homestead Highway  
Richmond, NH 03470  
www.richmond.nh.gov  
(603) 239-4232

February 6, 2015

Ms. Kimberly Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE – Room 1A  
Washington, DC 20426

Re: Comments of the Richmond Heritage Commission in opposition to the proposed Tennessee Gas Northeast Energy Direct pipeline project, Docket No. PF14-22

Dear Ms. Bose:

I am writing in my capacity as chairman of the Heritage Commission of the Town of Richmond, NH to express the views of the Richmond Heritage Commission in opposition to the proposed Northeast Energy Direct pipeline project, Docket Number PF14-22.

Richmond, NH is a small rural community located in the southwestern corner of New Hampshire. It was first chartered in 1735 and incorporated in 1752.

The Richmond Heritage Commission is a town body, organized under NH state statutes (RSA 673 4-a and 674:44-b) and constituted by the voters of Richmond at Town Meeting in March 2014. Its mission is to identify, preserve and protect resources that have historical or cultural significance to Richmond. The formation of the Richmond Heritage Commission is consistent and in furtherance of the vision of the town as identified in the Richmond 2010 Master Plan, namely Section VIII “to preserve and protect historic structures and sites throughout the town”. The text of the Richmond Master Plan is available on the town website, [www.richmond.nh.gov](http://www.richmond.nh.gov).

As currently proposed, the pipeline route will bisect Richmond, disturbing many sites that have been identified by the Richmond Heritage Commission as having historical and cultural significance to the town. These include, among others, historic cellar holes, historic brickyard sites, historic homes, and local areas of scenic beauty. In addition, the route travels through environmentally sensitive wetlands and major aquifers. It traverses conservation lands and will interrupt wildlife corridors and habitat.

Further, its construction and maintenance through our town is contrary to our ideals and vision as expressed in our town Master Plan. See for example the summary of the Town’s vision (Section I of the Richmond Master Plan), entitled “Vision”:

“The Town of Richmond New Hampshire’s Master Plan is a vision of life in a small southwestern rural town that endorses green living through sustainability and transportation, utilities and public services, community and recreation”...

‘Sustainability refers to a policy and action which holds up and supports the environment through agriculture, land use, and overall planning that helps communities and individuals therein to participate in an economy that is environmentally and socially friendly, resulting in the reduction and eventual elimination of a distinctive footprint left on Planet Earth globally, regionally and locally.’”

Construction of the pipeline through Richmond is therefore contrary to our stated vision for land use within our community, as well as being against our vision of energy development as a whole, since the pipeline is being designed for furtherance of the world’s reliance on nonsustainable resources such as

fossil fuels, and more particularly for the furtherance of reliance on fracked fossil fuels from the Marcellus Shale.

Town Master Plans are developed under NH state law, see especially NH RSA 674:2. They express the overall guiding principles by which a town seeks to operate, to be further implemented by forms of local regulation and law making in furtherance of these principles. The Master Plan is developed by the town itself, through a lengthy and thought intensive, time intensive democratic process. Federal preemption of a town's ability to legislate local law and regulation in furtherance of the town's master plan makes a travesty of New Hampshire's concept of democracy. In addition to the many ways in which the proposed NED project violates our land and our sense of place, to the extent it is in clear violation of our Master Plan, it is contrary to any notion of local rule under New Hampshire state law.

In summary, the Heritage Commission of the Town of Richmond, NH opposes the proposed pipeline through the Town of Richmond for the negative impact it will have on the town's historic and cultural sites, because it is contrary to the vision of the town as expressed in its Master Plan, because it is contrary to the town's stated position against increased development and reliance on unsustainable energy sources, and because of the negative impact it will have on our community through, among many other aspects, the disruption of open land, aquifers and watersheds, wildlife corridors and natural habitat.

Sincerely,

Carol Jameson

Chairman, Heritage Commission, Town of Richmond NH

Cc: Senator Jeanne Shaheen

Senator Andy Sanborn, NH Senate

Senator Kelly Ayotte

Representative Jim McConnell, NH House

Governor Maggie Hassan

Representative Benjamin Tilton, NH House

Congresswoman Ann M. Kuster

*Source: FERC PF14-22 Docket # 20150210-5093*

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TOWN OF RICHMOND  
NEW HAMPSHIRE  
Office of Selectmen

Tennessee Gas Pipeline Company, LLC

1615 Suffield Street

Agawam, MA 01001

Via Certified Mail, Return Receipt Requested

April 1, 2015

RE: Property Access Denial

To whom it may concern;

As the owner of the properties located at:

Map 201 Lots 002, 003, 005, 009, 012, 024, 034, 038, 051, 052, 053, 054, 055, 056, 060 Map 202 Lots 011, 012, 013, 014, 025, 031, 032, 035 Map 402 Lots 006, 034 Map 403 Lot 001 Map 404 Lot 005 Map 406 Lots 002, 010 Map 407 Lot 082 Map 408 Lots 019, 050, 051, 052, 068 Map 409 Lots 031, 040 Map 410 Lots 015, 031 Map 411 Lots 019, 020, 021, 023, 024, 026, 027 Map 414 Lots 001, 003, 016, 041 and Map 415 Lot 006.

The town of Richmond is denying permission to the Tennessee Gas Pipeline Company, LLC (a Kinder Morgan Company), its representatives, contractors, sub-contractors, or associates to enter town land or perform surveys, or for any other purpose in furtherance of a pipeline infrastructure project. Any such physical entry onto town property from the date of this letter forward will be considered unauthorized

and treated as trespass.

Town of Richmond

Carol Jameson, Chairman 4/1/15

Richmond Board of Selectmen

CC: Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NH, Room 1A  
Washington, DC 20426

*Source: FERC PF14-22 Docket # 20150407-0030*

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Town of Richmond  
105 Old Homestead Highway  
Richmond, NH 03470  
www.richmond.nh.gov  
(603) 239-4232

April 9, 2015

Federal Energy Commission  
Ms. Kimberly D. Bose, Secretary  
888 First Street NE, Room 1A  
Washington, DC

Re: Town of Richmond Overwhelmingly Opposes the Proposed NED Pipeline  
Docket Number PF14-22

Dear Ms. Bose,

The town of Richmond, at its March 2015 town meeting, voted overwhelmingly to oppose the proposed Kinder Morgan Tennessee Gas Company Northeast Energy Direct (NED) pipeline project. The voters passed two petitioned warrant articles in opposition to the project, almost unanimously, the text of which follows below:

Town Of Richmond NH Petitioned Article 54.

Whereas:

The proposed construction, installation and long term use, of a natural gas pipeline, by Tennessee Gas Company, as part of their “Northeast Energy Direct Project” is inconsistent with Richmond’s Master Plan to:

- a. Protect and preserve the water quality in all our sources of water from contaminants that would enter our aquifers;
- b. Protect our wildlife (including but not limited to the federally protected species) and their migration patterns;
- c. Preserve land for forests, woodlands, wetlands, trails and open spaces available for recreation;
- d. Preserve and protect our rural character; scenic roads, roadside trees, stone walls and any historic sites and artifacts;
- e. Preserve the peace and quietude of rural living;
- f. Maintain a healthy living atmosphere for both humans and wildlife, in Richmond and wider region;
- g. Maintain our rural aesthetics by not disturbing pristine or recreational forests, trails, woodlands,

and wetlands or from clear-cutting a hundred twenty foot wide path for the construction of said pipeline;

h. Maintain the Town's ability not to provide or be responsible for, the required equipment, personnel and/or funds for emergency services that cannot adequately address potential health, safety, fire, explosions and other risks that this proposal presents;

i. Minimize an adverse impact upon the Town's property values;

Therefore

1. To see if the Town of Richmond will vote to instruct the Board of Selectmen to deny permission to any entity, to enter, or walk upon, or inspect any Town of Richmond, NH, town-owned lands, including: roads, cemeteries, buildings, forests, ponds, wetlands, skies, aquifer, bridges, brooks, and all other Town properties, with the intent to perform any surveys, for the purpose of planning, or in any way furthering any pipeline infrastructure, or any project, that would involve the use of, or any action that would require the transportation of volatile, or hazardous materials, or taking of private lands;

And to see if the Town of Richmond will vote to instruct the Board of Selectmen to stand in opposition to TGP's high pressure pipeline and not allow it within our town borders;

And to see if the Town of Richmond will vote to instruct the Board of Selectmen to call on our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well-being, and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

#### Town of Richmond NH Petitioned Warrant Article 55:

Whereas:

Almost 100% of Richmond households depend solely on surface, ground and bedrock water for their water needs and since the well owner is solely responsible for the wellbeing of their well from a variety of threats; and

Whereas commercial drilling, blasting and high pressure hydro-fracking poses threat to our wells; and

Whereas commercial use of any of our water sources poses a lethal risk to our wells.

Therefore

We hereby direct the Selectmen to enforce Richmond's Wetlands and Aquifer Protection ordinances applicable to any individual or entity, from using or spraying any toxic or poisonous materials on any of Richmond's surface waters, including any water, waterways, lakes, ponds, cisterns, rivers, streams, brooks and springs, or any ground or bedrock waters including underground springs, wells and aquifers, for use by any commercial entity, other than use for safety issues, within the town of Richmond, NH, without permission and proper permitting by the proper State of NH agencies.

We also direct the Selectmen to enforce Richmond's Wetlands and Aquifer Protection ordinances applicable to any individual or entity from taking, any of Richmond's surface waters, including any water, waterways, lakes, ponds, cisterns, rivers, streams, brooks and springs, or any ground or bedrock waters including underground springs, wells and aquifers that exceeds the needs of a normal household, for export out of the Town of Richmond's borders.

As Chairman of the Richmond Board of Selectmen, on behalf of the myself, the other members of the Board of Selectmen and the overwhelming number of Richmond residents who voted to oppose construction of the pipeline, to ask you to listen to the voices of our townspeople and to deny permission for the construction of this project that is so repugnant to our town for the reasons stated herein.

Thank you for your attention,

Carol Jameson  
Chairman, Board of Selectmen, Town of Richmond NH

Cc:

Governor Hassan  
Senator Ayotte  
Senator Shaheen  
Congresswoman Kuster  
State Senator Sanborn  
State Representative Tilton  
State Representative McConnell

*Source: FERC PF14-22 Docket # 20150422-0026*

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May 5, 2015, Co-signed NH Municipal Pipeline Coalition letter #1 (FERC # 20150508-5040)

June 30, 2015, Co-signed NH Municipal Pipeline Coalition letter #2

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## **Rindge, NH**

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December 8, 2014

Rindge Conservation Commission: A motion regarding the Kinder Morgan/Tennessee Natural Gas Pipeline Proposal

Because the proposed Kinder Morgan/Tennessee natural gas pipeline project furthers the nation's investment in and reliance on natural gas acquired through hydro-fracking, an environmentally destructive and unsustainable practice,

Because the pipeline extends New Hampshire's dependence on the use of fossil fuels, with the potential to further degrade the planet's atmosphere through carbon dioxide and other green-house gas emissions,

Because further investment in fossil fuel infrastructure directly contradicts the course of action outlined in "the New Hampshire Climate Action Plan" aimed at reducing carbon emissions in the state by 80% compared to 1990 levels by 2050,

Because the pipeline, by virtue of excessive capacity, is clearly intended to supply much of its contents for export and is therefore only incidentally of benefit to the majority NH citizens,

Because the proposed pipeline route traverses two major aquifer zones in Rindge, and the pipeline plan calls for the use of herbicide, even within wetlands, to keep the right-of-way clear, such protracted use being potentially harmful to the environment in general and Rindge's water resources in particular,

Because the mixture of known harmful chemicals present in fracked gas, including many volatile organic compounds and radon, has the potential to contaminate water supplies and impair air quality,

Because burying the pipeline in Rindge will require extensive blasting that could affect private wells, the principal source of drinking water for nearly all Rindge citizens,

And because of the potential loss of or disturbance to designated conservation lands and known state-threatened wildlife habitats along the pipeline route,

I move that the Rindge Conservation Commission oppose the Northeast Energy Direct project.

