



ABRA Update #295 – November 5, 2020

Issue Highlights . . .

- FERC Formally Requests ACP Restoration Plans
- MVP Further Delayed and Costs Soar; Challenge to BiOp Filed
- Comments Due November 9 to Forest Service on New EIS for MVP
- ABRA's Conservation Hub Launches Ambitious Forest Service Project
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FERC Formally Requests ACP Restoration Plans

The Federal Energy Regulatory Commission (FERC) on Tuesday, October 27 asked Dominion Energy Transmission, Inc. (DETI), managing partner for the Atlantic Coast Pipeline (ACP) and Supply Header Project (SHP), to provide it "a plan for disposition of ACP and SHP, including restoration activities." DETI was given 60 days from the date of the FERC letter to respond, which would be December 26. For a copy of the FERC request, click [here](#).

DETI had requested in June of FERC a two-year extension of its FERC certificate in order to complete the SHP, and in a separate filing on July 10, following cancellation of the ACP, a one-year extension of its ACP certificate to implement abandonment of the ACP project areas that had been disturbed.

The FERC October 27 communication includes the following request that DETI's plan include:

Discussion of the status of Atlantic's/DETI's consultation with landowners on matters pertaining to project disposition and restoration activities on their property, as applicable, including: a. preferences regarding treatment of pipeline segments that have already been installed (i.e., pipeline to be left in place or removed); b. preferences for removal of felled trees that have not been cleared; and c. preferences on how disturbed areas would be restored, depending on their land use type (e.g., forest, agricultural, etc.).

The Southern Environmental Law Center and many of those who submitted comments to FERC on the DETI July 10 request urged that the issue of landowner easements be included in the restoration plan.

ABRA has contacted FERC staff and learned that the submitted plans for ACP restoration and SHP construction will be published on the agency's docket. A decision has not yet been made by FERC as to whether there will be an opportunity for public comment on the submitted plans. As has been previously reported in *ABRA Update*, approval of a restoration plan will require that some new permits be issued for the duration of the restoration work since most of the project's permits that had been vacated by the Courts.

Given the timetable for the submission and approval of the restoration plan and SHP, it does not appear that final decisions by FERC on either request will be made until at least February or March 2021. Thus, restoration work on the ACP could extend well into 2022, nearly two years after the project's cancellation.

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MVP Further Delayed and Costs Soar; Challenge to BiOp Filed

Completion of the Mountain Valley Pipeline (MVP) will be delayed until the second half of 2021, according to Equitrans Midstream Corp., the lead partner of the project. The project is now expected to cost nearly \$6 billion, a more than 50% increase in the project's projected cost when construction began in 2018. The announcement was made on November 3 as part of the [company's third-quarter report on operations](#).

In a separate development involving the MVP, Sierra Club and Appalachian Mountain Advocates filed on October 27 with the Fourth Circuit Court of Appeals a Petition for Review of the new Biological Opinion (BiOp) that was released September 4 by the U.S. Fish and Wildlife Service. For a copy of the petition, click [here](#).

Comments Due November 9 to Forest Service on New EIS for MVP

Comments are due Monday, November 9 to the U.S. Forest Service on that agency's [draft Supplemental Environmental Impact Statement on the Mountain Valley Pipeline](#) (SDEIS). For guidance on how to file comments, click [here](#).

This DSEIS responds to the July 27, 2018 United States Court of Appeals for the Fourth Circuit decision that vacated and remanded the Forest Service's decision to permit the MVP to cross the Jefferson National Forest. The DEIS addresses the issues identified by the Court and any relevant new information and changed circumstances.

ABRA's Conservation Hub Launches Ambitious Forest Service Project

ABRA's new Conservation Hub program, which was featured in [the lead article in the October 23 ABRA Update](#), is embarking on a major project that will be the first of its kind in the nation. The National Forest Mapping Project (NFMP) will monitor proposed and ongoing projects in the three National Forests that are located within the Central Appalachian Highlands (Monongahela in West Virginia and George Washington and Jefferson in Virginia). A just-released [overview of the NFMP](#) explains:

The NFMP will support informed review of proposed Forest Service land and water management projects, as well as other public and private-use projects in the National Forests. At any given time, there are several dozen projects underway or under consideration within the three National Forests. The NFMP will provide valuable assistance to conservation groups throughout Virginia and West Virginia in keeping apprised of these projects and their impact on the region and the surrounding communities.

The NFMP will make available in one place a wide range of information concerning National Forest project plans, environmental conditions, and regulatory requirements that are otherwise often difficult to find and organize.

Guidance Issued to Federal Agencies on NEPA Compliance

The Director of the federal Office of Management and Budget (OMB) issued on November 2 [a memorandum to the heads of all departments and agencies](#) of the Federal Government providing guidance on how to implement a [new rule that was adopted in July](#) that revises procedures of the National Environmental Policy Act (NEPA). The departments and agencies heads are required to submit a plan within 30 days to OMB outlining "their schedule for initiating, proposing, and finalizing new or updated agency NEPA procedures and related materials." Status reports on the agency's progress are due by March 15 and August 1, 2021.

Some agencies, including the U.S. Forest Service, have already begun the process spelled out in the memorandum.

When OMB issued the rule in July, the Southern Environmental Law Center said that it “hobbled the nation’s bedrock environmental protection” and “illegally cut corners in a way that the courts have rejected time and time again.”

Should a new administration take office in January, the requirements spelled out in the July OMB rule and November 2 memorandum would likely change.

