



ABRA Update #278 – May 28, 2020

Issue Highlights . . .

- Reinstatement of Army Corps’ NWP 12 Authority Denied by Appeals Court
- Six Years and Counting . . .
- Additional Public Hearing Scheduled for Header Improvement Project
- Comment Period Extended for Header Improvement Project
- ARTivism Virginia Holding Concerts and Workshops on Thursdays
- *In the News* – page 3

Reinstatement of Army Corps’ NWP 12 Authority Denied by Appeals Court

[The Ninth Circuit Court of Appeals denied on May 28](#) a request of the U.S. Corps of Engineers and the owner of the Keystone XL Pipeline to reinstate the Nationwide Permit 12 (NWP12) authority of the Corps. A federal district court in Montana had [ruled on April 15](#) that the Corps had violated the Endangered Species Act (ESA) in issuing the current NWP12 and revoked the Corps’ authority to issue any new permits for pipeline projects to cross streams and rivers. The NWP12 authority will remain invalid until the Ninth Circuit rules on the district court’s decision on the ESA issues. At present, the Atlantic Coast Pipeline and Mountain Valley Pipeline do not have valid permits under the Corps’ NWP12 program.

Among the amicus briefs that were filed with the Ninth Circuit in the case was one by Appalachian Mountain Advocates (Appalmad) and Southern Environmental Law Center (SELC) on behalf of Defenders of Wildlife, Virginia Wilderness Committee, West Virginia Highlands Conservancy and West Virginia Rivers Coalition. In the brief, the groups said that:

. . . proposed gas pipelines like the Atlantic Coast Pipeline and Mountain Valley Pipeline have a compounding effect on endangered species—which goes unanalyzed when the Army Corps silos its review and blinds itself to anything other than project-level impacts. Protected species, and *amicus*’s members’ interests in observing and studying those species and their habitats, are harmed by infliction of these unassessed impacts.

A copy of the Appalmad-SELC brief is available [here](#).

Six Years and Counting . . .

It was six-years ago this week that Dominion Energy began contacting local officials in Virginia and West Virginia to advise them of the company’s plans to build a natural gas pipeline through their communities. Initially called the Southeast Reliability Project, the pipeline was to cost \$4 billion and be operational by end of 2018. In September, the project was re-named the Atlantic Coast Pipeline (ACP) and Duke Energy was named as a partner. Also in September 2014, the organization of ABRA was announced.

In its briefings of county boards that summer, Dominion representatives stated:

- The project would be the “energy equivalent of broadband infrastructure,” providing a “key driver in a community’s ability to attract economic development.”

<p>Volunteer for ABRA’s Pipeline CSI Program</p> <p><u>Volunteer</u></p>	<p>Submit a report to the Pipeline CSI</p> <p><u>Report</u></p>	<p>Stay informed, like us on Facebook.</p> 	<p>Support ABRA financially</p> <p><u>GiveNow</u></p>
---	--	---	--

- It would promote price stability and enhance economic opportunity.
- Substantial economic benefits including a substantial number of well-paying construction jobs and additional tax base in communities along the route” would be provided.
- Dominion looks forward to working with affected landowners and communities “to ensure that we can optimize the balance of environmental stewardship and economic opportunity that is created” by the project.

As of May 2020:

- The project, approved by the Federal Energy Regulatory Commission on October 13, 2017, is lacking 8 key permits, primarily as the result of lawsuits brought by ABRA members and allied organizations. The missing permits are those from the Forest Service, Park Service, Fish and Wildlife Service, Virginia Air Pollution Control Board and needed permits from four Army Corps of Engineers Districts.
- Construction on the project has remained suspended since December 2018, 17-months ago.
- The estimated cost of the ACP is now \$8 billion, twice the original estimate.
- The ACP, if built, is not expected to be operational until 2022, 3-years later than planned.

The final chapter of this story has yet to be written. ABRA members and supporters can take satisfaction in the fact that they have had a major part in influencing the story so far.

Additional Public Hearing Scheduled for Header Improvement Project

The Virginia State Corporation Commission (SCC) announced May 27 that additional public testimony on Virginia Natural Gas’s proposed Header Improvement Project (HIP) will be received on June 8 at a virtual hearing, webcast by the SCC. The deadline for filing written comments is also extended to June 8, 2020.

For the June 8 hearing, SCC will call public witnesses who pre-register with the Commission prior to 5 p.m. on Thursday, June 4. The deadline to register is two business days in advance of the Monday, June 8 telephonic hearing that begins at 10 a.m. Each witness will have five minutes to provide testimony. For information on pre-registering, click [here](#).

In a related development, a dozen Democrat members of the Virginia House of Delegates have written to Governor Northam and the SCC urging that approval of HIP be denied. The [Delegates’ letter](#) pointed to the “glut of gas” currently in the marketplace and stated:

... it is clear the HIP pipeline and the C4GT gas plant it is to service would most likely face significant economic setbacks that will only burden municipalities and VNG ratepayers. With the project and its buyers facing funding and other economic uncertainties including COVID-19 that may last well into the foreseeable future, this project is too big a financial risk therefore it cannot go forward. As representatives we must act in the best interests of our constituents, and ensure state decisions like these fully weigh the needs and consequences of this project.

Comment Period Extended for Header Improvement Project

The Virginia State Corporation Commission (SCC) has extended the comment period for the proposed Header Improvement Project (HIP), a proposal by Virginia Natural Gas for a pipeline expansion to serve a new power plant in Charles City, VA. The SCC held a May 12 webcasts hearing and has indicated an additional hearing will be scheduled, but no date has been set. More than 700 comments on the proposal have been filed so far with the SCC.