Motion made by William Preston, second by Albert Lefebvre

Passed by unanimous vote 5:0

---

TOWN OF RINDGE  
30 PAYSON HILL ROAD  
RINDGE, NH 03461  
Tel. (603) 899-5181 Fax (603) 899-2101 TDD 1-800-735-2964  
[www.rindgenh.org](http://www.rindgenh.org)

April 21, 2015

Allen Fore, Director  
Public Affairs  
Kinder Morgan  
3250 Lacey Road, Suite 700  
Downers Grove, IL 60515

Tennessee Gas Pipeline Company, LLC  
1615 Suffield Street  
Agawam, MA 01001

RE: Access to Town-Owned Property in Rindge, New Hampshire  
Northeast Energy Direct Pipeline Project  
FERC Docket 1 PF14-22-000

Ladies and Gentlemen:

The purpose of this letter is to inform you that at their March 10, 2015 Annual Town Meeting, the voters overwhelmingly passed a Warrant Article instructing the Board of Selectmen to prohibit access by Kinder Morgan/Tennessee Gas Pipeline Company, LLC and its representatives to Town-owned property for the purpose of surveying for the Northeast Energy Direct project.

The following is the Warrant Article which was passed by 71% of the voters

“Shall the Town of Rindge vote to deny permission to the Tennessee Gas Pipeline Company, LLC (a Kinder Morgan company), its representatives, contractors, subcontractors, or associates to enter any Town owned property, including but not limited to Converse Meadow, to perform surveys in furtherance of a pipeline infrastructure project. Any such physical entry onto Town-owned property will be considered unauthorized, and treated as trespass and prosecuted as such?”

The Rindge Board of Selectmen, in accordance with the vote of the people of Rindge, have voted to deny permission to Kinder Morgan/Tennessee Gas Pipeline Company, LLC, its representatives, contractors; subcontractors, and associates access to any Town-owned properties for the purpose conducting surveys or other related land investigations in furtherance of the Northeast Energy Direct pipeline project.

Very truly yours,

Robert. Hamilton, Chairman, Board of Selectmen

cc: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission

*Source: FERC PF14-22 Docket # 20150501-0028*

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TOWN OF RINDGE  
30 PAYSON HILL ROAD  
RINDGE, NH 03461  
Tel. (603) 899-5181 Fax (603) 899-2101 TDD 1-800-735-2964

April 21, 2015

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: Kinder Morgan Proposed Northeast Energy Direct (NED) Pipeline Project  
Docket No. PF14-22-000

Dear Ms. Bose:

At its Annual, Town Meeting on March 10, 2015, the voters of the Town of Rindge overwhelmingly passed three Warrant Articles related to the above-captioned project. Over 70% of the voters opposed the construction of the NED pipeline in Rindge.

The following are the Warrant Articles that were passed:

“Shall the Town of Rindge vote to oppose approval by the NH Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Gas Pipeline Company, LLC (a Kinder Morgan Company) as part of the Northeast Energy Direct Project because the proposal is inconsistent with the basic tenet of individual property rights whereas if approved, Tennessee Gas Pipeline Company LLC shall have the power to force private property owners to give up rights under Eminent Domain proceedings in order to create a new corridor for the installation of the pipeline project”

“Shall the Town of Rindge vote to oppose approval by the NH Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Gas Pipeline Company, LLC (a Kinder Morgan Company) as part of the Northeast Energy Direct Project because the proposal is inconsistent with the Town’s goal of protecting its aquifers, drinking water including community and private wells, wetlands, streams and other bodies of water. In addition, the proposal to extract water to use in drilling or other operations, whether from a body of water or well, is inconsistent with the Town’s goal to protect such waters?”

“Shall the Town of Rindge vote to deny permission to the Tennessee Gas Pipeline Company, LLC (a Kinder Morgan Company), its representatives, contractors, sub-contractors, or associates to enter any Townowned property, including but not limited to Converse Meadow, to perform surveys in furtherance of a pipeline infrastructure project. Any such physical entry onto Town-owned property will be considered unauthorized, and treated as trespass and prosecuted as such?”

Please note that the Town will also be notifying Kinder Morgan/Tennessee Gas Pipeline Company, LLC by separate letter that representatives of Kinder Morgan/Tennessee Gas Pipeline Company, LLC will not be allowed to enter upon Town property for the purpose of surveying for the pipeline project.

The Town intends to submit a similar letter to the New Hampshire Energy Facility Site Evaluation Committee once an application for the NED project is filed with that Committee.

Thank you for your attention to this matter.

Very truly yours,

Robert Hamilton, Chairman, Rindge Board of Selectmen  
Roberts Oeser, Selectman  
Daniel Aho, Selectman

Cc: Allen Fore, Kinder Morgan

*Source: FERC PF14-22 Docket # 20150501-0029*

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**Royalston, MA**

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THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF ROYALSTON  
SPECIAL TOWN MEETING

November 21, 2014

.....

Article 7. To see if the Town will vote to approve the following resolution to ban fracked gas pipelines and to champion sustainable energy, or take any action thereon.

Whereas a proposed high-pressure pipeline carrying natural gas obtained through hydraulic fracturing may come through Royalston and/or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation and possibly for export; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy unknowable amounts of forest, conservation land and farmland; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

Whereas the cost of said pipeline may require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. (“TGP”, a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Royalston, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well-being to our neighbor in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running; now, therefore be it

Resolved, that the people of Royalston, Massachusetts:

1. Hereby call on our Select Board to stand in opposition to Kinder Morgan and/or Tennessee Gas Pipeline’s (TGP) high-pressured gas pipeline and not allow it within our town borders;
2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth, or our Nation; and
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well-being and our bodily safety, and, instead to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

Moved the article as read, seconded. Motion to amend the article as follows: Under “Resolved, #3.”, insert the words “and local officials” in the paragraph. so that #3. reads “Hereby instruct our state and federal legislators and executive branch officials, and local officials to enact legislation..... Amendment seconded, amendment passed. ARTICLE AS AMENDED PASSED UNANIMOUSLY.

*Source: file “cert copy Article 7 gas pipeline 11-21-14.doc“ from Royalston Town Clerk*

Sandisfield, Massachusetts  
Annual Town Meeting  
May 17, 2014

RESOLUTION TO BAN GAS PIPELINE EXPANSION IN SANDISFIELD

Whereas a proposed High-Pressure Pipeline, also known as a “loop,” carrying natural gas including gas obtained by hydraulic fracturing, may come through Sandisfield transporting said fuel to Connecticut or to overseas destinations; and

Whereas said pipeline may undermine current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline expansion would at least double the width of the existing 4-mile route and obliterate for all time major tracts of precious forest, conservation and farm lands and would threaten wetlands as well as streams, rivers and ground water, and

Whereas said pipeline expansion would be ruinous to the scenic beauty and tranquility of this Town and the Berkshire Mountains including the Otis State Forest in Sandisfield; and

Whereas a high-pressure 36-inch gas pipeline loop designed to store and concentrate vast amounts of gas a mere 24 inches below ground in order to boost the velocity of gas through adjacent existing very old pipelines which by its nature carries the potential for leak, rupture, as has in fact already happened in this town, or potential devastating explosion causing untold damage to property and lives and the local economy; and

Whereas such pipelines are notorious for leaks and escape of the highly environmentally damaging methane gas at every point in the process including extraction, transmission and storage; and

Whereas the cost of said pipeline expansion would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, (“TGP”, a subsidiary of Kinder Morgan Energy Partners, L.P.), forcing ratepayers to bear financial risk for the benefit of a wealthy private corporation; and

Whereas, we the citizens of Sandisfield, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability wherever hydraulic fracturing is occurring and the pressurized pipeline is running; now, therefore, be it

Resolved, that the people of Sandisfield, Massachusetts:

1. Hereby call on our Select Board to stand in opposition to TGP’s pipeline expansion and not allow it within our Town borders;
2. Oppose said pipeline expansion, and any new pipeline carrying natural gas whether obtained by hydraulic fracturing or otherwise, within the borders of our Commonwealth or our Nation; and
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well-being and our bodily safety, and, instead, to promote more stringent energy efficiency and further exploration of renewable energy sources.

Passed by unanimous vote.

*Source:*[http://media.wix.com/ugd/23563d\\_21f2f8b19473421e9615972ccc27dbac.pdf](http://media.wix.com/ugd/23563d_21f2f8b19473421e9615972ccc27dbac.pdf) (link on official Sandisfield website)

**Town of Sharon, New Hampshire**  
432 NH Route 123 • Sharon, NH 03458  
603-924-9250 • FAX: 603-924-3103 • www.sharonnh.org

June 10, 2015

FERC (Federal Energy Regulatory Commission)  
Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 1st St NE Washington, DC 20426-0001

Re: Tennessee Gas Pipeline Company, L.L.C., Docket No. PF14-22-000 Proposed Northeast Energy Direct Project

To whom it may concern;

The Conservation Commission of the Town of Sharon, New Hampshire is in opposition to construction of the Kinder Morgan Northeast Energy Direct pipeline through southwestern New Hampshire. The Town of Sharon borders the Town of New Ipswich, and residents would be less than 2 miles from the proposed route of the pipeline. While the pipeline won't run through Sharon, we are concerned with the disruption to the forests, wetlands, geology, wildlife habitat, general rural character and way of life of all towns in this region.

Sharon is a heavily forested town, the rural nature of which is of utmost importance to its residents. Of the Town's 9956 acres, various conservation holdings account for 4991 acres, or approximately 50% of the town's land area. The residents of Sharon have always been outspoken about the importance of the rural character of our Town, and this is strongly reflected in our Master Plan, Town Ordinances, our Forest Management Plan for the Town Forest and in our Natural Resources Management Plan

A Natural Resource Assessment and Management Plan was completed for the Town of Sharon in 1996, which revealed the valuable biological resources of our town. The Conservation Commissions of towns adjacent to Sharon have undertaken similar Natural Resource and Wildlife Assessments, working hard to protect large parcels of land for recreation, wildlife habitat and wildlife corridors. Included in this is the implementation of conservation easements with local landowners.

As stewards of the Town's natural resources, the Sharon Conservation Commission upholds Sharon's Zoning Ordinances that support land use patterns that preserve and protect our water and woodlands, our outstanding natural topography, and open space for both recreation and wildlife habitat. A notable resource in Sharon is the Gridley River, which has its headwaters in Sharon before running south into New Ipswich, (very close to the proposed pipeline route) and then turns north to become one of the main sources of the Contoocook River, that flows through many towns on its way to the Merrimack River. The portion of the Gridley River in Sharon was overwhelmingly identified by Sharon residents as one of the most important wildlife resources in this town.

The rural character of this region depends on land undisturbed by large scale commercial enterprises that will have long-term impacts on both the wildlife and the residents of southwestern New Hampshire. Even after the construction of the pipeline is completed, the placement of a large compressor plant in this very rural area would permanently alter the lives of the residents and wildlife, with noise, light and emission pollution becoming an unwelcome and permanent part of these lives.

Construction of the pipeline will negatively impact many unique wildlife habitats and wetlands, much of which are on conservation lands in the region. It will disrupt and disturb geologic features, likely causing permanent change to aquifers and wetlands. Sharon, like other towns in our region, does not have municipal water and wastewater systems, but relies on the natural infrastructure. As stated in Sharon's

Master Plan, adopted in 2003, “Our natural ‘intrastructuze’, every bit as important and complex as those man-made systems found in more urban areas, is essential to the safety, health and very sustainable future of the Town.” During construction, noise from blasting and heavy equipment will be heard in Sharon and adjacent towns. During operation, noise from the compressor station will be heard in Sharon day and night, for years to come. In the event of an explosion or fire, large blocks of forest, wildlife habitat and important wetlandsour valued natural environment and the rural c~of this area would be forever altered.

We can only speak for the Town of Sharon: While we may withstand the disruption to our quality of life during the construction of the proposed pipeline, we are much less certain ofthe ability to maintain this quality in the future during constant operation, considering the impact the project will have on the natural environment, the loss of tourism resulting from it, and the diminishment of the quality of life that we foresee for Shaion and all the other towns with or near this project. It is an unreasonable sacrifice for little benefit to the State of New Hampshire.

Sincerely yours,

Ken Callahan, Chairman  
Conservation Commission  
Town of Sharon

*Source: FERC PF14-22 Docket # 20150616-0027*

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## **Shelburne, MA**

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Town Warrant for Annual Town Meeting  
Town of Shelburne  
May 6, 2014

.....

ARTICLE 34. (Petition Article) To see if the Town will vote to pass the following Shelburne Community Rights Resolution

Whereas representatives from large-scale energy infrastructure projects have approached Shelburne landowners with regard to the proposed routing of a high-pressure gas pipeline to carry shale gas through certain Shelburne properties; and

Whereas landowners have been approached without advance notice from town officials or police due to there being no regulation requiring a corporation, county or state to contact local authorities prior to contacting property owners; and

Whereas landowners are being asked to permit surveying or to sign agreements to lease land; and

Whereas, there exists the inherent right of the residents of Shelburne to govern their own community, including, without limitation, the Declaration of Independence’s declaration that governments are instituted to secure the rights of people, and the recognition within the State Constitution that all power is inherent in the people.

