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August 1, 2016

U.S. Army Corp of Engineers
Attn: CECW-CO-R
441 G Street, NW.,
Washington, DC 20314-1000

Submitted via the Federal eRulemaking Portal

RE: **Comments on the U.S. Army Corps of Engineers' Proposal to Reissue and Modify Nationwide Permit 12, Docket No. COE-2015-0017**

On behalf of the Blue Ridge Environmental Defense League (BREDL) and its members and chapters, I write to comment on the U.S. Army Corps of Engineers' Notice of Proposed Rulemaking to Reissue and Modify Nationwide permits, published at Federal Register 35185 (June 1, 2016). BREDL's comments are directed at the U.S. Army Corps of Engineers' Proposal to Reissue and Modify Nationwide Permit 12 for Utility Line Activities ("NWP 12"), and specifically the use of the permit to regulate the construction of gas pipelines.

The Blue Ridge Environmental Defense League (BREDL) has worked for over 30 years in both rural and urban communities, knowing that *all* people matter and deserve to live in healthy, safe and clean environments. The intensity at which we are seeing the proposed build out of multiple fracked gas pipelines throughout the Blue Ridge Mountains and mid-Atlantic region threatens the communities and people within. Our focus

In our continued effort to support healthy communities and clean environments, we formally support the exclusion of gas pipeline projects from the mid-Atlantic mountain region from coverage under NWP 12. The Blue Ridge Environmental Defense League (BREDL) formally adopts and incorporates the comments submitted by the Dominion Pipeline Monitoring Coalition by letter dated August 1, 2016.

Additional Comments
As a BREDL Community Organizer and affected landowner in the path of the proposed MVP, there are specific comments I would like to share. To issue a NWP 12 for a project of this scale in the mountainous region of Virginia would haphazard and immitigable. The comments that follow support the issues raised by the Dominion Pipeline Monitoring Coalition's comments by giving specific examples of extraordinary conditions that **cannot** be mitigated.

Background
In October of 2015, Mountain Valley Pipeline, LLC submitted an application to the Federal Energy Regulatory Commission (FERC) for constructing a 42" gas pipeline. Originating in Mobley, WV and terminating in Pittsylvania County, VA at Transco Station 165, the project is proposed to cross an estimated 301 miles of terrain filled with biodiversity, abundant waterways and steep slopes.

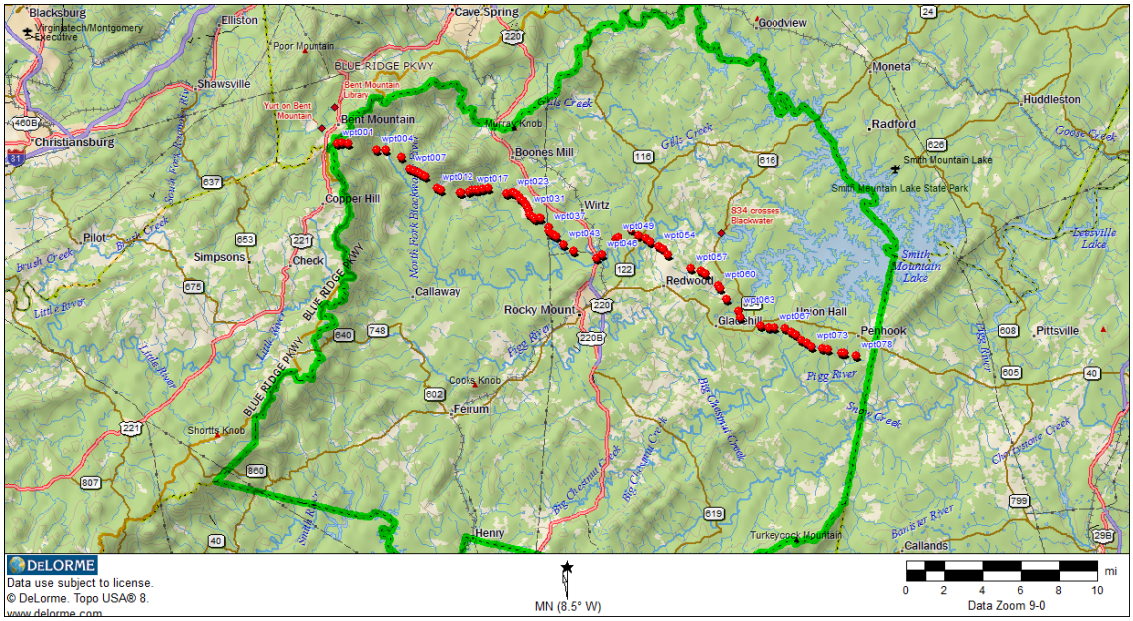
Franklin County

Comments on behalf of BREDL Chapter Preserve Franklin

Smith Mountain Lake and Franklin County Water Quality Concerns

According to MVP's Resource Report 2, 128 different waterbodies are listed to be crossed by the proposed pipeline. This includes:

- 3 tributaries just east of the Blue Ridge Parkway forming the headwaters of the South Fork of the Blackwater River
- 7 tributaries forming the headwaters of the North Fork of the Blackwater River
- 8 tributaries whose water flows into Little Creek, then into Mill Creek, then into the Blackwater River
- over 20 tributaries of Mill Creek in an area where the pipeline follows Mill Creek for about 4 and a quarter miles
- The Blackwater River and its tributaries, crossed at least 12 times east of U.S. 220, it's last crossing west of U.S. 220 being ¾ of a mile upstream from the Town of Rocky Mount's water supply.
- And as referenced below, 22 tributaries emptying into Smith Mountain Lake
- Plus, an unknown quantity of unmapped and unnamed tributaries and springs.



● = Mountain Valley Pipeline stream crossing in Franklin County, VA. This map shows 78 such crossings. Source: Roanoke County, VA's online map of the Mountain Valley pipeline at http://gisweb.roanokecountyva.gov/pipeline/ USGS National Map

As noted above, concerns surrounding the number of water crossings by the proposed Mountain Valley Pipeline pose a threat to Smith Mountain Lake as well as the various creeks, rivers and watershed areas. In

November of 2015, the Smith Mountain Lake Association filed concerns to FERC. Specific comments have been sited below for consideration concerning the invalidity of NWP 12:

Background Information

The Smith Mountain Lakes Project (SMLP) is a two-reservoir pumped storage hydroelectric generation project facility near Roanoke, Virginia, completed in the mid-1960s. SMLP is operated by Appalachian Power Company (APCO) which is owned by American Electric Power (AEP). SMLP has 600 miles of shoreline and 25,000 surface acres of water. The project is also used for recreation and a source of potable water for two of the surrounding four counties comprising Bedford, Campbell, Franklin, and Pittsylvania. It is a major tourism attraction for the region and an important source of tax revenue for the surrounding counties.

The SMLP has a larger upper reservoir -- Smith Mountain Lake (SML) -- and a smaller lower reservoir-- Leesville Lake (LVL). Water stored in SML first passes through turbine-generators in the powerhouse to produce electricity and is discharged into LVL. Much of the water is retained in (LVL) and pumped back into the SML for re-use. A portion of the water goes through the turbine-generators at the Leesville powerhouse to generate additional electricity and to meet the minimum discharge requirements of the project's operating license. Three significant rivers flow into the project. The Roanoke and Blackwater Rivers flow into the SML project above the SML Dam and the Pigg River flows into LVL above the LVL Dam. Via the pumpback feature of the project, some of the water from the Pigg River and LVL also co-mingles with the SML waters.

The MVP as planned will pass the SMLP to the south, mainly in Franklin County, and then into Pittsylvania County where it crosses under the Pigg River and continues to terminate at the existing Transcontinental Gas Pipeline Company LLC's existing Zone 5 Compressor Station 165 in Pittsylvania County, Virginia. The pipeline as planned will pass four miles north of the town of Rocky Mount, Virginia, the Franklin County seat.

It should be noted that water released from the LVL dam flows into the downstream Virginia Department Game and Inland Fisheries Hatchery and past the Dominion Power Plant then into Lake Gaston and eventually the Albemarle-Pamlico Sounds in North Carolina.

