

# MVP Variance Request Form



Variance Request

No.:

G-3

Date Approval Requested by Contractor:

4/3/2018

Date Submitted by Chief Inspector to LEI:

Date Received by FERC:

FERC Approval Reference No.:

Requested By: Stan Layman

Spread:

G

Variance Type:

RA

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: 11840+00

To:

11855+00

Milepost:

224.1

To:

224.30

Alignment Sheet Number:

246

Tract No.:

VA-MO-5528, VA-MO-5529

Deciduous Forest;  
Cultivated Crops;  
Pasture/Hay

Other Agency Jurisdiction:

N/A

## Current Land Use/ Vegetative Cover:

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):

060-0574; LOSH; Smooth Coneflower;  
MYSO - (+ 1.67 ac UUSS/FSH);

In or w/in 50 feet of a wetland:

☐ Yes ☒ No

In or w/in 50 feet of a waterbody:

☐ Yes ☒ No

N/A

Wetland or Waterbody ID:

N/A

Additional Stream footage impacted:

0

Additional Wetland impacts:

N/A

Net acreage affected:

- 0.31

Tree Clearing Required:

No

Acreage of tree clearing:

+ 1.67

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 removes a PI to minimize impacts to the landowner's field per their request. This variance also eliminates MVP-ATWS-1457 into MVP-ATWS-1456 and replaces them with MVP-ATWS-1456A. Access road MVP-MN-266.02 was also eliminated. No wetland or waterbodies were identified within the proposed LOD. Cultural Resource 060-0574 was identified inside of variance boundary. A letter of concurrence can be found in Attachment 4. This variance has a net decrease of 0.31 acres of LOD from the original permit. With 1.67 acres of additional LOD outside of original permit to be used and 1.98 acres of permitted LOD no longer needed to be used. 1.67 acres of trees are required to be cleared that were not designated to be cleared in original permit. The modification of the tree clearing results in a net increase of 1.67 acres MYSO - Unknown Use Spring Staging/Fall Swarming Habitat (UUSS/FSH). 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. Habitat assessments for Smoothcone Flower conducted and no suitable habitat was found. Surveys were conducted by ESI and the variance was cleared for LOSH. See Attachment 2.

<b>List Attachments:</b>	Attachment 1-Alignment Sheets; Attachment 2- Rare, Threatened, and Endangered Species Report, Attachment 3- Waterbodies and Wetlands Report; Attachment 4- Cultural and Historic Resources (CUI//PRIV -- DO NOT RELEASE); Attachment 5- Landowner Exhibits (CUI//PRIV -- DO NOT RELEASE); Attachment 6- Pipeline Variance Request Map											
<b>Variance Justification:</b> Variance is due to Landowner Request. Resources have been avoided to the extent practicable, and existing culverts on the access road will be used. Per approved Project plans, BMPs will be installed to minimize potential impacts to Environmentally Sensitive Areas within/abutting the area. Per approved Project plans, BMPs will be installed to minimize potential impacts to Environmentally Sensitive Areas within/abutting the area.												
<b>For MVP Use Only</b>												
<table border="1"> <thead> <tr> <th>Additional Surveys Required</th> <th>Surveyed Corridor Description</th> <th>Additional Surveys Completed</th> </tr> </thead> <tbody> <tr> <td>Cultural Survey <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> <td rowspan="3">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.</td> <td><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>T &amp; E Survey <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> <td><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>Waterbodies/Wetlands <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> <td><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </tbody> </table>	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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Waterbodies/Wetlands <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	: See attachments 2 and 3 that describe rare, threatened, and endangered species surveys and stream and wetland delineations. The cultural resources survey was reported in: Mountain Valley Pipeline Project, Phase IB Combined County Archaeological Survey Report, Addendum II, Giles, Montgomery, Roanoke, Franklin, and Pittsylvania Counties, Virginia (August 2017). Filed with FERC on 8/4/2017. Clearance from WVDCH on 8/30/2017. Portions of the cultural report relevant to this variance as well as the concurrence letter are provided in Attachment 4.	
Additional Surveys Required	Surveyed Corridor Description	Additional Surveys Completed										
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Waterbodies/Wetlands <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No										
<b>Landowner:</b> REDACTED <b>Land Agent Contact:</b> Brian Murphy <b>Landowner Approval Obtained</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No												
<b>Sign Off:</b>	<b>Name</b>	<b>Signature</b>	<b>Date</b>									
Construction Manager	Stan Layman	Stan Layman	5/22/2018									
Lead Environmental Inspector	Frank Weaver	Frank Weaver	5/22/2018									
Third Party Compliance Manager or monitor												
ROW Land Agent *	Brian Murphy	Brian Murphy	5/22/2018									
Environmental Supervisor	Megan Neylon	Megan Neylon	5/22/2018									
*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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<b>Spread No.:</b>	G	<b>Variance Request No.:</b>	G-3
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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:

