



## ABRA Update #264 – February 20, 2020

### Issue Highlights . . .

- Proposed MVP Extension Clears Environmental Review by FERC
- Information About the Supreme Court Argument of the Cowpasture Case
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### Proposed MVP Extension Clears Environmental Review by FERC

The Southgate Project, a proposed extension of the Mountain Valley Pipeline (MVP) into North Carolina, has received a favorable environmental review by the Federal Energy Regulatory Commission (FERC). The project, initiated in a filing with FERC in May 2018, would be a 75-mile natural gas transmission pipeline from Pittsylvania County, Virginia to Alamance County, North Carolina. It would include building a 29,000-horsepower compressor station in Pittsylvania County (by comparison, the Buckingham compressor station for the Atlantic Coast Pipeline would have nearly twice the horsepower as the Southgate compressor station). The Final Environmental Impact Statement (FEIS) for Southgate, released February 14 by FERC staff, concludes that “approval of the Project would result in some adverse environmental impacts, but these impacts would be reduced to less-than significant levels through implementation of our recommendations and Mountain Valley’s proposed avoidance, minimization, and mitigation measures.” For a copy of the 1,000+ page FEIS, click [here](#).

### Information About the Supreme Court Argument of the Cowpasture Case

The U.S. Supreme Court argument of the Cowpasture River Preservation Association v. Forest Service will take place on Monday, February 24 at 10 am. One-hour is scheduled for the case.

To review briefs that have been filed on the *Cowpasture* case, click [here](#). The *ABRA Update* article on the Fourth Circuit Court of Appeals decision of December 2018 that is being appealed is available [here](#).

The U.S. Forest Service and Atlantic Coast Pipeline, LLC are the appellants in the case. The respondents are seven ABRA members: Cowpasture River Preservation Association, Highlanders for Responsible Development, Shenandoah Valley Battlefields Association, Shenandoah Valley Network, Sierra Club, Virginia Wilderness Committee and Wild Virginia.

Those who plan to attend the argument should consult instructions on the Supreme Court website, [here](#). Note that space in the courtroom is limited and there is no guarantee that all who wish to attend will be seated. Therefore, it is advised that attendees for the argument arrive very early. The Supreme Court is at 1 First St., SE, Washington, DC, located 0.3 miles from the Capital South Metro Station. The closest parking garage is at Union Station, located 0.5 miles from the Court.

Audio recordings of all oral arguments heard by the Supreme Court are posted online on Fridays of each argument week (February 28 for this case). To access the recordings, click [here](#).

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## Virginia DEQ Launches Environmental Justice Study

An effort to develop recommendations for incorporation environmental justice principles into the Virginia Department of Environmental Quality's (DEQ) programs and actions, announced last September by the agency, will soon begin interviewing environmental justice stakeholders, non-government organizations, local government officials and others in coming weeks. The February 19 announcement of the forthcoming interviews comes in the wake of the recent decision of the Fourth Circuit Court of Appeals striking down the air permit for the Buckingham County compressor station for the Atlantic Coast Pipeline for reasons that included the Virginia Air Pollution Control Board's failure to properly consider the environmental justice impacts of the project. Click here for a [copy](#) of the DEQ's announcement.

## Federal Court Rebuffs FWS Over Classification of Northern Long-Eared Bat

The 2015 listing of the northern long-eared bat as "threatened" rather than "endangered" by the U.S. Fish and Wildlife Service (FWS) has been rejected by U.S. District Court for the District of Columbia. The January 28 decision by the Court, came as the result of a legal challenge by the Center for Biological Diversity, Defenders of Wildlife, Sierra Club, Coal River Mountain Watch and Ohio Valley Environmental Coalition.

The bat, whose habitat includes the central Appalachian Mountains, was listed as threatened despite the fact that it has declined in its core range by over 90% since 2006, when the fungal disease known as white-nose syndrome began killing hibernating bats by the millions. In rejecting the agency's decision, the judge found that FWS had failed to explain why the species was not endangered after suffering catastrophic declines as a result of white-nose syndrome. The judge also found FWS failed to consider the cumulative effects of habitat destruction against that grim backdrop.

The decision could impact future infrastructure developments in the habitat region of the bat. It is not yet known whether the FWS will appeal the decision. For more, click [here](#).

