



## *ABRA Update #103 – October 27, 2016*

### **Two Weeks Until the Summit: REGISTER NOW!**

The Saturday, November 12 Pipeline Summit, co-sponsored by the Allegheny-Blue Ridge Alliance and the Protect Our Water, Heritage Rights coalition, is showing strong early registration. The event will be held at the Natural Bridge Hotel and Conference Center, located, 20 minutes south of Lexington, VA (Exit 175 coming from the south; Exit 180A coming from the north). Make sure you don't miss this important gathering on the status and future of the proposed Mountain Valley Pipeline and Atlantic Coast Pipeline. Sessions begin at 10 am (with checking and coffee available at 9 am) and conclude by 4 pm. To register, click [here](#).

Spread the word about the Summit. Reproduce and distribute to your respective mailing lists the [flyer on the last page of this issue of Update](#).

### **Summit to Feature Post-Election Analysis**

“The Policy Landscape After November 8” will be one of the subjects addressed at the morning plenary session at the November 12 Pipeline Summit. The panel discussion will explore how the November 8 elections results will impact public policy decisions affecting pipelines and related issues at the state and national levels in 2017 and beyond. Participants will be:

- Michael E. Dunn, Chairman & CEO of Dunn Associates, a political involvement and government affairs consulting firm based in Arlington, VA that specializes in working with clients in developing grassroots lobbying and political training/education programs at the federal and state levels. Mike is recognized as a leading expert on the America political system and is a sought-after speaker throughout the United States.
- Emily Francis, Interim Executive Director, Virginia Conservation Network. Emily is an advocate, organizer, fundraiser and strategist who has worked with nonprofits for the last 17 years, most recently with the Southern Environmental Law Center, Virginia League of Conservation Voters and Chesapeake Bay Foundation.
- Angie Rosser, Executive Director, West Virginia Rivers Coalition. Angie has a background of working in West Virginia on social justice issues in the non-profit sector. Her experience involves policy advocacy, community organizing, coalition building and program administration.

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**For questions about Update items, contact:**

Articles – Lew Freeman, [lewfreeman@gmail.com](mailto:lewfreeman@gmail.com)

In the News – Dan Shaffer, [dshaffer@abralliance.org](mailto:dshaffer@abralliance.org)

- Hope Taylor, Executive Director, Clean Water for North Carolina. Before joining NCCW in 1999, Hope taught college chemistry and biology in the Durham, NC area. She has 20 years of work as a basic biomedical researcher at the National Institutes of Health and Duke University

The Summit will begin at 10 am with a panel discussing “The ACP and MVP: Where We Are, Where We’re Headed,” featuring: Joe Lovett, Appalachian Mountain Advocates; Greg Buppert, Southern Environmental Law Center; and Rick Webb, Dominion Pipeline Monitoring Coalition. The morning session will conclude with a panel presentation on “The Need for Property Rights Reform” featuring: Larry Shapiro, Rockefeller Family Fund; Richard Averitt, Nelson County, VA landowner; and Kate Wofford, Shenandoah Valley Network.

The afternoon session will feature remarks by Jane Kleeb of Bold Alliance, a preview of a new video “Troubled Waters” produced by Voices From Bath, and breakout sessions on “Why new pipelines are not necessary,” “Improving effectiveness in coalition and grassroots work,” “The DEIS process,” and “Water Resource and Geohazard Issues.” The Summit will conclude by 4 pm.



Francis Taylor Dunn Rosser

## Forest Service Requests High-Hazard Specifics for ACP

A request for specific plans to deal with high-hazard locations on or near National Forest lands along the proposed Atlantic Coast Pipeline (ACP) was submitted by the National Forest Service (NFS) on October 24. [The submission to the Federal Energy Regulatory Commission \(FERC\)](#) noted that the ACP “would cross some very challenging terrain in the central Appalachians” and that the route traverses “steep slopes, presence of headwater streams, geologic formations with high slippage potential, highly erodible soils, and the presence of high-value natural resources downslope of high hazard areas” that “are exacerbated by high annual rates of precipitation and the potential for extreme precipitation events.”

The NFS letter notes that “similar hazards on other smaller pipeline projects in the central Appalachians have led to slope failures, erosion and sedimentation incidents, and damage to aquatic resources” and that the agency “is concerned that crossing such challenging terrain with a much larger pipeline could present a high risk of failures that lead to resource damage.”

