



## *ABRA Update #140 – July 27, 2017*

### **Forest Service Signals Possible Approval of ACP Route**

The U.S. Forest Service (NFS) released on July 21 a [Draft Record of Decision](#) regarding the proposed route of the Atlantic Coast Pipeline (ACP) through the Monongahela National Forest (MNF) and the George Washington National Forest (GWNF). The document, which was sent to the ABRA mailing list on the day it was issued, sets forth proposed amendments to the current Forest Plans for the MNF and GWNF and concludes:

Based on our review of the FEIS (*Final Environmental Impact Statement issued July 21 by the Federal Energy Regulatory Commission*) and project record, we have decided to authorize Atlantic to use and occupy NFS land to construct, operate, maintain, and eventually decommission a natural gas pipeline on NFS lands administered by the MNF and GWNF.

ABRA has been in dialogue with NFS officials, regionally and nationally, for over a year regarding the serious environmental consequences of permitting the currently proposed route through forest lands. An earlier proposed ACP route had been disapproved in January 2016 by the NFS because of harm it would have presented to certain protected plant and animal species (see [ABRA Update #64](#)). ABRA has argued in our conversations with the NFS that the current proposed route presents decided threats to the integrity of the affected forest lands due to the severe disturbance of delicate steep mountain topography and the consequential damage to water sources that form the headwaters of major rivers.

The document states that the “decision allows Atlantic to implement the ACP Project in a manner consistent with the selection action. However, approval to begin operations on NFS land will require incorporating changes into the COM Plan that are necessary to meet the requirements of regulations . . . and ensure consistency” with the Forest Land Resource Management Plans. The “COM Plan” refers to the Construction, Operation and Maintenance Plan for the ACP, a final version of which has not yet been made available.

There is an opportunity for the public to raise objections to the Draft Record of Decision. The NFS press release announcing the document’s release states:

Individuals who submitted comments to FERC during the public comment periods are eligible to object to this draft decision. Objections may be submitted to the Forest Service for 45 days ending at midnight, September 5, 2017. After objections are resolved, the Forest Service will issue a final decision on the project. For more information on the Forest Service’s objection process, please visit [www.fs.usda.gov/gwj/](http://www.fs.usda.gov/gwj/).

Forthcoming issues of *ABRA Update* will provide further discussion of why the NFS draft document should be rejected and offer guidance to those who wish to submit comments.

***Please support ABRA’s important work by clicking [here](#).***

## **ABRA Calls Final ACP Environmental Report An “Affront to Democracy”**

The July 21 release of the [Final Environmental Impact Statement](#) (FEIS) by the Federal Energy Regulatory Commission (FERC) met wide-spread negative reaction from ABRA and its member organizations. In a [press release](#) issued shortly after the FEIS was made public, ABRA stated that the document “utterly fails to independently assess whether the project is even needed.” Continuing, the ABRA release said:

This is the core issue upon which all other considerations of the controversial project are based, says a coalition of community groups and legal and technical experts. The Federal Energy Regulatory Commission relies solely on the project developer’s claims of need for the 600-mile, \$5.2 billion pipeline, which would yield substantial profit for Dominion Energy and the other private companies behind the project, while the public would be saddled with the financial, environmental and health risks.

The FEIS, which was sent to the ABRA mailing list just after its public release, will be discussed in more detail in upcoming issues of *Update*. More on the FEIS is included below in In the News. In particular, we strongly commend the *Recorder* editorial, “We can only fight – and hope – for our future.” It’s excellent!

## **Biased Regulatory Approach Is Charged Against Virginia DEQ**

“The Department of Environmental Quality (DEQ) has refused to seriously consider that it may need to deny water quality certifications . . . as demonstrated by its words and actions” for the Atlantic Coast Pipeline (ACP) and the Mountain Valley Pipeline, so stated a [strongly-worded July 25 letter](#) to Virginia Governor McAuliffe by the Dominion Pipeline Monitoring Coalition (DPMC). The letter charged:

Your top environmental officials have structured review and approval processes such that the result, if not the intent, is that the true cumulative impacts on our water resources will not be honestly documented or unacceptable damages prohibited. Rather, the DEQ has devised a confusing and evolving system of partial and inadequate regulatory measures that do not fulfill its legal duties. Most of the state actions done outside individual Clean Water Act section 401 reviews exclude citizens from any useful role. By following a piecemeal approach and segregating reviews of various pollution threats, DEQ proposes to avoid unified considerations of impacts. The Department has misled the public and, we believe, you and other elected officials as well with unfounded assurances that it is using all proper authorities to protect our waters and our communities and giving the public the chance to be fully involved.

