



## ABRA Update #85 – June 24, 2016

### VOF Describes Process for Its Consideration of Pipeline Proposals

The Virginia Outdoors Foundation (VOF) has set forth the parameters of its consideration of proposals from the sponsors of the Atlantic Coast Pipeline (ACP) and the Mountain Valley Pipeline (MVP) for conversion of protected open space on 11 easements the agency holds. VOF is a public organization, created by the Virginia General Assembly in 1966. Consideration of the proposals, originally scheduled for the VOF Board meeting on June 30 has been re-scheduled to occur on September 29 in Richmond. The [VOF announcement](#), posted on its website June 16, states:

**“The applications, which were first shared with VOF’s Energy and Infrastructure Committee at a [May 26 public meeting](#) in Richmond, were submitted by the companies as part of a process related to requirements under [§ 10.1-1704 of the Code of Virginia](#). The law states that open space shall not be converted or diverted from open-space land use unless **‘(i) the conversion or diversion is determined by the public body to be (a) essential to the orderly development and growth of the locality and (b) in accordance with the official comprehensive plan for the locality in effect at the time of conversion or diversion and (ii) there is substituted other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the land converted or diverted and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted.’****”

**“This conversion-diversion process, as it’s known in Virginia’s land conservation community, has been utilized only 14 times in VOF’s 50-year history, usually for public infrastructure projects initiated by state agencies or county governments.**”

**“The ACP and MVP applications are unprecedented in both their number and size for a single project. In order to build the ACP pipeline, representatives from Dominion, one of the project partners, says it must permanently convert 68 acres of protected open space spread across 10 easements. Representatives for the MVP pipeline have said their project may convert 2.1 acres for pipeline construction on a 62-acre VOF easement in Montgomery County, although at the May 26 meeting they informed VOF that they are still looking for ways to avoid VOF easements entirely.”**

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)

[VOF has posted](#) an agenda for its June 30 meeting and copies of the written comments it has received so far regarding the easement swap issue. Those persons wishing to register their views with the VOF should direct their comments to: Ms. Stephanie Ridder, Chair, Board of Trustees Virginia Outdoors Foundation 39 Garrett Street, Suite 200 Warrenton, VA 20186. Electronic communications can be sent to Executive Director Brett Christina Glymph, [bglymph@vofonline.org](mailto:bglymph@vofonline.org). For those persons wishing to offer verbal comments at the June 30 VOF Board meeting, it will be held at in Senate Finance Room 3, General Assembly Building, 201 N 9th St, Richmond, VA 23219, June 30, beginning at 10:30 AM. The public comment period is the first item on the agenda.

## Pipeline Summit Follow-up

114 people, plus 5 media representatives, attended the April 23 Pipeline Summit held in Weyers Cave, VA. A survey was sent to attendees this week to assist in planning future ABRA meetings. The survey is available at <https://www.surveymonkey.com/r/FFK25PX>. Attendees are asked to respond to the survey by July 1.

As noted in the June 3 Update, Summit presentations are online at <http://www.abralliance.org/pipeline-summit-april-2016/>.

## DPMC Goes to the Top of the Army Corp of Engineers

The Dominion Pipeline Monitoring Coalition (DPMC) has been forced to go the top of the **U.S. Army Corp of Engineers' chain of command in its over 8-month attempt to schedule a meeting with Corp officials to discuss the agency's consideration of an application for a Clean Water Act section 404 permit for the Virginia portion of the Atlantic Coast Pipeline.** In a [June 21 letter](#) to Lt. General Todd T. Semonite, David Sligh, Senior Regulatory Systems Investigator, noted that the first request for a meeting took place on October 8, 2015 and was followed by another **request on May 24, 2016. Sligh said "we are puzzled and disheartened by the seemingly dismissive attitudes toward our requests and concerns."**

Section 404 of the Clean Water Act establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in U.S. waters regulated under this program include fill for development, water resource projects (such as dams and levees), mining projects and infrastructure development (such as highways, airports and pipelines). The ACP is required to have a Section 404 permit. Concluding, Sligh said:

