



ABRA Update #114 – January 26, 2017

LaFleur Named Acting Chairman of FERC; Commissioner Bay Resigns

Cheryl LaFleur has been named as Acting Chairman of the Federal Energy Regulatory Commission (FERC) by President Trump (announced January 26). Thursday afternoon Commissioner Norman Bay, who has served as Chairman since April 2015 submitted a [letter of resignation](#), effective February 3. This leaves FERC with only two sitting Commissioners, three vacancies and no quorum.

LaFleur, a Democrat member of FERC since 2010, previously served as Chairman from July 2014 until April 2015. She was previously a utility industry executive. The now three vacancies that President Trump must fill will require Senate confirmation. They will presumably be Republican appointments since the other remaining Commissioner, Colette Honorable is also a Democrat.

Trump's Executive Actions: What Do They Mean for Proposed Pipelines?

This week's flurry of Executive Memoranda and Orders signed by President Trump have included several actions with relevance to the proposed Atlantic Coast Pipeline and the Mountain Valley Pipeline. Here's a rundown of some of the actions taken and links to them:

- [Expediting Environmental Reviews for Priority Infrastructure Projects](#)
Provides for governors to request of the Chairman of the White House Council on Environmental Quality (CEQ) that a project in their state requiring federal agency approvals qualify as a "high priority" infrastructure project. If so designated, the CEQ Chairman would coordinate with relevant federal agencies to establish "expedited procedures and deadlines for completion of environmental reviews and approvals for such projects." Pipelines are cited among the eligible infrastructure projects. A list of 50 priority infrastructure projects, compiled by the Trump transition team, was released this week. The Atlantic Coast Pipeline was listed as project #20, the only pipeline project included.
- [Reviving the Keystone XL Pipeline](#)
Invites TransCanada, the builder of the proposed oil pipeline, to resubmit its application to the Secretary of State, who in turn is directed to reach a permitting decision within 60 days. The final Environmental Impact Statement issued by the State Department in 2014 is to be considered satisfactory. The U.S. Corp of Engineers and U.S. Department of Interior are to expedite consideration of permits they are respectfully responsible for

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issuing. All of that notwithstanding, state approvals will still be required. While TransCanada says it will reapply, the *Toronto Globe and Mail* observed January 25 that “oil prices remain half what they were just three years ago, and Canadian oil-sands producers face increasing competition from U.S. shale firms for market share,” so market realities may be a factor as to whether the project is indeed revived.

- [Reversing Corp of Engineers Decision on Dakota Access Pipeline](#)

This Presidential Memorandum directs the U.S. Corp of Engineers to “review and approve in an expedited manner, to the extent permitted by law and as warranted, and with such conditions as are necessary or appropriate, requests for approvals to construct and operate the DAPL” and to “consider, to the extent permitted by law and as warranted, whether to rescind or modify” previous actions taken by the Department of the Army in December and January that stopped the project. Lots of “ifs” and “buts, and legal challenges will most certainly occur whatever further decisions are made.

- [Construction of American Pipelines](#)

Requires the Secretary of Commerce within 180 days to “develop a plan under which all new pipelines, as well as retrofitted, repaired or expanded pipelines, inside the borders of the United States, including portions of pipelines, use materials and equipment produced in the United States, to the maximum extent possible and to the extent permitted by law.” Lots of questions, including: 1) Would pipelines that haven’t been approved be affected if they have already signed contracts with suppliers? 2) How would it affect the Keystone XL, to be built by across Canada as well as the U.S. by a Canadian-based company? 3) Is there enough domestic steel capacity to satisfy the requirement? Currently 1/3rd of all steel used in the U.S. is imported.

Forest Service Communications Still Needed

This week’s Executive Actions by President Trump are reminder of how important it is that the government agencies responsible for making decisions concerning the environmental and safety dimensions of the Atlantic Coast Pipeline be encouraged to perform due diligence in accordance with the law. Last week’s *Update* requested that special communications be sent to top officials in the U.S. Forest Service, urging that they:

1) Conduct a complete and thorough review of the pending application for a special use permit for the ACP, as required by law; and

2) Do not amend the existing Forest Plan for the George Washington National Forest.

Statements should be sent soon to:

- U.S. Forest Service Chief, Thomas Tidwell, ttidwell@fs.fed.us
- Kathleen Atkinson, Regional Forester, katkinson@fs.fed.us
- Tony Tooke, Regional Forester, ttooke@fs.fed.us.

Additional background information is available [here](#).

VOF Decision Two-Weeks Away

A decision by the Virginia Outdoors Foundation (VOF) on whether to accept or reject the application to permit the Atlantic Coast Pipeline to compromise conservation easements of 10 properties in the path of the project is expected to be made when the VOF Board of Trustees meets on Thursday, February 9 beginning at 10 am (note this is an hour later than previously announced) at the Virginia Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, Va. 23228. Public comments will be accepted.

