



ABRA Update #58 – December 9, 2015

FERC Turns Up the Heat on ACP

The Federal Energy Regulatory Commission (FERC) has written Dominion Transmission, Inc., in its role as manager of the Atlantic Coast Pipeline (ACP) project requesting significant additions in information required before further work on an Environmental Impact Statement can proceed. The December 4 letter from Kevin Bowman, Environmental Manager for the ACP project, stated that:

... through our consultations with the U.S. Forest Service and our interpretation of the prescriptive-specific goals, objectives, standards, and guidelines listed in the respective Monongahela and George Washington National Forests' Land and Resource Management Plans, we have determined that alternative routes to the south of the currently proposed ACP route may offer environmental advantages over the currently proposed route. To ensure that a complete and thorough evaluation of the ACP is presented in the draft environmental impact statement (EIS), we request that Atlantic identify and assess an alternative pipeline route across the National Forests. **The information requested in the enclosure is necessary for us to evaluate the SHP, ACP, and an alternative pipeline route across the National Forests and to continue preparation of the draft EIS for the project. Please note that we will not be able to establish a schedule for completing the EIS until we have received your response(s) and reviewed it for completeness.** (The language in bold is as it appears in the letter.)

The FERC letter contained 168 specific requests for additional information, some of them quite extensive. The agency staff has made similar requests in the past for additional information, most notably in its July 14 letter in response to the draft Resource Reports that had been submitted (see http://www.abralliance.org/wp-content/uploads/2015/07/FERC_Comments_ACP_RR_1-10_7-14-15.pdf). However, the December 4 letter is much more demanding in its requests and sterner in its tone. The FERC letter is available on the ABRA website at: http://www.abralliance.org/wp-content/uploads/2015/12/FERC_request_for_further_info_from_ACP_12-4-15.pdf

Dominion Responds To Intervenor Motions

The Atlantic Coast Pipeline LLC (Atlantic) filed a motion with the Federal Energy Regulatory Commission on December 4 requesting permission to respond to “certain protests and comments” opposing the Atlantic Coast Pipeline (ACP). The Atlantic “Motion For Leave To Answer” cited previously filed motions to intervene in the ACP proceeding, including the intervenor motions filed by Appalachian Mountain Advocates and the Southern Environmental Law Center on behalf of several ABRA members.

Among statements made in the Atlantic filing are:

- Certain environmental groups seem to suggest that market studies – rather than commercial contracts – are the best evidence of demand for a project. That is not the Commission’s policy.

- The recent Clean Power Plan rule – which encourages the decreased utilization of aging base load coal-fired plants and the increased generation of electricity using cleaner fuel sources, such as natural gas – only increases the need for new gas supplies in Virginia and North Carolina. Indeed, construction of ACP is essential to these states’ ability to comply with the Clean Power Plan.
- Certain environmental groups criticize the ICF and Chmura studies, largely on the ground that they are not “auditable” and reflect certain assumptions that could be challenged. Of course, there is no requirement that studies showing the benefits of a project be “auditable,” and all such studies necessarily require assumptions. No intervenor has provided any basis to challenge the fundamental conclusions of these studies that ACP will create enormous monetary benefits.
- As part of their argument that ACP is not needed, certain environmental groups argue that other existing or proposed pipelines could serve the purpose of ACP. Atlantic’s Customers have chosen ACP as the best way to meet their needs, and the intervenors provide no basis for the Commission to second-guess those commercial decisions. And other pipeline proposals are simply not good alternatives to ACP, for the reasons detailed in Resource Report 10 submitted as part of Atlantic’s Application.
- Atlantic certainly does not claim that there will be no adverse impacts on landowners, the surrounding communities, or the rural character of the intervening landscape emphasized by the intervenors. The point is that these impacts have been minimized and are outweighed by the benefits of a major new pipeline needed to transport the abundant gas supplies available from the Marcellus and Utica production region to growing demands in Virginia and North Carolina.
- Certain environmental groups have urged the Commission to conduct a regional or programmatic environmental impact statement (EIS) addressing multiple other pipeline projects, along with ACP and the Supply Header. The Commission has consistently and repeatedly rejected calls for such an approach, and it should do so again here.

