

From: [John Schmidt](#)
To: tiernan_lennon@fws.gov
Subject: Fwd: FERC Consultation for FAST-41_Mountain Valley and Equitrans Expansion Project
Date: Friday, November 4, 2016 3:07:17 PM
Attachments: [Untitled attachment 19546.htm](#)
[Mountain Valley CPP.docx](#)

FYI

Sent from my iPhone

Begin forwarded message:

From: Nicholas Tackett <Nicholas.Tackett@ferc.gov>
Date: November 4, 2016 at 2:33:57 PM EDT
To: "jenniferpadams@fs.fed.us" <jenniferpadams@fs.fed.us>, "Christopher.L.Carson@usace.army.mil" <Christopher.L.Carson@usace.army.mil>, "todd.m.miller@usace.army.mil" <todd.m.miller@usace.army.mil>, "Karen.a.kochenbach@usace.army.mil" <Karen.a.kochenbach@usace.army.mil>, "blair.aaronM@epa.gov" <blair.aaronM@epa.gov>, "McCurdy.Alaina@epa.gov" <McCurdy.Alaina@epa.gov>, "vcraft@blm.gov" <vcraft@blm.gov>, "mliberat@blm.gov" <mliberat@blm.gov>, "mary_morrison@fws.gov" <mary_morrison@fws.gov>, "john_schmidt@fws.gov" <john_schmidt@fws.gov>, USDOJ-FWS-PA - "Robert_M_Anderson@fws.gov", USDOJ-NPS ANST- "mary_c_krueger@nps.gov", "wendy_janssen@nps.gov" <wendy_janssen@nps.gov>, "mark_woods@nps.gov" <mark_woods@nps.gov>, "herbert_young_jr@nps.gov" <herbert_young_jr@nps.gov>, USDOT-PHMSA - "Karen.Gentile@dot.gov", WV-SHPO - "Susan.M.Pierce@wv.gov", WV-DEP - "Nancy.J.Dickson@wv.gov", WV-DNR - "Clifford.L.Brown@wv.gov", VA-SHPO - "roger.kirchen@dhr.virginia.gov", "VA- Dept of Game & Fisheries -" <ray.fernald@dgif.virginia.gov>, VA-DEQ - "Melanie.Davenport@deq.virginia.gov", PA- SHPO - "amacdonald@pa.gov", PA - DEP - "ra-epair@pa.gov", "RA-epwater@pa.gov" <RA-epwater@pa.gov>, "meggerding@eqt.com" <meggerding@eqt.com>, "Elizabeth_Klein@ios.doi.gov" <Elizabeth_Klein@ios.doi.gov>, "edward.e.belk.civ@mail.mil" <edward.e.belk.civ@mail.mil>, "lisa.mensah@osec.usda.gov" <lisa.mensah@osec.usda.gov>
Subject: FERC Consultation for FAST-41_Mountain Valley and Equitrans Expansion Project

To whom it may concern-

On December 4, 2015, the President signed into law the [Fixing America's Surface Transportation](#) (FAST) Act. Title 41 of the FAST Act (FAST-41) requires additional oversight and coordination of project reviews, with the goal of improving early consultation and coordination between government agencies. On September 22, 2016, the Executive Director of the Federal Infrastructure Permitting Improvement

Steering Council [finalized](#) an inventory of projects covered by FAST-41. Included on that list is the *Mountain Valley and Equitrans Expansion Project* (Project).

In compliance with section 41003(c) of FAST-41, staff of the Federal Energy Regulatory Commission (FERC) has drafted a Coordinated Project Plan and Permitting Timetable for the Project. FERC staff is now seeking consultation with cooperating and participating agencies on the attached Coordinated Project Plan and Permitting Timetable. Under FAST-41, a “participating agency” is an agency participating in an environmental review or authorization for a covered project. A “cooperating agency” is any agency with: (1) jurisdiction under federal law; or (2) special expertise with respect to an environmental issue. We are also seeking consultation with the project sponsor and relevant state resource agencies on the Permitting Timetable; and are seeking the concurrence of each cooperating agency on the Permitting Timetable.

FERC staff has identified you as a representative of a consulting entity, and is seeking feedback on the attached document by ***no later than the close of business on November 14, 2016***. Please submit any such feedback via email to Nicholas.Tackett@ferc.gov, and feel free to contact me with any procedural questions regarding the FAST-41 consultation process. FERC’s rules prohibit off-the-record communications regarding the merits of contested proceedings. See 18 C.F.R. § 385.2201.

Please forward this email, as needed, to agency representatives with decision-making authority on the applicable authorization or review being carried out by your agency. Absent a response from your agency, FERC staff must assume that this portion of FAST-41 consultation is complete and that you concur with the attached document; under such circumstances, we will use best-available information to estimate completion dates for your review/authorization.

The President’s Office of Management and Budget has requested that this Coordinated Project Plan and the associated Permitting Timetable be uploaded to max.gov and the [Permitting Dashboard](#), respectively, ***by November 22, 2016***.