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

**Alignment Sheet  
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 G-3**  
**May 9, 2018**

General survey areas are provided by the U.S. Fish and Wildlife Service and/or the applicable state agency. This variance occurs within the range of the smooth coneflower. Pedestrian field surveys were conducted on 9 August 2016 and 19 September 2016. These field surveys were conducted within a 300-foot survey corridor (where possible) during the approved species-specific survey window (15 June – 30 September). No suitable habitat or individuals were identified during survey efforts.

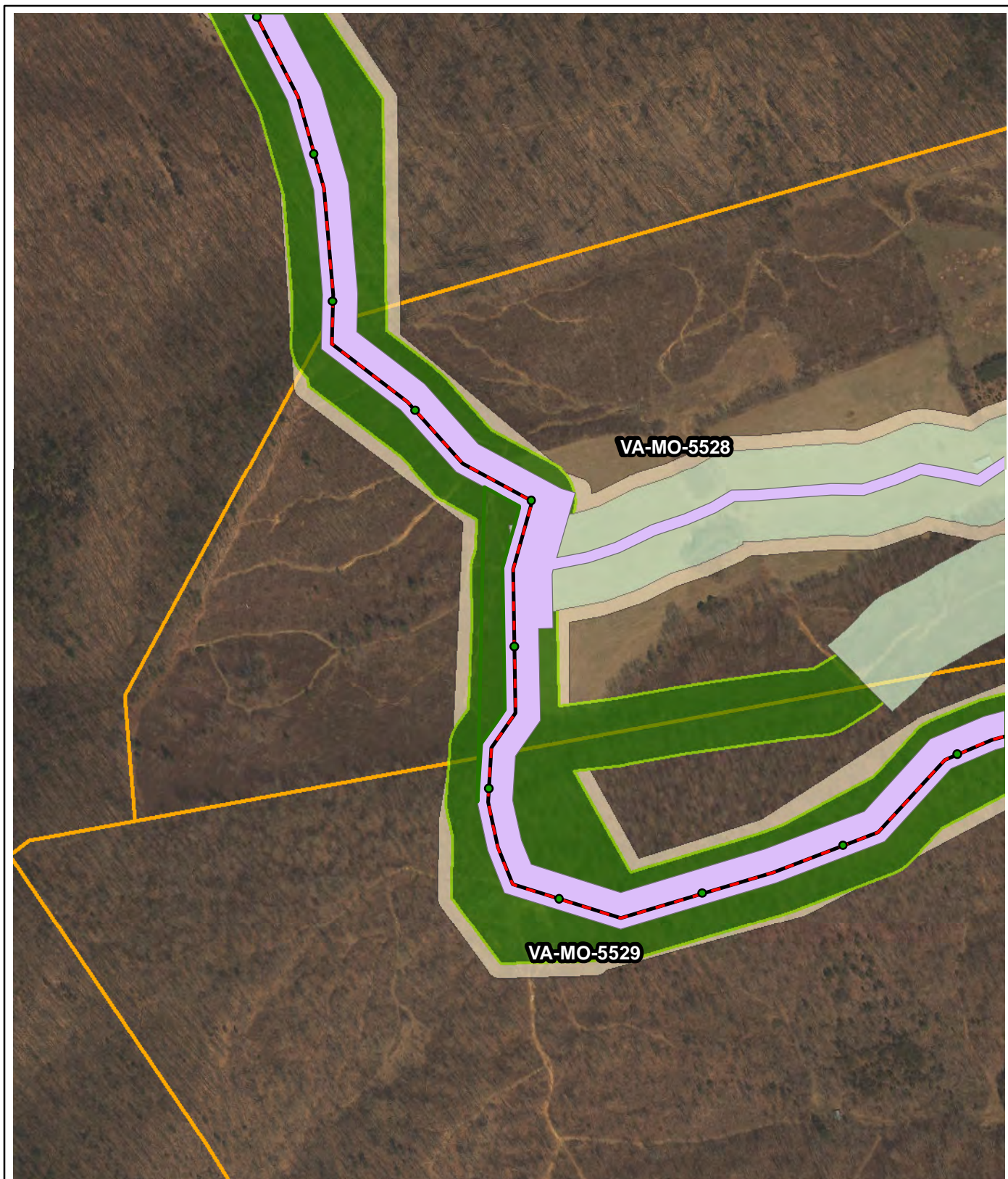
There are no impacts to aquatic resources associated with this variance and thus no impacts to listed aquatic species.







