



ABRA Update #119 – March 3, 2017

Dominion Criticized for Lack of Responsiveness to the Forest Service

“Dominion/ACP’s lack of transparency and responsiveness in providing requested information to the Forest Service” has been cited as a strong concern in a report by a consultant to the U.S. Forest Service who has been contracted to assist in the agency’s evaluation of the proposed Atlantic Coast Pipeline (ACP). Dr. James A. Thompson, Professor of Pedology and Land Use at West Virginia University, in a [February 22 letter](#) to Monongahela National Forest Supervisor Clyde N. Thompson (no relation), said:

The Forest Service has made repeated requests for information to Dominion/ACP over the course of several teleconferences and in-person meetings; however, Dominion/ACP has not yet adequately responded to these requests. The conference call on February 17, 2017, is just the latest example of what I conclude to be Dominion/ACP’s unwillingness to respond to what I consider to be reasonable requests and, more generally, an inability to work collaboratively with the Forest Service to ensure that this review process progresses in an efficient and effective manner.

One of the stated purposes of the current discussions, which began last year, is for Dominion/ACP to present its proposed “Best in Class” Steep Slopes Program and solicit Forest Service feedback. At a November 21 meeting, the Forest Service requested “that Dominion/ACP develop site-specific stabilization plans for two areas along the project right of way to serve as a proof of concept for how anticipated hazards would be specifically addressed during construction and reclamation.”

A subsequent December 8 meeting failed to provide satisfactory information, and the February 17 meeting had similar results, Dr. Thompson reports:

Surprisingly, during the meeting on February 17 Dominion/ACP indicated that they were not planning on providing construction narratives and seemed unaware that they had previously agreed to prepare and provide construction narratives following the meeting on December 8. This is but one of a series of instances where Dominion/ACP has minimized, obfuscated, or ignored critical issues related to compliance with Forest Plan Standards and Guides. . . there continues to be no resolution on this fundamental issue even after three meetings on the subject because Dominion/ACP has chosen to not provide the requested evidence or substantive justification.

Dr. Thompson’s letter concludes: “If Dominion/ACP cannot provide materials in a timely manner prior to these critical discussions, then I suggest that they request that the meetings be postponed to ensure that when we do meet that we can have productive discussions that move this process forward.”

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EPA Withdraws Methane Info Request for the Oil and Gas Industry

An Information Collection Request (ICR) that the U.S. Environmental Protection Agency (EPA) issued November 10, seeking information on how to best reduce methane and other harmful emissions from existing sources in the oil and natural gas industry, has been withdrawn by the agency. The ICR asked 15,000 owners and operators in the oil and gas industry for 1) basic information on the numbers and types of equipment at all onshore facilities and 2) for detailed information on sources of methane emissions and emission control devices or practices currently in use. The [March 2 withdrawal notice](#) is effective immediately.

The EPA action follows a [March 1 letter to EPA Administrator Scott Pruitt](#) from several state Attorneys Generals and Governors objecting to the ICR, calling it “harassment” and stating that they opposed the rule as “an unnecessary and onerous burden on oil and gas producers.” The information request has also been challenged in court.

The withdrawal follows by two weeks the release of a report from Oil Change International warning of the serious consequences of increased methane emissions to climate change should the Mountain Valley Pipeline and Atlantic Coast Pipeline be built (see [ABRA Update 117](#)). In announcing the withdrawal, Administrator Pruitt said: “Today’s action will reduce burdens on businesses while we take a closer look at the need for additional information from this industry.”

Environmental Journalists Object to FERC DEIS Comment Procedures

The Society of Environmental Journalists (SoEJ), a professional association of over 1200 journalists who cover environmental issues, has written the Acting Chairman of the Federal Energy Regulatory Commission (FERC), Cheryl LaFleur, expressing concerns about the procedures used by the agency in conducting public comment meetings on the Draft Environmental Impact Statement for the Atlantic Coast Pipeline (ACP). The association’s [February 23 letter](#) took strong exception to the format FERC followed, which required commenters to speak to a court reporter rather than in an open session. The agency used a similar approach when it conducted scoping sessions last year for the re-routed portion of the ACP. The SoEJ letter stated:

The “listening” format, which may be an effort to encourage commenters to speak freely, bars the public and the media from bearing witness to the event, much less hearing the information and arguments presented by other citizens.

