



ABRA Update #64 – January 27, 2016

Forest Service Rejection of ACP Preferred Route: The Context

The U.S. Forest Service's (NFS) reasons for rejecting the preferred route for the Atlantic Coast Pipeline (ACP) have deep roots. The principal issues cited by the NFS in its January 19 letter (http://www.abralliance.org/wp-content/uploads/2016/01/FS_Permit_Letter_1-19-2016.pdf) were the serious threats to the Cheat Mountain salamander, West Virginia northern flying squirrel and Cow Knob salamander habitat on Shenandoah Mountain and the red spruce ecosystem restoration areas (in the Monongahela National Forest). These are concerns about which Dominion has known since the summer of 2014, before the ACP was formally proposed. In fact, they are concerns that ABRA members expressed to the Forest Service in one of our first collective actions.

In an October 15, 2014 letter to the Forest Supervisor of the George Washington (GWNF) and Jefferson National Forests, the Southern Environmental Law Center and 13 other ABRA members asked that a pending request to survey the GWNF be rejected because:

- “1. The proposed route of the pipeline would cause serious permanent damage to the heart of the GW.
- “2. The pipeline fails to meet the screening criteria in 36 C.F.R. § 251.54(e)(1) and (5).
 - a. The pipeline is not consistent with the 1994 Cow Knob salamander conservation agreement or the Endangered Species Act;
 - b. The pipeline would not be consistent with the management standards and guidelines or the uses of the forest set forth in the forest plan;
 - c. Dominion cannot demonstrate that the pipeline could not reasonably be accommodated on lands outside of the GW.”

The October 15, 2014 SELC letter is available at http://www.abralliance.org/wp-content/uploads/2016/01/SELC_Letter_to_GWNF-Tom_Speaks_10-9-14.pdf.

At this writing we still await a response from Dominion. While the NFS letter does not reject out of hand any route through the National Forests, it certainly has seriously restricted the options for the ACP to continue on its present course. We will continue to keep ABRA members apprised of developments through issues Update and special email alerts.

For those who have not seen ABRA's statement to the media, it is posted at http://www.abralliance.org/wp-content/uploads/2016/01/ABRA_Press_Release-USFS_Rejects_ACP_National_Forest_Route-1-21-16.pdf. The press statement has also been sent to state and federal legislators, key state officials and security analysts who follow Dominion Resources.

Say Thanks!

ABRA members are urged to express their thanks to the Forest Service for its decision to protect the integrity of the National Forests against the serious harm that would result from the proposed ACP route. The key people to thank are the signatories of the letter:

Kathleen Atkinson, Regional Forester, Eastern Region, National Forest Service
katkinson@fs.fed.us

Tony Tooke, Regional Forester Southern Region, National Forest Service
ttooke@fs.fed.us

Be sure to copy the local Forest staff:

Joby Timm, Acting Forest Supervisor, George Washington National Forest
jtimm@fs.fed.us

Jennifer Adams, Special Project Coordinator, George Washington National Forest
jenniferpadams@fs.fed.us

Clyde Thompson, Forest Supervisor, Monongahela National Forest
cnthompson@fs.fed.us

Pipeline Regulatory Bills Introduced in General Assembly

Several bills have been introduced in the current session of the Virginia General Assembly that would strengthen the regulation of natural gas pipelines.

- SB 614 (Edwards, D-21, Roanoke) and HR 1118 (Yost, R-12, Pearisburg) would repeal VA Code Section 56-49.01, the statute that permits natural gas pipelines to survey property without the owner's permission. The bills were referred to the Commerce and Labor Committees of each chamber. Sen. Deeds (D-25) is a co-patron of SB 614. Similar legislation was introduced last year but failed to receive a committee vote.
- HB 1261 (Habeeb, R-8, Salem) would authorize the State Corporation Commission (SCC) to seek delegation from the U.S. Secretary of Transportation (Secretary) of authority to implement the safety inspection provisions of the federal Natural Gas Pipeline Safety Act of 1968. The federal Department of Transportation's Pipeline and Hazardous Materials Administration has jurisdiction over interstate gas pipeline safety programs. If the Secretary agrees, the SCC will be responsible for conducting the program in the Commonwealth. It was referred to the House Commerce and Labor Committee. Delegates Bell (R-20), Kilgore (R-1) and Yost (R-12) are co-patrons. (<http://lis.virginia.gov/cgi-bin/legp604.exe?161+ful+HB1261>)
- SB 726 (Edwards, D-21, Roanoke) would require that an erosion and sediment control plan be submitted to the Virginia Department of Environmental Quality for any utility project (including a natural gas pipeline) that would disturb "50 acres or more in any one locality." It was referred to the Senate Agriculture, Conservation and Natural Resources Committee. (<http://lis.virginia.gov/cgi-bin/legp604.exe?161+ful+SB726>)

ABRA members in Virginia are urged to express support for these bills to their Delegate and Senator. Contact information for Members of the Virginia General Assembly is available at <http://viriniageneralassembly.gov/house/members/members.php> and <http://apps.senate.virginia.gov/Senator/index.php>.

FERC Chair Reaffirms “No PEIS” Position

Norman Bay, Chairman of the Federal Energy Regulatory Commission reiterated the agency’s refusal to consider conducting a programmatic Environment Impact Statement for the Atlantic Coast and Mountain Valley Pipelines in a January 20 letter to Virginia Congressman Robert Goodlatte (R-6), Chairman of the House Judiciary Committee. Chairman Bay said;

“The Commission does not direct the development of the gas industry’s infrastructure, either on a broad regional basis or in the design of specific projects. Nor does the Commission engage in regional planning exercises that would result in the selection of one project over another. Accordingly, Commission staff has determined that it would not be appropriate to prepare a programmatic environmental impact statement for proposed gas infrastructure projects in Virginia.”

