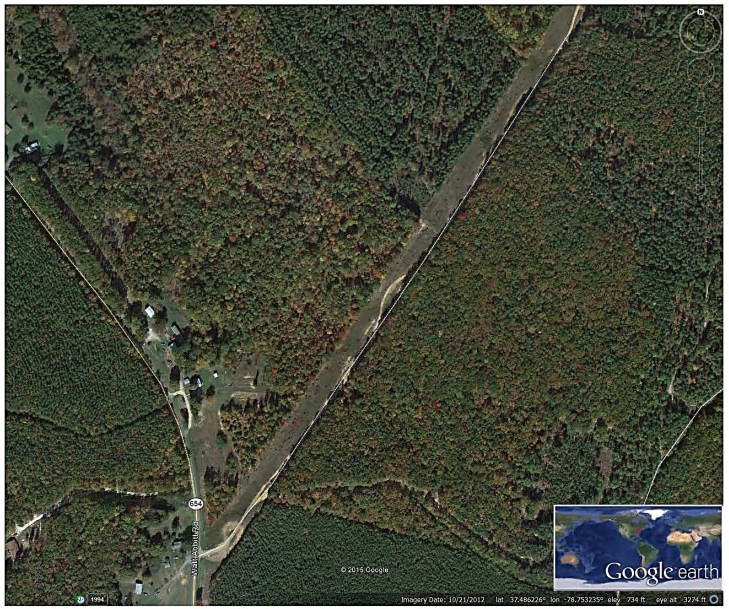


Map 1. The Transco pipeline in the vicinity of 37.487072 -78.752346.

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

REFERENCES

Clarke, A. H. and R. J. Neves. 1984. Status survey of the James River spinymussel, Canthyria collina, in the James River, Virginia. Final Report to U. S. Fish and Wildlife Service, Newton Corner, MA. 105 pp.

Collins, A. L., D. E. Walling, G. J. L. Leeks. 1997. Fingerprinting the origin of fluvial suspended sediment in large river basins: Combining assessment of spatial provenance and source type period. Geografiska Annaler. 79A:239-254.

Dan, H. and R. J. Neves. 2014. Streamside infestations of the James spinymussel in Craig Creek, Botetourt County, Virginia. Final Report to Virginia Department of Transportation, Richmond, VA. 7 pp.

Dinkins, G. R. 2011. Assessment of native mussels in the Indian Creek and North Fork Holston River. Prepared for the Nature Conservancy, Abingdon, VA. DBC Project 1169.

Ensign, W. E. and R. J. Neves. 1995. A survey for the endangered James spinymussel (Pleurobema collina) in the South Fork Potts Creek, Monroe County, West Virginia. Final Report to U. S. Fish and Wildlife Service, Elkins, WV. 19 pp.

CO55-9 cont'd

Ensign, W. E. and R. J. Neves. 2000. Re-survey of the James spinymussel (Pleurobema collina) population in the South Fork Potts Creek, Monroe County, West Virginia. Final Report to U. S. Fish and Wildlife Service, Elkins, WV. 18 pp.

EPA (Environmental Protection Agency). 2013. National Rivers and Streams Assessment 2008-2009: A Collaborative Survey. EPA/841/D-13?001. 124pp.

Farnsworth, K. L. and J. D. Milliman. 2003. Effect of climatic and anthropogenic change on small mountainous rivers: the Salinas River example. Global and Planetary Change. 39:53-64.

Gatenby, C. M. and R. J. Neves. 1994. A survey of the freshwater mussel fauna at the Route 636 bridge crossing of Dicks Creek, Craig County, Virginia. Final Report to Virginia Department of Transportation, Richmond, VA. 9 pp.

Hartl, B. 2015. Petition to the U.S. Department of Interior and the U.S. Fish and Wildlife Service for Rulemakings Designating Critical Habitat for Nine Northeast Species. Center for Biological Diversity, Washington, DC. Available online at: http://www.biologicaldiversity.org/campaigns/freshwater_mussels/pdfs/CBD_Critical_Habitat_petition_for_9_northeast_species.pdf

Henley, W.F., M.A. Patterson, R.J.Neves, and A.D. Lemley. 2000. Effects of sedimentation and turbidity on lotic food webs: a concise review for natural resource managers. Reviews in Fisheries Science 8(2): 125-139.

Hove, M. C. 1989. Life history of the endangered James River spinymussel (Canthyria collina). M.S. Thesis, Virginia Tech, Blacksburg, VA. 113 pp.

Hove, M. E. and R. J. Neves. 1989. Life history of the James spinymussel. Final Report to North Carolina Wildlife Resources Commission, Raleigh, NC. 72 pp.

Hove, M.C. and R.J. Neves. 1994. Life history of the endangered James spinymussel Pleurobema collina (Conrad, 1837) (Mollusca: Unionidae). American Malacological Bulletin, 11(1): 29-40.

James Kent Associates. 1996. Cultural Attachment: Assessment of Impacts to Living Culture. Appendix M. 18 pp. In: USFS (US Forest Service). 1996. Draft Environmental Impact Statement – APCo 765 kV Transmission Line.

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

Johnson, N. A., M. E. Petty, and R. J. Neves. 2005. Species occurrence and habitat suitability survey of the endangered James spinymussel (Pleurobema collina) in selected streams of the upper James River Basin, Virginia. 141 pp.

Levesque, L.M., and M.G. Dube. 2007. Review of the effects of in-stream pipeline crossing construction on aquatic ecosystems and examination of Canadian Methodologies for impact assessment. Environmental Monitoring and Assessment. 132:395-409.

Minshall, G. W. 1984. Aquatic Insect Substratum Relationships. In The Ecology of Aquatic Insects. edited by: V. H. Resh and D. M. Rosenberg. Praeger, New York. 625 pp.

Mohta, J. A., P. J. Wallbrink, P. B. Hairsine and R. B. Grayson. 2003. Determining the sources of suspended sediment in a forested catchment in southeastern Australia. Water Resources Research 39:1056.

MVP (Mountain Valley Pipeline, LLC). 2014. Draft Resource Report #1 and Summary of Alternatives. Filed with the Federal Energy Regulatory Commission (FERC), 1 December 2014. http://elibrary.ferc.gov/idmws/File_list.asp?document_id=14275107.

MVP (Mountian Valley Pipeline, LLC). 2015a. Summary of Alternatives - February 2015 UPDATE. Filed with the Federal Energy Regulatory Commission (FERC), 18 February 2015. https://elibrary.ferc.gov/IDMWS/file_list.asp?document_id=14303168.

CO55-9 cont'd

MVP (Mountain Valley Pipeline, LLC). 2015b. Updated Mountain Valley Pipeline Application. SF-299. Application for Transportation and Utility Systems and Facilities on Federal Lands. Filed with the USDA Forst Service, 10 March 2015. http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3831896.pdf

Ostby, B.J.K. and R. J. Neves. 2005. Survey for endangered mussels at proposed Jewell Ridge Pipeline crossings of streams in Southwest Virginia. Final Report to TRC Solutions, Lowell, MA. 10 pp.

Ostby, B. J. K. and R. J. Neves. 2006a. Assessment of a sedimentation event on mussel habitat in Indian Creek, Tazewell County, Virginia. Final Report to U. S. Fish and Wildlife Service, Gloucester, VA, and Virginia Department of Game and Inland Fisheries, Richmond VA. 21 pp.

Ostby, B.J.K and R. J. Neves. 2006b. Supplemental relocation of freshwater mussels from East Tennessee Gas Pipeline crossings of North Fork Holston River, Smyth County, Virginia, and assessment of sedimentation in habitat downstream of the proposed crossing. Final Report to TRC Solutions, Lowell, MA. 14 pp.

Owens, P.N.. D. E. Walling and G.J. L. Leeks, 2000. Tracing fluvial suspended sediment sources in the catchment of the River Tweed, Scotland, using composite fingerprints and a numerical mixing model. In Tracers in Geomorphology, Foster IDL (ed). Wiley: Chichester; 391-308.

Owens, P. N., R.J. Batealla, A.J. Collins, B. Gomez, D. M. Hicks, A. J. Horowitz, G.M. Kondolf, M. Marden, M. J. Page, D. H. Peacock, E.L. Petticrew, W. Salomons and N. A. Trustrum. 2005. Fine-grained sediment in river systems: environmental significance and management issues. River Research and Applications. 21:693-717.

Paul,J. F. and M. E. McDonald. 2005. Development of empirical, geographically specific water quality criteria: a conditional probability analysis approach. J. of the American Water Resources Association. 41(5):1211-1223.

Petty, M. E. and R. J. Neves. 2002. Survey of the newly discovered James spinymussel in the Dan River system, Virginia. Final Report to U. S. Fish and Wildlife Service, Gloucester, VA. 30 pp.

Petty, M.E. and R.J. Neves. 2006. An intensive survey for the endangered James spinymussel in the Potts Creek watershed, Craig and Alleghany counties, Virginia. Final Report to Virginia Department of Transportation, Richmond, VA. 25 pp.

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

Reid, S.M., S. Stoklosar, S. Metikosh, and J. Evans. 2002. Effectiveness of isolated pipeline crossing techniques to mitigate sediment impacts to brook trout streams. Water Quality Research Journal of Canada. 37(2):473-488.

TRC and Thompson and Litton: Preparers. 2009. Jewell Ridge Lateral Project - East Tennessee Natural Gas, LLC: Erosion and Sediment Control Analysis. 84pp.

Tsui, P.T.P. and P.J.McCart. 1981. Effects of stream-crossing by a pipeline on the benthic macroinvertebrate communities of a small mountain stream. Hydrobiologia. 79:271-276.

USDI (US Department of Interior) and USDA (US Department of Agriculture). 2007. Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development: The Gold Book. BLM/WO/ST-06/021+3071/REV 07. Bureau of Land Management, Denver, CO.

CO55-9 cont'd

USFS (US Forest Service). 1996a. Draft Environmental Impact Statement – APCO 765 kV Transmission Line. 5 Volumes.

USFS (US Forest Service). 2004. Revised Land and Resource Management Plan, Jefferson National Forest. Management Bulletin R8-MB 115A. US Forest Service Southern Region, Atlanta, GA.

USFS. 2012. National Best Management Practices for Water Quality Management on National Forest System Lands. FS-990a. US Department of Agriculture, Washington, DC.

USGS. 2009. Continuous turbidity monitoring in the Indian Creek Watershed, Tazewell County, Virginia, 2006-2008. Scientific Investigations Report 2009-5085. 33pp.

VDEQ (Virginia Department of Environmental Quality). 2011. Virginia Water Quality Standards. 9-VAC 25-260. 143pp.

VDEQ (Virginia Department of Environmental Quality). 2013. Final 2012 305(b)/303(d) Water Quality Assessment and Integrated Report. 366pp.

VDCR (Virginia Department of Conservation and Recreation). 1992. Virginia Erosion and Sediment Control Handbook, 3rd edition. VDCR Division of Soil and Water Conservation.

VDOF (Virginia Department of Forestry) 2011. Virginia's Forestry Best Management Practices for Water Quality. VDOF, Charlottesville, VA.

Walling, D. E., P. E. Owens and G. J. L. Leeks. 1999. Fingerprinting suspended sediment sources in the catchment of the River Ouse, Yorkshire, UK. Hydrologic Processes 13:955-975.

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

WATER AND POWER
LAW GROUP PC
2140 SHATTUCK AVENUE, STE. 801
BERKELEY, CA 94704-1229
(510) 296-5588
(866) 407-8073 (E-FAX)

October 19, 2015

Via Electronic and First Class Mail

Ann F. Miles, Director
Office of Energy Projects
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426
Ann.miles@ferc.gov

Thomas L. Tidwell, Chief
United States Forest Service
1400 Independence Avenue SW
Washington, DC 20250-1111
fsm2500@fs.fed.us

CO56-1

Re: Improving FERC and Forest Service NEPA Review of Proposed Pipelines to Transport Natural Gas from the Marcellus Shale through Joint Preparation of Programmatic Environmental Impact Statement (PEIS)

Dear Ms. Miles and Mr. Tidwell:

On behalf of the conservation organization Preserve Craig, this letter and attached memorandum address the question of how the Federal Energy Regulatory Commission (FERC) and the United States Forest Service (Forest Service) can work collectively to improve their environmental review of applications for Marcellus Shale natural gas pipelines pursuant to the National Environmental Policy Act (NEPA).

FERC has regulatory authority over pipelines that carry natural gas in interstate commerce, and the Forest Service has authority over the approval of pipelines (both interstate and intrastate) that traverse national forest lands.[1] In the past decade, there has been an exponential increase in the number of applications to FERC and the Forest Service for approval of pipelines in Greater Appalachia to transport natural gas extracted from the Marcellus Shale. There has been a corresponding rise in concern about the environmental impacts of such

[1] We note that, pursuant to Clean Water Act section 404, 33 U.S.C. § 1344, the U.S. Army Corps of Engineers (Army Corps) has authority over pipelines that cross waters of the United States. Like the Forest Service, it is a Cooperating Agency for purposes of FERC's preparation of an Environmental Impact Statement for the Mountain Valley Pipeline Project (PF15-3).

CO56-1 The reasons FERC did not prepare a programmatic NEPA document are explained in section 1.3 of the EIS.

pipelines by individuals and organizations based in or near the proposed pipeline locations. FERC and Forest Service's respective review and approval of such pipelines are subject to NEPA's environmental impact assessment requirements, and the NEPA review process has been a focus of conservation stakeholders.

To date, the agencies have approached NEPA compliance for natural gas pipelines within the Greater Appalachia region on a project-by-project basis, without the benefit of a regional programmatic environmental impact statement (PEIS) off of which project-specific NEPA documents could tier. As discussed in the attached memorandum, given the surge in pipeline proposals within this region, the reliance on project-by-project NEPA review has become increasingly ineffective and inadequate. FERC and Forest Service Staffs' review is complicated by duplicative and potentially inconsistent information regarding baseline conditions, cumulative impacts, connected actions, indirect effects, and mitigation protocols provided by the applicants and stakeholders. This contributes to concerns regarding the timing and adequacy of the analysis.

CO56-1 cont'd

Many of the shortcomings of the current NEPA-review approach could be remedied by FERC and the Forest Service jointly preparing a PEIS focused on Marcellus Shale natural gas pipelines located in the Greater Appalachia region. As discussed in the attached memorandum, we recommend a PEIS that includes the following focus and parameters:

- Geographic Scope – Natural gas pipelines subject to FERC and/or Forest Service approval that are intended to transport natural gas extracted from the Marcellus Shale in Greater Appalachia (relying on the United States Geological Survey designation of the Marcellus Shale area);
- Temporal Scope – Cumulative impact analysis of natural gas pipelines constructed in the last decade and currently pending proposals for new pipeline construction to transport natural gas extracted from the Marcellus Shale;
- Baseline Conditions – Overview of the natural resource, scenic/viewshed, and historic resource conditions in the Greater Appalachia region where Marcellus Shale natural gas pipelines have been and are proposed to be located, with particular attention on waterways and water supplies;
- Connected Actions/Indirect Effects – Analysis of the construction of intrastate gathering lines needed to transport Marcellus Shale natural gas from well-heads to the new proposed pipelines subject to FERC and Forest Service approval;
- Regional Need for Additional Pipeline Capacity – To guide project-specific pipeline project review by FERC and the Forest Service, determination of needed regional increase in pipeline capacity to meet anticipated development of Marcellus Shale natural gas development in coming decades; and

- Uniform Pipeline Route and Watercourse Crossing Criteria – Based on regionally-specific criteria related to impacts on natural resources, viewsheds, and drinking water supplies, development of "preferred" and "not-preferred" new pipeline routes across private/non-federal lands and national forests, and development of uniform criteria for environmental assessment of pipeline crossings over watercourses.[2]

CO56-1 cont'd

By addressing issues such as these in a regional PEIS, FERC and the Forest Service would not create a substitute for the project-specific NEPA review of particular pipeline projects. Rather, through use of a joint PEIS, FERC and the Forest Service would establish a uniform set of regional analysis, data, and mitigation approaches to improve and streamline subsequent, project-level NEPA review. The result would be greater certainty, clarity and efficiency for agency staff, applicants, and stakeholders, as well as greater protection of natural resources and the environment in the region (by consolidating pipeline capacity expansion projects and siting them in areas that minimize environmental impacts).

We request an opportunity to meet with FERC's Office of Energy Projects and Forest Service Staffs to discuss the advantages of the PEIS in these circumstances. In our view, the PEIS process provides an opportunity for FERC and the Forest Service to be proactive in the creation of uniform data, analysis, and criteria that will shape the project-specific pipeline applications the agencies receive. Agency staff, project applicants, and other stakeholders would all benefit under this approach.

Sincerely,

Paul S. Kibel
Richard Roos-Collins
Julie Gantenbein
WATER AND POWER LAW GROUP PC
2140 Shattuck Ave., Ste. 801
Berkeley, CA 94708
(510) 296-5588
pskibel@waterpowerlaw.com
rrcollins@waterpowerlaw.com
jgantenbein@waterpowerlaw.com

Attorneys for PRESERVE CRAIG

[2] We recommend that FERC and Forest Service consult and cooperate with the Army Corps in the development of these uniform criteria.

