



ABRA Update #293 – October 8, 2020

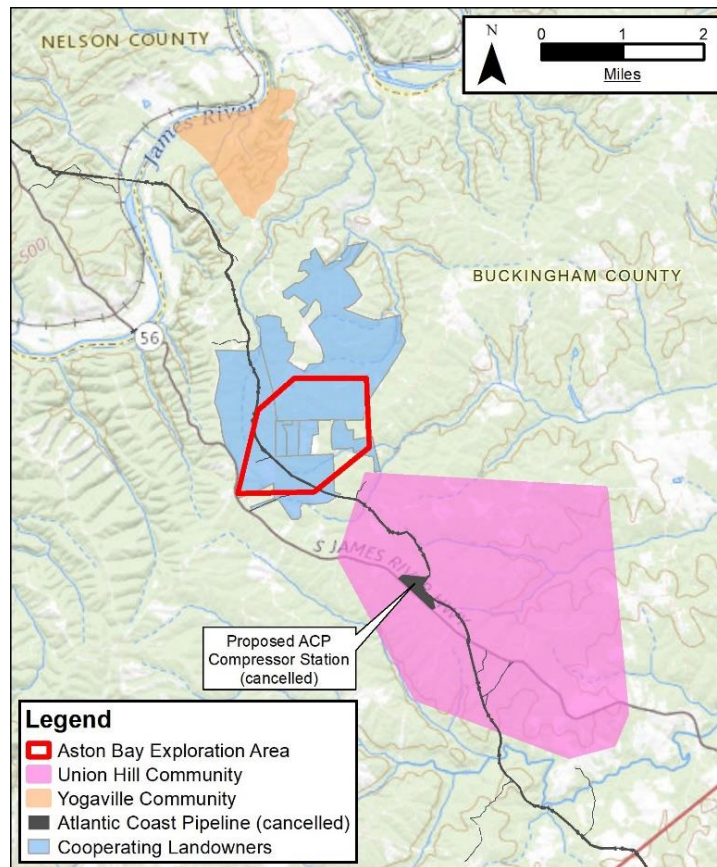
Issue Highlights . . .

- Proposed Gold Mine Could Threaten Buckingham County, James River
- FERC Decisions on ACP Restoration Still Under Review
- New Army Corps Permits for MVP Are Challenged in Court
- *In the News* – page 4

Proposed Gold Mine Could Threaten Buckingham County, James River

A Canadian mining company, Aston Bay Holdings, has been exploring Buckingham County, VA for the establishment of a large, open-pit gold mining operation. Though the company began drilling exploratory holes in 2016, plans for the mine did not come to light until quite recently. The Buckingham County Planning Commission and the Board of Supervisors will conduct a public hearing on the proposed project on Tuesday, October 13 at 6 p.m. The hearing can be accessed virtually with [this link](#). For information on how to file comments or present comments during the hearing, click [here](#).

The site of the proposed mine is located along the route of the now-cancelled Atlantic Coast Pipeline, between the Union Hill community and Yogaville.



<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>
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Friends of Buckingham, an ABRA member, said in its newsletter this week:

Gold mining historically occurred in Buckingham County, with prospectors using pick-and-shovel. But with modern technology, gold mining involves drilling deep into the Earth, producing massive amounts of waste rock, tainted with dozens of compounds that, when exposed to the elements, can easily leach into the water table, streams and rivers. The waste may contain as many as three dozen toxins including mercury, arsenic, cyanide, lead, acids and petroleum by-products — and many of these leach into water sources.

We are especially concerned about what the waste toxins from this drilling and mining would do to our streams and the shallow residential drinking-water wells in the area. We have additional concerns about noise, air pollution, risks to workers and increased industry traffic.

The proposed mining operation is located within 2 miles of the James River and several streams that pass through or proximate to the mining site flow into the James. 2.7 million people – nearly one-third of Virginia’s population - rely on the James River for water, making it the state’s largest source of drinking water. As one can see from the photo below of the Halle Gold Mine, located in Lancaster County, South Carolina, gold mining operations are immense.



ABRA’s new Conservation Hub program is providing technical assistance to Friends of Buckingham in its evaluation of the impacts of the proposed mining operation. Click [here](#) for more information about the Hub program and other projects ABRA is addressing. For more information from Friends of Buckingham on the project, click [here](#).

