


Protecting the Piedmont's natural resources, rural economy, history and beauty since 1972



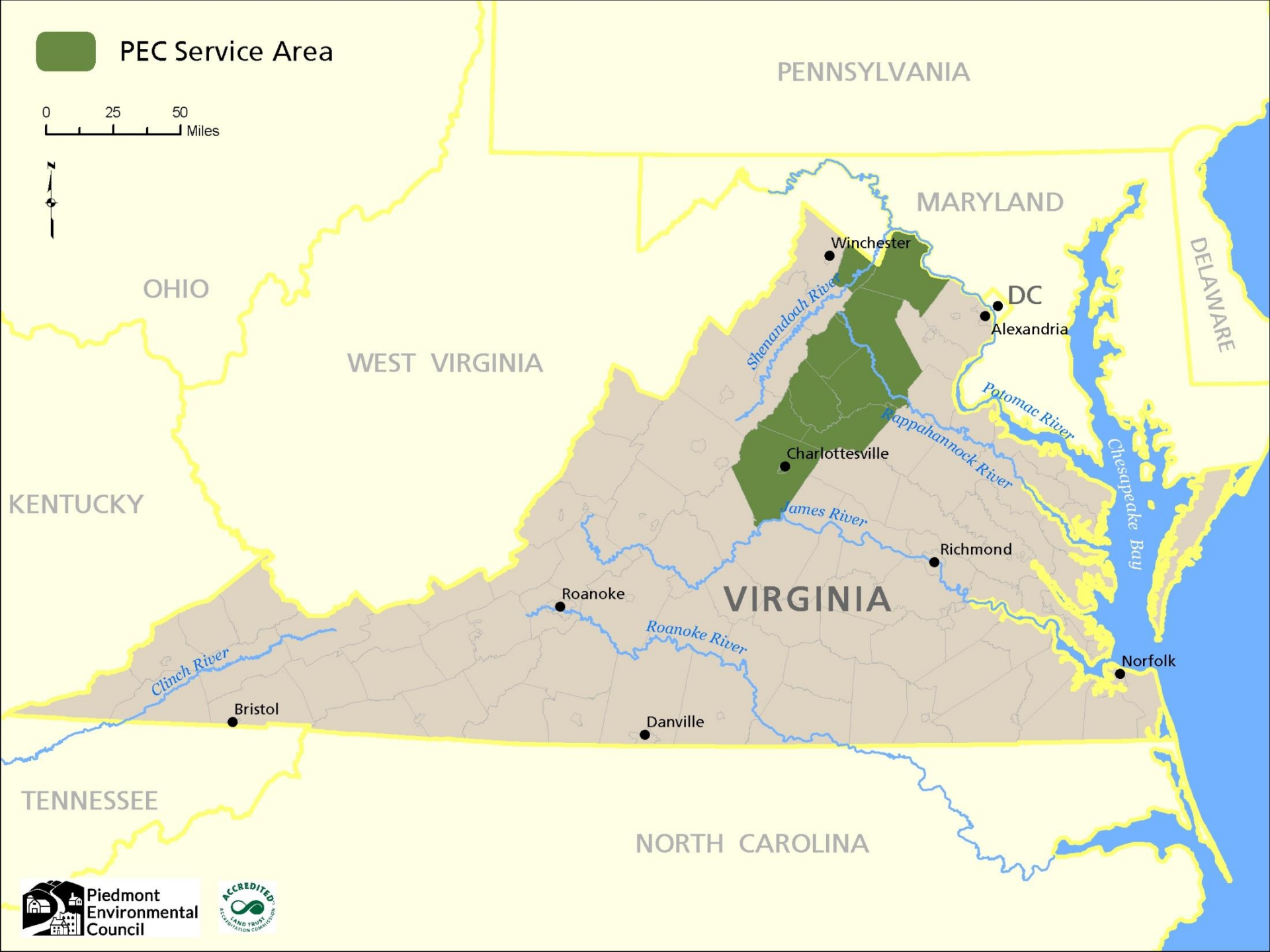
Piedmont
Environmental
Council

1/29/19

Chris Miller, President

 PEC Service Area

0 25 50
Miles



An aerial photograph of a vast, forested landscape. The foreground shows a mix of dense green trees and open, grassy fields. In the middle ground, there are rolling hills covered in thick forest. The background features more distant, hazy hills under a clear sky. The overall scene is a lush, natural environment.

PEC's role:




- Engage
- Educate
- Empower

And, you can back up all issues that you care about.

