

**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

**Environmental Impact Statement: FERC/FEIS-0272F (CP16-10-000 and CP16-13-000)
Case File Numbers: VAES-058143 and WVES-058142**

RECORD OF DECISION

Attachment G – USDA Forest Service Concurrence Letters



File Code: 2720
Date: December 1, 2017

Mr. Mitchell Leverette
Eastern States, Acting State Director
Bureau of Land Management
20 M Street, SE, Suite 950
Washington, DC 20003

Dear Mr. Leverette:

This letter is to communicate my concurrence for granting Mountain Valley Pipeline LLC (Mountain Valley), a right-of-way and temporary use permit to construct, operate, and maintain the Mountain Valley Pipeline (MVP) Project on lands administered by the Jefferson National Forest subject to the following conditions:

1. Mountain Valley shall obtain and comply with the right-of-way (ROW) Grant and Temporary Use Permits as approved by the Bureau of Land Management (BLM).
2. Mountain Valley must implement the construction procedures and mitigation measures applicable to the Jefferson National Forest contained in the November, 2017 Plan of Development.
3. Mountain Valley shall comply with applicable provisions of Appendix C – Environmental Conditions of the Federal Energy Regulatory Commission (FERC) Order Issuing Certificates and Granting Abandonment Authority; Docket Nos. CP16-10-000 and CP16-13-000 (issued October 13).
4. Mountain Valley shall not begin activities associated with the MVP project with the potential to adversely impact historic properties on the Jefferson National Forest until conditions below are satisfied:
 - a. A Programmatic Agreement has been executed to satisfy consultation requirements of the National Historic Preservation Act for the MVP Project, and
 - b. The archaeological excavations for site 44GS0241, as outlined in the cultural resource treatment plan with an agreement on the use of Cherokee Tribal monitors, have been completed.
5. Mountain Valley shall obtain Virginia's Clean Water Act Section 401 Certification (or waiver thereof) before beginning activity on National Forest System (NFS) land in Virginia that may impact waters of the U.S.
6. Mountain Valley shall obtain required approvals/certifications for an Erosion and



Sediment Control Plan and a Stormwater Management Plan from the Virginia Department of Environmental Quality before beginning construction on NFS land.

7. Mountain Valley shall comply with the Stormwater Permit and associated Erosion and Sediment Control Plan as approved by the West Virginia Department of Environmental Protection before beginning construction on NFS land.

8. Mountain Valley shall comply with the applicable Reasonable and Prudent Measures and Terms and Conditions of the November 21, U.S. Fish and Wildlife Service (FWS) Biological Opinion for the MVP Project.

9. Mountain Valley shall implement applicable mitigation measures for the candy darter and yellow lance found in the June, 2017 Biological Evaluation for Forest Service Sensitive Species. Mountain Valley shall also implement applicable mitigation measures recommended by FWS through any future Section 7(a) (4) Endangered Species Act (ESA) conferencing for these species that may occur. If either species is listed as threatened or endangered under the ESA, any Reasonable and Prudent Measures and Terms and Conditions identified in a Biological Opinion conducted under ESA 7(a) (2), must be implemented.

Section 28 of the Mineral Leasing Act (MLA) as amended, authorizes the Secretary of the Interior, after consultation with the agencies involved, to grant rights-of-way or permits through affected Federal lands for natural gas pipelines when lands under the jurisdiction of two or more Federal agencies are involved. The MVP project's proposed crossing of NFS lands and Army Corps of Engineer lands necessitates BLM's involvement in authorizing the project. The Forest Service and the BLM were cooperating agencies with FERC as the lead agency in preparing the Final Environmental Impact Statement for this project.

The BLM and the Forest Service also closely coordinated with each other and the proponent in developing the MVP Plan of Development (POD) which contains measures to: protect and minimize environmental impacts; comply with applicable Federal and State requirements; and ensure consistency with the Forest's Land and Resource Management Plan as amended. Given the extensive coordination between the Forest Service Southern Region and BLM Eastern States organizations, I consider the consultation requirement of the MLA to have been satisfied.

Forest Service regulations require that projects or activities authorized on NFS lands must be consistent with the applicable Forest and Resource Management Plan (Forest Plan). On December 1, the Forest Supervisor for the George Washington and Jefferson National Forest approved a project-specific amendment to the Jefferson National Forest Plan. This amendment modifies certain Forest Plan standards that, along with the terms and conditions listed above, will provide the required consistency between the Forest Plan and the MVP Project.

BLM regulation at 43 CFR 2884.26, states that the BLM will not issue a ROW grant or permits when applications involve lands managed by two or more Federal agencies, until the heads of the agencies administering the lands involved have concurred. As Acting Regional Forester, I am delegated the authority to concur on applications involving pipeline diameters 24 inches or greater.

If you have any questions, please contact Tim Abing, Director of Lands, Minerals, and Uses for the Southern Region; at tabing@fs.fed.us or 404-347-3989.

