



ABRA Update #297 – December 3, 2020

Issue Highlights . . .

- Giving Tuesday May Be Over, But Contributions to ABRA Are Still Timely
- Fourth Circuit Explains and Reaffirms Stay of MVP's Army Corps Permit
- Congressional Subcommittee Queries FERC on Landowner Issues
- U.S. Senate Confirms Two New FERC Commissioners
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Giving Tuesday May Be Over, But Contributions to ABRA Are Still Timely

The new year is weeks away and ABRA is ready to meet the challenges of 2021:

- We are poised to review the soon-to-be-released restoration plans for the Atlantic Coast Pipeline route and to monitor closely the implementation of those plans to assure they are completed satisfactorily.
- We continue to provide technical assistance to member and allied organizations fighting the unneeded Mountain Valley Pipeline.
- The new ABRA Conservation Hub program, including a first-in-the-nation National Forest Mapping Project, is progressing in its development and should be fully operational in early 2021.
- ABRA's vital network of conservation organizations in Virginia and West Virginia remains ready and vigilant to any threats to promoting and protecting the environmental integrity of the Central Appalachian Highlands.

This important work needs your financial support to assure its success. Please help by contributing to the Allegheny-Blue Ridge Alliance – by check or on-line – as follows:

By check: Allegheny-Blue Ridge Alliance, PO Box 95, Monterey, VA 24465

By PayPal: Click [here](#). (Note: PayPal contributions are subject to a handling fee, paid by ABRA, thus reducing the amount of the contribution that is received.)

Fourth Circuit Explains and Reaffirms Stay of MVP's Army Corps Permit

The Fourth Circuit Court of Appeals on December 1 issued its opinion on the stay of the Army Corps of Engineers' Nationwide Permit 12 (NWP12) it had granted in early November for the Mountain Valley Pipeline (MVP). The challenge to NWP12 permits issued in September by the Huntington and Norfolk Districts of the Corps had been brought by a coalition of environmental groups, including five ABRA members (Sierra Club, West Virginia Rivers Coalition, West Virginia Highlands Conservancy, Appalachian Voices and Chesapeake Climate Action Network). They were represented by Appalachian Mountain Advocates.

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The Court's opinion concluded that "Petitioners are likely to succeed on the merits of their petitions for review, and other equitable factors weigh in favor of granting the motions for stay." The Court also noted that while the Army Corps and MVP both contend that natural gas projects serve the public interest, the Natural Gas Act yields to the concerns of the Clean Water Act.

Oral arguments on the merits of the case are anticipated to occur in the Spring 2021. For a copy of the full opinion of the Court, click [here](#).

Congressional Subcommittee Queries FERC on Landowner Issues

The U.S. House Subcommittee on Civil Rights and Civil Liberties (part of the House Committee on Oversight and Reform) has asked the Federal Energy Regulatory Commission (FERC) to address several issues involving conflicts between landowners and natural gas pipeline companies. In a November 20 letter to new FERC Chairman James Danly, Congressman Jamie Raskin (D-MD), Chairman of the Subcommittee, asked that FERC provide information on certificate extensions, restoration delays, dispute resolution and disposition of property for cancelled projects. A copy of Congressman Raskin's letter to Chairman Danly is available [here](#).

U.S. Senate Confirms Two New FERC Commissioners

The U.S. Senate on November 30 confirmed the two nominees for outstanding vacancies on the Federal Energy Regulatory Commission (FERC). The two new commissioners are:

- [Mark Christie](#), Republican, who has been a longtime member and most recently Chairman of the Virginia State Corporation Commission
- [Allision Clements](#), Democrat, now with the Energy Foundation and formerly with the Natural Resources Defense Council.

FERC will now have a full-complement of five commissioners, 3 Republicans and 2 Democrats. The FERC Chairman, James Danley, a Republican, was named by President Trump to that position on November 5, replacing Neil Chatterjee. The Chairman of FERC serves at the pleasure of the President, so Danley will presumably be replaced as Chair by President-elect Biden after January 20 by a Democrat, expected to be Commissioner Richard Glick. The present term of Commissioner Chatterjee expires in June 2021, affording Mr. Biden the opportunity to replace him with a third Democrat.

Among issues that the new FERC Commissioners will be addressing will be consideration of the forthcoming restoration plan of the Atlantic Coast Pipeline route, which is due to be filed with FERC by December 26.

In the News:

Regional Issues

Federal appeals court explains stay of Mountain Valley Pipeline waterbody construction

- Charleston Gazette-Mail – 12/2/20

https://www.wvgazettemail.com/news/energy_and_environment/federal-appeals-court-explains-stay-of-mountain-valley-pipeline-waterbody-construction/article_d545091b-78c0-5a3a-be65-d2ce58e530dd.html

The court's Nov. 9 stay will remain in effect until it decides whether to overturn water permitting from the U.S. Army Corps of Engineers for the project.