The ACP has previously proposed implementing “best in class” slope stabilization and erosion/sedimentation control measures, but the NFS is asking that “documentation of the effectiveness of these techniques” be provided. Six high-hazard locations in the George Washington National Forest and four in the Monongahela National Forest are identified in the filing. It is indicated that additional high-hazard areas may be addressed.

Specifically, the ACP has been asked to present designs for the selected sites that clearly illustrate the following:

- Anticipated hazards at each site;
- How the hazards will be minimized, to include specific techniques and materials tailored to the conditions of each site;

- Plan and profiles (cross section(s) perpendicular to centerline, and a longitudinal cross section along the centerline) with dimensions (feet) showing 1) the original ground surface, 2) the maximum extent of the cut, fill and spoil during construction, 3) the post-construction reclaimed ground surface, showing reclamation backfill, reclaimed slopes, and the permanent right-of-way;
- Short-term and long-term measures (i.e., construction vs. operation and maintenance periods);
- Provisions for ensuring that long-term stabilization features will remain in place and effective over the life of the project, without the need for continual maintenance;
- Rationale and supporting documentation for the likelihood that the techniques and materials used at each site will be effective; and
- Potential resource impacts in the event of a failure, and how the potential for such impacts will be minimized.

### FERC Raises More Hard Questions About the ACP

Dominion has once again been sent back to its room to redo its homework! In an [October 26 request for further information](#) from Dominion Transmission, Inc. (DTI), managing partner for the Atlantic Coast Pipeline (ACP), the Federal Energy Regulatory Commission (FERC) made 69 specific requests, several of which suggesting that there continues to be dissatisfaction with the adequacy of the information being provided by DTI about how it would build the ACP. The agency has requested responses from DTI by November 15.

Among the requests, most of which deal with water and karst issues, were the following:

- In order to determine the combined impacts of the various proposed construction activities on each waterbody, FERC consolidated the various waterbody-related tables (appendices 2A, 2B, 2C, I, table 2.6-2) filed by Atlantic and DTI on April 15, 2016, and table 20-1 (potential blasting in waterbodies) filed on July 1, 2016. Through this process, we have identified a multitude of inconsistencies detailed below, and request that Atlantic and DTI conduct a thorough and careful review of the waterbody crossing information provided in the table requested above to correct these inconsistencies. (*Note the language in bold and underlined. Implies that FERC doesn't trust DTI to do a "thorough and careful review."*) – Information request #3
- Provide a response to comments and reports (William K. Jones: *Hydrogeologic Setting of Little Valley at Bolar, Bath County, Virginia*; and Richard A. Lambert: *Assessments of Four Karst Systems in Highland-Bath Counties, Virginia along the GWNF-6 Route*) filed by Jeannette B. Robinson on September 12, 2016 (Accession No. 20160912-5625) and Intervenor Motion filed on September 23, 2016 (Accession No. 20160923-5265). (*Evidence that FERC staff has actually read some of the fine print of submissions.*) - #8
- Discuss how the creation of forest edge or fragmentation would affect habitat and wildlife, including potential impacts on federally-listed threatened and endangered species and migratory birds. Describe measures that would be implemented to avoid, minimize, or mitigate impacts on interior/core forest habitat. - #13
- Provide an updated Karst Mitigation and Monitoring Plan developed in coordination with the appropriate agencies that takes into account unknown underground features, porosity, and connectivity of these subterranean systems, and the potential implications to subterranean obligate species. - #16
- Describe the potential impacts of natural gas being drawn into a cave system due to barometric changes and methane dissolution into groundwater in the event of a natural gas leak. - #44

- Provide a landslide mitigation plan that describes the BMPs (Best Management Practices) to be utilized in landslide/debris flow prone areas to mitigate for the hazard during construction and to maintain the structural integrity of the pipeline during operation. - #50
- File documentation that Atlantic is not precluded from establishing an easement for the ACP on each Virginia Outdoors Foundation (VOF) easement crossed. Atlantic should also identify any specific construction, restoration, and/or operation mitigation measures identified by the VOF that would be implemented to promote compatibility with the purpose and values of the easements. *(This request presents DTI with a bit of a dilemma. The VOF has indicated it will not consider the company's easement swap request for the ACP until its next VOF Board meeting, scheduled for February 9, 2017. That is 12 weeks after FERC's deadline for responses to these requests!)* - #66

## **Buckingham County Planners Defer Action on Compressor Station Permit**

A decision on a special use permit request for the Atlantic Coast Pipeline (ACP) Buckingham County compression for was deferred until at least November 21. The Buckingham County Planning Commission, meeting on October 24, was to have voted on the permit after two public hearings on the proposal that occurred on September 26 and October 17. Instead, the Planning Commission raised several sharp questions with Dominion Transmission, Inc. representatives about the safety of the proposed compressor station. It unanimously voted to establish a subcommittee to review proposed conditions (32 have been established so far) that should be met before the Commission can agree to issue a special use permit for the facility. Jeeva Abbate of Yogaville Environmental Solution (YES) observes that “some conditions will be challenging if not impossible for Dominion to meet.” For more on this development, click [here](#).