THEREFORE BE IT RESOLVED THAT WE CALL UPON OUR LEADERS TO ADOPT RULES, BYLAWS, OR TAKE SUCH OTHER ACTION AS NECESSARY

TO SUPPORT the right of the people of Shelburne to hold public hearings and make motions to vote on all corporate, state or federal energy infrastructure and other large-scale projects within the town as they arise. Such projects may include, but are not limited to: pipeline construction, resource extraction, the removal of ground water for bottling and export, transmission line expansion, largescale solar arrays, and the dumping of fracking wastewater from neighboring states.

TO DEFEND majority rule, as determined by that vote, as the ultimate authority in approving such projects, affirming the rights of the people who live here over the rights of an absentee entity.

TO PROHIBIT any activity by the developers of such projects in Shelburne before the people of Shelburne have had the opportunity to put motions to vote, and only then if the majority has ruled in favor of allowing the project. Activities include, but are not limited to, entering private property, surveying, photographing private property, negotiating leases, blasting, removing trees and road construction.

TO ENSURE that our Select Board is informed of any proposed project prior to any contact with landowners and that the residents of Shelburne learn of each proposal first through their elected officials.

TO PROTECT the right of Shelburne farms, businesses and companies to engage in resource harvesting and/or industrial activity as currently permitted in our by-laws.

VOTE: passed

*Source: <http://townofshelburne.com/documents/ElectionTownMeeting/AnnualTownMeetingWarrant2015.pdf>; Vote per Shelburn Town Clerk, July 16, 2015*

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Town Warrant for Annual Town Meeting

Town of Shelburne

May 5, 2015

ARTICLE 36. Petition Article Requesting to Establish an Ad Hoc Local Pipeline Review Committee

“To see if the Town will vote to authorize the Board of Selectmen to establish and appoint members to an ad hoc Local Pipeline Review Committee to determine the impacts of developing and operating the proposed natural gas pipeline through the Town by Tennessee Gas Pipeline Company, and to recommend to the Selectboard appropriate mitigation measures to be negotiated with the company.”

*Source: <http://townofshelburne.com/documents/ElectionTownMeeting/AnnualTownMeetingWarrant2016.pdf>; Vote per Shelburn Town Clerk, July 16, 2015*

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**Sunderland, MA**

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Town of Sunderland  
2015 Annual Town Meeting  
April 24, 2015

.....

ARTICLE 10: Move that the Town vote to adopt the following resolution:

TOWN OF SUNDERLAND RESOLUTION IN OPPOSITION TO THE NORTHEAST EXPANSION OF THE TENNESSEE GAS PIPELINE IN MASSACHUSETTS

WHEREAS, the so-called Northeast Expansion of the Tennessee Gas Pipeline is a high-pressure natural gas pipeline (hereafter “the Pipeline”) proposed by Tennessee Gas Pipeline Company, a subsidiary of Kinder Morgan, Inc. that would run through many communities in Western Massachusetts; and

WHEREAS, the Town of Sunderland has a regional interest in protecting the environment in the Pioneer Valley and in the United States, and the public health generally; and

WHEREAS, the Pipeline would transport natural gas obtained through hydraulic fracturing, a drilling method well known for its potential for ground water contamination, impact on air quality, and the harmful health effects of its chemical byproducts, among others; and

WHEREAS, pipelines of this kind carry inherent risks such as leaks and ruptures, and, as conveyors of flammable gas, can cause accidents such as the 2010 explosion in a residential neighborhood in San

Bruno, California that resulted in the death of eight people and the destruction of 38 homes; and WHEREAS, the Pipeline may pass through environmentally sensitive areas in our region such as forests and wetlands, as well as beneath the Connecticut River; and

WHEREAS, taxpayer money would pay for evacuations and emergency response in the event of explosions, fires or other accidents; and

WHEREAS, our energy challenges are better addressed through investments in green and renewable energy solutions.

NOW THEREFORE BE IT RESOLVED THAT the Town of Sunderland, Massachusetts

1. Stands in opposition to the Northeast Expansion of the Tennessee Gas Pipeline and all similar projects that may be later proposed.
2. Stands in solidarity with nearby communities working to disallow the Pipeline within their borders.
3. Affirms the need for public policy at the local, state and federal levels to encourage renewable energy and combat climate change, and supports legislation to ban or impose a long-term moratorium on hydraulic fracturing as well as storage, treatment or disposal of hydraulic fracturing fluid or byproducts within the Commonwealth.

AND BE IT FURTHER RESOLVED that copies of this resolution be sent to the Federal Energy Regulatory Commission; U.S. Senators Markey and Warren; Attorney General Maura Healey; Governor Charlie Baker; Congressman Jim McGovern; State Senator Stan Rosenberg; State Representative Steven Kulik; and our Selectboard. We urge these officials to take such actions as are necessary to prevent the construction of the Pipeline within the borders of the Commonwealth of Massachusetts. Or take any vote or votes in relation thereto.

Majority Vote (no reference - non-binding resolution/sense of the meeting)

SUBMITTED BY: Citizen Petition

SECONDED PASSED MAJORITY

*Source: [http://www.townofsunderland.us/Pages/SunderlandMA\\_Clerk/TownMeetingDocs/2015ATMMotions.pdf](http://www.townofsunderland.us/Pages/SunderlandMA_Clerk/TownMeetingDocs/2015ATMMotions.pdf)*

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## Temple, NH

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TOWN OF TEMPLE, NEW HAMPSHIRE  
BOARD OF SELECTMEN

April 14, 2015

FINAL MINUTES OF PUBLIC MEETING

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Natural Gas Pipeline: The Board signed letters to Senators Shaheen and Ayotte, Representatives Kuster and Guinta and Governor Hassan in opposition to the proposed Kinder-Morgan natural gas pipeline. These letters also contain the signatures of almost 100 townspeople. Move by Crowell that the Temple Board of Selectmen go on record as opposing the Kinder-Morgan pipeline, second by Caisse and voted in the unanimous affirmative. Cromwell told the Board that she has been attending meetings of a coalition of Town Selectmen and Town Administrators who oppose the K-M pipeline. This coalition is proposing the hiring of an Attorney to represent the various towns in front of SEC and FERC. There will be a meeting of the coalition on May 5 to interview attorneys. Cromwell then suggested forming an ad-hoc committee to deal with information regarding the pipeline, suggestions made for committee members were Bev Edwards, George Stolz, Connie or John Kieley. Move by Willard to delegate Cromwell to put an ad-hoc committee together to deal with pipeline information

and to keep the BOS updated on the status, second by Cromwell and voted in the affirmative

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*The letter below was sent by the Temple Select Board to our five top political office holders: Governor Hassan, Senators Ayotte and Shaheen, Representative Kuster and Guinta. The same letter was sent to all five in the form of a petition signed by our townspeople.*

Office of the Governor  
State House  
107 North Main Street  
Concord, NH 03301

March 31, 2015

Dear Governor Hassan:

We are writing to ask that you, as our Governor, oppose the Kinder Morgan Northeast Energy Direct (NED) pipeline. This project will bring no benefit to New Hampshire and little to no benefit to New England. It will, however, harm our communities in southern NH.

The construction process alone will pollute our air, contaminate our aquifers, wells, and other water resources. It will destroy large swaths of conservation land and the private property of over 800 NH families, taken through eminent domain. It will crush the rural character of our towns and reduce our property values. It will harm the tourist industry in the Monadnock region, the real estate business in southern NH, and devastate the local energy efficiency and renewable energy businesses in NH with its excessive investment in more fracked gas and massive infrastructure.

Temple, as an abutter, has requested intervenor status with FERC and the NH SEC. If the pipeline and its Hillsborough County Compressor Station are built next to the ROW and transmissions lines bordering Temple, as proposed, they will bring safety, health, and environmental hazards to our community and our elementary school.

This level of invasive disruption, the taking of private property, and degradation of our rural quality of life is harmful enough. To think this pipeline will end up raising our energy rates as the vast majority of gas gets exported, defies common sense! This is detrimental in every way for our communities and a terrible proposition for NH. NE does not need this much fracked gas or this overbuild of permanent infrastructure.

Governor Hassan, we need you to oppose this pipeline and we are also requesting that you work with us to stop this project.

Temple Board of Selectmen

*Source: <http://www.templenh.org/pipeline-ad-hoc-advisory-committee/files/letter-from-temple-board-of-selectmen-to-gov-hassan-legisla>*

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TOWN OF TEMPLE, NEW HAMPSHIRE  
BOARD OF SELECTMEN

April 28, 2015

FINAL MINUTES OF PUBLIC MEETING

.....

Natural Gas Pipeline: The Board reviewed a letter from the Pipeline Coalition to area legislators regarding the Kinder-Morgan proposed pipeline. Move by Cromwell that the Board authorize Cromwell

to sign this letter as Chair of the Temple Board of Selectmen, second by Willard and voted in the affirmative. Move by Willard to approve the following people as members of the Temple Ad Hoc Pipeline Committee: Bev Edwards, Connie Kieley, George Stolz, Jennifer Daler, Sean Radcliffe, Michael Barrett, and John Kieley, with Gail Cromwell as the Selectmen's member, second by Caisse and voted in the affirmative.

Cromwell is composing a cover letter to be sent with the petition to FERC. The Administrative Assistant will inform the Board when the letter is ready for signatures and the Board will come into the office to sign.

*Source: <http://www.templenh.org/sites/templenh/files/minutes/minutes-file/mn20150428.pdf>*

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May 5, 2015, Co-signed NH Municipal Pipeline Coalition letter #1 (FERC # 20150508-5040)

June 30, 2015, Co-signed NH Municipal Pipeline Coalition letter #2

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## Templeton, MA

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Templeton Board of Selectmen  
Kamaloht, 1 North Main Street, East Templeton  
Monday, July 28, 2014, 6:30 p.m.  
Meeting Minutes  
(Approved at 10.14.14 Meeting)

.....

Discuss Gas Pipeline Statement~ Ms. Farrell read a resolution opposing the Gas Pipeline that she had brought with her. Mr. Morrison made a motion to sign the resolution opposing the Gas Pipeline. Ms. Haley Brooks seconded the motion. The vote was 5 yes.

*Source: <http://www.templeton1.org/board-of-selectmen/minutes/minutes-of-meeting-72814>*

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Town of Templeton  
Massachusetts

Resolution Opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts

WHEREAS, the so-called Northeast Expansion of the Tennessee Gas Pipeline is a high-pressure natural gas pipeline (hereafter "the Pipeline") proposed by Tennessee Gas Pipeline Company, a subsidiary of Kinder Morgan, Inc. that would run through many communities in Western and Central Massachusetts; and

WHEREAS, the Town of Templeton has a regional interest in protecting the environment in the North Quabbin and in the United States, and the public health generally; and

WHEREAS, the Pipeline would transport natural gas obtained through hydraulic fracturing, a drilling method well known for its potential for ground water contamination, impact on air quality, and the harmful health effects of its chemical byproducts, among others; and

WHEREAS, pipelines of this kind carry inherent risks such as leaks and ruptures, and, as conveyors of flammable gas, can cause accidents such as the 2010 explosion in a residential neighborhood in San Bruno, California that resulted in the death of eight people and the destruction of 38 homes; and

WHEREAS, the Pipeline may pass through environmentally sensitive areas in our region such as forests

and wetlands, as well as through The Birch Hill Dam Area; and

WHEREAS, taxpayer money would pay for evacuations and emergency response in the event of explosions, fires or other accidents; and

WHEREAS, an energy tariff will be placed on all homeowners and businesses in the Commonwealth of Massachusetts to pay for the pipeline; and

WHEREAS, our energy challenges are better addressed through investments in green and renewable energy solutions. NOW THEREFORE BE IT RESOLVED THAT the Templeton Board of Selectmen

1. Stands in opposition to the Northeast Expansion of the Tennessee Gas Pipeline and all similar projects that may be later proposed.
2. Stands in solidarity with nearby communities working to disallow the Pipeline within their borders.
3. Affirms the need for public policy at the local, state and federal levels to encourage renewable energy and combat climate change, and supports legislation to ban or impose a long-term moratorium on hydraulic fracturing as well as storage, treatment or disposal of hydraulic fracturing fluid or byproducts within the Commonwealth.
4. Shall cause a copy of this resolution to be presented to the Town of Templeton's legislative representatives and the Governor, asking them to take action to prevent the construction of the Pipeline within the borders of the Commonwealth of Massachusetts.

