

## INTRO

Mr. Chairman—

Per the tasking at our last meeting, I have been working with Selectman D'Angelo to draft a reply to Governor Hassan's non-response to our second FERC letter outlining our arguments why the NED pipeline project is not justifiable for Amherst or for New Hampshire.

As part of this task, I have spent some time thinking through the reasons for and against making any reply and what form the reply should take if we make one. I have come to the conclusion that we should make a direct and forceful reply calling on the governor to take a clear position on the pipeline project and on our arguments against the project.

I have prepared a statement outlining my reasoning behind this conclusion, and with your permission I would like to read the statement to the public in order to kick off our debate of the resulting draft letter.

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## STATEMENT

Some time ago, the Amherst Pipeline Task Force, and the Amherst Board of Selectmen, drafted a superbly written, well-researched, and well-reasoned letter outlining a compelling argument that the North East Direct Pipeline project proposed by Kinder Morgan is counter to the interests of the residents of Amherst and the residents of New Hampshire as a whole. The Amherst Board of Selectmen adopted and signed the letter and forwarded a copy to Governor Maggie Hassan. Recently, we received a response from the governor to the letter which can at best be described as a polite brush off. The question before us today is if and how we should respond to this brush off from the governor. After much thought, I believe that it is in the best interests of the town for us to reply with the draft letter that Mr. D'Angelo and I present to you now. My reasoning behind this conclusion is as follows.

First, Hassan as governor has the most sway with federal agencies of anyone in New Hampshire since she is the top representative of all of New Hampshire's interests. Unfortunately, her tacit approval of the NED project has much more import in Washington, DC than strong disapproval and threats of litigation coming from us. On the other hand, a clear position against the pipeline from the governor will be something that the FERC will have to reckon with.

Second, while it is generally better not to say something impolitic that might make you feel good at the moment but ruin your relationship with someone, this is not one of the moments we should hold our tongue. This is not just a conversation between our town and our governor. It is also a dialogue with our residents, the people of New Hampshire in general, the FERC, the press, and all candidates for high office, as well as with Kinder Morgan. As such, we need to address many more concerns than a simple one-to-one, back-and-forth exchange requires. We also have much more leverage than we might otherwise have in this conversation and therefore have room to be pointed and direct.

Based on this reasoning, Vice Chairman D'Angelo and I have drafted the letter we submit for your consideration now. Our draft letter seeks to achieve a number of different goals:

**Goal #1 — We need to demonstrate to the FERC and to Kinder Morgan that we are willing to do whatever it takes to protect the town's interests and the interests of individual residents affected by the project.** Calling out the governor (and other elected officials) for their tacit support of the NED pipeline will go a long way to establishing our bona fides as representatives of our town who mean what we say when we threaten litigation. This helps with both our Plan A - either killing the project completely or at least getting it moved back to Massachusetts where it belongs; and Plan B - getting the best possible deal for our town and residents if in the end we can't get the pipeline out of Amherst. This is also the logical next step for us to prepare to bring to the town a special warrant article funding an expensive constitutional law challenge for the purpose of litigating the issue since it is proper that we exhaust all political avenues available before we bring this high cost before the taxpayers.

**Goal #2 — We need to encourage residents of our town and surrounding towns and across New Hampshire to bring pressure to bear where it will do the most good: on the governor and on our congressional delegation.** There is no way to do this other than by our own example. To date, no one has called out the governor on her undeclared support for the pipeline and the press has not forced her to take a clear position for or against it. Our pipeline task force drafted an excellent letter explaining our arguments against the project, but the letter was long, complicated and nuanced, and did not garner much attention from the press. This rebuttal opportunity provides an excellent second chance to restate our argument simply, while going on the record asking the governor to take a clear position on the issue and a position on our arguments against the pipeline. People will pay attention to this. If she refuses to take any clear positions they may act accordingly to bring pressure on her as only New Hampshire people can do.

**Goal #3 — We need to encourage other candidates for office to take a position on the pipeline.** We do so indirectly by calling out the governor on her lack of position. If we make this an issue now, the future candidates for governor from both parties will have to take their own positions on the pipeline in the next election much as the candidates had to take positions on the Northern Pass project in the last election. Further, our congressional delegation and their opponents (including potentially Hassan herself) will likewise be forced to take a position on the pipeline if enough voters and municipalities also call out candidates on their tacit support of this project. We have already seen other towns take up our arguments from our second FERC letter in their own statements and efforts to kill the pipeline so we can be assured that at least some of them will take up our challenge to Hassan and the others as well. We will also likely see state representatives to the General Court taking up the message and using it to bring pressure on the governor as well as on other State officials like the Attorney General and the Public Utilities Commission.

**Goal #4 — We need to make Kinder Morgan concerned about what the governor might do if pressure gets too high for her to maintain her tacit approval of the project.** There is a clear precedent for a governor's view to dramatically change the pipeline proposal. Former

Massachusetts Governor Deval Patrick's strong position against the pipeline was apparently the final nail in the coffin for the original plan for the NED project, but, to date, KM has not had to contend with a hostile NH governor and other state leaders. It therefore appears that the fix is in for this project. Kinder Morgan is behaving as though they think the project will be approved, and, judging by the recent FERC scoping meetings, they have no reason to doubt that the FERC thinks that way too. FERC officials practically said as much to town residents. I think it is important that we unsettle KM with the possibility that the political climate in NH may change the positions of the senior people in the state and make things difficult for the project to get final approval. By focusing on the governor, we add to this possibility for their calculations. Again, there is no better way to encourage other New Hampshire residents and towns to do the same than to lead by example.

**Goal # 5 — We need to get the attention of the press in order to build pressure against the pipeline and also to generate more questions about the project.** In the hyper political environment of New Hampshire as we head in to a presidential primary year, this kind of issue has the potential to get more play than otherwise if we can manufacture a headline grabbing "man bites dog" moment that gets the attention of the press. As anyone who has dealt with the press knows, there is no story if a dog bites a man but if a man bites a dog you have a story. An "Amherst bites Governor" headline will definitely get some airplay and column inches. If we can inspire some enterprising reporters to ask the questions that we have already asked and will ask, we will build more pressure against the project.

To date, we have been measured and thoughtful in our response to the NED pipeline proposal as was appropriate to the seriousness of the issue. This has proven much more effective, in my opinion, than other town's more reactionary approaches to the problem have been. Where others have been shrill, we have marshaled the facts and brought forward a reasonable and sincere analysis that shows the project is inappropriate for Amherst and for New Hampshire.

Unfortunately, our governor and other state officials simply don't want to take up the issue and quietly wish it would go away. So the time for measured response and marshaling of facts has passed. We are now entering the political phase of the process and we need to act politically if we want to keep moving forward.

The governor has given us a brush off. It is time we call her out. If we do not do so in some measure I think we are not fulfilling our duty to the town.

Thank you.