



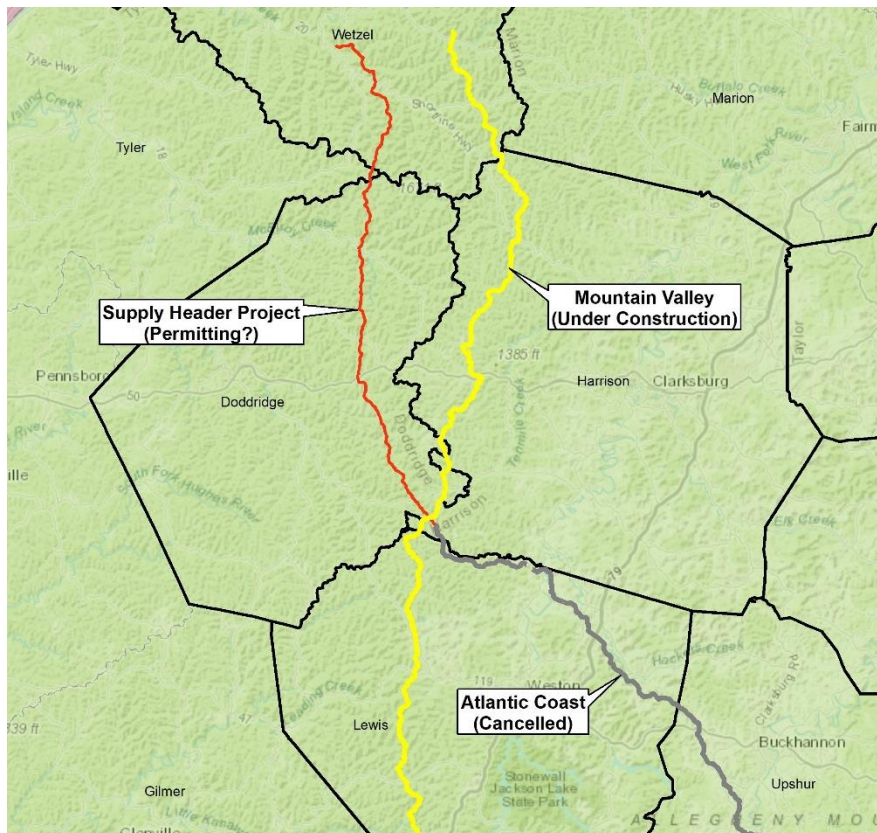
## ABRA Update #285 – July 24, 2020

### Issue Highlights . . .

- A Pipeline to Nowhere? Why?
- Public Comments Urged for ACP Abandonment and Restoration Request
- ACTION ALERT: Comments Needed on Dominion Extension of Time Requests
- *In the News* – page 4

### A Pipeline to Nowhere? Why?

Dominion Energy Transmission, Inc. (DETI) filed on July 10 with the Federal Energy Regulatory Commission (FERC) a request that it be granted two additional years to finish the Supply Header Project (SHP), a proposed natural gas pipeline in West Virginia (33.6 miles) and Pennsylvania (3.9 miles) that would have connected existing natural gas pipelines in Ohio and Pennsylvania with the Atlantic Coast Pipeline. (see [July 17 ABRA Update](#)). The SHP is a project of DETI, not Atlantic Coast Pipeline, LLC. DETI has been sold to Berkshire Hathaway and that sale will presumably be finalized in coming months.



West Virginia portion of the SHP project

<p>Volunteer for ABRA's Pipeline CSI Program</p> <p><b><u>Volunteer</u></b></p>	<p>Submit a report to the Pipeline CSI</p> <p><b><u>Report</u></b></p>	<p>Stay informed, like us on Facebook.</p> 	<p>Support ABRA financially</p> <p><b><u>GiveNow</u></b></p>
---	--	---	--

DETI's request notes that 31% of the project has been completed, but it fails to cite a rationale for why the project needs to be completed. The stated purpose of the SHP on its [website](#) is to facilitate "the transport of natural gas from supply areas in Ohio, Pennsylvania and West Virginia to market areas in Virginia and North Carolina," via the ACP. But the ACP now will not be built. Why, a reasonable person might ask, is it necessary to complete building the SHP?

