



ABRA Update #154 – November 2, 2017

WV Shirks Its Responsibility, Waives 401 Review for MVP

West Virginia's Department of Environmental Protection (DEP) [announced November 1](#) that "the state has chosen to waive the individual 401 Certification of the federal permits for the Mountain Valley Pipeline. The Army Corps of Engineers recently reissued, with provisions that are specific to West Virginia, the Nationwide 12 permit which is used for stream crossings. These new conditions, when combined with specific requirements that are included in the state's storm water permit, will allow for better enforcement capabilities and enhanced protection for the state's waters."

In response to the DEP announcement, several environmental and conservation groups [called the agency's action a "dereliction of duty."](#) Angie Rosser, Executive Director of the West Virginia Rivers Coalition, noted that "DEP is a taxpayer-supported agency whose job is to protect public health and the environment. It appears that political favor to industry has won the day over the agency's responsibility to do everything in its power to protect the public's right to clean water."

Anne Havemann, General Counsel of the Chesapeake Climate Action Network, said that "West Virginia's decision to waive its right to protect hundreds of streams and rivers from MVP is a complete abdication of its duty and an irreparable breach of the public's trust."

The POWHR coalition, which is leading the fight against the Mountain Valley Pipeline, also issued a statement: "In light of West Virginia's ill-advised choice today, we want to amplify our call to Virginia's State Water Control Board to exercise every ounce of muscle it has in oversight of the permitting request for the Mountain Valley *and* the Atlantic Coast pipelines and in the full application of the Clean Water Act."

The DEP has not yet announced a decision regarding its Section 401 review of the Atlantic Coast Pipeline.

Governor McAuliffe Reaffirms Support for ACP and His Lack of Authority

Virginia Governor Terry McAuliffe, appearing recently in Bath County at the dedication of a new solar energy facility at a local school, reiterated his strong support for the Atlantic Coast Pipeline, which would desecrate a significant portion of the county. In responding to a reporter's question, he said "as I've always said, first off, it's not the governor's office, it's a FERC (Federal Energy Regulatory Commission) permit, and there are several permits it would go through the state. But that's determined by the General Assembly on the regulations and how they're defined."

For more on the Governor's appearance, see the *Recorder* articles linked below, entitled "Shameful" and "Governor responds to pipeline questions."

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Water Is Life Parade and Rally Planned for December 2 in Richmond

A Water is Life Parade and Rally will be held on Saturday, December 2 in Richmond, VA to bring together the community of organizations and grassroots groups that have been working against the Atlantic Coast (ACP) and Mountain Valley (MVP) pipelines in the interest of protecting Virginia's waters. The event is in anticipation of the planned meetings of the State Water Control Board on December 6 and 7 (for the MVP) and December 11 and 12 (for the ACP) to consider whether to issue water certifications for the respective pipeline projects. More details on the Water is Life event are available on its [Facebook page](#).

Advisory Council on Environmental Justice Established in Virginia

Governor Terry McAuliffe announced on October 31 the convening of the Commonwealth of Virginia's first Environmental Justice Advisory Council (EJAC). The EJAC, established by [Executive Order 73](#), will provide advice and recommendations to the Executive Branch on ways in which environmental justice should be incorporated in decision-making. Environmental Justice is the principle that no community or individual should bear disproportionate impacts from pollution.

The Governor said: "This Environmental Justice Advisory Council will work to ensure that every Virginian has a voice in protecting the quality of our air and water. This Council will provide critical advice on how to protect our natural resources and address environmental pollution in a way that is both inclusive and action-oriented."

The issuance of the Governor's Executive Order follows the [October 28 People's Tribunal event in Charlottesville](#), which highlighted environmental justice issues raised by the proposed Atlantic Coast and Mountain Valley pipelines.

Implementation Plan for the MVP Filed

A 300+ page Implementation Plan (length of the public portion) for the Mountain Valley Pipeline (MVP) was [filed October 31](#) with the Federal Energy Regulatory Commission (FERC). The Plan details how the MVP is to be built. An Implementation Plan for the Atlantic Coast Pipeline was filed with FERC on October 17, [as reported on in last week's ABRA Update](#).

In the News:

Local/Atlantic Coast Pipeline

Shameful

- The Recorder – 11/2/17

https://www.abralliance.org/wp-content/uploads/2017/11/Shameful-Recorder_editorial_20171102.pdf

Governor responds to pipeline questions

- The Recorder – 11/2/17

https://www.abralliance.org/wp-content/uploads/2017/11/Governor_responds_to_pipeline_questions-Recorder_20171102.pdf

But provides only the same, tired, evasive answers.

Environmental groups say Virginia State Water Control Board must deny pipeline water permits

- Richmond Times-Dispatch – 10/29/17

http://www.richmond.com/news/environmental-groups-say-virginia-state-water-control-board-must-deny/article_6303b6b4-be61-550c-bc2f-3c8a8cf6b3c4.html

Opponents say DEQ has not provided the Board with the information it needs to make an informed decision.

Atlantic Coast Pipeline to Have All State Permits by Mid-December, Dominion Says

- Natural Gas Intelligence – 10/30/17

<http://www.naturalgasintel.com/articles/112270-atlantic-coast-pipeline-to-have-all-state-permits-by-mid-december-dominion-says>

Dominion CEO Thomas Farrell described the state-permitting process for the pipeline as business as usual.

