

**UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION**

	)	
Mountain Valley Pipeline LLC	)	
	)	CP16-10-000
Mountain Valley Pipeline Project	)	
	)	

**PRESERVE CRAIG AND INDIAN CREEK WATERSHED ASSOCIATION’S  
OBJECTION TO EXPEDITED CONSTRUCTION APPROVALS**

Preserve Craig and Indian Creek Watershed Association write to object to the Office of Energy Projects (“OEP”) Staff’s recent actions to approve Mountain Valley Pipeline, LLC’s (Mountain Valley) Request for Variance, in the form of revisions to the General Blasting Plan (*see* eLibrary no. 20180327-5029 (Mar. 27, 2018)), and Request to Proceed No. 18 (*see* eLibrary no. 20180328-5005 (Mar. 28, 2018)) within hours of filing. As shown in the attached timelines, OEP Staff granted Mountain Valley’s Request for Variance less than four hours after it was filed, and approximately four hours before Mountain Valley served the Request on the parties. OEP Staff granted Request to Proceed No. 18 approximately two hours after it was filed, and approximately six hours before Mountain Valley served the Request on the parties. Action on this hasty schedule raises two primary concerns. The first goes to the adequacy of OEP Staff’s review. The second goes to the denial of parties’ opportunity to review and comment on the request prior to final decision.

The Commission delegated to the Director of OEP the authority to take action on activities and requests related to the construction and operation of the Mountain Valley Pipeline Project (MVP Project). *See* “Order Issuing Certificates and Granting Abandonment Authority,” 161 FERC ¶ 61,043 (Oct. 13, 2017) (Certificate Order), Appendix C, Environmental Condition 2. In order to exercise that authority in a manner that “ensure[s] the protection of all

environmental resources during construction and operation of the project” (*see id.*), Staff must undertake independent review of Mountain Valley’s requests to proceed or for variance. Same-day approval of requests does not appear adequate for that due diligence and, as described below, the letter orders on their face do not demonstrate that such due diligence occurred.

The Request for Variance proposed several revisions to Mountain Valley’s General Blasting Plan. This included an amendment to the General Provisions to permit use of detonators containing non-combined amounts of perchlorate and “emulsion type explosives, including those having ammonium nitrate as a constituent ... as these types of explosives are considered industry standard for area blasting related to large scale earthwork construction.” General Blasting Plan (as revised March 2018), p. 9. Mountain Valley did not explain the need for the apparent departure from its previously proposed procedures for targeted removal of bedrock if other less intrusive methods failed (*see, e.g.*, FEIS, eLibrary no. 20170623-4000 (June 23, 2017), p. 4-60 (Mountain Valley would use “low force charges designed to only affect the rock to be removed.”)). It does not explain why, if this new procedure is industry standard, it was not proposed prior to the Final Environmental Impact Statement (FEIS). OEP Staff’s letter order does not describe Staff’s review of the request or state any basis for the approval.

The Request to Proceed No. 18 requested authorization for “(i) all construction activities for the facilities listed in Attachment A and (ii) hand-felling of trees for the facilities listed in Attachment B.” In approving the request, OEP Staff stated that it had determined that the proposed activities for all 15 facilities identified were consistent with Mountain Valley’s Implementation Plan and Environmental Condition 9 and applicable Conditions 12 through 33 of the Certificate Order. *See* Notice to Proceed No. 18, eLibrary no. 20180328-3015 (Mar. 28,

2018), pp. 1-2. The letter order does not provide any specific description of Staff's consistency review.

OEP Staff's approval of Mountain Valley's requests to proceed and modify the project within hours of filing and prior to Mountain Valley's service of the requests, also deprives the parties of an opportunity to review and comment on the requests. We note that under the Commission's rules of procedure, the public is given five days to review and comment on motions requesting expedited action. 18 C.F.R. § 385.213(d)(1)(i). Plainly two hours falls well short of that, even considering that the requests relate to implementation of an existing Commission order.

Throughout this proceeding Preserve Craig and Indian Creek Watershed Association have advocated for protection of environmental resources that will be affected by the MVP Project. They requested rehearing of the Certificate Order based in part on arguments that the MVP Project would cause unnecessary and irreversible environmental harm. They have a plain interest in ensuring that Mountain Valley and OEP Staff act to ensure the protection of all environmental resources during any construction activities that occur while their rehearing request is pending and should be afforded an opportunity to review and comment on Mountain Valley's requests before OEP Staff takes final action. Denying them such opportunity compounds the due process concerns associated with OEP Staff authorizing construction to proceed despite the Commission's inaction on rehearing requests seeking vacatur and/or modification of the Certificate Order that have been pending for over four months.

