



ABRA Update #299 – January 8, 2021

Issue Highlights . . .

- ACP Route Restoration Plan Filed with FERC Leaves Unanswered Questions
- Deliberations on Proposed Gold Mine in Buckingham County Continue
- VA DEQ Denies Water Quality Certification for MVP Under Army Corps Plan
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ACP Route Restoration Plan Filed with FERC Leaves Unanswered Questions

A long-awaited restoration plan for the Atlantic Coast Pipeline (ACP) to address land and forests that were disrupted by the project before it was cancelled in July was filed with the Federal Energy Regulatory Commission (FERC) on January 4. The filing was in response to a formal [request by FERC on October 27](#).

ABRA has been told by key FERC staff that the agency's review of the plan has only just begun and that "comprehensive approval will not happen in the immediate future." It was explained that "Endangered Species Act (ESA) consultation is the main timing factor, and that just takes a while. By regulations and FERC policy, we do not approve actions that have the potential to impact a federally listed species until ESA consultation is complete (some emergency actions excepted)."

The plan's project schedule calls for restoration work to commence late this year and be completed by mid-2023.

A key concern of many ABRA members is how landowner easements would be addressed in the plan. In comments filed with FERC in early August by several ABRA members, the agency was asked to require that ACP right-of-way easements be released upon requests from private landowners or conservation easement holders. (Click [here](#) for earlier *ABRA Update* article.) The submitted restoration plan does not include the issue and, according to a recent interview by the Associated Press with Dominion Energy spokesperson Aaron Ruby, the issue won't be addressed:

Ruby also confirmed for the first time that the company does not intend to voluntarily release the easement agreements it secured on landowners' properties. In most cases, the legal agreements were obtained through negotiations with landowners, who were paid and who the company has previously said will keep their compensation. But in other cases, in which sometimes vociferously opposed landowners fought the project, the easements were obtained through eminent domain proceedings.

Asked if there are any plans to sell the easement agreements to a third party such as another pipeline or infrastructure project, Ruby said, "We have no plans to do so at this time." Ruby also said the company has no plans to voluntarily compensate landowners who are still in court fighting over the legal fees and other costs they incurred related to the project.

It remains to be seen whether FERC will address the landowner easements issue. For the entire AP article, click [here](#).

Among highlights in the plan are:

- Atlantic performed approximately 222.5 miles of tree felling and of this approximately 108.4 miles of trees are still lying on the right-of-way where they were cut. In addition,

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Atlantic installed approximately 31.4 miles of pipe and completed an additional 82.7 miles of clearing and grading (but where no pipe was not installed).

- Atlantic has identified all locations where there was some construction progress and aggregated these areas into work segments. Maps showing the work segments . . . indicate, geographically, which restoration activities will occur at specific mileposts along the pipeline route. The scope includes abandoning installed pipe in place and restoring the right-of-way in areas where ground disturbance has occurred if final restoration was not previously completed. In addition, the restoration scope includes processing (chip/stack/burn/remove) felled trees in accordance with its permits and authorizations except where, in certain locations, Atlantic will seek a variance to leave felled timber in place in order to minimize disturbance.
- All landowner easement agreements require Atlantic to process (chip/stack/burn/remove) felled timber; in cases where Atlantic intends to leave felled timber, Atlantic will obtain permission from the landowner through an amended easement agreement.
- Atlantic proposes to abandon installed pipe in place in accordance with the applicable agency regulations and industry standards. Atlantic has identified, and secured landowner consent, with 14 landowners whose specific easement agreements needed to be modified to allow the pipe to be abandoned in place. All other easement agreements on the remaining affected tracts already allowed Atlantic to abandon pipe in place.
- Atlantic will file with the Commission a Notice to Proceed (“NTP”) request, or series of requests, prior to initiating the work described in this Plan. No work will commence until receipt of FERC’s NTP approval. Atlantic will conduct discussions with landowners and regulatory permitting agencies and the results of these discussions and interactions will drive the scope and timing of the NTP submittals.

For selected portions of the filing, click the links below:

- Cover letter - <https://www.abralliance.org/wp-content/uploads/2021/01/ACP-restoration-plan-cover-letter-1-4-21.pdf>
- Restoration plan - <https://www.abralliance.org/wp-content/uploads/2021/01/ACP-Dispositon-and-Restoration-Plan-12-16-20-filed-with-FERC-on-1-4-20.pdf>
- Project schedule (Appendix A) - <https://www.abralliance.org/wp-content/uploads/2021/01/ACP-restoration-plan-project-schedule-filed-1-4-21.pdf>
- Restoration permits needed (Appendix D) - <https://www.abralliance.org/wp-content/uploads/2021/01/ACP-restoration-permit-approvals-needed-App.-D.pdf>

To access the entirety of the filing, including all appendices, click [here](#).

