



ABRA Update #167 – February 8, 2018

Forest Service Issues Permit for ACP, Conservation Groups Sue

The U.S. Forest Service (NFS) has granted a Special Use Permit (SUP) for the Atlantic Coast Pipeline (ACP) to cross 36+ miles of forest lands in the Monongahela and George Washington National Forests. The permit was signed on January 23 and announced last week, but the NFS had indicated its approval of the route on NFS lands in Pocahontas County, West Virginia and Highland, Bath and Augusta Counties, Virginia when it [announced its Record of Decision on November 17](#).

A coalition of seven ABRA member organizations filed suit on February 5 in the U.S. District Court of Appeals for the Fourth District (Richmond) challenging the granting of the permit. In its press release announcing the legal action, the coalition stated:

The Forest Service repeatedly requested additional information from developers yet moved ahead and approved this risky project with its questions unanswered. The pipeline is slated to cut through miles of steep, rugged mountainous regions of national forest land in West Virginia and Virginia. Much of this land provides habitat for rare and endangered species and is land that is regularly used by hikers and campers.

“The terrain which developers propose to cross with this pipeline is completely inappropriate for this kind of project,” said Sierra Club Attorney Nathan Matthews. “This fracked gas pipeline would cause permanent damage to the public lands that are so important to West Virginia’s and Virginia’s natural beauty. It is reckless to threaten the pristine land and tourism economy of those states with a dirty, dangerous project that they don’t even need.”

Pipeline developers have yet to receive all the permits needed for this project, including a water certification from Virginia meant to ensure protection of sensitive waterways. The Forest Service should not allow any work to move forward on national forest lands until this project is fully permitted.

The lawsuit was filed by attorneys with the Southern Environmental Law Center and the Sierra Club on behalf of the Cowpasture River Preservation Association, Highlanders For Responsible Development, Shenandoah Valley Battlefields Foundation, Shenandoah Valley Network, Sierra Club, Virginia Wilderness Committee, and Wild Virginia.

A copy of the SUP, with numerous provisions that detail the manner in which the ACP can be constructed on NFS lands, can be found on pages 73-94 of the [coalition lawsuit](#).

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Army Corp Gives O.K. to West Virginia Portion of ACP

A Nationwide Permit (NWP) has been issued by the Pittsburgh District of the U.S. Corp of Engineers for the Atlantic Coast Pipeline's proposed route in West Virginia. The Corp's [February 7 letter of approval](#) indicated that 187 stream crossings and wetlands would be involved in the four West Virginia counties affected: Harrison, Lewis, Upshur and Randolph. set forth special conditions that must be met, including a restoration of stream crossings and timing of when construction involving stream crossings could and could not be performed.

At this writing ABRA has not determined the status of Army Corp approval for other portions of the ACP route.

Announcement of Registration for March 3 ABRA Pipeline CSI Meeting

Registration details for the special ABRA meeting on the new Pipeline Compliance Surveillance Initiative program (PCSI), [announced in last week's ABRA Update](#), will be sent to the ABRA mailing list early next week. The meeting will be held Saturday, March 3 from 1 to 5 pm at the Staunton (VA) Holiday Inn, located at the intersection of I-81 and Rt. 262, just north of Staunton.

The focus of the session will be to explain in detail how the PCSI will operate and how citizen volunteers can participate in the program. The meeting will be open to representatives from all ABRA member organizations, as well as others interested in learning more about the program. There will be no charge for attending.

ACP Construction Schedule

ABRA has prepared the table below indicating when construction on the Atlantic Coast Pipeline is scheduled to commence and end for those portions in West Virginia and Virginia (to the southern Buckingham County border). Each section, or spread, of the route is also detailed in a map that can be accessed [here](#).

