



ABRA Update #163 – January 11, 2018

Law Suit Filed to Stop Mountain Valley Pipeline

A coalition of environmental groups took legal action on July 8 in the U.S. Court of Appeals for the D.C. Circuit to halt the start of construction of the fracked-gas Mountain Valley Pipeline (MVP), challenging the “certificate of public convenience and necessity” issued by the Federal Energy Regulatory Commission. Attorneys for Appalachian Mountain Advocates filed the litigation on behalf of the Sierra Club, Appalachian Voices, the Chesapeake Climate Action Network, West Virginia Rivers Coalition, and Wild Virginia. The groups also filed a motion to stay the start of construction given the tremendous harmful impacts posed by the 300-mile, 42-inch diameter pipeline.

Among the main arguments in the [group’s lawsuit](#) are:

- The Federal Energy Regulatory Commission (FERC) lacked sufficient evidence of market demand to support a finding of public convenience and necessity.
- FERC violated the National Environmental Protection Act by failing to evaluate reasonable alternatives to the MVP and by failing to adequately analyze the MVP’s climate impacts.

Sen. Kaine Requests FERC to Rehear ACP and MVP Decisions

Virginia Sen. Tim Kaine has written Kevin McIntyre, Chairman of the Federal Energy Regulatory Commission, asking that the agency grant rehearings on the Mountain Valley Pipeline and the Atlantic Coast Pipeline. Kaine’s January 5 letter notes that the 2-1 votes on granting permits for the two projects “were most unusual – 98% of FERC orders in 2016 were unanimous. Given that the Commission has a full complement of five members, there is a real concern about whether the divided rulings by a partial Commission fairly reflect the FERC position.”

The Senator’s letter also raised questions about FERC’s use of so-called “tolling orders,” a regulatory device that delays legal challenges from being considered:

In many cases in which a request for rehearing is filed, FERC issues a tolling order to take more than the allotted 30 days to decide on the request, during which time legal options are frozen but construction may proceed. This suggests that even if an original FERC decision changes upon either rehearing

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or judicial order, it could be moot if the project is already built and any impacts already felt.”

Currently rehearing petitions are pending before FERC on both the ACP and MVP decisions (see [here](#) for more).

Forest Service Seeks to Increase Efficiency in its Environmental Analysis

The Forest Service is proposing to revise its National Environmental Policy Act (NEPA) procedures with the goal of increasing efficiency of environmental analysis, according to a [January 3 Federal Register notice](#). The Notice states that among the reasons for seeking greater efficiency is the backlog of more than 6,000 special use permit requests. Public comments are invited to be filed by February 2, 2018. Details on filing comments are include in the Notice.

Citizens groups applaud VA legislation regarding natural gas pipelines

Three legislators from southwest Virginia have introduced several bills in the 2018 Virginia General Assembly aimed at protecting water quality and landowner rights from the construction of fracked-gas pipelines, such as the proposed Mountain Valley and Atlantic Coast pipelines. The bills would require the Department of Environmental Quality to perform robust water permitting and impact review, and restrict the ability of pipeline companies to access private property. The new General Assembly convened January 10 for its 2018 session.

Delegate Chris Hurst has introduced [HB 1187](#) and [HB 1188](#). Delegate Sam Rasoul has introduced [HB 1141](#) and [HB 1294](#). Senator John Edwards has introduced [SB 324](#), a companion bill to HR 1187.

Among statements issued regarding the legislation are the following:

Peter Anderson, Appalachian Voices: “We applaud Delegates Rasoul and Hurst and Senator Edwards for standing up for their communities, and for Virginians all across the state. These bills demonstrate their understanding of the enormous, unnecessary and harmful impacts the Mountain Valley and Atlantic Coast pipelines would have on people and on the environment. These legislators are showing leadership and using their office to make positive change in the commonwealth, as they were elected to do. Bravo.”

Roberta Bondurant, Preserve Bent Mountain, a member of Protect our Water, Heritage, Rights Coalition (POWHR): “It is time for our elected officials to acknowledge and reckon with the abuses imposed on landowners in pipeline surveying. Landowners along the proposed Mountain Valley Pipeline route have endured chaos, from failure to require identification of surveyors, to police officials hamstrung by technicalities of enforcement and failure of the courts to hold the pipeline company’s representatives accountable. Southwest Virginia has been like the ‘Wild Wild West’ since this massive pipeline was proposed. Without reform, our communities are guaranteed more of the same abuse. We appreciate Sen. Edwards, Del. Rasoul, and Del. Hurst and their commitment to working for the rights of their constituents.”

Nancy Sorrells, Augusta County Alliance, a member of the Allegheny-Blue Ridge Alliance (ABRA): “The impacts of the interstate pipeline projects proposed in Virginia will be immense, and without safeguards like those proposed today, Virginians will be in harm’s way. We don’t get a second chance to get this right. Now’s the time for the legislature to put citizens’ health and safety above corporate interests.”

In the News:

Local/Atlantic Coast Pipeline

Dominion merger could mean pipeline extension

- The Daily Herald – 1/7/18

http://www.rrdailyherald.com/news/dominion-merger-could-mean-pipeline-extension/article_455180a2-f337-11e7-b6b3-57969b23dc93.html

Dominion CEO Tom Farrell called SCANA Corp. is a "natural fit" for Dominion, saying "This combination can open new expansion opportunities, including the Atlantic Coast Pipeline that is now under development, bringing lower-cost natural gas to the region,"

Related:

- https://www.postandcourier.com/business/dominion-running-all-out-media-lobbying-push-to-win-over/article_82812e6c-f555-11e7-96c7-032c3459259f.html

Farmer Ryan Blosser takes stand against Dominion pipeline yard

- News Leader – 1/5/17

<http://www.newsleader.com/story/news/local/2018/01/05/farmer-ryan-blosser-takes-stand-against-dominion-pipeline-yard/1007906001/>

More than 30 acres of land next to Blosser's farm could potentially be rezoned, which would allow Dominion to utilize the property as a storage yard for pipeline construction materials, equipment, fuel and worker trailers.

