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April 19, 2016

**In the Matter of the Application of Mountain Valley Pipeline, LLC, Docket No. CP16-10-000**

**Request for Comprehensive Amended Mountain Valley Pipeline Application**

**Indian Creek Watershed Association, Inc., based in Monroe County WV and Preserve Craig, based in Craig County VA hereby request that the FERC require Mountain Valley Pipeline, LLC to submit one complete, cohesive application with corrected Resource Reports and other addenda in finished form and included in sequential order *before* the FERC contractor and federal and state agencies complete their administrative reviews and *before* setting a schedule for the DEIS.**

In order for individual stakeholders and the state and federal agencies as protectors of the public interest to provide useful comment on the Mountain Valley Pipeline Application—and on the Draft Environmental Impact Statement when that is issued by the Commission—a final sequential and readable edition of the application with MVP’s most current information must be available to all in a timely manner. To allow the MVP application in its current disjointed state poses an undue burden on the stakeholders who are trying to understand the potential consequences of this pipeline on the environment.

**BACKGROUND:** On October 23, 2015 Mountain Valley Pipeline filed its Application for Certificate of Public Convenience and Necessity and Related Authorizations. On November 5, 2015 the FERC issued a Notice of Applications. Between that date and April 8, 2016, MVP has submitted at least 4751 pages of revisions and supplements to the original application available in public view and an undetermined analogous number of pages in privileged view. Many of these revisions were required by the federal and state agencies who found the original application to be incomplete or inaccurate in substantial sections. The result is an out-of-order concoction that stretches the definition of a coherent application beyond recognition. (Further requests by the FERC on March 31, 2016 and April 6, 2016 have called for additional information from MVP to be submitted by April 20, 2016 and April 27, 2016 respectively.)

- 1- **MVP was and continues to be delinquent in providing a complete and accurate full application**, as witnessed by the FERC’s own requests for additional information, by comments of the US Forest Service and other participating agencies, as well as by comments from members of the public. MVP’s application and subsequent submittals contain multiple examples of missing, sketchy, and incorrect information.
- 2- **Material submitted subsequent to the original application is now separate from its original context.** While in some cases MVP has indicated where each addition might fit into the overall

pattern of the submission, in their current scattered and chaotic electronic state, the various additions and corrections submitted by MVP require a tremendous effort simply to assure stakeholders that they are reading the most recent data sets.

- 3- **MVP materials have largely been submitted without useful document titles or descriptive information**, requiring readers to open numerous large documents listed under 11 different (untitled) Resource Reports simply to determine what is in them. Some files contain more than one document, but no 'contents' or index appears on opening the file; this results in important information remaining hidden unless readers scroll through every document.

**WHAT IS AT STAKE? DUE PROCESS FOR THE STAKEHOLDERS:** This timely and important request is necessary both before and during the DEIS comment period.

1. **Before the FERC issues the DEIS:** Landowners, federal and state agencies, and other stakeholders have acted in good faith to supplement both the pre-filing and application dockets with information designed to correct the inaccuracies and incomplete information submitted by MVP. During the past six months it has become more and more difficult for these stakeholders to discern the latest set of "facts" through the fog of MVP's FERC submittals. Clearly, the FERC needs to establish a schedule wherein stakeholders have ample time to examine a coherent application and make the appropriate submittals so that the FERC and its contractor, Cardno, have the most accurate information on which to base a DEIS.

We realize that the disjointed state of MVP's documents is not the fault of the FERC. To the contrary, we appreciate that the staff has required additional submittals from MVP in an effort to protect the environment, and we support the staff's continuing to make such requests. However, the responsibility to coordinate these original and corrected documents must not be shifted from MVP to the stakeholders. Only one comprehensive amended application can protect the stakeholders' rights to a reasonable process.

2. **During the public comment period for the Draft Environmental Impact Statement:** Once the FERC publishes the Draft Environmental Impact Statement, members of the public will have a relatively short period of time to submit comments. Stakeholders, who are frequently affected landowners or leaders in their communities, will only be able to respond appropriately to the DEIS if they have already devoted lead-up time to become versed in both the broad issues and the relevant details. The present state of MVP's fragmented and disjointed submittals disadvantages the stakeholders in that regard.

**JUST BE FAIR:** The FERC has a responsibility to protect the environment by ensuring that pipeline construction complies with NEPA. Information provided by stakeholders is crucial throughout the development and analysis of a Draft Environmental Impact Statement. It is vital that the public continue to have a genuine opportunity to review and supplement the docket; however, the current state of this application clearly impedes the stakeholders from reviewing the facts and opinions as presented by MVP. We, therefore, request the following:

1. **A comprehensive amended MVP application.** Mountain Valley Pipeline, LLC should be required to submit one complete, cohesive application with corrected and inclusive Resource Reports

and other addenda in finished form and included in sequential order *before* the FERC contractor and federal and state agencies complete their administrative reviews.

We note that on March 31, 2016 the FERC directed MVP to submit a similar treatment of many elements such as alignment sheets, access roads, and other maps and figures—i.e., to provide a complete set with revised contents indicated. We are essentially requesting that the FERC extend that requirement to the entire application—a new application that denotes what contents (text, figures, maps, etc.) have been revised, so that readers can work through the final text efficiently. This version of the application should make use of the features provided by the FERC online site to include adequate titles and descriptive information for all files.

2. **Sufficient time for stakeholder review and input before administrative draft EIS.** The FERC staff should establish a schedule for environmental review that provides sufficient time for the stakeholders to review the comprehensive amended application and to submit additional data to the FERC, and for the FERC contractor to take that information into account before it submits its Administrative Draft EIS for agency review.

Thank you for your consideration of this request.

Sincerely,

**Indian Creek Watershed Association, Inc.**  
Board of Directors: Judy Azulay, Scott Womack,  
Howdy Henritz, Nancy Bouldin

**Preserve Craig, Inc.**  
Bill Wolf, Co-Chair  
Sam Easterling, Co-Chair

#### **CERTIFICATE OF SERVICE**

I hereby certify that I have on April 19, 2016 caused the foregoing request to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Judith Azulay, President, Indian Creek Watershed Association

*Indian Creek Watershed Association, Inc. is a non-profit corporation formed in 1996 whose mission is to protect Monroe County's abundant and pure water.*

*Preserve Craig, Inc. is a non-profit corporation formed in 1991 with the support of more than 80% of Craig County households to preserve and protect our natural, historical, and cultural resources.*