

MVP Variance Request Form

Variance Request



No.: A-47

Date Approval Requested by Contractor: 2/10/2019

Date Submitted by Chief Inspector to LEI: 2/12/2019

Date Received by FERC:

FERC Approval Reference No.:

Requested By: Brent Ladd

Spread: A

Variance Type: WS

Request Prepared By *: Megan Neylon

Variance Sequence Number: 047

* The FERC compliance monitor should be alerted and given a copy of the draft variance for review prior to submittal.

Location (Use either Station or Milepost)

Station: 299+75

To: 300+42

Milepost: 5.52

To: 5.52

Alignment Sheet Number: 7

Tract No.: WV-WE-037

Current Land Use/ Vegetative Cover: Deciduous Forest

Other Agency

Jurisdiction: N/A

Nearby Features (Water body, T&E Habitat, Wetland, Noxious Weed Area, Residence (distance), Cultural Resource Site (distance) etc.):

- ☐ Noxious Weed Area ☐ Raptor Nest ☐ Residence (Distance)
☒ T/E Species Habitat ☐ Cultural Resource Site ☐ Water Well
☐ Other (Specify):

In or w/in 50' of a wetland:

☒ Yes ☐ No

In or w/in 50' of a waterbody:

☒ Yes ☐ No

Wetland or Waterbody ID:

W-A27-PEM, W-A27-PFO
S-A118

Additional Stream footage impacted: 0.00

Additional Wetland impacts: 0.00

Net acreage affected: + 0.04

Tree Clearing Required: Yes

Acreage of tree clearing: + 0.04

Variance Level: ☐ Level 1 ☐ Level 2 ☒ Level 3

Variance From: ☒ Permit ☐ Plan ☐ Procedures ☐ EPPM ☐ Specification ☐ Drawing ☐ Mitigation Measure

☐ Line List

☐ Other: Describe:

Detailed Description of Variance: Attachments? ☒ Yes ☐ No Photos? ☐ Yes ☒ No

This variance adds Added MVP-ATWS-SM-027 for slip remediation. No cultural resources were found during surveys. Wetland W-A27-PEM, Wetland W-A27-PFO & Stream S-A118 were found during delineations. Wetland W-A27-PEM, Wetland W-A27-PFO & Stream S-A118 are all outside of the LOD and will incur no impacts. Resources have been avoided to the extent practicable. BMPs have been installed outside of the LOD to minimize impacts to any Environmentally Sensitive Areas within/abutting the area. This variance has a net increase of 0.04 acres of LOD from the original permit. This modification results in a new increase of 0.04 acre of tree clearing in MYSO - Known Use Summer Habitat (KUSH). On April 3, 2019, approval for Mountain Valley to cut these trees as part of a slip Emergency Endangered Species Act Consultation was filed with FERC. Attachment 2 includes a table that shows MVP's acreage "banks" will remain net positive following approval of this variance request. Resources have been avoided to the extent practicable.

List Attachments:

Attachment 1 - Alignment Sheet; Attachment 2 - Rare, Threatened, and Endangered Species Report; Attachment 3 - Stream and Wetland Delineation Report; Attachment 4 - Cultural Resource Reports and Concurrences (CUI//PRIV -- DO NOT RELEASE); Attachment 5 - Landowner Exhibits (CUI//PRIV -- DO NOT RELEASE); Attachment 6 - Variance Request Map

Variance Justification:

Added ATWS for slip remediation.

For MVP Use Only

Additional Surveys Required		Surveyed Corridor Description	Additional Surveys Completed
Cultural Survey	☐ Yes ☒ No	The locations for this variance request were evaluated for cultural resources, waterbodies and wetlands, threatened and endangered species, and habitat. See the attached cover page list of reports.	☐ Yes ☒ No
T & E Survey	☐ Yes ☒ No		☐ Yes ☒ No
Waterbodies/Wetlands	☐ Yes ☒ No		☐ Yes ☒ No
Proof of Previous Biological and Cultural Survey Clearance See attachments 2 and 3 that describe rare, threatened, and endangered species surveys and stream and wetland delineations. USFWS Biological Opinion was issued on 10/31/2017. The cultural resources survey was reported in: Mountain Valley Pipeline Project, Cultural Resource Survey, Volume I, Wetzel, Harrison, Doddridge, and Lewis Counties, West Virginia (Espino et al. 2015 July 2015). Filed with FERC 9/12/2015. Clearance received from WVDCH 9/12/2015. The Concurrence Letter is provided in Attachment 4.			
Landowner: Land Agent Contact Landowner Approval ☒ Yes ☐ No Obtained		REDACTED JANNA ARNOLD	
Sign Off:			
	Name	Signature	Date
Construction Manager	Todd Carroll	Todd Carroll	4/3/2019
Lead Environmental Inspector	Travis Huskins	Travis Huskins	4/3/2019
Third Party Compliance Manager or monitor			
ROW Land Agent *	Janna Arnold	Janna Arnold	4/3/2019
Environmental Supervisor	Megan Neylon	Megan Neylon	4/3/2019
*signature denotes confirmed landowner approval			

