

MVP Variance Request Form

Variance Request



Date Approval Requested by Contractor:

Date Submitted by Chief Inspector to LEI:

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:

036

* 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:

469+00

To:

469+00

Milepost:

8.60

To:

8.60

Alignment Sheet Number:

10

Tract No.:

WV-WE-047.01

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 (+ 0.11ac KUSH)

In or w/in 50' of a wetland:

☐ Yes ☒ No

In or w/in 50' of a waterbody:

☐ Yes ☒ No

Wetland or Waterbody ID:

N/A

N/A

Additional Stream
footage impacted:

0.00

Additional Wetland acreage
impacted:

0.00

Net acreage affected:

+ 0.22

Tree Clearing Required:

YES

Acreage of tree
clearing:

+ 0.11

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-054 for slip remediation. (Slide MVP-A-043). No Cultural Resources, Streams or Wetlands were found during surveys. This variance has a net increase of 0.22 acres of LOD from the original permit. There is a net increase in tree clearing of 0.11 acres. The modification of the tree clearing results in a net increase of 0.11 acres MYSO - Known Use Summer Habitat (KUSH). On January 29, 2018 the USFWS concurred with MVP's proposed process for reviewing variances that require tree clearing. Attachment 2 includes a table that shows MVP's acreage "banks" will remain net positive following approval of this variance request.

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. Resources have been avoided to the extent practicable. Per approved Project plans, BMPs will be installed to minimize impacts to any Environmentally Sensitive Areas within/abutting the area.

For MVP Use Only

Additional Surveys Required	Surveyed Corridor Description	Additional Surveys Completed
Cultural Survey <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
T & E Survey <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Waterbodies/Wetlands <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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, Addendum 1 to Volume I, Wetzel, Harrison, Doddridge and Lewis Counties, West Virginia (Espino et. al. November 2016); Letter Report, Mountain Valley Pipeline Project, Slip Mitigation Workspace MVP-ATWS-SM-054, Wetzel County, West Virginia. Request for Concurrence on Disturbance and No Further Survey Recommendation (Marine December 2018). Filed with FERC 12/22/2016; 12/21/2018. Clearance received from WVDCH 12/7/2016, 1/2/2019. The Concurrence Letters are provided in Attachment 4.

Landowner:**REDACTED****Land Agent Contact****JANNA ARNOLD****Landowner Approval
Obtained**☒ Yes ☐ No**Sign Off:****Name****Signature****Date**

Construction Manager	<i>Todd Carroll</i>	<i>Todd Carroll</i>	3/5/2019
Lead Environmental Inspector	<i>Travis Huskins</i>	<i>Travis Huskins</i>	3/5/2019
Third Party Compliance Manager or monitor			
ROW Land Agent *	<i>Janna Arnold</i>	<i>Janna Arnold</i>	3/5/2019
Environmental Supervisor	<i>Megan Neylon</i>	<i>Megan Neylon</i>	3/5/2019

*signature denotes confirmed landowner approval

For FERC Compliance Monitor and Compliance Manager Use Only					
Variance Approved:			Variance Denied:		
Beyond Authority:					
Signature:					
Date:					
Stipulations:					
Spread No.:			A		
Variance Request No.:			A-36		
VARIANCE CONDITIONS					
Name:			Title:		
Organization:					
Conditions:					
Name:		Title:		Organization:	
Conditions:					
Name:		Title:		Organization:	
Conditions:					

