197 FERC ¶ 61,122
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Laura V. Swett, Chairman;
David Rosner, Lindsay S. See,
Judy W. Chang, and David LaCerte.

Mountain Valley Pipeline, LLC Docket No. CP26-14-000

ORDER ISSUING CERTIFICATE

(Issued November 19, 2026)

1. On October 23, 2025, Mountain Valley Pipeline, LLC (Mountain Valley) filed an application pursuant to section 7(c) of the Natural Gas Act (NGA)[1] and Part 157 of the Commission's regulations,[2] requesting authorization to construct and operate the new Swann Compressor Station in Montgomery County, Virginia, and to add compression to three existing compressor stations in Wetzel, Braxton, and Fayette Counties, West Virginia (MVP Boost Project). The project is designed to provide up to 600,000 dekatherms per day (Dth/d) of additional firm natural gas transportation service on Mountain Valley's Mainline System. For the reasons discussed below, we grant the requested authorization, subject to certain conditions.

I. Background and Proposal

2. Mountain Valley, a Delaware limited liability company, is a natural gas company, as defined by section 2(6) of the NGA,[3] engaged in the transportation of natural gas in interstate commerce and subject to the Commission's jurisdiction. Mountain Valley's Mainline System currently transports natural gas from Wetzel County, West Virginia, to Transcontinental Gas Pipeline Company, LLC's Zone 5 compressor station 165 in Pittsylvania County, Virginia. Mountain Valley's approved Southgate Project (Southgate) will extend transportation service from the terminus of the Mainline System

[1] 15 U.S.C. § 717f(c).

[2] 18 C.F.R. pt. 157 (2025).

[3] 15 U.S.C. § 717a(6).

in Pittsylvania County, Virginia to new delivery points in Rockingham County, North Carolina.[4]

3. The MVP Boost Project will enable Mountain Valley to provide up to 600,000 Dth/d of additional firm natural gas transportation service on its Mainline System and will be used to support the needs of local distribution companies, industrial facilities, and power generators across the Mid-Atlantic and Southeastern markets. The project will include the addition of 265,750 ISO-rated[5] horsepower (HP) of compression. Specifically, Mountain Valley proposes to:

- install one additional 23,470 ISO-rated HP Solar Titan 130E natural gas-fired, turbine-driven compressor unit and auxiliary facilities at the existing Bradshaw Compressor Station in Wetzel County, West Virginia;[6]
- install one additional 52,500 ISO-rated HP Solar Titan 350 natural gas-fired, turbine-driven compressor unit and auxiliary facilities; restage two existing natural gas turbines; and relocate existing blowdown silencers at the existing Harris Compressor Station in Braxton County, West Virginia;[7]
- install two additional 23,470 ISO-rated HP Solar Titan 130E natural gas-fired, turbine-driven compressor units and auxiliary facilities; upgrade two existing 20,500 ISO-rated HP Solar Titan 130 natural gas-fired turbines to 23,470 ISO-rated HP Solar Titan 130E natural gas-fired turbines; and relocate existing blowdown silencers at the existing Stallworth Compressor Station in Fayette County, West Virginia;[8] and

[4] *Mountain Valley Pipeline, LLC*, 193 FERC ¶ 61,222 (2025), *reh'g denied*, 194 FERC ¶ 62,087 (2026), *order on reh'g*, 195 FERC ¶ 61,099 (2026).

[5] ISO-rated power output is measured and specified according to the standard reference conditions defined by the International Organization for Standardization (ISO): 59 °F ambient temperature, 60% relative humidity, and sea level elevation.

[6] The Bradshaw Compressor Station total HP will increase from 93,880 HP to 117,350 HP.

[7] The Harris Compressor Station total HP will increase from 41,000 HP to 93,500 HP.

[8] The Stallworth Compressor Station total HP will increase from 41,000 HP to 93,880 HP.

- construct a new 136,900 ISO-rated HP compressor station (Swann Compressor Station) consisting of two 52,500 ISO-rated HP Solar Titan 350 natural gas-fired, turbine-driven compressor units and one 31,900 ISO-rated HP Solar Titan 250 natural gas-fired, turbine driven compressor unit; a 0.2-mile-long, 42-inch-diameter dual lay natural gas suction and discharge facility; a pig launcher and receiver; a mainline block valve; and auxiliary facilities in Montgomery County, Virginia.

4. Mountain Valley states that the proposed project will allow it to increase system capacity and delivery capabilities from interconnection points with Equitrans, L.P. at Mobley Run and with EQM Gathering Opco, LLC at Great Hammerhead to delivery points on Mountain Valley's system to meet its shippers' specific service requests.[9]

5. Mountain Valley held an open season and reverse open season for the project from June 23 to July 23, 2025. As a result of the open season, Mountain Valley executed long-term precedent agreements for the entirety of the project's transportation service with two utility companies and one local distribution company, respectively: Duke Energy Carolinas, LLC (Duke Energy) for 275,000 Dth/d; Virginia Power Services Energy Corp., Inc. (Virginia Power) for 200,000 Dth/d; and Public Service Company of North Carolina, Inc. (PSNC) for 125,000 Dth/d. Mountain Valley did not receive any offers to relinquish capacity.

6. Mountain Valley estimates the total cost of the project to be approximately $503,490,246.[10] As further explained below, Mountain Valley proposes to use its existing Mainline System rates as the maximum recourse rates for the MVP Boost Project, and project shippers will pay negotiated reservation rates. Further, Mountain Valley requests a pre-determination of rolled-in rate treatment for the MVP Boost Project.

II. Procedural Issues

A. Notice, Interventions, and Comments

7. The Commission issued public notice of Mountain Valley's application on November 5, 2025, with comments, interventions, and protests due by November 26, 2025. Parties listed in Appendix A to this order filed timely, unopposed motions to

[9] Application, Resource Report 1 at 1-1.

[10] Application, Ex. K at 1.

intervene.[11] Ms. Kathy Chandler, Ms. Amy Bryson, and Craig County, Virginia filed late motions to intervene, which were denied by Secretary's Notice.[12]

8. The Commission received comments both in support of and opposition to the project. Commenters in support of the project generally state that there is a need for more natural gas in the region to support demand, reliability, and economic development.[13] Commenters opposed to the project generally raise concerns regarding segmentation, environmental impacts, and whether there is a market need for the project.[14] The concerns raised by commenters are addressed in the Environmental Assessment (EA) issued for the project and, as appropriate, below.

B. Requests to Extend Intervention and Comment Period

9. Several commenters requested that the Commission extend the intervention and comment period for up to 90 days to allow the public more time to review Mountain Valley's application, arguing that they were not able to meaningfully participate because the 21-day comment period was not a sufficient amount of time and the Commission should have considered events, time of year, and holidays when issuing the notice.[15] The comment period for the application was consistent with the Commission's practice of providing a 21-day comment period for applications filed pursuant to section 7 of the NGA, which we have found adequate.[16] Moreover, the Commission sought public

[11] Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.214(c) (2025).

[12] May 5, 2026 Notice Denying Late Interventions.

[13] *E.g.*, Salem-Roanoke Chamber of Commerce December 12, 2025 Comments; Virginia Chamber of Commerce December 15, 2025 Comments; David and Ellen Ryan December 19, 2025 Comments.

[14] *E.g.*, Carl Zipper November 21, 2025 Comments; Elizabeth Struthers Malbon November 26, 2025 Comments; West Virginia Rivers Coalition December 19, 2025 Comments; Connie Fitzsimmons December 19, 2025 Comments; Southern Alliance for Clean Energy December 19, 2025 Comments; Sierra Club and Protect Our Water, Heritage, Rights December 19, 2025 Comments.

[15] *E.g.*, Edward Savage November 12, 2025 Comments; Jessica Sims November 14, 2025 Comments; Roberta Bondurant November 26, 2025 Comments.

[16] *Transcon. Gas Pipe Line Co., LLC*, 194 FERC ¶ 61,098, at P 16 (2026).

comment after the issuance of the EA.[17] Finally, the Commission has held that party status is not a prerequisite for participation as a commenter in our environmental review process.[18] Therefore, we conclude that the public was afforded an adequate opportunity to review and comment in the proceeding and deny the requests for an extension of the intervention and comment period.

III. Discussion

10. Because Mountain Valley's proposed facilities will be used to transport natural gas in interstate commerce subject to the Commission's jurisdiction, the proposal is subject to the requirements of subsections (c) and (e) of section 7 of the NGA.[19]

A. Certificate Policy Statement

11. The Certificate Policy Statement provides guidance for evaluating proposals to certificate new construction.[20] The Certificate Policy Statement establishes criteria for determining whether there is a need for a proposed project and whether the proposed project will serve the public interest. It explains that, in deciding whether to authorize the construction of new facilities, the Commission balances the public benefits against the potential adverse consequences. The Commission's goal is to appropriately consider the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new construction.

12. Under this policy, the threshold requirement for applicants proposing new projects is that the applicant must be prepared to financially support the project without relying on subsidization from its existing customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might

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[17] 91 Fed. Reg. 52048 (Aug. 12, 2026) (*Notice of the Availability of Environmental Assessment*, which sought comments on the EA by September 8, 2026).

[18] *See Cal. DWR & the City of L.A.*, 120 FERC ¶ 61,248, at P 19 (2007) (noting that comments by entity whose late motion to intervene had been denied "are in the record and will be given the same weight as those of any other entity, whether a party or not.").

[19] 15 U.S.C. §§ 717f(c), (e).

[20] *Certification of New Interstate Nat. Gas Pipeline Facilities*, 88 FERC ¶ 61,227, *corrected*, 89 FERC ¶ 61,040 (1999), *clarified*, 90 FERC ¶ 61,128, *further clarified*, 92 FERC ¶ 61,094 (2000) (Certificate Policy Statement).

have on the applicant's existing customers, existing pipelines in the market and their captive customers, and landowners and communities affected by the new facilities. If residual adverse effects on these interest groups are identified after efforts have been made to minimize them, the Commission will evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits outweigh the adverse effects on economic interests will the Commission proceed to complete the environmental analysis, where other interests are considered.

1. No Subsidy Requirement

13. As discussed above, the threshold requirement for applicants proposing new projects is that the applicant must be prepared to financially support the project without relying on subsidization from its existing customers. The Commission has determined that, in general, where a pipeline proposes to charge incremental rates for new construction that are higher than its existing system rate, the pipeline satisfies the threshold requirement that existing shippers will not subsidize the project.[21] In instances where an incremental rate calculated to recover project costs is less than the existing system rate, Commission policy requires that the system rate should be used as the initial recourse rate to ensure existing customers will not subsidize the new service.[22] As discussed below, Mountain Valley proposes to use its existing applicable Mainline System rates for the project because the illustrative incremental rate is less than the existing system rate. Therefore, we find that Mountain Valley's existing customers will not subsidize the project.

2. Project Need

14. The MVP Boost Project is designed to provide additional firm transportation service to the project shippers, two utility companies and one local distribution company, to help them meet growing demand.[23] As stated above, Mountain Valley has entered into long-term precedent agreements with shippers for 100% of the project's capacity.[24]

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[21] *See, e.g.*, *Tenn. Gas Pipeline Co, LLC*, 179 FERC ¶ 61,041, at P 13 (2022).

[22] *E.g.*, *Tex. Gas Transmission, LLC*, 152 FERC ¶ 61,160, at P 30 (2015); *Millennium Pipeline Co., LLC*, 145 FERC ¶ 61,007, at P 30 (2013).

[23] Application, Resource Report 1 at 1-1.

[24] *Id.* at 2.

15. Commenters in support of the MVP Boost Project argue that the project's added capacity is needed to meet projected natural gas demand in the region.[25] Duke Energy, the project's largest shipper, states that the project infrastructure is essential for ensuring natural gas supply security needed to maintain reliable, cost-effective, dispatchable electric generation.[26] Duke Energy asserts that, until new low-carbon or zero-carbon fuels become economically available for utility-scale dispatchable generation, incremental natural gas capacity will be required to maintain least-cost and reliable operations.[27]

16. Other commenters argue that the Commission cannot rely solely on the existence of precedent agreements to demonstrate need,[28] stating that market demand and contractual commitments should not substitute for independent analysis by the Commission whether the additional capacity is needed.[29] Southern Alliance for Clean Energy (SACE) contends that there is no market need for the project, as evidenced by three market studies filed in other dockets.[30] SACE asserts that a July 2025 Report prepared by London Economics International (LEI)[31] shows that the projected electricity demand from data centers may be flawed due to an inherent upward bias that overstates actual infrastructure needs, and that the analysis shows negative impacts to ratepayers of Duke Energy, the project's anchor shipper. The July 2025 LEI Report claims to identify a "phantom load" problem resulting from data center developers' incentives to submit multiple, redundant interconnection requests across several utility jurisdictions, creating a

[25] *See, e.g.*, Carolinas Natural Gas Coalition December 19, 2025 Comments; West Virginia Legislator Rollan Roberts December 9, 2025 Comments.

[26] Duke Energy November 25, 2025 Comments at 2-3.

[27] *Id.* at 4.

[28] *See, e.g.*, Sierra Club and Protect Our Water, Heritage, Rights December 19, 2025 Comments at 4; Persistence Analytics Group LLC September 1, 2026 at 1.

[29] *See* TerryAnn Towers Saint Amand August 14, 2026 Comments.

[30] SACE references studies filed in Docket Nos. CP25-10-000 and CP25-60-000 for Transcontinental Gas Pipe Line Company, LLC's Southeast Supply Enhancement Project and Mountain Valley's Southgate Amendment Project, respectively. SACE December 19, 2025 Comments at 2-3.

[31] SACE, et al., Comments, Docket No. CP25-10-000, at attach. A (filed July 16, 2025) (July 2025 LEI Report).

structural upward bias in forecasts.[32] SACE states that the report also concludes that the global supply chain of semiconductor chips is inadequate to support projected data center demand in the United States.[33] SACE similarly avers that a November 2025 Report prepared by LEI[34] is credible contrary evidence undermining the probative value of Duke Energy's and PSNC's precedent agreements.[35] SACE also asserts that a December 2025 Report prepared by Greenlink Analytics and Science for Georgia (Greenlink)[36] contains new evidence casting doubt on the data-center-driven natural gas demand growth projected in the Southeastern states.[37]

17. Lastly, several commenters question whether the project's additional transportation capacity would ultimately serve liquefied natural gas exports or data center demand and whether these potential end uses would provide a public benefit to communities along Mountain Valley's existing pipeline.[38]

18. Duke Energy, Virginia Power, and PSNC, all unaffiliated entities, have contracted for 100% of the project capacity to serve customer needs. Precedent agreements for an expansion project's entire capacity support a finding of project need.[39] Although market

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[32] *Id.* at 13-14; *see also id.* at 15 (citing Georgia Public Service Commission Docket No. 55378, *Microsoft's Comments on Ga. Power's 2023 Integrated Res. Plan Update* 1, 4 (Apr. 1, 2024), https://psc.ga.gov/search/factsdocument/?documentId=218199).

[33] *Id.* at 32-33.

[34] SACE, et al., Motion, Docket No. CP25-60-000, at attach. A (filed Nov. 21, 2025) (November 2025 LEI Report).

[35] SACE December 19, 2025 Comments at 2.

[36] SACE, et al., Motion, Docket No. CP25-60-000, at attach. A (Dec. 16, 2025) (Greenlink Report).

[37] SACE December 19, 2025 Comments at 3.

[38] *See, e.g.*, Protect Our Water Heritage Rights September 8, 2026 Comments at 1.

[39] *Gas Trans. Nw., L.L.C. v. FERC*, 157 F.4th 674, 705 (5th Cir. 2025) ("If a pipeline secures precedent agreements for an expansion project's entire capacity, FERC's decision to grant a § 7 certificate is supported by 'substantial evidence' under the APA.") (citations omitted); *see, e.g.*, *Transcon. Gas Pipe Line Co., LLC*, 190 FERC ¶ 61,048, at P 29 (2025) (affirming that precedent agreements are the best evidence of project need); *Tex. Gas Transmission, LLC*, 181 FERC ¶ 61,049 (2022) (finding a long-term precedent agreement for almost 100% of the project's capacity is significant evidence of

studies may provide evidence of need under the Certificate Policy Statement, they are not required for such a finding.[40] In fact, the Commission has continuously found that precedent agreements are the best evidence that the service to be provided by the project is needed, as precedent agreements involve parties engaging in negotiations for pipeline transportation services to meet individualized needs.[41]

19. As a general matter, the Commission does not second-guess individual shippers' business decisions to enter into contracts for natural gas transportation service.[42] This reflects the reality that "[i]f there were no objective market demand for the additional gas, no rational company would spend money to secure the excess capacity."[43] The Commission therefore will not look beyond precedent agreements to assess need by other means unless there is credible, contrary evidence discounting their probative value,[44] such as "plausible evidence of self-dealing between a pipeline and [an] affiliate shipper."[45] No such evidence exists here.

20. The various market studies cited by SACE do not outweigh the probative value of precedent agreements from multiple unaffiliated shippers for 100% of the project's capacity. While the July 2025 LEI Report questions the credibility of regional load growth forecasts, we find that it relies on speculative assumptions pertaining to data center demand estimates. The November 2025 LEI Report likewise acknowledges the uncertainty inherent in long-term forecasting. We note that the report's analysis relies on selective evidence and quotations supporting alternative forecasting assumptions regarding future demand and resource planning.

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need for the proposed project); *For a Better Bayou v. FERC*, 188 F.4th 516, 532 (D.C. Cir. 2026) (citing *Sierra Club v. FERC*, 153 F.4th 1295, 1309 (D.C. Cir. 2025) ("'As a general rule,' we have held that the 'FERC may find market need by relying solely on a precedent agreement.'")).

[40] Certificate Policy Statement, 88 FERC at 61,748.

[41] *Transcon. Gas Pipe Line Co., LLC*, 190 FERC ¶ 61,048, at PP 27, 29.

[42] *Tenn. Gas Pipeline Co.*, 196 FERC ¶ 61,093, at P 46 (2026) (citing *Transcon. Gas Pipe Line Co., LLC*, 190 FERC ¶ 61,048 at P 27).

[43] *Twp. of Bordentown, N.J. v. FERC*, 903 F.3d 234, 262 (3d Cir. 2018).

[44] *Tenn. Gas Pipeline Co.*, 196 FERC ¶ 61,093 at P 43.

[45] *Id.* P 47 (internal quotation marks omitted).

21. Similarly, the Greenlink Report notes that "[f]orecasted load growth remains highly variable due to several compounding factors."[46] The Greenlink Report's modeling relies heavily on national and global demand forecasts,[47] despite the report's own acknowledgment that data center development in the Southeast is growing faster than nationwide trends.[48] The report also offers limited support for its assumption that Southeast load growth will track international trends.[49] Methodologically, the report mixes forecasts that already incorporate efficiency gains into its "conservative" scenario and may double-count efficiency improvements in its second simulation.[50] Finally, while Greenlink discounts utilities' load forecasts, it does not identify flaws in their underlying methods, even though utilities possess the most complete information regarding expected load requirements used for forecasting. The LEI Reports and the Greenlink Report place substantial emphasis on projected data center load growth even though Mountain Valley states that the proposed capacity is intended to serve broader regional needs. Because data center load represents only a portion of expected future demand, a narrow focus on this sector provides an incomplete basis for evaluating project need.

