



## ABRA Update #262 – February 6, 2020

### Issue Highlights . . .

- VA Pipeline Bills Clear Committee, Head for House Floor; Action Needed Now!
- Congress Hears Testimony on Need to Reform Natural Gas Act
- WV Considers Legislation to Increase Penalties for Pipeline Protesters
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### VA Pipeline Bills Clear Committee, Head for House Floor; Action Needed! Now!

Three bills designed to tighten up state regulation of pipelines cleared the Agriculture, Chesapeake and Natural Resources Committee of the Virginia House of Delegates on February 5. The measures now head to the House floor and they must be acted upon before February 11 to be considered in the Senate. The three bills, all sponsored by Del. Chris Hurst (D-Blacksburg), are:

- HB 643 – Reduces from 36” to 24” the minimum diameter of natural gas transmission pipeline that is subject to certain regulatory actions, including a stop work order. For details, click [here](#).
- HB 644 – Directs the State Water Control Board to adopt regulations to penalize the accrual of water quality violations by large natural gas transmission pipeline projects. For details, click [here](#).
- HB 646 – Authorizes the State Water Control Board to include civil penalties of up to \$50,000 per violation, not to exceed \$500,000 per order. Current law sets these limits at \$32,500 and \$100,000, respectively. For details, click [here](#).

Virginia ABRA members and activists are urged to contact their state delegate to urge their support for these three important bills by clicking [here](#) and following the instructions. Do it today, as floor action will take place next week.

### Congress Hears Testimony on Need to Reform Natural Gas Act

The Natural Gas Act, which has not been amended in decades, was the subject of a broad hearing on February 5 by the Energy Subcommittee of the U.S. House Committee on Energy and Commerce. In opening remarks, Congressman Frank Pallone (D-NJ, Chairman of the full committee, said that the Federal Energy Regulatory Commission (FERC) “must take a more holistic view of the pipeline infrastructure already serving particular regions in order to determine whether new infrastructure is truly needed.” Continuing, he said:

“I am concerned FERC is simply approving duplicative pipelines, with 60-year lifespans, under the guise of “market need” even when those pipelines are not really necessary.

“The Atlantic Coast and Mountain Valley pipeline projects clearly illustrate the need for regional review. Both pipelines cross roughly the same areas in the mid-Atlantic region and, in some instances, impact the same communities and landowners. Why do we need that duplication? And while work on both pipes has been halted, much of the land damage has already been done because FERC allowed these duplicative projects to begin construction.”

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Among the witnesses testifying at the hearing were former FERC Commissioner Cheryl LaFleur and representatives of the Environmental Defense Fund, Delaware Waterkeepers and the Niskanen Center, all of whom raised many of the concerns ABRA has voiced over the years about the shortcomings of the FERC process. A [letter to the subcommittee](#), to become part of the hearing record, was submitted by Richard Averitt IV, a Nelson County, VA landowner and 17 fellow landowners in the county whose properties would be impacted by the Atlantic Coast Pipeline. Their submission said:

“We are outraged citizens who have spent nearly six years fighting for our most basic and fundamental rights to due process and property in a country founded on these sacrosanct principles. Moreover, while our specific experience relates to the Atlantic Coast Pipeline (ACP), our grievances are representative of injustices perpetrated against thousands of families across the country at this very moment along dozens of new pipelines routes. We are the victims of a broken system, a truly feckless FERC, an energy economy that is wildly incentivized to build infrastructure at any cost, and the outrageous lie that the public need for gas is driven by domestic demand while our nation races to be the largest global exporter.

“The Natural Gas Act is the framework for these abuses and it has not been updated to reflect the massive changes in the energy economy or the new realities of a diverse energy market since 1962. As a result, the language of the Natural Gas Act (NGA) is being misused by FERC to deny people their legal and constitutional rights, to strip and undermine the legal authority of states, to undermine the authority of other federal agencies, to ignore the mandates of the Clean Water Act and the National Environmental Policy Act, to trample private property rights, to take from communities the protection of public parks, forests and conserved lands that they have invested heavily in protecting, to take jobs and destroy small businesses, to harm our communities’ health, diminish our safety and damage our local environments, all for the benefit of a single industry seeking to advance its own corporate profits and business edge over its competitors.”

For a list of witnesses at the hearing, links to their testimony and an audio recording of the proceedings, click [here](#).

## **WV Considers Legislation to Increase Penalties for Pipeline Protesters**

Legislation was introduced January 30 in the West Virginia House of Delegates that would heighten the penalties for protesting near oil and gas pipelines and other infrastructures. Under the provisions of H.R 4615 knowingly trespassing on property containing a critical infrastructure facility is punishable by a year in jail and a \$500 fine. Criminal trespassing on critical infrastructure property with the intent to "vandalize, deface, tamper with equipment, or impede or inhibit operations" of the facility is a felony punishable by up to three years in prison and a \$1,000 fine.

An organization or person found to have "conspired" to commit any of the offenses--regardless of whether they were committed--is subject to a criminal fine. The bill newly defines "critical infrastructure facility" under West Virginia law to include a range of oil, gas, electric, water, telecommunications, and railroad facilities that are fenced off or posted with signs indicating that entry is prohibited.

The House Judiciary Committee, to which the bill has been referred, has scheduled a hearing on the measure for February 10. Click [here](#) for the full text of the bill.

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

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

#### **Racism and ecological injustice combine in 'reckless, racist' Atlantic Coast Pipeline fight**

- Think – 2/3/20

<https://www.nbcnews.com/think/opinion/racism-environmentalism-collide-over-reckless-racist-atlantic-coast-pipeline-ncna1126151>

Although it is not new, under the current administration, powerful and wealthy corporations are once again given free rein to despoil and destroy our sacred and treasured lands.

