



## ***ABRA Update #312 – July 8, 2021***

### ***Issue Highlights . . .***

- Army Corps extends time for VA DEQ to act on MVP 401 request
- Off-road vehicles on public lands: a growing issue in WV
- Virginia certification of MVP water crossings still uncertain
- New GAO report on pipeline safety released
- *In the News* – page 3

### **Army Corps extends time for VA DEQ to act on MVP 401 request**

The U.S. Army Corps of Engineers has granted the Virginia Department of Environmental Quality (DEQ) an additional six months for it to act on a request for water quality certification for the new water crossings proposed for the Mountain Valley Pipeline. The [Corps' June 28 letter](#) set a deadline of December 31, 2021 by when DEQ must act to certify the new water crossings under section 401 of the Clean Water Act, deny such certification or waive certification. DEQ had requested a 245-day extension.

### **Off-road vehicles on public lands: a growing issue in WV**

Recent efforts in the West Virginia General Assembly to promote off-highway vehicles (ORVs) on public lands is a growing concern among conservation groups in West Virginia. In the 2021 session of the West Virginia General Assembly there were 8 bills and 2 resolutions introduced to promote the use of off-road vehicles on West Virginia's public lands. While none of the measures passed, the sheer number of legislative initiatives has focused attention on the issue.

West Virginia Highlands Conservancy (WVHC), a founding-member of ABRA, has taken a strong stand against opening up the National Forests, wildlife management areas and state parks and forests to such vehicles as motorcycles, motorized dirt bikes, all-terrain vehicles, snowmobiles, etc. Among reasons cited by WVHC for its concerns are:

- ORVs cause damage on public lands that require increased maintenance and repair of trails and other features of public lands, as evidenced at locations elsewhere in the United States where ORVs are allowed
- The effects of ORV use on soils, overall alter watershed functions and air quality are profound.
- Public lands should be places of rest, solitude and refuge. The noise and commotion associated with ORVs is incompatible with these characteristics of public lands.

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- The negative effects of ORVs on vegetation and wildlife habitats are significant.

At WVHC's request, ABRA's Conservation Hub Advisory Committee agreed last week to accept as a study project issue the impact of ORVs on public lands. Information on the issue will in the future to the [Conservation Hub portion of the ABRA website](#). For additional information, consult the lead article in the [June issue of \*The Highland Voice\*](#), the monthly publication of the West Virginia Highlands Conservancy.

## Virginia certification of MVP water crossings still uncertain

The Virginia Department of Environmental Quality (DEQ) has responded to a [May 13 request from the Federal Energy Regulatory Commission](#) (FERC) as to whether DEQ intended to require for the Mountain Valley Pipeline a new certificate under section 401 of the Clean Water Act concerning the project's proposal to change the waterbody crossing method for the project at 120 stream or river crossings, more than half of which would be in Virginia. [DEQ's June 25 response](#) sort of "punted," noting that it was FERC's ultimate decision. Four-days before the DEQ response to FERC, on [June 21, 15 conservation groups wrote DEQ](#) arguing that it was the agency's responsibility under the law to require a new 401 certificate for the MVP's proposed stream crossings.

## New GAO report on pipeline safety released

The General Accountability Office (GAO), a research agency that is part of the U.S. Congress, released a new study last month on pipeline safety. *Performance Measures Needed to Assess Recent Changes to Hazardous Liquid Pipeline Safety Regulations* was released June 22. The GAO reports states:

"The U.S. hazardous liquid pipeline network runs for over 220,000 miles and is critical to the economy. Pipelines are considered a relatively safe way to transport crude oil and other hazardous liquids, but accidents can happen.

"The Pipeline and Hazardous Materials Safety Administration amended safety regulations in 2019. Stakeholders told us the changes could improve safety without presenting significant challenges. However, several operators said they would need to modify or replace pipelines to accommodate certain inspection tools. The agency hasn't developed measures to assess whether the changes improve safety. We recommended doing so."

For more information about the report, including a summary of its recommendations and a copy of the full document, click [here](#).

## ***In the News:***

### **Regional Issues**

#### **What sank the Atlantic Coast Pipeline? It wasn't just environmentalism.**

- Virginia Mercury – 7/8/21

<https://www.virginiamercury.com/2020/07/08/what-sank-the-atlantic-coast-pipeline-it-wasnt-just-environmentalism>

#### **Mountain Valley Pipeline follows familiar playbook: Push pollution into poor and minority communities**

- Virginia Mercury – 7/2/21

<https://www.virginiamercury.com/2021/07/02/mountain-valley-pipeline-follows-familiar-playbook-push-pollution-into-poor-and-minority-communities>

MVP has chosen to build its Lambert Compressor Station in the only majority-minority election district in Pittsylvania County. MVP's own consultants warn that the station would emit pollution within ten miles of at least ten distinct communities with disproportionately minority or low-income populations.

