

May 3, 2018

David Paylor, Director
Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218

david.paylor@deq.virginia.gov
NWP12InfoOnMVP@deq.virginia.gov
citizenboards@deq.virginia.gov

RE: 401 Certification Supplemental Comment Period, April 30, 2018 through May 30, 2018

Dear Mr. Paylor:

Protect Our Water Heritage and Rights (POWHR) appreciates that the State Water Control Board undertook to reconsider whether the conditions in the US Army Corps of Engineers Nationwide 12 permit will protect the Virginia Water Quality Standards across the route of the Mountain Valley Pipeline. To effectuate a response to the concerns, the DEQ initiated a comment period from April 30, 2018 to May 30, 2018.

We strongly urge that the comment period be reinitiated with directives that correct the failings identified with the current notice.

In the case of the MVP, any comment period is meaningless without the concurrent suspension of the 401 Certification. Tree cutting has already caused visible turbidity in our clean mountain streams and ground disturbing activity is imminent. Without the suspension of activity, the comment period is meaningless.

First, the notice requires that one comments only using the water body location identifiers in the tables linked in the notice. **The tables -- which must be enlarged to be legible -- provide a water body number, not a name, and the latitude and longitude of each purported stream and wetland crossing. It is absurd to require a landowner to identify the creek in their back yard from this list.**

Longtime landowners may be the most knowledgeable source of information on local waters. It should be sufficient that landowners write about the special qualities of the water bodies on their lands, tell you where they are, and provide photographic documentation without challenge on technical grounds.

Further this list cannot be reconciled with water body ID information in Appendix F1 of the FERC FIES. The numbering systems do not correspond, which makes stream identification by name even more confusing.

A member of one of the signatory organizations, who has highly specialized professional skills, painstakingly converted the data from the tables into a format suitable for mapping and analysis. The process took approximately 20 hours of work on his part. However, the resulting mapping is not definitive because the latitude/longitude locations do not include the needed metadata information that specifies the geodetic vertical and horizontal datums needed for accurate mapping. Without this information, the stream crossing locations can be erroneously mapped; this is technically sloppy work.

Nevertheless, the results of the mapping showed that the tables include water bodies crossed by the pipeline, and by access roads and other construction activities. **The mapping also shows that the table omits at least 117 stream crossings by the pipeline which represents 33% of the stream crossings in Virginia based on detailed terrain analysis.** We already know that MVP has not fully identified wetlands, therefore the wetlands table is similarly incomplete.

Citizens told the DEQ time and time again that the information that MVP provides is not accurate or complete. Numerous landowners wrote during the draft 401 comment period that the waterbodies on their properties have not been accounted for by MVP. The agency response to those comments was a non-response.

The DEQ directive for this current comment period only references the water bodies listed in the noticed tables. This effectively means that the DEQ will not accept comments on at least 33% of the streams that are crossed by the pipeline. Not only that, MVP currently is realigning on the ground a daily basis as the staking is executed.

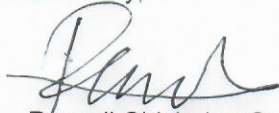
The table also omits ephemeral and intermittent stream crossings and fails to properly identify each and all classified trout streams.

We are, to say the least, disappointed. It appears that DEQ directives for the comment period thwart the State Water Control Board's intent by restricting comments to information contained in indecipherable tables of data that when mapped show that the information upon which the public is limited to commenting is at least 33% incomplete and likely more when accounting for wetlands.

With time of the essence, we urgently request that the DEQ promptly suspend the 401 Certification for the MVP and reinitiate the comment period with directives that meet the State Water Control Board's intent, and fully include all the water bodies that will be crossed by the pipeline and access roads and impacted by other activities associated with the pipeline construction and operation.

We further insist on the immediate delivery of this letter to the members of the State Water Control Board, and that the DEQ does not delay until after the close of the comment period, to effectuate a meaningful comment period.

Sincerely,



Russell Chisholm, Co-Chair
POWHR Coalition

Copies: Ralph Northam, Governor
Matt Strickler, Secretary of Natural Resources
Sam Rasoul, Virginia House of Delegates
Chris Hurst, Virginia House of Delegates
John Edwards, Virginia Senate