The Chairman’s letter is available at

[http://www.abralliance.org/wp-content/uploads/2016/01/FERC Letter to Cong Goodlatte 1-20-16.pdf](http://www.abralliance.org/wp-content/uploads/2016/01/FERC_Letter_to_Cong_Goodlatte_1-20-16.pdf).

Pipeline Monitoring Program Scheduled for February 13

A workshop to train volunteers to monitor cold water resources that have the potential to be impacted by natural gas pipeline development will be held Saturday, February 13 at the Highland County Public Library in Monterey, VA, from 9:30 am to 4 pm. The workshop will be hosted by the Dominion Pipeline Monitoring Coalition, an ABRA member, and co-sponsored by the West Virginia Rivers Coalition (also an ABRA member) and Trout Unlimited. Registration information is available at [http://www.abralliance.org/wp-content/uploads/2016/01/WV-VA Pipeline Monitoring Program Training-Flyer.pdf](http://www.abralliance.org/wp-content/uploads/2016/01/WV-VA_Pipeline_Monitoring_Program_Training-Flyer.pdf).

In the News:

Local/Atlantic Coast Pipeline

Del. Greg Habeeb, Sen. John Edwards File Natural Gas Pipeline-Related Bills

- Roanoke Times – 1/26/16

http://www.roanoke.com/news/politics/general_assembly/del-greg-habeeb-sen-john-edwards-file-natural-gas-pipeline/article_ae06ce12-d6f4-5c98-8214-4350587e2b35.html

Bills aim to require local erosion and sediment control plans and VA inspections of intrastate pipelines

Opponents Say Atlantic Coast Pipeline Fight Far From Over

- The News Virginian – 1/20/16

http://www.dailyprogress.com/newsvirginian/opponents-say-atlantic-coast-pipeline-fight-far-from-over/article_e480d936-bfe8-11e5-bc9f-d36233fa2ef7.html

Augusta County meeting “successful”, draws ~120 despite snow

Forest Service Rejects Proposed Route Of Atlantic Coast Pipeline

- Richmond Times-Dispatch – 1/21/16

http://www.richmond.com/news/virginia/article_67923bcf-77bf-5f42-99e4-1a8e571e924d.html

Cites protection of Threatened and Endangered species, among other concerns

Related:

- http://www.roanoke.com/ap/business/u-s-forest-service-rejects-proposed-forest-route-for-pipeline/article_7bc5ba80-4cbc-5757-a8e9-bf01b274c3a9.html
- <http://wvtf.org/post/atlantic-coast-pipeline-roadblock#stream/o>
- <http://www.sierraclub.org/planet/2016/01/forest-service-rejects-destructive-path-for-atlantic-coast-pipeline>

Regional/Mountain Valley Pipeline, other

Our View: The 'W' Word

- Roanoke Times – 1/27/16

http://www.roanoke.com/opinion/editorials/our-view-the-w-word/article_2bd2a912-360e-5f22-bd9a-1a163a326bec.html

Why fighting for a PEIS is an appeal to common sense

Mountain Valley Secures New Pipeline Partner And Customer In Con Edison

- Roanoke Times – 1/22/16

http://www.roanoke.com/business/news/mountain-valley-secures-new-pipeline-partner-and-customer-in-con/article_419a2c13-3105-5960-b446-cf5b82dfc2cb.html

Big Picture:

Time For FERC To Pipe Down

- The Hill – 1/26/16

<http://thehill.com/blogs/congress-blog/energy-environment/266915-time-for-ferc-to-pipe-down>

Good editorial piece on current projects, FERC's 'rogue-ness' and the need to reign it in by GAO and by the federal government in general

Hinkle - Theft-By-Government Continues In Virginia Through Eminent Domain

- Richmond Times-Dispatch – 1/26/16

http://www.richmond.com/opinion/our-opinion/bart-hinkle/article_934bc151-28a8-5f3c-b5b4-6a3fdb5a9a93.html

Pressure tactics, lowballing and outsized legal bills all part and parcel of land condemnation in Virginia

Federal, State Lawmakers Call For Halt To \$1.2B Penneast Pipeline Proposal

- NJ.com – 1/25/16

http://www.nj.com/mercer/index.ssf/2016/01/federal_state_officials_call_for_halt_to_penneast.html

Company has not adequately responded to a November directive from FERC to supply more information (within 20 days!)

Canada To Set Climate Change Tests In Pipeline Reviews: Trudeau

- Reuters – 1/26/16

<http://www.reuters.com/article/us-canada-energy-environment-idUSKCN0V41GI>

Would that we would do the same!

D.C. Appeals Court Won't Block Clean Power Plan

- Electric Light & Power – 1/21/16

<http://www.elp.com/articles/2016/01/d-c-appeals-court-won-t-block-clean-power-plan.html?eid=288963332&bid=1291729>

Expected, but still important!

EPA Wants Changes To FERC Reviews Of Gas Projects, Citing Magnolia LNG

- SNL – 1/5/2016

https://www.snl.com/InteractiveX/Article.aspx?cdid=A-34987089-9259&mkt_tok=3RkMMJWWfF9wsRogu6XIcO%2FhmjTEU5z17uOkUKC3h4kz2EFYe%2BLIHETpodcMSMdmPL%2FYDBceEJhgyQJxPr3FJNANysRuRhDgCw%3D%3D

FERC should consider GHG emissions and induced upstream activity as a consequence of project construction