FERC Decisions on ACP Restoration Still Under Review

It has been almost 10 weeks since the Federal Energy Regulatory Commission (FERC) received comments from the public on the request by Atlantic Coast Pipeline, LLC (ACP, LLC) for: 1) a one-year extension of its certificate (which expires October 13, 2020) to conduct restoration work for the cancelled Atlantic Coast Pipeline (ACP); and 2) a two-year extension to complete construction of the Supply Header Project. In early September, ABRA spoke with key staff at FERC and the U.S. Forest Service concerning the status and outlook for decisions on restoration and related issues. Those conversations revealed that FERC was still reviewing the ACP, LLC requests and the comments that were submitted (See [ABRA Update, September 10](#)).

This week ABRA conferred further with FERC about the status of the agency's decisions on the ACP, LLC time extension requests. FERC was also asked if its decisions would address two specific issues raised by many of the comments filed with the agency: 1) landowner concerns about easement agreements with ACP, LLC that restrict a landowner's future use of their property (the Southern Environmental Law Center and others asked FERC to require ACP, LLC to cancel easement agreements as a condition of granting the requested time extension for restoration); and 2) health concerns raised by some commenters over the degrading coating on pipe that has been improperly stored outside, exposed to sunlight for several years, in violation of the recommendations of coating manufacturers.

FERC staff told ABRA that no decisions have been made on the ACP, LLC time extension requests or on the issues of landowner easements and pipe coating degradation, nor would FERC staff commit to when decisions will be made. ABRA was told that because of the unprecedented circumstances of the ACP cancellation (many invalid permits that will need to be restored in order for restoration work to proceed), the agency's review process of the ACP, LLC time extension requests was more complicated. Whenever FERC finally makes its decisions, they will be published on the FERC docket and will be publicized by ABRA.

New Army Corps Permits for MVP Are Challenged in Court

A group of five conservation organizations have petitioned the Fourth Circuit Court of Appeals to review the new Nationwide Permit 12 (NWP12) for the Mountain Valley Pipeline (MVP) that was issued September 25 by the U.S. Corps of Engineers. The NWP12 permit is required to permit the project to cross streams and rivers. The [October 5 petition](#), filed by Appalachian Mountain Advocates on behalf of the petitioners, argues that the new NWP12 for MVP is unlawful because it fails to comply with requirements of the Endangered Species Act and because the project is "ineligible to use NWP12 in Virginia because MVP still cannot satisfy" certain requirements in West Virginia. The petitioners – Sierra Club, Center for Biological Diversity, Wild Virginia, Appalachian Voices and Chesapeake Climate Action Network – have also asked the Corps for an administrative stay until the requested judicial review by the Fourth Circuit is completed.

In other MVP developments, the [U.S. Park Service issued a new permit for the pipeline on October 2](#). And, as reported in the last issue of *ABRA Update*, the U.S. Forest Service issued on September 25 a Draft Supplemental Environmental Impact Statement (DSEIS), necessary for the MVP to have a new permit issued by the Forest Service. Comments on DSEIS are due November 9.

In the News:

Atlantic Coast Pipeline/Mountain Valley Pipeline

With ACP canceled, Nelson residents look to environmental recovery

- The News & Advance – 9/30/20

https://newsadvance.com/community/nelson_county_times/news/with-acp-canceled-nelson-residents-look-to-environmental-recovery/article_dc071425-d557-5d94-98ee-3475754d0059.html

Three months after the announcement of the cancellation of the natural gas pipeline, no official word has yet come from either ACP or FERC on plans for the restoration of those areas affected by the pipeline activities.

Opponents seek further delay of work on Mountain Valley Pipeline

- The Roanoke Times – 10/7/20

https://roanoke.com/news/local/opponents-seek-further-delay-of-work-on-mountain-valley-pipeline/article_ofe69f36-4d9f-5c80-b2eb-cb51bec7d409.html

Mountain Valley has asked the Federal Energy Regulatory Commission to lift a stop-work order that has been in effect since Oct. 15, 2019, when legal challenges had ground the project to a standstill. Two of three sets of key permits have since been restored.

Related:

- https://roanoke.com/business/local/mountain-valley-pipeline-regains-permit-to-cross-streams-wetlands/article_fa8f564b-122a-5ea0-b801-bb65e8776d19.html

‘Less-than-ideal bedfellows’: Mountain Valley Pipeline payout prompts criticism

- Energy News Network – 10/5/20

<https://energynews.us/2020/10/05/southeast/less-than-ideal-bedfellows-mountain-valley-pipeline-payout-prompts-criticism/>

The Appalachian Trail Conservancy expected scrutiny for accepting a \$19.5 million gift from the pipeline’s developer but believes time will show it was the right decision.