Header Injustice Project is Dismissed by Virginia State Corporation Commission

- Food & Water Watch – 12/2/20

<https://www.foodandwaterwatch.org/news/header-injustice-project-dismissed-state-corporation-commission>

SAVE coalition led the fight against HIP and successfully advocated for the denial of a permit by SCC
Related:

- <https://www.pilotonline.com/news/environment/vp-nw-chesapeake-header-improvement-project-20201120-wzelg6tppjfipekfuexxqdvvue-story.html>

Virginia Lawmaker Coordinated Support for Mountain Valley Pipeline With Project's Lobbyist

- Energy and Policy Institute – 12/3/20

<https://www.energyandpolicy.org/virginia-lawmaker-coordinated-support-for-mountain-valley-pipeline-with-projects-lobbyist/>

Delegate Les Adams, a Republican representing Henry and Pittsylvania Counties, coordinated his official letter to the federal government with an oil and gas lobbyist who works for the pipeline's proponent.

Congressional subcommittee questions Mountain Valley Pipeline project extension, FERC oversight

- Charleston Gazette-Mail – 11/27/20

https://www.wvgazettemail.com/news/energy_and_environment/congressional-subcommittee-questions-mountain-valley-pipeline-project-extension-ferc-oversight/article_dd66976d-ea6b-508e-b870-d323e851aaf9.html

Rep. Jamie Raskin (D-MD) specifically raised questions relating to certificate extensions, restoration delays, dispute resolution and “disposition of property for canceled projects.”

Md. pipeline approval draws fire over CO2, 'toxic burdens'

- E&E Energywire – 12/3/20

<https://www.abralliance.org/wp-content/uploads/2020/12/Md.-pipeline-approval-draws-fire-over-CO2-toxic-burdens-EE-Energywire-12-3-20.pdf>

With offshore wind, Virginia hopes a 21st-century manufacturing boom will offset a hefty price tag

- Virginia Mercury – 11/30/20

<https://www.virginiamercury.com/2020/11/30/in-offshore-wind-virginia-hopes-a-21st-century-manufacturing-boom-will-offset-a-hefty-price-tag/>

As solar farms multiply across Virginia, officials reckon with land use challenges

- Virginia Mercury – 12/1/20

<https://www.virginiamercury.com/2020/12/01/as-solar-farms-multiply-across-virginia-officials-reckon-with-land-use-challenges/>

“For the average person driving down the roads, they’re going to be seeing energy in their life in a way that hasn’t happened before.”

Big Picture:

UN calls on humanity to end ‘war on nature,’ go carbon-free

- Associated Press – 12/2/20

<https://apnews.com/article/un-calls-end-war-nature-go-carbon-free-d144cda34053abbdo758e22d9ff8f7c6>

As an extreme year for hurricanes, wildfires and heat waves comes to an end, the head of the United Nations challenged world leaders to make 2021 the year that humanity ends its “war on nature” and commits to a future free of planet-warming carbon pollution.

FERC Regains Full Five Members as Regulatory Fights Loom

- Power – 12/2/20

<https://www.powermag.com/ferc-regains-full-five-members-as-regulatory-fights-loom/>

The U.S. Senate on Nov. 30 confirmed Federal Energy Regulatory Commission (FERC) nominees Allison Clements and Mark Christie, filling out all five seats at the helm of the federal energy regulator with a bipartisan panel for the first time in nearly two years.

Climate risks are accelerating. Here's what Duke, PG&E and 16 other utilities expect to pay.

- Utility Dive – 11/18/20

<https://www.utilitydive.com/news/climate-risks-accelerating-heres-what-costs-duke-pge-and-16-other-utilities-expect/588860/>

The electric industry has acknowledged the physical risks accelerated by climate change, such as sea level rise, worsening storms and wildfires, and drought. Insight into their estimates on the cost of impact and mitigation of those physical risks could help build the picture of how seriously utilities are considering these threats.

Which Trump Administration-era policies should the incoming Biden-Harris Administration continue?

- Atlantic Council – 11/29/20

<https://www.atlanticcouncil.org/blogs/energysource/which-trump-administration-era-policies-should-the-incoming-biden-harris-administration-continue/>

When Can Pipelines Take Private Land? Jordan Cove LNG Project a Test for Eminent Domain

- DeSmog – 11/24/20

<https://www.desmogblog.com/2020/11/24/pacific-connector-pipeline-jordan-cove-lng-eminent-domain>

The Jordan Cove saga continues...

Paying Politicians to Criminalize Protest

- OtherWords – 12/2/20

<https://otherwords.org/how-the-fossil-fuel-industry-pays-politicians-to-criminalize-its-opponents/>

More communities are standing up to pipelines. The fossil fuel industry wants to make that a felony.

The New Energy Giants Are Renewable Companies

- Bloomberg Green – 11/30/20

<https://www.bloomberg.com/graphics/2020-renewable-energy-supermajors/>

They have the clout and financial might of the energy behemoths that plumbed the world over for oil and gas before them. But instead of digging mines and drilling wells, they're leading the race to electrify the global economy.