



## ABRA Update #282 – June 25, 2020

### Issue Highlights . . .

- Comments to FERC on Extension of ACP Certificate Are Due July 2
- New Biological Assessment Filed With FERC, But Not Made Public
- Forest Service Cautioned Against Relying on FERC's EIS for the ACP
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### **ALERT: Comments to FERC on Extension of ACP Certificate Are Due July 2**

ABRA members are urged to file comments with the Federal Energy Regulatory Commission (FERC) in response to the request from Dominion Energy Transmission, Inc. that the certificate to build the Atlantic Coast Pipeline (ACP), which is due to expire on October 13, 2020, be extended for two years. As noted in a [June 18 ABRA Update article](#), Dominion's request cited "unforeseen delays in permitting" and contends that "markets to be served by the Projects have been chronically constrained in terms of natural gas supply, as interstate natural gas pipeline capacity is either already fully subscribed or nonexistent. The need for the Projects is undiminished."

ABRA believes that FERC should deny the request because the ACP is not needed, is missing 8 key permits that have been vacated by the courts, and, if built, would result in devastating, long-lasting harm to the environment, private property and communities along the proposed route.

Comments are due by 5 pm on Thursday, July 2. For information on how to file comments, as an organization or as an individual, click [here](#). For talking points to assist those submitting comments, click [here](#). For a list of the 8 permits that the ACP is missing, click [here](#).

### **New Biological Assessment Filed With FERC, But Not Made Public**

Dominion Energy Transmission, Inc. filed with the Federal Energy Regulatory Commission (FERC) on June 22 a new Biological Assessment (BA) for the Atlantic Coast Pipeline (ACP), but designated the information as "privileged and confidential" and thus not available to the public. The new BA, which was developed in consultation with the U.S. Fish and Wildlife Service (FWS), is a necessary step toward the issuance of a new Biological Opinion and Incidental Take Statement (BiOp/ITC) for the ACP, as required under the Endangered Species Act. The Fourth Circuit Court of Appeals had previously twice vacated the BiOp/ITC for the ACP, which led to construction activity on the ACP being suspended in December 2018.

[Southern Environmental law Center wrote FERC on June 24](#) requesting that a public version of the new BA be posted on the FERC docket within five business days (by June 30), in accordance with statutory requirements.

**The next issue of ABRA Update will be July 9. In the meantime, Happy July 4<sup>th</sup>!**

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## Forest Service Cautioned Against Relying on FERC's EIS for the ACP

The U.S. Forest Service has been cautioned that it should not depend upon the reliability of the Final Environmental Impact Statement (FEIS) for the Atlantic Coast Pipeline (ACP) developed in 2017 by the Federal Energy Regulatory Commission (FERC) as the agency develops a Supplemental Environmental Impact Statement (SEIS) for the project. The [Forest Service announced on June 11 that it was developing a SEIS](#) in response to the Fourth Circuit Court of Appeals' vacating of the Forest Service permit for the ACP. While one portion of that opinion (e.g. authority to grant the ACP the right to cross the Appalachian Trail) was [overturned on June 15 by the U.S. Supreme Court](#), several deficiencies in the permit for the ACP are required to be remedied by the Forest Service before it can issue the ACP a new permit.

The Southern Environmental Law Center (SELC) stated in a June 22 letter to the Forest Service:

The Forest Service cannot continue to rely on FERC's obsolete FEIS. The original analyses of potential alternatives to the project and the environmental consequences of its risky and costly preferred route are in question. Significant, new and relevant information related to endangered and threatened species, water quality, landslides and slope failures, environmental justice communities, and climate change demonstrates the original analysis is stale and incapable of allowing effective review of the environmental consequences of the project. Meanwhile, the energy landscape of the region the ACP purports to serve also has transformed dramatically, the costs of the project have ballooned, and its timeline has been pushed back.

[A motion was filed with FERC on May 30 by SELC, Appalachian Mountain Advocates and the Chesapeake Bay Foundation](#) asking that FERC conduct an SEIS for the ACP to address significant new information bearing on the project's environmental impacts.

## *In the News:*

### Local/Atlantic Coast Pipeline

#### **With Supreme Court case over, courts again weigh whether Atlantic Coast Pipeline is needed**

- Virginia Mercury – 6/23/20

<https://www.virginiamercury.com/2020/06/23/with-supreme-court-case-over-legal-challenges-to-atlantic-coast-pipeline-turn-to-the-issue-of-need>

The project's main developers — Dominion Energy and Duke Energy — have since its introduction adamantly insisted the pipeline is the best way to supply what they say is the growing demand for natural gas in the region. Not everyone agrees.

#### **Foot on the gas: Anti-pipeline activists fight on, undeterred by Supreme Court**

- Cville – 6/24/20

<https://www.c-ville.com/foot-on-the-gas-anti-pipeline-activists-fight-on-undeterred-by-supreme-court>

Dominion Energy, the pipeline's main backer, has characterized the Supreme Court's decisions as a significant step forward for the controversial project. While the decision does indeed remove a major hurdle, it's not suddenly "All Systems Go" for the project.