**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-36
December 12, 2018**

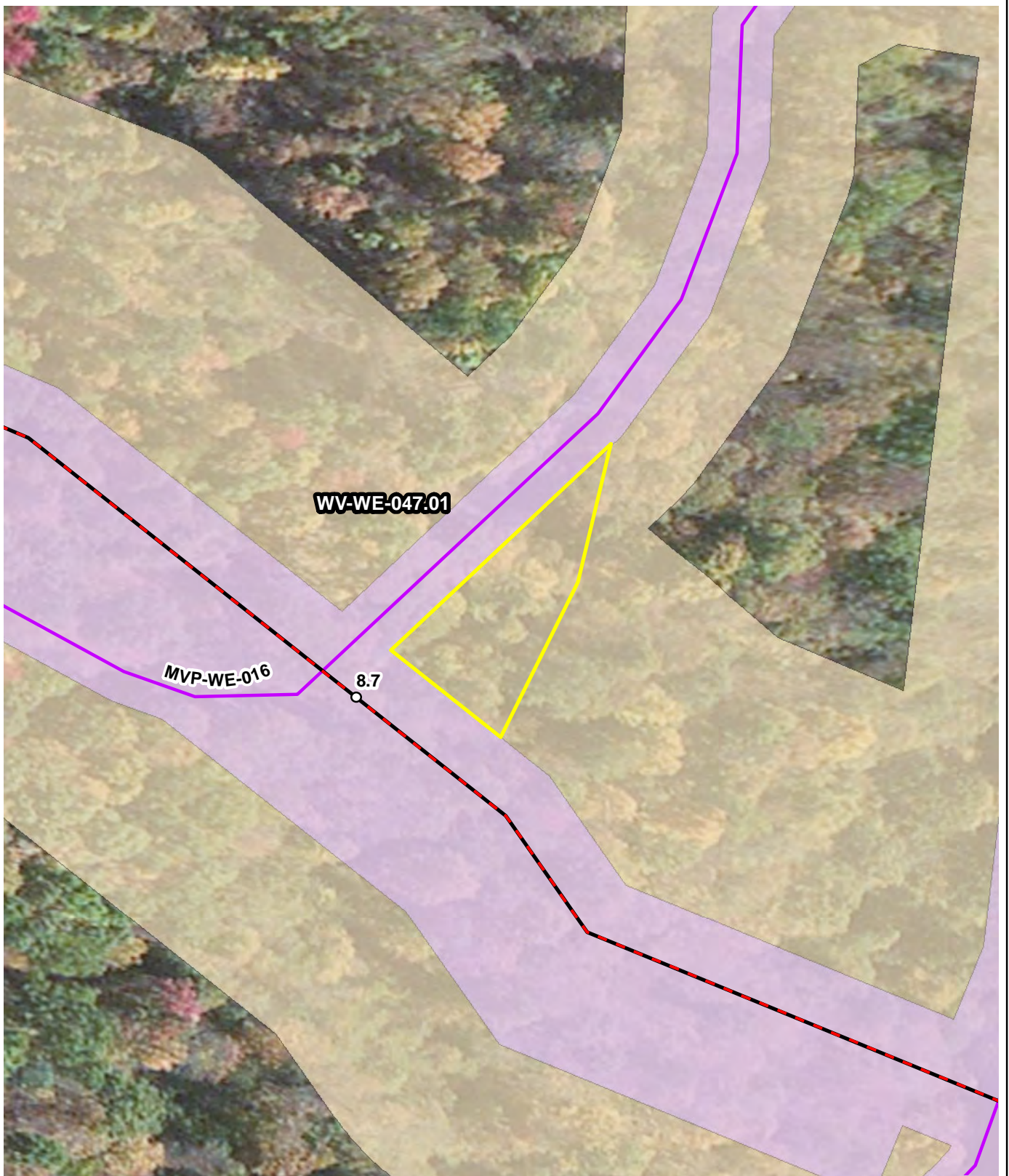
State and federal agencies identified areas where plant surveys were required. This variance does not occur in any of those areas.



There are no impacts to aquatic resources associated with this variance; which infers 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.

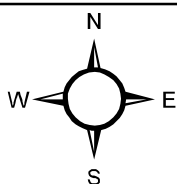
The modification of the tree clearing results in a net increase of 0.11 acres MYSO - Known Use Summer Habitat (KUSH). Tree clearing will not occur between April 1st and November 14th as per the BO. On January 29, 2018 the USFWS concurred with MVP's proposed process for reviewing variances that require tree clearing. Attachment 2 includes a table that shows MVP's acreage "banks" will remain net positive following approval of this variance request.

On 02/10/2015 and 10/28/2015, 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
 Parcel Boundary



Mountain Valley Pipeline Variance Survey Exhibit; Variance A-36

Meters

 10 0 10 20

Base Map: ESRI "World Imagery (Clarity)";
accessed 1/24/2019

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
Net Remaining Acreage for variances to date	5.32	0.81	3.89	5.07	1.20	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


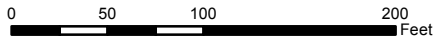



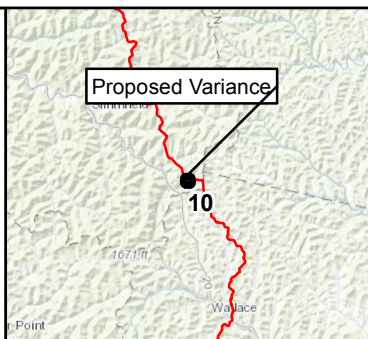
Variance A-36

December 17, 2018

On May 31, 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 within the variance area as shown on the attached figure.




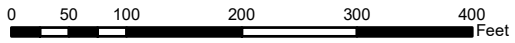
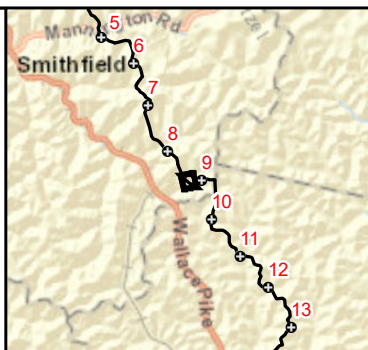
Mountain Valley Pipeline Project		 NAD 1983 UTM 17N 1 inch = 100 feet	
 Proposed Variance A-36 <i>Wetzel County, West Virginia</i> December 2018	Legend  Issued for Construction LOD  Proposed Variance Limit of Disturbance		

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

**Pipeline Variance
Request Map
Attachment 6**



Mountain Valley Pipeline Project  FERC Docket No. CP16-10-000 MVP Variance A-36 WETZEL COUNTY December 2018		NAD 1983 UTM 17N 
Legend <ul style="list-style-type: none"> Issued for Construction Milepost Issued for Construction Route Issued for Construction Limits of Disturbance Parcel Boundary Proposed Variance Additional Temporary Workspace 		
<small>Data Sources: ESRI Aerial Imagery, All Issued for Construction data was filed with FERC on 12/20/2017.</small>		

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