For those who cannot attend but who wish to provide comments, it is not too late. It is recommended that they be emailed to bcabibbo@vofonline.org.

More information on the VOF proposal and what should be said is available [here](#).

Public Comment Sessions for ACP Scheduled

A series of ten public comment sessions have been scheduled by the Federal Energy Regulatory Commission (FERC) beginning in mid-February to provide opportunities for interested parties to offer verbal comments on their views about the Draft Environmental Impact Statement (DEIS) for the Atlantic Coast Pipeline (ACP). The verbal comments will be received and recorded by a court reporter and transcripts of will be placed in the FERC docket for the ACP. More information about the sessions will be forthcoming in the next couple of weeks. For planning purposes, here are the dates and locations:

Scheduled Verbal Comment Sessions for the ACP DEIS

(All sessions are from 5 to 9 pm, except the February 16 session, which begins at 5:30 pm)

Monday, February 13	Fayetteville, NC, Doubletree Hotel, 1965 Cedar Creek Rd.
Tuesday, February 14	Wilson, NC, Forest Hills Middle School, 1210 Forest Hills Rd.
Wednesday, February 15	Roanoke Rapids, NC, Hilton Garden Inn, 111 Carolina Crossroads Parkway
Thursday, February 16	Suffolk, VA, Hilton Garden Inn, 100 East Constance Road
Tuesday, February 21	Farmville, VA, Moton Museum, 900 Griffin Boulevard
Wednesday, February 22	Lovingston, VA, Nelson County High School, 6919 Thomas Nelson Highway
Thursday, February 23	Staunton, VA, Holiday Inn, 152 Fairway Lane
Tuesday, February 28	Monterey, VA, Highland Center, 61 Highland Center Drive
Wednesday, March 1	Elkins, WV, Gandy Dance Theatre, 359 Beverly Pike
Thursday, March 2	Marlinton, WV, Marlinton Community Wellness Center, 320 9 th St.

The deadline for filing written comments on the DEIS with FERC is April 6, 2017.

In the News:

Local/Atlantic Coast Pipeline

Endangered bee may sting pipeline plan

- The Recorder – 1/26/17

http://www.abralliance.org/wp-content/uploads/2017/01/Endangered_bee_may_sting_pipeline_plan-Recorder_20170126.pdf

Dominion may be facing another hurdle to its proposed Atlantic Coast Pipeline

Pipeline project awaits critical state decision

- The Recorder – 1/26/17

http://www.abralliance.org/wp-content/uploads/2017/01/Pipeline_project_awaits_critical_state_decision-Recorder_editorial_20170126.pdf

With the pipeline bisecting their historic farm, under a VOF conservation easement, and their driveway taken for an access road feet from their 1797 home, Bob and Robbie Koontz are arguable in the toughest fight of their lives

Duke-Dominion Withheld Gas Pipeline Data, Groups Charge – News Release from NC WARN

- NCWARN – 1/24/17

<http://www.ncwarn.org/2017/01/duke-dominion-withheld-gas-pipeline-data-groups-charge-news-release-from-nc-warn/>

Major filing post-DEIS release legally requires FERC to hold/rescind the DEIS while information is evaluated and a Supplemental DEIS issued...**will it happen?**

Environmentalists Decry Preliminary Approval of Pipeline

- WMRA – 1/24/17

<http://wmra.org/post/environmentalists-decry-preliminary-approval-pipeline>

FERC's analysis doesn't cut it for environmental groups

Folks in the Valley react to President Trump's approval of pipelines

- WHSV3 – 1/25/17

<http://www.wHSV.com/content/news/Folks-in-Valley-react-to-President-Trump's-approval-of-pipelines-411717275.html>

Shenandoah Valley residents say it's a step back for the country

Atlantic Coast Pipeline collaborators 'encouraged' by Trump's energy infrastructure push

- Charlotte Business Journal – 1/26/17

<http://www.bizjournals.com/charlotte/news/2017/01/26/atlantic-coast-pipeline-collaborators-encouraged.html>

Notes permitting status error in Priority Infrastructure List...Dominion won't comment on whether it consulted with administration before the list was made

Local landowners join forces to stop pipeline

- Roanoke-Chowan News-Herald – 1/26/17

<http://www.roanoke-chowannews-herald.com/2017/01/26/local-landowners-join-forces-to-stop-pipeline/>

Concerned Stewards of Halifax County (CSHC) and Blue Ridge Environmental Defense League (BREDL) invite Halifax and Northampton residents to learn more information at their next meeting, slated for 6:30 p.m. on Tuesday, Jan. 31 at the Halifax County Cooperative Extension Building.

