



ABRA Update #187 – June 28, 2018

Virginia Game and Fisheries Agency Accused of Being “Gamed” by Dominion

The Virginia Department of Game and Inland Fisheries (VDGIF), in the closing days of the McAuliffe administration, rolled back restrictions on construction in streams to help Dominion and Atlantic Coast Pipeline developers move the project along faster. The modifications granted, which were pursuant to a [September 8, 2017 request from Dominion Energy](#), would effectively weaken protections for Virginia water and wildlife, were made without public input or notice from Virginia to the public, despite widespread opposition to the project. Dominion had previously agreed to all of the restrictions as set out in the project’s environmental impact statement, but it sought waivers to the Time of Year Restrictions (TOYRs) because the company could not meet its original construction schedule.

The revelation was announced June 28 by the Southern Environmental Law Center (SELC), which obtained the information through documents obtained through the Virginia Freedom of Information Act. In a [June 22 letter to Virginia Secretary of Natural Resources Matt Strickler](#), who oversees VDGIF, SELC said:

The waivers granted include rescission of the rainbow, brook, and brown trout TOYRs on the Jackson River, one of Virginia’s premier trout rivers, and permission to conduct in-stream construction on at least six Cowpasture River tributaries during the James Spiny mussel TOYR. For other streams, such as Stuart Run, Morris Run, Dowell’s Draft, and Back Creek (Augusta County), VDGIF agreed to totally rescind the applicable trout TOYRs. For thirteen Mill Creek tributaries, the agency offered to allow in-stream construction during the James Spiny mussel restricted period. In many cases, VDGIF made waivers more extensive than what Atlantic and Dominion had asked for.

Continuing, SELC pointed out to Secretary Strickler:

These rescissions and alterations of TOYRs put in place to protect important public resources are not consistent with the Governor’s promise to protect Virginia rivers and streams from harm caused by pipeline construction and should be reversed. We further request that Virginia publicly commit to strict enforcement of the various resource protection measures imposed by state agencies, and that Virginia will not grant requests for alteration or waiver of these restricted periods and other protective measures without formal public notice and at least a 30-day comment period.

Volunteer for ABRA’s Pipeline CSI Program

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Army Corps Is Asked to Revoke Permit for the ACP

Appalachian Mountain Advocates on June 22 requested the U.S. Army Corps of Engineers to suspend and revoke the permit the agency issued for the Atlantic Coast Pipeline in February under the Nationwide Permit 12 program because of the inability of the applicant to comply with West Virginia requirements that limit stream crossings construction for a duration of 72 hours. The request was made on behalf of five ABRA members: the Sierra Club, West Virginia Rivers Coalition, West Virginia Highlands Conservancy, Appalachia Voices and the Chesapeake Climate Action Network. A copy of the Appalmad letter to the Army Corps is available at [here](#). (Note that the first six-pages of the 265-page document spell out the basic reasoning for the request

The request to the Army Corps follows a decision yesterday by the 4th Circuit Court of Appeals to grant a stay of the same permit (under Section 404 of the Clean Water Act) for the Mountain Valley Pipeline for similar reasons. Information on the court decision is available [here](#).

FERC Commissioner Powelson Announces Resignation

Robert Powelson, a Federal Energy Regulatory Commission member who was appointed by President Trump and took office on August 4, 2017 announced late on June 28 his resignation from Commission, effective mid-August. Commissioner Powelson previously served as a member of the Pennsylvania Public Utilities Commission. He was one of two Commissions who voted on October 13, 2017 to approve the construction of the Atlantic Coast Pipeline and the Mountain Valley Pipeline. His statement of resignation (click [here](#)) said that he will become the President and CEO of the National Association of Water Companies."

