



## *ABRA Update #106 – November 17, 2016*

### **West Virginia Supreme Court Strikes Down MVP Pipeline Surveys**

The Mountain Valley Pipeline (MVP) is not vested with the right of eminent domain to survey land, so ruled the West Virginia Supreme Court of Appeals on November 15. The decision affirms an August 2015 ruling by the Circuit Court of Monroe County, WV that the MVP “is not vested with the power of eminent domain insofar as its pipeline is not for a public use.” The Circuit Court based its conclusion “on the fact that no West Virginia consumer would use any of the gas to be transported in MVP’s pipeline. MVP contended that surveying does not require a finding of public use. The Supreme Court disagreed, based upon explicit language in West Virginia Code Section 54-1-3. A copy of the opinion is available [here](#).

### **Pipeline Summit a Resounding Success**



The second Pipeline Summit, co-sponsored by the Allegheny-Blue Ridge Alliance and the Protect Our Water, Heritage, Rights coalition (POWHR), drew 165 attendees to the Natural Bridge Hotel on Saturday, November 12 from Virginia, West Virginia and North Carolina.

The next issue of ABRA Update will be Thursday, December 1.  
HAPPY THANKSGIVING!

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For questions about Update items, contact:

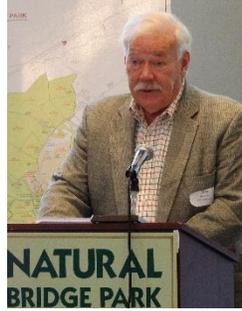
Articles – Lew Freeman, [lewfreeman@gmail.com](mailto:lewfreeman@gmail.com) | In the News – Dan Shaffer, [dshaffer@abralliance.org](mailto:dshaffer@abralliance.org)

The Summit was attended by 40% more people than the first such event, held on April 23, 2016. The energy, enthusiasm and commitment shown at the Summit to continue the fight against the Atlantic Coast Pipeline and the Mountain Valley Pipeline was outstanding. Among the featured speakers were:

- Jane Kleeb, Bold Alliance
- Chase Iron Eyes, Standing Rock Reservation in North Dakota
- Michael Dunn, Washington-based political consultant
- Larry Shapiro, Rockefeller Family Fund



Iron Eyes



Dunn



Kleeb



Shapiro

Press coverage of the Summit included stories in the [Roanoke Times](#) and on Roanoke's [WDBJ7](#). The full agenda of the Summit is on the [ABRA website](#). A [survey of Summit attendees](#) is currently being conducted. A report on the results of the survey and other materials and reports from the meeting will be available soon after Thanksgiving.

## State Utility Regulators React to Trump Victory

“Right now, ain’t nobody knows nothing” was the observation of one attendee at this week’s annual meeting of the National Association of Regulatory Utility Commissioners in La Quinta, CA, according to an [article posted November 16 on the Utility Dive website](#). The observer, a former chair of the Colorado Public Utilities Commission, said: “There’s rank speculation going on . . . but nothing has settled” regarding energy policy directions for the new Trump administration. The article states:

*Along with the widely-held views that the Clean Power Plan will be scrapped and renewables growth will continue, sector leaders expect a friendlier policy environment for the natural gas industry. That could allow utilities to burn more gas for generation, putting the global climate at risk and potentially exacerbating existing issues with baseload generation in organized markets.*

Regarding pipelines, the Utility Dive piece reports:

*Throughout the Obama administration, pipeline firms expressed frustration with what they saw as an ad-hoc approach to regulating gas and oil infrastructure. While some projects would receive little national attention, others — like the Keystone XL or Dakota Access pipelines — would attract protest attention from environmentalists, sometimes enticing Obama to intervene.*

*Gas insiders at NARUC said they don't expect environmentalists to have the ear of the new administration or its appointees, so siting and constructing pipelines could get easier. "Going up to two or three weeks ago, you had a lot of analysts expecting that we were never going to build another interstate pipeline again," said Christopher Guith, senior vice president at the U.S. Chamber of Commerce's energy policy shop. "We're in a whole new world now."*

*After Trump's election, environmental groups promised to double down on their activism, but officials at NARUC expected the new administration to take the wind out of their sails.*

## **Appalachian Trail Conservancy Opposes MVP**

The Appalachian Trail (AT) would be threatened by the Mountain Valley Pipeline (MVP) "with impact at such an unprecedented scale, we must oppose this project to our greatest ability," stated the Appalachian Trail Conservancy (ATC) in comments made to the Federal Energy Regulatory Commission (FERC) on November 3. The ATC calls the Draft Environmental Impact Statement (DEIS) "severely deficient" and disputes FERC's claim that the MVP would have no visual impact on the AT. [The ATC comments](#), delivered by Andrew Downs, Regional Director in the organization's Roanoke, VA office, urged FERC to:

- 1) Fully evaluate the visual impacts of the proposed MVP in a supplemental Environmental Impact Statement;
- 2) Properly evaluate the cumulative impact of the MVP and any other pipeline projects would have on the AT; and
- 3) Offer a supplemental DEIS for any Forest Plan standard that would not be met by any aspect of the proposed project, with a 90-day public comment period.

