



ABRA Update #302 – February 18, 2021

Issue Highlights . . .

- Conservation groups voice concerns over MVP water permits
- Pipeline bills progress in the Virginia General Assembly
- 2020 Census Expected to Significantly Impact Congressional Representation
- ABRA members file comments with FERC about ACP restoration issues
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Conservation groups voice concerns over MVP water permits

Six conservation groups have written the Virginia Department of Environmental Quality (DEQ) requesting a meeting with the agency concerning forthcoming water certification requests from Mountain Valley Pipeline, LLC (MVP, LLC) for the Mountain Valley Pipeline project. [The February 12 letter to DEQ Director David Paylor](#) noted that MVP, LLC had asked for a meeting with DEQ before it files an application with the Virginia agency for certification under section 401 of the Clean Water Act (CWA) and a separate application with the U.S. Army Corps of Engineers for a permit under Section 404 of the CWA.

The conservation groups' letter stated:

We request that DEQ also meet with representatives of the undersigned groups before the 401 request is submitted, to discuss issues associated with these regulatory processes. These include both procedural matters and substantive requirements to be applied at the application stage and in the review of Mountain Valley's 401 request.

The most urgent procedural issue is the necessity for DEQ to determine the steps it must take to avoid waiving the state's authority to act on Mountain Valley's 401 request. It would be unconscionable for DEQ to allow waiver by inaction or to affirmatively give away its authority. We seek your assurance that the state will not do so. At the same time, DEQ must not rush its application review and preparation of documents to deny or issue certification based on unreasonable deadlines.

Director Paylor responded by email on February 16, as follows:

We are very aware of the issues you raise in your letter and completely agree that the number one priority is maintaining Virginia regulatory oversight. We are currently gathering information and talking with counsel to assess the best path forward and I will definitely let you know when we are prepared to talk with you. This is a very important issue to get right.

The organizations signing the letter to Director Paylor were Wild Virginia, Appalachian Mountain Advocates, National Resources Defense Council, POWHR Coalition, Preserve Craig and Sierra Club Virginia Chapter.

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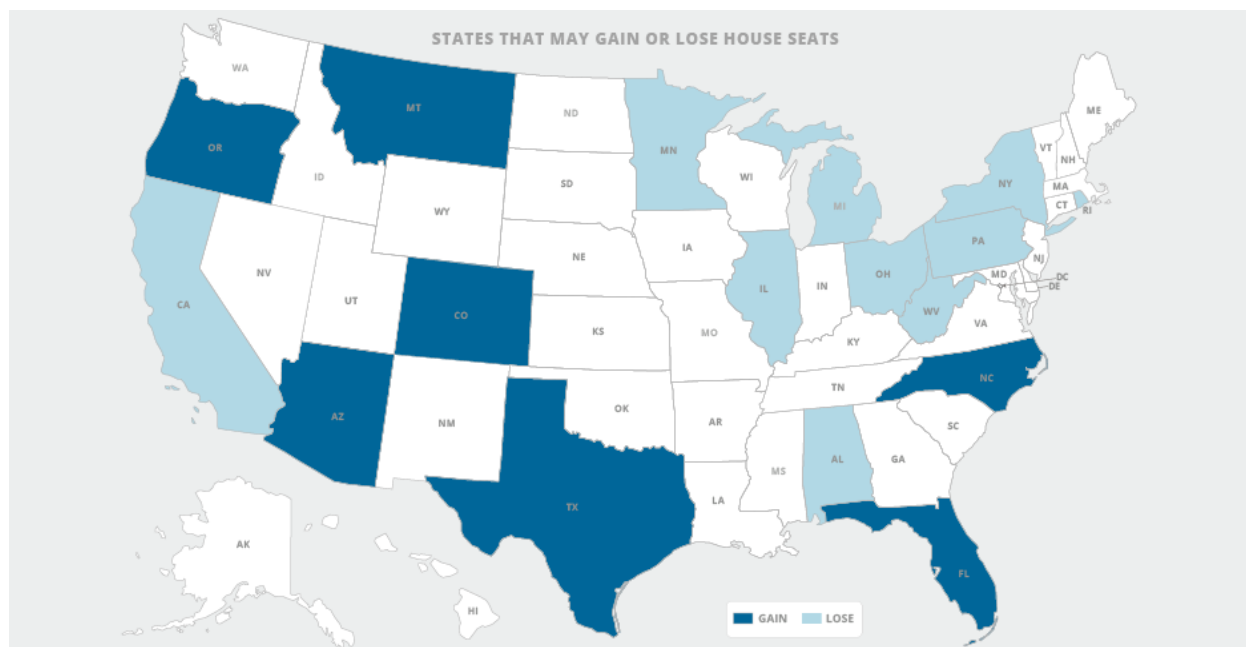
Pipeline bills progress in the Virginia General Assembly

Two measures designed to improve state oversight of natural gas pipelines have now passed the Virginia Senate and are headed for floor consideration in the House of Delegates.

