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| **Subhead:** | **With Hurricane Camille in mind, Nelson County worries about potential steep price for pipeline** |
| **Reporter:** | By MICHAEL **MARTZ** Richmond Times-Dispatch |
| **Desk:** |  |
| **Source:** |  |
| **Day:** | Sunday |
| **Dateline:** |  |
| **Print Run Date:** | 8/18/2019 |
| **Digital Run Date:** |  |
| **Corrections:** |  |
| **Text:** | OLD MYNDUS ' Roberts Mountain looms above the Oak Hill Baptist Church Cemetery here where so many victims of Hurricane Camille lie, 50 years after torrential rains brought a flood of mud, boulders and trees out of the mountain hollows along Davis Creek.  Standing at the cemetery's edge, Jim Bolton points to a slight dip in the mountain crest where the Atlantic Coast Pipeline is planned to reach the top of Roberts Mountain from the north and then follow its ridgeline east toward U.S. 29 near Woods Mill, another scene of Camille's destructive power a half-century ago where Davis and Muddy creeks met.  Dominion Energy and its partners chose an alternate route for the 42-inch natural gas pipeline through Nelson County four years ago to avoid crossing Davis Creek where Camille triggered the worst debris flows, killing more than 50 people there after at least 27 inches of rain fell overnight on Aug. 19-20, 1969.  But the $7.5 billion project ' currently stalled in federal court ' still would top the mountain above Huffman Hollow, home to some of the roughly 20 members of the Huffman family who perished during Camille and now lie in the cemetery here.  "They moved it from one bad area to another bad area," said Bolton, a Davis Creek resident who recently urged federal regulators to reconsider approval of the pipeline's path through the steep mountains that Camille proved vulnerable to catastrophic landslides.  Dominion officials say they have detailed plans to guard against landslides on 439 steep slopes identified in the path of the 605-mile pipeline, including 224 in Virginia and 72 in Nelson County.  Their plans include site-specific designs for 20 of the steepest, most sensitive slopes ' 12 in Virginia ' and use of "best in class" measures that exceed federal and state requirements to control water and reduce landslide potential on the rest.  "This will establish the industry gold standard," Dominion spokesman Aaron Ruby vowed.  The scope of Nelson's vulnerability has become clearer in the early stages of a new federally funded study by the Virginia Department of Mines, Minerals and Energy that has already identified more than 5,900 landslides and debris flows, almost all caused by Camille.  About 4,800 sites identified by the study represent debris flows ' each a narrow flood of mud, rock, trees and other debris that moves quickly and crushes anything in its path.  "They're very dangerous," said Anne Carter Witt, a state geohazards geologist who is directing the study, focused on mapping landslide hazards in western Nelson and Albemarle counties. "Everything coming down Davis Creek was pretty much an enormous debris flow."  A report released more than two years ago by Friends of Nelson, a local opponent of the pipeline, warned that Dominion and its partners had not adequately identified and avoided areas where the risk of landslides is high to ensure "the safety of the pipeline as well as protect the surrounding slopes, waterways and residents from a potentially catastrophic failure."  The study by Blackburn Consulting Services relied on field testing of geology and slopes that focused on three areas vulnerable to landslides: Roberts Mountain on the north side of Davis Creek; the mountains along Wheelers Cove Road east of U.S. 29; and Wintergreen, a resort community next to the planned site of a pipeline tunnel that Dominion wants to drill through the Blue Ridge from Augusta County into Nelson.  The pipeline company's plans for reducing the threat of landslides "do not appear to fully take into account the potentially dangerous conditions that the project poses to Nelson's slopes and residents," Blackburn states in the report, which raises concerns about the effect of removing trees, excavating soil and blasting rock on already unstable mountain ridges.  Friends of Nelson estimates that the pipeline route passes through or near 60 debris flows and 10 debris slides documented from Camille in the new state study.  Dominion officials say they accept the challenge of building a pipeline through the **Appalachian** Mountain ranges of West Virginia and Virginia to reach natural gas markets on the Atlantic coast from Hampton Roads to southeastern North Carolina.  Steep slopes  Steep slopes have been a major issue in how the pipeline would cut through the George Washington National Forest in Virginia and Monongahela National Forest in West Virginia. In December, the 4th U.S. Circuit Court of Appeals threw out permits the U.S. Forest Service issued to allow the project to cross 21 miles of national forest and tunnel beneath the **Appalachian** **Trail** at Reeds Gap above Wintergreen.  