



ABRA Update #250 – October 24, 2019

West Virginia Highlands Conservancy Board Tours ACP Route

ABRA conducted an in depth briefing and tour of sites along the Atlantic Coast Pipeline route for Board members of the West Virginia Highlands Conservancy (WVHC). The October 19 tour occurred in western Pocahontas County and adjoining Randolph County, West Virginia. The sites visited where where pipe has been installed in the ground, as noted in the photo below. The shortcomings of installed sediment control measures were prominently noted. WVHC is an original member of ABRA and is a supporter of ABRA's Compliance Surveillance Initiative. See page 3 for a profile of WVHC.



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Report

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ABRA Update's 250th Issue

This week's *ABRA Update* is the 250th issue. Our first weekly e-newsletter was sent on October 6, 2014, which to some of us seems like an eternity ago. We appreciate the interest you, our readers, continue to exhibit in our weekly reporting. We invite you to share with us your suggestions and critiques on how the publication can continue to be useful and relevant. Send any such communications to lewfreeman@gmail.com. Thanks!

New Study Highlights Negative Water Quality Impacts of Pipeline Projects

A new study commissioned by Trout Unlimited concludes that the impact on water quality of several natural gas pipeline projects in the Appalachian region is profound, even when care is taken to minimize impacts. [Pipeline Impacts to Water Quality](#), prepared by Downstream Strategies, a West Virginia environmental research firm, examined the construction of four pipeline projects: Mountain Valley Pipeline (MVP) and WB Xpress Pipeline (WBX) in West Virginia and Virginia, the Rover Pipeline in West Virginia and Ohio, and the Mariner East II Pipeline in Pennsylvania. The most significant water quality problems were caused by inputs of sediment-laden water to streams. In commenting upon the sediment pollution caused by the MVP and WBX, the study notes:

Most of the routes for these two pipelines cross mountainous terrain characterized by steep slopes, headwaters streams, and highly erodible soils. Reasons for failure of erosion and sedimentation controls that led to sedimentation in waterways were notably improper installation and lack of maintenance of the structures.

Notable recommendations in the study include “requiring site-specific stormwater plans for all stream and wetland crossings, encouraging companies to complete construction projects in shorter sections, and increasing regulatory inspections at the expense of the pipeline companies.”

Fish and Wildlife Service Receive Input on Drafting New ACP Permit

A more thorough and less rushed process in developing a new biological opinion and taking statement for the Atlantic Coast Pipeline has been advocated to the U.S. Fish and Wildlife Service (FWS) in separate comments submitted to the agency by the Southern Environmental Law Center (SELC) and by ABRA.

In its [October 1 comments to FWS](#), SELC said:

. . . this is the second time its approvals for this project have been vacated. Both vacatur followed rushed, incomplete analysis unsupported by best available science. We urge the agency to resist pressure from the pipeline companies to fast-track yet another approval for this unnecessary project and to instead heed its mandate under the Endangered Species Act (“ESA”) to protect and conserve endangered and threatened species and their habitats. That requires avoiding inflicting further harm on species where that injury may jeopardize the species, as it would here for rusty-patched bumble bee, clubshell, and Roanoke logperch.

In the year since the agency issued its last biological opinion and incidental take statement, facts regarding the impact of constructing this pipeline on protected species have changed. The agency must take these changes into account to issue a valid approval for this project.

[ABRA's October 23 letter](#) to FWS focused on the shortcomings of previous agency reviews of the threat the ACP would pose to the Madison Cave Isopod (MCI). ABRA pointed out that there is “abundant evidence from the Final Environmental Impacts Statement and other sources makes clear that the entire extent of karst terrain along and adjacent to the ACP's path may

harbor MCI and should be protected in accordance with that fact. FERC and other agencies have described testing they deemed necessary to make valid predictions and we find no evidence that that testing has been completed.”

Continuing, ABRA’s letter argues:

Multiple agencies, such as the Virginia Department of Conservation and Recreation and the Virginia Cave Board as well as numerous other credible experts have recommended that the ACP be routed around sensitive karst areas including, but not limited to, Valley Center, Burnsville Cove, Little Valley, and Cochran’s Cave. Dominion’s answer that it is “not practicable” is not acceptable, especially in light of the fact that those same agencies have offered to help with rerouting options. Dominion’s timetable and bottom line are not acceptable reasons for avoiding their legal responsibilities.

Status of Legal Challenges to ACP Available on ABRA Website

An updated review of the status of major legal challenges to the Atlantic Coast Pipeline is now available on the ABRA website homepage (upper left corner). To access the new document, click [here](#). Of note is the scheduled oral arguments on October 29 before the Fourth Circuit Court of Appeals of the challenge to the air permit issued for the Buckingham compressor station.

Who is ABRA?

This is another in a series of profiles of the member groups of the Allegheny-Blue Ridge Alliance.

