



## *ABRA Update #199 – September 27, 2018*

### **Court Stays ACP Forest Service Permit, Stop Work Order Requested**

The U.S. Court of Appeals for the Fourth Circuit this week ordered a stay of the Special Use Permit that had been issued by the U.S. Forest Service for the Atlantic Coast Pipeline (ACP). The September 24 Order was the third time in four months that the Fourth Circuit has vacated or stayed federal authorization for the ACP. The Court had issued on May 15 and reaffirmed on August 6 an order vacating the incidental take statement from the U.S. Fish and Wildlife Service (FWS), pursuant to requirements of the Endangered Species Act, and the right-of-way permit issued by the U.S. Park Service (NPS) to permit the pipeline to cross the Blue Ridge Parkway and Appalachian Trail. The Federal Energy Regulatory Commission (FERC) followed-up on August 10 with a stop work order for the project. The stop work order was lifted by FERC on September 17 following the issuance of a revised permit by the NPS and incidental take statement by the FWS.

On September 25 FERC was requested to issue a new stop work order for the ACP, in light of the Fourth Circuit's Order. The plaintiffs requesting the action, represented jointly by the Southern Environmental Law Center and Appalachian Mountain Advocates, are Cowpasture River Preservation Association, Highlanders for Responsible Development, Shenandoah Valley Battlefields Foundation, Shenandoah Valley Network, Sierra Club, Virginia Wilderness Committee and Wild Virginia. The Chesapeake Bay Foundation is also a plaintiff in the filing. The plaintiff's [letter to FERC](#) states:

“As the Commission explained in its August 2018 stop-work order, “allowing continued construction poses the risk of expending substantial resources and substantially disturbing the environment by constructing facilities that ultimately might have to be relocated or abandoned.” As a result of the Fourth Circuit's September 24, 2018 order staying the Special Use Permit and Record of Decision, the same is again true.”

The Fourth Circuit is scheduled to hear oral arguments on Friday, September 28 in a case filed by the same plaintiffs group that challenges the Forest Service permit. The Court will also hear on Friday arguments on a lawsuit challenging the December 12, 2017 decision by the Virginia State Water Control Board to approve a water quality certificate for the ACP. For more, see the [article in last week's ABRA Update that discusses both law suits.](#)

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## ABRA Begins Its Fifth Year

The Allegheny-Blue Ridge Alliance began its fifth year of existence earlier this month. Formed out of a July 2014 meeting of organizations and individuals in Virginia concerned about the then-proposed Southeast Reliability Project (predecessor proposal to the Atlantic Coast Pipeline), ABRA has grown to a coalition of more than 50 organizations and hundreds of involved and committed individuals in Virginia and West Virginia. We now have our own Board of Directors, chaired by Alan Johnson of Eight-Rivers Council in Pocahontas County, WV (see [link](#) for a list of Board members) and earlier this month we received our own 501 (c)(3) status from the Internal Revenue Service.

In pursuit of ABRA's mission to "protect the heritage, resources and economy of the Allegheny-Blue Ridge region," we provide a vital organizational infrastructure to facilitate the fight against unwarranted projects like the Atlantic Coast Pipeline that threaten the integrity of the Allegheny and Blue Ridge region.

We extend big thanks to the hundreds and hundreds of persons whose work and support, individually and as part of organizations, have contributed to our efforts.

- Lew Freeman, Executive Director and Dan Shaffer, CSI Geospatial Consultant

**FRIENDS OF NELSON  
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PEACEFUL + FAMILY-FRIENDLY WEEKENDS OF CAMPING

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FRIDAYS THROUGH SUNDAYS  
FIRST THREE WEEKENDS OF OCTOBER

»»»—————>

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

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

#### **Fourth Circuit issues stay on pipeline a 3rd time**

- The Recorder – 9/27/18  
<https://www.abralliance.org/wp-content/uploads/2018/09/Fourth-Circuit-issues-stay-on-pipeline-a-3rd-time-Recorder20180927.pdf>
- Related:  
- <https://www.viriniamercury.com/2018/09/26/seeking-another-pipeline-work-stoppage/>

#### **West Augusta pipe yard is putting the 'cart before the horse'**

- News Leader – 9/21/18  
<https://www.newsleader.com/story/opinion/columnists/2018/09/21/atlantic-coast-pipeline-could-have-ruptured-storm-like-florence/1383488002/>
- Neither FERC nor DEQ “have ever heard” of the pipe yard that Dominion is proposing in West Augusta. DEQ sent an inquiry to Dominion, who responded “This yard is not part of the project at this time.”

#### **SELC challenges new permits for Atlantic Coast Pipeline**

- The Recorder – 9/27/18  
[https://www.abralliance.org/wp-content/uploads/2018/09/SELC-challenges-new-permits-for-Atlantic-Coast-Pipeline-Recorder\\_20180927.pdf](https://www.abralliance.org/wp-content/uploads/2018/09/SELC-challenges-new-permits-for-Atlantic-Coast-Pipeline-Recorder_20180927.pdf)
- After the Fourth Circuit struck down its permit for the pipeline, the National Park Service quickly reissued a nearly identical permit with no changes to the project.

#### **Dominion Objects to Testimony on Pipeline Cost**

- Bacon’s Rebellion – 9/22/18  
<https://www.baconsrebellion.com/wp/dominion-objects-to-testimony-on-pipeline-cost/>
- Dominion’s books are totally cooked! *Of course* they object to testimony that shed slight on their accounting of future ratepayer costs.