It is important for everyone to be able to exercise their First Amendment rights. But when FERC chose to move a public comment session behind closed doors, it hindered the ability of the press to inform the public about a key aspect of the government’s fact-finding and decision-making process.

We understand that comments taken at such sessions are recorded, and that transcripts are posted in the online docket for the project in question, and that they are generally available for review there within a couple of weeks. But that effectively suppresses the news about the content of the meeting by divorcing it from the immediacy of the event itself. The public is left to wonder what transpired, when there is no reason to make them wait.

New Study on ACP Impact on National Forests Released

“FERC’s Draft Environmental Impact Statement for the Atlantic Coast Pipeline provides inaccurate, incomplete, and incorrect information about impacts on our core forested areas, streams, wildlife, and recreation as it cuts a 21-mile permanent swath over rugged mountains and valleys in our National Forests,” so states a new study posted by the Dominion Pipeline Monitoring Coalition. [ACP in the National Forests: 7 Problems](#) points out that the “DEIS does not provide adequate information for a thorough, informed analysis of impacts that would serve as a sound basis for responsible decisions by the Forest Service.” The study is in a story map format.

In the News:

Local/Atlantic Coast Pipeline

Pipeline worries are many at agency’s open house

- The Recorder – 3/2/17
http://www.abralliance.org/wp-content/uploads/2017/03/Pipeline_worries_are_many_at_agencys_open_house-Recorder_20170302.pdf

Federal Energy Regulatory Commission open-house comment session Tuesday drew comments and concerns about negative environmental and cultural impacts of the proposed Atlantic Coast Pipeline Related:

- http://www.abralliance.org/wp-content/uploads/2017/03/Time_to_comment_on_pipeline_plan_is_now-Recorder_2170302.pdf

Pressured agency fields fears over future of conservation program

- The Recorder – 3/2/17
http://www.abralliance.org/wp-content/uploads/2017/03/Pressured_agency_fields_fears_over_future_of_conservation_program-Recorder_20170302.pdf

Landowners with VOF easements use words like disturbed, horrified, puzzled, disappointed and betrayed to illustrate their feelings about VOF considering the trade-off, despite the agency’s continued opposition to the pipeline project,

Crowds swell for pipeline discussion in Staunton

- News Leader – 2/24/17
<http://www.newsleader.com/story/news/local/2017/02/24/crowds-swell-pipeline-discussion-staunton/98355370/>

Related:

- http://www.dailyprogress.com/newsvirginian/news/local/at-comment-session-area-residents-speak-for-against-acp/article_d992cb3a-fa32-11e6-983d-7716a815e14e.html
- <http://www.theintermountain.com/news/local-news/2017/03/pipeline-comments-gathered/>

Staunton City Council reaffirms pipeline opposition

- News Leader – 2/28/17
<http://www.newsleader.com/story/news/local/2017/02/28/staunton-city-council-reaffirms-pipeline-opposition/98518978/>

Wall Street intent on planned pipeline

- The Recorder – 3/2/17
http://www.abralliance.org/wp-content/uploads/2017/03/Wall_Street_intent_on_planned_pipeline-Recorder_20170302.pdf

VOF received numerous inquiries from financial sector regarding reports and recommendations relating to their boards’ final decision on the easement swap...now deferred

Regional/Mountain Valley Pipeline, other

West Virginia Senate Bill 9 looks to ban the use of drones against pipelines

- The Daily Haze – 3/1/17

<http://thedailyhaze.com/west-virginia-senate-bill-9-drones/>

Seems like the gas and mining companies really don't want us to see what they're doing...and are getting help from their local legislators...who ALSO don't like us to see what they're doing!