<u>Spread</u>	<u>Mileposts</u>	<u>Location</u>	<u>BeginDate</u>	<u>EndDate</u>
Spread 1-1	0.0 - 17.2	Harrison, Lewis (WV)	2019	4Q 2019
Spread 1-2	17.2 - 31.6	Lewis, Upshur (WV)	2019	4Q 2019
Spread 2-1	36.1 - 47.3	Upshur, Randolph (WV)	2018	4Q 2018
Spread 2-2	47.3 - 56.1	Randolph (WV)	2018	4Q 2018
Spread 2A	56.1 - 65.4	Randolph (WV)	2018	4Q 2018
Spread 3	65.4 - 79.2	Randolph, Pocahontas (WV)	2019	4Q 2019
Spread 3A	79.2 - 91.3	Pocahontas (WV), Highland (VA)	2018	4Q 2018
Spread 4	91.3 - 103.1	Highland, Bath (VA)	2019	4Q 2019
Spread 4A	103.1 - 125.9	Bath, Augusta (VA)	2018	4Q 2018
Spread 5	125.9 - 183.3	Augusta, Nelson (VA)	2019	4Q 2019
Spread 6	183.3 - 239.6	Nelson, Buckingham (VA)	2018	4Q 2018

In the News:

Local/Atlantic Coast Pipeline

Furtive pipeline deal begs legal answers

- The Recorder – 2/8/18

https://www.abralliance.org/wp-content/uploads/2018/02/Furtive_pipeline_deal_begs_legal_answers-Recorder_20180208.pdf

Dominion Energy and Virginia's then-outgoing McAuliffe administration closed a little-known deal in late December to relieve Dominion of forest fragmentation and water related liability for its proposed pipeline in exchange for paid mitigation measures.

Related:

- <https://www.usnews.com/news/best-states/virginia/articles/2018-02-02/virginia-signs-58m-deal-with-atlantic-coast-pipeline>
- <http://www.nbc29.com/story/37444283/environmental-activists-react-to-mcauliffe-dominion-energy-deal>

Nelson board dismisses seven pipeline permitting requests, grants deferral on four others

- The Daily Progress – 2/6/18

http://www.dailyprogress.com/news/local/nelson-board-dismisses-seven-pipeline-permitting-requests-grants-deferral-on/article_12230948-obb6-11e8-a362-d7891c217462.html

Seven of the 11 total variance applications submitted by the ACP were dismissed Monday because the ACP has not obtained easement agreements yet for those seven properties.

U.S. Forest Service: Watchdog or unfaithful servant?

- The Recorder – 2/8/18

https://www.abralliance.org/wp-content/uploads/2018/02/US_Forest_Service_Watchdog_or_unfaithful_servant-Recorder_editorial_20180208.pdf

Before the current administration took charge in January 2017, the forest service seemed much more proactive when it came to environmental protection and the proposed pipeline.

Hadwin: No, cold wave doesn't show need for pipeline

- The Roanoke Times – 2/7/18

http://www.roanoke.com/opinion/commentary/hadwin-no-cold-wave-doesn-t-show-need-for-pipeline/article_48beeea8-a70a-5499-ba51-186f3b3e79fe.html

Related:

- <https://www.nrdc.org/experts/amy-mall/natural-gas-industry-admits-new-pipelines-arent-needed>

Supervisors probe pipeline road impact

- The Recorder – 2/8/18

https://www.abralliance.org/wp-content/uploads/2018/02/Supervisors_probe_pipeline_road_impact-Recorder_20180208.pdf

Gov. Cooper hires petroleum industry lobbyist as legislative affairs director

- The News & Observer – 2/7/18

<http://www.newsobserver.com/news/business/article198962229.html>

Regional/Mountain Valley Pipeline, other

With court actions, work may start soon for Mountain Valley Pipeline

- WV Metro News – 2/6/18

<http://wvmetronews.com/2018/02/06/with-court-actions-work-may-start-soon-for-mountain-valley-pipeline/>

Several things have happened in recent days to clear the path for Mountain Valley Pipeline to get going.

