



ABRA Update #91 – August 4, 2016

CEQ Issues New Guidance for NEPA Reviews

The Council on Environmental Quality (CEQ) issued August 1 a guidance memorandum for federal agencies regarding the consideration of climate change impacts in the conducting of reviews under the National Environmental Policy Act (NEPA). The guidance applies to the Federal Energy Regulatory Commission and its conducting of Environmental Impact Statements (EIS) for natural gas pipelines and similar projects. The EIS conducted for the Atlantic Coast and Mountain Valley pipelines will be subject to the new guidance.

The [CEQ memorandum](#) is intended to provide “greater clarity and more consistency in how agencies address climate change in the environmental impact assessment process.” Among several recommendations set forth are:

- Agencies should quantify a proposed agency action’s projected direct and indirect greenhouse gas (GHG) emissions, taking into account available data and GHG quantification tools that are suitable for the proposed agency action (Note: methane leaks from natural gas pipelines would be included);
- Agencies should use projected GHG emissions (to include, where applicable, carbon sequestration implications associated with the proposed agency action) as a proxy for assessing potential climate change effects when preparing a NEPA analysis for a proposed agency action;
- Where agencies do not quantify a proposed agency action’s projected GHG emissions because tools, methodologies, or data inputs are not reasonably available to support calculations for a quantitative analysis, agencies should include a qualitative analysis in the NEPA document and explain the basis for determining that quantification is not reasonably available;
- Agency reviews should discuss methods to appropriately analyze reasonable foreseeable direct, indirect, and cumulative GHG emissions and climate effects; and
- Agencies should use the information developed during the NEPA review to consider alternatives that would make the actions and affected communities more resilient to the effects of a changing climate.

The Council on Environmental Quality coordinates Federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives. CEQ was established within the Executive Office of the President by Congress as part of the NEPA, which was enacted in 1969.

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

DPMC Objects to General Permits for Pipelines

The Dominion Pipeline Monitoring Coalition (DPMC) submitted [comments on August 1 to the US Army Corps of Engineers](#) requesting that gas pipeline projects proposed for construction in the mid-Atlantic mountain region be excluded from the Corps' general permitting program. The general permits are intended to apply to projects with minimal environmental impact. The DPMC argues that the Corps cannot grant coverage under a general permit for mega pipeline projects like the ACP and MVP because there is no documentation that mitigation will reduce impacts to the level that makes the impacts insignificant. DPMC also asserts that blanket coverage of mega pipeline projects violates the Clean Water Act.

The DPMC is an original member of Allegheny-Blue Ridge Alliance (ABRA) and serves as ABRA's Environment Committee.

The Corps is in the five-year renewal cycle for the Nationwide permits, which are adopted at the national level. Once the permits are in place, development interests are entitled to apply for coverage under the permit that applies to the development activity. The Corps has a Nationwide permit for utility construction projects, NWP 12. Gas pipeline developers can submit requests for gas pipeline construction projects to be regulated under the pre-determined NWP 12.

NWP 12 is scheduled to be renewed by March 2017. The National Environmental Policy Act requires the Corps to conduct an environmental impact analysis on the proposal to renew the permit, and involve the public in the decision making process. On August 1, 2016, the DPMC submitted comments to the Corps that addressed the legality of the Corps' proposal to reissue the NWP 12.

The primary issue raised by the DPMC is the fact that the Corps must analyze whether mitigation for stream crossings and wetland impacts is effective. The comments argue that the NWP 12 was created long before 42-inch gas pipelines were proposed to be constructed through the rugged terrain of the mid-Atlantic mountain region. With this reissuance, the Corps is obligated to prove that mitigation measures that would be required under the permit actually work. However, the Corps has not done any analysis of the effectiveness of mitigation measures on the steep slopes, unstable soils, landslide prone conditions, and karst geology that dominate this mountain region. Even though the Corps' jurisdiction lies in the streams and wetlands, slope instability can cause soils to flow downhill and overwhelm any mitigations over which the Corps has jurisdiction.

Virginia DCR Comments on ACP Karst Assessment and Mitigation Plans

The Virginia Department of Conservation and Recreation (DCR) submitted [comments to FERC on July 27](#) regarding the Karst Terrain Assessment, Construction, Monitoring and Mitigation Plan for the Atlantic Coast Pipeline (ACP) that had been previously filed with FERC. In general, the comments reflect a degree of unfamiliarity with terminology and the characteristics of some of the areas through which the ACP would traverse. Two examples:

- The ACP filing stated that "In areas such as the ACP Project area, where there is little topographic relief and a relatively minimal groundwater gradient, the great majority of solution fissures are sediment-filled." DCR commented that it disagreed with the characterization of the area as "little topographic relief and a relatively minimal groundwater gradient." It pointed out that karst region in Virginia contains some of the most dramatic topographic relief and groundwater gradient that will be encountered by the proposed pipeline route in Virginia.
- The ACP filing stated that the "Great Valley section contains the largest karst springs in the region." DCR recommends replacing "largest karst springs" with "some of the largest karst springs," noting that "there are some pretty large springs in Highland and Bath counties - e.g. Coursey Springs where the Cowpasture River resurges."

