



ABRA Update #272 – April 16, 2020

Issue Highlights . . .

- Court Ruling on Army Corps Permit for Keystone XL Will Impact ACP
- Gov. Northam Signs Utility Consumer Bill, Shale Industry Balks
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Court Ruling on Army Corps Permit for Keystone XL Will Impact ACP

A federal district judge in Montana on April 15 ruled that the U.S. Army Corps of Engineers violated the law when it approved National Permit 12 (NWP12) to permit the Keystone XL Pipeline to cross streams and rivers under the Corps' jurisdiction. The ruling invalidates Nationwide Permit 12, prohibiting the Corps from using this fast-tracked approval process for any pipelines nationwide.

The Corps began issuing NWP12 in 1977 for categories of activities that it deems to be similar in nature and “will cause only minimal adverse environmental effects when performed separately and will have only minimal cumulative adverse effect on the environment.” The Atlantic Coast Pipeline (ACP) is currently without an authorized NWP12. Until the district court decision is reversed on appeal, a new NWP12 for any pipeline project, including the ACP, cannot be issued.

The case had been brought by the Northern Plains Resource Council in 2019. The judge ruled that the “Corps failed to consider relevant expert analysis and failed to articulate a rational connection between the facts it found and the choice it made” regarding endangered species that were in the path of the project. Click [here](#) for a copy of the plaintiff's statement commenting upon the decision (which also includes a link to the court decision).

Gov. Northam Signs Utility Consumer Bill, Shale Industry Balks

Virginia Governor Ralph Northam signed into law April 6 a new law that would protect ratepayers from being charged for the cost of unneeded infrastructure, such as natural gas pipelines, based upon a determination by the State Corporation Commission. [HB 167](#), whose principal sponsor was Del. Lee Ware (R-Powhatan), passed the Senate and House unanimously.

The *Marcellus Drilling News*, an outspoken publication serving shale industry interests, was highly critical of the new law:

"What the bill actually does is remove freedom of choice for utility companies, driving up the cost of electricity in the Old Dominion. The bill does the opposite of what it says it will do. All in the name of trying to block Dominion Energy's Atlantic Coast Pipeline (ACP) project. What a sorry state of affairs in a once-great state."

"The disgusting Northam and a sycophantic legislature have fallen into the trap of opposing ACP because it's a “fossil fuel” pipeline and because of a bunch of country club-types with big horse farms along the route who don't want their pastures dug up. Money talks.”

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Pandemic Continues to Impact Fossil Fuel and Other Energy Markets

The COVID-19 pandemic's impact on the national and international economy has been particularly sharp on energy markets. The economic slowdown has meant less demand for all forms of energy, exacerbating an already over-supplied oil and gas market, driving prices to near record lows. While the impacts have been most profound upon oil markets, natural gas – much of which is produced as a byproduct of crude oil extraction – will also be impacted.

A new report from the International Energy Agency observed that “there is clearly a long way to go before we can put the Covid-19 crisis behind us.” For the report, click [here](#).

In the News:

Local/Atlantic Coast Pipeline

Troubled 600-mile pipeline's need under scrutiny again

- The Recorder – 4/16/20

https://www.abralliance.org/wp-content/uploads/2020/04/Troubled-600-mile-pipelines-need-under-scrutiny-again-Recorder_20200416.pdf

A motion the Virginia State Corporation Commission approved last week again suggested a lack of need for – and unsound rationale behind – the proposed Atlantic Coast Pipeline.

FERC has a big pipeline problem

- Virginia Mercury – 4/10/20

<https://www.virginiamercury.com/2020/04/10/ferc-has-a-big-pipeline-problem>

FERC requires immediate, fundamental restructuring to halt its reckless rubberstamping of bigger and riskier gas pipelines, accompanied by increasingly graver impacts.

New Virginia law could be Atlantic Coast Pipeline's greatest barrier yet

- Energy News Network – 4/13/20

<https://energynews.us/2020/04/13/southeast/new-virginia-law-could-be-atlantic-coast-pipelines-greatest-barrier-yet/>

Dominion is still convinced the \$8 billion natural gas pipeline still has a bright future.

