



ABRA Update #308 – May 13, 2021

Issue Highlights . . .

- Conservation groups urge VA DEQ to adopt turbidity standards
- Danger continues for the endangered Candy Darter
- FERC asks VA DEQ for opinion on proposed MVP water crossings
- *In the News* – page 2

Conservation groups urge VA DEQ to adopt turbidity standards

Twenty-four conservation groups have urged the Virginia Department of Environmental Quality to develop standards that “effectively control turbidity and solids to protect our streams.” The groups’ May 12 letter points out that the State Water Control Board unanimously approved two-years ago a motion directing DEQ staff to develop turbidity standards,” but the agency has yet to move toward adopting standards. ABRA and several of its member organizations were signatories.

The letter notes that the most widely acknowledged problem caused by excessive amounts of solids in Virginia streams is necessary to complete the Chesapeake Bay cleanup effort. At least sixty-five waterbodies have been designated impaired, but due to DEQ resource constraints, the number of impaired streams is likely much greater.

For a copy of the groups’ letter, click [here](#).

Danger continues for the endangered Candy Darter

The Candy Darter, a small fish found in mountain streams in Virginia and West Virginia, was added in 2018 to the list of endangered species by the U.S. Fish and Wildlife Service (FWS), and its [critical habitat area was officially designated by FWS in April, effective May 7](#). However, the degree to which the candy darter will receive the protection afforded it by law is now in doubt.

In a paper published in the May issue of the *Highlands Voice*, the publication of ABRA member West Virginia Highlands Conservancy, authored by ABRA Board member Rick Webb, it is revealed that threats to the candy darter’s existence persist because of inadequate protection practices by the U.S. Forest Service (FS), on whose land significant portions of the designated habitat for the species exists. Webb’s article, [also published on the ABRA website](#), reviews the intended protective actions the FS intends to take toward the candy darter in one of its recently announced projects in the Monongahela National Forest (MNF) in West Virginia: the Gauley Healthy Forest Restoration Project (GHFR).

The Endangered Species Act requires the Forest Service to ensure, in consultation with the Fish and Wildlife Service, that any project it undertakes is not likely to result in destruction or adverse modification of designated critical

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habitat. Timber harvest projects, such as the GHFR, pose a significant risk to aquatic habitats because they involve extensive ground disturbance on steep slopes, usually including a network of log-skidding trails, log-landing areas, and both newly constructed and reconstructed logging roads. The resulting stream sedimentation, soil damage, and hydrologic alteration can directly and indirectly degrade stream habitat. A reading of the available review documents for the proposed GHFR project suggests that MNF management intends to minimize the significance of these risks to critical habitat.

Protection of the candy darter and monitoring the GHFR are both projects that have been undertaken under ABRA's new Conservation Hub program. For more details on both, visit the Hub website pages by clicking [here](#). ABRA is in dialogue with the Forest Service to assure adequate protection for the candy darter is undertaken.

FERC asks VA DEQ for opinion on proposed MVP water crossings

The Federal Energy Regulatory Commission (FERC) has asked the Virginia Department of Environmental Quality (DEQ) whether the proposed water crossings for the Mountain Valley Pipeline would require certification under Section 401 of the Clean Water Act (CWA). [FERC's May 13 letter to Melanie Davenport, Director of DEQ's Water Permitting Division](#), notes that the CWA requires water quality certification "for any federal license or permit that authorizes activities that may result in a discharge into navigable waters. The U.S. Army of Corps of Engineers has stated that because the trenchless crossings would avoid in-water work at the relevant waterbodies, these activities would not require a dredge and fill permit from the Corps under Section 404 of the CWA."

FERC's letter asks DEQ to respond to its question within 30 days.

In the News:

Regional Issues

FERC urged to restore property rights in ACP's path

- E&E Energywire – 4-30-21

<https://www.abralliance.org/wp-content/uploads/2021/04/FERC-urged-to-restore-property-rights-in-axed-pipelines-path-EE-Energywire-4-30-21.pdf?fbclid=IwAR3mStbsMsAHKIG6ADKaYJVuAc12zbbjVJm2yFv1SF8BtjZgKgg4PVg01Ls>

People who signed the easements are unable to build on affected parts of their property, operate farming equipment and other heavy machinery, or plant crops and trees, landowners and citizens groups wrote in their comments. The comments were submitted in response to the companies' restoration plan for the partially built project.