22. We note that "[p]rojections regarding future demand often change and are influenced by a variety of factors, including economic growth, the cost of natural gas, environmental regulations, and legislative and regulatory decisions by the federal government and individual states."[51] Here, the cited reports reflect the inherent difficulty of forecasting long-term electricity and natural gas demand in a region experiencing significant load growth, driven in part by data center development. These various projections do not undermine the Commission's need determination, which is grounded in concrete, objective evidence in the form of long-term, binding precedent agreements among sophisticated parties for the project's entire capacity.[52] Thus, we find the LEI and

[46] Greenlink Report at 9.

[47] *Id.* at 21.

[48] *Id.* at 19.

[49] *Id.* at 19.

[50] *Id.* at 54.

[51] *Transcon. Gas Pipe Line Co., LLC*, 190 FERC ¶ 61,048 at P 29 (citing *Tenn. Gas Pipeline Co.*, 170 FERC ¶ 61,142, at P 10 (2020); *Adelphia Gateway, LLC*, 169 FERC ¶ 61,220, at P 37 (2019)).

[52] *Transcon. Gas Pipe Line Co., LLC*, 190 FERC ¶ 61,048 at P 29 (noting that precedent agreements "represent substantial financial commitments" and provide "actual

Greenlink reports unpersuasive, and we further find that they do not undermine the probative value of the binding precedent agreements. Moreover, we reiterate the Commission's repeated holding that oversight of the procurement decisions of local distribution companies and utilities is best left to state regulators.[53]

23. SACE also speculates that PSNC's 125,000 Dth/d precedent agreement is substitute capacity for the capacity it released to EQT Energy, LLC (EQT Energy) in a settlement agreement in March 2025.[54] Setting aside that SACE does not explain why this would call into question whether PSNC's precedent agreement reflects an actual need, we find SACE's argument speculative and unsupported. The release of capacity from PSNC to EQT Energy on Mountain Valley's Mainline System was the result of a specific 2017 contract[55] and does not undermine the validity of the current agreement with Mountain Valley. Further, as discussed above, we respect freely negotiated private contracts and do not question such agreements unless there is plausible evidence of self-dealing between affiliates.[56] SACE has provided no such evidence, nor do we find any. Absent a compelling reason, the Commission does not second-guess the business and economic decisions of knowledgeable business entities executing binding precedent agreements.[57]

24. Regarding commenters' queries about the end use of the transported gas,[58] we emphasize that the Commission does not regulate the downstream use of natural gas.[59]

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evidence regarding demand" not subject to the same inherent limitations as market studies and projections (internal quotation marks omitted)).

[53] *See Mountain Valley Pipeline, LLC*, 185 FERC ¶ 61,208, at P 17 n.56 (2023).

[54] SACE December 19, 2025 Comments at 1.

[55] In SACE's comments it included a link to the direct testimony of Rose M. Jackson in a PSNC rate case before the NCUC. NCUC, *Rose M. Jackson Direct Testimony, NCUC Docket No. G-5, Sub 688* 35- 39 (May 30, 2025), https://starw1.ncuc.gov/NCUC/ViewFile.aspx?Id=633711d8-e35f-426b-a50e-09e4e05ca5d2.

[56] *See Transcon. Gas Pipe Line Co., LLC*, 190 FERC ¶ 61,048 at P 27.

[57] *Cf. Gas Transmission Nw. LLC*, 188 FERC ¶ 61,131, at P 17 (2024).

[58] *See supra* P 17 (summarizing comments).

[59] *Transcon. Gas Pipe Line Co., LLC*, 192 FERC ¶ 61,134, at P 37 (2025) ("End-use customers, whether generators, residential customers, or others, do not come under

Moreover, the Commission views transportation service for all shippers as providing public benefits and does not weigh end uses differently for the purpose of determining need for a project.[60]

25. Commenters ask who would bear the financial risk if project demand does not materialize or infrastructure is underutilized, advocating that ratepayers and communities should not bear the consequences.[61] Precedent agreements for the entire capacity of the project demonstrate that it is needed, and there is no evidence that the project would result in stranded assets or over-building. We note that this order requires Mountain Valley to file a written statement affirming that it has executed firm contracts for the volumes and service terms equivalent to those in its precedent agreements prior to commencement of construction.[62]

3. Impacts on Existing Customers, Existing Pipelines and Their Customers, and Landowners and Surrounding Communities

26. We find that the project will not adversely affect service to Mountain Valley's existing customers. Mountain Valley designed the project to provide additional service to project shippers without degrading service to existing customers.[63] We also find that there will be no adverse impact on other pipelines in the region or their captive customers. The project shippers will use the project's capacity to serve the incremental

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the Commission's NGA jurisdiction because they do not engage in interstate transportation or the interstate sale for resale of natural gas.").

[60] *NEXUS Gas Transmission, LLC*, 172 FERC ¶ 61,199, at P 17 (2020), *petition denied sub nom. City of Oberlin, Ohio v. FERC*, 39 F.4th 719 (D.C. Cir. 2022). Nonetheless, regarding commenters' queries about exports, we note that the project's delivery locations would be along Mountain Valley's system and the export of natural gas is not proposed. *See* EA at 1.

[61] *See, e.g.*, TerryAnn Towers Saint Amand August 14, 2026 Comments; Center for Biological Diversity September 8, 2026 Comments at tbl. (comments by Heather Henthorne).

[62] We note as well that the Commission's findings under the NGA regarding whether the project is required by the public convenience and necessity do not preclude state regulators from undertaking an after-the-fact prudency review of any purchase agreement by a local distribution company, consistent with the state's jurisdiction. *Mountain Valley Pipeline, LLC*, 185 FERC ¶ 61,208 at P 17 n.56.

[63] Application at 9-10.

growth requirements of their markets. No pipelines or their captive customers have objected to Mountain Valley's proposal.

27. We are further satisfied that Mountain Valley has taken sufficient steps to minimize adverse economic impacts on landowners and surrounding communities. The project would disturb 65.3 acres of land during construction, of which 42.4 acres would be permanently impacted during operation.[64] The Swann Compressor Station will be located on a parcel owned by Mountain Valley, and Mountain Valley proposes to use existing permanent access roads and laydown yards to further minimize impacts to landowners and communities.[65] Accordingly, we find that the proposed project has been designed to minimize adverse economic impacts on landowners and surrounding communities.

4. Certificate Policy Statement Conclusion

28. The MVP Boost Project will provide up to 600,000 Dth/d of additional firm natural gas transportation service. Mountain Valley has entered into binding agreements with project shippers for 100% of the project's capacity. Accordingly, we find that Mountain Valley has demonstrated a need for the project, and, further, that the project will not have adverse impacts on existing shippers or other pipelines and their existing customers, and that the project will have minimal economic impacts on landowners and surrounding communities. Therefore, we conclude that the project is consistent with the criteria set forth in the Certificate Policy Statement and analyze the environmental impacts of the project below.[66]

B. Rates

1. Initial Recourse Rates

29. Mountain Valley proposes to use its existing applicable Mainline System rates under Rate Schedule FTS as the maximum recourse rate for the MVP Boost Project.[67] Mountain Valley calculated an illustrative monthly incremental firm reservation charge of $15.0220 per Dth and a usage charge of $0.0055 per Dth. The illustrative incremental

[64] EA at 6.

[65] Application at 10.

[66] *See* Certificate Policy Statement, 88 FERC at 61,745-46 (explaining that only when the project benefits outweigh the adverse effects on the economic interests will the Commission then complete the environmental analysis).

[67] Application at 20.

reservation charge is based on a reservation cost of service of $108,158,431 and annual billing determinants of 7,200,000 Dth.[68] The illustrative incremental usage charge is based on a usage cost of service of $1,208,843 and annual billing determinants of 219,000,000 Dth. The cost of service reflects a depreciation rate of 2.5% and pretax rate of return of 12.32%, which includes a 14% return on equity (ROE).[69] In support of its proposal, Mountain Valley provided a rate analysis showing that the project's illustrative 100% load factor incremental rate of $0.4994 per Dth is lower than the Mainline System's currently effective 100% load factor rate of $1.7794 per Dth under Rate Schedule FTS.[70]

30. We have reviewed Mountain Valley's proposed cost of service and initial rates and find that they are consistent with current Commission policy with the exception of the ROE underlying the cost of service used to calculate the illustrative incremental rates. The Commission's general policy is to not allow the continued use of the 14% ROE approved in a pipeline's initial certificate authorization when determining the cost of service for subsequent incremental expansions.[71] Instead, the Commission has stated that it is more appropriate to use the most recent ROE approved in a litigated NGA section 4 rate case if the pipeline has not established its own ROE. The last applicable litigated ROE was from *Panhandle East. Pipe Line Company, LP*, where the Commission adopted a ROE of 11.25%.[72] The Commission has generally held that the applicable system recourse rates are appropriate as initial recourse rates for a project if the estimated cost-based rate is less than the current system rate.[73] Incorporating a ROE of 11.25% would decrease Mountain Valley's calculated illustrative incremental reservation charge. Because Mountain Valley's rate analysis, even without the corrected ROE, demonstrates

[68] *Id.*, Ex. P-1.

[69] *Id.* at 20.

[70] Mountain Valley, Mountain Valley Pipeline FERC Gas Tariff, § 4.1 (Statement of Rates – FTS & EFT) (1.0.0).

[71] *Cameron Interstate Pipeline, LLC*, 189 FERC ¶ 61,048, at P 17 (2024); *Mountain Valley Pipeline, LLC*, 193 FERC ¶ 61,222, at P 37.

[72] *Panhandle E. Pipe Line Co., L.P.*, Opinion No. 885, 181 FERC ¶ 61,211 (2022), *order on reh'g*, Opinion No. 885-A, 184 FERC ¶ 61,181 (2023), *order on reh'g*, Opinion No. 885-B, 186 FERC ¶ 61,015 (2024), *pets. for review filed sub nom. Panhandle E. Pipe Line Co. v. FERC*, No. 23-1220 (D.C. Cir.).

[73] Certificate Policy Statement, 88 FERC at 61,746. Otherwise, the pipeline is required to establish an incremental rate to ensure that there is no subsidization from existing shippers.

that its currently effective Mainline System rates under Rate Schedule FTS are greater than the illustrative incremental rates, we approve Mountain Valley's request to use its existing system Mainline System rates under Rate Schedule FTS as the initial recourse rates for the MVP Boost Project. In addition, Mountain Valley is directed to charge the applicable system interruptible rate for the MVP Boost Project.

2. Predetermination of Rolled-In Rates

31. Mountain Valley requests a pre-determination that it may roll the costs associated with the MVP Boost Project into its system-wide rates in a future NGA section 4 rate case. To support a request for a pre-determination that a pipeline may roll the costs of a project into its system-wide rates in a future NGA section 4 general rate proceeding, a pipeline must demonstrate that rolling in the costs associated with the construction and operation of new facilities will not result in existing customers subsidizing the expansion.[74] In general, this means that a pipeline must show that the revenues to be generated by an expansion project will exceed the project cost.[75] To make this determination, we compare the project cost to the revenues generated using actual contract volumes and either the maximum recourse rate or, if the negotiated rate is lower than the recourse rate, the actual negotiated rate.[76]

32. Based on the calculated revenues generated from the contract volumes and the negotiated rates, we find that the project's projected revenues exceed the project's projected costs during the first year of service. Therefore, we will approve a presumption of rolled-in rate treatment for the cost of the MVP Boost Project, absent a significant change in circumstances.

3. Fuel

33. Mountain Valley proposes to separately identify the incremental fuel and lost and unaccounted for gas attributable to volumes transported under the MVP Boost Project and to develop an associated incremental retainage factor.[77] Mountain Valley submitted a fuel study demonstrating that the incremental system fuel is expected to be 6.017%, which exceeds the currently effective Mainline System retainage factor. Mountain

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[74] *See id.*

[75] *See, e.g.*, *Nat. Gas Pipeline Co. of Am. LLC*, 169 FERC ¶ 61,050, at P 12 (2019).

[76] *See, e.g.*, *Nat. Gas Pipeline Co. of Am., LLC*, 154 FERC ¶ 61,220, at P 25 (2016).

[77] Application at 21.

Valley explains that, consistent with its tariff, when total Mainline System throughput, including volumes contracted in response to the MVP Boost Project, remains below the existing system capacity, all shippers will be assessed the same retainage factor.[78] We approve Mountain Valley's proposal to establish an incremental fuel rate retainage factor for the MVP Boost Project as proposed. Mountain Valley is directed to revise its tariff clarifying that the MVP Boost Project incremental rate will only be charged when total throughput is above existing system capacity.[79]

4. Negotiated Rates

34. Mountain Valley proposes to provide service to its project shippers under negotiated rate agreements. Mountain Valley must file either its negotiated rate agreements or tariff records setting forth the essential elements of the agreements in accordance with the Commission's Alternative Rate Policy Statement[80] and the Commission's negotiated rate policy.[81]

5. Non-Conforming Contract Provisions

35. Mountain Valley requests the Commission make a pre-determination regarding non-conforming provisions it negotiated in its precedent agreements.[82] Mountain Valley states that the precedent agreements grant the anchor shippers certain contractual rights not available to other customers, which could be viewed as material deviations from the *pro forma* service agreement for Rate Schedule FTS. Mountain Valley states that it

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[78] *Id.*

[79] *Id.*, Ex. P – Tariff.

[80] *Alts. to Traditional Cost-of-Serv. Ratemaking for Nat. Gas Pipelines; Regul. of Negotiated Transp. Servs. of Nat. Gas Pipelines*, 74 FERC ¶ 61,076, *clarification granted*, 74 FERC ¶ 61,194, *order on reh'g & clarification*, 75 FERC ¶ 61,024, *reh'g denied*, 75 FERC ¶ 61,066, *reh'g dismissed*, 75 FERC ¶ 61,291 (1996), *petition denied sub nom. Burlington Res. Oil & Gas Co. v. FERC*, 172 F.3d 918 (D.C. Cir. 1998) (Alternative Rate Policy Statement).

[81] *Nat. Gas Pipeline Negotiated Rate Policies & Pracs.; Modification of Negotiated Rate Pol'y*, 104 FERC ¶ 61,134 (2003), *order on reh'g & clarification*, 114 FERC ¶ 61,042, *reh'g dismissed & clarification denied*, 114 FERC ¶ 61,304 (2006).

[82] Application at 19. On June 30, 2026, Mountain Valley provided the unexecuted Rate Schedule FTS agreements containing the provisions for which Mountain Valley requested Commission review. *See* Mountain Valley June 30, 2026 Response to Staff's June 23, 2026 Information Request.

offered these incentives to obtain the capacity commitments it required to advance the project and to recognize the anchor shippers' financial commitments to the project.

36. Specifically, Mountain Valley requests the Commission approve the following non-conforming provisions: (1) credit agreements providing for enhanced credit support for the project; (2) an option to extend shippers' service agreements for an additional 5-year period at the contracted quantity and at the negotiated rate; (3) a contractual right of first refusal at the expiration of the primary term for a renewal term of no less than five years, in accordance with Mountain Valley's tariff; (4) reservation charge crediting provisions; and (5) a most favored nations provision with respect to the daily reservation and overrun rate.[83]

37. In *Columbia Gas Transmission Corp.*,[84] the Commission clarified that a material deviation in a service agreement is any provision that: (1) goes beyond filling in the blank spaces with the appropriate information allowed by the tariff and (2) affects the substantive rights of the parties. The Commission prohibits negotiated terms and conditions of service that result in a shipper receiving a different quality of service than that offered to other shippers under the pipeline's generally applicable tariff or that affect the quality of service received by others.[85] However, not all material deviations are impermissible. As the Commission explained in *Columbia Gas*, provisions that materially deviate from the corresponding *pro forma* service agreement fall into two general categories: (a) provisions the Commission must prohibit because they present a significant potential for undue discrimination among shippers and (b) provisions the Commission can permit without a substantial risk of undue discrimination.[86]

38. We find that the above-described non-conforming provisions constitute material deviations from Mountain Valley's *pro forma* service agreement for Rate Schedule FTS. In other proceedings, however, the Commission has found that non-conforming provisions may be necessary to reflect the unique circumstances involved with the construction of new infrastructure and to provide the needed security to ensure the

[83] Mountain Valley June 30, 2026 Response to Staff's June 23, 2026 Information Request at 1-2.

[84] 97 FERC ¶ 61,221, at 62,002 (2001).

[85] *Monroe Gas Storage Co., LLC*, 130 FERC ¶ 61,113, at P 28 (2010).

[86] *Columbia Gas Transmission Corp.*, 97 FERC at 62,003-04.

viability of a project.[87] Here, we find that the non-conforming provisions are permissible because they do not present a risk of undue discrimination, do not adversely affect the operational conditions of providing service to other shippers, and do not result in any shipper receiving a different quality of service.[88]

39. Before providing service to any project shipper under a non-conforming agreement, Mountain Valley must file an executed copy of the non-conforming service agreement and identify and disclose all non-conforming provisions or agreements affecting the substantive rights of the parties under the tariff or service agreement. Consistent with section 154.112 of the Commission's regulations, Mountain Valley must also file a tariff record identifying the agreements as non-conforming agreements.[89] In addition, we emphasize that the above determination relates only to those items described by Mountain Valley in its application and not to the entirety of the precedent agreement or the language contained in the precedent agreement.[90]

6. Reporting

40. Section 154.309 of the Commission's regulations includes bookkeeping and accounting requirements applicable to all expansions for which incremental rates are charged. The requirements ensure that costs are properly allocated between pipelines' existing shippers and incremental expansion shippers.[91] Therefore, we will require Mountain Valley to keep separate books and accounting of costs and revenues attributable to the incremental capacity created by the project in the same manner as

[87] *See, e.g.*, *Tenn. Gas Pipeline Co., L.L.C.*, 144 FERC ¶ 61,219 (2013); *Midcontinent Express Pipeline LLC*, 124 FERC ¶ 61,089, at P 82 (2008); *Rockies Express Pipeline LLC*, 116 FERC ¶ 61,272, at P 78 (2006).

[88] *See, e.g.*, *Tex. E. Transmission, LP*, 153 FERC ¶ 61,311, at P 40 (2015); *Magnolia LNG, LLC*, 155 FERC ¶ 61,033, at P 45 (2016).

[89] 18 C.F.R. § 154.112 (2025).

[90] A Commission ruling on non-conforming provisions in a certificate proceeding does not waive any future review of such provisions when the executed copy of the non-conforming agreement(s) and a tariff record identifying the agreement(s) as non-conforming are filed with the Commission, consistent with section 154.112 of the Commission's regulations. *See, e.g.*, *Tenn. Gas Pipeline Co., L.L.C.*, 150 FERC ¶ 61,160, at P 44, n.33 (2015).

[91] 18 C.F.R. § 154.309 (2025).

required by section 154.309 of the Commission's regulations.[92] The books should be maintained with applicable cross-reference and the information must be in sufficient detail so that the data can be identified in Statements G, I, and J in any future NGA section 4 or 5 rate case, and the information must be provided consistent with Order No. 710.[93]

IV. Environmental Analysis

41. On November 19, 2025, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed MVP Boost Project*. The notice was published in the *Federal Register*[94] and mailed to interested parties including federal, state, and local officials; agency representatives; environmental and public interest groups; Native American Tribes; local libraries and newspapers; and affected property owners. We received comments in response to the notice from the U.S. Fish and Wildlife Service (FWS) West Virginia Field Office; Virginia Department of Historic Resources (Virginia State Historic Preservation Office (SHPO)); Virginia Department of Environmental Quality (Virginia DEQ); Virginia Department of Conservation and Recreation (Virginia DCR) Division of Natural Heritage; Virginia Department of Wildlife Resources (Virginia DWR); seven state elected officials; Montgomery County, Virginia; Craig County, Virginia; 17 organizations; one affected landowner; two companies; and about 84 individuals.