The only avian species-specific presence-absence surveys required for the project are scrub-shrub habitat-specific in the state of Virginia, this variance area does occur within this habitat type. The habitat type is present at this location and will require LOSH surveys in accordance to the MBTA report prior to clearing of this area.

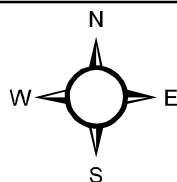
However, the Migratory Bird Conservation Plan for the project does address concerns for 28 species of migratory birds within the nesting season from April 1 to August 31; thus preconstruction nesting surveys for migratory birds will be conducted prior to clearing in accordance with this document.

The modification of the tree clearing results in a net increase of 1.67 acres MYSO - Unknown Use Spring Staging/Fall Swarming Habitat (UUSS/FSH). Tree clearing will not occur between June 1 and July 31 or October 1 and November 14 as per the BO.

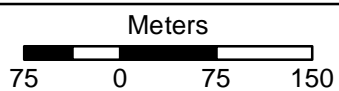
On 4/23/2018 Environmental Solutions and Innovations, Inc. (ESI) conducted field surveys to search for portal openings (winter bat habitat). Surveys were conducted in accordance with agency approved protocols for the project. No portal openings were observed in the variance area.



- |  |   |   |
|--|---|---|
|  MVP Variance       |  ESI LOSH Survey Coverage  |  ESI Portal Coverage |
|  MVP LOD (20171127) |  ESI Plant Survey Coverage |  Parcel Boundary     |



Mountain Valley Pipeline Variance Survey Exhibit; Variance (G-3)



Base Map: ESRI "World Imagery (Clarity)";  
accessed 5/8/2018



**Table 1**  
**Bat Habitat Bank Acreage**

	<b>MYSO - Known Summer Use Habitat (acres)</b>	<b>MYSO - Known use spring staging/fall swarming habitat (acres)</b>	<b>MYSO - Suitable Unoccupied Summer Habitat (acres)</b>	<b>MYSO - Unknown use spring staging/fall swarming habitat (acres)</b>	<b>MYSO - Unknown Use Summer Habitat (acres)</b>	<b>NLEB known use spring staging/fall swarming habitat (acres)</b>
<b>Remaining bank acreage from IP-5 table</b>	<b>0.37</b>	<b>1.47</b>	<b>13.04</b>	<b>6.81</b>	<b>13.79</b>	<b>0.59</b>
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	0.22	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
<b>Net Remaining Acreage for variances to date</b>	<b>0.00</b>	<b>1.47</b>	<b>10.64</b>	<b>5.14</b>	<b>9.78</b>	<b>0.59</b>

