

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

In the Matter of the Application of:

Mountain Valley Pipeline, LLC

Docket No. CP16-10-000

COMMENT AND OBJECTION

Preserve Craig, Inc. hereby responds to the December 24, 2015 Environmental Information Request from the FERC (eLibrary no. 20151224-3000) to Mountain Valley Pipeline, LLC (“MVP”). We applaud and appreciate the detailed requests and questions that the FERC has asked MVP to answer. We expect that FERC Staff will review MVP’s answers and require thorough and complete answers to these questions before proceeding with a draft environmental impact statement (DEIS). However, we are concerned that the FERC’s request for Environmental Information is incomplete. In addition to the information already requested, FERC must obtain the following information in order to prepare an adequate EIS. We understand that FERC Staff has directed Cardno to initiate preparation of the administrative DEIS. While we understand that schedule is important under FERC’s regulations implementing the Natural Gas Act, we urge FERC not to proceed with substantive analysis of impacts to all resources until MVP provides the following information which we view as essential to FERC’s impacts analysis.

Cultural Attachment

Preserve Craig, Inc. cooperated with MVP’s cultural anthropologists who traveled to the area on very short notice in November 2015. Preserve Craig, Inc. accommodated the anthropologists’ needs and helped to arrange numerous interviews with residents of Craig County and Giles County, Virginia and Monroe County, West Virginia. We believe that the anthropologists observed the presence of deep cultural attachment to place and the need to perform further study to collect current data. More study of this significant issue is necessary, and proceeding with preparation of a preliminary administrative draft environmental impacts statement is premature when the data necessary to analyze the issue of cultural attachment has not yet been collected. A significant example of this is a submission received yesterday, January 12, 2016 by the FERC from George L. Jones (eLibrary no. 20160112-5112).

Environmental Information Requests

As an overarching issue relevant to the premature preparation of any form of a DEIS, the public continues to be denied access to the GIS shape files of the complete route. Without the complete route, it is impossible to verify the aggregated data that MVP claims in its application and resource reports. Without site-specific location information, the public is denied the right to participate in the process. It is not a public process without meaningful access to the information that is necessary to participate.

FERC requests that MVP provide schedules for the submission of information about numerous significant issues rather than requiring the information itself. Asking for a schedule for the submission of information while at the same time directing Cardno to prepare a preliminary DEIS is incongruous and in conflict with the principles of due process. It is premature to prepare a preliminary DEIS when only a schedule for providing vital information is asked of MVP.

Specifically, on page 10, item number 4, FERC requests the following: “Section 2.1.1.5 stated that Mountain Valley is continuing to evaluate specific karst areas, and the project’s potential impacts on groundwater. Provide a schedule for filing this information with the FERC.” MVP is proposing to build a 42-inch gas pipeline across extraordinarily sensitive karst terrain where groundwater is the exclusive source of both public and private water supplies. It has been over a year since the preliminary application process commenced for this project. MVP has never even acknowledged the critical primacy of this issue to landowners, local governments, and this region, and has not initiated even the first steps for meaningful analysis of the situation or even a schedule or plan for analyzing this extraordinarily significant issue.

The project analysis continues to ignore critical issues with private water supplies as follows: a. Only assessment of private wells within 150’ is required (versus 400’ for “public” supplies; b. There is no plan for assessment of springs, in contradiction to the new Clean Water Act rule promulgated in 2015; and c. There is no explanation of what meaningful mitigation would consist of when damage occurs.

Appended to this comment is a copy of a news article published in *The Roanoke Times* on December 3, 2015, which documents the contamination of a public water supply by gas pipeline construction activity in the same vicinity of the proposed route for the MVP project. There is not only a threat of groundwater contamination, we are concerned it is a certainty given the lack of information in the record to show how contamination would be avoided given the unique geology and topography of the region. MVP must be required to estimate the number of people whose groundwater is threatened together with the methodology for determining this number.

In addition, the MVP is proposed to be constructed on top of a cavern called Canoe Cave. MVP has not provided the information necessary to evaluate impacts from

constructing a 42-inch gas pipeline on top of a cavern with a lake in it. If the route is changed to avoid Canoe Cave, the information necessary to evaluate the alternative around the cave is not available to the public or Cardno to analyze in the administrative DEIS.