In the News:

Local/Atlantic Coast Pipeline

Water board to weigh pipeline comments

- Recorder – 6-28-18

<https://www.abralliance.org/wp-content/uploads/2018/06/Water-board-to-weigh-pipeline-comments-Recorder-6-28-18>

Portions of Atlantic Coast Pipeline authorized to proceed

- Exponent Telegram – 6/25/18

https://www.wvnews.com/theet/news/portions-of-atlantic-coast-pipeline-authorized-to-proceed/article_a5628c01-3324-58e5-8ccf-d0654d4119b8.html

FERC ok's work on 14 right-of-way locations in Randolph County, WV, plus grants a waiver request to utilize a previously-graded contractor yard in Harrison County and pipe yard in Pocahontas County.

Nelson County board deadlocks on Atlantic Coast Pipeline water vote

- News & Advance – 6-21-18

https://www.newsadvance.com/news/local/nelson-county-board-deadlocks-on-atlantic-coast-pipeline-water-vote/article_68a82016-75b3-11e8-942d-c708eb079e71.html

Service Authority Board deadlocks 2-2, thus failing to approve a special rate and connection fee that would be used in a sale of water to the Atlantic Coast Pipeline.

Environmental Justice Complaint filed with EPA against Virginia DEQ over ACP

- Blue Virginia – 6-20-18

<http://bluevirginia.us/2018/06/title-vi-environmental-justice-complaint-filed-with-epa-against-the-virginia-department-of-environmental-quality-regarding-the-atlantic-coast-pipeline>

Water board to weigh pipeline comments

- Recorder – 6-28-18

<https://www.abralliance.org/wp-content/uploads/2018/06/Water-board-to-weigh-pipeline-comments-Recorder-6-28-18.pdf>

Regional/Mountain Valley Pipeline, other

After legal victory, enviros push to block Mountain Valley

- E&E News – 6-28-18

<https://www.eenews.net/energywire/2018/06/28/stories/1060087173>

MVP foes file new legal challenge following last week's win

- Roanoke Times – 6/26/18

https://www.roanoke.com/news/local/mountain-valley-pipeline-foes-file-new-legal-challenge-following-last/article_fa8b993f-57b3-5280-ac4c-d739eef0e341.html

One week after an appeals court slowed down construction of a natural gas pipeline in West Virginia, it is being asked to do the same for the project's path through Virginia.

Federal court puts MVP water crossing permit on hold

- Charleston Gazette-Mail – 6/21/18

https://www.wvgazettemail.com/news/federal-court-puts-mountain-valley-pipeline-water-crossing-permit-on/article_1a6cdc54-47d6-5ae9-8542-cf840f9baadc.html

Related:

- https://www.roanoke.com/news/local/appeals-court-issues-stay-of-permit-for-mountain-valley-pipeline/article_b4143609-dd72-5fa5-a3fb-69990afb64fa.html

- <https://www.sierraclub.org/press-releases/2018/06/breaking-4th-circuit-stays-essential-permit-for-fracked-gas-mountain-valley>

Big Picture:

Methane leaks offset much of the climate change benefits of natural gas

- Washington Post – 6/24/18

https://www.washingtonpost.com/business/economy/methane-leaks-offset-much-of-the-benefits-of-natural-gas-new-study-says/2018/06/21/e381654a-7590-11e8-b4b7-308400242c2e_story.html?utm_term=.f6ce07c7cb9e

New study in the journal Science estimates the leak rate from U.S. oil and gas operations is 2.3 percent, significantly higher than the Environmental Protection Agency's estimate of 1.4 percent.

Exposure to fracking chemicals makes fat cells grow

- Charlotte News & Observer – 6/20/18

<https://www.newsobserver.com/news/local/education/article213547809.html>

Duke University scientists say exposure to industrial chemicals used in fracking overstimulates the growth of fat cells.

Due to the July 4 holiday, there will be no *ABRA Update* issue next week. The newsletter will resume on July 12. During the interim, we will keep you apprised of developments on our Facebook page (<https://www.facebook.com/abralliance/>) or by email alert.

HAPPY JULY 4TH