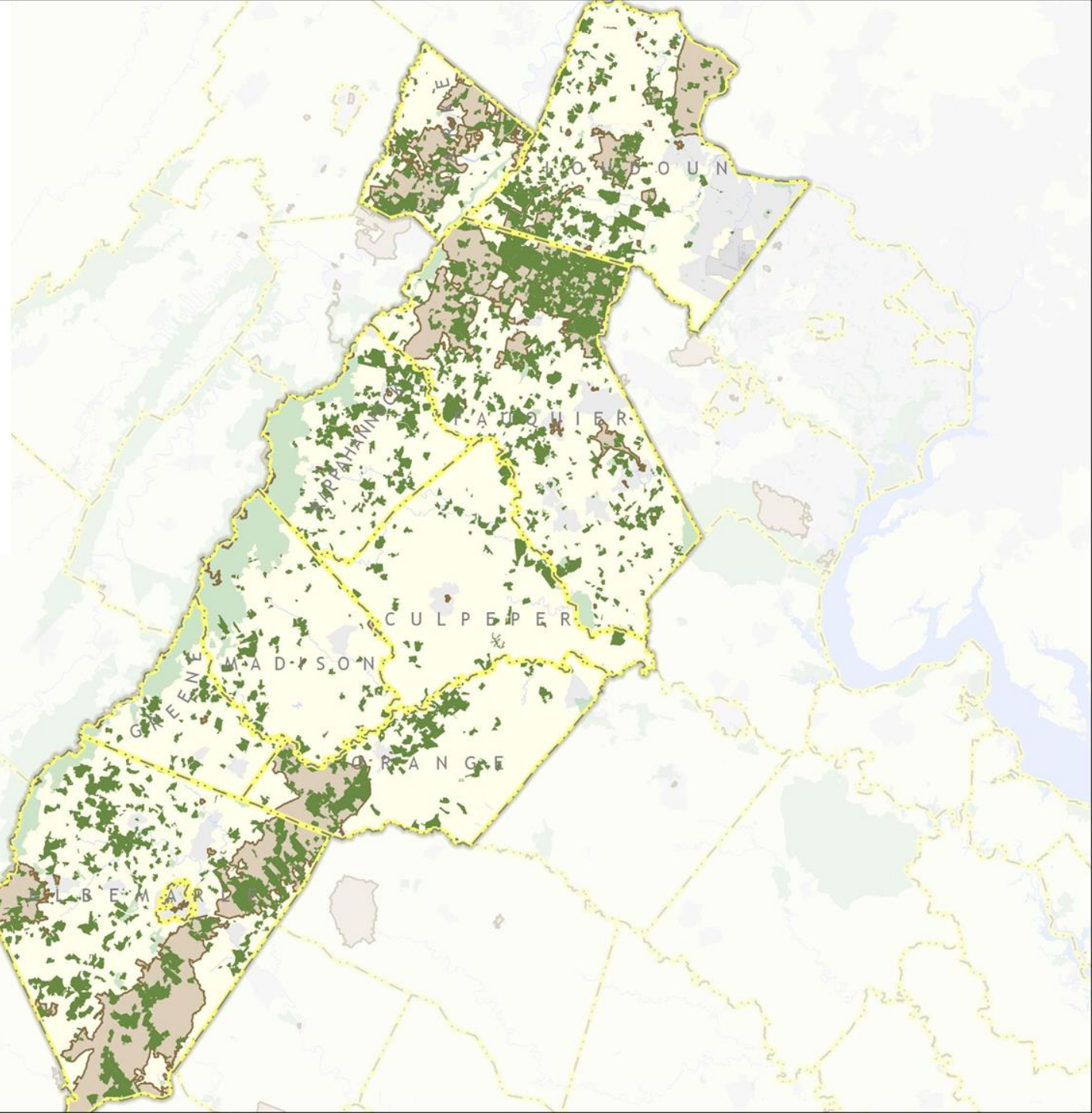

Photo by Will Parson, Chesapeake Bay Program

Protected Land in PEC Service Area 2016



-  Historic District
-  Existing Conservation Easements
-  Publicly Owned Land

0 10 20 Miles



Our Long-term Vision: 1 Million Acres

