



ABRA Update #78 – May 5, 2016

FERC Announces Scoping Period for GWNF 6 Route

A scoping comment period for the new alternative route of the Atlantic Coast Pipeline (GWNF 6) that affects Pocahontas, Bath and Augusta County, as well as other modifications elsewhere in the route, was announced May 3 by the Federal Energy Regulatory Commission (FERC). The deadline for comments was set for Thursday, June 2, with two public scoping meetings scheduled:

| Date and Time | Location |
|--|--|
| Friday, May 20, 2016 10:00 am – 7:00 pm | Marlinton Community Wellness Center 320 9th Street Marlinton, WV 24954 |
| Saturday, May 21, 2016 10:00 am – 7:00 pm | Bath County High School 464 Charger Lane Hot Springs, VA 24445 |

The scoping process is used by FERC to solicit public input on potential issues and help determine whether there is a potential for significant adverse effects to the human environment from a proposed energy project, and identify the scope of the Environmental Impact Statement to be prepared. ABRA had requested on February 16 that FERC that establish a scoping period and hold associated meetings (see additional story below).

The agency's [Notice](#) announcing the scoping comment period and meetings specifically asks that comments – whether filed or delivered orally at one of the two meetings - “focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts from the new route and proposed modifications.” Regarding verbal comments delivered in person at one of the two meetings, the Notice advises:

“Verbal comments will be recorded by a court reporter and transcripts will be placed into the docket for the project and made available for public viewing on FERC’s eLibrary. It is important to note that verbal comments hold the same weight as written or electronically submitted comments. If a significant number of people are interested in providing verbal comments, a time limit of 3 to 5 minutes may be implemented for each commenter to ensure all those wishing to comment have the opportunity to do so within the designated meeting time. Time limits will be strictly enforced if they are implemented.”

For questions about Update items, contact:

Articles – *Lew Freeman*, lewfreeman@gmail.com

In the News – *Dan Shaffer*, dshaffer@abralliance.org

FERC's Notice states that there may be a need for the U.S. Forest Service (USFS) to amend the Monongahela and George Washington National Forest Land and Resource Management Plans (LRMP) to allow for the ACP to be constructed on USFS lands. ABRA is consulting with the USFS regarding this language. The Notice also states that:

"In accordance with the Advisory Council on Historic Preservation's implementing regulations for Section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Offices, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the projects' potential effects on historic properties."

ABRA Urges FERC to Extend Scoping Period for Alternative Route

An extension of the recently announced scoping period for the Atlantic Coast Pipeline (ACP) alternative route has been urged by the Allegheny-Blue Ridge Alliance. In a May 5 [letter](#) to the Federal Regulatory Commission (FERC), ABRA Chair and Executive Director Lewis Freeman asked that the agency extend the scoping deadline of June 2 for an additional 30 days. Freeman pointed out that when the agency established a scoping period for the original ACP route it was for 60 days, not the 30 days that has been set for the alternative route that goes through central Pocahontas County, WV and into Bath County, VA and up the Deerfield Valley portion of Augusta County. Freeman noted that the Atlantic Coast Pipeline, LLC and Dominion Transmission, Inc. have asked FERC to expedite consideration of its application:

"FERC's review of the project and its preparation of an Environmental Impact Statement should be conducted with the utmost diligence in evaluating the sensitive ecological and other crucial issues associated with the ACP. It is essential that the agency make an informed judgment on the merits of the ACP proposal, based upon all facts and viewpoints, regardless of the desire of the applicant for an accelerated decision. Such an exercise of diligence by the agency requires that landowners newly affected by the ACP rerouting be given the same comment period that you provided other landowners along the route: 60 days."

ABRA members and others are strongly urged to write to FERC and demand an extension of the scoping period: Your communications should reference Docket No. CP15-554 and be addressed to:

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, DC 20426

Electronic filing of comments can be done at <https://ferconline.ferc.gov/quickcomment.aspx>.

DPMC Asks That DEQ Be Ordered to Release Information on ACP and MVP

The Dominion Pipeline Monitoring Coalition (DPMC) sent on May 5 a Petition for Writ of Mandamus and Injunctive Relief to Angela Navarro, Deputy Secretary of Natural Resources and David Paylor, Director of the Department of Environmental Quality (DEQ) to compel the State to provide information about regulatory reviews of the Atlantic Coast Pipeline (ACP) and Mountain Valley Pipeline (MVP) proposals. The [Petition](#), prepared for filing in the Virginia Circuit Court in Richmond, describes how State officials have violated duties under Virginia's Freedom of Information Act (FOIA). Copies of the Petition are being served on the State in advance of Court filing, in accordance with Virginia law.

