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VIRGINIA CHAPTER

Virginia Sierran

The Official Newsletter of the Sierra Club Virginia Chapter
Fall 2023

The Virginia Environmental Justice Act—Three years out by Lynn Godfrey

As the world witnesses catastrophic disasters on a weekly if not daily basis, there's no doubt the earth's climate has changed and become more severe and threatening to our existence. Whether it's people fleeing in the middle of the night or day from furious fires with just the clothes on their backs or twin babies being swept out of their father's arms from rushing flood waters or over 4,000 people being swept up in flooding as seen in Libya, the evidence of climate change and the accompanying crisis is more apparent now than ever. It is the greatest existential threat to life on earth.

It is the greatest threat to our existence, but it does not impact people equally. Globally, Black, brown, indigenous and poor people disproportionately bear the greatest burden of the impacts of climate change and the climate crisis. Pollution from compressor stations, Superfund sites, landfills and legacy industries is more likely to occur in a BIPOC (black, indigenous, people of color) community. Environmental justice, a concept not widely known a few years ago, is becoming common knowledge in the 21st century as more communities recognize their predicament and demand change. That is what happened in Virginia in 2020 when the Virginia Environmental Justice Act was enacted.

The General Assem-



bly passed the act in 2020, and it became effective July 1 of that year. The Virginia Environmental Justice Act states the meaning of environmental justice as, “the fair treatment and meaningful involvement of every person, regardless of race, color, national origin, income, faith or disability, regarding the development, implementation, or enforcement of any environmental law, regulation or policy.”

While the act is new in Virginia, it quickly gained case law guidance with the *Friends of Buckingham v. State Air Pollution Control Board*, No. 19-1152 (4th Cir. 2020), specifically, the decision by the Department of Environmental Quality to allow Dominion Power and its partners to site a compressor station in an historically Black Freedman/woman community in Buckingham County, Union Hill. The Fourth Circuit Court of Appeals vacated DEQ's air permit to construct the compressor in Union Hill,

based, in part, on the Air Pollution Control Board's failure to consider the compressor station's potential disproportionate impact on the local community.

The Richmond Public Interest Law Review states, “The Court also took issue with the Board's analysis pursuant to §10.1-1307(E)(3). The section requires the Board consider ‘[t]he suitability of the activity to the area in which it is located.’ In trying to comply with this section, the board relied on the Environmental Protection Agency's National Ambient Air Quality Standards pursuant to the Clean Air Act and dismissed environmental justice concerns.”

In denying the Mountain Valley Southgate Pipeline an air permit to construct a compressor station in Pittsylvania County, the State Air Pollution Control Board cited the state's environmental justice law and how the community would be disproportionately affected. And it based its de-

nial on a determination that the permit did not meet “fair treatment” requirements under the Virginia Environmental Justice Act of 2020 and that the site was not suitable for a compressor station given state law and the 2020 decision in a lawsuit over the siting of a compressor station for the canceled Atlantic Coast Pipeline. All executive agencies of the commonwealth are to consider environmental justice and the Environmental Justice Act in their decisions related to permitting any kind of construction. The scholarly review asserts that former Attorney General Mark Herring, when questioned by state senator Hashmi, the act's chief patron, on what kinds of projects should require the DEQ to consider the act, indicated “that while the DEQ must consider environmental justice when making permitting decisions, other state agencies may have more leeway in whether they need to consider environmental justice.”

The DEQ will soon have the opportunity to utilize the act or not in another compressor station pollution issue developing in an EJ community, not to mention the landfill and warehouse sitings in historical Virginia Black neighborhoods. The so-called Virginia Reliability Project is proposing to increase the horsepower of a compressor station in Pe-

See Virginia Environmental Justice Act on page 2.

From the chair

by Ralph Grove



Happy Fall everyone! By the time you read this we will have passed the vernal equinox and autumn will have officially arrived. This is the best time of the year for being outdoors in my opinion, and I hope you'll find the time

to take a hike, walk, bike ride, paddle trip or whatever form of recreation you like the most. We have some great Sierra Club outings coming up, so check with your local group to see what's happening near you.

Speaking of outings, I'm always on the lookout for new outings leaders. (I'm also the Chapter outings chair.) If you enjoy outdoor activities and want to share your passion with others, you can become an official outings leader with the right training, which we can help provide. Contact me (rfgrove@icloud.com) if you're interested.

This is a big election year, both for the Virginia State Assembly and the Sierra Club. We have officially

endorsed many candidates for the General Assembly. Check the Chapter website for a list of endorsements. You can also find our legislative scorecard there, which provides more detail about how each elected representative has voted on environmental issues.

Nominations are still open for the Chapter executive committee, or ExCom. This is a group of 20 Sierra Club members that meets quarterly to review and help guide Club activities in the state. Any current Sierra Club member in the state can run. If you're interested,

or know of someone you'd like to nominate, contact me, and I'll pass the information on to our Nominations Committee.

I'd like to officially welcome Connor Kish as our new chapter director. Connor is known to many of us for his excellent work in legislative and political arenas, and we are happy to have him in his new position as head of the chapter staff.

Best wishes to all...

Ralph Grove is the executive committee chair of the Virginia Chapter.

Virginia Environmental Justice Act continued from page 1

Petersburg, Virginia, a 76.6% African American population with a per capita income of less than \$28,000 annually. The VRP owner, TC Energy/Columbia Gas Transmission, LLC, is proposing to increase the Petersburg's gas-burning compressor station's horsepower while electrifying the

Boswell, Goochland and Emporia compressor station, which will result in much less pollution there than at Petersburg.

