

The Facts of the Mountain Valley Pipeline

Background: Mountain Valley Pipeline is a 303-mile proposed fracked-gas pipeline routed to go through steep slopes and the pristine water resources of West Virginia and Virginia. Announced in 2014, its original projected cost was \$3.5B and estimated completion date was late 2018. Pre-construction began in 2018, but the MVP has had multiple federal authorizations vacated, and has accrued over 350 violations of water quality-related protections alleged by state agencies, resulting in significant delays. The project is currently only 56% complete to full restoration, with an estimated cost of \$6.5B and a newly proposed completion date in 2023. Growing cost and the absence of multiple federal authorizations add increased volatility.

What is the current status of the Mountain Valley Pipeline?

MVP is missing multiple federal authorizations.

- January 25, 2022 - U.S. Court of Appeals for the Fourth Circuit vacated MVP's U.S. Forest Service and the Bureau of Land Management authorization along the pipeline route. finding that the agencies "erroneously failed to account for real-world data suggesting increased sedimentation."
- February 3, 2022 - U.S. Court of Appeals for the Fourth Circuit vacated the Biological Opinion and Incidental Take Statement from the U.S. Fish and Wildlife Service, citing "serious errors" in the agency's analysis supporting its determination that endangered species would not have been jeopardized by MVP.
- February 11, 2022 - After the pipeline had to withdraw its Clean Water Act Nationwide Permit 12 approval for legal reasons, it reapplied for an individual permit, but the U.S. Army Corps of Engineers confirmed it will not act on the Clean Water Act section 404 permit for MVP while MVP lacks a Biological Opinion. This permit is necessary for MVP to complete construction through water crossings.

MVP faces multiple pending Legal Proceedings.


- The state-level Clean Water Act Section 401 permits granted by West Virginia's Department of Environmental Protection and Virginia's Department of Environmental Quality are currently being challenged in court.
- The D.C. Circuit Court will soon also announce its ruling on the Sierra Club's challenge to MVP's 2020 Federal Energy Regulatory Commission (FERC) certificate extension.

MVP's FERC certificate has required multiple renewals.

- MVP's original FERC Certificate of Public Convenience and Necessity extension expired on October 13, 2020, but received a 2-year extension. A request for an additional 4-year extension was submitted in June 2022 and approved on August 23, 2022.
- Public comments received during the July 2022 comment period overwhelmingly asked FERC to reject the extension via ratio: 2-1 in from West Virginia commenters; 4-1 from Virginia commenters; 2-1 from North Carolina commenters.
- FERC acknowledged that the "validity of our conclusions and environmental conditions cannot be sustained indefinitely," yet, extended the original certificate to October 13, 2026. The CPCN is for an unprecedented total of 9 years.

MVP is only half-done or 56% complete to full restoration.

- MVP references a completion percentage in terms of the miles of pipe in the ground (90%), not in terms of the most difficult or complex construction work, nor to the final stage of construction — “complete to full restoration.”
- MVP reports in their 2022 compliance reports that the pipeline is 55.8% complete to full restoration. According to Table 15 of the 404 application, the first incomplete stream crossing is at milepost 0.07, therefore the project cannot even move the fracked gas 1,000 feet before encountering the first of hundreds of incomplete water crossings. 429 water crossings remain, 236 (55%) of which are in Virginia

		Appendix A Construction Status		Docket No. CP16-10-000 Weekly Report No. 239 Report Period: 5/21/22- 5/27/22	
Activity Name	Activity Status			% Complete	
Spreads (Pipeline)					
All Spreads					
All Spreads - Tree Felling	Completed			100%	
All Spreads - Clearing	In Progress			96.2%	
All Spreads - Prepare right-of-way	In Progress			95.8%	
All Spreads - Trenching	In Progress			92.1%	
All Spreads - Stringing	In Progress			94.5%	
All Spreads - Welding	In Progress			92.8%	
All Spreads - Coating & Wrapping	In Progress			91.6%	
All Spreads - Backfilling & Tying-in	In Progress			84.3%	
All Spreads - Internal Cleaning	In Progress			0%	
All Spreads - Final Restoration	In Progress			55.8%	

MVP’s Project developers have announced Losses and project uncertainty.

- On February 18th, NextEra announced an \$800 million loss, and that it is reevaluating its investment in the proposed Mountain Valley Pipeline. NextEra owns approximately 31% of the MVP. Prior to this, in 2021 NextEra wrote off \$1.2 billion of the value of its investment in the pipeline.
- NextEra’s SEC filing for December 31, 2021 financial statements, they shared: “As a result of this evaluation, it was determined that the continued legal and regulatory challenges have resulted in a very low probability of pipeline completion.
- On February 22nd, Equitrans announced it is evaluating the proposed MVP Southgate project, including potential changes to the project “in lieu of pursuing the project as originally contemplated.” Equitrans owns 47% of the project and would have been the operator.
- RGC Resources, parent company of Roanoke Gas, recently announced a \$29.6M impairment charge on MVP.

MVP continues to be unnecessary.

- There is no evidence that there are independent companies that will actually purchase and use all of the gas that could be transported by a pipeline the size of MVP.
- Transco, an existing pipeline system, states it can handle the region's current gas needs.
- MVP is not necessary to ensure domestic energy security, or to help our European allies.