



ABRA Update #326 – February 10, 2022

Issue Highlights . . .

- FERC is asked to stop issue stop-work order for MVP
- Concerns raised over hydrogen hub proposal for Appalachia
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FERC is asked to issue stop-work order for MVP

In the wake of two decisions by the Fourth Circuit Court of Appeals vacating three permits for the Mountain Valley Pipeline (MVP), the Federal Energy Regulatory Commission (FERC) was asked on February 7 to issue a stop-work order “halting all construction activity” that has been authorized by FERC for the MVP. The motion was filed by Appalachian Mountain Advocates (Appalmad) on behalf of 11 conservation groups.

On January 25, the Fourth Circuit vacated authorizations for the MVP that had been issued by the U.S. Forest Service and the Bureau of Land Management for the pipeline to cross the Jefferson National Forest. (See [article in the January 28 ABRA Update.](#))

On February 3, the Fourth Circuit vacated the biological opinion (BiOp) and Incidental Take Statement (ITC) for the MVP that had been issued by the U.S. Fish and Wildlife Service (FWS). In its opinion, the Fourth Circuit held that the FWS had “failed to adequately evaluate the ‘environmental baseline’ and ‘cumulative effects’ for ... the Roanoke logperch and the candy darter” and “that the agency neglected to fully consider the impacts of climate change.”

In the motion filed with FERC on behalf of the conservation groups, Appalmad noted that allowing construction of the MVP to proceed in the absence of a valid BiOp and ITC would constitute a clear violation of the Endangered Species Act (ESA).

Continuing, the motion declared:

- “Allowing construction to proceed would not only contravene FERC’s Natural Gas Act public interest obligations and violate the express terms of the ESA, but would also create further ‘bureaucratic momentum’ that places undue pressure on the outstanding federal agency permitting processes.”
- “Allowing Mountain Valley to construct the pipeline so that the ‘completed segments would stand like gun barrels pointing into the heartland’ of the national forest lands and endangered species habitat would inevitably, and improperly, influence the Forest Service and FWS’s decisions.”

For a copy of the stop-work order filed with FERC, click [here](#).

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Concerns raised over hydrogen hub proposal for Appalachia

A coalition of energy, petrochemical and steel companies announced on February 3 the formation of an alliance to develop a low-carbon and hydrogen industrial hub in the Appalachian region, specifically in Ohio, Pennsylvania and West Virginia. The group plans to build out an infrastructure for “blue” hydrogen production, where hydrogen is isolated from natural gas, and leftover carbon dioxide from the process is stored underground. Among the companies announcing the hydrogen hub alliance are U.S. Steel Corporation and EQT Corporation, the latter being the largest producer of natural gas in the United States.

The hub proposal was met with disagreement from some in the environmental community. A spokesperson for the Fracktracker Alliance was quoted in media reports that the investment in hydrogen was “an extension of existing polluting industries, by the very same companies that clean our air, land and water” and “an excuse to keep drilling under a new identity.”

On February 8, the Institute for Energy Economics and Financial Analysis (IEEFA) released an analysis of the promise of blue hydrogen technology, which noted that the furtherance of the technology was promoted by the recently enacted Infrastructure Investment and Jobs Act, which provides more than \$8 billion for hydrogen development. David Schlissel, IEEFA’s Director of Resource Planning Analysis, said:

“The federal government and some state governments are racing to finance carbon capture technologies. That is a mistake. Decades of experiments and hard data show the technology has not been proven to capture 90% of the CO₂ over the long term, which is what proponents claim it will do. Some research on how to decarbonize sectors of the economy is certainly warranted, but the best way to reduce the amount of CO₂ pollution is to stop producing it. That means shutting down coal plants now and gas-fired plants as soon as possible—plus, moving directly to renewable energy, or green hydrogen produced from renewables if needed, and bypassing blue hydrogen.”

For a copy of the press release announcing the new hydrogen hub, click [here](#). For a copy of the IEEFA analysis on blue hydrogen, click [here](#). For further analysis of the proposal, click [here](#).

