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**Supreme Court Agrees to Hear PennEast Case on States' Rights**

Today the Supreme Court announced it will take up the case *PennEast Pipeline Co. v. New Jersey*. In September 2019, the Third Circuit determined that the PennEast Pipeline Company, as a private company, does not have the authority to use eminent domain to seize lands owned by the state of New Jersey. The decision effectively blocked PennEast from a third of its planned route through New Jersey, crippling the project. The PennEast Pipeline Company then petitioned for certiorari in the Supreme Court.

“The law is clear, and the Eleventh Amendment protects New Jersey from seizures by private companies using eminent domain. The Supreme Court should uphold the Third Circuit ruling and protect states from federal overreach. States’ rights have been under constant assault throughout the Trump administration, and even now, the information before the court includes Trump’s Solicitor General’s legally flawed brief that desperately attempts to bolster PennEast. I doubt the current administration would put the rights of a fossil fuel company before the rights of the states. We need our highest Court to reaffirm to fossil fuel companies that they do not have the ability to trample over the rights of the state to protect its natural resources for the benefit of its communities. While we believe the PennEast Pipeline Company was premature in taking the case before the Supreme Court, we have confidence in the Court to make the right decision and protect the sovereign immunity of the states,” said **Maya van Rossum, the Delaware Riverkeeper, leader of the Delaware Riverkeeper Network and leading opponent of the PennEast pipeline.**

In addition to its appeal of the Third Circuit decision to the Supreme Court, PennEast filed with the Federal Energy Regulatory Commission (FERC) urging them to issue a declaratory order that re-interprets the Natural Gas Act and draws its own conclusions about states’ constitutional rights and eminent domain. FERC granted the request and expedited their decision in an attempt to persuade the Supreme Court’s decision to review the case. FERC’s Declaratory Order contradicting the Third Circuit decision was issued on January 30, 2020. The Delaware Riverkeeper Network was the only organization to appeal the Declaratory Order.

Read the Delaware Riverkeeper Network’s statement on the September 2019 ruling here:

[https://delawariverkeeper.org/sites/default/files/Statement\\_PennEast\\_9.10.2019.pdf](https://delawariverkeeper.org/sites/default/files/Statement_PennEast_9.10.2019.pdf)

Read the Delaware Riverkeeper Network’s statement on the January 30 FERC order here:

[https://delawariverkeeper.org/sites/default/files/1.30.2020\\_PR\\_FERC\\_PennEast\\_Dec.Order1\\_.pdf](https://delawariverkeeper.org/sites/default/files/1.30.2020_PR_FERC_PennEast_Dec.Order1_.pdf)

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