Attachment 1: *Improving FERC and Forest Service NEPA Review of Proposed Interstate Pipeline to Transport Natural Gas from the Marcellus Shale* (Memorandum prepared by Water and Power Law Group PC)

Cc:

Hon. Tim Kaine
U.S. Senate
231 Russell Senate Office Building
Washington, D.C. 20510

Hon. Bob Goodlatte
U.S. House of Representatives
10 Franklin Road, S.E., Suite 540
Roanoke, VA 24011

CO56-1 cont'd

Norman C. Bay, Chairman
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Jacqueline S. Holmes, Associate General Counsel
Office of Energy Projects
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

John Wood, Director
Division of Pipeline Certificates
Office of Energy Projects
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426
john.wood@ferc.gov

Terry Turpin, Director
Division of Gas Environment and Engineering
Office of Energy Projects
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426
terryturpin@ferc.gov

Paul Friedman, Project Manager

Office of Energy Projects
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426
Paul.friedman@ferc.gov

Tony Tooke, Regional Forester
Southern Region - Region 8
U.S. Forest Service
1720 Peachtree Road NW
Atlanta, GA 30309
MailroomR8@fs.fed.us

CO56-1 cont'd

Kathleen Atkinson, Regional Forester
Eastern Region - Region 9
U.S. Forest Service
626 East Wisconsin Ave
Milwaukee, WI 53202

H. Thomas Speaks, Jr., Forest Supervisor
George Washington and Jefferson National Forests
U.S. Forest Service
5162 Valleypointe Parkway
Roanoke, VA 24019-3050
comments-southern-georgewashington-jefferson@fs.fed.us

Jennifer Adams, Special Project Coordinator
George Washington and Jefferson National Forests
U.S. Forest Service
5162 Valleypointe Parkway
Roanoke, VA 24019-3050
jenniferpadams@fs.fed.us

Clyde Thompson, Forest Supervisor
United States Forest Service
Monongahela National Forest
200 Sycamore Street
Elkins, West Virginia 26241
cnthompson@fs.fed.us

Colonel Bernard R. Lindstrom Commander
US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

CO56-1 cont'd

Joshua Shaffer
US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Joshua.d.shaffer@usace.army.mil

Gregory Buppert and Kathryn Boudouris
Southern Environmental Law Center
201 West Main Street, Suite 14
Charlottesville, Virginia 22902-5065
gbuppert@selcva.org
kboudouris@selcva.org

Preserve Craig ~ *Sustaining the Quality of Life We Value*

P.O. Box 730, New Castle, VA 24127 Phone: (540) 309-9560
www.PreserveCraig.org Email: PreserveCraig@gmail.com

December 21, 2016

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

RE: Docket Number CP16-10; Mountain Valley Pipeline

Dear Ms. Bose:

CO57-1

With this letter, Preserve Craig is submitting documents that were submitted on the Pre-Application or Scoping docket by Preserve Craig. Preserve Craig has moved to intervene in the process. This letter concludes with a table that identifies the documents submitted herewith.

The documents submitted in 2015 identify and describe numerous, very specific issues that are not addressed in the DEIS. Some of the pre-application comments are specific to route Alt 110, which is no longer subject to analysis; however, the issues identified in the pre-application comments are nevertheless still relevant to the current route analysis and the environmental and social impacts that must be analyzed, and they have all been either ignored or inadequately analyzed.

The DEIS lacks adequate information and analysis to provide the decision makers and the public with the information necessary to make an informed decision. **The DEIS for the MVP is "so inadequate as to preclude meaningful analysis" therefore a revised DEIS is required pursuant to CEQ regulations**:

> Draft environmental impact statements shall be prepared in accordance with the scope decided upon in the scoping process. The lead agency shall work with the cooperating agencies and shall obtain comments as required in part 1503 of this chapter. The draft statement must fulfill and satisfy to the fullest extent possible the requirements established for final statements in section 102(2)(C) of the Act. If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion. The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the proposed action.

40 C.F.R. section 1502.9(a).

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

CO57-1 All documents previously submitted to the docket are already part of the consolidated administrative record for this proceeding. All major environmental issues raised prior to the production of the draft EIS were addressed (see section 1.4 of the draft EIS).the See the responses to comments FA11-2, LA5-1, and LA13-1 regarding the adequacy of the draft EIS.

In addition to the fact that issues raised during the pre-application process have either been ignored or insufficiently analyzed, the subject of the analysis has been a moving target. MVP is still modifying the route. It is impossible to comment on issues that are constantly changing, and the public has not had adequate time, nor has MVP provided adequate information, in order to respond to the changes since the DEIS was made available for review in September 2016.

Specifically, the following deficiencies in and changes to the DEIS since September 2016 are noted:

1. The FERC DEIS is based on little more than a repackaging of documents filed by MVP, with little scientifically referenced, independent analysis of the issues by FERC
    a. MVP's analysis has been shown to be woefully inadequate
        i. E.g., MVP engineering contractors filed erroneous analysis to evaluate potential stream scour of pipeline crossings
        ii. They underestimated scour by 4-16x, which will result in the pipeline being exposed by flood events and endangering the public
        iii. This error was detected by a private citizen NOT by MVP or FERC

CO57-2

2. No meaningful analysis of alternate routes was presented in the DEIS as required by NEPA, and a major route (Alt1A) was not even mentioned
3. The DEIS was issued before major issues (such as the pipeline's route) had even been settled, yet the FERC took the step to declare that the project would have no significant environmental impacts
4. The public was forced to comment (in a limited timeframe) on this incomplete DEIS by FERC
5. Significant components of the proposal have been changed since the DEIS was issued, so the DEIS does not even address potential major **impacts**
    a. **The DEIS was issued 16** September 2016
    b. Federal Register Notice of Availability for the DEIS was not posted until **27 September 2016**, yet it demanded less than 90 days for public comment
    c. Federal Register Notice of Availability for the proposed amendments of the USFS Land and Resource Management Plan for the Jefferson National Forest was not posted until **14 October 2016**, yet it demanded the same public comment deadline of 22 December 2016
    d. On **20 October 2016, the MVP pipeline route was changed** by a posting to the FERC docket; this change drew in new landowners who had not been previously included in the proposed project, and new resources that previously had not been threatened
    e. **On 27 October 2016**, MVP filed new information or significant changes to:
        i. Migratory Bird Conservation Plan
        ii. Aquatic Resources Survey for the Blue Ridge Parkway
        iii. Biotic Assessment (a privileged document that he public cannot view and comment on, but neither could this have been reviewed and assessed by FERC as part of their analyses for the DEIS)
    f. On **16 December 2016**, only 6 days before the FERC comment deadline, MVP reversed its longstanding pledge to not use herbicides on the pipeline corridor. This change was announced in a letter to USFS from MVP, and copied to project

CO57-2 The route of the MVP pipeline was mostly set at application in October 2015, as analyzed in the draft EIS, although Mountain Valley made minor modifications to the final route in October 2016 that are addressed in the final EIS. FERC staff independently fact-checked Mountain Valley's application and supplemental filings. Mountain Valley filed a revised stream scour analysis in October 2016, that was later supplemented, and these data will be in the final EIS. The public had 90-days to comment on the draft EIS.

intervenors. As of 10 AM on **19 December 2016**, (only 3 days before the FERC comment deadline, this change is not available for public viewing on Docket CP16-10.

i. This represents a significant change to the project plan that could have deleterious effects on private lands, particularly organic farming operations.
ii. This was a very contentious issue with the public early on after the MVP project was proposed, and at the time MVP quelled public outcry by declaring that herbicides would NOT be used.
iii. This policy reversal represents a major change in proposed MVP operations that has strong implications for public health and well-being, yet this issue was never analyzed in the DEIS on which the public is now supposed to be submitting comments. In fact, ***at this point in time much of the public is not even aware of this major change.***

CO57-2 cont'd

g. To date (**20 December 2016**), MVP still has not responded to a critical request from USFS to demonstrate the detailed construction and erosion-control measures that they claim can prevent catastrophic landslides and erosion from the unprecedentedly steep mountain slopes over which the MVP would be constructed.
i. This represents another major environmental issue for which the public has not been provided information
ii. This is another major issue that was not evaluated in the DEIS

CO57-3 Erosion and sediment control, and slope stability -- together with evidence of the efficacy of mitigation -- are critical to the consideration of likely impacts on water quality throughout the route and specifically on the Jefferson National Forest.

CO57-4 Prior to the release of the DEIS, FERC and the Forest Service were bombarded with requests to perform a Programmatic EIS which requests were rejected out-of-hand. When the DEIS was released, the Forest Service revealed the proposal to create a 500 feet wide utility corridor for the purpose of encouraging colocation -- all while at least two other major gas pipeline proposals are under proposal.

So instead of the resource agencies studying and determining whether and where any 42 inch gas pipeline should be routed through the George Washington and Jefferson National Forests, MVP's arbitrary line drawing on a low-scale map is the basis for determining the location of a utility corridor on the Jefferson National Forest. Furthermore, the Forest Service authorized the collection of data only for a limited width, and not the 500 feet corridor proposed. A properly performed PEIS would have identified the routes and specific geography that should be avoided, e.g., the karst topography that is common on the route selected by the applicant, as well as identified the preferred location for a 500 feet utility corridor through the National Forest.

CO57-5 Finally, Preserve Craig asserts that the DEIS is wholly inadequate for the US Army Corps of Engineers to find it lawful to grant the applicant's request for coverage under Nationwide Permit 12. There is no evidence of the efficacy of mitigation on a project of this scope constructed in karst geology on steep and unstable slopes. There is no evidence that wetlands can be restored in conditions where the pipeline trenching is expected to perform like a French drain. Furthermore,

CO57-3 The FERC Plan, which has been adopted by Mountain Valley, contains a series of erosion and sedimentation control measures as discussed in sections 2.4, 4.2, and 4.3 of the EIS. The FS will analyze project-related impacts on water quality in the Jefferson National Forest and their findings are in the EIS.

CO57-4 The reasons the FERC did not prepare a programmatic NEPA document are explained in section 1.3 of the EIS. See the response to comment FA8-1 regarding FS amendments.

CO57-5 The COE will determine if it can issue the necessary permits required by the CWA.

CO57-5 cont'd

coverage under the NWP 12 illegally segments a linear project, of unprecedented scale, into an underreported number of individual stream-crossing projects.

The current DEIS for the MVP is certainly thorough -- the DEIS is thoroughly inadequate, incomplete, insulting to the public, and in clear violation of Federal law. We therefore demand that the FERC either withdraw the current DEIS, or prepare and issue a complete revised DEIS with a comment period of sufficient length to thoroughly assess the impacts.

CO57-6

In addition to noting deficiencies in the analysis for which Preserve Craig submitted information in the pre-application process and re-filing those submittals, Preserve Craig also adopts and supports the resolution filed by the local government for the County of Craig, Virginia, which resolution is filed as accession number 20161219-5327.

Please find below a table noting the submissions filed herewith by Preserve Craig referenced by the hyperlinked accession number in the FERC e library to be added to docket CP16-10-000. These documents raised issues in the pre-application process that have been ignored or inadequately addressed. Several of these documents are being updated, and will be filed in revised or updated form.

Submission #	Accession #	Description	Date
584447	201506165222	Preserve Craig support and adoption of scoping comments by Craig County Board of Supervisors re: items to be included in EIS.	6/16/2015
583984	201506155052	Letter and attachments documenting that USFS Special Use Permit Survey Scoping Comments must be studied in MVP EIS as significant NEPA issues	6/15/2015
584215	201506155296	Erosion, Sedimentation, Water Quality, and Construction Techniques prepared by Preserve Craig Science Committee	6/15/2015
584414	201506165193	Report by Brian R. Murphy, PhD, Certified Fisheries Professional for the Preserve Craig Science Committee that examines the economic and environmental impacts of invasive plant species to be included in EIS	6/16/2015
584558	201506165349	Cover letter and environmental data for Google Map submission **note physical file was mailed to ensure file completeness	6/16/2015
584465	201506165244	List of questions asked at open house that must be addressed during the development of the DEIS due to unsatisfactory response by MVP	6/16/2015
584409	201506165189	Preserve Craig Comment letter in regard to EQT environmental record and bond per legal counsel with enclosures	6/16/2015
584571	201506165335	Environmental impact issues scientific report from Preserve Craig that identifies impact of pipeline construction on water and the national forest	6/16/2015
584601	201506165339	EIS issues to address from USFS scoping comments	6/16/2015

CO57-6 See responses to comments FA11-2, LA5-1, and LA13-1 regarding the adequacy of the draft EIS.

CO57-6 cont'd

584404	201506165190	Petition to the FERC signed by 2.128 citizens that identifies 9 key issues that must be studied in the MVP EIS	6/16/2015
595300	201507305013	Preserve Craig Science and Technical Committee's official complaint regarding the inadequacy of MVP's response to scoping comments in their recent filing "Response to Scoping Comments	7/29/2015
597883	201508065144	Preserve Craig's reply to the Cultural Attachment issue regarding MVP Scoping Comments and request for written confirmation that the DEIS will fully analyze the impact of MVP on cultural attachment	8/6/2016

Sincerely,

Sam Easterling, Co-Chair
Preserve Craig

Bill Wolf, Co-Chair
Preserve Craig

Enclosure

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects

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

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED MOUNTAIN VALLEY PIPELINE

CO58-1 The Greater Newport Rural Historic District Committee (Committee) submits these comments on the Draft Environmental Impact Statement (DEIS) for the proposed Mountain Valley Pipeline (MVP) project. (FERC Docket Number CP16-10-000). The Committee was founded in the early 1990s to establish the Greater Newport Rural Historic District (GNRHD- National Register of Historic Places (NRHP #00000489)) around the historic Village of Newport (NHD NRHP #94000059). The Greater Newport Rural Historic District (District or GNRHD) is comprised of five tributary rural communities for which the Village of Newport is the hub, including Mountain Lake Road, Clover Hollow, Plow Screw, Sinking Creek Valley, and Spruce Run.

The Committee's members have a significant interest in ensuring that FERC avoids, minimizes, and mitigates harm to the historic and cultural resources that constitute their lived-in environment. Committee members and, we believe, those residing in and around other culturally significant segments of the MVP right of way have meaningful cultural associations with the landscapes that make up our valued environment. Committee members have expended time and money to protect those landscapes; we use them regularly, view them continually, and value them greatly.

The Committee submits these comments to address flaws in the DEIS, notably in its analysis of impacts on historic and cultural resources. We request that FERC withdraw the DEIS to address the flaws and engage in real consultation with the Committee and other stakeholders. The Committee reserves the right to respond further on these issues and other matters of fact and law in the future.

I. The DEIS Contains Major Deficiencies.

CO58-2 It is difficult to provide substantive comment on the DEIS due to the fact that the document is filled with inaccuracies, is limited to considering such inadequate areas of potential effects, and has so many omissions that it lacks information necessary to conduct the most basic analysis of impacts to historic resources, including not only effects on the District, but also those on the seven other formally registered Virginia rural historic districts and historic districts directly affected by the proposed pipeline project and possibly others not yet identified. As a document, it does not meet the requirements of Section 106 of the National Historic Preservation Act

CO58-1 The draft EIS was not flawed. Cultural resources are addressed in section 4.10 of the EIS. There are no good reasons to withdraw the draft EIS. The final EIS addresses comments on the draft. See responses to comments FA11-2, LA5-1, and LA13-1. Section 4.10.1 of the final EIS summarized consultations with the public regarding compliance with Section 106 of the NHPA.

CO58-2 The draft EIS was not filled with inaccuracies. The APE was defined in consultation with the SHPO as required by 36 CFR 800.4(a)(1). Impacts on Historic Districts are discussed in section 4.10.7.1. It is typical of FERC to complete the Section 106 after an Order, which is not in violation of the NHPA. The reasons are practicable, for tracts where access was denied, surveys cannot be done until after a Certificate when eminent domain can be used. Part 800.4(b)2 allows for the lead agency to use a phased process to conduct identification and evaluation efforts. The final EIS has been revised to discuss rural historic landscapes and traditional cultural places. Alternatives are discussed in section 3 of the EIS. All resources in the APE within the Greater Newport Rural Historic District (GNRHD) are listed on table 4.10.7-3. Cultural attachment, including the ACE report, is discussed in section 4.10.9 of the final EIS. Tom King's report is discussed in section 4.10.2.

(NHPA), the National Environmental Protection Act (NEPA), the Natural Gas Act (NGA), or Section 4(f) of the Department of Transportation Act (DOTA) for an undertaking of this magnitude.

