



ABRA Update #124 – April 6, 2017

Federal Review of Atlantic Coast Pipeline Fails People and the Environment

(This statement was released April 5 by ABRA to media in Virginia, West Virginia and North Carolina)

An analysis of environmental impacts for the proposed Atlantic Coast Pipeline is completely inadequate and falls far short of legal requirements. This is the overwhelming consensus of thousands of comments filed this week with the Federal Energy Regulatory Commission (FERC). The agency had issued on December 30 a Draft Environmental Impact Statement (DEIS) on the proposed 600-mile natural gas pipeline that would go from central West Virginia, through Virginia and terminate in southern North Carolina. April 6 is the deadline for public comments.

“FERC’s inability to provide a sound analysis of this project is a violation of the National Environmental Policy Act,” said Lewis Freeman, Chair and Executive Director of the Allegheny-Blue Ridge Alliance, a coalition of 51-organizations opposing the project. “What’s more, the Commission is poised to make a decision that will reverberate for decades based on inadequate information.”

The shortcomings of the DEIS are considerable because of its failure to:

- Assess the true market demand for natural gas in the region of the proposed pipeline;
- Take a hard look at the effects the proposed route planned through predominantly minority and low-income neighborhoods would have on communities;
- Consider the devastation to mountaintops construction would have across steep, forested Appalachian ridges;
- Provide adequate environmental information. The DEIS lacks sufficient information about the ACP and its potential environmental impacts on a wide variety of resources, including water resources, wetlands, cultural resources, threatened and endangered species and climate change implications; and
- Identify, consider, and analyze all reasonable alternatives.

“The federal government is glossing over the massive impacts this 600-mile pipeline would have on neighboring communities and climate change,” said Alison Kelly, an attorney for the Natural Resources Defense Council. Greenlighting this pipeline without a sufficient review of the damage it would cause is a disservice to the people who live in its path and treasure this part of Appalachia.”

Greg Buppert, a senior attorney with the Southern Environmental Law Center, said: “FERC is only telling one side of the story, and that story fails to answer the critical threshold question – is this project even necessary?” Buppert points out that recent energy demand forecasts have cast serious doubt on the need for the ACP. Furthermore, two-thirds of new

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generating capacity being added in the United States is based on renewable sources, not natural gas. Building the ACP would be contrary to the future growth of the electric utility industry.

“ACP refused to do the necessary impact analysis, so we have had to hire engineers to find out what will actually happen,” said Ben Luckett, a senior attorney with Appalachian Mountain Advocates. “We’ve learned the pipeline would create millions of cubic yards of excess dirt and rock for which ACP has no disposal plan and will level many of our scenic ridgetops, much like a mountaintop removal coal mine. We fear the most likely resting place for all of that construction spoil will be in our rivers, lakes, and streams. It is truly a slap in the face to hear FERC dismiss these impacts as ‘insignificant’ or, worse yet, to see that they have failed to analyze them at all.”

“The Atlantic Coast Pipeline environmental review failed to adequately address the threats it poses to our communities and our environment. This dirty and dangerous pipeline creates concern for significant risks of adverse impacts due to the nature of the terrain that the line would cross. Based on multiple unresolved environmental issues and potential hazards, and the magnitude of this project, FERC must reject the application. The stakes are very high and the risks are far too great,” said Kirk Bowers, Virginia Chapter, Sierra Club.

Anne Havemann, Senior Counsel at the Chesapeake Climate Action Network, said: “The Atlantic Coast Pipeline would be a disaster for the climate. It will trigger a massive new wave of fracking, bringing climate pollution equivalent to 20 new coal-fired power plants. FERC’s own former chairman Norman Bay said that the agency should reconsider how it analyzes environmental impacts of pipelines like ACP, including analyzing lifecycle climate emissions. FERC should heed his advice and revise its analysis, or reject the pipeline.”

Peter Anderson, Virginia Program Manager for Appalachian Voices, noted: “A couple of months ago, the former Chairman of FERC raised significant doubts that the agency adequately analyzes pipeline need and climate impacts. This draft environmental impact statement is no different. FERC should rescind this DEIS and start over, this time with final route proposals, completed surveys, climate analysis that accounts for the entire life cycle, and a critical analysis of market demand and alternatives.”

“We know that projects like these are invariably placed near communities of low-income, people of color, or the elderly. In usual fashion, the ACP places a heavy burden on the poor and elderly, perhaps by design. These folks may not have the energy, stamina, and resources to fight, and that’s what these companies are banking on. This is an example of outside interests that plan to use our resources and toxify our land for their own benefit. It’s an old story that continues to play out the same way, despite the best efforts of local people to change our energy landscape,” said April Pierson-Keating Mountain Lakes Preservation Alliance, Upshur County, WV.

