

MVP Variance Request Form



Variance Request

No.: A-21

Date Approval Requested by Contractor: 2/22/2019

Date Submitted by Chief Inspector to LEI: 2/24/2019

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: 021

* 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: 302+56

To: 313+80

Milepost: 5.60

To: 5.70

Alignment Sheet Number: 7

Tract No.: WV-WE-027.02; 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-HK06 PSS
S-A117, S-HK15, S-HK16

MYSO (+1.40ac KUSH)

Additional Stream footage impacted: 0.00

Additional Wetland acreage impacted: 0.00

Net acreage affected: + 5.37

Tree Clearing Required: YES

Acreage of tree clearing: + 1.40

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 MVP-ATWS-SM-037 (ext.), MVP-ATWS-SM-037 (ext. 2), MVP-ATWS-SM-070, MVP-ATWS-SM-071, and associated road MVP-WE-013.01 for slip remediation. Access road MVP-WE-013.01 is an existing road that will be used temporarily. No upgrades are planned for the road. No cultural resources were found during delineations. Wetland W-HK06 PSS was found during delineations. W-HK06 PSS is outside of the LOD and will not incur impacts. Streams S-A117, S-HK15 & S-HK16 were found during surveys. S-HK16 is conveyed in a culvert under proposed access road MVP-WE-013.01. The culvert will not need upgraded and S-HK16 will not incur 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. The streams, S-A117, S-HK15 & S-HK16 will incur no impact and will be protected using Reinforced Filtration Devices (RFDs), which may include Priority 1 Silt Fence, Triple Stacked Compost Filter Sock, or Super Silt Fence. Tracked equipment will not be permitted to enter the stream ordinary high watermarks. This variance has a net increase of 5.37 acres of LOD from the original permit and a net increase in tree clearing of 1.40 acres. The modification of the tree clearing results in a net increase of 1.40 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. In accordance with the variance process, MVP filed a copy of the bat habitat bank acreage in Attachment 2. This variance request will require approximately 0.58 acre of additional habitat not captured in the bank.

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:

Necessary 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. Additional surveys conducted 2/14/2019; 3/13/2019. The cultural resources survey was reported in: Mountain Valley Pipeline Project, Cultural Resource Survey, Volume I, Wetzel, Harrison, Doddridge, and Wetzel Counties, West Virginia (Espino et al. July 2015); Mountain Valley Pipeline, Slip Mitigation Workspaces MVP-ATWS-SM-037, MVP-ATWS-SM-038, and MVP-ATWS-SM-039. Request for Concurrence on Disturbance and No Further Survey Recommendations (Freedman October 2018); Mountain Valley Pipeline Project, Variance MVP-ATWS-SM-037 Extension, Wetzel County, West Virginia. Request for Concurrence for No Further Survey Recommendation (Marine February 2019); Mountain Valley Pipeline Project, Slip Mitigation Workspaces MVP-ATWS-SM-070, MVP-ATWS-SM-071, MVP-ATWS-SM-037 (Ext), MVP-ATWS-SM-037 (Ext2), and Access Road MVP-WE-013.01, Emergency Slip Mitigation and Access Road Review. Authorization to Proceed (Hockersmith March 2019). Filed with FERC 9/12/2015; 10/30/2018; 2/13/2019; To be filed with FERC by 3/25/2019. Clearance received from WVDCH 10/6/2015; 11/7/2018; 3/5/2019; 3/18/2019. The Concurrence Letter is provided in Attachment 4.

Landowner:

REDACTED

Land Agent Contact

JANNA ARNOLD

Landowner Approval Obtained

☒ Yes ☐ No

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-21 </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-21
March 18, 2019**

