

Environmental Non-Profits and Community Lawyering

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Chesapeake Bay Foundation

Working with EJ Communities

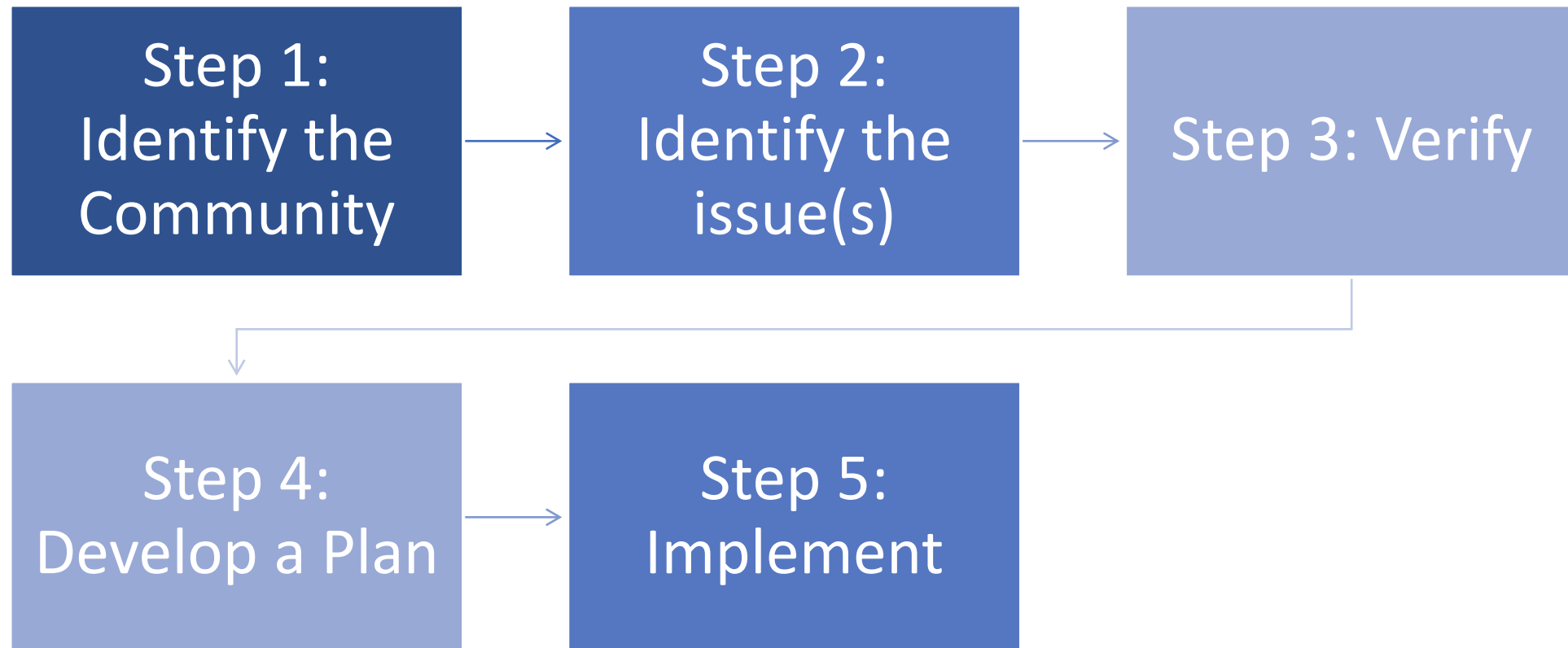
Support and Coordination

- Representing the organization and acting in its best interest
- Where are the holes?
 - Scientific expertise
 - Legal expertise
 - Public Interest
- What is the community hoping to achieve?

Representation

- Traditional attorney-client relationship
- Likely to be representing individuals who have the same goals as the organization

Environmental Justice Roadmap



1

Avoid pre-determination

2

Allow community members and potential partners to introduce the issue before presenting preferred alternative

3

Be explicit about the goals of the conversation and next steps (i.e. what to expect from continued engagement)

Identifying Issues

Communicating with Partners

- Listen first
- Consistency in message
- Thoughtful assessment of the situation



Working Towards A Solution



Prepare for the long-term (i.e. point of contact, potential partners, timeline for involvement)



Be flexible in identifying a solution and determining roles



Plan an exit strategy

Parties

- FRIENDS OF BUCKINGHAM
- CHESAPEAKE BAY FOUNDATION

Counsel

- SOUTHERN ENVIRONMENTAL LAW CENTER
- CHESAPEAKE BAY FOUNDATION

*Friends of
Buckingham v. State
Air Pollution Control
Board (2020)*

ATLANTIC COAST PIPELINE COMPRESSOR STATION (FOOTPRINT)



POINT OF EMISSIONS

UNION HILL HOUSES DISTANCE FROM POINT OF EMISSIONS

0.41 MILES

0.43 MILES

0.45 MILES

**ATLANTIC COAST PIPELINE
COMPRESSOR STATION (FOOTPRINT)**



UNION HILL
HOUSES
DISTANCE FROM POINT OF EMISSIONS

Outcome

On Appeal, the Fourth Circuit ruled in favor of the Friends of Buckingham and CBF

- Holdings
 - The Board failed to make any findings regarding the character of the local population
 - The Board failed to individually consider the potential degree of injury to the local population independent of National Ambient Air Quality Standards and state emission standards
 - The Board's adoption and reliance "on evidence in the record that was incomplete or discounted by subsequent evidence
- Permit vacated and remanded to the Board for reconsideration

In Summer of 2020, Dominion announced that it was canceling the Atlantic Coast Pipeline project.