Some Legislative Leaders Endorsing ACP Have Financial Ties to ACP

Three of the sixteen state legislative leaders who filed an [April 4 letter](#) with the Federal Energy Regulatory Commission have investments in companies associated with the Atlantic Coast Pipeline (ACP). They are:

- Sen. Thomas Norment, Majority Leaders, VA Senate - \$50,000+ stock in Dominion
- Rep. Ken Goodman, NC House (Chairman, Main Street Delegates - \$10,000+ in Duke
- Sen. Corey Palumbo, Minority Whip, WV Senate – investments in Waco Oil & Gas, a firm that drills wells in the Marcellus shale fields

Other state legislators signing the letter, but whose financial disclosure forms did not indicate investments in firms associated with the ACP are:

Virginia: Del. William Howell, Speaker of the House; Del. M. Kirkland Cox, House Majority Leader; Sen. Richard Saslaw, Senate Minority Leader; and Del. Matthew James, Vice Chair of the Hampton Roads Caucus

West Virginia: Sen. Mitch Carmichael, President of the Senate; Sen. Ryan Ferns, Senate Majority Leader; Rep. Daryl Cowles, House Majority Leader; Sen. Roman Prezioso, Jr., Senate Minority Leader; and Rep. Timothy Miley, House Minority Leader

North Carolina: Rep. Timothy Moore, Speaker of the House; Sen. Phil Berger, Senate President Pro Tempore; Sen. Daniel Blue, Jr., Senate Minority Leader; and Rep. John Bell, IV, House Majority Leader

ABRA last week wrote to all state legislators in Virginia and West Virginia pre-emptively urging that they not endorse the ACP ([as discussed in last week's ABRA Update](#))

Virginia DEQ To Require Separate 401 Certifications for ACP & MVP

The Virginia Department of Environmental Quality announced April 6 that it will require separate certifications for the Atlantic Coast Pipeline and the Mountain Valley Pipeline, in accordance with Section 401 of the Clean Water Act. The DEQ announcement said:

In keeping with Governor McAuliffe's commitment that the Atlantic Coast and Mountain Valley pipelines will be constructed in the most environmentally protective manner, the Department of Environmental Quality has notified ACP and MVP that in addition to utilizing the U.S. Army Corps of Engineers nationwide permit 12 for wetland and stream crossings, DEQ will be requiring individual 401 water quality certifications for each project.

These certifications will ensure that Virginia water quality standards are maintained in all areas affected by the projects. The public will have an opportunity to review and comment on these certifications and the conditions required to protect water quality. DEQ also will hold public hearings on the draft certifications. Once the comment period has concluded the proposed final certifications will be brought before the State Water Control Board.

ABRA Website Compromised by Hackers

It has come to our attention that our new website has been compromised by malware that affects the Chrome browser. Some Chrome users may see gibberish and a window prompting to download a new font package. **DO NOT DOWNLOAD THIS FILE!** It is simply more malware/adware that you will then have to deal with. It was hoped that we would be able to deal with this quickly. Alas, here we are at Update Time, so we thought we should put a warning out.

Note that the malware only affects the Chrome browser. Internet Explorer, Firefox, Safari, etc., are unaffected. We will advise via the next Update or a direct email when the problem has been fixed. Thanks for your patience! – Dan Shaffer

In the News:

Local/Atlantic Coast Pipeline

County weighs in on planned pipeline

- The Recorder – 4/6/17

http://www.abralliance.org/wp-content/uploads/2017/04/County_weighs_in_on_planned_pipeline-Recorder_20170406.pdf

Wide range of topics covered at 2+-hr Highland County, VA Supervisors meeting with Dominion

Things are getting real around here

- The Recorder – 4/6/17
http://www.abralliance.org/wp-content/uploads/2017/04/Things_are_getting_real_around_here-Recorder-editorial_20170406.pdf
 Highland Supervisors begin to pry details from Dominion about just how much impact ACP construction would have...the answers, though vague, aren't pretty!

Citizens group demands withdrawal of pipeline statement

- The Recorder – 4/6/17
http://www.abralliance.org/wp-content/uploads/2017/04/Citizens_group_demands_withdrawal_of_pipeline_statement-Recorder_20170406.pdf
 FERC's treatment of the EIS process and Dominion's submission tactics violate NEPA, group says

Will Activists Be Able To Stop The Atlantic Coastal Pipeline?

- Who.What.Why. – 4/6/17
<http://whowhatwhy.org/2017/04/06/will-activists-able-stop-atlantic-coastal-pipeline/>
 Outside of the region, few have heard about the Atlantic Coast Pipeline...that needs to change!

