



ABRA Update #247 – October 4, 2019

Supreme Court Agrees to Hear ACP Appeal of Forest Service Case

The U.S. Supreme Court Friday morning (October 4) [announced that it will accept the appeal by Atlantic Coast Pipeline, LLC \(ACP, LLC\)](#) of the Cowpasture River, et. al. vs Forest Service. A date for oral arguments of the case has not been set.

The chances of the case being heard by the Court had been bolstered by the fact that the Solicitor General of the United States filed a brief in support of the appeal, as did 16 Republican state Attorneys General. It is also worth noting that the Solicitor General's boss, U.S. Attorney General William Barr, is a former Board of Directors member of Dominion Energy.

More about this case will be discussed in next week's *ABRA Update*. In the meantime, construction on the ACP is still held up by the lack of a valid permit from the U.S. Fish and Wildlife Service. That agency's biological opinion on the project's impact on endangered species has been thrown out twice by the Fourth Circuit Court of Appeals. The agency is now drafting new permit language.

Strong Turnouts for Hands Across the AT Rallies



Hands Across the AT rallies were held at 3 Virginia locations along the Appalachian Trail (AT) this past weekend: near Pearisburg, Blumont, and at Humpback Rocks. Speakers at the Humpback event speaking against the proposed crossing of the AT by the Atlantic Coast Pipeline at Reed's Gap, included (left to right): State Senator Creigh Deeds, former Nelson County Supervisor Connie Brennon, and Staunton City Councilman Erik Curren.

<p>Volunteer for ABRA's Pipeline CSI Program</p> <p><u>Volunteer</u></p>	<p>Submit a report to the Pipeline CSI</p> <p><u>Report</u></p>	<p>Stay informed, like us on Facebook.</p> 	<p>Support ABRA financially</p> <p><u>GiveNow</u></p>
---	--	---	--

Comments on EPA Proposal to Weaken State 401 Authority Due Oct. 21

Comments on a new proposed rule by the Environmental Protection Agency (EPA) that would weaken the ability of states to regulate their own waters are due October 21. The rule, reported on in the [August 16 ABRA Update](#), would bring tighten the time requirements by which a state must act on a Section 401 certification for infrastructure projects (like natural gas pipelines), and provide the EPA the right to treat a state's denial of a 401 certificate as if it were a waiver, thus effectively giving the EPA a veto over a state's action on a 401 certificate issue. The EPA plans to finalize the new rule in May 2020. A copy of the rule and information on how to submit comments is available [here](#).

ABRA members are urged to review the rule and to submit comments objecting to the limiting of authority to regulate its own waters. Members are also urged to contact Virginia Attorney General Mark Herring and ask that he submit comments to the EPA in opposition to the proposed rule. He can be contacted at: Office of the Attorney General, 202 North Ninth Street, Richmond, Virginia 23219; by email at mailoag@oag.state.va.us; or by phone at 804-786-2071

IN MEMORIAM: April Pierson-Keating



April Pierson-Keating, founder of the Mountain Lakes Preservation Alliance, an ABRA member, passed away September 28. April was an inspiration to all who knew and worked with her. Her efforts on behalf of environmental issues in West Virginia and her contributions to the greater welfare of her community were exemplary. In May of this year she was honored by Buckhannon, WV Mayor Dave McCauley with the Buckhannon Exemplary Service Testimonial. April's contributions and dedication were immense. She is deeply missed and will be long remembered.

In the News:

Local/Atlantic Coast Pipeline

Dominion's Atlantic Coast Gas Pipeline Gets High Court Hearing

- Bloomberg – 10/4/19

<https://www.bloomberg.com/news/articles/2019-10-04/dominion-s-atlantic-coast-pipeline-gets-supreme-court-hearing>

Inside the Supreme Court showdown over Atlantic Coast

- E&E News – 9/26/19

<https://www.eenews.net/stories/1061170723>

Examining the many obstacles that lie between Dominion and ACP's completion. None of them are insurmountable...at this point.

4 pipeline fights to watch this term

- E&E News – 9/30/19

<https://www.eenews.net/stories/1061181927>

As the court begins its 2019 session, energy experts are watching whether the justices will weigh in on federal permitting, eminent domain and state sovereignty issues around pipeline construction.

Dominion buys pipeline support at Supreme Court through GOP Attorneys General

- Energy And Policy Institute – 10/3/19

<https://www.energyandpolicy.org/dominion-acp-scotus/>

With a key Atlantic Coast Pipeline appeal before the Supreme Court, US Attorney General Barr and Republican state Attorneys General have intervened in Dominion's favor – while sharing close financial ties to the utility.

Dominion Energy takes a second swing at costly plan to upgrade Virginia power grid

- The Washington Post – 9/30/19

https://www.washingtonpost.com/local/virginia-politics/dominion-energy-takes-a-second-swing-at-costly-plan-to-upgrade-virginia-power-grid/2019/09/30/73e69fd0-e15e-11e9-b199-f638bf2c340f_story.html

The State Corporation Commission (SCC) denied a similar plan earlier this year, saying the utility had not demonstrated that the costs were “reasonable and prudent.”

