



ABRA Update #266 – March 5, 2020

Issue Highlights . . .

- WV Senate Committee Approves Bill Curbing Infrastructure Protests
- New FERC Member Approved by Senate Judiciary Committee
- Virginia Creates a Permanent Environmental Justice Council
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WV Senate Committee Approves Bill Curbing Infrastructure Protests

The West Virginia Senate Judiciary Committee approved by a voice vote on March 4 a bill that would establish as a misdemeanor an action by “any person who willfully and knowingly trespasses or enters property containing a critical infrastructure without permission.” A similar measure passed the WV House of Delegates by a 65-30 vote on February 13. The bill defines “critical infrastructure” to include natural gas pipelines and compressor stations.

The [Senate Judiciary’s version of the bill](#) has somewhat lower fines applied to the cited offenses and exempts actions deemed to be exercises of free speech, including “protesting and picketing.” The full Senate is expected to take up the bill before the Legislature’s scheduled adjournment by Midnight, March 7.

New FERC Member Approved by Senate Judiciary Committee

James Danly, general counsel for the Federal Energy Regulatory Commission (FERC), who was nominated in October by President Trump to become a member of the Commission, filling a Republican vacancy on the Commission, was approved by the Senate Energy and Natural Resources Committee on March 3. Should Mr. Danly be confirmed by the full Senate – which is expected – FERC will then have a 3-1 Republican majority. One of those Republican members, Bernard McNamee, whose current term expires in June, has indicated he will not seek reappointment. Mr. Danly’s nomination was approved on a 12-8 vote with all 11 Republican members plus Ranking Minority Member Sen. Joe Manchin (D-WV) voting to confirm.

Sen. Manchin, while supporting Mr. Danly’s nomination, expressed frustration that the White House has yet to nominate someone to fill the remaining Democrat seat on FERC, which became vacant last August with the departure of Commissioner Cheryl LaFleur. In a [statement released after the vote, Sen. Manchin said](#):

“I am disappointed we are advancing the nomination for the Republican seat on the Federal Energy Regulatory Commission without pairing Mr. Danly’s nomination with a nomination to fill the Democratic seat that has been vacant since last August.

“Unless we fill the vacant Democratic seat, we will again be faced with a bare quorum of three Commissioners even after Mr. Danly is confirmed, once Mr. McNamee’s term expires. Moreover, filling the Republican seat while leaving the Democratic seat vacant is not in keeping with the longstanding practice of this Committee or the need to keep the Commission bipartisan.”

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Virginia Creates a Permanent Environmental Justice Council

Virginia Governor Northam on March 3 signed into law a bill creating the Virginia Council on Environmental Justice. The measure, [HB 1042](#), had passed the House of Delegates February 3 by a 55-43 vote, and passed the Senate on February 17 by a 25-15 vote. Previously, an Environmental Justice Council existed under a Governor's Executive Order.

The new Council will have 27 members, consisting of 21 non-legislative members appointed by the Governor and six ex officio members who are cabinet members or their designees. The stated purpose of the Council is to "advise the Governor and provide recommendations that maintain a foundation of environmental justice principles intended to protect vulnerable communities from disproportionate impacts of pollution."

In the News:

Local/Atlantic Coast Pipeline

High time to relocate troubled ACP project

- The Recorder – 3/5/20

<https://www.abralliance.org/wp-content/uploads/2020/03/High-time-to-relocate-troubled-ACP-project-Editorial-Recorder20200305.pdf>

This Pipeline Case Could Gut 100 Years of Safeguards for Federal Parks

- Politico – 3/3/20

<https://www.politico.com/news/magazine/2020/03/03/pipeline-safeguards-federal-parks-118941>

Environmental groups fear that a ruling in favor of the energy companies behind the project could ultimately open up millions of acres of federal land to uses ranging from energy exploration and timber harvesting to highway construction and mining.

Arbitrary, capricious decisions spell trouble for pipeline

- The Recorder – 3/5/20

https://www.abralliance.org/wp-content/uploads/2020/03/Arbitrary-capricious-decisions-spell-trouble-for-pipeline-Recorder_20200305.pdf

A rush for profits led to poorly conceived plans and reliance on public relations and politics more than careful planning.

Governor signs bill making Virginia Council on Environmental Justice permanent

- Virginia Mercury – 3/4/20

<https://www.virginiamercury.com/blog-va/governor-signs-bill-making-virginia-council-on-environmental-justice-permanent>

The creation of the permanent council is part of a broader push this session to incorporate environmental justice into the daily operations of state agencies, particularly the Department of Environmental Quality.

Senate bucks the wishes of Dominion, Saslaw, Norment in surprise power plant retirement vote

- Virginia Mercury – 3/5/20

<https://www.virginiamercury.com/2020/03/05/senate-bucks-the-wishes-of-dominion-saslaw-norment-in-surprise-power-plant-retirement-vote>

After intense Dominion lobbying, Senate panel kills bipartisan Fair Energy Bills Act

- Virginia Mercury – 3/2/20

<https://www.virginiamercury.com/2020/03/02/after-intense-dominion-lobbying-senate-panel-kills-bipartisan-fair-energy-bills-act/>

Bill would have re-instated SCC oversight of Dominion rates and overearning.

Big Picture:

How Europe's Border Carbon Tax Plan Could Force the U.S. To Act on Climate Change

- Time – 3/4/20

<https://time.com/5793918/european-union-border-carbon-tax/>

If that's what it takes...

US Senate panel again moves FERC nominee, amid debate over partisanship

- S&P Global – 3/3/20

<https://www.spglobal.com/platts/en/market-insights/latest-news/natural-gas/030320-us-senate-panel-again-moves-ferc-nominee-amid-debate-over-partisanship>

Multiple Democrats on the panel lamented what they described as increased partisanship at FERC and urged a return to pairing of Democrat and Republican nominees to restore a more bipartisan approach.

Trump administration moving to allow railroads to haul liquefied natural gas. Opponents say it's a risk.

- Washington Post - 3/3/20

<https://www.washingtonpost.com/business/2020/03/03/lng-trains-trump>

Trains carrying 1.8 billion cubic feet (equivalent) of natural gas, rolling through neighborhoods and alongside schools and hospitals. What could **possibly** go wrong?

Will simple economics deal fatal blow to long-delayed Keystone XL pipeline?

- Omaha World-Herald 3/2/20

https://www.omaha.com/news/state_and_regional/will-simple-economics-deal-fatal-blow-to-long-delayed-keystone/article_be5063fi-de3d-5502-96a3-1ea89e3a891d.html

Delay until the market kills it. If that's what it takes!

Sweeping Senate Energy Bill Could Come to a Vote This Week

- Greentech Media – 3/2/20

<https://www.greentechmedia.com/articles/read/whats-in-the-senate-energy-bill-for-clean-energy-smart-grid-and-energy-storage>

Although it lacks climate goals, the bipartisan package would direct billions of dollars toward solar, wind and energy storage.

Fossil fuels for power at turning point as renewables surged in 2019: data

- Reuters – 3/3/20

<https://www.reuters.com/article/us-electricity-fossilfuel-decline/fossil-fuels-for-power-at-turning-point-as-renewables-surged-in-2019-data-idUSKBN20ROHU>

A bit on the optimistic side perhaps, but definitely a positive development.