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14 June 2015

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

REF: Mountain Valley Pipeline (MVP);
Docket No. PF15-3-000

Dear Ms. Bose:

We are writing as residents of Craig County and to raise specific issues that you must require MVP personnel to address during the development of the Draft Environmental Impact Study.

As you are no doubt aware, a significant Record of Decision related to the AEP 765 kV Transmission Line – American Electric Power Transmission Line Construction – Jackson’s Ferry, Virginia to Oceana, West Virginia was issued by National Forest Service in 2002 under the signature of Mr. William E. Damon, Jr., Forest Supervisor, George Washington and Jefferson National Forests. This document contains significant and compelling decisions that apply to the Mountain Valley Pipeline Alternate Routes 110, 110J and 110R. While there are a host of strong environmental and scientific issues that must be studied, we want to focus on two issues that are clearly documented in the 2002 Record of Decision, one issue relative to the Black Diamond housing development in which we live, an issue relative to the biodiversity of the region, and a no-build alternative.

The first compelling issue that must be considered is documented in the 2002 Record of Decision (ROD) that describe conclusions in the 1996 Draft EIS. I refer you specifically to page 5, section heading “Rationale in Relation to Alternatives in Draft EIS.” We call your attention to the third bulleted items in this section. The third bullet item notes that the then proposed power line routes would cross areas where Cultural Attachment were deemed significant. Much, if not all, of Alternate 110, 110J and 110R are along a very similar route. Thus, the impact of Cultural Attachment on the MVP routes is of significance and has previously been deemed a reason to deny a utility corridor through the area. **MVP personnel must be required by the FERC to document why the conclusion described in the 2002 ROD is no longer valid. We certainly believe the issues are as paramount today as they were in 1996.**

The second compelling issue that must be considered is also documented in the 2002 Record of Decision. In the third bulleted item of the section heading “Rationale in Relation to Alternatives in Draft EIS” on page 5, the James Spiny mussel is identified as an endangered species along the proposed power line route, specifically in Upper Craig Creek. The various alternative routes (110, 110J, 100R) cross all five known locations for the endangered James Spiny mussel in the Upper James River watershed including: South Fork of Potts Creek, Little Oregon Creek, Dicks Creek, Johns Creek and Craig Creek. The extensive longitudinal study pertaining to the James Spiny mussel is well documented and well monitored in these areas. **MVP personnel must be required by the FERC to document why the**

conclusion described in the 2002 ROD related to the James Spiny mussel is no longer valid. We certainly believe the issues are as paramount today as they were in 1996.

The Black Diamond housing development in the community of Maggie along Johns Creek was designed and developed in 2006. The developer, Mr. Hunter Wilson of VA Hunter, LLC chose to conscientiously impose restrictions on the lots in the development to preserve streams, wetlands and tributaries of Johns Creek within Black Diamond. To this end, he entered into binding agreements with Virginia Department of Environmental Quality (permit number WP4-06-2280) and the U.S. Army Corps of Engineers (permit number 06-V2280.) Language from the declarations on file in Craig County and to which all landowners within Black Diamond are held accountable are attached for your information. The residents willingly and enthusiastically work to protect this natural habitat. Although Black Diamond is private property, the tributaries to Johns Creek flowing through Black Diamond are part of the watershed within the Jefferson National Forest.

Although not an independent issue, we want to call your attention to a recent letter from the U.S. Department of the Interior, Fish and Wildlife Service. The letter describes the result of a review of the MVP project package. We attach the letter for your reference and call your attention to page 2 of the document. The first bulleted point on page 2 references the James Spiny mussel and indicates “Because this species has been documented in Craig, Johns, Little Oregon, and Dicks Creek in Virginia, presence/absence surveys are not necessary in these streams.” The letter goes on to state in the same paragraph “We recommend that alternative routes be developed that avoid this watershed due to its importance to the conservation and recovery of this species.” **MVP personnel must be required by the FERC to document why the recommendation of the USFWS and existing permits that are in place with the DEQ and USACOE can justifiably be ignored.**

In the FERC’s letter dated 13 March 2015 to Mr. Paul Diehl, Senior Counsel for Equitrans that provided Comments on First Draft Resource Reports 1 & 10, critical requests are made in the context of alternate route consideration under the heading “Draft Resource Report 10 – Alternatives.” Items 1-5 in this section collectively request information and analysis related to alternate route consideration, co-location within existing utility easements and potential co-location with other proposed pipeline systems in the region. **The FERC must demand a thorough and exhaustive response to these items.** If a cursory review and response is allowed to occur then we would argue that MVP and its partners should be deemed non-responsive and appropriately held accountable by the FERC.