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

**Waterbodies and Wetlands Report  
Attachment 3**



# **Mountain Valley Pipeline Project**

## **Variance (G-3)**

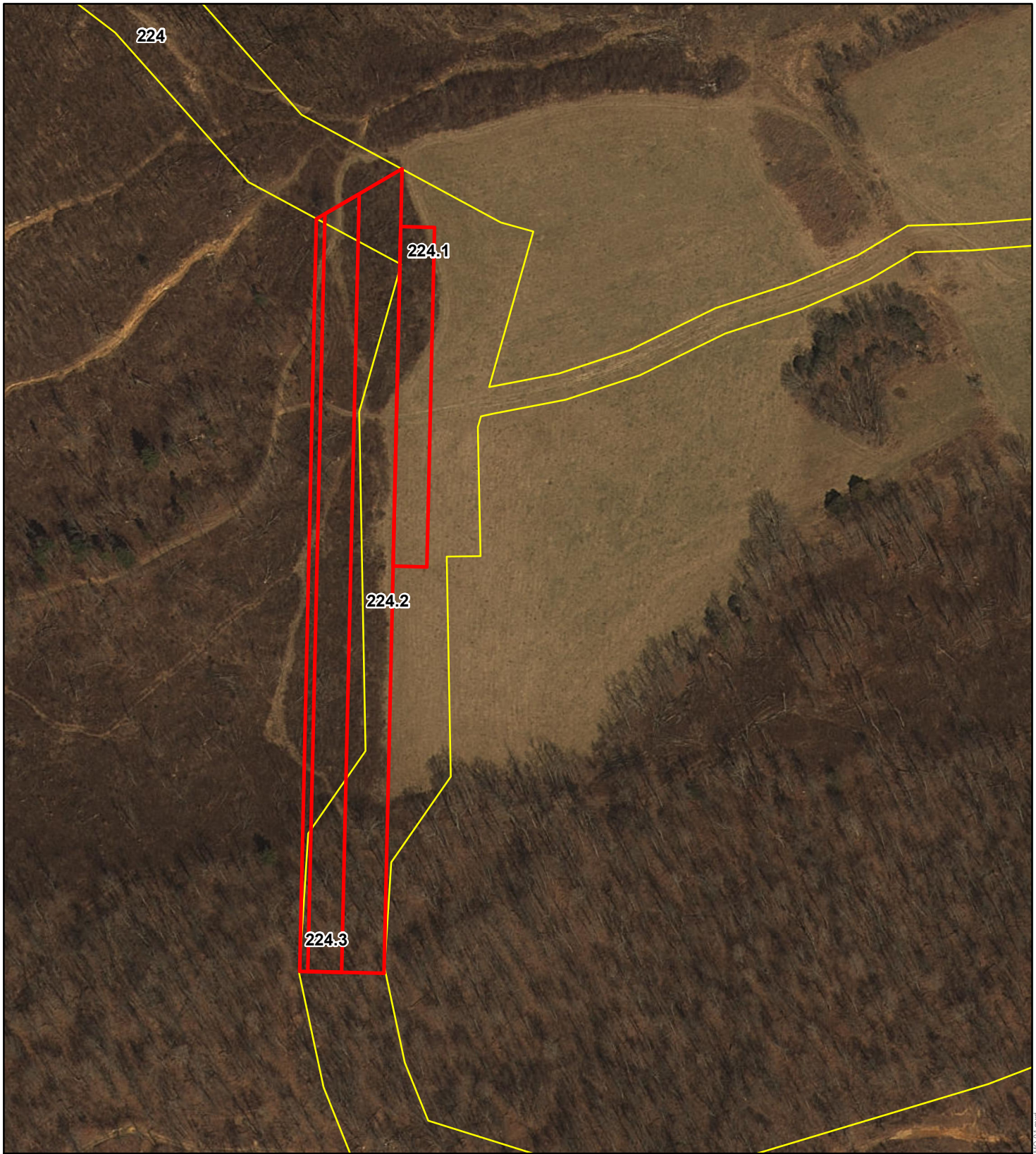
**April 2, 2018**

On September 14, 2016 and June 15, 2017, Tetra Tech, Inc. (Tetra Tech) surveyed the proposed variance (G-3) pipeline variance in Montgomery Co., VA 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.

