

**LOWER TOWAMENSING TOWNSHIP, CARBON COUNTY,
PENNSYLVANIA, RESOLUTION NO. 2015 -3/10/15**

**RESOLUTION OPPOSING POTENTIALLY HARMFUL
EFFECTS OF THE PENN EAST PIPELINE ON RESIDENTS
AND THE ENVIRONMENT WITHIN LOWER
TOWAMENSING TOWNSHIP AND OTHER
MUNICIPALITIES.**

WHEREAS, Penn East Pipeline Company, LLC (Penn East) plans to construct an approximately 108 mile long, 36-inch diameter pipeline originating near Dallas, Luzerne County, Pennsylvania and terminating near Pennington, Mercer County, New Jersey; and

WHEREAS, the pipeline is planned to transport approximately one billion cubic feet of natural gas per day at a pressure of 1,500 psi; and

WHEREAS, the pipeline is planned to be operational on or about November 1, 2017; and

WHEREAS, Penn East is in the process of finalizing negotiations with potential customers, and therefore the final capacity and resulting pipe size and compression is subject to change; and

WHEREAS, on October 7, 2014, Penn East requested that the Federal Energy Regulatory Commission ("FERC") initiate an environmental review under the National Environmental Policy Act ("NEPA") pre-filing process; and

WHEREAS, on October 10, 2014, the Director of the Office of Energy Projects for FERC approved the company's use of the pre-filing review process; and

WHEREAS, Penn East intends to file a formal application with FERC on or before July, 2015; and

WHEREAS, the pre-filing process and the formal application process both provide opportunities for public input and intervention; and

WHEREAS, the pipeline will require a 100 foot wide temporary construction right-of-way and a 50 foot wide clear-cut permanent right-of-way; and

WHEREAS, the massive removal of vegetation and disturbance of soils within the Township may result to the detriment of underground water supplies and to the detriment of Township residents who rely on pure and abundant well water and have no access to treated municipal water; and

WHEREAS, pipeline will cut across and parallel the Appalachian Trail, potentially harming the natural beauty of the trail and tourism in the Township; and

WHEREAS, the proposed pipeline will pass through or near twenty-two (22) parcels in Lower Towamensing, owned by nineteen (19) different people or entities, affecting property owners quite enjoyment of their properties and lowering property values; and

WHEREAS, the proposed pipeline project is expected to cause damage to Lower Towamensing Township residents by lowering property values, raising health concerns, negatively impacting farms and residences and degrading the quality of life and the historic, environmental and cultural resources in the Township; and

WHEREAS, pursuant to Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania, "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment."; and

WHEREAS, the Board of Supervisors is concerned that the emergency responders, who are mostly volunteers, will not be prepared with the equipment or training to handle pipeline leakage or rupture of the kind that would be possible with this pipeline and does not have the capacity to provide that equipment or training; and

WHEREAS, the Board of Supervisors of Lower Towamensing Township is concerned about the use of eminent domain to take property from private persons for this project; and

WHEREAS, the Board of Supervisors of Lower Towamensing Township is concerned that the pipeline will have a negative effect on property values, the environment, and the public health, safety and welfare of the residents of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Lower Towamensing Township as follows:

1. Lower Towamensing Township objects to the construction and current proposed path of the proposed Penn East Pipeline. It also objects to the use of eminent domain to secure the rights-of-way for this project.

2. Lower Towamensing Township will act as an “intervenor” through the FERC regulatory process to preserve its ability to effectively represent the interests of the residents of this Township. We will exercise careful fiscal oversight in this role.

3. A certified copy of this Resolution shall be forwarded to Governor, Tom Wolf, U.S. Senators, Robert Casey, Jr. and Pat Toomey, Pennsylvania State Senator, John Yudichak , Pennsylvania State Representative, Doyle Heffley, and the Carbon County Commissioners.

RESOLVED this 10th day of March, 2015 by the Board of Supervisors of
Lower Towamensing Township in lawful session duly assembled.

LOWER TOWAMENSING TOWNSHIP
BOARD OF SUPERVISORS

Thomas M. Accen

[Signature]

Ronald A. Wallert

ATTEST:

Christine Lentz
Secretary

NANOVIC LAW OFFICES

APR 23 2015

ATTORNEYS AT LAW

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PLEASE REPLY TO
JIM THORPE

April 21, 2015

Lower Towamensing Township
595 Hahn's Dairy Road
Palmerton, Pa 18071

ATTENTION: Christine Wentz

**RE: Resolution
Our File No. 11592.B**

Dear Christine:

Pursuant to our conversation at the meeting on April 14th enclosed is the Pipeline Resolution in its final form as adopted.

Very truly yours,


James R. Nanovic

JRN:ldm
Enclosure