A virtual comment-writing party, organized by organizations opposing the HIP, will be held on **Thursday, May 28 from 6- 7 pm**. For more information and to participate, click [here](#).

ARTivism Virginia Holding Concerts and Workshops on Thursdays

ARTivism Virginia, an initiative to connect artists and activists in Virginia in the fight for environmental justice, is conducting a series of online concerts and workshops on Thursday through the end of June.

The Sun Sing in Place concert Series, featuring environmental resistance music, poetry and action updates, will be held from 7-8 pm on June 4 and 18. For more information, click [here](#).

The ARTivism Virginia Workshop Series, featuring programs to cultivate skills, art and agreements for future environmental events, will occur on May 28, June 11 and 25. To register for the workshops click [here](#).

In the News:

Local/Atlantic Coast Pipeline

Pandemic erodes the case for the Atlantic Coast Pipeline

- Facing South – 5/22/20

<https://www.facingsouth.org/2020/05/institute-index-pandemic-erodes-case-atlantic-coast-pipeline>

Useful stats and talking points.

It's high time to abandon ship on the Atlantic Coast Pipeline

- Appalachian Voices – 5/5/20

<https://appvoices.org/2020/05/05/its-high-time-to-abandon-ship-on-the-atlantic-coast-pipeline/>

Unsurprisingly, Dominion CEO Tom Farrell ordered “Full Steam Ahead!” on the troubled project.

Virginia Clean Economy Act may help get state's economy back on track post COVID-19

- Charlottesville Tomorrow – 5/26/20

<https://www.cvilletomorrow.org/articles/virginia-clean-economy-act-may-help-get-states-economy-back-on-track-post-covid-19>

Related:

- <https://energynews.us/2020/05/27/southeast/virginia-agency-aims-to-make-solar-faster-easier-and-more-affordable/>

Regional/Mountain Valley Pipeline, other

Northam should think like a doctor about pipelines

- Richmond Times-Dispatch – 5/23/20

https://www.richmond.com/opinion/letters-to-editor/letter-to-the-editor-may-24-2020-northam-should-think-like-a-doctor-about-pipelines/article_341d317c-8d48-5dcd-a1c3-30eed0345c77.html

The last thing we need is a new dirty fuel project

- Prince William Times – 5/26/20

https://www.princewilliamtimes.com/opinion/guest-opinion-the-last-thing-we-need-is-a-new-dirty-fuel-project/article_f41a639e-9f45-11ea-ae7f-2f4ff8366a04.html

Note the related story below in the Big Picture section.

Mountain Valley Pipeline requests variance to tunnel under Roanoke River

- WHSV News – 5/22/20

<https://www.wHSV.com/content/news/570697231.html>

No info yet on why, relative impacts, etc., Stay tuned!

Big Picture:

We Are in an Unprecedented Climate Experiment

- Outside Magazine – 5/27/20

<https://www.outsideonline.com/2413374/coronavirus-pandemic-shutdown-climate-change>

The pandemic has shut down the most polluting industries around the world and turned us all into more adaptable consumers. That still isn't enough.

Covid-19 Flares Up in America's Polluted 'Sacrifice Zones'

- Wired – 5/26/20

<https://www.wired.com/story/covid-19-flares-americas-polluted-sacrifice-zones/>

Researchers find that areas with high levels of airborne dust or toxic chemicals also have more deaths from the coronavirus. This may sound familiar to two Virginia communities.

Related:

- <https://pv-magazine-usa.com/2020/05/22/replacing-peakers-with-storage-to-achieve-the-greatest-health-benefit/>

House Dems propose boost for landowners in FERC disputes

- E&E Energywire – 5/27/20

<https://www.abralliance.org/wp-content/uploads/2020/05/House-Dems-propose-boost-for-landowners-in-FERC-disputes-EE-Energywire-5-27-20.pdf>

House Democrats are moving to prevent the Federal Energy Regulatory Commission from delaying decisions on appeal requests from landowners affected by pipeline, port or transmission projects.

'Quick take' wars rage in Blast Zone with no end in sight

- E&E News – 5/27/20

<https://www.eenews.net/stories/1063242935>

Another lawsuit over FERC's embrace of "Quick Take" eminent domain for pipeline projects

Southern Company Pledges Net Zero Emissions by 2050 but Doubles Down on Fossil Fuels

- Energy & Policy Institute – 5/28/20

<https://www.energyandpolicy.org/southern-company-pledges-net-zero-emissions-by-2050-but-doubles-down-on-fossil-fuels/>

Southern is the parent company of Virginia Natural Gas.

At last, a climate policy platform that can unite the left

- Vox – 5/27/20

<https://www.vox.com/energy-and-environment/21252892/climate-change-democrats-joe-biden-renewable-energy-unions-environmental-justice>

While the title focuses on the policies uniting the Left, the policy initiatives and discussion are all about pragmatic responses to climate change, covid-19 and our near- and long-term economic future.

Now Is the Time for Latin America's Renewable Energy Boom

- Americas Quarterly – 5/27/20

<https://www.americasquarterly.org/article/now-is-the-time-for-latin-americas-renewable-energy-boom/>

Rapid deployment of renewables could help the region avoid another lost decade and improve economic prospects across the Americas. Latin America is the home of over 640 million people. That's a big market...right next door.