## **FERC Asks for More Environmental Information on the ACP**

The Federal Energy Regulatory Commission (FERC), in [a November 17 request](#) has asked Dominion Transmission, Inc. for additional environmental information on a range of topics, including the impact of access roads, bats, golden and bald eagles and mussels.

## **Dominion Responds to FERC Info Requests**

Dominion Transmission, Inc. (DTI) has responded to an October 26 supplemental information request from the Federal Energy Regulatory Commission (FERC). The FERC request (discussed in [ABRA Update 103, October 27](#)) contained 69 specific questions, to be answered by November 15. DTI's responses came in two filings, one submitted on [November 9](#), the other submitted to FERC on [November 15](#). One of the October 26 questions (#66) asked that documentation be filed that the ACP "is not precluded from establishing an easement . . . on each Virginia Outdoors Foundation (VOF) easement crossed." The DTI response (November 9 filing, page 114-117)) does not provide what could be considered an adequate response, but rather attempts to make the case of why the ACP would be compatible with the easements to be crossed. The VOF has said it does not intend to act on the DTI request for permission for the ACP to cross the easements until February 9, 2017.

## ABRA Steering Committee Changes

One of the original ABRA Steering Committee members, Judy Rodd of Friends of Blackwater, has decided to step down from the committee. Judy's insights and commitment will be sorely missed by ABRA. Two new people are being added to the Steering group: Allen Johnson of the Eight Rivers Council in Pocahontas County, WV and Mike Tidwell, Executive Director of the Chesapeake Climate Action Network. The complete roster of the 16-member ABRA Steering Committee is on the [ABRA website](#).

## *In the News:*

### Local/Atlantic Coast Pipeline

#### Dominion to address karst uncertainty

- The Recorder – 11/17/16

[http://www.abralliance.org/wp-content/uploads/2016/11/Dominion\\_to\\_address\\_karst\\_uncertainty-Recorder\\_20161117.pdf](http://www.abralliance.org/wp-content/uploads/2016/11/Dominion_to_address_karst_uncertainty-Recorder_20161117.pdf)

Dominion will conduct additional studies but will not release them until after FERC's Draft EIS is released

#### Tap access in the future: County will gain control of 200 acres on lateral gas line

- The Farmville Herald – 11/16/16

<http://www.farmvilleherald.com/2016/11/tap-access-in-the-future/>

Residents present a Community Veto Resolution to the Buckingham County Board of Supervisors

Related:

- <http://www.farmvilleherald.com/2016/11/what-a-tap-could-mean-for-business-growth/>
- <http://www.farmvilleherald.com/2016/11/possible-compressor-vote-monday/>

#### Buckingham residents call for community veto of Atlantic Coast Pipeline Compressor Station

- Augusta Free Press – 11/16/16

<http://augustafreepress.com/buckingham-residents-call-community-veto-atlantic-coast-pipeline-compressor-station/>

Residents present a Community Veto Resolution to the Buckingham County Board of Supervisors

#### 3 N.C. Protests Target Atlantic Coast Pipeline

- Fayetteville Observer – 11/11/16

<http://wfae.org/post/3-nc-protests-target-atlantic-coast-pipeline>

Opposition in NC gearing up

Related:

- [http://www.fayobserver.com/news/local/atlantic-coast-pipeline-protestors-to-host-walk-next-week/article\\_45553ac4-2514-5944-87d1-d9e12f76427a.html](http://www.fayobserver.com/news/local/atlantic-coast-pipeline-protestors-to-host-walk-next-week/article_45553ac4-2514-5944-87d1-d9e12f76427a.html)

#### Mac Legerton: Pipelines and passions

- Fayetteville Observer – 11/16/16

[http://www.fayobserver.com/opinion/local\\_columns/mac-legerton-pipelines-and-passions/article\\_03f36052-1fec-5356-93a3-de6155ce1f45.html](http://www.fayobserver.com/opinion/local_columns/mac-legerton-pipelines-and-passions/article_03f36052-1fec-5356-93a3-de6155ce1f45.html)

Serious, reasonable debate on pipeline issue needed in North Carolina

#### Virginians Launch 'Pipeline Pledge of Resistance' to Stop MVP and ACP Projects

- Blue Virginia – 11/16/16

<http://bluevirginia.us/2016/11/virginians-launch-pipeline-pledge-resistance-stop-mvp-acp-projects>

Signers commit to engage in nonviolent civil disobedience, if necessary, to stop fracked-gas pipelines that threaten land, water and climate safety

## Regional/Mountain Valley Pipeline, other

### WV Supreme Court sides with landowners on unauthorized gas line surveys

- Charleston Gazette-Mail – 11/15/16

<http://www.wvgazette.com/news-business/20161115/wv-supreme-court-sides-with-landowners-on-unauthorized-gas-line-surveys>

