



## *ABRA Update #101 – October 13, 2016*

### **Pipeline Summit to Highlight Property Rights & Eminent Domain Reform**

“Property rights is the most important issue,” said a landowner in Pocahontas County WV last week at a citizens meeting, to which all others in the room nodded in agreement.

Since the Atlantic Coast Pipeline (ACP) and Mountain Valley Pipeline were proposed one of the most disturbing aspects of the projects is the power granted to pipeline companies by the Federal Energy Regulatory Commission to take private property under the power of eminent domain to build the pipelines. It is done under the guise that the projects are for a public purpose, when in fact they are for private gain.

A related issue in Virginia has been the exception to trespass laws granted exclusively to natural gas pipeline companies by a 2004 law. More recently, the integrity of property rights in Virginia has been shaken by a proposal from the Atlantic Coast Pipeline, LLC to permit a wholesale violation of a long-standing environmental easement program administered by the Virginia Outdoors Foundation (VOF), a state agency. The need for reforming property rights laws, particularly eminent domain, will be a major subject addressed at the November 12 Pipeline Summit in Natural Bridge, Virginia. Participating in this important discussion will be:

- Larry Shapiro, Associate Director for Program Development, Rockefeller Family Fund, New York City. He is also President of the Board of the Institute for Energy Economics and Financial Analysis (IEFFA), the organization that released a study in April on the risks of pipeline expansions in the Appalachian region. Mr. Shapiro convened a national conference in June on “Pipelines and Eminent Domain.” He will be discussing a new initiative that seeks to reform the ability of pipeline companies to utilize eminent domain laws.
- Richard Averitt, CEO at Digital ReLab and a Nelson County, VA resident. Mr. Averitt has been significantly impacted by the proposed ACP. A 100-acre property he and his father, Dick Averitt, purchased in the Rockfish Valley portion of Nelson County, VA to build a resort is in the path of the ACP, thus preventing the resort development from proceeding. The resort would create 50 full-time and 50-75 part-time jobs, significantly more permanent employment than the ACP would create in the entire Commonwealth of Virginia.



Shapiro



Averitt

### **PIPELINE SUMMIT**

Natural Bridge Hotel & Conference Center, Natural Bridge, VA

Co-sponsored by ABRA and the POWHR Coalition

**Saturday, November 12, 2016 – 10am -4 pm**

[Click to Register](#)

- Kate Wofford, Executive Director, Shenandoah Valley Network, an organization whose mission is to maintain healthy and productive rural landscapes and communities, to protect and restore natural resources, and to strengthen and sustain the region’s agricultural economy. Ms. Wofford will discuss the environmental easement issue in Virginia and also serve as the panel’s moderator.



Wofford

To register for the Summit, [click here](#). For those wishing accommodations at the Natural Bridge Hotel for the preceding evening (November 11), a rate of \$79 is available. For hotel reservations, call 800.533.1410 x 0 or 7803 and make a reservation under Code: AlleghenyBlue Ridge Alliance for Friday, November 11, 2016.

### **WV Consideration of ACP Water Permit Again Delayed**

The West Virginia Department of Environmental Protection has once again declared the application for a 401 permit for the Atlantic Coast Pipeline incomplete. In an October 11 response to an inquiry by the West Virginia Rivers Coalition, Nancy J. Dickson of the WVDEP said that “the application has not yet been deemed complete. I reviewed the revised application last week and informed the applicant of deficiencies to do so. In light of that, it will most likely be another month before it would go to public notice.”

The original ACP request for a 401 permit, which is required by the Clean Water Act for projects like the ACP, was initially deemed in August by the WVDEP to be insufficient. An amended application was submitted in September, and, as noted above, once again rejected for insufficiency.

### **FERC Asked to Reject ACP Route Through Conservation Easements**

The Federal Energy Regulatory Commission (FERC) “should not accept the Cornelian dilemma presented by Dominion’s poorly planned route that pits mountain forests on protected lands against the same mountain forests on protected lands,” states a [motion filed with the agency on October 13](#). The motion was filed by the Southern Environmental Law Center on behalf of the Shenandoah Valley Network, Highlanders for Responsible Development, Shenandoah Valley Battlefields Foundation and Natural Resources Defense Council.

The issue arises out of a proposal by Dominion Transmission, Inc., managing partner for the Atlantic Coast Pipeline, LLC, to cross eleven properties in Virginia with conservation easements held by the Virginia Outdoors Foundation (VOF). The motion argues:

- The proposed conversion of conservation easement land would be the largest ever undertaken in Virginia and would seriously undermine public trust in the state’s conservation easement program.
- Dominion’s proposal is inconsistent with Virginia state law.

While VOF has not yet taken action on the proposal, the agency, along with the affected easement donors, local governments and land trusts throughout the Commonwealth do not support Dominion’s proposal.

### **The Impact of the ACP Would Be Devastating!**

ABRA member Voices From Bath has posted on its Facebook site a vivid look at how the Atlantic Coast Pipeline would devastatingly impact the terrain of its county. Dominion has told FERC that there will be “no visual impact” from the pipeline on Little Mountain in Bath County, VA. Below are photos of what the existing terrain of Little Mountain looks like today, and a depiction of how the mountain would look if the ACP were built.

Looking east at Little Mountain from U.S. 220



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

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

#### **Critic calls FERC Pipeline approval process flawed**

- News Leader – 10/11/16

<http://www.newsleader.com/story/news/2016/10/11/flawed-pipeline-approval-process-could-determine-fate-ferc-nepa-atlantic-coast-pipeline/91860830/>

#### **“This American Land” Features Shenandoah Mountain**

- Friends of Shenandoah Mountain – 9/28/16

<http://www.friendsofshenandoahmountain.org/news/shenandoah-mountain-on-this-american-land>

Great work, FOSM!

