



A RESOLUTION IN OPPOSITION TO THE ROUTING OF THE PROPOSED PERMIAN HIGHWAY PIPELINE THROUGH HAYS COUNTY AND REQUEST FOR LEGISLATIVE/ADMINISTRATIVE CHANGES

WHEREAS, Kinder Morgan and Exxon Mobil in partnership with EagleClaw Midstream Ventures ("Private Partnership") have begun the process of routing a 42-inch buried natural gas pipeline, known as the Permian Highway Pipeline ("PHP") from Coynosa, Texas to Sheridan, Texas through the Texas Hill Country and Hays County; and

WHEREAS, the State of Texas, by way of the Railroad Commission, has delegated to the Private Partnership the authority to choose the route of the PHP and to take the private land traversed by the PHP using the governmental power of eminent domain; and

WHEREAS, the laws of Texas and the practices of the Texas Railroad Commission related to Common Carriers provide insufficient oversight and scant regulatory process to limit this delegation of powers generally reserved for governmental bodies;

WHEREAS, the PHP will traverse the properties of multiple landowner properties requiring a permanent easement of fifty (50) feet, plus an additional seventy (75) feet of temporary construction easements; and

WHEREAS, the Private Partnership has not performed an Environmental Impact Study evaluating the potential impact to property near or adjacent to the PHP, including probable impacts to the Trinity and Edwards Aquifers and to the surrounding community; and

WHEREAS, the Private Partnership has not sufficiently engaged local governments to ascertain near-term areas of growth where subdivisions and development are already in the process of being permitted; and

WHEREAS, the citizens of Hays County have expressed strong concerns and opposition to the proposed route of the PHP due to its potential negative impacts to the environment, soil, water system, and land values; and

WHEREAS, Hay County, by and through the above named members of the governing body, has an interest in the protection of its natural resources and an interest in how the PHP may affect its citizens;

NOW THEREFORE, BE IT RESOLVED BY THE HAYS COUNTY COMMISSIONERS COURT THAT:

- 1)** Hays County opposes the PHP on behalf of the interests of the citizens of Hays County and in recognition of the potential harm the PHP poses to its natural and economic resources.
- 2)** Hays County requests that legislative and/or administrative changes be made that
 - A) Create better regulatory processes for oil and gas pipeline routing that enable impacted landowners and local governmental entities to have a voice in the approval process
 - B) Require Environmental and Economic Impact Studies for all oil and gas pipelines, whether they are intrastate or interstate
 - C) Enhance checks and balances against the broad delegation of eminent domain authority to private companies.

RESOLVED AND ADOPTED this _____ day of February, 2019.

Ruben Becerra
Hays County Judge

Debbie Gonzales Ingalsbe
Commissioner, Pct. 1

Mark Jones
Commissioner, Pct. 2

Lon A. Shell
Commissioner, Pct. 3

Walt Smith
Commissioner, Pct. 4

ATTEST:

Elaine H. Cárdenas, MBA, PhD
Hays County Clerk