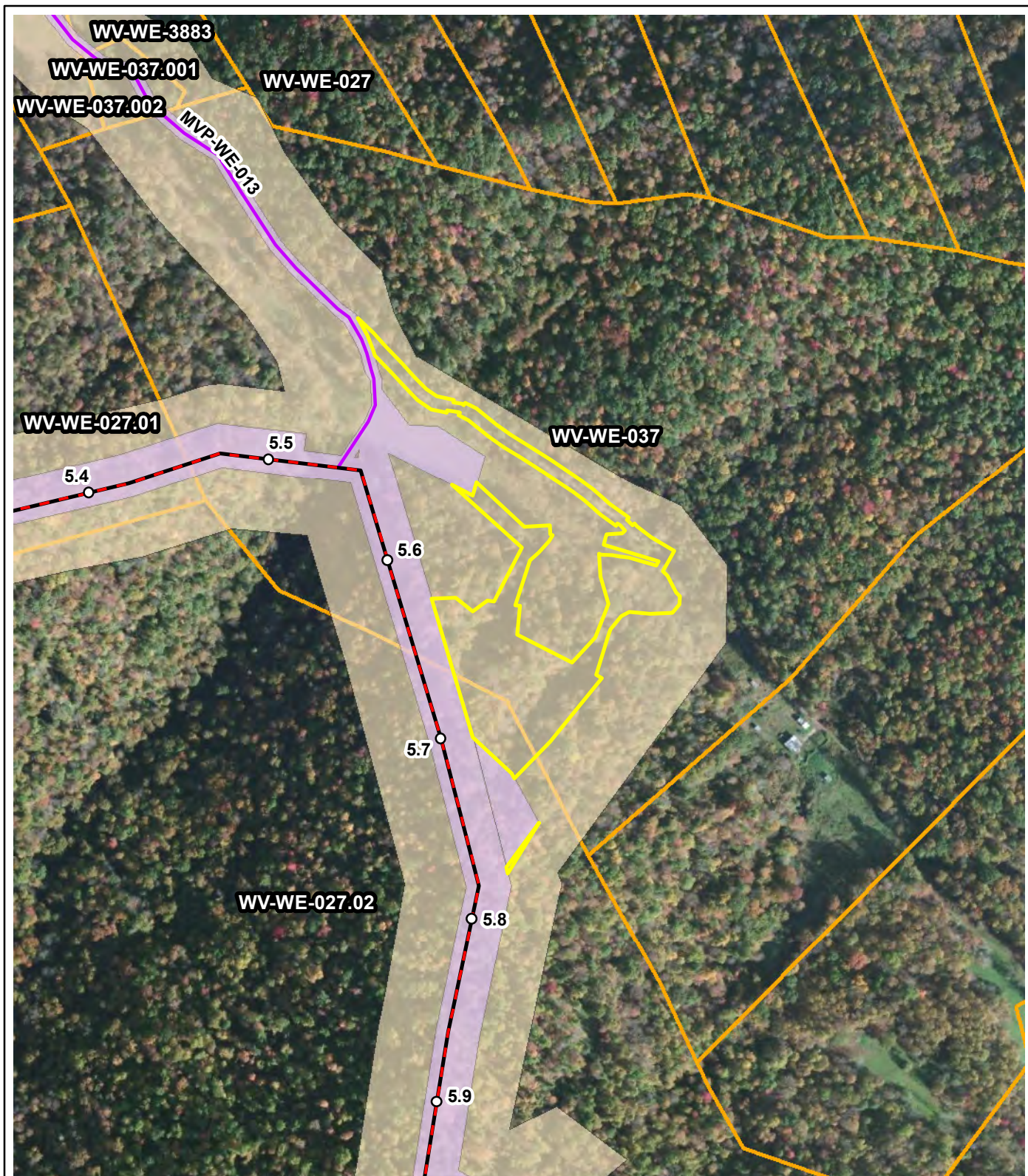
State and federal agencies identified areas where plant surveys were required. This variance does not occur in any of those areas.

There are no RTE impacts to aquatic resources associated with this variance.

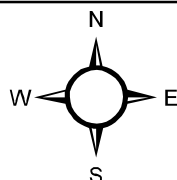
The only avian species-specific presence-absence surveys required for the project are scrub-shrub habitat-specific in the state of Virginia, thus do not apply to this variance area.

The modification of the tree clearing results in a net increase of 1.40 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". This variance request will require approximately 0.58 acre of additional habitat not captured in the bank.