#### **Bill Changing Rate Rules on Dominion Advances**

- Bacon's Rebellion – 2/5/20

<https://www.baconsrebellion.com/wp/bill-changing-rate-rules-on-dominion-advances/>

#### **Virginia Explained: What does it mean to be 'in the public interest'? And what does that have to do with offshore wind?**

- Virginia Mercury – 2/3/20

<https://www.virginiamercury.com/2020/02/03/virginia-explained-what-does-it-mean-to-be-in-the-public-interest-and-what-does-that-have-to-do-with-offshore-wind/>

If you've heard the phrase "in the public interest" being batted about among lawmakers or policy wonks, you could easily be forgiven for thinking it was just another rhetorical flourish. But in fact, this benign-sounding phrase carries an extraordinary amount of power in Virginia law, especially when it comes to energy.

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

#### **The Time to Act is Now: Del. Jennifer Carroll Foy Calls on State, Federal Agencies to Revoke Pipeline Permits**

- Blue Virginia – 1/31/20

<https://bluevirginia.us/2020/01/the-time-to-act-is-now-del-jennifer-carroll-foy-calls-on-state-federal-agencies-to-revoke-pipeline-permits>

With both the Atlantic Coast and Mountain Valley Pipelines lacking multiple permits that are required by federal law, it is time for the responsible federal and state agencies to take decisive action.

#### **Christopulos and Bowers: What you should know about the Roanoke Gas price increase: an open letter to customers and company shareholders**

- The Roanoke Times – 2/3/20

[https://www.roanoke.com/opinion/commentary/christopulos-and-bowers-what-you-should-know-about-the-roanoke/article\\_2e5968dd-daa2-5d02-92c9-6c848668bf6c.html](https://www.roanoke.com/opinion/commentary/christopulos-and-bowers-what-you-should-know-about-the-roanoke/article_2e5968dd-daa2-5d02-92c9-6c848668bf6c.html)

In a shocking turn of events, gas company that is invested in a stalled pipeline puts favorable spin on not-that-favorable ruling by Virginia State Corporation Commission.

#### **Virginia Tech professor seeks to change Mountain Valley Pipeline agenda**

- Collegiate Times – 1/30/20

[http://www.collegiatetimes.com/lifestyles/virginia-tech-professor-seeks-to-change-mountain-valley-pipeline-agenda/article\\_d66907bc-4395-11ea-9fc1-7f64a25304a2.html](http://www.collegiatetimes.com/lifestyles/virginia-tech-professor-seeks-to-change-mountain-valley-pipeline-agenda/article_d66907bc-4395-11ea-9fc1-7f64a25304a2.html)

Virginia Tech Appalachian studies professor Emily Satterwhite chained herself to a site excavator in protest against Mountain Valley Pipeline construction June 28, 2018, to bring attention to the Appalachian community.

## Big Picture:

### **The world's oceans are speeding up – another mega-scale consequence of climate change**

- The Washington Post – 2/5/20

<https://www.washingtonpost.com/climate-environment/2020/02/05/worlds-oceans-are-speeding-up-another-mega-scale-consequence-climate-change/>

New research finds a surprising and worrying acceleration across 76 percent of the world's oceans.

### **FERC reorganizes to address landowner disputes**

- E&E Greenwire – 2/3/20

<https://www.abralliance.org/wp-content/uploads/2020/02/FERC-reorganizes-to-address-landowner-disputes-EE-Greenwire-2-3-20.pdf>

The reorganization includes a new "rehearings" section within the Office of the General Counsel to focus on requests filed under Section 7 of the Natural Gas Act, which details FERC's responsibilities to permit interstate pipeline projects.

### **Divided FERC Finds Pipeline Companies Can Seize State-Owned Interests**

- JD Supra – 2/3/20

<https://www.jdsupra.com/legalnews/divided-ferc-finds-pipeline-companies-97006/>

The declaratory order stands in direct contradiction to the opinion of the U. S. Court of Appeals for the Third Circuit in *In re PennEast Pipeline Co., LLC*, 938 F.3d 96 issued on September 10, 2019.

### **Bumblebees' decline points to mass extinction – study**

- The Guardian - 2/6/20

<https://www.theguardian.com/environment/2020/feb/06/bumblebees-decline-points-to-mass-extinction-study>

A study suggests the likelihood of a bumblebee population surviving in any given place has declined by 30% in the course of a single human generation. The researchers say the rates of decline appear to be "consistent with a mass extinction".

### **Credit risks mounting for US gas producers, S&P Global Rating says**

- S&P Global – 2/5/20

<https://www.spglobal.com/platts/en/market-insights/latest-news/natural-gas/020520-credit-risks-mounting-for-us-gas-producers-sampp-global-rating-says>

In an industry outlook webcast, ratings analysts at S&P said that recent supply gains, weaker expected demand growth and lower prices in 2020 are putting new pressures on the gas trade.

### **EU power sector emissions drop as coal collapses across Europe**

- Al Jazeera – 2/5/20

<https://www.aljazeera.com/ajimpact/eu-power-sector-emissions-drop-coal-collapses-europe-200205222402274.html>

The year 2019 saw record decline in CO2 emitted from electricity generation as renewable sources rose to a new high.

### **Why choosing solar panels or a hybrid car has more impact than you think**

- Treehugger – 2/6/20

<https://www.treehugger.com/renewable-energy/why-choosing-solar-panels-or-hybrid-car-has-more-impact-you-think.html>

Personal energy choices can be contagious