In [a letter filed with FERC on July 17](#) by Southern Environmental Law Center, Appalachian Mountain Advocates and the Chesapeake Bay Foundation, the Commission was urged to "deny DETI's modified extension request for the SHP because it fails to meet the Commission's standard for granting an extension." Continuing, the letter, written on behalf of a client group that includes 11 ABRA members and others, argues that "the Commission cannot reasonably conclude, based on a single paragraph in DETI's letter stating the construction status and location of the SHP, that its public convenience and necessity determination remains valid."

The filing contends that "a request to proceed with only the SHP would require additional proceedings and a new authorization from the Commission." To bolster that point, the letter includes as an attachment minutes of an April 2015 meeting that representatives from FERC and the Army Corps of Engineers had with Dominion in which the company explicitly stated that "the SHP does not have independent utility and would not be built without construction of the ACP."

FERC has invited comments from the public on the DETI request by Monday, August 3. [See the Action Alert below](#) for more on this and the importance of ABRA organizations and activists filing comments.

## **Public Comments Urged for ACP Abandonment and Restoration Request**

The Federal Energy Regulatory Commission should not act on the extension request for the Atlantic Coast Pipeline to be granted one year to address abandonment and restoration activities along the project's right-of-way without providing an opportunity for a public comment period of at least 30-days, according to a [July 17 letter](#) from Appalachian Mountain Advocates, Southern Environmental Law Center and Chesapeake Bay Foundation on behalf of a client group of 11 ABRA member organizations and others.

The letter states that "if the Commission grants the extension of time for construction activities, it must, at a minimum, address the following issues:

- "Limiting Atlantic's activities to only those necessary for restoration of the right-of-way and abandonment of the pipeline and vacating the remainder of the Certificate Order, in turn removing Atlantic's eminent domain authority over the pipeline right-of-way. Identifying the mechanisms by which affected landowners will communicate specific restoration requirements to Atlantic.
- "Requiring Atlantic to immediately commence consultation with all relevant state and federal agencies to promptly establish appropriate standards for completing restoration of the right-of-way.
- "Identifying how the Commission and other state and federal agencies will monitor restoration activities and associated environmental impacts. Monitoring could include a requirement that Atlantic continue to submit regular status reports and environmental compliance monitoring reports during the restoration period.
- "Requiring Atlantic to promptly contact all landowners where a right-of-way easement exists and inform them that (i) Atlantic will release the right-of-way easement within 90 days of a written request from an affected landowner, (ii) Atlantic will provide the affected landowner with the proposed written release of the right-of-way easement, (iii) Atlantic will pay the reasonable attorneys' fees of the affected landowner in reviewing

and negotiating changes to the proposed written release of the right-of-way easement, and (iv) Atlantic will file the final, executed written release of the right-of-way easement in the land records of the appropriate jurisdiction. Atlantic has already committed that landowners will keep the easement compensation they have received.”

### **ACTION ALERT: Comments Needed on Dominion Extension of Time Requests**

ABRA members and activists are urged to file comments request that Dominion Energy Transmission, Inc. (DETI) submitted to the Federal Energy Regulatory Commission (FERC) on July 10 for an extension of time of 1) one-year to address abandonment and restoration issues for the Atlantic Coast Pipeline, and 2) two-years to complete construction of the Supply Header Project (SHP). FERC has set a comment deadline of Monday, August 3. For details on how to comment, click [here](#).

The major points that should be made in comments are:

- The SHP time extension should be denied because it has not and cannot be justified in accordance with FERC standards. The project was proposed as being dependent upon the Atlantic Coast Pipeline (ACP). Dominion Energy clearly stated on the record that “the SHP does not have independent utility and would not be built without construction of the ACP.” If built, the SHP would be a pipeline to nowhere!
- The extension request for the ACP to address abandonment and restoration activities along the project’s right-of-way should not be granted without a public comment period of at least 30-days. It is in the Commission’s interest to know the concerns that the public and affected landowners have about restoration activities and impacts on landowners’ rights in the future.
- Landowners who entered into an easement agreement with Atlantic Coast Pipeline, LLC (Atlantic) should be provided an opportunity to be released from those agreements as a condition of FERC’s granting Atlantic its requested extension so that the landowners can once again utilize their land without the restrictions such agreements placed upon future use. The recommendation for such a remedy made in the July 17 filing by a group of conservation organizations (cited below) should be adopted by FERC.