The ruling by a three-judge panel, led by Chief Judge Roger L. Gregory of Richmond, cited the shifting position of the Forest Service, which previously had questioned whether it was possible, in the words of one national forest supervisor, to permit pipeline construction on steep slopes and "keep the mountain on the mountain."  The pipeline company and the U.S. solicitor general have asked the U.S. Supreme Court to review and reverse the 4th Circuit's decision to block the **Appalachian** **Trail** crossing, but Dominion expects the Forest Service to issue a new permit that addresses the panel's concerns about the project's protection of steep mountain slopes.  Nine of the 20 steep slopes Dominion identified for specific site designs lie in the two national forests. Six of the 12 most sensitive slopes in Virginia lie in Highland County, four in Augusta County and two in Nelson.  The two Nelson sites lie on Roberts Mountain near Woods Mill and Piney Mountain near Wintergreen.  Dominion says it will use "best in class" techniques for the remaining 212 steep slopes identified in Virginia ' 74 in Augusta, 70 in Nelson, 47 in Bath County, 19 in Highland, and two in Buckingham County.  Those techniques target sources of water that can destabilize both the soil surface and the 10-foot-deep trench that holds the pipe. "The management of water ... is paramount to the success of the program," said Robert Hare, manager of technical services for the project.  The plans also include the excavation, retention and restoration of soil and rock in a 125-foot construction right of way that would require leveling of narrow mountain ridgelines and their restoration after the work is done. The company says it would generally follow ridgelines because they are more stable and drier than side slopes and the tops of hollows.  Bolton, a retired biomedical research scientist at the University of Virginia, doesn't believe it's possible to safely restore excavated ridgelines to keep them from sliding down the mountain.  "It's loose fill ' no compaction, no trees on it, no nothing," he said.  Dominion says its plans are informed by extensive work along the pipeline route, where its crews will reassess and adjust their work on steep slopes as they proceed.  "I've personally hiked most of the [439] steep slopes," said Alex Greene, an engineering geologist for Geosyntec Consultants, a contractor based in California.  West Virginia  Construction of the pipeline was suspended in December after the 4th Circuit vacated a U.S. Fish & Wildlife Service permit for protecting endangered species, but the company said it had already begun using "best in class" techniques to build the pipeline in West Virginia.  "We've seen it function like it's supposed to," said Greg Park, who is supervising pipeline construction in West Virginia.  But federal regulators warned Dominion last month about "probable violations" of pipeline safety rules at two sites in West Virginia where inspectors found the pipeline laid in cramped trenches lined with rocks, including "unsupported boulders susceptible of damaging the pipeline from settlement above if allowed to remain."  "The identified conditions also have the potential to be exacerbated in the event of heavy rains and/or washouts," an administrator for the Pipeline and Hazardous Materials Safety Administration said in a July 25 letter.  The notice, first reported by E&E Energywire on Thursday, ordered the company to correct the problems but did not propose a fine or further enforcement action.  Ruby, Dominion's spokesman, said the inspections occurred before the Federal Energy Regulatory Commission accepted the company's plan for stabilizing trenches after halting work in December. "Once the stabilization work was authorized by FERC, we remediated the issues found in the inspection," he said.  Park, now construction supervisor in West Virginia, took a lead role in plotting the entire pipeline route, including the "east of Lovingston" alternative, adopted in May 2015, that shifted the path away from the portion of Davis Creek in Nelson County hit hardest by Camille.  Dominion made the change early in the planning process, so he said he can't attest to the differences in terrain between the original and alternative routes.  But Park said, "Why go into that area knowing the history of it?"  Camille  Wisteria Johnson was 18 years old and preparing to leave Harris Cove to attend Virginia State University when Camille swamped the mountain hollows along Wheelers Cove Road.  When Johnson awoke the morning after the storm, she saw nothing but water from the road to the mountains that surround the house where her family has lived for more than 120 years. Somehow, the house had been spared, even with two creeks running through the property.  "God had to have a hand in it," she said. "It was because of the mountains he made and had been in place without man's heavy disturbance."  One of their neighbors, Wrennie Harris Wright, wasn't as fortunate.  