Activity (2)

*Source: file "PIPELINE resolution 7.28.14 meeting.pdf" from Templeton Town Clerk*

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## **Townsend, MA**

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TOWNSEND, MASSACHUSETTS

SPECIAL TOWN MEETING - JULY 31, 2014

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### ARTICLE 1

I move that the Town vote to adopt the following resolution:

Resolution opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts

WHEREAS, Townsend and our neighboring communities have adopted comprehensive master plans, zoning bylaws, wetlands bylaws and other land use controls to provide for the orderly development of our communities and the conservation and protection of our communities for future generations to come, as good stewards of the land should; and

WHEREAS, the elimination of environmental threats to our forests and streams from improvident development is the fundamental purpose for the adoption of our land use controls and master plans; and

WHEREAS, Townsend and our neighboring communities have publicly and privately set aside large tracts of land and restricted their development for conservation and open space purposes as part of their master plans; and

WHEREAS, the Commonwealth of Massachusetts has acquired and set aside large tracts of land in Townsend and neighboring communities for state parks, forests, wildlife management areas and for the maintenance of open spaces; and

WHEREAS, there is a proposed interstate gas pipeline expansion from Wright, NY to Dracut, which will cross Townsend and OUF neighboring communities on its way to Dracut; and

WHEREAS, the proposed route cuts through an undetermined amount of forest land, wetlands, conser-

vation land, and farmland in Townsend and neighboring communities, and appears to pass beneath the Squannacook, Nashua and Nissitissit Rivers, among numerous other streams and waters; and

WHEREAS, the proposed pipeline will transport natural gas of shippers who supply gas obtained through hydraulic fracturing, a drilling method under study for its groundwater contamination impacts, impacts on air quality, and the harmful health effects of its chemical byproducts, among other things; and

WHEREAS, a high pressure gas pipeline, by its nature, carries the potential for leakage, rupture or devastating explosion causing injury, or death, to persons and property; and

WHEREAS, the construction of the proposed pipeline and its maintenance will permanently alter the ecosystem that the route crosses by the creation of a fifty (50) foot wide right of way for the pipeline and its attendant structures and routine maintenance; and

WHEREAS, it is our obligation and duty as good stewards to protect our communities from preventable environmental threats and risks posed by the construction of the proposed pipeline and the maintenance in perpetuity of its 50 foot right-of-way; and

WHEREAS, representatives of Tennessee Gas Pipeline Co., LLC are entering Townsend and our neighboring communities to request the right to survey our Town properties and our own private property; and

WHEREAS, residents of Townsend and our neighboring communities are reluctant to grant permission for surveying their land and Tennessee Gas Pipeline Co., LLC has notified residents of its intention to proceed before the DPU for permission to survey their lands; and

WHEREAS, our energy challenges are better addressed through investments in energy conservation measures as well as green and renewable energy solutions; and

WHEREAS, as residents of Townsend, we wish to express our firm opposition to the proposed pipeline route and wish to declare the right of the people to have the final say as to whether projects such as this one, which carry risks and threats and to our public safety, our environment, our economic well-being and our sense of community, proceed within our borders;

NOW, THEREFORE, BE IT RESOLVED that the people of Townsend hereby call on our Selectmen:

To stand in opposition to Tennessee Gas Pipeline Company, LLC's Northeast Expansion pipeline and not allow it within town borders;

To stand in opposition to all similar projects that may be later proposed; and

To oppose any proposal for pipeline construction for carrying natural gas obtained through hydraulic fracturing within the borders of our Commonwealth; And

BE IT FURTHER RESOLVED that the people of Townsend hereby call on our State and Federal legislators and executive branch officers:

To enact legislation and take any such other actions as are necessary to oppose energy projects that go against our commitment to public safety; the environment, our economic wellbeing and sense of community; to legislate more stringent energy efficiency standards; and to appropriate more funding for renewable energy sources.

SUBMITTED BY: Petition

READ BY: Emily Norton

VOTE: Passed Unanimously

Source:[http://www.townsend.ma.us/pages/TownsendMA\\_TownMtgMin/I0207B5E7.4/Special%20Town%20Meeting%20July%2031,%202014.pdf](http://www.townsend.ma.us/pages/TownsendMA_TownMtgMin/I0207B5E7.4/Special%20Town%20Meeting%20July%2031,%202014.pdf)

CONSERVATION COMMISSION  
Town of Townsend,  
272 Main Street  
Townsend, Massachusetts 01469  
978-597-1700, ext. 1739  
978-597-8135 fax  
conservation@townsend.ma.us

March 11,2015

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

RE: Tennessee Gas Pipeline Company, L.L.C., Docket No. PFI4-22-000

Dear Secretary Bose:

The Townsend Conservation Commission stands in opposition to the proposed Northeast Energy Direct pipeline and we are confident that the Federal Energy Regulatory Commission will take our concerns into consideration when reviewing this proposal.

Last spring we were notified by Tennessee Gas Pipeline, L.L.C. (Tennessee) of proposed 30-36” high pressure natural gas pipeline crossing our town. We then became aware that the town was to be the site of a proposed 120,000 horsepower compressor station. It is now our understanding that Tennessee’s preferred alternative” has relocated the main “market path” through New Hampshire, with a proposed lateral 12” pipeline running from New Hampshire south through Townsend to Lunenburg. We will focus our comments only on that proposal. However, we reserve the right to comment further, particularly if the proposed route should change once again.

Conservation Commissions in Massachusetts were formed as a result of the Conservation Commission Act of 1957 (MGL Ch. 40, §8C), and are charged with the responsibility of open space and natural resource protection in our communities. The history of resource protection by the Townsend Conservation Commission is lengthy, spanning almost 50 years. In that time, the Commission sponsored or endorsed the passage of the following state laws and local bylaws, which could not have been done without the continued support of the people of this small rural town:

- Squannacook and Nissitissit Rivers Sanctuary Act, passed in the Commonwealth of MA in 1975
- Squannassit Area of Critical Environmental Concern (ACEC), approved by the Secretary of Energy and Environmental Affairs in 2002
- Townsend Wetlands Bylaw, passed in 1983, regularly amended
- Townsend Wetlands Bylaw Regulations, passed in 1989, regularly amended
- Illicit Discharges and Stonnwater Bylaws, passed in 2007

Located only about 50 miles from Boston, Townsend is home to a state park that offers exceptional woodland camping with some of the largest and most private campsites in Massachusetts, all beneath a canopy of stately pines. Adjacent Willard Brook State Forest offers additional camping opportunities. This area of north central Massachusetts offers miles of hiking trails and abundant fishing and swimming. In addition, the Commonwealth of Massachusetts has designated almost all of the rivers, streams and wetlands in Townsend as Outstanding Resource Waters by the Massachusetts Surface Water Quality Standards Program. The Massachusetts Division of Fisheries and Wildlife has classified the Squannacook River and its tributaries as Cold Water Fisheries, an indicator of their excellent water quality. The Squannacook is a premier easterly Cold Water stream, and the MA Division of Fisheries and Wildlife

has made a significant financial investment in protecting these waters by purchasing land along the Squannacook and its tributaries. Clearly these Outstanding Resource Waters that feed the Squannacook River, and the natural resources that make up this ecosystem, are of tremendous value to our region.

Indicative of that significant ecological value is the fact that the National Park Service, U.S. Department of Interior, conducted a Wild and Scenic River Reconnaissance Survey of the Nashua River, including a 10 mile stretch of the Squannacook River. That 2013 preliminary study identified enough significant natural, cultural and recreational resources that qualified as Outstanding Remarkable Values (ORVs) to warrant congressional authorization for a Wild and Scenic River Study. Congresswoman Niki Tsongas obtained passage of HR. 142 in the 113th Congress (2014), which authorized the Study.

Tennessee's pipeline would cross all of the headwaters of the Squannacook River, clearing at least a 100 ft. wide construction corridor across each one of them. An undetermined number of trees would be cleared in that corridor, and a 50 ft. wide permanent easement without any tree canopy would be required.

Of the 27,560 linear feet of pipeline proposed in Townsend, 81% of the pipeline crosses the Aquifer Protection District, the source of Townsend's water supply, and 20 % is over the High Yield Aquifer! Twenty-five percent (25%) is in DEP Water Supply Zone II. One hundred percent (100%) of the proposed pipeline route is in the Squannassit Area of Critical Environmental Concern. Fifty-two percent (52%) of it is located in Priority Habitat of the Massachusetts Endangered Species Act. Eleven percent (11 %) traverses through intact forest cores. Thirty-six percent (36%) of the pipeline path is through Article 97 protected open space! Yet Tennessee is stating that the revised route avoids areas of critical environmental concern and Article 97 lands. A chart is attached showing the amount of disturbance associated with the proposed pipeline's path through Townsend.

As the municipal governmental body charged with overseeing and protecting Townsend's natural resources, the Townsend Conservation Commission is convinced that no amount of assurances from Tennessee can assure us that they will act as responsible corporate citizens, who are "committed to protection of the environment." Witness the recent \$800,000 settlement between the Pennsylvania Department of Environmental Protection and Tennessee for substantial environmental violations during pipeline construction. When the 6" Tennessee lateral in neighboring Lunenburg was replaced with a 12" pipe, the Lunenburg Selectmen reported difficulty in communicating with Tennessee about ongoing pipeline construction issues once the project was finished and Tennessee left town.

Assurances that there will be no effect on surface or groundwater of a 6 ft. deep open cut trench through Outstanding Resource Waters are easy to make, but the damage done can be irreparable. We have yet to be shown that there will be no negative effect on groundwater of blasting a trench through bedrock. In addition, there are more than 50 homeowners along the proposed pipeline route who have private wells. All of the approximately 65 homes have private septic systems. How will drilling and blasting impact those wells and systems? We have yet to be shown that there will be no negative effect on surface water temperatures with a permanent open canopy. There will also be opportunistic invasive species filling in that void that will need to be treated with herbicides.

We note from RRI that if approved, Tennessee plans to comply with Article 97 requirements, which was confirmed by Tennessee's spokesman at their Fitchburg Open House. RRI further states that Tennessee will come before local conservation commissions for Orders of Conditions. However, they plan to submit Notices of Intent to conservation commissions in January 2016, well before Tennessee's request for FERC to issue a Certificate in October 2016.

We would like to file a complaint in that the Open House held by Tennessee Gas for the lateral was held in Fitchburg, MA. There is no proposed pipeline construction in Fitchburg. Our municipal offices were not contacted about holding the initial Open House and when the Open House was postponed, we reserved sufficient space with parking at no cost for the Open House. We then contacted Kinder Morgan to ask that it be moved to Townsend, to no avail. Traveling in Massachusetts this February was difficult,

particularly at night with high snow banks and narrow roadways where pedestrians were forced to walk because the sidewalks were buried. It was even more difficult for older citizens for a number of reasons. There was no need to hold the Open House in Fitchburg, which also had limited parking that was either treacherous or too far for older citizens to walk. Townsend will be honored to sponsor a scoping hearing if that is agreeable to FERC.

We recently learned that FERC is unaware of the demonstrations that took place in 2014 in opposition to the proposed pipeline, at that time routed entirely through Massachusetts. Townsend held a Special Town Meeting in July 2014 and unanimously opposed the pipeline. Townsend's residents have long recognized what they have, and know that it is worth protecting. We have held six informational meetings for townspeople and any other interested people, participated in a state wide walk from the New York border to Boston, where a statewide rally took place. We held a yard sale along with other towns along the proposed route to raise money and are continuing to participate in a municipal coalition.

FERC's Statement of Policy (Docket no. PL99-3-000) states that Certificate policy "should be designed to foster competitive markets, protect captive customers, and avoid unnecessary environmental and community impacts while serving increasing demands for natural gas". Please consider other existing supply options that will have less impact on the environment in determining whether to issue a Certificate. Perhaps with the increasing importance of climate change, it is time to hold another public conference to review and update FERC's policy with regard to natural gas demand and infrastructure.

