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Dr. Homer Wilkes, Under Secretary, USDA
George Washington & Jefferson National Forests
MVP Project
5162 Valleypointe Parkway
Roanoke, VA 24019

(Submitted via email to: SM.FS.GWJNF-PA@usda.gov)

RE: Failure of the MVP 2022 DSEIS to Address the Potential for Abandonment of the Appalachian National Scenic Trail Crossing Site and Its Implications for Critical Resources Within and Adjacent to the Jefferson National Forest

Indian Creek Watershed Association (ICWA) appreciates the opportunity to submit the following comments on the Forest Service's assessment of the Mountain Valley Pipeline's 2022 Plan of Development for the crossing of the Jefferson National Forest (JNF).

The Forest Service's December 2022 Draft Supplemental Environmental Impact Statement (DSEIS) for the MVP Project fails to consider and assess the new possibility that the Appalachian National Scenic Trail (ANST) crossing on Peters Mountain will be abandoned if MVP fails in its attempts to complete a 600-foot bore through the resistant ridge formation below the ANST.

The DSEIS also fails to assess the severe and potentially *unnecessary* impacts to land and water resources both *within* and *outside* the Jefferson National Forest (JNF), including critical water resources in the shared watersheds below the JNF in Virginia and West Virginia.

FS Planning Rule requirements and directives clearly intend and state that the decisions and actions of the FS must consider the impacts of those decisions on non-JNF land and shared watersheds.

- **The USFS 2012 Planning Rule Final Directives** are explicit: "Watersheds relevant to the plan should include those lands outside the National Forest System that contribute surface or subsurface water flows to the plan area, and those that receive surface or subsurface water from the plan area. Groundwater-dependent ecosystems should also be considered."
- **36 CFR 219.8(a)(1)(ii)** also directs that considerations of a new or revised plan should include: "Contributions of the plan area to ecological conditions within the broader landscape influenced by the plan area."

Instead of complying with these directives and guidelines, however, the DSEIS ignores or dismisses new information and evidence that clearly indicate the likelihood of significant impacts beyond its borders.

The 2022 DSEIS fails to consider and assess the new contingency that the Appalachian National Scenic Trail (ANST) crossing on Peters Mountain will be abandoned if MVP fails in its attempts to complete a 600-foot bore below the ANST.

MVP proposes to cross the ANST in the JNF on the crest of Peters Mountain at the West Virginia/Virginia border using a 600-foot bore that will be located approximately 90 feet under the ANST. However, if a series of different bore attempts fail, MVP's Contingency Plan raises the possibility that the crossing location may be abandoned.

The Contingency Plan states that MVP *"will not use open-cut methods to install the pipeline under the ANST."* Instead, if MVP is unable to complete a successful bore: *"Abandonment procedures and alternative crossing measures will be discussed with appropriate permitting, regulatory, and land-managing agencies, and required approvals will be obtained prior to implementing any alternative crossing measures."*¹ (emphasis added)

- **The DSEIS fails entirely to consider the potential adverse and cumulative impacts of MVP abandoning the ANST crossing and adopting an alternative crossing.**
 - **MVP's "alternative crossing measures" must be identified and comprehensively evaluated as part of a new DSEIS, with opportunity for public participation in scoping, review and comment.**
 - **The Forest Service must assert its authority and fulfill its obligation to protect resources both within and adjacent to the JNF that are affected by the MVP project by requiring:**
 - An independent assessment of potential complications for MVP's initial and contingency bore plans and their likelihood of success.
 - Identification of affected resources within JNF that will be unnecessarily damaged if the ANST crossing is abandoned (for example, Mystery Ridge Road, sensitive cultural resources on and near the ROW, potential impacts to the Peters Mountain Wilderness).
 - Revised construction plans to minimize construction impacts on the approaching ROWs in West Virginia and Virginia until a successful bore is completed.

In West Virginia, for example, the exit bore pit area would be stranded if the bore is abandoned. Therefore, all clearing and grading along this ROW should be delayed until bore completion appears imminent. Construction should then be restricted to creating a narrow transport lane sufficient to allow access to the bore pit. No full corridor grading or trenching should be allowed and no pipes moved onto the ROW until the bore has been successfully completed.

Similar measures should apply to the ROW on the Virginia side of Peters Mountain.

¹ MVP Plan of Development (POD) 2022 Appendix E p. 5.