Big kudos to YES and Friends of Buckingham for their significant efforts in fighting the compressor station.

## **EPA Seeks Climate Dialogue with EPA on Natural Gas Pipelines**

The U.S. Environmental Protection Agency (EPA) has asked the Federal Energy Regulatory Agency for a high-level meeting to discuss more comprehensive climate reviews of proposed natural gas pipelines. In an [October 24 article in Greenwire](#), Ken Westlake, who heads the National Environmental Policy Act section of EPA's Region 5 Office in Chicago, says:

We as an agency think they need to take a more comprehensive approach to analyzing greenhouse gas emissions for natural gas projects. There have been a number of new pipelines or extended pipelines proposed to cross the country this year, and this particular letter represents us saying to FERC, “We really need to talk comprehensively about FERC's approach to greenhouse gas analysis in their NEPA documents.” We have not received any reply from FERC.

## **MVP Public Comments on DEIS to be Received Beginning Next Week**

A series of public sessions conducted by the Federal Energy Regulatory Commission (FERC) to receive verbal comments on the Draft Environmental Impact Statement for the Mountain Valley Pipeline will be held at seven locations beginning next week. The comments will be taken on a one-by-one basis by a stenographer, a format used by FERC earlier this year when it received verbal comments during the scoping period for the alternative route used for the Atlantic Coast Pipeline (GWNF-6).

The comment sessions will be held from 5 to 8 pm on the following days at the locations indicated below:

Tuesday, November 1	Chatham High School, Chatham, VA Lewis County High School, Weston, WV
Wednesday, November 2	Franklin County High School, Rocky Mount, VA Nicholas County High School, Summersville, WV
Thursday, November 3	Sheraton Hotel, Roanoke, VA Peterstown Elementary School, Peterstown, WV
Wednesday, November 9	California Area High School, Coal Center, PA

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

### **Local/Atlantic Coast Pipeline**

#### **Forest Service questions ‘best-in-class’ measures**

- The Recorder – 10/27/16  
[http://www.abralliance.org/wp-content/uploads/2016/10/Forest\\_Service\\_questions\\_best-in-class\\_measures-Recorder\\_20161027.pdf](http://www.abralliance.org/wp-content/uploads/2016/10/Forest_Service_questions_best-in-class_measures-Recorder_20161027.pdf)  
Forest Service skeptical of yet-to-be-designed “best-in-class” mitigation measures

#### **Pipeline construction on mountains spells degradation**

- The Recorder – 10/27/16  
[http://www.abralliance.org/wp-content/uploads/2016/10/Pipeline\\_construction\\_on\\_mountains\\_spells\\_degradation-Recorder\\_20161027.pdf](http://www.abralliance.org/wp-content/uploads/2016/10/Pipeline_construction_on_mountains_spells_degradation-Recorder_20161027.pdf)  
There is just no way around it...pipeline construction in these environments is incredibly destructive

#### **Film on pipeline effects in Bath County debuts Friday**

- The Recorder – 10/27/16  
[http://www.abralliance.org/wp-content/uploads/2016/10/Film\\_on\\_pipeline\\_effects\\_in\\_Bath\\_County\\_debuts\\_Friday-Recorder\\_20161027.pdf](http://www.abralliance.org/wp-content/uploads/2016/10/Film_on_pipeline_effects_in_Bath_County_debuts_Friday-Recorder_20161027.pdf)  
Film presentation of “Troubled Water: Voices From Bath” will be held on Friday, Oct. 29, in Charlottesville

#### **The Atlantic Coast Pipeline Could Be the East Coast’s DAPL**

- Care2 – 10/22/16  
<http://www.care2.com/causes/the-atlantic-coast-pipeline-could-be-the-east-coasts-dapl.html#>

### **Regional/Mountain Valley Pipeline, other**

#### **Virginia utility accused of inflating demand in Clean Power Plan forecast**

- Southeast Energy News – 10/26/16  
<http://southeastenergynews.com/2016/10/26/advocates-virginia-utilitys-plan-overestimates-future-demand/>  
Dominion did not include out-of-state power purchases as option, used 30-year old prediction model in its IRP

