

Kinder Morgan pipeline opponents dig in for fight

By Christian M. Wade Statehouse Reporter | Posted: Monday, October 26, 2015 7:00 am

BOSTON — Opponents of a natural gas pipeline that would stretch across Massachusetts and southern New Hampshire are gearing up for a fight as the energy company behind the project prepares to move ahead.

Kinder Morgan has proposed a \$5 billion, 421-mile pipeline that would pass through several communities in the Merrimack Valley and North Shore. Tennessee Gas Pipeline Company, a subsidiary of the Texas-based Kinder Morgan, plans to submit a formal application Nov. 20 to the Federal Energy Regulatory Commission.

Though the federal government has final say over the pipeline, FERC is required to weigh input from state and local officials, as well as property owners. That includes a state-mandated environmental review.

Opponents are looking to the state to block portions of the project under Article 97 of the state Constitution, which requires a vote by two-thirds of the Legislature to allow the use of environmentally protected state lands by a private company.

"If we deny them a permit based on Article 97, it essentially becomes a state's rights issue," said Bob Croce, a pipeline opponent from Peabody. "Then it becomes the U.S. government versus Massachusetts."

A spokesman for Kinder Morgan said the company is working to address public concern about the project, which it deems essential as a lack of natural gas suppresses economic growth in the region.

"We believe this project is critical to addressing New England's long-term energy needs and the economic development issues created by rising energy costs," said Allen Fore, vice president of public affairs for Kinder Morgan. "This is a crisis, and expanding the natural gas infrastructure is vital to addressing that crisis."

Fore said news that the Pilgrim nuclear power plant in Plymouth will be closing by June 2019 gave more weight to the debate over expanding natural gas supplies in the region.

The 680-megawatt Pilgrim plant, which contributes 5 percent of the region's energy, powers about 600,000 homes and businesses. It accounts for about 84 percent of the state's non-carbon emitting energy.

'Legitimate concerns'

U.S. Rep. Seth Moulton, a Democrat who represents most of Essex County and eight towns in Middlesex, said he isn't opposed to bringing more gas into the state but wants Kinder Morgan to amend its plans to minimize the impact.

"We're paying the highest energy costs in the country, and that's directly related to a lack of pipeline capacity," he said.

Moulton said he has met with officials from the company and FERC to address community concerns, and he's helped facilitate a round of community meetings, including one on Oct. 28 at Spinelli's Function Facility in Lynnfield.

"There are very legitimate concerns being raised about the pipeline, but Kinder Morgan hasn't done a good job at involving the community," Moulton said. "There's a lot more the company can do to explore alternatives."

Several towns, including Methuen, Peabody and Lynnfield, have passed resolutions opposing the pipeline and calling on state and federal officials to ban gas pipelines in favor of solar, wind and other renewable energy.

Meanwhile, the group Massachusetts Pipeline Awareness Network, which opposes the project, has teamed up with opponents in other states to fight the project and held regular meetings to galvanize property owners.

Opponents of the project in New Hampshire bombarded FERC officials with postcards that read: "The pipelines and compressor station will scar the NH landscape and put our water, wildlife, forests, agricultural lands and rural character at risk. Greed, not need, is fueling this project."

Kinder Morgan has paid Beacon Hill lobbyists more than \$300,000 so far this year to make its case to Massachusetts lawmakers and Gov. Charlie Baker's administration, according to disclosures filed with the secretary of state.

The group Coalition to Lower Energy Costs, which is partially funded by Kinder Morgan, has been running TV ads in the Greater Boston area highlighting the project and concerns by businesses about rising energy costs.

Industry officials argue that New England's electricity market is strained, in part by a lack of transmission lines to bring natural gas to power plants that are shifting from coal. Lack of capacity has led to higher energy bills.

Environmentalists argue that demand for gas is overstated and want the Baker administration to pursue solar, wind and other renewable energy sources.

Baker, a Republican, has also raised concerns about the pipeline. He has proposed tapping Canadian hydropower, in addition to solar and wind, to meet the state's long-term energy needs.

'Continuing to make modifications'

The Kinder Morgan pipeline would pump Marcellus Shale gas from Pennsylvania into western Massachusetts and southern New Hampshire. It would connect with other proposed transmission lines through Haverhill, Methuen and Andover. Smaller, lateral pipelines would take the gas into the North Shore.

The company has already revised its plans to route the pipeline along more existing natural gas lines and other utility rights-of-way to minimize the impact on parks, wetlands and conservation land.

Fore said the proposed pipeline's route won't be substantially different when the company files its application with federal regulators next month, but he suggested that there may be additional changes before construction gets underway.

"We're continuing to make modifications as towns and landowners come forward with suggestions," he said.

The company has had some success in winning over state lawmakers. Rep. Garrett Bradley, D-Hingham, has filed legislation stripping a section of the protected Otis State Forest in Berkshire County of its protected status.

Bradley's proposal, which has raised the ire of environmental groups, would allow the energy company to run a segment of pipeline through the forest without filing for eminent domain proceedings.

Opponents on the North Shore and Merrimack Valley say they expect the company to use similar tactics to build the pipeline over environmentally protected lands in the region, including in Peabody.

"It would be political suicide for lawmakers representing our region to bring something like this forward for the company," Croce said. "So they'll have to find someone from another part of the state to file the legislation."