

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

Mountain Valley Pipeline, LLC)	
)	
)	CP16-10-000
)	
Mountain Valley Pipeline Project)	
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**COUNTY OF MONTGOMERY, VIRGINIA’S ANSWER IN OPPOSITION TO
REQUEST FOR NOTICE TO PROCEED NO. 7 AND NO. 9**

Pursuant to 18 C.F.R. § 385.213(a)(3), the County of Montgomery, Virginia (“County of Montgomery”) files this answer in opposition to the Request for Notice to Proceed No. 7 and No. 9, filed by Mountain Valley Pipeline, LLC (“Mountain Valley”) on February 2, 2018 and February 7, 2018 respectively. Mountain Valley has requested that the Director of the Office of Energy Projects (“OEP”) issue a Notice to Proceed with all construction activities for the facilities listed in “Attachment A” by February 8, 2018, for Notice to Proceed No. 7 and February 15, 2018 for Notice to Proceed No. 9. A portion of the facilities listed in both Attachment A are located in the County of Montgomery. The County of Montgomery respectfully requests that the Director of the OEP delay this request and any future requests to proceed in Montgomery County, as premature pending the Commission’s decision on the merits of the County of Montgomery’s rehearing request and Mountain Valley’s completion of pre-construction environmental conditions.

I. The Director of OEP Should Not Authorize Construction Until the Commission Issues a Decision on the Merits of Rehearing.

On March 13, 2017, the County of Montgomery filed a Request for Rehearing on the Commission Order Granting a Certificate for the Mountain Valley Pipeline and Request for Stay with FERC. On December 13, 2017, FERC issued a Tolling Order suspending the thirty (30) day

statutory period for FERC to act on rehearing requests. FERC has not yet issued a decision on the merits of the Rehearing request or published an anticipated schedule for such decision.

On rehearing, the County of Montgomery argued that the Certificate Order violated the Natural Gas Act, the National Environmental Policy Act (NEPA), FERC's Certificate Policy Standard and Siting Guidelines and requested that FERC Grant the County's request for rehearing and deny the Mountain Valley Certificate application. The County of Montgomery requested a Stay of the Certificate Order arguing the County of Montgomery will suffer irreparable environmental harm along the proposed route and that the issuance of the Stay will not harm Mountain Valley.

II. The Director of OEP Should Not Grant Request to Proceed No. 7 and No. 9 Until Mountain Valley Completes Pre-Construction Environmental Conditions.

The Certificate Order requires Mountain Valley to complete more than twenty (20) environmental conditions before it may begin construction. It is premature for Mountain Valley to proceed in areas where pre-construction conditions have not been met.

The record does not demonstrate that all pre-construction conditions relevant to construction within the County of Montgomery have been satisfied. The record does not reflect that Environmental Condition No. 15 has been satisfied. That condition requires the following:

Mountain Valley...shall not begin construction of facilities and/or use staging, storage, or temporary work areas and new or to-be-improved access roads until:

- a. Mountain Valley... files with the Secretary;
- b. remaining cultural resources survey reports;
- c. site evaluation reports, avoidance plans, or treatment plans, as required; and comments on the reports and plans from the appropriate State Historic Preservation Offices, federal land managing agencies, interested Indian tribes, and other consulting parties.
- d. the Advisory Council on Historic Preservation has been afforded an opportunity to comment if historic properties would be adversely affected; and

e. the FERC staff reviews and the Director of OEP approves all cultural resources reports and plans, and notifies Mountain Valley ... in writing that either treatment measures (including archaeological data recovery) may be implemented or construction may proceed

Mountain Valley on February 2, 2018, forwarded to the County of Montgomery a Revised Historic Property Treatment Plan for the North Fork Valley Rural Historic District (060-0574) dated February 2018 to address those adverse impacts identified within Historic District. The revised Historic Property Treatment Plan substantially revised the prior submitted Treatment Plan dated August 2017. The Virginia State Historic Preservation Officer's ("SHPO") and the Advisory Council on Historic Preservation have not commented on the Revised Historic Property Treatment Plan dated February 2018 for the North Fork Valley Rural Historic District and OEP staff has not yet approved the revised Treatment Plan. The County remains concerned that visual adverse impacts in the North Fork Valley Rural Historic District still have not been fully considered due to deficiencies in Mountain Valley's analysis concerning the Projects visual effects on the historic district.

Based on the County of Montgomery's review of the record, the Director of OEP has not provided documentation of review and written approval of the following Plans required by Environmental Conditions 19, 20, 21, 22, and 24 respectively, which address environmental resources in the County of Montgomery:

- 19) Revised Landslide Mitigation Plan;
- 20) Revised Karst Mitigation Plan;
- 21) Revised Water Resources Identification and Testing Plan;
- 22) Source, location, and quantities of water to be used for dust control; and
- 24) Water Supply Contingency Plans.


In the absence of documentation of review and written approval, there does not appear to be a basis for the Director of OEP to find that Mountain Valley has complied with pre-construction conditions for purposes of Request for Notice to Proceed No. 7 and No. 9, as required by FERC's rules.

Authorizing any construction in advance of review and written approval of these various plans that FERC relied on to find the Mountain Valley Project to not have a significant impact on the resources of the County of Montgomery, would be premature.

III CONCLUSION

The County of Montgomery respectfully requests that the Director of OEP deny Mountain Valley's "Request for Notice to Proceed No. 7 and No. 9" and any future requests to proceed within the County of Montgomery pending resolution of pending rehearing requests and Mountain Valley's compliance with pre-construction Environmental Conditions.

Respectfully submitted,

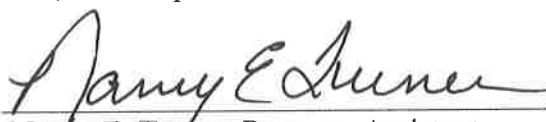
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DECLARATION OF SERVICE

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

I, Nancy E. Turner, declare that I today served the attached "County of Montgomery, Virginia's Answer In Opposition to Request for Notice to Proceed No. 7 and No. 9" 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: February 9, 2018

By: 
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Document Content(s)

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