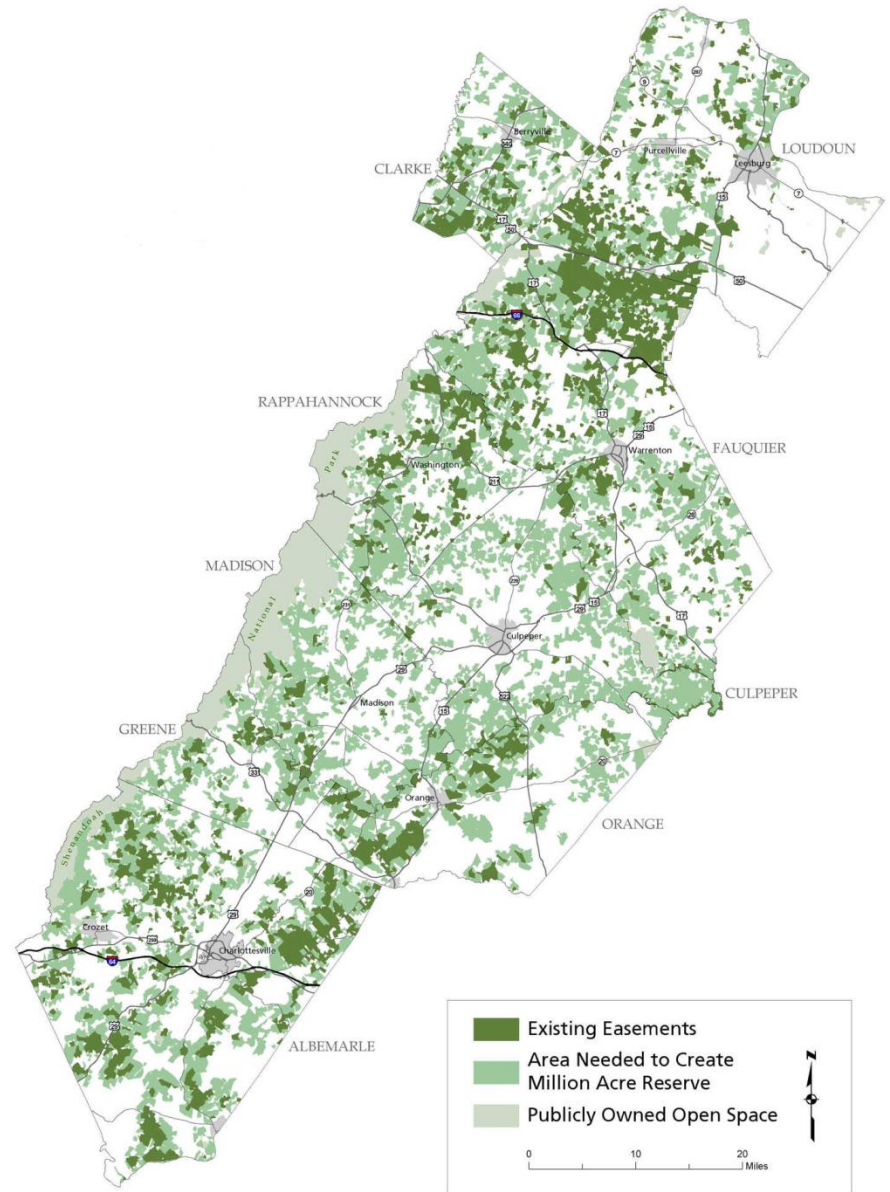
Current Protected Lands

Under Easement – 409,000 acres

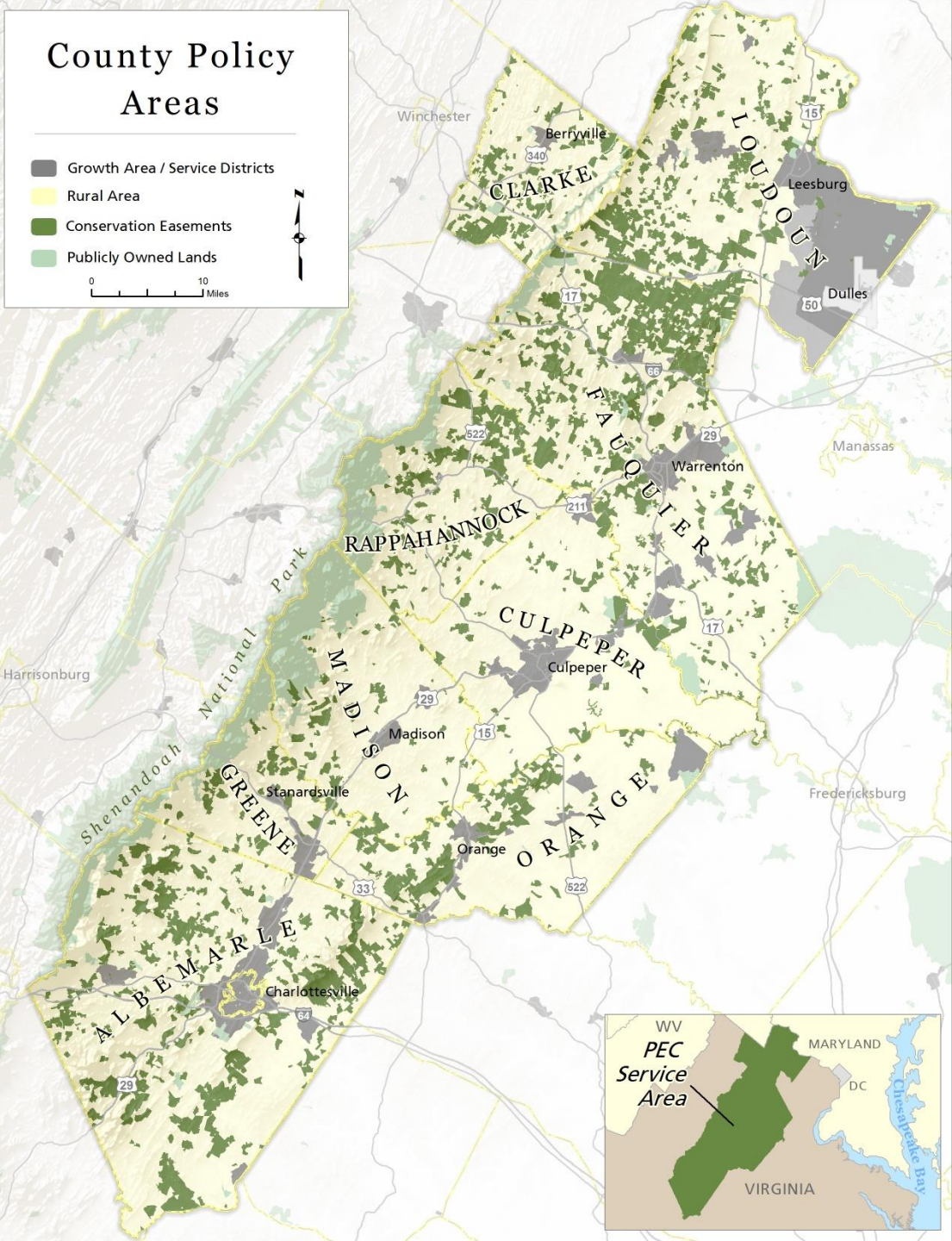
Public Lands – 125,000 acres

Lands Needed to Reach Goal

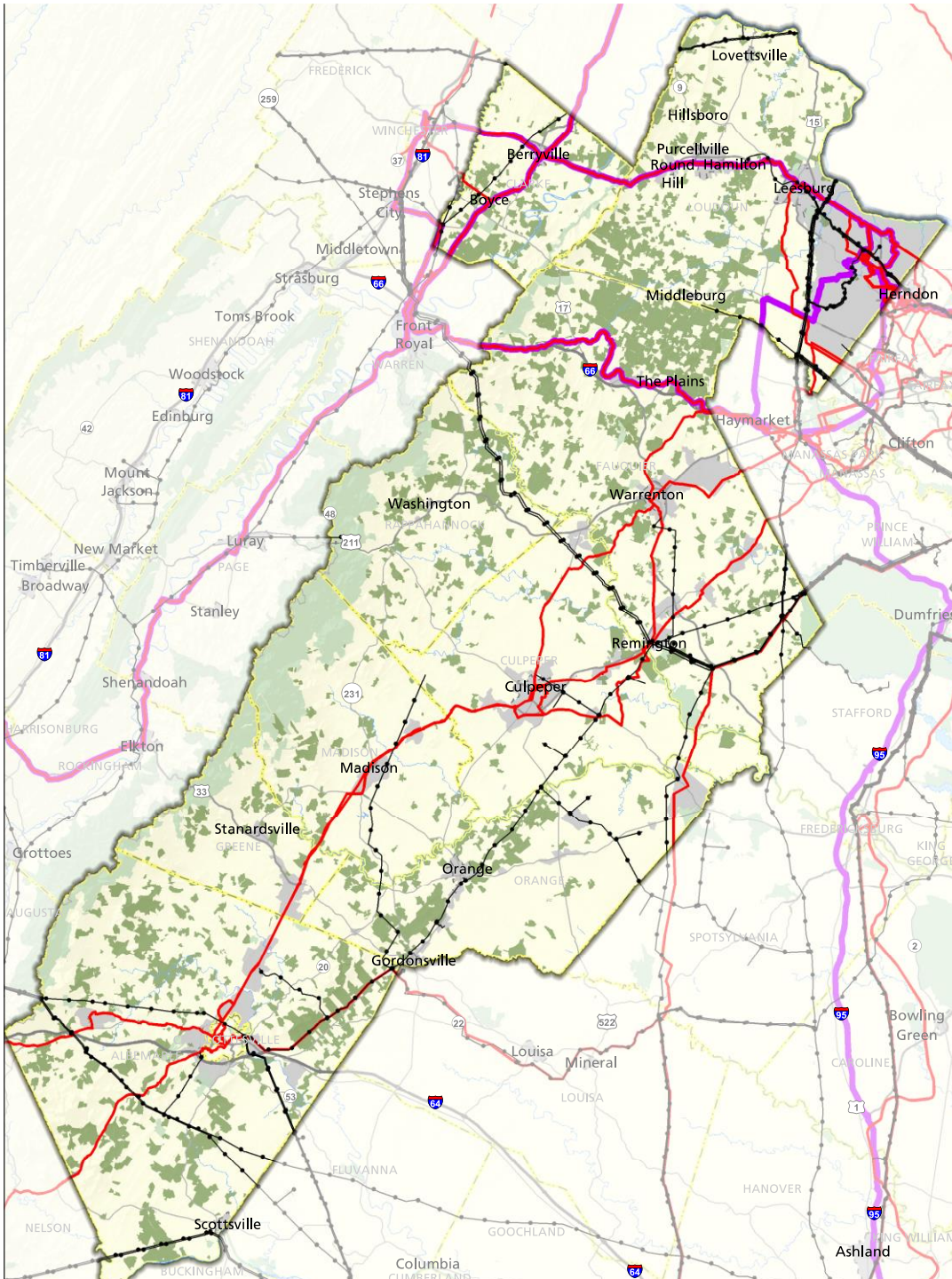
466,000 acres








Easements complement strong planning with designated growth areas.



Fiber Optic Network & Transmission Lines



-  Fiber Network*
-  National Core Network*
-  PowerTransmissionLines_VA
-  Conservation Easements
-  Publicly Owned Land

*Data from Windstream Wholesale, not all fiber lines are shown.