Specifically, in regard to the proposed route (previously part of Alternative 200), Preserve Craig, Inc. has been informed that surveying along this route was suspended last year because of the sensitivity of the karst terrain in this part of the alignment. One landowner was told by MVP's routing engineer that this route was unbuildable and the survey crew was sent home. Based on information in the record, Preserve Craig, Inc. argues that the only reasonable measure is to avoid karst terrain by great distances to prevent loss of water supplies, whether public or private. Nevertheless, requiring only a schedule at this time to address this vital issue is insufficient and proceeding with drafting an administrative DEIS is premature.

As a related concern because of the potential to impact water resources, on page 31, item 22 requests information on mitigation measures for unstable slopes: "Section 6.4.3 stated that mitigation measures for potential slope stability areas would be included in the 'final pipeline design.' File an outline of the mitigation measures for unstable slopes, or provide a schedule for the completion of the 'final pipeline design.'" The request for just an outline at this stage is completely inadequate and unacceptable given the pace of decision-making in this proceeding. The construction of a 42-inch gas pipeline in the type of steep and unstable terrain proposed by MVP is unprecedented. There is no evidence that any mitigation will protect unstable slopes and associated water systems. The National Environmental Policy Act requires specific documentation that mitigation will work to minimize impacts.

The request for information about steep slope mitigation is inadequate because it does not require documentation that the methods employed for steep slope mitigation will be effective. Preserve Craig has previously provided comments and evidence that standard techniques for stabilizing soils and restoring vegetative cover have not been effective on gas-pipeline projects in the past, neither on steep slopes (the Tennessee Pipeline Project) nor on relatively level terrain (the Transco Pipeline). (eLibrary Numbers 20150615-5296, 20150616-5364 and 20150616-5335). Unacceptable soil erosion and stream sedimentation continues even today from those projects, decades after construction. NEPA requires that MVP present positive evidence that any mitigation they propose will be successful. Scientists with Preserve Craig are unaware of any such evidence that soils can be effectively protected and significant erosion and sedimentation prevented on the severe slopes and soil types that MVP proposes to cross. Receipt of such evidence by the FERC would be critical before a meaningful DEIS can even be initiated.

Furthermore, the public is improperly denied access to all information necessary to evaluate such mitigation when the applicant is allowed to delay the submission until a final pipeline design is submitted.

MVP offers an inadequate plan for monitoring and control of invasive plant species: a. Construction and operation will damage habitats and cause economic losses on private lands, County property, state lands, and federal lands; b. There are no pre-construction species surveys; c. They describe no training or certification of field personnel; d. They limit actions to 2 years, while the problem created will last the life of the pipeline and beyond; and e. They have made no effort to address or coordinate with existing concerns, orders, and taskforces already established to limit damage from invasive plants (President's Executive Order, US Forest Service, Virginia state agencies and statewide taskforce).

MVP offers no concrete plan for addressing dangers and losses to the County and its citizens: a. Damage to roads; b. Increased training and equipment needs for public safety; c. Increased fire and hazardous-substance risk; d. Increased vehicle collisions with construction traffic; e. Increased vehicle-deer collisions; and f. Increased rates for vehicle and homeowner insurance.

The transient residency of workers from outside Craig County and beyond may increase crime in Craig County, and dangers to citizens, for which there is no analysis.

Programmatic Environmental Impact Statement

Preserve Craig, Inc. continues to believe that, in this situation, it is in the best interest of the FERC and the public to prepare a Programmatic Environmental Impact Statement (PEIS) in full compliance with the intent of the National Environmental Protection Act (NEPA). The extraordinary circumstances created by the unprecedented number of pipeline applications in our region require a PEIS before proceeding with the individual route EIS being proposed. The PEIS needs to be prepared first to provide the regional data for framing an adequate study of the environmental impact of the proposed MVP.

CONCLUSION

In conclusion, we respectfully request that substantive work on the Draft Environmental Impact Statement be suspended until a PEIS is completed, or at the very least, MVP fulfills all data requests and the public has an opportunity to verify the accuracy of their claims.

Respectfully submitted,



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January 13, 2016

CERTIFICATE OF SERVICE

I hereby certify that I have on January 13, 2016, caused the foregoing Comment to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.



Bill Wolf, Co-Chair,
Preserve Craig, Inc.