“Requiring Atlantic to promptly contact all landowners where a right-of-way easement exists and inform them that (i) Atlantic will release the right-of-way easement within 90 days of a written request from an affected landowner, (ii) Atlantic will provide the affected landowner with the proposed written release of the right-of-way easement, (iii) Atlantic will pay the reasonable attorneys’ fees of the affected landowner in reviewing and negotiating changes to the proposed written release of the right-of-way easement, and (iv) Atlantic will file the final, executed written release of the right-of-way easement in the land records of the appropriate jurisdiction. Atlantic has already committed that landowners will keep the easement compensation they have received.”

FERC’s agreement with this recommendation would be in keeping with the recently expressed interest by Chairman Chatterjee of the Commission being more responsive and sensitive to the interests and concerns of landowners who are affected by projects being considered by the Commission.

## ***In the News:***

### **Local/Atlantic Coast Pipeline**

#### **Dominion's requests need public input, SELC argues**

- The Recorder – 7/23/20

[https://www.abralliance.org/wp-content/uploads/2020/07/Dominions-requests-need-public-input-SELC-argues-Recorder\\_20200723.pdf](https://www.abralliance.org/wp-content/uploads/2020/07/Dominions-requests-need-public-input-SELC-argues-Recorder_20200723.pdf)

To the extent Dominion decides to move forward with the SHP minus the pipeline (ACP), Dominion must seek additional authorization from FERC in a new proceeding. FERC cannot act on the modified extension request for the ACP without providing an opportunity for additional intervention and public comment to address important questions.

#### **Friction arises at FERC over remains of ACP, SHP gas pipeline plans**

- S&P Global – 7/20/20

<https://www.spglobal.com/platts/en/market-insights/latest-news/natural-gas/072020-friction-arises-at-ferc-over-remains-of-acp-shp-gas-pipeline-plans>

New debate has kicked off at the US Federal Energy Regulatory Commission over whether Dominion Energy can extend the authorization of its Supply Header Pipeline project now that the related Atlantic Coast Pipeline project has been cancelled.

#### **Pipe storage yards said to be harmful for nearby residents**

- The Recorder – 7/23/20

[https://www.abralliance.org/wp-content/uploads/2020/07/Pipe-storage-yards-said-to-be-harmful-for-nearby-residents-Recorder\\_20200723.pdf](https://www.abralliance.org/wp-content/uploads/2020/07/Pipe-storage-yards-said-to-be-harmful-for-nearby-residents-Recorder_20200723.pdf)

Bill Limpert of Smithsburg, Md., formerly of Little Valley, told the Federal Energy Regulatory Commission last week the degraded pipe coating used to reduce corrosion “contains numerous carcinogenic, mutagenic, and toxic substances that could leach out, blow off stored pipes, or otherwise discharge into our environment.

#### **Here's what you need to know about the Atlantic Coast Pipeline cancellation**

- The Daily Tarheel – 7/16/20

<https://www.dailytarheel.com/article/2020/07/atlantic-pipeline-0715>

#### **Letters: The ACP**

- [A great pipeline victory](#) – Bill Wilson
- [Thanks to those who fought Atlantic Coast Pipeline](#) – Cathy Holt

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

#### **‘People Need to Fight It for Everything They’re Worth’ – Battles over Pipelines Are Far from Over**

- Daily Yonder – 7/22/20

<https://dailyyonder.com/people-need-to-fight-it-for-everything-theyre-worth-battles-over-pipelines-are-far-from-over/2020/07/22/>

Cancellation of the Atlantic Coast Pipeline project and a judge's order to shut down the Dakota Access Pipeline injected activists with fresh enthusiasm, but these legal victories are far from being the pipeline's swan song.

#### **Mountain Valley, DEQ negotiate over environmental fines**

- The Roanoke Times – 7/20/20

[https://roanoke.com/business/mountain-valley-deq-negotiate-over-environmental-fines/article\\_bfeeceed-3547-56ae-a97e-95cbbd78cd57.html](https://roanoke.com/business/mountain-valley-deq-negotiate-over-environmental-fines/article_bfeeceed-3547-56ae-a97e-95cbbd78cd57.html)

Mountain Valley disputed most of the latest fines but agreed to pay \$8,000 (of \$86,000) in fines for the ones it had no quarrel with.

