



WEST VIRGINIA RIVERS

April 15, 2021

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

Re: CP21-57

Secretary Bose:

West Virginia Rivers Coalition, on behalf of our members, respectfully submit the following comments on the Mountain Valley Pipeline's (MVP) request for Certificate Amendment (FERC Docket CP21-57) to bore at 120 locations under 181 streams and wetlands in West Virginia and Virginia.

We are pleased that the Federal Energy Regulatory Commission initiated the National Environmental Policy Act (NEPA) process for MVP's certificate amendment request. Under NEPA, we request FERC produce an Environmental Impact Statement (EIS). The EIS that was previously developed for MVP did not consider the impacts that boring would have on these streams and wetlands. Therefore, an EIS is warranted for their proposed changes to their crossing methods. We recommend the following issues be included in the EIS.

Geology and Soils

A full geotechnical analysis is necessary to ensure success of the borings. Conventional boring is a risky process that is not suited for longer crossings and requires certain subsurface soil and geologic conditions and suitable topography. A full geotechnical analysis must be performed at each boring site to determine if boring is feasible since the drill bit is subject to deflection from cobbles and boulders greater than 14 inches. Feasibility assessments were only conducted at 6 of the 120 crossing locations. FERC must require site-specific geotechnical analysis at each water crossing to

determine if the subsurface soil and geologic conditions are suiting for conventional boring.

The EIS must fully assess the potential impacts of boring in karst terrain.

Wetlands and stream crossings within karst geology are higher risk for borings, however there are approximately 11 proposed waterbody borings within karst terrain. Each of these locations must be thoroughly investigated to ensure the proposed bore location does not disturb the sensitive and unpredictable karst geology and groundwater resources. Extensive geotechnical analysis is needed for borings proposed in karst terrain.

Water Resources and Wetlands

Analyze the impacts boring will have on wetland hydrology. Wetlands serve an important function in the ecosystem by storing floodwaters, acting as a natural filter for water impurities and providing habitat for many species. The EIS should address the impacts boring will have on the overall wetland functions and whether those impacts are temporary or long term requiring additional mitigation.

Additional information is needed on the size and location of dewatering devices.

The ER contains minimal details about the size of dewatering structures required for the boring pits. The report states, "The specific need for, and amount of, dewatering required for each waterbody or wetland crossing cannot be determined until each individual trench or bore-pit excavation begins." This information is insufficient to adequately protect water resources. MVP has a history of problems operating and maintaining dewatering devices.

On August 14, 2019 WVDEP issued Violation No W19-21-074-TJC which stated, "*An improperly installed straw bale dewatering structure was noted in the Cove Run watershed adjacent to 2770+00. The dewatering structure had a layer of impermeable plastic inside of the geotextile fabric which caused the structure to not function as designed...The offsite sediment laden water adjacent to 2919+50 occurred due to a dewatering operation at the time of inspection.*"

Additionally, on September 11, 2019 WVDEP issued Violation No W19-17-030-JTL which stated, "*At station No. 645+35 the dewatering structure used for the Stream S-B75 bore was not being maintained and operated properly causing the structure to not function as designed causing conditions not allowable in Stream S-B75 (Goose Run)... Sediment Laden*

water was observed leaving a dewatering structure used for the boring under Stream S-B75 (Goose Run)."

Given MVP's history of improperly installing and failing to maintain the dewatering structures, we request additional information to be included in a supplemental environmental impact statement to ensure that dewatering structures will be adequately installed and properly maintained.

- The ER states that dewatering may occur 24 hours per day, but does not contain information on how the dewatering will be managed for 24 hours per day. Who will manage the pumping and dewatering operations from dusk till dawn when construction operations have ceased?
- Pumping may be needed 24/7, and discussion of the pump capacity was provided, but there is no discussion in the ER of the capacity of dewatering devices. The EIS must include the holding capacity of each dewatering device to ensure that they are adequately sized.
- Information is needed on the location and placement of dewatering devices to ensure there is adequate space at each boring location to accommodate the adequately sized devices.