For FERC Compliance Monitor and Compliance Manager Use Only

Variance Approved:		Variance Denied:		Beyond Authority:	
Signature:					
Date:					
Stipulations:					

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Spread No.:	<u> A </u>	Variance Request No.:	<u> A-47 </u>
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VARIANCE CONDITIONS

Name:		Title:		Organization:	
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Conditions:					
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Name:		Title:		Organization:	
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Conditions:					
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Name:		Title:		Organization:	
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Conditions:					
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**Mountain Valley Pipeline, LLC
Mountain Valley Pipeline Project
Docket No. CP16-10-000**

**Alignment Sheets
Attachment 1**

**Mountain Valley Pipeline, LLC
Mountain Valley Pipeline Project
Docket No. CP16-10-000**

**Rare, Threatened, and Endangered Species Report
Attachment 2**

Mountain Valley Pipeline Project
Variance A-47
October 2, 2018

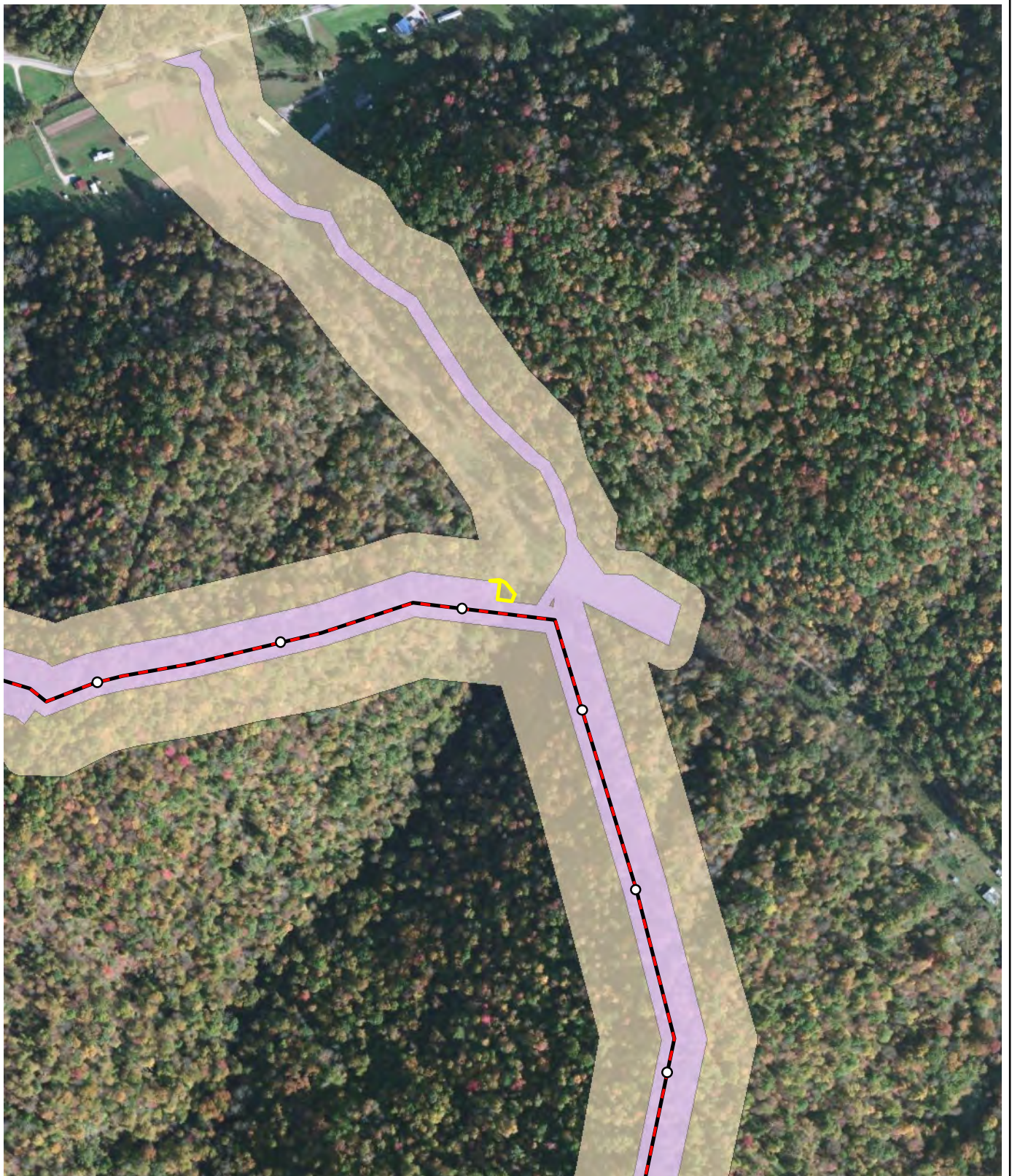
State and federal agencies identified areas where plant surveys were required. This variance does not occur in any of those areas.

