



## ***ABRA Update #56 – November 24, 2015***

### **Key Congressman Calls for Extension of FERC’s Review of ACP Application**

The Ranking Member of the U.S. House Committee on Natural Resources, Rep. Raul Grijalva (D-AZ, 7th District) has called on the Federal Energy Regulatory Commission (FERC) to “adjust the schedule for review of the Atlantic Coast Pipeline in order to provide sufficient time for the U.S. Forest Service and other potentially participating agencies to work with the applicant to identify and resolve potential concerns before the Environmental Impact Statement for the project is initiated.”

The Congressman’s November 23 letter to FERC Chairman Norman Bay ([http://elibrary.ferc.gov/idmws/file\\_list.asp?accession\\_num=20151124-0021](http://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20151124-0021)) notes that the Atlantic Coast Pipeline, LLC (ACPLLC) submitted a revised pipeline route on October 30 to avoid the Great Dismal Swamp Wildlife Refuge and that the Bureau of Land Management had previously requested an extension to the review schedule because ACPLLC had not submitted sufficient data during the pre-filing period. Continuing, Congressman Grijalva said:

As BLM is not involved in issuing rights-of-way for pipelines that only cross one category of non-BLM federally-managed land, this route change made the USFS the sole federal siting entity for the federal government. Discussions between my staff and the USFS have made it clear that the USFS shares BLM’s concerns, and similarly requests that the review timeline be extended.

I am concerned that the applicant is attempting to use the pre-filing process to obtain expedited review for the application without providing all the required data to the participating agencies in a timely manner.

In related correspondence, U.S. Forest Service wrote FERC on November 23 ([http://elibrary.ferc.gov/idmws/file\\_list.asp?accession\\_num=20151123-5341](http://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20151123-5341)) stating:

The Forest Service reiterates its previous comments that results of studies and responses to information requests should be utilized in the process of route selection and that project effects across route alternative should (be) the basis of route selection. To date, some studies and information requests are incomplete or inconclusive.

### **VACo Calls for Stronger E&S Regulation**

The Virginia Association of Counties at its annual meeting on November 8-10 adopted a position in its 2016 legislative program that supports an improvement of Erosion and Sediment Control monitoring and enforcement, which is a critical concern for ABRA. The position reads:

***Large utility projects (pipelines)*** (page 9)

VACo supports the provision of adequate direction and resources for the Department of Environmental Quality (DEQ) to improve monitoring and enforcement of Erosion and

Sediment Control and Stormwater requirement by entities constructing large scale utility projects. DEQ should conduct a review of the annual standards and specifications and construction general permit requirements for those projects to determine if they are providing adequate protection of water quality and natural resources.

The VACo legislative program also contains several other positions that will be of interest to ABRA members. The full document is available at:

<http://www.vaco.org/LegislativePublications/LegislativeProgram/2016LegislativeProgram.pdf>.

***Natural Gas Pipelines*** (page 5)

VACo supports federal and state efforts to ensure that counties are partners in the route selection process.

***Energy Efficiency*** (page 8)

VACo endorses initiatives among all levels of government to reduce dependence upon foreign sources of energy, to reduce emissions of greenhouse gases and to improve energy efficiency. VACo supports production of renewable energy in Virginia through the implementation of Renewable Portfolio Standards. VACo also supports responsible policies that enable coal and natural gas extraction, processing and transport while protecting agriculture and water resources.

***Hydraulic fracturing*** (page 8)

Advances in technology for the extraction of natural gas known as “hydraulic fracturing” has the potential to tap vast reserves in what are known as the Marcellus shale and Taylorsville Basin deposits. Concerns about how the process of hydraulic fracturing could impact both public and private groundwater supplies have been raised both regionally and nationally. VACo supports a state regulatory program that addresses these concerns while protecting the authority of local governments to regulate and/or ban this type of mining activity through their land use ordinances. Specifically, VACo supports a regulatory program with the following components:

- A requirement for permit applicants to provide certification to the Department of Mines, Minerals and Energy that the activity and associated activities are consistent with applicable local ordinances;
- Authority for local governments to require documentation that all state requirements are met as a condition for local approval;
- Requirements for operators of hydraulic fracturing operations to demonstrate adequate financial assurance to ensure the availability of adequate resources to correct any damages that could result from drilling operations;
- Through a portion of permit fee revenues, establish a state fund to defray local costs that would be associated with the training of first responders as preparation for emergencies stemming from fracturing activities; and
- To assure continuity in protection of health and natural resources, that provisions in the Memorandum of Agreement between DMME and DEQ of August 12, 2014 be strengthened and perpetually institutionalized by statute or regulation.

***Dillon Rule/Local Authority*** (page 15)

VACo supports relaxation of the Dillon Rule by granting and maintaining local authority and autonomy including land use matters, revenue measures, procurement and other issues of local concern. The General Assembly should extend powers currently granted to some local governments to all other local governments.

***In the News:*****Local/Atlantic Coast Pipeline****Yes, Dominion can build a pipeline in karst**

- News Leader – 11/19/15

<http://www.newsleader.com/story/opinion/readers/2015/11/19/yes-dominion-can-build-pipeline-karst/76043002/>

Dominion's patronizing response to Sinkhole question bound to raise some hackles

**Pipeline opponents argue 'cultural attachment' at risk**

- The News and Advance – 11/23/15

[http://www.newsadvance.com/news/local/pipeline-opponents-argue-cultural-attachment-at-risk/article\\_9211c8c8-9717-59a1-a31c-b02ef5e3ba31.html](http://www.newsadvance.com/news/local/pipeline-opponents-argue-cultural-attachment-at-risk/article_9211c8c8-9717-59a1-a31c-b02ef5e3ba31.html)

What is the "sense of place" worth? What is the physical embodiment of history worth?

**SCC orders Dominion to refund \$19.7M to Virginia customers**

- Richmond Times – 11/23/15

[http://www.richmond.com/business/ap/article\\_3554e2fo-5c1d-5e74-8db3-efe9237of8c8.html](http://www.richmond.com/business/ap/article_3554e2fo-5c1d-5e74-8db3-efe9237of8c8.html)

Dominion ordered to send small percentage of overcharges back to ratepayers

**Regional/Mountain Valley Pipeline, other****Groups Clash on Proposed Pipeline Near Upshur County School**

- WDTV 5 News – 11/18/215

<http://www.wdtv.com/wdtv.cfm?func=view&section=5-News&item=Groups-Clash-on-Proposed-Pipeline-Near-Upshur-County-School-26911>

**Franklin County judge dismisses trespass charges against pipeline surveyors**

- Roanoke Times – 11/18/15

[http://www.roanoke.com/news/local/franklin-county-judge-dismisses-trespass-charges-against-pipeline-surveyors/article\\_4626c35b-27bd-5e9a-93cb-e4d60895c176.html](http://www.roanoke.com/news/local/franklin-county-judge-dismisses-trespass-charges-against-pipeline-surveyors/article_4626c35b-27bd-5e9a-93cb-e4d60895c176.html)

VA property access law holds up again in court

**Big Picture:****Mass. AG sees no need for new natural gas pipelines**

- Boston Globe – 11/18/15

<https://www.bostonglobe.com/business/2015/11/18/healey-study-natural-gas-pipelines-sees-pros-and-cons/gpagdvjyh8pwgnkuddgfsn/story.html>

Study findings controversial, to say the least

**PennEast FERC Filing Responds to Environmental Objections**

- NGI Shale Dily – 11/20/15

<http://www.naturalgasintel.com/articles/104449-penneast-ferc-filing-responds-to-environmental-objections>

Basically, PennEast objected that there were objections. – if you cannot view, clear your browser cache!

**Tennessee Gas Pipeline Files Certificate Application for Its Proposed Northeast Energy Direct Project**

- Business Wire – 11/20/15

<http://www.businesswire.com/news/home/20151120005729/en/Tennessee-Gas-Pipeline-Files-Certificate-Application-Proposed>