Virginia becomes the first Southern state with a goal of carbon-free energy

- The Washington Post – 4/13/20

https://www.washingtonpost.com/climate-solutions/virginia-becomes-the-first-southern-state-with-a-goal-of-carbon-free-energy/2020/04/13/4ef22dd6-7db5-11ea-8013-1b6da0e4a2b7_story.html

Related:

- <https://insideclimatenews.org/news/15042020/inside-clean-energy-virginia-clean-energy-transition-by-2045>

Social cost of carbon could further sway Virginia from fossil fuel power plants

- Energy News Network – 4/10/20

<https://energynews.us/2020/04/10/southeast/social-cost-of-carbon-could-further-sway-virginia-from-fossil-fuel-power-plants/>

Regional/Mountain Valley Pipeline, other

Community Fights Construction of Mountain Valley Pipeline

- Pulitzer Center – 4/13/20

<https://pulitzercenter.org/reporting/community-fights-construction-mountain-valley-pipeline>

Throughout Virginia and West Virginia along the pipeline route, a coalition of neighbors have come together in a variety of ways to protect the places they call home and have strengthened their communities in the process. With their work, they hope to offer a model for support and base-building in a world increasingly suffering from environmental harm.

Virginia High Court Hears Trespass Case Against Pipeline Firm

- Courthouse News Service – 4/15/20

<https://www.courthousenews.com/virginia-high-court-hears-trespass-case-against-pipeline-firm>

The Virginia Supreme Court was asked Wednesday to clarify a state law governing how natural gas companies give notice to landowners when they want to survey private property without permission.

Blacksburg High School students place in national C-SPAN documentary competition

- WFXR – 4/12/20

<https://www.wfxrtv.com/news/local-news/blacksburg-high-school-students-place-in-national-c-span-documentary-competition/>

Complaints about lack of virus protection in work sites filed with state, local agencies

- The Roanoke Times – 4/11/20

https://www.roanoke.com/news/local/complaints-about-lack-of-virus-protection-in-work-sites-filed-with-state-local-agencies/article_obe8f9ff-cd83-5fe5-8ad9-4doagebcdcdc.html

Complaints come from many sources, including construction sites, home improvement stores and opponents of MVP and ACP.

Big Picture:

Coronavirus May Kill Our Fracking Fever Dream

- The New York Times – 4/10/20

<https://www.nytimes.com/2020/04/10/opinion/sunday/coronavirus-texas-fracking-layoffs.html>

Though, if Permian oil shuts in, its associated gas disappears, raising prices and possibly stimulating Appalachian production.

Democrats call for new gas pipeline moratorium amid pandemic

- The Hill – 4/15/20

<https://thehill.com/policy/energy-environment/492968-democrats-call-for-new-gas-pipeline-moratorium-amid-the-coronavirus>

They argued that a moratorium is necessary to make sure the public is included in the process and also to protect the safety of construction crews.

The Public Use Clause in an Age of U.S. Natural Gas Exports

- Stanford Law Review – 4/20

<https://www.stanfordlawreview.org/online/the-public-use-clause-in-an-age-of-u-s-natural-gas-exports/>

Explores how courts are beginning to grapple anew with the role of the Public Use Clause in an age of energy exports. It shows how industry's desire to take advantage of export markets for newly available U.S. natural gas resources is for the first time facing resistance from the courts.

Yet Again, Federal Court Invalidates Key Permit for Keystone XL

- Bold Nebraska – 4/15/20

<http://boldnebraska.org/press-release-yet-again-federal-court-invalidates-key-permit-for-keystone-xl/>

Related:

- <https://www.theguardian.com/environment/2020/apr/15/keystone-xl-pipeline-montana-judge-environment>

Climate Change Won't Stop for the Coronavirus Pandemic

- ProPublica – 4/13/20

<https://www.propublica.org/article/climate-change-wont-stop-for-the-coronavirus-pandemic>

The next several months could bring hurricanes, floods and fire, on top of the pandemic currently raging through the country. How do you shelter in place during an evacuation?

Strengthen worldwide climate commitments to improve economy, study finds

- The Guardian – 4/14/20

<https://www.theguardian.com/environment/2020/apr/14/worldwide-climate-commitments-economy-emissions>

Global economy could lose out by \$600tn by end of century on current emissions targets

Green Utilities Are Proving a Safe Haven in Market Rout

- Bloomberg – 4/7/20

<https://www.bloomberg.com/news/articles/2020-04-07/green-utilities-give-shelter-to-investors-as-virus-roils-markets>

Analysis: Wind energy expansion would have \$27 billion economic impact

- TechExplore – 4/16/20

<https://techxplore.com/news/2020-04-analysis-energy-expansion-billion-economic.html>

Scientists discover enzyme which breaks down PET plastic ‘in hours’

- FoodBev Media – 4/9/20

<https://www.foodbev.com/news/scientists-discover-enzyme-which-breaks-down-pet-plastic-in-hours/>

Also seen in *The Guardian* and *Nature*. Less new PET means less natural gas feedstock. And cleaner oceans.