## **Mountain Valley Pipeline is a prime example of national permitting failure**

- Virginia Mercury – 7/17/20

<https://www.virginiamercury.com/2020/07/17/20008>

That the Corps was not able to rewrite and reissue NWP 12 to MVP prior to the program's suspension is a clear indication the permit should not be available to this class of infrastructure mega-projects.

## **Work started on new Brush Mountain trail project**

- The Roanoke Times – 7/20/20

[https://roanoke.com/news/local/work-started-on-new-brush-mountain-trail-project/article\\_28b113ef-ad19-5bc8-9bba-3568d6c6eb46.html](https://roanoke.com/news/local/work-started-on-new-brush-mountain-trail-project/article_28b113ef-ad19-5bc8-9bba-3568d6c6eb46.html)

## **Environmental justice concerns stall Va. power project**

- E&E News – 7/23/20

<https://www.eenews.net/stories/1063611741>

Virginia's State Corporation Commission (SCC) recently deferred action on the proposal by Southern Co. subsidiary Virginia Natural Gas (VNG). The agency told the company to come back by the end of the year with more details on financing and environmental justice issues.

## **Attorney General Herring Files Lawsuit Challenging Trump Administration Rule Undermining States' Clean Water Act Oversight**

- Office of the Attorney General of Virginia – 7/21/20

<https://www.oag.state.va.us/media-center/news-releases/1770-july-21-2020-herring-files-lawsuit-challenging-trump-administration-rule-undermining-states-clean-water-act-oversight>

Rule would make it harder for states like Virginia to protect their waters by limiting the ability to review, impose conditions on, or deny certification for construction projects.

## **Big Picture:**

### **Will Clean Energy Projects Face Troubles That Have Bedeviled Pipelines?**

- The New York Times (Opinion) – 7/20/20

<https://www.nytimes.com/2020/07/20/opinion/pipelines-clean-energy.html>

Environmental activists will view the legal blows landed on pipelines as a victory. But if the federal environmental review and permitting processes that stymied those projects are not improved, the massive clean energy investments required to transform our energy economy may fall victim next.

### **Now that half of Oklahoma is officially Indian land, oil industry could face new costs and environmental hurdles**

- Washington Post – 7/17/20

<https://www.washingtonpost.com/business/2020/07/17/supreme-court-oklahoma-oil/>

About a quarter of Oklahoma's recent oil and gas wells and around 60 percent of its refinery capacity now lie within the territory of five tribes – the Cherokee, Chickasaw, Choctaw, Creek and Seminole.

### **'America is still segregated, and so is pollution'**

- E&E Climatewire – 7/20/20

<https://www.abralliance.org/wp-content/uploads/2020/07/America-is-still-segregated-and-so-is-pollution-EE-Climatewire-7-20-20.pdf>

"I could give you a map of the residential segregation patterns within a city, and then you overlay where the pollution concentration is, where the industries are located. And you'll see it's the same map." - Robert Bullard; Texas Southern University

### **Oil and gas in flux: After a series of stunning defeats, what's next for the industry?**

- Nation of Change – 7/22/20

<https://www.nationofchange.org/2020/07/22/oil-and-gas-in-flux-after-a-series-of-stunning-defeats-whats-next-for-the-industry/>

Environmental, economic and political forces have converged, threatening to finally upend fossil fuel dominance.

### **Thanks to National Victories, Fight Against New Jersey's Pipelines Picks Up Steam**

- Next City – 7/23/20

<https://nextcity.org/daily/entry/thanks-national-victories-fight-against-new-jerseys-pipelines-picks-steam>

### **From green dreams to the real Covid world**

- Politico – 7/21/20

<https://www.politico.com/newsletters/the-long-game/2020/07/21/from-green-dreams-to-real-covid-world-489845>

### **Renewable Energy Is Seizing Market Share During The Pandemic**

- OilPrice – 7/22/20

<https://oilprice.com/Energy/Energy-General/The-Pandemic-Has-Been-A-Major-Boon-For-Renewable-Energy.html>

Because renewable energy has zero variable costs – the sun and wind are free once solar and wind farms are constructed – coal and natural gas are often pushed out of the market first.