FERC action disappointing

- News Leader – 1/22/17

<http://www.newsleader.com/story/opinion/readers/2017/01/22/ferc-action-disappointing/96256718/>

Dominion and FERC both blatantly disregarding NEPA process

Regional/Mountain Valley Pipeline, other

New presidential orders could hinder fights against Mountain Valley Pipeline and others

- WDBJ7 News – 1/24/17

<http://www.wdbj7.com/content/news/New-Presidential-orders-could-hinder-fights-against-Mountain-Valley-Pipeline-and-others-411713095.html>

President's executive order undermines the democratic process in misguided pursuit of temporary jobs and unnecessary infrastructure

New power utility bill sparks concern in Nelson County

- CBS19 – 1/24/17

<http://www.newsplex.com/content/news/New-power-utility-bill-sparks-concern-in-Nelson-County-411701795.html>

Local influence over utility actions degraded even further by VA house of Delegates (HB 1766)

Mountain Valley Pipeline Draws Widespread Public Support

- Business Wire – 1/25/17

<http://www.businesswire.com/news/home/20170125005592/en/Mountain-Valley-Pipeline-Draws-Widespread-Public-Support>

Mason-Dixon was recently graded B+ by FiveThirtyEight with a 1-2% Republican bias, which actually isn't that bad, comparatively... <https://projects.fivethirtyeight.com/pollster-ratings/>

Link to Poll question: <http://mason-dixon.com/wp-content/uploads/2017/01/VA1-17-MtValley-Gas-Pipeline-Results3.pdf>

Sen. Chap Petersen spars with Dominion over campaign donations

- Richmond Times-Dispatch – 1-25-17

http://www.richmond.com/news/virginia/government-politics/article_558333f5-2437-562e-9caa-287035a9acef.html

Bill to ban political contributions from regulated monopolies a good shot across the bow, but not likely to have much effect

Big Picture:

Official: Trump wants to slash EPA workforce, budget

- StarTribune = 1/26/17

<http://www.startribune.com/official-trump-wants-to-slash-epa-workforce-budget/411898896/>

Trump Signs Executive Orders To Get The Keystone And Dakota Pipelines Going

- Forbes – 1/24/17

<http://www.forbes.com/sites/kensilverstein/2017/01/24/trump-signs-executive-orders-to-get-the-keystone-and-dakota-pipelines-going/#7d3ad1d3219d>

A Massive Renewable Energy Push Is Needed to Avoid Catastrophic Climate Change

- Seeker – 1/26/17

<http://www.seeker.com/a-massive-renewable-energy-push-is-needed-to-avoid-catastrophic-climate-2216224370.html>

Keeping the planet from warming beyond 2 degrees Celsius will require a global effort to rely on renewable energy

FERC pushes back timeline for PennEast pipeline again

- State Impact PA – 1/23/17

<https://stateimpact.npr.org/pennsylvania/2017/01/23/ferc-pushes-back-timeline-for-penneast-pipeline-again/>

Second delay attributed to additional information provided by state agencies and PennEast, however the DEIS also received major pushback from pipeline opponents as well as state and federal agencies

Atlantic Sunrise Intervenor Condemns FERC Subversion of Environmental Protection Process for The Nesbitt Parcel in Gas Pipeline Case

- Yahoo Finance – 1/23/17

<http://finance.yahoo.com/news/atlantic-sunrise-intervenor-condemns-ferc-222100162.html>

A spokesperson for an intervenor in the Atlantic Sunrise Expansion Project said FERC staff circumvented the requirements of the National Environmental Protection Act

What Standing Rock meant for those who took part

- High Country News – 1/23/17

<http://www.hcn.org/issues/49.1/whats-next-after-standing-rock>

Protesters from afar didn't just take a stand in North Dakota — they brought the movement back home

One industry is holding North America together, no matter what happens with Trump

- CNBC market insider – 1/24/17

<http://www.cnbc.com/2017/01/24/energy-holds-north-america-together-no-matter-what-happens-with-trump.html>

Like it or not, North American energy markets and infrastructure are highly integrated...and only getting more so.

Q&A: In the Southeast, conservative clean energy group is expanding

- Southeast Energy News – 1/23/17

<http://southeastenergynews.com/2017/01/23/qa-in-the-southeast-conservative-clean-energy-group-is-expanding/>

Discusses the importance of renewable energy in North Carolina and Virginia, and what the future might look like for the clean energy industry under the Trump administration...Fleming also explains why there is no “free market” for the energy sector

Exxon's Nod to Climate Change: A Board Member Who's an Expert on It

- Inside Climate News – 1/26/17

<https://insideclimatenews.org/news/26012017/exxons-nod-climate-change-board-member-who-studied-it>

A welcome development but Exxon's harshest critics dismissed the move as an empty PR gesture