“We are disappointed that Virginia’s environmental officials have failed to live up to a law designed to give Virginians open access to their own government,” said Rick Webb, DPMC Coordinator. “Nearly three weeks ago, we asked for public records that would help us and other citizens understand what the State intends to do to protect citizens and the environment from damages the pipelines could cause. Officials are supposed to respond to such information requests within five business days but we received no reply for nearly three weeks. Finally, yesterday they acknowledged they’d received our letter but did not offer to provide the information we’ve requested.”

The Virginia DEQ has a duty, under the federal Clean Water Act and Virginia Water Protection laws, to review the gas pipeline proposals and ensure that no project goes forward unless all water quality standards will be met. However, as DPMC’s April 14 letter recounts, Virginia DEQ seems to be willing to cover both ACP and MVP under “general permits;” essentially rubber stamping the projects under blanket approvals issued in 2012 and intended only for small projects that pose little risk to waters. DPMC sought public records through the April request to clarify the State’s positions and to question whether the DEQ is able to justify its approach.

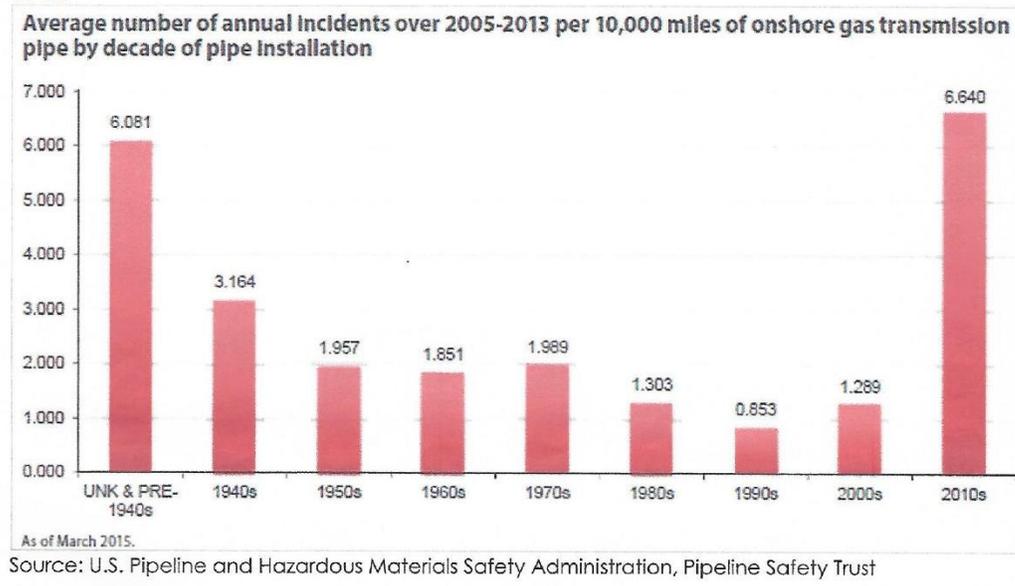
This is the second time this year that Virginia officials have violated the Freedom of Information Act after DPMC requested records on the gas pipelines. In an earlier case, Carlos Hopkins, Counsel to Governor McAuliffe, failed to provide records within the required period. On March 4, 2016, David Sligh of DPMC wrote Hopkins: “I believe the Governor’s Office is now in violation of the time requirement for response to FOIA requests, under 37 § 2.2-3704. You informed me that the check sent on behalf of DPMC was received at your office on February 15 or 16. Therefore, the records or an appropriate response should have been sent no later than Feb. 23.” Less than two hours after receiving Sligh’s note, Mr. Hopkins provided the documents but failed to explain the failure to abide by the law.

“This legal action is about much more than an arbitrary deadline or a technicality,” Rick Webb stated: “It’s about the McAuliffe administration’s respect for the rights of citizens trying to play their proper roles and protect their communities and natural resources. The law says a failure to properly respond to a FOIA request is the same as refusing the request outright. We won’t accept a refusal of our rights.”

Pipeline Explosion: Reminder of Findings in Recent Studies

The horrific explosion in Pittsburgh on April 29 of a natural gas pipeline is a sober reminder of the continuing and growing safety concerns associated with natural gas pipelines. The economic impact [study](#) released by ABRA in February, conducted by Key-Log Economics on the effects of the Atlantic Coast Pipeline in four Virginia counties (Augusta, Buckingham, Highland and Nelson), found that over 15,000 homes and more than \$1 billion in property value were within a 1.4-mile-wide evacuation zone along the the-pipeline corridor in just those four counties. Last week’s release of the [IEEFA study](#) on the rush to build natural gas pipelines pointed to the fact that more recently-built pipelines have a noticeable high failure rate, as illustrated in the chart below from the study:

Figure 5. Pipeline incidents on newly installed pipelines are comparable to those installed pre-1940.



