



ABRA Update #327 – February 24, 2022

Issue Highlights . . .

- Permit problems continue to mount for Mountain Valley Pipeline
- Off-road vehicles pose threat to public lands
- *In the News* – page 3

Permit problems continue to mount for Mountain Valley Pipeline

The U.S. Army Corps of Engineers created another delay for the Mountain Valley Pipeline (MVP) when it announced in a [February 9 letter](#) that it would not finalize action on a permit for the project to cross rivers, streams and wetlands until a valid Biological Opinion (BiOp) was issued by the U.S. Fish and Wildlife Service, as required by the Endangered Species Act.

The Army Corps' letter was written in response to a [February 4 letter](#) co-signed by Appalachian Mountain Advocates (Appalmad) and Southern Environmental Law Center (SELC) on behalf of their respective clients. In their letter to the Corps, Appalmad and SELC said that as a result of a [Fourth Circuit Court of Appeals' February 3 decision](#) vacating the BiOp for the MVP, the Corps cannot lawfully issue the permits sought for the project, noting that according to precedent: "An agency acts arbitrarily and capriciously when it attempts to support an action with an invalid biological opinion."

In the Fourth Circuit's unanimous opinion, Judge James Wynn said:

"We conclude that while the BiOp ably describes the range-wide conditions of the Roanoke logperch and the candy darter, it fails to adequately evaluate the environmental baseline for these species within the action area itself."

Continuing, Judge Wynn said: "On remand, the Fish and Wildlife Service should consider this mandate carefully, especially given the precarious state of the candy darter."

The MVP's future became further clouded when one of its major investor's, NextEra Corp, said in a February 18 filing with the Securities and Exchange Commission that its review of the project's status had led the company to determine "that the continued legal and regulatory challenges have resulted in a very low probability of pipeline completion."

Adding to the MVP's uncertain future was an admission by Thomas Karam, CEO of Equitrans Midstream Corp, the principal developer of the MVP, during a February 22 call with investors that mid-summer 2022 was no longer being targeted as an in-service date for the project. When asked whether the MVP would be operational in 2023, Karam said: "I can't give you any timing."

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Off-road vehicles pose threat to public lands

A new project added this week to ABRA's Conservation Hub highlights the growing threat off-road-vehicles (ORVs) pose to the environmental integrity of public lands. Sponsored by the West Virginia Highlands Conservancy, the project includes an interactive online map to help educate the public and legislators regarding the impacts on West Virginia's public lands. The [project's web page](#) points out that "there are universal effects and severe environmental impacts on many fronts" if ORVs are permitted to operate on public lands, citing a [comprehensive study on the issue conducted by the U.S. Geological Survey](#) (USGS). The USGS study discusses the negative impacts that often result from ORVs being permitted to be used on public lands, including effects on soils, vegetation, wildlife habitats and water quality.



Example of damage caused by illegal ORV use on National Forest lands.

Concerns over the environmental damage that can result from ORVs being operated on certain lands is not limited to West Virginia. On [January 19, the Virginia Mercury ran a major story](#) on the environmental damage that ORVs are causing to a system of trails in Southwestern Virginia. The article reported on the three-year fight that a local citizens group, the Clinch Coalition, has had with the Virginia Department of Environmental Quality over erosion and sediment control problems caused by ORVs to the trail system.

In the News:

Regional Issues

The ACP was canceled but we still lost our land

- Appalachian Voices – 2/21/22

<https://appvoices.org/2022/02/21/acp-guest-blog/>

Defeating the Atlantic Coast Pipeline was a huge victory – with an enormous personal toll

Mountain Valley facing ‘greater uncertainty,’ lead partner in pipeline project says

- The Roanoke Times – 2/22/22

https://roanoke.com/news/local/mountain-valley-facing-greater-uncertainty-lead-partner-in-pipeline-project-says/article_2b3fbf44-93ec-11ec-ab47-1f007a93d4e2.html

Related:

- <https://www.virginiamercury.com/blog-va/equitrans-says-its-still-committed-to-mountain-valley-pipeline-but-completion-date-uncertain>

The Mountain Valley Pipeline Can Never Be Completed— Time For Everyone to Admit It

- Common Dreams – 2/19/22

<https://www.commondreams.org/views/2022/02/19/mountain-valley-pipeline-can-never-be-completed-time-everyone-admit-it>

The federal and state agencies must realize that the sooner this project is canceled, the sooner repair can begin.

