



ABRA Update #166 – February 2, 2018

Legal Challenge to FERC ACP Decision Is Filed

The Southern Environmental Law Center and Appalachian Mountain Advocates filed a challenge on January 29 in federal court on behalf of 11 conservation groups challenging the Federal Energy Regulatory Commission's October 13 decision to permit the Atlantic Coast Pipeline. FERC's decision to give the pipeline the go ahead was accompanied by a strong dissent from commissioner Cheryl LaFleur who critiqued her own agency for failing to look behind agreements put forth by utilities meant to skew demand needs and justify unneeded projects.

The [lawsuit](#) was filed in the 4th Circuit Court on behalf of Appalachian Voices, Chesapeake Climate Action Network, Cowpasture River Preservation Association, Friends of Buckingham, Highlanders for Responsible Development, Shenandoah Valley Battlefields Foundation, Shenandoah Valley Network, the Sierra Club, Virginia Wilderness Committee, Wild Virginia, and Winyah Rivers Foundation.

A [similar lawsuit was filed January 9](#) against FERC challenging its decision to issue a permit for the Mountain Valley Pipeline.

Pipeline CSI Meeting Set for March 3: *Mark Your Calendars!*

A special ABRA meeting to present details about the recently announced Pipeline Compliance Surveillance Initiative (Pipeline CSI) has been scheduled for Saturday, March 3, from 1 to 5 pm at the Holiday Inn in Staunton, VA, located at the intersection of I-81 and Rt. 262.

The March 3 session will be open to representatives from all ABRA member organizations, as well as those associated with allied groups in North Carolina and persons fighting the Mountain Valley Pipeline. The meeting will describe how the program will operate and how individuals can participate in the surveillance effort. Registration details for the meeting will be announced soon.

As the [January 25 ABRA Update](#) explained in announcing the new program, ABRA and its member organizations will continue to challenge the government decisions involving the project. But, with certain pre-construction activities already underway, citizen oversight is essential given the limited resources of government agencies that are responsible for regulating pipeline construction. The Pipeline CSI will ensure a dramatically new level of public scrutiny and oversight. Major features of the program will be the involvement of citizen volunteers to help monitor incidents of regulatory violations, water quality monitoring, aerial surveillance and partnering with federal and state regulatory agencies to help assure compliance with environment and safety requirements for the project.

Keep up with new developments by visiting and liking us on [Facebook](#).

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West Virginia Issues Stormwater Permits for ACP

A general water pollution control permit for the discharge of stormwater associated with construction of the Atlantic Coast Pipeline was issued on January 25 by the West Virginia Department of Environmental protection (DEP). The [agency's approval letter](#) states:

The erosion control measures approved by this agency for this project shall be maintained in proper condition to individually and collectively perform the functions for which they were designed. In order to ensure the efficiency and proper maintenance of these measures, the permittee shall make sufficiently frequent, periodic inspections to detect any impairment of the designed stability, capacity or environmental requirements of the approved measures. The permittee shall take immediate steps to correct any such impairment found to exist.

In publishing the approval letter, the DEP also released a [responsiveness summary](#) on the more than 400 comments presented to the agency in writing or at two public hearings in December. The summary indicates that a majority of commenters were in support of the project.

Virginia Counties Delay Land Use Approvals for ACP Storage Facilities

Two Virginia counties deferred approvals of pipe storage yards for the Atlantic Coast Pipeline. On January 25, the Highland County Planning Commission, citing numerous errors and inadequacies, tabled two land-use applications for Dominion to establish proposed Atlantic Coast Pipeline construction lay-down material storage yards in McDowell and south of Monterey. On February 1 the Augusta County Board of Zoning voted to table consideration of a proposal for a contractor's storage yard to be located north of Churchville on U.S. 42 due to concerns over traffic and the impact on neighboring properties. This is the second time the Augusta board has deferred action on the ACP application for the storage yard. For more on both actions, see the stories below from the *Recorder* and *News Leader*.