Dominion creates construction yard for pipeline

- The Recorder – 11/2/17

https://www.abralliance.org/wp-content/uploads/2017/11/Dominion_creates_construction_yard_for_pipeline-Recorder_20171102.pdf

Expect more of these to pop up in a beautiful valley near you!

Planners get lowdown on pipeline project

- The Recorder – 11/2/17

https://www.abralliance.org/wp-content/uploads/2017/11/Planners_get_lowdown_on_pipeline_project-Recorder_20171102.pdf

Pipeline permits cannot pass, groups assert

- The Recorder – 11/2/17

https://www.abralliance.org/wp-content/uploads/2017/11/Pipeline_permits_cannot_pass_groups_assert-Recorder_20171102.pdf

In comments filed Sunday, the Blue Ridge Environmental Defense League stated, “There are no adequate measures that could be taken to meet state and federal requirements with integrity considering how much harm would be done by the devastating and disruptive practices of pipeline construction.”

Regional/Mountain Valley Pipeline, other

W.Va. agency waives water quality certification for Mountain Valley Pipeline

- The Roanoke Times – 11/1/17

http://www.roanoke.com/business/news/w-va-agency-waives-water-quality-certification-for-mountain-valley/article_b8a9ce01-44b9-5912-80ea-c6bb5bob78ff.html

DEP official actually claims the process “worked especially well”.

Related:

- <http://www.wdtv.com/content/news/Regional-environmental-organizations-outraged-at-WVDEP-decision-454479943.html>

- https://www.wvgazette.com/news/special_reports/marcellus/justice-urged-to-give-wv-dep-resources-for-complete-review/article_330aadf2-d406-54b7-b26d-7a16f367bb4a.html

Mountain Valley sues landowners to gain pipeline easements and access through eminent domain

- The Roanoke Times – 10/27/17

http://www.roanoke.com/business/news/mountain-valley-sues-landowners-to-gain-pipeline-easements-through-eminent/article_abff5d87-1aee-5a50-b3c2-b3ee0c812e44.html

Mountain Valley Pipeline has filed a federal lawsuit against hundreds of landowners in Virginia to initiate acquiring easements through eminent domain across roughly 300 private properties and to seek a court order granting immediate access to the properties.

Bad Senate Bill Would Clear the Way for Pipelines

- NRDC – 10/30/17

<https://www.nrdc.org/experts/amy-mall/bad-senate-bill-would-clear-way-pipelines>

Some politicians and industry officials blame NEPA for delaying projects and would like to shortcut environmental review and public input.

Forum highlights perils of fossil fuels, pipelines and feeling disempowered

- The Roanoke Times – 10/27/17

http://www.roanoke.com/business/news/forum-highlights-perils-of-fossil-fuels-pipelines-and-feeling-disempowered/article_050fagf7-ae97-5507-b3dc-906e381361eb.html

The event, which focused in large part on the potential risks of the proposed and controversial Mountain Valley Pipeline, was hosted by the Virginia Tech Carilion School of Medicine.

Community members protest approved pipelines

- The Breeze – 11/2/17

http://www.breezejmu.org/news/community-members-protest-approved-pipelines/article_0e162fae-bf37-11e7-ae41-b3fbo0aaf473.html

The RAPTORS assemble to formulate strategies, educate the public and organize trips to spread awareness about the effects pipelines can have on the land and the community. - “Just because it’s not in my backyard doesn’t mean it’s not important.”

Big Picture:

Trump Team to Promote Fossil Fuels and Nuclear Power at Bonn Climate Talks

- The New York Times – 11/2/17

<https://www.nytimes.com/2017/11/02/climate/trump-coal-cop23-bonn.html>

Even Trump’s EPA says Obama’s climate plan would save thousands of lives each year

- The Washington Post – 11/1/17

https://www.washingtonpost.com/news/energy-environment/wp/2017/11/01/trumps-epa-says-obamas-climate-rule-could-prevent-up-to-4500-deaths-annually-moves-to-scrap-it/?utm_term=.3f47ca0caba1

By repealing the Clean Power Plan, Trump administration endorses thousands of unnecessary, pollution-related deaths of American citizens.

Massive Government Report Says Climate Is Warming And Humans Are The Cause

- NPR – 11/2/17

<http://www.npr.org/sections/thetwo-way/2017/11/02/561608576/massive-government-report-says-climate-is-warming-and-humans-are-the-cause>

The findings contradict statements by President Trump and many of his Cabinet members, who have openly questioned the role humans play in changing the climate.

Northeast pipeline controversy exposes gas markets as 'a recipe for chaos,' researchers say

- Utility Dive – 11/1/17

<https://www.utilitydive.com/news/northeast-pipeline-controversy-exposes-gas-markets-as-a-recipe-for-chaos/509775/>

“If they wanted to do an analysis of whether Access Northeast or any other pipeline is necessary, the first thing to do is to make sure that the institutions are functioning well,”

Federal official pushes ahead pipeline project

- Times Herald-Record – 10/27/17

<http://www.recordonline.com/news/20171027/federal-official-pushes-ahead-pipeline-project>

Federal regulators gave Millennium Pipeline Co. permission Friday to start building the 7.8-mile natural gas line that will supply the Competitive Power Ventures plant, pushing the project forward even as a dispute continues over the state’s denial of permits for that pipeline.