Governor Northam's Executive Order, Dominion Energy's About-Face on Offshore Wind: Is Virginia Off to the Clean Energy Races?

- Blue Virginia – 10/2/19

<https://bluevirginia.us/2019/10/governor-northams-executive-order-dominion-energys-about-face-on-offshore-wind-is-virginia-off-to-the-clean-energy-races>

The governor's order sounds great, but how real are its targets?

New North Carolina energy plan cuts greenhouse gases from electricity 70% by 2030

- The News & Observer – 9/27/19

<https://www.newsobserver.com/news/politics-government/article235502717.html>

The state's clean energy plan calls for reducing greenhouse gas emissions from electric power production to 70% below 2005 levels by 2030 and getting to carbon neutrality – removing as much carbon as is emitted – by 2050.

Regional/Mountain Valley Pipeline, other

Sligh: Clean water rule change threatens state powers

- The Roanoke Times – 9/30/19

https://www.roanoke.com/opinion/commentary/slight-clean-water-rule-change-threatens-state-powers/article_dd309e42-94f6-51d6-9d7a-d87e09d2945c.html

The Trump administration is proposing changes to Clean Water Act regulations to limit the abilities of states and local communities to protect their waters from harmful federally-licensed projects.

Hundreds Celebrate Fourth Annual “Hands Across the Appalachian Trail”

- Blue Virginia – 9/29/19

<https://bluevirginia.us/2019/09/hundreds-celebrate-fourth-annual-hands-across-the-appalachian-trail>

Events in three locations hosted attendees from VA & WV, Youth Leaders and State Officials

Demand for MVP Southgate pipeline exaggerated, state says

- The Times News – 9/28/19

<https://www.thetimesnews.com/news/20190928/demand-for-mvp-southgate-pipeline-exaggerated-state-says>

Many opponents have said there isn't a real need for the MVP Southgate pipeline proposed to come through Alamance County, but now state and federal environmental regulators and other, competing, pipeline companies are saying the same.

Plans for pipeline work area atop Poor Mountain draw objections from Roanoke County

- The Roanoke Times – 9/27/19

https://www.roanoke.com/business/plans-for-pipeline-work-area-atop-poor-mountain-draw-objections/article_a4bfe230-f550-5f2b-9ccd-0ccd07a9bdd3.html

Tentative plans call for water tanks to be placed atop Poor Mountain for hydrostatic testing. Roanoke county objects, saying it would be seen for miles.

Raging Granny Locks Herself to Equipment at MVP Site Near Ongoing Tree Sit Blockade

- Blue Virginia – 9/28/19

<https://bluevirginia.us/2019/09/photos-raging-granny-locks-herself-to-equipment-at-mvp-site-near-ongoing-tree-sit-blockade>

Related:

- <https://www.wsls.com/news/virginia/new-river-valley/raging-granny-locked-to-equipment-at-mountain-valley-pipeline-construction-site>

Big Picture:

U.S. Fed charts its own course on climate change, too

- Reuters – 10/2/19

<https://www.reuters.com/article/us-usa-fed-environment/u-s-fed-charts-its-own-course-on-climate-change-too-idUSKBN1WHoZS>

Though the U.S. central bank is taking the subject seriously, it remains far behind global peers, who have led the way in calling for action to mitigate the potentially catastrophic effects of climate change on economic growth and financial stability.

Trump bucks bipartisan tradition with plan to nominate Republican FERC commissioner

- Utility Dive – 10/2/19

<https://www.utilitydive.com/news/trump-picks-Republican-Danly-FERC-nominee-sans-Democrat-pre-clearance-Clements-Schumer-Manchin/564149/>

Switching from coal, oil to natural gas accelerates climate change – study

- Balkan Green Energy News – 10/1/19

<https://balkangreenenergynews.com/switching-from-coal-oil-to-natural-gas-accelerates-climate-change-study/>

Conversion from coal and oil to natural gas increases the greenhouse effect of energy consumption by around 40%, according to a new study released by German think-and-do-tank Energy Watch Group (EWG).

State with heavy greenhouse gas emissions moves to join climate initiative

- PSN Hews Hour – 10/3/19

<https://www.pbs.org/newshour/nation/state-with-heavy-greenhouse-gas-emissions-moves-to-join-climate-initiative>

Interesting move. Let's see what happens.

Americans Fear Climate Change and the Cost of Fighting It

- Bloomberg – 9/30/19

<https://www.bloomberg.com/opinion/articles/2019-09-30/americans-fear-climate-change-and-the-cost-of-fighting-it>

This is just depressing. If these surveys really reflect American attitudes and values, we're sunk. Even without Climate Change!

Connecticut and Virginia lead a huge month for offshore wind

- AWEA Blog – 10/1/19

<https://www.aweablog.org/connecticut-virginia-lead-huge-month-offshore-wind/>

CT and VA vying to be the offshore wind industry "hub". VA could have captured opportunity this years ago, but opted instead to let Dominion call the plays, which means we've been sitting on the sidelines for years.