



# Preserve Craig ~ Sustaining the Quality of Life We Value

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## Report to the Craig County Board of Supervisors March 7, 2019

**Status of Mountain Valley Pipeline (MVP): All Permits to Cross Waterways, Jefferson National Forest, and the Appalachian Trail Are Revoked; VA Attorney General Suing MVP, and other news.**

**Mountain Valley Pipeline is absolutely prohibited from crossing any water ways, wetlands or National Forest, having lost several key permits in 2018. We continue to oppose the MVP project, despite having lost two recent court cases. MVP is harming our water, mountains and community - and is just plain wrong. Taking land from our citizens via use of eminent domain for private gain must be stopped, or we'll see similar projects attacking and harming this special place.**

Here's an update since our last report to you in January:

1. Federal prosecutors are gathering data about MVP and its various investor-partners as part of a criminal investigation for violations of EPA and other federal water protection laws. EQM Midstream was forced to disclose to its stockholders and the SEC that the project is under grand jury scrutiny and criminal investigation. In addition, MVP is continuing to mislead shareholders and banks, claiming the project is mostly complete. In fact, its own filings with the FERC show that less than 50% of the pipe has been buried. These events have triggered possible class action and other filings against MVP's owners for fraud or securities violations.
2. In February a three-judge panel of the US Court of Appeals of the D.C. Circuit returned a surprisingly quick and disappointing unpublished opinion on our suit against the FERC and MVP. Following the January 28th hearing, the 3-judge panel dismissed the case without addressing many of the significant issues raised by the suit. Options for further rehearing are being considered.
3. On March 1, the Virginia State Water Control Board reversed a December decision by voting not to consider revoking the water quality certification that had been issued to MVP. This decision came despite a lawsuit by the VA Attorney General's Office against MVP for repeated environmental violations decision and continued reports of erosion control failures.
4. Preserve Craig's federal lawsuit successfully 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. There are still no hearings or procedures announced to review or start a new approval process.
5. 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.
6. Virginia Attorney General Mark Herring's lawsuit is proceeding against MVP for repeated environmental damage to our state's waters in five counties, including Craig. This may help to protect our waters, based on hundreds of documented incidents of serious damage to our streams, springs, and land.
7. A decision is still pending on the Greenbrier River crossing lawsuit, a challenge by two allied Watershed Associations and local landowners to West Virginia's special permit to cross the Greenbrier in violation of state-designated protection under the Natural Stream Preservation Act.

*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.*

**Almost 4 years of work to date – 5000 pages submitted on behalf of our community - to defend Craig County, representing over \$490,000 in volunteer efforts. Over \$125,000 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***