There are no impacts to aquatic resources associated with this variance therefore, there are no impacts to listed aquatic species.

The only avian species-specific presence-absence surveys required for the project are scrub-shrub habitat-specific in the state of Virginia, thus do not apply to this variance area.

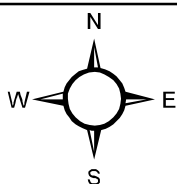
The modification of the tree clearing results in a net increase of 0.04 acres MYSO - Known Use Summer Habitat (KUSH). On April 3, 2019, approval for Mountain Valley to cut these trees as part of a slip Emergency Endangered Species Act Consultation was filed with FERC. MVP will cut the trees associated with this variance as soon as approved to do so. Attachment 2 includes a table that shows MVP's acreage "banks" will remain net positive following approval of this variance request.

On 02/12/2015, 10/27/2015, 08/15/2016 Environmental Solutions and Innovations, Inc. (ESI) conducted field surveys to search for portal openings (winter bat habitat). Surveys were conducted in accordance with agency approved protocols for the project. No portal openings were observed in the variance area.



 MVP Variance
 MVP LOD

 ESI Portal Coverage



Mountain Valley Pipeline Variance Survey Exhibit; Variance A-47

Meters

60 0 60 120

Base Map: ESRI "World Imagery (Clarity)";
accessed 10/3/2018

Table 1
Bat Habitat Bank Acreage

	MYSO - Known Summer Use Habitat (acres)	MYSO - Known use spring staging/fall swarming habitat (acres)	MYSO - Suitable Unoccupied Summer Habitat (acres)	MYSO - Unknown use spring staging/fall swarming habitat (acres)	MYSO - Unknown Use Summer Habitat (acres)	NLEB known use spring staging/fall swarming habitat (acres)
Remaining bank acreage from IP-5 table	0.37	1.47	13.04	6.81	13.79	0.59
Bradshaw ATWS	0.02	0.00	0.00	0.00	0.00	0.00
ATWS 1544	0.03	0.00	0.00	0.00	0.00	0.00
ATWS 1545	0.10	0.00	0.00	0.00	0.00	0.00
LY-27	0.00	0.00	0.00	0.00	0.15	0.00
LY-45/46	0.00	0.00	0.00	0.00	0.05	0.00
Variance A-4 - MP 24.6	0.00	0.00	0.00	0.00	0.06	0.00
Bradshaw Slip Repair Phase 1	0.01	0.00	0.00	0.00	0.00	0.00
Variance A-5 - MP 28.97	0.00	0.00	-0.51	0.00	0.09	0.00
Variance H-3 - MP 234.85	0.00	0.00	0.91	0.00	0.00	0.00
Variance F-3 - MP 159.27	0.00	0.00	-0.42	0.00	0.00	0.00
Variance H-2 - MP 240.00	0.00	0.00	0.09	0.00	2.74	0.00
Variance E-4 - LY-058	0.00	0.00	0.00	0.00	0.01	0.00
Variance E-5 - MP 133.46	0.00	0.00	0.27	0.00	0.00	0.00
Variance I-2 - MP-268.8	0.00	0.00	0.00	0.00	0.45	0.00
Variance I-4 - MP 300.7	0.00	0.00	0.00	0.00	0.18	0.00
Variance G-3 - MP 224.1	0.00	0.00	0.00	1.67	0.00	0.00
Variance B-2 - MP 42.7	0.00	0.00	1.45	0.00	0.00	0.00
Variance H-5 - MP 257.9 & 258.2	0.00	0.00	0.39	0.00	0.00	0.00
Variance I-5 - MP 261.47	0.00	0.00	-0.25	0.00	0.00	0.00
Variance H-6 - MP 235.58	0.00	0.00	0.39	0.00	0.20	0.00
Variance F-6 - MP 176.8	0.00	0.00	0.00	0.00	0.08	0.00
Variance D-4 - MP 110.1	0.00	0.00	0.08	0.00	0.00	0.00
Variance E-6 - MP 143.9	0.00	0.00	0.00	0.00	0.08	0.00
Variance F-5 MP 166.07	0.00	0.00	0.24	0.00	0.00	0.00
Variance D-7 - MP 119.0	0.00	0.00	2.64	0.00	0.00	0.00
Variance D-6 - MP 115.74 & 115.85	0.00	0.00	1.22	0.00	0.00	0.00
Variance B-3 - MP 60.29	0.00	0.00	0.01	0.00	0.27	0.00
Variance C-6 - MP 79.46	0.00	0.00	0.00	0.00	-0.21	0.00
Variance C-2 - MP 82	0.00	0.00	0.00	0.00	1.11	0.00
Bradshaw Phase II	0.01	0.00	0.00	0.00	0.00	0.00
Variance A-11 (MP 23.8)	0.00	0.00	0.00	0.00	0.30	0.00
Variance I-10 (MP 266.3)	0.00	0.00	0.00	0.00	-0.64	0.00
Variance A-12 (MP 6.8)	0.01	0.00	0.00	0.00	0.00	0.00
Variance B-7 (MP 60.07)	0.00	0.00	0.00	0.00	1.51	0.00
Variance A-15 (MP 12)	0.00	0.00	0.00	0.00	0.19	0.00
Variance H-7 (MP 238.3) - Transco Credit	0.00	0.00	-11.25	0.00	0.00	0.00
Variance H-7 (MP 238.3)	0.00	0.00	8.37	0.00	0.27	0.00
Variance I-12 (LY-035 Ext)	0.00	0.00	0.00	0.00	0.01	0.00
Variance H-9 (MP 237.5)	0.00	0.00	0.00	0.00	0.24	0.00
Variance D-17 (MP 108.17)	0.00	0.00	4.08	0.00	0.43	0.00
Variance E-10 (MP 149.45)	0.00	0.00	0.00	0.00	0.21	0.00
Variance C-10 (MP 68.4)	0.00	0.00	0.00	0.00	2.34	0.00
Variance C-11 (MP 86.3)	0.00	0.00	0.00	0.00	1.84	0.00

