



## ABRA Update #329 – March 25, 2022

### Issue Highlights . . .

- FERC approves restoration plan for ACP
- ABRA to publish a chronicle of the 6-year fight against the ACP
- 4th Circuit declines to rehear on Forest Service decision on MVP
- Shenandoah Mountain Scenic Area a step closer to reality
- *In the News* – page 3

## FERC approves restoration plan for ACP

The Federal Energy Regulatory Commission (FERC) approved at its March 24 meeting a restoration plan for the Atlantic Coast Pipeline (ACP) and for the associated Supply Header Project (SHP). The restoration of the ACP route will be the responsibility of the Atlantic Coast Pipeline, LLC (Atlantic), while the SHP restoration will be the responsibility of the Eastern Gas Transmission and Storage, Inc. (EGTS), the firm that purchased from Atlantic the SHP project after the cancellation of both projects. (Click [here](#) for background story on the ACP restoration plan that was submitted to FERC.)

In approving the plan submitted by Atlantic Coast Pipeline, LLC in January 2021, FERC rejected the request that ABRA and many of its members made for the Commission to make as a condition of plan approval a requirement that easements acquired for the project be relinquished to affected landowners so that they would once again have full use of their property. The Commission's Order on the restoration plan addressed that issue, as follows:

“Several landowners, citizen groups, and individuals filed protests and adverse comments on the Restoration Plans due to Atlantic’s and EGTS’s intention not to commit to voluntarily relinquish all easements acquired for the projects but to determine disposition on a case-by-case basis upon completion of restoration. Commenters explain that the existence of easements, on many of which there has been no tree felling or ground disturbance, inhibit the landowner’s ability to enjoy, develop, and sell their land, and diminish property values and, thus, tax assessments, to the detriment of the local economy.”

\*\*\*

“While we acknowledge the concerns raised by landowners and others, we find that imposing conditions governing disposition of the easements is not required to ensure the proposed restoration is in the public convenience and necessity. In addition, as a practical matter the Commission’s ability to impose conditions on Atlantic’s and EGTS’s pending request is limited. “

The complete text of the Commission’s Order is available [here](#).

Stay informed, like us on Facebook.



Support ABRA financially

**GiveNow**

## **ABRA to publish a chronicle of the 6-year fight against the ACP**

ABRA will publish this month a paper that chronicles the effort to stop the Atlantic Coast Pipeline (ACP) from being constructed.

*The Fight Against the Atlantic Coast Pipeline: A Chronicle* describes in detail significant developments associated with the opposition effort against the Atlantic Coast Pipeline, from when the project was first proposed by Dominion Energy in early 2014 until its cancellation on July 5, 2020. The 170-page paper is not an analysis of the opposition effort against the ACP, but rather a documentation of significant developments during the fight against the project. It is intended to be a resource for analysis.

The more than 400 individual entries in the paper include links to regulatory documents, legal challenges, court decisions, news articles and other material deemed relevant to the effort to oppose the project.

A link to paper will be sent to the *ABRA Update* mailing list early next week.

## **4<sup>th</sup> Circuit declines to rehear on Forest Service decision on MVP**

An appeal by Mountain Valley Pipeline (MVP) for the Fourth Circuit Court of Appeals to reconsider the decision of a three-judge panel to vacate the Forest Service permit for the project was rejected by Court on March 25. This leaves the MVP the option, should it choose to pursue it, to appeal to the U.S. Supreme Court. Click [here](#) an earlier *ABRA Update* story on the Fourth Circuit opinion.

The MVP also had requested that the Fourth Circuit rehear the three-judge panel's rejection of the Biological Opinion from the U.S. Fish and Wildlife Service for the project, but the Court has not yet rendered a judgment on that request.

## **Shenandoah Mountain Scenic Area a step closer to reality**

Virginia Senators Tim Kaine and Mark Warner introduced on March 23 the Shenandoah Mountain Act of 2022, which would designate more than 92,000 acres of the George Washington National Forest as the Shenandoah Mountain National Scenic Area (SMNSA). If enacted, the National Scenic Area would preserve some of the nation's most spectacular vistas, and more than 150 miles of trails on the western edge of the Shenandoah Valley. For more on the new legislation the SMNSA, click [here](#).

Kudos to Lynn Cameron and the Friends of Shenandoah Mountain for their relentless efforts over many years to preserve the beauty of this very special part of Virginia and the Eastern United States.