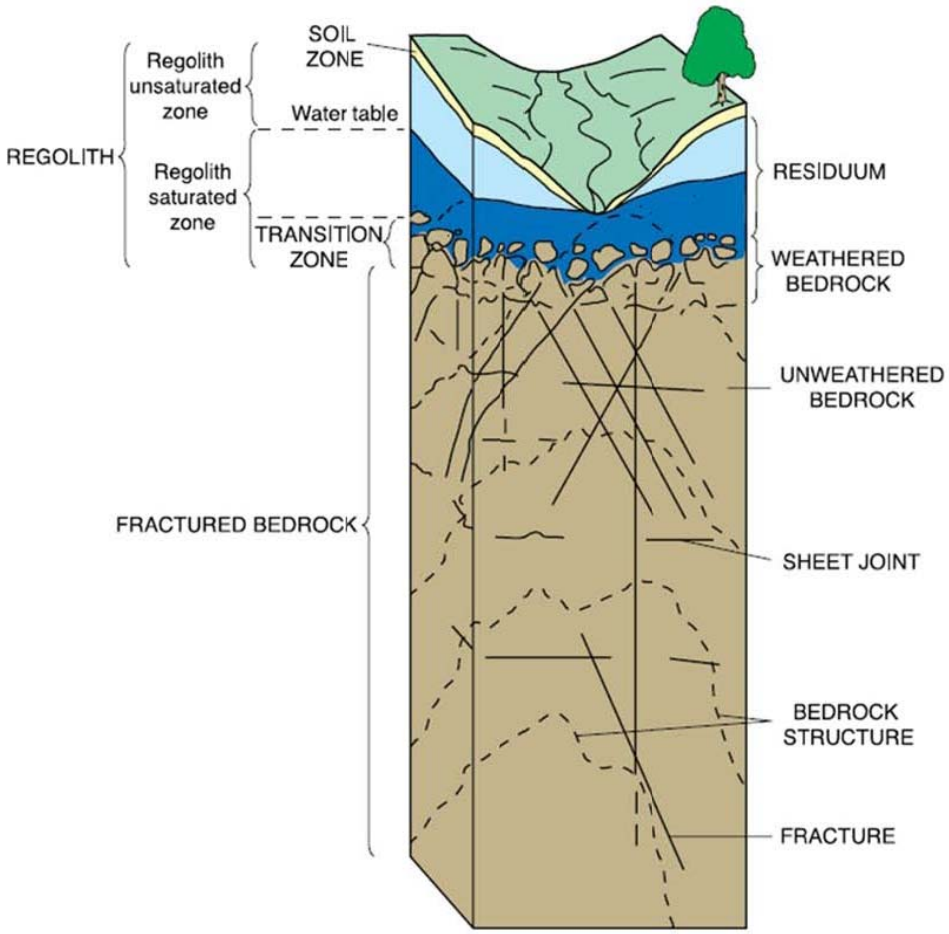
Continued comments:

The SMLP is fed by the Roanoke, Blackwater and Pigg Rivers, representing drainage from Montgomery, Salem, Roanoke, Franklin and Pittsylvania counties, together with some drainage from Bedford County. The drainage area for the SML/Leesville project below the

Niagara dam on the Roanoke River below Roanoke is primarily from Franklin and Pittsylvania counties, about 965 sq. mi or roughly 65% of the total drainage area (Reference 1). As shown in Figure 1 (below), reproduced from Reference 2, groundwater in this region can be roughly divided into two components: (1) the deep groundwater in the fractured bedrock and (2) the nearsurface (or surficial) groundwater lying above the bedrock in the regolith saturated zone.

Reference 2 states "Because of the relative high porosity of the regolith, most recharge is stored in this unit and is released slowly to the underlying bedrock fractures. Because fractures and dissolution openings in the bedrock are conduits for ground-water flow, well yields are greatest where wells intersect fractures or dissolution opening that are large, numerous, or both."

Figure 1: Groundwater Components of the Regolith and Bedrock



> This near-surface groundwater constitutes a major portion of the water flow into the SMLP, primarily through its flow into streams and rivers and through the lake shores. This near-surface groundwater flow also shows a distinct seasonal variability and a strong dependence on winter groundwater recharge. Reference 3 indicates this groundwater flow (also referred to as base flow) constitutes about 60-70% of the total annual flow into the project. The results of our analyses in References 4 and 5 are consistent with these findings.

