



## *ABRA Update #155 – November 9, 2017*

### **Turnout Was the Story of the 2017 Virginia Elections**

There are many story lines in the analysis of Virginia's 2017 election results, but turnout is clearly the most prominent explanation for the results. Statewide, voter turnout was up 16% since the last gubernatorial election in 2013. During that same 4-year period, Virginia's population grew by less than 5%. While the voter turnout numbers across the state were impressively larger than 4 years before, the real story is how strong those voter increases were in larger population centers, where Democrat candidates have a stronger following.

In Fairfax County, the state's largest jurisdiction, voter turnout was up 22% over 2015. In adjoining Prince Williams and Loudon Counties, Virginia's 3<sup>rd</sup> and 4<sup>th</sup> largest jurisdictions, turnout on November 7 was up, respectively, 21% and 31%. Meanwhile, in other areas of the state, in rural counties where Republican candidates won by margins of 2-1 or better, turnout increases over 2013 were much more modest: 16% in Augusta County, 14% in Shenandoah, 10% in Buckingham and 8% in Franklin.

In state delegate races where incumbents were upset, turnout was also an important factor. In the 21<sup>st</sup> Delegate District, a Tidewater area district, the incumbent Republican, Ronald A. Villanueva, was defeated with a voter turnout of twice what it had been in 2015. In the 50<sup>th</sup> District in Prince Williams County, where the Majority Whip of the House of Delegates was upset, turnout was up by 57%.

A final observation: while voter turnout in the 2017 gubernatorial election was high, the total number voters who cast ballots for Governor on November 7 was just 47 1/2 % of the persons who are registered to vote in the state.

### **Forest Service Clears the Way for ACP**

A response to objections raised to the U.S. Forest Service's (USFS) Draft Record of Decision (ROD) about whether the proposed amendments to the Forest Plans of the Monongahela and George Washington National Forests to accommodate the Atlantic Coast Pipeline (ACP) has been issued by the agency. In an [October 27 letter](#) to 69 objectors who took issue with the proposed amending of the Forest Plan, Glenn Casamassa, Associate Deputy Chief of the USFS, concluded that the ROD met statutory requirements and rejected all [filed objections](#). Among highlights in the letter are:

- “The Forest Service, as a cooperating agency, must make a decision whether to issue a Special Use Permit and amend the Forest Plans for the project. The Forest Service may, and has, adopted the FERC's EIS as the environmental analysis to make our decision.”
- “. . . the Forest Service is not responsible for determining the entire pipeline's overall purpose and need, nor the appropriate range of alternatives for its route. The Forest

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Service’s consideration of effects must be adequate for deciding whether to authorize the pipeline across NFS lands; not the effects of the entire pipeline.”

- “The Forest Service accepts the overall purpose and need stated in the EIS. . . the Forest Service gave ‘due deference’ to the FERC’s finding of the purpose and need for the pipeline.”

The USFS must still issue a Special Use Permit for the ACP to be built through Forest lands, but the Casamassa letter clears the way for that action. A similar [letter of rejection](#) to objections to the proposed crossing of the Jefferson National Forest by the Mountain Valley Pipeline was issued by the USFS last month.

## **Endangered Species Impacts from ACP Deemed Not a Problem**

The U.S. Fish and Wildlife Service (FWS) has completed its review of the potential impact on certain endangered species by the Atlantic Coast Pipeline (ACP) and concluded that the project “is not likely to jeopardize the continued existence” of any of the species. The [October 16 report](#), posted this week on the docket of the Federal Energy Regulatory Commission, was done in accordance with requirements of the Endangered Species Act.

The species studied in the FWS report were the Indiana bat (Ibat), rusty patched bumble bee (RPBB), small whorled pogonia, Running Buffalo clover, Roanoke logperch, Madson Cave isopod and the Northern long-eared bat.

In the case of the Ibat, a species prominent along the mountainous portion of the ACP route, the FWS concluded:

We considered the current overall declining status of the Ibat and the similar condition of the species within the action area (environmental baseline). We then assessed the effects of the proposed action and the potential for cumulative effects in the action area on individuals, populations, and the species as a whole. These types of effects of the proposed action are currently considered primary factors influencing the status of the species. While they may compound those factors, as stated above, we do not anticipate any reductions in the overall RND (reproduction, numbers and distribution) of the Ibat. It is the Service’s Opinion that authorization to construct and operate the pipeline, as proposed, is not likely to jeopardize the continued existence of the Ibat.

A similar conclusion was reached regarding the RPBB:

We considered the current overall declining status of the RPBB and the unknown condition of the species within the action area (environmental baseline). We then assessed the effects of the proposed action and the potential for cumulative effects in the action area on individuals, populations, and the species as a whole. These types of effects of the proposed action are not currently considered primary factors influencing the status of the species. While they may compound those factors, as stated above, we do not anticipate any reductions in the overall RND of the RPBB. It is the Service’s Opinion that authorization to construct and operate the pipeline, as proposed, is not likely to jeopardize the continued existence of the RPBB.