Many of these deficiencies have been previously brought to the attention of FERC in the Committee's previous filings in cases PF15-03 and CP16-10 (attached): November 2014, June 2015, November 2015, March 2016, May 2016, and August 2016, and remain uncorrected or unaddressed by the MVP project or FERC. Major areas of deficiency in the DEIS include:

CO58-2 cont'd

- FERC's intent that the Section 106 process will be completed after the certificate is issued in violation of the NHPA;
- No consultation with parties other than the MVP and State Historic Preservation Officers (SHPO) on determining the Areas of Potential Effect (APEs) in spite of numerous comments from the Committee objecting to the proposed APEs (as early as November 2014);
- FERC's absolute failure to consider impacts on historic districts as a whole, or individually on each of the eight rural historic districts affected by the pipeline project;
- The APEs and description of "undertakings" factually conflict and do not make logical sense. For example, the APE must take into account the likelihood of locating future pipelines in this newly established corridor. MVP argued that it was impossible to install more than one pipe, necessitating a smaller APE, then prepared easement documents calling for *two pipes*. Further, federal agencies have now proposed that a *500 foot utility corridor* be designated on federal lands that will allow for ten (10) pipelines. The APEs used to evaluate effects on cultural resources are not consistent with either of these undertaking descriptions;
- Failure to address any cultural resources other than historic structures (e.g., cultural landscapes and traditional cultural properties);
- Failure to address feasible and prudent alternatives that can avoid all eight rural historic districts in Virginia and blatantly inaccurate descriptions of the costs and obstacles created by those alternatives;
- Failure to find, identify, and document historic properties accurately in GNRHD;
- Absolute failure to engage in any real consultation, including denial of consulting party status for landowners with economic and legal interests in their historic properties in the APE for the pipeline;
- Failure to adequately address the cultural attachment issue raised by MVP consultant Applied Cultural Ecology;
- Failure to address the APE issues raised by GNRHD consultant Tom King;

CO58-2 cont'd

- Cumbersome comment and documentation process, requiring each party to send their materials to the SHPO directly, which prohibits actual consultation and consensus building; and
- Gross factual errors and omissions in the DEIS.

All of these subjects are well addressed in the previous filings (which are incorporated as comments in the attached documents), and have not been corrected or even addressed in the DEIS. This letter further discusses more errors and omissions in the DEIS.

II. FERC is not Permitted to Defer its Obligation to Comply with Section 106 of the NHPA Until After a Certificate is Issued.

Federal agencies are not permitted to simply defer their obligation to comply with the requirements of Section 106. Under the NHPA,

CO58-3

> The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.[1]

Timing for Section 106 compliance is clearly spelled out: The agency official must complete the Section 106 process "prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license."[2] Specifically, FERC must "ensure that the section 106 process is initiated early in the undertaking's planning, so that a broad range of alternatives may be considered during the planning process for the undertaking."[3]

In the DEIS, however, FERC ***defers*** its Section 106 compliance obligation, stating:

- "We cannot make our final determination of project effects on the Greater Newport Rural Historic District until after we see the opinion of the VDHR." (DEIS 4-347);

[1] 54 U.S.C. § 306108 (emphasis added).

[2] 36 C.F.R. § 800.1(c). While an agency is permitted to authorize "nondestructive project planning activities" before completing Section 106, agencies are constrained by the condition that such activities "do not restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking's adverse effects on historic properties." *Id.* Here, any approval of the certificate by FERC would not be for "nondestructive project planning activity," but rather a site-specific right-of-way for the natural gas pipeline, i.e. FERC is approving a very specific location.

[3] *Id.*

CO58-3 See the response to comment CO58-2. The FERC is not deferring its obligation to comply with Section 106, but is making its determinations of project effects in consultation with the SHPO, as required under Part 800. If the project is authorized, the Commission would condition its Order so that Section 106 must be completed before construction can begin. This approach is supported by the ACHP and the courts (Grapevine v Department of Transportation 17 f 3rd 1502).

- "In consultation with the Virginia SHPO, we still need to complete assessments of project effects for the Greater Newport Rural Historic District." (DEIS 4-373); and

- "The entire process of compliance with Section 106 of the NHPA has not been completed for the MVP." (DEIS 4-384).

FERC also acknowledges that "[o]nly after inventories have been completed could all historic properties in the direct APE be identified." (DEIS 4-384). As a result of the foregoing omissions, the Committee is unable to fully comment on the DEIS by assessing the effects upon any historic properties in the direct APE and seek ways to avoid, minimize or mitigate any adverse effects, including the consideration of any alternatives.[4]

CO58-3 cont'd

Attempts by a federal agency to defer initiation of the Section 106 process and defer compliance have been rejected by the courts. For example, in *Mid States Coalition for Progress v. Surface Transportation Board,* 345 F.3d 520, 554 (8th Cir. 2003), the Eighth Circuit held that the Surface Transportation Board's (STB) attempt to complete the requirements of Section 106 through post-license compliance violated the NHPA. The plaintiffs challenged the STB's approval of a rail company's proposal to construct approximately 280 miles of new rail line and to upgrade nearly 600 miles of existing rail line. *Id.* at 532-33. Although the STB identified potentially affected historic properties in the DEIS and FEIS, it approved the license without completing the Section 106 process. *Id.* at 554. The STB argued that the Section 106 regulations permit it to defer completion of Section 106 until after approval of the license by conditioning approval on future mitigation measures that the STB may require. *Id.* The Eighth Circuit rejected this approach, holding that it could only be sanctioned and consistent with the Section 106 regulations if the STB had negotiated an agreement with consulting parties before issuance of the license. *Id.*

Any proposed approach by FERC's in this case to defer compliance with Section 106 to post-certification would be identical to the approach rejected by the court in *Mid States Coalition.* FERC must negotiate an agreement with all consulting parties or complete the requirements of Section 106 prior to approving the applicant's certificate.

CO58-4

III. FERC's Preliminary Conclusion that the Pipeline will Not Result in Significant Long Term Effects was made without Completing Section 106 Requirements.

To further illustrate the inadequacies, errors, and omissions of the DEIS as it relates to cultural resources, it is perhaps simplest to discuss FERC's preliminary conclusion reached without completing Section 106 requirements that the pipeline will not result in significant long term

[4] *See* 36 C.F.R. § 800.1(a). In addition, FERC's attempt to bypass the timing requirement of the Section 106 process by attaching several conditions upon Mountain Valley is without merit. (DEIS 4-384). Applying conditions to the certificate suffers from several fatal flaws with respect to Section 106 of the NHPA, especially since these conditions do not reflect the procedural requirements set forth in the Section 106 regulations that are intended to "accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning." 36 C.F.R. § 800.1(a) (emphasis added).

CO58-4 In response to comments on the draft, we revised our assessment of effects on the GNRHD in the final EIS. Fourteen sites within the GNRHD are in the direct APE for the MVP. Mountain Valley used its "Methods for Historic Architecture Criteria of Effects Assessment for Virginia" that was approved by the SHPO and found that the MVP would have no adverse effects on four resources in the GNRHD, and no effect on all others in the District.

The MVP pipeline does in fact parallel existing powerlines for portions of its route through the GNRDH. The Pezzoni Report and King Report were both filed in the docket prior to the issuance of the draft EIS so they are not informed by that document.

See table 4.10.7-3 for distances of various resources to the proposed MVP.

Canoe Cave and Tawney Cave are geological features, not cultural sites, and are not listed on the GNRHD NRHP Registration Form. The caves are discussed in section 4.1 of the EIS (Geology). Federally listed threatened and endangered species are addressed in section 4.7 of the EIS.

Visual impacts on the ANST, including Kelly Knob, are discussed in section 4.8 of the EIS.

effects on the District. This statement is based on the following erroneous and missing information, suggesting FERC has no real knowledge of the effects of the pipeline project on the District:

> We cannot make our final determination of project effects on the Greater Newport Rural Historic District until after we see the opinion of the VDHR. However, our preliminary evaluation is that the MVP pipeline should not have long-term significant adverse effects on the district. **All of the elements to the district within the APE would be outside the construction right-of-way and would not be directly impacted. The pipeline route would mostly follow an existing powerline through the district; so the viewshed is not pristine and has already been compromised by utility infrastructure.**

DEIS 4-347(emphasis added).

CO58-4 cont'd

It is factually incorrect that **"the pipeline route would mostly follow an existing powerline through the district."** In the roughly 6 miles of traversal of the District, the pipeline parallels the existing powerline for less than ½ mile or 8% of the District crossing. *See* DEIS Appendix B Maps page 30 of 50, MP 209.5-210 approximately.

It is also factually incorrect that "**[a]ll of the elements to the district within the APE would be outside the construction right-of-way and would not be directly impacted.**"

The pipeline affects the District as a whole, including other elements such as historic resources, cultural landscapes and potential traditional cultural properties that have not been considered or evaluated by MVP, FERC, or the Virginia SHPO, even though they were identified by an historic preservation expert Dan Pezzoni (Landmark Preservation Associates (LPA)) as potentially eligible for listing on the NRHP, experts from Applied Cultural Ecology (ACE), and Dr. Tom King, an expert cultural resource regulatory expert retained by the Committee. The Committee has commented on these deficiencies since November 2014 when it first requested FERC to consider the APE to include the District as a whole.

The Committee summarizes some relevant examples of factual inaccuracies and omissions in the DEIS in previous filings, which are attached hereto. These factual inaccuracies and omissions have been ignored and have not been addressed in the DEIS. Some historic resources directly affected by the MVP project, but not identified in the DEIS Table 4.10.1-1, include the Puckett Farm,[5] the Welford Dowdy House, the Low Water Bridge, and Canoe Cave (three parts of the larger Welford Dowdy historic farmstead, currently unevaluated).[6] In Table 4.10.6-2 the Puckett Farm is mislocated as 131 feet from the access road, the residence is actually located less than 5 feet from the road.

Additionally, construction and modification of permanent access road MVP-GI-256 and/or the Additional Temporary Work Space (ATWS) MVP-GI-633 and 633a will directly affect the

[5] 20160310-5146

[6] FERC eLibrary CP16-10 20160310-5147

Sheldon Dowdy House, the Duke and Leslie Reynolds place, the Sandra Jane Reynolds place and the Reynolds Iron Ore Smelting Furnace (parts of the Bud Reynolds historic farm, currently unevaluated). The evaluation of none of these properties has been identified in Table 4.10.9-1 of the DEIS, only a few of these historic resources have been identified in Table 4.10.6-2 of the DEIS.

Finally, based on the record, and using the applicant's proposed APE, the pipeline will directly affect contributing resources, such as the Fidel Smith Store, and the Link Covered Bridge, one of the last remaining seven covered bridges in Virginia.

The pipeline will adversely affect views of Sinking Creek Mountain from the Appalachian National Scenic Trail's Kelly's Knob as it traverses Sinking Creek Mountain's wooded sections between Mileposts 213 and 217. (DEIS Appendix B page 31 of 50). The Appalachian Trail Conservancy has filed its objections to FERC regarding the damage this pipeline will do to the views from Kelly's Knob.[7] In this filing, is a visual simulation of the view of the pipeline right of way, which includes a portion through heavily wooded contributing properties of the District.

In the DEIS, FERC asserts:

CO58-4 cont'd

> Blue Grass Trail - the MVP pipeline route would cross the Blue Grass Trail where it is State Route 42. This road is asphalt and would be bored. **The pipeline route would be parallel to an existing powerline** and would cross the road at a perpendicular angle.

DEIS 4-256 (emphasis added).

Using either the proposed route or the FERC proposed Mayapple School variation, the pipeline will traverse the Village of Newport between the historic Newport High School Campus and Fairgrounds (1933) and historic Newport - Mount Olivet United Methodist church (1853) in a steeply wooded section on either side of a Virginia Scenic Byway, the Bluegrass Trail, a contributing element to the District. The crossing of the Blue Grass Trail is nowhere near any existing powerline crossing.

In its October 2016 filing, the Committee identified several additional potentially eligible contributing elements that have not been evaluated by FERC, MVP, or the Virginia SHPO.

There are further complications associated with avoidance of Canoe Cave. This 3000 foot cave is directly in the path. It has never been evaluated as an historic or archeological site, in spite of the Committee's bringing it to the attention of FERC that there is evidence of civil war nitre mining, based on reports of cavers and Virginia Department of Conservation and Recreation personnel who have mapped the cave.[8]

[7] FERC eLibrary CP16-10 20161208-5043(318150720)

[8] Indeed, the very name Canoe Cave is said to be derived from the canoe shaped vat used in the nitre production.

According to FERC, the MVP pipeline route would cross the Canoe Cave Conservation Site in the Vicinity of MP 213.7 in Giles County, Virginia. **The site is ranked by VDCR as B2, having second order significance for natural resources. However, there are no records of federal or state-listed species associated with the site.** Canoe Cave also has a high potential for use as a bat hibernacula. VDCR staff inventoried Canoe Cave in November 2015 and observed two tri-colored bats. VDCR staff also documented two genera of millipedes (*Pseudotermia* and *Zygonopus*), two genera of amphipods (*Stygobromus* and *Gammarus*), and one genus of aquatic isopod (*Caecidotea* sp.). (DEIS 4-158)

CO58-4 cont'd

Based on prior filings of the United States Fish and Wildlife Service (USF&WS), there is a prior record of federally endangered Northern Long eared bats.

In order to protect the hibernaculum, USFWS will require a ¼ mile no cut zone (See USF&WS Rule 4D). This will force the applicant to move the pipeline downhill,[9] further into the cultural landscape of the Welford Dowdy Farm, and probably directly affect contributing resources such as the Low Water Bridge and Welford Dowdy House. It will also further disrupt the cultural landscape of the Bud Reynolds Farm.

There are comparable problems the Committee has addressed in prior filings with the conflicting migration strategies affecting historic and recreational/environmental resources such as the Link Covered Bridge, Tawney's Cave, the Newport High School Campus and Fairgrounds, and the Newport Mount Olivet United Methodist Church. In these cases, rather than adopting the strategy of exploring alternatives that avoid the District entirely, there have been attempts to "shoot the gap" by moving the line further from one resource, and directly affecting other resources.

Based upon the foregoing, FERC has made its "preliminary" conclusions about impacts on the District based on completely factually incorrect and missing information.

IV. The DEIS Contains Inadequate and Contradictory APEs.

CO58-5

In its discussion of Cultural Resources in the DEIS, FERC asserts:

> Mountain Valley and Equitrans conducted archaeological and historic architectural surveys of the area of potential effect (APE). Mountain Valley defined its direct APE as a 300 foot-wide corridor.

DEIS ES-10.

Although this may be correct for surveys done in West Virginia, it is not supported by the record for historic resource surveys conducted in Virginia. In Virginia, the SHPO and MVP used 450 feet for identifying direct effects to historic resources. The fact that different direct survey APEs

[9] Landowner September 6, 2016 conversation with MVP surveyors.

CO58-5 Section 4.10 of the final EIS has been clarified as appropriate.

CO58-5 cont'd

were used in West Virginia and Virginia needs to be addressed in the DEIS. There are similar discrepancies in the assessments of the indirect APEs between the states' analysis.

V. The Proposed Amendments to Create a Utility Corridor for Future Pipelines and Powerlines Change the "Undertaking" and will have Significant Adverse Effects on the District.

CO58-6

In its Notice of Availability of the DEIS,[10] the Bureau of Land Management (BLM), FERC, and the United States Forest Service (USFS) have proposed amendments to the USFS Long Range Management Plan to create a 500 foot right of way (ROW) on USFS lands on Peters Mountain, Sinking Creek Mountain, and Brush Mountain, for the stated purpose of creating a utility corridor for future pipelines and powerlines. Such a corridor on federal lands will inevitably lead to similar rights of way on private lands between these federal lands on these mountains. In particular, due to the presence of the Peters Mountain Wilderness and the Mountain Lake Wilderness in northern Giles County, the Committee contends it will be impossible for utility companies to connect to these federal rights of way without further adversely affecting the District.

This has two significant adverse effects on the District. First, the Committee believes that future adverse effects on the District (future pipelines, powerlines) are inevitable, given the government's stated intent to make the path from Peters Mountain to Sinking Creek Mountain a utility corridor. As such, in accordance with NEPA and the NHPA, the impacts of a 500 foot ROW are reasonably foreseeable consequences, and the effects on the District and Giles County must be considered in the EIS now.[11]

Second, the Committee believes that this fundamentally changes the undertaking, and that any APE previously selected by FERC, MVP, and/or the SHPO needs to be reevaluated. Under the Section 106 process of the NHPA, such re-evaluation of the APE must be done in consultation with consulting parties such as the County of Craig, Giles, the Committee, and parties with an economic interest.

In its October 2016 filing, the Committee comprehensively identified deficiencies with the MVP assumed APEs. The DEIS, issued prior to this filing, does not address these issues. First, the APEs of none of the eight affected Districts address the effects of the pipeline project on each district as a whole. Some are not even mentioned in the DEIS (e.g. the eligible Coles-Terry Rural Historic District in Roanoke County). Second, the public has been excluded from the Section 106 process. There has been no actual consultation.

CO58-7

VI. The DEIS Fails to Evaluate Alternatives.

In section 5.1.14 of the DEIS, FERC concludes:

[10] FERC eLibrary Docket CP16-10 20160916-3014.

[11] Pursuant to 40 C.F.R. § 1508.8 of the NEPA and 36 C.F.R. § 800.5 of the NHPA, such cumulative adverse effects to the District must be considered, but they have not been considered by the MVP.

CO58-6 See the response to comment FA8-1. Comments were reviewed and incorporated into section 4.10 of the final EIS as applicable.

CO58-7 See the response to FA8-2 regarding the Hybrid 1A alternative. Alternatives are discussed in section 3 of the EIS.

CO58-7 cont'd

We evaluated two major route alternatives for the MVP: Alternative 1 and Northern Pipeline Alternative – ACP Collocation. Neither of the major route alternatives offered significant environmental advantages over the proposed MVP.