The filing continues stating water table concerns:

> In the SML/Leesville drainage areas in Franklin and Pittsylvania counties, the median depth of the bedrock is about 58 ft. below the land surface, with the water table median depth about 12 to 17 ft. above the bedrock (Reference 6). However, Reference 6 also states that minimum depths to the bedrock can be within a meter or so from the land surface. We believe it is reasonable to assume these regions of shallow bedrock have shallow water tables in the saturated regolith that are also nearer the surface.
>
> Under these conditions and this assumption, anytime the MVP pipeline cuts into the bedrock it will cut into the water table and potentially disrupt the flow of near-surface groundwater. From Appendix 6B of the MVP FERC filing, locations in Franklin County where the bedrock can potentially lie within the depth of the pipeline trench occur 43 times, for a total distance of 15.9 miles, about 44% of the total pipeline 36 mile path through Franklin County.

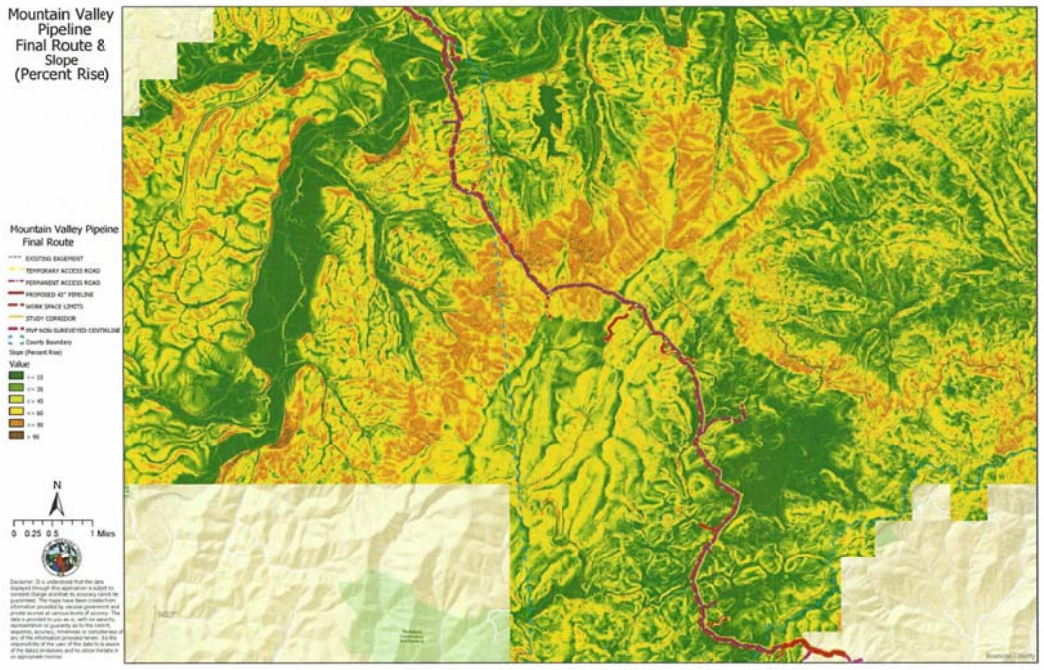
Roanoke County

Comments on behalf of BREDL Chapter Preserve Roanoke/Bent Mountain

Bent and Poor Mountain Water Quality Concerns

There are multiple highly atypical aspects of the proposed Mountain Valley Pipeline (MVP) project, including the following impacts on the Bent Mountain community and Roanoke County:

- the unprecedented 42" diameter of the proposed pipeline;
- the area that would be clear cut;
- the certainty of erosion and potential for slope failure in an unprecedented crossing of extremely steep slopes (>60-70°); blasting will occur through metamorphic and intrusive igneous bedrock (capped by a sedimentary layer on Poor Mountain) with excavation through a thin layer of highly erodible soil on both Poor and Bent Mountains (steep slopes image below)



Much smaller pipelines, 8-12 inches in diameter, for example, one crossing Peters Mountain for the Celanese Plant Giles County completed in April 2015, have resulted in uncontrolled erosion, sedimentation and pollution. (Photo courtesy of VA Pipeline Monitoring Coalition – see below).

