



## ABRA Update #279 – June 4, 2020

### Issue Highlights . . .

- FERC Is Asked to Conduct Supplemental EIS for ACP
- All Dressed Up and Nowhere to Go
- President to Sign Order to Waive Environmental Reviews for Pipelines
- EPA Issues Final Rule Limiting State Authority Under Clean Water Act
- Webinar on Environmental Justice Scheduled for June 17
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### FERC Is Asked to Conduct Supplemental EIS for ACP

A coalition environmental and conservation organizations, most of them ABRA members, filed a [motion on May 30 with the Federal Energy Regulatory Commission](#) (FERC) requesting that the Commission supplement the Environmental Impact Statement for the Atlantic Coast Pipeline (ACP) to address significant new information bearing on the project’s environmental impacts. The motion was jointly filed by the Southern Environmental Law Center, Appalachian Mountain Advocates and the Chesapeake Bay Foundation.

The motion points out that the ACP is missing eight needed permits, has had no construction conducted since December 2018 and cites a January 2020 filing by the Virginia Attorney General with the U.S. Supreme Court which stated that because there is “mounting evidence that the pipeline is not needed, the ACP threatens Virginia’s natural resources without clear corresponding benefits.” Continuing, the motion states:

Critically, new information arising since the Commission issued its EIS for the ACP in July 2017 presents a seriously different picture of the project’s available alternatives and environmental impacts than the one considered by the Commission:

- Alternatives. The region’s energy future has undergone a dramatic shift away from gas-fired power generation while the ACP’s projected cost has ballooned and its timeline has been pushed back, compelling the Commission to revisit its consideration of alternatives.
- Vulnerable Species. Surveys have documented multiple new occurrences of the endangered rusty-patched bumble bee along the ACP route, and the U.S. Fish and Wildlife Service (“FWS”) has proposed critical habitat for the newly listed candy darter (endangered) and yellow lance (threatened) in streams that the pipeline would cross.
- Water Quality. Well-documented landslides and sedimentation problems along the ACP’s steep terrain, combined with the rollback of federal water protections relied on by the Commission, indicate that the project’s impacts to water quality would be more substantial than previously analyzed.
- Environmental Justice. The Commonwealth of Virginia and Atlantic Coast Pipeline, LLC (“Atlantic”) have now recognized the existence of a minority environmental justice population in Union Hill, Virginia, neighboring the ACP’s proposed Buckingham Compressor Station.
- Climate Change. Scientific understanding about the anticipated impacts of climate change, both globally and in the area of the ACP, has expanded dramatically since the publication of the EIS.

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- Cumulative Impacts. The majority of the ACP's construction is now anticipated to occur between 2020 and 2021 alongside newly proposed area projects whose cumulative impacts the Commission never considered.

The organizations represented in the filing are the Alliance for the Shenandoah Valley, Appalachian Voices, Chesapeake Bay Foundation, Chesapeake Climate Action Network, Cowpasture River Preservation Association, Friends of Buckingham, Friends of Nelson, Highlanders for Responsible Development, Piedmont Environmental Council, Shenandoah Valley Battlefields Foundation, Sierra Club, Sound Rivers, Inc, Virginia Wilderness Committee, Wild Virginia and Winyah Rivers Foundation

### **All Dressed Up and Nowhere to Go**



Pipe for the Atlantic Coast Pipeline is shown in storage yards near Bealeton, VA (left, south of Warrenton) and near Culpeper, VA (r). The pipe in both locations has been stored for over 18-months. And counting. (Photo credit: Ben Cunningham, ABRA CSI program)

### **President to Sign Order to Waive Environmental Reviews for Pipelines**

*The Washington Post* has reported that President Trump was to sign on June 4 an Executive Order invoking a federal law where emergency circumstances make it necessary to take an action with significant environmental impact without observing normal requirements imposed by laws such as the Endangered Species Act and the National Environmental Protection Act. Pipeline projects would reportedly be covered. No language of the Executive Order was available as of late afternoon Thursday. Additional information will be provided when it is available. The *Post* article of June 4 is available [here](#).

### **EPA Issues Final Rule Limiting State Authority Under Clean Water Act**

The U.S. Environmental Protection Agency (EPA) issued on June 1 its final rule amending Section 401 of the Clean Water Act, under which states are given authority to issue permits certifying that any discharges into the state's waters from a proposed project will comply with Clean Water Act, including state-established water quality standard requirements. A permit under Section 401 was required for both the Atlantic Coast Pipeline and the Mountain Valley Pipeline.

The new rule takes steps to limit the authority of a state in exercising its permit-granting authority, including requiring that a state act on its 401-certification within one year. The rule was proposed in August 2019 in accordance with [President Trump's Executive Order 13868](#),

issued in April 2019, that directed EPA to streamline the 401-certification process. The final rule has been met with praise by industry groups and criticism from environmental organizations, as well as from many state regulatory officials. Comments critical of the proposed rule were filed jointly by the Council of State Governments, National Association of Counties, National League of Cities, Association of Clean Water Administrators and others.

The new rule will become effective 60-days after it is published in the Federal Register (which had not occurred as of this writing). For a copy of the final rule, click [here](#); and for EPA's press release, click [here](#). For additional analysis of the new rule, click [here](#).