## FIGURES





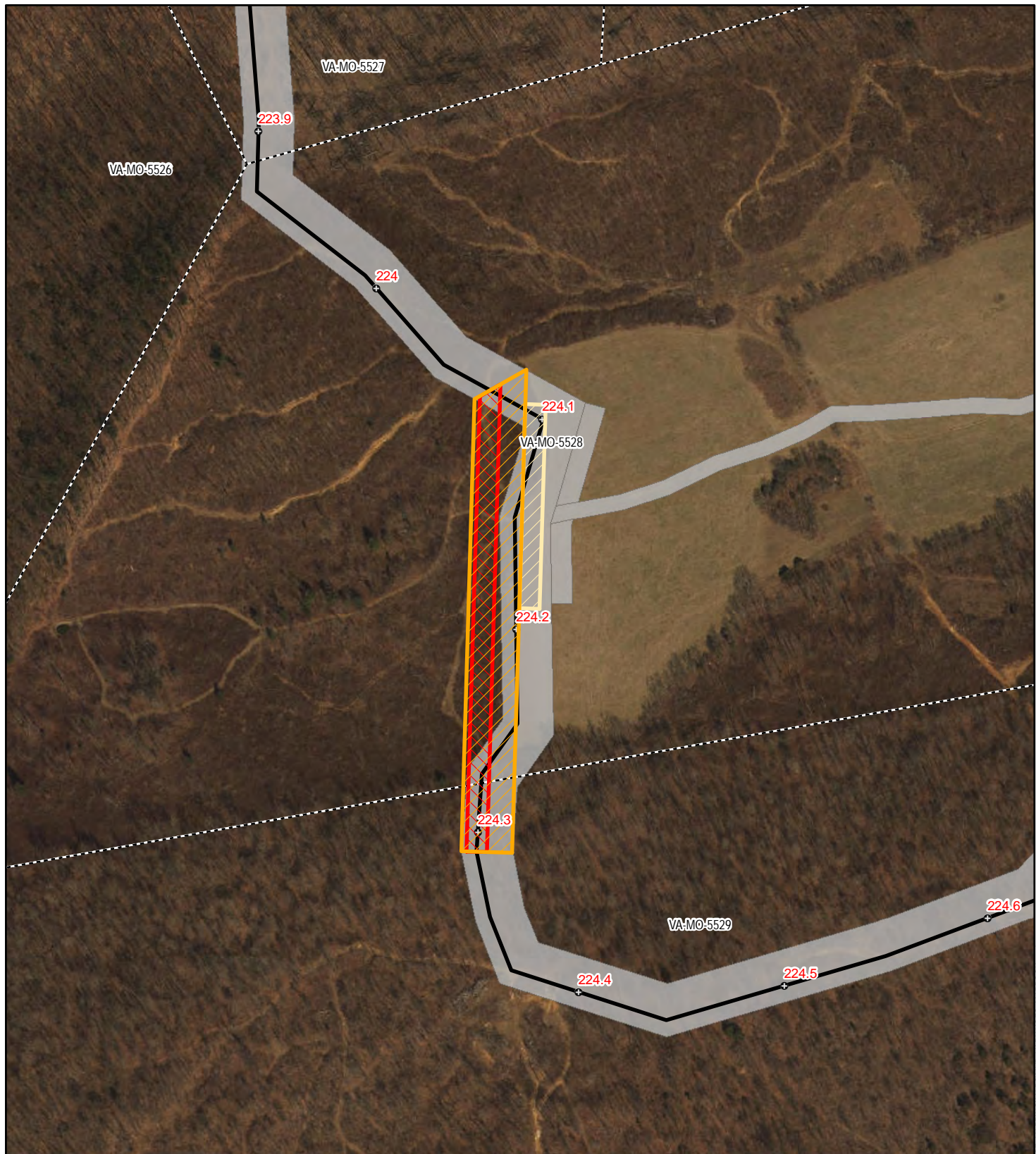
<b>Mountain Valley Pipeline Project</b>			NAD 1983 UTM 17N	1 inch = 200 feet	
<p><b>Proposed Variance (G-3)</b></p> <p><i>Montgomery County, Virginia</i></p> <p>May 2018</p>		<b>Legend</b> <ul style="list-style-type: none"> <li><span style="border: 2px solid red; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Proposed Variance Limit of Disturbance</li> <li><span style="border: 2px solid yellow; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Issued for Construction LOD</li> </ul>			
Data Sources: ESRI Streaming Data 2014.					

Document Path: N:\Supplaine\Zabovskiy\GIS\Projects\MVP\Variance\23 VAR\VAR\_230\_1.mxd

**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



FERC Docket No. CP16-10-000

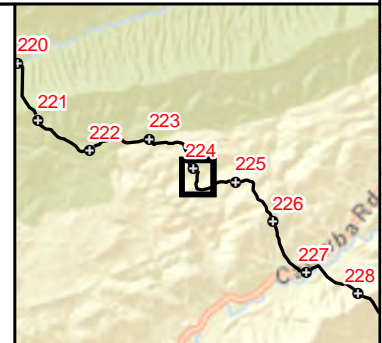
## MVP Variance G-3

MONTGOMERY COUNTY  
April 2018

### Legend

- Issued for Construction Milepost
- Issued for Construction Route
- Issued for Construction Limits of Disturbance
- Parcel Boundary

- Proposed Variance Permanent Easement
- Proposed Variance Temporary Workspace
- Proposed Variance Additional Temporary Workspace



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