



ABRA Update #318 – October 8, 2021

Issue Highlights . . .

- Army Corps to hold MVP hearings on MVP permit application
- Biden Administration proposes changes to strengthen NEPA
- Virginia FOIA training sessions being offered
- *In the News* – page 3

Army Corps to hold MVP hearings on MVP permit application

The U.S. Army Corps of Engineers announced September 30 that it will conduct two virtual public hearings to solicit the views of interested persons regarding the permit application submitted by Mountain Valley Pipeline, LLC to cross certain bodies of water along the project’s path in West Virginia and Virginia. To accommodate the public, one hearing will be held for West Virginia interests and the second for Virginia interests.

- West Virginia hearing – November 1, 6 to 8 pm
- Virginia hearing – November 4, 6-8 pm.

The Corps announced that an alternative virtual public hearing will be held if technical difficulties interfere with the two scheduled hearing. The date for the alternative hearing is November 9, 6-8 pm. That hearing will be held only if problems emerge during the scheduled hearings,

Persons who wish to provide oral comments at one of the two scheduled hearings should send an email to: CELRP-MVP@usace.army.mil, indicating which hearing at which you wish to speak, as follows:

- “RSVP to Speak at West Virginia Public Hearing”
- “RSVP to Speak at Virginia Public Hearing”

For full details on the hearings and how to participate, click [here](#).

Biden Administration proposes changes to strengthen NEPA

Proposed changes in regulations governing the National Environmental Policy Act (NEPA) were announced October 6 by the Biden Administration. NEPA is the basic law governing the manner in which environmental reviews are conducted of proposed projects, such as pipelines. The announced revisions would reverse changes made to NEPA regulations in 2020 by former President Trump (for earlier *ABRA Update* article on Trump changes, click [here](#).)

Stay informed, like us on Facebook.



Support ABRA financially

GiveNow

The proposed NEPA rule changes are particularly relevant to ABRA's Conservation Hub program, which provides tools for enhancing analysis and transparency in the NEPA review process conducted by regulatory agencies for projects and proposals that impact the environmental integrity of the Central Appalachian Highlands.

The October 6 announcement from the Council on Environmental Quality (CEQ), which is part of the Office of the President, outlined a proposed rule to NEPA regulations that would make the following three changes:

1. Restore the requirement that federal agencies evaluate all the relevant environmental impacts of the decisions they are making. The proposed change would make clear that agencies must consider direct, indirect and cumulative impacts of a proposed decision.
2. Restore the full authority of agencies to work with communities to develop and analyze alternative approaches that could minimize environmental and public health costs. The 2020 rule of the Trump Administration limited federal agencies' ability to develop and consider alternative designs or approaches that do not fully align with the stated goals of a project's sponsor (e.g., a private company).
3. Establish CEQ's NEPA regulations as a floor, rather than a ceiling for the environmental review standards that federal agencies should be meeting.

CEQ is inviting public comment on these proposed revisions in two public meetings on the proposed rule will be held online on October 19, 2021 from 1-4 pm, EDT and October 21 pm 5-8 pm EDT.

For a copy of the proposed NEPA rule changes and information on how to comment – in writing or as a participant in one of the 2 virtual hearings – click [here](#).

For a copy of the CEQ statement on the proposed rule changes, click [here](#).

For an analysis by *E&E News* of the how the proposed changes could affect energy projects, click [here](#).

Virginia FOIA training sessions being offered

The Virginia Freedom of Information Council, a state agency, has announced it will be conducting online training sessions about the Virginia Freedom of Information Act and how to use it.

A session on "Access to Public Records" will be held October 27 at 10 am. A session on "Access to Public Meetings" will be held October 27 at 1 pm. Both sessions are 90 minutes long.

For information on the training sessions and how to register, click [here](#).

In the News:

Regional Issues

Landmark EJ ruling sparks legislative reckoning in Va.

- E&E Energywire – 10/4/21

<https://www.eenews.net/articles/landmark-ej-ruling-sparks-legislative-reckoning-in-va/>

More than a year after a watershed federal court ruling, Virginia is becoming a case study of whether environmental justice protections can get enshrined into law, or be stymied by legislative and regulatory fights.

Uranium mining ban upheld as Supreme Court of Va. declines to reopen lower court ruling

- Virginia Mercury – 9/30/21

<https://www.virginiamercury.com/blog-va/uranium-ban-upheld-as-supreme-court-of-va-declines-to-reopen-lower-court-ruling/>

The decision upholds a July 2020 Wise County Circuit Court ruling and again leaves intact Virginia's 39-year ban on uranium mining, which the U.S. Supreme Court affirmed the state had a right to impose in 2019.

Mountain Valley Pipeline water permit arguments tread familiar ground

- Virginia Mercury – 9/29/21

<https://www.virginiamercury.com/2021/09/29/mountain-valley-pipeline-water-permit-arguments-retread-familiar-ground>

For three hours Tuesday night, a crowd of Southwest Virginia residents, pipeline workers and environmental activists said the same things they've been saying for several years. The State Water Control Board is expected to release its decision on MVP's permit in December.

