



WEST VIRGINIA RIVERS

May 28, 2021

United States Army Corps of Engineers, Huntington District

ATTN: CELRH-RD-E

Public Notice: LRH-2015-00592-GBR

LRP-2015-798, NAO-2015-0898

502 Eighth Street

Huntington, West Virginia 25701-2070

Submitted via E-mail: CELRP-MVP@usace.army.mil

Mr. Adam Fannin:

West Virginia Rivers Coalition, on behalf of our members, respectfully submit the following comments on the Mountain Valley Pipeline's (MVP) application for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Additionally, we endorse the comments submitted by Appalachian Mountain Advocates.

Alternatives Analysis: MVP has not demonstrated that the remaining construction activities as proposed are the Least Environmentally Damaging Practicable Alternative. Their route was poorly planned through steep terrain and sensitive environments, in one case crossing the same stream three times in the case of Riley Branch (Attachment A). Riley Branch in, Nicholas County, WV, is designated as trout waters and thus should be afforded additional protection under the state's water quality standards. MVP's current plans include crossing this sensitive waterbody 3 times with the Right of Way (ROW) with the dry-ditch open-cut method, which will be extremely damaging to this sensitive waterbody.

Additionally, the application is riddled with inconsistencies and discrepancies. For example, Table 15. Crossing Method Determination Summary lists crossing # D-041 for stream S-J29 at Dry Ditch Open Cut as the proposed crossing method. Stream S-J29 is the Gauley River and even states in the next column under the Crossing Method Decision Rationale that they have committed to the USFS to bore under the Gauley to prevent impacts to the Candy Darter habitat. If this blatant misrepresentation is included, the accuracy of the entire application must be questioned and carefully scrutinized.

Avoidance and Minimization: MVP has not demonstrated that they have avoided and minimized impacts. They have completed only 155 crossings and incurred approximately 350 water quality violations from WVDEP and VADEQ. Their negligent construction practices have already damaged water quality and habitat and they have only completed a fraction of the waterbody crossings with approximately 600 remaining.

Given their negligence in maintaining erosion control devices, it is of particular concern that MVP has not minimized impacts to trout streams. Of the approximately 50 streams designated as trout waters planned to be crossed, MVP has plans to bore under only 2 of them. The remaining trout streams face increased sedimentation that will be detrimental to the trout and their habitat. MVP has not gone to any lengths to minimize dredging and filling of sensitive trout streams.

Threatened and Endangered Species: The biological opinion on impacts to endangered species issued by the Fish and Wildlife Service on September 4, 2020 is insufficient in addressing the Corps Endangered Species Act Action Area. MVP's impact on the endangered Candy Darter was assessed before the critical habitat was finalized and thus was not adequately analyzed in the 2020 Biological Opinion. Because MVP has since changed the crossing method within critical habitat watersheds that were not evaluated in the 2020 Biological Opinion, MVP must re-initiate the consultation process to take into account how the changes to MVP's crossing methods would impact the endangered candy darters in the Upper Gauley River and Stony Creek Critical Habitat Units.

Public Interest Review and Cumulative Effects: The Army Corps issuance of this permit would be contrary to the public's interest.

1. **Economics:** MVP will negatively impact the economies of communities that rely on tourism dollars. Local communities don't stand to benefit from the construction aside from a few tax dollars and short-term transient worker spending.
2. **Aesthetics:** MVP has and will continue to severely degrade the aesthetics of scenic areas such as The Appalachian Trail on Peters Mountain, the Greenbrier River, the Gauley River and the Elk River to name a few.
3. **General Environmental Concerns:** MVP is devastating to the surrounding environment. It will impact habitat of endangered species, degrade water quality, and contribute to the devastating effects of climate change that disproportionately impact underserved and minority populations.
4. **Wetlands:** This project would disturb approximately 10 acres of wetlands which are vital for habitat, flooding reduction and improving water quality. The disturbance of these wetlands will permanently alter the soils and hydrology of the wetland and release additional methane into the atmosphere.
5. **Flood Hazards:** The buried pipeline within streambeds poses an increased risk during

flooding. Increased flows will cause scouring of the unconsolidated material in the stream bed where the construction occurred potentially exposing the pipe during extreme flooding.

6. **Water Supplies:** In addition to numerous private wells and springs along the route, MVP has the potential to impact drinking water supplies including the Burnsville Public Utility, Craigsville Public Service District, Summersville Water Works, Big Bend Public Service District, Red Sulphur Public Service District in WV and Spring Hollow Reservoir, Rocky Mount and Chatham Intakes in VA. Excess sediment in source water increases treatment costs, placing an additional burden on 8 water utilities and their customers.
7. **Recreation:** Recreation on popular, high use rivers will be severely disrupted during construction. Construction may occur for up to 4 months on heavily used rivers such as the Gauley, Greenbrier and Elk.
8. **Water Quality:** The MVP has already degraded water quality and they have only completed a small fraction of the waterbody crossings. WVDEP has cited them approximately 50 times for violating water quality and the VADEQ approximately 300 times.
9. **Energy Needs:** This pipeline isn't needed and will contribute significant amounts of methane to the atmosphere accelerating the impacts of climate change. The International Energy Agency states that there is no need to invest in fossil fuel infrastructure.

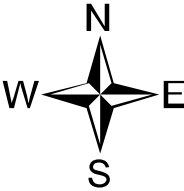
Thank you for your careful consideration of these comments. Because the public's stake in this project is so high, we request the Army Corps of Engineers host public hearings in the impacted communities along the entire route.

Signed,

A handwritten signature in black ink, appearing to read 'Angie Rosser', with a stylized flourish at the end.

Angie Rosser
West Virginia Rivers Coalition

Attachment A: Mountain Valley Pipeline Impacts on Riley Branch



— MVP Limit of Disturbance
● Stream Crossings

Feet
0 262.5 525 1,050