DPMC points out that in a July 19 presentation to the State Water Control Board, the body that will decide whether or not the ACP and MVP will be certified under Section 401 of the Clean Water Act (certification is required if the pipelines are to be built), the DEQ’s Permitting Division Director, Melanie Davenport, “failed to explain to the Board that denial of water quality certifications was an option or that such denials were required unless conformance with all state standards is assured. Thus, your administration is misleading the Board and failing in its duty to see that legal processes are properly explained and conducted.” A recording of Ms. Davenport’s presentation is available at: <https://attendee.gotowebinar.com/recording/2343624811914221319>.

The DPMC letter concludes:

Only you can set these processes back on the correct path. Only you can ensure that your promises will be met - that these projects will not be approved unless full protection of citizens' rights and interests are respected and that the public is involved at each step. We are counting on you.

### **Water Quality Hearings on the ACP and MVP Begin: Be Sure to Participate!**

Public hearings on whether to certify water quality under Section 401 of the Clean Water Act for the Atlantic Coast Pipeline (ACP) began last week in North Carolina under the authority of that state's Department of the Environmental Quality. Similar hearings on the ACP will be held by the West Virginia Department of Environmental Protection (WVDEP) on July 31 in Buckhannon, WV and August 1 in Dunmore, WV. Virginia's Department of Environmental Quality (DEQ) will conduct hearings water quality certification for both the ACP and the Mountain Valley Pipeline, beginning August 7.

Full details on the water quality hearings in VA and WV were published in [ABRA Update 137](#). Please note that the August 14 hearing on the ACP certification, originally scheduled to be held in Dinwiddie, VA, will instead be held in Alberta, VA at the Southside Virginia Community College Workforce Building – Alberta Gymnasium, 109 Campus Drive, from 6 to 10 pm.

All persons concerned about the water quality consequences of the ACP are strongly urged to present comments at one of the public hearings. Those persons who are unable to attend a hearing can make their views known by filing written comments with the WVDEP (deadline August 4) or DEQ (deadline August 22). Details on where to send comments are included in the [ABRA Update 137](#) article linked above. For Virginia, additional details on DEQ's water quality review process are available [here](#).

### **Construction Halted on Two Pipeline Projects for Environmental Problems**

Two pipeline projects under construction have been halted by state environmental authorities due to environmental problems. The West Virginia Department of Environmental Protection (WVDEP) issued July 17 an order halting construction of the 713-mile Rover Pipeline, which would transmit natural gas from West Virginia to markets in Ohio, Pennsylvania, Michigan and Canada. The [WVDEP order](#) cites numerous instances of sediment deposits in water bodies and lack of proper erosion controls. The order instructs Rover Pipeline LLC to "immediately cease & desist any further land development activity until such time when compliance with the terms and conditions of its permit and all pertinent laws and rules is achieved."

On July 25, a Pennsylvania environmental court judge ordered a two-week halt to all horizontal direction drilling associated with Sunoco's Mariner East 2 Pipeline, a 350-mile project that is designed to move gas from Marcellus and Utica shale fields in West Virginia and Ohio to Sunoco's export terminal, where the plan is to ship the gas to Scotland to make plastics.

The temporary ban, which will affect drilling at 55 sites, will be effective until August 7 when a Pennsylvania court will hear arguments from Sunoco and complainants in a hearing. The court will decide whether to lift or extend the suspension until a future hearing that will determine whether to withdraw permits for the project. More information [here](#).

## Sierra Club Requests a Revised/Supplemental DEIS for ACP

The Sierra Club has asked the Federal Energy Regulatory Commission (FERC) to conduct a Revised or Supplemental Draft Environmental Impact Statement (DEIS) for the proposed Atlantic Coast Pipeline. In [Sierra's July 19 filing with FERC](#), it sites numerous deficiencies in the DEIS (which subsequently were not corrected in the Final Environmental Impact Statement released on July 21). Sierra also notes that significant new information was filed with the agency subsequent to the April 6 closing of comments on the original DEIS.

### *In the News:*

## Local/Atlantic Coast Pipeline

### **We can only fight – and hope – for our future**

- The Recorder – 7/27/17

[https://www.abralliance.org/wp-content/uploads/2017/07/We\\_can\\_only\\_fight\\_and\\_hope\\_for\\_our\\_future-Recorder\\_20170727.pdf](https://www.abralliance.org/wp-content/uploads/2017/07/We_can_only_fight_and_hope_for_our_future-Recorder_20170727.pdf)

“Never be afraid to raise your voice for honesty and truth and compassion against injustice and lying and greed.”

