



## *ABRA Update #180 – May 10, 2018*

### **Stay Requested for Virginia 401 Certification**

A coalition of 14 conservation organizations, 12 of them members of ABRA, have requested that the Virginia State Water Control Board stay the effective date of the Section 401 Water Quality Certification for the Atlantic Coast Pipeline (ACP), approved on December 12 by the Board. The Certification will not be effective until the Department of Environmental Quality (DEQ) has approved erosion and sediment control plans, as well as other required plans. The DEQ’s review is still ongoing. Furthermore, according to the Certification document that was published on December 20, the Board may consider further action once DEQ’s plan review is completed.

The [May 8 letter from the conservation groups](#) sets forth three principal justifications for its request for a stay:

- The State Water Control Board’s recent opening of a new 30-day comment period on the adequacy of the U.S. Army Corps of Engineers’ Nationwide Permit 12 (NWP 12) “raises significant uncertainty for the prior certification determination that there was ‘reasonable assurance’ that the pipeline will comply with Virginia water quality standards.”
- The Board’s over whether the NWP 12 will protect water quality is well-founded for the ACP given the many smaller-scale watersheds that would be crossed by the pipeline and the failure of the NWP 12 to provide an assessment of the combined effect of those crossings.
- New information also justifies a stay of the Certification, such as the recent listing by the U.S. Fish and Wildlife Service of the yellow lance mussel as a threatened species. The yellow lance is found in several rivers that would be crossed by the ACP.

The letter concludes by asking that the Board delay the effective date of the Certification until it completes its evaluation of the adequacy of the NWP 12 for the ACP and litigation challenging the Certification is resolved.

<p><i>Volunteer for ABRA’s Pipeline CSI Program</i></p> <p><b><u>Volunteer</u></b></p>	<p><i>Submit a report to the Pipeline CSI</i></p> <p><b><u>Report</u></b></p>	<p><i>Stay informed, like us on Facebook.</i></p> 	<p><i>Support ABRA financially</i></p> <p><b><u>GiveNow</u></b></p>
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## Virginia Ornithology Group Urges FERC to Hold Firm on Tree Felling Deadline

Strong support for the recent denial by the Federal Energy Regulatory Commission (FERC) to extend tree felling for the Atlantic Coast Pipeline was voiced this week by the Virginia Society of Ornithology (VSO). In a [May 8 letter to FERC](#), VSO said:

Providing a buffer of trees around any nest site that was identified has been proposed as a mitigation approach. We believe this proposal is impractical, even if the nests were identified. By eliminating neighboring trees and, by coincidence, disturbing adjacent vegetation, and the food resources they harbor, would necessitate nesting birds to forage greater distances to feed their young or simply not have enough food to sustain them. That could make nest failure just as possible as if the nest itself had been destroyed. It is highly unlikely that the ACP project could provide a reasonable buffer for each nest, even assuming it could identify the species involved.

In conclusion, the letter stated:

We cannot justify any scenario of extended tree felling that would provide equal or greater security for migratory birds or other protected species which are dependent on these forested habitats, in comparison with the original March 15 deadline. Extending tree felling into the heart of the breeding season for many of our most imperiled breeding species runs counter to Dominion Energy's stated commitment to minimizing environmental impacts. Please continue to support the original intent of the mitigation plan.

### Reminder: Water Monitor Training Session Buckingham on May 12

A water monitoring training session – organized by Appalachian Voices in partnership with Trout Unlimited and the West Virginia Rivers Coalition – will be held this coming Saturday, May 12, from 10 am to 4 pm at the Union Grove Baptist Church, Buckingham, VA. Learn how to collect crucial data to protect the streams in your area. For registration and details, click [here](#).

## *In the News:*

### Local/Atlantic Coast Pipeline

#### **At Dominion shareholder meeting, pipeline opponents address CEO directly in what's become an annual airing of grievances**

- Richmond Times-Dispatch – 5/9/18

[http://www.richmond.com/news/virginia/government-politics/at-dominion-shareholder-meeting-pipeline-opponents-address-ceo-directly-in/article\\_05581f3d-d63d-59be-b950-2992dcc948bf.htm](http://www.richmond.com/news/virginia/government-politics/at-dominion-shareholder-meeting-pipeline-opponents-address-ceo-directly-in/article_05581f3d-d63d-59be-b950-2992dcc948bf.htm)

#### **Nelson County considers contract to supply water during Atlantic Coast Pipeline construction**

- The News & Advance – 5/6/18

[http://www.newsadvance.com/news/local/nelson-county-considers-contract-to-supply-water-during-atlantic-coast/article\\_749d0612-519a-11e8-a0f6-3fc1ce780f81.html](http://www.newsadvance.com/news/local/nelson-county-considers-contract-to-supply-water-during-atlantic-coast/article_749d0612-519a-11e8-a0f6-3fc1ce780f81.html)

The Nelson County Service Authority is hammering out details on a contract that would provide water for ACP to use during construction.

#### **Joe and Betsy Hester: No need for Atlantic Coast Pipeline**

- Rocky Mount Telegram – 5/6/18

<http://www.rockymounttelegram.com/Columnists/2018/05/06/No-need-for-Atlantic-Coast-Pipeline.html>

The constitutional purpose of eminent domain is so government can take land from private individuals for the public good, not for corporate profit.

