

From: [Stahl, Megan D.](#)
To: [Schmidt, John](#)
Cc: [Lennon, Tiernan](#); [Paul Friedman](#); [Lavinia DiSanto](#); [Neylon, Megan](#); [Eggerding, Matthew](#)
Subject: RE: [EXTERNAL] MVP Request for Additional Tree Clearing Associated with Landslide at Bradshaw CS, Wetzel County, WV
Date: Monday, May 14, 2018 5:07:47 PM
Attachments: [Bradshaw Slip repair variance request 032918.pdf](#)
[FERC Approval 033018.pdf](#)
[MVP 593 Variance Bradshaw Slip DHA Maps 20180514.pdf](#)

John,

1. As shown on Table 5 of the BO, known use summer habitat was approved to be cleared in the winter.
2. The previous variance request is attached, as well as the approval from FERC. As explained in the variance request, on January 29, 2018 the USFWS concurred with MVP's proposed process for reviewing variances that require tree clearing. In this instance, MVP requested to clear approximately 1.4 acres of trees. To offset this decrease in Myotis bat summer use habitat, MVP committed to not cut a section of trees along the Bradshaw Compressor Station pad as shown in Attachment 1 of the variance request. The tree acreage from this offset is greater than the tree acreage associated with this variance.
3. MVP is proposing to cut five (5) trees that are over 5" DBH. I attached a map showing the locations of these trees.

Please let me know if you need anything else.

Thank you for your attention to this.

Megan

From: Schmidt, John [mailto:john_schmidt@fws.gov]
Sent: Friday, May 11, 2018 10:11 AM
To: Stahl, Megan D. <MStahl@eqt.com>
Cc: Lennon, Tiernan <tiernan_lennon@fws.gov>; Paul Friedman <Paul.Friedman@ferc.gov>; Lavinia DiSanto <Lavinia.DiSanto@cardno.com>; Neylon, Megan <MNeylon@eqt.com>; Eggerding, Matthew <MEggerding@eqt.com>
Subject: Re: [EXTERNAL] MVP Request for Additional Tree Clearing Associated with Landslide at Bradshaw CS, Wetzel County, WV

Megan,

I could use your assistance with answers to the following questions:

1. What time of year did the BO/BA allow tree clearing to occur in this area?
2. Please provide a copy of Tiernan's pre-approval for the 1.37

acre variance.

3. How many trees are over 5" DBH do you plan to cut?

John Schmidt

John E. Schmidt
Field Supervisor
U.S. Fish and Wildlife Service
West Virginia Field Office
[90 Vance Drive](#)
Elkins, WV 26241
304-636-6586 x 16
304-904-8611 work cell
<http://www.fws.gov/westvirginiafieldoffice/index.html>

Our office review times have been severely slowed by a high priority, large scale FOIA. We will do our best to get back to you as soon as possible.

On Tue, May 8, 2018 at 5:33 PM, Stahl, Megan D. <MStahl@eqt.com> wrote:

John,

Thank you for helping with this issue while Tiernan is out of the office. As we discussed on the phone, Mountain Valley is requesting approval to cut additional trees to address a landslide that occurred during construction of the Bradshaw Compressor Station site (Wetzel County) on Monday, March 26th, 2018. The landslide is located northwest of Bear Run Road approximately 0.2-mile south-southwest from the intersection of Richwood Run Rd (Rt. 7/6), Bear Run Rd. (Rt. 21/1), and Fallen Timber Run Rd. (Rt. 7/8). The original slip was contained within the construction limits of disturbance (LOD) and a large amount of the material was removed from the slip area to be stockpiled onsite. However, a rain event on April 3rd created an additional slip and approximately 8,000 to 10,000 cubic yards of material moved to bottom of the valley near Fallen Timber Run Rd.

The request for approval to cut additional trees includes the area necessary to safely contain, remove, and stockpile the soil and stabilize the affected area.

