



## ABRA Update #206 – November 15, 2018

### Gov. Northam To Replace Members on the Air and Water Boards

In a stunning development late Thursday, November 15, it was reported that Virginia Governor Northam will replace two members of the Air Pollution Control Board and one member of the State Water Control Board whose terms have expired, but who were continuing to serve. The Air Board members affected are Rebecca Rubin and Samuel Bleicher, whose terms ended in June but who were continuing as active members. Rubin and Bleicher had both voiced skepticism at last week's Air Board meeting regarding whether a permit should be issued for the proposed compressor station for the Atlantic Coast Pipeline. The Water Board member not being reappointed is Roberta Kellam, who had voted last December against granting the Atlantic Coast Pipeline a water quality certificate. No replacements for the three departing board members have been announced by the Governor's Office.

A statement issued Thursday afternoon by seven prominent conservation and environmental organizations stated:

We are shocked and extremely disappointed in Governor Northam's decision to interrupt the Virginia Air Pollution Control Board's deliberation on the proposed Buckingham County compressor station. Removing citizen board members in the midst of contentious debate sends the wrong message. Citizen boards must remain independent from political interference during the decision-making process. We call on the Governor to reverse this decision until the current board has finalized its deliberations on the proposed permit."

- Virginia League of Conservation Voters, Virginia Conservation Network, CleanVirginia, Southern Environmental Law Center, Natural Resources Defense Council, Sierra Club Virginia Chapter, Natural Resources Defense Council, Chesapeake Climate Action Network

For more on this story click [here](#).

### FERC Requested to Issue Stop Work Order on ACP Due to NWP 12 Decision

Six ABRA member organizations have requested that the Federal Energy Regulatory Commission (FERC) issue a stop work order for the Atlantic Coast Pipeline (ACP) because of the Fourth Circuit Court of Appeals' issuance on November 7 of a stay of the U.S. Army Corps of Engineers of the project's Nationwide Permit 12 relating to 156 waterbody crossings in West Virginia. Appalachian Mountain Advocates, representing the plaintiffs (Appalachian Voices, Chesapeake Climate Action Network, Sierra Club, West Virginia Highlands Conservancy, West Virginia Rivers Coalition, and Wild Virginia), [stated in its November 9 letter to FERC](#):

<p>Volunteer for ABRA's Pipeline CSI Program</p> <p><b><u>Volunteer</u></b></p>	<p>Submit a report to the Pipeline CSI</p> <p><b><u>Report</u></b></p>	<p>Stay informed, like us on Facebook.</p> 	<p>Support ABRA financially</p> <p><b><u>GiveNow</u></b></p>
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Because that mandatory federal authorization is now lacking, FERC must not allow pipeline construction to continue, not only in waters of the United States within the Corps' Huntington District but anywhere along the pipeline route. For that reason, the undersigned respectfully request that the Commission issue a Stop Work Order to Atlantic as soon as possible, but no later than November 14, 2018. That date is key because the undersigned have reason to believe that Atlantic intends to resume tree-felling activities along the pipeline route when the window for such activity reopens on November 15, 2018.

As of 5 pm, November 14, FERC had not responded to the plaintiffs' request.

### **A Dangerous Place to Build A Pipeline!**



This week a sink hole opened on a farm near Swoope, Virginia (Augusta County) that is 20 feet deep, 9 feet long and 7 feet wide. The site is in the vicinity of the route of the Atlantic Coast Pipeline (ACP). It is another example of the perils facing the construction of the ACP through the karst terrain that predominates so much of Augusta County and other portions of the project's proposed route in western Virginia and eastern West Virginia. For more on this, see the News Leader story below and the associated video. (Photo courtesy of Bobby Whitecarver).

