



Preserve Craig ~ Sustaining the Quality of Life We Value

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Report to the Craig County Board of Supervisors January 3, 2019

Status of Mountain Valley Pipeline (MVP): Lawsuit Against the Federal Energy Regulatory Commission (FERC), Successful lawsuits against the US Forest Service (FS), Bureau of Land Management (BLM), Suit by the VA Attorney General against MVP, and Reversal by State Water Control Board and others.

Starting the New Year, we are much more optimistic than a year ago. The legal challenges of Preserve Craig and our allies have resulted in ten (count them – 10) victories toward protecting our precious water resources and our peaceful way of life in these beautiful mountains.

Mountain Valley Pipeline cannot cross any water ways or National Forest, having lost key permits in 2018. And the courts will finally hear our case to permanently halt the harm in early 2019.

Why are we still opposing MVP, even though construction is underway? Because this project is harming our water, mountains and community - and is just plain wrong. And taking land from our citizens by granting eminent domain authority to an out-of-state company for their private gain must be stopped, or we'll see similar projects attacking and harming this special place.

Here's a look at our progress in 2018 and what's to come in early 2019:

1. Our lawsuit to revoke MVP's primary permit is scheduled for oral arguments in front of the DC Appeals Court on January 28, 2019. We are finally being allowed to challenge the primary permit, after the clock ran out on the intentional obstructions by the Federal Energy Regulatory Commission (FERC). On Dec 18 Preserve Craig's legal team and allies filed another powerful brief to revoke the permit that grants eminent domain to take private land. We have a strong case, especially given that approvals were based on false data from MVP.
2. Preserve Craig's lawsuit halted all crossings of the Jefferson National Forest and the Appalachian Trail. Permits and management plan changes were revoked by the Fourth Circuit Federal Court because of flawed claims by MVP, illegal changes to the Forest management plan, and no review of alternative routes. No hearings or procedures have been announced to re-start the approval process.
3. All Virginia and West Virginia water-crossing permits have been revoked. A three-judge federal court re-affirmed the 4th Circuit Federal Court decision that MVP cannot use a general Nationwide permit to cross all rivers and creeks without review of specific plans. Construction has been halted at the stream crossing on Sinking Creek and over 300 other sites.
4. In early December, Virginia Attorney General Mark Herring filed a lawsuit against MVP for repeated environmental damage to our state's waters in five counties, including Craig. This is the first step in finally protecting our waters, based on hundreds of documented incidents of serious damage to our streams, springs, and land.
5. A week later, on December 13 the Virginia State Water Control Board voted to start the process of revoking the 401-permit previously granted to MVP under the false assurance that the project would not harm Virginia's waters.
6. Also on December 13, the Fourth Circuit Court of Appeals, in a dramatic 60-page opinion, rebuked the US Forest Service for disregard of its own rules and mission, and revoked permits previously issued for the Atlantic Coast Pipeline. The ruling reinforces a similar decision made against the Forest Service and the Department of Interior vacating the illegal permits issued to
7. Flawed trespassing charges against three Craig County citizens were dismissed and two parties are now suing MVP and their contractors for substantial damages.
8. Both the stock of EQT and its spin-off Equitrans Midstream (ETRN), the companies that manage MVP, continue to lose value and spiral downward. An internal fight for control of the companies is raging and recent filings admit that the pipeline may never get built. Due to ongoing pressure by Preserve Craig and neighboring Preserve groups, the in-service date for this looming environmental disaster has been delayed and may never occur.
9. In smaller victories, the Franklin County Board of Supervisors tabled MVP's newest permit request again. Several formal filings against MVP to the FERC document that MVP is violating FERC's rules such as construction at night.
10. And, finally, the landowner suits that oppose MVP and the FERC's use of eminent domain is now being considered for possible hearing by the U.S. Supreme Court.

Craig County deserves clean water and a healthy environment for generations to come. Again, thanks for helping us to fight corporate greed at the expense of our drinking water and environment.

Over 3 1/2 years of work to date – over 4800 pages submitted on behalf of our community to defend Craig County, representing over \$480,000 in volunteer efforts. Over \$120,000 in actual tax-deductible donations have been collected and used for educational and environmental protection efforts. Additional funds are desperately needed.

Preserve Craig, Inc. is a 501(c)(3) nonprofit corporation formed in 1991 using volunteers and donations to protect our natural, historical, and cultural resources. Tax Identification Number: 54-1597979