Mountain Valley reviewed the slip area for Rare, Threatened and Endangered species and the results are as follows:

- The request is for an additional 0.33-acre of tree clearing within known, occupied summer habitat for the Indiana bat. Mountain Valley proposes to complete this as soon as possible but not between June 1 and July 31. This total accounts for:
 - 0.22-acre of tree clearing for Phase I: Includes debris removal from the bottom of

the hill. See Bradshaw Slip Repair Phase I. MVP is proposing to remove a small amount of tress (approximately 0.22-acre shown in yellow on the map) necessary to remotely access and remove the debris. A long boom excavator will be staged outside the ordinary high-water and used to remove the debris from the stream. Debris will be placed in a dump truck and hauled to the new stock pile area that does not require any tree clearing. These trees that MVP is requesting to remove as part of this request have been accounted for in the BO (this is a result of area remaining within the MYSO-Known Summer Use Habitat that was proposed but not cleared).

- 0.10-acre of tree clearing for Phase II: Includes removal of soil and debris from the middle of an existing stream. MVP is currently working with the USACE to acquire authorization for these activities. These activities will not be conducted until the proper approval is received from the USACE. For this, a small section of trees (approximately 0.10-acre shown in yellow on map Bradshaw Slip Repair Phase II) will need to be cleared to allow for a travel lane and repair of the remaining section of the slip that has not come down the hill. To make up for this additional acreage MVP will forego clearing 0.10-acre of trees in a workspace RD-001A (see the attached screen shot).
- During our conversation you requested the number of trees within the 0.33-acre area proposed to be cleared that are > 5 inches dbh. We are conducting a detailed habitat assessment and will provide that information to you ASAP.
- Please note that 1.37 acres of tree clearing was approved in a variance on March 30, 2018 to address the original landslide.
 - This included the area needed to contain the original slip, remove original slip material from the area, and stockpile the original slip material on site.
 - It also included the trees that fell naturally during the landslide event.
 - These trees were felled mechanically and naturally prior to March 31, 2018.
- Portal searches were completed within the slip area and no potential hibernacula of any kind were located.
- The slip is not located within any of the areas identified by state or federal agencies requiring plant surveys.
- The Bradshaw slip impacted the headwaters of Fallen Timber Run. According to the West Virginia Mussel Survey Protocol, as adopted by the West Virginia Division of Natural Resources (WVDNR) and USFWS (West Virginia Field Office), Fallen Timber Run is not classified as a 'mussel stream'; therefore, the Bradshaw slip occurs in a stream reach where freshwater mussel concerns are not present. The slip material has impacted several streams located in the valley. These streams are not listed as known mussel streams or known to contain other sensitive species.
- There are no known populations of migratory birds in the area. However, avian surveys for nests will be completed prior to clearing, as identified within the project's Migratory Bird Conservation Plan.

In summary, MVP has been able to account for all of the trees that have fallen due to the landslide, or are proposed to be cut by MVP, through a previous variance request or the remaining acreage already accounted for in the BO. MVP respectfully requests authorization from the Service to cut the remaining trees in slip repair 1 and 2 outside of the winter bat clearing window. Please let me know if you need additional information to evaluate this request.

Thank you,
Megan

Megan Stahl
Permitting Supervisor
625 Liberty Avenue, Suite 1700
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T 412-553-7783
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To learn about EQT's sustainability efforts visit: <https://csr.eqt.com>

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MVP Variance Request Form



Variance Request No.: *Bradshaw - 3*

Date Approval Requested by Contractor:

Date Submitted by Chief Inspector to LEI:

Date Received by FERC:

FERC Approval Reference No.:

Requested By: *Paul Harold*

Spread: *Bradshaw*

Variance Type: *WS*

Request Prepared By *: *Megan Neylon*

Variance Sequence Number: *003*

* 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: *N/A* To: *N/A* Milepost: *N/A* To: *N/A*

Alignment Sheet Number: *4* Tract No.: *WV-WE-4272; WV-WE-4215*

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):

MYSO

In or w/in 50 feet of a wetland:

☐ Yes ☒ No

In or w/in 50 feet of a waterbody:

☐ Yes ☒ No

Wetland or Waterbody ID:

N/A

N/A

Additional Stream footage impacted:

N/A

Additional Wetland impacts:

N/A

Net acreage affected:

1.4

Tree Clearing Required:

Yes

Acreage of tree clearing:

1.4

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

A natural slip of the hillside was occurring adjacent to the Bradshaw Compressor Station access road. Construction crews need to access two additional work spaces at the location of the slip (approx. 200' x 135' and 230' x 315'), to repair and stabilize the hillside.