42. The primary issues raised during the scoping process included the project's environmental effects; the sufficiency of public outreach, including scoping meetings; whether an environmental impact statement (EIS) was needed; and whether intervenor and scoping comment deadlines should be extended. Comments included concerns regarding effects of the project on water resources, wetlands, aquatic resources, wildlife, cultural resources, socioeconomics, property values, visual resources, air quality, noise, health, and safety. Some commenters requested an analysis of energy alternatives and

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[92] *Id. See Gulf S. Pipeline Co., LLC*, 173 FERC ¶ 61,049, at P 6 (2020) (for projects that use existing system rates for the initial rates, the Commission's requirement for separate books and accounting applies only to internal books and records).

[93] *See Revisions to Forms, Statements, & Reporting Requirements for Nat. Gas Pipelines*, Order No. 710, 122 FERC ¶ 61,262, at P 23 (2008). In *Gulf South*, the Commission clarified that a pipeline charging its existing system rates for a project is not required to provide books and accounting consistent with Order No. 710. However, a pipeline is required to maintain its internal books and accounting such that it would have the ability to include this information in a future FERC Form No. 2 if the rate treatment for the project is changed in a future rate proceeding.

[94] 90 Fed. Reg. 52932 (Nov. 24, 2025).

alternative sites for the Swann Compressor Station and expressed concern regarding segmentation because the compressor station was not included as part of the environmental review for Mountain Valley's Mainline System.[95]

43. Pursuant to the National Environmental Policy Act of 1969 (NEPA),[96] Commission staff prepared an EA, which was issued on August 7, 2026.[97] The Notice of Availability of the EA was published in the *Federal Register*[98] and established a 30-day comment period. The notice was mailed to interested parties including federal, state, and local officials; agency representatives; environmental and public interest groups; Native American Tribes; local libraries and newspapers; and affected property owners. The EA was prepared with the cooperation of the U.S. Army Corps of Engineers, Huntington District (USACE). The analysis in the EA addresses geology, soils, water resources, wetlands, vegetation, wildlife, threatened and endangered species, cultural resources, land use, recreation, visual resources, socioeconomics, air quality, noise, safety, and alternatives. The EA addressed all environmental comments received during scoping and concluded that approval of the project would not constitute a major federal action significantly affecting the quality of the human environment.[99]

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[95] *Mountain Valley Pipeline, LLC & Equitrans, L.P.*, Final EIS, Docket Nos. CP16-10-000 and CP16-13-000 (issued June 23, 2017).

[96] 42 U.S.C. §§ 4321 *et seq.*; *see also* 18 C.F.R. pt. 380 (2025) (Commission's regulations implementing NEPA).

[97] For tracking purposes under NEPA, the unique identification number for documents relating to this environmental review is EAXX-019-20-000-1767605403.

[98] 91 Fed. Reg. 52048 (Aug. 12, 2026).

[99] EA at 60. Commission staff could not determine whether the effects from greenhouse gas (GHG) emissions attributable to the project would be significant or insignificant. *Id.*; *see* 42 U.S.C. § 4336(b)(2) ("An agency shall prepare an environmental assessment with respect to a proposed agency action that does not have a reasonably foreseeable significant effect on the quality of the human environment, or if the significance of such effect is unknown . . . ."). We note that NEPA does not require that the Commission formally label project-related GHG emissions as significant or insignificant. *See Citizens Action Coal. of Ind., Inc. v. FERC*, 125 F.4th 229, 241-242 (D.C. Cir. 2025) (holding that "the absence of a 'significance' label does not violate NEPA, CEQ guidance, or FERC regulations") (citing *Food & Water Watch v. FERC*, 104 F.4th 336, 346 (D.C. Cir. 2024) (*East 300*)); *see also Transcon. Gas Pipe Line Co.*, 187 FERC ¶ 61,200, at P 33 (2024) (applying *East 300* in the context of an EA).

44. Under NEPA, the Commission considers the project's effects on all potentially affected communities. Project activities that would affect local communities include construction and operation of the new Swann Compressor Station, as well as modifications and capacity upgrades at the existing Bradshaw, Harris, and Stallworth Compressor Stations. Project construction would affect a total of 65.3 acres of land, of which 42.4 acres would be permanently affected during operation.[100]

45. As described in the EA, the project's potential effects on local communities during construction include visual effects,[101] traffic-related effects,[102] air quality effects,[103] and noise effects,[104] all of which would be temporary and less than significant. Temporary short-term visual effects would occur during construction at all project facilities and laydown yards due to large equipment, vehicles, dust, and clearing of vegetation.[105] Mountain Valley would minimize construction traffic effects by implementing measures in its Traffic and Transportation Management Plan.[106] To minimize air quality effects during construction, Mountain Valley would implement measures to control fugitive dust emissions, avoid idling of construction equipment to the extent possible, and follow manufacturer recommendations to maximize fuel efficiency and minimize engine emissions.[107] With respect to construction noise, Mountain Valley would construct primarily during daytime hours; nighttime work would be infrequent and generally limited to activities that are not expected to generate significant noise.[108]

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[100] EA at 6.

[101] *Id.* at 42-43.

[102] *Id.* at 49-50.

[103] *Id.* at 51-53.

[104] *Id.* at 62-63.

[105] *Id.* at 42.

[106] *Id.* at 49.

[107] *Id.* at 51.

[108] *Id.* at 62; Mountain Valley September 23, 2026 Response to EA Comments at 5.

46. The EA finds that operation of the project would result in visual effects,[109] air quality effects,[110] and noise effects,[111] all of which would be less than significant. To minimize visual effects at the Swann Compressor Station during operation, Mountain Valley would use fully shielded, full cut-off fixtures designed to direct light downward.[112] Modifications at the existing compressor stations would occur primarily within the existing station footprints and would not change the visual character of these facilities.[113] For operational air quality effects, the EA determines that operating the new Swann Compressor Station and modifications to the existing compressor stations would result in increased emissions; however, Mountain Valley would mitigate emissions by minimizing fugitive emissions[114] and following federal and state air permitting requirements.[115] Mountain Valley would minimize operational noise through facility design, such as acoustically designed buildings, high-performance engine exhaust and inlet systems, turbine intake and exhaust silencers, compressor casings, pipe and duct lagging, and unit vent silencers.[116] Additionally, Environmental Condition 12 in Appendix B to this order requires Mountain Valley to provide post-construction noise surveys and additional noise controls if operational noise exceeds the Commission's noise standards at any nearby noise-sensitive area.[117]

47. The EA recommends implementation of Mountain Valley's proposed construction procedures and mitigation measures and Commission staff recommendations,[118] which we have adopted as conditions in Appendix B of this order.

48. The Commission received comments on the EA from two U.S. Senators, one U.S. Representative, one Virginia state senator, three West Virginia state senators,

[109] EA at 42-43.

[110] *Id.* at 53-55.

[111] *Id.* at 63-64.

[112] *Id.* at 43.

[113] *Id.* at 42.

[114] *Id.* at 53.

[115] *Id.* at 55.

[116] *Id.* at 64.

[117] *Id.*

[118] *Id.* at 72.

nine members of the Virginia House of Delegates, Virginia DEQ, Roanoke County Board of Supervisors, Montgomery County Board of Supervisors, Craig County Board of Supervisors, 16 organizations,[119] two companies including Mountain Valley, and about 80 individuals.[120]

49. Commenters in support of the project state that the project will replace fuels that have a higher carbon intensity while maintaining reliable energy supply, result in local tax revenues, and serve the public interest.[121] Other commenters raise issues related to the environmental impacts of the project. The comments are addressed below.

1. Comments on the EA

a. Preparation of an EIS

50. Commenters argue that the Commission should have prepared an EIS instead of an EA for the project, and that the NEPA review should have included the entire Mountain Valley Mainline System.[122] They reason that Mountain Valley's existing system, together with the Swann Compressor Station, would be a major federal action that may significantly affect the quality of the human environment.[123] Other commenters state that an EIS is required to sufficiently assess project effects on various environmental resources.[124]

51. NEPA requires that a federal agency prepare an EIS if the proposed agency action has a reasonably foreseeable significant effect on the quality of the human environment.[125] However, an agency may prepare an EA if the proposed action does not have a reasonably foreseeable significant effect on the quality of the human environment

[119] Some organizations filed more than one comment and some comments from organizations included compilations of comments from individuals.

[120] Some individuals filed more than one comment.

[121] *See, e.g.*, Virginia Oil and Gas Association August 25, 2026 Comments; Ellen Ryan September 2, 2026 Comments.

[122] *See, e.g.*, Marie B. Goodwin September 8, 2026 Comments; Kimberely Homer September 8, 2026 Comments.

[123] *See, e.g.*, Montgomery County Board of Supervisors August 27, 2026 Comments.

[124] *See, e.g.*, Nan Gray September 2, 2026 Comments.

[125] 42 U.S.C. § 4336(b)(1).

or if the significance of such effect is unknown.[126] An agency's decision whether to prepare an EIS is left to its discretion.[127]

52. Here, Commission staff prepared an EA to determine whether the project would have a significant effect on the human environment and thus require the preparation of an EIS. The EA assesses the potential effects of the project on a variety of resources and determines that project construction and operation would not constitute a major federal action significantly affecting the quality of the human environment.[128] Accordingly, an EIS is not required. Moreover, as discussed below, the EA appropriately limited the scope of the analysis to the MVP Boost Project.

b. Segmentation

53. Commenters contend that the Swann Compressor Station should not have been reviewed separately from Mountain Valley's Mainline System[129] or the Southgate Project.[130]

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[126] *Id.* § 4336(b)(2).

[127] *Seven Cnty. Infrastructure Coal. v. Eagle Cnty.*, 605 U.S. 168, 181 (2025) (quoting *Dep't of Transp. v. Pub. Citizen*, 541 U.S. 752, 767 (2004)) (*Seven County*).

[128] EA at 75; *cf.* 42 U.S.C. § 4336(b)(2) (explaining than an EA "shall be a concise public document prepared by a Federal agency to set forth the basis of such agency's finding of no significant impact or determination that an environmental impact statement is necessary"); *id.* § 4336e(7) ("The term 'finding of no significant impact' means a determination by a Federal agency that a proposed agency action does not require the issuance of an environmental impact statement.").

[129] *See, e.g.*, Montgomery County Board of Supervisors August 27, 2026 Comments. Commenters also express concern over Mountain Valley's prior environmental compliance and existing conditions of Mountain Valley's Mainline System. *See, e.g.*, Preserve Giles County September 8, 2026 Comments; Nan Gray September 2, 2026 Comments. Commission staff's review found that most of the violations did not result in resource effects, Mountain Valley reached consent decrees with Virginia DEQ and West Virginia Department of Environmental Protection, and no additional action by the Commissions is necessary. *See Mountain Valley Pipeline, LLC*, 179 FERC ¶ 61,013, at P 133 (2022).

[130] Chesapeake Climate Action Network September 8, 2026 Comments at 8-9.

54. In carrying out its duties under NEPA, the Commission must focus on "the effects of the project at hand," and it "need not address the effects of separate projects."[131] This principle accords with NEPA's text, which only requires consideration of the reasonably foreseeable effects "of the proposed agency action" at hand.[132] However, in some instances "projects may be [so] interrelated and close in time and place to the project at hand" that they are, in effect, "a single project within the authority of the agency," thus requiring the agency to analyze their effects together under NEPA.[133] In the context of natural gas infrastructure projects, the D.C. Circuit has focused on the projects' "degree of physical and functional interdependence and their temporal overlap."[134]

55. We disagree with commenters' assertion that the Swann Compressor Station and Mountain Valley Mainline System were required to be analyzed in a single environmental review. Given that the EIS for the Mountain Valley Mainline System was issued nearly 10 years ago,[135] there is no temporal overlap between the two projects. And even setting aside the absence of temporal overlap, while it is true that the MVP Boost Project cannot operate in the absence of the mainline, the reverse is certainly not true: Mountain Valley has provided contracted-for service on its system for years and has no need of the Swann Compressor Station to continue doing so. To conclude that expanding a pipeline system necessitates revisiting a long-since complete environmental analysis would have no support in law or policy.

56. With respect to the Southgate Project, the projects are physically located in separate locations, with the closest MVP Boost project facility situated more than

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[131] *Seven County*, 605 U.S. at 189, 192.

[132] 42 U.S.C. § 4332(2)(C)(i); *accord id.* § 4336(a), (b).

[133] *Seven County*, 605 U.S. at 190. To the extent commenters rely on prior Council on Environmental Quality (CEQ) regulations addressing "connected," "cumulative," and "similar" actions, or case law applying those regulations, *see, e.g.*, Chesapeake Climate Action Network September 8, 2026 Comments at 8 & n.23, we note that they have since been rescinded. *Cf. Appalachian Voices v. TVA*, No. 26-5836, 2026 WL 3093507, at *6 (6th Cir. Oct. 16, 2026) (cautioning against reliance on NEPA precedent grounded in now-rescinded CEQ regulations).

[134] *Ala. Mun. Distribs. Grp. v. FERC*, 100 F.4th 207, 212 (D.C. Cir. 2024) (quoting *Food & Water Watch v. FERC*, 28 F.4th 277, 291-92 (D.C. Cir. 2022)).

[135] *Mountain Valley Pipeline, LLC*, 161 FERC ¶ 61,043, at P 129 (2017) (noting issuance of the final EIS on June 23, 2017), *order on reh'g*, 163 FERC ¶ 61,197 (2018), *aff'd sub. nom.*, *Appalachian Voices v. FERC*, No. 17-1271, 2019 WL 847199 (D.C. Cir. Feb. 19, 2019).

65 pipeline miles away from the Southgate interconnection with Mountain Valley's Mainline System.[136] Nor do the projects require each other to transport gas.[137] Although the Southgate and MVP Boost applications were briefly pending before the Commission at the same time, the overlap was not significant. Specifically, the Southgate certificate was originally issued in 2020.[138] Although Mountain Valley applied to amend the certificate in early 2025,[139] the EA for that Southgate Amendment Project had already been issued before Mountain Valley filed its application for MVP Boost,[140] the Southgate Amendment Project was approved shortly thereafter in December 2025,[141] and Southgate is intended to be operational roughly a year before the MVP Boost Project.[142] In short, these are distinct projects properly analyzed separately under NEPA.

c. Requests to Extend EA Comment Period and Hold Public Comment Meetings

57. Commenters request that the EA comment period be extended an additional 30 or 60 days.[143] Some commenters further request that the Commission host public comment meetings in the project area.[144]

58. The EA describes the opportunities that were provided for public review and comment, which included an open house, a 21-day application comment period, a 30-day

[136] EA at 10.

[137] *Cf.* Application at 4 n.8 (noting that Southgate does not depend on the Swann Compressor Station proposed as part of MVP Boost). *See id.* at 15-16 (stating that the design of MVP Boost is not affected by the MVP Southgate Amendment Project).

[138] *See Mountain Valley Pipeline*, 171 FERC ¶ 61,232 (2020).

[139] *See Mountain Valley Pipeline, LLC*, 193 FERC ¶ 61,222 at P 1.

[140] *See id.* P 47 (noting EA's issuance on October 3, 2025).

[141] *See id.* P 1 (granting requested amendment on December 18, 2025).

[142] *See id.* at ordering para. (B); *cf. Food & Water Watch*, 28 F.4th at 292 (rejecting segmentation argument where two projects would be operational a year apart).

[143] *See, e.g.*, U.S. Senators Mark R. Warner and Tim Kaine September 8, 2026 Comments at 1; Virginia House of Delegates Member Sam Rasoul August 14, 2026 Comments at 1; Montgomery County Board of Supervisors August 27, 2026 Comments.

[144] *See, e.g.*, TerryAnn Towers Saint Amand Comments August 14, 2026.

scoping comment period, and a 30-day EA comment period.[145] In addition, neither NEPA nor the Commission's regulations require public meetings to be held at any point in the NEPA process, much less after issuance of an EA.[146] Here, an opportunity to comment was provided after issuance of the EA.

59. Regarding the length of the EA comment period, 30 days provides interested stakeholders adequate time to review and comment and is consistent with the Commission's standard practice for an EA.[147] Further, we have considered comments filed after the comment deadline, to the extent practicable. Thus, affected landowners and the public had ample opportunities and time to express their concerns about the project and to review the EA, and we do not find a sufficient basis to extend the comment period on the EA.

d. Air Quality Permit

60. Commenters note that Virginia DEQ has paused processing Mountain Valley's application for an air quality permit for the Swann Compressor Station and argue that the Commission should not rely on permits that have not yet been issued.[148] Commenters state that the EA's finding of no significant impact is unsupported because Virginia DEQ suspended review of the Swann Compressor Station air permit and the local suitability determination remains disputed.[149] Vincent Lampone further requests that the Commission supplement the EA to evaluate air-quality and safety effects without assuming the outcome of state permitting and that the Commission should defer action on the certificate application until Virginia DEQ reaches a final decision on the air permit application.[150]

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[145] EA at 8-9, n.14.

[146] *See, e.g.*, *Tex. LNG Brownsville LLC*, 192 FERC ¶ 61,170 (2025); *Transcon. Gas Pipe Line Co., LLC*, 158 FERC ¶ 61,125 (2017).

[147] *See* FERC, *Staff Guidance Manual on Implementation of NEPA* at 8 (June 2025), https://www.ferc.gov/media/staff-guidance-manual-implementation-national-environmental-policy-act-june-2025 ("Where staff solicits comments on an environmental assessment, the comment period will be 30 days").

[148] *See, e.g.*, TerryAnn Towers Saint Amand August 14, 2026 Comments.

[149] *See, e.g.*, Preserve Giles County September 8, 2026 Comments at 1-2.

[150] *See* Vincent Lampone September 8, 2026 Comments at 1; *see also* Chesapeake Climate Action Network September 8, 2026 Comments at 2-5.

61. The EA describes air quality effects associated with construction and operation of the project, and Commission staff determined that the project would not have significant effects on air quality.[151] We agree.[152] Although the EA's analysis of the project's reasonably foreseeable air quality effects takes into consideration Mountain Valley's compliance with state air permitting requirements,[153] that is appropriate regardless of the current status of the Virginia DEQ proceedings. Consistent with Commission practice, Environmental Condition 9 in Appendix B of this order requires that Mountain Valley file documentation that it has received all applicable authorizations required under federal law, including a Clean Air Act permit from Virginia DEQ, prior to commencing construction of the Swann Compressor Station. Mountain Valley is responsible for obtaining and maintaining all state and local permits and approvals required by federal law to construct and operate the project.

62. We disagree that we should pause our review until Virginia DEQ has issued a final decision. The Commission's longstanding practice of issuing certificates that condition construction on receipt of other required permits, including air permits, is a practical response to the reality that it is often impossible for an applicant to obtain all approvals necessary to construct and operate a project in advance of the Commission's issuance of its certificate without unduly delaying a project.[154] That practice has consistently been upheld by courts as lawful,[155] and we see no reason to depart from it here.

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[151] EA at 50-57.

[152] *See infra* Part IV.1.p.

[153] *See* EA at 55.

[154] *See, e.g.*, *Broadwater Energy LLC*, 124 FERC ¶ 61,225, at P 59 (2008); *Crown Landing LLC*, 117 FERC ¶ 61,209, at P 26 (2006); *Millennium Pipeline Co., L.P.*, 100 FERC ¶ 61,277, at PP 225-231 (2002); *see also Nat'l Comm. for the New River v. FERC*, 373 F.3d 1323, 1329 (D.C. Cir. 2004) ("[I]f every aspect of the project were required to be finalized before any part of the project could move forward, it would be difficult, if not impossible, to construct the project." (quoting *East Tenn. Nat. Gas Co.*, 102 FERC ¶ 61,225, at P 25 (2003))).