Dominion Files More Supplemental Information

In its latest supplemental information filing with the Federal Energy Regulatory Commission (FERC), on July 29, Dominion has provided [additional information](#) in response to earlier questions and requests from FERC. The company also filed [updated alignment sheets](#) on the same day.

“Hands Across Our Land” To Be held August 18

Hands Across Our Land, a grassroots action movement designed to bring attention to the plight landowners and communities face at the hands of bullying, multi-billion dollar corporations in their quest to build new fossil fuel infrastructure, will hold its second annual event on Thursday, August 18. Those wishing to participate can learn more at the group's [website](#).

In the News:

Local/Atlantic Coast Pipeline

Pipeline's harmful impacts inescapable, Dominion says

- The Recorder – 8/4/16
http://www.abralliance.org/wp-content/uploads/2016/08/Pipelines_harmful_impacts_inescapable_Dominion_says-Recorder_8-4-16.pdf

Controversial Pipeline Project Sponsors Augusta County Fair

- NBC 29 News -
<http://www.nbc29.com/story/32591109/controversial-pipeline-project-sponsors-augusta-county-fair>
Plenty of residents less than happy about it

Virginia Natural Gas playing with big boys in Atlantic Coast Pipeline debate

- Richmond Times-Dispatch – 7/30/16
http://www.richmond.com/news/virginia/article_25548bdc-9501-5d00-8268-44d88c018f03.html
Among some cheerleading by supporters and token nods to the opposition, AGL admits that its position in the pipeline is because it's a good investment...not to buy VNG capacity

Pipeline delivers few jobs, but plenty of new concerns

- The Robesonian – 8/2/16
<https://robesonian.com/opinion/90322/pipeline-delivers-few-jobsbut-plenty-of-new-concerns>
NC citizens finding out more about the true costs of the ACP
Related:
- http://www.fayobserver.com/news/local/dozens-agree-they-don-t-want-proposed-atlantic-coast-pipeline/article_f58b27dc-134c-5d83-be8f-93ed2068cf56.html

Johnson: A march for environmental justice

- Richmond Times-Dispatch – 7/29/16
http://www.richmond.com/opinion/their-opinion/guest-columnists/article_47615917-3a86-5402-ae43-43217e64e558.html

Regional/Mountain Valley Pipeline, other

Williams Partners announces FERC approval of Transco expansion

- Tulsa World – 7/29/16
http://www.tulsaworld.com/business/williams-partners-announces-ferc-approval-of-transco-expansion/article_e49fffe9-3182-5648-9209-d29221c13c06.html
 Williams to build lateral to supply Dominion's Greenville power plant

Virginia rulemaking processes may bring clarity to fracking oversight

- Southeast Energy News
<http://southeastenergynews.com/2016/07/28/virginia-rulemaking-processes-may-bring-clarity-to-fracking-oversight/>
 Virginia is a Wild West with regard to fracking regulations...low prices have protected us until now, but for how much longer?

Big Picture:

From now on, every government agency will have to consider climate change

- Washington Post – 8/2/16
https://www.washingtonpost.com/news/energy-environment/wp/2016/08/02/from-now-on-every-government-agency-will-have-to-consider-climate-change/?hpid=hp_hp-more-top-stories_ee-climatechange-225pm%3Ahomepage%2Fstory&utm_term=.d267c295c465
 White House adds requirement to quantify direct and indirect carbon emissions to NEPA review for infrastructure, land use and other projects

Following DeSmog's Revelations on Spectra Pipeline, MA Senators Demand More Answers from FERC on Alleged Conflict of Interest

- DeSmog – 7/31/16
<http://www.desmogblog.com/2016/07/31/following-desmog-s-revelations-spectra-pipeline-ma-senators-demand-more-answers-ferc-alleged-conflict-interest>
 Related:
http://www.masslive.com/news/index.ssf/2016/07/sens_warren_markey_probe_alleg.html

Conservation Groups Urge FERC To Withdraw Grossly Incomplete Environmental Review Of PennEast Pipeline

- PR News Wire – 8/1/16
<http://www.prnewswire.com/news-releases/conservation-groups-urge-ferc-to-withdraw-grossly-incomplete-environmental-review-of-penneast-pipeline-300307058.html>
 One to watch, as thus far Dominion's submissions to have also been sorely lacking

Tell the Federal Energy Regulatory Commission: Reject pending natural gas pipeline permits

- CredoAction
http://act.credoaction.com/sign/ferc_pipeline?sp_ref=218505198.4.173851.e.549490.2&referring_akid=.4359703.sY Zy6B&source=mailto_sp

Massachusetts Legislature passes renewable energy compromise bill

- MassLive – 8/1/16
http://www.masslive.com/politics/index.ssf/2016/08/massachusetts_legislature_vote_1.html
 While many decry its shortcomings, MA bill is a real step in the right direction, can be expanded...and should be emulated

Opinion: Voluntary compliance doesn't work with frackers

- Pocono Record – 7/31/16
<http://www.poconorecord.com/article/20160731/OPINION/160739943>
 In the case of methane emissions from the natural gas industry, more regulation IS the answer!