### **CONCLUSION**

Preserve Craig and Indian Creek Watershed Association request that OEP Staff allow a reasonable amount of time between Mountain Valley's requests related to construction and OEP

Staff's final action on such requests to allow for independent consistency review by OEP Staff and an opportunity for review and comment by parties.

Respectfully submitted,



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Richard Roos-Collins  
Julie Gantenbein  
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Attorneys for PRESERVE CRAIG

*/s/ Judy Azulay*

---

Judy Azulay, Treasurer  
INDIAN CREEK WATERSHED ASSOCIATION  
[info@IndianCreekWatershedAssociation.org](mailto:info@IndianCreekWatershedAssociation.org)

**DECLARATION OF SERVICE**

**Mountain Valley Pipeline, LLC's Mountain Valley Pipeline Project (CP16-10-000)**

I, Emma Roos-Collins, declare that I today served the attached "Preserve Craig and Indian Creek Watershed Association's Objection to Expedited Construction Approvals" by electronic mail, or by first-class mail if no e-mail address is provided, to each person on the official service list compiled by the Secretary in this proceeding.

Dated: March 29, 2018

By:



\_\_\_\_\_  
Emma Roos-Collins  
WATER AND POWER LAW GROUP PC  
2140 Shattuck Ave., Suite 801  
Berkeley, CA 94704  
(510) 296-5591  
[office@waterpowerlaw.com](mailto:office@waterpowerlaw.com)

**Attachment 1**

## **TIMELINE for Request for Variance on March 27, 2018**

### **1. MVP Request for Variance:**

Stamped by FERC: 20180327-5029 (Unofficial) 3/27/2018 9:03:47 AM EDT

Request: 9:03 a.m. EDT received; 9:35 a.m. EDT posted on docket

### **2. Letter order granting Mountain Valley Pipeline LLC's Request to Revise its General Blasting Plan**

FERC Order: 12:44 p.m. EDT received; 12:59 p.m. EDT posted on docket

### **3. MVP Service of Request for Variance**

Email from Kelly Bradley, MVP to official service list: 5:21 p.m. EDT



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### Document Information

<b>Accession Number:</b> 20180327-5029	<b>Available:</b> Public
<b>Document Date:</b> 3/27/2018	<b>Filed Date:</b> 3/27/2018
<b>Posted Date:</b> 3/27/2018 9:35:53 AM	<b>First Received Date:</b> 3/27/2018 9:03:47 AM
<b>Official:</b> Yes	<b>E-filing:</b> Yes
	<b>Non-decisional:</b> No

**Description:**

Variance Request No. MVP-1 of Mountain Valley Pipeline, LLC under CP16-10.

Submittal

Category: GAS

Library:

**Document Type:**

<b>Class:</b>	<b>Type:</b>
Applicant Correspondence	Supplemental/Additional Information

**Docket Numbers:** [Click here to eSubscribe to a Docket](#)

Docket	SubDocket	Type
CP16-10	000	On Document

**Correspondent:**

Type	Last Name	FI	MI	Affiliation
AUTHOR	Eggerding	M	T	Mountain Valley Pipeline, LLC
AGENT	Eggerding	M	T	EQT Corporation
RECIPIENT	Bose	K	D	Office of the Secretary, FERC

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## Document Information

<b>Accession Number:</b> 20180327-3027	<b>Available:</b> Public
<b>Document Date:</b> 3/27/2018	<b>Filed Date:</b> 3/27/2018
<b>Posted Date:</b> 3/27/2018 12:59:16 PM	<b>First Received Date:</b> 3/27/2018 12:44:05 PM
<b>Official:</b> Yes	<b>E-filing:</b> No
	<b>Non-decisional:</b> No

**Description:**

Letter order granting Mountain Valley Pipeline LLC's request to revise its General Blasting Plan under CP16-10.