When one looks at the location where the gas is being extracted in north central West Virginia, along with the biological diversity footprint of the Appalachian region along the West Virginia – Virginia border (see attached biodiversity relief map from the Nature Conservancy), it is evident that a different route to tie in with the Transco Pipeline must be found. The fragile and biologically diverse habitat of the Appalachian range along the West Virginia – Virginia border must be avoided. Protecting this high-value ecosystem must be of paramount consideration. It is morally and ethically irresponsible of us as a society to negatively impact this precious resource for future generations. **Thus, the FERC must demand a thorough and unbiased evaluation of alternative routes during the development of the Draft Environmental Impact Study that avoid crossing the critical biodiverse region along the West Virginia – Virginia border.**

The FERC must also require a comprehensive evaluation of a “no build” alternative that would actually bring significant positive economic impact to the region. That alternative is to consider moving the gas by rail. This approach is somewhat in its infancy in the U.S., has both significant positive and negative issues, but should not be summarily dismissed without a thorough evaluation. While not

commonplace in the United States today, liquefied natural gas will be transported in the very near future in Alaska by rail. Transportation by rail is also commonplace in Canada and in Europe. This alternative provides the real opportunity, as opposed to the practically unreal opportunity suggested by the MVP literature, to provide access to natural gas in many parts of West Virginia and Virginia not currently served.

The rail infrastructure exists today and thus the ability to transport LNG, while requiring some new gas processing infrastructure, is much more readily available and thus would not require extensive additional new pipelines that adversely impact thousands of people. We don't pretend to have all the answers regarding the overall economic analysis of this option. We do know that moving the gas by rail would positively impact thousands of people, their homes and land along the MVP route, as well as support the railroads and their employees in the region that have been hit hard by the major downturn in coal production and transport. **Thus, the FERC must demand a thorough and unbiased evaluation of this alternative during the development of the Draft Environmental Impact Study.**

Respectfully,

W. Samuel Easterling and Pamel J. Easterling

attachments

SUPPLEMENTAL DECLARATION OF RESERVATIONS AND RESTRICTIVE COVENANTS

BLACK DIAMOND

THIS SUPPLEMENTAL DECLARATION is made as of April 19, 2007 to be effective upon recordation, by VA HUNTER, LLC, a Delaware limited liability company, its successors and assigns ("Developer").

WITNESSETH:

WHEREAS, Developer remains the owner of the real property described in Article I of this Declaration, less any outsales, and has created thereon a primarily residential community, with Roads and Other Common Facilities (as hereafter defined) for the benefit of said community; and

WHEREAS, Developer desires to continue to provide for the preservation of the ecosystem, values and amenities in said community and for their maintenance, and to this end, desires to subject the real property described in said Article I to the further provisions hereof, each and all of which is and are for the benefit of said property and each Owner thereof.

NOW, THEREFORE, the Developer declares that the real property described in Article I hereunder is and shall be further held, transferred, sold, conveyed and occupied subject to the covenants herein contained.

ARTICLE I
PROPERTIES SUBJECT TO THIS DECLARATION

Section 1. Lots. The real property which is, and shall be, held, transferred, sold, conveyed, and occupied subject to this Supplemental Declaration is located in the Potts Mountain District of Craig County, Virginia, and is more particularly described as follows:

Lots 1 through and including Lot 103, Black Diamond, less outsales, as are more fully shown upon that Final Plat prepared by Terradon Corporation, dated July 10, 2006, and recorded in the Circuit Court of Craig County, Virginia, in Deed Book 157, at page 204, et seq., and in Deed Book 158 at page 252, et seq., and page 268, et seq. Lots impacted by this instrument are owned by Developer and described below in Article II.