Transmission

Right-of-Way



Photo by Will Parson, Chesapeake Bay Program

An aerial photograph of a large-scale solar farm. The solar panels are arranged in long, parallel rows, creating a grid-like pattern across a cleared area. The surrounding landscape includes green trees, a dirt road, and some construction equipment. The text "Utility Scale Solar" is overlaid in the upper right corner.

Utility Scale Solar

Photo by Will Parson, Chesapeake Bay Program

Planning Commission tackles solar project proposal

By SCOTT SHENK THE FREE LANCE-STAR Jan 3, 2019 

“Sustainable Power Group, also known as sPower, wants to install **approximately 1.5 million solar panels on several tracts of a more than 6,300-acre timber property.** The solar farm, the largest such proposal in the U.S., would send energy into the current grid. The company already has agreements to sell the energy to major high-tech companies Apple and Microsoft, as well as the University of Richmond.

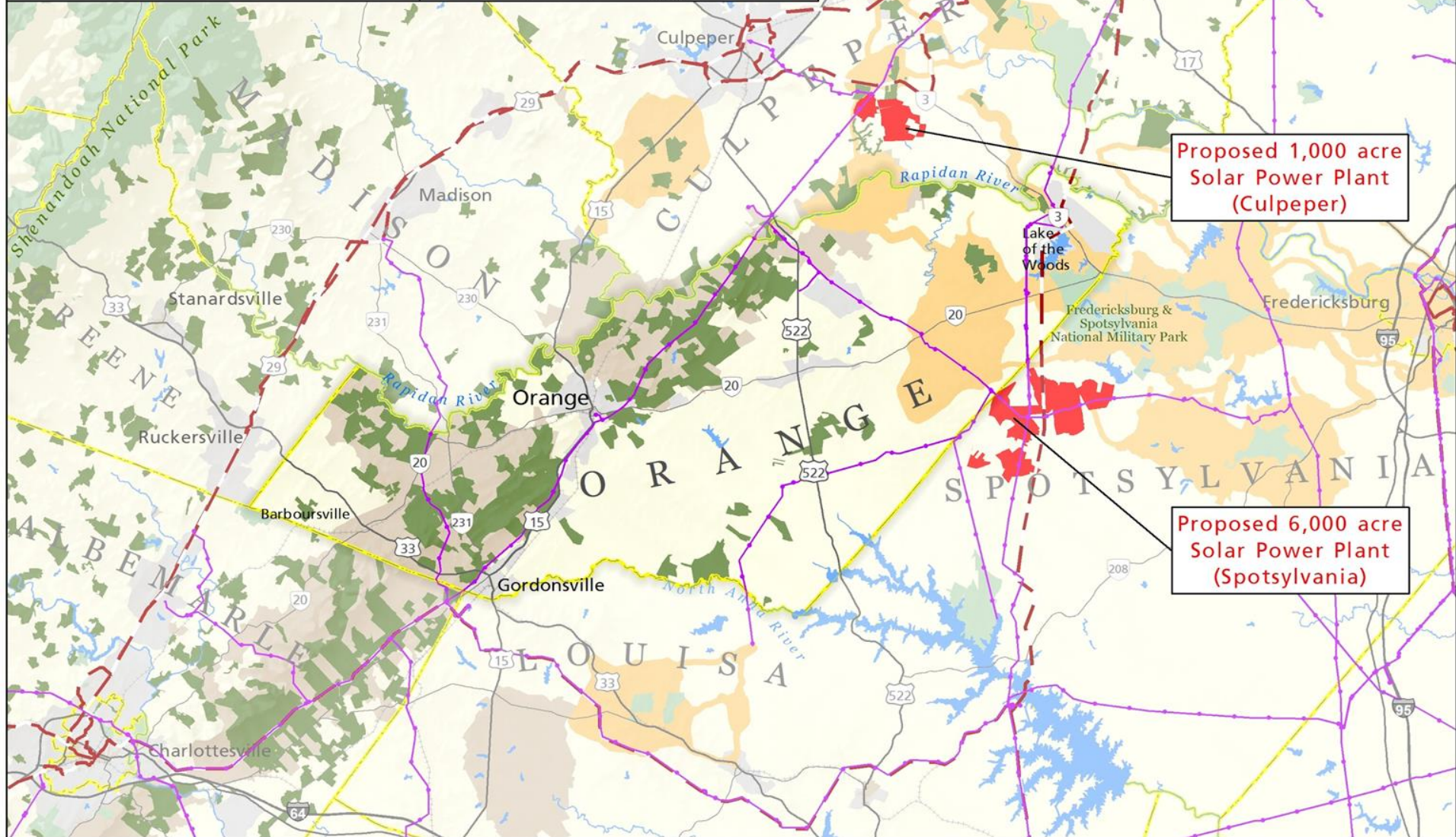
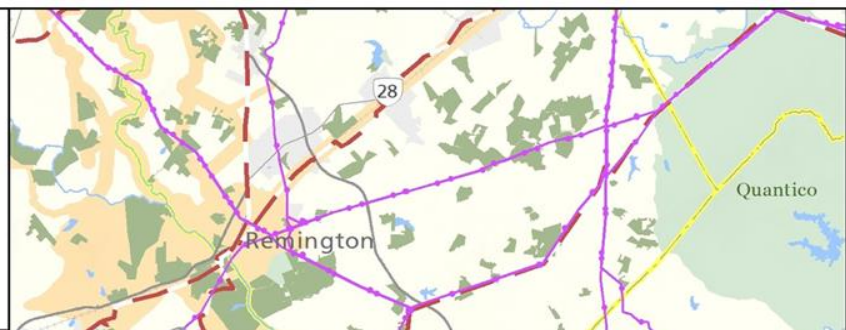
The Board of Supervisors will have the final say on the project, and will hold its own public hearing before any final vote.”

