



Preserve Craig ~ Sustaining the Quality of Life We Value

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June 16, 2015

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room IA
Washington, DC 20426

RE: Docket Number PF15-3-000; Mountain Valley Pipeline

Dear Ms. Bose:

Enclosed with this letter is a memorandum from Preserve Craig, Inc., that was presented to the Montgomery County Board of Supervisors last night, June 15, 2015.

The occasion of the presentation was a special meeting of that local government body to consider the adoption of a resolution that would have advised FERC that Montgomery County prefers the MVP be constructed in Craig County. The proposed resolution was withdrawn when it was made clear that it would not pass.

The memorandum raises significant issues for FERC's consideration in the EIS process. Please incorporate the comments we submitted to the Montgomery County Board of Supervisors as scoping comments on the MVP.

Sincerely,



Sam Easterling, Co-Chair
Preserve Craig



Bill Wolf, Co-Chair
Preserve Craig

Enclosure



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MEMORANDUM

Date: June 15, 2015
To: The Montgomery County Board of Supervisors
From: Bill Wolf, Co-Chair
Re: The Federal Energy Regulatory Commission process and the Mountain Valley Pipeline

Preserve Craig is a non-profit 501c3 Virginia corporation organized in 1991 by 80% of the citizens of Craig County, Virginia to preserve and protect our environmental and cultural resources.

We appreciate this opportunity to share our concerns about the proposed Mountain Valley Pipeline (MVP) and provide some background about what we believe are some of the unifying issues that we should all be addressing to the the Federal Energy Regulatory Commission (FERC) regarding the licensing procedures for interstate gas pipelines.

SUMMARY: We believe that this region is not an appropriate site for 42" high pressure gas pipelines for numerous reasons, including a) the need to protect our most valuable east coast aquifers, b) the challenges and risks associated with construction in karst and steep terrain, c) risks to local water supplies, endangered species, tourism, property values, incredible viewsheds, and d) documented risk to our community's attachment to place. Federal gas pipeline approval procedures are challenging, lack clarity and transparency, and are designed for approval as quickly as possible, often regardless of substantive public concerns. Craig County is further disenfranchised by the fact that it only became a possible site for the MVP three months ago and we have not received accurate answers to numerous questions about the project and the process.

REQUESTS: We believe that all government bodies should be seeking answers to important questions regarding the FERC decision-making process and its oversight procedures of interstate gas pipeline applications, construction, and projects. The most immediate requests of the FERC are summarized here, with additional details:

1. **CUMULATIVE EFFECTS.** The Environmental Impact of the multiple gas pipeline proposals should be evaluated as a regional study. Please request that the FERC perform a programmatic analysis of natural gas pipeline construction proposals for transport of Marcellus shale gas. The study should include a systematic evaluation of need, all possible transport methods including rail, and best siting choices, rather than just reviewing one project at a time.

2. **DECISION CRITERIA.** Ask the FERC to clarify and confirm in writing the criteria and metrics used to make its decisions to approve or deny a gas pipeline project. We are unable to locate any information about weighted analysis between the environmental and other costs versus the benefits.
3. **DECISION RECORD.** How many pipelines has the FERC rejected, permitted and completed? What were the reasons for each? How many are in the appeal process but under construction nonetheless? How many were approved but never built? How many are being considered that involve the Marcellus shale gas?
4. **PROVIDE DOCUMENTATION THAT MITIGATION WILL PROTECT OUR WATER.** Water is more valuable than gas. We request that the FERC provide documentation that mitigation methods to protect our aquifers and surface waters have successfully worked in this type of terrain.
5. **APPLICANT REVIEW CRITERIA.** How does FERC determine if it is going to accept an application or pre-application for consideration? In the case of MVP, its managing partner has a history of environmental crimes. We believe that applicants should be in compliance with all state and federal laws before this process should even begin.
6. **INDEMNIFY THE BLAST ZONE.** In the interest of public safety, we believe that companies building 42" gas pipelines should be required to purchase permanent bonds to cover all costs associated with the entire blast zone risk area.