AND BEING the same real estate conveyed to VA Hunter LLC, a Delaware limited liability company, by Deeds dated August 8, 2006, recorded in the Circuit Court of Craig County, Virginia in Deed Book 157, at pages 167 and 175, respectively, all of which real property shall hereafter be referred to as "Existing Property."

ARTICLE II

(Formally Article IV, Section 6 – as amended hereby): Greenspace Areas Along Waterways, Including Tributaries; Stream Buffer Plan.

1. All protected areas ("Stream Buffers") described in former Article IV, Section 6. of the Declaration, including Common Areas, shall be deemed to include those shown on a subsequently recorded plat drawn by Terradon Corporation, approved April 19, 2007, and recorded in the Office of the Clerk of the Circuit Court of Craig County, Virginia in Deed Book 161, at page 829, labeled "Final Plat".

2. The Final Plat shows Stream Buffer Areas and Zones which shall be kept in their current natural and undisturbed condition. Accordingly:

a) Removal or cutting of existing or planted trees in the Stream Buffer is prohibited. Removal of invasive species as provided by the DCR invasive plant list (www.state.va.us/dcr/dnh/invlist.pdf) and planting of native plants as defined by the DCR (www.state.va.us/dcr/dnh/native.htm) is permitted. Removal of deadfall shall be permitted within the buffer.

b) The use of fertilizers and spraying with biocides is strictly prohibited except as may be necessary on a case-by-case basis with prior written approval by the United States Army Corps of Engineers.

c) No livestock or other farm, domestic or raised animals shall be permitted in the Stream Buffers. Any grazing animals shall be confined to areas outside both the Greenspace and 100-year

floodplain by reliable fencing erected and maintained at the expense of the livestock's owner. Livestock watering shall be only via a well and trough system.

d) Mowing within the riparian Buffers by bush/brush hog is limited to twice a year (once in the Spring and once in the Fall) and no lower than 8 inches. Mowing is prohibited within 8 feet of the water's edge. No mowing or maintenance may occur from May 15 through July 31 of any year. (Although not a requirement, it is recommended that no mowing or maintenance occur from April 15 through August 15 of any year to avoid the wildlife nesting season in Virginia). These mowing recommendations do not apply in the designated Common Areas that are identified on the Final Plat.

e) Ditching, draining, diking, damming, filling excavating, grading, plowing, flooding/ponding, mining, drilling, placing of trash and yard debris or removing/adding topsoil, sand, or other materials (except as may be necessary on a case-by-case basis with prior written approval by United States Army Corps of Engineers) is prohibited in the Stream Buffers.

f) All permanently marked Stream Buffer signs are to remain and be replaced/maintained by the Association as needed.

g) Lot Owners having a Lot bisected by a waterway may construct an access for ingress and egress to and from the otherwise inaccessible area of their Lot only after obtaining all required area permits/approvals from State and Federal authorities.

h) No structures, improvements or fencing is permitted within the Stream Buffers, except for the Common Areas having picnic shelters and wildlife management structures.

i) These restrictions will not prevent the further enhancement or restoration of streams and/or stream buffer if done so by permit from the appropriate state and federal agencies and in accordance with state and federal regulations using natural channel design techniques.

All protected areas described in former Section 6., including Common Areas, now labeled "Stream Buffers" shall be deemed to be included on that recorded plat drawn by Terradon Corporation, approved April 19, 2007, and recorded in the Office of the Clerk of the Circuit Court of Craig County, Virginia in Deed Book 161, at page 829 and labeled "Final Plat".

No amendment to this Supplemental Declaration affecting the Stream Buffers shall be effective without the express written approval by subsequent recorded instrument executed by the United States Fish and Wildlife Services. A Declaration of Restrictions required by the United States Army Corps of Engineers shall further govern the use of these areas; in the event of a conflict between these two instruments, the most restrictive shall apply.