Orange County THREATS Industrial Uses



- Electric Transmission Lines
- Fiber Optic Lines
- Conservation Easements
- Publicly Owned Land
- Battlefields
- Historic Districts

0 2.5 5
Miles



Proposed 1,000 acre
Solar Power Plant
(Culpeper)

Proposed 6,000 acre
Solar Power Plant
(Spotsylvania)

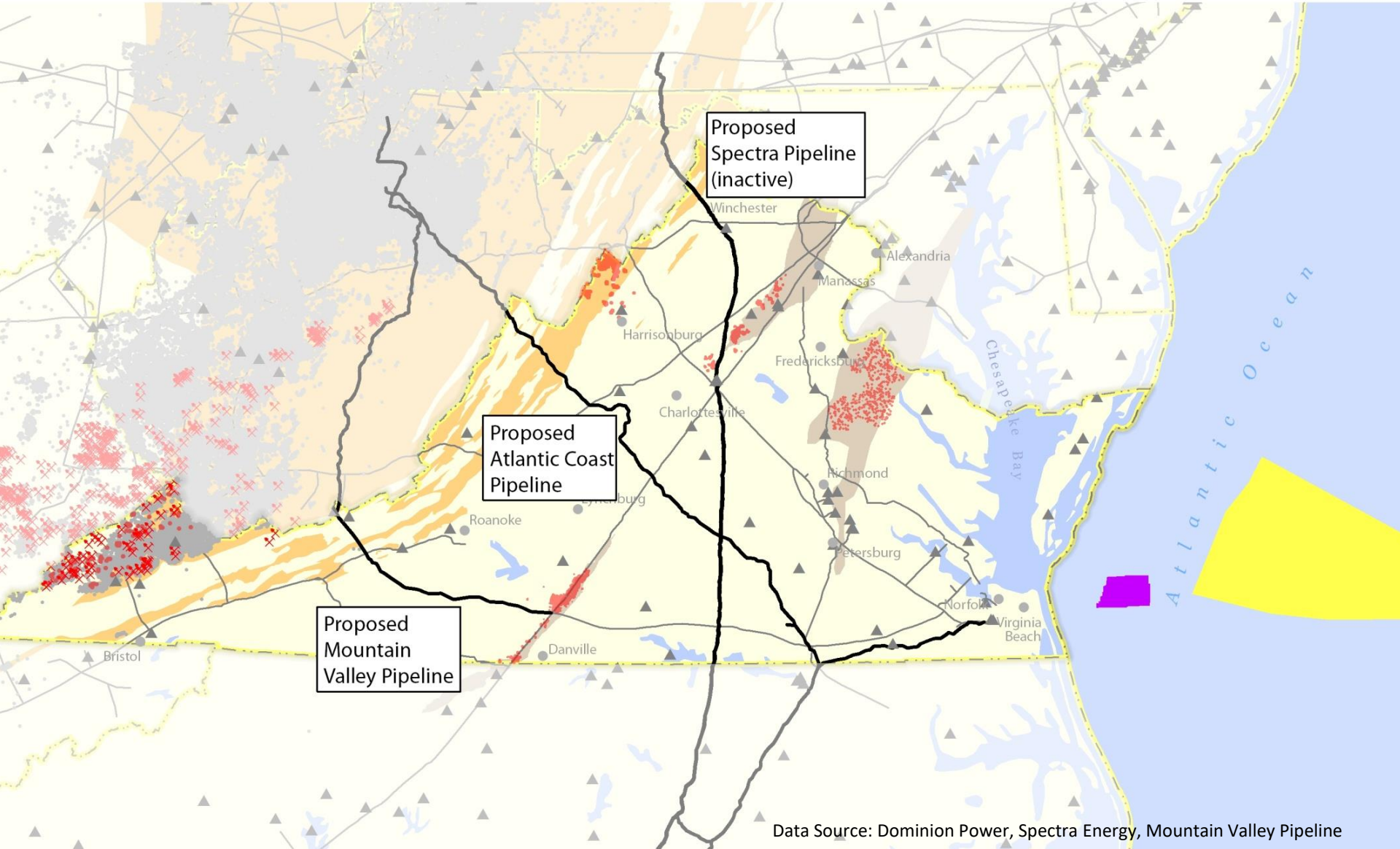
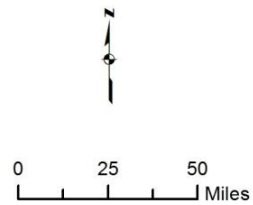
An aerial photograph of a vast solar farm. The image shows numerous rows of dark blue solar panels stretching across a landscape. A dirt road or path runs diagonally through the center of the panels. A white car is driving on the road. In the lower-left quadrant, there is a small utility area with a white truck, a blue canopy, and some equipment. The overall scene is a large-scale industrial solar installation.

