

**P♦L♦A♦N**  
**PIPE LINE AWARENESS NETWORK**  
FOR THE **NORTH EAST, INC.**

[www.plan-ne.org](http://www.plan-ne.org)

August 16, 2016

Dear Friends and Conservation Allies:

We are reaching out to allied organizations across the state to help us prevent Kinder Morgan from going forward with its planned pipeline through Otis State Forest in the southern Berkshires – a precedent that would threaten all Article 97 protected lands.

As you likely know, this March, pipeline company Kinder Morgan received a certificate of public convenience and necessity from the Federal Energy Regulatory Commission for the Connecticut Expansion Project, which would cut through about two miles of Otis State Forest for the purpose of providing natural gas to Connecticut utilities. The company immediately sought to take, by eminent domain, this Article 97 land. The land remains protected in accordance with our state constitution because the legislature has not voted to change its protected status. The Berkshire Superior Court has affirmed Kinder Morgan's eminent domain authority, and the Attorney General's office has not committed to appealing the court's decision.

We believe that Kinder Morgan continues to pursue this small project, and this specific route, precisely because of its value as a precedent. If Kinder Morgan gets a foothold in Article 97 land through federal preemption, this will set the stage for current and future interstate pipeline projects in the Commonwealth. Not only does Kinder Morgan still have its sights on a larger project; Spectra Energy's Access Northeast is proposed to cut through state, municipal, and privately-owned conservation land.

At the end of June, MassDEP granted a federally required Section 401 water quality certification for the project. While this is a state permit, it is issued pursuant to the federal Clean Water Act, and is therefore not subject to preemption.

Here's where we come in: We have teamed up with the Berkshire Environmental Action Team and appealed the Section 401 certification, also invoking a “10 citizen appeal” provision of state law. We have hired the environmental law firm McGregor & Legere, P.C. for this matter. We have also retained a wetlands expert to make the case to push for more rigorous application of the law.

To date, we have raised approximately \$50,000 towards this effort, from individuals, citizen groups, and allied nonprofits. This amount is likely less than half of the amount needed to fully prosecute this matter in all available forums.

We are asking our allies across the Commonwealth to contribute to this effort at whatever level you can. The stakes are high, and so are the expenses. Contributions can be mailed via check made out to PLAN-NE, 244 Allen Road, Ashby, MA 01431. With your permission, we will publicize your organization's support on our website and in the media.

We appreciate your work to protect our natural resources, and any support that you can provide. Do not hesitate to contact me with any questions about this appeal and the ongoing work of PLAN-NE in other pipeline-related matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Eiseman', with a horizontal line extending to the right.

Kathryn R. Eiseman, President  
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