



For Immediate Release:

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Supreme Court Denies States' Rights to Protect State Lands from Fracked Gas Pipelines, Paving the way for PennEast to proceed in New Jersey

Today the Supreme Court announced its precedent-setting opinion in *PennEast Pipeline Co. v. New Jersey*--holding that the Natural Gas Act "...authorizes FERC certificate holders to condemn all necessary rights-of-way, whether owned by private parties or States." This decision paves the way for PennEast to proceed with the New Jersey portion of its project. It also should result in release of legal actions held in abeyance pending this ruling that were filed by the Delaware Riverkeeper Network and others challenging FERC's approval of the project.

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 and the Court agreed to hear the case in February 2021.

"As we face the existential crisis of climate change, it is devastating that our highest Court has chosen to embolden fossil fuel companies, empowering them to trample over the rights and obligation of our state governments to protect its natural resources for the benefit of its residents, communities and future generations. It is so disturbing that the profit making goals of a private pipeline corporation would be given greater respect and protection than the rights of states and people," said **Maya van Rossum, the Delaware Riverkeeper, leader of the Delaware Riverkeeper Network and leading opponent of the PennEast pipeline.**

"The US Supreme Court should have upheld the Third Circuit ruling and protected the rights of New Jersey to protect state property interests from federal overreach. States' rights have been under constant assault throughout the Trump administration, and today's decision to deny sovereign immunity is an enormous setback" added van Rossum. "Today's ruling will not be the final say for the PennEast Pipeline. The company still has a pending application before the Federal Energy Regulatory Commission, and faces several legal challenges from the Delaware Riverkeeper Network which will now be able to proceed. In addition permitting is needed from the state of Pennsylvania, federal and state approvals are required from New Jersey, and the Delaware River Basin Commission has yet to weigh in," said **Delaware Riverkeeper van Rossum.**

In a regional call to action **van Rossum added:** "It is more important than ever that people stand up and speak out against PennEast. July 15 at noon concerned residents are invited to join us in Trenton, New Jersey outside the state Capitol to urge New Jersey Governor Murphy to use the immense federal,

state and DRBC leadership and authorities it has to continue to defend the safety, security, rights and natural resources of New Jersey and our region.”

Read the Supreme Court opinion here:

<https://www.delawariverkeeper.org/sites/default/files/PennEast%20Pipeline%20Co.%2C%20LLC%20v.%20New%20Jersey%2C%20No.%2019-1039%20%28S.%20Ct.%20June%2029%2C%202021%29.pdf>

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

More information about the July 15 event can be found at: <https://fb.me/e/BAZYp993>

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