North Carolina Approves Erosion and Sediment Control Plans for ACP

The Atlantic Coast Pipeline received another key approval on February 1 when the North Carolina Department of Environmental Quality [issued an approval](#) of the project's erosion and sedimentation control (E&S) plan for the northern section of the project. The Department also issued a [general stormwater permit](#) in conjunction with its approval of the E&S plan.

In the News:

Local/Atlantic Coast Pipeline

Augusta zoning board tables Dominion discussion, again

- News Leader – 2/1/18

<http://www.newsleader.com/story/news/local/2018/02/01/zoning-board-tables-dominion-discussion-again/1086082001/>

Highland planners slam pipeline permit applications

- The Recorder – 1/31/18

<https://www.abralliance.org/wp-content/uploads/2018/02/Planners-slam-pipeline-permit-applications-Recorder-1-31-18.pdf>

Atlantic Coast opponents plan Pipeline CSI to map violations

- E&E News EnergyWire – 1-31-18
<https://www.abralliance.org/wp-content/uploads/2018/02/Atlantic-Coast-opponents-plan-Pipeline-CSI-to-map-violations-EE-News-EnergyWire-1-31-18.pdf>

Only way around law for Atlantic Coast Pipeline is to trample over it

- Charleston Gazette – 2-1-18
https://www.wvgazette.com/opinion/gazette_opinion/op_ed_commentaries/beth-little-only-way-around-law-for-atlantic-coast-pipeline/article_d30796a9-2358-5492-81f9-76c7e4a88063.html

ACP stirs mix of hope for jobs, leering by Native Americans

- The News & Observer – 2-1-18
<http://www.newsobserver.com/news/nation-world/national/article197725534.html>

Lawsuit Filed Against FERC Over Atlantic Coast Pipeline Approval

- NBC29 (Charlottesville) – 1-30-18
<http://www.nbc29.com/story/37385410/lawsuit-filed-against-ferc-over-atlantic-coast-pipeline-approval#.WnD4reBLEuM.facebook>

Facing new scrutiny in Va., Dominion Energy turns to old friend

- WTOP (Washington) – 1-29-18
<https://wtop.com/virginia/2018/01/facing-new-scrutiny-powerful-utility-turns-to-old-friends/>

Regional/Mountain Valley Pipeline, other

Federal judge puts a pause on Mountain Valley Pipeline construction plans

- Roanoke Times – 1-31-18
http://www.roanoke.com/business/federal-judge-puts-a-pause-on-mountain-valley-pipeline-construction/article_3a20e2a9-eb01-5f25-9314-056ca6d82078.html

Renewable energy bill puts moratorium on new pipelines, fossil fuel projects

- Augusta Free Press – 1-29-18
<https://augustafreepress.com/rasoul-renewable-energy-bill-puts-moratorium-new-pipelinesfossil-fuel-projects/>
- <https://www.foodandwaterwatch.org/news/groundbreaking-bill-requiring-100-clean-energy-2035-introduced-virginia>

Big Picture:

NC Governor Announces Fund for Clean Energy and Rural Development

- Governor Cooper's Office – 1-26-18
<https://governor.nc.gov/news/governor-cooper-announces-fund-clean-energy-and-rural-development-urges-continued-scrutiny-and>

White House would reduce environmental requirements for infrastructure

- Washington Post – 1-26-18
https://www.washingtonpost.com/politics/white-house-plan-would-reduce-environmental-requirements-for-infrastructure-projects/2018/01/26/b15bd66a-0248-11e8-8acf-ad2991367d9d_story.html?utm_term=.81096da55cf5

Anti-pipeline proponents help sell Putin's gas

- Houston Chronicle – 1-30-18
<http://www.houstonchronicle.com/opinion/editorials/article/Anti-pipeline-proponents-help-sell-Putin-s-gas-12538082.php>