West Virginia Highlands Conservancy

The West Virginia Highlands Conservancy (WVHC), one of West Virginia’s oldest environmental organizations, was organized in 1965 as a coalition of recreational users in the West Virginia Highlands who came together to address a host of environmental threats to the state. In its nearly 55 years of existence, WVHC has dealt with an array of threats to West Virginia’s scenic ecology. It was instrumental in the passage of the Eastern Wilderness Areas Act, which led to the first Wilderness areas in the Eastern United States: Dolly Sods and Otter Creek. It initiated a campaign that lasted over 35 years to protect Canaan Valley and saw the successful establishment of a National Wildlife Refuge there.

From its earliest days, WVHC initiated campaigns to stop numerous dams proposed around the state, opposed the most devastating aspects of Corridor H carving through mountainous region, and helped enact important environment-protecting legislation such as the National Forest Management Act (NFMA) and the Surface Mine Control and Reclamation Act (SMCRA). WVHC began its nearly 50 years of leadership on coal mining issues with the filing of its first lawsuit against strip mining in 1967. In 1998 WVHC joined local citizens as the first organization to mount legal challenges to the destructive practice of mountaintop removal and valley fills.

Among the many outreach activities of the Conservancy are its monthly newspaper, *The Highlands Voice* (<https://wvhighlands.org/highlands-voice-mag/>), and its Monongahela National Forest Hiking Guide (<https://wvhighlands.org/hiking-guides/>).

WVHC is a founding member of the Allegheny-Blue Ridge Alliance. Its current President, Larry Thomas, was on the committee that organized ABRA. He now serves as Treasurer of the ABRA Board of Directors and is a member of the ABRA Steering Committee. WVHC is also a prominent financial supporter of ABRA’s Compliance Surveillance Initiative (CSI) program.

Individuals interested in joining the West Virginia Highlands Conservancy are encouraged to do so at <https://wvhighlands.org/membershiprenewals/>. Membership begins at only \$15 and it is well worth it.

Event: Train to be a Legal Observer: Document Law Enforcement & protester Interactions

Attorney Kai Memmer, a volunteer for the Southwest Virginia Chapter of the National Lawyers' Guild, will train attendees to become Legal Observers. LO's are needed immediately in the Elliston, VA area, other areas along the MVP route, and where law enforcement and protestors are in proximity, to monitor and document interactions. LO's presence serves to de-escalate tensions on both sides, and is a vital, neutral information gathering tool.

Training times and locations:

- Wednesday, Oct. 30 at 6pm at the Lucy F Simms Continuing Education Center, Classroom 101, 620 Simms Avenue, Harrisonburg, VA 22802
- Wednesday, Nov. 6 at 6pm at the Nelson Memorial Library, 8521 Thomas Nelson Highway, Lovingston VA 22949.

Volunteers are needed for any amount of time. Information on the National Lawyers' Guild and the Legal Observer program: <https://www.nlg.org/our-work/>

Questions? drkinva@yahoo.com

Event: Wild Virginia Pipeline Field Tour - Travel to Bent Mountain to meet the people and places impacted by the Mountain Valley Pipeline.



The poster features a background image of a forest with a fallen tree trunk. In the top left corner is the Wild Virginia logo, which includes a silhouette of a bear and trees above the text 'WILD VIRGINIA'. Below the logo is a white banner with the text 'CLIMATE EMERGENCY' in red. The main title 'PIPELINE FIELD TOUR' is written in large, bold, white letters. Below the title, the text reads: 'Join Wild Virginia as we travel to Bent Mountain to meet the people and places impacted by the Mountain Valley Pipeline.' The date and time are listed as 'Sat, Nov 9, 2019, 9:00 AM – Sun, Nov 10, 2019, 5:00 PM EST'. The location is 'Bent Mountain Center, 10148 Tinsley Lane, Bent Mountain, VA 24059'.

[Find Out More](#)

(<https://www.eventbrite.com/e/climate-emergency-pipeline-field-tour-tickets-74295450693>)

In the News:

Local/Atlantic Coast Pipeline

Stand for equality and clean energy

- Suffolk News-Herald – 10/21/19

<https://www.suffolknewsherald.com/2019/10/21/stand-for-equality-and-clean-energy/>

Alliance calls proposed pipeline construction flawed

- The Recorder – 10/24/19

https://www.abralliance.org/wp-content/uploads/2019/10/Alliance-calls-proposed-pipeline-construction-flawed-Recorder_20191024.pdf

ABRA's CSI program has provided evidence to federal regulators, supporting their stated concerns of unsafe and noncompliant construction practices of the Atlantic Coast Pipeline.

Investigators plan Atlantic Coast Pipeline questioning in November

- WRAL News – 10/18/19

<https://www.wral.com/investigators-plan-atlantic-coast-pipeline-questioning-in-november/18706624/>

Republicans say they want to know what the administration promised Duke Energy and other pipeline partners before announcing, on the same day, the pipeline's key state permit and a \$58 million fund the governor would have controlled.