[155] *See Del. Riverkeeper Network v. FERC*, 857 F.3d 388, 399 (D.C. Cir. 2017) (upholding Commission's approval of a natural gas project conditioned on securing state certification under section 401 of the Clean Water Act); *see also Myersville Citizens for a Rural Cmty., Inc. v. FERC*, 783 F.3d 1301, 1320-21 (D.C. Cir. 2015); *Pub. Utils. Comm'n. of Cal. v. FERC*, 900 F.2d 269, 282 (D.C. Cir. 1990) (holding the Commission had not violated NEPA by issuing a certificate conditioned upon the completion of the environmental analysis).

e. Geology and Soils

63. Several commenters state that clearing, excavation, spills, and construction on steep, karst, or otherwise unstable terrain could increase erosion, sedimentation, slope instability, subsidence, sinkholes, and soil contamination and negatively affect the natural soil layers and local geology.[156] Virginia DCR recommends stabilization of the soil around construction sites and adherence to best management practices appropriate for karst. Virginia DCR requests coordination if karst features, such as sinkholes, caves, disappearing streams, and large springs, are encountered during construction.[157]

64. Virginia DEQ states that strict adherence to applicable state and local erosion and sediment control and stormwater management laws and regulations is essential to minimize adverse effects caused by the project.[158] Additionally, Virginia DEQ asserts that Mountain Valley must have a certified Responsible Land Disturber[159] responsible for carrying out a project-specific Erosion and Sediment Control Plan (E&SCP) and land-disturbing activity and that Mountain Valley must notify Virginia DEQ two weeks prior to regulated land disturbance.[160]

65. The EA identifies 24.4 acres of soils prone to water erosion, 27.1 acres prone to wind erosion, and 61.7 acres with poor revegetation potential.[161] Mountain Valley would implement our *Upland Erosion Control, Revegetation, and Maintenance Plan* (Plan) and its *Wetland and Waterbody Construction and Mitigation Procedures* (Mountain Valley's Procedures), including sediment barriers, mulch or erosion control fabric, decompaction, and topsoil segregation where applicable.[162] Our Plan requires inspection of temporary erosion controls within 24 hours of each 0.5 inches of rainfall and repair of ineffective

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[156] *See, e.g.*, Elizabeth Struthers Malbon September 1, 2026 Comments at 2; Nan Gray September 2, 2026 Comments; Kristen Peckman September 3, 2026 Comments; Catherine Robbins September 8, 2026 Comments.

[157] Virginia DEQ September 2, 2026 Comments at 4.

[158] *Id.*

[159] A Responsible Land Disturber is an individual holding a certificate issued by Virginia DEQ who is responsible for ensuring that land-disturbing activity is carried out according to the approved Erosion and Sediment Control Plan.

[160] *See* Virginia DEQ September 2, 2026 Comments at 5.

[161] EA at 18-20 & app. B at 3.

[162] *Id.* at 19.

controls within 24 hours of identification, or as soon as conditions allow.[163] Additionally, the Commission's Plan requires at least one environmental inspector for each of the construction spreads, and all environmental inspectors are required by the Plan to have stop-work authority. The EA concludes that, with implementation of the measures described above, the project's reasonably foreseeable effects on soils would not be significant. We agree. We have also included Environmental Condition 14 in Appendix B to this order, which requires Mountain Valley to submit a site-specific E&SCP and Stormwater Management Plan for Commission staff review prior to construction.

66. Regarding slope stability, karst features, and ground subsidence, although project workspaces are in a region of hilly to rugged terrain, the existing compressor stations have been graded to accommodate operation, and previous workspaces have achieved slope stability.[164] In addition, all ground disturbance at the existing compressor stations would be within previously graded areas, which would minimize potential effects of project construction on slope stability.[165] At the Swann Compressor Station, topography has been modified by surface mining activities.[166] Mountain Valley would implement best management practices to avoid overloading slopes during construction.[167] Site grading and filling would be implemented as needed to create a safe and stable land surface to support permanent aboveground facility operations. Site-specific geotechnical investigations also found that subsurface geology at each compressor station site is not susceptible to karst development.[168] Nevertheless, Mountain Valley filed an Unanticipated Karst Discoveries Plan on September 11, 2026,[169] which requires Mountain Valley to stabilize karst features for construction activities, notify Virginia DCR within 24 hours of discovery of a new karst feature within the limit of disturbance, and seek recommendation from Virginia DCR for mitigation activities if the karst feature has subterranean connectivity and potential to impact groundwater.[170] The EA concludes

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[163] *Id.*

[164] *Id.* at 16.

[165] *Id.* at 16-17.

[166] *Id.* at 17.

[167] *Id.*

[168] *Id.*

[169] Mountain Valley September 11, 2026 Supplement, attach. D.

[170] *Id.*, attach. D at 3.

that the project would not significantly contribute to, or be affected by, landslide, karst, sinkholes, or other ground subsidence hazards.[171] We agree.

67. Commenters also express concern regarding the existing active longwall coal mine (Harrison County Mine) beneath or near the Bradshaw Compressor Station and request an evaluation of potential subsidence effects on the gas infrastructure.[172] As described in the EA, the Harrison County Mine is a large-scale longwall coal mining operation, approximately 1,230 feet beneath the existing Bradshaw Compressor Station. Geotechnical investigations and modeling were conducted to evaluate the potential for subsidence due to future mining activity and additional loading from construction at the Bradshaw Compressor Station. The modeling results indicate effects would be minimal, and the EA concludes that the project is unlikely to be affected by ground disturbance associated with mining.[173] We agree and find that further analysis is not warranted. Additionally, Mountain Valley would construct and operate the project in compliance with all applicable Department of Transportation safety regulations under 49 Code of Federal Regulations part 192, which requires that a pipeline must be designed or installed to withstand anticipated external pressures and loads, including from geological forces.[174]

68. Next, commenters assert that contamination from spills or leaks of fuels and chemicals has the potential to degrade soil quality or compound future environmental risks from contamination due to the distance of existing hazardous sites, such as the ProChem Analytical and Rowe Fine Furniture site, which is associated with prior Resource Conservation Recovery Act hazardous waste violations.[175] The EA identifies the locations of existing hazardous sites near the project and concludes that project activities are unlikely to encounter existing contaminated soil or groundwater.[176]

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[171] EA at 16-17.

[172] *See, e.g.*, Kristen Peckman September 3, 2026 Comments. Several commenters also express concern over fracking and coal mining which they claim leads to acid mine drainage, contaminated wells and creeks, and the creation of unregulated radioactive waste. *See, e.g.*, Kimberley Homer September 8, 2026 Comments. These comments concern activities outside the scope of the proposed project.

[173] EA at 16-17.

[174] *Id.* at 15; 49 C.F.R. pt. 192 (2025).

[175] *See, e.g.*, Elizabeth Struthers Malbon September 1, 2026 Comments at 2; Catherine Robbins September 1, 2026 Comments; Kristen Peckman September 3, 2026 Comments; Marie B. Goodwin September 8, 2026 Comments.

[176] EA at 20.

Mountain Valley would implement its Spill Prevention, Control, and Countermeasure (SPCC) Plan to prevent and, if necessary, contain inadvertent spills of fuels, lubricants, coolants, or solvents.[177] Mountain Valley would also notify all applicable agencies and identify a response based on the type and extent of the contamination, as well as requirements of federal, state, and local regulations. The EA concludes that the project would not significantly contribute to, or be significantly affected by, soil or groundwater contamination.[178] We agree.

69. Virginia DEQ identified one closed petroleum release site (PC Number 20132238) near the area of the Swann Compressor Station with potential to affect the project.[179] This site was not included in Mountain Valley's assessment of sites with existing or historic contaminated media in the vicinity of the project and was not analyzed in the EA. Virginia DEQ notes that Mountain Valley should contact Virginia DEQ's Blue Ridge Regional Office for further information to establish the exact location, nature, and extent of the petroleum release, and the potential to affect the project. We have included Environmental Condition 13 in Appendix B to this order, which requires Mountain Valley to coordinate with Virginia DEQ prior to construction on the potential for the closed petroleum release site to affect the project and on any necessary mitigation measures.

f. Water Resources

70. Commenters assert that the project would use municipal water supplies for hydrostatic testing, dust suppression, and other construction activities, which could strain local water resources and affect water availability.[180] Kimberly Homer states that Elliston, Virginia, already has a water deficit and relies on the Christiansburg-to-Elliston public water and wastewater system because drought conditions, the declining water table, and groundwater contamination have made public wells unsustainable.[181] Ms. Homer questions whether project water use could affect the Public Service Authority's capacity to serve existing users or adequately treat wastewater. Chesapeake Climate Action Network states that the EA does not clearly establish the Swann Compressor Station's total approximate water use, including how many days water would

[177] *Id.*

[178] *Id.*

[179] *See* Virginia DEQ September 2, 2026 Comments at 7.

[180] *See* Elizabeth Struthers Malbon September 1, 2026 Comments at 3; Gwyneth Homer August 31, 2026 Comments.

[181] *See* Kimberley Homer September 8, 2026 Comments.

be used for dust suppression, or how Mountain Valley calculated its water use estimates.[182] Virginia DEQ comments that potential effects on public water distribution systems or sanitary sewage collection systems must be verified by the local utility.[183]

71. Although Mountain Valley has not identified a fixed number of days required for hydrostatic testing or dust suppression or provided the underlying calculations for the water-use estimates, the absence of those calculations does not undermine the EA's analysis or conclusions. The EA notes that approximately 120,000 gallons of water would be required for hydrostatic testing and that up to 5,000 gallons per day of water at each site during construction (with an estimated total of 20,000 gallons per day) would be used for dust suppression.[184] The project would not withdraw water from local wells, streams, or Spring Hollow Reservoir and no project effects on public water distribution systems or sanitary sewage collection systems have been identified. Additionally, Mountain Valley would follow our Plan and its Procedures, which specify that Mountain Valley will apply for state-issued water withdrawal permits, as warranted. The EA states that all source water for hydrostatic testing would be provided by municipal hydrants from either the Western Virginia Water Authority or the Montgomery County Water Department.[185] In its comments on the EA, Mountain Valley clarifies that the Western Virginia Water Authority and Montgomery County are the municipal water sources in Virginia and that hydrostatic test water for the West Virginia compressor stations would also come from municipal sources.[186] Given the temporary nature of the water demand, which would be limited to construction activities, and the lack of direct withdrawal from local groundwater or streams, we find that project water use would not significantly affect local water resources.

72. Commenters also contend that construction of the proposed Swann Compressor Station could adversely affect surface water resources, including the South Fork Roanoke River, Indian Run, streams within the project area, and drinking water resources, including the Spring Hollow Reservoir.[187] Specifically, commenters state that the project

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[182] *See* Chesapeake Climate Action Network September 8, 2026 Comments at 5-6.

[183] *See* Virginia DEQ September 2, 2026 Comments at 8.

[184] EA at 23.

[185] *Id.*

[186] *See* Mountain Valley September 8, 2026 Comments at 2.

[187] *See* Alice Svendson August 31, 2026 Comments; Kristin Peckman September 3, 2026 Comments; Arlene Ogurick September 3, 2026 Comments; Center for Biological Diversity September 4, 2026 Comments; Marie B. Goodwin September 8,

could increase pollution in local water sources and pose risks to watersheds relied upon for drinking water.[188]

73. The EA evaluates potential effects on surface water resources and drinking water sources associated with the project.[189] As discussed in the EA, there are no source water protection areas or designated water supply protection areas within 3 miles of the project area.[190] Although Spring Hollow Reservoir is located about 1 mile east of the Swann Compressor Station laydown yard, no waterbodies would be affected by use of the laydown yard. Therefore, project activities would not affect the reservoir. The EA also states that the project would not affect any perennial or intermittently flowing waterbodies.[191] To minimize potential effects on surface waters, Mountain Valley would implement our Plan and its Procedures, project-specific erosion and sediment control measures, its E&SCP, its Stormwater Management Plan, and its SPCC Plan.[192] The EA concludes that effects on ground water, surface water, and drinking water resources from the project would not be significant,[193] and we agree.

74. Virginia DEQ states that if construction activities would occur in or along any streams, open water, or wetlands, Mountain Valley should contact Virginia DEQ's Blue Ridge Regional Office to determine the need for permits.[194] Mountain Valley identified four wetlands and seven streams[195] in Montgomery County, Virginia within the project study area, and further identified Wetland W-03 as permanently impacted by the project.[196] Mountain Valley clarifies that it resubmitted a State Surface Water

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2026 Comments; Catherine Robbins September 8, 2026 Comments; Zander Pelligrino September 8, 2026 Comments.

[188] *See* Virginia House of Delegates Member Lily Franklin August 25, 2026 Comments; Center for Biological Diversity September 4, 2026 Comments.

[189] EA at 18-20.

[190] *Id.* at 22.

[191] *Id.* at 23.

[192] *Id.* at 24.

[193] *Id.*

[194] *See* Virginia DEQ September 2, 2026 Comments at 11.

[195] Application, Resource Report 2 at app. 2-B2.

[196] *Id.*, Resource Report 2 at tbl. 2.3-1.

Determination request to Virginia DEQ, removing Wetland W-03, Streams S-05 and S-06, and Non-Jurisdictional Feature NJD-01 after Virginia DEQ's site visit on April 14, 2026.[197] On April 29, 2026, Virginia DEQ provided a State Surface Water Determination that found that the project will not alter state surface waters and that a Virginia Water Protection permit is not necessary.[198] Virginia DEQ's determination letter expressed that alteration or degradation of state surface waters, including wetlands, could require a permit. Mountain Valley has completed review with Virginia DEQ for the proposed project and further consultation is not required. The EA concludes that effects on surface water and wetland resources from the project would not be significant.[199] We agree.

75. Several commenters express concern that project construction, particularly at the Swann Compressor Station, could increase erosion and sedimentation, alter drainage patterns, affect water resources, increase stormwater runoff, and increase the potential for spills and related effects on surface water and groundwater.[200] Virginia DEQ comments that potential adverse effects on water quality and wetlands resulting from surface runoff due to construction activities must be minimized and that this can be achieved by using best management practices.[201]

76. As discussed in the EA and above, Mountain Valley would implement erosion and sediment control measures described in our Plan and its Procedures to minimize erosion.[202] Additionally, Mountain Valley would implement its SPCC Plan to prevent and, if necessary, control inadvertent releases during construction.[203] The EA also describes measures that Mountain Valley would implement to mitigate soil compaction, which can alter drainage patterns, such as limiting construction traffic, decompacting

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[197] Mountain Valley June 26, 2026 Supplement at 8; Mountain Valley September 8, 2026 Comments at 2.

[198] Mountain Valley July 4, 2026 EIR Response at 4; Mountain Valley June 26, 2026 Supplement, attach. 2-2.

[199] EA at 25, 27.

[200] *See, e.g.*, Climate Policy Program at the Institute for Policy Studies (Basav Sen) September 4, 2026 Comments; Dan Ideozu September 8, 2026 Comments; Elizabeth Struthers September 1, 2026 Comments; William Dougherty September 8, 2026 Comments.

[201] *See* Virginia DEQ September 2, 2026 Comments at 11.

[202] EA at 19.

[203] *Id.* at 24.

subsoil before replacing subsoil, and tilling soils.[204] Regarding slope stability, the EA concludes that implementation of erosion controls, stormwater and groundwater management measures, and restoration activities would minimize the potential for construction-related slope instability.[205] We agree. At the Swann Compressor Station, Mountain Valley would store excess cut material in a permanent (engineered) on-site stockpile, and the site would be graded as needed to create a safe and stable land surface to support permanent aboveground facility operation.[206]

g. Wildlife

77. Commenters assert that construction of the Swann Compressor Station will impact wildlife by replacing 18 acres of forest and meadow with an industrial site, which could fragment local habitats, making it harder for wildlife to feed, migrate, and reproduce, and displace birds, bats, red-shouldered hawks, other raptors, and rare plants.[207] Marjorie Lewter states that a large migratory bird population occurs along an unspecified river in the area of the Swann Compressor Station and expresses concern about potential adverse effects on migratory birds during blowdown events.[208]

78. The EA evaluates existing habitat conditions, survey results, and potential effects on vegetation and wildlife. The EA notes that construction and operation activities, including tree removal, may result in a decrease in habitat for wildlife, but no significant effect would occur as displaced wildlife would find suitable habitat in the vicinity.[209] The EA's conclusions do not depend solely on whether wildlife was observed during field surveys, but also consider habitat conditions, agency coordination, and the extent of project disturbance. As stated in the EA, the Swann Compressor Station is on previously disturbed land bordered by existing transportation corridors, temporary workspaces would be collocated within previously approved limits of disturbance for the existing

[204] *Id.* at 18.

[205] *Id.* at 16.

[206] *Id.* at 17.

[207] *See, e.g.*, Elizabeth Struthers Malbon September 1, 2026 Comments at 3; Kimberley Homer September 8, 2026 Comments (noting that the effects could occur despite the fact that bats, eagles, and rare plants have not been seen).

[208] *See* Marjorie M. Lewter, DVM September 8, 2026 Comments. A blowdown is when natural gas is vented to the atmosphere to clear the pipeline or equipment of natural gas, usually during abandonment or maintenance activities, to ensure safe operations.

[209] EA at 32.

Mountain Valley Mainline System, and modifications at existing aboveground facilities would not remove continuous tracts of habitat or fragment habitat connectivity.[210] Following construction, lands used only during construction would be revegetated and restored to approximate preconstruction status.[211] As stated in the EA, most species are likely acclimated to human disturbance and noise in the area and would reoccupy adjacent habitats following the conclusion of construction and restoration.[212]

79. Mountain Valley also filed an updated Migratory Bird Conservation Plan on September 11, 2026, that identifies avoidance and conservation measures intended to minimize effects on migratory birds, such as preconstruction nesting surveys in suitable habitat before vegetation clearing. Blowdowns would be infrequent, controlled operational events of short duration and are not expected to result in population-level effects on migratory birds. The EA concludes that effects on wildlife and migratory birds would not be significant.[213] We agree.

80. Several commenters state that chronic noise, emissions, and lighting could disrupt animal and insect behavior and abundance; reduce hatching and fledgling success; diminish pollination and seed dispersal services; reduce prey available to amphibians, birds, and bats; affect agricultural production and surrounding forest productivity; and expose wildlife to hazardous air pollutants, including mercury.[214] The EA evaluates the effects of operational noise, lighting, and air emissions on wildlife and finds that the effects on wildlife would not be significant.[215] We do not find that additional analysis is necessary to satisfy our NEPA obligations.

81. The EA predicts operational noise may affect nearby wildlife in the area; however, individual wildlife species are expected to habituate to facility operations and reoccupy adjacent habitats following completion of construction activities.[216] With respect to lighting, Mountain Valley would install fully shielded, full-cutoff fixtures that would

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[210] *Id.* at 30-31.

[211] *Id.* at 28.

[212] *Id.* at 30.

[213] *Id.* at 29, 31, 32.

[214] *See, e.g.*, Elizabeth Struthers Malbon September 1, 2026 Comments at 2, 3; Carola A. Haas September 8, 2026 Comments.

[215] EA at 27-29, 50-58, 61-64.