Virginia Department of Environmental Quality Steals Citizen Board Authority, Falsely Claims Board Made a "Preliminary Decision" to Issue Mountain Valley Pipeline Permit

- Blue Virginia – 9/24/21

<https://bluevirginia.us/2021/09/virginia-department-of-environmental-quality-steals-citizen-board-authority-falsely-claims-board-made-a-preliminary-decision-to-issue-mountain-valley-pipeline-permit>

'Completely out of the norm': Central Virginia counties protest Chickahominy Pipeline plan

- WRIC 8 News – 10/4/21

<https://www.wric.com/news/virginia-news/completely-out-of-the-norm-central-virginia-counties-protest-chickahominy-pipeline-plan>

Developer asks for exemption from SCC rules...clams up and disappears when questioned about its project.

U.S. Interior Department Orders WV To Bolster Coal Mine Cleanup Program

- E&E Greenwire – 9/28/21

<https://www.abralliance.org/wp-content/uploads/2021/09/U.S.-Interior-Dept.-orders-W.Va.-to-bolster-coal-mine-cleanup-program-EE-Grteenwire-9-28-21.pdf>

West Virginia’s coal powered the nation for years. Now, many look to a cleaner future.

- NBC News- 9/29/21

<https://www.nbcnews.com/science/environment/west-virginia-coal-industry-grapples-impact-climate-crisis-rcna2397>

Editorial: A cleaner future won’t happen without developing a new generation of talent

- Richmond Times-Dispatch – 9/25/21

https://richmond.com/opinion/editorial/editorial-a-cleaner-future-won-t-happen-without-developing-a-new-generation-of-talent/article_24dcab58-3ea9-5f40-912d-77653dc22263.html

The push for clean energy’s “ambitious growth” in the years to come magnifies the need for a robust renewable energy workforce.

Big Picture:

6 Aspects of American Life Threatened by Climate Change

- The New York Times – 10/7/21

<https://www.nytimes.com/2021/10/07/climate/climate-threats-federal-government.html>

The plans reveal the dangers posed by a warming planet to every aspect of American life, and the difficulty of coping with those threats.

Related:

- <https://www.sustainability.gov/adaptation/>

FERC Chair Glick calls for tougher reviews of natural gas projects as commission staff reject EPA advice

- Utility Dive 9/30/21

<https://www.utilitydive.com/news/ferc-chair-glick-calls-for-tougher-reviews-of-natural-gas-projects-as-commi/607304/>

Related:

- <https://www.eenews.net/articles/ferc-pressed-on-gas-renewables-cyber-threats/>

- <https://www.eenews.net/articles/is-climate-plan-feasible-the-question-splits-ferc-members/>

Ivory-billed woodpecker officially declared extinct, along with 22 other species

- The Washington Post – 9/29/21

<https://www.washingtonpost.com/climate-environment/2021/09/29/endangered-species-ivory-billed-woodpecker/>

The Fish and Wildlife Service proposal Wednesday to take 23 animals and plants off the endangered species list — because none can be found in the wild — exposes what scientists say is an accelerating rate of extinction worldwide.

Not a single appellate judge has climate experience — group

- E&E Climatewire – 10/8/21

<https://www.abralliance.org/wp-content/uploads/2021/10/Not-a-single-appellate-judge-has-climate-experience-EE-Climatewire-10-8-21.pdf>

Lots of environmental litigation likely in the next several decades. Anybody see a problem here?

Forest Service faces new pressure to boost timber harvests

- E&E News – 10/4/21

https://www.abralliance.org/wp-content/uploads/2021/10/Forest-Service-faces-new-pressure-to-boost-timber-harvests-EE-News_20211004.pdf

Fires are a problem out west. Cutting down the forests faster is one Montana Senator's solution.

What the PennEast cancellation signals for FERC, pipelines

- E&E Energywire – 9/28/21

<https://www.eenews.net/articles/what-the-penneast-cancellation-signals-for-ferc-pipelines/>

Reliance on precedent agreements with affiliates or subsidiaries is proving an Achilles heel for some projects. Recently, FERC has accepted them blindly. This will likely change.

Enbridge: Line 3 replacement complete; oil will flow Friday

- Associated Press – 9/29/21

<https://apnews.com/article/business-environment-and-nature-wisconsin-minnesota-environment-314734912b51ea1f24c4e77d50f59170>

The Grid Isn't Ready for the Renewable Revolution

- Wired – 10/6/21

<https://www.wired.com/story/the-grid-isnt-ready-for-the-renewable-revolution/>

The massive deployment of wind and solar will turn you, the humble homeowner, into a critical actor in the operation of the US power grid.

The US is closer than ever before to making major progress on the climate crisis

- Vox – 10/7/21

<https://www.vox.com/22685920/democrats-infrastructure-build-back-better-climate-change>

Democrats might never get another opportunity like this. The global climate certainly won't.