



ABRA Update #317 – September 23, 2021

Issue Highlights . . .

- Conservation groups comment on ACP restoration proposal
- FERC still on schedule in its review of ACP restoration plan
- FERC urged to require a Supplemental EIS for the MVP
- New FERC Commissioner named by President Biden
- Governor Northam Appoints New Secretary of Natural Resources
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Conservation groups comment on ACP restoration proposal

Fifteen conservation groups were represented in comments filed September 13 by the Southern Environmental Law Center, Appalachian Mountain Advocates and Chesapeake Bay Foundation regarding the Draft Supplemental Impact Statement for the Atlantic Coast Pipeline route that was published on July 23 by the Federal Energy Regulatory Commission. (For background information, click [here](#).)

Among the points made in the groups' comments were:

- The Commission's order resolving the certificate amendment proceeding should require Atlantic Coast Pipeline, LLC (Atlantic) to release easements upon request from private landowners or open-space easement holders.
- FERC should preserve its proposed condition that Atlantic honor landowner preferences regarding removal of felled trees and should include a similar condition for other restoration requirements.
- FERC should not permit Atlantic to engage in new tree-felling (as the company has proposed in its submitted plan) with setbacks around wetlands and waterbodies, in order to move equipment between work areas where tree felling has already occurred.
- FERC should address the recent failures of Atlantic's erosion and sediment controls and require the company to upgrade such controls to protect erosion resources.

A copy of the complete comments is available [here](#). Among the other comments filed in response to the draft SEIS were those of the Virginia Department of Environmental Quality, submitted on behalf of state agencies concerned with the ACP. For a copy, click [here](#). A review of the FERC docket did not reveal comments on the SEIS from either the West Virginia Department of Environmental Protection or the North Carolina Department of Environmental Quality.

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FERC still on schedule in its review of ACP restoration plan

When the draft Supplemental Environmental Impact Statement (SEIS) for the Atlantic Coast Pipeline (ACP) restoration plan was published by the Federal Energy Regulatory Commission (FERC) on July 23, it was indicated that a final SEIS was to be published by November 19 and an Authorization Decision Deadline was set for February 17, 2022. In dialogue today with key FERC, ABRA learned that the agency is still on schedule for meeting those announced deadlines and were told that FERC staff is “working furiously” to complete its review of the submitted plan and comments submitted earlier this month.

FERC urged to require a Supplemental EIS for the MVP

Twenty conservation organizations (including ABRA and several of its members), urged the Federal Energy Regulatory Commission (FERC) on September 13 to require a Supplemental Environmental Impact Statement (SEIS) for the Mountain Valley Pipeline (MVP) regarding the project’s application for an amendment to its FERC certificate. The groups’ filing – submitted jointly by Appalachian Mountain Advocates, Southern Environmental Law Center and Natural Resources Defense Council – was in response to FERC’s solicitation on August 13 of comments on the Environmental Assessment (EA) published by the agency. The groups’ comments explained that the EA falls short of what is required by the National Environmental Protection Act (NEPA):

“The supplemental NEPA document for this project must be a Supplemental Environmental impact Statement, rather than an EA. Moreover, the EA’s consideration of the impacts of open-cut ditch crossings on aquatic resources and its alternatives analysis are fatally deficient, and the EA fails to sufficiently examine geological conditions and the risk of borehole collapse, the climate impacts of the project, the cumulative effects of connected actions related to the MVP, and the impacts on special wetland resources like those on Bent Mountain in Virginia”

For a copy of the comments, click [here](#).

New FERC Commissioner named by President Biden

President Biden announced on September 9 his intent to nominate to the Federal Energy Regulatory Commission (FERC) Willie L. Phillips, Jr., currently Chairman of the Public Service Commission of the District of Columbia. FERC currently has four sitting Commissioners as the result of the departure in July of Neil Chatterjee, whose term expired and who was not reappointed. Chatterjee is a Republican; Phillips is a Democrat.

Phillips was formerly Assistant General Counsel for the North American Electric Reliability Corporation. When Phillips is confirmed to serve on FERC, the Commission’s membership will be 3 Democrats and 2 Republicans. For more, click [here](#).