Johnson's mother, Doris Harris, was worried about the 75-year-old widow, who lived in a cabin between two streams on a steep mountainside along Wheelers Cove Road near Thoroughfare Gap. The roads were impassable for cars, so Johnson remembers walking 2 miles through water and mud with her mother and sister, Elizabeth, to check on Wright.  The two girls waited on the road while their mother went down the slope to check the cabin, which had been pushed to the foot of the mountain. Doris Harris sent them home to fetch their father, Wister, who returned to find the elderly woman crushed to death between heavy furniture and a bedroom wall in the dislodged cabin.  Wright was among 124 people killed in Nelson during Camille.  "It shows you how fragile the mountains are," Johnson said.  The pipeline had been planned to pass in front of the home of her sister, Elizabeth Miles, on Wheelers Cove Road and behind her own home at the foot of Bailey Mountain, but Johnson said Dominion shifted the route to follow the ridge of Willoughby Mountain east of them.  Greene, the geologist for Geosyntec, said the pipeline route east of U.S. 29 generally avoided some of the steepest terrain. "We didn't see anything near as steep as we saw up on Roberts Mountain," he said.  Shifting soil  Last spring, a 5-inch rain brought an unwelcome surprise to Curtis Sheets, chief of fire and rescue for Wintergreen Resort and its surrounding community on the eastern slope of the Blue Ridge.  The fire road that connects the community to Nellysford in the Rockfish Valley more than 2 miles away suddenly had a 20-foot-wide gap about a half-mile down the slope.  "The entire road just slid off the mountain," said Sheets, who also is deputy director of the Wintergreen Property Owners Association.  Landslides and shifting soil aren't new problems at Wintergreen, a resort developed more than 40 years ago for skiing, vacation and retirement homes on the east side of the Blue Ridge. Wintergreen Development Co. was sold in a bank foreclosure in 1998, three years after a federal judge awarded $730,000 to a couple whose retirement home detached from its garage because of slipping soils on the mountain.  The resort has had to rebuild its tubing park twice since opening it in 2001 because water from a fault beneath the ground caused the slope to fail two times. Now, the slope is lined with drains to remove the water so the soil will stay in place.  Wintergreen also relocated a new 5 million-gallon water tank after concerns about the geology of the original site.  "We know what happens ' the soil moves downhill," said Jay Roberts, executive director of the property owners association. "There are plenty of examples."  Mervin J. Bartholomew, a North Carolina geologist who wrote a 1977 state guide to the geology of the area that includes Reeds Gap, warned federal regulators more than two years ago that the planned pipeline route "is inadvisable and the risk of failure is high."  Bartholomew said the pipeline would emerge from the mountain across from the only entrance and exit for Wintergreen and cross an area with a history of debris flows and avalanches.  Camille didn't cause as much damage on the Blue Ridge above Nellysford as it did along Davis Creek and other parts of Nelson, but he said a similar deluge in that mountain basin "could literally '˜pull the plug' and all of the deposits could be swept down the funnel scouring the base of the granite floor with debris tracks."  Dominion officials and contractors say the mountain is solid where they plan to tunnel and collect any water that drains from faults in the rock. They know that shallow surface soil tends to slip on the bedrock in the area, as it did on the fire road, but they're confident in their plans both for drilling though the mountain and keeping steep slopes in place.  "It's very resistant rock," said Andreas Kammereck, principal engineer at Golder Associates, which is designing the project's plans for steep slopes.  However, Sheets said he learned soon after arriving in Nelson in 1999 that Camille "is in the front part of their brains" for every fire and rescue official in the county.  "I just don't think anyone here in Nelson County who lived through Camille doesn't think about it at least once a month," he said. "It's just never going to go away." |

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| **Headline:** | **Under questioning by 4th Circuit at pipeline hearing, state concedes Union Hill's racial status** |
| **Subhead:** |  |
| **Reporter:** | By MICHAEL **MARTZ** Richmond Times-Dispatch |
| **Desk:** |  |
| **Source:** |  |
| **Day:** | Wednesday |
| **Dateline:** |  |
| **Print Run Date:** | 10/30/2019 |