The DEIS fails to evaluate Hybrid Alternative 1A (see Attachment 7), a route with significant environmental, recreational, historic, and cultural resource advantages (including avoidance of all eight identified Virginia historic and rural historic districts). These advantages have been detailed in the Committee's October 2016 filing and numerous filings by intervenor Louisa Gay. FERC has also failed to require MVP to develop or refine other system alternatives that avoid these historic districts.

CO58-8

VII. The DEIS Fails to Address Expert Testimony.

Prior to the issuance of the DEIS, on August 30, 2016, the Committee filed the expert report of Dr. Thomas King, historic preservation consultant, former Advisory Council on Historic Preservation (ACHP), and co-author of National Preservation 38 Traditional Cultural Properties to augment the ACE report conclusions and the "systematically misguided" cultural resource evaluations of MVP and its consultants. The DEIS fails to address Dr. King's concerns with MVP's implementation of the Section 106 process.

VIII. The Additional Expert Testimony Submitted by the Committee Demonstrates the Deficiencies in the DEIS.

In addition to Dr. King's August 2016 Report, the Committee provides comments of Dr. King on the DEIS for the Mountain Valley Pipeline Project (CP16-10-000) (Attachment 8). Dr. King and the Committee contend that the MVP DEIS falls far short of FERC's obligations under the NHPA, the NEPA, and the NGA.

CO58-9

The DEIS violates the NHPA by failing to analyze fairly the proposed pipeline's potential adverse effects on historic properties, notably cultural landscapes and traditional cultural places.[12] Although FERC has directed MVP to conduct some survey activities, it has not comprehensively identified historic properties (including districts) subject to adverse effects, or analyzed potential adverse effects on such properties. The attached expert consultant report prepared for the Committee (Thomas F. King, comments of October, 2016), articulates a series of questions that are of great concern to the Committee, and that we believe illustrate the inadequacy of FERC's efforts to date. The Committee believes the fact that such questions can even be asked illustrates the inadequacy of FERC's approach to compliance with Section 106 of NHPA.

Notable among FERC's failures to meet its obligations under the NHPA is its failure to consult properly with the Committee and other interested parties. The implementing regulations for the NHPA state that "[t]he agency official shall involve the consulting parties … in findings and

[12] 36 C.F.R. § 800.5(a)(1) requires an assessment of adverse effects by FERC.

CO58-8 Comments were reviewed and incorporated into section 4.10 of the final EIS as applicable.

CO58-9 The draft EIS complies with both the NHPA and NEPA.

determinations made during the section 106 process."[13] Consultation, including not only allowing interested parties to provide input, but critically seeking ways to resolve their concerns, is the absolutely core requirement of Section 106, and FERC has failed to meet this requirement.

For example, in *Montana Wilderness Association v. Fry*, 310 F. Supp. 2d 1127 (D. Mont. 2004), wilderness association and Native American tribal member brought action against Bureau of Land Management (BLM), Fish and Wildlife Service and energy corporation challenging sale of oil and gas leases on National Monument land. The court found substantial violations of the NEPA and the NHPA where the BLM failed to adequately consider environmental impacts of leases and pipeline right-of-way and leases and pipelines were "undertakings" triggering consultation requirements of NHPA. *Id.* at 1152-153. The court held BLM failed to undertake proper consultation regarding the gas pipeline right-of-way on National Monument land, and thus violated NHPA, where BLM performed cultural resource inventory that was not completed until after the right-of-way grant was issued, and earlier consultation did not analyze site-specific impacts. *Id.* Later, in *Montana Wilderness Association v. Fry*, 408 F. Supp. 2d 1032 (D. Mont. 2006), the court held that appropriate injunctive relief as to the pipeline was a shutdown pending BLM compliance and completion of an environmental assessment that complied with the NHPA.

CO58-9 cont'd

FERC, however, has treated NHPA Section 106 review largely as a matter to be addressed by the applicant's consultants in correspondence with SHPOs, with other interested parties being allowed to provide input, but not to engage in meaningful, agreement-oriented dialogue. Many parties interested in preservation of historic properties and other cultural resources, including landowners of historic properties with economic and legal interests in those properties, have been denied consulting party status by FERC. These parties have been forced by FERC to relay their concerns to federal agencies and other parties through a cumbersome and time consuming comment process, with prominent issues raised by the parties frequently being ignored by FERC and the applicant MVP. They have been denied the opportunity to have their concerns addressed through agreement-oriented dialogue as the NHPA Section 106 regulations require.

The DEIS proposes largely to postpone NHPA consultation until after FERC decides on the MVP application. Because that is unlawful, FERC must withdraw the DEIS and complete the Section 106 process, including answering the questions set forth in the attached expert consultant's report.

IX. Tetra-Tech is Patently Biased, Has an Interest in the Outcome of the Project, and Federal Courts Have Found Evidence of Misconduct by Tetra Tech.

40 C.F.R. § 1506.5(c) states:

CO58-10

> *Environmental impact statements.* Except as provided in §§1506.2 and 1506.3 any environmental impact statement prepared pursuant to the requirements of NEPA shall be prepared directly by or by a contractor selected by the lead agency or where appropriate under §1501.6(b), a cooperating agency. It is the intent of these regulations that the contractor be chosen solely by the lead agency, or by the lead agency in cooperation with cooperating agencies, or where appropriate by a

[13] 36 C.F.R. § 800.2(a)(4).

CO58-10 Mountain Valley hires its own environmental consultants, whose work is subject to review by the FERC and permitting agencies such as the SHPO.

> cooperating agency *to avoid any conflict of interest. Contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency, specifying that they have no financial interest or other interest in the outcome of the project.* (emphasis added).

Thus, the type of "interest" in the outcome of a project that must be disclosed, and which may be disqualifying, includes both financial interest and any other interest that would present a conflict. Critical EIS services to be performed by a third-party contractor such as Tetra-Tech pursuant to FERC's standard request for proposal requirements include, for example: "Characterization of existing environmental conditions, incorporation of issues identified during scoping, assessment of the significance of the potential environmental effects of the proposed project, identification of potential site, route, and facility location alternatives (both locally and regionally), and determination of mitigation necessary to avoid or reduce impacts to acceptable levels…."[14] The District submits that Tetra-Tech cannot perform these functions in an objective manner, free from conflict and bias.

CO58-10 cont'd

Tetra-Tech has a financial, business, and corporate interest in promoting natural gas pipeline construction and specifically in the design and construction of natural gas pipeline infrastructure in the Marcellus Shale region. Its subsidiary "Tetra Tech Rooney" holds itself out as a "pipeline engineering company."[15] Its services include: "pipelines in challenging terrain," "pipeline modeling," and "pipeline integrity/rehabilitation." Tetra-Tech is marketing and providing services for natural gas pipeline infrastructure in the Marcellus Shale region and is an associate member of, and technical consultant to, the Marcellus Shale Coalition, an industry group that promotes the development of natural gas supplies in the Marcellus Shale play. Tetra-Tech's services also support liquefied natural gas export facilities. Thus, Tetra-Tech, which is supposed to function as an objective, unbiased contractor performing services for a regulatory agency of the United States, is instead a member of an organization whose function is explicitly to *represent the industry to the government and regulators*. And more specifically, because it routinely represents the industry, Tetra-Tech also has a vested corporate business interest in avoiding any FERC determination of adverse environmental impacts, having the power to shape the draft and final environmental impact analyses to prevent any such determination. Tetra-Tech's financial conflict also arises because Tetra Tech provides engineering and environmental consulting services to the top natural gas companies.

The District believes it is impossible for Tetra-Tech to conduct an environmental review of this project without regard to its pro-industry bias, its blatant cheerleading on behalf of the affected industry, and its prior design and engineering work. To the contrary, it is virtually certain that Tetra-Tech would influence agency conclusions in favor of the industry and the MVP.

In fact, a federal court previously found evidence indicating that Tetra-Tech tried to influence agency policy in the course of preparing an EIS. *See Colorado Wild, Inc. v. U.S. Forest Serv.*,

[14] FERC *Handbook For Using Third-Party Contractors To Prepare Environmental Documents For Natural Gas Facilities and Hydropower Projects*, p. 3.10.

[15] http://www.rooney-eng.com.

No. CIVA06CV02089-JLKDLW, 2007 WL 3256662, at *3 (D. Colo. Nov. 1, 2007) (referring to an exhibit "where it appears Tetra Tech, Inc. is attempting to influence USFS policy"). *See also*, *Colorado Wild Inc. v. U.S. Forest Service*, 523 F. Supp. 2d 1213, 1225 (D. Colo. 2007) ("The administrative record reveals there was a heated debate between the Forest Service and Tetra Tech, its EIS contractor, on whether these two actions should be analyzed as connected actions or as cumulative impacts, with the agency ultimately yielding to Tetra Tech's position that the actions need only be addressed as cumulative impacts").

CO58-10 cont'd

Tetra-Tech's participation as a FERC's contractor in the NEPA process threatens the integrity of the NEPA process. FERC should require Tetra-Tech to disclose to FERC all of its work and communications on behalf of the Marcellus Shale Coalition and other entities involved in Marcellus Shale natural gas activities, and it should be disqualified from preparing the EIS for the MVP project. Indeed, one federal court has found evidence of Tetra-Tech bias and misconduct in the preparation of an EIS. *See Colorado Wild Inc.*, 523 F. Supp. 2d at 1229-230. Tetra-Tech has also been found to have destroyed records relating to its EIS work that were relevant to the administrative record. *See Colorado Wild Inc.*, 2007 WL 3256662, at *3.

The public cannot, and will not, trust Tetra-Tech to perform an unbiased environmental review based on the best science and data in such an important matter. Tetra-Tech's conduct will affect thousands of lives and will be the basis for a decision that may involve seizure of private property, threats of adverse impacts to endangered species, and permanent damage to natural resources. FERC cannot permit such an entity to perform the environmental review in this case. It must remove Tetra-Tech as the third-party contractor assisting FERC in preparing the environmental impact documentation, and recommence the scoping process.

X. FERC Completely Ignores the Requirements of Section 4(f) of the Department of Transportation Act.

CO58-11

Section 4(f) of the Department of Transportation Act (DOTA) applies "in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of lands crossed by transportation activities or facilities."[16] Section 4(f) is triggered when the Secretary of Transportation is asked to approve a transportation program or project seeking to employ federal funds, "which requires the 'use' of land from a public park, recreation area, wildlife or waterfowl refuge, or from an historic site." *Alder v. Lewis*, 675 F.2d 1085, 1090 (9th Cir. 1982).

Since the pipeline is a transportation activity, it is controlled by the DOT. "Under a Memorandum of Understanding on Natural Gas Transportation Facilities, dated January 15, 1993, between DOT and FERC, the DOT has the exclusive authority to promulgate federal safety standards used in the transportation of natural gas." In essence, the Memorandum of Understanding makes FERC an agent of DOT protocols, and part of that responsibility is adherence to DOT's regulations, like Section 4(f).

[16] 49 U.S.C. § 303(b).

CO58-11 The MVP does not come under the purview of the DOT so Section 4(f) is not relevant.

Section 4(f) prohibits the Secretary of Transportation from approving a transportation program or project that requires the use of land of a historic site of national, state, or local significance unless:

(1) there is no prudent and feasible alternative to using the land; and
(2) the program or project includes all possible planning to minimize harm to the … historic site resulting from the use.[17]

49 U.S.C. § 303(c).

CO58-12

Section 4(f) requires a two-phase inquiry: First, the agency determines whether there is any feasible and prudent "avoidance alternative" to the taking of protected property. 23 CFR § 774.3(a)(1). If no avoidance alternative is available, the agency must approve the alternative that "causes the least overall harm in light of the statute's preservation purpose" by balancing several factors. *Building a Better Bellevue v. U.S. Dept. of Transp.,* No. C12-1019, 2013 WL 865843, at *9 (W.D. Wash. Mar. 7, 2013). If Section 4(f) property will be used and no exception applies, the Secretary must show that the project includes "all possible planning to minimize harm" to the Section 4(f) property and that "no prudent and feasible" alternatives are available.[18]

The "all possible planning" means that "all reasonable measures identified in the Section 4(f) evaluation to minimize harm or mitigate for adverse impacts and effects must be included in the project." 23 CFR § 774.17. This prong of the analysis cannot be met until a project's design is complete. *Defenders of Wildlife v. N. Carolina Dept. of Transp.,* 762 F.3d 374, 399 (4th Cir. 2014). If all possible planning to minimize harm to the Section 4(f) property has not been completed before the Secretary's approval of the project, the Section 4(f) evaluation is invalid because "absent a finalized plan it is hard to see how the department could make a meaningful evaluation of harm"[19] *Id.*

MVP and FERC have completely ignored the requirements set out in Section 4(f) of the DOTA by objectively evaluating whether there are feasible and prudent alternatives, specifically the Northern Alternative and Hybrid Alternative 1A. For example, as stated above in Section VI, FERC has failed to evaluate Hybrid Alternative 1A (see Attachment 7), a route with significant environmental, recreational, historic, and cultural resource advantages (including avoidance of all eight identified Virginia historic and rural historic districts). FERC must address these

[17] Compliance with Section 106 of the NHPA, which FERC has failed to achieve on this project – does not fulfill the requirements of Section 4(f). Section 4(f) has a substantive requirement that requires historic properties be avoided and is concerned with "use," while Section 106 of the NHPA is concerned with "adverse effects."

[18] 49 U.S.C. § 303(c)(1)-(2).

[19] In addition, the Section 4(f) evaluation for the entire project must be completed prior to the issuance of any record of decision. *See N. Idaho Community Action Network v. United States Dept. of Transp.,* 545 F.3d 1147, 1159 (9th Cir. 2008) (holding an agency is required to complete the Section 4(f) evaluation for the entire project prior to issuing its record of decision and found the agencies violated 4(f) by failing to evaluate the impact on historic properties for all four phases of the project prior to issuing its record of decision).

CO58-12 See response to comment CO58-11.

CO58-13 deficiencies in the DEIS by conducting an independent assessment as to whether there are any feasible or prudent alternatives and ensuring that the project includes all possible planning to minimize any harm to the District.

XI. Conclusions

In light of the foregoing concerns, the Committee strongly urges FERC to follow the requirements of Section 106 of the National Historic Preservation Act, which would require consulting with the Committee, outlining FERC's process for future compliance, and fully satisfying the requirements of Section 106 prior to the approval of the certificate for the Mountain Valley Project.

CO58-14 The Committee reminds FERC that consultation is defined in the Section 106 regulations as "the process of seeking, discussing, and considering the views of other participants, and where feasible, seeking agreement with them regarding matters arising in the section 106 process." 36 C.F.R. § 800.16(f). Far from being in compliance with Section 106 consulting party requirements, the Commission's process seems to be designed to prevent stakeholders from obtaining relevant information in a timely manner, allows the applicant and its consultants to ignore public input, and prohibits historic districts from having representation. In addition, FERC has utterly failed to adhere to the requirements of Section 4(f) of the Department of Transportation Act. As such, the Committee also strongly urges FERC to follow the requirements of Section 4(f).

The Committee respectfully requests that FERC conduct an independent assessment of the historic properties in the proposed route and evaluate feasible and prudent alternatives that can avoid the historic properties in the District.

Respectfully submitted,

/s/ Matthew W. Fellerhoff

Matthew W. Fellerhoff
STRAUSS TROY CO., LPA
150 East Fourth Street
Cincinnati, OH 45202-4018
Telephone: (513) 621-2120
Facsimile: (513) 629-9426
E-mail: *mwfellerhoff@strausstroy.com*

CO58-13 Alternatives are addressed in section 3 of the EIS.

CO58-14 The FERC staff took comments from the Committee into consideration, and revised section 4.10 of the final EIS as appropriate. The final EIS documents the status of our compliance with Section 106 of the NHPA. DOT's Section 4(f) requirements do not apply to the MVP.

CO58-14 cont'd

cc:

Honorable Mark Warner, United States Senate
Honorable Timothy Kaine, United States Senate
Honorable Morgan Griffith, Member, United States Congress
Honorable Terry McAuliffe, Governor of Virginia
Ms. Julie Langen, Director, Virginia Department of Historic Resources
Mr. Roger Kirchen, Virginia Department of Historic Resources
Mr. Richard McCoy, Chair, Giles County Board of Supervisors
Mr. John Fowler, Executive Director, Advisory Council on Historic Preservation
Mr. John Eddins, Program Analyst, Advisory Council on Historic Preservation
Ms. Elizabeth Merritt, National Trust for Historic Preservation
Mr. Joby Timm, Supervisor, Jefferson National Forest, United States Forest Service
Ms. Jennifer Adams, Special Assistant, Jefferson National Forest, United States Forest Service

Attachments

Attachment 1 FERC eLibrary Docket PF15-3 20141117-5027
Attachment 2 FERC eLibrary Docket PF15-3 20150617-5078
Attachment 3 FERC eLibrary Docket CP-16-10 20151117-5094 (w/o Attachments 1 and 2)
Attachment 4 FERC eLibrary Docket CP-16-10 20160304-5077
Attachment 5 FERC eLibrary Docket CP-16-10 2016 0516-5379
Attachment 6 FERC eLibrary Docket CP-16-10 20160830-5133
Attachment 7 FERC eLibrary Docket CP16-10 20161024-5068
Attachment 8 Comments of Dr. Thomas King on the Draft Environmental Impact Statement for the Mountain Valley Pipeline Project (CP16-10-000)

DECLARATION OF SERVICE

Mountain Valley Pipeline, LLC's Mountain Valley Pipeline Project (CP16-10-000)

CO58-14 cont'd

I, Matthew W. Fellerhoff, declare that I today served the attached "Comments on the Draft Environmental Impact Statement for the posed Mountain Valley Pipeline" by electronic mail, or by first-class mail if no e-mail address is provided, to each person on the official service list compiled by the Secretary in this proceeding.