Lynn Godfrey is the pipeline organizer of the Virginia Chapter.

Correction: On page 7 of the Summer 2023 edition of the Virginia Sierran, it was incorrectly stated that the article entitled "Get involved with the Potomac River Group's social events" had been written by John Bloom. The correct author is Paul Kaplowitz, the vice-chair of the Potomac River Group. The electronic version (available on the Virginia Chapter website: sierraclub.org/virginia) has been corrected.

Virginia Sierran

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<https://sierraclub.org/virginia>

The Virginia Chapter of the Sierra Club is over 20,000 members strong. We are your friends and neighbors working to build healthy, livable communities and to conserve and protect our climate and environment. The Virginia Chapter is part of the national Sierra Club, the nation's largest and most influential grassroots environmental organization.

Information about our staff, executive committee and environmental action chairs can be found on the Virginia Chapter website under "About."

Virginia Sierran Editor: Sevim Kalyoncu, editorvirginiasieran@gmail.com

The editor welcomes editorial contributions, photographs and art work. Submissions should pertain to Virginia's environment and/or climate change. Email the editor with questions on submissions.

Please contact member.care@sierraclub.org for membership and mailing issues and address.changes@sierraclub.org to change your mailing address.

From Connor Kish, the new director of the Virginia Chapter by Connor Kish



I am thrilled to be writing to you in my new role as director of the Sierra Club Virginia Chapter. This is a tremendous inflection point in the climate and environmental justice movement. With rising sea levels, storms of increasing fury, temperatures soaring and dirty industry still pushing polluting projects, we know that there is much work to be done.

I am ready to take on the challenge of leading this work forward. To be joining a long line of incredible Virginians who accomplished so much in this role is an honor. I am ready to bring my background and leadership style to this role as we set out to accomplish the critical work required of us, collectively, in the decades to come.

Let me share a bit about my professional background and then I will share my vision and framework for the Virginia Chapter. I come from a career in campaigning and effective policy making. I served as a staff member in the Virginia General Assembly for two high-ranking members of the House of Delegates. I managed the successful 2018 reelection campaign of the late U.S. Congressman Donald McEachin. From there, I

joined the Sierra Club Virginia Chapter as legislative and political director, a role I kept up until being named as the new director. I am excited to use my knowledge and experience to guide the work and mission of the Sierra Club forward in Virginia.

To that end, I want to take a few moments to share the strategic framework I bring to this role. Above all, I believe successful thriving nonprofit organizations do five things well internally. My goal for the Virginia Chapter is to excel internally in all five categories: leadership, structure, people, processes and kindness.

First, we must have strong leadership that sets a clear vision with clear objectives and priorities and operates in a cohesive and collaborative structure, in line with a strategic plan that is well-informed with measurable and achievable outcomes.

Second, we must operate in a structure that is aligned with our mission, includes clear roles and provides for clear decision-making processes and opportunities for input.

Third, we must take care of our people, inclusive of staff members; volunteer leaders; and you, our members, by prioritizing kindness and empathy, setting everyone up for success with interesting and achievable work and, along the way, taking time to celebrate our achievements and ourselves!

Fourth, we must ensure effective work processes, financial management, measures of success and, yes, failures to ensure that we are continuously improving and

making adjustments that result in the betterment of our mission.

Fifth, we must keep and expand our culture of kindness. We must ensure that the Sierra Club, a place we treasure for its deep interpersonal connections, its capacity to achieve massive change, its sheer force for good, remains a place that is, above all, kind—where we welcome everyone with hospitality worthy of their willingness to join us.

As we set out to ensure effectiveness of this internal vision, simultaneously, we must grow opportunities for input and engagement across the commonwealth in the outdoors, climate and environmental justice movement. I want to ensure clear entry pathways for new and existing members of the Sierra Club to become engaged. I see the work of the Sierra Club having dual entry points: (1) people who want to advocate for policy at all levels and (2) people who want to take the Sierra Club mission to “Explore, Enjoy and Protect” the planet to heart and get outdoors! (So many of you do both!) We must make these entry points open and hospitable. We do so much of this well, and we can do more.

I am looking forward to the work we will do together to ensure that everyone who wants to be a part of the Sierra Club Virginia Chapter and its mission has the opportunity to do so. From me, you can expect streamlined information about our outdoors programs and activities and clear ways to involve yourself and your friends and family in our advocacy efforts at local and state levels.

We know the clock is ticking on the time frame for action. Here in Virginia, we have made tremendous progress. We have strong, enforceable laws on the books to effectuate pollution reduction. We have prioritized the protection of outdoor spaces and grown them in number. And yet, we find ourselves at a crossroads. We must choose to take the path of continued action, continued protection; stronger action, stronger protections. Above all, the voices and lived experiences of impacted communities and overburdened communities, and their collective priorities, must guide all of our work.

There is no Planet B, but, the Sierra Club is the solution to the challenges that we face. As long as we continue to work together and prioritize the voices of those that have not been heard and instead targeted, we will succeed in building a commonwealth where all people may enjoy our natural treasures, access clean air and water and thrive in a healthy community.

Thank you for being a part of the Sierra Club Virginia Chapter. I am honored to be on this journey with each of you.

Connor Kish is the newly appointed director of the Sierra Club Virginia Chapter. He can be reached at connor.kish@sierraclub.org

Connor Kish is the executive director of the Virginia Chapter.

Piedmont Group summer internship recap

by Alexis Jones and Kaleb Notari



Piedmont Group summer 2023 interns, Alexis Jones and Kaleb Notari, tabling at a farmers market (photo courtesy of Donna Shaunesey).