### **Court Grants Stay in ACP Eminent Domain Case, Citing Pending Challenges**

A Federal Court has issued a 90-day stay in an attempt by Atlantic Coast Pipeline, LLC to acquire by eminent domain rights to an 11-acre property in Nash County, NC, citing as a major reason the fact that there are legal challenges to the Atlantic Coast Pipeline project pending in the Fourth Circuit Court of Appeals that could result in a re-examination of the project. In its [stay order in the case of Atlantic Coast Pipeline v. Winstead](#), the U.S. District Court of Appeals for the Eastern District of North Carolina stated:

. . . there are considerable challenges to plaintiff's pipeline project ongoing in the court of appeals, and plaintiff has not sufficiently rebutted Winstead's argument that, although the

current pipeline challenges do not concern the pipeline route in North Carolina, the outcome of one or more of the challenges could cause or require the currently permitted pipeline route to be reexamined, potentially obviating any need to secure an easement on Winstead's property. In light of all of these circumstances, the Court in its discretion finds that the factors considered tip in favor of granting a temporary stay of these proceedings.

## **MVP Asks FERC for Permission to Extend Project into North Carolina**

Mountain Valley Pipeline, LLC has asked the Federal Energy Regulatory Commission (FERC) for a certificate to build an extension of its project that would extend into North Carolina, what it calls the Southgate Project. The [November 6 filing with FERC](#), stated:

The Southgate Project involves the construction of a new natural gas pipeline system including approximately 73 miles of pipe, one compressor station, associated valves, piping, and appurtenant facilities commencing near Chatham, Virginia and terminating at a delivery point with Public Service Company of North Carolina, Inc. ("PSNC Energy") near Graham, North Carolina. Mountain Valley has a long-term, binding precedent agreement with PSNC Energy for 300,000 dekatherms per day ("Dth/d") on the Project with an anticipated in-service date of November 1, 2020.

Additional information about the Southgate Project is available [here](#).

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

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

#### **Video: Sinkhole opens on Swoope farm**

- News Leader – 11/14/18

<https://www.newsleader.com/story/news/2018/11/14/video-sinkhole-opens-swoope-farm/2003555002/>

#### **NC lawmakers will hire investigators to look at governor's Atlantic Coast Pipeline fund**

- The News & Observer – 11/14/18

<https://www.newsobserver.com/news/business/article221646435.html>

Timing of approval and incomplete letters of permit denial raise questions...but don't provide any answers.

Related:

- <https://www.laurinburgexchange.com/news/19899/documents-suggest-pipeline-approval-may-have-hinged-on-cooper-fund>

#### **Workers make way for Atlantic Coast Pipeline**

- The Fayetteville Observer – 11/12/18

<https://www.fayobserver.com/news/20181112/workers-make-way-for-atlantic-coast-pipeline>

Lest we forget what we cannot see...the ACP is moving forward in North Carolina, though not without hurdles.

#### **Staunton takes Atlantic Coast Pipeline concerns to federal court**

- News Leader – 11/12/18

<https://www.newsleader.com/story/news/2018/11/12/atlantic-coast-pipeline-federal-court-staunton-virginia-gardner-spring-nelson-county-ferc/1975272002/>

City takes advantage of potential "last chance" to voice its concerns over the project.

## Virginia regulators balk at voting on pipeline permit affecting historic African American community

- The Washington Post – 11/9/18

[https://www.washingtonpost.com/local/virginia-politics/virginia-regulators-balk-at-voting-on-pipeline-permit-affecting-historic-african-american-community/2018/11/09/bf1929d6-e444-11e8-b759-3d88a5ce9e19\\_story.html?utm\\_term=.b42177c4a3c6](https://www.washingtonpost.com/local/virginia-politics/virginia-regulators-balk-at-voting-on-pipeline-permit-affecting-historic-african-american-community/2018/11/09/bf1929d6-e444-11e8-b759-3d88a5ce9e19_story.html?utm_term=.b42177c4a3c6)

## Regional/Mountain Valley Pipeline, other

### Charges heard against Roanoke County mother and daughter who sat in trees to block a pipeline

- The Roanoke Times – 11/8/18

[https://www.roanoke.com/news/local/roanoke-county/charges-heard-against-roanoke-county-mother-and-daughter-who-sat/article\\_0ce8ad1d-9bac-5c5f-92do-fdoafc1b46e5.html](https://www.roanoke.com/news/local/roanoke-county/charges-heard-against-roanoke-county-mother-and-daughter-who-sat/article_0ce8ad1d-9bac-5c5f-92do-fdoafc1b46e5.html)

Decision expected today.