Dated: December 21, 2016

/s/ Matthew W. Fellerhoff
Matthew W. Fellerhoff
Strauss Troy Co., LPA
150 East Fourth Street
Cincinnati, OH 45202-4018
Telephone: (513) 621-2120
Facsimile: (513) 629-9426
E-mail: mwfellerhoff@strausstroy.com

4664126_1.docx

Joseph H. Fagan, Glen Allen, VA 23059, VA.
Cave Conservancy of the Virginias Position Statement Regarding MVP Pipeline
October 18, 2016

CO59-1 The Cave Conservancy of the Virginias (CCV) is an organization dedicated to protecting and managing caves and karst resources in Virginia and West Virginia. We are also a landowner potentially impacted by the proposed Mountain Valley Pipeline (MVP) project. For both of these reasons, we are compelled to emphasize the importance of rigorous, site-specific evaluation of karst areas within the MVP project footprint before decisions regarding construction are made. This type of evaluation, including methods such as dye tracer studies, subsurface mapping, geophysical studies, and other on-site field investigations is critical to ensuring the safe construction and operation of the pipeline, as well as the protection of water resources and the ecological habitats of the area. A failure to adequately address the special and delicate nature of karst terrain, particularly in the vicinity of Canoe Cave and Slusser's Chapel Cave, could result in permanent damage to the people and the environment of the affected areas.

CO59-1 Section 4.1 of the EIS discusses karst terrain. On October 14, 2016, Mountain Valley filed certain route modifications; in part, to address recommendations made by the FERC staff in the September 16, 2016 draft EIS. The new route would avoid both Canoe Cave and Slussers Chapel Cave. This information is reflected in the final EIS.

December 21, 2016

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Reference: Docket # CP16-10-000

Dear Secretary Bose:

CO60-1

Preserve Roanoke, a chapter of Blue Ridge Environmental Defense League, respectfully submits these comments in response to the Draft Environmental Impact Statement (DEIS) for the proposed Mountain Valley Pipeline (MVP) released for public comment on September 16, 2016. Please consider these comments as having been submitted in behalf of both Preserve Roanoke and Blue Ridge Environmental Defense League.

Below we discuss deficiencies in the DEIS' documentation of the MVP's impacts to two historic districts and one proposed historic district located in Roanoke County, VA. These districts include: (1) the Blue Ridge Parkway Historic District, (2) the Coles-Terry Rural Historic District, and (3) the proposed Bent Mountain Rural Historic District. The DEIS's analysis of the MVP's impacts to these significant historic resources is wholly inadequate to inform not only the decision maker, but also the public. The DEIS fails not only to discuss the MVP's impacts to landscape and topographic features of the three individual rural historic districts, but also the cumulative impacts to all three districts, which are all located within a 20-square-mile region of the Blue Ridge highlands of Virginia. The analysis of impacts to the districts is so deficient that FERC must either reject the MVP application or require a supplemental analysis.

Prior to beginning our discussion of the DEIS's problematic treatment of the concept of "integrity," we offer the following definition of the term.

What is "integrity"?

The idea of integrity is an essential one in considering impacts that will be imposed upon the rural historic districts of Roanoke County by the MVP. With respect to our repeated use of the term throughout this document, we offer the following as definition.
The term "integrity" is defined in the National Park Service publication titled, Guidelines for Evaluating and Documenting Rural Historic Landscapes, U.S. Department of the Interior, National Park Service, Cultural Resources, 1999. The guidelines define integrity to mean "the composite effect of seven qualities: location, design, setting, materials, workmanship, feeling, and association." The guidelines emphasize the importance of historic vistas, vegetation, and land use to maintaining historic integrity, saying, "Historic integrity requires that the various characteristics that shaped the land during the historic period be present today in much the same way they were historically. . . . The general

CO60-1 The Blue Ridge Parkway Historic District, Coles-Terry Rural Historic District, and Bent Mountain Rural Historic District are discussed in section 4.10 of the EIS. The Historic Districts are already listed or found to be eligible for listing on the NRHP. It is assumed that all listed or eligible Historic Districts already have significance and integrity established. The draft EIS also stated that we have not yet completed the process of compliance with Section 106 of the NRHP. The final EIS has been updated to contain additional information.

character and feeling of the historic period . . . must be retained for eligibility. . . . Historical vistas that have remained open often provide a general vantage point for evaluating change. . . . Vegetation and land use are important to an area historically significant for grazing and cropping . . . ."

CO60-1 cont'd

The guidelines continue to describe elements that contribute to integrity, emphasizing the importance of water bodies, mountains, and rock formations: "Large-scale features, such as bodies of water, mountains, rock formations, and woodlands, have a very strong impact on the integrity of setting . . . Alterations dating from the historic period add to integrity of feeling while later ones do not. . . . New technology, practices, and construction . . . often alter a property's ability to reflect historic associations."

The guidelines list changes to historic landscapes that can threaten historic integrity, including:

1. changes in land use and management that alter vegetation
2. changes in land use that flatten the contours of land
3. introduction of non-historic land uses (public utilities, industrial development)
4. loss of vegetation related to significant land uses.

The MVP, if constructed, will introduce changes 1 through 4, above, to Roanoke County's rural historic districts, and will drastically alter the physical configuration of bodies of water, mountains, rock formations, and woodlands within the districts, resulting in a profound diminution of integrity, as defined above.

BLUE RIDGE PARKWAY HISTORIC DISTRICT

CO60-2

The proposed MVP crossing of the Blue Ridge Parkway Historic District occurs at MVP Milepost 244.2 and at Blue Ridge Parkway Milepost 136. Below we describe the Blue Ridge Parkway Historic District, provide an overview of its history, discuss values imposed by its landscape and topographic features, and discuss the DEIS's failure to consider the MVP's impacts to the integrity of the district.

Description of the Blue Ridge Parkway Historic District

As introductory description of the Blue Ridge Parkway, we quote from Richard Quin, *Blue Ridge Parkway, HAER REPORT No. NC-42* (Historic American Engineering Record, National Park Service, U.S. Department of the Interior, 1997), which begins:

> "Blue Ridge Parkway was the first long-distance rural parkway developed by the National Park Service. Its designers adapted parkway development strategies originating in suburban commuter routes and metropolitan park systems and expanded them to a regional scale, creating a scenic motorway linking two of the most prominent eastern national parks. The parkway was conceived as a multiple-purpose corridor that would fulfill a variety of social, recreational, environmental, and pragmatic functions. In addition to preserving and showcasing attractive

CO60-2 The draft EIS stated that the FERC staff would not be making its final determination of effect for the crossing of the Blue Ridge Historic District until after we have completed consultations with the NPS and the VADHR. We disagree with your opinion that the MVP would have permanent visual impacts on the Blue Ridge Historic District. We stand by our analysis that impacts would be short-term. The pipeline would be bored under the Blue Ridge Parkway, the right-of-way on each side of the crossing would be restored and revegetated, and few trees would be removed.

natural scenery, the parkway was designed to display the traditional cultural landscapes of the southern Appalachian highlands, providing visitors with an idealized vision of America's rural heritage. At frequent intervals the parkway borders expand to encompass smaller parks, recreational areas, and historic sites, many of which include picnic areas and/or overnight accommodations. Blue Ridge Parkway's attractive natural and cultural features, its diverse recreational attractions, and its relatively accessible East Coast location have long made it the most heavily visited unit of the National Park System."

Quin continues his description of the Parkway:

CO60-2 cont'd

"The Blue Ridge Parkway is many things. It is the longest road planned as a single unit in the United States. It is an elongated park, protecting significant mountain landscapes far beyond the shoulders of the road itself. It is a series of nature preserves replete with high mountain fastnesses, splendid natural gardens of flowering mountain plants, waterfalls and water gaps, deep forests and upland meadows. It is a collection of panoramic views extending into far-off states, making it in one sense the "largest park in the world," as the boundaries of its limited right-of-way are rarely apparent and miles of the adjacent countryside appear to be a part of the protected scene. The parkway is an historic cultural landscape preserving the rough-hewn log cabin of the mountain pioneer, the summer home of a textile magnate, and traces of early industries and transportation networks. It is miles of split-rail fence, moss on a wood shingle roof, broomcorn and flax in a pioneer garden. It is the fleeting glimpse of a deer, a wild turkey or a red fox, or for those who prefer their animal life less wild, a herd of cows lolling in a pasture or horses romping in a field. It is a chain of recreational areas, offering motorists a place to picnic in the woods, a place to sleep overnight in a campground or a charming lodge, to refuel their vehicles, enjoy a meal, or purchase a piece of mountaineer handiwork. It is the product of a series of major public works projects that helped the Appalachian region climb out the depths of the Great Depression. The Blue Ridge Parkway is all these things and much more, therefore it should come as no surprise that this is the most heavily visited unit of the National Park Service.

The Blue Ridge Parkway provides frequent expansive views across a changing countryside, mixing scenes of untouched natural beauty with landscapes reshaped by human handiwork. In addition to featuring some of the finest rural and mountain scenery in the east, the parkway presents motorists with reminders of the culture and history of the Southern Highlands. Traveling the parkway was intended to be a "ride-a-while, stop-a-while" experience. At various stops and parks along the route, old log homes, a rustic mill, outbuildings and rail fences reflect the agricultural heritage of the mountain residents. A reconstructed segment of a logging railway, a restored lock from an antebellum canal, and sites of old mines and other works tell the story of early industries. Farm lands kept in agricultural production through an innovative land lease program maintain the "picture" of the rural landscape. The design and construction of such a road was no small feat, but the culmination of many efforts over long years."

A major theme in the development of the Blue Ridge Parkway is that it traverses an enormous variety of topographic and landscape features, and that the architects and engineers of the Parkway employed great care and sensitivity in designing the road so as to heighten the traveler's appreciation of the astonishing variety of landscapes and topography contributing to the Southern highlands' subtle and profound beauty. Unlike the Skyline Drive, the Parkway does not follow ridgelines exclusively. Rather, the Parkway's creators deliberately and painstakingly routed the roadway in such a fashion as to integrate it with lowland features such as farm fields, river bottoms, and flatlands, juxtaposed harmoniously with mountain ridges and escarpments found at the higher elevations.

This concept of engineering to enhance the traveler's appreciation of the variety and subtlety of the landscapes crossed by the Blue Ridge Parkway is nowhere expressed as eloquently and authoritatively as in S. Herbert Evison's 1959 interview with Blue Ridge Parkway Resident Landscape Architect, Stanley W. Abbott. Said Abbott:

CO60-2 cont'd

> "A Parkway like Blue Ridge has but one reason for existence, which is to please by revealing the charm and interest of the native American countryside. To accomplish that end requires the finest exercise of the several planning arts. Your composition is one of fields and fences, lakes and streams, and hills and valleys; and your problem is that of placing your roadway in such a position as best to reveal them. It is as if you were going with your camera through the countryside you wanted to photograph to greatest advantage--how long would you look for a spot from which to take your picture. So, the all-important factor was: Where is the road to be located? And you determine upon your location by these very large compositional considerations, balanced by other considerations, lesser but important, CO60-1 e opportunity for intimate glimpses into the deep woods and ora of those woods. This affords contrast to the heroic panorama--a stretch here along the crest, there on mountainside, along a valley stream, through the woods, along the edge of a meadow, passing a mountain farmstead. There were the ingredients of variety and charm.
>
> Then, having selected a route for the road, you get into the business of designing a road that fits the topography as sympathetically as it can be fit--the engineer, the landscape architect, the architect working together.
>
> That takes a—well, it's almost a form of sculpture. It takes a third-dimensional mind and insight into what is the main contour of this particular land form, whether one broad curve or, sometimes--since nature doesn't always deplore a straight line—there are places where the road wanted to straighten out for a while because the conformation of the land straightened out; or there had been a straight cut farm field against a straight edge of woods."

As inheritors of the remarkable "sculpture" that is the Blue Ridge Parkway as described by Abbott, it is incumbent on 21st century stakeholders to maintain the subtle and exquisite conformations of the Parkway as important relics of the cultural, economic, aesthetic, and conservation millieu of the middle-to-late 20th century period during which the Parkway was designed, constructed, and enjoyed by motorists.

Special significance of Adney Gap section of the Blue Ridge Parkway

The Blue Ridge Parkway's Adney Gap, through which the proposed MVP has been routed, has special cultural and historic significance. In an August 30, 1938 press release (please see copy in Attachment 1), The U.S. Department of the Interior announced the anticipated opening to traffic of the first segments of the Blue Ridge Parkway. The document says, "Fifty-five miles of the parkway road in Virginia have already been completed as to grading and drainage, and surfacing contracts are now under way. One unit of 8-1/2 miles is between Rock Fish and Jarman's Gap, and the other is the 47 miles between Adney Gap and Pinnacles of Dan." This press release, a copy of which was obtained from the National Archives in College Park, MD on April 29, 2016, reveals that Adney Gap was among the first portions of the Blue Ridge Parkway to be completed. This historical fact increases the significance of Adney Gap to the historic narrative of the Parkway.

CO60-2 cont'd

The historical significance of Adney Gap is not limited to that conferred by its role in the development of the Blue Ridge Parkway however, but also extends back to the mid-19th century. Adney Gap is part of the 20,000 acre tract of land that was deeded to General Andrew Lewis by General George Washington as a reward for Andrew's service in Indian wars and the Revolutionary War. 6,000 to 8,000 acres of the Andrew Lewis tract were purchased from Lewis's heirs by brothers, Tazewell and Morefield Price. According to Deedie Kagey's history of Roanoke County titled *When Past is Prologue* (Roanoke County Sesquicentennial Committee, 1988), Tazewell Price began cultivating his land in 1860. The house that Tazewell Price built in 1871, known as "Les Landes," is located one-half mile north of the Adney Gap entrance to the Blue Ridge Parkway off U.S. 221 and is eligible for listing on the National Register of Historic Places. "Les Landes" and the structure's beautiful rural historic setting near Adney Gap contribute to the historical integrity and scenic values of the Blue Ridge Parkway.

Blue Ridge Parkway's Designation as historic district

The Blue Ridge Parkway was listed on the National Register of Historic Places in 2008 under the name, "Blue Ridge Parkway Historic District."

DEIS failure to consider impacts to historic integrity of Blue Ridge Parkway District

The following is a quotation from the DEIS, p. 4-349:

> The NPS has not yet provided comments on Mountain Valley's historic architectural survey reports covering Roanoke and Franklin Counties. We cannot make our official determinations of effect for the Blue Ridge Parkway Historic District until we receive comments from the NPS. However, in our preliminary

opinion it is unlikely that the MVP would have any adverse effects on the district. Except for the roadway itself, all other elements of the district in the indirect APE (including sites 80-5161-188, 80-5161-34, 33-5287, and 80-5161-342) would be outside the direct APE, outside the construction right-of-way, and would be avoided. The bridge over Callaway Road is 902 feet from the proposed pipeline; the barn is 1,127 feet away; the Shaver Cemetery is about 1,300 feet away; and the Retail Store is about 1,300 feet away. Mountain Valley intends to bore under the parkway to avoid impacting it. In the vicinity of the crossing, which is mostly pasture, few trees would need to be removed, reducing visual impacts (see our visual analysis of the BRP crossing in section 4.8). The pipeline would be buried underground, and after installation the right-of-way would be restored and revegetated. Operation of the pipeline should not have visual or audible effects that may alter the character or setting of the Blue Ridge Parkway Historic District. Mountain Valley filed with the FERC a site-specific crossing plan for the BRP on April 21, 2016; we are still waiting for the NPS to comment on that plan."

CO60-2 cont'd

The position of the DEIS, as cited above, is that the historic significance of the Blue Ridge Parkway lies principally in the manmade structures thereon, and that, since the MVP avoids manmade structures on the Blue Ridge Parkway, "it is unlikely that the MVP would have any adverse effects on the district." The DEIS also states that the pipeline right-of-way would be "restored and revegetated" after installation, and that this so-called restoration would return the Blue Ridge Parkway to its original condition, thus prompting the authors of the DEIS to claim that, "Operation of the pipeline should not have visual . . . effects that may alter the character or setting of the Blue Ridge Parkway Historic District."

