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March 29, 2019

Mr. James Martin
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

RE: Mountain Valley Pipeline, LLC
Docket No. CP16-10-000
Information Regarding Landslide Conditions

Dear Mr. Martin,

This letter provides information about landslide conditions along Mountain Valley Pipeline, LLC's project corridor so that the Federal Energy Regulatory Commission may consider initiating emergency consultation with the U.S. Fish & Wildlife Service (FWS) under Section 7 of the Endangered Species Act and consistent with section 402.05(a) of FWS's regulations, 50 C.F.R. § 402.05(a). As detailed below, performing emergency consultation with FWS is an appropriate approach for the Commission to quickly respond to Mountain Valley's request to remediate imminent risks to human safety, property, and the environment that the landslides have created. Doing so would enable Mountain Valley to complete work to address existing landslides and associated risks in a limited area on an emergency basis, beyond the tree clearing window established by FWS in its Biological Opinion for the Project.

Landslides are a type of slope failure that result in a downward falling or sliding of a mass of soil, rock, trees and other debris from a steep slope onto an area below. They can be caused by a variety of factors, such as long duration or high intensity rainfall events, rapid snowmelt, freeze/thaw conditions, slope height and steepness, vegetation, and underlying geology. In the case of Mountain Valley, landslide conditions have been caused or exacerbated by record rainfall during Project construction, which left the land saturated and unusually susceptible to landslide occurrence.

Because many areas adjacent to the Mountain Valley corridor are forested, those landslides pose significant risks from hazard trees that have been mostly uprooted but remain standing or leaning in precarious positions above project work areas and areas where Mountain Valley's construction team and members of the public could be harmed. In addition, until remediated, the landslide debris presents a substantial risk to the environment, particularly from erosion of unconsolidated sediment into wetlands and streams. The area from which a landslide originated will remain unstable and will pose significant unpredictable risk to human safety, property, and the environment from further migration of the landslide and soil, rock, tree, and debris fall. As a result, small landslides in particular should be addressed before conditions worsen, increasing these risks. For these reasons, the landslides along Mountain Valley's project corridor constitute emergency conditions that are appropriate for expedited emergency consultation. See *WildEarth Guardians v. U.S. Forest Serv.*, No. 10-cv-385, 2012 WL 10738432, at *1 (D. Ariz. Jan. 25, 2012) (supporting the use of emergency consultation to authorize tree removal where the trees threatened public safety and property).

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The requested work is limited to three slips along approximately 1,400 total feet of the Project right-of-way. These areas are subject to a clearing window under FWS's Biological Opinion that closes on March 31. The total forested area affected by these three slips is an estimated 2.2 acres. All trees would be hand-felled. Although Mountain Valley will begin this limited tree removal and related landslide remediation work as soon as practicable after receiving all necessary authorizations, it anticipates that to fully address these landslides and eliminate the threats they pose some clearing will occur outside of the March 31 window established in the Biological Opinion for the Project. Mountain Valley will document all necessary information to allow FWS to account for potential impacts to federally-listed species resulting from these actions. Mountain Valley has included a table in Attachment A that provides a list of the landslides that may involve tree felling after March 31 and that Mountain Valley believes pose an imminent risk to human safety, property, and/or the environment.

Please let us know if you need any additional information to assist in completing the evaluation of this issue. Mountain Valley stands ready to begin work to address these conditions as soon as practicable after receiving all necessary authorizations.

Respectfully submitted,

MOUNTAIN VALLEY PIPELINE, LLC
by and through its operator,
EQM Gathering Opco, LLC

By: 
Matthew Eggerding
Assistant General Counsel

Attachment

ATTACHMENT A

Slip ID	Variance ID	ATWS ID	Spread	County	State	MP	Notes	Total Variance Acreage	Estimated Tree Clearing Acreage
MVP-A-016	A-47	SM-027	A	Wetzel	WV	5.52	This landslide is located on a steep stream embankment upslope of a stream and a palustrine forested wetland. Timely repair of this landslide is necessary to protect the aquatic resources adjacent to this landslide.	0.04	0.04
MVP-A-036 and MVP-A-047	A-21	SM-037 and SM-037 ext	A	Wetzel	WV	5.73	This landslide is a combination of two smaller landslides that originated along a ridgetop section of the pipeline. Continued movement of the landslide has resulted in the formation of the two landslides into one larger landslide. The landslide has progressed onto a steep embankment approximately 400 feet in elevation above a stream valley. Due to heavy precipitation, sediment and damaged trees that originated from the landslide moved downslope approximately 900 feet and affected aquatic resources at the base of the slope. MVP pipe has been installed in this area and final restoration is scheduled for 2019. Timely repair of the landslide is necessary to prevent further impacts to aquatic resources, reduce the loss of trees, and protect the integrity of the pipe already installed.	2.36	1.65
MVP-A-032 ext	A-55	SM-031 Ext	A	Wetzel	WV	1.2	This landslide is located on a steep slope above a stream. Timely repair of this landslide is necessary to protect the aquatic resources adjacent to this landslide.	1.41	0.48