

# PennEast Pipeline approval could allow company to access private properties

John Sievers

The Federal Energy Regulatory Commission's (FERC) approval of the controversial PennEast Pipeline paves the way for the company to gain access to properties along the proposed route whether landowners grant permission or not.

"PennEast remains hopeful that it will reach fair agreements with landowners," Pat Kornick, spokesperson for the pipeline company said. She is hopeful that process will move "swiftly to keep the process moving forward."

Since the plan became known more than three years ago, landowners along the pipeline route and many others have raised concerns about a private company taking land and many residents, especially in New Jersey, have denied access to pipeline company officials.

Although FERC's 4-1 vote Jan. 19 to issue a Certificate of Necessity and Convenience now allows PennEast access to the pipeline

route, it doesn't mean the company arbitrarily can go on anyone's land unless it has a signed agreement with the landowner or a court order.

Opposition groups are warning landowners in the pipeline's path not to sign any easements with PennEast because by doing so they would waive their rights as property owners forever, even if the pipeline is not built, and another one comes along and takes advantage of the easement. They have also suggested obtaining legal advice in protecting those rights.

"Homeowners should understand that the pipeline company cannot come on their property without a court order and they can retain counsel to litigate the right to take the property or the amount of just compensation to be paid by the pipeline company," Timothy P. Duggan, of the law firm Stark & Stark, said. Duggan represents individuals and businesses in negotiating and challenging eminent domain proceedings.

Duggan said PennEast must first

file a lawsuit, serve it on the property owners and request a court hearing. The property owners are entitled to appear at the court hearing and oppose the taking of their property.

"There is no downside to an open dialogue with a pipeline company," Duggan said, "but homeowners should be prepared for aggressive negotiators to be on the other end of the phone."

"PennEast views legal proceedings as a last resort," Kornick said. "They are emotional, burdensome, costly for all involved and counterproductive to PennEast's commitment to building positive relationships."

Duggan said several environmental and property-owner groups intend to seek a rehearing of the issuance of the FERC Certificate and take the issue up on appeal.

"This is a direct challenge to the FERC Certificate and separate from the eminent domain lawsuits to be filed in the near future," he said.

Critics expected FERC to ap-

prove the project in spite of its apparent flaws but continue to maintain that the fight is far from over. Opposition groups are continuing to fight the pipeline every step of the way.

Although the company still lacks many of the permits and data necessary, FERC issued conditional approval of the plan. Kornick said plans such as well monitoring and traffic management need to be submitted before construction can begin.

"PennEast is working to finalize those plans, and anticipates beginning construction in 2018, with the PennEast Pipeline expected to be operational in 2019," Kornick said.

PennEast had originally planned to have the pipeline fully operational by now.

Mike Spille of the West Amwell Citizens Against The Pipeline Group is not in the direct crosshairs of the pipeline but is within 400 feet of the survey corridor.

He and others are concerned about the possibility that PennEast

officials will ask to be able to cut trees ahead of March 31, the date that state law permits tree cutting to start.

"They might ask FERC for such permission even though New Jersey Department of Environmental Protection (NJDEP) has not issued them a [Clean Water Act] permit yet," Spille said.

If for some reason that permit is not issued, those trees would be lost.

Although FERC approved the certificate, some FERC commissioners put their concerns regarding eminent domain on the record near the end of the 106-page order awarding the certificate.

Commissioner Richard Glick, the lone dissenter, explicitly disagreed with the order's conclusions.

"In my view, Congress did not intend for the Commission to issue certificates so that certificate holders may use eminent domain to acquire the information needed to determine whether the pipeline is in the public interest," he said.

## Delaware Riverkeeper Network files PennEast Pipeline challenge

The Delaware Riverkeeper Network (DRN) filed a Rehearing Request with the Federal Energy Regulatory Commission (FERC), asking the commission to reconsider its decision to issue a Certificate of Public Convenience and Necessity for the controversial PennEast pipeline project.

Before a FERC Certification can be challenged in federal court, a rehearing request must be submitted and either approved or denied by the agency. FERC has 30

days to respond.

FERC voted 4-1 Jan. 19 to issue the certificate. The Rehearing Request asserts the commission erred in making its decision in a number of ways.

"Based on FERC's historical habitual denial of Motions for Stay and Rehearing Requests by third parties, our submissions today are functionally nothing more than administrative requirements to get into court to challenge this project," said Aaron Stemple-

wicz, senior attorney at Delaware Riverkeeper Network.

Delaware Riverkeeper Network also submitted to FERC a Motion for Stay to halt construction and any other land disturbance pending the rehearing request.

Organizations from throughout the Delaware River Watershed have testified recently in favor of a complete ban on fracking in the Delaware River Watershed at the Delaware River Basin Commission's public hearings.

The groups called for the rejection of the DRBC's draft regulations, which would ban the act of fracking itself but still allow wastewater produced by fracking to be stored, processed and discharged in the watershed, as well as water from the basin to be exported for use in fracking elsewhere.

After an outpouring of public

criticism, two more hearings were added by DRBC, one in Schnecksville on Feb. 22, and another by phone on March 6. Find details at [nj.gov/drbc/home/newsroom/news/approved/20180108\\_newsrel\\_hydraulic-fracturing2.html](http://nj.gov/drbc/home/newsroom/news/approved/20180108_newsrel_hydraulic-fracturing2.html).

The groups are also encouraging people to comment in writing by March 30, the close of the public comment period.

## Girls Empowered plans dance fundraiser

Girls Empowered Inc. hosts its first big fundraiser, Girls Just Wanna Have Fun, a dance open to any middle school girl, on Friday, Feb. 2.

The event, which takes place 7 to 10 p.m. at Tanager Middle School in Warrington.

A fun night is planned with a professional DJ, photo booth, cupcake decorating, raffles and games. The highlight of the event will be special appearances by Miss Pennsylvania USA and Miss Pennsylvania Teen USA 2018.

Girls can attend for \$10 (\$15 at the door) and should register at [girlsempowered.org](http://girlsempowered.org).

As a fundraiser, girls are also encouraged to raise money and will receive five raffle tickets to be used that night for every \$25 they raise.

Donations can also be made at [girlsempowered.org](http://girlsempowered.org). The dance is being presented by Title Sponsor, Soroptimist International of Bucks County; Empowerment Partner, Dinesen and Associates OBGYN; and several other local

business sponsors.

Girls Empowered, Inc. is a Bucks County nonprofit organization whose mission is to provide empowerment programs to girls from elementary through high school. This fundraiser has already raised more than \$5,000 to be used to help support and expand empowerment programs for young girls.

For information, contact Dr. Dawn Haaz at [dawn@girlsempowered.org](mailto:dawn@girlsempowered.org) or visit the Girls Empowered website.



## Court of Honor

Alexandria Boy Scout Troop 112 recently held a Court of Honor and holiday party to cap a successful year. Scouts and their families came together to celebrate rank advancement, merit badge achievements and other awards. From left are: Front row, David Schumacher, Kevin Burns; middle row, Jason Czerna, Roman Verdicchio, Max Verdicchio, Jackson Feiner; back row, Ben Brown, Pierce Wermann, Rory Callahan, Joe Kiernan and Troy Stagg.

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