List Attachments:

Attachment 1 - Resource Map; Attachment 2 - Cultural Resource Concurrence; Attachment 3 - Stream and Wetland Delineation Report

Variance Justification:

Access to ATWS locations adjacent to the IFC route are necessary to repair and stabilize the natural hillside slip along the access road.

For MVP Use Only

Additional Surveys Required

Surveyed Corridor Description

Additional Surveys Completed

Cultural Survey

☒ Yes ☐ No

☒ Yes ☐ No

T & E Survey

☐ Yes ☒ No

☐ Yes ☒ No

Waterbodies/Wetlands

☒ Yes ☐ No

☒ Yes ☐ No

Proof of Previous Biological and Cultural Survey Clearance

Please see the attached email from the stream and wetland delineation team indicating that no resources were identified in the area of the work spaces. Also attached is an email from the WVSHPO indicated their concurrence with Mountain Valley's studies. On January 29, 2018 the USFWS concurred with MVP's proposed process for reviewing variances that require tree clearing. In this instance, MVP is requesting to clear approximately 1.4 acres of trees. To offset this decrease in Myotis bat summer use habitat, MVP has committed to not cut a section of trees along the Bradshaw Compressor Station pad as shown in Attachment 1. The tree acreage from this offset is greater than the tree acreage associated with this variance. In addition, there will be no plant issues per consultation with the USFWS and WVDNR over survey areas. Loggerhead Shrike are not present in West Virginia. Finally, there are no aquatic species concerns because we are not impacting any aquatic species.

Landowner:**Mountain Valley Pipeline, LLC****Land Agent Contact****Janna Arnold****Landowner Approval
Obtained**☒ Yes☐ No**Sign Off:****Name****Signature****Date**

Construction Manager	<i>Paul Harold</i>	<i>Paul Harold</i>	3/29/2018
Lead Environmental Inspector	<i>Philip Smith</i>	<i>Philip Smith</i>	3/29/2018
Third Party Compliance Manager or monitor			
ROW Land Agent *	<i>Janna Arnold</i>	<i>Janna Arnold</i>	3/29/2018
Environmental Supervisor	<i>Megan Neylon</i>	<i>Megan E. Neylon</i>	3/29/2018

*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>Bradshaw</u>	Variance Request No.:	<u>Bradshaw - 3</u>
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VARIANCE CONDITIONS

Name:		Title:		Organization:	
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Conditions:

Name:	Title:	Organization:
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Conditions:

Name:	Title:	Organization:
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Conditions:

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/G3
Mountain Valley Pipeline LLC
CP16-10-000

March 30, 2018

Matthew Eggerding, Counsel
Mountain Valley Pipeline LLC
625 Liberty Ave., Suite 1700
Pittsburgh, PA 15222

Re: Variance Approval for Bradshaw Compressor Station Slip Repair

Dear Mr. Eggerding:

I grant your March 29, 2018 request (Variance Request Bradshaw-3) for Mountain Valley Pipeline LLC (Mountain Valley) to utilize two additional temporary extra workspaces, totaling about 1.4 acres, in Wetzel County, West Virginia, to repair and stabilize a hillside slip along an access road to the Bradshaw Compressor Station.

Your request is in compliance with Environmental Condition No. 5 of the Commission's October 13, 2017 *Order Issuing Certificates and Granting Abandonment Authority* (Order) in the above-referenced docket. I remind you that Mountain Valley must comply with all applicable remaining terms and conditions of the Order.

If you have any questions regarding this request, please call me at 202-502-8059 (or email to paul.friedman@ferc.gov).

Sincerely,



Paul Friedman
Environmental Project Manager

cc: Public File, Docket No. CP16-10-000

Document Content(s)

Variance Bradshaw-3-MVP-3-29-18-pf-3-30-18.PDF.....1-1