FURTHER BACKGROUND: Preserve Craig only became aware of the MVP proposal 13 weeks ago, when Alternate 110 routes were proposed to the FERC and Craig County became a possible path for this project. This is a very short time for citizens to learn about and participate in a massive industrial construction project that threatens to change the landscape, disrupt a way of life, threaten the county's values, endanger lives, and take property via federal eminent domain authority and transfer it to an unproven and unaccredited private for-profit entity. The process of the last few months has been frighteningly non-democratic and is far from transparent. The best description may be "a horrendous nightmare".

MVP began sending letters to landowners and surveyors began unannounced on-site visits immediately after filing the Alternate 110 routes in February. They showed up on the doorsteps of rural uninformed residents, without properly identifying themselves or even showing identification, operating from unmarked vehicles, implying and expecting access to property under eminent domain authority, and scaring our senior citizens. These attempts began even before EQT sent personnel to meet with our Board of Supervisors. In fact they never put legal notices in the County paper about the project, which we have since learned is in direct violation of FERC guidelines. During this time MVP personnel also performed surveys and placed markers on public roads without permits, required Craig Botetourt Electric Cooperative personnel to perform 511 marking surveys, used US Postal Service Mail boxes to

deliver messages illegally without postage, and generally frightened our uninformed citizens. On March 9 we were even told by EQT personnel, while attending a Virginia Western seminar on gas pipelines sponsored by the Cabell Brand Center, that the MVP Open Houses had already been held and there was no current plan to hold one in Craig County. At that time we approached EQT personnel and offered to help MVP make arrangements for an Open House in Craig County. We also informed MVP of the problems they are causing as a result of inappropriate behavior of their personnel. This is not the behavior of any public utility of which I am aware.

Upon learning that the FERC intended to issue the Notice of Intent (NOI) to begin the Environmental Impact assessment shortly, our Board of Supervisors wrote to the FERC on April 2 and formally asked that the FERC delay the NOI until our citizens had had the same amount of time to learn about the project and the FERC process as our neighboring counties. There was no response from the FERC and the NOI was issued on the original published schedule. The FERC project manager did comment that Craig County is not at a disadvantage as compared to others, or disenfranchised in the process. We, in fact and in practice, remain disenfranchised. Craig County is still not listed as an affected Virginia County in the FERC literature or the recent NOI. One example of this disenfranchisement is that FERC Cooperating Agencies are not including Craig County in its correspondence or potentially its work plans for the EIS because Craig is not listed as an impacted community.

In the last three months Preserve Craig has held numerous community meetings throughout the county, retained legal counsel, submitted extensive comments to the US Forest Service, participated in two FERC Scoping meetings, and an MVP Open House (for which there was not adequate notice).

The members of Preserve Craig, our neighbors, and our County government are each and all overwhelmed by the demands that are thrust upon us to understand the FERC process in order to protect our communities. We already know enough to conclude that the process is weighted in favor of the construction of natural gas pipelines as quickly as possible, apparently regardless of the costs to our communities and our environment. Therefore, we would very much appreciate your efforts to help us to understand and navigate the process.

We are participating in the scoping process in good faith. For your information, we have enclosed with this memorandum a copy of a petition that we began circulating this past weekend. It identifies some of our concerns and requests for inclusion in the environmental impact study. We expect to obtain the signatures of a high percentage of the residents of Craig County on this petition by June 10, 2015. Also attached is a summary of an earlier petition circulated for three weeks from February 21 to March 15, 2015 signed by over 15% of Craig County citizens requesting that our government officials act on our behalf to protect us.

The truly wild landscape of Craig County is too special, and too remote to sacrifice a permanent scar for a temporary industrial project. While we believe Craig is uniquely wild, we also appreciate the unsuitability of much of the terrain over which both the MVP and ACP pipelines

are proposed. It is especially worth noting, however, that in 1996 the US Forest Service and the Virginia State Corporation Commission determined that nearly identical corridors in Craig County were unsuitable for the location of a 765 kV power line because the impacts would be too harmful.

The seemingly endless issues and concerns about both process and impacts include the environmental track record, behavior, and ethics of the MVP team, the forgotten priority of protecting our great Eastern aquifer, citizen and landowner rights, transparent and reasonable due process, and having a reasonable safety buffer around these pipelines.