Deliberations on Proposed Gold Mine in Buckingham County Continue

A proposed gold mining operation in Buckingham County, VA, first reported in the [October 8 issue of ABRA Update](#), will be the subject of continued deliberation next week. The Buckingham County Board of Supervisors and Planning Commission will conduct a joint hearing on Monday, January 11 regarding whether the local zoning ordinance should be amended to permitted.

For the past several years, [the mining industry has been drilling exploratory holes](#) in Buckingham County -- in violation of the local ordinances -- including near the largely African-American community of Union Hill community which had just vanquished the massive proposed dirty-gas compressor station that was part of the now-defunct Atlantic Coast Pipeline. When word got out in mid-2020, ABRA member Friends of Buckingham sprang into action and have succeeded in getting the county to take a closer look and not just rubber-stamp the industrial activity. Buckingham County is just the beginning of a potential onslaught of gold mining in Virginia. Whether the county allows the industry carte-blanc to tear up the landscape and pollute water sources could set a precedent across Virginia localities.

Another, major concern about the proposed gold mining operation is its certain impact on water quality on the James River, the principal source of water for the Richmond area and beyond.

Friends of Buckingham is conducting a special webinar on the threat of gold mining in Virginia on Tuesday, January 12 from 6 to 7 pm. For more information on the Board of Supervisors hearing and the webinar, click [here](#).

VA DEQ Denies Water Quality Certification for MVP Under Army Corps Plan

The Virginia Department of Environmental Quality has denied water quality certification under the U.S. Army Corps of Engineers Nationwide Permit 12 Permit program (NWP12) for any natural gas pipeline “greater than 36 inches inside diameter.” The judgment was part of a December 21 letter from DEQ to the Army Corps’ Norfolk District Office that was released January 4. The Mountain Valley Pipeline is 42” and would thus be impacted by the decision. For a copy of the DEQ letter, click [here](#). For additional commentary, click [here](#).

In the News:

Regional Issues

Regulators get plan for undoing the Atlantic Coast Pipeline

- The Richmond Times – 1/5/20

https://richmond.com/news/virginia/ap/regulators-get-plan-for-undoing-the-atlantic-coast-pipeline/article_1a61f95b-6e7f-5bfb-bda5-89bocfa0337b.html

One notable item: Dominion does *not* plan to voluntarily release easements it purchased from landowners...or those that it took via eminent domain.

Related:

- <https://www.abralliance.org/wp-content/uploads/2021/01/Developers-submit-plans-to-FERC-to-undo-8-billion-ACP-EE-Energywire-1-6-21.pdf>

Atlantic Coast Pipeline restoration planned to start later in WV than other states

- Charleston Gazette-Mail – 1/6/21

https://www.wvgazette.com/news/energy_and_environment/atlantic-coast-pipeline-restoration-planned-to-start-later-in-wv-than-other-states/article_232fde2b-0f9e-57f9-9919-b4453d8dce58.html

That doesn’t mean the Atlantic Coast Pipeline will rest in peace anytime soon. The West Virginia wetlands and mountain ranges disturbed by the project won’t, either.

Waters remain muddy for Mountain Valley Pipeline's stream crossings

- The Roanoke Times – 1/5/20

https://roanoke.com/news/local/waters-remain-muddy-for-mountain-valley-pipelines-stream-crossings/article_78920af4-4faa-11eb-bf62-0fd06012469c.html

Continued questions over Army Corps of Engineers’ Nationwide Permit 12 and new DEQ rules extend uncertainty over the project.

Related:

- https://roanoke.com/news/local/mountain-valley-pipeline-faces-political-regulatory-changes-in-2021/article_68030218-45f7-11eb-ac29-af8aa0ba9105.html

Environmental groups make another legal attack on Mountain Valley Pipeline

- The Roanoke Times – 12/22/20
https://roanoke.com/business/local/environmental-groups-make-another-legal-attack-on-mountain-valley-pipeline/article_97554c64-44a4-11eb-90fa-7306310ae721.html

MVP Cleared by FERC for Construction Near National Forest; Glick Calls Decision ‘Nonsensical’

- Natural Gas Intelligence – 12/18/20
<https://www.naturalgasintel.com/mvp-cleared-by-ferc-for-construction-near-national-forest-glick-calls-decision-nonsensical/>
Glick argued that the project should be required to have all permits before resuming construction...as they were required prior to commencing construction.

Conservation groups purchase land to preserve views from McAfee Knob

- The Roanoke Times – 12/22/20
https://roanoke.com/news/local/conservation-groups-purchase-land-to-preserve-views-from-mcafee-knob/article_3f9c56b4-4483-11eb-bd80-0f4943ce97ba.html
The purchase of nearly 600 acres of land around McAfee Knob will further protect the scenic vistas of one of the most popular spots on the Appalachian Trail, conservation groups said.

