

New coalition forms to fight pipeline: Hires environmental lawyer

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Franklin Land Trust and seven other environmental organizations around the region have formed a coalition to fight the proposed Tennessee Gas Pipeline, hiring a Boston regulatory attorney who specializes in energy issues.

The new group, calling itself Northeast Energy Solutions, was created to analyze, advocate and work on public education about not just TGP's proposed Northeast Energy Direct project, but also other energy infrastructure development, says land trust Executive Director Richard Hubbard.

The coalition has hired Vincent DiVito, a former energy lawyer for the state and a former U.S. assistant energy secretary, to analyze the case being made by TGP and parent company Kinder Morgan to the Federal Energy Regulatory Commission and make counter arguments about the 430-mile pipeline.

The project would pass through 34 miles in Franklin County, including Ashfield, Conway, Shelburne, Deerfield, Montague, Erving, Northfield and Warwick, on its way from Wright, N.Y., to Dracut, north of Lowell.

"I've said from day one that this is going to come down to a fight at FERC," said Hubbard, who lauded the efforts of citizen groups and the Town of Deerfield to stop the natural-gas pipeline, which recently altered its proposed route to more closely follow powerline rights of way, including those in southern New Hampshire. "They're doing an amazing job creating public awareness and generating political support, but when all is said and done, it's going to be a FERC battle."

Preferring to confront the pipeline proposal on a regulatory level, Hubbard said he was happy with the creation of a coalition by Eleanor Tillinghast of Green Berkshires, as well as Berkshire Natural Resources Council, the statewide Trustees of Reservations and the statewide Massachusetts Land Trust Coalition and other groups.

"You get a lot of times in these proposals, where Kinder Morgan is putting forth one side of things, but none of us are that qualified to be able to counter any of those arguments, so having someone on our team who's able to analyze those comments and tell us whether there's any basis in fact to them, is very helpful."

With the help of DiVito, a partner in the 100-year-old firm Bowditch and Dewey which has

represented utilities, corporations and government agencies, the coalition is trying to position itself as “a source of sophisticated and reliable information that FERC can turn to for a different read on arguments made by proponents of the pipeline, Hubbard said.

Although the \$5 billion project is proposed to increase the region’s reliable supply of natural gas, and the latest route is described by TGP as following 90 percent along utility rights of way, the three main goals of the new coalition are to convince FERC that the pipeline isn’t needed, that it needs to be moved entirely off environmentally sensitive and conservation land and that “If all else fails, mitigate, mitigate, mitigate.”

Since the newly proposed alignment positions the pipeline along a 400-foot-wide survey swath that straddles powerline rights of way, Hubbard said, “Just because you follow a right of way, that doesn’t necessarily mean there aren’t environmental concerns. It can still be crossing areas of natural resource concern, and just because it’s going through New Hampshire doesn’t necessarily mean they haven’t moved environmental concerns up there.”

The coalition, which is also reaching out to environmental groups in New York state and New Hampshire to join its efforts, still faces the reality that in the Berkshires and western Franklin County, there are conservation restrictions along the route held by Franklin Land Trust and by the state that remain impacted.

“It’s such a moving target,” Hubbard said. “It’s hard to get a handle on what the ultimate impact could be.”

A memorandum of understanding among coalition members requires them to provide funding for the coalition, which will be among the beneficiaries of a Dec. 27 Franklin Land Trust benefit concert at Memorial Hall in Shelburne Falls featuring Jeffrey Foucault, Kris Delmhorst, Rusty Belle and Abe Loomis.

“We recognize that Kinder Morgan may just be the tip of the iceberg,” said Hubbard, pointing to other pipeline initiatives pending for the Northeast — some of which the coalition may support as alternatives to TGP’s proposal, or may respond to other energy initiatives, as the situation demands.

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