We are deeply concerned that the construction of the MVP across Adney Gap is likely to result in permanent, not temporary, visual effects, and would impair the historic and cultural values of the Blue Ridge Parkway Historic District. The MVP will impose a flat stripe of highly condensed soil – called a "grassy highway" by one resident of Bent Mountain, VA – across the historic farm fields of Adney Gap, resulting in an unavoidable interruption of the visitor's experience of the Parkway's historic/scenic attributes. According to Quinn's *Blue Ridge Parkway* (cited above), farm lands within the Parkway that have been kept in production through the Parkway's innovative agricultural lease program maintain the "picture" of the rural landscape. The Adney Gap farm fields have been actively enrolled in the Blue Ridge Parkway Agricultural Lease Program since 1979. By enrolling Adney Gap in this program, the Blue Ridge Parkway has ensured that the traditional farming practices begun there during the mid-19th century will continue in the 21st century. The historic, breathtakingly beautiful, and locally cherished fields at Adney Gap do in fact offer a scenic reminder of our region's heritage of agriculture and rural life. The excavation that would result from construction of the MVP, along with the use of heavy machinery, disruption of soil strata, severe compaction of soil on the pipeline right-of-way, and imposition of non-indigenous grass species as ground cover, virtually guarantee that the site will never return to its former condition. The MVP will permanently impose the footprint of 21st century industrialization on the 19th century

landscape of Adney Gap. This is an inappropriate use of the Blue Ridge Parkway and should be avoided in the interest of safekeeping this national treasure for the enjoyment and edification of many future generations of Americans.

CO60-2 cont'd

To support our assertion that the MVP's footprint on the Adney Gap farm fields will be permanent, not temporary, we offer photographs of the 50-year-old Transco Pipeline in Pittsylvania County, Virginia. As shown in the photos, the ground within the pipeline right-of-way has a different color, texture, and appearance from the adjacent lands and, in many places, the sod is not well secured and is slipping away. The grass cover is sparse in many areas, resulting in the unmistakable appearance of a "disturbed" landscape. This is after 50 years – which begs the question – how long must one wait for the Transco pipeline to be restored through natural processes to its original appearance? We are deeply concerned that a similar permanent disruption to the rural landscape will occur as a result of construction of the MVP, in spite of claims in the DEIS that MVP's program of revegetation will eliminate any visual reminders that the pipeline had ever been built across Adney Gap. Please see six photos of the Transco Pipeline, taken in May, 2016, in Attachment 2. Also please see Attachment 3, a photo of the Stonewall Gathering Pipeline in West Virginia, taken one year after construction was completed. The slope is failing and the grass that had been planted on the pipeline right-of-way is sliding down the mountain.

COLES-TERRY RURAL HISTORIC DISTRICT

The proposed MVP crossing of the Coles-Terry Rural Historic District occurs between MVP Mileposts 242 and 243. In the narrative, below, we describe the Coles-Terry Rural Historic District, provide an overview of its history, describe its historic designation, and discuss values imposed by its landscape and topographic features, and how the MVP's impacts to these values are inadequately chronicled in the DEIS.

CO60-3

Description of Coles-Terry Rural Historic District

This rural, mostly forested district encompasses about 2,500 acres on the eastern slope of Poor Mountain. starting 4/10 mile east of the intersection of Poor Mountain Road and Honeysuckle Road in Bent Mountain, Roanoke County, extending 3.25 miles southwest along the crest of Poor Mountain to the Montgomery County line. It includes the headwaters of Laurel Creek and Bottom Creek where they emerge at the foot of Poor Mountain, and old apple orchards. The district contains a network of Civilian Conservation Corps forest roads and paths connecting to a fire tower at the highest point of Poor Mountain at 3,926 feet elevation. Prehistoric archaeological sites have been found along the creeks.

As in other historic areas of the Bent Mountain/Poor Mountain community, much of the historic relevance of the Coles-Terry Rural Historic District is derived from the fact that all the land in the district was part of the enormous tract given to General Andrew Lewis by General George Washington some time between 1770 and 1780. This tract was

CO60-3 In the case of the Coles-Terry Rural Historic District, the draft EIS indicated that additional information and consultations with the VADHR would be necessary before we could make determinations of effect.

estimated by Bent Mountain historian, Grace Fortescue Terry, in her 1957 history titled "Bent Mountain," to be "some hundred thousands of acres." As General Lewis' heirs gradually sold off and subdivided the land, tracts of this land totalling about 17,000 acres were purchased by the Coles and Terry families. These tracts form the basis of today's 2,500 acre historic district.

Thus we can see that the historic significance of Adney Gap on the Blue Ridge Parkway is integrally linked to that of the Coles-Terry Rural Historic District through the fact that both districts were once part of the tract given to Andrew Lewis by George Washington in the 18th century.

Headwaters of the Roanoke River contribute to historic significance

The MVP will cross the headwaters of the South Fork of the Roanoke River at Bottom Creek, at a location within the Coles-Terry Rural Historic District. The headwaters formed by Bottom Creek and Laurel Creek are written about in histories of Bent Mountain. One such history was written by Grace Fortescue Terry. Her manuscript, cited above, was issued in typewritten format in 1957 and later revised and published in an article titled "Recollections of Bent Mountain, Virginia" in the Journal of the Roanoke Historical Society, Winter, 1967. Said Terry's history of Bent Mountain:

CO60-3 cont'd

> Following the beginnings of Roanoke River, it is indeed so circuitous that when it passes Shawsville and makes a sharp right turn, it seems to be "aiming" to return to the place of its birth on the east side of Poore Mountain, where several deep hollows – clefts in the range – cool little springs appear among mossed rocks and fern fronds, and in springtime, columbines, windflowers and etherial violets and bright cerise of Adder's tongue. Down they wander, collecting companions on the way, merging with more and more spring branches. Rivulets, with whispering infant voices, turning slowly northward, grow and mature into "Bottom's Creek", and its cascading becomes a staccato chorus, that hurries to join forces with another liquid traveller from Bent Mountain's Eastern border, for an interlude of tranquility, traversing swamps and meadows, until encountering a blockage of roacks and a sharp obstruction of hills, it gathers force and rises in mimic rage to pour into a gorge where it was later harnessed to give power to operate the first "Bent Mill", and from that useful development comes its present name, "Mill Creek".
>
> Returning to Street's Entry, we find other springs beginning in a higher cut or bowl of rocks, seeking companionship below in the seaward adventuring through twilight shadows of hemlock, their gothic spires pointing heavenward – their roots anchored in mosses and ferns, and shaded by barricades of Rhododendron and Laurel – thus, "Laurel Creek" emerges and plunges in rapids downward to join Bottom and Mill Creek. Then, spectacularly, dramatically, it hurls itself hundreds of feet, fiercely through a great rock-walled gorge, several miles of tumult, to presently grow calm and become a placid river, passing "Hot" or Crockett Springs, on past Allegheny Springs to Shawsville. There it sharply reverses its

course and almost completes a circle to pass Big Spring and Elliston, as Roanoke River, at the foot of Poore Mountain, where its infantile venture began. What an odyssey to follow it to its terminus in Albemarle Sound! An epic of the soul of many waters that fulfill their migratory destiny and final union with the "Ocean of Eternity".

Another history of Poor Mountain was written by Lee Pendleton in 1976 while he was a patient at the Salem Veterans Affairs Medical Center in Salem, VA. Here is an excerpt of Pendleton's description of a recreational expedition taken by a small group of local youth to the top of Poor Mountain, organized by an individual named "Daddy Mack". The group were riding mules and on foot. Pendleton describes what they saw, including the springs of Laurel Creek and the upland portion of Bottom Creek, which are all inside the Coles-Terry Rural Historic District:

CO60-3 cont'd

> He [Mr. Barnett] showed them the spring gushing out of the top of the mountain, freestone, head of Laurel Creek. Barnett had fenced in the spring, but Coles Terry who had as much land as Barnett on the other side, sued Barnett and both sides had surveys made (have seen Barnett's map), but before it came to trial, Barnett died with cancer and told his boys to drop the suit. Its a wonderful thing how this water gushes up on top of the mountain. It was a little early for lunch, but they were hungry and water handy, so they took the mules out and gave them water and corn and let them eat hay out of the wagon. The mules securely tied, they walked out to the west where there is a fire tower now. A little farther and they could have seen Bottom Creek plunging several hundred feet down the mountain near the present girls' camp. . . .

Yet another history, a book titled *History of Roanoke County* (George S. Jack, 1912), includes in its chapter on Bent Mountain the following description:

> After ascending the mountain a beautiful plateau, practically level, stretches out for miles. The land is well watered by streams and branches flowing from innumerable springs of free-stone water, almost ice cold. Situated some two thousand seven hundred feet above sea level, there is always a delightful breeze in the hottest summer weather and blankets are in demand for sleeping purposes at all seasons of the year.

The headwaters of the South Fork of the Roanoke River can be seen, in the excerpts of histories of Bent and Poor Mountain quoted above, to play an integral role in the history of Poor Mountain and the integrity of the Coles-Terry Rural Historic District. The MVP crosses through the area of springs and first order streams described in the Terry narrative, and crosses Bottom Creek four times. Construction of the MVP through the exquisitely pristine, irreplaceable headwaters of the Roanoke River would undermine the very bedrock of Roanoke County and southwestern Virginia's cherished historic landscapes.

In Attachment 4, we have provided two maps of the matrix of springs and headwater that would be crossed by the MVP inside the bounds of the Coles-Terry Rural Historic District. We have also provided two photographs of construction sites of the Stonewall Gathering Pipeline underway in West Virginia, taken in July, 2015. These maps and photos provide evidence that if allowed to proceed, pipeline construction inside the Coles-Terry Rural Historic District would decimate the aquatic features of Poor Mountain cherished among historians and among residents of Bent Mountain, Poor Mountain, Roanoke County, the Commonwealth of Virginia, and all who have visited this astonishingly beautiful region.

CO60-3 cont'd

District's approval by Virginia Department of Historic Resources
The Coles-Terry Rural Historic District was reviewed by the Virginia Department of Historic Resources' Evaluation Team on August 15, 2016. The team found that the property appears to meet the National Register of Historic Places criteria for eligibility. The Virginia Department of Historic Resources State Review Board concurred with the Evaluation Team's findings on the district's eligibility at their regular meeting on September 15, 2016.

Mountain Valley Pipeline's acknowledgment of eligibility
In MVP's June 28, 2016 document titled "Responses to FERC Environmental Information Request #3," MVP stated that it would treat the Coles-Terry Rural Historic District as eligible for the National Register of Historic Places for purposes of Section 106 of the National Historic Preservation Act.

DEIS failure to consider impacts to historic integrity of Coles-Terry Rural Historic District
The following is a quotation from the DEIS, p. 4-349:

> "The proposed MVP pipeline route would cross the newly identified Coles-Terry Rural Historic District in Roanoke County, Virginia (between MPs 242 and 243), which is potentially eligible for the NRHP. Mountain Valley has provided no information about the Coles-Terry Rural Historic District, so it is unknown if the pipeline would affect resources within this district."

The statement above comprises the only statement within the DEIS on the matter of whether and how the Coles-Terry Rural Historic District would be impacted by the MVP. FERC's use of the phrase, "resources within the district" gives rise to concern that the Commission will restrict its attention to manmade structures within the district, rather than consider the district as a whole, just as we saw in the DEIS' treatment of the Blue Ridge Parkway Historic District. By confining its attention to structures within the district, rather than considering impacts to the district in its entirety, FERC would be missing opportunities to consider whether the pipeline's permanent imposition of a treeless stripe on the historic landscape would adversely affect the historic integrity of the Coles-Terry Rural Historic District. The failure to consider impacts to landscapes and topographic features of both the Coles-Terry Rural Historic District and the Blue Ridge

Parkway Historic District is a serious flaw in the DEIS, and must be corrected in subsequent documentation.

The Section 106 process for the MVP cannot be considered complete prior to the satisfactory assessment of the proposed pipeline's impacts to the Coles-Terry Rural Historic District, and the satisfactory completion of the Section 106 process associated with that assessment.

CO60-3 cont'd

Impacts to Coles-Terry Rural Historic District will affect the integrity of the Blue Ridge Parkway Historic District

The Coles-Terry Rural Historic District, which comprises a 2.4-mile wide expanse of land at the crest and on the east-facing slope of Poor Mountain, is visible from the Poor Mountain Overlook on the Blue Ridge Parkway. The construction of the MVP through the Coles-Terry Rural Historic District will drastically alter the appearance of Poor Mountain as viewed from the Poor Mountain Overlook, as well as from many points on U.S. 221 in Bent Mountain. The imposition of the MVP's treeless vertical "stripe" at the crest and down the eastern slope of Poor Mountain – indelibly demarcating 21st century industrialization – will permanently impair the appearance of the mountain as viewed from the Parkway. This incursion will result in further adverse effects to integrity of the Blue Ridge Parkway Historic District.

PROPOSED BENT MOUNTAIN RURAL HISTORIC DISTRICT

CO60-4

In March, 2016, MVP issued a document titled, "Responses to FERC Environmental Information Request, Attachment RR4-20e, Phase I Reconnaissance Architectural Survey for the Mountain Valley Pipeline, Roanoke County, VA, VDHR File # 2014 1194, New South Associates Project 4613, Report 2512, March, 2016." The following is an excerpt from pages i and ii of the report:

> "New South has compiled the results of the Phase I architectural reconnaissance survey in five reports organized by county. Roanoke County is contained within this report. This report describes survey results for the APE that covers Roanoke County and a small area within Floyd County. The APE for historic architectural resources includes Roanoke and Floyd counties and is 9.4 miles in length and encompasses 9,167 acres, 8,941 acres in Roanoke County and 226 acres in Floyd County. The historic architecture survey was conducted in May, June, and November 2015. In total, 64 architectural resources were recorded in the online database Virginia Cultural Resources Information System (V-CRIS), 61 resources in Roanoke County and three resources in Floyd County. Thirty-four of these resources were previously recorded and had existing VDHR site identification numbers. Thirty were newly recorded resources, and each was assigned a site identification number by VDHR. Of the 64 resources recorded, 14 . . . were recommended potentially individually eligible for the NRHP and New South recommends Phase II study to determine NRHP eligibility. In addition, New

CO60-4 In the case of the Bent Mountain Rural Historic District, the draft EIS indicated that additional information and consultations with the VADHR would be necessary before we could make determinations of effect.

> South recommends a Phase II study of the Bent Mountain community to determine its eligibility as a historic district . . .. As part of the new Bent Mountain Historic District . . . New South recommends that 42 resources including 10 of the 14 . . . already noted potentially eligible resources and 32 resources recommended not eligible individually . . . undergo Phase II study to determine if they contribute to the proposed Bent Mountain historic district. Three resources . . . have already been listed or determined eligible for listing in the NRHP, and no change is recommended in the NRHP status of these resources. The remaining 14 resources . . . are recommended not eligible for the NRHP, and no further work is recommended under Section 106 of the National Historic Preservation Act of 1966, as amended."

CO60-4 cont'd

We are concerned with the use of phrasing in the report quoted above which suggests an approach to assessment of MVP impacts to rural historic districts that focuses exclusively on the MVP's impacts to man-made structures within the districts while failing to consider impacts to landscape and topographic features and the extent to which these impacts adversely affect the historic integrity of each district. We look forward to receiving the Phase II study containing New South Associates' assessment of eligibility for the proposed Bent Mountain Rural Historic District. We note that the Section 106 process for the MVP will be considered unfinished without: (a) the completion of the Phase II study cited above, (b) the completion of Virginia Department of Historic Resources' determination of the proposed district's eligibility for listing on the National Register of Historic Places, and (c) the satisfactory completion of the Section 106 process subsequent to items (a) and (b).

Sincerely,

Ann Rogers

Ann Rogers
Member, Preserve Roanoke
Section 106 Coordinator, Blue Ridge Environmental Defense League
Member, Roanoke County Pipeline Advisory Committee

Attachments:

- Attachment 1 – U.S. Dept. of the Interior memo, dated 1939, discussing the Blue Ridge Parkway's Adney Gap
- Attachment 2 – Six photos of Transco Pipeline
- Attachment 3 – Photo of Stonewall Gathering Pipeline
- Attachment 4 – Two maps of Poor Mountain stream flows; two photos of Stonewall Gathering Pipeline construction sites

COMPANIES AND NGOs

CO61 – Indian Creek Watershed Association

20161221-5434 FERC PDF (Unofficial) 12/21/2016 4:35:55 PM

Indian Creek Watershed Association
P.O. Box 711
Union, WV 24983
www.IndianCreekWatershedAssociation.org

December 21, 2016

RE: Hydrogeological Assessment of the Proposed Mountain Valley Pipeline Route Through Subwatersheds with Tributaries to Indian Creek, Monroe County, West Virginia
Docket No. CP16-10-000

TO: Ms. Kimberly Bose, Secretary, Federal Energy Regulatory Commission (via e-filing)

Indian Creek Watershed Association hereby files the following report: "Hydrogeological Assessment of the Proposed Mountain Valley Pipeline Route Through Subwatersheds with Tributaries to Indian Creek, Monroe County, West Virginia" by Pamela C. Dodds, Ph.D., Licensed Professional Geologist.

CO61-1

In preparing the DEIS, the FERC failed to meaningfully address the significant concerns raised in Dr. Dodds' earlier hydrogeological report, which provided a preliminary assessment of impacts caused by construction of the MVP in Monroe and Summers Counties (August 2016, Accession # 20160815-5135).

For her further analysis of the impacts on Monroe County, Dr. Dodds has selected twenty (20) in the subwatersheds of Indian Creek that are negatively affected by the proposed MVP pipeline route.