Thanks in advance for your attention to this matter, and again, if you have any questions, please contact me.

Nicholas Tackett
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FAST-41 COORDINATED PROJECT PLAN

Mountain Valley and Equitrans Expansion Project

On September 22, 2016, the Executive Director of the Federal Infrastructure Permitting Improvement Steering Council finalized an inventory of projects covered by Title 41 of the Fixing America's Surface Transportation Act (FAST-41). Included on that list is the *Mountain Valley and Equitrans Expansion Project* (Project).

I. Background

In accordance with FAST-41, an online database known as the "Permitting Dashboard" has been created to track the status of federal environmental reviews and authorizations for FAST-41 projects. A specific website for the Project is located [here](#). The website includes the Project's location, lead agency information, sponsor contact information, and the following brief description:

"This project consists of two proposals: Mountain Valley (Docket No. CP16-10-000) and Equitrans Expansion (Docket No. CP16-13-000). Mountain Valley would provide up to 2.0 Bcf/d of firm natural gas transportation service through construction of: (1) 303.5 miles of natural gas pipeline in West Virginia and Virginia; and (2) three new compressor stations. Equitrans Expansion is designed to provide up to 0.6 Bcf/d of additional natural gas transportation service through construction of: (1) 7.9 miles of pipeline in Pennsylvania and West Virginia; (2) a new compressor station in Pennsylvania; and (3) a new interconnect in West Virginia with the Mountain Valley pipeline."

II. Coordinated Project Plan

Section 41003(c) of FAST-41 requires the establishment of a Coordinated Project Plan (CPP) for each covered project. The CPP must contain the following four elements:

1. A list of, and roles and responsibilities for, all entities with NEPA or federal authorization responsibilities for the project.
2. A Permitting Timetable setting forth a comprehensive schedule of dates by which all environmental reviews and authorizations, and to the maximum extent practicable, state permits, reviews and approvals must be made.
3. A discussion of potential avoidance, minimization, and mitigation strategies, if required by applicable law and known.
4. Plans and a schedule for public and tribal outreach and coordination, to the extent required by applicable law.

These four elements are provided below for the Project. The President's Office of Management and Budget has requested that this CPP and the associated Permitting Timetable be uploaded to [max.gov](#) and the [Permitting Dashboard](#), respectively, by November 22, 2016.

Mountain Valley and Equitrans Expansion Project FAST-41 CPP

A. List of Entities with Authorization and Environmental Oversight

See Mountain Valley Pipeline, Project Application, Volume I, FERC Docket No. CP16-10-000 (submitted 10/23/2015). *See* Exhibit J for list of permitting authorizations and administering agencies/tribes. Document located at:

<http://elibrary.ferc.gov/IDMWS/common/OpenNat.asp?fileID=14021782>;

See Equitrans Expansion, Project Application, Volume I, FERC Docket No. CP16-13-000 (submitted 10/27/2015). *See* Exhibit J for list of permitting authorizations and administering agencies/tribes. Document located at:

<http://elibrary.ferc.gov/IDMWS/common/OpenNat.asp?fileID=14025345>.

See Federal Energy Regulatory Commission, Draft Environmental Impact Statement, pp. 1-33 to 1-39 (issued 09/16/2016). Document located at:

<http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14356727>.

B. Permitting Timetable of all NEPA Reviews and Federal Authorizations

See [Appendix](#).

C. Discussion of Mitigation Strategies

FERC develops avoidance, minimization, and mitigation strategies by using: (1) the Project sponsor's proposed measures; and (2) comments, recommendations, and conditions submitted during the Project's scoping process and NEPA environmental review process by resource agencies, parties to the proceeding, and Commission staff.

D. Schedule for Public and Tribal Outreach

Pursuant to FERC's pre-filing procedures for natural gas facilities, public and tribal outreach begins when the Director of FERC's Office of Energy Projects issues a notice commencing the pre-filing process. Within seven days thereafter, and following consultation with Commission staff, the Project sponsor must establish the dates and locations for conducting open houses and meetings with stakeholders (including agencies) and Commission staff. Consultation timelines are provided in FERC's regulations at 18 C.F.R. § 157.21(f) (2016).

See Federal Energy Regulatory Commission, Notice of Intent to Prepare an Environmental Impact Statement for the Planned Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings (issued 04/17/2015). Document located at:

<http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=13844009>.

See Federal Energy Regulatory Commission, Draft Environmental Impact Statement (issued 09/16/2016), Public Outreach at pp. 1-17 to 1-29, and Tribal Consultations at pp. 4-334 to 4-341. Document located at: <http://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14356727>.

