



## ABRA Update #226 – April 18, 2019

### ABRA Questions Virginia DEQ About Absence of Access Road Scrutiny

ABRA has asked the Virginia Department of Environmental Quality (DEQ) why it has proclaimed that its review of the Atlantic Coast Pipeline (ACP) covered “every foot” of the project, when recently discovered evidence contradicts that. In an [April 19 letter to DEQ Director David Paylor](#), ABRA Executive Director Lewis Freeman called attention to a recent controversy concerning a proposed 5-mile ACP access road in Bath County (see related Recorder newspaper articles in In the News, below).

Freeman’s letter noted that DEQ staff had recently told ABRA that the agency “was not aware of the proposed road because it had not been submitted to your agency as part of the plans submitted by the Atlantic Coast Pipeline, LLC (ACP, LLC). However, the road in question was part of the plans submitted to the Federal Energy Regulatory Commission and approved as part of the certificate issued for the ACP.” Continuing, Freeman’s letter states:

DEQ informed the State Water Control Board during its consideration of approving a 401 certificate for the ACP that it had reviewed “every foot of land disturbance proposed by ACP related to pipeline construction” (see page 8 in DEQ’s 10/19/18 report to the Water Board). Why was this statement made to the Water Board when it was not true? Can you provide clarification?

The access road in question crosses an environmental easement held by the Virginia Outdoor Foundation (VOF) and was proposed by ACP, LLC and approved by the Federal Energy Regulatory Commission without consultation with VOF. [VOF wrote FERC on April 9](#) taking strong exception to the situation.

### NRDC, Others File Amicus Brief Against ACP Over Environmental Justice

An amicus brief was filed April 12 with the D.C. Circuit Court of Appeals arguing that “the Federal Energy Regulatory Commission (FERC) broke the law in two key ways that discounted and endangered African American and American Indian communities in Virginia and North Carolina in approving the proposed Atlantic Coast gas pipeline.”

The brief was filed by Natural Resources Defense Council and nine other groups: Center for Earth Ethics; Kairos Center for Religions, Rights, and Social Justice; North Carolina Poor People’s Campaign; Repairers of the Breach; Satchidananda Ashram – Yogaville; Union Grove Missionary Baptist Church; Virginia Interfaith Power & Light; Virginia State Conference NAACP; and WE ACT for Environmental Justice.

<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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The brief details how FERC failed to serve the public interest in evaluating, and approving, construction of the proposed 600-mile, \$7.5 billion Atlantic Coast project. The groups want the court to declare FERC's approval of the pipeline null and void or order FERC to conduct a new environmental justice review. A copy of the amicus brief is available [here](#).

## **North Carolina Legislators Request a Stop Work Order for ACP**

Twenty-two Members of the North Carolina General Assembly have requested that the Federal Regulatory Commission (FERC) issue a stop work order and suspend the certificate of public convenience for the Atlantic Coast Pipeline (ACP). The April 12 letter filed with FERC by the legislators – 14 Representatives and 8 Senators, all Democrats – argue that the pipeline's "developers have never convincingly demonstrated a public need for the ACP." The legislators point out that the "lack of demand for the ACP is underscored by the most recent Integrated Resource plans (IRP of Duke and Dominion Energy." The full letter is available [here](#).

## **Natural Gas Industry Ask President to Fill FERC Vacancies**

Five natural gas industry trade associations wrote President Trump on April 15 urging that he "nominate new Commissioners to fill the current vacancy and the forthcoming vacancy on the Federal Energy Regulatory Commission ("FERC" or "Commission") as soon as possible. A full Commission has five members, but FERC currently has four members and a sitting Commissioner's term is set to expire this summer which will create a second vacancy."

The letter further stated that "the lack of a full Commission can delay the approval of pending projects, such as natural gas infrastructure projects, thereby hindering the advancement of critical infrastructure." The associations' letter is available [here](#).

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

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

#### **State tells feds condemnation lawsuit improper**

- The Recorder – 4/18/19

[https://www.abralliance.org/wp-content/uploads/2019/04/State-tells-feds-condemnation-lawsuit-improper-Recorder\\_20180418.pdf](https://www.abralliance.org/wp-content/uploads/2019/04/State-tells-feds-condemnation-lawsuit-improper-Recorder_20180418.pdf)

"Incompetent or dishonest"...when it comes to dealing with ordinary citizens, Dominion simply doesn't care to get it right.

#### **What we have here is a failure to communicate**

- The Recorder – 4/18/19

[https://www.abralliance.org/wp-content/uploads/2019/04/What-we-have-here-is-a-failure-to-communicate-Recorder-editorial\\_20180418.pdf](https://www.abralliance.org/wp-content/uploads/2019/04/What-we-have-here-is-a-failure-to-communicate-Recorder-editorial_20180418.pdf)

#### **Pipeline Case Brief: FERC Enables Environmental Injustice**

- Natural Resources Defense Council – 4/15/19

<https://www.nrdc.org/experts/montina-cole/pipeline-case-brief-ferc-enables-environmental-injustice>

The ACP is also an example of FERC's facilitation of environmental injustice, via a flawed evaluation process.