#### **Pastor arrested during protest**

- The Farmville Herald – 10/10/16

<http://www.farmvilleherald.com/2016/10/pastor-arrested-during-protest/>

#### **Widow seeks to 'protect my heritage' against proposed Atlantic Coast Pipeline**

- Richmond Times-Dispatch – 10/8/16

[http://www.richmond.com/news/virginia/article\\_e566fdbb-9bf3-5cfd-8514-dfbfea4e64f3.html](http://www.richmond.com/news/virginia/article_e566fdbb-9bf3-5cfd-8514-dfbfea4e64f3.html)

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

#### **Court hears argument to overturn block on pipeline surveys**

- Charleston Gazette-Mail – 10/11/16

<http://www.wvgazette.com/news-business/20161011/court-hears-argument-to-overturn-block-on-pipeline-surveys>

MVP gets no easy answers in WV Supreme Court...we await the ruling

#### **Buppert: Experts find pipelines aren't needed**

- Roanoke Times – 10/9/16

[http://www.roanoke.com/opinion/commentary/buppert-experts-find-pipelines-aren-t-needed/article\\_28eb3f99-8040-58b1-b8e1-288935b66acb.html](http://www.roanoke.com/opinion/commentary/buppert-experts-find-pipelines-aren-t-needed/article_28eb3f99-8040-58b1-b8e1-288935b66acb.html)

#### **Pipeline surveying conflict heats up on Bent Mountain**

- Roanoke Times – 10/12/16

[http://www.roanoke.com/business/pipeline-surveying-conflict-heats-up-on-bent-mountain/article\\_caa98cf8-4403-5fe7-9058-6077027265fa.html](http://www.roanoke.com/business/pipeline-surveying-conflict-heats-up-on-bent-mountain/article_caa98cf8-4403-5fe7-9058-6077027265fa.html)

Requirements of VA's survey permission law causing confusion, animosity

Related:

<http://wsls.com/2016/10/11/roanoke-county-landowner-shocked-to-find-unannounced-surveyors-on-her-property/>

#### **FERC public meeting on Mountain Valley, Equitans projects Nov. 1 in Weston**

- The Exponent Telegram – 10/9/16

[http://www.theet.com/news/local/ferc-public-meeting-on-mountain-valley-equitans-projects-nov-1/article\\_67ef94f8-7a1b-5df7-bba7-8bdb5141d464.html](http://www.theet.com/news/local/ferc-public-meeting-on-mountain-valley-equitans-projects-nov-1/article_67ef94f8-7a1b-5df7-bba7-8bdb5141d464.html)

## Big Picture:

### Near Standing Rock, pipeline protest meets a spiritual movement

- The Des Moines Register – 10/11/16

<http://www.desmoinesregister.com/story/news/2016/10/08/near-standing-rock-dakota-access-pipeline-protest-meets-spiritual-movement/91567854/#>

Great article on the spiritual movement and gathering spurred by the Dakota Access Pipeline protest

Related:

- [http://www.yourwestvalley.com/nation\\_world/article\\_6c6682c6-8ff3-11e6-8689-93acd5c2c9be.html](http://www.yourwestvalley.com/nation_world/article_6c6682c6-8ff3-11e6-8689-93acd5c2c9be.html)
- <http://www.bloomberg.com/news/articles/2016-10-11/activists-tampering-shuts-down-five-canada-u-s-oil-pipelines>

### The Politics of US: Climate change

- Christian Science Monitor – 10/12/16

<http://www.csmonitor.com/USA/Politics/2016/1012/The-Politics-of-US-Climate-change>

Series of shorter articles covering the topic. Good read!

### Hillary Clinton: Climate Change Needs to Be a Voting Issue

- Fortune – 10/11/16

<http://fortune.com/2016/10/11/hillary-clinton-climate-change/>

We are still not picking sides or suggesting votes...you have probably made up your mind about climate change one way or the other

Related:

- <http://www.citymetric.com/horizons/us-climate-change-national-security-issue-2509>

### Utilities squeezed as corporations seek renewable energy elsewhere

- Midwest Energy News – 10/12/16

<http://midwestenergynews.com/2016/10/12/utilities-squeezed-as-corporations-seek-renewable-energy-elsewhere/>

Utilities increasingly find that they had better lead or just get out of the way.

### Warming Relations in Person, Putin and Erdogan Revive Pipeline Deal

- The New York Times – 10/10/16

[http://www.nytimes.com/2016/10/11/world/europe/turkey-russia-vladimir-putin-recep-tayyip-erdogan.html?\\_r=0](http://www.nytimes.com/2016/10/11/world/europe/turkey-russia-vladimir-putin-recep-tayyip-erdogan.html?_r=0)

Turkish Stream could have major implications for European geopolitics and (thus) the trans-Atlantic LNG market

### Pressing the governor for pipeline moratorium

- The Recorder – 10/11/16

<http://www.recorder.com/Health-care-group-seeks-pipeline-moratorium-in-Mass-5320952>

Massachusetts health professionals calling for Comprehensive Health Assessment to address health hazards of natural gas infrastructure

### Long appointed FERC administrative law judge

- Daily Energy Insider – 10/7/16

<https://dailyenergyinsider.com/news/1872-long-appointed-ferc-administrative-law-judge/>

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