Governor Northam Appoints New Secretary of Natural Resources

Virginia Governor Ralph Northam announced on September 22 he was appointing Ann Jennings as the new Secretary of Natural and Historic Resources. Ms. Jennings has served as Deputy Secretary of the department and replaces Matt Strickler, who was appointed to the position when Governor Northam took office in 2018. Ms. Jennings was previously the Virginia Executive Director of the Chesapeake Bay Foundation and is a former biologist with the U.s. Fish and Wildlife Service. For more, click [here](#).

In the News:

Regional Issues

A historically Black town stood in the way of a pipeline – so developers claimed it was mostly white

- The Guardian – 9/16/21

<https://www.theguardian.com/us-news/2021/sep/16/virginia-atlantic-coast-pipeline-union-hill-historically-black-town>

EPA, New River Gorge, others express concerns to FERC about potential Mountain Valley Pipeline impacts

- Charleston Gazette-Mail – 9/15/21

https://www.wvgazettemail.com/news/energy_and_environment/epa-new-river-gorge-others-express-concerns-to-ferc-about-potential-mountain-valley-pipeline-impacts/article_3370a2ef-651b-5d13-8358-9f7203f68803.html

Southwest Virginia landowners still fighting pipeline's use of eminent domain

- The Roanoke Times – 9/17/21

https://roanoke.com/news/local/southwest-virginia-landowners-still-fighting-pipelines-use-of-eminent-domain/article_8ad42c72-17f2-11ec-a7fd-a7f04c009256.html

Can Southwest Virginia remake itself as a laboratory for renewables?

- Virginia Mercury – 9/20/21

<https://www.virginiamercury.com/2021/09/20/can-southwest-virginia-remake-itself-as-a-laboratory-for-renewables>

With the right help, possibly. It's a better option than waiting for coal jobs to come back.

Dominion Virginia customers should get \$312 million refund, plus rate cut, SCC staff says

- Richmond Times-Dispatch 9/20/21

https://richmond.com/news/state-and-regional/govt-and-politics/dominion-virginia-customers-should-get-312-million-refund-plus-rate-cut-scc-staff-says/article_d1fc47c1-18b6-5890-a08b-dea6d46bfe6.html

Big Picture:

The NIMBY Threat to Renewable Energy

- Sierra – 9/20/21

<https://www.sierraclub.org/sierra/2021-4-fall/feature/nimby-threat-renewable-energy>

To actually transition to a clean energy future, “all those turbines and solar panels (plus the requisite transmission lines) will have to go somewhere. But many communities—including those full of avowed liberals and environmentalists—are working hard to make sure they go somewhere else.” If we really mean what we say about maintaining “a livable planet for our grandchildren”, there will be painful trade-offs.

'Major gap.' Gas industry FERC petitions stoke NEPA Concerns

- E&E Energywire – 9/22/21

https://www.abralliance.org/wp-content/uploads/2021/09/FERC-considers-how-it-should-apply-environmental-laws-to-natural-gas-projects_20210922.pdf

Biden’s EPA orders a slash in climate-warming chemicals used in air-conditioning and refrigeration

- CNBC – 9/23/21

<https://www.cnbc.com/2021/09/23/bidens-epa-orders-slash-in-climate-warming-hydrofluorocarbons-hfcs.html>

The agency will start phasing down the chemicals next year and gradually curb production and importation by 85% over the next 15 years.

They Couldn’t Drink Their Water. And Still, They Stayed Quiet.

- The New York Times – 9/17/21

<https://www.nytimes.com/2021/09/17/opinion/sunday/fracking-pennsylvania-water-contamination.html>

Residents’ relationships to energy industry activities in their communities can be complex...and yield unexpected results.

U.S.-E.U. methane pledge wins oil industry backing

- E&E Energywire – 9/20/21

<https://www.abralliance.org/wp-content/uploads/2021/09/U.S.-E.U.-methane-pledge-wins-oil-industry-backing-EE-Energywire-9-20-21.pdf>

The pledge calls for countries to commit to a collective goal of lowering the climate warming emissions of methane across the globe by at least 30 percent from 2020 levels in 10 years.

Climate change: China to exit coal-fired power abroad

- DW – 9/22/21

<https://www.dw.com/en/climate-change-china-to-exit-coal-fired-power-abroad/a-59262319>

It’s something, for sure. But what about the 900+GW of *domestic* coal-fired power in China, and its plans for over 150GW more?