



ABRA Update #83 – June 9, 2016

VA Game and Inland Fisheries Voices Concerns, Recommendations on ACP

A litany of concerns and recommended actions for the proposed Atlantic Coast Pipeline (ACP) have been cited by the Virginia Department of Game and Inland Fisheries (VDGIF) in a [June 1 letter](#) to William Scarpinato of Dominion Resources Services that was also filed with the Federal Energy Regulatory Commission. The VDGIF letter, signed by Raymond Fernald, Manager of Environmental programs for the agency, offers extensive comments regarding wildlife species and resources under its jurisdiction that are known to exist within 2 miles of the proposed pipeline, access roads, compressor stations, and contractor yards. It cites a list of several threatened or endangered species that have been documented to be potentially affected by construction of the ACP. Included are several species of bats and mussels.

The VDGIF exercises enforcement and regulatory jurisdiction over Virginia's wildlife and freshwater fish (excluding insects). It is responsible for determining likely impacts upon fish and wildlife resources and habitat, and to recommend appropriate measures to avoid, reduce or compensate for those impacts.

After citing numerous concerns and recommendations to the ACP, the VDGIF letter concludes:

“It is clear, simply based on the project scope, that a significant acreage of forested habitat will be lost through conversion to early successional habitat. Although such conversion from forested habitat to early successional habitat is not necessarily harmful to wildlife, it does require perpetual maintenance and is likely to result in significant forest fragmentation across the Commonwealth. Forest fragmentation results in loss of interior forested habitat, allows invasive species to colonize, and introduces new predator/prey relationships along the corridor and within adjacent habitats. We urge the applicant to consider these long-term impacts and to minimize them to the greatest extent possible by collocating the pipeline within already-disturbed utility corridors and early successional habitats.” (*emphasis added*)

Wild Virginia and DPMC Ask Governor McAuliffe to Form Citizens Panel

Formation of a citizen's advisory panel on the proposed Atlantic Coast and Mountain Valley pipelines was requested in a [June 7 letter](#) to Virginia Governor McAuliffe by ABRA member Wild Virginia. Wild Virginia President Ernie Reed said that such a panel was needed **“to hold discussions with members of your administration about the two major natural gas pipeline proposal.”** Continuing, Reed said:

“Our confidence in your commitment and that of your top officials to protect our communities and precious natural resources from the effects of these projects has been

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shaken. Please act as soon as possible **to restore the public's trust in your administration** in regard to these proposals.

“As you must know, neither of these pipelines may be built unless the State of Virginia first finds that our waters, air, and land will be fully protected. Surely you do not intend to cede the rights of Virginians to a federal body that has proven to hold the interests and concerns of our communities inferior to those of profit-making corporations.”

In a [June 8 letter](#) to Governor McAuliffe, the Dominion Pipeline Monitoring Coalition (DPMC) echoed the Wild Virginia request, noting that **“DPMC and other citizens have tried hard to have our voices heard and our interests considered in the Commonwealth's deliberations on the pipeline proposals but we feel we are not being afforded the respect and attention we deserve from members of your administration.”** David Sligh, DPMC Senior Regulatory Systems Investigator, noted:

“We have so far been met with silence from top officials, as have local governments who have sought your help to make sure water pollution risks are fully assessed by responsible Virginia agencies. Please help us break that silence.

“We are aware that other states have fulfilled their responsibilities with appropriate degrees of seriousness and attention and encourage you to learn from their examples.”

Continuing, Sligh said:

“We have been forced to rely on Freedom of Information Act (FOIA) requests and conversations with a few lower-level officials in the DEQ to gain any insight into the deliberations undertaken by Virginia agencies. We do not denigrate the efforts or intentions of those DEQ employees but feel that leaders in these agencies must support and demand a fuller process that includes the public as active partners. Such approaches are routinely followed in the adoption of environmental regulations and general permits in Virginia, where advisory committees are assembled almost as a matter of course.”

Scoping Comments Provide Compelling Arguments Against the ACP

The just-completed scoping period for the GWNF-6 alternative route for the Atlantic Coast Pipeline (through Randolph & Pocahontas Counties in WV, and Highland, Bath and Augusta Counties in VA) produced some outstanding comments about the devastating impact the route would have on the environment and the property and lives of affected landowners. Several of these comments have been posted on the [ABRA website](#). Some excerpts are below.

- Southern Environmental Law Center (on behalf of a client group):

An interstate pipeline cannot be sited through this region without significant environmental damage, and a comprehensive NEPA review is necessary for landowners, local communities, and local governments to understand the full scope of impacts from the Atlantic Coast Pipeline.

- Bill Limpert (Little Valley area of Bath County, VA):

A gas pipeline of this size has never been placed through such steep slopes and karst terrain as we have in Little Valley. In fact, Dominion representatives testified to the Augusta County Board of Supervisors that they would not put the pipe through Bath County because of the steep topography and the sinkholes. Slopes on both sides of the valley approach 80 % with many areas where the pipeline is proposed at 60%.