Issuance

Category: GAS

Library:

**Document Type:**

<b>Class:</b>	<b>Type:</b>
Order/Opinion	Delegated Order

**Docket Numbers:** [Click here to eSubscribe to a Docket](#)

Docket	SubDocket	Type
CP16-10	000	On Document

**Correspondent:**

Type	Last Name	FI	MI	Affiliation
AUTHOR	FRIEDMAN	P	*	ENERGY PROJECTS, OFFICE OF
RECIPIENT	EGGERDING	M	*	Mountain Valley Pipeline LLC

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**From:** eService@ferc.gov  
**Subject:** Document Service in CP16-10-000  
**Date:** March 27, 2018 at 1:01 PM  
**To:** judyazulay@gmail.com  
**Bcc:**

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This notification is served on you in accordance with the requirements set forth in Section 385.2010 of the Commission's rules.

On 3/27/2018, the Federal Energy Regulatory Commission (FERC), Washington D.C., published the following issuance:

Docket(s): CP16-10-000

Description: Letter order granting Mountain Valley Pipeline LLC's request to revise its General Blasting Plan under CP16-10.

You can view the issuance at: [http://elibrary.FERC.gov/idmws/file\\_list.asp?accession\\_num=20180327-3027](http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20180327-3027)

You may also eSubscribe to the docket number(s) in the issuance by clicking on the following link to login to FERC Online.  
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**From:** Bradley, Kelly M. KBradley@eqt.com   
**Subject:** e-Service - MVP Filings (FERC Docket No. CP16-10-000)  
**Date:** March 27, 2018 at 5:21 PM  
**To:** Eggerding, Matthew MEggerding@eqt.com



Good Evening:

Mountain Valley Pipeline, LLC filed the following today in FERC Docket No. CP16-10-000:

- (1) Variance Request No. MVP-1 (Filing attached) and
- (2) Variance Request Nos. F-1 and G-2 (Transmittal attached).

Copies of the filed documents are attached as indicated and the public filings will be available on FERC's e-Library and Mountain Valley Pipeline's website. Thank you.

Regards,  
Kelly

Kelly M. Bradley  
Senior Paralegal  
EQT Corporation  
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-----Original Message-----

**From:** eFiling@ferc.gov [mailto:eFiling@ferc.gov]  
**Sent:** Tuesday, March 27, 2018 5:17 PM  
**To:** Bradley, Kelly M. <KBradley@eqt.com>; eFilingacceptance@ferc.gov  
**Subject:** [EXTERNAL] FERC Receipt of Filing in CP16-10-000

Confirmation of Receipt  
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This is to confirm receipt by the FERC Office of the Secretary of the following electronic submission:

-Submission ID: 861766  
-Docket(s) No.: CP16-10-000  
-Filed By: Mountain Valley Pipeline, LLC -Signed By: Matthew Eggerding -Filing Desc: Variance Request Nos. F-1 and G-2 of Mountain Valley Pipeline, LLC under CP16-10-000.  
-Submission Date/Time: 3/27/2018 5:15:01 PM -Projected Filed Date/Time: 3/28/2018 8:30:00 AM (Subject to Change based on OPM/FERC Closure)

Additional detail about your filing is available via the following link:

<https://ferconline.ferc.gov/SubmissionStatus.aspx?hashcode=KOz4z0utgTGOW0AICKngg>

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E-Mail: [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov) (do not send filings to this address) Voice Mail: 866-208-3676.

To learn about EQT's sustainability efforts visit: <https://csr.eqt.com>



MVP Variance Request  
No. MVP-1 3-27-18.pdf



Public\_Transmittal  
032718.pdf

**TIMELINE for Request for Notice to Proceed No. 18 on March 28, 2018**

**1. MVP Request for Notice to Proceed No. 18:**

Stamped by FERC: 20180328-5005 (Unofficial) 3/28/2018 8:05:56 AM EDT

Request: 8:05 a.m. EDT received; 8:18 a.m. EDT posted on docket

**2. Letter order granting Mountain Valley Pipeline LLC's 3/28/18 request to commence construction of the discontinuous portions of the pipeline under CP16-10 (Accession No. 20180328-3015):**

FERC Order: 9:55 a.m. EDT received; 10:13 a.m. EDT posted on docket

**3. MVP Service of Request for Notice to Proceed No. 18:**

Email from Kelly Bradley, MVP to official service list: 4:32 p.m. EDT



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## Document Information

Accession Number:	20180325-5005	Available:	Public
Document Date:	3/28/2018	Filed Date:	3/28/2018
Posted Date:	3/28/2018 8:18:45 AM	First Received Date:	3/28/2018 8:05:56 AM
Official:	Yes	E-filing:	Yes
		Non-decisional:	No

**Description:**

Request for Notice to Proceed No. 18 of Mountain Valley Pipeline, LLC under CP16-10.