**"You will surely understand that citizens who are affected by the Corps' actions in relation to these two permit applications are anxious to stay informed and to have our voices heard. Given that these applications have been before the Corps for months now, time is of the essence. I trust that you will not countenance the treatment we have been given, which we can only regard as a lack of consideration and respect for our interests. Common courtesy should command better. We believe we have a right to receive timely responses to our communications and unbiased decision-making from our public servants."**

## U.S. EPA Makes Strong Recommendations on a Pipeline Project

The U.S. Environmental Protection Agency (EPA) has raised serious questions and offered strong recommendations about aspects of a pipeline project in New York State that could be a template for its approach to the proposed Atlantic Coast (ACP) and Mountain Valley (MVP) Pipelines. In a [June 10 filing](#) with the Federal Energy Regulatory Commission (FERC), **the Chief of the Environmental Review Section of EPA's Region 2 Office made several suggestions to FERC regarding its preparation of an Environmental Assessment (EA) of the**

**proposed Millennium Pipeline Company's Eastern System Upgrade.** (Note: The ACP and MVP are subject to a more comprehensive Environmental Impact Statement being prepared because of the size of each project.) Among the EPA's recommendations:

- A full discussion of the purpose and need of the proposed project which quantifies energy demand and the need for such facilities in the region;
- An evaluation of the alternatives to the proposed project, including reasonable alternatives not within the jurisdiction of the lead agency;
- A comprehensive evaluation of cumulative, indirect, and secondary impacts. The cumulative impacts analysis should consider the environmental impacts of the project as a whole, and, if any, as one of a number of the other proposed and/or approved actions in the area that would have the potential to impact the same resources;
- EPA recommends that FERC include an estimate of the direct and indirect greenhouse gas (GHG) emissions caused by the proposal, a discussion of the incremental impacts of the estimated GHGs, and an analysis of reasonable alternatives and/or practicable mitigation measures to avoid, reduce, or compensate for GHG emissions caused by the proposal.
- EPA recommends that FERC provide a summary discussion of climate change and ongoing and reasonably foreseeable effects of climate change relevant to the project and the project study area relevant to the proposal, based on U.S. Global Change Research Program assessments;
- Suggest that a portion of the EA discuss the safety aspects of proposed compressor stations; and
- All pollution prevention practices for pipeline construction and operations should be discussed in the EA.

### *In the News:*

## Local/Atlantic Coast Pipeline

Sierra Club letter details potential Atlantic Coast Pipeline antitrust violations

- Augusta Free Press – 6/24/16

<http://augustafreepress.com/sierra-club-letter-details-potential-atlantic-coast-pipeline-antitrust-violations/>

Monopoly on the market, locked-in ratepayers incentivize Dominion to build, build, build...more fossil fuel infrastructure

Majority of respondents protest pipeline

- The Recorder – 6/23/16

[http://www.abralliance.org/wp-content/uploads/2016/06/Majority\\_of\\_respondents\\_protest\\_pipeline-Recorder\\_6-23-16.pdf](http://www.abralliance.org/wp-content/uploads/2016/06/Majority_of_respondents_protest_pipeline-Recorder_6-23-16.pdf)

Unsurprisingly, Bath and Highland County residents none too pleased with latest pipeline route

Dominion CEO: Pipeline will be built with care

- The Recorder – 6/23/16

[http://www.abralliance.org/wp-content/uploads/2016/06/Dominion\\_CEO-Pipeline\\_will\\_be\\_built\\_with\\_care-Recorder\\_6-23-16.pdf](http://www.abralliance.org/wp-content/uploads/2016/06/Dominion_CEO-Pipeline_will_be_built_with_care-Recorder_6-23-16.pdf)

Dominion executive aims to convince that his birth in Staunton and 'ties to the land' will significantly affect contractor construction practices

Landowner on ACP routes asks: Are we free?