[216] *Id.* at 30.

direct light downward, reducing unintended illumination of surrounding areas and potential effects on wildlife.[217] Virginia DWR supports the applicant's proposed best management practices to minimize impacts to wildlife, including utilizing fully shielded, full cut-off type lighting fixtures to minimize light effects from facilities, with all temporary lighting directed away from any forested areas or other suitable habitat. Virginia DWR also provides a list of other measures, such as erosion control and maintaining vegetated buffers, to minimize effects on wildlife.[218] Given the limited habitat disturbance, the EA concludes that these effects would not significantly affect wildlife or associated habitat functions.[219] We agree.

82. Eric Johnson expresses concern regarding effects on amphibian populations and requests that surveys be conducted within the project area to identify any negative effects and that measures be developed, as needed, to minimize project effects.[220] As stated in the EA, the project area contains suitable habitat for amphibians; however, the small size and setting of existing wetlands would likely limit their overall habitat suitability.[221] Most amphibian species and many reptiles spend all or critical parts of their life in wetlands.[222] The project would affect only two wetland areas, each of which is less than 0.1 acres.[223] The Swann Compressor Station is proposed on previously disturbed lands that is bordered by existing transportation corridors and would include collocation of temporary workspaces.[224] Modifications at aboveground facilities would not remove continuous tracts of habitat or segment habitat connectivity. As indicated in the EA, no federally threatened, endangered, or proposed amphibian species were identified in the project area.[225] Additionally, Commission staff, in coordination with the Virginia DWR and West Virginia Department of Natural Resources, did not identify amphibian species

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[217] *Id.* at 30, 43.

[218] *See* Virginia DEQ September 2, 2026 Comments at 10.

[219] EA at 29-30, 32.

[220] *See* Eric Johnson August 17, 2026 Comments.

[221] EA at 29.

[222] EPA, *Amphibians & Reptiles* (Mar. 6, 2012), https://archive.epa.gov/water/archive/web/html/herps.html (accessed on Sept. 18, 2026).

[223] EA at 25.

[224] *Id.* at 30.

[225] *See id.* at 33-35.

with a protected or sensitive state designation that would be affected by the project. Last, we note that FWS and state agencies did not identify, request, or recommend amphibian surveys. The EA concludes that vegetation and wildlife effects would not be significant.[226] We agree and find that additional amphibian surveys are not warranted.

h. Special Status Species

83. Several commenters express concern that increasing the flow of pressurized natural gas through the Mountain Valley's mainline would worsen threats to ecosystems depended upon by species listed under the Endangered Species Act (ESA), such as the candy darter and James spinymussel.[227]

84. As discussed below, Mountain Valley does not propose to increase the maximum allowable operating pressure on its mainline. Mountain Valley conducted a review of federally listed and proposed species and critical habitat in the project area using FWS's Information for Planning and Consultation tool and identified 11 species with the potential to occur in the project area.[228] The candy darter and the James spinymussel were not identified as species that could occur in the project area. As stated in the EA, no suitable habitat for fisheries is within the project area, and we identified no direct or indirect effects on perennial or intermittent waterbodies.[229] The EA concludes that the project would have no effect on freshwater mussel species because project effects would not reach locations where those species could occur.[230] Increasing the throughput within the mainline's existing maximum operating pressure would not result in changes to the surrounding environment or effect aquatic resources.

85. Of the 11 species listed or proposed for listing with the potential to occur in the project area, Commission staff determined that the project would have no effects on 7 of the species.[231] Commission staff determined the project is not likely to jeopardize the continued existence of the proposed tricolored bat and monarch butterfly.[232]

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[226] *Id.* at 29, 31.

[227] *See* Center for Biological Diversity September 8, 2026 Comments.

[228] EA at 33.

[229] *Id.* at 2.

[230] *Id.* at 17.

[231] *Id.* at 33.

[232] *Id.* at 34-35. For species proposed for listing, a federal agency must confer with FWS only when the agency determines that its action would likely jeopardize the

Additionally, Commission staff determined that the project is not likely to adversely affect the listed Indiana bat and Northern long-eared bat. By letter dated October 20, 2026, FWS concurred with the Commission's determinations on listed species. Thus, ESA consultation is complete.

86. Elizabeth Struthers comments that a tricolored bat hibernaculum is located approximately 2 miles from the proposed Swann Compressor Station.[233] In its comments on the EA, Mountain Valley states that June 2026 mist-net surveys captured no federally listed or proposed-for-listing bats anywhere in relevant proximity to the project except at the Bradshaw Compressor Station, where no tree clearing is proposed.[234] Although tricolored bat hibernacula were identified within 3.0 miles of the project, Mountain Valley's 2026 surveys did not capture tricolored bats within or adjacent to the project area.[235] Based on the survey results and Mountain Valley's avoidance and minimization measures, we agree with Commission staff's determination that the project would not likely jeopardize the continued existence of the tricolored bat.

87. Mountain Valley argues that the time-of-year restrictions for tree clearing for bat species stated in the EA[236] are no longer warranted given the survey results. Mountain Valley further notes that Virginia DWR does not recommend a time-of-year restriction for bat species.[237] Mountain Valley states that it would still implement other avoidance and minimization measures for federally-listed species and species proposed for listing. The EA states that, due to the June 2026 mist-net survey results, Mountain Valley would no longer follow seasonal time-of-year restrictions for tree clearing during construction,[238] but the EA notes elsewhere that Mountain Valley would implement

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continued existence of the proposed species or destroy or adversely modify proposed critical habitat. 16 U.S.C. § 1536(a)(4).

[233] *See* Elizabeth Struthers September 1, 2026 Comments. Ms. Struthers mistakenly refers to the tricolored bat as listed as endangered under the ESA. As noted above and in the EA, the tricolored bat is proposed for listing under the ESA. EA at 34.

[234] *See* Mountain Valley September 8, 2026 Comments at 4-8.

[235] Application, Resource Report at 3-37–3-38; Mountain Valley June 26, 2026 Supplement at 2, 12, 127.

[236] EA at 34-35.

[237] Mountain Valley September 8, 2026 Comments at 5.

[238] EA at 36.

time-of-year restrictions.[239] We clarify that Mountain Valley need not follow seasonal time-of-year restrictions for tree clearing during construction.[240]

88. The Virginia DCR provides information on protected species and recommends coordination with the Virginia DWR and the FWS to ensure compliance with protected species legislation.[241] The Virginia DCR further states that Mountain Valley should obtain an update on the natural heritage information, which includes the habitat of rare, threatened, or endangered animal and plant species,[242] if the scope of the project changes or six months have passed before it is utilized. As explained in the EA, Virginia DCR did not identify any State Natural Area Preserves or other sensitive or rare plant communities and the EA finds that effects on state-listed species would not be significant. We agree. Accordingly, no additional consultation is warranted.

i. Vegetation

89. Commenters assert that construction activities would impact native plant species and introduce invasive species, and that it is highly unlikely Mountain Valley would minimize the potential for introduction of noxious weeds and invasive species or revegetate and restore areas to their previous vegetative status.[243] The EA states that Mountain Valley would follow our Plan and its Noxious Weed and Invasive Species Control Plan to minimize the introduction and spread of noxious weeds and invasive species and to revegetate and restore temporarily disturbed areas.[244] As described in the EA,[245] 22.9 acres would be used temporarily for construction of the project, of which 21.6 acres would be within laydown yards that were previously used as temporary workspace during construction of the existing mainline. One of the laydown yards is

[239] *Id.* at 34-35.

[240] In its concurrence for the Indiana bat and the Northern long-eared bat, FWS acknowledges that Mountain Valley no longer intends to follow time-of-year restrictions for tree clearing. FWS October 23, 2026 ESA Concurrence. Thus, our clarification does not affect the completed ESA consultation.

[241] *See* Virginia DEQ September 2, 2026 Comments at 3.

[242] *Id.* at 16.

[243] *See, e.g.*, Kimberley Homer September 8, 2026 Comments; Antonio Tacilla Villanueva September 8, 2026 Comments.

[244] EA at 28.

[245] *Id.* at 6.

currently in industrial use and the other three were previously restored. The laydown yards would revert to preconstruction land use upon project completion,[246] with areas revegetated and restored to approximate preconstruction vegetative status in accordance with landowner agreements.[247] At the Swann Compressor Station, 1.3 acres of temporary workspace would not be within the operational area of the project.[248] This area would also be restored to previous use, which is mostly agricultural. The EA concludes that effects on vegetation would not be significant. We agree.

j. Fisheries

90. Kristin Peckman states that because the Swann Compressor Station is in an area of karst geology and within 2 miles of the Roanoke River, disturbed soil could reach the river through an underground route, potentially further endangering the Roanoke logperch and orangefin madtom.[249] As described above and in the EA, the site-specific geotechnical analysis shows that karst geology is not present at the proposed Swann Compressor Station site.[250] If an unanticipated karst feature is encountered, Mountain Valley's Unanticipated Karst Discoveries Plan includes measures for assessing the feature's connectivity to the subterranean environment and potential to affect groundwater.[251] Mitigation, if needed, would be coordinated with the Virginia DCR Karst Program.[252] Additionally, Mountain Valley would implement erosion and sediment controls to prevent sediment from reaching nearby waterbodies through surface water runoff. No suitable habitat for fisheries, including Roanoke logperch and orangefin

[246] *Id.* at 39.

[247] *Id.* at 28.

[248] *Id.* at 6.

[249] *See* Kristin Peckman September 3, 2026 Comments. These are not ESA-listed species. A karst landscape, which is associated with soluble bedrock such as limestone, has the potential to alter ground and surface water quality from erosion of the bedrock and dissolution of minerals. An increase in turbidity and a change in water chemistry may influence a fish's visibility to forage.

[250] EA at 17.

[251] Mountain Valley September 11, 2026 Supplement, attach. D at 3.

[252] *Id.*

madtom, is within or directly adjacent to the project area. The EA identifies no direct or indirect effects on perennial or intermittent waterbodies.[253] We agree.

k. Cultural Resources

91. Blue Ridge Environmental Defense League expresses concern about the potential effects of the Swann Compressor Station Alternative 3, which could affect the Bent Mountain Apple Orchard Rural Historic District and the Coles-Terry Rural Historic District.[254] In the EA, Commission staff did not recommend Alternative 3 and this order does not require it. Accordingly, the Bent Mountain Apple Orchard and the Coles-Terry Rural Historic Districts would not be affected by project activities.[255] The Virginia SHPO concurred that the project would have no adverse effects on historic properties.[256] We agree.

92. Catherine Robbins asserts that additional study and consultation should occur before any approvals are granted because archaeological and historic sites are located near the project area and those sites cannot be replaced once disturbed.[257] The EA acknowledges known archeological and historic sites near the project and evaluates resources within the direct and indirect areas of potential effects. Mountain Valley completed Phase I cultural resource investigations[258] and developed a Plan for Unanticipated Historic Properties and Human Remains for West Virginia and Virginia. Commission staff reviewed the plan and finds it acceptable.[259] The Virginia and West Virginia SHPOs concurred that the project would have no adverse effects on historic properties. We agree. Accordingly, no additional study or consultation is warranted.

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[253] EA at 2.

[254] *See* Blue Ridge Environmental Defense League August 27, 2026 Comments at 2.

[255] EA at 38.

[256] *Id.*

[257] *See* Catherine Robbins September 8, 2026 Comments.

[258] EA at 38.

[259] *Id.* at 39.

l. Visual Resources

93. Commenters express concerns about the effects of the Swann Compressor Station, including lighting, on scenic views.[260] Mountain Valley conducted a viewshed analysis using a study area of three miles for the compressor station, for which impacts to visual resources were negligible or none.[261] Permanent visual effects from the Swann Compressor Station would occur at homes and neighborhoods about 0.2 to 0.5 miles to the north-northeast and at fields and scattered homes about 0.1 to 0.7 miles to the northeast. The compressor station would also be visible from U.S. Route 460/11 and Campbell Drive about 0.1 to 1.5 miles away. However, vegetation and existing structures along the roadside would provide periodic screening. As noted above, during operation, Mountain Valley will use fully shielded lighting fixtures that would reduce unintended illumination of surrounding areas. The EA finds that the project would result in temporary, short-term visual effects during construction and minimal effects on visual resources during operation and concludes that effects of the project on visual resources would not be significant.[262] We agree.

m. Land Use

94. West Virginia Rivers Coalition states that the EA failed to properly consider health and environmental burdens in communities near the project.[263] The EA considers the project's effects on all potentially affected communities.[264] It evaluates nearby residences and community resources, existing environmental conditions, and the project's potential effects. Based on the analysis, the EA concludes that the project would not constitute a major federal action significantly affecting the quality of the human environment.[265] We agree.

95. Next, commenters state that the Swann Compressor Station project area is currently zoned for agriculture uses and that construction of the project would

[260] *See, e.g.*, Sarah Orrick September 8, 2026 Comments.

[261] EA at 43.

[262] *Id.*; Application, Resource Report 8 at 8-22–8-23.

[263] *See* West Virginia Rivers Coalition September 8, 2026 Comments at 1-2.

[264] EA at 44.

[265] *Id.* at 72.

permanently convert agricultural, wooded, or rural land to industrial use.[266] They also assert that the structures and traffic associated with the compressor station could adversely affect nearby residences; the Eastmont Community Garden, which is located approximately 1.4 miles from the proposed compressor station and serves as a source of food security for residents;[267] farms; parks; and schools.[268]

96. The EA evaluates temporary and permanent land requirements and existing land uses at the Swann Compressor Station site. Approximately 12.6 acres of forested land would be affected by construction and operation of the project,[269] and no zoning permit is required.[270] The compressor station workspace includes 7.8 acres of land classified as prime farmland, most of which has been previously modified by historic surface mining activities.[271] Thus, construction and operation of the Swann Compressor Station would not have a significant effect on prime farmland.[272] Traffic associated with the operation of the compressor station is not expected to affect capacity or level of service on roadways and would not affect access to local resources, including the community garden, businesses, or residences.[273] Based on the site's existing condition and the limited area of permanent conversion, the EA concludes that effects on land use, including residential areas and businesses, would not be significant.[274] We agree.

n. Socioeconomics

97. Several commenters express concerns about the project's effect on property values, arguing that the study cited in the EA does not address the project area.[275] The

[266] *See, e.g.*, Kimberley Homer September 8, 2026 Comments.

[267] *See* Carola Harris September 8, 2026 Comments.

[268] *See, e.g.*, Chesapeake Climate Action Network September 8, 2026 Comments at 4.

[269] EA at tbl. B.7-1.

[270] *See id.*, app. B at tbl. B1.

[271] *Id.* at 18.

[272] *Id.*

[273] *Id.* at 50.

[274] *Id.* at 41.

[275] *See, e.g.*, Arlene Ogurick September 3, 2026 Comments.

EA acknowledges that the property value study may not have direct applicability to the project area. However, the EA addresses concerns about effects on property values and explains that reasonably foreseeable significant negative effects are not anticipated based on the nature of the project and the available evidence.[276] Accordingly, we conclude here, as we have in other cases,[277] that the proposed project is not likely to significantly affect property values in the project area.[278]

98. Commenters argue that the project would not provide economic benefits during construction and operation, given the estimated numbers of local workers and jobs created.[279] As discussed in the EA, the average total construction workforce would be comprised of approximately 149 non-local workers and 46 local workers; during operation, Mountain Valley would not change staffing at the existing compressor stations and would add one worker to its staff in West Virginia and one worker in Virginia.[280] The EA analyzes socioeconomic effects and determines that the project would be expected to have a temporary and negligible positive effect on unemployment rates in the project area.[281] We agree.

o. Traffic

99. Commenters contend that the EA failed to properly consider the proposed project's traffic effects.[282] As discussed in the EA, traffic associated with delivery of materials and equipment to the project sites would result in temporary increases in traffic and traffic congestion on the roads near the project facilities for the duration of construction.[283] Mountain Valley would minimize effects on traffic through implementation of its Transportation Management Plan.[284] Mountain Valley would also

[276] EA at 50.

[277] *See Transcon. Gas Pipe Line Co., LLC*, 158 FERC ¶ 61,125 at P 106; *see also Mountain Valley Pipeline, LLC*, 161 FERC ¶ 61,043 at P 228.

[278] EA at 50.

[279] *See, e.g.*, Elizabeth Struthers Malbon September 1, 2026 Comments at 2.

[280] EA at 44, 48.

[281] *Id.* at 48.

[282] *See, e.g.*, Allen Howard September 9, 2026 Comments.

[283] EA at 48.

[284] *Id.*

obtain all necessary permits from the West Virginia Division of Highways and Virginia Department of Transportation and local permits for construction vehicle use of public roadways.[285] The EA concludes that roadways in the project area have sufficient capacity to support the anticipated project use during construction and that there would not be a significant impact on roadways.[286] We agree.

p. Air Quality

100. Sierra Club, Center for Biological Diversity, and other commenters express concern about health effects relating to air pollutants, especially effects on disadvantaged communities.[287] Commenters provide results of a 2022 Lafayette-Elliston demographic survey that describes the area within a 1-mile radius of the Swann Compressor Station site as an environmental justice community burdened by air and noise pollution and related health effects from nearby sources.[288] Commenters request a project-specific health or environmental justice analysis.[289]

101. The Executive Orders pertaining to environmental justice were revoked in January 2025[290] and the Commission does not separately analyze disproportionate and adverse impacts on environmental justice communities in its NEPA documents or decisions. Rather, the Commission fulfills its NEPA responsibilities by considering effects on all potentially affected communities.

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[285] *Id.*

[286] *Id.* at 50.

[287] *See, e.g.*, Sierra Club, et al. September 8, 2026 Comments at 11-17, Joyce L. Graham September 8, 2026 Comments; Center for Biological Diversity September 4, 2026 Comments.

[288] *See, e.g.*, Shannon Bell September 8, 2026 Comments; Virginia Council on Environmental Justice, representative Janet Pheonix September 8, 2026 Comments. Commenters also assert that these communities are protected by Virgina State law from further effects. *See, e.g.*, Georgia Haverty September 2, 2026 Comments.

[289] *See, e.g.*, Lakshmi Fjord September 8, 2026 Comments at 1-4.

[290] Exec. Order No. 14148, 90 Fed. Reg. 8237 (Jan. 20, 2025) (revoking Executive Orders 13985 and 14096); Exec. Order 14173, 90 Fed. Reg. 8633 (Jan. 21, 2025) (revoking Executive Order 12898).

102. Next, commenters express concern about the effect of the Swann Compressor Station air emissions on local air quality.[291] They state that the project would increase harmful air pollution, with the greatest effects occurring at the proposed compressor station.[292] Sierra Club claims that the EA does not sufficiently analyze or account for localized air quality effects.[293] Additionally, commenters contend that air emissions from the Swann Compressor Station are projected to exceed the EPA-developed Significant Impact Level (SIL) for some pollutants.[294]

103. The EA discloses the results of air dispersion modeling analyses for the Bradshaw, Harris, Stallworth, and Swann Compressor Stations.[295] EPA developed SILs as a tool that permitting authorities, typically state agencies, may use to consider whether further analysis is needed to determine if emissions from a proposed source or modification will cause or contribute to air pollution in excess of the National Ambient Air Quality Standards (NAAQS) for purposes of demonstrating compliance with permitting requirements under the Clean Air Act's (CAA) Prevention of Significant Deterioration (PSD) program.[296] The Commission has used SILs in analyzing the air quality impacts of natural gas infrastructure projects under NEPA.[297]

104. EPA has developed a three-step modeling analysis that uses modeled project emissions in comparison to the SILs that some state-permitting agencies may use to determine if a facility would not cause or contribute to any exceedance of the NAAQS.[298]

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[291] *See, e.g.*, TerryAnn Towers Saint Amand August 14, 2026 Comments; Allen Howard September 8, 2026 Comments.