North Carolina regulators again reject proposed MVP extension

- Roanoke Times – 4-29-21

https://roanoke.com/business/local/n-c-regulators-again-reject-proposed-mountain-valley-extension/article_71502646-a92c-11eb-8426-23ae3f8b31ab.html?fbclid=IwAR16E9RI9Nnqlukt1a68MVJYFDRYUEQecRprCQ6KrvDzyBprwqmqR-8EuRE

The NC Department of Environmental Quality rejected for the second time a proposed extension of the Mountain Valley Pipeline into the state.

MVP delayed again as project cost keeps rising

- Charleston Mail-Gazette – 5-5-21

<https://www.abralliance.org/wp-content/uploads/2021/05/Mountain-Valley-Pipeline-delayed-again-as-project-cost-keeps-rising-Charleston-Gazette-Mail-5-5-21.pdf?fbclid=IwAR2FRpqDifo9DgZdM9occkXMvNoTAtYndsl349-ydFxYb13d2zxsXtslJyo>

Equitrans, principal partner in the MVP, admits that the project's costs have nearly doubled, and it is over 3-years behind schedule.

Private land taken for MVP: At what price?

- Roanoke Times – 5-12-21

https://roanoke.com/business/local/private-land-taken-for-a-pipeline-at-what-price/article_71735cf6-b2a5-11eb-9b7f-4be75b14f8de.html?fbclid=IwARoHHc6FFDf8Ltm9wzqRhIkfFRHmZrC7_-g4D-2NWw1MHYFp1rdjJBbhjI#tracking-source=home-the-latest

West Virginia water quality in crosshairs again

- Charleston Gazette-Mail – 5-11-21

https://www.wvgazette.com/opinion/oped/commentaries/howdy-henritz-wv-water-quality-in-crosshairs-again-opinion/article_7b7c4219-91a8-568e-917b-c8934818b64c.html#utm_source=wvgazette.com&utm_campaign=%2Fnewsletters%2Fwvupdate%2F%3F-dc%3D1620811814&utm_medium=email&utm_content=headline

Charles City gas plant enters limbo with state certification in doubt

- Virginia Mercury – 5-10-21

https://www.virginiamercury.com/blog-va/with-state-corporation-commission-certification-now-in-doubt-c4gt-enters-limbo/?fbclid=IwAR3t4TWap2y_SPToEo8J5GiHnVYVuiUvnQobSNZYR3yvb2iyExGYeLZ7T88

Big Picture:

Conservative group to examine modern green movement

- E&E Greenwire – 5-12-21

<https://www.abralliance.org/wp-content/uploads/2021/05/Conservative-group-to-examine-modern-green-movement-EE-Greenwire-5-12-21.pdf>

The Competitive Enterprise Institute has received funding from the fossil fuel industry and others critical of left-wing environmentalism to hire *National Review* columnist Kevin Williamson to examine "the modern environmental movement, its culture, and advocacy."

Gas industry secretly fights electrification

- E&E Climatewire – 5-3-21

https://www.abralliance.org/wp-content/uploads/2021/05/Gas-industry-secretly-fights-electrification-EE-Climatewire-5-3-21.pdf?fbclid=IwAR2OdEFQblyC84gtcaHMYbHIXs_26YWKkzd-1VZtADPMg-PYNW06vnyDHqo

Shell says clean energy to be 50% of the company in 10 years

- E&E Energywire – 5-11-21

<https://www.abralliance.org/wp-content/uploads/2021/05/Clean-energy-to-be-50-of-Shells-business-in-a-decade-EE-Energywire-5-11-21.pdf?fbclid=IwAR1a1sNCBDDh5dPo4UEXMwO33HT1LKOmwA8tmfPaDWWhbWcL5oeOFsjYEqwqs>

Biden Administration unveils massive conservation plan

- E&E Greenwire, 5-6-21

https://www.abralliance.org/wp-content/uploads/2021/05/Biden-admin-unveils-massive-conservation-plan-EE-Greenwire-5-6-21.pdf?fbclid=IwAR2QPIE4lxPJc4HryQR2yz30Orm9KQJlMrFvQ6d7fdbE6_XoFUUfSLds4e4

Groups sue over US program allowing pipelines on wetlands

- Associated Press, 5-4-21

<https://www.usnews.com/news/best-states/montana/articles/2021-05-04/us-pipeline-program-challenged-by-environmentalists>

Congressman Raskin wants to fix FERC's 'dystopian nightmare'

- E&E Energywire, 5-6-21

<https://www.abralliance.org/wp-content/uploads/2021/05/Congressman-Raskin-wants-to-fix-FERCs-dystopian-nightmare-EE-Energywire-5-6-21.pdf?fbclid=IwAR2HU9tttdqqPEK-IZetCPYKMDvBWt4HEaQ2m2N4omiu188IpnCRnj6PzOQk>