Hello, we are Kaleb Notari and Alexis Jones, students of the Piedmont Virginia Community College who have spent our summer interning for the Piedmont Group of the Sierra Club. Kaleb is a Charlottesville native who has been accepted into UVA's Environmental Science program. He enjoys working in the PVCC community garden, cooking and skateboarding. Alexis is hoping to transfer into Virginia Tech's College of Natural Resources next year. She is an active member of PVCC's

geology club who enjoys reading and hiking.

While working with the Sierra Club this summer, we had a table at the IX Art Park farmers market. Our responsibilities included transporting supplies, printing petitions and posters and educating ourselves about Sierra Club programs. At IX we educated the public about the Sierra Club and its initiatives and accomplishments. Furthermore, we would encourage people to sign petitions and get more involved locally. The two petitions

that we promoted this summer were in support of more stringent pipeline safety regulations and the Regional Greenhouse Gas Initiative.

People who approached us at our table did so for a variety of reasons, but many were truly concerned about the environment. Some people were already knowledgeable about the topics we were discussing while others were uninformed.

Many were already familiar with the Sierra Club; they would approach us to show their support or to chat about current issues. Other people had never heard of the Sierra Club but were interested in learning more. Some individuals only wanted to sign our petitions. We met some people who were uninterested in our work, but nobody approached with an argumentative attitude. While levels of interest, commitment and knowledge varied among the people at the market, we generally encountered people who shared our concerns and were appreciative of the Sierra Club's efforts.

During our internship, we learned about current environmental issues and Sierra Club initiatives, but what this experience really impressed upon us was a deeper understanding of the depth and breadth of work, both social and political, that the Sierra Club and organizations like it have been doing for years. It has never been a simple undertaking and there is always more work to be done, so the sustained effort and resilience displayed by experienced Club members is both admirable and necessary. Additionally, the importance of fostering connections to other NGOs in Charlottesville and our local community cannot be understated. Only the combined efforts of many groups collaborating and spreading awareness will produce results. This applies to the many branches of the Sierra Club as much as it does to small local organizations.

Alexis Jones and Kaleb Notari are members of the Piedmont Group.

Group Directory

Groups are organized to conduct the work of Sierra Club in local areas, cities and towns. The information listed below is for the chair of each group. Information regarding groups' geographical area can be found on our website under Find a Group Near You.

Chesapeake Bay:

John Luker
757-337-4092
4solar+SC@gmail.com

New River Valley:

Rick Shingles
540-921-7324
shingles@vt.edu

Rappahannock:

Bill Johnson
540-657-1733
billatthelake@comcast.net

Sierra Club Potomac Region Outings (SCPRO):

Gary Kosciusko
703-946-8111
novahiker@cox.net

Falls of the James:

Joe Brancoli
804-502-9502
omethid@hotmail.com

Piedmont:

Donna Shaunesey
434-996-0392
shaunesey@hotmail.com

Roanoke:

Daniel Crawford
540-343-5080
dbcrawford@cox.net

York River:

Tyla Matteson
804-275-6476
tmatteson1@mindspring.com

Great Falls:

Susan Bonney
703-402-9292
sbonney001@aol.com

Potomac River Group:

John Bloom
703-389-4920
johnlbloom@gmail.com

Shenandoah:

Pete Bsumek
540-421-4105
pkbsumek@gmail.com

Piedmont Group updates

by Donna Shaunesey



A young participant admiring a caterpillar at the Caterpillar Walk at Ivy Creek (photo courtesy of Donna Shaunesey).

Rappahannock Group youth outreach

by Natalie Loeffler

As of 2020, people under the age of 40 made up almost 65% of the global population. The world's youth can bring fresh perspectives, innovative ideas and an inherent understanding of technology and social media that older generations have not considered or are refusing to learn. These types of new ideas and methods of advocacy make them invaluable in the quest for creative and effective solutions to complex climate challenges. Their passion, energy and commitment can catalyze collective action that urges governments, businesses and communities to adopt more sustainable practices. By engaging youth in climate initiatives, we foster a sense of responsibility and environmental stewardship, creating a generation that values sustainability over profit and strives for a greener, more resilient planet.

Involving youth in the cli-

mate crisis not only strengthens the climate movement but also nurtures a sustainable and hopeful future for all. Taking advantage of the skills that they possess, rather than shutting them down, will help them reach their own communities and demographics.

There are some methods of exchanging information that are not received as well by younger audiences. For example, getting put on email lists or sharing a post on Facebook does not reach the number of people that it used to because this new generation communicates much differently. As opposed to email lists, tabling and creating a more physical and personal connection in person is more likely to attract younger audiences. Similarly, moving to more current social media sites, such as Instagram and TikTok, will allow the message to be spread at a faster rate

Caterpillar Walk

The Piedmont Group held a second Caterpillar Walk at the Ivy Creek Natural Area on August 20. Once again, expert Courtney McLaughlin found lots of hidden treasures. We learned a lot about caterpillars and all the things that look like caterpillars. As a former teacher, Courtney made connections with everyone, no matter their age. There were some young, aspiring entomologists in the group, which added to the fun. One of Courtney's challenges is the "Caterpillar or Poop?" contest – some of the little critters were virtually indistinguishable!

Albemarle Board of Supervisors Environmental Forum

The Piedmont Group will be holding an Environmental Forum with candidates for the Albemarle County Board of Supervisors on October 5. There are two contested races this fall for the board, and we want to make sure that the environment is on the top of their priority lists. In addition to questions from the Sierra Club, audience members will be able to ask some of their own. The meeting is free and open to the public and will be held on Zoom to ensure the greatest participation.

