



ABRA Update #109 – December 16, 2016

Forest Service, BLM Object to FERC Schedule for Pipelines

The National Forest Service (NFS) has told the Federal Energy Regulatory Commission (FERC) that it “does not concur with the permitting timetable” for the Atlantic Coast Pipeline (ACP) that FERC had previously published. The request and associated comments were contained in a [November 18 letter to FERC](#) from Clyde Thompson, Forest Supervisor for the Monongahela National Forest, which was not filed in the FERC docket until December 13. The comments point out that NFS has “its own administrative review process which must occur before the Forest Service makes a decision on the special use permit” that has been requested for the ACP, and that the procedures and associated schedule that NFS must follow are clearly established by Federal law. The comments also point out that the NFS cannot complete its review process until outstanding data and analyses from the ACP have been satisfied.

A similar position has been expressed by the Bureau of Land Management (BLM) regarding the permitting schedule for the Mountain Valley Pipeline (MVP). In a [November 16 letter to FERC](#) (published in the docket December 5), the BLM said it does “not concur with the permitting timetable” for the MVP. The letter specifically uses language identical to the Forest Service letter in saying: “The draft permitting timetable is incorrect because a schedule is otherwise established by federal law.” Both letters were written by the agencies in response to a November 4 email request from FERC.

ABRA Members Urge FERC To Reject ACP Route Over VOF Easement Issue

“Construction of the Atlantic Coast Pipeline (ACP) through eleven properties meant to be protected in perpetuity would deeply undermine the conservation easement program in Virginia and do untold harm to the conservation values of this unique region,” stated a filing submitted December 13 by 13 organizations, 10 of whom are ABRA members, to the Federal Energy Regulatory Commission (FERC). The filing, submitted on behalf of the groups by the Southern Environmental Law Center (SELC), was in response to the proposal by Dominion Transmission, Inc. (DTI), managing partner of the ACP, that the pipeline route be permitted to cross eleven conservation easements held by the Virginia Outdoor Foundation (VOF), a state agency.

Under Virginia law, an interstate natural gas pipeline is precluded from crossing lands protected by conservation easements held by the VOF, unless a modification is granted by the agency in accordance with specific guidelines. The SELC filing contends that the DTI proposal does not meet the criteria specified by law.

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For questions about Update items, contact:

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

Major points made in the submission are:

- The ACP falls outside the scope of easement provisions addressing utilities;
- Construction of the Atlantic Coast Pipeline is not an easement “modification;”
- The ACP fails to meet the statutory requirements for conversion under the Virginia Open-Space Land Act;

VOF is scheduled to vote on the DTI easement proposal at its February 9 meeting. FERC has recently asked DTI to detail assurances that it will receive approval from VOF.

The 10 members of ABRA on whose behalf the comments were filed were the Shenandoah Valley, Highlanders for Responsible Development, Shenandoah Valley Battlefield Foundation, Augusta County Alliance, Cowpasture River Preservation Association, Dominion Pipeline Monitoring Coalition, Friends of Nelson, Valley Conservation Council, Voices From Bath and the West Virginia Highland Conservancy. Also associated with the comments are the Natural Resources Defense Council, Piedmont Environmental Council and the Rockfish Valley Foundation.

EPA Releases Study on Impact of Fracking on Drinking Water

The U.S. Environmental Protection Agency (EPA) released on December 13 its scientific report on the impacts from hydraulic fracturing activities on drinking water resources, which provides states and others the scientific foundation to better protect drinking water resources in areas where hydraulic fracturing is occurring or being considered. [The report](#), done at the request of Congress, provides scientific evidence that hydraulic fracturing activities can impact drinking water resources in the United States under some circumstances. As part of the report, EPA identified conditions under which impacts from hydraulic fracturing activities can be more frequent or severe:

- Water withdrawals for hydraulic fracturing in times or areas of low water availability, particularly in areas with limited or declining groundwater resources;
- Spills during the management of hydraulic fracturing fluids and chemicals or produced water that result in large volumes or high concentrations of chemicals reaching groundwater resources;
- Injection of hydraulic fracturing fluids into wells with inadequate mechanical integrity, allowing gases or liquids to move to groundwater resources;
- Injection of hydraulic fracturing fluids directly into groundwater resources;
- Discharge of inadequately treated hydraulic fracturing wastewater to surface water resources; and

Disposal or storage of hydraulic fracturing wastewater in unlined pits, resulting in contamination of groundwater resources.

In the News:

Local/Atlantic Coast Pipeline

Pipeline plan can't move ahead, SELC contends

- The Recorder – 12/15/16

http://www.abralliance.org/wp-content/uploads/2016/12/Pipeline_plan_cant_move_ahead_SELC_contends-Recorder_20161215.pdf

McAuliffe doubles down on pipeline support, hints at economic prospects

- Richmond Times-Dispatch – 12/15/16

http://www.richmond.com/news/virginia/government-politics/article_5744446a-91a5-5d5c-a645-74be90ab3eb7.html

Perhaps several potential industrial projects might choose VA because of ACP. But how many permanent jobs would *they* create? What ancillary benefits?