### **Question of need stands in wake of pipeline environmental report**

- The Recorder – 7/27/17

[https://www.abralliance.org/wp-content/uploads/2017/07/Question\\_of\\_need\\_stands\\_in\\_wake\\_of\\_pipeline\\_environmental\\_report-Recorder\\_20170727.pdf](https://www.abralliance.org/wp-content/uploads/2017/07/Question_of_need_stands_in_wake_of_pipeline_environmental_report-Recorder_20170727.pdf)

### **Pipeline environmental statement: Most impacts will be 'reduced to less-than-significant levels'**

- Richmond Times-Dispatch – 7/21/17

[http://www.richmond.com/business/pipeline-environmental-statement-most-impacts-will-be-reduced-to-less/article\\_a2c30106-458f-5301-8b37-0dab442b1f4d.html](http://www.richmond.com/business/pipeline-environmental-statement-most-impacts-will-be-reduced-to-less/article_a2c30106-458f-5301-8b37-0dab442b1f4d.html)

Project-friendly FEIS surprises no one, claiming impacts will be “less-than-significant”.

Related:

- [http://www.bayjournal.com/article/one\\_pipeline\\_through\\_va\\_clears\\_hurdles\\_another\\_through\\_pa\\_gets\\_fined\\_for\\_vi](http://www.bayjournal.com/article/one_pipeline_through_va_clears_hurdles_another_through_pa_gets_fined_for_vi)

- <http://www.nbc29.com/story/35951479/anti-pipeline-groups-meet-following-fercs-final-pipeline-review>

### **Dominion must meet conditions before construction**

- The Recorder – 7/27/17

[https://www.abralliance.org/wp-content/uploads/2017/07/Dominion\\_must\\_meet\\_conditions\\_before\\_construction-Recorder\\_20170727.pdf](https://www.abralliance.org/wp-content/uploads/2017/07/Dominion_must_meet_conditions_before_construction-Recorder_20170727.pdf)

The Federal Energy Regulatory Commission staff's environmental analysis requires Dominion meet specific conditions to be included in the final FERC order, if adopted, before construction of the proposed Atlantic Coast Pipeline can begin.

### **VOF yet to weigh land swaps**

- The Recorder – 7/27/17

[https://www.abralliance.org/wp-content/uploads/2017/07/VOF\\_yet\\_to\\_weigh\\_land\\_swaps-Recorder\\_20170727.pdf](https://www.abralliance.org/wp-content/uploads/2017/07/VOF_yet_to_weigh_land_swaps-Recorder_20170727.pdf)

FERC has told VOF that it has the power to deny Dominion permission to build on protected land.

### **Forest Service issues draft decision to OK use of National Forest System lands for pipeline**

- Nelson County Times – 7/21/17

[http://www.newsadvance.com/nelson\\_county\\_times/news/forest-service-issues-draft-decision-to-ok-use-of-national/article\\_84958b5c-6e5b-11e7-8680-0f15e3e8795e.html](http://www.newsadvance.com/nelson_county_times/news/forest-service-issues-draft-decision-to-ok-use-of-national/article_84958b5c-6e5b-11e7-8680-0f15e3e8795e.html)

“Our proposed decision recognizes Forest Service efforts to provide for multiple uses, minimize impacts to natural resources, and to support federal policies that encourage energy infrastructure, jobs, and economic growth,” Southern Regional Forester Tony Tooke said in the release.

## **Sierra Club wants N.C. regulators to withdraw approval for Atlantic Coast Pipeline contracts**

- Charlotte Business Journal – 7/26/17

<https://www.bizjournals.com/charlotte/news/2017/07/26/sierra-club-wants-n-c-regulators-to-withdraw.html>

The environmental group, represented by the Southern Environmental Law Center, contends Duke Energy Carolinas, Duke Energy Progress and Piedmont Natural Gas no longer need the volume of gas they initially negotiated with the ACP for in 2014, when the project was first announced.

## **North Carolina pipeline opponents see Gov. Cooper as last ‘line of defense’**

- Southeast Energy News – 7/24/17

<http://southeastenergynews.com/2017/07/24/north-carolina-pipeline-opponents-see-gov-cooper-as-last-line-of-defense/>

## **This massive natural gas pipeline will run right through Native American communities**

- Think Progress – 7/26/17

<https://thinkprogress.org/native-americans-protest-natural-gas-pipeline-in-north-carolina-c4726edff47a>

Echoes of DAPL. Once again, native communities bypassed by federal pipeline review.

