



ABRA Update #330 – April 8, 2022

Issue Highlights . . .

- Questions on MVP's environmental impact continue in the courts
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Questions on MVP's environmental impact continue in the courts

Challenges to the environmental impacts of the Mountain Valley Pipeline (MVP) have continued in the past week in two federal court proceedings.

On April 1, the Fourth Circuit Court of Appeals refused an appeal by the pipeline's owners to reconsider before the full Court the January 25 decision by a three-judge panel to strike down the Biological Opinion issued for the MVP by the U.S. Fish and Wildlife Service. This follows a decision by the Fourth Circuit on March 25 to decline a similar request to rehear a three-judge panel's decision – also issued on January 25 – to vacate the permit issued by the U.S. Forest Service for the MVP to cross the Jefferson National Forest. The MVP owners are left with the option of appealing the Fourth Circuit rulings to the U.S. Supreme Court. For an earlier *ABRA Update* article on these cases, click [here](#).

On April 7, the U.S. Court of Appeals for the District of Columbia heard oral arguments in a case brought by the Sierra Club, an ABRA member, against the Federal Energy Regulatory Commission (FERC) on a request for a two-year extension of the certificate that had been issued by FERC to build the MVP. The three-judge panel hearing the case sharply questioned attorneys representing MVP and FERC.

An example of such judicial scrutiny was the question asked by Judge Patricia Millett about claims that increased sediment from the project was due to abnormally high rainfall in 2018:

“When the commission say that this terrible environmental problem was the result of something, does it have an obligation before it makes that statement to do a causal analysis?”

For more on the DC Circuit argument, click [here](#). For an audio recording of the April 7 argument on Sierra Club v. FERC, click [here](#).

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The Fight Against the Atlantic Coast Pipeline: A Chronicle

ABRA released on March 29 a paper documenting the most significant developments of the more than six- year opposition effort to the Atlantic Cost Pipeline (ACP). *The Fight Against the Atlantic Coast Pipeline: A Chronicle* provides details of 400 individual developments of the ACP fight, with over 500 links to regulatory documents, legal challenges, court decisions, news articles and other material deemed relevant to the effort to oppose the project. The paper is not an analysis of the opposition effort against the ACP but is intended to be a resource for analysis. It may be accessed at: https://www.abralliance.org/ACP_Chronicle.pdf

In the News:

Regional Issues

In A David Versus Goliath Battle Between NGOs And A Pipeline Company, Goliath Is Losing

- Forbes – 4/2/22

<https://www.forbes.com/sites/stevebanker/2022/04/02/in-a-david-versus-goliath-battle-between-ngos-and-a-pipeline-company-goliath-is-losing>

The primary owner of MPV, Equitrans Midstream, admitted in the risks section of this year's annual report that "there is no guarantee that the MVP Joint Venture will ultimately receive all necessary authorizations ..." to complete this project.

Appeals court won't revisit decision to reject Mountain Valley Pipeline permit

- The Roanoke Times – 4/1/22

https://roanoke.com/news/local/appeals-court-wont-revisit-decision-to-reject-mountain-valley-pipeline-permit/article_5e2363b2-b1ff-11ec-bc46-9f17ce54ba39.html

Related:

- <https://www.abralliance.org/wp-content/uploads/2022/03/MVP-Southgate-drops-appeal-of-air-pollution-control-board-ruling-Pittsburgh-Business-times-3-29-22.pdf>

Natural gas pipeline expansion would pass through Suffolk

- Suffolk News-Herald – 4/5/22

<https://www.suffolknewsherald.com/2022/04/05/natural-gas-pipeline-expansion-would-pass-through-suffolk/>

Virginia Senators push for new National Scenic Area on Shenandoah Mountain

- NPR: WMRA – 3/30/22

<https://www.wmra.org/2022-03-30/virginia-senators-push-for-new-national-scenic-area-on-shenandoah-mountain>

The bill aims to protect one of the largest expanses of mostly un-roaded National Forest land in the eastern United States

Dominion agrees to study viability of Wise power plant that's not producing much power

- Virginia Mercury – 3/30/22

<https://www.virginiamercury.com/2022/03/30/dominion-agrees-to-study-viability-of-wise-coal-plant-which-is-not-producing-much-electricity/>

Sierra Club says ratepayers are paying millions for an uneconomic plant. Dominion says other factors have to be weighed.

Keep an eye on costs, but Virginia needs offshore wind

- Virginia Mercury – 4/1/22

<https://www.virginiamercury.com/2022/04/01/keep-an-eye-on-costs-but-virginia-needs-offshore-wind/>

Related:

- <https://www.usnews.com/news/best-states/virginia/articles/2022-03-29/ag-sees-risks-to-customers-from-costly-offshore-wind-farm>

More than 800 solar projects in Bay states stuck waiting for review

- Bay Journal – 4/4/22

https://www.bayjournal.com/news/climate_change/more-than-800-solar-projects-in-bay-states-stuck-waiting-for-review/article_71a4375a-af6a-11ec-9071-03d4665eb07b.html

Related:

- <https://www.solarpowerworldonline.com/2022/04/solar-developers-ready-to-meet-u-s-clean-energy-goals-the-grid-isnt/>

Big Picture:

UN warns Earth 'firmly on track toward an unlivable world'

- Associated Press – 4/4/22

<https://apnews.com/article/climate-united-nations-paris-europe-berlin-802ae4475c9047fb6d82ac88b37a690e>

Emissions in 2019 were about 12% higher than they were in 2010 and 54% higher than in 1990.

FERC details climate, environmental justice strategy

- E&E News – 4/1/22

<https://www.eenews.net/articles/ferc-details-climate-environmental-justice-strategy/>

Related:

- <https://www.ferc.gov/news-events/news/ferc-strategic-plan-sets-priorities-energy-infrastructure-participation>

Opponents warn of 'chaos' as Supreme Court revives Trump permit rule

- E&E News – 4/6/22

<https://www.abralliance.org/wp-content/uploads/2022/04/Supreme-Court-revives-Trump-permit-rule-EE-News-4-6-22-1.pdf>

The Supreme Court's decision today to reinstate a controversial Trump-era Clean Water Act permitting rule is raising concerns that states' and tribes' hands could be tied in how they review — and possibly deny — permits for everything from pipelines and mines to dams.

Misinformation is derailing renewable energy projects across the United States

- NPR – 3/28/22

<https://www.npr.org/2022/03/28/1086790531/renewable-energy-projects-wind-energy-solar-energy-climate-change-misinformation>

Despite 'Splashy' Net-Zero Vows, Big Banks Dumping Trillions Into Fossil Fuels

- Common Dreams – 3/30/22

<https://www.commondreams.org/news/2022/03/30/despite-splashy-net-zero-vows-big-banks-dumping-trillions-fossil-fuels>

With Wall Street banks leading the charge, these financial institutions are directly complicit in undermining a climate-stable future for us all.

IEEFA: Analysis finds U.S. can increase LNG shipments to Europe without building new facilities

- IEEFA – 4/6/22

<https://ieefa.org/ieefa-analysis-finds-u-s-can-increase-lng-shipments-to-europe-without-building-new-facilities>

Balancing act required for LNG to meet Europe gas needs without jeopardizing long-term climate goals.

We have the tools to save the planet from climate change. Politics is getting in the way, new IPCC report says

- NPR – 4/4/22

<https://www.pbs.org/newshour/science/we-have-the-tools-to-save-the-planet-from-climate-change-politics-is-getting-in-the-way-new-ipcc-report-says>