## **Webinar on Environmental Justice Scheduled for June 17**

The Virginia Department of Environmental Quality (DEQ) is sponsoring a webinar on environmental justice on Wednesday, June 17, from 6-8 pm. The event is being conducted by Skeo Solutions, with which DEQ has contracted to assist it in seeking public input on how the agency can advance environmental justice concepts through its programs. For registration information on participating in the webinar, click [here](#).

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

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

#### **Conservation groups ask to supplement pipeline report**

- The Recorder – 6/4/20

[https://www.abralliance.org/wp-content/uploads/2020/06/Conservation-groups-ask-to-supplement-pipeline-report-Recorder\\_20200604.pdf](https://www.abralliance.org/wp-content/uploads/2020/06/Conservation-groups-ask-to-supplement-pipeline-report-Recorder_20200604.pdf)

Opponents push for supplemental EIS, citing new information. They point to endangered species, erosion problems, evolving market conditions.

Related:

- <https://www.spglobal.com/platts/en/market-insights/latest-news/electric-power/060120-environmental-groups-open-new-line-of-attack-at-ferc-on-atlantic-coast-pipeline>

#### **New Studies Make Clear Why Virginia Can – and Should – Switch As Quickly as Possible to Energy Efficiency, Solar, Offshore Wind**

- Blue Virginia – 6/3/20

<https://bluevirginia.us/2020/06/new-studies-make-clear-why-virginia-can-and-should-switch-as-quickly-as-possible-to-energy-efficiency-solar-offshore-wind>

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

#### **During construction hiatus, MVP changes plans for Roanoke River crossing**

- The Roanoke Times – 6/1/20

[https://www.roanoke.com/business/during-construction-hiatus-mvp-changes-plans-for-roanoke-river-crossing/article\\_obf24bf3-cc18-51fc-9e06-6fd4f63b06ba.html](https://www.roanoke.com/business/during-construction-hiatus-mvp-changes-plans-for-roanoke-river-crossing/article_obf24bf3-cc18-51fc-9e06-6fd4f63b06ba.html)

Mountain Valley cannot currently undertake the river crossing in eastern Montgomery County, however, because of a lack of federal authorizations.

## **Court ruling in Keystone XL case another blow to big U.S. pipelines, say energy analysts**

- Reuters – 5/29/20

<https://www.reuters.com/article/us-usa-dominion-atlantic-coast-natgas/court-ruling-in-keystone-xl-case-another-blow-to-big-us-pipelines-say-energy-analysts-idUSKBN2352IK>

Related:

- [https://www.roanoke.com/ap/business/court-rejects-bid-to-revive-canceled-us-pipeline-program/article\\_9a8f04ac-566a-58c8-9e6f-ff84801eda52.html](https://www.roanoke.com/ap/business/court-rejects-bid-to-revive-canceled-us-pipeline-program/article_9a8f04ac-566a-58c8-9e6f-ff84801eda52.html)

## **Big Picture:**

### **Pandemic, unrest may elevate environmental justice agenda**

- E&E News – 6/4/20

<https://www.abralliance.org/wp-content/uploads/2020/06/Pandemic-unrest-may-elevate-environmental-justice-agenda-EE-News-6-4-20.pdf>

It's long past time!

### **FERC, states see transmission projects fueling recovery**

- E&E News – 6/3/20

<https://www.eenews.net/stories/1063304527>

As the country grapples with the coronavirus's devastating toll, states are eyeing investment in transmission lines as a way to jump-start economic recovery while meeting clean energy targets.

### **Armed With Eminent Domain, Pipeline Projects Continue to Burden Landowners During the Pandemic**

- Nexus Media – 6/1/20

<https://nexusmedianews.com/armed-with-eminent-domain-pipeline-projects-continue-to-burden-landowners-during-a-pandemic-8af45697f137>

Pipeline firms have broad authority to build through private property. The coronavirus hasn't slowed them down.

### **N.J. to justices: Hold off on pipeline eminent domain fight**

- E&E Energywire – 6/4/20

<https://www.abralliance.org/wp-content/uploads/2020/06/N.J.-asks-Supreme-Court-to-hold-off-on-pipeline-eminent-domain-fight-EE-Energywire-6-4-20.pdf>

Related:

- <https://www.njspotlight.com/2020/06/nj-investigates-whether-it-has-enough-natural-gas-capacity-for-the-next-decade/>

### **Two vital buffers against climate change are just offshore**

- Phys.org – 6/2/20

<https://phys.org/news/2020-06-vital-buffers-climate-offshore.html>

Related:

- <https://www.theverge.com/2020/6/4/21280580/sea-level-rise-mangroves-climate-change-2050>

### **A New Weapon Against Climate Change May Float**

- The New York Times – 6/4/20

<https://www.nytimes.com/2020/06/04/climate/floating-windmills-fight-climate-change.html>

The wind power industry sees an opportunity in allowing windmills to be pushed into deeper water.

### **The Fast, Cheap and Scary Way to Cool the Planet**

- Bloomberg Green – 6/3/20

<https://www.bloomberg.com/news/articles/2020-06-03/solar-geoengineering-cooling-the-planet-can-be-fast-and-cheap>

For informational purposes only. Do not try this at home. Especially if you only have ONE!