Other Regional Issues

Forest Service plan raises concerns about Lynchburg water supply, environment

- The Roanoke Times – 10/4/20

https://roanoke.com/news/state-and-regional/forest-service-plan-raises-concerns-about-lynchburg-water-supply-environment/article_1a76bc8e-0030-5727-b699-01f230b71396.html

A sprawling U.S. Forest Service plan that encompasses 11,905 acres aims to clear-cut or nearly clear-cut 41 different sections of national forest on 1,007 acres, as well as initiate a series of prescribed burns across 4,432 acres. The proposal is part of a forest management plan approved in 2014.

Virginia regulators accused of slow-walking new turbidity standard

- Virginia Mercury – 10/2/20

<https://www.virginiamercury.com/2020/10/02/virginia-regulators-accused-of-slow-walking-new-turbidity-standard>

Several years, seems too long to adopt or create a standard that has been implemented by 30 other states.

The Christmas Tree: Dominion’s Rent-seeking “Re-Reg” of 2007

- Natural Resources Defense Council – 10/6/20

<https://www.nrdc.org/experts/walton-shepherd/christmas-tree-dominions-rent-seeking-re-reg-2007>

This second-in-a-series blog attempts a brief, user-friendly tour of a few of the more eye-popping highlights of Dominion's 'agreements' with state regulators, to help understand how our once sleepy, run-of-the-mill, steady-as-she-goes basic utility service provider, Dominion Energy, came to be a Wall Street juggernaut.

- The first installment was featured in [ABRA Update 290, from August 27, 2020](#).

First-of-a-kind utility plan could transform Southeast grid

- E&E News – 10/7/20

<https://www.eenews.net/stories/1063715673>

Virginia regulatory staff project \$800 annual customer bill increase for Dominion to meet clean energy law

- Utility Dive – 10/1/20

<https://www.utilitydive.com/news/virginia-regulatory-staff-question-dominion-potential-800-bill-hike/586184>

That's nearly double what had been announced previously.

Big Picture:

Anxiety Mounts Abroad About Climate Leadership and the Volatile U.S. Election

- Inside Climate News – 10/3/20

<https://insideclimatenews.org/news/03102020/anxiety-abroad-u.s.-election-trump-climate-policy>

If the U.S. is not a big part of the push to limit the global temperature increase to less than 3.6 degrees Fahrenheit, that goal seems even farther away than it is already, regardless what the rest of the world does.

FERC Carbon Pricing Conference Highlights State-Federal Divide on Clean Power Policy

- GreenTech Media – 10/1/20

<https://www.greentechmedia.com/articles/read/ferc-carbon-pricing-conference-highlights-state-federal-divide-on-clean-power-policy>

Wholesale market carbon prices may work better than state mandates, but can both be balanced? New York may be the first test.

D.C. Circuit won't halt pipeline to Ore. LNG terminal

- E&E Energywire – 10/7/20

<https://www.abralliance.org/wp-content/uploads/2020/10/D.C.-Circuit-wont-halt-pipeline-to-Ore.-LNG-terminal-EE-Energywire-10-7-20.pdf>

Related:

- <https://www.propublica.org/article/its-his-land-now-a-canadian-company-gets-to-take-it>

Infrastructure investment is the best idea that never happens: Could 2021 be different?

- Roll Call – 10/2/20

<https://www.rollcall.com/2020/10/02/infrastructure-investment-is-the-best-idea-that-never-happens-could-2021-be-different/>

I know...Roll Call! But, whatever your take on Trump's "streamlining" of the NEPA process...if it takes 15 years to *start* building all the goodies we'll need to make a carbon-free economy work...there won't be nearly as much point in building them at all. Let's take what is useful and make some fossil-free lemonade!

Behind the rise of US utility-driven solar

- PV Tech – 10/5/20

<https://www.pv-tech.org/editors-blog/53123>

Rocky Mountain Institute Study Shows Renewables Are Kicking Natural Gas To The Curb

- Clean Technica – 10/3/20

<https://cleantechnica.com/2020/10/03/rocky-mountain-institute-study-shows-renewables-are-kicking-natural-gas-to-the-curb>

What is needed, RMI argues, is a move away from the monopoly markets that have been the norm in the utility industry for more than 100 years and toward more open competition. Because when renewables compete head to head with thermal generation, they win hands down 95% of the time.