## **Changes in FERC’s Evaluation of Gas Pipelines Urged in New Study**

The nearly twenty-year-old policy process of the Federal Energy Regulatory Commission (FERC) in evaluating proposed natural gas pipelines needs an overhaul, according to a new report issued this week by the Analysis Group, a well-regarded international economic consulting firm. [“Natural Gas Pipeline Certification: Policy Considerations for a Changing](#)

[Industry](#)” was authored by Dr. Susan Tierney, an expert staff member with the firm and a former Assistant Secretary for Policy at the U.S. Department of Energy. Among the findings and recommendations in Dr. Tierney’s study:

- Since 1999 FERC has approved approximately 400 pipeline applications for an additional 180 billion cubic feet per day (Bcf/d) of pipeline capacity. This amount of additional capacity on the interstate pipeline system is significant, considering that the average consumption of natural gas in the U.S. during January 2017 was 93.1 Bcf/d, and the all-time peak-day consumption was 137 Bcf/d during the 2014 Polar Vortex.
- Although there is interest in some regions to add pipeline capacity to alleviate wintertime gas-transportation constraints (and the pricing impacts that result), some industry observers are increasingly concerned about the potential to overbuild capacity on the interstate system in light of anticipated transitions in the nation’s energy system in the future. And there are growing questions about FERC’s balancing of public benefits versus adverse consequences in the context of case-by-case review of applications.
- The past several years have also witnessed an acceleration of pipeline siting and certification challenges and concerted actions by affected landowners, neighboring homeowners, municipalities, environmental groups, and other interested parties. They are raising concerns about the potential adverse impacts and risks associated with siting new pipeline projects, especially given current and future trajectories of carbon and methane emissions from energy production, delivery and use. The associated increased use of hydraulic fracturing, or fracking, to extract gas to be transported by pipeline has also been a concern, given the health and safety risks of this relatively new gas-extraction technology.
- Questions FERC might consider in a review of its certification process include (partial list):
  - Should FERC require regional planning regarding gas transportation resources similar to the regional planning requirement imposed on electric transmission owners?
  - Should FERC’s balancing of benefits against adverse impacts be expanded to include noneconomic factors (e.g., should environmental impacts be among the adverse impacts FERC considers while applying the balancing test)?
  - Should FERC impose a greater burden to show that a pipeline is needed when it is proposed to gain market share rather than to meet new market demand?

How should FERC weigh the relative distribution of benefits and burdens across those interested and affected constituencies?

## ***In the News:***

### **Local/Atlantic Coast Pipeline**

#### **Regulators issue 'Letter of Disapproval' for Atlantic Coast Pipeline; Not a rejection, ACP says**

- Triangle Business Journal – 11/7/17  
<https://www.bizjournals.com/triangle/news/2017/11/07/regulators-issue-letter-of-disapproval-for.html>  
 Dominion shrugs off NCDEQ letter after receiving a 3<sup>rd</sup> request for additional information from the agency...claims “business as usual”.

## Virginia's election results are good news for the planet

- Think Progress – 11/8/17

<https://thinkprogress.org/climate-action-remains-on-track-in-virginia-5b43bf3cfa76/>

Gov.-elect Ralph Northam pledges to continue his predecessor's actions to cut carbon emissions...but what about those pipelines?!

Related:

- <https://www.desmogblog.com/2017/11/08/dominion-energy-also-lost-big-virginia-election>

## COLUMN: What will gas pipeline do to Staunton's water supply?

- Fredericksburg.com – 11/8/17

[http://www.fredericksburg.com/opinion/columns/column-what-will-gas-pipeline-do-to-staunton-s-water/article\\_d1e77201-da44-5286-b7b6-20762bd52216.html](http://www.fredericksburg.com/opinion/columns/column-what-will-gas-pipeline-do-to-staunton-s-water/article_d1e77201-da44-5286-b7b6-20762bd52216.html)

Staunton Mayor Carolyn Dull addresses Staunton's deep concerns and opposition to the Atlantic Coast Pipeline.

## Opponents pan pipeline project

- Rocky Mount Telegram – 11/7/17

<http://www.rockymounttelegram.com/News/2017/11/07/Pipeline-opponents-pan-project.html>

## Regional/Mountain Valley Pipeline, other

### China gas deal with WV generates more questions than answers

- Charleston Gazette-Mail – 11/9/17

[https://www.wvgazettemail.com/news/special\\_reports/marcellus/china-gas-deal-with-wv-generates-more-questions-than-answers/article\\_c3fd635d-6f50-5132-bd59-b6e00202f615.html](https://www.wvgazettemail.com/news/special_reports/marcellus/china-gas-deal-with-wv-generates-more-questions-than-answers/article_c3fd635d-6f50-5132-bd59-b6e00202f615.html)

Concrete details about exactly what the 20-year, \$83.7 billion in Chinese investment in West Virginia's natural gas industry would bring to the state remain at best a bit sketchy.

