

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas Branch 3
Mountain Valley Pipeline, LLC
CP16-10-000

August 15, 2018

Matthew Eggerding, Senior Counsel
Mountain Valley Pipeline, LLC
625 Liberty Ave., Suite 1700
Pittsburgh, PA 15222

Re: Stop Work Order Modification

Dear Mr. Eggerding:

Staff, having further reviewed the status of construction activities along the route of the Mountain Valley Pipeline Project, has determined that the protection of the environment along the project right-of-way is best served by modifying the Stop Work Order issued on August 3, 2018, as described below.

In the Stop Work Order, Mountain Valley Pipeline, LLC (Mountain Valley) was "...notified that construction activity along all portions of the Project and in all work areas must cease immediately, with the exception of any measures deemed necessary by those land managing agencies or FERC staff to ensure the stabilization of the right-of-way and work areas." On August 10, 2018, the Director of the Office of Energy Projects issued a letter authorizing Mountain Valley to implement certain of the measures proposed in Mountain Valley's August 8, 2018 *Temporary Stabilization Plan*, recognizing that "the shutdown presents challenges for stabilization and restoration, and we agree that there are some clear advantages to allowing some limited construction activities to proceed to prevent potential safety and environmental impacts."

Upon additional review, staff has determined that approximately eighty percent of the right-of-way from Milepost 0 up to Milepost 77 has been cleared. Not only have trees been felled in this area, but much of the right-of-way has been disturbed and graded. At some points, pipeline has been brought to the right-of-way; some has been bent to fit the contours of the right-of-way and some has been welded together. In addition, some of the right-of-way has been trenched and some pipe is already put in the ground.

After careful consideration, and with the goal of protecting the environment to the maximum extent possible while the relevant agencies determine how best to comply with the orders of the U.S. Court of Appeals for the Fourth Circuit, staff concludes that allowing completion of construction, including full restoration along the right-of-way, in

this limited area is the best option. Maintaining the status quo would result in significant areas being subject to erosion and soil movement for an indeterminate period, possibly negatively affecting plant and wildlife habitat and adjacent water bodies. At the same time, requiring restoration of the right-of-way immediately to pre-construction conditions would require significant construction activity, including earth moving, with concomitant environmental impacts, and might result in the same areas having to be disturbed twice, if construction is later reauthorized. Long-term restoration along the right-of-way could be difficult with such repeated disturbance, potentially leading to other negative environmental impacts.

In its August 14 filing, Mountain Valley proposes the Stop Work Order be modified to allow construction to continue between Milepost 0 and the interconnection with Columbia Gas Transmission near Milepost 77, a section of the certificated project that can provide natural gas transportation once the BLM addresses the right-of-way grant across the Corps of Engineers' Weston and Gauley Bridge Turnpike Trail.¹ Consistent with the findings of the Commission's October 13, 2017 Order² that the Mountain Valley Pipeline Project is in the public interest and the discussion above, Mountain Valley may continue construction of the project from Milepost 0 up to, and including, the WB interconnect with Columbia Gas Transmission near Milepost 77, excluding the right-of-way between Mileposts 64 and 71. The scope of this exclusion, which encompasses the certificated crossing of the Weston and Gauley Bridge Turnpike Trail, is intended to accommodate the BLM's assessment of any necessary alternative co-location routes across this Federal property should that agency undertake such analysis. However, Mountain Valley must take whatever measures determined to be necessary and appropriate by Federal land managing agencies and/or FERC staff to ensure the stabilization of the right-of-way and work areas within the Federal lands and the exclusion area.

In addition, as construction of access areas and ground disturbance at compressor station sites was completed prior to issuance of the Stop Work Order, Mountain Valley may also proceed with mechanical installation of compressor station equipment at the Bradshaw, Harris, and Stallworth Compressor Stations. Mountain Valley's request for construction of additional interconnects outside of these areas remains under review. We emphasize that construction activity along all other portions of the project from Milepost 77 to Milepost 303 and in all other work areas remains subject to the August 3, 2018 stop work order.

¹ Staff recognizes that the BLM right-of-way grant across the Weston and Gauley Bridge Turnpike Trail was included in the vacatur issued by the Fourth Circuit. However, neither the installed location nor the alternatives analysis on which that location was based appear to have been a material issue in the proceedings before the Court.

² *Mountain Valley Pipeline, LLC*, 161 FERC ¶61,043 (2017), *order on reh'g*, 163 FERC ¶61,197 (2018).

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Finally, as we are allowing construction to continue in the above areas because we deem that to be the best way to mitigate further impacts on the environment, Mountain Valley must take all steps necessary to promptly complete post-construction restoration activity in the areas on which we are allowing construction, as soon as construction is complete.

Sincerely,

Terry L. Turpin
Director
Office of Energy Projects

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