Developers halt Va. natural gas pipeline

- E&E News – 2/15/22

<https://www.abralliance.org/wp-content/uploads/2022/02/Chickahominy-pipeline-developers-suspend-project-EE-News-2-15-22.pdf>

PJM Interconnection’s decision to drop the Chickahominy power plant from its interconnection queue puts that project in jeopardy and potentially eliminates the need for a pipeline, whose sole reason for existence was to supply that power plant.

Air and water board bills hurt businesses and communities

- Virginia Mercury – 2/21/22

<https://www.virginiamercury.com/2022/02/21/air-and-water-board-bills-hurt-businesses-and-communities/>

Related:

- https://richmond.com/news/state-and-regional/va-senate-democrats-pass-gop-bill-to-remove-power-of-citizen-environmental-boards/article_3a0a60df-fea9-584a-984e-88de0a8be1ef.html

- <https://www.virginiamercury.com/2022/02/10/bill-to-strip-state-environmental-boards-of-permitting-authority-is-a-big-mistake/>

Planned wind farm in Botetourt County again looking for a buyer of its renewable energy

- The Roanoke Times – 2/23/22

https://roanoke.com/news/local/planned-wind-farm-in-botetourt-county-again-looking-for-a-buyer-of-its-renewable-energy/article_37242340-94d2-11ec-8b78-1748f9df8e58.html

Dominion Energy Plans to Put New Coal Ash Landfill on Potomac River

- Chesapeake Bay Magazine – 2/21/22
<https://chesapeakebaymagazine.com/dominion-energy-plans-to-put-new-coal-ash-landfill-on-potomac-river/>

Big Picture:

E.U. will unveil a strategy to break free from Russian gas, after decades of dependence

- The Washington Post – 2/23/22
<https://www.washingtonpost.com/climate-environment/2022/02/23/russia-ukraine-eu-nordstream-strategy-energy/>
Ukraine crisis has pushed Europe toward renewables – but will the change come quickly enough?

FERC issues 'historic' overhaul of pipeline approvals

- E&E News – 2/18/22
<https://www.abralliance.org/wp-content/uploads/2022/02/FERC-issues-historic-overhaul-of-pipeline-EE-News-2-18-22.pdf>
Under the revisions to the certificate policy statement approved yesterday, the commission must weigh all of the benefits against all of the adverse impacts. Manchin, of course, thinks it's outrageous.
Related:
- https://www.bdtonline.com/news/manchin-blast-changes-in-ferc-pipeline-approval-process/article_70fabdc8-9111-11ec-810b-6734675942e6.html

Climate change is intensifying Earth's water cycle at twice the predicted rate, research shows

- The Guardian – 2/24/22
<https://www.theguardian.com/environment/2022/feb/24/climate-change-is-intensifying-earths-water-cycle-at-twice-the-predicted-rate-research-shows>

Supreme court case could restrict Biden's effort to tackle climate crisis

- The Guardian – 2/24/22
<https://www.theguardian.com/environment/2022/feb/24/supreme-court-case-biden-climate-crisis>
Court to hear West Virginia case that takes aim at EPA's ability to issue strict rules to curb pollution from fossil fuel power stations

Duke Energy Eyeing Coal Phaseout by 2035

- Power Magazine – 2/17/22
<https://www.powermag.com/duke-energy-eyeing-coal-phaseout-by-2035/>
Duke Energy, the nation's largest power producer, will dramatically slash coal generation's share from the current 22% of total generation to 5% by 2030 and achieve a full phaseout of unabated coal by 2035.

US' largest grid operator greenlights lead-off plan to wire-in renewable plant 'better, faster'

- Recharge – 2/11/22

<https://www.rechargenews.com/energy-transition/us-largest-grid-operator-greenlights-lead-off-plan-to-wire-in-renewable-plant-better-faster/2-1-1166745>

Pennsylvania-based PJM aims at strategy to speed addition of new wind and solar projects – and help clear its massive 225GW backlog – as nation develops transmission system 'of the future'

US offshore wind auction attracts record-setting bids

- Al Jazeera – 2/23/22

<https://www.aljazeera.com/economy/2022/2/23/update-2-u-s-offshore-wind-auction-attracts-record-setting-bids>

The auction marks the US effort to bolster renewable energy development projects – it has lagged behind Europe.