### Virginia Water Board Can and Should Deny Pipeline Permits

- NRDC – 11/8/17

<https://www.nrdc.org/experts/amy-mall/virginia-water-board-can-and-should-deny-pipeline-permits-o>

Sediment and Stormwater issues have been ignored by Virginia's DEQ. Both are big problems that need to be addressed.

### DEP pipeline decision at odds with WV's push against federal overreach

- Charleston Gazette-Mail - 11/4/17

[https://www.wvgazettemail.com/news/special\\_reports/marcellus/dep-pipeline-decision-at-odds-with-wv-s-push-against/article\\_561e165c-f251-5d31-97c1-b64c7847024e.html](https://www.wvgazettemail.com/news/special_reports/marcellus/dep-pipeline-decision-at-odds-with-wv-s-push-against/article_561e165c-f251-5d31-97c1-b64c7847024e.html)

For years, West Virginia political leaders and regulators have complained about overreach by the federal government.

Related:

[http://www.herald-dispatch.com/opinion/editorial-dep-s-hands-off-stance-on-pipeline-raises-valid/article\\_1b2d90cf-0ecb-517e-ba0a-2b6ead7cd87c.html](http://www.herald-dispatch.com/opinion/editorial-dep-s-hands-off-stance-on-pipeline-raises-valid/article_1b2d90cf-0ecb-517e-ba0a-2b6ead7cd87c.html)

### Pipeline developers suing hundreds of Va., W.Va. landowners

- The Roanoke Times – 11/3/17

[http://www.roanoke.com/news/virginia/mountain-valley-pipeline-developers-suing-hundreds-of-landowners/article\\_dc31a5d4-3607-51c5-8846-ae83e496e1df.html](http://www.roanoke.com/news/virginia/mountain-valley-pipeline-developers-suing-hundreds-of-landowners/article_dc31a5d4-3607-51c5-8846-ae83e496e1df.html)

### Buckhannon may see pipeline work next year

- The Inter-Mountain – 11/9/17

<http://www.theintermountain.com/news/local-news/2017/11/buckhannon-may-see-pipeline-work-next-year/>

## Big Picture:

### Election Winners Promise Climate Action in Coast-to-Coast Pushback on Trump

- Inside Climate News – 11/8/17

<https://insideclimatenews.org/news/08112017/election-climate-change-winners-governor-mayor-new-jersey-virginia-washington-miami-carbon-markets>

Voters in New Jersey, Virginia and Washington state backed candidates who support clean energy and could expand regional carbon markets.

### Trump to World: Fossil Fuels Are Good for You

- New Republic – 11/9/17

<https://newrepublic.com/article/145667/trump-world-fossil-fuels-good>

No longer content to just deny climate change, the administration is now making the moral case for burning oil and coal.

### US Energy Industry Associations Urge FERC To Reject DOE Proposal To Subsidize Coal & Nuclear

- Clean Technica – 11/8/17

<https://cleantechnica.com/2017/11/08/us-energy-industry-associations-urge-ferc-reject-doe-proposal-subsidize-coal-nuclear/>

### REPORT: FERC's 18-Year-Old Natural Gas Pipeline Permitting Policy Needs Updating

- NRDC – 11/6/17

<https://www.nrdc.org/media/2017/171106>

Policy is Insufficient to Protect People, Environment Given the Rapidly Changing Industry

Related:

<https://www.utilitydive.com/news/analysis-group-time-for-ferc-to-consider-changes-to-gas-pipeline-siting/510346/>

### Environmentalists just gained a new enemy in the fight against natural gas pipelines

- Think Progress – 11/6/17

<https://thinkprogress.org/utilities-campaign-for-natural-gas-04b250c7301c/>

Industry is intensifying its campaign against landowners and environmentalists.

### Atlantic Sunrise natural gas pipeline construction to resume: ruling P8

- PennLive – 11/8/17

[http://www.pennlive.com/news/2017/11/atlantic\\_sunrise\\_natural\\_gas\\_p\\_1.html](http://www.pennlive.com/news/2017/11/atlantic_sunrise_natural_gas_p_1.html)

### Trump Ignores Climate Change. That's Very Bad for Disaster Planners

- The New York Times – 11/9/17

<https://www.nytimes.com/2017/11/09/climate/fema-flooding-trump.html>

In 2015, the White House issued an executive order requiring all infrastructure projects that get federal funding to be rebuilt two or three feet above the 100-year floodplain, or to take into account the best available climate science during planning. Trump axed it.

### New Study Shows Urgently Needed 100% Renewable Transition More Feasible Than Ever

- Common Dreams – 11/9/17

<https://www.commondreams.org/news/2017/11/09/new-study-shows-urgently-needed-100-renewable-transition-more-feasible-ever>

A complete transition from fossil fuels would create millions of jobs and save money while protecting planet from harmful emissions.