



# Commonwealth of Virginia

## General Assembly

RICHMOND

September 13, 2021

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

Re: Docket No. CP21-57-000 et. seq (Mountain Valley Pipeline)

Dear Secretary Bose:

The undersigned members of the Virginia General Assembly respectfully request that the Federal Energy Regulatory Commission deny MVP, LLC's request for a Certificate Amendment (docket no. CP21-57) to cross 125 or more Virginia water bodies by drilling underneath them. We believe this Amendment request necessitates a full Environmental Impact Statement. In the alternative, if FERC is inclined to grant the Certificate Amendment, the Commission should issue a conditional approval such that *all* activities contemplated under the amendment are prohibited until all other necessary permits are obtained, all ongoing litigation has been resolved, and any potential legal challenges to new permits reach final judgment.

We believe the environmental impacts of trenchless crossing methods, such as the proposed conventional direct bore, have not been adequately analyzed; therefore, the Environmental Assessment as published is inadequate. We are greatly concerned that blasting, and excavation, and the creation of bore pits would impact the stream beds, banks, and the groundwater in the region. Given that the Virginia Department of Environmental Quality has identified more than 350 violations of environmental laws, regulations, and permits since construction of the pipeline began in 2018, we have no confidence that MVP, LLC would perform boring procedures without jeopardizing Virginia's water resources.

As groundwater is often the sole source of drinking water in rural Virginia communities, our constituents are very concerned that a boring process may contaminate, drain, or deplete their household water. Concerns also include lack of protection for adjacent wetlands, irreparable damage to karst, and impacts to endangered species such as the Roanoke Logperch and the Candy Darter.

Should the Commission grant the Amendment, it should prohibit construction of any stream crossing – trenchless or open-cut – until MVP, LLC has obtained all other necessary permits,

until all ongoing litigation has been resolved, and until any potential legal challenges to new permits reach final judgment. Pipeline construction is currently barreling forward even though the company is lacking key permits and has repeatedly lost others in litigation. This risks permanent damage to our environment and the places we and our constituents call home, all while catering to the developer of a project that may never be completed if the company cannot secure state and federal approvals that comply with the law.

This is not a hypothetical fear. In May, the Environmental Protection Agency warned the U.S. Army Corps of Engineers that it has “a number of substantial concerns with the project as currently proposed” and recommended that no Section 404 permit be issued until MVP, LLC corrects identified deficiencies in its permit application. Given the company’s track record, the Commission should not allow trenchless or open-cut stream crossings until challenges to the company’s permits have reached their final posture.

As elected officials entrusted with the health and safety of our communities and the Commonwealth’s natural resources, we respectfully request that the Commission deny Mountain Valley Pipeline’s request for a Certificate Amendment. At the very least, we ask the Commission to produce an Environmental Impact Statement detailing the expected cumulative impacts of boring techniques to cross waters along this portion of the proposed route, and to provide a public comment period related to this new analysis. We reiterate that any activities contemplated under this Amendment should not occur until all necessary permits are obtained, all ongoing litigation has been resolved, and any potential legal challenges to new permits reach final judgment.

Thank you for your time and attention to this critical matter.

Sincerely,



Delegate Chris Hurst  
Virginia’s 12<sup>th</sup> House District



Delegate Rodney Willett  
Virginia’s 73<sup>rd</sup> House District



Delegate Patrick Hope  
Virginia’s 47<sup>th</sup> House District



Delegate Kaye Kory  
Virginia’s 38<sup>th</sup> House District



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*Betsy B. Carr*

Delegate Betsy Carr  
Virginia's 69<sup>th</sup> House District

*John S. Edwards*

Senator John Edwards  
Virginia's 21<sup>st</sup> Senate District

*Scott Surovell*

Senator Scott Surovell  
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Virginia's 10<sup>th</sup> Senate District