

Hunterdon Freeholders To Fight Penn East's Eminent Domain Action

Hunterdon County Freeholders, Tuesday evening, approved a legal challenge to Penn East's use of eminent domain to acquire private land, including land on preserved farms in the County, to construct its pipeline.

Penn East has filed condemnation claims against numerous Hunterdon County farm properties where the County holds the development rights, purchased with state, county and local farmland and open space funds.

Freeholder Suzanne Lagay, the Board's Deputy Director stated, "The County has over 20 farmland properties that are impacted, where public funds were used to purchase development easements. It is, in my opinion, in the best interest of the County taxpayers to oppose Penn East's application for eminent domain."

The Freeholders unanimously approved participating in a legal effort with the Hunterdon Land Trust, the New Jersey Conservation Foundation, other public entities, and private property owners, in opposition to Penn East's condemnation actions. Attorney Tim Duggan of Stark and Stark, who is representing many of the other entities, was enlisted to represent Hunterdon County in the legal challenge.

Freeholder John Lanza commented, "Three years ago, the Freeholders staked out a position opposing Penn East's proposed abuse of eminent domain--extinguishing publicly purchased farm and conservation easements to serve private commercial interests. To protect farmland easements and defend the interests of all Hunterdon property owners who paid for them, this Board must now take action to block Penn East."

Action by the Federal Energy Regulatory Commission (FERC) approving the pipeline allows Penn East to move forward with condemnation proceedings. The company, however, must still obtain permits from the Delaware River Basin Commission and from New Jersey's Department of Environmental Protection.

Freeholder Director Matt Holt noted, "The Commission and NJDEP have not issued various required permits for the pipeline to proceed. There is a question as to whether permits will ever be issued, so it is clearly premature to allow Penn East to begin taking properties for pipeline construction."

Many entities opposing Penn East's condemnation claims, including several County impacted farms, must submit responses to the federal District Court in Philadelphia by March 21. Arguments before the Court are expected on April 5.