Investigate potential impacts on groundwater from temporary dewatering activities. With the enormous amount of dewatering to occur, these activities may impact groundwater quality and quantity. The analysis of dewatering impacts on shallow groundwater and potential impacts to nearby residential drinking water wells is insufficient. MVP cited one study from CH2M Hill in 2011. This study referenced minimal impacts to wetland dewatering activities in Florida. However, the one isolated example from terrain that is not even comparable is not sufficient information to adequately conclude that groundwater impacts will be minimal. Sufficient groundwater analysis must be performed and included in the EIS. Analysis should include geotechnical analysis, depth to aquifers, soil type, and recharge rate. Pre- and post-construction monitoring of drinking water wells within a one-mile radius must also be required.

Potential impacts of drilling mud must be identified. Drilling mud will be required for longer bores or bores through mixed ground. There are many examples of improper management of drill mud which negatively impacted water resources.

Quantities of drill mud used at each location must be identified in an EIS. Additionally, information is needed on the best management practices in place for proper handling of drilling mud.

Threatened and Endangered Species

Impacts to Candy Darter critical habitat must be fully assessed. MVP crosses critical habitat for the Candy Darter; however, the 2020 Bi-Op was issued prior to the official designation of critical habitat for the species. Critical habitat was just recently officially designated in April of 2021. The EIS must revisit the full range of potential impacts to Candy Darter habitat now that the critical habitat has been finalized.

Impacts to Virginia Spireaea, an Endangered Species, must be adequately addressed in the EIS. Previous investigations and reports have not adequately addressed impacts to the endangered Virginia Spireaea (VASP). The Greenbrier Crossing Variance Request (VR F-23) referenced the outdated Biological Opinion issued on October 31, 2017. That Biological Opinion (Bi-Op) was found to be inadequate in addressing endangered species impacts by the 4th Circuit Court of Appeals. A new Bi-Op was issued by the US Fish and Wildlife Service on September 4, 2020.

The VF-23 referenced Attachment 5 for rare, threatened and endangered species surveys which states, *“This variance does occur in an area for Virginia Spireaea; while field surveys were conducted in 7/29/2017, no individuals were located.”* This statement is not accurate and does not align with the findings in the re-issued 2020 Bi-Op. The VR-23 lists a survey date that does not match the date of the survey listed in the 2020 Bi-Op which states, *“Due to restricted access, 2.3 acres (parcel WV-SU-046) within the construction ROW, ARs, and ATWS in close proximity to the Greenbrier River in Summers County was not surveyed prior to the issuance of the Service’s 2017 BiOp. A survey for VASP was conducted within the parcel on December 20, 2017. However, the survey was conducted during a time of year (i.e., December) when surveys for VASP cannot confirm presence or absence of the species, and the photos/summary of the habitat included in the reports (ESI 2018a, ESI 2018b) did not otherwise confirm that VASP habitat is not present. Therefore, the Service is not able to confirm that the 2.3-acre parcel does not contain suitable occupied VASP habitat... Therefore, we are assuming the extent of VASP coverage within the 2.3 acres is 0.05 acre, and that the VASP on this 0.05 acre is 1 occurrence, which is also part of the Greenbrier River population.”*

Because there are discrepancies between MVP and USFWS on when the survey was conducted and USFWS Bi-Op assumes VASP is present at the site, we request additional surveys be conducted during the correct time of year to determine the presence or absence of VASP. If VASP are located, the EIS must detail how MVP will avoid impacts to this endangered species.

In conclusion, we request FERC address the issues outlined above in an Environmental Impact Statement for MVP's Certificate Amendment CP21-57 to change the methods to cross the 181 waterbodies. The current information provided is insufficient in protecting surface and groundwater resources, sensitive geology, and endangered species. We are pleased to see that FERC has initiated a scoping period through the National Environmental Policy Act (NEPA). The EIS generated from the NEPA process must contain adequate characterization of water resources, monitoring of residential wells, and identification of best management practices necessary to protect water resources before FERC can grant the certificate amendment request.

Sincerely,

Angie Rosser
Executive Director
West Virginia Rivers Coalition

Vivian Stockman
Ohio Valley Environmental Coalition

Larry Thomas
West Virginia Highlands Conservancy

Eric Engle
Mid Ohio Valley Climate Action

Howdy Henritz
Indian Creek Watershed Association

John J. Walkup III
Greenbrier River Watershed Association

Allen Johnson
Christians for the Mountains

Beth Little
Eight Rivers Council