Sincerely,

Emily Norton, Co-Chairman  
 Veronica Kell, Clerk  
 John Hussey

James Deroian, Co-Chairman  
 Jennifer Pettit

Cc: Senator Edward Markey  
 Senator Elizabeth Warren  
 Representative Niki Tsongas  
 Governor Charles Baker  
 Representative Sheila Harrington  
 Matthew Beaton, Secretary of Energy and Environmental Affairs  
 Townsend Board of Selectmen

#### GAS PIPELINE NATURAL RESOURCES DISTURBANCE

NATURAL RESOURCE	LINEAR FEET OF RESOURCE DISTURBANCE BY PIPELINE	PERCENT OF RESOURCE DISTURBANCE BY PIPELINE
Aquifer Protection District	22,320	81%
Aquifer - High Yield	5620	20%
Aquifer - Medium Yield	3293	12% , -
DEP Water Supply Zone II	6974	25%
Chapter 61,61A,61B	3633	13%
Forest Stewardship Program	738	3%
Protected Open Space	9950	36%
Outstanding Resource Waters	25780	94%
Squannassitt ACEC	27560	100%
FEMA Designated Floodplain	3192	12%
MESA Priority Habitat	14205	52%
BioMap2 Core Habitat	9170	33%
Species of Special Concern	5993	22%

Forest Core	3082	11%
BioMap2 Critical Natural Landscape		
Landscape Blocks	15603	57%
Wetland Buffer	1739	6%
Living Waters-Critical Supporting Watershed	19611	71%
TOTAL LINEAR FEET OF PIPELINE IN TOWNSEND= 27,560		

*Source: FERC PF14-22 Docket # 20150312-5121*

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## Troy, NH

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Town of Troy  
16 Central Square - PO Box  
June 4, 2015

Regarding Docket No. PFI4-22-000

On March 11, 2015, the town of Troy, New Hampshire held its annual town meeting. A total of 97 citizens attended and voted Yes unanimously on the following articles to oppose the proposed NED Kinder Morgan-Tennessee Gas Pipeline proposal. Docket No. PFI4-22-000.

### Article 33 - By Petition

To see if the town will vote to oppose installation of a natural gas pipeline by Kinder Morgan because the proposal is inconsistent with Individual property rights. because if approved. KM would have the power to force private property owners to give up easement under Eminent Domain proceedings for installation of the pipeline.

### Article 34 - By Petition

To see if the town will vote to oppose installation of a natural gas pipeline by Kinder Morgan because the proposal is inconsistent with protecting the Town's groundwater. residential wells. other bodies of water. local vegetation. wildlife and threatened species.

### Article 35 - By Petition

To see if the town will vote to oppose installation of a natural gas pipeline by Kinder Morgan because the proposal is inconsistent with preserving the Town's rural character. scenic roads. roadside trees. stone walls, forests.

### Article 36 - By Petition

To see if the town will vote to oppose installation of a natural gas pipeline by Kinder Morgan because the proposal would adversely affect health and safety by causing construction materials, soil, dust and potential contaminants to enter the air, wetland areas. and/or groundwater. aquifers, drinking water, along with residential wells and any run-off or seasonal melts.

### Article 37 - By Petition

To see if the town will vote to oppose installation of a natural gas pipeline by Kinder Morgan because the Town lacks the required equipment or personnel for emergency services to adequately address potential health and safety risks of a pipeline explosion, leak, or other installation.

### Article 38 - By Petition

To see if the town will vote to oppose installation of a natural gas pipeline by Kinder Morgan because the proposal is inconsistent with the Town's goal keeping Troy Mills Landfill Superfund site environmentally secure regarding surface water, monitoring wells, wetlands, air and soil.

Sincerely,  
Marianne Salcetti, Ph.D.  
Chair - Troy Conservation Commission

*Source: FERC PF14-22 Docket # 20150616-0051*

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“Select Board Meeting Minutes, Town of Troy, Monday April 27, 2015, 5:00 PM }  
....

6:02 - Conservation Committee - Marianne Salcetti, Sheila Ames, Warren Davis and Darlene Harris present - Pipeline information. Selectman Matson MOVED to endorse the NH Coalition letter, SECOND Selectman Nadeau. VOTE unanimous. Amend the motion so Mr. Davis can sign the letter on behalf of the Selectmen. The committee presented the Gas Pipeline Resolution to the Select board. Selectman Matson MOVED to support it, SECOND Selectman Nadeau, VOTE unanimous.

...

*{page 3}*

**Resolution concerning the proposed Kinder Morgan/Tennessee Natural Gas Pipeline**

Unanimously passed by the Troy Conservation Commission, Troy, NH March 20, 2015

**Gas Pipeline Resolution**

The mission of the Troy Conservation Commission is to protect the natural resources of the town of Troy, NH. In regards to this mission, the Troy Conservation Commission is in opposition to the proposed Kinder Morgan I Tennessee Natural Gas pipeline proposal for the following reasons:

1. The proposed route will require at least an additional 125- foot right of way (ROW) through privately owned land and forests under eminent domain, ultimately not in the public’s interest, but for private gain.
2. The burying and placement of the pipeline will require extensive drilling and blasting that could adversely affect residential wells. Water tables could shift during blasting thus rerouting the water away from the wells. Water quality, along with radon releases (a known carcinogen) could be affected during and after construction. Blasting could disturb sediment, causing it to flow to the home rather than resting safely at the bottom of the well.
3. The pipeline is intended to transport natural gas to distribution facilities primarily for export, and would not bring fuel directly to homes for residential use therefore it will not benefit the citizens of Troy or the majority of the citizens of the state of New Hampshire.
4. Construction of the pipeline would leave permanent degradation of our landscape, private properties, wildlife, forests, agricultural land, and aquifers. It will also undermine past and future efforts to maintain the town’s rural, open space character.
5. The proposed route will traverse Rhododendron State Park in which 762 acres resides in the town of Troy. This affected land has been intended for conservation and public use only. The permanent scarring of the land is not in the public’s best interest. The Park is designated as a National Natural Landmark by the U.S. National Park Service as part of Title XIX Public Recreation Chapter 227-0:6, which states that the Monadnock Advisory Commission and department of resources and economic development is to ensure the integrity of that designation in its management policies and plans.
6. The construction of this pipeline will further extend New Hampshire’s dependence on fossil fuels. The methane that leaks from well drilling, flaring, transmission, and distribution is a far more potent greenhouse gas than carbon dioxide and negates any gains over burning other fossil fuels.
7. Building a permanent infrastructure for this natural gas pipeline is contrary to the goals of reduced

carbon emissions outlined in the “New Hampshire Climate Action Plan” (NHCAP).

8. The possible use of herbicides as a means of vegetation control has the potential to adversely affect fish, wildlife, water quality, and human health through the contamination of ground and surface water sources.

9. The proposed route is within approximately 500 feet of restrictive covenants surrounding the Troy Mills Superfund Site. The Site responsibility falls under the U.S. Environmental Protection Agency, (EPA). Storm water runoff from the construction site can impact surface water quality and sediment, and interfere with ongoing testing at the Site’s sensitive monitoring wells. Drilling, blasting, or digging could interfere with groundwater flow, impacting the Site’s contaminants. Construction debris likely could get into an already stressed wetlands area by the Superfund Site. The primary remedy for this Site is “Monitored Natural Attenuation”, which is a very slow process, over a period of years, in which contaminants degrade naturally and are continuously tested and measured. Nearby construction, drilling and digging could alter these results and interfere with this process. The potential for pipeline leaks of natural gas near the Superfund Site presents risks. Explosions present a risk of Significant and catastrophic damage. The South end of the Troy Mills Superfund Site is within the 1,000-foot blast/incineration zone of the proposed pipeline. In the event of an explosion or fire, buried waste carpet and fabric scraps could ignite and burn, emitting toxic fumes creating an extremely hazardous and dangerous environment for firefighters, first responders and nearby residents.

Signed: Sheila Ames  
Warren Davis  
Darline Harris  
LeeAnn Lafosse  
Melvin Pierce  
Julie Reekie  
Marianne Salcetti

*Source: FERC PF14-22 Docket # 20150616-0051*

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May 5, 2015, Co-signed NH Municipal Pipeline Coalition letter #1 (FERC # 20150508-5040)

June 30, 2015, Co-signed NH Municipal Pipeline Coalition letter #2

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## **Tyngsborough, MA**

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TYNGSBOROUGH, MASSACHUSETTS  
SPECIAL TOWN MEETING MINUTES  
OCTOBER 8, 2014

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### Article 2.

To see if the Town will vote to adopt the following non-binding resolution opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts (or to take any other action in relation thereto):

#### Resolution Opposing the Northeast Expansion of Tennessee Gas Pipeline in Massachusetts

WHEREAS Kinder Morgan/ Tennessee Gas Pipeline Company, L.L.C. is preparing to construct a High-Pressure Transmission Pipeline carrying fracked natural gas through Tyngsborough and our neighboring communities, en route to Dracut, Massachusetts; and

WHEREAS said pipeline would impact forest, wetlands, conservation land and farmland, and would pass beneath the Merrimack River, and require maintenance in perpetuity of a 50 foot right-of-way through the possible use of herbicides; and

WHEREAS a high-pressure gas pipeline, by its nature, carries the potential for leaks, ruptures or devastating explosions causing untold damage to property, lives, and natural resources; and

WHEREAS said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

WHEREAS the cost of said pipeline could require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law to be paid for by Tennessee Gas Pipeline Company, L.L.C. or Kinder Morgan Energy Partners, L.P., making ratepayers bear financial risk for the endeavors of a private corporation; and

WHEREAS, said pipeline may adversely affect property values, adversely affect residents' livelihood and otherwise may negatively impact the integrity of the town's character; and

WHEREAS, federal eminent domain powers would be used to forcibly take pipeline easements from unwilling landowners; and

WHEREAS, our energy challenges are better addressed through investments in energy conservation measures as well as green and renewable energy solutions,

NOW THEREFORE BE IT RESOLVED THAT the people of Tyngsborough, Massachusetts

1. Hereby call on our Selectmen to stand in opposition to Tennessee Gas Pipeline Company, L.L.C.'s Northeast Expansion pipeline and not allow it within town borders;
2. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take any such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well-being and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

Motion: To accept as read.

Board of Selectmen and Finance Committee are opposed to the Article.

Action: Does carry.

*Source:*[http://www.tyngsboroughma.gov/download/minutes/townmeeting\\_2014/2014-10-08\\_STM\\_minutes.pdf](http://www.tyngsboroughma.gov/download/minutes/townmeeting_2014/2014-10-08_STM_minutes.pdf)

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## Warwick, MA

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Town of Warwick  
2014 Annual Town Meeting  
May 5, 2014

ARTICLE 39: (by petition) Shall the Town adopt the following RESOLUTION TO BAN "FRACKED GAS" PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY or take other action thereon?

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Warwick or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and Whereas said pipeline would destroy unknowable amounts of forest, conservation land and farmland; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. (“TGP”, a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Warwick, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well being to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running; now, therefore, be it Resolved, that the people of Warwick, Massachusetts:

1. Hereby call on our Selectboard to stand in opposition to TGP’s high pressured pipeline and not allow it with in our town borders;
2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth or our Nation; and
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well being and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

Vote: passed

*Source: <http://www.warwickma.org/documents/atm2014/fy15warrant.pdf>; vote per Town Clerk, July 16, 2015*

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## Washington, MA

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Town of Washington  
8 SUMMIT HILL ROAD, P (413) 623-8878  
WASHINGTON, MASSACHUSETTS 01223 F (413) 623-2116  
Town Offices/Selectman

January 12, 2015

LIST—Governor Baker, Reps Kulik & Pignatelli, Sen Downing, Rep Neal, Sen Warren & Markey, FERC, and MA Sec’y of Energy&Environnementsl Affairs

The voters of the Town of Washington have overwhelmingly passed a resolution directing this Board to take any and all legal measures to block the construction of high pressure gas pipelines and specifically the Northeast Energy Direct pipeline being proposed by Kinder Morgan and Tennessee Gas.

The resolution also directs us to support public policy at all levels of government that encourages renewable energy and bans. the practice known as “fracking” with special concern for the storage, treatment and disposal of hydraulic fracturing fluids and byproducts..

This Board concurs wholeheartedly with our voters and requests that you take any and all actions in support of this resolution. A.full text is appended.

Thank you,

James A Huebner	Shaun Lennon	Michael Case
Chair, Select Board	Select Board	Select Board

CC Nat Kames - BRPC  
Tom Matusko - BRPC

Article 3: To see whether the Town will vote on the following NON-BINDING RESOLUTION TO BAN KINDER MORGAN'S PROPOSED GAS PIPELINE EXPANSION IN WASHINGTON, MASSACHUSETTS as submitted by a resident of the town.