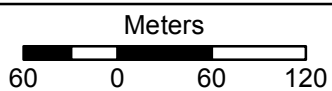
On 2/12/2015, 8/15/2016, 2/14/2019 and 3/13/2019, Environmental Solutions and Innovations, Inc. (ESI) conducted field surveys to search for portal openings (winter bat habitat). Surveys were conducted in accordance with agency approved protocols for the project. No portal openings were observed in the variance area.



- | | | | |
|--|-----------------|--|---------------------|
| | MVP Centerline | | MVP LOD |
| | MVP Access Road | | ESI Portal Coverage |
| | MVP Variance | | Parcel Boundary |



Mountain Valley Pipeline Variance Survey Exhibit; Variance A-21



Base Map: ESRI "World Imagery";
accessed 3/19/2019

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
Variance A-55 (MP 1.2)	0.48	0.00	0.00	0.00	0.00	0.00
Variance A-21 (MP 5.73)	1.40	0.00	0.00	0.00	0.00	0.00
Net Remaining Acreage for variances to date	-0.581	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

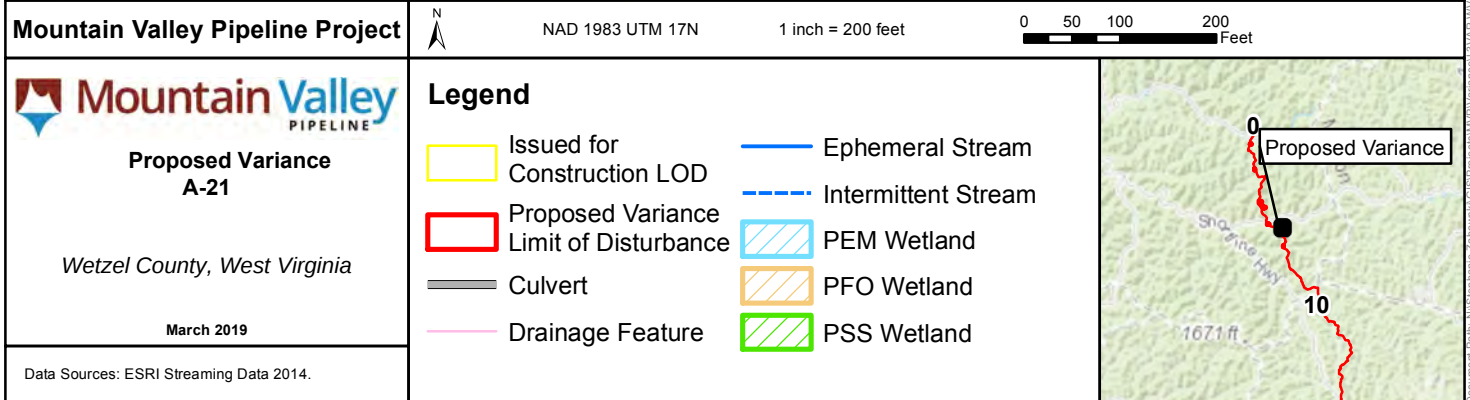
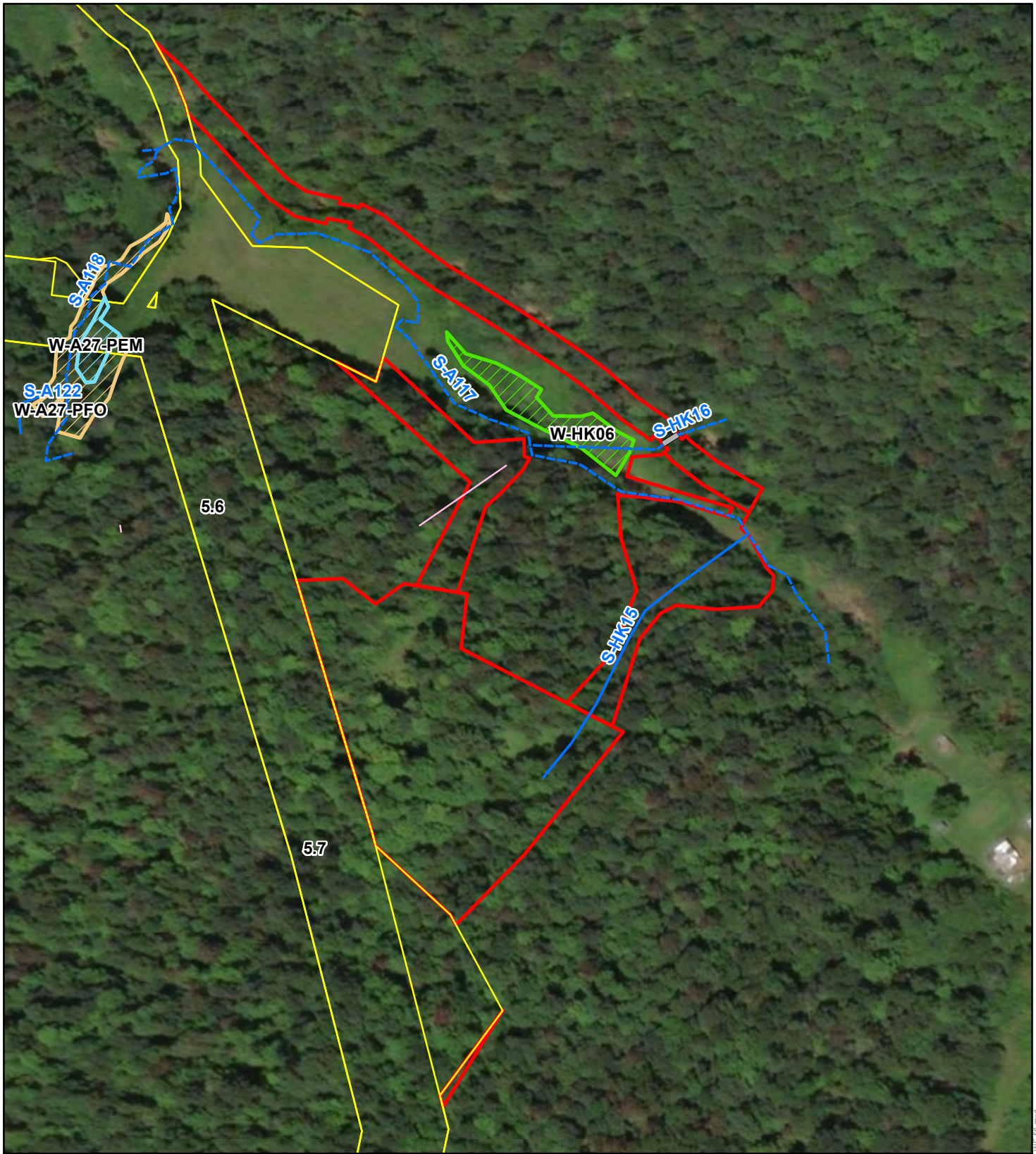
Variance A-21