- [SB1265](#), sponsored by Sen. Deeds, authorizes the Department of Environmental Quality (DEQ) to conduct inspections of land-disturbing activities related to construction of any natural gas transmission pipeline equal to or greater than 24 inches inside diameter. Current law authorizes such inspections for only pipelines greater than 36 inches. The bill passed the Senate 38-0 on February 5 and was approved by the House Committee on Agriculture, Chesapeake and Natural Resources by a 14-7 vote on February 17.
- [SB1311](#), sponsored by Sen. McClellan, would require an applicant for a natural gas transmission pipeline greater than 36 inches inside diameter to submit a detailed erosion and sediment control plan and a stormwater management plan to the Virginia DEQ for approval. The bill was approved by the Senate on February 5 by a 20-17 vote. A substitute bill was approved February 17 by the House Agriculture, Chesapeake and Natural Resources on a 13-9 vote.

2020 Census Expected to Significantly Impact Congressional Representation

Results of the 2020 U.S. Census are expected to be released by or before April 30, according to a recent statement by the acting director of the Census Bureau. The Census results will become the basis of the once-a-decade reapportionment of the 435 seats in the U.S. House of Representatives. Early prognostications are that 7 states will gain representatives in the U.S. House (dark blue in the map below) because of population increases and 9 states (light blue states) will lose representatives. In the latter group of states is West Virginia, which currently has 3 members in the House, is expected to lose one of its seats. The number of Virginia's seats in the U.S. House – currently 11 – is not anticipated to change. For more information, click [here](#).



ABRA members file comments with FERC about ACP restoration issues

Fifteen conservation groups, including 9 ABRA members, [filed comments on February 9](#), with the Federal Energy Regulatory Commission (FERC) to raise concerns over the plan recently submitted to the agency by Atlantic Coast Pipeline, LLC (Atlantic) on how the Atlantic Coast Pipeline (ACP) route would be restored. The comments also addressed the future of the Supply Header Project (SHP). SHP was formerly a project of Dominion Energy Transmission, Inc. and is now owned by Eastern Gas Transmission, Inc. (GTS), its successor company that is a subsidiary of Berkshire Hathaway Energy. The SHP was originally intended to connect the ACP to natural gas supplies in Ohio and Pennsylvania.

The comments were filed on behalf of the conservation organizations by Southern Environmental Law Center, Appalachian Mountain Advocates and the Chesapeake Bay Foundation. Major points made in the comments were:

1. Atlantic should release easements upon request from private landowners or open-space easement holders.

The Commission should require Atlantic to give private landowners and open- space easement holders the opportunity to regain full ownership of their property—by releasing easements held by Atlantic for a pipeline it does not intend to build.

2. Atlantic should afford all affected landowners the opportunity to communicate specific restoration requirements.

Now that it has abandoned the ACP, it is important that Atlantic permit landowners to have a voice in how their property is to be restored.⁷ The ACP Plan reports that Atlantic has contacted specific landowners to discuss whether felled trees will be cleared or left in place.⁸ But it is unclear whether Atlantic intends to contact all landowners with felled trees on their property.

- .3. Atlantic should not be permitted to engage in new tree-felling within established setbacks around wetlands and waterbodies.
4. Atlantic should be required to treat non-native invasive species on national forest lands to halt their spread.
5. Atlantic should honor its commitment to reseed the high-potential zone and dispersal zone for rusty-patched bumble bee with pollinator-friendly plant species.
6. Atlantic should quantify and offset freshwater-mussel impacts from tree-felling and other disturbances by providing funding to regional hatcheries for mussel propagation and release.
7. Atlantic should fulfill its specific commitments regarding treatment of historic and cultural resources affected by ACP construction.
8. Atlantic should remain responsible for all restoration work until it is determined that such restoration has been successful.
9. Eastern GTS still has not demonstrated good cause to extend the deadline for completion of the Supply Header Project.

FERC staff is still involved in reviewing the submitted plans and has informed ABRA that it will continue to accept and consider comments on the plans that are filed on the FERC docket. For information on how to file comments, click [here](#).

In the News:

Regional Issues

Press Release: Gold mining legislation approved by Virginia Senate

- Friends of Buckingham – 2/17/21

<http://www.friendsofbuckinghamva.org/friends/press-release-gold-mining-legislation-approved-by-virginia-senate/>

Related:

- <https://www.virginiamercury.com/2021/02/12/after-opposition-to-gold-mining-in-buckingham-general-assembly-weighs-temporary-ban-and-study/>
- <https://www.c-ville.com/all-that-glitters>

Conservationists Urge Higher Fines for Mountain Valley Pipeline Project

- Public News Service – 2/18/21

<https://www.publicnewsservice.org/2021-02-18/environment/conservationists-urge-higher-fines-for-mountain-valley-pipeline-project/a73204-1>

The Mountain Valley Pipeline is being fined more than \$300,000 for excessive erosion and sediment deposits during construction, but conservationists say more is needed to prevent a culture of noncompliance.