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| **Text:** | Lakshmi Fjord began to cry after an attorney for the State Air Pollution Control Board conceded in federal court Tuesday that Union Hill, a community established by freed slaves in Buckingham County after the Civil War, is indeed overwhelmingly populated by African Americans.  Deputy Solicitor General Martine Cicconi made the concession under sharp questioning by Chief Judge Roger Gregory in the 4th U.S. Circuit Court of Appeals. It came during a hearing on the legality of an air pollution permit the state board issued in January for a natural gas compressor station on the site of a former plantation where the forebears of some Union Hill residents worked as slaves.  The outcome remains uncertain, but two environmental organizations' appeal of the state air permit represents yet another hurdle at the 4th Circuit for the 600-mile, $7.75 billion Atlantic Coast Pipeline.  The pipeline company, led by Dominion Energy, already is preparing to argue before the U.S. Supreme Court in an effort to reverse the appeals court's decision last year to block a federal permit for the pipeline to cross beneath the **Appalachian** **Trail**.  The state's admission hit Fjord hard because she had led a community study that began more than four years ago with a door-to-door survey to document who lives around the proposed compressor station site. The state and pipeline company had disputed the finding that Union Hill is a predominantly African American community that would be disproportionately harmed by the project.  "It was hugely vindicating for all of us," said Fjord, a University of Virginia anthropologist who learned last month that the National Trust for Historical Preservation would finance another community effort to map the history of Union Hill and its families.  Dominion also claimed some vindication separately Tuesday from a Virginia Department of Health study released last month that concluded that the concentrations of air pollutants from the compressor station would not pose a health hazard because they are far below the threshold for hazardous exposure.  The study, performed after the state issued the permit, recommends that actual air pollution concentrations "be evaluated for public health implications" if the compressor station is built.  "The results are reassuring," said Dominion spokesman Aaron Ruby, who cited the additional pollution controls and monitors the air board required ' beyond those recommended by the Department of Environmental Quality staff ' as conditions of the permit.  Ruby also cited Dominion's efforts to address the concerns of Union Hill residents, including promised investments in a new rescue squad and community center. "We have a profound respect for Union Hill and its history, and we're determined to do right by the community," he said.  The project already is more than two years behind schedule and about $3 billion overbudget, in large part because of legal setbacks in the 4th Circuit.  In addition to the **Appalachian** **Trail** crossing, the appeals court has vacated federal permits ' twice ' that had determined the project would not pose an existential threat to endangered or threatened animal species in its path from West Virginia to southeastern Virginia and eastern North Carolina.  The court also blocked the pipeline from crossing beneath the Blue Ridge Parkway. The 4th Circuit upheld the state water quality permit issued for the project.  The state issued the air permit in January after a highly contentious series of public hearings that focused sharply on whether the 58,000-horsepower compressor station posed a threat to environmental justice because of its effect on Union Hill.  For Gregory, the first African American appointed to the Richmond-based appeals court, the primary issue was whether state air pollution regulators had even tried to compare the compressor station's potential health effects on Union Hill residents with the effects on their neighbors elsewhere in Buckingham, where the population is predominantly white.  "What is the key to justice? Fairness, isn't it?" the judge asked Cicconi.  Elbert Lin, a Richmond attorney for the pipeline company, said the state board had properly compared the health effects on the compressor station's neighbors with the pollution burden on people elsewhere in Virginia.  "If you draw your circle small enough, there's always going to be a disproportionate impact," Lin said.  Gregory shot back that the state doesn't know what the effect of the compressor station would be on other county residents because it never tried to measure it.  "Don't you want to know how the area compares to fellow Buckinghamians?" he asked.  The other major issue raised in the appeal by the Southern Environmental Law Center and the Chesapeake Bay Foundation is whether the state should have considered electric-powered motors instead of gas-fired combustion turbines as an alternative that would further reduce the effects of air pollutants, especially microscopically fine soot.  The environmental groups challenge the state's assertion that the permit is the most stringent for any natural gas compressor station in the United States because they say that does not include those that rely on electric motors rather than gas turbines to operate.  "The error of the DEQ was not considering it at all," said David Neal, an attorney for the Southern Environmental Law Center, based in Charlottesville.  Cicconi said Virginia air quality regulations do not require the Department of Environmental Quality to consider an alternative that fundamentally changes the project proposed by an applicant such as the Atlantic Coast Pipeline.  "The agency is not in the business of telling Atlantic or any other applicant how to compress gas," she said.  Instead, Cicconi and Lin argued that the DEQ went beyond the regulations by requiring the project to use "the best available control technology" to limit what is legally considered a minor source of pollution.  Gregory asked in response, "What if the Band-Aids don't work and they still don't meet the emission standards sought?"  Union Hill residents who attended said they were heartened by what they heard in court on Tuesday.  "I thought it was great, great, great," said John Laury, an African American who lives and owns an orchard about a mile from the site. "They cut through a lot of the rhetoric we have been listening to for approximately five years." |

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| **Headline:** | **Supreme Court showdown set over pipeline crossing of Appalachian Trail** |
| **Subhead:** |  |
| **Reporter:** | By MICHAEL **MARTZ** Richmond Times-Dispatch |
| **Desk:** |  |
| **Source:** |  |
| **Day:** | Saturday |
| **Dateline:** |  |
| **Print Run Date:** | 10/5/2019 |
| **Digital Run Date:** |  |
| **Corrections:** |  |
| **Text:** | The stage is set for a high-stakes showdown at the U.S. Supreme Court over the Atlantic Coast Pipeline's proposed crossing of the **Appalachian** **Trail**.  The court agreed on Friday to hear an appeal of a decision by a Richmond-based federal appeals court last year. That court revoked the permit the U.S. Forest Service issued to allow a partnership led by Dominion Energy to build the proposed natural gas pipeline beneath the **Appalachian** **Trail** between Augusta and Nelson counties in the Blue Ridge Mountains.  The 4th U.S. Circuit Court of Appeals ruled in December that the Forest Service did not have authority to allow the $7.75 billion pipeline to cross beneath the **trail** at a critical chokepoint for the 600-mile project to link shale gas wells in West Virginia with energy markets in southeastern Virginia and eastern North Carolina.  Dominion hailed the court's decision to hear the appeal as "a clear path forward to resolve this important issue," while environmental groups promised to continue their fight against construction of "a dangerous, costly, and unnecessary project."  The company said it expects the Supreme Court to hear arguments early next year and rule by June.  Led by Dominion and Duke Energy, the company contends that "long-standing precedent" allows pipelines to cross the 2,000-mile national scenic **trail**, but the Southern Environmental Law Center, representing the Sierra Club and other environmental groups, says past crossings were made primarily on state or private lands, or under previous federal law.  Construction of the pipeline, first proposed five years ago, already is more than two years behind schedule and almost $3 billion over budget in large part because of rulings by the 4th Circuit that have vacated federal permits for the project.  Dominion is asking the U.S. Fish & Wildlife Service to reissue a permit that the 4th Circuit vacated last year because of inadequate analysis of the project's likely effect on endangered or threatened animal species in its path. The company stopped work on the project in December after the appeals court vacated the biological opinion the agency approved.  The 4th Circuit ruling on the **Appalachian** **Trail** crossing prompted the company to adopt a new strategy to build the pipeline first from Buckingham County, where it would intersect with an existing interstate natural gas pipeline at a planned gas compressor station, to the Atlantic coast.  Environmental groups have appealed the state air quality permit for the compressor station, which they contend poses unfair risks to a historically African American community at Union Hill.  The rest of the project would depend on the Supreme Court or an act of Congress to allow construction of the pipeline on federal lands beneath the **Appalachian** **Trail**.  "A favorable resolution of the **Appalachian** **Trail** case will allow us to resume full construction by next summer and complete the project by late 2021," Dominion spokesman Aaron Ruby said.  "The Atlantic Coast Pipeline is more important now than ever," Ruby said. "The economic vitality, environmental health and energy security of our region depend on it."  The company was joined in the appeal by U.S. Solicitor General Noel Francisco and 16 attorneys general, led by West Virginia Attorney General Patrick Morrisey.  The Southern Environmental Law Center and Sierra Club promised to "defend the lower court's decision in this case."  "The Atlantic Coast Pipeline is a dangerous, costly and unnecessary project and we won't stand by while Duke and Dominion Energy try to force it on our public lands, threatening people's health, endangered species, iconic landscapes and clean water along the way," they said in a statement on Friday. |