- News Leader – 6/21/16

<http://www.newsleader.com/story/opinion/columnists/2016/06/21/landowner-acp-routes-asks-question-free/86191356/>

**It's a good question...we certainly never OWN anything**

Pipeline project a threat to young county farmer

- The Recorder – 6/2/16

[http://www.abralliance.org/wp-content/uploads/2016/06/Pipeline\\_project\\_threat\\_to\\_young\\_county\\_farmer-Recorder\\_6-2-16.pdf](http://www.abralliance.org/wp-content/uploads/2016/06/Pipeline_project_threat_to_young_county_farmer-Recorder_6-2-16.pdf)

## Regional/Mountain Valley Pipeline, other

New coalition targets McAuliffe energy policies as pipeline fights draw national interest

- Richmond Times-Dispatch – 6/15/16

[http://www.richmond.com/news/virginia/government-politics/article\\_af0ea49e-ffa5-5366-ac94-ae6986d2fee2.html](http://www.richmond.com/news/virginia/government-politics/article_af0ea49e-ffa5-5366-ac94-ae6986d2fee2.html)

Many media outlets covered the open letter that was sent to McAuliffe last week

Related:

- [http://www.roanoke.com/news/politics/environmental-groups-protest-mcauliffe-s-energy-policies/article\\_ea9080dc-5f56-5643-a242-f48912aad3c9.html](http://www.roanoke.com/news/politics/environmental-groups-protest-mcauliffe-s-energy-policies/article_ea9080dc-5f56-5643-a242-f48912aad3c9.html)

- [http://www.dailyprogress.com/townnews/politics/environmental-alliance-challenges-mcauliffe-on-energy-policy/article\\_3521482a-3358-11e6-a4d6-df57e1a9ad61.html](http://www.dailyprogress.com/townnews/politics/environmental-alliance-challenges-mcauliffe-on-energy-policy/article_3521482a-3358-11e6-a4d6-df57e1a9ad61.html)

- [http://www.bayjournal.com/article/virginia\\_governor\\_pressed\\_on\\_support\\_for\\_gas\\_pipelines\\_offshore\\_drilling](http://www.bayjournal.com/article/virginia_governor_pressed_on_support_for_gas_pipelines_offshore_drilling)

Virginia Lawmakers Call on FERC to Study Cumulative Enviro Impacts of Planned NatGas Pipes

- Natural Gas Intelligence – 6/22/16

[http://www.abralliance.org/wp-content/uploads/2016/06/VA\\_Lawmakers\\_Ask\\_FERC\\_to\\_Consider-Cumulative\\_Pipeline\\_Effects\\_20160622.pdf](http://www.abralliance.org/wp-content/uploads/2016/06/VA_Lawmakers_Ask_FERC_to_Consider-Cumulative_Pipeline_Effects_20160622.pdf)

Several state senators joining their voices to the call for regional study

13,000 year old Native American artifacts found in Franklin Co. in direct path of MVP

- Roanoke Times – 6/23/16

<http://wsls.com/2016/06/23/13000-year-old-native-american-artifacts-found-in-franklin-co-in-direct-path-of-mvp/>

## Big Picture:

Obama signs 2016 pipeline safety reauthorization bill into law

- Oil & Gas Journal – 6/23/16

<http://www.oilandgasjournal.com/articles/2016/06/obama-signs-2016-pipeline-safety-reauthorization-bill-into-law.html>

Election may be pivotal for infrastructure projects

- E&E Publishing - 6/17/16

<http://www.eenews.net/stories/1060038980>

**Pipelines keep growing...as an issue of national and electoral importance**

Fracking fight looms for Democrats

- The Hill – 6/17/16

<http://thehill.com/policy/energy-environment/283826-fracking-fight-looms-for-democrats>

Fracking and fossil fuels in general shaping up to be a big campaign issue

On the Blogs: Utility Industry Acknowledgement of the Rise of Renewables

- IEEFA – 6/16/16

<http://ieefa.org/blogs-utility-industry-acknowledgement-rise-renewables/>

Shockingly, Dominion not cited as “on board” with this view

Investment Bank Blindness to Risk in Fossil-Fuel Sector

- IEEFA – 6/14/16

<http://ieefa.org/banker-blindness-fossil-fuel-sector-risk/>

So...expect a few more bailouts after a few dozen more bankruptcies

Environmental Movement Targets FERC to Stop New Pipelines – An Exclusive Interview

- Oil & Gas 360 – 6/15/16

<http://www.oilandgas360.com/environmental-movement-targets-ferc-to-stop-new-pipelines-an-exclusive-interview/>

Delaware Riverkeeper keeping the pressure on the FERC