Related:

- <https://bluevirginia.us/2019/04/legal-brief-fercs-flaws-endanger-communities-of-color-in-atlantic-coast-pipeline-path>

### **N.C. leaders seek pipeline stoppage, urge FERC to suspend**

- The Recorder – 4/18/19

[https://www.abralliance.org/wp-content/uploads/2019/04/N.C.-leaders-seek-pipeline-stoppage-urge-FERC-to-suspend-Recorder\\_20180418.pdf](https://www.abralliance.org/wp-content/uploads/2019/04/N.C.-leaders-seek-pipeline-stoppage-urge-FERC-to-suspend-Recorder_20180418.pdf)

NC Lawmakers petition FERC to reevaluate the project, citing changes to market need, cost and availability of alternatives.

### **Citing Environmental Justice Concerns, Virginia State Conference NAACP Urges Federal Appeals Court to Stop Atlantic Coast Pipeline**

- Blue Virginia – 4/15/19

[https://bluevirginia.us/2019/04/citing-environmental-justice-concerns-virginia-state-conference-naacp-urges-federal-appeals-court-to-stop-atlantic-coast-pipeline?fbclid=IwARoPCUYDn9lvKfiT\\_IKaNZ9qCKjJykE442q-ooX18kROV-XCO\\_THIVqeqw](https://bluevirginia.us/2019/04/citing-environmental-justice-concerns-virginia-state-conference-naacp-urges-federal-appeals-court-to-stop-atlantic-coast-pipeline?fbclid=IwARoPCUYDn9lvKfiT_IKaNZ9qCKjJykE442q-ooX18kROV-XCO_THIVqeqw)

The NAACP has urged a federal appeals court in Washington to revoke the key federal permit for the Atlantic Coast Pipeline.

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

### **With variance, FERC allows Mountain Valley Pipeline to play it by ear**

- Virginia Mercury – 4/15/19

<https://www.virginiamercury.com/2019/04/15/with-variance-ferc-allows-mountain-valley-pipeline-to-play-it-by-ear/?fbclid=IwAR1PUB9IzA6onctimdQRoMecmL8KOvbDB1zWrGoDybH6gyLXqHzdkzs9BiQ>

Well, this is even more screwed-up than usual!

### **Cathcart: Mountain Valley Pipeline is a Titanic mistake**

- The Roanoke Times – 4/14/19

[https://www.roanoke.com/opinion/commentary/cathcart-mountain-valley-pipeline-is-a-titanic-mistake/article\\_23d422b9-44fc-5331-ad79-d2300f16d484.html?fbclid=IwARom\\_WFDWV6X8ndt-rCvJHQn6AbYih\\_nP09hc2crwudbJorUSLhx1ZHQCw](https://www.roanoke.com/opinion/commentary/cathcart-mountain-valley-pipeline-is-a-titanic-mistake/article_23d422b9-44fc-5331-ad79-d2300f16d484.html?fbclid=IwARom_WFDWV6X8ndt-rCvJHQn6AbYih_nP09hc2crwudbJorUSLhx1ZHQCw)

### **Is Winter Coming For Virginia Pipeline Projects?**

- Bacon's Rebellion – 4/16/19

<https://www.baconsrebellion.com/wp/is-winter-coming-for-virginia-pipeline-projects/>

Basically, a status report of the two major projects. Lots of interesting comments on this one.

### **'Virtually no risk of drilling restrictions,' West Virginia official tells fracking-reliant petrochemical industry**

- Nation of Change – 4/13/19

<https://www.nationofchange.org/2019/04/13/virtually-no-risk-of-drilling-restrictions-west-virginia-official-tells-fracking-reliant-petrochemical-industry/>

"They scream jobs and like a carrot on a stick, and politicians chase them."

## **Big Picture:**

### **New Energy Infrastructure Is Needed But Trump's Executive Orders Won't Help**

- Forbes – 4/14/19

<https://www.forbes.com/sites/kensilverstein/2019/04/14/new-energy-infrastructure-is-needed-but-trumps-executive-orders-wont-help/#e87bd521e9c9>

Despite what the current administration may spout on the campaign trail, the states, in fact, are empowered to control what happens inside of their borders.

### **Sources: Chatterjee helped sink nomination of new chairman**

- E&E News – 4/12/19

<https://www.eenews.net/stories/1060155919>

Multiple sources said Chatterjee made calls to energy companies and Republican allies, undercutting his potential nomination.

**Judge: How can FERC know pipeline impacts unless it asks?**

- E&E News – 4/12/19  
<https://www.eenews.net/stories/1060154857>

**A Fight Is Brewing Over New York City’s Big New Pipeline Project**

- Earther – 4/17/19  
<https://earther.gizmodo.com/a-fight-is-brewing-over-new-york-city-s-big-new-pipelin-1834114464>  
Moratoria on new residential and commercial gas connections, concerns over climate, water quality and endangered species colliding in New York City area.

**Oil producers are burning enough 'waste' gas to power every home in Texas**

- Midland Reporter-telegram – 4/11/19  
<https://www.mrt.com/business/oil/article/Black-Eye-for-Permian-as-It-Flares-More-Gas-13760496.php>  
That’s nearly 4 billion cubic feet per day being burned and wasted...with no pollution controls.

**Renewable Energy Could Save \$160 Trillion In Climate Change Costs by 2050**

- Forbes – 4/14/19  
<https://www.forbes.com/sites/jamesellsmoor/2019/04/14/renewable-energy-could-save-160-trillion-in-climate-change-costs-by-2050/#5c2d508d4878>  
By any accounting...that’s a LOT of money!

**A closer look at Washington’s superb new 100% clean electricity bill**

- Vox – 4/18/19  
<https://www.vox.com/energy-and-environment/2019/4/18/18363292/washington-clean-energy-bill>  
Lots to like about this...though I *still* wouldn’t call it “sexy”!