

**PENDLETON COUNTY FISCAL COURT  
SPECIAL CALLED MEETING  
August Term, August 19<sup>TH</sup>, 2013**

COURT MET PURSANT TO ADJOURNMENT  
With  
HONORABLE HENRY BERTRAM, COUNTY JUDGE/EXECUTIVE  
Presiding

MEMBERS PRESENT: Bobby Fogle, Gary Veirs, Alan Whaley, David Fields,  
Judge Bertram

MEMBERS ABSENT:

COUNTY ATTORNEY: Jeff Dean

**In Re: Agenda**

Squire Fields made a motion to approve the agenda, second by Squire Fogle.  
Motion carried.

**In Re: Pipeline Discussion and Resolution**

The Pendleton County Fiscal Court met on August 19, 2013 in a special called meeting to discuss the possibility of the Bluegrass Pipeline crossing Pendleton County. Much discussion was held and information exchanged between the fiscal court, the county attorney and a number of citizens from the audience. As a result of the discussion, Squire Veirs made a motion to approve a resolution (attached) laying out the concerns of the fiscal court and several of the Pendleton County citizens. Squire Fields seconded the motion and the motion was unanimously approved.

**RESOLUTION \_\_\_\_\_**

**RESOLUTION OF THE COUNTY OF PENDLETON, KENTUCKY, FISCAL COURT REGARDING  
CONSTRUCTION OF THE PROPOSED BLUEGRASS PIPELINE**

Be it resolved that the Pendleton County Fiscal Court, after much deliberation and mindful of its responsibility to protect public health, safety, and the environment of Pendleton County, does hereby express its grave concerns regarding the proposed Bluegrass Pipeline. Among those concerns are these:

1. The lack of advance review by any governmental body as to the necessity, alternatives, routing, and public health, safety, and environmental consequences of natural gas liquids pipelines such as this, creates a situation in which the adverse effects on public health, safety, and the environment are not carefully assessed, avoided and minimized, and mitigated. Those effects include heightened risks to public health and public safety associated with the transportation under pressure of flammable petroleum hydrocarbons; adverse impacts on the use and value of property of individual landowners; impacts on land, air, and water resources associated with leaks and spills; impacts on roads, and public land of local communities; and on local government emergency response capacity, including fire, police, EMT, public health and environmental response services.
2. The possibility that landowners in Pendleton County may be burdened with easements on their property for the pipeline due to threat that their property may be condemned in the absence of agreement. The lack of clear limitations on the exercise of eminent domain in Kentucky law leaves open the possibility that a private, for profit company that is not a Kentucky-regulated public utility, may obtain easements under threat of condemnation even though Kentucky law might not support such an action. Negotiations for acquisition of easements under duress are inherently unfair.

For these reasons, the Pendleton County Fiscal Court does hereby encourage the following action:

1. Urges the Governor to amend the upcoming special session or alternatively use the next regular session of the Kentucky Legislature to address these two concerns by subjecting natural gas liquids pipelines to the jurisdiction of a sitting board with the authority to require a comprehensive review and mitigation of all adverse effects of such a pipeline, and by limiting condemnation powers to Public Service Commission-regulated public utilities; and
2. Requests that the U.S. Army Corps of Engineers (COE) Louisville District work in conjunction with other Corps Districts through which the proposed pipeline would traverse, to demand a comprehensive Environmental Impact Statement (EIS) for the entire Bluegrass Pipeline project, thus providing assurances that the various agencies responsible for avoiding adverse effects on land, air and water resources, fish and wildlife, historic and archaeological properties, protected species, and public health and safety, are coordinating the review of the necessity for and effects of such a project; and
3. Requests that the U. S. Department of Transportation Pipeline and Hazardous Materials Safety Administration and all other state and federal agencies diligently enforce their regulations as they pertain to this private project, and