Mountain Valley and Equitrans Expansion Project FAST-41 CPP

APPENDIX

Permitting Timetable for Mountain Valley and Equitrans Expansion Project			
Responsible Federal Agency	Federal Permit/Review	Intermediate Completion Date	Final Completion Date
Federal Energy Regulatory Commission	Certificate of Public Convenience and Necessity for Interstate Natural Gas Pipelines	N/A	TBD*
Federal Energy Regulatory Commission	National Environmental Policy Act (NEPA) Compliance (Draft/Final NEPA documents)	9/16/2016	3/10/2017
Federal Energy Regulatory Commission	NEPA Compliance Cont'd (Record of decision, as issued with final FERC certificate order)	N/A	TBD*
Bureau of Land Management	Right-of-Way Authorization (DOI-BLM)	N/A	6/8/2017**
National Park Service, ANST	Non-Impairment Determination (separate from NPS permit)	N/A	6/8/2017**
National Park Service, ANST	NPS Permit	N/A	6/8/2017**
National Park Service, Blue Ridge Parkway	Non-Impairment Determination (separate from NPS permit)	N/A	6/8/2017**
National Park Service, Blue Ridge Parkway	NPS Permit	N/A	6/8/2017**
U.S. Army Corps of Engineers, Huntington	Clean Water Act Section 404 Permit	N/A	6/8/2017**
U.S. Army Corps of Engineers, Huntington	Section 10 Permit	N/A	6/8/2017**
U.S. Army Corps of Engineers, Norfolk	Clean Water Act Section 404 Permit	N/A	6/8/2017**
U.S. Army Corps of Engineers, Norfolk	Section 10 Permit	N/A	6/8/2017**
U.S. Army Corps of Engineers, Pittsburgh	Clean Water Act Section 404 Permit	N/A	6/8/2017**
U.S. Army Corps of Engineers, Pittsburgh	Section 10 Permit	N/A	6/8/2017**
U.S. Forest Service, Jefferson National Forest	Special Use Permit (FS)	N/A	6/8/2017**
U.S. Fish and Wildlife Service	Endangered Species Act Consultation (DOI)	N/A	6/8/2017**
*According to 18 C.F.R. § 3c.2(b), "The nature and time of any proposed action by the Commission are confidential and shall not be divulged to anyone outside of the Commission. The Secretary of the Commission has the exclusive responsibility and authority for authorizing the initial public release of information concerning Commission proceedings."			
**The final completion dates are calculated according to 18 C.F.R. § 157.22 (2016), which provides that "a final decision on a request for a Federal authorization is due no later than 90 days after the Commission issues its final environmental document, unless a schedule is otherwise established by Federal law."			

Mountain Valley and Equitrans Expansion Project FAST-41 CPP

Permitting Timetable for Mountain Valley and Equitrans Expansion Project			
Responsible State Agency	Federal Permit/Review	Intermediate Completion Date	Final Completion Date
West Virginia Division of Culture and History	Section 106 NHPA Cultural Resources Review	N/A	6/8/2017**
Virginia Department of Historic Resources	Section 106 NHPA Cultural Resources Review	N/A	6/8/2017**
Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation	Section 106 NHPA Cultural Resources Review	N/A	6/8/2017**
West Virginia Department of Environmental Protection, Division of Water and Waste Management	Section 401 CWA Review - Water Quality Certification	N/A	6/8/2017**
Virginia Department of Environmental Quality, Water Division	Section 401 CWA Review - Water Quality Certification	N/A	6/8/2017**
Pennsylvania Department of Environmental Protection, Division of Waterways, Wetlands, and Stormwater Management	Section 401 CWA Review - Water Quality Certification	N/A	6/8/2017**
West Virginia Department of Environmental Protection, Division of Water and Waste Management	Section 402 CWA Review - National Pollutant Discharge Elimination System, Stormwater General Permit	N/A	6/8/2017**
Virginia Department of Environmental Quality, Water Division	Section 402 CWA Review - National Pollutant Discharge Elimination System, Stormwater General Permit	N/A	6/8/2017**
West Virginia Department of Environmental Protection, Division of Water and Waste Management	Section 402 CWA Review - National Pollutant Discharge Elimination System, Hydrostatic Test Discharge Permit	N/A	6/8/2017**
Virginia Department of Environmental Quality, Water Division	Section 402 CWA Review - National Pollutant Discharge Elimination System, Hydrostatic Test Discharge Permit	N/A	6/8/2017**
Virginia Department of Environmental Quality, Water Division	Section 402 CWA Review - National Pollutant Discharge Elimination System, Hydrostatic Test Withdrawal Permit	N/A	6/8/2017**
West Virginia Department of Environmental Protection	Title V CAA Review - Operating Permit for Air Emissions	N/A	6/8/2017**
Pennsylvania Department of Environmental Protection, Air Permits Division	Title V CAA Review - Minor Source Operating Permit for Air Emissions	N/A	6/8/2017**
<i>**The final completion dates are calculated according to 18 C.F.R. § 157.22 (2016), which provides that "a final decision on a request for a Federal authorization is due no later than 90 days after the Commission issues its final environmental document, unless a schedule is otherwise established by Federal law."</i>			