Related:

- <http://www.newsleader.com/story/opinion/readers/2018/01/10/dominion-tramples-roughshod-over-landowners/1018497001/>

Dominion applies for permits to create pipeline yards in Highland County

- The Recorder – 1/10/18

https://www.abralliance.org/wp-content/uploads/2018/01/Dominion_applies_for_pipeline_yards_in_Highland_County-Recorder_20170110.pdf

Kaine discusses pipeline, Trump before packed room in Staunton

- The News Virginian – 1/7/18

http://www.dailyprogress.com/newsvirginian/news/politics/kaine-discusses-pipeline-trump-before-packed-room-in-staunton/article_c3249c68-f40d-11e7-9555-43c36aeedd6e.html

During the 90-minute visit, Kaine offered rationale for why he should be elected to another six-year term and touched on many issues confronting the U.S. Senate.

Norfolk delays decision again on gas pipeline that would run under drinking-water reservoirs

- The Virginian-Pilot – 1/9/18

https://pilotonline.com/news/government/local/article_f4c8e93b-84f7-5d0f-9202-63ce3bd2617d.html

Wilson: Pipeline endangers outdoors-based economy

- The Roanoke Times – 1/10/18

http://www.roanoke.com/opinion/commentary/wilson-pipeline-endangers-outdoors-based-economy/article_15377721-0f56-5a07-8c28-866d28862bb8.html

Regional/Mountain Valley Pipeline, other

Southwest Virginia Democratic legislators push back against pipelines

- Virginia Business – 1/11/18

<http://www.virginiabusiness.com/news/article/southwest-virginia-democratic-legislators-push-back-against-pipelines>

Southwest Virginia's three Democratic legislators made clear Thursday that their region will continue to resist new natural gas pipelines with a package of bills that calls for tougher state regulations to protect individual property rights and water quality.

Sen. Kaine calls for rehearing of 2-1 decision approving Mountain Valley Pipeline

- The Roanoke Times – 1/5/17
http://www.roanoke.com/business/sen-kaine-calls-for-rehearing-of---decision-approving/article_2f4b6b15-a04b-5e32-9bc1-8b6e558d40aa.html
Kaine has been critical of the FERC decisions.

Newly sworn Delegate Chris Hurst talks day one and early work in General Assembly

- WDBJ7 News – 1/10/18
<http://www.wdbj7.com/content/news/Newly-sworn-Delegate-Chris-Hurst-talks-day-one-and-early-work-in-General-Assembly-468685973.html>

Environmental groups try to halt Mountain Valley Pipeline in federal appeals court

- WV Metro News – 1/9/18
<http://wvmetronews.com/2018/01/09/environmental-groups-try-to-halt-mountain-valley-pipeline-in-federal-appeals-court/>

FERC's faulty data there for all to see

- The News Virginian – 1/5/18
http://www.dailyprogress.com/newsvirginian/opinion/letters/letters-to-the-editor-for-saturday-jan/article_dcaffa5c-f281-11e7-bc75-2b3a60bde9a9.html
Highland County reassessment office records show a very large drop in land values within a half mile of the proposed Atlantic Coast Pipeline.

Big Picture:

FERC Foils Perry's Plan to Coddle Coal

- The American Interest – 1/10/18
<https://www.the-american-interest.com/2018/01/10/ferc-foils-perrys-plan-coddle-coal/>
FERC's regulators were unanimous in their rejection of the plan, opting instead to ask the operators of the nation's regional grids to review their own resilience and send information back to FERC within 60 days.

The Agency That Approves Pipelines Is About To Get A Trump-Era Overhaul

- Huffington Post – 1/9/18
https://www.huffingtonpost.com/entry/ferc-pipelines-trump_us_5a553515e4bob117f8803d07
Activists have been fighting with this government entity for years. Now, that it's getting revamped, they may not like the result.

Why So Cold? Climate Change May Be Part of the Answer

- The New York Times – 1/3/18
<https://www.nytimes.com/2018/01/03/climate/cold-climate-change.html>
Studies suggest that Arctic warming is weakening the jet stream, which ordinarily acts like a giant lasso, corralling cold air around the pole.

Investor concern over methane risks on the rise. It should worry industry.

- Environmental Defense Fund – 1/11/18
<https://www.edf.org/blog/2018/01/11/investor-concern-over-methane-risks-rise-it-should-worry-industry>

ARGUMENT: The Only Force That Can Beat Climate Change Is the U.S. Army

- Foreign Policy – 1/9/18
<http://foreignpolicy.com/2018/01/09/the-only-force-that-can-beat-climate-change-is-the-u-s-army/>
Interesting argument and worth the read...
Related:
<https://www.bloomberg.com/view/articles/2018-01-11/america-s-no-1-enemy-climate-change>

Oil Giants See a Future in Offshore Wind Power. Their Suppliers Are Investing, Too.

- Inside Climate News – 1/11/18

<https://insideclimatenews.org/news/11012018/offshore-wind-turbines-oil-gas-industry-renewable-energy-investment-shell-statoil-block-island>

Analysts forecast a sixfold increase in offshore wind power capacity by 2030, but while Europe's market booms, U.S. growth has been slow. That may be changing.