Dominion files plans with federal regulators for 2.6 GW offshore wind project, largest in US to date

- Utility Dive – 12/22/20
<https://www.utilitydive.com/news/dominion-files-plans-with-federal-regulators-for-26-gw-offshore-wind-proje/592611/>
The offshore wind generation capacity is a large component of the utility's clean energy plan, to meet the state's rigid decarbonization standards in the Clean Economy Act passed earlier in 2020.

Virginia’s legacy coal country looks to solar for economic growth

- PV Magazine – 12/17/20
<https://pv-magazine-usa.com/2020/12/17/virginias-legacy-coal-country-looks-to-solar-for-economic-growth/>

Virginia Natural Gas planning \$205 million pipeline project in ‘rural crescent’

- Prince William Times – 12/17/20
https://www.princewilliamtimes.com/news/virginia-natural-gas-planning-205-million-pipeline-project-in-rural-crescent/article_1df582ec-40a5-11eb-bff9-13b1749884e6.html
The application for the project comes only weeks after a much larger Virginia Natural Gas expansion project, known as the "Header Improvement Project," was dismissed by the State Corporation Commission.

Big Picture:

U.S. Disaster Costs Doubled in 2020, Reflecting Costs of Climate Change

- The New York Times – 1/7/21
<https://www.nytimes.com/2021/01/07/climate/2020-disaster-costs.html>
The \$95 billion in damage came in a year marked by a record number of named Atlantic storms, as well as the largest wildfires recorded in California.

FERC's Clements: 'Grave threat' of climate change will 'underlie my approach as a commissioner'

- Utility Dive – 12/18/20
<https://www.utilitydive.com/news/fercs-clements-grave-threat-of-climate-change-will-underlie-my-approac/592425/>

Biden set to supercharge clean energy push with \$40B stash

- Politico – 1/1/21

<https://www.politico.com/news/2021/01/01/biden-clean-energy-453171>

The Department of Energy is poised to play an essential role as the Biden administration looks to leverage clean energy investments.

Biden Climate Team Says It Underestimated Trump's Damage

- E&E News – 1/6/21

<https://www.eenews.net/stories/1063721853>

Trump's unplanned gift to Biden: Clean energy on the rise

- Politico – 12/29/20

<https://www.politico.com/news/2020/12/29/trump-biden-clean-energy-451546>

Oil and gas producers are struggling amid weak prices and growing pressure to address climate change — a trend that could help Biden make a U-turn in energy policy.

White House clears EPA rule limiting science

- E&E Greenwire – 1/4/21

<https://www.abralliance.org/wp-content/uploads/2021/01/White-House-clears-EPA-rule-limiting-science-EE-Greenwire-1-4-21.pdf>

On the last day of the year, the White House regulatory review shop cleared EPA's controversial plan to restrict the use of scientific research used at the agency.

Are pipeline companies buying justice?

- E&E Energywire – 1/4/21

<https://www.abralliance.org/wp-content/uploads/2021/01/How-pipeline-companies-buying-justice-EE-Energywire-1-4-21.pdf>

Across the country, protesters and their attorneys are accusing police of siding with pipeline builders against them. They say they've been arrested unjustly, manhandled and bullied by armed officers sworn to protect the public but paid by private interests. And they say hiring the officers amounts to multibillion-dollar companies buying justice for themselves.

Big but affordable effort needed for America to reach net-zero emissions by 2050, Princeton study shows

- Princeton Environmental Research – 12/15/20

<https://environmenthalfcentury.princeton.edu/research/2020/big-affordable-effort-needed-america-reach-net-zero-emissions-2050-princeton-study>

With a massive, nationwide effort the United States could reach net-zero emissions of greenhouse gases by 2050 using existing technology and at costs aligned with historical spending on energy, according to a study led by Princeton University researchers.

Commentary: I'm a Youth Climate Activist, Not an Environmentalist.

- 100 Days in Appalachia – 12/7/20

<https://www.100daysinappalachia.com/2020/12/commentary-im-a-youth-climate-activist-not-an-environmentalist/>

Came across this through several layers of reprints. A month old but relevant for all of us, I think.

The 10 Ways Renewable Energy's Boom Year Will Shape 2021

- Bloomberg Green – 1/6/21

<https://www.bloomberg.com/news/articles/2021-01-06/the-10-ways-renewable-energy-s-boom-year-will-shape-2021>

2020 was the year of positive surprises for the environment in a way that very few saw coming," says Jeff McDermott, head of Nomura Greentech. "It was the breakout year in sustainability and infrastructure."

Global heating could stabilize if net zero emissions achieved, scientists say

- The Guardian – 1/7/20

<https://www.theguardian.com/environment/2021/jan/07/global-heating-stabilize-net-zero-emissions>

Climate disaster could be curtailed within a couple of decades if net zero emissions are reached, new study shows