March 18, 2019

On March 13, 2019, 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 identified and delineated 3 streams (S-A117, S-HK15 and S-HK16) in the variance area as shown on the attached figure.

One wetland (W-HK06) was identified and delineated in the vicinity of the variance area, as shown on the attached figure, but is not impacted by the variance.



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

**Pipeline Variance
Request Map
Attachment 6**



Mountain Valley Pipeline Project

NAD 1983 UTM 17N

0 50 100 200 300 400 Feet

Mountain Valley PIPELINE

FERC Docket No. CP16-10-000

MVP Variance A-21

WETZEL COUNTY

March 2019

Legend

- Issued for Construction Milepost
- Issued for Construction Route
- Issued for Construction Limits of Disturbance
- Parcel Boundary
- Proposed Variance Temporary Workspace
- Proposed Variance Additional Temporary Workspace

Map Data:

- Route: Mountain Valley Pipeline
- Location: Wetzel County, West Virginia
- Scale: 0 to 400 Feet
- North Arrow: N
- Parcel Boundary: Dashed line
- Proposed Variance Temporary Workspace: Orange hatched area
- Proposed Variance Additional Temporary Workspace: Yellow hatched area
- Issued for Construction Milepost: Black dot
- Issued for Construction Route: Solid black line
- Issued for Construction Limits of Disturbance: Gray shaded area

Data Sources: ESRI Aerial Imagery, All Issued for Construction data was filed with FERC on 12/20/2017.