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| **Federal court strikes down Fish and Wildlife permit for Atlantic Coast Pipeline** |
| **Subhead:** |  |
| **Reporter:** | By MICHAEL **MARTZ** Richmond Times-Dispatch |
| **Desk:** |  |
| **Source:** |  |
| **Day:** | Saturday |
| **Dateline:** |  |
| **Print Run Date:** | 7/27/2019 |
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| **Corrections:** |  |
| **Text:** | Dominion Energy's hopes for resuming construction of the Atlantic Coast Pipeline have run into a new obstacle erected by a federal appeals court panel in Richmond that threw out a federal permit on Friday because it failed to adequately protect endangered or threatened species in the path of the 605-mile project.  The 4th U.S. Circuit Court of Appeals vacated a permit that the U.S. Fish and Wildlife Service issued last year just 19 days after the same court blocked the agency's previous finding that the massive natural gas pipeline would not jeopardize the viability of four endangered or threatened species.  A three-judge panel, in a 50-page opinion written by Chief Judge Roger L. Gregory, took note of the federal agency's quick action and warned, "In fast-tracking its decisions, the agency appears to have lost sight of its mandate under the [Endangered Species Act]: '˜to protect and conserve endangered and threatened species and their habitats.''‰"  Gregory ruled that the agency's biological opinion and accompanying incidental take statement ' a reference to species killed or harmed as a result of construction ' were "arbitrary and capricious" by failing to show how the pipeline would not jeopardize the survival of an endangered bumblebee population in Bath County or freshwater mussels in three West Virginia rivers and their tributaries.  The ruling also concluded that the reissued permit failed to establish "enforceable take limits" for an endangered bat species in Virginia and West Virginia and threatened crustaceans that live in underground limestone karst formations in the Shenandoah Valley.  Dominion spokesman Aaron Ruby responded, "Based on the clear direction provided by the court in today's opinion, we expect FERC and the Fish and Wildlife Service will be able to immediately begin working to correct the issues identified by the court."  "Once the new Biological Opinion and Incidental Take Statement are issued, we will seek the necessary approval from the Federal Energy Regulatory Commission to resume construction," Ruby said. "We're confident we remain on track to complete the project by late 2021."  He also said the project had "taken extraordinary care to protect sensitive species and will continue doing so as we work with the agency to complete the additional analysis required by the court."  A series of adverse rulings by the 4th Circuit on federal permits for the project prompted the pipeline company, led by Dominion, to change its construction plans earlier this year.  The company suspended work in December after the 4th Circuit issued a stay on the biological opinion for the entire length of the pipeline, not just the 100 miles or so that Dominion contends would affect endangered or threatened species addressed in the permit.  If the Fish and Wildlife Service were to issue a new permit, Dominion has said it would begin building the pipeline from Buckingham County to the southeastern Virginia coast, connecting it to Hampton Roads and extending it through eastern North Carolina.  The company plans to build a natural gas compressor station at Union Hill in Buckingham under a state air pollution permit that environmental groups also have appealed to the 4th Circuit.  Separately, Dominion and its partners have petitioned the U.S. Supreme Court to review another opinion by the same federal appeals panel last December that threw out a U.S. Forest Service permit to allow the pipeline to cross beneath the **Appalachian** **Trail** between Augusta and Nelson counties. In its petition to the high court, the pipeline company called the Forest Service decision "part of a pattern of decisions by the Fourth Circuit ... finding fault after fault in the arduous approval process for pipelines."  If the pipeline company and Forest Service were to prevail at the Supreme Court, Dominion has said it would begin building the pipeline through western Virginia, across the Blue Ridge Mountains and into Buckingham.  However, the Southern Environmental Law Center said the latest 4th Circuit decision is further evidence that the pipeline, now estimated to cost up to $7.5 billion, should not be built "because there is no clear path forward to construct the pipeline on its current route."  