- Paul Kamienski, PhD ChE (Pocahontas County, WV):

Just to be clear on my position, I have worked in industry for many years, and I am not against progress per se, but this project provides no real benefits and only potentially major problems for the people of WV especially in rural areas like Pocahontas County. Hence, I STRONGLY OPPOSE the ACP through Pocahontas County on any of the suggested routes and especially on the Clover Lick route. I encourage FERC not to approve this pipeline through WV

- Ruth Selden-Sturgill (Bath County):

*The renewed balance in the rural Bath County business community is now at risk from the unfettered rush of corporate competition in the natural gas industry which lacks moderating oversight and has **no sympathy towards the nation's** desire to diversify its energy sources. Once again as in the 1930s when FERC was created, wild corporate speculation in one monopolizing industry threatens to plunder communities and usurp private property while dangerously committing the country to dependence on only one energy source.*

- The Nature Conservancy:

The overarching conclusion of the Nature Conservancy is that there remain a number of serious potential impacts in the mountain portion of the ACP alignment. This highlights the challenge of attempting to route a pipeline project through such a biologically diverse region with so much intact forest and high integrity rivers, streams, and cave and karst systems.

- Joseph Murray (Certified Utility Arborist, property owner in Williamsville, VA):

*It appears to me that there are serious issues with the proposed Atlantic Coast Pipeline in Bath County (Virginia) that have only been superficially addressed and not sufficiently satisfied to employ eminent domain. I believe the prudent approach would be to declare the justification for this proposed pipeline to be incomplete until a more comprehensive Programmatic Environmental Impact Study can be performed. **What's the rush? Haste makes waste. Let us not burden future generations with rushed decisions that they cannot afford and the environment cannot absorb.***

- Peggy Quarles (Pocahontas County and Charlottesville):

If a corridor is designated to accommodate the ACP through the High Alleghenies, it would impact not only the Forest Land covered by the plan, but the interspersed private lands connecting the fragmented areas which are owned by the Forest Service. How can one justify defining a utility corridor through the National Forest with such significant impacts on the surrounding private lands? It would significantly increase the impacts on private lands by increasing the amount of land affected. These property owners would need to respond to future applications each time the corridor was proposed to be used. This additional burden on private land owners adjacent to the Forest lands is difficult to justify.

ABRA Update readers wishing to have their comments posted on our website are urged to send them to lewfreeman@gmail.com.

In the News:

Local/Atlantic Coast Pipeline

Pipeline opponents plant 'seeds of resistance'

- The News & Advance – 6/6/16

http://www.newsadvance.com/news/local/pipeline-opponents-plant-seeds-of-resistance/article_6ad9d8c8-d2fd-5a60-b1c4-21526d1036f5.html

Taking another queue from the Keystone XL Resistance

Related:

<http://www.newsleader.com/story/news/local/2016/06/06/activists-plant-ceremonial-corn-against-pipeline/85491070/>

http://www.newsadvance.com/news/local/photos-pipeline-protest/collection_913d0e7c-2c97-11e6-bcab-3b71d889616b.html

Pipeline route 'prescription for disaster'

- The Recorder – 6/9/16

http://www.abralliance.org/wp-content/uploads/2016/06/Pipeline_route_prescription_for_disaster_Recorder_6-9-16.pdf

Highland County Cave Survey files paper with FERC, detailing sensitive karst features and species at risk

Bath residents rally against proposed pipeline

- The Recorder – 6/9/16

http://www.abralliance.org/wp-content/uploads/2016/06/Bath_landowners_rally_against_proposed_pipeline-Recorder_6-9-16.pdf

Residents eager to voice their concerns

Group fights pipeline plans

- The Rocky Mount Telegram – 6/5/16

<http://rockymounttelegram.com/News/2016/06/05/Group-fights-pipeline-plans.html>

More signs of life from North Carolina...and more potential allies

With environmental opposition looming, pro-labor group remains ardently supportive of Atlantic Coast Pipeline

- WV Metro News – 6/7/16

<http://wvmetronews.com/2016/06/07/with-environmental-opposition-looming-pro-labor-group-remains-ardently-supportive-of-atlantic-coast-pipeline/>

Despite constant examples to the contrary, WV labor group still selling idea of jobs, jobs, local jobs

Regional/Mountain Valley Pipeline, other

'Seeds of Resistance' tour aims to repel pipeline with planting of 'sacred corn'

- Roanoke Times – 6/7/16

http://www.roanoke.com/business/news/franklin_county/seeds-of-resistance-tour-aims-to-repel-pipeline-with-planting/article_56ddf14e-b7e2-5835-b77d-1b6e38a183de.html

MVP getting its own wall of sacred corn

Big Picture:

Developers face 'new reality' of protests, longer reviews

- E&E Greenwire – 6/3/16

<http://www.eenews.net/stories/1060038277>

For-Profit Pipelines Are Growing And So Are Eminent Domain Battles

- Climate Progress – 6/7/16

<http://thinkprogress.org/climate/2016/06/07/3784943/profit-pipelines-ignite-eminent-domain-battles/>

Increased build-out and legal conflicts prompting some states to consider bans on eminent domain for energy pipelines

Constitution Asks FERC to Dismiss New York Complaint

- RTO Insider – 6/6/16

<http://www.rtoinsider.com/constitution-pipeline-ferc-new-york-ag-27460/>

Calls out NY Attorney General, says claims are baseless

Inside one mountain town's struggle to move off coal

- E&E Climate Wire – 6/7/16

<http://www.eenews.net/stories/1060038374>

Asheville, NC an example that the energy transition facing same headwinds everywhere

Explosive LNG issues grab PHMSA's attention

- E&E Energy Wire – 6/7/16

<http://www.eenews.net/stories/1060038378>