



ABRA Update #48 – September 30, 2015

Bill to Expedite EIS Process Passes U.S. House of Representatives

The U.S. House of Representatives passed on Friday, September 25, the “Responsibly and Professionally Invigorating Development Act of 2015,” or the RAPID Act, by a 233 to 170 vote (all Republicans and 7 Democrats in favor). The bill, H.R.348, establishes procedures to streamline the regulatory review, environmental decision making, and permitting process for major federal actions that are construction activities undertaken, reviewed, or funded by federal agencies. This includes Environmental Impact Statements conducted pursuant to the National Environmental Policy Act. The legislation requires those who challenge final decisions in court to have made their arguments first during the administrative process and to file their litigation within 180 days of the challenged decision. One of the rationales for that provision, as cited in the House Judiciary Committee report, is:

“Generally, stakeholders express that EISs have become far too lengthy and technical, and that litigation--and the mere threat of litigation during the 6-year statute of limitations period--deters breaking ground on a project even after all permits have been approved.”

Among the original 4 co-sponsors of the legislation are Rep. Bob Goodlatte (R-VA), Chairman of the House Judiciary Committee, and Rep. Rep. McKinley, David B. (R-WV-1). Details about the H.R. 348, including the text and committee report, are available at <https://www.congress.gov/bill/114th-congress/house-bill/348>.

H.R. 348 was sent to the U.S. Senate on September 28 and referred to the Environment and Public Works Committee (Sen. Capito, D-WV, is a member). There not a direct counterpart in the Senate to H.R. 348, but there is a bill pending in the Senate Energy and Natural Resources Committee, S. 33, that seeks to expedite regulatory actions related to liquefied natural gas facilities. That measure was introduced on January 6, 2015 and had a hearing on January 29. There has been no further action. Senators Kaine, Warner and Capito are original co-sponsors. Further details at <https://www.congress.gov/bill/114th-congress/senate-bill/33>.

Filing for Intervenor Status in the ACP Proceeding

Last week’s Update article about the ACP filing its request for permission to build the pipeline contained a link to information about filing for intervenor status in the proceeding. More complete information on the process of acquiring intervenor status is available at <http://www.ferc.gov/resources/guides/how-to/intervene.asp>. The article also mentioned that under normal circumstances requests for intervenor status must be made within 21 days of the publication of the ACP filing in the Federal Register. As of September 30 publication has not taken place. Normally, it takes 2-3 weeks from a filing until publication in the Federal Register.

A footnote: ABRA contacted Kevin Bowman, FERC environmental manager for the project, to clarify whether requests for intervenor status that are filed before the 21 day period begins. He responded that he didn't know (!) but would have someone get back to us who could answer that question. No response yet from FERC, but we'll let you know in a separate communications.

Registration for ABRA-wide meeting on October 24

The October 24 ABRA-wide meeting will be held at the Augusta County Government Center, located 10 minutes north of Staunton, VA in Verona, VA. We will begin at 10 am and plan on finishing at 2:30 pm. Each member organization will be entitled to register up to 3 persons. Attendees will be asked to bring their own lunch, but beverages will be provided.

The overall objective of the meeting will be discuss and develop strategies to address various aspects of responding to the ACP filing and associated issues, including regulatory research and compliance, legal, legislative and communications. A complete agenda will be sent to registrants by or before October 16.

To register for the meeting, please email the name(s) of each registrant, their associated organization, and the email address and phone number for each person to Dan Shaffer at dshaffer@abralliance.org by Wednesday, October 21.