### EQT lawsuit would upend long-standing natural gas leasing reforms

- WV Gazette-Mail – 11/14/18

[https://www.wvgazettemail.com/news/eqt-lawsuit-would-upend-long-standing-natural-gas-leasing-reforms/article\\_55963fb5-4911-504a-85a9-bf61a8a204e4.html?fbclid=IwAR2WAvfIZfanKueSaLZp\\_SY32llgLwrIv8Ij\\_hYufnS3-reF-JN2TgubUgE](https://www.wvgazettemail.com/news/eqt-lawsuit-would-upend-long-standing-natural-gas-leasing-reforms/article_55963fb5-4911-504a-85a9-bf61a8a204e4.html?fbclid=IwAR2WAvfIZfanKueSaLZp_SY32llgLwrIv8Ij_hYufnS3-reF-JN2TgubUgE)

EQT suit challenges a 1982 law that aimed to give gas owners a bigger share of the profits. The company hopes to go back to paying families pennies on the dollar...or nothing at all...for the gas extracted from under their land.

## Big Picture:

### Clean Energy Is Surging, but Not Fast Enough to Solve Global Warming

- The New York Times – 11/12/18

<https://www.nytimes.com/2018/11/12/climate/global-energy-forecast.html>

The global march toward clean energy still isn't happening fast enough to avoid dangerous global warming, at least not unless governments put forceful new policy measures in place to reduce carbon dioxide emissions.

### FERC nominee McNamee distances himself from Trump coal bailout at hearing

- Utility Dive – 11/15/18

<https://www.utilitydive.com/news/ferc-nominee-mcnamer-distances-himself-from-trump-coal-bailout-at-hearing/542374/>

McNamee pledged to be an "independent arbiter" on FERC and to separate his decisions as a regulator from his previous role at the Department of Energy, where he worked on the bailout plan. He declined, however, to say if he would recuse himself from similar issues at FERC.

### Cash Buys Elections—and Continued Fossil Fuel Dominance

- EcoWatch – 11/15/18

<https://www.ecowatch.com/cash-buys-elections-and-continued-fossil-fuel-dominance-2619922863.html>

Last week, the fossil fuel industry successfully squashed several local measures it didn't like—thanks to the more than \$100 million it shelled out to oppose them.

### Nearly a year after federal approval, PennEast Pipeline still faces uphill battle

- The Morning Call – 11/15/18

<https://www.mcall.com/news/local/nazareth/mc-nws-penn-east-update-20181026-story.html>

PennEast officials say they still plan to start construction next year, despite outstanding permits required from several state and federal agencies and pending eminent domain lawsuits.

### **Environmental activists are turning to the courts to block pipelines**

- Washington Examiner – 11/14/18

<https://www.washingtonexaminer.com/policy/energy/environmental-activists-are-turning-to-the-courts-to-block-pipelines>

Environmental activists are successfully using the courts to stymie the Trump administration’s “energy dominance” agenda, especially oil and natural gas pipelines, with the latest example being a federal judge last week blocking the long-disputed Keystone XL pipeline.

### **These Seven New Governors May Be The Biggest Election Boon For Climate And Clean Energy**

- Forbes – 11/13/18

<https://www.forbes.com/sites/jeffmcmahon/2018/11/13/seven-new-governors-the-biggest-election-boon-for-climate-and-clean-energy/#5fd9c48077f1>

Seven new governors have two things in common: they all pledged to move their states to 100 percent clean energy, and they all won.

### **Environmentalists Warm to Nuclear Amid Climate Change Threat**

- US News & World Report – 11/15/18

<https://www.usnews.com/news/politics/articles/2018-11-15/environmentalists-warm-to-nuclear-amid-climate-change-threat>

Faced with barely a decade to act before global temperatures are projected to trigger catastrophe, some environmental groups are turning to the nuclear option.