#### **State water board chair resignation wanted**

- The Recorder – 9/27/18  
<https://www.abralliance.org/wp-content/uploads/2018/09/State-water-board-chair-resignation-wanted-Recorder20180927.pdf>
- The Dominion Pipeline Monitoring Coalition is calling on the State Water Control Board chair to resign for alleged dereliction of duty in regulating the proposed Atlantic Coast Pipeline and Mountain Valley Pipeline.

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

#### **Estimated cost of Mountain Valley Pipeline increased to \$4.6 billion**

- The Roanoke Times – 9/25/18  
[https://www.roanoke.com/business/news/estimated-cost-of-mountain-valley-pipeline-increased-to-billion/article\\_1b615993-cf0f-5082-bf59-c2f37e365fa9.html](https://www.roanoke.com/business/news/estimated-cost-of-mountain-valley-pipeline-increased-to-billion/article_1b615993-cf0f-5082-bf59-c2f37e365fa9.html)
- “About half of the cost increase was attributed to a lull in construction for most of August.” \$500 million cost increase because of a month-long delay?! Somebody *has* to call BS on this.

#### **Landowners facing irreparable harm from MVP, lawyers argue**

- Charleston Gazette-Mail – 9/26/18  
[https://www.wvgazettemail.com/news/landowners-facing-irreparable-harm-from-mvp-lawyers-argue/article\\_f4512bc0-63a0-52af-8c9a-127e39bd96f7.html](https://www.wvgazettemail.com/news/landowners-facing-irreparable-harm-from-mvp-lawyers-argue/article_f4512bc0-63a0-52af-8c9a-127e39bd96f7.html)
- The case challenges the preliminary injunctions issued by three district judges that granted Mountain Valley Pipeline immediate possession in condemnation proceedings.

#### **Peckman: Regulators were fooled by pipeline**

- The Roanoke Times – 9/26/18  
[https://www.roanoke.com/opinion/commentary/peckman-regulators-were-fooled-by-pipeline/article\\_c1b9ef57-8122-588f-9eff-90ac99410bae.html](https://www.roanoke.com/opinion/commentary/peckman-regulators-were-fooled-by-pipeline/article_c1b9ef57-8122-588f-9eff-90ac99410bae.html)

The decision on MVP construction should not be when to resume construction but rather if to resume construction.

### **Gazette editorial: Lo! Business wants to invest where there is renewable energy**

- Charleston Gazette-Mail – 9/26/18

[https://www.wvgazette.com/opinion/gazette\\_opinion/editorial/gazette-editorial-lo-business-wants-to-invest-where-there-is/article\\_6b6a5384-6dc5-5d79-8acb-c7cf7ca6a52c.html](https://www.wvgazette.com/opinion/gazette_opinion/editorial/gazette-editorial-lo-business-wants-to-invest-where-there-is/article_6b6a5384-6dc5-5d79-8acb-c7cf7ca6a52c.html)

Hell froze over at the West Virginia Chamber of Commerce's annual business summit at The Greenbrier last month. Bob Orndorff, state policy director for Dominion Energy, told those gathered that, if West Virginia wants to attract new business investment, the state must develop affordable, renewable energy sources.

## **Big Picture:**

### **Climate change is destroying our national parks at an alarming rate, study finds**

- The Washington Post – 9/25/18

[https://www.washingtonpost.com/energy-environment/2018/09/25/climate-change-is-destroying-our-national-parks-an-alarming-rate-study-finds/?noredirect=on&utm\\_term=.5d7051a06e55](https://www.washingtonpost.com/energy-environment/2018/09/25/climate-change-is-destroying-our-national-parks-an-alarming-rate-study-finds/?noredirect=on&utm_term=.5d7051a06e55)

A new study published Monday has warned that climate change has adversely and uniquely affected many of the 417 national parks spread across the United States and its territories, according to scientists from the University of California at Berkeley and University of Wisconsin.

### **New Climate Debate: How to Adapt to the End of the World**

- Bloomberg Businessweek – 9/26/18

<https://www.bloomberg.com/news/articles/2018-09-26/new-climate-debate-how-to-adapt-to-the-end-of-the-world>

Researchers are thinking about climate change-related social collapse and how to prepare for it.

### **Fear Climate Change – and Our Response to It**

- Bloomberg Opinion – 9/25/18

<https://www.bloomberg.com/view/articles/2018-09-25/how-we-re-making-climate-change-even-more-expensive>

Global warming will be expensive, and humanity's irrational reaction may make it even more so.

### **Dinniman: Efforts underway to silence pipeline critics**

- Daily Local News – 9/25/18

[https://www.dailylocal.com/news/local/dinniman-efforts-underway-to-silence-pipeline-critics/article\\_901a7620-c0eb-11e8-89f3-67c641d31eea.html](https://www.dailylocal.com/news/local/dinniman-efforts-underway-to-silence-pipeline-critics/article_901a7620-c0eb-11e8-89f3-67c641d31eea.html)

"My constituents are hardworking Americans who pay taxes, value their property rights, and vote. The fact that natural gas industry pundits seem to be trying to stifle their voices, pervert their efforts, and imply that they're helping foreign governments is offensive." - Pennsylvania, state Senator Andy Dinniman ... Thanks, Andy!

### **How Renewables Lead to a World of Peak Energy**

- Bloomberg Opinion – 9/27/18

<https://www.bloomberg.com/view/articles/2018-09-27/renewables-mean-peak-energy-demand>

Less inherent waste in wind, solar and hydro power systems mean overall demand could eventually fall.

### **Despite Tariffs, Utility Solar Is Picking Up Steam**

- GreenTech Media – 9/24/18

<https://www.greentechmedia.com/articles/read/despite-tariffs-utility-solar-picking-up-steam#gs.CWrrLEg>

New data from Wood Mackenzie shows a surge in project procurement in 2018.