



ABRA Update #227 – April 25, 2019

Is This What Dominion Calls ‘Best in Class’?



For the past five years, since announcing plans to build the Atlantic Coast Pipeline (ACP), Dominion Energy has touted that its construction of the project would employ “best in class” techniques to prevent sediment runoff from endangering streams and rivers. The photo above was taken on April 20 by ABRA’s Compliance Surveillance Initiative team along Elk Lick Road in Lewis County, WV, near Milepost 4 of the ACP. It shows the so-called “best in class” techniques that Dominion’s contractors are using. The barricade that is pictured is comprised of metal piping holding up stacked lumber. It appears that the contractor ran short of lumber.

The photo was taken in dry weather. There are two nearby streams that would be adversely impacted by sediment runoff caused by an even modest rainfall.

A further observation: the terrain in this area of the ACP route is hilly, but not mountainous. One can only imagine how ineffective such “best in class” sediment control techniques would be in the steeper mountains further along the route in Pocahontas and Randolph Counties (WV) and Highland, Bath, Augusta and Nelson Counties (VA).

Volunteer for ABRA’s Pipeline CSI Program

Volunteer

Submit a report to the Pipeline CSI

Report

Stay informed, like us on Facebook.



Support ABRA financially

GiveNow

Fish and Wildlife Case on the ACP Is Set for Oral Argument on May 9

The lawsuit challenging the U.S. Fish and Wildlife Service's (FWS) biological opinion and incidental take statement for the Atlantic Coast (ACP) that led to work stopping on the project is scheduled for oral argument on Thursday, May 9 before a three-judge panel of the U.S. Court of Appeals for the Fourth Circuit. The original FWS permit was voided by the Fourth Circuit in May 2018 in response to a lawsuit filed by the Southern Environmental Law Center (SELC) on behalf of Defenders of Wildlife, Sierra Club and the Virginia Wilderness Committee. A new FWS permit was issued on September 11, 2018 and is being challenged in this case.

SELC argues that the FWS's reissued permit relied on a series of irrational assumptions that mischaracterized the potential impact of the ACP route on the Rusty Patch Bumble Bee and erred in its analysis of the project's impact on three other endangered species: the clubshell mussel, Indiana bat and Madison Cave isopod.

The petitioners are requesting that the Court vacate the reissued biological opinion and incidental take statement. A copy of the SELC opening brief is available [here](#).

New CSI Website Goes Live

A redesign of the website for ABRA's Compliance Surveillance Initiative (CSI) program has been activated this week. The site has a new address (<http://abra-csi.org/>) and is designed to be very user-friendly. The site, which was created by ABRA Communications Coordinator Deirdre Skogen, includes instructions on how volunteers can become involved in the program, examples of non-compliance issues and numerous technical resources, including the unique CSI mapping system, depicted below showing a page that links to surveillance photographs taken by the ABRA/CSI Pipeline Air Force. We invite you to use the new website as a resource. If you have questions, please direct them to <mailto:csi@abralliance.org>.

WVDEP Approves Modified 401 Certification of Nationwide Permits

On April 24th the West Virginia Department of Environment Protection (WVDEP) approved its modification of the state's 401 Certification of the Army Corps of Engineers' 404 Nationwide Permits. In its approval, WVDEP decided against the proposed Standard Condition 22 that would have allowed it to waive or modify any standard or special condition which would have set a very bad precedent. However, WVDEP is moving forward with the modification of Nationwide Permit 12 that covers the Atlantic Coast Pipeline (ACP).

The agency modified Special Condition C. to allow exemptions to the 72-hour time restriction for stream crossings. The modified version exempts dry crossing methods and Section 10 (large, navigable rivers) from the 72-hour timeframe. The river crossings must be completed as soon as practicable. Also modified was Special Condition L. to clarify that there can be no permanent structures that impede fish passage, but temporary impedances of fish passage are allowable.

These modifications will make it easier for ACP to comply with the general permit conditions. The modifications now go to Army Corps of Engineers and Environmental Protection Agency for approval.

In the News:

Local/Atlantic Coast Pipeline

Ralph Northam Says He's Committed to Racial Equity. So Why is He Ignoring Union Hill?

- The Nation – 4/25/19

<https://www.thenation.com/article/ralph-northam-union-hill-atlantic-coast-pipeline-racial-justice/>

Residents of an historic African American community in Virginia are asking the Governor to keep a major natural gas project out of their town.

City pipeline challenge submitted to federal appeals court

- News Leader – 4/24/19

<https://www.newsleader.com/story/news/2019/04/24/staunton-pipeline-challenge-submitted-federal-appeals-court-water-supply/3560427002/>

Concern over Gardner Spring is at heart of City's decision to participate.

Neglect of 5-mile pipeline access road questioned

- The Recorder – 4/25/19

https://www.abralliance.org/wp-content/uploads/2019/04/Neglect-of-5-mile-pipeline-access-road-questioned-Recorder_20190425.pdf

ABRA and VOF question DEQ about it's supposed review of "every foot" of pipeline disturbance in Virginia. Because apparently, they didn't know about a 5-mile Access Road through a VOF easement, plans for which were filed with FERC, but not included in the controversial "land swap" involving Hayfields Farm.