## *In the News:*

### Local/Atlantic Coast Pipeline

#### Argument preview: Supreme Court pipeline case nears

- The Recorder – 2/20/20

[https://www.abralliance.org/wp-content/uploads/2020/02/Argument-preview-Supreme-Court-pipeline-case-nears-Recorder\\_20200220.pdf](https://www.abralliance.org/wp-content/uploads/2020/02/Argument-preview-Supreme-Court-pipeline-case-nears-Recorder_20200220.pdf)

Related:

- <https://www.scotusblog.com/2020/02/argument-preview-justices-to-consider-whether-the-appalachian-trail-blocks-proposed-natural-gas-pipeline/>

#### Ten Things to Know About the Clean Economy Act

- Virginia Mercury – 2/20/20

<https://www.virginiamercury.com/2020/02/20/ten-things-to-know-about-the-clean-economy-act/>

A Break-down of the Act's major provisions.

#### Dominion Energy net-zero goal undercut by pipeline expansion, "renewable natural gas" offset scheme

- Energy & Policy Institute – 2/13/20

<https://www.energyandpolicy.org/dominion-net-zero/>

The utility joins wave of peer companies setting new emissions targets – but stops short of meaningful fossil fuel curtailment.

## Dominion Energy: Renewable Energy Leader

- Forbes – 2/18/20

<https://www.forbes.com/sites/greatspeculations/2020/02/18/dominion-energy-renewable-energy-leader/#324924c06f47>

The one thing the author of this piece gets *right* is that Dominion has figured out how to turn *any* energy policy environment to its advantage.

## Regional/Mountain Valley Pipeline, other

### Mountain Valley Pipeline extension clears environmental review by FERC

- The Roanoke Times – 2/14/20

[https://www.roanoke.com/business/mountain-valley-pipeline-extension-clears-environmental-review-by-ferc/article\\_cd4d4d54-cbd5-5204-bdba-e35898008a8b.html](https://www.roanoke.com/business/mountain-valley-pipeline-extension-clears-environmental-review-by-ferc/article_cd4d4d54-cbd5-5204-bdba-e35898008a8b.html)

Related:

- <https://www.spglobal.com/platts/en/market-insights/latest-news/natural-gas/021820-ferc-staff-sees-limited-impacts-from-mvp-southgate-pipeline-expansion>

### Virginia Needs a Deep(er) State

- Blue Virginia – 2/18/20

<https://bluevirginia.us/2020/02/virginia-needs-a-deeper-state>

Through decades of neglect and defunding, Virginia has lost any semblance of impartial, government experts. When exploring major projects or policies, legislators must rely on the heavily biased information provided by industry lobbyists and non-profits/NGOs. (Yes, *we* are biased as well). It shouldn't be this way.

## Big Picture:

### Cheap Gas Imperils Climate Fight by Undercutting Wind and Solar

- Bloomberg – 2/14/20

<https://www.bloomberg.com/news/articles/2020-02-14/solar-and-wind-power-can-t-compete-with-gas-that-s-this-cheap>

Record-low gas prices are making the move to green power grids a lot harder...absent real policy from Washington.

### Climate Change Rises as a Public Priority. But It's More Partisan Than Ever.

- The New York Times – 2/20/20

<https://www.nytimes.com/interactive/2020/02/20/climate/climate-change-polls.html>

### Oil and gas firms 'have had far worse climate impact than thought'

- The Guardian – 2/19/20

<https://www.theguardian.com/environment/2020/feb/19/oil-gas-industry-far-worse-climate-impact-than-thought-fossil-fuels-methane>

Related:

- <https://www.bloomberg.com/news/articles/2020-02-11/permian-s-gas-burning-black-eye-is-30-worse-than-thought>

### Why the U.S. faces a steep path to a CO2-free grid

- E&E News – 2/19/20

<https://www.eenews.net/stories/1062389203>

One simple word: *Scale*.

### Solar, wind and batteries expected to outpace new gas-powered generation in Texas

- Houston Chronicle – 2/17/20

<https://www.houstonchronicle.com/business/energy/article/Texas-to-build-more-solar-wind-batteries-than-15062905.php>

Short but sweet to finish...Texas?!