



## *ABRA Update #218 – February 21, 2019*

### **ACP Attempt to Expand Stabilization Activities Challenged**

[A February 11 request by Atlantic Coast Pipeline, LLC](#) (ACP, LLC) to the Federal Energy Regulatory Commission (FERC) to authorize additional stabilization measures for the Atlantic Coast Pipeline – including new trenching – has been challenged by the Southern Environmental Law Center (SELC), Appalachian Mountain Advocates (Appalmad) and Chesapeake Bay Foundation (CBF). FERC had granted the ACP, LLC request on February 13.

In a [February 15 letter to FERC](#), SELC, Appalmad and CBF – writing on behalf of their respective clients – argued that trenching “is not necessary to stabilize a right-of-way; on the contrary, it is one of the most destabilizing activities involved in pipeline construction. . . Far from a stabilization method, trenching actually demands further mitigation measures due to its destabilizing effects on a landscape.”

### **Standing Room Only for “Moral Call for Ecological Justice”**



Over 1,000 persons gathered February 19 in Buckingham, VA to hear Rev. William Barber and former Vice President Al Gore at the “Moral Call for Ecological Justice.” A video of the event can be viewed by clicking [here](#). Several news reports on the event are linked below in In the News (Photo courtesy of NBC29.com).

*Volunteer for ABRA's Pipeline CSI Program*

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**Report**

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## Why the ACP Challenges the Central Appalachian Ecology

Recent weekly environmental monitoring reports issued by the Federal Energy Regulatory Commission (FERC) of construction problems of the Atlantic Coast Pipeline illustrate the significant environmental difficulties being encountered by the project. The photos below, taken after rains in Upshur County, WV at milepost 40 of the ACP by FERC Compliance Monitors, show equipment stuck in what the report describes as soil liquified to a depth of 2 to 3 feet, with silt-laden water and sediment deposits migrating into a nearby water body that is a “state-designated warm water fishery.” In this instance, appropriate sediment barriers had not been properly installed or not installed at all. Many similar scenes have also been observed in the construction of the Mountain Valley Pipeline.



Spread 2-1, MP 40.1, View west of Marooka stuck in mud and liquified soil.



Spread 2-1, MP 40.1, View north of mud and liquified soil in travel lane. Note depth of mud over equipment tracks.

## **WV Rivers Fires Back at House Resolution Condemning ACP Opponents**

A resolution introduced in the West Virginia House of Delegates that would condemn citizen groups opposing the Atlantic Coast Pipeline has been strongly opposed by the West Virginia Rivers Coalition (WVRC), an ABRA member. [House Resolution 11](#) condemns “assaults on the Atlantic Coast Pipeline” and urges “the groups spearheading these assaults to stop their attacks and delaying actions and in the process help pave the way for a cleaner and stronger energy future for West Virginia and for the entire nation.”

Angie Rosser, Executive Director of WVRC, on February 18 wrote members of the Rules Committee of the House of Delegates, to which the resolution has been referred:

You may want to condemn the court decisions or condemn your legislative peers who put in place these regulatory schemes, but it’s completely misplaced and inappropriate to condemn citizens of this state who act to make sure laws the legislative branch makes are followed by all.

Please do not advance this resolution to the floor as it undermines the rights of impacted citizens to recourse when laws are violated, and it undermines the legislative branch’s expectation that the laws it creates will be enforced.

A copy of the full text of the letter is available [here](#).

## **DC Circuit Rejects Challenge to FERC Certificate for the MVP**

A three-judge panel of the D.C. Circuit Court of Appeals turned down an appeal of the Federal Energy Regulatory Commission’s (FERC)’s December 2017 approval of the Mountain Valley Pipeline. The case had been brought by Appalachian Mountain Advocates, Chesapeake Climate Action Network, Sierra Club and others. The Court noted that the petitioners had raised “sixteen different challenges to FERC’s environmental assessment of the Project and subsequent issuance of the certificate authorizing Mountain Valley Pipeline,” and rejected all of them. Specifically, the Court stated:

- FERC’s conclusion that there is a market need for the Project was reasonable and supported by substantial evidence, in the form of long-term precedent agreements for 100 percent of the Project’s capacity.
- Contrary to petitioners’ argument, Mountain Valley’s exercise of eminent domain authority for purposes of this project poses no Takings Clause problems from either a “public use” or “just compensation” perspective.
- Having carefully considered petitioners’ objections to FERC’s environmental impact analysis, we conclude that the agency adequately considered and disclosed erosion and sedimentation impacts on aquatic resources, impacts on groundwater in karst terrain, and impacts on Peters Mountain residents’ cultural attachment to the land, and appropriately evaluated reasonable alternatives to the Project.

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

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

#### **Al Gore, civil rights leader William Barber call on Northam to seek forgiveness through action**

- The Washington Post – 2/20/19

[https://www.washingtonpost.com/local/virginia-politics/al-gore-civil-rights-leader-william-barber-call-on-northam-to-seek-forgiveness-through-action/2019/02/20/13c85666-347a-11e9-854a-7a14d7fec96a\\_story.html?noredirect=on&utm\\_term=.75b81258a462](https://www.washingtonpost.com/local/virginia-politics/al-gore-civil-rights-leader-william-barber-call-on-northam-to-seek-forgiveness-through-action/2019/02/20/13c85666-347a-11e9-854a-7a14d7fec96a_story.html?noredirect=on&utm_term=.75b81258a462)

Gore calls ACP “Reckless, racist, rip-off!”, while Barber calls elected officials’ support of Dominion over poor communities and those of color “scandalous”.

Related:

- <https://www.virginiamercury.com/2019/02/20/civil-rights-leader-former-vice-president-take-aim-at-northam-dominion-during-visit-to-buckingham-county/>
- <http://appvoices.org/2019/02/20/buckingham-rises-up-with-visit-from-rev-barber-al-gore/>
- <https://www.nrdc.org/experts/montina-cole/path-racial-equity-va-includes-environmental-justice>

#### **Pipeline work proceeds despite court ordered stay**

- The Recorder – 2/21/19

<https://www.abralliance.org/wp-content/uploads/2019/02/Pipeline-work-proceeds-despite-court-ordered-stay-Recorder.-2-21-19.pdf>

Dominion sticks with its habit of not telling the truth...or the whole truth...to FERC, the public and its shareholders. Over the coming months, we’ll all see if doubling down on lies is a good strategy.

#### **Pipeline hits new setbacks**

- Rocky Mount Telegram – 2/18/19

<http://www.rockymounttelegram.com/News/2019/02/18/Pipeline-hits-new-setbacks.html>

The Atlantic Coast Pipeline recently has been downgraded as an investment, taken the brunt of a scathing environmental report and got trounced in a federal lawsuit by a local farmer.

#### **4th Circuit hearing on Atlantic Coast Pipeline not expected until May**

- WV News – 2/18/19

[https://www.wvnews.com/news/wvnews/th-circuit-hearing-on-atlantic-coast-pipeline-not-expected-until/article\\_cb896005-335f-5d65-bb0d-e2109b4395a5.html](https://www.wvnews.com/news/wvnews/th-circuit-hearing-on-atlantic-coast-pipeline-not-expected-until/article_cb896005-335f-5d65-bb0d-e2109b4395a5.html)

But, the hearing could be pushed back as far as September.

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

#### **Criminal investigation of Mountain Valley Pipeline is underway, federal filing shows**

- The Roanoke Times – 2/15/19

[https://www.roanoke.com/business/news/criminal-investigation-of-mountain-valley-pipeline-underway-document-shows/article\\_fc0d2828-b855-5cbe-89fi-f27cd6aecdad.html](https://www.roanoke.com/business/news/criminal-investigation-of-mountain-valley-pipeline-underway-document-shows/article_fc0d2828-b855-5cbe-89fi-f27cd6aecdad.html)

On Jan. 7, EQM received a letter from the U.S. attorney’s office in Roanoke stating that it and the Environmental Protection Agency were looking into criminal and civil violations related to pipeline construction, according to the SEC filing.