The law center also faulted the Fish and Wildlife Service for its handling of the permit process for protecting endangered and threatened species.  "In its rush to help this pipeline company, the agency failed to protect species on the brink of extinction," said Patrick Hunter, an attorney for the Charlottesville-based law center, which represents three environmental organizations in the appeal. "This pipeline would blast through some of the last populations of these rare animals."  The 4th Circuit panel ' including Judges James A. Wynn Jr. and Stephanie D. Thacker ' also rebuked the Fish and Wildlife Service for its haste in assessing the pipeline's effect on endangered or threatened species, particularly the rusty-patched bumblebee, whose populations the ruling said "have plummeted by nearly 90 percent" in the past two decades.  The agency found that the pipeline would result in some harm to the bee population in Bath County, both by crushing worker and queen bees and damaging the foraging habitat for overwintering colonies, but would not be likely "to negatively impact the fitness or survival of the population."  In the panel ruling, Gregory said the agency had failed to properly survey the density of the rusty-patched bumblebee nests that would be harmed by the project.  "In fact, the agency made a point of avoiding surveys in order to '˜fast-track' pipeline authorization," he wrote.  Gregory cited an internal agency email message that said it would not require or seek "surveys that interfered with the applicant's project schedule since these are priority fast-track projects."  He also faulted the agency for not addressing how projected destruction of rusty-patched bumblebee nests "are reasonable in light of the known and documented record of severely declining [bee] populations."  "The agency has also ignored significant evidence that undermines the reasonableness of its estimates ' evidence that the agency itself has gathered ' and has instead chosen to rely on one bee expert's '˜wild guess,''‰" Gregory wrote.  The opinion also finds the Fish and Wildlife Service failed to comply with the law's requirements in its assessment of likely harm to the clubshell mussel, particularly in a tributary of the Monongahela River in West Virginia; the Indiana bat; and the Madison Cave isopod.  The Sierra Club, one of the three organizations that had appealed the 2018 biological opinion and incidental take statement, said the energy companies behind the pipeline are paying the price for rushing the federal permitting processes.  "We have said all along that many of the [pipeline's] permits were issued in flawed, rushed processes, and time after time, the courts have agreed," said Sierra Club attorney Nathan Matthews in a statement.   |  |  | | --- | --- | | **Headline:** | **Union Hill visit by Gore, Barber likely to put Northam on the spot Union Hill visit by Gore, Barber seeks to put Northam on spot** | | **Subhead:** | **Some see Buckingham area as a victim of pipeline, Virginia's racial policies<!--s:17-->** | | **Reporter:** | By MICHAEL **MARTZ** Richmond Times-Dispatch | | **Desk:** |  | | **Source:** |  | | **Day:** | Tuesday | | **Dateline:** |  | | **Print Run Date:** | 2/19/2019 | | **Digital Run Date:** |  | | **Corrections:** |  | | **Text:** | Gov. Ralph Northam can't escape the spotlight as former Vice President Al Gore and the Rev. William J. Barber II bring a racial and environmental crusade Tuesday to a little community in Buckingham County with a big natural gas pipeline planned at its doorstep.  Barber, a national civil rights leader from North Carolina, said Monday that Northam's challenge is about more than overcoming a racist photo on his 1984 medical school yearbook page or his admission that he once blackened his face to impersonate Michael Jackson in a dance contest.  It's about changing public policy in Virginia, he said, beginning with state permits granted for construction of the Atlantic Coast Pipeline and a natural gas compressor station in Union Hill, a community founded by freed slaves after the Civil War.  "The governor has turned his back on this community," said Barber, former president of the North Carolina NAACP, in an interview. "If he wants to do a reconciliation tour, he should first go to Union Hill."  The message is the same from Gore, a Nobel laureate who has made the fight against fossil fuels and climate change the focus of his political work since narrowly losing the presidential election in 2000.  "It's such a great opportunity for the governor to really show he means what he says and is re-examining the racial impacts of Virginia's policies," the former vice president said in an interview on Monday.  Gore and Barber will appear together on Tuesday evening in a town hall in Buckingham that will focus on the 600-mile, $7.5 billion pipeline proposed by Dominion Energy and its partners. The pipeline would run from West Virginia through Virginia to southeastern North Carolina.  