



Board of County Commissioners

County of Hunterdon
71 Main Street, Building #1
PO Box 2900
Flemington, NJ 08822-2900

MEDIA RELEASE

FOR IMMEDIATE RELEASE

DATE: July 9, 2021

Contact: John E. Lanza, Deputy Director

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Susan J. Soloway, Director

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Hunterdon Commissioners Endorse Law Change Protecting Property Owners From Land Seizure For Pipeline

Hunterdon County's Board of Commissioners, at the July 6th Board meeting, endorsed federal legislation that would prevent pipeline companies from using eminent domain to take private and publicly owned land before projects are approved for all federal and state permits, and called on the state's U.S. Senators to support the legislation sponsored by Congressman Tom Malinowski.

The County Board's action, supporting the 'Fairness for Landowners Facing Eminent Domain Act' that amends the 1938 Natural Gas Act, comes following a U.S. Supreme Court 5-4 decision in favor of the PennEast pipeline's authority to take state preserved land without the state's consent.

The Board's Deputy Director, John E. Lanza, stated, "The Supreme Court decision was disappointing. And what was equally disappointing, and extremely perplexing, was the Biden Administration's Justice Department supporting Penn East. This is the same Administration that moved with alacrity when assuming office in January to stop the far more meritorious, and less constitutionally questionable, Keystone XL pipeline."

Board Director Susan J. Soloway said, "Here in New Jersey, there is bi-partisan consensus on preventing the pipeline company from using eminent domain to take private and publicly supported land, as evidenced by Congressman Malinowski's legislation.

I've been asked by residents who do not live in the communities through which the pipeline will pass why the County Board is so involved. The fact is that all property taxpayers in the county have contributed to the open space trust fund and those monies have been used to preserve farmland and open space throughout the county, including significant acreage in the proposed path of the pipeline.



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The Supreme Court ruling will allow PennEast to take land preserved by the taxpayers, all the taxpayers, at potentially a lower payment than the actual land value.”

Lanza added, “PennEast still faces numerous legal and regulatory hurdles. The project must still receive approvals from the U.S. Army Corp of Engineers, the Delaware River Basin Commission and the NJ Department of Environmental Protection. Under the federal legislation their use of eminent domain would be held until those permits are obtained.”

The Board of Commissioners’ resolution calls for immediate action on the Fairness for Landowners Facing Eminent Domain Act and for U.S. Senators Bob Menendez and Cory Booker, as well as all members of New Jersey’s Congressional delegation, to support the bill.

“They cannot allow Congress to fail the property owners and taxpayers who are being negatively affected by the Supreme Court ruling,” Soloway concluded.

**STATE OF NEW JERSEY
COUNTY OF HUNTERDON**

**RESOLUTION
2021 – 462**

WHEREAS, the United States Supreme Court, in the matter of *PennEast Pipeline Co., LLC v. New Jersey et al.*, No. 19-1039 on June 28, 2021, determined that the 1938 Natural Gas Act (NGA) constitutionally allows a private, for profit entity to take state owned property, when authorized to do so by the Federal Energy Regulatory Commission (FERC), and

WHEREAS, the PennEast Pipeline Company has been authorized by FERC through the federal agency's eminent domain powers, to take open space and farmland that was preserved with taxpayer dollars, and

WHEREAS, the eminent domain action has the potential to negatively affect twenty-three farms constituting 2,007 acres of preserved land in Hunterdon County, where taxpayers have paid to preserve those properties, and

WHEREAS, legislation in the United States Congress, the Fairness for Landowners Facing Eminent Domain Act, which reforms the NGA to protect property owners facing eminent domain for the construction of pipelines is sponsored by Congressman Tom Malinowski and is awaiting action,

NOW THEREFORE, Be It Resolved By the Hunterdon County Board of County Commissioners to call upon the U.S. House of Representatives to act affirmatively on Congressman Malinowski's legislation as soon as possible and for New Jersey's United States Senators, Robert Menendez, and Cory Booker, to advance the legislation in the U.S. Senate.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Congressman Malinowski, all members of the New Jersey delegation to the U.S. House of Representatives, and to U.S. Senators Menendez and Booker.

ROLL CALL	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Susan J. Soloway, Director			X			
John E. Lanza, Deputy Director	X		X			
Shaun C. Van Doren, Commissioner		X	X			
J. Matthew Holt, Commissioner						X
Zachary T. Rich, Commissioner						X

ADOPTED July 06, 2021

Brad Myhre, CLERK