#### **Court dismisses challenges to MVP's federal government approval**

- The Roanoke Times – 2/19/18

[https://www.roanoke.com/townnews/law/court-dismisses-challenges-to-mvp-s-federal-government-approval/article\\_1f14ccb5-374c-50a1-a77d-08366deo40cf.html](https://www.roanoke.com/townnews/law/court-dismisses-challenges-to-mvp-s-federal-government-approval/article_1f14ccb5-374c-50a1-a77d-08366deo40cf.html)

Court shoots down several arguments challenging the validity of FERC’s certification of the project.

#### **Full Fourth Circuit Urged to Stop Pipeline Land Grab**

- Courthouse News Service – 2/20/19

<https://www.courthousenews.com/full-fourth-circuit-urged-to-stop-pipeline-land-grab/>

A 2004 Fourth Circuit decision shifted the balance of power in eminent domain claims in favor of gas companies. Not for the first time, landowners are asking the Court to overturn its own ruling.

### **Franklin County approves gas distribution line funding on split vote**

- The Roanoke Times – 2/19/19

[https://www.roanoke.com/news/local/franklin\\_county/franklin-county-approves-gas-distribution-line-funding-on-split-vote/article\\_63ef9a1-0449-59bd-8ffe-adf661fbb322.html](https://www.roanoke.com/news/local/franklin_county/franklin-county-approves-gas-distribution-line-funding-on-split-vote/article_63ef9a1-0449-59bd-8ffe-adf661fbb322.html)

Franklin County (taxpayers) will foot the \$3.35 million bill to install a gas distribution line at the Summit View Business Park...and may never be fully reimbursed.

### **After months of wear from heavy equipment, residents near pipeline construction site want road repaired**

- Go Dan River – 2/15/19

[https://www.godanriver.com/news/pittsylvania\\_county/after-months-of-wear-from-heavy-equipment-residents-near-pipeline/article\\_d5dbdb8a-3176-11e9-bb1f-a3290c190421.html](https://www.godanriver.com/news/pittsylvania_county/after-months-of-wear-from-heavy-equipment-residents-near-pipeline/article_d5dbdb8a-3176-11e9-bb1f-a3290c190421.html)

Add road damage to the many negative impacts of pipeline construction. And then wait...who knows how long...for the pipeline company to repair it.

## **Big Picture:**

### **The Hidden Risk in the Fracking Boom**

- Rolling Stone – 2/20/19

<https://www.rollingstone.com/politics/politics-features/pipeline-explosions-fracking-796569/>

Are pipeline safety regulations keeping pace with the flood of natural gas? Recent evidence would say not.

### **The \$32 Trillion Pushing Fossil Fuel CEOs to Act on Climate Change**

- Yahoo Finance – 2/21/19

<https://finance.yahoo.com/news/32-trillion-pushing-fossil-fuel-000001949.html>

Business forces are now aligning on climate change in ways that will reshape energy and mining for years to come, despite Trump's worst efforts.

### **BP Energy Outlook Predicts Renewable Energy Will Be Dominant By 2040**

- Clean Technica – 2/20/19

<https://cleantechnica.com/2019/02/20/bps-energy-outlook-undermines-its-own-good-news/>

Unnecessarily long, but some interesting takeaways.

### **100% Renewable Energy Needs Lots of Storage. This Polar Vortex Test Showed How Much.**

- Inside Climate news – 2/20/19

<https://insideclimatenews.org/news/20022019/100-percent-renewable-energy-battery-storage-need-worst-case-polar-vortex-wind-solar>

Using energy production and power demand data, researchers showed how a 100 percent renewable energy grid, powered half by wind and half by solar, would have had significant stretches without enough wind or sun to fully power the system, meaning a large volume of energy storage would have been necessary to meet the high demand.

### **Where Will The Materials For Our Clean Energy Future Come From?**

- The Verge – 2/15/19

<https://www.theverge.com/2019/2/15/18226210/energy-renewables-materials-mining-environment-neodymium-copper-lithium-cobalt>

More clean energy equals more demand for the materials that make those technologies possible.