In the News:

Regional Issues

Future of Mountain Valley Pipeline clouded by court decisions

- The Roanoke Times – 2/6/22

https://roanoke.com/news/local/future-of-mountain-valley-pipeline-clouded-by-court-decisions/article_dc04c40e-874f-11ec-9556-df2de7896075.html

A federal appeals court recently rejected two government permits that are needed to complete a massive infrastructure project that opponents say is an environmental train wreck.

Related:

- https://roanoke.com/news/local/another-mountain-valley-pipeline-permit-struck-down-by-federal-court/article_2e5a2d46-84fa-11ec-95be-eb35bd964ed7.html

Senate Democrats block Wheeler appointment

- Virginia Mercury – 2/8/22

<https://www.virginiamercury.com/2022/02/08/senate-democrats-block-wheeler-appointment>

House panel rejects metals mining study

- Virginia Mercury – 2/7/22

<https://www.virginiamercury.com/blog-va/house-panel-rejects-metals-mining-study>

Virginia Republicans, and some Democrats, don't even want to know if our outdated regulations are capable of protecting us from the mountains of toxic waste that large-scale metals mining leaves behind.

Senate panel advances bill to strip citizen boards' environmental permitting power

- Virginia Mercury – 2/8/22

<https://www.virginiamercury.com/2022/02/08/senate-panel-advances-bill-to-strip-citizen-boards-permitting-power/>

Key Democrats join with Republicans to back environmental permitting reforms.

Senate approves ceding site-specific water pollution permit limit oversight, weakening some water quality standards

- Charleston Gazette-Mail – 1/31/22

https://www.wvgazettemail.com/news/legislative_session/senate-approves-ceding-site-specific-water-pollution-permit-limit-oversight-weakening-some-water-quality-standards/article_e61d96da-088b-5fcc-a249-c1f336826f1e.html

Big Picture:

Biden's Biggest Idea on Climate Change Is Remarkably Cheap

- The Atlantic – 2/9/22

<https://www.theatlantic.com/science/archive/2022/02/bidens-biggest-idea-on-climate-change-is-remarkably-cheap-tax-credits/622027/>

It's one of the most cost-effective climate policies the U.S. has ever considered, according to a new analysis.

How Billions in Infrastructure Funding Could Worsen Global Warming

- The New York Times – 2/10/22

<https://www.nytimes.com/2022/02/10/climate/highways-climate-change-traffic.html?>

Highway expansions tend to bring more greenhouse gas emissions. A few states are trying to change that dynamic, but it won't be easy.

Judge pressed to halt Army Corps pipeline permit Program

- E&E News – 2/8/22

<https://www.abralliance.org/wp-content/uploads/2022/02/Judge-pressed-to-halt-Army-Corps-pipeline-permit-EE-News-2-8-22.pdf>

Nationwide Permit 12 challenged in court yet again.

U.S. carbon pipeline proposals trigger backlash over potential land seizures

- Reuters – 2/7/22

<https://www.reuters.com/business/environment/us-carbon-pipeline-proposals-trigger-backlash-over-potential-land-seizures-2022-02-07/>

The end of natural gas has to start with its name

- Vox – 2/10/22

<https://www.vox.com/22912760/natural-gas-methane-rename>

The oil and gas industry didn't invent the name. But it invented the myth of a clean fuel.

The Next Century's Big Demographic Mystery

- The Atlantic – 2/10/22

<https://www.theatlantic.com/family/archive/2022/02/global-population-forecast-disagreement/621243/>

Experts can't agree on how many humans will be on Earth by 2100. The implications for climate change, ecological stability, socioeconomic inequality, etc., could be profound.

Shipping troubles threaten U.S. offshore wind — report

- E&E News – 2/3/22

<https://www.eenews.net/articles/shipping-troubles-threaten-u-s-offshore-wind-report/>

Turbines are growing to huge sizes, but only a few ships in the world are big enough to mount them in the sea.