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

### **Regional Issues**

#### **With construction at a standstill, Mountain Valley Pipeline looks for solutions**

- The Roanoke Times – 3/20/22  
[https://roanoke.com/news/local/with-construction-at-a-standstill-mountain-valley-pipeline-looks-for-solutions/article\\_1cbd5ea2-a6f9-11ec-8182-9b5cd834a6a2.html](https://roanoke.com/news/local/with-construction-at-a-standstill-mountain-valley-pipeline-looks-for-solutions/article_1cbd5ea2-a6f9-11ec-8182-9b5cd834a6a2.html)
- Maybe this is what they are counting on:
- <https://www.bloomberg.com/news/articles/2022-03-10/manchin-pushes-defense-production-act-for-natural-gas-pipeline>

#### **Chickahominy Power cancels plans for natural gas plant in Charles City**

- Virginia Mercury – 3/17/22  
<https://www.virginiamercury.com/blog-va/chickahominy-power-cancels-plans-for-natural-gas-plant-in-charles-city/>
- The developers cited “opposition from outside interests and regulations” that “made it impossible to deliver natural gas to the site.”

#### **Sierra Club Virginia Chapter Requests Moratorium on Land-disturbing Activities in Candy Darter Critical Habitats**

- Appalachian Mountain Advocates/Sierra Club – 3/14/22  
<https://www.abralliance.org/wp-content/uploads/2022/03/Sierra-request-for-land-disturbing-moratorium-in-Candy-Darter-habitats-3-14-22.pdf>
- Letter requests that the George Washington and Jefferson National Forests halt any activities that might further endanger the Candy Darter until the current conditions of its habitat in areas impacted by such activities can be determined.

#### **Rocky Forge Wind Project Becomes Can Kicked Down The Road**

- The Virginian Review – 3/15/22  
<https://virginianreview.com/210007/>
- Related:
- <https://virginianreview.com/209615>

#### **Coal country crawfish get critical habitat protections**

- E&E News – 3/14/22  
<https://www.abralliance.org/wp-content/uploads/2022/03/Coal-country-crawfish-get-critical-habitat-EE-News-3-14-22-2.pdf>
- The Fish and Wildlife Service has designated 446 stream miles of critical habitat for the Guyandotte River and Big Sandy crawfish, two vulnerable species that have vexed the Appalachian coal mining industry.

#### **Youngkin says RGGI won’t cut emissions. Critics say his own report shows he’s wrong.**

- Virginia Mercury – 3/18/22  
<https://www.virginiamercury.com/2022/03/18/youngkin-says-carbon-market-wont-work-to-cut-emissions-critics-say-his-own-report-shows-hes-wrong>

## Big Picture:

### Will War Make Europe's Switch to Clean Energy Even Harder?

- The New York Times – 3/22/22

<https://www.nytimes.com/2022/03/22/business/economy/ukraine-russia-europe-energy.html>

All policies that are crucial to weaning Europe off fossil fuels are likely to raise costs during the transition, an extremely difficult pill for the public and politicians to swallow.

### Energy Regulators Revamp Much-Criticized Gas Review Policy

- Bloomberg Law – 3/24/22

<https://news.bloomberglaw.com/environment-and-energy/energy-regulators-walk-back-much-criticized-gas-review-policy>

U.S. energy regulators walked back a much-debated policy that would take a harder look at natural gas infrastructure projects, inviting further public comment and promising to enforce it only on projects proposed after a policy is finalized.

### Coal Mining Emits More Super-Polluting Methane Than Venting and Flaring From Gas and Oil Wells, a New Study Finds

- Inside Climate News – 3/15/22

<https://www.abralliance.org/wp-content/uploads/2022/03/Coal-mines-emit-more-methane-than-oil-and-gas-wells-Inside-Climate-News-3-15-22.pdf>

### The world's forests do more than just store carbon, new research finds

- The Guardian – 3/24/22

<https://www.theguardian.com/environment/2022/mar/23/forests-climate-crisis-carbon-cooling-effect>

New data suggests forests help keep the Earth at least half of a degree cooler, protecting us from the effects of climate crisis.

### Ice shelf collapses in previously stable East Antarctica

- Associated Press – 3/25/22

<https://apnews.com/article/climate-science-new-york-new-york-city-antarctica-4f5f1817bff632e48e845d4638cc237>

### Can waste coal help build cellphones and rechargeable batteries?

- Cardinal News – 3/16/22

<https://cardinalnews.org/2022/03/16/can-waste-coal-help-build-cellphones-and-rechargeable-batteries>