



## *Program Spotlight: Defending Streams from Pipeline Impacts*

In this edition of Headwaters, we're turning the spotlight to our pipeline oversight programming. Learn how WV Rivers is playing a pivotal role to defend streams from pipeline impacts through our technical analysis, public education, and volunteer programs.

### **10-YEARS OF ON THE GROUND STREAM DEFENSE**

10 years ago. 2012.

Fracking, shale gas, well pads, and horizontal drilling were top environmental concerns not only in West Virginia, but throughout the Marcellus Shale region of Appalachia.

In many ways the rush to hydro-frack natural gas put the bullseye on streams across the state. From running streams dry through water withdrawals to the handling of the wastewater, at every step there were risks to rivers, streams, and groundwater.

In 2012, WV Rivers was approached by Trout Unlimited to develop a volunteer water quality monitoring program in West Virginia designed to safeguard coldwater streams from shale gas development.



*Citizen scientists during a WVDEP/WV Rivers joint Save Our Streams Workshop. Documenting stream life populations is an important component of our monitoring program.*

The program was designed to equip a corps of well-trained volunteers to document stream conditions before, during, and after shale gas related development.

Over the years, the program has adapted to safeguard West Virginia's streams from development like pipelines and road construction. Volunteers collect water quality data and capture photos that WV Rivers shares with enforcement agencies to help them respond quickly to potential pollution events. We follow-up with regulators to ensure any problems are resolved.

Now, 10 years later, WV Rivers and Trout Unlimited continue to train citizen scientists to document stream pollution. You can learn more and get involved at [wvrivers.org/monitoring](https://wvrivers.org/monitoring).

### **Water Quality Monitoring Program By the Numbers**

**VOLUNTEERS  
MONITOR AT  
571 SITES**

**80,000 DATA  
POINTS  
COLLECTED**

**MORE THAN  
1,000 TRAINED  
VOLUNTEERS**

**189 REPORTS  
SUBMITTED TO  
REGULATORY  
AGENCIES**



1972-2022  
The Next 50 Years

## SAVE THE DATE

JUNE 26, 2022  
CLEAN WATER ACT  
BIRTHDAY PARTY

We're holding a birthday party for the Clean Water Act!

For 50 years, the Clean Water Act has dramatically reduced pollution and improved water quality across the country.

Join us for a FREE family friendly celebration of the Clean Water Act.

**When:** Sunday, June 26,  
12PM-5PM

**Where:** Summersville Lake  
Battle Run Campground;  
Picnic Pavilion #2

**Learn more:**  
[wvivers.org/CWA50](http://wvivers.org/CWA50)



## CASE STUDY: MOUNTAIN VALLEY PIPELINE OVERSIGHT



It seems like every few months the Mountain Valley Pipeline finds itself in the news. Initially proposed in 2014, the 303-mile long, 42-inch pipeline crosses steep terrain and impacts 600 waterbodies in West Virginia.

Since the initial filing with the Federal Energy Regulatory Commission (FERC), WV Rivers has dedicated resources to protecting West Virginia's waterbodies and aquatic life from the pipeline's devastating construction impacts.

### To the right, we've developed a timeline of key events over the last eight years.

In this article, we're zeroing in on a few of the project's biggest failings: stream crossing permits, water quality violations and inadequate protection of endangered species.

## STREAM CROSSING PERMITS

In order to cross streams, MVP must receive federal and state permits that ensure the project can meet state and federal water quality requirements. These permits – the Nationwide 12 and 404 certification issued by the Army Corps of Engineers and WVDEP's 401 certification – have been at the center of legal challenges.

MVP files its formal application with Federal Energy Regulatory Commission (FERC).

Permits are issued by FERC, WVDEP, Army Corps of Engineers (ACOE), US Fish & Wildlife Service (USFWS).

The 4th Circuit Court overturns MVP's right of way through federal land and a federal stream crossing certification.

WVDEP fines MVP more than \$250,000 for water violations. The 4th Circuit Court suspends the 2017 USFWS approval. FERC orders MVP to stop work.

The Army Corps and USFWS reissue overturned decisions.

WVDEP fines MVP more than \$300,000 for 29 clean water act violations.

4th Circuit Court vacates the USFWS endangered species biological opinion for the second time.

2015

2017

2018

2019

2020

2021

2022



Through our regulatory oversight program, we systematically review these permits to identify regulatory compliance. Our partners at Appalachian Mountain Advocates provide legal representation for these cases. This has been a successful strategy.

## WATER QUALITY VIOLATIONS

Even though Mountain Valley Pipeline's stream crossings remain in legal limbo, some overland sections of the pipeline have been completed. In West Virginia alone, MVP has received more than 50 water quality violations and received fines totaling over

\$500,000.



*Muddy water from MVP construction pollutes Indian Creek in Monroe County, WV.*

In 2021, MVP was hit again with 29 violations for their failure to protect water resources.

A number of these violations stemmed from pollution reports submitted by volunteers in our water quality monitoring program.

Looking to learn more? We've compiled a curated selection of MVP related information on our website at [wvrivers.org/MVP](http://wvrivers.org/MVP).

## ENDANGERED SPECIES

In late January 2022, a federal court agreed with WV Rivers and rejected the U.S. Fish and Wildlife Service (USFWS) conclusion that the Mountain Valley Pipeline wouldn't harm two aquatic endangered species, the candy darter, native to the Gauley, Greenbrier and New River watersheds, and the Roanoke logperch in Virginia.



*Candy Darter*

This is the second flawed USFWS biological opinion on the MVP has been overturned thanks to the intervention of WV Rivers and our allies.

Following the court's decision, the Army Corps of Engineers indicated they would not make a decision on MVP's stream crossing permit until a valid biological opinion is issued.

Once again, this ruling demonstrates what environmental advocates have been saying all along – the Mountain Valley Pipeline and its consequences have not been adequately considered by permitting agencies.

Want to rep your love for the candy darter? Pick up your candy darter tees and stickers at [wvrivers.org](http://wvrivers.org), just click the green Donate button.



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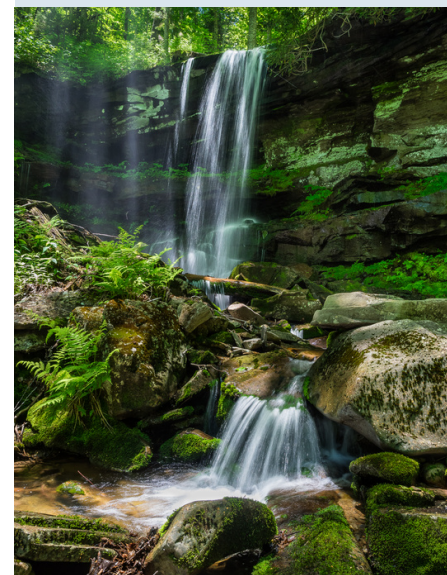
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**Happy Birthday to Maury Johnson!** Maury is a tireless activist fighting for streams in the path of the Mountain Valley Pipeline. This year, Maury celebrated his birthday by fundraising for WV Rivers and Indian Creek Watershed Association. Our Program Director Autumn Crowe joined Maury for a plunge in the Greenbrier.



*Top left: Autumn and Maury after their plunge into the Greenbrier River. Middle and top right: Maury celebrates his birthday with a chilly polar plunge. Bottom left: Maury had a birthday cake featuring the candy darter! Bottom right: Ridge Crowe, Autumn's son, thoroughly enjoyed Maury's cake.*