Donna Shaunesey is the chair of the Piedmont Group.

to a larger group of people. The power of the internet is strong, if used correctly.

The Rappahannock Group has made impressive progress in their efforts to increase youth engagement. They partner with the University of Mary Washington multiple times throughout the year to hold seminars and lectures about the work that they are doing and call attention to issues surrounding the place many kids call home for ten months out of the year. These seminars often include student-led research projects sponsored by the Club and school faculty.

Last spring, for example, they held a coal ash seminar in which a handful of students reported on their research on the Dominion coal ash issue that has been plaguing this area. Outside of UMW, the Rappahannock Group tables at many festivals, fairs, and schools to engage kids in the

topic of conservation and the climate crisis. In April 2023, it co-hosted a Meaningful Watershed Education Experience, or MWEE, and held a day of exploration at Caroline Middle School where kids were taught about the importance of stream health.

The long-term consequences of climate change will disproportionately affect the lives of young people and future generations. By engaging their voices in climate action, we empower them to take ownership of their environmental impact and become active agents of change. Creating more youth-led programs is one way to make them feel like they have a seat at the table and a say in the world that they are building.

Natalie Loeffler is an intern with the Rappahannock Group.

Rappahannock Group updates and happenings

by Linda C. Muller

It's been a long hot summer and the Rappahannock Group Executive Committee enjoyed a summer break from our usual monthly scheduled meetings through August. In July RGSC's Outings Chair, Geoff Johnson scheduled an enjoyable 3.5 mile hike/outing on the Accokeek Trail of Crows Nest Preserve in Stafford County, Virginia. The Outings Group was accompanied by Mike Lott, a Virginia Department of Conservation Recreation Northern Region Steward who provided descriptions of the local flora and fauna along the trail.

At press time, Geoff will be leading two more outings in September: September 16 at the Spotsylvania National Battlefields Park and September 23 for a river clean-up at the Caledon State Park in King George, Virginia. We post upcoming outings, which are free and open to the public, on our Facebook page and on the Sierra Club events calendar. A reminder

that members and friends can keep up to date with RGSC outings by emailing RGSC Outings Chair Geoff Johnson at geoffwithrgs@gmail.com

Data Centers in the region

In addition to the record breaking heat and multiple days of wildfire smoke this summer, the RGSC membership region has been inundated with multiple data center proposals. Large data centers have been proposed in Spotsylvania, Stafford, King George and Caroline Counties. Stafford County alone has at least four proposed data centers. Data centers require massive amounts of energy, water and large tracts of land. How will each locality address the enormous demands on water resources? Will energy demands be supplemented with back-up diesel generators? How close are the proposed sites near residential areas? There are concerns regarding noise generated

by data centers that are proposed near residential areas.

Depending on the locality, data centers may be included in a "by-right" zoning category which means that no public hearing (no public input) is required to build the data center. Some localities are amending and updating their comprehensive plans to address the special requirements of data centers and may create a special zoning category for data centers.

On October 17, 2023 Stafford County will hold a joint public hearing with the Stafford Board of Supervi-

sors and the Stafford Planning Commission to consider amendments to the comprehensive plan that address data centers.

Many counties see the potential tax revenues generated by data centers as a much needed income boost that can help fund schools and other essential services. Citizens also need to be informed and understand the environmental impacts and costs to the community. It's important to stay engaged.

Linda C. Muller is the vice-chair of the Rappahannock Group.



Hikers on the Accokeek Trail at Crows Nest Preserve in Stafford, Virginia (photo courtesy of Geoff Johnson).

SCPRO takes part in the 2023 Round Hill-Hillsboro Appalachian Trail Festival

by Gary Kosciusko

On June 10, Sierra Club Potomac Region Outings represented the Chapter at the Round Hill-Hillsboro Appalachian Trail Festival in Loudoun County. Inaugurated in 2019, the festival was initially designed to celebrate Round Hill, Virginia's designation by the Appalachian Trail Conservancy as an official AT Community and to encourage more people to avail themselves of the wonderful outdoors resources in our area like the AT. As a day-long event, it featured live music, trail talks, works by local artists and lots of good food. It was so successful, plans were made to hold it again in 2020.

Then along came the pandemic, thwarting a comeback until this year, when it was held in the neighboring town of Hillsboro, next to the Old Stone School. When invited, SCPRO jumped at the opportunity to show members of the general public who we are and what we do. This was done by setting up a table where we displayed a "storyboard" with photos of a variety of Sierra Club outings we have conducted in the recent past.

Glenn Gillis and Dave Torraca took the lead in organizing our involvement, and they were enthusiastically assisted by five other SCPRO leaders: Debra

Babarsky, Angela Calle, Ray Evert, Sean McCartney and Kelly Nguyen. With more than 2000 people attending the festival in ideal weather, we estimate we were able to engage with more than 100 of them by passing out SCPRO "business cards" and answering their questions about Sierra Club outings. At one point, Dave Torraca also gave a special talk about his experience hiking the AT end-to-end in 2019. Are we planning to return in 2024? You bet!

Gary Kosciusko is the chair of Sierra Club Potomac Region Outings.



Kelly Nguyen (L) talks to a festival attendee about Sierra Club outings (photo courtesy of Glenn Gillis).