[292] *See, e.g.*, Allen Howard September 8, 2026 Comments.

[293] *See* Sierra Club, et al. September 8, 2026 Comments at 7, 14-16.

[294] *See, e.g.*, Gwyneth Homer August 31, 2026 Comments.

[295] EA at tbls. B.9-3 & B.9-4.

[296] *See, e.g.*, *ANR Pipeline Co.*, 194 FERC ¶ 61,059, at P 68 & n.179 (2026) (describing SILs and citing EPA materials providing further detail).

[297] *See, e.g.*, *Commonwealth LNG, LLC*, 191 FERC ¶ 61,205, at PP 4-6 (2025).

[298] The three-part analysis is outlined in EPA's air quality modeling procedures at 40 C.F.R. pt. 51, app. W (2025). EPA, *Support Center for Regulatory Atmospheric Modeling (SCRAM) - Air Quality Dispersion Modeling-Preferred & Recommended Models* (Oct. 6, 2026), https://www.epa.gov/scram/air-quality-dispersion-modeling-

While the project is not subject to the CAA's PSD permitting requirements, Mountain Valley provided dispersion modeling similar to the EPA-developed three-step process to demonstrate that the project would not cause or contribute to any NAAQS exceedance. Although SILs were exceeded for certain identified criteria pollutants and averaging periods, a cumulative analysis demonstrated that the facility impacts combined with ambient background concentrations would not result in an exceedance of the NAAQS at any of the compressor stations for any of these air pollutants.[299] In light of these modeling results and the fact that Mountain Valley would need to comply with federal and state air permitting requirements, the EA concluded that project operation would not have significant effects on air quality.[300] We agree.

105. With respect to Sierra Club's assertion that the Commission failed to analyze localized impacts, the air modeling analyses used ambient background concentrations from EPA's air quality monitoring network, chosen as representative based on several criteria, including their distance to the facility, surrounding land cover, and data availability.[301] Sierra Club does not identify monitors that would have been more representative of local conditions or that otherwise should have been used. Further, we note that Virginia DEQ and West Virginia Department of Environmental Protection operate a statewide air quality monitoring network to measure the level of pollutants in the outdoor air and develop and maintain their respective State Implementation Plans, as approved by EPA, to maintain and enforce the NAAQS in Virginia and West Virginia. We decline to require further air quality assessments.

106. We note in addition that Mountain Valley prepared a "hot spot" or air toxics risk assessment study for the Swann Compressor Station using the methodology established under California Assembly Bill 2588.[302] The assessment estimated that cancer risk is

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preferred-and-recommended-models. It is also described in prior Commission orders. *See, e.g.*, *ANR Pipeline Co.*, 194 FERC ¶ 61,059 at P 69.

[299] EA at tbl. B.9-4. Courts have upheld as reasonable the use of NAAQS as a standard of comparison for assessing air quality effects. *See, e.g.*, *Sierra Club v. FERC*, 867 F.3d 1357, 1370 n.7 (D.C. Cir. 2017), *abrogated on other grounds by Seven County*, 605 U.S. at 189-90.

[300] EA at 55.

[301] *Id.* at 54.

[302] Virginia has not adopted its own methodology for this type of analysis. *See* Mountain Valley July 10, 2026 Response to Comments, attach. A (Health Risk Assessment - Swann Compressor Station); Mountain Valley September 23, 2026 Response to EA Comments at 4-5.

below the threshold that would trigger a public notification under California's program and estimated that project emissions are below the level at which acute or chronic adverse health effects would be expected for any person living near the Swann Compressor Station.[303] Mountain Valley separately conducted a Health Effects Assessment of the Swann Compressor Station's $PM_{2.5}$ emissions using publicly available health data from the local community and the closest EPA ambient air monitor, in Salem, Virginia. The study concluded that the $PM_{2.5}$-related health effects would be negligible.[304] These supplemental analyses further support the EA's conclusion that project air emissions would not significantly affect surrounding communities.

107. Citing EPA's User Manual for the Co-Benefits Risk Assessment Health Impacts Screening and Mapping Tool (COBRA), Sierra Club asserts that even changes in annual $PM_{2.5}$ that are smaller than the SIL can have effects on health.[305] Although COBRA may be appropriate for state or local agency screening, it is superseded by EPA's NAAQS, which are approved and designated as safe by EPA for all receptors, including sensitive groups.[306]

108. Next, Sierra Club states that there are no NAAQS standards for VOC and hazardous air pollutant (HAP) emissions and therefore the Commission should not assume that the project's air pollution would not contribute to health burdens.[307] As discussed above, Mountain Valley's air toxics risk assessment evaluated potential health risks from emissions at the Swann Compressor Station and found that cancer risk was below the California notification threshold and that acute or chronic adverse health effects would not be expected for nearby residents.[308] The Swann Compressor Station will not be a major source of VOCs or HAPs under Title V, and the existing compressor

[303] Mountain Valley September 23, 2026 Response to EA Comments at 4-5.

[304] *Id.*

[305] Sierra Club, et al. September 8, 2026 Comments at 11-13.

[306] *Commonwealth LNG, LLC*, 191 FERC ¶ 61,205 at P 27 ("the EPA's COBRA tool is superseded by the EPA-established NAAQS, which are approved and designated as safe by the EPA for populations including sensitive groups"). Sierra Club similarly argues that ozone levels below the NAAQS can adversely impact public health. Sierra Club, et al. September 8, 2026 Comments at 13. We find this argument unavailing for similar reasons.

[307] *See* Sierra Club, et al. September 8, 2026 Comments at 15.

[308] Mountain Valley July 10, 2026 Response to Comments, attach. A at 1-3.

stations are either a current major Title V facility or have received their updated Title V operating permit and will operate accordingly.[309]

109. The Roanoke County Board of Supervisors requests that the Commission require mitigation to address air emissions from the Swann Compressor Station, particularly $PM_{2.5}$ emissions. As stated in the EA, the compressor station would be a minor source under the New Source Review permitting requirements, as the total potential to emit for all criteria pollutants would remain under the 100-ton per year (tpy) threshold and emissions of HAPs would be less than 10 tpy of a single hazardous air pollutant or 25 tpy of any combination of HAPs.[310] Mountain Valley is required to obtain a CAA permit from Virginia DEQ, the agency tasked with implementing the relevant portions of the CAA, including establishing and enforcing permitting standards, conditions, and compliance under the CAA. We decline to impose additional requirements.

110. Virginia DEQ recommends that construction activities operate in a manner consistent with air pollution control practices for minimizing emissions of NO_x and VOCs. Virginia DEQ advises that activities associated with the project may be subject to the fugitive dust, open burning, fuel burning, and stationary source air regulations administered by Virginia DEQ and that facilities, equipment, or processes that emit air pollutants may require an air permit prior to construction.[311] Mountain Valley has outlined measures that it would implement to reduce air emissions, which include NO_x and VOCs, during construction and operation of the proposed project.[312] Mountain Valley would obtain the required air permit from Virginia DEQ prior to construction of the project and construction and operation of the project would comply with all applicable Virginia DEQ air quality regulations.

111. Last, Mountain Valley clarifies that it proposes to install five gas-fired heaters at the Swann Compressor Station,[313] rather than the three gas-fired heaters described in section B.9.2 of the EA.[314] We acknowledge this error in the EA and note that appendix 9-F of Resource Report 9 describes the Swann Compressor Station as including three gas-fired heaters, each rated at 0.77 million British thermal units per hour, and

[309] EA, app. D at 3-4.

[310] *Id.*, app. D at 5.

[311] *Id.*

[312] *See* Application, Resource Report 9.

[313] *See* Mountain Valley September 8, 2026 Comments at 8.

[314] EA at 53.

two gas-fired fuel gas heaters, each rated at 1.15 million British thermal units per hour. Nevertheless, the operations emissions reported in the EA for the compressor station[315] are accurate,[316] and the EA's conclusion that operation of the project would not have significant effects on air quality[317] is not affected by this discrepancy.

q. Effects of GHG Emissions

112. Commenters note that the project would emit greenhouse gases (GHGs) and argue that the EA failed to provide a sufficient analysis of the project's GHG-related effects.[318] They state that the project would conflict with climate or GHG reduction goals.[319] Commenters state that the EA should have quantified upstream and downstream GHG emissions associated with natural gas production and consumption as well as the project's direct GHG emissions, including fugitive emissions and venting from the compressor stations and the mainline.[320] Commenters argue that the Commission should explain why the GHG emissions from the project would not be significant.[321]

113. The GHG emissions associated with construction and operation of the project are quantified in the EA and include the fugitive emissions from the compressor stations.[322] The project does not include adding additional components or pigging stations on the

[315] *Id.* at 54.

[316] In the EA, Commission staff accurately analyzed operational emissions for the five gas-fired heaters proposed, despite describing only three.

[317] EA at 55.

[318] *See, e.g.*, Members of the Virginia House of Delegates September 8, 2026 Comments at 2; TerryAnn Towers Saint Amand August 14, 2026 Comments; *see also* Gwyneth Homer August 31, 2026 Comments.

[319] *See id.*; Gwyneth Homer August 31, 2026 Comments; Hope Hesselink September 1, 2026 Comments; Sierra Club, et al. September 8, 2026 Comments at 18; Seferina Olivo September 8, 2026 Comments.

[320] *See, e.g.*, Perry August 31, 2026 Comments; Gwyneth Homer August 31, 2026 Comments; Hope Hesselink September 1, 2026 Comments; Sierra Club, et al. September 8, 2026 Comments at 18; Seferina Olivo September 8, 2026 Comments.

[321] *See* Perry August 31, 2026 Comments; Seferina Olivo September 8, 2026 Comments; Chesapeake Climate Action Network September 8, 2026 Comments at 7-8.

[322] EA at 51, 53, app. D.

existing mainline, and additional fugitive emissions from the mainline due to the increased gas volume are not expected.[323] Upstream and downstream emissions are outside the scope of the Commission's environmental review of the project.[324]

114. To date, the Commission has not identified a methodology to attribute discrete, quantifiable, physical effects on the environment resulting from the project's incremental contribution to GHGs. Without the ability to meaningfully identify discrete resource effects, the Commission is unable to provide any objective analysis of physical effects attributable to the project's GHG emissions. Additionally, there is no established threshold for determining whether a given amount of GHG emissions are significant under NEPA.[325] However, to provide context, the EA compares the project's GHG emissions to national and state inventories.[326] The D.C. Circuit has repeatedly upheld this approach to assessing the GHG-related effects of FERC-jurisdictional natural gas projects,[327] including the Commission's declination to assign a binary significance label to a project's GHG emissions.[328] Accordingly, we have fulfilled our obligation under NEPA to consider and disclose the GHG-related effects of the project.

115. TerryAnn Towers Saint Amand states that the Commission should not rely on historic conditions and should undertake an analysis of the project's effects in light of the

[323] *Id.* at 60.

[324] *See Seven County*, 605 U.S. at 188-90 (explaining that "NEPA calls for the agency to focus on the environmental effects of the project itself" and that agencies "are not required to analyze the effects of projects over which they do not exercise regulatory authority"); *see also E. Tenn. Nat. Gas, LLC*, 192 FERC ¶ 61,153, at PP 23, 28 (2025) (explaining that NEPA does not require agencies to analyze the effects of projects over which they do not exercise regulatory authority and thus the Commission is not required to consider downstream GHG emissions).

[325] *See, e.g.*, *Driftwood Pipeline LLC*, 183 FERC ¶ 61,049, at P 63 (2023) ("…there currently are no accepted tools or methods for the Commission to use to determine significance, therefore the Commission is not herein characterizing these emissions as significant or insignificant.").

[326] EA at 61.

[327] *See Food & Water Watch*, 104 F.4th at 346 (upholding Commission's analysis of GHG emissions through quantification, comparison to reference inventories for context, and qualitative discussion).

[328] *See supra* P 43 and note 101 (citing cases).

increasingly severe weather.[329] The effects of extreme weather events on project workspaces and measures to address effects are addressed in the EA.[330] Specifically, the EA analyzes the potential effects of heavy precipitation and states that erosion control measures would be inspected and repaired following rainfall events as required by our Plan. The EA also analyzes slope stability and concludes that implementation of our Plan and Mountain Valley's Procedures, including erosion controls, stormwater and groundwater management measures, and restoration activities, would minimize the potential for construction-related slope instability.[331] We conclude that the EA sufficiently addresses the potential for future conditions to affect the project and to influence project effects.

r. Noise

116. Commenters assert that noise from blowdowns at the compressor stations are not addressed in the EA and argue that the noise levels likely to be produced during blowdown events could be more detrimental than the noise experienced during normal operations.[332] Noise studies indicate that sound levels at noise-sensitive areas (NSAs) during blowdowns would range from 39.5 to 58.9 decibels on the A-weighted scale (dBA) equivalent sound level (L_{eq}), depending on the compressor station and distance to the NSA.[333] Blowdown durations would be expected to last fewer than 10 minutes.[334] Unit venting may occur up to 12 times per year per unit during extended shutdowns. Full station emergency shutdown venting would occur only in the event of an emergency or when the system is tested once per year.[335] In its response to comments on the EA, Mountain Valley further clarifies that routine blowdowns at the Swann Compressor

[329] *See* TerryAnn Towers Saint Amand August 14, 2026 Comments.

[330] *Id.* at 19.

[331] *Id.* at 16.

[332] *See* TerryAnn Towers Saint Amand August 14, 2026 Comments; Elizabeth Struthers Malbon September 1, 2026 Comments at 2-3; Arlene Ogurick September 3, 2026 Comments; Carola A Haas September 8, 2026 Comments; Catherine Robbins September 8, 2026 Comments; James T. and Kathy E. Chandler September 8, 2026 Comments at 2.

[333] Application, Resource Report 9, app. 9-G at 8-9, app. 9-H at 7, app. 9-I at 9-10, and app. 9-J at 9.

[334] *Id.*

[335] *Id.*

Station are expected to occur, on average, once per month for each of the compressor units and last approximately 5 minutes.[336] A full station blowdown associated with annual testing of the emergency shutdown system would last approximately 10 minutes. Mountain Valley states that the facility would be equipped with a vent silencer and modeled worst-case sound levels at the nearest occupied properties would not exceed 50.0 dBA L_{eq} during routine blowdown events and 56.4 dBA L_{eq} during the annual test.[337] Given the limited duration and frequency, we conclude that blowdown noise is not expected to cause significant effects; therefore, further noise analyses and mitigation are not warranted.

117. Members of the Virginia House of Delegates assert that the EA states that construction would occur during daytime only but then also states that "some activities may require nighttime work."[338] Sierra Club argues that the EA did not adequately address construction noise effects from blasting.[339]

118. As the EA notes, typical construction hours would occur during the daytime; however, some activities would need to occur during nighttime hours.[340] In its response to comments on the EA, Mountain Valley states that nighttime construction would be rare and generally limited to work that does not produce significant noise, such as pipe drying, cleaning, and welding.[341] With respect to blasting noise, blasting may occur during construction at the Harris and Swann Compressor Station sites. Mountain Valley has prepared a Blasting Plan and has stated that backfilling with subsoil or blasting mats would be used to minimize noise and vibrations from blasting. According to the noise analysis, the peak overpressure during blasting at the nearest NSAs is expected to be 112 decibels, which is below the Virginia and West Virginia limit of 129 decibels. The EA concludes that construction-related noise would not be significant.[342] We agree.

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[336] *See* Mountain Valley September 23, 2026 Response to EA Comments at 5.

[337] *Id.*

[338] *See* Members of Virginia House of Delegates September 8, 2026 Comments at 2.

[339] Sierra Club, et al. September 8, 2026 Comments at 29.

[340] EA at 7.

[341] *See* Mountain Valley September 23, 2026 Response to EA Comments at 5.

[342] EA at 63.

119. Multiple commenters note discrepancies between the distances to NSAs noted in the land use, recreation, and visual resources section and the noise section of the EA.[343] They also ask that the Commission clarify whether the distances are from the site perimeter or the center of the site location and whether more distant NSAs would experience exceedances of noise limits.[344] The distances reported in the noise section of the EA[345] are distances from the NSAs to the noise-producing equipment, as is standard practice for noise modeling. The distances to NSAs in the land use, recreation, and visual resources section of the EA are from the compressor station site perimeter. Additionally, the NSAs reported in the noise section of the EA are the nearest NSAs in each direction and would be expected to receive the highest operational noise levels from the compressor station.[346] Thus, a more distant NSA would not be expected to experience higher noise levels, as noise attenuates with distance.

120. Commenters express concerns over existing noise pollution in the project area, particularly around the Swann Compressor Station site.[347] Penny Artis states that the operational noise analysis in the EA shows 49.1 dBA at four out of the five NSA locations, expresses doubt about the validity of Mountain Valley's noise estimates in part due to the elevation of the compressor station, and suggests that further testing is warranted.[348] Sierra Club argues that measurement of the existing sound levels at NSAs should appropriately account for noise from traffic along U.S. Route 460, the dominant environmental noise source in the area.[349] Michele Mattioli states the Swann Compressor Station would exceed Commission noise limits[350] and Sierra Club expresses concern that

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[343] *See, e.g.*, Chesapeake Climate Action Network September 8, 2026 Comments at 6-7; Sierra Club, et al. September 8, 2026 Comments at 10.

[344] *See* Sierra Club, et al. September 8, 2026 Comments at 10.

[345] EA at 63.

[346] *Id.*

[347] *See* Elizabeth Struthers Malbon September 1, 2026 Comments at 3; Arlene Ogurick September 3, 2026 Comments; Catherine Robbins September 8, 2026 Comments; James T. and Kathy E. Chandler September 8, 2026 Comments at 2; Penny Artis September 8, 2026 Comments; Allen Howard September 8, 2026 Comments (noting that his dwelling is one half mile from the Swann Compressor Station).

[348] *See* Penny Artis September 8, 2026 Comments.

[349] Sierra Club, et al. September 8, 2026 Comments at 31.

[350] Michele Mattioli September 3, 2026 Comments at 1.

the compressor station would not comply with local noise limits, stating that the Commission should require additional mitigation measures to ensure the county noise limits are not exceeded.[351]

121. Staff's analysis of operational noise effects from the compressor stations utilizes representative sound levels for clusters of NSAs located in the same direction and similar distances with similar existing noise conditions. The ambient noise levels at each NSA range from 40.9 dBA day-night average sound level (L_{dn}) to 49.1 dBA L_{dn} and are at or below sound levels representative of a small town or quiet suburban area.[352] Ambient noise measurements were taken at a single monitoring location representative of NSAs 1, 2, 3, and 5, for a duration of 22 hours and 47 minutes, and audible sounds included birds, insects, wind, trains, and traffic.[353] The existing sound level at NSA 4 was based on the sound level measured at the NSAs 1, 2, 3, and 5 monitoring location, with an adjustment based on the distance from U.S. Route 460.[354]

122. Noise modeling submitted by Mountain Valley uses U.S. Geological Survey topographical data to account for the effects of terrain surrounding the Swann Compressor Station on sound propagation, including the relative elevation of the compressor station compared to NSAs.[355] Estimated noise levels at the nearest NSAs to the compressor stations were modeled to be from 43.0 dBA L_{dn} to 52.3 dBA L_{dn}, which is less than the Commission's noise threshold of 55 dBA L_{dn} at NSAs. Thus, noise effects were determined to be not significant.[356] The modeled noise level increases at the NSAs due to project operation showed an increase of 0 to 4 dBA above current ambient noise levels, which could be a perceptible noise increase.[357] For the Swann Compressor Station, modeled noise level increases at the NSAs due to operation of the station show an increase of 0.4 decibels to 3.2 decibels above current ambient noise levels, which

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[351] Sierra Club, et al. September 8, 2026 Comments at 31.