No proof MVP would serve a “public use”

Related:

- [http://www.roanoke.com/business/west-virginia-supreme-court-sides-with-landowners-in-pipeline-survey/article\\_5b5f2361-2ed4-5e34-8214-e5ac9cf0c092.html](http://www.roanoke.com/business/west-virginia-supreme-court-sides-with-landowners-in-pipeline-survey/article_5b5f2361-2ed4-5e34-8214-e5ac9cf0c092.html)
- [http://www.register-herald.com/news/supreme-court-rules-for-landowners/article\\_bececcc4-da4d-5ea6-92b7-1ab2823edf3d.html](http://www.register-herald.com/news/supreme-court-rules-for-landowners/article_bececcc4-da4d-5ea6-92b7-1ab2823edf3d.html)

### Major companies call for more renewable energy options in Virginia

- Richmond Times-Dispatch – 11/14/16

[http://www.richmond.com/business/article\\_57df1b1e-8e36-5786-b15e-b582771772d1.html](http://www.richmond.com/business/article_57df1b1e-8e36-5786-b15e-b582771772d1.html)

Appalachian Power’s new renewable energy rider would stifle competition and simply provide a way to pay more for the same energy Virginians are already receiving

### Loud Pipeline Noises Disturb Doddridge County Residents

- FrackCheckWV – 11/12/16

<http://www.frackcheckwv.net/2016/11/14/loud-pipeline-noises-disturb-doddridge-county-residents/>

Unscheduled blowdown and fears of explosions have residents nervous

## Big Picture:

### Trump's Election Overshadows Energy Pipeline Protests Around The U.S.

- NPR – 11/15/16

<http://www.npr.org/2016/11/15/502026857/trumps-election-overshadows-energy-pipeline-protests-around-the-u-s>

Unlikely pipeline battles will die down soon

Related:

- <http://www.whsv.com/content/news/Valley-demonstrators-stand-in-solidarity-with-Dakota-Pipeline-protestors-401370895.html>
- <http://www.newsplex.com/content/news/People-protest-Dakota-Access-Pipeline-in-Charlottesville-401397396.html>

### Why Trump won't stop the clean energy revolution

- Blue Virginia – 11/11/16

<http://bluevirginia.us/2016/11/trump-wont-stop-clean-energy-revolution>

Basically he can't...there's too much money and momentum in it

Related:

- <http://www.nytimes.com/2016/11/17/business/energy-environment/us-companies-to-trump-dont-abandon-global-climate-deal.html>

### Paris Climate Deal Is Too Weak to Meet Goals, Report Finds

- The New York Times – 11/16/16

<http://www.nytimes.com/2016/11/17/science/paris-accord-global-warming-ia.html>

“The transformation required for a reasonable chance of remaining within the temperature goal of 1.5 degrees Celsius is stark.”

### There's a reason few even knew the Dakota Access Pipeline was being built

- Seattle Times – 11/10/16

<http://www.seattletimes.com/nation-world/theres-a-reason-few-even-knew-the-north-dakota-access-pipeline-was-being-built/>

US Army Corps of Engineers practice of “segmented analysis” allows big projects to slip under the radar

### **Tribe seeks reassessment of Dakota pipeline risks**

- Agri-Pulse – 11/10/16

<http://www.agri-pulse.com/Tribe-seeks-reassessment-of-Dakota-pipeline-risks-11102016.asp>

Report concludes that gov't Environmental Assessment failed to address pipeline safety

### **N.J. Rate Counsel again blasts PennEast pipeline**

- My Central New Jersey/16 – 11/15/16

<http://www.mycentraljersey.com/story/news/local/land-environment/2016/11/15/nj-rate-counsel-again-blasts-penneast-pipeline/93902052/>

States that PennEast did not rebut conclusions of earlier letter

### **Climate change a Chinese hoax? Beijing gives Donald Trump a lesson in history**

- The Guardian – 11/17/16

<https://www.theguardian.com/us-news/2016/nov/17/climate-change-a-chinese-plot-beijing-gives-donald-trump-a-history-lesson>

China points out to global warming denier and president-elect that Republicans under Reagan and Bush actually put global warming on international agenda

Related:

- <https://www.washingtonpost.com/news/morning-mix/wp/2016/11/17/china-tells-trump-climate-change-is-not-a-chinese-hoax/>

### **This is where Obama's hugely ambitious climate policies were headed — before Trump came along**

- The Washington Post – 11/16/16

<https://www.washingtonpost.com/news/energy-environment/wp/2016/11/16/this-is-where-obamas-hugely-ambitious-climate-policies-were-headed-before-trump/>

There is already some "baked-in" momentum...four years of Trump may slow but not stop it

### **Morocco lights the way for Africa on renewable energy**

- The Guardian – 11/17/16

<https://www.theguardian.com/global-development/2016/nov/17/cop22-host-morocco-lights-way-africa-renewable-energy-2020>

NW African nation full steam ahead on clean power and other environmental issues