Related:

<http://baconsrebellion.com/gas-pipeline-economic-development/>

Group alleges Buckingham panel illegally OK'd permit

- The Daily Progress – 12/14/16

http://www.dailyprogress.com/news/local/group-alleges-buckingham-panel-illegally-ok-d-permit/article_16b603e4-7d96-52f9-8685-69e1a28a28a4.html

Related:

- <http://wmra.org/post/opposition-pipeline-voiced-again-buckingham>

Property Owners Spoil Dominion's Party in Richmond

- Americans for Personal Property, Energy, & Landowners – 12/16

<http://www.notaking.org/property-owners-spoil-dominions-party-in-richmond/>

Property owners apply pressure to Dominion execs at Republican party panel...Dominion caught off guard

Those few ACP jobs will be shortlived

- News Leader – 12/14/16

<http://www.newsleader.com/story/opinion/readers/2016/12/14/those-few-acp-jobs-shortlived/95416802/>

Related:

- <http://www.newsleader.com/story/opinion/readers/2016/12/13/pipeline-wont-add-economic-vitality/95390638/>

Regional/Mountain Valley Pipeline, other

Proposed pipeline to cut through Appalachian Trail, set dangerous example for development in protected areas

- The Wilderness Society – 12/15/16

<http://wilderness.org/blog/proposed-pipeline-cut-through-appalachian-trail-set-dangerous-example-development-protected>

Speak up for the trail, submit MVP comment to FERC by December 22

Kark: Don't sacrifice Giles County for pipeline

- Roanoke Times – 12/15/16

http://www.roanoke.com/opinion/letters/kark-don-t-sacrifice-giles-county-for-pipeline/article_db7f8dce-coa9-504d-af8f-d3bc45d69854.html

Big Picture:

The oil and gas industry is quickly amassing power in Trump's Washington

- The Washington Post – 12/14/16

https://www.washingtonpost.com/politics/the-oil-and-gas-industry-is-quickly-amassing-power-in-trumps-washington/2016/12/14/od4b26e2-c21c-11e6-9578-0054287507db_story.html

Industry's breathtaking power grab has alarmed environmentalists

IEEFA Update: The Public-Relations Disaster That Is the Dakota Access Pipeline

- IEEFA – 12/9/16

<http://ieefa.org/public-relations-disaster-dakota-access-pipeline/>

Project on the map now in a way its investors never wanted it to be

Can Trump Revive Keystone XL? Nebraskans Vow to Fight Pipeline Anew

- InsideClimateNews – 12/1/16

<https://insideclimatenews.org/news/01122016/donald-trump-keystone-xl-pipeline-nebraska-climate-change>

There may be stumbling blocks, but landowners not surprised that the battle may begin anew

Related:

- <https://www.bloomberg.com/news/articles/2016-12-13/trump-s-pipeline-promises-at-the-mercy-of-hard-to-change-agency>

Tell Investors of Climate Risks, Energy Sector Is Urged

- The New York Times – 12/14/16

http://www.nytimes.com/2016/12/14/business/energy-environment/global-panel-urges-companies-to-disclose-climate-change-risks.html?_r=0

Climate change risks belong on corporate reports

Fear, Comedy and Tweet-Fest result from Scott Pruitt Appointment to head EPA

- Electric Light & Power – 12/13/16

<http://www.elp.com/Electric-Light-Power-Newsletter/articles/2016/12/fear-comedy-and-tweet-fest-result-from-scott-pruitt-appointment-to-head-epa.html>

Bureaucratic inertia and Pruitt's own philosophy may limit his attempts to change EPA

New Report: Tar Sands Industry Targets America's Waterways

- Natural Resources Defense Council – 12/7/16

<https://www.nrdc.org/experts/josh-axelrod/new-report-tar-sands-industry-targets-americas-waterways>

New project proposals could facilitate more than 1.6 million barrels per day of new production...transported by tanker and barge on many of America's most significant waterways

Water Safety Activism in Rural Red States Impedes Fossil Energy Development

- Circle of Blue – 12/9/16

<http://www.circleofblue.org/2016/world/water-safety-activism-rural-red-states-impede-fossil-energy-development/>

Opposition to a big pipeline in Kentucky is a case in point.

FERC denies Jordan Cove re-hearing

- The World – 12/9/16/16

http://theworldlink.com/news/local/ferc-denies-jordan-cove-re-hearing/article_87ceaff9-7a01-5d6d-a35d-cfcf3f7e4f2b.html

Looks like the one pipeline FERC has rejected in 30+ years is finally dead...at least in this incarnation

Energy Department Denies Trump Team Request to Name Employees on Climate Policy

- ABC News – 12/13/16

<http://abcnews.go.com/Politics/energy-department-denies-trump-team-request-employees-climate/story?id=44173501>

Right on, DOE! Hold the line!