To further clarify our requests for your assistance:

- 1. CUMULATIVE EFFECTS. Require FERC to perform a regional or programmatic environmental analysis of the natural gas pipeline construction that is occurring as a result of the exploitation of the Marcellus shale gas.** We know of one public interest attorney who has intervened in over forty FERC natural gas pipeline decision-making processes since December 2013, and that's not all of them. FERC and the industry are engaged in a massive build-out of the infrastructure and the reports of environmental harm are widespread.¹ EQT, a member of MVP, recently pleaded guilty to the conduct of environmental crimes in Pennsylvania. **The transport of the Marcellus gas should require performance of a programmatic analysis.**
- 2. DECISION CRITERIA.** From reading FERC's rulings, it is apparent that there is no transparency in the weighted analysis between the environmental and other costs versus the benefits. **Toward that end we request that you obtain from FERC the metrics by which the staff or commission weighs the costs against the benefits, and share them to us. If FERC has no such metrics, we request that be confirmed in writing as well.**

On a related matter, we also request that you obtain for us a generic FERC-staff performance evaluation form because we have reason to believe that the staff's performance evaluations are based on meeting deadlines that benefit only the pipeline developer.

¹ The interveners, however, are prevented from having their day in court because FERC is withholding final orders on requests for rehearing while the projects proceed to construct. FERC's denial of due process is the subject of a petition for a writ of mandamus against FERC in the United States Court of Appeals for the Second Circuit. It is obvious that FERC is consumed by the demands of approving pipelines while it ignores its litigation obligations and denies due process to the tax paying Americans whose water supplies, homes, lifestyles, and communities are destroyed for private profit.

- 3. DECISION RECORD.** We would like to understand the FERC process in the bigger context of how many projects are being reviewed and approved. We here attempted to obtain this information but find the data to be fragmented. How many pipelines has the FERC rejected, permitted and completed in the last five years? What were the reasons for each? How many are in the appeal process but under construction nonetheless? How many were approved but never built? How many involve transport of the Marcellus shale gas?
- 4. PROVIDE DOCUMENTATION THAT MITIGATION WILL PROTECT OUR WATER.** While some may believe that the supply of natural gas is a matter of national security, because in part, it may be destined for European markets, Preserve Craig strongly asserts that our own water supplies and the life sustained by our mountain headwaters are of vital national security concern. Neither the MVP nor ACP pipeline can reach their proposed destinations without crossing our National Forests. Water supply and timber production were so vital at the formation of our National Forests in the eastern US, that the Weeks Commission was chaired by the Secretary of War. We request that you represent to FERC that water quality and water supply impacts are of paramount concern to you and your constituents. **Toward that end, it is essential that FERC comprehensively analyze the efficacy of any and all mitigation measures that may be imposed on MVP for water quality and water supply protections in the extraordinarily steep terrain, notoriously unstable soils, and karst terrain over which the pipeline is proposed.** There is no evidence that the mitigation works, and much evidence of potential for and actual failures.² FERC cannot merely say that mitigation will be used, FERC must prove that it works.

FERC presses forward with arbitrary timing deadlines regardless of the complexity of the decision at hand. MVP requires not only a certification from FERC, it requires permits from the US Army Corps of Engineers, the United States Forest Service, the Commonwealth of Virginia and local governments. Virginia also must certify compliance with section 401 of the Clean Water Act, and the Historic Preservation processes must be conducted. This region is rich in natural heritage -- both terrestrial and aquatic -- that will be the subject of consultation with the US Fish and Wildlife Service in accordance with Endangered Species Act. FERC is notorious for granting its certification before these other processes are concluded. **We request that express these concerns and expect that the FERC withhold any certification it may grant until all of these necessary processes are complete.**

Requests 5 & 6 are self-explanatory, but additional documentation is available as we continue this discussion.

² To quote Virginia State Senator John Edwards, "It is stupid to route the pipeline over the Appalachian Mountains."

One final note that has garnered some discussion recently regarding process: MVP has stated that it has not sought the necessary approval to designate any of the gas that may be transported in its pipeline for export. However, the gas in MVP's pipeline will be delivered to another gas pipeline. **Can you obtain confirmation in writing that once delivered to its destination pipeline, the gas in MVP's pipeline is mingled with gas that will or can be exported overseas by the operator of that gas pipeline. This issue goes to the matter of need.**

Thank you for your consideration of these matters. We look forward to working with everyone in the region to help protect Virginia's citizen rights and environment.