Mountain Valley Pipeline still facing concerns over Lewis County erosion issues

- Charleston Gazette-Mail – 2/18/21

<https://www.abralliance.org/wp-content/uploads/2021/02/MVP-still-facing-concerns-over-Lewis-County-erosion-issues-Charleston-Gazette-Mail-2-18-21.pdf>

ATC Reveals Further Details of \$19.5M Pipeline Agreement

- The Trek – 2/16/21

<https://thetrek.co/appalachian-trail/atc-reveals-further-details-of-19-5m-voluntary-pipeline-agreement/>

Facing criticism and questions on social media, the Appalachian Trail Conservancy has provided more details about its August 2020 decision to sign a “voluntary conservation stewardship agreement” with the company overseeing the construction of a controversial, 303-mile natural-gas pipeline slated to cross the trail in Virginia.

Appalachia's top natural gas-producing counties falling further behind economically, report says

- Charleston Gazette-Mail – 2/10/21

https://www.wvgazette.com/news/energy_and_environment/appalachias-top-natural-gas-producing-counties-falling-further-behind-economically-report-says/article_d5e7de62-bf0c-5115-b98e-d8a05fef6bda.html

“What we’re seeing is almost the definition of the resource curse, and that is great economic growth with very little, if any, impact on local measures of prosperity.”

Report:

- <https://ohiorivervalleyinstitute.org/fracking-counties-economic-impact-report>

Va. Senate committee kills bills aimed at Dominion Energy over-earnings

- Richmond Times-Dispatch – 2/15/21

https://richmond.com/news/state-and-regional/va-senate-committee-kills-bills-aimed-at-dominion-energy-over-earnings/article_1470d393-2d8c-528f-8f5e-27637f4a3e13.html

For a second year, state senators killed legislation from the House of Delegates aimed at stopping over-earnings by the state’s largest electric utility, Dominion Energy, and restoring control to state regulators on setting future rates.

Will the House put the brakes on the electric school bus bill again?

- Virginia Mercury – 2/17/21

<https://www.virginiamercury.com/2021/02/17/will-the-house-put-the-brakes-on-the-electric-school-bus-bill-again/>

Cost to ratepayers of Dominion’s plan seems to be the major stumbling block.

Big Picture:

US needs to brace itself for more deadly storms, experts say

- Associate press – 2/18/21

<https://apnews.com/article/climate-climate-change-oklahoma-city-oklahoma-storms-6ec7596e027b94e52d1748032e9d9078>

Deadly weather will be hitting the U.S. more often, and America had better get better at dealing with it.

Glick unveils environmental justice, climate plans

- E&E Energywire – 2/12/21

<https://www.abralliance.org/wp-content/uploads/2021/02/Glick-unveils-environmental-justice-climate-plans-EE-Energywire-2-12-21.pdf>

Blackout crisis: Fallout, furor and fact checks

- E&E Energywire – 2/17/21

<https://www.abralliance.org/wp-content/uploads/2021/02/Blackout-crisis-Fallout-furor-and-fact-checks-EE-Energywire-2-17-21.pdf>

Fallout from sweeping winter power outages echoed from Texas to the White House yesterday, as power restoration updates commingled with partisan arguments about whether to blame renewables or fossil fuels.

No, The Blackouts In Texas Weren't Caused By Renewables. Here's What Really Happened

- NPR – 2/18/21

<https://www.npr.org/sections/live-updates-winter-storms-2021/2021/02/18/968967137/no-the-blackouts-in-texas-werent-caused-by-renewables-heres-what-really-happened>

Related:

- <https://www.newsweek.com/texas-wind-turbines-frozen-power-why-arctic-1570173>

"We have to go": Climate change driving increased migration from Central America

- CBS News – 2/17/21

<https://www.cbsnews.com/news/climate-change-migration-central-america/>

This past autumn we witnessed the beginning of what may be one of the most straightforward examples of climate-induced migration in Central America. Around 10,000 people have already attempted to migrate northward after two devastating storms hit, and many more are planning to leave soon.

The might of metals in the clean energy transition

- GreenBiz – 2/10/21

<https://www.greenbiz.com/article/might-metals-clean-energy-transition>

"Critical mineral mining needs to increase five times current production rates to meet the expected demand by 2050, the World Bank says in a report." That's going to have major impacts.