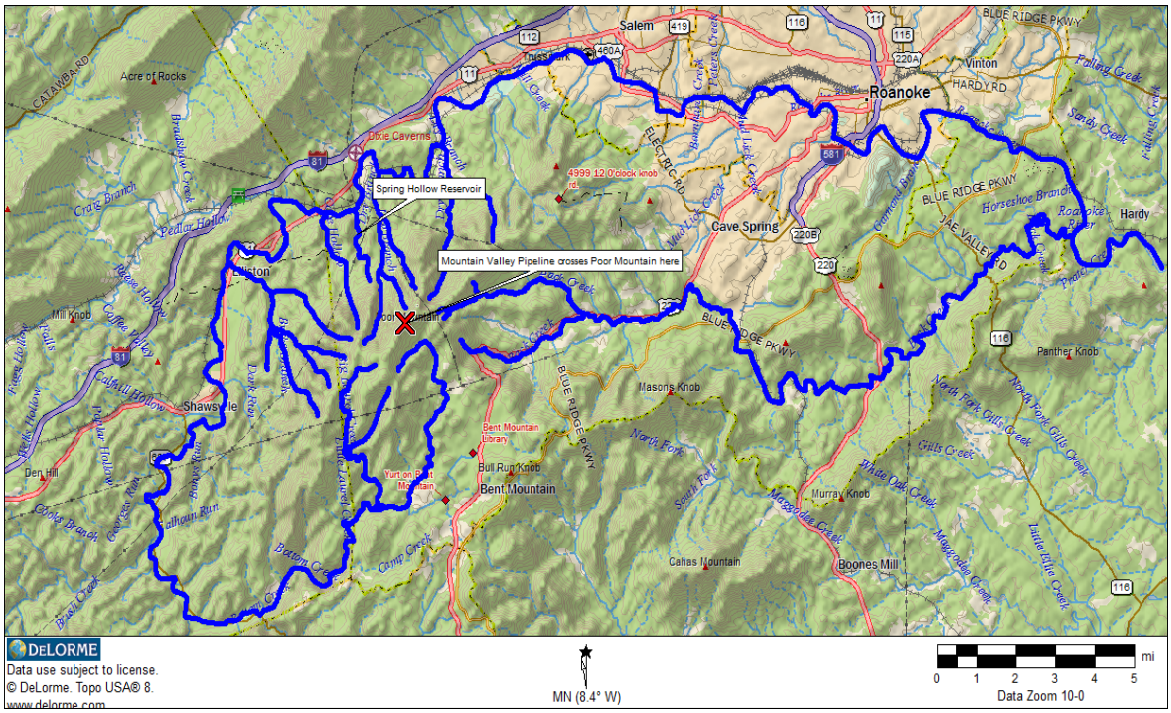
- the resulting sedimentation that would occur in a complex watershed that provides half the drinking water for Roanoke County; and

- the presence on Poor and Bent Mountains of over twenty square miles of upland marsh, ephemeral springs and streams protected under the Clean Water Act. (Springs and well water are the *only sources* of drinking water for the community of Bent Mountain.)

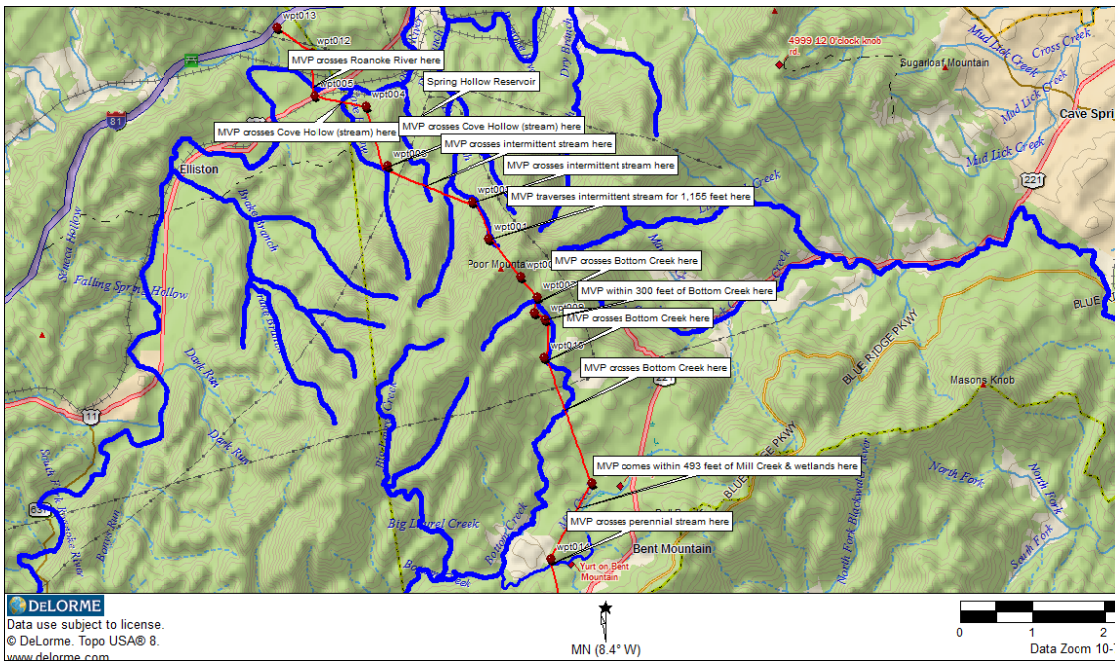
Pipeline construction is anthropogenic by definition, and would exacerbate the existing temperature impairment of Bottom Creek by cutting trees and permanently removing vegetation adjacent to streams in the Bottom Creek watershed.