Dominion Refinances Capital Structure, and What It Means to Virginia

- Bacon's Rebellion – 10/21/19

<https://www.baconsrebellion.com/wp/dominion-refinances-capital-structure-and-what-it-means-to-virginia/>

"One might argue that the company's competitive advantage increasingly springs from achieving beneficial legislative and regulatory outcomes — what some might call rent seeking — and less from marketplace innovation." In short, it means more of your money transferred to shareholders.

Editorial: Will SC need gas pipeline like it needed abandoned coal, nuclear plants?

- The Post & Courier – 10/21/19

https://www.postandcourier.com/opinion/editorials/editorial-will-sc-need-gas-pipeline-like-it-needed-abandoned/article_c152b7bc-eeca-11e9-9d6b-03db26dac483.html

Utility projections of need for increased pipeline and generation assets should be taken with a grain...perhaps an *ocean* of salt!

Dominion throws the challenge flag on the Energy Freedom Act

- PV Magazine - 10/18/19

<https://pv-magazine-usa.com/2019/10/18/dominion-throws-the-challenge-flag-on-the-energy-freedom-act/>

Expert alludes that the low rates set by Dominion are made to exclude competition and maintain its ownership of generation resources. South Carolina, getting another taste of Dominion "medicine".

Regional/Mountain Valley Pipeline, other

Another delay, cost increase for Mountain Valley Pipeline

- The Roanoke times – 10/22/19

https://www.roanoke.com/business/another-delay-cost-increase-for-mountain-valley-pipeline/article_1cf18404-9dd2-5e83-9fa5-7760e147ab8a.html

The Pittsburgh-based company has lost three sets of federal permits, following legal challenges by environmental groups that argued the buried natural gas pipeline would pose risks to the water, land and wildlife along its 303-mile route.

Work on Mountain Valley Pipeline is winding down

- Danville Register & Bee – 10/20/19

https://www.godanriver.com/news/local/work-on-mountain-valley-pipeline-is-winding-down/article_b7d71a2a-c667-5b23-bcf2-03b1c80aa3ac.html

Unfortunately, not permanently.

Reynolds: Virginia chambers should renounce pipelines

- The Roanoke Times – 10/21/19

https://www.roanoke.com/opinion/commentary/reynolds-virginia-chambers-should-renounce-pipelines/article_e114ac2a-a9c9-5288-bb74-3ec9e3243558.html

Virginia body's blind support of ACP and MVP out of step with national Chamber of Commerce...reality.

Big Picture:

Fossil Fuels on Trial: New York's Lawsuit Against Exxon Begins

- The New York Times – 10/22/19

<https://www.nytimes.com/2019/10/22/climate/new-york-lawsuit-exxon.html>

There's compelling evidence the Exxon Mobil Corporation defrauded its investors, and at minimum, the company will be exposed to deep public scrutiny as the trial develops.

Related:

- <https://mashable.com/article/exxon-climate-trial-google-ads/>

Federal Pipeline Permitting Process Overdue for Renovation, Insiders Say

- Natural Gas Intelligence – 10/22/19

<https://www.naturalgasintel.com/articles/119966-federal-pipeline-permitting-process-overdue-for-renovation-insiders-say>

The federal natural gas pipeline permitting process favors either the industry, or landowners and environmental groups, depending on who you listen to, but one thing both sides seem to agree on is that process hasn't kept up with the changing energy landscape.

Related;

- <https://insideclimatenews.org/news/02102019/courts-question-pipeline-builders%E2%80%99-use-eminant-domain-giving-states-way-stop-them>

- <https://www.spglobal.com/platts/en/market-insights/latest-news/natural-gas/102119-tug-of-war-emerges-at-ferc-over-ruling-on-eminant-domain-for-gas-pipelines>

Op-ed: Natural gas vs. renewable energy – beware the latest gas industry talking points

- Environmental Health News – 10/17/19

<https://www.ehn.org/natural-gas-vs-renewables-2640991454.html>

By keeping Americans focused on the climate benefits of gas vs. coal, industry seeks to delay a broader debate of the deficits of gas vs. renewables.

USDA inspector general launches climate change investigation

- Politico – 10/22/19

<https://www.politico.com/news/2019/10/22/usda-inspector-general-launches-climate-change-investigation-054360>

Internal investigation starts as reports surface that department routinely buries work on climate change.

Golden Age Of Renewables Will Happen During Next Five Years, Says IEA

- CleanTechnica – 10/21/19

<https://cleantechnica.com/2019/10/21/golden-age-of-renewables-will-happen-during-next-five-years-says-ia/>

The latest report from the International Energy Agency – Renewables 2019 – claims the world will see a 50% increase in renewable energy between now and 2025 thanks to rapidly falling prices for solar and wind.