WHEREAS, Kinder Morgan Energy Partners and its subsidiary Tennessee Gas Pipeline Co. have proposed to build a new high-pressure pipeline, also known as the Northeast Energy Direct project (NED), from Richmond to Dracut, Massachusetts for the transport of natural gas obtained through the use of hydraulic fracturing ("fracking") in New York and Pennsylvania, a drilling method that contaminates ground water, and harms human health through its chemical byproducts;

WHEREAS, natural gas is a non-renewable fossil fuel which generates significant carbon emissions and other pollutants when burned, and Kinder Morgan has not denied that there may be some fracking chemicals present in the gas to be transported by the NED pipeline;

WHEREAS, natural gas is primarily composed of methane, which can be lethal, is highly flammable, and leaks at every step of production and distribution where it is at least 30 times more potent than carbon dioxide in terms of climate change;

WHEREAS, Kinder Morgan's preferred route for the NED pipeline would cut across Washington MA, passing very close to a private residence requiring a permanent 50 foot wide right of way that would be denuded of all vegetation except grass and maintained through the use of herbicides, and any alteration to the preferred route may effect other residences and environmentally sensitive areas;

WHEREAS, said NED pipeline route through Massachusetts would divide and destroy large amounts of forest, conservation land, wetlands, and farmland, which may be obtained through eminent domain, potentially harming drinking water and personal health and infringing on personal property rights;

WHEREAS, high pressure pipelines of this kind carry inherent risks such as leaks and ruptures, and as conveyors of flammable gas, can and have caused accidents resulting in explosions and major fires that have been occurring across the US with greater frequency;

WHEREAS, town taxpayer money would pay for emergency response in the event of explosions, fires or other accidents since Kinder Morgan (as a gas utility) is exempt from liability in addition to being exempt from the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Superfund Act;

WHEREAS, the cost of said pipeline could require Massachusetts citizens to pay a utility bill tariff to fund the uncapped cost of constructing and maintaining the NED pipeline (estimates range from 1.2 to 6 billion dollars), making ratepayers subsidize fossil fuel infrastructure and bear financial risk for the endeavors of a wealthy private corporation;

WHEREAS, said expansions of natural gas represent a new, long-term commitment to fossil fuels that does not honor state and local commitments to renewable energy and reducing greenhouse gas emission levels, nor our responsibility to future generations;

WHEREAS, our energy challenges are better addressed through investments in energy efficiency and renewable energy solutions.

NOW THEREFORE BE IT RESOLVED THAT the people of Washington, Massachusetts

1. Hereby call on our Board of Selectmen to stand in opposition to Kinder Morgan's pipeline expansion or any similar projects that may be proposed later, within our Town borders, and stand in solidarity with nearby communities working to disallow the pipeline within their borders..
2. Call on the Board of Selectmen to discuss, consider and use any legal means available to prevent the construction of the NED or any other high pressure gas pipeline within the borders of the Town of Washington.
3. Affirms the need for public policy at the local, state and federal levels to encourage renewable

energy and combat climate change, and supports legislation to ban or impose a long-term moratorium on hydraulic fracturing as well as storage, treatment or disposal of hydraulic fracturing fluid or byproducts within the Commonwealth.

4. Shall Cause a copy of this resolution to be presented to the Town's state and Federal legislative representatives, the Governor and Governor - elect, Massachusetts Secretary of Energy and Environmental Affairs, and Federal Energy Regulatory Commission asking them to take action to prevent the construction of the Pipeline within the borders of the Commonwealth of Massachusetts.

*Source: FERC PF14-22 Docket # 20150120-0138*

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## Wendell, MA

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Town of Wendell  
Special Town Meeting  
February 27, 2014

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ARTICLE 5: To see if the town will vote to adopt the following or take any action thereon: In order to protect our clean soil, water, and air, the Town of Wendell declares all land within our borders to be free from the process known as hydraulic fracturing ("fracking"). Under this ban, no individual or entity may engage in any fracking activity whatsoever, nor may any person or entity engage in prospecting with the intent to frack. Fracking for or prospecting with the intent to frack for natural gas is specifically prohibited. The only exception to this article is the drilling of wells for drinking water using safe and accepted industry standards.

VOTE: Unanimous

*Source: <http://www.wendellmass.us/index.php/home/remository/Town-Meeting/Wendell.STM.Feb.2014.pdf>, votes per Wendell Town Clerk, July 15, 2015*

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Town of Wendell  
Annual Town Meeting  
June 7, 2014

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ARTICLE 38: To see if the Town will vote to adopt the following or take any action thereon: In order to protect our clean soil, water, and air, the Town of Wendell declares all land within our borders to be free from the process known as hydraulic fracturing ("fracking"). Under this ban, no individual or entity may engage in any fracking activity whatsoever, nor may any person or entity engage in prospecting with the intent to frack. Fracking for or prospecting with the intent to frack for natural gas is specifically prohibited. The only exception to this article is the drilling of wells for drinking water using safe and accepted industry standards.

VOTE: Unanimous

ARTICLE 39: To see if the Town will vote to adopt the following resolution or take any action thereon:

**RESOLUTION TO BAN FRACKED GAS PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY**

Whereas a proposed high-pressure pipeline carrying natural gas obtained through hydraulic fracturing, built and operated by Tennessee Gas Pipeline Company, L.L.C. (TGP, a subsidiary of Kinder Morgan

Energy Partners, L.P.), may come through Wendell, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and Whereas said pipeline would destroy or threaten unknowable amounts of forest, conservation land and farmland; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion, causing untold damage to property and lives, and that leaks, ruptures, and explosions occur regularly at such pipelines throughout the country; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for TGP's actions, making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Wendell, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well being to ourselves and our neighbors in Franklin County and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running; now, therefore, be it

Resolved, that the people of Wendell, Massachusetts:

1. Hereby call on our Selectboard to oppose TGP's high-pressure pipeline and not allow it within our town borders; and
2. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well being and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

VOTE: Unanimous

*Source: <http://www.wendellmass.us/index.php/home/remository/Town-Meeting/wendell.ATM.2014.FI-NAL.pdf>; votes per Wendell Town Clerk, July 15, 2015*

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## Williamstown, MA

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Town of Williamstown  
2015 Annual Town Meeting  
Warrant & Overview  
May 19, 2015

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We, the undersigned, qualified voters of the Town of Williamstown, request that the Select Board include the article appearing below in the warrant for the annual town meeting of May 19, 2015.

ARTICLE: 43. Resolution Opposing the Northeast Energy Direct Pipeline and Supporting Renewable Energy

Whereas, Kinder Morgan, Inc., is proposing a large, high-pressure natural gas pipeline, called "Northeast Energy Direct" (NED), to run through Hancock, Lanesborough, and neighboring communities in Berkshire County; and

Whereas, NED would transport natural gas obtained through hydraulic fracturing, a drilling method associated with ground water contamination, air pollution, and serious environmental and public health risks; and

Whereas, NED would pass through farms, forests, wetlands, conservation lands, and under bodies of water, disrupting regional watersheds and ecological health as well as infringing on personal prop-

erty rights; and

Whereas, NED presents a risk of leakage or rupture, which could result in significant damage to property and lives, while leaving communities responsible for emergency response and mitigation; and

Whereas, Massachusetts citizens may be subjected to a utility bill tariff to finance Kinder Morgan's NED project, making ratepayers bear a financial burden for the pursuits of a private corporation; and

Whereas, our regional energy needs can be better served through investments in renewable energy, efficiency, repairs, and energy storage, together with our existing infrastructure, allowing us to meet our goals under the Massachusetts Global Warming Solutions Act of 2008; and

Whereas, we the citizens of Williamstown, Massachusetts, where 153 homes were destroyed during Tropical Storm Irene in 2011, understand the gravity of climate change and the urgency of addressing it through measures to transition off fossil fuels; therefore, be it

Resolved, that the people of Williamstown, Massachusetts:

1. Stand in opposition to the Kinder Morgan Northeast Energy Direct pipeline.
2. Stand in solidarity with the more than fifty Massachusetts and New Hampshire communities who oppose the NED pipeline and seek to ban its construction in our region.
3. Affirm the need for strengthened public policy at the local, state and federal levels to reduce greenhouse gas emissions, ban hydraulic fracturing, and improve the safety of the existing methods of transporting fossil fuels.
4. Encourage the development of renewable energy sources and their integration into the electricity supply market.
5. Shall cause a copy of this resolution to be presented to our governor and our state and federal legislative representatives.

The Board of Selectmen unanimously recommends the adoption of this article.

*Source: <http://williamstown.ws/wp-content/uploads/2015/04/atm-2015.pdf>*

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## Wilmington, MA

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Wilmington, Massachusetts  
BOARD OF SELECTMEN MEETING

January 12, 2015

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### BOARD OF SELECTMEN DISCUSSION, RE: KINDER MORGAN PIPELINE PROPOSAL

Chairman O'Connell stated her intention to ask the Town Manager to provide an update to the Board of Selectmen and the general public. She will then invite the Board to ask questions and offer comments and then she will recognize members of the audience who wish to ask questions or offer comments.

Town Manager Hull stated the Town of Wilmington was notified in the Spring of 2014 that Kinder Morgan was looking at potential locations and they were invited to attend a meeting in July for the Board to understand more fully Kinder Morgan's intentions.

He advised that Town staff has attended coalition meetings and is reviewing the particular location. DPW Director Michael Woods, Town Engineer Paul Alunni and Deputy Engineer William Holt have been gathering information to review. Town Manager Hull stated that a site visit was scheduled with representatives of contractors of Kinder Morgan to understand the location of the pipeline. Although there was reservation, Town Manager Hull believed it was appropriate to take a measured approach

to evaluate Kinder Morgan's plan. A suggestion was made that there was a need for additional energy in the region.

Town Manager Hull stated that given the proximity of the pipeline to sensitive areas, he does not believe it is appropriate for the Town to support the project. He stated that it is clear that the pipeline extends behind the Wilmington Health Center and within approximately 100 feet of the Browns Crossing Well Field. He stated that is of concern because it is one of the remaining primary sources of water. Town Manager Hull stated that the pipeline continues and crosses Route 62 and is within Zone 1 of the Salem Street well fields. He advised that the two well fields comprise approximately 64% of the Town's remaining local water supply.

Town Manager Hull noted that there are additional sensitive areas including vernal pools that have been identified and it is within close proximity to the Harnden Tavern, which is the centerpiece to the Town's historic preservation. He stated that based upon the review that has been done, this location is ill advised and it is his recommendation that the Board: (1) vote to oppose the Lynnfield Lateral; (2) authorize him to send a letter to the representative at FERC, the agency that regulates the permitting process, and copy the legislative delegation expressing the Town's opposition; and (3) to formally join the coalition.

Chairman O'Connell thanked Town Manager Hull for the work he and members of the leadership team have done. Chairman O'Connell recognized that Mr. Woods, Mr. Alunni and Health Director Shelly Newhouse were in attendance at tonight's meeting.

Chairman O'Connell stated that the Board is aware that this plan has been looked at to see what impact it would have on the water supply and the residents in that area. She said it is clear that Board members and residents share serious concerns and it is obvious that this route is not advantageous to the Town. Chairman O'Connell advised that FERC was due to release a report on December 28, 2014 but that has been delayed.

Town Manager Hull advised that the state's website indicates the report was released on January 7. He stated that he requested that the Town Engineer review the report. The report is intended to make a determination whether there was a need for additional energy sources in the area and to look at possible alternatives. Town Manager Hull stated that it is his understanding that the report indicates there is an energy shortfall, and as critical as that may be, he is of the opinion that the pipeline does not belong in the proposed location. He stated that he called Allen Fore, Vice President of Public Relations for Kinder Morgan, to advise him that he would be recommending that the Board of Selectmen oppose this location and suggest that a meeting take place and for Kinder Morgan to identify alternate routes.

Chairman O'Connell asked if there were any questions or comments from the Board. Selectman Champoux asked whether FERC wrote the report or a state agency and was advised that the state Department of Energy Resources contracted with a private consultant to prepare the report. Selectman Champoux stated that he believed the report would help him formulate his opinion whether the project had merit in the region. He said he has been reluctant to support the project but felt he did not have enough information to oppose the project. He stated that he has become strongly opposed to the pathway of the Lynnfield Lateral, for the reasons outlined by the Town Manager.

Selectmen McCoy, Cimaglia and Newhouse each commented that they support the Town Manager's recommendation to oppose the pipeline project.

Chairman O'Connell reiterated her position that she is opposed to the project and noted that there is no guarantee of the amount that will stay in the region. She is concerned that if the route is shifted, the issue is shifted to another neighborhood.

Town Manager Hull stated that in terms of the process, the project is in a "pre-filing" stage, an information gathering stage where Kinder Morgan is having conversations with impacted parties. He noted that, in Andover, Kinder Morgan has agreed to relocate a portion of the line as the Town of Andover

also expressed concern with the line's proximity to well areas.