Removal of vegetation in the pipeline corridor, erosion and sedimentation consequent to blasting and excavating extreme slopes and highly erodible soils will be *permanent*. The impacts to Tier III Bottom Creek would continue in perpetuity, and stream restoration will not be possible. Pipeline construction and post construction activities will degrade and irreparably harm the uses of Tier III Bottom Creek and the natural trout waters in its watershed. Virginia's antidegradation policy clearly mandates the protection of waterbody uses.

Origins of the South Fork of the Roanoke River



The map above illustrates the grandeur and complexity of the aquifer that we call the South Fork of the Roanoke River. The symbol "X" shows the place where the Mountain Valley Pipeline proposes to cross the crest of Poor Mountain. The birthplace of the South Fork of the Roanoke River at the headwaters of Bottom Creek is due south of the proposed pipeline crossing.



(above) The Mountain Valley Pipeline proposes to cross mapped Waters of the United States 13 times near the origin of the South Fork of the Roanoke River.

The headwaters of Bottom Creek, a Virginia Tier III stream used for recreational purposes, home to wild trout and endangered aquatic species, and the point of origin of the South Fork of the Roanoke River, are slated to be crossed at least 9 times. Its tributary, Mill Creek, is proposed to be crossed at least 14 times.

(source: Mountain Valley Pipeline Resource Report 2, Appendix 2-A, Waterbody Crossing Tables. October, 2015)

An "exceptional" stream in the path of the MVP is already impaired and requires action. Bottom Creek (a portion of which is a Tier III stream) and all of its tributaries in Roanoke and Montgomery Counties are designated in the Water Quality Standards as Class ii wild natural trout streams" (9VAC25-260-450). In accordance with the Clean Water Act and Virginia's antidegredation policy (9VAC25-260-30) VDEQ must maintain and protect all designated stream uses, including fishing and aquatic life habitat. Significantly, this native trout stream is already listed in Virginia's 305(b)/303(d) Water Quality Assessment Integrated Report as an "impaired stream" [303(d) list] due to violations of the Virginia Water Quality Standards for temperature. This listing requires VDEQ to develop a "Total Maximum Daily Load" (TMDL), specifying actions taken and being taken to correct the impairment as mandated under Section 303(e) of the Clean Water Act and EPA's implementing regulations and in accordance with Section 62.1-44.15 of Virginia's Water Control Law.

The MVP corridor would further degrade an already impaired Bottom Creek -- and not just temporarily. Construction of the MVP will result in clear cutting of trees and vegetation along the pipeline corridor. Since the pipeline is projected to traverse the Bottom Creek watershed, running adjacent to and crossing Bottom Creek and its tributaries in more than a dozen locations, the water temperature of Bottom Creek

would be expected to increase. This effect would be long term in nature since the right-of-way must be maintained in perpetuity. Therefore, construction of the pipeline on Bent Mountain in Roanoke County would adversely affect development of the TMDL for Bottom Creek, exacerbate the impairment of this trout stream and its tributaries, and permanently degrade designated stream uses.

Conclusion

In conclusion, the NWP 12 must not be approved as demonstrated by the above immitigable examples in a small region of a proposed pipeline route through SW Virginia. We stand by our commitment to the people that live, work and play in the communities we support. Therefore, as set forth in our opening statement, we adopt and incorporate the comments as submitted to you by the Dominion Pipeline Monitoring Coalition dated August 1, 2016.

Respectfully,

Carolyn Reilly
VA Community Organizer