In the News:

Local/Atlantic Coast Pipeline

Don't let ACP's Hail Mary reach endzone

- The Recorder – 5/5/16

<http://www.abralliance.org/wp-content/uploads/2016/05/Don%E2%80%99t-let-ACP%E2%80%99s-Hail-Mary-reach-endzone-Recorder-5-5-16.pdf>

Scoping period completely inadequate...but it's what we've got

Fire on the mountain: Rural residents battle pipeline

- WRIC ABC News – 5/2/16

<http://wric.com/2016/05/02/fire-on-the-mountain-rural-residents-battle-pipeline/>

Residents from all walks of life stepping up to protect their homes

Natural gas versus natural beauty

- Science Line – 5/2/16

<http://scienceline.org/2016/05/natural-gas-versus-natural-beauty/>

Environmental and cultural protection or shareholder benefit? Pipeline battles about more than just energy

Historic preservation group takes aim at threat from pipeline, power line projects

- Richmond Times-Dispatch – 5/3/16

http://www.richmond.com/news/virginia/article_fae8c1d5-9242-52bc-943d-2df4d63a2cd5.html

Regional/Mountain Valley Pipeline, other

MVP sues Bent Mountain property owner over surveying dispute

- Roanoke Times – 5/3/16

http://www.roanoke.com/business/news/roanoke-county/mvp-sues-bent-mountain-property-owner-over-surveying-dispute-seeks/article_998cdd30-3dba-5552-873d-95404c229194.html

Mountain Valley's attempt to collect damages from property owner described as outrageous

Blue Ridge Parkway Foundation opposes proposed gas pipelines

- Blue Ridge Parkway Foundation – 4/29/16

<https://www.brpfoundation.org/blog/blue-ridge-parkway-foundation-opposes-proposed-gas-pipelines>

“The landscape and wildlife are critical to the vibrancy of the Parkway.”

Big Picture:

Natural gas explosion rocks Westmoreland County and U.S. gas markets

- Pittsburg Post-Gazette – 5/1/16

<http://www.post-gazette.com/local/westmoreland/2016/04/29/Emergency-crews-respond-to-gas-well-explosion-in-Westmoreland-County-pennsylvania/stories/201604290161>

But pipelines are PERFECTLY SAFE! The gas industry says so!

Related: **Augusta County residents react to pipeline explosion**

<http://www.newsleader.com/story/news/local/2016/04/29/augusta-county-residents-react-pipeline-explosion/83723516/>

Report: Sunny States' Policies Block Rooftop Solar

- Center for Biological Diversity – 4/2016

http://www.biologicaldiversity.org/programs/population_and_sustainability/energy/throwing_shade.html

Virginia's (Dominion's) policies toward rooftop solar will slow the switch to renewables and help to worsen climate change

Why Dominion Sees Growing Electricity Demand In The 15-Year Future

- Bacon's Rebellion – 5/2/16

<http://www.baconsrebellion.com/2016/05/why-dominion-sees-growing-electricity-demand-in-the-15-year-future.html>

Load replacement and low enrollment in Demand Side Management and other efficiency programs cited

Gas pipeline foes want feds to dismiss Kinder Morgan Northeast Energy Direct project

- Times Union – 5/4/16

<http://www.timesunion.com/tuplus-business/article/Gas-pipeline-foes-want-feds-to-dismiss-Kinder-7394101.php>

Opponents want NED put to rest so it cannot become a “zombie project”, like Jordan Cove

Related:

http://www.lowellsun.com/todayshadlines/ci_29829085/natural-gas-pipeline-project-may-not-be-dead#ixzz47hvZNIqy

New York faces pros and cons of cheap natural gas glut

- Times Union – 5/1/16

<http://www.timesunion.com/tuplus-business/article/New-York-faces-pros-and-cons-of-cheap-natural-gas-7386031.php>

Heating bills are low but NY is increasingly reliant on natural gas for electricity production

Ten Fracking Infrastructure Projects Canceled or Delayed in the Last 24 Months

- Truthout.org – 4/28/16

<http://truth-out.org/buzzflash/commentary/ten-fracking-infrastructure-projects-canceled-or-delayed-in-the-last-24-months>

Time for a little GOOD news!