



## **ABRA Update #95 – September 1, 2016**

### **VOF Consideration of Dominion Proposal Delayed Again**

The Virginia Outdoor Foundation has announced a further delay in its consideration of the proposal submitted in May by Dominion Transmission, Inc. (DTI), managing partner for the Atlantic Coast Pipeline (ACP). In May DTI asked the Virginia Outdoors Foundation (VOF), to permit the ACP route to cross certain easements held by VOF in exchange for the company purchasing the Hayfield Farm property in Highland County, VA. The process for VOF to consider an exception to an easement is spelled-out in [§ 10.1-1704 of the Code of Virginia](#).

The DTI proposal was initially to have been taken up by the VOF Board at its June 30 meeting, but at the company's request, consideration was deferred until the September 29 VOF Board meeting.

This latest delay was announced by VOF on August 30, as follows:

Dominion has decided to again defer consideration of the 1704 applications re: VOF easements. They will not be on the agenda at the September 29 VOF board meeting. We don't have any other information at this time, but will communicate additional updates as we get them.

ABRA reached out to Dominion, asking why the company had requested yet another delay in VOF considering its proposal. A company spokesman responded that "Dominion is in ongoing discussions with VOF on the best time to present the applications to the VOF Board, with no final decision made at this time."

In related development, The Conservation Fund, which is serving as a mitigation consultant for DTI, in the past week purchased Hayfield Farms on behalf of the company. The deed was recorded August 29 with the Highland County Clerk's office. The purchase of the 1,200 acres was for \$3.75 million on an appraised value of \$2.9 million.

*The Recorder* newspaper (see article below) reports:

Dominion spokesman Aaron Ruby said Wednesday the Conservation Fund made the purchase on behalf of the pipeline company and the application to the VOF regarding the easements remains pending. "We have not withdrawn our application, and it remains pending before the VOF board," Ruby said. "In consultation with VOF and the commonwealth, it was decided that the board's consideration of our application would be more appropriate at a later time in the federal environmental review process.

"We continue to believe that our proposal is appropriate and reasonable, consistent with the mission of the VOF, and advances the goal of land conservation in the commonwealth. We look forward to the board's consideration of our proposal as we progress through the federal environmental review process."

**For questions about Update items, contact:**

Articles – *Lew Freeman*, [lewfreeman@gmail.com](mailto:lewfreeman@gmail.com)

In the News – *Dan Shaffer*, [dshaffer@abralliance.org](mailto:dshaffer@abralliance.org)

## Forest Service Faults ACP – Again – Over Inadequate Soil Surveys

The U.S. Forest Service (NFS) has called critical soil survey data submitted for the Atlantic Coast Pipeline (ACP) incomplete and said that the agency cannot complete its review of the ACP permit request to route the pipeline through the Monongahela (MNF) and George Washington National Forests until necessary information is provided in accordance with NFS protocols. This is the second time in less than a year that the NFS has criticized the Atlantic Coast Pipeline, LLC (Atlantic) for inadequacies in soil survey data submitted. Last fall, the NFS rejected soil survey data provided by Atlantic for being fraudulent (there is no other way to describe it). For more on the earlier incident, see [ABRA's February 17, 2015 comments to FERC](#).

In this latest episode, Atlantic had filed on August 2 with the Federal Energy Regulatory Commission (FERC) new soil survey data. In an [August 28 letter to FERC](#), MNF Supervisor Clyde Thompson said:

Because the Order 1 Soil Survey Report lacks GIS spatial and tabular data essential to a proper review of the report, the Forest Service is unable to complete its review until the GIS spatial and tabular data is received. The Forest Service urges ACP to provide the necessary data and information, as detailed in the agreed-upon protocol, in order to facilitate the Forest Service's review of the report.

Thompson's letter includes the notes of an August 26 conference call between key NFS staff and representatives of Atlantic, Colin Olness and Richard Gangle. In one of the more extraordinary passages from the notes is this:

Mr. Olness, stated that they did not want to provide all of the data because it included a lot of extraneous information, and they did not want *to confuse the Forest Service Soil Scientists* with a large data dump. (emphasis added)

The NFS letter and conference call notes are both a fascinating and troubling look into the mindset of the people who work for Dominion Resources on this project.

## Dominion Disputes Anti-Trust Claims

The Atlantic Coast Pipeline, LLC (Atlantic) and its managing partner, Dominion Transmission, Inc. (DTI), filed on August 30 with the Federal Energy Regulatory Commission (FERC) a response to allegations made to the Federal Trade Commission (FTC) that Atlantic's partner companies are engaging in antitrust violations by seeking to build a pipeline to sell gas to themselves. The complaints – one by former FTC staff attorney Michael Hirrel, the other by the Virginia Chapter of the Sierra Club – contend that the activities of Atlantic's partners violate the Sherman Act and the Federal Trade Act and request the FTC to conduct an investigation.

The [Atlantic/DTI filing](#) says that the claims by Hirrel and Sierra are “baseless” and “misleading with respect to both the facts and law and fall far short of presenting a colorable claim under the antitrust laws.” Continuing, the Atlantic/DTI response states:

“Atlantic will not buy or sell gas: the Atlantic Coast Pipeline (ACP), as an interstate pipeline regulated by this Commission, will only transport gas on an open-access basis for its customers. It is true, of course, that affiliates of these companies are among Atlantic's firm transportation customers, and that other affiliates of the companies are among Atlantic's owners. But there is nothing anticompetitive, objectionable or unusual about that fact.”