WITNESS the following signature and seal of VA Hunter, LLC, a Delaware limited liability company, by L. Hunter Wilson, its President.

VA HUNTER, LLC,
a Delaware limited liability company

By: [Signature]
L. Hunter Wilson, President

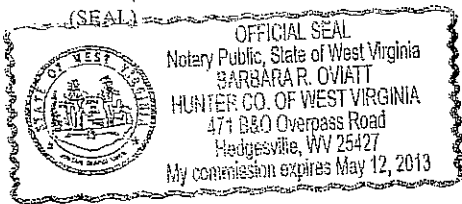
STATE OF WEST VIRGINIA,
COUNTY OF BERKELEY,

The foregoing instrument was acknowledged before me this 19th day of APRIL, 2007, by L. Hunter Wilson, President of VA Hunter, LLC, a Delaware limited liability company, on behalf of the limited liability company.

My commission expires:

MAY 12, 2013

[Signature]
Notary Public



VIRGINIA:

In the office of the Clerk of the Circuit Court of Craig County the 2nd day of May 2007 this Deed DEC was presented and with the Certificate thereto annexed admitted to record at 10:55 o'clock A. M. The taxes imposed by sec. 58-54 58-54.1 & 58-65.1 of the Code of Virginia have been paid.

State Tax \$ _____
Local Tax _____
Add. Tax _____
Transfer Fee _____
Clerk Fee 14.50
VSLF 1.50
VOF _____
DP _____
TFE 5.00

Teste:

Inst. # 444

[Signature] Clerk
By [Signature] Deputy Clerk

THIS DOCUMENT PREPARED BY:

VA Hunter, LLC
471 B&O Overpass Road
Hedgesville, WV 25427

MEMORANDUM TO: Office of the Secretary

FROM: Paul Friedman, FERC staff

SUBJECT: Mountain Valley Pipeline Project
Docket No. PF15-3

DATE: April 13, 2015

Please place the attached document in the public files for the project proposed by Mountain Valley Pipeline LLC (Mountain Valley) in Docket No. PF15-3-000:

- Letter dated April 3, 2015 from the U.S. Department of the Interior, Fish and Wildlife Service, Virginia State Office.

The letter was submitted to FERC staff. The document is NOT confidential.

OFFICE OF THE SECRETARY

2015 APR 14 AM 8:01

Federal Energy
Regulatory Commission



United States Department of the Interior

FISH AND WILDLIFE SERVICE



Virginia Field Office
6669 Short Lane
Gloucester, VA 23061

April 3, 2015

Ms. Valerie Clarkston
Environmental Solutions & Innovations, Inc.
4525 Este Avenue
Cincinnati, OH 45232

Re: Mountain Valley Pipeline, Virginia
Segments

Dear Ms. Clarkston:

The U.S. Fish and Wildlife Service (Service) has reviewed the project package for the referenced project. Mountain Valley Pipeline plans to construct a 42-inch diameter natural gas pipeline to allow producers and end-users a direct route to transport new gas supplies. The project will extend from the existing Equitrans transmission system near Mobley in Wetzel County, WV to Transcontinental Gas Pipeline Company's Zone 5 compressor station 165 in Pittsylvania County, VA. In Virginia, the pipeline is expected to cross Craig, Franklin, Giles, Montgomery, Pittsylvania, and Roanoke Counties. The following comments are provided under provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended, Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c, 54 Stat. 250), as amended, and Migratory Bird Treaty Act of 1940 (16 U.S.C. 703-712, 40 Stat. 755).

Our recommendations are based on the route alignment provided on March 6, 2015. Once the action area of the project is finalized, an additional review that includes all attendant facilities, staging areas, etc. will be necessary. Action area refers to all areas directly or indirectly affected by the proposed action and not only the immediate area involved in the action.

Migratory birds are a Federal trust resource and are protected under the Migratory Bird Treaty Act. The project package did not include information on proposed impacts to migratory birds and their habitats. The Service will provide additional comments upon receipt of a plan that identifies and addresses impacts to migratory birds.