Falls of the James Group upcoming events

by Shavon Peacock

10/14/23 9:00 am—1:00 pm FOJG Canoe Paddle at Merchants Millpond State Park in North Carolina. Join us for this beautiful paddle in a tupelo and cypress swamp. The park is two hours south of Richmond, VA in Gatesville, NC. We will meet at 9 am at the Visitor Center and rent canoes, paddles and life jackets from the park ranger there. Each canoe is \$25 for up to four hours. The paddle will be about 3 hours. Limit is nine people, so sign up now at vasierra.club/FOJGpaddle

11/14/23 7:00—8:30 pm FOJG In-Person and Virtual Program: What's Happening in the Richmond Region? The Land Conservation View by Parker Agelasto, Executive Director of the Capital Region Land Conservancy. “With only about 6% of the land protected in the Richmond region, the small but mighty Capital Region Land Conservancy is making its best effort

to conserve land for future generations. That includes working lands like forests and farms, important natural habitats and equitable public access to nature for all our residents. Learn how CRLC has contributed to the ambitious goals outlined in President Biden’s 2021 Executive Order committing to the conservation of 30% of the land in the United States before 2030. How has the Richmond region been doing and what might a path forward look like to support these efforts?” Join us in person at Congregation Or Ami at 9400 W. Huguenot Rd, Richmond, VA 23235. Register at vasierra.club/crlc if you want to participate via Zoom.

12/12/23 7:00—8:30 pm Potluck Dinner and Green Giant Awards. This program will only be an in-person program at Congregation Or Ami at 9400 W. Huguenot Rd Richmond, VA 23235.

Check out other local

free virtual and in-person events at the FOJG calendar at vasierra.club/fojgevents

Shavon Peacock is the newsletter editor of the Falls of the James Group.



Chapter members (top photo, Judy and Dave Gayer) participated in the September 17 March to End Fossil Fuels in New York City (photos courtesy of Judy Gayer).

Virginia Chapter email lists

Virginia Climate Movement: Join this list of people active in the Virginia climate movement to receive and send emails on climate-related news, events, webinars and actions going on across the state. *Monthly call on the fourth Tuesday at 12 p.m. and 7 p.m.* **Contact Mary-Stuart Torbeck at mary-stuart.torbeck@sierraclub.org**

Virginia Environmental Justice: Join this list to work towards achieving environmental justice in Virginia. Our purpose is to identify environmental justice communities across the state, to develop EJ leadership, to provide room at the table for these organizations in statewide policy discussions and to share resources. *Monthly call on the second Wednesday at 11 a.m. and the second Thursday at 5:30 p.m.* **Contact Gustavo Angeles at gustavo.angeles@sierraclub.org**

Sierra Club Virginia Chapter Equity, Inclusion and Justice: This space is for asking questions, voicing concerns and sharing ideas as we move forward in our work to create a more equitable environment and chapter. **Contact Gustavo Angeles at gustavo.angeles@sierraclub.org**

Hampton Roads: Join this list to get updates about actions, events and ways to get involved in Hampton Roads. **Contact Ann Creasy at Ann.Creasy@sierraclub.org** or visit <https://vasierra.club/hr>

Richmond: Join this list to get updates about actions, events and ways to get involved in the Richmond metropolitan area. **Contact Tim Cywinski at tim.cywinski@sierraclub.org** or visit <https://vasierra.club/rva>

Northern Virginia: Join this list to get updates about actions, events and ways to get involved in Northern Virginia. **Contact Cheri Conca at cheri.conca@sierraclub.org** or visit <https://vasierra.club/nova>

Dominion's latest plan: Pollute more, charge more

by Ivy Main

When Dominion Energy Virginia filed its 2023 Integrated Resource Plan in May, climate advocates were appalled. In contrast to the company's last IRP in 2020 and its own Climate Plan from last December, all of a sudden Dominion declared that it cannot possibly meet the requirements of the Virginia Clean Economy Act.

Blame it on data centers, says Dominion. Northern Virginia already has the largest concentration of data centers in the world, by far, and they used 21% of Dominion's power as of November 2022. Now Dominion says it expects the data center industry's demand for electricity in its territory to quadruple in coming years.

To meet the demand without stressing the grid, Dominion proposes to build less solar, keep coal plants open that were slated to close and construct a new methane gas plant in Chesterfield. Starting in 2034, it would also begin to build small modular nuclear reactors. Instead of reducing carbon emissions, Dominion proposes to double them. And because coal, methane

and nuclear are more expensive than renewable energy, costs will go up for all customers, not just data centers.

The Sierra Club and other environmental, consumer and clean energy industry groups are challenging the Integrated Resource Plan at the State Corporation Commission. In addition to pointing out that the IRP violates Virginia law, expert testimony filed in the case suggests Dominion may be exaggerating the likely data center growth numbers.

In any case, they point out, since one industry in one part of the state is driving all the demand growth, Dominion should develop a plan tailored for data centers, rather than burdening all other customers with costly fossil fuel-reliant plans.

Numerous other problems were noted by an expert from Synapse Energy Economics, which Sierra Club hired to assess the validity of Dominion's assumptions and generation model. Among them: the company told its computer model that it couldn't select energy efficiency as a resource; it had to include gas combustion

turbines in 2028; it had to adhere to artificial limits on solar, wind and battery storage; and it had to assume prices for solar that were "substantially higher than industry projections."

Dominion also did not instruct the model to account for proposed (and since finalized) new federal pollution limits that will raise the cost of burning fossil fuels and miscalculated—by a billion dollars—the penalties associated with failure to meet the VCEA's renewable energy requirements.

As they say, garbage in, garbage out. The model did what it was told and produced plans that limited solar and battery storage, called for new gas combustion turbines and/or small modular nuclear reactors and kept uneconomic coal plants running past their previously-planned retirement dates. Accordingly, none of the modeled scenarios complied with Virginia law, and all would be unnecessarily expensive for customers.