Sincerely,

A handwritten signature in black ink that reads "Ken Arney". The signature is written in a cursive, slightly slanted style.

KEN ARNEY
Acting Regional Forester

cc: Joby Timm, Jim Twaroski

File Code: 2720
Date: December 13, 2017

Mr. Mitchell Leverette
Acting State Director, Eastern States
Bureau of Land Management
20 M Street, SE, Suite 950
Washington, D.C. 20003

Dear Mr. Mitchell Leverette:

This letter is to notify you that the Forest Service is amending the terms of its December 1, 2017 letter of concurrence for the Mountain Valley Pipeline Project to reflect recent clarifications that will be incorporated into to Mountain Valley Pipeline, LLC's (MVP) Plan of Development (POD).

The Forest Service determined that MVP's Environmental Compliance Monitoring Plan (Appendix N of their POD) needed clarification regarding the role of the Forest Service's third party compliance monitor and the processing of variance requests. To address this need, the Forest Service prepared a document entitled "*Environmental Compliance Monitoring on the Jefferson National Forest; Mountain Valley Pipeline Project; December 2017*" (copy enclosed) and instructed MVP to include it as an attachment to Appendix N of their POD. MVP submitted an updated Appendix N which included the aforementioned document to the Federal Energy Regulatory Commission docket on December 11. The updates to Appendix N relate to issues that are administrative in nature and are within the scope of the existing environmental effects analysis for the project.

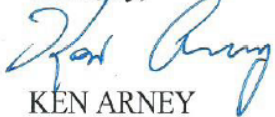
Accordingly, the Forest Service hereby amends Item No. 2 of our December 1 concurrence letter to read as follows:

Mountain Valley must implement the construction procedures, mitigation measures, and other requirements applicable to the Jefferson National Forest contained in the November 2017 version of the Plan of Development and subsequent updates thereof that are acceptable to the Forest Service.

All other aspects of our December 1 concurrence for the Mountain Valley Pipeline Project remain unchanged.

If you have any questions, please contact Tim Abing, Director of Lands, Minerals, and Uses for the Southern Region, at tabing@fs.fed.us; 404-347-3989.

Sincerely,



KEN ARNEY
Acting Regional Forester

Enclosure

cc: Joby Timm, Jim Twaroski



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

**Environmental Impact Statement: FERC/FEIS-0272F (CP16-10-000 and CP16-13-000)
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RECORD OF DECISION

Attachment G1 – US Army Corps of Engineers Concurrence Letter



DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

REPLY TO
ATTENTION OF:

December 11, 2017

Real Estate Division
Acquisition and Management Branch

SUBJECT: Burnsville Lake, Bureau of Land Management Right-of-Way
Grant/Temporary Use Permit, Serial Number VA-ES-058143 and WV-ES-058142

Ms. Vickie Craft
Bureau of Land Management
Southeastern States District Office
273 Market Street
Flowood, Mississippi 39232

Dear Ms. Craft:

This letter is in reference to BLM's Draft Record of Decision (ROD) and issuing of a Right-of-Way grant (ROW) and Temporary Use Permit for the Mountain Valley Pipeline. My staff, over the last two years, has cooperated with FERC, BLM, and Mountain Valley Pipeline, LLC in the Plan of Development (POD) for the Mountain Valley Pipeline Project. The proposed route will cross 60 feet of the Western Gauley Bridge Turnpike Trail located on the Huntington District's Burnsville Lake Project.

Pursuant to Title 28 of the Mineral Leasing Act of 1920 as amended (30 U.S.C. 185) and Title 43 CFR Section 2887.11, BLM issues ROW grants when such ROW cross federal lands under the jurisdiction of two or more federal agencies. However, BLM must have concurrence for their decision from any other lands administered by other federal agencies. Rather than duplicate National Environmental Policy Act processes and paperwork by considering the potential impacts of the proposed action on US Army Corps of Engineers Lands (USACE) in a separate environmental analysis, USACE participated in the preparation of the FERC Environmental Impact Statement as a cooperating agency.

My staff and I have reviewed the Draft Right-of-Way and stipulations as it pertains to the Mountain Valley Pipeline proposed action within the Western Gauley Turnpike Trail. All of the comments that USACE provided to BLM regarding the proposed pipeline have been included in Exhibit B.

I concur with BLM's decision to issue a Right-of-Way grant for the Mountain Valley Pipeline across the Western Gauley Turnpike Trail located at the US Army Corps of Engineers Burnsville Lake Project.

Please advise me if there are any proposed changes to the ROD or Right-of-Way grant affecting the Western Gauley Turnpike Trail. Thank you for your continued cooperation in this project.

If you would like to discuss this further or have any additional questions, please contact Anita Bradburn, of my staff, at (304) 399-5890 or by email at anita.s.bradburn@usace.army.mil.

Sincerely,



Kenneth R. Bumgardner
Chief, Real Estate Division