The FTC has not yet responded to the Hirrel and Sierra requests for an investigation.

## FERC Seeks Comments on Alternative Route in Nelson County

The Federal Energy Regulatory Commission (FERC) is seeking comments from landowners in Nelson County, VA who are impacted by an alternative route for the Atlantic Coast Pipeline (ACP) that the agency last December requested be developed. The agency asked the Atlantic Coast Pipeline, LLC (Atlantic) to evaluate a route variation and compare the relevant environmental factors that maximizes the use of pasture and agricultural land in the Rockfish Valley, minimizes ridgetop and forest impacts, and avoids or minimizes impacts on cultural and historic properties, nature trails, waterbodies, the Spruce Creek Tributary Conservation Site, and planned developments (i.e., Wintergreen Resort Expansion and Spruce Creek Resort). [FERC's August 29 letter](#) asked that comments be filed by September 28.



Augusta County Greets Governor McAuliffe On His August 29 Visit

### *In the News:*

#### Local/Atlantic Coast Pipeline

##### Conservation Fund buys Hayfields farm

- The Recorder – 9/1/16

[http://www.abralliance.org/wp-content/uploads/2016/09/Conservation\\_Fund\\_buys\\_Hayfields\\_farm\\_9-1-16.pdf](http://www.abralliance.org/wp-content/uploads/2016/09/Conservation_Fund_buys_Hayfields_farm_9-1-16.pdf)

Which means that Dominion has bought Hayfields farm

##### In the Pipeline's Path

- Earth Island Journal – 9/1/16

[http://www.earthisland.org/journal/index.php/eij/article/in\\_the\\_pipeline\\_path/](http://www.earthisland.org/journal/index.php/eij/article/in_the_pipeline_path/)

From shock and dismay to drive and determination: landowners in path of ACP refuse to give up fighting

##### Pipeline protestors greet McAuliffe as he visits Crimora

- The News Virginian – 8/29/16

[http://www.dailyprogress.com/newsvirginian/pipeline-protestors-greet-mcauliffe-as-he-visits-crimora/article\\_73be6bcc-6e44-11e6-9ab8-3bdfcb31b682.html](http://www.dailyprogress.com/newsvirginian/pipeline-protestors-greet-mcauliffe-as-he-visits-crimora/article_73be6bcc-6e44-11e6-9ab8-3bdfcb31b682.html)

## Regional/Mountain Valley Pipeline, other

### Pipeline value questioned

- The Register-Herald – 8/29/16  
[http://www.register-herald.com/news/pipeline-value-questioned/article\\_fb6215-1120-555b-91a3-bc4707a11eca.html](http://www.register-herald.com/news/pipeline-value-questioned/article_fb6215-1120-555b-91a3-bc4707a11eca.html)

## Big Picture:

### Is Groundwater a “Water of the US”? Recent Sierra Club v. Dominion Power Lawsuit Could Open the Flood Gates for Clean Water Act Citizen Suits

- Lexology – 8/29/16  
<http://www.lexology.com/library/detail.aspx?g=fc715608-1225-43ad-97da-71d1b9a3bab0>  
Potential relation to ACP contamination of karst systems?

### Dakota Access Pipeline Tribal Liaison Formerly Worked For Agency Issuing Permit To Cross Tribal Land

- DeSmog – 8/29/16  
<http://www.desmogblog.com/2016/08/29/dakota-access-pipeline-tribal-liaison-army-corps-engineers>  
The revolving door strikes yet again

### With a court defeat & FERC rejection – What’s Next for Natural Gas Pipeline Proponents?

- The Free Press – 8/25/16  
<http://freepressonline.com/Content/Download-the-current-issue-as-a-pdf/Features/Article/With-a-court-defeat-FERC-rejection-What-s-Next-for-Natural-Gas-Pipeline-Proponents-/93/78/47492>  
Good all-around update on the pipeline and LNG situation in the Northeast

### The “Fuel” That’s Helping America Fight Climate Change Isn’t Natural Gas

- The Energy Collective – 8/31/16  
<http://www.theenergycollective.com/ivy-main/2386920/the-fuel-thats-helping-america-fight-climate-change-isnt-natural-gas>

### A Fake Tax That Doubles Oil Pipeline Profits

- Investopedia – 8/30/2016  
<http://www.investopedia.com/news/fake-tax-doubles-oil-pipeline-profits/>

### U.S. and China to lead push on climate change at G20 summit

- Reuters – 9/1/16  
<http://www.reuters.com/article/us-g20-climatechange-china-usa-idUSKCN1175FJ>  
US on track for 2020 goals, China ahead of its curve for 2030 peak emissions...joint announcement expected regarding Paris agreement

### Which State Is a Big Renewable Energy Pioneer? Texas

- Wall Street Journal – 8/28/16  
[http://www.abralliance.org/wp-content/uploads/2016/08/Which\\_state\\_is\\_a\\_big\\_renewal\\_energy\\_pioneer-WSJ\\_8-28-16.pdf](http://www.abralliance.org/wp-content/uploads/2016/08/Which_state_is_a_big_renewal_energy_pioneer-WSJ_8-28-16.pdf)  
Red, red state has fully embraced renewables, especially wind, because of economics and to maintain a diverse power mix (and hedge against future higher fossil fuel prices)

### Big Oil’s Nightmare Comes True

- EcoWatch – 8/26/16  
<http://www.ecowatch.com/california-climate-policy-1988157045.html>  
California just doubled down on clean energy and climate change action