Impervious Surface

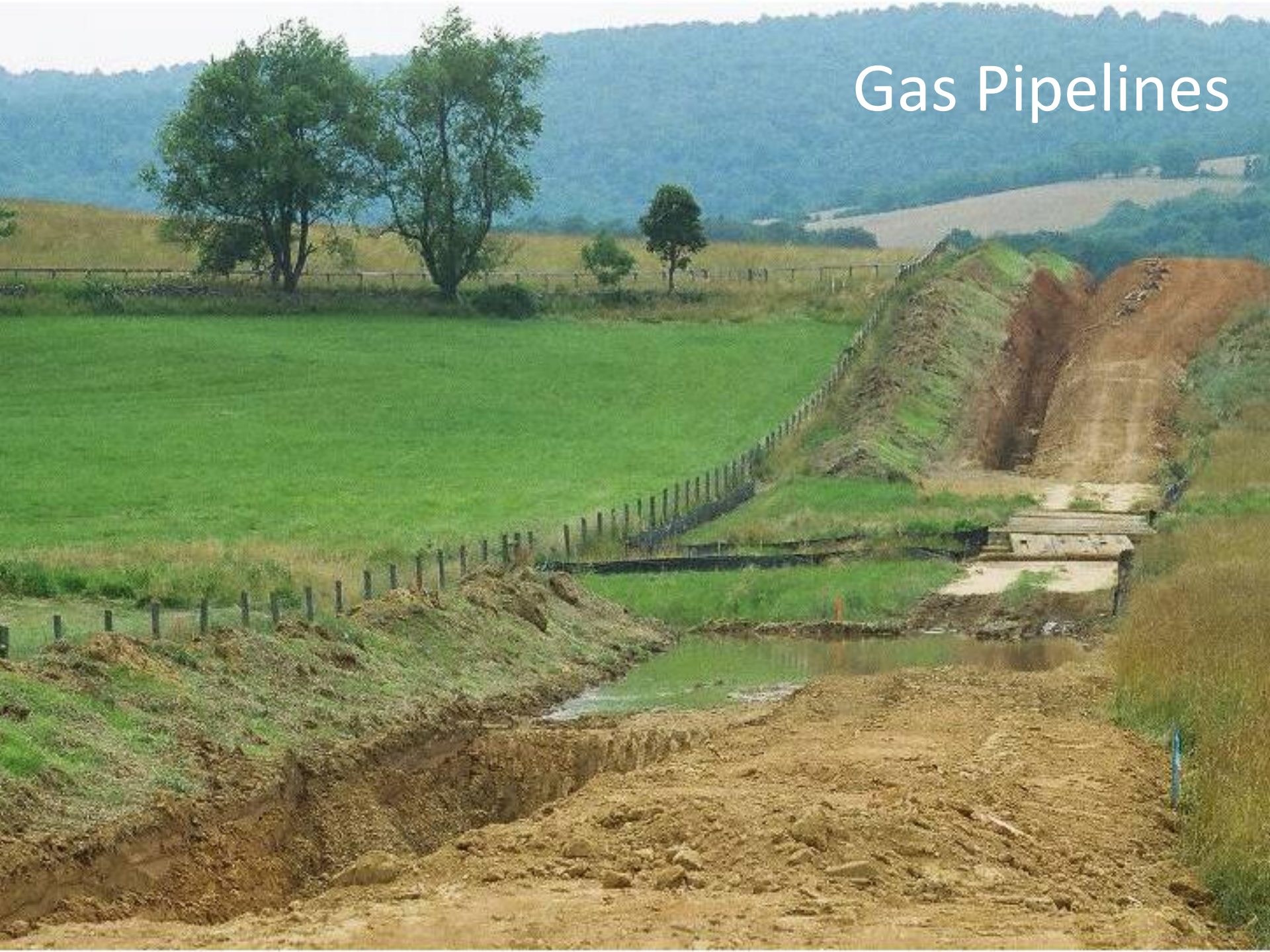
Photo by Will Parson, Chesapeake Bay Program

Proposed Gas Pipelines

- Existing Pipelines
- Proposed Pipelines
- Power Plants - Oil, Gas, and Coal



Gas Pipelines





Forest Fragmentation

Photo by Dominion Pipeline Monitoring Coalition



Images from Friends of Wintergreen

Update On Atlantic Coast Pipeline and Mountain View Pipeline

- Federal Energy Regulatory Commission issued approvals for both pipelines but legal challenges continue as to whether public purpose sufficient to allow Natural Gas Act eminent domain
- States issued Clean Water Act Section 401 Certifications after extensive comment and protest, litigated, but...both Virginia and West Virginia have withdrawn permits on MVP, petition to withdraw permits on ACP based on events and impacts in 2018
- Multiple Legal Challenges initiated challenging FERC, Forest Service, Fish and Wildlife, and state agency decisions ---4th Circuit Ruled USFS lacked authority to permit crossing of NPS Unit