- **Abandonment cannot be dismissed as unlikely.** There are significant construction challenges to boring through the Tuscarora sandstone that dominates the Peters Mountain ridge. In a Memorandum included in MVP’s Plan of Development, a professional geologist identified some of the risks for the proposed bore:

[T]he primary risk for the bore site is penetrating the Tuscarora quartzite, in terms of hardness of the formation. There is also a complication given the 30-degree southeast dip of the formation underlying Peters Mountain, in terms of bore deflection. The length of the bore (approximately 600 feet) also presents a risk to completing the bore at the prescribed receiving pit.²

- **If the ANST crossing location is abandoned, the ROWs on Peters Mountain would be able to restore and regrow naturally if (and only if) left in their current state.** On the ROW approach routes to the ANST crossing in West Virginia and Virginia, trees were felled in early 2018, but no clearing or ground disturbance has taken place. The DSEIS notes that one changed circumstance is that revegetation has occurred on the MVP ROW on Peters Mountain.³
- **If full construction is allowed to proceed while attempting the bore, the destruction and degradation of resources both on and adjacent to the JNF on Peters Mountain will be unmitigable and permanent.**
 - Steep ROWs on private land below the JNF boundary in Virginia and West Virginia have both been designated as the only access routes for transporting construction and operation personnel and equipment to the bore pits for the ANST crossing, as well as for all other ROW construction activities in the JNF on Peters Mountain.⁴
 - MVP acknowledges that the initial bore attempt is likely to take 10 weeks or more.⁵ Keeping a corridor open for that extended length of time increases soil compaction due to constant traffic and increases the potential for significant erosion and sedimentation runoff due to extended exposure to intense and unpredictable precipitation events.
 - In Virginia, the access/transport route to the entry bore pit via Rogers Road includes approximately 2 miles of steep, hazardous ROW slopes on private lands and the JNF. The changed use of this ROW has never been adequately assessed for the impacts of increased traffic to support the bore construction as well as ROW pipeline trenching. Also impacted is Stony Creek at the base of Peters Mountain, which since the last Record of Decision was designated as critical habitat for the endangered candy darter.
 - In West Virginia, the access/transport ROW is a 1-mile stretch to the exit bore pit just inside the JNF boundary, with approximately a half-mile across active karst terrain.
 - Heavy equipment and pipeline-related construction activity on this ROW threatens destabilization and destruction of underlying karst features at the base of Peters

² MVP POD 2022 Appendix E, Attachment A-3. William D. Newcomb, P.G. Memorandum on Geologic Formation Descriptions at MVP ANST Crossing Site.

³ DSEIS, p. 12.

⁴ MVP POD 2022, p, 6-26.

⁵ MVP POD 2022, Appendix E, p. E-3.

Mountain.⁶

- Critical water resources will be adversely impacted. These include the Rich Creek cave and spring that serve as a secondary water source for the county's largest public service district; private wells and springs that support the families and farms below the ANST crossing; and the local trout hatchery at the Rich Creek cave. As the U.S. Geological Survey found in 2016, "Given the potential for high transmissivity values and rapid infiltration of precipitation, ... *the karst aquifers within the State of West Virginia are the aquifers most intrinsically susceptible to contamination from surface sources.*"⁷ (emphasis added)
- The ROW corridor will also create a permanent, unnatural scar on the otherwise undeveloped forested flank of Peters Mountain. The ROW location is seen clearly from the road that approaches the nearby Groundhog Trail, one of West Virginia's only access trails to the ANST.

If MVP's proposed crossing of the ANST on Peters Mountain is allowed to proceed, all these resources—both within the JNF and on neighboring lands in Virginia and West Virginia—will be permanently degraded or destroyed. If the bore is attempted and abandoned, they will have been destroyed needlessly.

The No Action Alternative is the only responsible choice to prevent significant and unnecessary negative impacts and an irretrievable commitment of resources on and adjacent to the JNF.

If the No Action Alternative is not selected, the Forest Service must:

- require greater transparency about MVP's "alternate crossing measures" if the boring attempts fail;
- obtain an independent assessment of the potential bore complications and likelihood of success;
- identify resources within the JNF for special protections; and
- require revised construction plans to minimize impacts on the approach ROWs until a successful bore is completed.

Sincerely,

Indian Creek Watershed Board of Directors

Howdy Henritz, President; Scott Womack, Vice President;

Judy Azulay, Treasurer; Nancy Bouldin, Secretary

⁶ See [Mountain Valley Watch Cave Report, May 2020](#) (also available as FERC Accession No. 20200521-5075) for a description of MVP construction-related damage to a cave system in Giles County, Va., and comparisons to the situation at the base of Peters Mountain in Monroe County.

⁷ Mark D. Kozar & Katherine S. Paybins, *Assessment of Hydrogeologic Terrains, Well-Construction Characteristics, Groundwater Hydraulics, and Water-Quality and Microbial Data for Determination of Surface-Water-Influenced Groundwater Supplies in West Virginia*, U.S. Geological Survey prepared in cooperation with the West Virginia Dep't of Health & Human Resources, pp. 17-21.