Related:

- <http://science.sciencemag.org/content/357/6348/260.1>

## **Regional/Mountain Valley Pipeline, other**

### **DEQ agrees to add informal public meetings on pipeline**

- The Franklin News-Post – 7/26/17

[http://www.thefranklinnews.com/news/deq-agrees-to-add-informal-public-meetings-on-pipeline/article\\_5196ff4c-7202-11e7-aac6-478774a93ca0.html](http://www.thefranklinnews.com/news/deq-agrees-to-add-informal-public-meetings-on-pipeline/article_5196ff4c-7202-11e7-aac6-478774a93ca0.html)

Although DEQ declined to schedule a third public hearing, the agency’s director, David Paylor, agreed to attend two informal Aug. 10 meetings organized by Delegates Habeeb and Yost.

### **Suit Could Block Pipelines on Constitutional Grounds**

- WVTF – 7/27/17

<http://wvtf.org/post/suit-could-block-pipelines-constitutional-grounds>

Virginia law firm aims to prove “eminent domain for private gain” is unconstitutional, though the U.S. Supreme Court has found differently in the past.

### **Rover Pipeline Work Shut Down in West Virginia**

- The Intelligencer – 7/27/17

<https://www.theintelligencer.net/news/top-headlines/2017/07/rover-pipeline-work-shut-down-in-west-virginia/>

West Virginia environmental authorities have ordered a halt to Rover Pipeline construction in places where it found permit violations damaging streams in Doddridge County.

### **Dominion Ranked Second-Worst in US on Energy Efficiency**

- Blue Virginia – 7/22/17

<http://bluevirginia.us/2017/07/dominion-ranked-second-worst-us-energy-efficiency>

“On every measure, Dominion received failing scores, ending up with a dreadful 5.5 out of a possible 50 points. In other words – they’re not even trying.”

## **Big Picture:**

### **Watchdog Group: U.S. Electric Industry Knew of Climate Threat Decades Ago**

- Scientific American – 7/26/17

<https://www.scientificamerican.com/article/watchdog-group-u-s-electric-industry-knew-of-climate-threat-decades-ago/>

Documents reportedly show warnings made in 1968 of “catastrophic effects” from fossil fuel carbon emissions.

### **Millennium Pipeline Heads Back to FERC to Bypass New York**

- Natural Gas Intelligence – 7/25/17

<http://www.naturalgasintel.com/articles/111201-millennium-pipeline-heads-back-to-ferc-to-bypass-new-york>

Last week's filing could serve as a test for how the Federal Energy Regulatory Commission handles similar disputes between the New York State Department of Environmental Conservation (DEC) and other pipeline project sponsors.

In Depth:

- <https://www.law360.com/articles/947090/when-states-fail-to-act-on-federal-pipeline-permits>

### **While other states go along, NY says no to gas pipelines**

- Bay Journal – 7/20/17

<http://www.bayjournal.com/article/while-other-states-go-along-ny-says-no-to-gas-pipelines>

State pleases opponents by denying approval, but developer takes case to court

### **E.U. Is Uneasy, and Divided, About U.S. Sanctions on Russia**

- The New York Times – 7/25/17

<https://www.nytimes.com/2017/07/25/world/europe/eu-uneasy-about-impact-of-new-us-sanctions-on-russia.html>

The new round of sanctions has been driven by the United States Congress, which is intent on punishing Russia for its meddling in last year's presidential election.

Related:

- <https://www.bloomberg.com/view/articles/2017-07-24/new-u-s-sanctions-on-russia-are-a-mixed-bag>

### **Malaysia's Petronas Scraps \$29 Billion Western Canada LNG Project**

- The New York Times – 7/25/17

<https://www.nytimes.com/reuters/2017/07/25/business/25reuters-canada-lng-petronas.html>

"The demise of the LNG industry in Western Canada means that Western Canadian gas will largely remain captive to the oversupplied North American market."

### **The future of renewable energy is in Texas**

- CBS Money Watch – 7/27/17

<http://www.cbsnews.com/news/texas-is-leading-the-way-in-renewable-energy/>

While the federal government hits the gas on fossil fuels, states are speeding ahead to develop renewable energy -- and reaching new milestones.