[352] EPA, *Information on Levels of Environmental Noise Requisite to Protect Public Health & Welfare with an Adequate Margin of Safety* at 20 (Mar. 1974); EA at 63.

[353] Application, Resource Report 9, app. 9-J at 4.

[354] *Id.*

[355] *Id.*, app. 9-J at 5.

[356] EA at 63.

[357] *Id.* The human ear's threshold of perception for noise change is considered to be 3 dBA; 6 dBA is clearly noticeable to the human ear, and a 9 dBA change is perceived as a doubling or halving of noise.

would generally not be a noticeable increase,[358] and would remain below the Commission's standard 55 dBA L_{dn} noise level.[359] Moreover, the highest nighttime sound level at an NSA due to the continuous operation of the compressor station would be 45.9 dBA L_{eq},[360] which is below the 52 dBA L_{eq} county noise limit at NSAs. The EA recommends, and we require as Environmental Condition 12 in Appendix B to this order, that Mountain Valley file post-construction noise surveys after the compressor stations are in service to demonstrate that noise does not exceed an L_{dn} of 55 dBA at any nearby NSA and install additional noise controls if sound levels exceed 55 dBA L_{dn}.[361]

123. Commenters state that the Commission should evaluate low-frequency sound[362] and vibrations.[363] Based on the noise study, the EA concludes low-frequency sound levels and induced vibration would be expected to be below perceptible thresholds at NSAs.[364]

s. Public Safety

124. Commenters express concern about public safety issues, including evacuation routes near the Swann Compressor Station and concerns that Cove Hollow Road[365] is

[358] *Id.*

[359] *Id.* at 36. EPA has determined that a L_{dn} of 55 dBA sufficiently safeguards the public from indoor and outdoor activity noise interference. EPA, *Information on Levels of Environmental Noise Requisite to Protect Public Health & Welfare with an Adequate Margin of Safety* at 20 (Mar. 1974).

[360] EA at tbl. B.10-1, 62, n.121. The continuous sound pressure level is the Post-Construction Operation L_{dn} minus 6.4 dBA.

[361] *Id.* at 64.

[362] *See* TerryAnn Towers Saint Amand August 14, 2026 Comments.

[363] *See, e.g.*, Perry August 31, 2026 Comments.

[364] EA at 64.

[365] Mountain Valley does not propose to use Cove Hollow Road as an access road for the project. The Swann Compressor Station laydown yard is located near Cove Hollow Road and was previously used as temporary workspace during construction of the Mountain Valley Mainline. *Id.* at 6.

regularly blocked by stopped trains at the Norfolk Southern railroad crossing.[366] Commenters argue that a blocked crossing could delay or prevent residents from leaving during an emergency and could prevent emergency responders from reaching residents.[367] They also state that the Montgomery County Board of Supervisors rejected two proposals presented by Mountain Valley to address transportation, safety, and emergency access near the site and along Cove Hollow Road.[368] Allen Howard requests that the Commission fully evaluate emergency evacuation routes, potential access limitations, and the reliability of those routes under emergency conditions.[369]

125. As stated in the EA, Mountain Valley would coordinate with local services, such as police, fire, and emergency services, to coordinate effective emergency response during construction and operation of the project.[370] The Commission recognizes the concerns that a stopped train could temporarily obstruct Cove Hollow Road; however, any evacuation would be directed by local emergency-management officials based on the location and nature of an incident. Mountain Valley has communicated with Norfolk Southern regarding its procedures for stopping trains at this location in the event of an emergency requiring evacuation and is actively working with Montgomery County on a plan to address a long-standing, pre-existing access problem at Cove Hollow Road.[371] Additionally, in its response to comments on the EA, Mountain Valley states that it has committed to assist in addressing the access issue and has facilitated coordination between Montgomery County and Norfolk Southern.[372] Further, as Mountain Valley

[366] *See, e.g.*, Alice Svendson August 31, 2026 Comments; Perry August 31, 2026 Comments; Janet Phoenix September 8, 2026 Comments; Allen Howard September 8, 2026 Comments; Preserve Giles County September 8, 2026.

[367] *See* Allen Howard September 8, 2026 Comments; Andrew Dolloff September 8, 2026 Comments; *see also* Virginia DEQ September 2, 2026 Comments at 12 (stating that the New River Valley Regional Commission Board expressed concerns that extended road closures attributed to trains on the railroad in proximity to the project could cause delayed emergency response to residents).

[368] *See, e.g.*, Alice Svendson August 31, 2026 Comments; Perry August 31, 2026 Comments; Janet Phoenix September 8, 2026 Comments; Allen Howard September 8, 2026 Comments; Preserve Giles County September 8, 2026 Comments.

[369] *See* Allen Howard September 8, 2026 Comments.

[370] EA at 47.

[371] *Id.* at 66.

[372] *See* Mountain Valley September 23, 2026 Response to EA Comments at 5.

notes, except for a short segment adjacent to the railroad track, Cove Hollow Road is at least 0.75 miles from the proposed Swann Compressor Station and an intervening ridgeline separates the facility from the road and nearby residences.[373] Thus, there is a very low likelihood that a compressor station incident would require evacuation of residents along Cove Hollow Road.

126. Next, commenters assert that the project would increase gas volume or pressure in Mountain Valley's existing mainline and thereby increase stress on pipe and joints, enlarge the potential "blast zone," and increase risks in areas subject to subsidence.[374] The Virginia Council of Environmental Justice states that construction of the existing mainline resulted in hundreds of state violations and a PHMSA safety order; that at least one downstream pipe section failed during hydrostatic pressure testing; and that pipe left exposed to the elements for several years may have experienced degradation of pipe coating.[375] Commenters also aver that an explosion or catastrophic failure at the Swann Compressor Station could affect a "blast zone" radius that includes nearby residents, businesses, a school, and a fire station.[376] They state that since the compressor stations are not continuously staffed and rely on remote technology, no one would be present onsite if an accident were to occur.[377] Alexandra Still states that Mountain Valley should be required to post bond to cover costs of remediating a future accident.[378]

127. The EA addresses pipeline and compressor station safety, including the applicable PHMSA requirements, pressure testing, integrity management, automated monitoring, emergency shutdown, and coordination with emergency responders.[379] Although the project would increase compression and transportation capacity, it would not increase the

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[373] *Id.* at 6.

[374] *See, e.g.*, Virginia House of Delegates Member Lily Franklin August 25, 2026 Comments; James T. and Kathy E. Chandler September 8, 2026 Comments at 1-2; Andrew Dolloff September 8, 2026 Comments; Craig County Board of Supervisors, Robert R. Collins, Craig County September 8, 2026 Comments; Center for Biological Diversity September 4, 2026 Comments.

[375] *See, e.g.*, Virginia Council on Environmental Justice September 8, 2026 Comments; Andrew Dolloff September 8, 2026 Comments.

[376] *See, e.g.*, Kristin Peckman September 3, 2026 Comments.

[377] *See, e.g.*, *id.*; Amy Nelson September 1, 2026 Comments.

[378] *See* Alexandra R. Still September 8, 2026 Comments.

[379] EA at 64-66.

existing mainline's maximum allowable operating pressure or change its potential impact radius.[380] The reported pipe failure occurred during hydrostatic testing,[381] the purpose of which is to test the integrity of welds and make necessary corrections during the construction process.

128. Natural gas transportation facilities must be designed, constructed, operated, inspected, and maintained in accordance with PHMSA's Minimum Federal Safety Standards in 49 CFR part 192, including the requirements for pressure testing, corrosion control, integrity management, and identification and repair of conditions that could affect safe operation.[382] PHMSA has authority over operational pipeline safety and retains authority to inspect the system and require corrective measures. We note that the Commission does not require bonds because the Commission has the authority to require restoration and remediation to satisfactory levels.[383]

129. Regarding the operational design of the compressor station, as the EA states, the existing compressor facilities that would be modified are already equipped with an emergency shutdown system to protect the public and operating personnel during an emergency.[384] Those systems are automatically activated by sensors that continuously monitor for the presence of fire and explosive mixtures in the compressor building and compressor enclosures. This system would also be installed for the proposed Swann Compressor Station.[385] Qualified personnel at the control center would receive an alarm and could remotely shut down and isolate affected equipment. Based on the listed safeguards and requirements, we agree with the EA's conclusion that the project would present a minimum risk to the public.[386] Finally, we note that according to PHMSA accident data, there have been four precautionary public evacuations triggered by

[380] *Id.* at 15, 65, n.122; *see* 49 C.F.R. § 192.903 (2025) (defining potential impact radius calculation).

[381] *Mountain Valley Pipeline, LLC*, Report to PHMSA, Docket No. CP16-10-000, at 1 (filed Aug. 29, 2024).

[382] EA at 64-66.

[383] *See Transcon. Gas Pipe Line Co., LLC*, 154 FERC ¶ 61,166, at P 63 (2016).

[384] EA at 65.

[385] *Id.* at 66.

[386] *Id.*

incidents at natural gas transmission compressor stations since 1984, none of which resulted in injury to a member of the public.[387]

130. Kimberly Homer asserts that the EA failed to assess pigging operations and blowdowns, which she characterizes as emergencies, or disclose where pigging waste, waste containing radioactive lead, VOCs, and hazardous air pollutants, like benzene and toluene, and pyrophoric materials like iron sulfide, would be disposed.[388] Virginia DEQ states that waste resulting from pigging of pipelines must be disposed of properly in compliance with the Resource Conservation and Recovery Act and state laws.[389] Virginia DEQ provides a list of general pollution prevention recommendations that might be helpful in constructing or operating the project.[390] Virginia DEQ states that it encourages all projects and facilities to implement pollution prevention principles.[391]

131. Blowdowns are controlled operational events used to depressurize equipment for maintenance or in response to abnormal conditions; they are not assumed to be considered emergencies. Pigging is routine, not an emergency operation. The operational emissions reported in the EA include fugitive emissions from blowdowns.[392] Regarding pigging waste, Mountain Valley would not be permitted to discharge pigging waste without applicable authorizations. As stated in the EA and Mountain Valley's application, this waste must be disposed of properly in compliance with the Resource Conservation and Recovery Act and state laws and in accordance with its SPCC Plan.[393]

132. Several commenters indicate that lack of odorant in the interstate pipeline gas would make a leak more difficult for residents to detect.[394] The natural gas in the pipeline system would not be odorized.[395] Although distribution pipelines are required to

[387] *See* Mountain Valley September 23, 2026 Response to EA Comments at 6.

[388] *See* Kimberley Homer September 8, 2026 Comments.

[389] *See* Virginia DEQ September 2, 2026 Comments at 6.

[390] *Id.* at 8.

[391] *Id.* at 7.

[392] EA at 53.

[393] *Id.* at 64.

[394] *See* Andrew Dolloff September 8, 2026 Comments.

[395] We note that the project would only add 0.2 miles of 42-inch-diameter dual lay suction and discharge pipeline.

be odorized by PHMSA regulation, transmission pipelines are not unless they are located in Class 3 and Class 4 locations and at least 50% of the length of the pipeline downstream from the Class 3 and Class 4 locations is not in a Class 1 or Class 2 location.[396] The project compressor stations and their associated suction and discharge lines are not located in Class 3 or Class 4 areas, although Mountain Valley states that they would be designed to meet Class 3 requirements.[397]

t. Cumulative Effects

133. Several commenters request a cumulative effects analysis of the project with Mountain Valley's existing mainline, compressor-station expansions, other gas infrastructure, upstream production, downstream use, and existing industrial and transportation sources.[398] Commenters assert that the analysis should include cumulative effects on air quality[399] and water resources.[400]

134. NEPA requires an analysis of the reasonably foreseeable effects of "the project at hand."[401] It does not require agencies to analyze effects arising from separate projects.[402] Nor does it require agencies to delineate or analyze a conceptually separate category of

[396] 49 C.F.R. § 192.625 (2025).

[397] *See* Application, Resource Report 11.

[398] *See* TerryAnn Towers Saint Amand August 14, 2026 Comments; Carola A. Haas September 8, 2026 Comments; Kelly Brennan September 8, 2026 Comments; Sierra Club, et al. September 8, 2026 Comments at 35-37; Allen Howard September 8, 2026 Comments; Preserve Giles County September 8, 2026 Comments; Chesapeake Climate Action Network September 8, 2026 Comments; Maury W. Johnson September 8, 2026 Comments.

[399] *See, e.g.*, TerryAnn Towers Saint Amand August 14, 2026 Comments; Kelly Brennan September 8, 2026 Comments; Seferina Olivo September 8, 2026 Comments; Dan Ideozu September 8, 2026 Comments.

[400] *See, e.g.*, Dan Ideozu September 8, 2026 Comments; Catherine Robbins September 8, 2026 Comments.

[401] *Seven County*, 605 U.S. at 182, 187.

[402] *Id.* at 187, 192.

"cumulative" effects.[403] The EA thoroughly discusses the reasonably foreseeable effects of the project at hand. Nor did it consider those effects in a vacuum; rather, the EA describes the environmental baseline against which the project's effects will occur, how that environment has changed over time, and other reasonably foreseeable activities in the area that may affect that environment.[404] This includes information about the population of the counties in which the project is located, existing and historic industries, types of natural resources, and other identified planned projects. This information was provided to help the Commission contextualize and understand how the MVP Boost Project will affect the environment. Nothing more is required under NEPA.

135. Sierra Club asserts that a NEPA analysis must include an analysis of "cumulative impacts," as defined under now-rescinded Council on Environmental Quality (CEQ) regulations, which Sierra Club quotes.[405] Although Sierra Club concedes that those regulations have been rescinded, it states that "[c]ases that preceded the CEQ regulations found that NEPA itself imposes [an] obligation" to analyze cumulative effects.[406] But its cited cases do not support the existence of a statutory duty either to assess effects arising from other projects not before the Commission, or to delineate and assess a conceptually separate category of "cumulative effects" in a NEPA document[407]—a practice that has no basis in NEPA's text.[408]

136. Sierra Club states that a proposed action's environmental consequences should be understood in context, not isolation.[409] We agree. As discussed, the EA described the

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[403] *See E. Gas Transmission & Storage, Inc.*, 195 FERC ¶ 61,218, at PP 25-26 (2026) (*Eastern Gas*).

[404] EA at 12-14.

[405] Sierra Club, et al. September 8, 2026 Comments at 35 & n.140.

[406] *Id.* at 35 & n.142.

[407] As Sierra Club acknowledges, its lead citation, *Kleppe v. Sierra Club*, addressed the circumstances in which "several proposals . . . pending concurrently before an agency" must be addressed in a single NEPA document. 427 U.S. 390, 409-10 (1976). That issue is not presented here. *See supra* Part IV.1.b (addressing "segmentation" arguments). Sierra Club's assertion that its other cited case, *Baltimore Gas & Elec. Co. v. Nat. Res. Defense Council, Inc.*, 462 U.S. 87 (1983), predated the CEQ regulations is incorrect. *See id.* at 107 (citing 40 C.F.R. §§ 1508.7, 1508.8 (1982)).

[408] *See Eastern Gas*, 195 FERC ¶ 61,218 at P 25.

[409] Sierra Club, et al. September 8, 2026 Comments at 35.

relevant environmental context, including other nearby activities, and we have considered the project's effects in view of that context. While Sierra Club argues that the EA should have provided more "details regarding the nature and extent" of "impacts resulting from [other] projects,"[410] the Commission is not required to provide "details" about other projects' effects. Rather, its obligation under NEPA is to describe the effects of "the project at hand."[411] Sierra Club fails to describe any concrete inadequacy in the Commission's discussion of this project's effects that it believes is attributable to insufficient discussion of other projects[412]—much less an account of how such additional detail on other projects would be useful to the Commission's decisionmaking in this proceeding.[413] Therefore, we find that the EA satisfies NEPA's requirements.

u. Alternatives

137. Several commenters state that the EA includes and analyzes three alternative sites for the Swann Compressor Station, whereas Mountain Valley's application included four alternative sites.[414] The commenters further state that no public outreach was conducted and no explanation was included in the EA regarding this change.

138. Mountain Valley included four alternative sites for the Swann Compressor Station in its application. With respect to the first alternative discussed in the application, Mountain Valley provided hydraulic modeling demonstrating that the site would not be

[410] *Id.* at 36-37.

[411] *Seven County*, 605 U.S. at 192.

[412] For example, Sierra Club criticizes the lack of separate "cumulative impacts" discussion in the EA's analysis of surface water effects. *See* Sierra Club, et al. September 8, 2026 Comments at 37 (referencing EA section B.4.2). But it does not identify any concrete flaw in the EA's description of the MVP Boost Project's effects on surface waters that it believes is attributable to this absence. Notably, Sierra Club's criticisms of the EA's discussion of the project's surface water effects are unrelated to "cumulative" effects. *See id.* at 32-33 (asserting various claimed faults with EA's surface water effects analysis, none related to cumulative effects or other projects).

[413] *Seven County*, 605 U.S. at 181 ("[A]gencies determine whether *and to what extent* to prepare an EIS based on the usefulness of any new potential information to the decision-making process." (quoting *Pub. Citizen*, 541 U.S. at 767)).

[414] *See* Elizabeth Struthers Malbon September 1, 2026 Comments at 3; Craig County Board of Supervisors September 8, 2026 Comments; Members of the Virginia House of Delegates September 8, 2026 Comments at 2.

able to achieve the proposed 600,000 Dth/d of incremental transportation service. Thus, the alternative was not technically feasible and so was not discussed in the EA.

139. The Roanoke County Board of Supervisors asserts that Mountain Valley's mapping erroneously shows the Swann Compressor Station Alternative Site 2 as partially within Roanoke County and partially within Montgomery County. The County's mapping indicates the proposed site is wholly contained within Roanoke County. We acknowledge this error but conclude it does not change the analysis or conclusions in the EA regarding alternative sites.

140. Next, the Roanoke County Board of Supervisors argues that comprehensive noise modeling should be done for Swann Compressor Station Alternative Sites 2 and 3 before any additional consideration is given to these sites.[415] It further states that Alternative Site 3 is within two rural historic districts and near a third rural historic district and that effects on these districts should be evaluated prior to additional consideration of this alternative.[416] Sierra Club contends that the EA fails to provide a description of the communities around each alternative Swann Compressor Station site, including whether there are any environmental justice communities.[417] Virginia House of Delegates member Lily Franklin comments that multiple constituents living near the "proposed compressor station alternate site" have expressed concerns regarding "continuation of property damage."[418]

141. The EA compares the number of NSAs within 0.5 and 1 miles of the site boundaries of the alternative Swann Compressor Station sites and considers this information along with other environmental factors.[419] For Alternative Sites 2 and 3, both would have fewer NSAs within 0.5 miles than the proposed site.[420] However, Alternative Site 2 is elevated and closer to NSAs, and Alternative 3 would require 1,130 feet of new access road as well as extensive cut and fill. The EA concludes that the

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[415] Roanoke County Board of Supervisors September 8, 2026 Comments at 1.

[416] *See* James and Kathy Chandler September 8, 2026 Comments at 4-5.

[417] Sierra Club, et al. September 8, 2026 Comments at 10. As noted above, Executive Orders pertaining to environmental justice were revoked in January 2025. *See supra* P 101.