Town Manager Hull stated that it is still early enough in the process to have some impact. He stated that once the pre-filing stage is complete then a formal application will be submitted and that is likely to happen sometime in the summer or early fall.

Selectman Newhouse noted that the Board of Selectmen is in receipt of a list of dates of upcoming open houses and wants to make sure the information is provided before residents leave for the evening.

Chairman O'Connell asked if there were any questions or comments from the audience and asked that those who wish to speak provide their name and address for the record.

Ed Palermo, Lucaya Circle, stated that he is concerned about the proximity of the pipeline to his home and stated that he was looking to read the report. He asked if Kinder Morgan receives a permit from FERC, will the Town have any options and asked if the Town has determined an alternate route.

Town Manager Hull stated that he has requested that the Engineering Department review alternatives but would like to have Kinder Morgan offer alternatives. He stated that he was also interested in seeing if the report would suggest there was not a need for the pipeline and noted that he has not read the report. Town Manager Hull stated that he believes the pipeline should follow an existing utility corridor.

Mr. Palermo suggested that residents should send letters to FERC in opposition to the Kinder Morgan proposal.

Town Manager Hull stated that he believes the Town has a compelling argument due to the proximity of the pipeline to the well fields. He stated that in the 1990s the Town purchased property behind the Health Center, in part, to serve as a buffer.

George Lingenfelter, Concord Street, asked about accessing the report. Chairman O'Connell requested Town Manager Hull have the link posted on the Town of Wilmington's website.

Bob Jaeschke, Draper Drive, thanked the Board for taking a position in opposition and asked whether a letter will be issued to Kinder Morgan to stop them from further surveying and accessing their land. Town Manager Hull stated that the only authority the Town has is to authorize access to Town property, the Town cannot authorize access to private property. Kinder Morgan has already been out and looked at the area and he believes the Town needs to be reasonable in FERC's viewpoint.

Kevin MacDonald, Andover Street, stated that he has trained through the National Pipeline Training Program, which dealt with oil and gas pipeline. He stated that pipeline companies go through wetlands and aquifers on a regular basis and it is his belief that Federal Law will trump state and local law. He stated that the pipes are coated and x-rayed. Electronic equipment is sent through the pipe to check for anomalies. Mr. MacDonald stated that he does not agree with the Town's philosophy of being proactive. He does not believe the Town should wait for Kinder Morgan to identify an alternate route. He opined that Kinder Morgan would not be spending significant amounts of money on engineering, public relations, lawyers, etc. if there wasn't a need for gas. In order to get FERC approval, the company has to prove that all of the product going through the pipeline is sold.

Mr. MacDonald requested that the Board of Selectmen recognize the blasting at Benevento's which is subjecting residents to high vibrations and he expressed his concern for the underground storage tanks located at the Department of Public Works.

Suzanne Sullivan, Lawrence Street, thanked members of the Board of Selectmen for taking the position in opposition. She asked if there is an Environmental Impact Statement available. Town Manager Hull stated that there is one part available and it is his understanding that the Environmental Impact Statement is a ten part process. Ms. Sullivan noted that the state of Nebraska recently lost a lawsuit to stop the Keystone XL pipeline from going through their state. They also have water supply and private land issues. She stated that it is her understanding that Governor Baker is opposed to the pipeline. Ms. Sullivan advised that there will be public information meeting on Thursday at the

library that will begin at 7:00 p.m.

Katie Callahan, Dadant Drive, spoke of an HBO documentary entitled Gas Land 1 and 2 and suggested if given an opportunity that people watch the documentary.

Additional residents from Lucaya Circle and Draper Drive spoke thanking the Board for being in opposition of the pipeline project. Concern was also expressed for the marshland/pond that families skate on and their understanding that woodlands would be cut.

Selectman Newhouse noted that in addition to legal counsel, the Town has environmental consultants on retainer and he sees an opportunity with the new congressman. The congressman was elected and talked about being practical and tackling issues that he could have an impact on.

Selectman Champoux also noted that Congressman Moulton may be an individual the Town should reach out to. He noted that if the report indicates this region is deficient and there is need for additional supply, there is another project being discussed; Spectra Energy project and his understanding that it is intended to bring more supply to the region on a smaller scale than Kinder Morgan.

Selectman Champoux confirmed his understanding that the Town Manager's recommendation is that the Town of Wilmington formally join the coalition of other communities in opposition. Town Manager Hull confirmed that the Town of Wilmington has had representatives in attendance at meetings. The group is trying to determine the approach to take, whether a consultant is hired and how the cost is apportioned to participating communities.

Chairman O'Connell stated that in conversations with the Town Manager, each topic and concern has been brought up and discussed. She assured residents that the Board will continue to stay involved.

Town Manager Hull advised that part of the process is that Kinder Morgan conduct a series of open houses and noted that the closest location will be held on February 17 at the Wyndham Hotel in Andover from 6 p.m. to 8 p.m. Town Manager Hull stated that the Town of Wilmington will have representatives in attendance.

A motion was made by Selectman Newhouse, seconded by Selectman Cimaglia and by the affirmative vote of all, it was

**VOTED:** That the Board of Selectmen adopt the recommendation of Town Manager Hull and oppose the Kinder Morgan plan.

A motion was made by Selectman Champoux, seconded by Selectman McCoy and by the affirmative vote of all, it was

**VOTED:** That the Board of Selectmen authorize the Town of Wilmington's formal participation in the Northern Massachusetts Municipal Gas Pipeline Coalition.

Source:[http://www.town.wilmington.ma.us/Pages/WilmingtonMA\\_BOSMin/January%2012,%202015.pdf](http://www.town.wilmington.ma.us/Pages/WilmingtonMA_BOSMin/January%2012,%202015.pdf)

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## Wilton, NH

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*{editor's note: the Wilton Energy Committee is a volunteer committee to advise the Selectmen, so in a "gray area" as to whether its actions should count as "official actions" or not}*

Wilton Energy Committee officially opposes pipeline

By Ashley Saari Monadnock Ledger-Transcript

Monday, May 11, 2015 (Published in print: Tuesday, May 12, 2015)

WILTON — The Wilton Energy Committee is joining several other boards in voicing its opposition to a natural gas pipeline proposed by Kinder Morgan.

The pipeline route, which would not cross into Wilton but does come close to its border, traverses

Rindge, New Ipswich, Mason and Greenville on its way through southern New Hampshire, delivering gas from the Marcellus Shale to Dracut, Massachusetts.

Wilton's Energy Committee, which is a committee of volunteers which advises the Select Board, voted unanimously to oppose the pipeline during its meeting on Thursday, with Chair Rick Swanson abstaining. The group opposed the pipeline on the grounds that the expansion of natural gas infrastructure is harmful in its own right, because it presents an obstacle to implementing renewable energy and discourages investment in developing clean energy, as well as supports the extracting of natural gas by the controversial fracking process.

The group also named the seizure of property by eminent domain, the threat to private wells, aquifers and rivers, as well as pollution from a compressor station that would be sited in Hillsborough County.

Prior to taking a vote, Swanson questioned the stance of the Energy Committee that expanding natural gas infrastructure was an inherently bad thing, as natural gas is a cleaner fuel than coal.

"I think natural gas is not as bad as this makes it out to be," said Swanson, of a draft statement on behalf of the Energy Committee.

Member Richard Kahn, however, said that although its true that natural gas is cleaner than coal, it is not as clean as renewable energy. Expanding non-renewable infrastructure is not in the best interests of the state in the long run, said Kahn.

*Source: <http://mobile.ledgertranscript.com/home/16810246-108/energy-committee-officially-opposes-pipeline>*

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## Winchendon, MA

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TOWN OF WINCHENDON  
SPECIAL TOWN MEETING

August 4, 2014

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### ARTICLE 4

To see if the Town will vote to adopt the citizen's petition resolution as included herein, or act in relation thereto. (submitted by Citizen Petition)

WINCHENDON: BAN THE PROPOSED GASPIPELINE THAT THREATENS OUR  
TOWN, OUR PROPERTY VALUES, OUR PRISTINE ENVIRONMENT, AND WE  
WILL PAY TO HAVE IT BUILT.

Our children and future generations will thank us for taking action now to protect our land, air and water.

We, the undersigned registered voters of Winchendon, call for a Special Town Meeting to pass a Resolution to Ban the Tennessee Gas Pipeline from coming through our town, or to instruct our Board of Selectmen to act accordingly:

- 1: More than fifteen communities along the proposed route have put such resolutions into effect. Other resolutions are in process. We need to show a unified front for something that affects the Commonwealth at large.
- 2: The proposed 30" - 42" high-pressure pipeline brings the threat of leaks, ruptures and explosions causing damage to property and lives. TGP has ways to skirt this issue and cannot be held liable for damage to property or lives.

- 3: Winchendon is responsible financially for the upgrade in emergency responder equipment and training.
  - 4: The New England Council of Governors has proposed a tariff on all New England electric rate payers to finance construction of the pipeline: if approved, TGP/Kinder-Morgan will make no investment but reap all the profit.
  - 5: This pipeline will go through Dennison State Park, as well as bisecting family farms, new and established residence and housing developments, and disturbing wooded areas, wetlands and wildlife habitat.
  - 6: Winchendon residents will experience no benefit from this pipeline and in fact will almost certainly suffer financial risk and risk to health and well-being from poorly maintained, leaking gas pipes.
- The pipeline affects ALL of us, not just the people living along the proposed route. This hits us directly in our pocketbooks and in our way of life. Sign the petition and come to the Special Town Meeting to pass this Resolution!

BOARD OF SELECTMEN: 4-0

FINANCE COMMITTEE: Not Recommend 6-0 - \*FC amended at the Special Town Meeting, to recommend this article with the motion

**Voted: (unanimously) the following motion:**

To adopt the following Resolution Opposing the Northeast Expansion of the Tennessee Gas Pipeline in Massachusetts

WHEREAS, the so-called Northeast Expansion of the Tennessee Gas Pipeline is a high pressure natural gas pipeline (hereafter “the Pipeline”) proposed by Tennessee Gas Pipeline Company, a subsidiary of Kinder Morgan, Inc. that would run through many communities in Central Massachusetts; and

WHEREAS, the Town of Winchendon has a regional interest in protecting the environment in Massachusetts and in the United States, and the public health generally; and

WHEREAS, the pipeline would transport natural gas obtained through hydraulic fracturing, a drilling method well known for its potential for ground water contamination, impact on air quality, and the harmful health effects of its chemical byproducts, among others; and

WHEREAS, pipelines of this kind carry inherent risks such as leaks and ruptures, and, as conveyors of flammable gas, can cause accidents such as the 2010 explosion in a residential neighborhood in San Bruno, California that resulted in the death of 8 people and the destruction of 38 homes; and

WHEREAS, the pipeline may pass through environmentally sensitive areas in our region such as forests and wetlands, as well as across Dennison State Park, Winchendon Forest; and

WHEREAS, Winchendon residents will experience no benefit from the pipeline; and

WHEREAS, taxpayer money would pay for evacuations and emergency response in the event of explosions, fires or other accidents; and

WHEREAS, our energy challenges are better addressed through investments in green and renewable energy solutions.

NOW THEREFORE BE IT RESOLVED THAT the Board of Selectmen, Winchendon Massachusetts

1. Stands in opposition to the Northeast Expansion of the Tennessee Gas Pipeline and all similar projects that may be later proposed.
2. Stands in solidarity with nearby communities working to disallow the Pipeline within their borders.
3. Affirms the need for public policy at the local, state and federal levels to encourage renewable energy and combat climate change, and supports legislation to ban or impose a long-term moratorium on hydraulic fracturing as well as storage, treatment or disposal of hydraulic fracturing fluid or byprod-

ucts within the Commonwealth.

4. Shall cause a copy of this resolution to be presented to the area legislative representatives and the Governor, asking them to take action to prevent the construction of the Pipeline within the borders of the Commonwealth of Massachusetts.
5. Recognizes the expressed will of the assembly as demonstrated in numbers 1 through 4 directly above, but notwithstanding said expression, shall in its capacity as the chief elected executive board of the community, act at all times as it deems most protective of and in the best interest of the community. “

*Source: [http://www.townofwinchendon.com/Pages/WinchendonMA\\_BComm/BOS/TM/Aug2014.pdf](http://www.townofwinchendon.com/Pages/WinchendonMA_BComm/BOS/TM/Aug2014.pdf)*

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## Winchester, NH

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### Winchester, NH, Annual Town Election, March 10, 2015

Article 23: Shall the Town of Winchester vote to deny permission to the Tennessee Gas Pipeline Company, LLC (a Kinder Morgan Company), its representatives, contractors, sub-contractors, or associates to enter any Town owned property to perform surveys or for any other purpose in furtherance of a pipeline infrastructure project. Any such physical entry onto Town owned property will be considered unauthorized and treated as trespass and prosecuted as such.