Table 1
Bat Habitat Bank Acreage

	MYSO - Known Summer Use Habitat (acres)	MYSO - Known use spring staging/fall swarming habitat (acres)	MYSO - Suitable Unoccupied Summer Habitat (acres)	MYSO - Unknown use spring staging/fall swarming habitat (acres)	MYSO - Unknown Use Summer Habitat (acres)	NLEB known use spring staging/fall swarming habitat (acres)
Variance A-14 (MP 6.5)	0.05	0.00	0.00	0.00	0.00	0.00
Variance A-14 (MP 6.5) - MVP-WE-014 & ATWSs credit	-12.96	0.00	0.00	0.00	0.00	0.00
Variance A-14 (MP 6.5) - MVP-LY-024 credit	-0.86	0.00	0.00	0.00	0.00	0.00
Variance B-10 (MP 35.1)	0.00	0.00	0.34	0.00	0.00	0.00
Variance A-23 (MP 0.10)	0.87	0.00	0.00	0.00	0.00	0.00
Variance A-24 (MP 2.65)	0.82	0.00	0.00	0.00	0.00	0.00
Variance A-25 (MP 2.10)	1.20	0.00	0.00	0.00	0.00	0.00
Variance C-12 (MP 84.3)	0.00	0.00	0.00	0.00	1.45	0.00
Variance C-13 (MP 68.9)	0.00	0.00	0.00	0.00	0.33	0.00
Variance A-27 (MP 3.4)	0.16	0.00	0.00	0.00	0.00	0.00
Variance G-6 (MP 210.0)	0.00	0.37	0.00	0.00	0.00	0.00
Variance A-26 (MP 4.0)	1.92	0.00	0.00	0.00	0.00	0.00
Variance C-14 (MP 84.4)	0.00	0.00	0.00	0.00	0.15	0.00
Variance C-14 (MP 84.4) - MVP-LE-066.01 credit	0.00	0.00	0.00	0.00	-1.30	0.00
Variance A-29 (MP 1.9)	0.06	0.00	0.00	0.00	0.00	0.00
Variance A-30 (MP 3.9)	1.36	0.00	0.00	0.00	0.00	0.00
Variance G-7 (MP 199.52)	0.00	0.00	0.00	0.07	0.00	0.00
Variance B-11 (MP 52.6)	0.00	0.00	0.60	0.00	0.00	0.00
Variance B-13 (MP 50.3)	0.00	0.00	0.39	0.00	0.00	0.00
Variance A-20 (MP 5.7 - 6.0)	1.72	0.00	0.00	0.00	0.00	0.00
Variance Transco-1	0.00	0.00	0.11	0.00	0.00	0.00
Variance G-9 (MP 209.42)	0.00	0.29	0.00	0.00	0.00	0.00
Variance A-34 (MP 7.9)	0.42	0.00	0.00	0.00	0.00	0.00
Variance A-36 (MP 8.6)	0.11	0.00	0.00	0.00	0.00	0.00
Variance A-41 (MP 1.2)	0.22	0.00	0.00	0.00	0.00	0.00
Variance B-16 (MP 47.13)	0.00	0.00	0.00	0.00	0.31	0.00
Variance A-39 (MP 32.40)	0.00	0.00	0.00	0.00	0.59	0.00
Variance A-42 (MP 3.16)	0.08	0.00	0.00	0.00	0.00	0.00
Variance A-44 (MP 6.62)	0.14	0.00	0.00	0.00	0.00	0.00
Variance A-45 (MP 9.10)	0.04	0.00	0.00	0.00	0.00	0.00