### **Democratic chairs issue statement urging Northam to block pipelines**

- Augusta Free Press – 5/3/18

<https://augustafreepress.com/democratic-chairs-issue-statement-urging-northam-to-block-pipelines/>

### **Dominion put two surprises in its annual resource plan report**

- The Washington Post – 5/7/18

[https://www.washingtonpost.com/blogs/all-opinions-are-local/wp/2018/05/07/dominion-put-two-surprises-in-its-annual-resource-plan-report/?noredirect=on&utm\\_term=.5653fb3a2471](https://www.washingtonpost.com/blogs/all-opinions-are-local/wp/2018/05/07/dominion-put-two-surprises-in-its-annual-resource-plan-report/?noredirect=on&utm_term=.5653fb3a2471)

Related:

- <https://baconsrebellion.com/42941-2/>

## **Regional/Mountain Valley Pipeline, other**

### **Landowners fight pipeline in case headed to US appeals court**

- NewsOK – 5/9/18

<https://newsok.com/fighting-for-their-land-pipeline-lawsuit-heads-to-court/article/feed/2178045>

A hearing Thursday before the 4th U.S. Circuit Court of Appeals in Richmond comes as other legal challenges against the project proliferate and protests escalate.

Related:

- [http://www.roanoke.com/news/virginia/a-summary-of-legal-actions-involving-the-mountain-valley-pipeline/article\\_87006ef7-8c9b-5e4e-8c03-5c847f9fa313.html](http://www.roanoke.com/news/virginia/a-summary-of-legal-actions-involving-the-mountain-valley-pipeline/article_87006ef7-8c9b-5e4e-8c03-5c847f9fa313.html)

### **Treetop protesters take anti-pipeline demonstration on the road**

- Roanoke Times – 5/7/18

[http://www.roanoke.com/news/politics/treetop-protesters-take-anti-pipeline-demonstration-on-the-road/article\\_b135816a-3319-51e8-8a9f-5ef572f9523d.html](http://www.roanoke.com/news/politics/treetop-protesters-take-anti-pipeline-demonstration-on-the-road/article_b135816a-3319-51e8-8a9f-5ef572f9523d.html)

Related;

- <https://thinkprogress.org/virginia-pipeline-protest-fines-doctors-91819308e26e/>

- <https://www.blueridgeoutdoors.com/go-outside/six-weeks-in-the-air-tree-sitter-addresses-food-and-health-concerns/>

### **Franklin County couple in court for letting tree-sitters on their property**

- WSL10 News – 5/4/18

<https://www.wsls.com/news/virginia/franklin/franklin-county-couple-in-court-for-letting-tree-sitters-on-their-property>

The tree-sitters are in the pipeline's projected path and are preventing tree-cutting. MVP has previously demanded that the tree-sitters leave.

### **Virginia Lawmaker Sues Forest Service for Pipeline Protesters**

- Courthouse News Service – 5/4/18

<https://www.courthousenews.com/virginia-lawmakers-sues-forest-service-for-pipeline-protesters/>

## **Big Picture:**

### **Pentagon removes numerous climate change references from Obama-era report**

- The Hill – 5/10/18

<http://thehill.com/policy/defense/387078-pentagon-removes-numerous-climate-change-references-from-obama-era-report>

The Pentagon reportedly removed numerous references to climate change from a report about U.S. military installations, de-emphasizing the Department of Defense's (DOD) focus on preparing for the effects of rising temperatures and sea levels.

### **Do Pipelines Really Create Jobs?**

- The New York Times – 5/10/18

<https://www.nytimes.com/2018/05/10/opinion/environment-pipelines-jobs-carbon.html>

The right way to assess the worthiness of energy projects involves doing cost-benefit analyses that include both the projects' direct costs — the sort of thing that investors base decisions on — and their “externalities,” the costs and benefits to society such as air or water pollution or useful knowledge uncovered by research and development.

### **As Rest of World Moves Towards Renewables, US Keeps Offering Exclusive Tax Breaks for Fossil Fuels**

- Truthout – 5/6/17

<http://www.truth-out.org/news/item/44391-as-rest-of-world-moves-towards-renewables-us-keeps-offering-exclusive-tax-breaks-for-fossil-fuels>

"...the shale industry has continued to drive oil and gas production growth, but it's done so while losing money hand over fist, with The Wall Street Journal reporting in December 2017 that the industry has spent a stunning \$280 billion more than it has earned."

### **Cracking a climate conundrum**

- Yale Climate Connections – 5/10/18

<https://www.yaleclimateconnections.org/2018/05/cracking-a-climate-conundrum/>

CO2 emissions leveled off between 2014 and 2016. But annual growth of CO2 in the atmosphere rose to more than 50 percent above that of past decades.

### **What's up with the Globe and natural gas?**

- CommonWealth – 5/4/18

<https://commonwealthmagazine.org/opinion/whats-up-with-the-globe-and-natural-gas/>

To date, the Globe has offered no rigorous studies to counter either the illegality of prior proposed schemes or the actual lack of urgency to construct them.

### **Renewable Sources Account For Most New U.S. Power Capacity**

- Forbes – 5/6/18

<https://www.forbes.com/sites/rpapier/2018/05/06/renewable-sources-account-for-most-new-u-s-power-capacity/#1af0ccef5971>

The first quarter of this year resulted in almost exclusively new renewable capacity.