Change Article 23: to read: Shall the Town of Winchester vote to deny permission to the Tennessee Gas Pipeline Company, LLC (a Kinder Morgan Company), its representatives, contractors, sub-contractors, or associates to enter any Town owned property to perform surveys in furtherance of a pipeline infrastructure project. Any such physical entry onto Town owned property will be considered unauthorized and treated as trespass and prosecuted as such.

- Inserted by Petition Yes: 374 (62.6%) No: 225 (37.4%)

Article 24: Shall the Town of Winchester vote to oppose approval by the NH Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Gas Pipeline Company, LLC (a Kinder Morgan Company) as part of the Northeast Energy Direct Project because the proposal is inconsistent with the Town’s goals of protecting and preserving its aquifers, drinking water including community and private wells, wetlands, streams and other bodies of water. In addition, the proposal to extract water to use in drilling or other operations, whether from a body of water or well, is inconsistent with the Town’s goal to protect such waters.

- Inserted by Petition Yes: 386 (64.7%) No: 211 (35.3%)

Article 25: Shall the Town of Winchester vote to oppose approval by the NH Energy Facility Site Evaluation Committee of the construction and installation of a natural gas pipeline by Tennessee Gas Pipeline Company, LLC (a Kinder Morgan Company) as part of the Northeast Energy Direct Project because the proposal is inconsistent with the basic tenet of individual property rights whereas if approved, Tennessee Gas Pipeline Company, LLC shall have the power to force private property owners to give up rights under Eminent Domain proceedings in order to create a new corridor for the installation of the pipeline project.

- Inserted by Petition Yes: 386 (65.5%) No: 203 (34.5%)

*Source: [http://www.winchester-nh.gov/Pages/WinchesterNH\\_Webdocs/2015%20Town%20Warrant.doc](http://www.winchester-nh.gov/Pages/WinchesterNH_Webdocs/2015%20Town%20Warrant.doc)*

## Winchester NH Conservation Commission Opposition Statement 3/19/15

The Winchester Conservation Commission is opposed to the Kinder Morgan Northeast Energy Direct natural gas pipeline in our town. A strong sense of place and commitment to social justice informs our decision. We are charged with protecting our special places and sensitive environmental areas. The proposed pipeline crosses a stratified drift aquifer, the source of existing and proposed town drinking water wells; eminent domain will be used to override the deeded conservation easement on town owned public property; land owners may be forced to sacrifice privately owned land not only for the public good, but also for significant financial gain of private corporations; the town will be duty bound to expend conservation funds to defend its conservation easement on an historic, special place. As a result this commission concludes the estimated tax benefits and speculative local business prospects from a gas pipeline are insufficient to offset loss of property value, forest fragmentation and disruption of our aquifer.

The Conservation Commission intends to file comments with the Federal Energy Regulatory Commission (FERC) as part of the scoping process prior to the FERC accepting the Kinder Morgan application for a route through New Hampshire. Sadly, we are aware our efforts to protect our environment may cause the route to change to other problematic areas and unsuspecting landowners. The congressionally mandated power of federal pre-emption of state and local laws has created a process where it is easier to rely on eminent domain instead of negotiating with willing land owners.

We question why a pipeline needs to travel almost 25 miles north from the Connecticut River crossing in Deerfield and Montague, MA in order to reach Dracut, MA - a city south and far to the east. We are indignant the first point of contact in the state of NH is a town owned, deed conserved, special place that shall "forever be held as a nature preserve or conservation area for scientific, educational andlor aesthetic purposes, and shall be kept entirely in its natural state."

As land trusts have already pointed out, claiming to co-locate the pipeline with an existing right of way is a disingenuous description of parallel easements. No one has demonstrated the ecological impact is lessened. The result of combined easements is expanded forest fragmentation from larger, permanently cleared swaths ofland. Furthermore, if there is a benefit from locating adjacent to existing easements, why is that a rationale for relocating a proposed route north to New Hampshire?

This Commission accepts the need for natural gas to improve the energy situation in the northeast and the commensurate public benefit. Although we understand the estimated value of natural gas in the Marcellus Shale is calculated in the trillions of dollars (an incomprehensible number), we wonder why the trillions of dollars cannot fund a more sincere effort to compensate home and landowners for the profound loss of place. We acknowledge all participating in the necessary siting of gas pipelines are honorable people and organizations. Nevertheless, the process enables many to turn away from an unintended but real injustice to our neighbors and the place we call home.

Signed: by 9 members (3 absent)

*Source:*[http://www.winchester-nh.gov/Pages/WinchesterNH\\_ConCommMinutes/I04F81240](http://www.winchester-nh.gov/Pages/WinchesterNH_ConCommMinutes/I04F81240)

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Office of the  
Winchester Conservation Commission  
1 Richmond Road  
Winchester, N.H. 03470

April 8, 2015

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission

BBSFirst Street NE  
Room 1A  
Washington, DC 20426

RE: Tennessee Gas Pipeline Company, LLC.  
Request to Use Pre-filing Procedures for Proposed Northeast Energy Direct Project

Dear Secretary Bose:

The Winchester Conservation Commission denies the request from Kinder Morgan and its agents to survey town owned conservation land shown as Map 2 Lot 5. The deed to this land slates: This conveyance is made subject to the express condition and limitation that the premises conveyed shall forever be held as a nature preserve or conservation area for educational and/or aesthetic purposes, and shall be kept entirely in its natural state, excepting only such fences, foot trails and property maintenance activities as may be appropriate to effectuate the foregoing purpose without impairing the essential natural character of the premises.

On March 10, 2015 the Town of Winchester voted and passed a resolution to deny Kinder Morgan survey access to town owned property. Winchester voters also passed two other warrant articles opposing the proposed pipeline. The Conservation Commission also voted to oppose the pipeline. Attached is a copy of the deed, the warrant articles and the official vote. The town expects Kinder Morgan and its agents to respect the conservation terms of this public land by leaving the land in its natural state forever.

Thank you for your attention to this matter.

Gus Ruth  
Chairman of the Conservation Commission  
Roberts Fraser  
Chairman of the Select Board

*{copy of town vote record + copies of 2 deeds, not included here}*

*Source: FERC PF14-22 Docket # 20150414-0031*

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## Windham, NH

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TOWN OF WINDHAM, NEW HAMPSHIRE  
OFFICE OF THE BOARD OF SELECTMEN/TOWN ADMINISTRATOR  
3 North Lowell Road, Windham, NH NH 03087-0120

May 11, 2015

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room IA  
Washington, DC 20426

Re: Tennessee Gas Pipeline Company, LLC —Docket PF14-22-000

Dear Secretary Bose:

FERC Docket PF14-22 (Kinder-Morgan/TGP NED) -1106- Vol 2: Comments March through May, 2015

As Chairman of the elected Windham Board of Selectmen, I wish to take this opportunity to respectfully advise the Commission of the formal position the Board has taken on the aforementioned project. As you may be aware, the project route as currently proposed by Kinder-Morgan involves approximately 2.23 miles of pipeline within the Town of Windham and has the potential to adversely impact up to 46 property owners.

The Board, as part of their May 4, 2015 meeting, voted unanimously to voice their opposition to the Kinder- Morgan proposal as it has been presented. Further, by a separate vote of 3-2, the Board has also taken the position that it will oppose the pipeline should it not be able to be constructed entirely within the existing, cleared transmission line right-of-way; without the use of any property outside said existing cleared right-ofway for construction purposes. Please be aware that these decisions came after much discussion and consideration of both residents' concerns and information received from Kinder-Morgan and parties related to the project over several meetings and communications.

On behalf of the Board, I would humbly urge the Commission to carefully weigh the concerns and interests of our community, as well as our neighbors, as you consider Kinder-Morgan's request. Should you have any questions, or require anything further regarding the Board's position on this matter, please do not hesitate to contact our Town Administrator, David Sullivan, at (603) 432-7732.

Respectfully

Al Letizio, Jr., Chairman  
Windham Board of Selectmen

CC: Mr. Allen Fore, Kinder-Morgan  
Governor Maggie Hassan  
Senator Kelly Ayotte  
Senator Jeanne Shaheen  
Congresswoman Ann Kuster  
Senator Regina Birdsell  
State Representative Mary Griffin  
State Representative Walter Kolodziej  
State Representative Charles McMahan  
State

*Source: FERC PF14-22 Docket # 20150518-0043*

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## Windsor, MA

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TOWN OF WINDSOR  
Berkshire County Massachusetts  
BOARD OF SELECTMEN  
1890 Route 9, Suite 1  
Windsor, Massachusetts 01270  
Telephone 413-684-3811 Fax 413-684-3806

Chairman Cheryl A. LaFleur  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

January 26, 2015

RE:Tennessee Gas Pipeline Company, LLC, Docket #PF14-22

Pre-filing Procedures for Proposed Northeast Energy Direct Project

Dear Chairman LaFleur and members of the Commission:

On May 19, 2014 at the Annual Town Meeting, residents of the Town of Windsor voted to adopt a resolution in opposition to the Kinder Morgan Tennessee Gas Pipeline, LLC, Northeast Energy Direct Project. The resolution was passed by majority vote.

A certified copy of the adopted resolution is enclosed. Please consider our citizens' vote when reviewing

the Kinder Morgan Tennessee Gas Pipeline, LLC, Northeast Energy Direct Project (Docket No. PF14-22)

We appreciate your time and consideration.

Sincerely,

Peter Fusini (Chairman)  
Windsor Select Board

Brian Koczela

cc:

Governor Charles Baker  
Senator Elizabeth Warren  
Senator Edward Markey  
Senator Richard Neal  
State Senator Benjamin Downing  
State Representative Paul Mark  
Nathan Karns, Berkshire Regional Planning Commission

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TOWN OF WINDSOR  
1890 Route 9, Suite 2  
Windsor, MA 01270

Office of the Town Clerk

February 3, 2015

At the Annual Town Meeting of the qualified voters of the Town of Windsor held on May 19, 2014, the following business was transacted under Article 16.

ARTICLE 16 was moved, seconded and voted that the Town accept the following resolution:

**RESOLUTION TO BAN NEW HIGH CAPACITY HIGH PRESSURE PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY**

To see if the town will vote to accept the following resolution to ban “fracked gas” pipelines and to champion sustainable energy:

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Windsor, or neighboring communities, and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy unknowable amounts of forest, wetland conservation land and farmland; potentially harm drinking water and personal health; and infringe on personal property rights; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. CTGP”, a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Windsor, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general wellbeing to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running; now, there-

fore, be it

Be it *Resolved*, that the people of Windsor, Massachusetts:

- I. Hereby call on our Select Board to stand in opposition to any high pressured pipeline and not allow it with in our town borders;
2. Oppose said pipeline, and any pipeline carrying natural gas within the borders of our Commonwealth or our Nation; and
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the enviromnent, our economic wellbeing and our bodily safety, and, instead, to legislate more strin-gent energy efficiency and further exploration of and subsidies for renewable energy sources.

CARRIED. DECLARED MAJORITY.

Madeline W. Scully  
Windsor Town Clerk

*Source: FERC PF14-22 Docket # 20150209-5083*

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## Worthington, MA

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TOWN OF WORTHINGTON  
ANNUAL TOWN MEETING  
May 3, 2014

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ARTICLE TWENTY-SEVEN: It was voted 30-22 to approve the following Resolution to ban “fracked gas” pipelines and to champion sustainable energy:

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Worthington, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy valuable forest, conservation land and farmland; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing damage to property, the environment and lives; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C. (“TGP”, a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; now, therefore, be it

Resolved, that the people of Worthington, Massachusetts:

1. Oppose said pipeline, and any high-pressure pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth; and
2. Hereby call on our Select Board to stand in opposition to TGP’s said high-pressure pipeline and not allow it within our town borders; and
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to the environment  
and our long-term economic well-being and safety, and, instead, to legislate more stringent energy ef-

iciency and further exploration of and subsidies for renewable energy sources.

Respectfully submitted,

Katrin Kaminsky

*Source: [http://www.worthington-ma.us/Pages/WorthingtonMA\\_BComm/Selectboard/ATM\\_minutes.pdf](http://www.worthington-ma.us/Pages/WorthingtonMA_BComm/Selectboard/ATM_minutes.pdf)*