We recommend a detailed habitat assessment be conducted for the federally listed and proposed species below within the specified areas of potential habitat. An approved surveyor can conduct these habitat assessments in the action area to identify suitable habitat and survey for the species

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if suitable habitat is identified. Surveys are not needed if the approved surveyor determines that no suitable habitat is present.

A table of optimal survey times for plants can be found on our website at:

http://www.fws.gov/northeast/virginiafield/pdf/endspecies/MISC/20120125_VIRGINIA_survey_time_frame_for_plants.pdf.

A list of qualified surveyors can be found on our website at:

<http://www.fws.gov/northeast/virginiafield/endspecies/surveyors.html>. This list does not include all individuals qualified or authorized to survey for these species. If you select someone not on the pre-approved surveyor list, provide the proposed surveyor's qualifications and proposed survey design to this office for review and approval prior to initiating the survey. Send copies of all habitat assessments and/or survey results to this office.

- James spiny mussel (*Pleurobema collina*): federally listed endangered. We have reviewed the study plan entitled, "Freshwater mussel (Unionidae) site assessments, surveys, and relocations for the proposed Mountain Valley Pipeline in Virginia." Because this species has been documented in Craig, Johns, Little Oregon, and Dicks Creeks in Virginia, presence/absence surveys are not necessary in these streams. Habitat assessments are necessary for other perennial streams in the Craig Creek watershed in Craig County. We recommend that alternative routes be developed that avoid this watershed due to its importance to the conservation and recovery of this species. Formal consultation pursuant to the Endangered Species Act between the Service and Federal Energy Regulatory Commission is likely if this route or other routes in this watershed are pursued. Any relocation of federally listed mussels must be authorized by the Service prior to relocation. This species also occurs in South Fork Potts Creek in West Virginia and coordination with Service's West Virginia Field Office is necessary (see contact information below).
- Roanoke logperch (*Percina rex*): federally listed endangered. Because this species has been documented in the Pigg, Roanoke, and North Fork Roanoke Rivers, presence/absence surveys are not necessary in these rivers. Habitat assessments are necessary for other perennial streams in the Roanoke River watershed in Montgomery, Roanoke, Franklin, and Pittsylvania Counties.
- Northeastern bulrush (*Scirpus ancistrochaetus*): federally listed endangered. Potential habitat occurs in Craig and Giles Counties between points -80.237, 37.416 and -80.246, 37.42; -80.284, 37.387 and -80.287, 37.392; and -80.688, 37.392 and -80.693, 37.402.
- Smooth coneflower (*Echinacea laevigata*): federally listed endangered. Potential habitat occurs in Roanoke and Montgomery Counties between points -80.364, 37.275 and -80.329, 37.268; 80.242, 37.319 and -80.243, 37.316; -80.21, 37.246 and -80.202, 37.242; and 80.198, 37.229 and 80.197, 37.227.

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- Mitchell's satyr butterfly (*Neonympha mitchellii mitchellii*): federally listed endangered. Potential habitat occurs in Franklin and Montgomery Counties.
- Bats
 - Surveys for potential hibernacula including cave openings and cave-like structures (e.g., abandoned or active mines, railroad tunnels) should be conducted following the guidance on page B3 of the Northern Long-Eared Bat Interim Conference and Planning Guidance within the action area of the proposed pipeline route. This guidance is available at: <http://www.fws.gov/Midwest/endangered/mammals/nlba/pdf/NLEBinterimGuidance6Jan2014.pdf>.
 - In areas where tree removal will occur, surveys should be conducted by an approved surveyor following the most recent version of the Range-wide Indiana Bat Summer Survey Guidelines (available at: <http://www.fws.gov/northeast/virginiafield/endangered/about.html>) for the following species in the areas specified below within suitable habitat.
 - Indiana bat (*Myotis sodalis*): federally listed endangered. Potential habitat occurs in Giles, Montgomery, Roanoke, and Craig Counties.
 - Northern long-eared bat (*Myotis septentrionalis*) (NLEB): federally proposed endangered (effective May 2, 2015 this species will be federally listed threatened with an interim 4(d) rule). Potential habitat occurs in Franklin, Giles, Montgomery, Pittsylvania, Roanoke, and Craig Counties.
 - The proposed route intersects with Tawneys Cave in Giles County, a known hibernaculum for Indiana and Northern long-eared bats. We recommend a minimum 5 mile buffer from the known hibernaculum opening and any mapped passages.
 - Specific comments on the revised study plan dated March 6, 2015:
 - Page 4 – Per page B5 of the NLEB Interim Conference and Planning Guidance, revise the description as follows, “a field survey, where access can be obtained, of all land within one-half mile of the edge of the project footprint and documentation (i.e., literature search) of all known caves and abandoned mine portals within 3 miles of the outside edge of the project footprint should be conducted.”
 - Page 5 – Per page B6 of the NLEB Interim Conference and Planning Guidance, if you plan to conduct spring portal/cave surveys they must be conducted between April 1 and April 21 and prior to any tree clearing. A minimum of three nights of sampling per week for three weeks (i.e., 9

