

April 20, 2021

The Honorable Deb Haaland, Secretary of the Interior
The Honorable Michael Regan, Administrator of the Environmental Protection Agency
The Honorable Tom Vilsack, Secretary of Agriculture
The Honorable John Whitley, Acting Secretary of the Army
The Honorable Gina McCarthy, National Climate Advisor
The Honorable Brenda Mallory, Chair, Council on Environmental Quality

We applaud President Biden's Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. We write today to urge you to ensure full implementation of this Order with respect to the Mountain Valley Pipeline (MVP).

The Order directs all executive departments and agencies to immediately review and, as appropriate and consistent with applicable law, take action to address Federal decisions during the last four years that conflict with important national objectives. MVP is inconsistent with several of the national objectives outlined in the Order, including the use of science in decision making, protecting our environment, ensuring access to clean air and water, and reducing greenhouse gas emissions.

We urge you to fulfill the mandate of the Order by reviewing and suspending until further review past decisions by the U.S. Forest Service, U.S. Fish and Wildlife Service, and the Bureau of Land Management that permitted the advancement of MVP, and ensuring consistency with the Order's stated objectives, Section 404(b)(1) Guidelines, and the Army Corps of Engineers' public interest review in upcoming Clean Water Act permitting deliberations.

MVP's construction impacts to date have already caused irreparable harm to landscapes and clean water—West Virginia and Virginia have assessed MVP more than \$2 million in penalties for more than 350 environmental violations, mostly related to improper erosion control and stormwater management, and there are allegations of even more. Yet there is much more high-risk construction still planned. MVP still has to construct several hundred waterbody crossings. Not one of MVP's nine "spreads" is 100% complete; only 51.3% of the entire route is completed to final restoration. MVP's route includes more than 225 miles of high landslide risk—more miles than any other approved gas pipeline, comprising more than 74% of the route. The remaining sections to be constructed include some of the steepest slopes and extensive karst topography, raising significant concerns that more environmental damage will occur, destroying private property along the way when there is no public benefit.

All this devastation is completely unnecessary. MVP is one of the last mega-gas pipelines promoted as part of the shale gas boom in our nation—a remnant of a dirty and destructive fossil fuel history that should be left in the past. There has never been any genuine documented need for this pipeline. Lack of need was a key reason why former FERC commissioner Cheryl LaFleur voted to reject the project in 2017. According to one of its original backers, EQT, there is already more than enough pipeline takeaway capacity from the region, available at lower cost.

If completed and operated, MVP would add estimated full life-cycle greenhouse gas (GHG) emissions (excluding construction emissions) of almost 90 million metric tons per year to our atmosphere—equivalent to the emissions from 23 average U.S. coal plants or over 19 million passenger vehicles driven every year.

The Biden Administration is fully warranted in closely reviewing MVP's pending application for an individual Clean Water Act (CWA) § 404 permit from the U.S. Army Corps of Engineers:

- MVP submitted a new application for an individual Clean Water Act (CWA) § 404 permit from the U.S. Army Corps of Engineers on February 19, 2021, because MVP's misguided attempts to utilize the streamlined CWA Nationwide Permit 12 have twice been rejected by the U.S. Court of Appeals for the Fourth Circuit. We urge the administration, including the Corps as well as the Environmental Protection Agency, to elevate the permit decision to the Assistant Secretary of the Army for Civil Works, given the size of the project, its effects on aquatic resources of national importance, and its spanning of three distinct Corps districts.

We also urge the administration to review and reverse past Federal actions that have allowed this unnecessary pipeline to proceed thus far:

- The U.S. Forest Service Final Supplemental Environmental Impact Statement issued December 11, 2020, and the Record of Decision to amend the Jefferson National Forest Land and Resource Management Plan, issued January 11, 2021. These documents include inadequate erosion and sedimentation control and mitigation analysis, improper evaluation of impacts on aquatic ecosystems, and lack of compliance with Forest planning rules. The Forest Service also circumvented the typical pre-decisional administrative review process when it amended the Plan, stripping the public of the critical opportunity to raise objections.
- The Bureau of Land Management right-of-way and temporary use permit issued January 15, 2021, allowing MVP to construct and operate across Jefferson National Forest (JNF) land pursuant to the Mineral Leasing Act. BLM failed to properly analyze the practicality of alternative routes, including an off-forest route that completely avoids the need for a right-of-way across the Jefferson National Forest.

- The U.S. Fish and Wildlife Service Biological Opinion (BO) and Incidental Take Statement (ITS) issued September 4, 2020. These documents include deficient environmental baseline and cumulative impacts analyses, inadequate protection for Roanoke Logperch and Candy Darter due to arbitrary weakening of the agency's incidental take proxy, and inadequate monitoring to ensure unacceptable take does not occur.

MVP has already harmed clean waters, local communities, and ecological values. Construction and operation will only lead to more destruction of landscapes and ecosystems, as well as dangerous contributions to climate change. We urge you to take aggressive action to fully implement Executive Order 13990 with respect to MVP.

Thank you for your attention to this important matter.

Sincerely,

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 Allegheny-Blue Ridge Alliance
 Appalachian Mountain Advocates
 Appalachian Voices
 ARTivism Virginia
 Athens County's Future Action Network
 Azul
 Bold Alliance
 Breathe Easy Susquehanna County
 Center for Biological Diversity
 Chatham Research Group
 Chesapeake Climate Action Network
 Citizens United for Renewable Energy
 Climate Hawks Vote
 Climate Psychology Alliance North America
 CROWN Campaign
 Dan River Basin Association
 Don't Gas the Pinelands
 Earthkeeper Health Resources
 Food & Water Watch
 Frack Free Ohio
 Friends For Environmental Justice
 Friends of Buckingham
 Friends of the Earth
 Gant Farm - Burlington, NC
 Good Stewards of Rockingham
 Green New Deal Virginia
 Greenbrier River Watershed Association
 Haw River Assembly
 Indian Creek Watershed Association
 Indivisible Virginia
 Lucky Planet Foods
 Mothers Out Front Virginia

Mountain Lakes Preservation Alliance
 National Parks Conservation Association
 Natural Resources Defense Council
 Oil Change International
 OVEC-Ohio Valley Environmental Coalition
 Plymouth Friends for Clean Water
 Preserve Bent Mountain/BREDL
 Preserve Craig, Inc.
 Preserve Giles County
 PRESERVE MONROE
 Preserve Montgomery County VA
 Progressive Democrats of America-NJ
 Project CoffeeHouse
 Property Rights and Pipeline Center
 Protect Our Commonwealth
 Protect Our Water Heritage Rights
 Responsible Drilling Alliance
 Sierra Club
 Southern Environmental Law Center
 Southwest Virginia Chapter, National
 Lawyers Guild
 The Rural Project
 The Wilderness Society
 Union Hill, Virginia Freedmen Family
 Research Group
 Veterans Service Corps
 Virginia Conservation Network
 Virginia Interfaith Power & Light
 Virginia League of Conservation Voters
 West Virginia Mountain Party
 West Virginia Rivers Coalition