Submittal

Category:

GAS

Library:

<b>Class:</b>	<b>Type:</b>	<b>Document Type:</b>
Applicant Correspondence	Supplemental/Additional Information	

Docket Numbers: [Click here to eSubscribe to a Docket](#)

Docket	SubDocket	Type
CP16-10	000	On Document

Correspondent:

Type	Last Name	FI	MI	Affiliation
AUTHOR	Eggerding	M	T	Mountain Valley Pipeline, LLC
AGENT	Eggerding	M	T	EQT Corporation
RECIPIENT	Bose	K	D	Office of the Secretary, FERC

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### Document Information

Accession Number: 20180328-3015  
 Document Date: 3/28/2018  
 Posted Date: 3/28/2018 10:13:43 AM  
 Official: Yes

Available: Public  
 Filed Date: 3/28/2018  
 First Received Date: 3/28/2018 9:55:39 AM  
 E-filing: No  
 Non-decisional: No

**Description:**

Letter order granting Mountain Valley Pipeline LLC's 3/28/2018 request to commence construction of the discontinuous portions of the pipeline under CP16-10.

Issuance

Category:

GAS

Library:

Class:	Type:
Order/Opinion	Delegated Order

Document Type:

Docket Numbers: [Click here to eSubscribe to a Docket](#)

Docket	SubDocket	Type
CP16-10	000	On Document

Correspondent:

Type	Last Name	FI	MI	Affiliation
AUTHOR	FRIEDMAN	P	*	ENERGY PROJECTS, OFFICE OF
RECIPIENT	EGGERDING	M	*	Mountain Valley Pipeline LLC

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**From:** "FERC eSubscription"  
**Subject:** Delegated Order issued in FERC CP16-10-000  
**Date:** Wednesday, March 28, 2018 7:26:18 AM

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On 3/28/2018, the Federal Energy Regulatory Commission (FERC), Washington D.C., issued this document:

Docket(s): CP16-10-000  
Lead Applicant: Mountain Valley Pipeline LLC  
Filing Type: Delegated Order  
Description: Letter order granting Mountain Valley Pipeline LLC's 3/28/2018 request to commence construction of the discontinuous portions of the pipeline under CP16-10.

To view the document for this Issuance, click here  
[http://elibrary.FERC.gov/idmws/file\\_list.asp?accession\\_num=20180328-3015](http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20180328-3015)

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## Julie Gantenbein

---

**From:** Bradley, Kelly M. <KBradley@eqt.com>  
**Sent:** Wednesday, March 28, 2018 1:32 PM  
**To:** Eggerding, Matthew  
**Subject:** e-Service - MVP Filings (FERC Docket No. CP16-10-000)  
**Attachments:** MVP Request for NTP 18 032818.pdf; MVP Request for NTP 19.pdf; Transmittal 03-28-18.pdf

Good Evening:

Mountain Valley Pipeline, LLC filed the following today in FERC Docket No. CP16-10-000:

- (1) MVP Request for Notice to Proceed No. 18 (Filing attached);
- (2) MVP Request for Notice to Proceed No. 19 (Filing attached); and
- (2) Supplemental Materials (Transmittal attached).

Copies of the filed documents are attached as indicated and will be available on FERC's e-Library and Mountain Valley Pipeline's website. Thank you.

Regards,  
Kelly

Kelly M. Bradley  
Senior Paralegal  
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-----Original Message-----

From: eFiling@ferc.gov [mailto:eFiling@ferc.gov]  
Sent: Wednesday, March 28, 2018 4:21 PM  
To: Bradley, Kelly M. <KBradley@eqt.com>; eFilingacceptance@ferc.gov  
Subject: [EXTERNAL] FERC Receipt of Filing in CP16-10-000

Confirmation of Receipt  
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This is to confirm receipt by the FERC Office of the Secretary of the following electronic submission:

-Submission ID: 862045  
-Docket(s) No.: CP16-10-000  
-Filed By: Mountain Valley Pipeline, LLC -Signed By: Matthew Eggerding -Filing Desc: Supplemental Materials of Mountain Valley Pipeline, LLC under CP16-10-000.  
-Submission Date/Time: 3/28/2018 4:15:18 PM -Projected Filed Date/Time: 3/28/2018 4:15:18 PM (Subject to Change based on OPM/FERC Closure)



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