Our ancestors' voices are begging us to stand up

- Virginia Mercury – 4/22/19

<https://www.virginiamercury.com/2019/04/22/our-ancestors-voices-are-begging-us-to-stand-up/>

Bath EMS meets with Dominion over safety concerns

- The Recorder – 4/25/19

https://www.abralliance.org/wp-content/uploads/2019/04/Bath-EMS-meets-with-Dominion-over-safety-concerns-Recorder_20190425.pdf

Pipeliners shift to survival mode

- The Recorder – 4/25/19

https://www.abralliance.org/wp-content/uploads/2019/04/Pipeliners-shift-to-survival-mode-Recorder_20190425.pdf

Utilities and fossil fuel industry cling to business model, outsized profits, and each other as energy paradigm shifts around them. The longer they can hang on (helped by 20th century regulations) the greater the price paid by the climate and the people.

State air board recommends joining regional carbon reduction group; new members appointed by Northam take seats

- Richmond Times-Dispatch – 4/19/19

https://www.richmond.com/news/virginia/government-politics/state-air-board-recommends-joining-regional-carbon-reduction-group-new/article_d66a07f8-d234-556a-bc7e-ae77873c6980.html

Regional/Mountain Valley Pipeline, other

MVP Start-Up This Year ‘Unlikely,’ but Challenges Show Pipe’s Value, Says NextEra Exec

- Natural Gas Intelligence – 4/25/19

<https://www.naturalgasintel.com/articles/118165-mvp-start-up-this-year-unlikely-but-challenges-show-pipes-value-says-nextera-exec>

Living in the trees to protest pipeline

- Winston-Salem Journal – 4/22/19

https://www.journalnow.com/townnews/politics/living-in-the-trees-to-protest-pipeline/article_275eacec-6f02-544a-b608-e6684cc7faf4.html

With the announcement of a 70-mile extension into Rockingham and Alamance counties in North Carolina, called Mountain Valley Pipeline Southgate, the protesters’ role has taken on new importance to North Carolinians.

Pipelines draw support at energy conference in Roanoke, while opponents gather outside

- The Roanoke Times – 4/18/19

https://www.roanoke.com/business/pipelines-draw-support-at-energy-conference-in-roanoke-while-opponents/article_9f72a8b2-0e71-521e-acb8-2d2e23a8700b.html

Fife: The pipelines aren't local

- The Roanoke Times – 4/18/19

https://www.roanoke.com/opinion/commentary/fife-the-pipelines-aren-t-local/article_552c1982-2afb-59d3-841f-c39ca90c2c24.html

SUN SiNG Concert: Our Hope Is Not a Luxury.

- Blue Virginia – 4/23/19

<https://bluevirginia.us/2019/04/sun-sing-concert-our-hope-is-not-a-luxury>

Check out the SUN SiNG Concert on Friday, April 26, 6 pm at The Jefferson Theater in Charlottesville, VA.

Big Picture:

North America driving global oil and gas pipeline 'boom'

- PhysOrg – 4/25/19

<https://phys.org/news/2019-04-north-america-global-oil-gas.html>

Survey paints a picture of fossil fuel companies rushing to complete projects in order to lock countries and investors into oil and gas use for decades.

Related:

- <https://www.theguardian.com/environment/2019/apr/25/us-oil-gas-boom-climate-change-report>

FERC chair ‘optimistic’ on climate change compromises for new LNG projects

- Houston Chronicle – 4/22/19

<https://www.houstonchronicle.com/business/energy/article/FERC-chair-optimistic-on-climate-change-13785248.php>

Higher gas and electricity prices, greater price volatility, more drilling and more pipelines. Feel that Optimism!

Related:

- <https://www.rtoinsider.com/record-gas-demand-ferc-markets-report-114955/>

The real climate change controversy: Whether to engineer the planet in order to fix it

- Los Angeles Times – 4/24/19

<https://www.latimes.com/science/sciencenow/la-sci-climate-change-geoengineering-debate-20190424-story.html>

Is intentionally altering the climate a defensible last-ditch effort to stave off climate damages — or a dangerous act of hubris? An interesting question, since we are already ‘intentionally altering the climate’ in a negative way due to greed, lack of political will, denial, inertia, etc.

California just made more clean energy than it needed

- PV Magazine – 4/22/19

<https://pv-magazine-usa.com/2019/04/22/californias-just-made-more-clean-energy-than-it-needed/>

Briefly...with caveats...but it happened and the grid didn't collapse.

SPECIAL ANNOUNCEMENT



WEST VIRGINIA RIVERS

Conserving and Restoring West Virginia's Exceptional Rivers and Streams

Free Webinar: Monitoring the Atlantic Coast Pipeline with Online Mapping

Join the WV/VA Water Quality Monitoring Project for a free webinar on Pipeline CSI, an online interactive mapping system for the Atlantic Coast Pipeline on **Tuesday, April 30 at 7:00PM**. Pipeline CSI is a program of the Allegheny Blue Ridge Alliance, of which WV Rivers is a partner. It was developed to help citizens monitor construction of the Atlantic Coast Pipeline and report water quality violations using high-tech tools.

During the webinar, you'll learn how Pipeline CSI works and how you can protect the landscape you care about.

Sign-up: [Register here](#)