Synapse ran its own computer model that kept most of Dominion's load and cost assumptions but cor-

rected for the company's errors and artificial constraints. The results, not surprisingly, show that building more solar and storage and retiring coal plants earlier than Dominion wants to will lower carbon emissions and "reduce costs for Dominion's ratepayers by between \$4.1 and \$9.0 billion over the 25-year study period."

When Synapse then tweaked the model to reflect the new federal pollution rules and prices for solar and battery storage in line with industry projections, the results saw solar and battery investments soaring, while the "need" for firm capacity such as a new gas plant disappeared altogether during the planning period.

Clearly, then, complying with the VCEA and investing in renewable energy rather than fossil fuels would be a better plan than what Dominion has presented.

The SCC hearing on the IRP begins September 19.

Ivy Main is a renewable energy co-chair of the Virginia Chapter.

Solar installers win injunctive relief from Dominion requirements

by Susan Stillman

Deployment of solar on government buildings, schools and hospitals in Dominion's Virginia service territory recently came to a halt. Dominion Energy had unilaterally imposed requirements on these installations which made them uneconomic. The requirements were for high-speed communications infrastructure and the signing by the end-user customer of a "Small Generation Interconnection Agreement" that shifted project risk to the customer rather than on the

developer, which is inappropriate for a Power Purchase Agreement.

A group called the Virginia Distributed Solar Alliance, or VA DSA, which the Sierra Club Virginia Chapter helped found in the last decade, raised funds to hire attorneys and file for an injunction with the State Corporation Commission. The SCC hearing examiner and, subsequently, the SCC judges, ruled in favor of the VA DSA and an injunction was issued. The order states, "Based on the

findings and recommendations in the report, the Commission hereby issues an injunction" suspending the rules." This finding by the SCC was a huge win for the solar installers and their customers. Virginia contract law forbids the retroactive application of requirements, so government entities, schools and hospitals can move forward with their solar installations.

The requirement for high-speed communications, often called dark fiber, and

other interconnect issues are part of an ongoing proceeding in the State Corporation Commission. Over the next year or so, interested parties, along with the utilities, will weigh in on their concerns and ideas for expediting interconnection of distributed energy resources in this proceeding.

Susan Stillman is a renewable energy co-chair of the Virginia Chapter.

Celebrating offshore wind

by Eileen Woll

For over a decade, the Virginia Chapter has been working to advance the equitable development of offshore wind off its coast—from lobbying the feds to open Virginia to OSW; to pressuring decision-makers to pressure Dominion; to enacting clean energy policies and OSW goals; to organizing both grassroots and grasstops with dozens of town halls, webinars and conferences; to securing diverse hiring commitments; and so much more.

Finally, the long permit and regulatory process for the Coastal Virginia Offshore Wind project, or CVOW, comes to an end in 2023. Construction starts in 2024, and it's full sail ahead for delivering 2,600 megawatts of clean energy into Virginia by 2026. Virginia is a national leader for offshore wind, and that is no doubt thanks to our Sierra Club efforts!

Here's the estimated

CVOW timeline: In late September, the federal Bureau of Ocean Energy Management will issue the final Environmental Impact Statement for CVOW. In early October, Dominion will finish construction of their OSW staging and assembly site at the Portsmouth Marine Terminal, and they will soon thereafter receive the first shipment of eight massive monopiles. In mid-October, Dominion will host a celebratory event at the terminal. Then on or about October 30, BOEM will issue a Record of Decision on the Environmental Impact Statement, which kicks off a 90-day period for approval of CVOW's Construction and Operations Plan. On or about January 29, 2024 we should see approval of the plan, along with final EPA and Army Corps approvals. And that is it! The permit process ends and the construction phase begins! Time to celebrate!

Then we kind of start all over again, as BOEM works to auction off additional OSW leasing areas off Virginia in mid-2024. There's a lot of work to be done on this front. We want BOEM to ensure equitable workforce development commitments are secured from any future developers. We want to ensure there is a competitive procurement system set up in Virginia. And we want to ramp up our efforts to push top-level Virginia public officials to take a leadership role in coordinating the efforts of multiple agencies and investing in and promoting jobs and training programs.

It's a lot of work, but it is all very exciting! If you are interested in getting more directly involved with our Sierra Club Offshore Wind campaign, please consider joining our OSW Team! Team members join monthly calls and, depending on their time, skills and/or interest,

get involved in a variety of different projects: reviewing fact sheets, comment letters, other publications; talking about OSW with community groups; attending (and volunteering to help with) various clean-energy events. Joining the OSW Team gives you the opportunity to educate yourself about OSW, which enables you to best speak to elected officials about and offer public comment supporting OSW, write letters-to-the-editor in response to OSW news, assist with efforts to give presentations to community groups and help amplify OSW news on social media.

Email or call me at eileen.woll@sierraclub.org if you are interested!

Okay, so who's ready to party?!

Eileen Woll is the offshore energy program director of the Virginia Chapter.

Highways, transit or trails: Who decides what gets funded?

by Cheri Conca

Most people don't deeply ponder how a road-widening project that slows down their daily commute is funded or where the money comes from when a long-awaited bike trail is finally built in their community. But if you're interested in reducing climate pollution in Virginia, nearly half of which is caused by transportation, it's worth your while to learn about one important source of funding that you can help influence: SMART SCALE.