The battle in Buckingham isn't the only hurdle the project faces. Federal energy regulators approved the pipeline 16 months ago, but the costs have soared, the construction schedule has slipped, and Wall Street confidence has waned as Dominion tries to recover from a series of legal setbacks in the 4th U.S. Circuit Court of Appeals.  Earlier this month, the Southern Environmental Law Center challenged the state air pollution permit for the Buckingham compressor station in the Richmond-based appeals court. The court already has blocked or stayed a number of federal permits for the project, including one from the U.S. Forest Service that is critical to crossing through the Blue Ridge Mountains beneath the **Appalachian** **Trail** next to Wintergreen Resort in Nelson County.  In a written statement Monday, Northam said the state air pollution permit issued last month for the Buckingham compressor station "is the strongest of its kind in the country and ensures that air quality and public health will not be compromised."  "However, it is clear community concerns remain and that Dominion/ACP's outreach has thus far been lacking," the governor said. "I hope that Dominion/ACP will listen and respond to the concerns of this important historic community and act as a good neighbor."  Dominion, based in Richmond, said it has reached out to the Union Hill community by forming an advisory group that led to an agreement for the company to invest more than $5 million in a new community center and improvements to the county rescue squad.  "We have a profound respect for the Union Hill community, and we've worked very hard to earn their trust," spokesman Karl Neddenian said Monday. "We share the community's desire to preserve its historic resources, and we've taken meaningful steps to protect them."  Northam recently created the Virginia Council on Environmental Justice, replacing a gubernatorial advisory council that called during the summer for the state to revoke permits for the Atlantic Coast and Mountain Valley pipelines, and suspend the permit process for the Buckingham compressor station. The governor never acted on the recommendations.  The governor's office declined further comment on Northam's decision in November to replace two members of the State Air Pollution Control Board less than a week after they publicly expressed concerns about the "disproportionate impact" of the compressor station on Union Hill.  His office said it was a routine exercise of a new governor's appointment powers to replace Rebecca Rubin and Samuel Bleicher, whose terms had expired during the summer.  Gore said he has criticized Northam before for his decision to replace the board members.  "I just thought his action there was so grotesque, I felt I had to speak out," Gore said.  He said the pipeline and compressor station would be a major source of methane, a greenhouse gas that Dominion recently committed to reducing by half in emissions from its natural gas operations over the next decade.  Gore, a director of the Climate Reality Project, contended the pipeline would boost greenhouse gas emissions by 40 percent a year at the expense of monopoly ratepayers of Dominion Energy Virginia, the state's largest electric utility.  "It is a world-class rip-off of Virginia energy ratepayers," he said.  Barber and Gore did not call for the governor's resignation or comment on the scandal that has enveloped him, which they said emerged long after they had made plans to visit Union Hill.  However, both men said Northam needs to take a stand on environmental justice issues as he seeks to remain in office and foster a public discussion of Virginia's history of racism and its effect on public policy.  "The worst racism, in some ways, is systemic racism, policy racism," said Barber, national co-chairman of the Poor People's Campaign: A National Call for Moral Revival and president of Repairers of the Breach, a nonprofit organization.  The photo on Northam's 1984 Eastern Virginia Medical School yearbook page shows one person dressed in blackface and another in a Ku Klux Klan hood and robe. The governor initially apologized for appearing in the image. The next day, he said he was not either of the people in the photograph and never had seen it before because he left for Army medical school in Texas before the yearbook came out.  "Racism is not just ugly words and rudeness," Barber said. "It's about disproportionate impact."  Pipeline opponents contend that the 54,000-horsepower compressor station would have a disproportionate impact on Union Hill, a community that includes two African-American churches and a history extending to an antebellum plantation on the project site.  "These issues are heightened when a community like Union Hill is the location," said Greg Buppert, a senior attorney at the Southern Environmental Law Center, representing Friends of Buckingham.  The stakes also are higher for Northam as he tries to restore public confidence.  "He has a chance to lead," Barber said, "and I hope he doesn't blow the chance."  mmartz@timesdispatch.com  (804) 649-6964 | |  |  | |