In the News:

Regional Issues

Federal regulators order Atlantic Coast Pipeline to provide a plan for project wind-down, restoration

- Virginia Mercury – 10/29/20

<https://www.virginiamercury.com/2020/10/29/federal-regulators-order-atlantic-coast-pipeline-to-provide-a-plan-for-project-wind-down-restoration>

The order from the Federal Energy Regulatory Commission applies to both the Atlantic Coast Pipeline and the Supply Header Project, a roughly 38-mile pipeline that was expected to connect the ACP with existing pipelines in Ohio and Pennsylvania.

Another delay, cost increase for the Mountain Valley Pipeline

- The Roanoke Times – 11/3/20

https://roanoke.com/business/local/another-delay-cost-increase-for-the-mountain-valley-pipeline/article_1f15158c-1dde-11eb-9e31-eb32cb2a43f7.html

The cost, which was estimated to be \$3.7 billion when construction started in 2018, now stands at between \$5.8 billion and \$6 billion.

Final permit granted for wind farm in Botetourt County

- The Roanoke Times – 11/4/20

https://roanoke.com/business/local/final-permit-granted-for-wind-farm-in-botetourt-county/article_99b67e24-1eed-11eb-b405-872fd2d9292.html

A permit for the long-delayed wind farm was recently approved by the Virginia Department of Environmental Quality, according to Apex Clean Energy, which plans to build up to 22 turbines as tall as 680 feet on a remote ridgeline.

Public weighs in on goldmining in Buckingham

- The Farmville Herald – 11/2/20

<https://www.farmvilleherald.com/2020/11/public-weighs-in-on-gold-mining-in-buckingham/>

The Buckingham Planning Commission is looking for direction from the Board of Supervisors on how the county will proceed with permitting or prohibiting gold drilling that could lead to the establishment of a gold mine.

The Appalachian Pipeline Resistance Movement: “We’re Not Going Away”

- The Appalachian Voice – 10/28/20

<https://appvoices.org/2020/10/28/the-appalachian-pipeline-resistance-movement>

Residents along the paths of the Atlantic Coast and Mountain Valley pipelines have made it clear that fracked-gas projects are not welcome

BREAKING: Dominion Rewards Shareholders with \$2.8 Billion in 2020, Largest Payout in Company’s History

- Clean Virginia – 11/5/20

<https://www.cleanvirginia.org/breaking-dominion-rewards-shareholders-with-2-8-billion-in-2020-largest-payout-in-companys-history>

During pandemic and economic crisis, monopoly doles out record Wall Street dividends

Putting a pipeline through a forest: a foregone conclusion?

- The Roanoke Times – 11/1/20

https://roanoke.com/news/local/putting-a-pipeline-through-a-forest-a-foregone-conclusion/article_85c009c2-1aeb-11eb-9f27-4b019a1f770b.html

When public agencies and boards made crucial decisions about the Mountain Valley Pipeline, the outcome was often influenced by a pro-industry panel called the Federal Energy Regulatory Commission.

Maryland, North Carolina, and Virginia Announce Agreement to Spur Offshore Wind Energy and Economic Development

- Island Free Press – 10/30/20

<https://islandfreepress.org/outer-banks-news/maryland-north-carolina-and-virginia-announce-agreement-to-spur-offshore-wind-energy-and-economic-development/>

Related:

- <https://www.dailypress.com/business/vp-ib-wind-industry-study-1026-20201026-r2rkprt4hfbfxi3a4qkwygxvwa-story.html>

With new roadmap to combat rising seas, Virginia officially acknowledges the threat of climate change

- Virginia Mercury – 10/22/20

<https://www.virginiamercury.com/2020/10/22/with-new-roadmap-to-combat-rising-seas-virginia-officially-acknowledges-the-threat-of-climate-change/>

Big Picture:

Trump administration taps mainstream climate scientist to run key climate review

- The Washington Post – 11/4/20

<https://www.washingtonpost.com/weather/2020/11/04/national-climate-assessment-director/>

The next National Climate Assessment is due out in 2022 and will mark the fifth iteration. Reports are mandated every four years under the Global Change Research Act of 1990.

Energy Regulator FERC Finds Itself Cornered Over Climate Change

- Forbes – 11/1/20

<https://www.forbes.com/sites/andystone/2020/11/01/energy-regulator-ferc-finds-itself-cornered-over-climate-change/?sh=461c97311793>

Faced with an existential threat to the competitive markets it has spent two decades nurturing, and which today supply two-thirds of the nation's electric power, FERC is now looking for a way to navigate its way up from the hole it has dug for itself. FERC's likely savior? A carbon price.

The Evolving Landscape of Environmental Justice in 2020 and Beyond

- The National Law Review – 10/30/20

<https://www.natlawreview.com/article/evolving-landscape-environmental-justice-2020-and-beyond>

EJ has risen to prominence in recent years and months, buoyed by current social justice efforts, the recognition of health disparities underscored by the COVID-19 pandemic, and a presidential campaign in which EJ has taken center stage.

State Backers of Anti-Protest Bills Received Campaign Funding from Oil and Gas Industry, Report Finds

- DeSmog – 10/31/20

<https://www.desmogblog.com/2020/10/31/critical-infrastructure-protest-criminalization-bills-marathon-petroleum>

Politicians responsible for drafting laws criminalizing pipeline protests in Louisiana, West Virginia, and Minnesota did so after receiving significant funding from the fossil fuel industry, according to a new report by the Institute for Policy Studies, a progressive think tank based in Washington, D.C.

We can avert irreversible climate change

- Financial Times – 11/3/20

<https://www.ft.com/content/edefd3fe-858b-4891-bddb-od48b31f2ab8>

Action is both essential and affordable — but it demands international leaders' co-operation