This site report provides exactly the sort of empirical evaluations missing from the materials in the Draft Environmental Impact Statement for the MVP. Dr. Dodds provides sufficient details on geological principles to understand their implications when they are subsequently applied to the particulars of each site. Her reports provide examples of the cumulative impacts of deforestation, blasting, excavation, and other construction activities on stormwater discharge, sedimentation, headwater aquatic habitats, springs, wetlands and other aquatic resources.

Dr. Dodds concludes: "The findings of this report support the conclusion that there would be significant environmental destruction and degradation in the Indian Creek watershed if the MVP pipeline were to be constructed." (p. 53).

This conclusion reinforces our requests for (1) detailed, on-the-ground hydrogeological studies, (2) a Revised Environmental Impact Statement for the MVP, and (3) individual 401, 404, and Stormwater permits, rather than general permits.

If the FERC does not require such studies, with an opportunity for public comment, we request that the FERC choose the No Action Alternative.

Respectfully submitted,
Indian Creek Watershed Association Board of Directors
Judy Azulay, President; Scott Womack, Vice President;
Howdy Henritz, Treasurer; Nancy Bouldin, Secretary

Email: info@IndianCreekWatershedAssociation.org

CO61-1 See the response to CO34-1 regarding hydrogeologic studies. See the response to FA11-2 regarding the adequacy of the draft EIS. The WVDEQ issued a CWA Section 401 Water Quality Certificate to Mountain Valley on March 23, 2017.

CO61-1 cont'd

CC: **U.S. Environmental Protection Agency, Region 3**
Mr. Jon M. Capacasa, Director, Water Protection Division
Barbara Rudnick, NEPA Team Leader

U.S. Army Corps of Engineers, Huntington District
Mike Hatten, Regulatory Permits – Energy Resources
Christopher L. Carson

West Virginia Department of Environmental Protection
Randy Huffman, WVDEP
Scott Mandirola, Division of Water and Waste Management
Wilma Reip [401 Certification Program]
Nancy Dickson [Stormwater Permit]
Wendy Radcliff

West Virginia Dept. of Health and Human Resources—Compliance and Enforcement Program
Meredith Vance

West Virginia Department of Natural Resources
Robert Fala, Office of Land and Streams
Danny Bennett

WV Bureau for Public Health
William Toomey, Unit Manager, Source Water Assessment and Wellhead Protection Program
Environmental Engineering Division

CO62-1

CCV Position Statement Regarding MVP Pipeline

October 18, 2016

The Cave Conservancy of the Virginias (CCV) is an organization dedicated to protecting and managing caves and karst resources in Virginia and West Virginia. We are also a landowner potentially impacted by the proposed Mountain Valley Pipeline (MVP) project. For both of these reasons, we are compelled to emphasize the importance of rigorous, site-specific evaluation of karst areas within the MVP project footprint before decisions regarding construction are made. This type of evaluation, including methods such as dye tracer studies, subsurface mapping, geophysical studies, and other on-site field investigations is critical to ensuring the safe construction and operation of the pipeline, as well as the protection of water resources and the ecological habitats of the area. A failure to adequately address the special and delicate nature of karst terrain, particularly in the vicinity of Canoe Cave and Slusser's Chapel Cave, could result in permanent damage to the people and the environment of the affected areas.

CO62-1 See the response to CO59-1 regarding karst and caves.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

MOUNTAIN VALLEY PROJECT and
EQUITRANS EXPANSION PROJECT

DRAFT ENVIRONMENTAL IMPACT STATEMENT
DEIS-DO272
OEP/DG2E/GAS 3

FERC Docket Nos.: CP16-10-000 and CP16-13-000

COMMENTS OF REX COAL LAND CO., INC.

CO63-1

On page 4-16, FERC states:

We received comments from Murray Energy, Alpha Companies, Coronado Coal, and Rex Coal (sic) regarding coal mining in the project area and the potential loss of coal assets due to the MVP's construction.

Mountain Valley is continuing to work with these coal companies in order to avoid the loss of coal resources or come to a mutually acceptable agreement for compensation or mitigation. Since Mountain Valley has not yet reached agreements with all coal companies, we recommend that:

Prior to construction, Mountain Valley should file with the Secretary either a plan for the avoidance of active mines, or copies of agreements with coal companies regarding compensation for loss of coal resources.

On page ES-3, FERC states:

We are also recommending that Mountain Valley file a plan to avoid or compensate for impacts on active mines.

CO63-1 Section 4.1 of the final EIS has been revised to address these statements.

Rex Coal Land Co., Inc. ("Rex") contends the Federal Energy Regulatory Commission ("FERC") should condition its award of a permit to Mountain Valley Pipeline ("MVP") on MVP reaching an agreement with Rex regarding compensation for loss of coal resources or select an alternate route.

Rex has heretofore demonstrated its cooperation with MVP and willingness to achieve a satisfactory agreement.

CO63-1 cont'd

Respectfully submitted,

By: William E. Deegans
President
Rex Coal Land Co., Inc.
P. O. Box 564
Lewisburg, WV 24901
(304) 646-8475

Dated: December 19, 2016

Preserve Craig ~ *Sustaining the Quality of Life We Value*

P.O. Box 730, New Castle, VA 24127 Phone: (540) 309-9560
www.PreserveCraig.org Email: PreserveCraig@gmail.com

21 December 2016

Ms. Victoria M. Craft, Project Manager
Bureau of Land Management
Southeastern Sates District Office
273 Market Street
Flowood, MS 39232
vcraft@blm.gov

Mr. Joby Timm. Supervisor
Jefferson National Forest
U.S. Forest Service,
5162 Valleypointe Parkway,
CO64-1 Roanoke, VA 24019
jtimm@usfs.gov

FERC Commissioners,
c/o Ms. Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

RE: Request to withdraw the DEIS and reject proposed amendments to the Jefferson National Forest LRMP

Dear Ms. Craft, Mr. Timm, and Commissioners,

In consideration of recent developments, and upon advice of our Science and Technical Committee, Preserve Craig, Inc. urges:

1. The Federal Energy Regulatory Commission (FERC) to withdraw **the Mountain Valley Pipeline (MVP) Draft Environmental Impact Statement as inadequate and incomplete**;
2. The Bureau of Land Management (BLM) and US Forest Service (USFS) to **not approve crossing of Federal lands by the MVP;**
3. The US Forest Service to **not approve changes to the Jefferson National LRMP (USFS 2004).**

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

CO64-1 See the response to FA11-2 regarding the adequacy of the draft EIS. Alternatives are discussed in section 3 of the EIS. Environmental impacts to resources are discussed throughout section 4. Scientific studies utilized in the EIS are cited. While Mountain Valley filed minor route modifications in October 2016, the public had adequate time to comment on post-draft EIS supplemental data, as comments were taken by the FERC up to December 22, 2016, and past, as discussed in section 1.4 of the final EIS. See the response to CO55-5 regarding herbicides and invasive species.

Justifications:

The FERC and the USFS are required under the National Environmental Policy Act (NEPA) to detail significant effects of the MVP in a Draft Environmental Impact Statement (DEIS) before the project can be approved or in this case changes can be made to the Forest Plan. **The DEIS should be determined to be incomplete, and be withdrawn pending:**

I. **A valid analysis of all routes including alternatives MVP has not yet considered that avoid this sensitive area of the central Appalachians.**
II. **Adequate scientific information is presented from which decisions can be made concerning the actual environmental impact of the proposed project.**
III. **The public has adequate time to assimilate and comment on all of the information.**

CO64-1 cont'd

To date, FERC and MVP have failed to submit scientifically defensible and proven information for mitigation during construction or the long-term maintenance of project. Also, significant new information has come to light since the issuance of the DEIS (e.g., route changes, and a new Herbicide Use Plan). The public is entitled to receive this information in a timely manner, and to have sufficient time to review and comment on it. A revised DEIS must sufficiently address these changes.

Likewise, the BLM and the USFS cannot approve the crossing of Federal lands based on the incomplete information the DEIS provides. The current DEIS simply proposes the same mitigation techniques and management techniques that have been proven to be ineffective at controlling sedimentation. The MVP response to the USFS request for more-specific information on controlling invasive plant species reads like a series of Google searches that have been pasted together. This is clearly not the intent of the NEPA process nor is it the expectation of the public. Unprofessional reports that are hastily put together and communicate no useful information should not be the standard that FERC accepts or promulgates.

The management plan for the Jefferson National Forest was developed with considerable input and credible information, and took into account how the various uses of the Forest could be achieved. To change that plan with inadequate, unprofessional and scientifically invalid information and without sufficient public comments is an environmental injustice to the people that live near and use the National Forest System, and all citizens of the United States.

The DEIS raises many more questions about how MVP will be constructed and maintained than it answers. In fact, the questions the DEIS raises are more than can be effectively discussed in any single submittal such as this letter. The rest of this document deals specifically with the issue of maintenance of the pipeline and control measures for invasive/exotic species.

MVP's initial plan for monitoring and control of invasive plant species was both scientifically and practically simplistic. Under the pressure of public concerns about pesticide use, MVP long ago pledged to forgo such use. That left them to create an impossible-to-execute plan to use only mowing and hand labor to control invading plant species, even on steep and relatively

inaccessible slopes. The USFS recognized the impracticality of MVP's proposal for control of invasive plant species. In a letter to MVP of 15 November 2016, USFS directed:

> "If the proposed MVP Project is approved, the Forest Service may require herbicide use along the permanent right-of-way to control non-native invasive plant species. The potential effects of the herbicide use must be disclosed to the public and analyzed in the EIS or in a supplemental analysis. To ensure that herbicide use is analyzed in the EIS and to avoid supplemental analysis at a later time, please update the MVP Project proposal with FERC to incorporate herbicide use." (CP16-10-000, Accession No. 0161116-5006).

MVP responded to this request on 16 December 2016 by filing a new "Herbicide Use Plan" (CP16-10-000, Accession No. 20161216-5171), wherein they detailed plans to use herbicides to control invasive plants on the 3.4 miles of USFS lands included in the project route. This represents a *major* departure from both what was analyzed in the DEIS that was issued in September of 2016, and from what the public has been told for more than two years. The use of broad-spectrum herbicides (e.g., glyphosate) on USFS lands holds the potential to:

CO64-1 cont'd

a. Reduce the effectiveness of planned restoration efforts that involve the planting of grasses, forbs, and shrubs, thereby further increasing erosion and sedimentation problems;
b. Impact adjacent private lands and landowners, including unwilling exposure of residents to pesticides in air and water and invalidation of registration for organic farming operations;
c. Introduce pesticides into municipal water supplies that withdraw water from waterways downstream of the impacted USFS lands, along with an expensive-to-correct increase of sediment in those water supplies.
d. Become a long-term (life-of-the-pipeline) controversy, as control of invasive plants on the disturbed corridor of the MVP will not be a temporary management issue. MVP naively proposes to monitor and treat invasive plants on USFS lands for only two years, and they make no mention at all of such control on private lands that they will disturb.
e. Affect amphibian populations in and around the MVP corridor.

But, alternatively, **not** using herbicides will ensure the spread of invasive species along the corridor.

None of these issues were analyzed in the DEIS, and now this major change to the proposed MVP operations has been issued less than one week before the close of the public comment period for the DEIS. It would be unconscionable to allow this process to proceed along the previously charted schedule, and to not allow the public sufficient time to learn of, analyze, and respond to these significant changes.

The public has the legal right to be broadly informed of these changes, which again means that the current DEIS is deficient in effectively addressing major public and environmental concerns about the MVP project. The DEIS should be withdrawn to correct this and other deficiencies, or

a supplemental DEIS should be issued that effectively analyzes all issues not sufficiently covered in the present document.

In either case, the public needs a full 90-day comment period regarding any DEIS changes or supplements, which means that FERC should not be allowed to move to finalize an EIS until these changes are made and the public has been afforded their full legal right for review and comment.

Some of the most egregious problems with the MVP Herbicide Use Plan:

CO64-1 cont'd

1. The herbicide use plan submitted by MVP is a generic (and probably largely plagiarized) herbicide-use plan that goes into no detail of its primary purpose of controlling invasive species. In fact, the "objectives" of the plan do not even mention the effective control of invasive species. Therefore, the plan gives no details that are needed to judge whether it is effective, safe, or efficient, or whether the herbicides will have no negative effects s they are proposed to be used For this reason alone the plan should be rejected.
2. Because the plan is USFS specific there is evidently no intention of controlling invasive species spread through private property.
3. There is no consideration that herbicide spraying could invalidate organic certification for nearby farming operations.
4. The application of herbicides through aerial spraying as described in the Herbicide Use Plan could have detrimental effects well beyond the MVP corridor. Inexact application and wind drift of Glyphosate in the National Forest could have disastrous effects outside the MVP corridor. Glyphosate is known to cause problems when runoff moves it to ponds and wetlands. Indiscriminate application of Glyphosate is inappropriate anywhere and especially on USFS land. Because the prevailing winds will tend to blow the herbicides to the southeast, the Brush Mountain Wilderness areas would be most at risk.
5. Nationwide sampling by the USGS has found widespread detection of Glyphosate in surface waters of the US. The effects of low-level environmental exposures are poorly understood. The effects of widespread, indiscriminate use of Glyphosate are difficult to assess, but the probability of the proposed methods resulting in detectable amounts entering streams and rivers that are water supplies and endangered-species waters is predictable.

Clearly, a better assessment of many of the aspects of the MVP are needed in the form of both a more-thorough DEIS and a more-complete public assessment of the proposal.

In the critical interest of public well-being, we ask that you take steps to immediately implement the three actions listed in the first paragraph of this letter.

Sincerely,

Bill Wolf and Sam Easterling, Co-Chairs
Preserve Craig, Inc.

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

COMPANIES AND NGOs

CO65 – Preserve Monroe (on behalf of Dorothy Larew)

20161222-5050 FERC PDF (Unofficial) 12/21/2016 5:02:50 PM

Ms. Kimberly D. Bose Secretary Dec 19, 2015

Federal Energy Regulatory Commission

888 First Street. NE, Room 1A

Washington, DC 20426

Re: CP16-10-0000

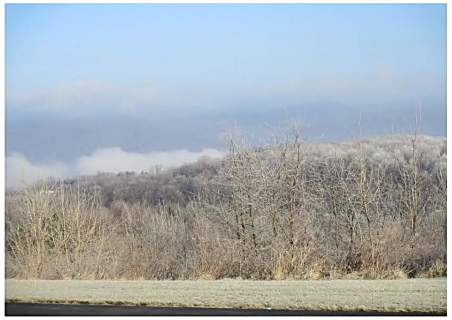
Dear Ms. Bose and other members;

On December 15, 2016 I submitted by regular mail, my comments about the DEIS and issues related to the Mountain Valley Pipeline. I forgot a couple of very important points, which I want to state now.

CO65-1 Due to the vulnerability of critical water resources in the karst areas at the base of Peters Mountain and in the Greenville Area, I strongly support the requests that have been made by the Monroe County Commission and others, that the FERC require an independent, comprehensive hydrogeological study of the public and private water resources in Monroe County (especially in areas of karst) before issuing a Revised Draft Environmental Impact Statement or a Final EIS, or approving an MVP route through Monroe County. I also encourage the United States Forest Service to complete such a study per the request of numerous citizens and citizen groups as well as public officials, on Peters Mountain and the Jefferson National Forest before any decision is made about crossing this unique aquifer.

CO65-2 I also would like to state my strong opposition to the idea of creating a utility corridor across the national forest along the MVP proposed corridor. Regardless of the width, it would only serve to make our pristine Monroe County and this region a pathway for pipelines, power lines and other utilities forever.

I am attaching two photos of Peters Mountain, Ellison's Ridge and the Indian Creek Valley taken from our deck which I referred to in my December 15th letter.



Picture taken from our deck on 12/20/2016

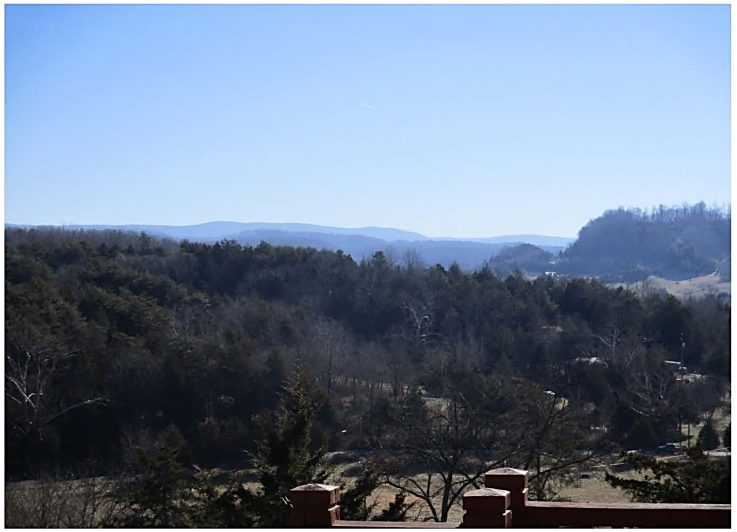
CO65-1 See the response to CO34-1 regarding hydrogeologic studies. See the response to FA11-2 regarding the adequacy of the draft EIS. Section 4.1 of the EIS discusses karst terrain.

CO65-2 Visual impact analysis of KOP is included in section 4.8 of the EIS.

