



Indian Creek Watershed Association

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May 5, 2016

Randy Huffman, Cabinet Secretary, WVDEP
Scott Mandirola, Director, Division of Water and Waste Management
West Virginia Department of Environmental Protection
601 57th St SE
Charleston, WV 25304
Via email: randy.c.huffman@wv.gov, scott.g.mandirola@wv.gov
Hard copy to follow

**RE: Request for Site Visit regarding WQC-16-0005, MOUNTAIN VALLEY PIPELINE, LLC,
Application for Individual Water Quality 401 Certification**

Dear Secretary Huffman and Director Mandirola,

We are writing today to request a field visit by WVDEP—ideally by a permit writer for the MVP application for 401 Certification—before a decision is made concerning this 401 application. (Please see our closing note as well, about our continued concerns regarding the permit period and public hearings.) If appropriate, we also request a field visit by the permit writer for the MVP application for a stormwater permit in anticipation of that application being re-submitted by MVP.

We have serious concerns about the accuracy of the information provided by MVP in its water-related Resource Reports. In particular, we are concerned that MVP's largely "desktop" surveys and reviews have resulted in serious misrepresentations of existing waterbodies and underestimations of the potential negative impacts of pipeline construction and operation. Some of these concerns have been previously submitted by Indian Creek Watershed Association to WVDEP.

If the pipeline were only going to exist in a "desktop" corridor—then a desktop certification of a desktop-generated application might make sense. But this pipeline is going to be constructed in the physical world, not the virtual. It will be carved out of real earth and rocks; it will disrupt real waterbodies and wetlands; it will need to stand up to the forces of real scour and real 100-year flood events.

Desktop approval, even the most rigorous, is not adequate. There should be at least some on-the-ground inspection and some interaction with local landowners who have firsthand knowledge of where springs and sinkholes exist that don't show up on national maps, and who have seen what happens during heavy storms and other naturally occurring stress events.

We would like to invite all assigned staff members including the permit writers and their supervisors to visit the Monroe/Summers County area for a site visit. There are critical locations in Monroe County that ICWA would like to show to DEP staff, locations which include waterbody, wetland, and karst crossings with significant representative issues. Several of these were referenced in Indian Creek Watershed Association's January 21, 2016 letter to Director Mandirola and Mike Hatten of the Huntington District, US Army Corps of Engineers, including the Red Sulphur Public Service District.

Nearby in Summers County, crossings of the Greenbrier River at Pence Springs and Hungards Creek on Keeney Mountain also require close review, and we would be happy to help coordinate site visits there as well.

In closing, we want to reiterate our recent request for the WVDEP to reject the 401 certification at this time, without prejudice; to refrain from rescheduling a comment period until a more established MVP route has been defined; and to hold public hearings in all affected counties. WVDEP consideration of 401 Certification (and the Stormwater Permit) should not begin until after the FERC has established a Certificate of Need, or at least until the FERC issues its Draft Environmental Impact Statement. At that time, there should be opportunities for public hearings along the entire WV route. Our letter of April 21, 2016 was co-signed by seven watershed and community-based organizations in Monroe, Summers, and Greenbrier Counties. We continue to call for these actions to help safeguard the waters of West Virginia.

Thank you for your consideration of these requests. We hope to be able to meet with DEP staff in the near future.

Sincerely,

Indian Creek Watershed Association Board of Directors

Judy Azulay, President; Scott Womack, Vice President;
Howdy Henritz, Treasurer; Nancy Bouldin, Secretary

cc: Nancy Dickson, Division of Water and Waste Management
Wendy Radcliff, Office of Environmental Advocate