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nights of sampling) is required at each suitable entrance as determined by the Phase 1 Habitat Assessment. Your study plan proposes two evenings of sampling. Fall portal/cave surveys can be conducted rather than spring surveys. Per page B5 of the NLEB Guidance, surveys must be conducted between September 1 and October 31 and prior to any tree clearing. A minimum of two nights of sampling is required at each suitable entrance as determined by the Phase 1 Habitat Assessment.

- Page 5 - Per page B6 of the NLEB Interim Conference and Planning Guidance, harp traps and/or mist nets should be monitored for captured bats on 10-minute intervals. Your study plan states “traps are checked at least once per hour or continuously if the catch rate is greater than 25 bats per hour.” Change your plan to reflect the NLEB Interim Guidance.
- Address and incorporate comments the Service provided on November 26, 2014 on the study plan dated November 3, 2014. Specifically comments: SH10, SH11, SH12, and SH13.

To assist us in analyzing effects to federally listed and proposed species from the proposed action, provide the following information to this office:

- For proposed stream crossings where federally listed species are present, provide us an analysis that outlines all alternatives considered for that crossing, how the determination was made that the selected alternative was the least environmentally damaging, an analysis of effects to the stream anticipated due to the pipeline approaches to each side of the stream, and the proposed schedule/timing of the crossing. If boring or drilling is proposed, provide a best professional opinion on the likelihood that drilling fluids will escape through the bedrock to the stream.

To avoid and minimize impacts to federally listed and proposed species, incorporate the following conservation measures into the proposed project:

- To address impacts to summer bat habitat (see Appendix D of the NLEB Interim Conference and Planning Guidance): leave dead or dying trees standing (if not a safety hazard), maintain or improve forest patches and forested connections (e.g., hedgerows, riparian corridors) between patches, clearly demarcate trees to be protected vs. cut to help ensure contractors do not accidentally remove more trees than anticipated, avoid/minimize tree clearing that fragments large forested areas or tree lined corridors (e.g., route linear features along the edge of a woodlot instead of through the middle).

We recommend that you contact Liz Stout (West Virginia Field Office) at 304-636-6586 or elizabeth_stout@fws.gov to coordinate the portions of the project in West Virginia.

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Once the action area of the project is finalized, an additional review that includes all attendant facilities, staging areas, etc. will be necessary. If habitat assessments and/or surveys determine that suitable habitat for listed or proposed species are present, this office will work with you to ensure that the project avoids or minimizes adverse impact to listed species and their habitats.

If you have any questions, please contact Kim Smith at (804) 824-2410 or via email at kimberly_smith@fws.gov.

Sincerely,



FOR Cindy Schulz
Field Supervisor
Virginia Ecological Services

cc: FERC, Washington, D.C. (Attn: Paul Friedman)
Service, Elkins, WV (Attn: Liz Stout)
VDCR-DNH, Richmond, VA (Attn: Rene Hypes)
VDGIF, Richmond, VA (Attn: Amy Ewing)

We live in one of the most diverse and sensitive landscapes in the US