COMPANIES AND NGOs

CO65 – Preserve Monroe (on behalf of Dorothy Larew)

CO65-2 cont'd



Picture taken from our deck on 12/21/2016

Sincerely,

Dorothy W. Larew

6232 Greenville Road

Greenville, WV 24983

COMPANIES AND NGOs

CO66 – Indian Creek Watershed Association

20161222-5056 FERC PDF (Unofficial) 12/21/2016 5:03:03 PM

Indian Creek Watershed Association
P.O. Box 711
Union, WV 24983
www.IndianCreekWatershedAssociation.org

December 21, 2016

RE: Hydrogeological Assessment of Impacts Caused by Constructing the Mountain Valley Gas Pipeline Through the Lick Creek Watershed, Summers County, West Virginia
Docket No. CP16-10-000

TO: Ms. Kimberly Bose, Secretary, Federal Energy Regulatory Commission (via e-filing)

Indian Creek Watershed Association hereby files the following report: "Hydrogeological Assessment of Impacts Caused by Constructing the Mountain Valley Gas Pipeline Through the Lick Creek Watershed, Summers County, West Virginia" by Pamela C. Dodds, Ph.D., Licensed Professional Geologist.

In preparing the DEIS, the FERC failed to meaningfully address the significant concerns raised in Dr. Dodds' earlier hydrogeological report, which provided a preliminary assessment of impacts caused by construction of the MVP in Monroe and Summers Counties (August 2016, Accession # 20160815-5135).

CO66-1

For her further analysis of the impacts on Summers County, Dr. Dodds has selected three representative sites: the Lick Creek Valley (the subject of this report), the headwater areas of the Hungard Creek Watershed which originate on Keeney Mountain, and the crossing of the Greenbrier River at Pence Springs.

These site reports provide exactly the sort of empirical evaluations missing from the materials in the Draft Environmental Impact Statement for the Mountain Valley Pipeline. Dr. Dodds provides sufficient details on geological principles for the reader to fully understand their implications when they are subsequently applied to the particulars of each site. Her reports also make clear the cumulative impacts of stream crossings, excavation, and other construction activities on the accumulating sediments so damaging to the county's water resources.

The conclusions of this report reinforce our request for (1) detailed, on-the-ground hydrogeological studies, (2) a Revised Environmental Impact Statement for the MVP, and (3) individual 401, 404, and Stormwater permits, rather than general permits.

If the FERC does not require such studies, with an opportunity for public comment, we request that the FERC choose the No Action Alternative.

Respectfully submitted,
Indian Creek Watershed Association Board of Directors
Judy Azulay, President; Scott Womack, Vice President;
Howdy Henritz, Treasurer; Nancy Bouldin, Secretary

Email: info@IndianCreekWatershedAssociation.org

CO66-1 See the response to CO34-1 regarding hydrogeologic studies. See the response to FA11-2 regarding the adequacy of the draft EIS. On March 23, 2017 the WVDEQ issued a CWA Section 401 Water Quality Certificate to Mountain Valley.

CO66-1 cont'd

CC: **U.S. Environmental Protection Agency, Region 3**
Mr. Jon M. Capacasa, Director, Water Protection Division
Barbara Rudnick, NEPA Team Leader

U.S. Army Corps of Engineers, Huntington District
Mike Hatten, Regulatory Permits – Energy Resources
Christopher L. Carson

West Virginia Department of Environmental Protection
Randy Huffman, WVDEP
Scott Mandirola, Division of Water and Waste Management
Wilma Reip [401 Certification Program]
Nancy Dickson [Stormwater Permit]
Wendy Radcliff

West Virginia Dept. of Health and Human Resources—Compliance and Enforcement Program
Meredith Vance

West Virginia Department of Natural Resources
Robert Fala, Office of Land and Streams
Danny Bennett

WV Bureau for Public Health
William Toomey, Unit Manager, Source Water Assessment and Wellhead Protection Program
Environmental Engineering Division

COMPANIES AND NGOs

CO67 – Indian Creek Watershed Association

Indian Creek Watershed Association
P.O. Box 711
Union, WV 24983
www.IndianCreekWatershedAssociation.org

December 21, 2016

RE: Hydrogeological Assessment of Impacts Caused by Constructing the Mountain Valley Gas Pipeline Through the Hungard Creek Watershed, Summers County, West Virginia
Docket No. CP16-10-000

TO: Ms. Kimberly Bose, Secretary, Federal Energy Regulatory Commission (via e-filing)

Indian Creek Watershed Association hereby files the following report: "Hydrogeological Assessment of Impacts Caused by Constructing the Mountain Valley Gas Pipeline Through the Hungard Creek Watershed, Summers County, West Virginia" by Pamela C. Dodds, Ph.D., Licensed Professional Geologist.

In preparing the DEIS, the FERC failed to meaningfully address the significant concerns raised in Dr. Dodds' earlier hydrogeological report, which provided a preliminary assessment of impacts caused by construction of the MVP in Monroe and Summers Counties (August 2016, Accession # 20160815-5135).

CO67-1

For her further analysis of the impacts on Summers County, Dr. Dodds has selected three representative sites: the Lick Creek Valley, the headwater areas of the Hungard Creek Watershed which originate on Keeney Mountain (the subject of this report), and the crossing of the Greenbrier River at Pence Springs.

These site reports provide exactly the sort of empirical evaluations missing from the materials in the Draft Environmental Impact Statement for the Mountain Valley Pipeline. Dr. Dodds provides sufficient details on geological principles for the reader to fully understand their implications when they are subsequently applied to the particulars of each site. Her reports also make clear the cumulative impacts of stream crossings, excavation, and other construction activities on the accumulating sediments so damaging to the county's water resources.

The conclusions of this report reinforce our request for (1) detailed, on-the-ground hydrogeological studies, (2) a Revised Environmental Impact Statement for the MVP, and (3) individual 401, 404, and Stormwater permits, rather than general permits.

If the FERC does not require such studies, with an opportunity for public comment, we request that the FERC choose the No Action Alternative.

Respectfully submitted,
Indian Creek Watershed Association Board of Directors
Judy Azulay, President; Scott Womack, Vice President;
Howdy Henritz, Treasurer; Nancy Bouldin, Secretary

Email: info@IndianCreekWatershedAssociation.org

CO67-1 See the response to CO34-1 regarding hydrogeologic studies. See the response to FA11-2 regarding the adequacy of the draft EIS. On March 23, 2017 the WVDEQ issued a CWA Section 401 Water Quality Certificate to Mountain Valley.

CO67-1 cont'd

CC: **U.S. Environmental Protection Agency, Region 3**
Mr. Jon M. Capacasa, Director, Water Protection Division
Barbara Rudnick, NEPA Team Leader

U.S. Army Corps of Engineers, Huntington District
Mike Hatten, Regulatory Permits – Energy Resources
Christopher L. Carson

West Virginia Department of Environmental Protection
Randy Huffman, WVDEP
Scott Mandirola, Division of Water and Waste Management
Wilma Reip [401 Certification Program]
Nancy Dickson [Stormwater Permit]
Wendy Radcliff

West Virginia Dept. of Health and Human Resources—Compliance and Enforcement Program
Meredith Vance

West Virginia Department of Natural Resources
Robert Fala, Office of Land and Streams
Danny Bennett

WV Bureau for Public Health
William Toomey, Unit Manager, Source Water Assessment and Wellhead Protection Program
Environmental Engineering Division

Summary of Poor and Bent Mountain History and Cultural Attachment

Roots:

"Inky" Waldron Martin grew up on the family farm off of Bottom Creek Road in Roanoke County, Virginia. Among other artifacts, she and her mother, Lois King Waldron, keep a shoebox full of arrowheads and "flakes," or pieces of arrowheads, quartz and other rock commonly found here. She spent half a day in August 2016 observing the studies of a survey crew for the proposed Mountain Valley Pipeline deep in her woods at a massive rock shelter where she and her brothers played "King of the Hill" for hours on end as youngsters. Inky imagines the place was once a playground of young Native Americans.[1]

CO68-1

Inky describes the way the wind "whistles", or how often you "hear" the deepest silence, like after a heavy snow fall. It's so silent, it "speaks to your soul," she says. Indeed, in late August, in the cooler respite of the pine and shade laden forest, a young archeologist (a father of three kids in their 'tweens) surveying in the area, stood up from his digging and remarked in wonderment, "It's so *quiet* here." He seemed to understand this is an uncommon quiet. When asked what stands out about living along Bottom Creek, one early 1900's resident remarked, "*I'd say it's the quiet*."[2]

The woods here at Inky's Rock Shelter, perched on a shady hill above Mill Creek and its wetlands, and across the orchards from the farmhouse and its outbuildings, were a special place to Inky's late brother, a 20-year U.S. Navy veteran buried in Arlington. He loved camping in these woods, she says, and he thought of himself as a "mountain man." Inky hopes to be buried here in the shelter of this great rock. But the MVP threatens to blast and trench her place of eternal rest to make way for a 42 inch natural gas pipeline.

This rock shelter and the farms and orchards that grew up around and near it are at the heart of a community bound by family, by the land, water and air of this place, and by work, heritage, tradition, faith and kinship.

[1] See Attachment 1, Statement of Lois "Inky" Waldron Martin.

[2] Bottom Creek, The Cultural Landscape of a Mountain Community, by Jim Crawford (1998), p. 67.

CO68-1 Cultural attachment, including the geographic scope of analysis, is discussed in section 4.10 of the final EIS. The Bent Mountain Rural Historic District and the Coles-Terry Rural Historic District are also discussed in section 4.10.

identities and elders as leaders. The Woodland period (1200 B.C.-1600 A.D.) "consummated the intimate connectedness of human culture and the environment," through the beginnings of horticulture, fired clay cooking and modification of tools including adaptation from the spear to the bow and arrow.

Between 500 A.D. to 1500 A.D., ancestors to the Totera Indians of the Siouan linguistic group are known to have lived in our region. While there are no written records of these early communities, archaeologists note that residents of the Bottom Creek area have found many stone points and tools identified as belonging to these early inhabitants. They lived in small villages of up to 100 people, in apparent tipis set in the ground and covered with bark or skins. *Like today's residents, they relied on farming and hunting to provide for their needs. Their mainstays included corn, beans and squash, bear, deer, elk, mountain lion, turkey and box turtle. Community life surrounded the activities of growing and pottery making and processing.* It is thought that each clan had a benevolent spirit in the form of an animal that commonly provided for their needs, known as the practice of "animism."[5]

CO68-1 cont'd

With the confluence of the arrival of English settlers to Virginia in the 1600's, legislation that effected an appetite for land and labor, and the introduction of African slaves to plantations in Virginia, the Commonwealth saw tobacco exports grow from 20,000 lbs in 1619 to 500,000 lbs in 1627.

A traders' path is documented as passing south of Mill Mountain and on toward Bent Mountain and the Bottom Creek area. In 1671, explorers Thomas Batts and Robert Fallam ventured through the gap in the Mountains just north of Bottom Creek in the Roanoke Valley, reporting their observations of a Totera Indian Village. Archeological evidence suggests that illnesses such as small pox and influenza, transported by colonialists, gripped native people upon contact with early colonialists, and survivors were made slaves or moved to places west. By the 1720's, there was little sign of the Totera people in this area.[6]

[5] Crawford, pp.5-7.

[6] Crawford, p.7.

This is the continuing story of our community:

With the Traders' Path, the Roanoke Valley became a logical intersection of trade and settlement. More settlers, many of Scotch-Irish or German descent, moved south from Pennsylvania and Maryland, and the Roanoke, New River and Greenbrier valleys were populated. Following the end of the French and Indian War, the frontier went westward.[7]

Atop the "Plateau of Virginia," the above-described white settlements began with two trips by a group of hunters from Pennsylvania by the names of Heckman, Willett, Martin and Webster—names that feature today in places like Willett Lane on Poor Mountain, in the Webster community near CaHay's Knob in Franklin County, and in the Martin's Creek area of Southwest Roanoke County, at the base of Bent Mountain. The Heckmans also went further south and settled in Franklin County.

CO68-1 cont'd

In the early 1800's, Colonel Andrew Lewis inherited about twenty thousand acres of land from his father, the General, who'd been rewarded for his service in two wars. The Lewis family built two homes on top of the Mountain; one which became known as the Bent House, and hosted gatherings that included European royalty and the relatives of President Madison and Light Horse Harry Lee. The second house was a long log house called "*Longwood.*"[8] The Lewis family grants included about 8,000 acres stretching from the Back Creek area of Roanoke to the Floyd County line.

Our community is not without a history of the enslavement of African Americans. Early documents indicate there were at least two slaves in the original deed of sale from Samuel Lewis to Andrew Lewis, including a woman named Elise and a man named Charles. In the mid-1800's, Tazewell and Warfield Price brought tenants up the Mountain from Pittsylvania and Franklin to clear fields, tend crops and build their sawmill; there is also a description of "black families brought from Eastern plantations."[9] It is said that William Craighead, who first arrived in the Bottom

[7] Crawford, pp.6-7.

[8] Pat Perdue says this might be in the Ivy or Fortune Ridge area. It's said to be still standing in A History of Roanoke County, by George S. Jacks (Stone, 1912), p.90.

[9] When Past is Prologue, Deedi Kagee (1988), p.300.

Creek area with oxen, tobacco seed, wagons and family, also came with an unknown number of slaves.[10] In the fifty years prior to these arrivals, there was a general movement of Tidewater Virginians of English ancestry, bringing their slaves into the Piedmont areas of Bedford and Franklin Counties.[11] Today, there are several families of African American descent who have contributed to our community, including the Page and Grogan families.

Revolutionary heritage:

CO68-1 cont'd

Bent Mountain history is rich with stories of the Terry, Coles, and King families. John Coles, the only son of John Coles Sr. (1800-1848), was described in A History of Roanoke County as "perhaps the best known citizen of the Bent Mountain District.". The Coles-Terry ancestry dates back to John Coles' great-grandfather, who was born in Ireland in 1706.

The Lewis tract was divided and sold, with the property passing from Clark to Price to John Coles, about 14,000 acres for about $12,000. About 6-8,000 acres of the Lewis tract was sold to Tazewell and Warfield Price; they in turn sold several tracts, but one large acreage of almost 5,000 acres was sold to Captain Joseph Motley Terry, which, upon his passing, was given to his son, J. Coles Terry.[12] Other families living on the Mountain before the Civil War included Henry, Tyree, Ferguson, Fralin, Baldwin, King, Huff, Kefauver, Thrasher, Powell, Lancaster, Teel, Wimmer, Hawse, Conner, Collins, Poff and Craighead.

Life on the Mountain, as in the rest of the States, was interrupted by the Civil War. It's reported the Willetts, Fergusons, Joseph Baldwin, Squire King, J. Coles Terry and Captain Joseph Motley Terry served in the war. There is some history of rejection of the war effort by at least one soldier, who returned home to tend to a wife and children, who were starving under wartime rationing by the government.[13]

[10] Crawford, p.8.

[11] Crawford, p.26.

[12] Jacks, p.87.

[13] Jacks, p. 88. See reference to "refugee"; there is no clarity as to this person's home or heritage. See also Crawford, pp. 39-40.

After the War:

Following the war, the "brave mountaineers" are said to have returned to the Mountain to heal up "a scene of indescribable desolation…the condition of her people pitiable beyond description…" Yet in years of rebuilding, both "prosperity and romance characterize(d) the story of Roanoke orchards." So begins a passage about Jordan Woodrum (1822-1901), who began to experiment with cultivating apples on Bent Mountain after his return from service in the Civil War.[14] The Mountain is also famous for blueberries, peaches and perhaps the largest and sweetest cabbage in the country, in addition to crops such as rye, wheat, corn and buckwheat. "The Buckwheat Field" is today a place of solitude and reverence, on Coles Terry's property—the proposed MVP pipeline route would cut through this revered old home place, which is a centerpiece of the Coles Terry Historic District recently recognized by Virginia's Department of Historic Resources.

CO68-1 cont'd

The Jordan Woodrum House sits at the corner of Tinsley and Poor Mountain Roads. Mr. Woodrum (1822-1901) experimented with apple varieties after purchasing what others considered to be vast wilderness. With acidic soil content and moderate climes, the pippin apple thrived. The Newton apple, originating from Newtown in the Queens section of New York, was brought to the Piedmont section of Virginia by founding fathers Washington and Jefferson; from there it migrated with growers to Roanoke and Bent Mountain. Mr. Woodrum experimented with it to produce a delightful little green apple, a "keeper" variety as they say, because it stored well and could be shipped to parts abroad. It's said Queen Victoria took a liking to this apple, given to her by Ambassador Stephenson's wife, Sarah Coles of Enniscorthy. In fact she liked it so much she lifted tariffs, and that arrangement remained in place into the 1940s.[15] In 1907, the Roanoke Chamber of Commerce wrote "…the famous Bent Mountain pippin is purchased extensively for export trade, its delicate flavor and fine keeping qualities make it an especially desirable fruit for long distance shipment, as well as for home consumption…"

Bent Mountain has been described as a "beautiful *plateau*, practically level, arising for miles. The land is well watered by streams and branches flowing from innumerable springs of free-stone water, almost ice-cold…some two thousand feet

[14] Jacks, p. 88.

[15] Roanoke, Story of County and City, p.167.