The Commonwealth Transportation Board created the System for the Management and Allocation of Resources for Transportation, or SMART SCALE, program in 2016 to help guide

the its project selection decisions. Since then, nearly \$7 billion has been appropriated to transportation projects. Here's how it works: localities submit their roadway, transit and multimodal trail projects to SMART SCALE. Each project is scored on data-driven factors including congestion mitigation, economic development, accessibility, safety and environmental quality. Awards are granted biennially, and after each round of funding, the process is reviewed.

All project evaluations and scores are available to the public to ensure that decisions are based on merit rather than political influence. You can view which

projects have been funded at smartscale.org.

The Commonwealth Transportation Board is currently reviewing the SMART SCALE process, and this year's recommendations are expected to be released on October 17. A virtual town hall to discuss the recommendations will be held this fall. The review should result in recommendations that increase equity and sustainability and help meet environmental goals, but it is possible the recommendations could negatively impact trail and transit funding, e.g., land use considerations could be reduced or eliminated. That's why your input is important. You can advo-

cate for a SMART SCALE process that's equitable and focused on reducing climate pollution by attending the town hall and contacting your state delegates and senators to tell them that:

- Greenhouse gas emissions should factor into SMART SCALE. Road-widening projects draw more vehicles, increasing tailpipe pollution. Trail and transit projects reduce pollution from vehicles.

- Prioritizing bike and pedestrian projects positively impacts public health. Investing in safer and more accessible walking and cy-

See SMART SCALE on page 12.

The battle for menhaden: corporate greed threatens the Chesapeake Bay

by Ivy Main

You might know them as bunker or pogies. Landlubbers might not know them at all. Menhaden, a kind of herring that has been called the most important fish in the sea, are a keystone species in the Atlantic, serving both as a critical food source for predatory fish, marine mammals and birds and as a consumer of vast quantities of algae that would otherwise clog waterways and shade out underwater vegetation.

Around the Chesapeake Bay, people know them as the victim of corporate greed and Virginia politics, both sadly familiar topics.

Menhaden have supported one of the East Coast's largest fisheries since colonial times. They once supplied "reduction factories" up and down the coast, where every year hundreds of millions of the bony little fish were cooked and ground up to make lamp oil and fertilizer. Today, in addition to fertilizer, they are turned into cat food, health supplements and feed for farmed salmon.

As early as the 19th century, overfishing caused the population to decline, and it's been boom and bust ever since. One by one, all the Atlantic states but one banned reduction factories and fishing for the reduction industry in their state waters, protecting the bays and estuaries where the immature fish live for their first year or two before heading into the ocean.

The one outlier is Virginia. The last reduction factory on the East Coast is located in Reedville, Virginia, providing jobs for about 250 local workers. But this is hardly a sleepy little local business. The operation is owned by Omega Protein Corporation, which in turn is owned

by a Canadian multinational, Cooke Inc. Omega's fishing vessels use 1500-foot-long purse seine nets to harvest hundreds of millions of pounds of menhaden every year. The fish are processed at the Reedville factory and then shipped out to Omega's other business operations around the world.

In 2012, in the face of plummeting numbers of menhaden blamed on Omega's operations, the Atlantic States Marine Fisheries Commission took on the regulation of menhaden fishing. Today the commission allocates catch levels among the states, but in a way that locks in Omega's outsized share of the fishery. Virginia's—that is, Omega's—quota is 75% of the total. The other 14 states in the compact share the last 25%, enough to supply bait for local crabbers, fishermen and lobstermen.

Virginia is an exception in other ways, too. Not only is Omega permitted to operate in state waters along the Virginia coast, something which no other Atlantic state allows, Virginia also lets Omega's vessels fish in the Chesapeake Bay. In fact, Omega is currently allowed to take 112 million pounds (51,000 metric tons) of menhaden out of Virginia's side of the Chesapeake Bay every year, about a third of Virginia's total quota.

The bay's health is famously precarious. Many of its fish and birds that depend on menhaden for food are in decline, including striped bass (rockfish) and osprey. The declines threaten economic mainstays like the recreational striped bass fishery, which generates an estimated \$500 million annually in economic activity. Residents

also complain about Omega's "fish spills," where torn nets result in beaches covered with thousands of dead menhaden and bycatch including red drum.

But Omega prefers to fish in the protected waters of the Chesapeake than in the rougher open ocean, or

even in coastal waters outside the bay. Fishing in the Chesapeake allows Omega to reach its overall quota faster and at less expense to itself. The bay's loss is, decidedly, Omega's gain.

See *Battle for menhaden* on page 11.

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Mar 9-10 ... Lexington, VA

Mar 16-17 ... Washington, DC area

Apr 6-7 ... Charlottesville, VA

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May 25-27 ... Forest Retreat in VA

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Aug 31-Sep 2 ... Mountain-top Retreat near Blacksburg, VA

Brought to you by Matthew Rosefsky, Geo Medic, street medic, SOLO Instructor-Trainer, Sierra Club Outings leader and volunteer strategist for Sierra Club National "Outdoors for All" campaign. See <https://solowfa.com> for more information and online registration.

Should Virginia reconsider its relationship with gas stoves?

by Jake Barnet and McKenna Dunbar

New York's recent decision to ban gas stoves has ignited fierce debates, much like the blue flames of the stoves themselves. While proponents of the ban argue for its potential environmental and health benefits, critics have raised concerns regarding affordability and consumer choice. Yet, as we dissect the layers of this discourse—spanning economy, public health and equity—we uncover potent insights for Virginia's potential pivot.