#### **Limpert: DEQ ignores health threats**

- The Roanoke Times – 7/4/21

[https://roanoke.com/opinion/columnists/limpert-deq-ignores-health-threats/article\\_b27ce800-d84f-11eb-b5b4-c38f9a2beb81.html](https://roanoke.com/opinion/columnists/limpert-deq-ignores-health-threats/article_b27ce800-d84f-11eb-b5b4-c38f9a2beb81.html)

#### **Air Board pushes decision on Lambert compressor station permit to September following complaints**

- Virginia mercury – 7/3/21

<https://www.virginiamercury.com/blog-va/air-board-pushes-decision-on-lambert-compressor-station-permit-to-september-following-complaints>

#### **Virginia Gold Rush: Residents fear dangerous open pit mine will open in Buckingham County before General Assembly acts**

- The Appalachian Voice – 6/25/21

<https://appvoices.org/2021/06/25/virginia-gold-rush/>

Union Hill and Yogaville are in the crosshairs yet again.

- ABRA's [Conservation Hub](#) hosts an online map and web page addressing this issue.

#### **Researchers eye coal ash as a possible source of critical minerals — and Southwest Virginia jobs**

- Virginia Mercury – 7/7/21

<https://www.virginiamercury.com/2021/07/07/researchers-eye-coal-ash-as-a-possible-source-of-critical-minerals-and-southwest-virginia-jobs/>

Virginia has natural deposits of “critical minerals”, too. The mining industry has noticed.

## **DEQ inspectors believe a proposed gas plant broke the rules. But the agency reversed a plan to revoke the permit.**

- Richmond Times-Dispatch – 6/25/21

[https://richmond.com/news/state-and-regional/deq-inspectors-believe-a-proposed-gas-plant-broke-the-rules-but-the-agency-reversed-a/article\\_ob03e41e-8cdd-58cc-88c1-49609c53dbf8.html](https://richmond.com/news/state-and-regional/deq-inspectors-believe-a-proposed-gas-plant-broke-the-rules-but-the-agency-reversed-a/article_ob03e41e-8cdd-58cc-88c1-49609c53dbf8.html)

Rules are for little people...you know, those without fossil fuel industry money behind them.

## **VIRGINIA & NORTH CAROLINA: Commercial Offshore Wind Parks on Deck**

- Environment News Service – 7/4/21

<https://ens-newswire.com/virginia-north-carolina-commercial-offshore-wind-parks-on-deck/>

The U.S. Bureau of Ocean Energy Management, BOEM, is starting its environmental review for the Coastal Virginia Offshore Wind Commercial, or CVOW-C, project.

## **The fracking boom is over. Where did all the jobs go?**

- MIT Technology Review – 7/1/21

<https://www.technologyreview.com/2021/07/01/1027822/fracking-boom-jobs-industry/>

Most of them never existed, it turns out!

## **Big Picture:**

### **Climate change: US-Canada heatwave 'virtually impossible' without warming**

- BBC – 7/7/21

<https://www.bbc.com/news/science-environment-57751918>

"Without the additional greenhouse gases in the atmosphere, in the statistics that we have available with our models, and also the statistical models based on observations, such an event just does not occur. Or if an event like this occurs, it occurs once in a million times, which is the statistical equivalent of never," – Study co-author Dr. Friederike Otto, Oxford University.

### **Greater FERC authority over transmission siting not a fix-all for grid woes: Glick**

- S&P Global – 6/30/21

<https://www.spglobal.com/platts/en/market-insights/latest-news/metals/063021-greater-ferc-authority-over-transmission-siting-not-a-fix-all-for-grid-woes-glick>

Related:

- <https://thehill.com/blogs/congress-blog/energy-environment/561949-electricity-transmission-deserves-bipartisan-focus>

### **Glick: 'Great sense of urgency' to reform pipeline approvals**

- E&E Energywire – 6/28/21

<https://www.abralliance.org/wp-content/uploads/2021/06/Glick-has-great-sense-of-urgency-to-reform-FERCs-pipeline-approval-process-EE-Energywire-6-28-21.pdf>

## **What Supreme Court ruling means for FERC, gas, pipelines**

- E&E News – 6/30/21

<https://www.eenews.net/stories/1063736157>

The natural gas industry (and PennEast Pipeline, in particular) scored a victory in the Supreme Court yesterday after the majority of justices agreed that private companies can seize state-held land for federally approved projects.

## **Memphis pipeline canceled after environmental justice feud**

- E&E News – 7/6/21

<https://www.eenews.net/stories/1063736493>

Pipeline opponents; environmental groups; and Memphis, Tenn., activists celebrated over the holiday weekend after the developers of the Byhalia Connection crude oil pipeline abruptly dropped the project.

## **The Keystone XL Pipeline Is Dead, but TC Energy Still Owns Hundreds of Miles of Rights of Way**

- Inside Climate News – 6/30/21

<https://insideclimatenews.org/news/30062021/keystone-xl-pipeline-land-easements/>

## **Vilsack taps first African American to lead Forest Service**

- E&E News – 6/28/21

<https://www.abralliance.org/wp-content/uploads/2021/06/Sec.-Vilsack-names-new-head-of-Forest-Service-EE-News-6-28-21.pdf>

Randy Moore, the Forest Service's regional forester for the Pacific Southwest, will be the agency's new chief. Moore, a career Department of Agriculture employee since 1978, takes over the job from retiring Chief Vicki Christiansen on July 26.

## **As the US begins to craft a hydrogen strategy, Europe's experience could offer valuable lessons**

- Utility Dive – 7/6/21

<https://www.utilitydive.com/news/us-hydrogen-strategy-europe-power-sector-lessons/602096/>

Green hydrogen advocates are looking across the Atlantic for inspiration on the technologies, policies and strategies that could develop the domestic market.