[418] *See* Virginia House of Delegates Member Lily Franklin August 25, 2026 Comments. Ms. Franklin does not identify which alternative site is at issue.

[419] EA at 70-71.

[420] *Id.* at 71.

alternative compressor site locations for the Swann Compressor Station would not offer a significant environmental advantage over the proposed site.[421] We agree, and no further consideration of Alternative Sites 2 and 3 is warranted.

142. Sierra Club contends that the Commission "impermissibly defers entirely to Mountain Valley's desired goals rather than conducting an independent evaluation of the Project's purpose."[422] Commenters argue that the Commission improperly adopted an overly narrowly definition of the project's purpose and need to exclude all reasonable non-gas alternatives from the alternatives analysis conducted pursuant to NEPA.[423] Commenters claim that the EA did not adequately analyze the no-action alternative and failed to analyze alternatives involving lower levels of added compression, energy efficiency and conservation, electrification, renewable generation, energy storage, and other non-fossil-fuel strategies.[424]

143. NEPA provides that agencies should describe a reasonable range of alternatives to the proposed agency action (including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no-action alternative) that are technically and economically feasible and that meet the purpose and need of the proposal.[425] An agency uses the purpose and need statement to define the objectives of a proposed action and then to identify and consider reasonable alternatives. When an agency is asked to consider a specific proposal, the needs and goals of the applicant should be taken into account.[426] Where, as here, a federal agency is not the sponsor of a project, "the Federal government's consideration of alternatives may accord substantial

[421] *Id.*

[422] Sierra Club, et al. September 8, 2026 Comments at 3.

[423] *See, e.g., id.* at 2.

[424] *See* TerryAnn Towers Saint Amand August 14, 2026 Comments; Sierra Club, et al. September 8, 2026 Comments at 6-7.

[425] 42 U.S.C. § 4332(2)(C)(iii); *see Seven County*, 605 U.S. at 181-82 (explaining that agencies are entitled to substantial deference in assessing alternatives, including what alternatives qualify as feasible).

[426] *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 196 (D.C. Cir. 1991); *Transcon. Gas Pipe Line Co., LLC*, 186 FERC ¶ 61,047, at P 48 (2024).

weight to the preferences of the applicant and/or sponsor in the siting and design of the project."[427]

144. The EA explained that the purpose of the project is to transport additional volumes of natural gas from interconnection points with Equitrans, L.P. at Mobley Run and EQM Gathering Opco, LLC at Great Hammerhead to delivery points on the Mountain Valley Mainline and Mountain Valley Southgate systems.[428] Courts have found that such a statement of purpose and need for a Commission-jurisdictional natural gas pipeline project, which identifies the natural gas transportation path and required capacities, allows for a sufficiently wide range of alternatives but is narrow enough that there is not an infinite number of alternatives.[429]

145. The EA explicitly considers the no-action alternative in a manner consistent with NEPA.[430] As stated in the EA, if the no-action alternative were chosen, the environmental effects associated with the proposed activity would not occur. However, the project's goals would not be met. An agency does not err by rejecting a no-action alternative that would not fulfill the project's purpose.[431] Therefore, we find that the discussion and rejection of the no-action alternative was reasonable and appropriate.[432]

146. An alternative with lower levels of compression would require pipeline looping to meet the project objectives. The EA analyzes whether construction of an additional

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[427] *See, e.g.*, *City of Grapevine, Tex. v. Dep't of Transp.*, 17 F.3d 1502, 1506 (D.C. Cir. 1994); *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d at 199 (explaining that the evaluation of alternatives is "shaped by the application at issue and by the function that the agency plays in the decisional process").

[428] EA at 1.

[429] *Sierra Club, Inc. v. U.S. Forest Serv.*, 897 F.3d 582, 599 (4th Cir. 2018) (explaining that the purpose and need statement was sufficient when "it explain[ed] where the gas must come from, where it will go, [and] how much it would deliver").

[430] EA at 67.

[431] *Ctr. for Biological Diversity v. FERC*, 67 F.4th 1176, 1182 (D.C. Cir. 2023) (holding that the Commission did not err by concisely rejecting the no-action alternative when it would not fulfill the project's purpose to commercialize natural gas from Alaska's North Slope).

[432] *See Seven County*, 605 U.S. at 181-82 (explaining that agencies are entitled to substantial deference in assessing alternatives, including what alternatives qualify as feasible).

pipeline loop is feasible and could eliminate or reduce the need for the proposed Swann Compressor Station and modifications to existing compressor stations, and determines these alternatives would substantially increase project land requirements and would not offer a significant environmental advantage over the proposed action.[433] We agree.

147. With respect to renewable energy and similar alternatives, the purpose of the project is to transport additional volumes of natural gas from interconnection points with Equitrans, L.P. at Mobley Run and with EQM Gathering Opco, LLC at Great Hammerhead to delivery points on Mountain Valley's system.[434] Therefore, an alternative that does not involve the transportation of natural gas is not a reasonable alternative to meet the project objectives and was therefore not considered in the EA. The Commission recognizes that energy conservation and efficiency programs help to reduce energy demand and that other energy sources could potentially play an increasing role in meeting the region's energy needs. This, however, is outside of the scope of the Commission's NEPA responsibilities because the goal of the EA is to disclose the environmental effects of this project, not to speculate about future energy consumption patterns and scenarios.[435] The Commission does not regulate states' chosen mix of energy generation resources.[436]

148. Sierra Club argues that the EA's analysis of an electric-motor-driven compression alternative is incomplete and fails to consider that electricity generation is expected to decarbonize over time.[437] Specifically, Sierra Club contends that the EA does not characterize the substantial local air quality and public health benefits of minimizing on-site combustion emissions at each of the compressor stations. Sierra Club states that electric-motor-driven compression would minimize on-site emissions of harmful pollutants.

149. The EA considers whether electric-motor-driven compression at the compressor stations would offer a significant environmental advantage,[438] and finds that at all

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[433] EA at 68.

[434] *Id.* at 1.

[435] *See generally Citizens Action Coal.*, 125 F.4th at 238 (upholding the Commission's NEPA analysis and finding that the Commission "properly refused to reconsider the mix of electricity generation chosen").

[436] *Id.* at 239.

[437] *See* Sierra Club, et al. September 8, 2026 Comments at 7-9.

[438] EA at 69.

stations, electric-motor-driven compression was estimated to produce more overall emissions than use of natural gas compression, with the exception of a minor 0.03% reduction in $PM_{2.5}$ emissions at the Swann Compressor Station.[439] The EA finds that emissions associated with the proposed natural gas compressors are not significant.[440] Additionally, use of electric-motor-driven compressor units would require the construction of new electric substations and transmission lines ranging in length from 2.5 to 6.9 miles to supply the compressor station sites, which would result in land disturbance, tree clearing, and effects on landowners.[441] Based on this assessment, the EA concludes that the use of electric-motor-driven compressor units would not present a significant environmental advantage compared to the proposed natural gas-fired turbines.[442] We agree.

2. Environmental Analysis Conclusion

150. We have reviewed the information and analysis contained in the EA, as well as the other information in the record, regarding potential environmental effects of the project. We accept the environmental recommendations in the EA, as modified in this order, and include them as conditions in Appendix B to this order. Based on the analysis in the EA, as supplemented or clarified herein, we conclude that if constructed and operated in accordance with Mountain Valley's application and supplements, and in compliance with the environmental conditions in Appendix B to this order, our approval of this proposal would not constitute a major federal action significantly affecting the quality of the human environment.[443]

151. Compliance with the environmental conditions appended to our orders is integral to ensuring that the environmental effects of approved projects are consistent with those

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[439] *Id.* The emission analysis was conducted using EPA's Avoided Emissions and Generation Tool's (AVERT) regional data file for the Mid-Atlantic region (which includes the project area in West Virginia and Virginia) and accounted for regional power grid fuel sources. West Virginia's grid mix includes coal- and natural gas-fired sources, and Virginia's grid mix includes coal-, natural gas-, and oil-fired sources. EPA, *Download AVERT* (Mar. 2, 2026), https://www.epa.gov/avert/download-avert (last visited Oct. 29, 2026).

[440] EA at 55.

[441] *Id.* at 69.

[442] *Id.*

[443] We are not making a significance determination regarding GHG effects for the reasons discussed in *supra* note 329.

anticipated by our environmental analysis. Thus, Commission staff carefully reviews all information submitted. Only when satisfied that the applicant has complied with all applicable conditions will a notice to proceed with the activity to which the conditions are relevant be issued. We also note that the Commission has the authority to take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the project, including authority to impose any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the order, as well as the avoidance or mitigation of unforeseen adverse environmental effects resulting from project construction and operation.

V. Conclusion

152. We find that Mountain Valley has demonstrated a need for the MVP Boost Project, which will provide up to 600,000 Dth/d of incremental firm transportation service. Further, the project will not have adverse impacts on Mountain Valley's existing shippers or other pipelines and their existing customers, and the project's benefits will outweigh any adverse effects on landowners and surrounding communities. The Commission recognizes that the proposed project would impact the environment and individuals living in the vicinity of the project facilities, but the project impacts, as mitigated, would not be significant. Based on the discussion above, we conclude that, under section 7 of the NGA, the public convenience and necessity requires approval of the MVP Boost Project, subject to the conditions in this order.

153. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate. The Commission encourages cooperation between interstate pipelines and local authorities. This does not mean, however, that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction or operation of facilities approved by this Commission.[444]

154. The Commission, on its own motion, received and made a part of the record in this proceeding all evidence, including the application, as supplemented, and exhibits thereto, and all comments, and upon consideration of the record,

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[444] *See* 15 U.S.C. § 717r(d) (state or federal agency's failure to act on a permit considered to be inconsistent with Federal law); *see also Schneidewind v. ANR Pipeline Co*., 485 U.S. 293, 310 (1988) (state regulation that interferes with the Commission's regulatory authority over the transportation of natural gas is preempted); *Dominion Transmission, Inc. v. Summers*, 723 F.3d 238, 245 (D.C. Cir. 2013) (noting that state and local regulation is preempted by the NGA to the extent it conflicts with federal regulation, or would delay the construction and operation of facilities approved by the Commission).

The Commission orders:

(A) A certificate of public convenience and necessity is issued to Mountain Valley, authorizing it to construct and operate the proposed MVP Boost Project, as described and conditioned herein, and as more fully described in the application and subsequent filings by the applicant, including any commitments made therein.

(B) The certificate issued in Ordering Paragraph (A) is conditioned on Mountain Valley:

(1) completing construction of the proposed facilities and making them available for service within two years of the date of this order pursuant to section 157.20(b) of the Commission's regulations;

(2) compliance with all Commission regulations under the NGA including, but not limited to, Parts 154, 157, and 284, and paragraphs (a), (c), (e), and (f) of section 157.20 of the Commission's regulations; and

(3) compliance with the environmental conditions listed in Appendix B to this order.

(C) Mountain Valley shall file a written statement affirming that it has executed firm contracts for the capacity levels and terms of service represented in its filed precedent agreements prior to commencing construction.

(D) Mountain Valley's proposal to use its existing applicable Mainline System rates under Rate Schedule FTS as the maximum recourse rates is approved.

(E) Mountain Valley is granted a predetermination of rolled-in rates for the MVP Boost Project, absent a significant change in circumstances.

(F) Mountain Valley's proposed incremental fuel rate retainage factor is approved, as described above.

(G) Mountain Valley shall notify the Commission's environmental staff by telephone or e-mail of any environmental noncompliance identified by other federal, state, or local agencies on the same day that such agency notifies Mountain Valley.

Mountain Valley shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

By the Commission.

(S E A L)

Debbie-Anne A. Reese,
Secretary.

Appendix A

List of Intervenors

Amy Nelson
Amy R. Shea
Angela Fulcher
Appalachian Voices
Aran Garnett-Deakin
Bruce Coffey
C. Andrew Dolloff
Carl E. Zipper
Chesapeake Climate Action Network
Connie L Fitzsimmons
County of Montgomery VA
Crystal J Mello
Eastern Gas Transmission and Storage
Erin E. Mckelvy
Gary D Brown
Georgia Haverty
Irene E. Leech
John Lewczky
Joshua S. Vana
Lief T Hurt
Lynda Majors
Mary A. Capp
Maury W. Johnson
Natasha A Nunes
Protect Our Water Heritage Rights (POWHR)
Preserve Bent Mountain
Preserve Giles County
Preserve Montgomery County VA
Roanoke County, VA
Roberta Bondurant
Robin Morris
Seferina Olivo
Sierra Club
Southern Alliance for Clean Energy
Terry Family
Tina Badger
Tycho Shea-Gangloff
Verizon Communications Inc
Willa S. Shea-Gangloff

Appendix B

Environmental Conditions

As recommended in the Environmental Assessment (EA) and modified herein, this authorization includes the following conditions:

1. Mountain Valley Pipeline, LLC (Mountain Valley) shall follow the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests) and as identified in the EA, unless modified by the Order. Mountain Valley must:

    a. request any modification to these procedures, measures, or conditions in a filing with the Secretary;
    b. justify each modification relative to site-specific conditions;
    c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
    d. receive approval in writing from the Director of the Office of Energy Projects (OEP), or the Director's designee, **before using that modification**.

2. The Director of OEP, or the Director's designee, has delegated authority to address any requests for approvals or authorizations necessary to carry out the conditions of the Order, and take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the project. This authority shall allow:

    a. the modification of conditions of the Order;
    b. stop-work authority; and
    c. the imposition of any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the Order as well as the avoidance or mitigation of unforeseen adverse environmental effects resulting from project construction and operation.

3. **Prior to any construction**, Mountain Valley shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors (EI), and contractor personnel would be informed of the EI's authority and have been or would be trained on the implementation of the environmental mitigation measures appropriate to their jobs **before** becoming involved with construction and restoration activities.

4. The authorized facility locations shall be as shown in the EA, as supplemented by filed alignment sheets. **As soon as they are available, and before the start of construction**, Mountain Valley shall file with the Secretary any revised detailed

survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by the Order. All requests for modifications of environmental conditions of the Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.

Mountain Valley's exercise of eminent domain authority granted under Natural Gas Act (NGA) section 7(h) in any condemnation proceedings related to the Order must be consistent with these authorized facilities and locations. Mountain Valley's right of eminent domain granted under NGA section 7(h) does not authorize it to increase the size of its natural gas facilities to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

5. Mountain Valley shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP, or the Director's designee, **before construction in or near that area**.

   This requirement does not apply to extra workspace allowed by the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* and/or minor field realignments per landowner needs and requirements that do not affect other landowners or sensitive environmental areas such as wetlands.

   Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

   a. implementation of cultural resources mitigation measures;
   b. implementation of endangered, threatened, or special concern species mitigation measures;
   c. recommendations by state regulatory authorities; and
   d. agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.

6. **Within 60 days of the acceptance of the authorization and before construction begins**, Mountain Valley shall file an Implementation Plan with the Secretary for

review and written approval by the Director of OEP, or the Director's designee. Mountain Valley must file revisions to the plan as schedules change. The plan shall identify:

a. how Mountain Valley would implement the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests), identified in the EA, and required by the Order;
b. how Mountain Valley would incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to on-site construction and inspection personnel;
c. the number of EIs assigned per spread, and how the company would ensure that sufficient personnel are available to implement the environmental mitigation;
d. company personnel, including EIs and contractors, who would receive copies of the appropriate material;
e. the location and dates of the environmental compliance training and instructions Mountain Valley would give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change), with the opportunity for OEP staff to participate in the training session(s);
f. the company personnel (if known) and specific portion of Mountain Valley's organization having responsibility for compliance;
g. the procedures (including use of contract penalties) Mountain Valley would follow if noncompliance occurs; and
h. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:

    i. the completion of all required surveys and reports;
    ii. the environmental compliance training of on-site personnel;
    iii. the start of construction; and
    iv. the start and completion of restoration.

7. Mountain Valley shall employ at least one EI per construction spread. The EI shall be:

a. responsible for monitoring and ensuring compliance with all mitigation measures required by the Order and other grants, permits, certificates, or other authorizing documents;
b. responsible for evaluating the construction contractor's implementation of the environmental mitigation measures required in the contract (see condition 6 above) and any other authorizing document;

c. empowered to order correction of acts that violate the environmental conditions of the Order and any other authorizing document;
d. responsible for documenting compliance with the environmental conditions of the Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and
e. responsible for maintaining status reports.

8. Beginning with the filing of its Implementation Plan, Mountain Valley shall file updated status reports with the Secretary on a **monthly** basis until all construction and restoration activities are complete. On request, these status reports would also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:

a. an update on Mountain Valley's efforts to obtain the necessary federal authorizations;
b. the construction status of the project, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally sensitive areas;
c. a list of all problems encountered and each instance of noncompliance observed by the EI(s) during the reporting period (both for the conditions imposed by the Commission and any environmental conditions/permit requirements imposed by other federal, state, or local agencies);
d. a description of the corrective actions implemented in response to all instances of noncompliance;
e. the effectiveness of all corrective actions implemented;
f. a description of any landowner/resident complaints that may relate to compliance with the requirements of the Order, and the measures taken to satisfy their concerns; and
g. copies of any correspondence received by Mountain Valley from other federal, state, or local permitting agencies concerning instances of noncompliance, and Mountain Valley's response.

9. Mountain Valley must receive written authorization from the Director of OEP, or the Director's designee, **before commencing construction of any project facilities**. To obtain such authorization, Mountain Valley must file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).

10. Mountain Valley must receive written authorization from the Director of OEP, or the Director's designee, **before placing the project into service**. Such authorization would be granted only following a determination that rehabilitation and restoration of the right-of-way and other areas affected by the project are proceeding satisfactorily.

11. **Within 30 days of placing the authorized facilities in service**, Mountain Valley shall file an affirmative statement with the Secretary, certified by a senior company official:

    a. that the facilities have been constructed in compliance with all applicable conditions, and that continuing activities would be consistent with all applicable conditions; or
    b. identifying which of the conditions in the Order Mountain Valley has complied with or would comply with. This statement shall also identify any areas affected by the project where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.

12. Mountain Valley shall file noise surveys with the Secretary **no later than 60 days** after placing the modified Bradshaw, Harris, and Stallworth Compressor Stations and the proposed Swann Compressor Station in service. If a full power load condition noise survey is not possible, Mountain Valley shall provide an interim survey at maximum possible horsepower load and provide the full load survey **within 6 months**. If the noise attributable to the operation of the equipment at the stations under interim or full horsepower load conditions exceeds a day-night average sound level (L_{dn}) of 55 decibels on the A-weighted scale (dBA) at any nearby NSAs, Mountain Valley shall file a report on what changes are needed and shall install the additional noise controls to meet the level **within 1 year** of the in-service date. Mountain Valley shall confirm compliance with the above requirement by filing a second noise survey with the Secretary **no later than 60 days** after it installs the additional noise controls.

13. Mountain Valley **shall not begin** construction activities at the Swann Compressor Station **until**:

    a. Mountain Valley completes consultation with the Virginia DEQ Blue Ridge Regional Office regarding the identified petroleum release site (PC Number 20132238);
    b. Mountain Valley files with the Secretary all correspondence regarding PC Number 20132238, and any site evaluation report(s) and avoidance/treatment plan(s), as required; and
    c. Mountain Valley has received written notification from the Director of OEP, or the Director's designee, that construction or use of mitigation may begin.

14. **Prior to construction**, Mountain Valley shall file with the Secretary, for review and written approval by the Director of OEP, or the Director's designee, its Project-specific Erosion and Sediment Control Plan and Stormwater Management Plan.