Presumably the Atlantic December filing was made before it received the December 4 letter from FERC asking the company go return to their room and redo their homework. A copy of the filing is available on the ABRA website at: http://www.abralliance.org/wp-content/uploads/2015/12/ACP_Motion_to_Leave_12-4-15.pdf.

EPA, Fish and Wildlife Agree To Meetings

A November 5 request for meetings with the officials of the U.S. Environmental Protection Agency (EPA) and the U.S. Fish and Wildlife Service (FWS) to discuss concerns about pending pipeline projects in the Appalachian region have been granted. The letters asking for meetings were written by the Appalachian Mountain Advocates on behalf of numerous groups including 25 ABRA members. Meeting dates and specific locations have not yet been determined. The meeting participants will include 6-8 persons, with Appalmad choosing the persons to attend that reflect an appropriate cross-section of interested parties.

In the News:

Local/Atlantic Coast Pipeline

Agency seeks alternate pipeline route through Monongahela National Forest

- Charleston Gazette-Mail – 12/7/15

<http://www.wvgazette.com/article/20151207/gz01/151209603>

Dominion told to look south of the critical habitat that’s been lately in the news

Rinker: To Purloin Critical Silence: Losing a Way of Life for a 42-Inch-Wide Pipeline

- Richmond Times Dispatch – 12/6/15
http://www.richmond.com/opinion/their-opinion/guest-columnists/article_dd6bb172-faf6-5cae-a73e-9b4a66151964.html
 Dominion behaving (mistakenly) like conquerors...not neighbors

Regional/Mountain Valley Pipeline, other

Pipeline opponents cite contamination of drinking water supply as cautionary tale

- Roanoke Times – 12/3/2014
http://www.roanoke.com/business/news/pipeline-opponents-cite-contamination-of-drinking-water-supply-as-cautionary/article_1172b929-8960-54a6-abdc-1784023dd5b9.html
 How is contaminating a public water supply “not a reportable event”?

Monroe officials explain pipeline tax revenue issues

- The register-Herald – 12/8/2014
http://www.register-herald.com/news/monroe-officials-explain-pipeline-tax-revenue-issues/article_ab750a76-4c6a-5193-9adb-688dfb6320a4.html
 MC officials try to clear up confusion and rumors of shady behavior

Our view: What the F in FERC stands for

- Roanoke Times – 12/8/15
http://www.roanoke.com/opinion/editorials/our-view-what-the-f-in-ferc-stands-for/article_61a30410-9133-5151-bd15-c463529cb151.html
 RT seems to be advocating co-location with MVP

Big Picture:

Congresswomen, governor take stands against the NED pipeline

- The Keene Sentinel – 12/2/15
http://www.sentinelsource.com/news/local/congresswomen-governor-take-stands-against-the-ned-pipeline/article_60a8bee5-74e9-5e57-9e17-9aceb5dbe16a.html
 More high-level opposition to Northeast Energy Direct

Billionaire Kinder’s Pipeline Giant Drops Under Junk Threat

- Bloomberg – 12/2/15
<http://www.bloomberg.com/news/articles/2015-12-02/billionaire-kinder-s-pipeline-giant-plunges-as-junk-status-looms>
 Kinder Morgan’s giant debt load worrying investors/stockholders
<http://realmoney.thestreet.com/articles/12/04/2015/kinder-morgan-how-much-should-investors-worry>

America's biggest gas field finally succumbs to downturn

- Reuters – 12/2/15
<http://www.reuters.com/article/2015/12/02/us-usa-marcellus-decline-insight-idUSKBN0TLoCY20151202#LBmR806eTyrBKH5M.97>
 It was only a matter of time...

House backs sweeping energy bill to boost oil, natural gas

- Kallanish Energy – 12/7/15
<https://www.kallanishenergy.com/2015/12/07/house-backs-sweeping-energy-bill-boost-oil-natural-gas/>
 In another symbolic gesture, House Republicans clutch at their political Teddy Bear...oil and gas

Does The US Government Actually Regulate Pipelines?

- TruthOut.org – 12/7/15
<http://www.truth-out.org/news/item/33924-does-the-us-government-actually-regulate-pipelines>
 FERC process designed to get a “Yes” in the end