Update On Atlantic Coast Pipeline and Mountain View Pipeline

- Former Governor McAuliffe negotiated mitigation agreements in the last 30 days of the his Administration, before final agency permitting and approvals by state agencies
- Similar mitigation agreements were negotiated for impacts of 500 Kv electric transmission lines
- Combined mitigation agreements was used by General Assembly to support proposed reductions in funding for conservation programs; effect was to substitute mitigation funds for appropriations
- Major impacts from initial right of way clearing, construction and stream crossings because of high rain fall over spring and summer of 2018

Update On Atlantic Coast Pipeline and Mountain View Pipeline

- Members of the Virginia House and Senate tasked with making recommendations on the budget issued their subcommittee reports. When it comes to conservation funding, the news was worse than expected.
- Not only did they fail to adequately fund the programs we mentioned in [our last email alert](#), they also proposed even greater cuts for just about every one.
- **The rationale?** Legislators are pointing to money that state and private entities will receive as mitigation for two gas pipeline projects, and the transmission line near Jamestown, as a justification for reducing overall state funding for conservation.
- [Ask Our Elected Officials to Stand Up for Conservation Funding](#)
- Send an email to your Delegate, Senator, and the new Governor to support Virginia's conservation programs and reject these severe cuts to funding.

Update On Atlantic Coast Pipeline and Mountain View Pipeline

- Increasing attention to Environmental Justice issues along route
- Court reviews focusing on arbitrary and capricious decisions by federal agencies
- Increased concern as to adequacy of Nationwide Permits applied to pipeline constructions

Update On Atlantic Coast Pipeline and Mountain View Pipeline

- **Mitigation From MVP/ACP**
- MVP:
 - \$58 million total for all anticipated impacts on forest fragmentation, water quality, and historic resources
 - \$20 million for water quality impacts
 - \$15 million for conservation of forests by Virginia Outdoors Foundation
 - \$7 million for local soil and water conservation districts
 - 2.5 for impacts on historic resources
 - ACP
 - \$40 million forest conservation
 - 20 million water quality impacts

Process Failures

- FERC's Review Standard
- FERC's NEPA Process
- Reliance on Nationwide General Permits for stream crossings in sensitive environments
- VOF Process for considering loss of conservation easements
- Failure of state agencies to adequately analyze potential impacts that form basis for mitigation agreements, particularly impacts on historic, cultural, and scenic impacts

FERC's Review Standard

“The Commission will evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits outweigh the adverse effects on economic interests will the Commission proceed to complete the environmental analysis where other interests are considered.”

FERC's Review Standard

Several parties and commenters challenged the need for the ACP Project. They raise a variety of arguments including:

- (1) the availability of existing infrastructure to serve markets;
- (2) insufficient demand for natural gas in Virginia and North Carolina;
- (3) insufficient production growth in the Appalachian Basin;
- (4) the availability of renewable energy to meet future demand for electricity generation;
- (5) the need for regional analysis to determine if the project is needed; and
- (6) the use of precedent agreements with affiliated utilities to demonstrate project need. The commenters also challenged the studies submitted by Atlantic showing that the project is needed to serve demand growth in Virginia and North Carolina.

FERC's NEPA Process

- Refusal to conduct a Programmatic EIS that would look at all new pipeline applications and expansions in the region together
- Applicant driven process required high level of coordinated opposition to expand scope and depth of analysis by federal and state agencies
- For most other resources, impacts would be reduced to less than significant levels with the implementation of mitigation measures proposed by the applicants and other mitigation measures recommended by Commission staff and included as environmental conditions in the appendix to this order.

FERC's NEPA Process

- The final EIS concludes that most environmental impacts resulting from construction and operation of the ACP Project and Supply Header Project would be temporary or short-term, but that some impacts would be adverse and significant.
- in steep terrain or high landslide incidence areas could increase landslide potential, and, where waterbodies are adjacent to steep terrain, slope instability could have long-term and adverse impacts on water quality and stream channel geometry, and, therefore, downstream aquatic biota. Additionally, constructing the ACP Project facilities could significantly impact cave invertebrates and other subterranean species that occur in only a few known locations, and result in population-level effects on these species.

Mitigation policy?

- Chesapeake Conservation Partnership contracted with the Environmental Law Institute to review federal and state approaches to mitigation
- "The Piedmont Environmental Council commends the Environmental Law Institute for an even-handed assessment of current policies and thoughtful suggestions for how the process can be improved to ensure the most sustainable outcomes for the region," said Chris Miller, President of PEC. "The Chesapeake Conservation Partnership has been a remarkable forum for constructive solutions to challenges and opportunities that cross boundaries and jurisdictional authority."
- The report is available for download at <http://www.chesapeakeconservation.org/index.php/our-work/current-initiatives/mitigation-policy/>

Next Set of Challenges

- Administration of mitigation funds
- Establishing large scale conservation goals and detailed mapping at all scales to enable better analysis of impacts
- Siting for utility and commercial scale solar