Financial experts differ about Dominion risks

- The Recorder – 4/6/17
http://www.abralliance.org/wp-content/uploads/2017/04/Financial_experts_differ_about_Dominion_risks-Recorder_20170406.pdf

New Atlantic Coast Pipeline documents raise more environmental concerns

- NC Policy Watch – 4/5/17
<http://pulse.ncpolicywatch.org/2017/04/05/new-atlantic-coast-pipeline-documents-raise-more-environmental-concerns-comment-by-april-6>
 Recent late submissions by Dominion contain details of concern to NC citizens and wildlife officials

Legal group challenges need for Dominion's pipeline

- CVille – 4/5/17
<http://www.c-ville.com/legal-group-challenges-need-dominions-pipeline/#.WOZ4c9LyuUk>
 Attorneys at the Southern Environmental Law Center question the public necessity for the Atlantic Coast Pipeline
 Related:
 - <http://augustafreepress.com/critics-federal-review-atlantic-coast-pipeline-fails-people-environment/>

Firm Hired by FERC to Review Dominion's Atlantic Coast Pipeline Linked to Project's Main Environmental Contractor

- DeSmog – 4/2/17
<https://www.desmogblog.com/2017/04/02/firm-hired-ferc-review-dominion-atlantic-coast-pipeline-linked-environmental-contractor>
 DeSmog...found that eight Merjent employees currently reviewing the Atlantic Coast pipeline — more than a third of its team members for the project — previously worked for Natural Resource Group. These include Merjent's project manager Jeff Mackenthun and deputy project manager Zeke Rice.

Regional/Mountain Valley Pipeline, other

FERC plans June release of final environmental statement for Mountain Valley Pipeline

- The Roanoke Times – 3/31/17
http://www.roanoke.com/business/news/franklin_county/ferc-plans-june-release-of-final-environmental-statement-for-mountain/article_99318fc4-b845-587c-91e5-dbf6ec904762.html
 The Federal Energy Regulatory Commission set the release for June 23, which would trigger a 90-day deadline for a decision by the commission about whether to authorize the \$3.5 billion pipeline project. FERC currently lacks a quorum to make pipeline decisions but that could change by September.

Pipelines Encounter Stiffening Resistance

- The Wall Street Journal – 3/31/17
http://www.abralliance.org/wp-content/uploads/2017/03/Pipelines_Encounter_Stiffening_Resistance-WSJ_20170331.pdf
 Residents are emboldened by North Dakota standoff as energy firms try to move glut of natural gas

Angie Rosser: Why coal industry doesn't want WV to monitor health of bugs in streams

- Charleston Gazette- Mail – 4/3/17
<http://www.wvgazette.com/gazette-op-ed-commentaries/20170403/angie-rosser-why-coal-industry-doesnt-want-wv-to-monitor-health-of-bugs-in-streams-gazette->
 In short...because dead bugs reveal problems...better and more quickly than dead fish do!

Pipeline plans heat up in W.Va.

- The Herald-Dispatch – 4/3/17
http://www.herald-dispatch.com/news/pipeline-plans-heat-up-in-w-va/article_b937550b-eac4-5536-9eao-ad60a05e63a1.html
 Many projects, many opinions, many impacts...

Big Picture:

Trump's Failure to Fill Key Government Posts Is Stalling Key Pipeline Projects

- National Review – 4/5/17
<http://www.nationalreview.com/article/446459/donald-trump-administration-key-staffing-vacancies-stall-pipeline-projects>
 Many major projects are stalled... opponents note that some may proceed though FERC has no quorum to address petitions for rehearing

Climate change booted from U.S.-China agenda under Trump

- E&E News: White House – 4/6/17
<http://www.eenews.net/stories/1060052689>
 Climate change, so recently a bright spot in Sino-US relations, likely to be swept under the rug at upcoming meeting
 Related:
<http://abcnews.go.com/Technology/wireStory/trump-boosts-coal-china-takes-lead-climate-change-46616078>

Atlantic Sunrise Expansion Intervenor for The Nesbitt Parcel Says The Williams Companies, Williams Partners, and FERC Are Playing a “Shell Game” with Additional “Lateral” Pipelines

- Yahoo Finance – 4/4/17
<http://finance.yahoo.com/news/atlantic-sunrise-expansion-intervenor-nesbitt-121900266.html>
 ACP opposition needs to clarify if a similar “blanket authorization” is included anywhere in the project application or subsequent submissions and communications!

D.C. Circuit weighs challenge to FERC project approval

- E&E News: Energy Wire – 4/5/17
<http://www.eenews.net/stories/1060052599>
 Leidy Southeast Expansion Project is one of many projects along the East Coast that environmentalists have challenged in recent years, arguing that regulators are not adequately weighing the impacts

Dakota Access fight provides blueprint for pipeline protests

- The Sacramento Bee – 4/2/17
<http://www.sacbee.com/news/nation-world/national/article142251639.html>
 The tactics used in North Dakota — resistance camps, prominent use of social media, online fundraising — are now being used against several projects...Umm, this has been happening herefor ne over 2 ½ years now!
 Related:
http://www.abralliance.org/wp-content/uploads/2017/04/DAPL_Changes_Tribes_outlook_20170405.pdf

30x30: McAuliffe's Roadmap to Virginia's Clean Energy Future

- NRDC – 3/29/17

<https://www.nrdc.org/experts/walton-shepherd/30x30-mcauliffes-roadmap-virginias-clean-energy-future>

Missed this last week. Apologies!