## Letter criticizes FERC impact statement

- The Register-Herald – 10/24/16

[http://www.register-herald.com/news/letter-criticizes-ferc-impact-statement/article\\_8fa9b113-c25b-5290-a00e-d80aa7264a28.html](http://www.register-herald.com/news/letter-criticizes-ferc-impact-statement/article_8fa9b113-c25b-5290-a00e-d80aa7264a28.html)

FERC continues its pattern of essentially denying informed public participation in pipeline projects

## Zoecklein: Questions and answers about the pipeline (part 1)

- Roanoke Times – 10/23/16

[http://www.roanoke.com/opinion/commentary/zoecklein-questions-and-answers-about-the-pipeline-part/article\\_63ded01d-1ef1-5920-87dc-15575ed0d469.html](http://www.roanoke.com/opinion/commentary/zoecklein-questions-and-answers-about-the-pipeline-part/article_63ded01d-1ef1-5920-87dc-15575ed0d469.html)

## Big Picture:

### EPA steps up pressure on FERC over new pipeline assessment

- State Impact PA – 10/26/16

<https://stateimpact.npr.org/pennsylvania/2016/10/26/epa-steps-up-pressure-on-ferc-over-new-pipeline-assessment/>

Failure to comply with GEQ guidelines a “significant omission”

### Another U.S. Regulator Joining Utility Revives Watchdog Concerns

- Bloomberg – 10/22/16

<http://www.bloomberg.com/news/articles/2016-10-20/another-u-s-regulator-joining-utility-revives-watchdog-concerns>

And the revolving door continues to spin...

### US FERC 'cautiously optimistic' on winter gas/electric markets

- Platts – 10/20/16

<http://www.platts.com/latest-news/electric-power/washington/us-ferc-cautiously-optimistic-on-winter-gaselectric-21848237>

### More Northeast Natural Gas Pipeline Capacity Brings Questions

- Forbes – 10/23/16

<http://www.forbes.com/sites/judeclemente/2016/10/23/more-northeast-natural-gas-pipeline-capacity-brings-questions/#4e8eeae03277>

More pipelines, connection to the global market and higher domestic gas consumption equal higher gas prices...it's simple math

### The Dirty Energy Bullies

- Jacobin Magazine – 10/26/16

<https://www.jacobinmag.com/2016/10/climate-change-utilities-renewable-energy-coal/>

Energy efficiency and renewables directly threaten utilities' business model...and they are fighting back

### Connecticut pulls out of effort to expand natural gas capacity

- The Register Citizen – 10/26/16

<http://www.registercitizen.com/article/RC/20161026/NEWS/161029652>

Along with Rhode Island several weeks ago...throwing a major wrench in plans for cost-sharing of new infrastructure

### How Far Will North Dakota Go to Get This Pipeline?

- Yes Magazine – 10/23/16

<http://www.yesmagazine.org/how-far-will-north-dakota-go-to-get-this-pipeline-20161023>

Pretty much as far as they need to it seems...

Related:

- <http://www.latimes.com/nation/la-na-pipeline-protest-20161024-snap-story.html>

### Clinton or Trump? On Energy, the Choice Is Natural Gas

- JD Supra – 10/26/16

<http://www.jdsupra.com/legalnews/clinton-or-trump-on-energy-the-choice-72795/>

Meet the new boss...same as the old boss?



***BE SURE TO ATTEND THE***  
**PIPELINE SUMMIT**

Co-Sponsored by  
**Allegheny-Blue Ridge Alliance**  
**Protect Our Water, Heritage, Rights**

**Saturday, November 12, 2016**

**Natural Bridge Hotel and Conference Center**  
**Natural Bridge, VA**  
20 minutes south of Lexington, VA on U.S. Rt. 11  
(I-81 Exit 175 from the south, Exit 180A from the north)

**10 am to 4 pm** (check-in begins at 9 am)

**Featuring panels and discussions on:**

Remarks by Jane Kleeb of the Bold Alliance

ACP and MVP: Where We Are, Where We're Headed

The Policy Landscape After November 8

The Need for Property Rights Reform

Why New Pipelines Are Not Necessary

Improving Effectiveness in Coalition and Grassroots Work

Water Resource and Geohazard Issues

FERC's DEIS Process

Preview of the new video "Troubled Waters"

***REGISTER AT:***  
**<http://www.abralliance.org>**