Variance A-29 (MP 0.9)	0.30	0.00	0.00	0.00	0.00	0.00
Variance A-51 (MP 2.1)	0.29	0.00	0.00	0.00	0.00	0.00
Variance A-46 (MP 2.65)	0.02	0.00	0.00	0.00	0.00	0.00
Variance A-50 (MP 4.0)	0.87	0.00	0.00	0.00	0.00	0.00
Variance A-49 (MP 4.2)	0.56	0.00	0.00	0.00	0.00	0.00
Variance A-32 (MP 3.65)	1.29	0.00	0.00	0.00	0.00	0.00
Variance A-54 (MP 6.5)	0.08	0.00	0.00	0.00	0.00	0.00
Variance A-48 (MP 5.05)	0.09	0.00	0.00	0.00	0.00	0.00
Variance A-56 (MP 6.61)	0.001	0.00	0.00	0.00	0.00	0.00
Variance A-47 (MP 5.52)	0.04	0.00	0.00	0.00	0.00	0.00
Net Remaining Acreage for variances to date	1.299	0.81	3.89	5.07	0.30	0.59

**Mountain Valley Pipeline, LLC
Mountain Valley Pipeline Project
Docket No. CP16-10-000**

**Waterbodies and Wetlands Report
Attachment 3**

Mountain Valley Pipeline Project

Variance A-47

October 2, 2018

On June 1, 2015, Tetra Tech, Inc. (Tetra Tech) surveyed the proposed variance in Wetzel Co., WV for wetlands and streams. Wetland delineations were conducted utilizing the Routine On-Site Determination Methodology presented in the US Army Corps of Engineers (USACE) Wetland Delineation Manual (Technical Report Y-87-1) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0).

During field surveys, Tetra Tech did not identify any wetlands or streams in the variance area as shown on the attached figure.

Two wetlands and one stream were identified and delineated in the vicinity of the variance area (W-A27-PEM, W-A27-PFO, S-A118), as shown on the attached figure, but are not impacted by the variance.



Mountain Valley Pipeline Project NAD 1983 UTM 17N 1 inch = 100 feet 		
 Proposed Variance A-47 Wetzel County, West Virginia October 2018		
Data Sources: ESRI Streaming Data 2014.		

Legend

Issued for Construction LOD	Ephemeral Stream
Proposed Variance Limit of Disturbance	Intermittent Stream
Drainage	PEM Wetland
	PFO Wetland

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**Mountain Valley Pipeline, LLC
Mountain Valley Pipeline Project
Docket No. CP16-10-000**

**Pipeline Variance
Request Map
Attachment 6**