Related:

- <https://www.utilitydive.com/news/dc-circuit-rejects-bid-to-block-mountain-valley-pipeline--construction/516250/>

Erosion control plans for Mountain Valley Pipeline to get additional state review

- The Roanoke Times – 2/2/18

http://www.roanoke.com/news/local/franklin_county/erosion-control-plans-for-mountain-valley-pipeline-to-get-additional/article_377201f9-9517-56d8-bea4-3a50910f5bd3.html

When the VA State Water Quality Control Board granted a water quality certification for the project in December, critics complained that it had failed to review any erosion-control measures.

In Virginia, Residents Fight for Fairness in Pipeline Development

- Courthouse News – 2/7/18

<https://www.courthousenews.com/in-virginia-residents-fight-for-fairness-in-pipeline-development/>

Hundreds of land owners are challenging eminent domain claims against parts of their property by the Pittsburgh, Pennsylvania-based EQT Corporation.

Governor, attorney general disagree over bill to regulate utilities

- News Leader – 2/6/18

<http://www.newsleader.com/story/news/2018/02/06/governor-attorney-general-disagree-over-bill-regulate-utilities/310804002/>

Lots of questions remain on a deal to repeal Dominion's "rate freeze" from 2015

Related:

- <http://baconsrebellion.com/42014-2/>

Three-Time Sellout: Terry McAuliffe's Secret Mountain Valley Pipeline Deals and The Smoking Gun They Reveal

- Blue Virginia – 2/5/18

<https://bluevirginia.us/2018/02/three-time-sellout-terry-mcauliffes-secret-mountain-valley-pipeline-deals-and-the-smoking-gun-they-reveal>

Big Picture:

White House seeks 72 percent cut to clean energy research, underscoring administration's preference for fossil fuels

- The Washington Post – 2/1/18

https://www.washingtonpost.com/business/economy/white-house-seeks-72-percent-cut-to-clean-energy-research-underscoring-administrations-preference-for-fossil-fuels/2018/01/31/c2c69350-05f3-11e8-b48c-b07fea957bd5_story.html

Pruitt suggests warming can help humans

- E&E News – Climate Wire – 2/7/18

<https://www.abralliance.org/wp-content/uploads/2018/02/Pruitt-suggests-warming-can-help-humans-EE-News-Climatewire-2-7-18.pdf>

Pruitt suggested that global warming could be seen as a good thing for people. He said civilizations tend to flourish when it's warm.

FERC's Powelson Sees No Shift in Natural Gas Pipeline Policy

- Natural Gas Intelligence – 2/5/18

<http://www.naturalgasintel.com/articles/113281-fercs-powelson-heaps-praise-on-natural-gas-in-speech-before-industry-audience>

Sounds very pro-industry.

China Is Financing a Petrochemical Hub in Appalachia. Meet its Powerful Backers.

- DeSmog – 2/6/18

<https://www.desmogblog.com/2018/02/06/fracking-appalachian-storage-hub-china>

The hub could encompass natural gas liquids storage, a market trading index center, a key pipeline feeding epicenter, and a petrochemical refinery row.

Why a Big Utility Is Embracing Wind and Solar

- The New York Times – 2/6/18

<https://www.nytimes.com/2018/02/06/opinion/utility-embracing-wind-solar.html?action=click&pgtype=Homepage&clickSource=story-heading&module=opinion-c-col-right-region®ion=opinion-c-col-right-region&WT.nav=opinion-c-col-right-region>

Simple...it's cheaper. And in the long term...better.

New US Renewable Energy Capacity Beats Natural Gas For Fourth Year Running, Renewables Now Account For Over 20%

- Clean Technica – 2/7/18

<https://cleantechnica.com/2018/02/07/new-us-renewable-energy-capacity-beats-natural-gas-fourth-year-running-renewables-now-account-20/>

For the fourth year in a row, new US electricity capacity from renewable energy sources surpassed those from natural gas, and accounted for half of all new capacity additions, according to recent figures published by the country's Federal Energy Regulatory Commission.