#### **Federal agency's lack of response to coating concerns unacceptable**

- The Recorder – 6/25/20

[https://www.abralliance.org/wp-content/uploads/2020/06/Federal-agencys-lack-of-response-to-coating-concerns-unacceptable-Recorder\\_20200625.pdf](https://www.abralliance.org/wp-content/uploads/2020/06/Federal-agencys-lack-of-response-to-coating-concerns-unacceptable-Recorder_20200625.pdf)

## Regional/Mountain Valley Pipeline, other

### Extension of Mountain Valley Pipeline gets federal approval

- The Roanoke Times – 6/19/20

[https://www.roanoke.com/business/extension-of-mountain-valley-pipeline-gets-federal-approval/article\\_ee99cc67-1287-5669-8eaf-f589dae56484.html](https://www.roanoke.com/business/extension-of-mountain-valley-pipeline-gets-federal-approval/article_ee99cc67-1287-5669-8eaf-f589dae56484.html)

The Federal Energy Regulatory Commission authorized the company to build what it calls MVP Southgate, which would start at the 303-mile pipeline's terminus in Pittsylvania County and run south for another 75 miles.

### Despite another setback, corporate customers stick with Mountain Valley Pipeline

- The Roanoke Times – 6/21/20

[https://www.roanoke.com/business/despite-another-setback-corporate-customers-stick-with-mountain-valley-pipeline/article\\_33121d1e-9c4d-5a74-8330-a755a68074cf.html](https://www.roanoke.com/business/despite-another-setback-corporate-customers-stick-with-mountain-valley-pipeline/article_33121d1e-9c4d-5a74-8330-a755a68074cf.html)

All five energy companies in the joint venture seem determined to ride it out, despite contracts signed years ago that allow them to withdraw if the project was not completed by June 1.

### Queen Zakia Shabazz: Virginia must work toward environmental justice

- The Virginian-Pilot – 6/18/20

<https://www.pilotonline.com/opinion/columns/vp-ed-column-shabazz-0618-20200618-tt5azk6wp5bz5gayvsxejf2wxm-story.html>

Related: A call to serve...

- <https://www.virginiamercury.com/2020/06/25/environmental-boards-a-special-place-to-serve-the-public-good>

### Trump administration overrules NC, approves offshore seismic testing for oil and gas deposits

- NC Policy Watch – 6/22/20

<https://www.ncpolicywatch.com/2020/06/22/trump-administration-overrules-nc-approves-offshore-seismic-testing-for-oil-and-gas-deposits>

Because if there is anything this economy needs right now, it's access to more too-expensive-to-produce oil, more gas, and oil spills and other pollution related to offshore drilling and production!

Related:

- <https://www.northcarolinahealthnews.org/2020/06/16/new-n-c-climate-change-report-says-the-time-to-act-is-now/>

## Big Picture:

### What a 100-degree day in Siberia really means

- National Geographic – 6/23/20

<https://www.nationalgeographic.com/science/2020/06/what-100-degree-day-siberia-means-climate-change/#close>

Related:

- <https://www.theguardian.com/commentisfree/2020/jun/25/arctic-heatwave-38c-siberia-science>

### Divided FERC approves New England ISO short-term fuel security plan despite cost concerns

- Utility Dive – 6/19/20

<https://www.utilitydive.com/news/divided-ferc-approves-new-england-iso-short-term-fuel-security-plan-despite/580160/>

"It would seem that burning that money might contribute as much to fuel security as wasting it on entities that we know will not do anything differently." – Richard Click; FERC Commissioner (dissenting)

## Supreme Court unleashing power over pipelines, natural gas

- Axios – 6/22/20

<https://www.axios.com/supreme-court-pipelines-natural-gas-23546e7f-1b42-4de6-9a5b-4049a9a9ca39.html>

Related:

- <https://www.abralliance.org/wp-content/uploads/2020/06/How-200-Trump-judges-could-shape-environmental-policy-EE-News-6-24-20.pdf>
- <https://www.washingtonexaminer.com/policy/energy/biden-signals-willingness-to-use-unfettered-discretion-to-reject-pipelines>

## The Supreme Court should remind New Jersey why the U.S. discarded the Articles of Confederation

- The Washington Post – 6/19/20

[https://www.washingtonpost.com/opinions/the-supreme-court-should-remind-new-jersey-why-the-us-discarded-the-articles-of-confederation/2020/06/18/3182a1ac-b174-11ea-8758-bfd1d045525a\\_story.html](https://www.washingtonpost.com/opinions/the-supreme-court-should-remind-new-jersey-why-the-us-discarded-the-articles-of-confederation/2020/06/18/3182a1ac-b174-11ea-8758-bfd1d045525a_story.html)

In light of the *Cowpasture* decision, it's worth noting this argument on the other side of the pipeline issue.

## Judge orders Enbridge to halt Mich. pipeline operations

- E&E News – 6/25/20

[https://www.abralliance.org/wp-content/uploads/2020/06/Judge-orders-Enbridge-to-halt-Mich.-pipeline-operations-EE-News\\_20200625.pdf](https://www.abralliance.org/wp-content/uploads/2020/06/Judge-orders-Enbridge-to-halt-Mich.-pipeline-operations-EE-News_20200625.pdf)

The judge granted the temporary restraining order in part fearing a spill could deal irreparable harm to the Great Lakes region.

## The truth about the future of gas: We don't need to build anymore

- Utility Dive – 6/22/20

<https://www.utilitydive.com/news/the-truth-about-the-future-of-gas-we-dont-need-to-build-anymore/580200>

## Pandemic's Cleaner Air Could Reshape What We Know About the Atmosphere

- The New York Times – 6/25/20

<https://www.nytimes.com/2020/06/25/climate/coronavirus-clean-air.html>

Coronavirus shutdowns have cut pollution, and that's opened the door to a "giant, global environmental experiment" with potentially far-reaching consequences.

## N.Y. releases plan for 70% renewables by 2030

- E&E Energywire – 6/22/20

<https://www.abralliance.org/wp-content/uploads/2020/06/N.Y.-releases-plan-for-70-renewables-by-2030-EE-Energywire-6-22-20.pdf>