In May of 2023, the Empire State enacted legislation banning gas stoves, a pivotal shift in energy policy. The ban, which prohibits the installation of gas stoves in new construction buildings (beginning in 2025 for new family homes, in 2026 for buildings less than seven stories and in 2029 for all others), was passed as part of broader efforts to decarbonize buildings, one of the more difficult changes in curbing global greenhouse gas emissions. The backlash primarily centers on affordability and consumer choice concerns as critics argue that electric stoves, often the alternative to gas stoves, are more expensive to purchase and operate.

Others, concerned with the ability to adequately prepare food using electric appliances, prefer cooking with gas due to its perceived advantages in terms of control and precision.

To no surprise, much of the controversy surrounding the ban stems from the influence of the gas industry and their lobbyists. This energy monopoly, which has a vested interest in maintaining and expanding its market share, has lobbied against similar initiatives in various parts of the United States. Fossil fuel companies' substantial financial resources and political clout have generated misinformation campaigns, successfully skewing the public perception of electric appliances and exacerbating public outcry. Misconceptions about the safety and reliability of electric stoves as well as the belief that gas stoves possess superior temperature control have led some to resist the transition.

Despite these controversies, the ban signals a significant shift in residential cooking practices and emphasizes the need to explore electric alternatives. The move toward electric stoves

has the potential to reduce greenhouse gas emissions and improve indoor air quality, benefits that cannot be ignored.

Virginia presents a compelling case for implementing similar legislation to ban new gas stoves. The Virginia Clean Economy Act, enacted in 2020, has already set the stage for ambitious clean energy goals in the state. A legislative ban on gas stoves in newly constructed buildings offers an opportunity for the state to continue pushing for carbon neutrality while improving the health of its citizens. Gas stoves emit harmful pollutants that are detrimental to lung health and stimulate respiratory issues, particularly among vulnerable populations such as children and the elderly. Moreover, poor air quality disproportionately affects underserved and minority communities due to a legacy of systemic disenfranchisement. These communities are more likely to be located near sources of pollution due to historically unjust legislation, resulting in higher rates of respiratory diseases. Implementing policies that support these communities by transitioning to clean and

sustainable cooking technologies is a small step toward achieving environmental justice and improving the well-being of marginalized communities.

Globally, a shift towards electric stoves presents a formidable method of decarbonization. Traditional stoves, powered by the combustion of natural gas, emit methane, one of the potent greenhouse gases responsible for climate change. The stakes? Gas stoves, even when idle, can emit as much as a staggering 500,000 cars, according to a study conducted by Stanford. By phasing out gas stoves, Virginia can make a meaningful contribution to mitigating climate change, protecting its most vulnerable citizens and communities.

As Virginia contemplates its next step to the equitable clean energy transition, the path forward is about more than just choosing between gas and electric. It is about balancing today's challenges with tomorrow's promise.

Jake Barnet is the sustainable development and electrification civic fellow and McKenna Dunbar is the community engagement coordinator of the Virginia Chapter.

Battle for menhaden

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Omega keeps it this way through its generous campaign donations. In the fine tradition of Virginia corporate palm-greasing, Omega has given money to governors and legislators from both parties.

For years Omega's friends ensured that the General Assembly, rather than a regulatory agency, directly "oversaw" the menhaden fishery, by which I

mean it did not interfere. In 2020, however, the General Assembly finally passed legislation giving oversight of menhaden to the Virginia Marine Resources Commission.

That change has not produced the tighter regulations advocates hoped for. Corporate political power in Virginia has a half-life rivaling that of nuclear waste, besides which, fishing interests con-

trol the commission. There are no representatives from the environmental community on its board. Since 2020, other menhaden-supporting bills have not made it out of committee.

The fact is, no one actually knows what effect Omega's industrial fishing operation has on the Chesapeake Bay because the bay has never been given a chance to heal from centuries of ex-

ploitation. Menhaden stocks are healthy along the Atlantic coast, thanks to fishing quotas and the actions of other states to protect other nurseries like the Delaware Bay. But in the Chesapeake Bay, the assault of industrial reduction fishing goes on unchecked.

Ivy Main is a renewable energy co-chair of the Virginia Chapter.

Inside Virginia Sierran



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SMART SCALE

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cling infrastructure can be viewed as an investment in the well-being of Virginia's residents. Such investments underscore the importance of equity and accessibility in transportation planning. Not everyone can afford a car, and not all communities have equal access to public transit. By investing in biking and walking infrastructure, the state can ensure that transportation options are available to all, regardless of income or location.

• Land use and transportation are inextricably linked; therefore, land use should be an important consideration in the SMART SCALE process. For example, it makes sense to fund transit projects that include accessible pathways to bus and train stations in

densely populated areas.

• Pedestrian-friendly streets and bike paths can revitalize communities, making them more attractive places to live and visit. Increased foot traffic often leads to higher retail sales and property values, boosting local economies.

If you go to smartscale.org and look at the list of projects submitted by localities, you will see that the majority are for road building and widening. If more bike and pedestrian projects were submitted, more would likely be funded. Start talking to your county supervisors or city/town council members about submitting bike and pedestrian projects, including safer pedestrian crossings on busy

roads, for the next round of SMART SCALE funding. Transportation planning can take years. Today's decisions affect the future, so now is the time to speak up.

SMART SCALE should prioritize projects that align with state and local environmental goals. By prioritizing bike/pedestrian infrastructure and transit, Virginia can set an example for other states while creating a healthier, more sustainable future for its residents and generations to come. By investing in the well-being of Virginia's communities, SMART SCALE can be even smarter.

Cheri Conca is the conservation program coordinator of the Virginia Chapter.