Group: vital information missing from pipeline permits

- The Register-Herald – 3/1/17

http://www.register-herald.com/news/group-vital-information-missing-from-pipeline-permits/article_e2f05eb7-634b-55a3-b44b-1c8f64b141e2.html

A Department of Environmental Protection public hearing on three state permits to be issued by WVDEP will be held at 6 p.m. on March 7 at the Memorial Building in Hinton.

Editorial: Norman Bay's curious farewell address

- The Roanoke Times – 3/3/17

http://www.roanoke.com/opinion/editorials/editorial-norman-bay-s-curious-farewell-address/article_0464f186-2fc6-5488-bd79-4343d20fa9da.html

Chairman's parting recommendations to FERC embraced by pipeline opponents

- The Roanoke Times – 2/26/17

http://www.roanoke.com/business/news/chairman-s-parting-recommendations-to-ferc-embraced-by-pipeline-opponents/article_4ddea4ca-75f9-572c-91da-0a8fda65bbf5.html

Virginia legislative session produces changes for solar, coal ash, and pumped storage

- Blue Virginia – 2/24/17

<http://bluevirginia.us/2017/02/virginia-legislative-session-produces-changes-solar-coal-ash-pumped-storage>

Small steps forward, but utilities retain control of programs or maintain “end runs” around new regs

Big Picture:

White House eyes plan to cut EPA staff by one-fifth, eliminating key programs

- The Washington Post – 3/1/17

https://www.washingtonpost.com/news/energy-environment/wp/2017/03/01/white-house-proposes-cutting-epa-staff-by-one-fifth-eliminating-key-programs/?hpid=hp_hp-top-table-main_more-coverage-1120a%3Ahomepage%2Fstory&utm_term=.460646af61a9

Already there is not much left to cut...!

Trump Plans to Begin E.P.A. Rollback With Order on Clean Water

- The Washington Post – 2/28/17

<https://www.nytimes.com/2017/02/28/us/politics/trump-epa-clean-water-climate-change.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=b-lede-package-region®ion=top-news&WT.nav=top-news&r=1>

The process of re-writing the law is expected to take years

Sunoco Building 2 Pipelines, Not Just 1 Across Pennsylvania

- CBS Pittsburgh – 2/23/17

<http://pittsburgh.cbslocal.com/2017/02/23/sunoco-building-2-pipelines-not-just-1-across-pennsylvania/>

Sunoco announces, mid-buildout, that it will construct a second pipeline alongside the one it's currently building...many MVP and ACP easement agreements (and likely permits) allow for this also

In the Push to Carve Up Northeast Ohio With Natural Gas Pipelines, Property Owners Are Winning So Far, But the Fight's Not Over

- Cleveland Scene – 3/1/17

<http://www.clevescene.com/cleveland/in-the-push-to-carve-up-northeast-ohio-with-natural-gas-pipelines-property-owners-are-winning-so-far-but-the-fights-not-over/Content?oid=5429544>

Dakota Protesters Regroup, Plot Resistance to Other Pipelines

- US News & World Report – 2/25/17

<https://www.usnews.com/news/top-news/articles/2017-02-25/dakota-protesters-regroup-plot-resistance-to-other-pipelines>

Many hope their fight against the project will spur similar protests targeting pipelines across the United States and Canada, particularly those routed near Native American land

Power sector may be losing appetite for natural gas

- Houston Chronicle – 3/1/17

<http://www.houstonchronicle.com/business/article/Power-sector-may-be-losing-appetite-for-natural-10967988.php>

Solar and wind competition, along with likely federal support for coal, altering the equation
“We’re in a post-coal world, and we’re almost in a post-gas world,”

FERC keeps Obama guidance alive in manual for gas projects

- E&E News – 2/24/17

<http://www.eenews.net/stories/1060050517>