In the News:

Local/Atlantic Coast Pipeline

Nelson group urges protestors to become formal 'interveners' in fighting pipeline

- Nelson County Times – 9/27/15

http://www.newsadvance.com/nelson_county_times/nelson-group-urges-protestors-to-become-formal-interveners-in-fighting/article_6ede4a1c-658c-11e5-ad78-0717fa683ea0.html

ACP seeks federal permission to build

- Roanoke-Chowan News Herald – 9/27/15

[HTTP://WWW.ROANOKE-CHOWANNEWSHERALD.COM/2015/09/27/ACP-SEEKS-FEDERAL-PERMISSION-TO-BUILD/](http://www.roanoke-chowannewsheald.com/2015/09/27/ACP-SEEKS-FEDERAL-PERMISSION-TO-BUILD/)

Not a single mention of opposition to the project!

Pipeline firms submit plans

- The News Observer – 9/28/15

[HTTP://WWW.NEWSOBSERVER.COM/NEWS/LOCAL/COUNTIES/JOHNSTON-COUNTY/ARTICLE36804237.HTML](http://www.newsobserver.com/news/local/counties/johnston-county/article36804237.html)

Regional/Mountain Valley Pipeline, other

Groups seek answers from WV Department of Environmental Protection

- Fayette Tribune – 9/28/15

[HTTP://WWW.FAYETTTRIBUNE.COM/NEWS/GROUPS-SEEK-ANSWERS-FROM-WV-DEPARTMENT-OF-ENVIRONMENTAL-PROTECTION/ARTICLE_44047B98-657A-11E5-BD22-A33A6D38F8BF.HTML](http://www.fayetttribune.com/news/groups-seek-answers-from-wv-department-of-environmental-protection/article_44047B98-657A-11E5-BD22-A33A6D38F8BF.HTML)

Groups push for more and better opportunities for public participation

Four Pipelines Would Cross National Forests, Opponents Want Consolidation

- Public News Service – 9/28/15

<http://www.publicnewsservice.org/2015-09-28/energy-policy/four-pipelines-would-cross-national-forests-opponents-want-consolidation/a48326-1>

UPDATED: 12th District House candidate files comments opposing pipeline

- Roanoke Times – 9/29/15
http://www.roanoke.com/news/columns_and_blogs/blogs/blue_ridge_caucus/updated-th-district-house-candidate-files-comments-opposing-pipeline/article_4658614a-66d6-11e5-b981-97a9754ec70f.html

Big Picture:

Sen. Stan Rosenberg says federal energy commission has 'never seen a pipeline they didn't like'

- MassLive.com – 9/25/15
[HTTP://WWW.MASSLIVE.COM/POLITICS/INDEX.SSF/2015/09/SEN_STAN_ROSENBERG_FEDERAL_ENE.HTML](http://www.masslive.com/politics/index.ssf/2015/09/sen_stan_roseberg_federal_ene.html)
Addresses widely accepted claims about the approval process

State Sen. Rosenberg speaks of regulatory 'disconnect' on eve of meeting with federal energy commission

- MassLive.com – 9/29/15
http://www.masslive.com/politics/index.ssf/2015/09/sen_roseberg_regulatory_disco.html
Senator hopes to bring energy regulation into the 21st century

House Committee Amends Energy Bill to Include Expedited LNG Approvals

- Natural Gas Intelligence – 9/29/2015
[HTTP://WWW.NATURALGASINTEL.COM/ARTICLES/103841-HOUSE-COMMITTEE-AMENDS-ENERGY-BILL-TO-INCLUDE-EXPEDITED-LNG-APPROVALS](http://www.naturalgasintel.com/articles/103841-house-committee-amends-energy-bill-to-include-expedited-lng-approvals)
Republicans attach an amendment to speed up the permitting process for LNG facilities and pipelines

Jeb Bush Energy Plan Most Benefits His Top Donors

- International Business Times – 9/30/2015
[HTTP://WWW.IBTIMES.COM/JEB-BUSH-ENERGY-PLAN-MOST-BENEFITS-HIS-TOP-DONORS-2119743](http://www.ibtimes.com/jeb-bush-energy-plan-most-benefits-his-top-donors-2119743)
And, you guessed it...it's the Oil and Gas industry!