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www.mountainvalleypipeline.info

September 6, 2023

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

RE: Mountain Valley Pipeline, LLC
Docket No. CP16-10-000
Variance Request No. MVP-042

Dear Secretary Bose:

On October 13, 2017, the Federal Energy Regulatory Commission issued an order granting a Certificate of Public Convenience and Necessity to Mountain Valley Pipeline, LLC for the Mountain Valley Pipeline Project. On June 28, 2023, the Commission issued an Order Authorizing All Construction Activities.¹ In this filing, Mountain Valley submits Variance Request No. MVP-042.

Certain of the supporting materials contain privileged and confidential information. Mountain Valley requests that, pursuant to 18 C.F.R. § 388.112, the Commission treat these materials as nonpublic. Mountain Valley has marked the documents "CUI//PRIV – DO NOT RELEASE." If you have any questions, please do not hesitate to contact me at (412) 553-5786 or meggerding@equitransmidstream.com. Thank you.

Respectfully submitted,
Mountain Valley Pipeline, LLC
by and through its operator,
EQM Gathering Opco, LLC


By: 
Matthew Eggerding

Deputy General Counsel

Attachments

cc: Paul Friedman, OEP
Lavinia DiSanto, Cardno, Inc.
Doug Mooneyhan, Cardno, Inc.

¹ *Mountain Valley Pipeline, LLC*, 183 FERC ¶ 61,221 (2023).

MVP Variance Request Form			
		Variance Request No.:	MVP-042
		Date Approval Requested by Contractor:	7/27/2023
		Date Submitted by Chief Inspector to LEI:	7/27/2023
		Date Received by FERC:	
		FERC Approval Reference No.:	
Requested By:	Brent Ladd	Spread:	B, E
Request Prepared By *:	Matt Hoover	Variance Type:	Other
		Variance Sequence Number:	MVP-042
* 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:	2537+94	To:	7597+59
Milepost:	47.90	To:	143.70
Alignment Sheet Number:	53, 144, 159	Tract No.:	WV-LE-053, WV-NI-084.01, WV-GR-023
Current Land Use/ Vegetative Cover:	W-H109: Developed, Open Space; W-H35 & W-HS1: Deciduous Forest	Other Agency Jurisdiction:	USACE, WVDEP
Nearby Features (Water body, T&E Habitat, Wetland, Noxious Weed Area, Residence (distance), Cultural Resource Site (distance) etc.): <input type="checkbox"/> Noxious Weed Area <input type="checkbox"/> Raptor Nest <input type="checkbox"/> Residence (Distance) <input type="checkbox"/> T/E Species Habitat <input checked="" type="checkbox"/> Cultural Resource Site <input type="checkbox"/> Water Well <input type="checkbox"/> Other (Specify):		In or w/in 50' of a wetland: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No In or w/in 50' of a waterbody: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
W-H109: 46LE101 - 775ft east, 0132 J.Law Residence #2 - 400ft northeast, 0133 J.Law Residence #1 - 350ft southeast; 0134 Staunton-Parkersburg Turnpike/US RT 33 - 75ft south (all Non Eligible resources); W-H35 & W-HS1: N/A		Wetland or Waterbody ID: W-H109, W-H35, W-HS1 S-H170	
Additional Stream footage impacted:	0.00	Additional Wetland acreage impacted:	0.063
Net acreage affected:	0.063		
Tree Clearing Required:	NO	Acreage of tree clearing:	0.00
Variance Level: <input type="checkbox"/> Level 1 <input type="checkbox"/> Level 2 <input checked="" type="checkbox"/> Level 3			
Variance From: <input checked="" type="checkbox"/> Permit <input type="checkbox"/> Plan <input type="checkbox"/> Procedures <input type="checkbox"/> EPPM <input type="checkbox"/> Specification <input type="checkbox"/> Drawing <input type="checkbox"/> Mitigation Measure <input type="checkbox"/> Line List <input type="checkbox"/> Other: Describe:			
Detailed Description of Variance: Attachments? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Photos? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Mountain Valley Pipeline LLC requests a variance to change temporary, construction impacts to permanent impacts for W-H109, W-H35, and W-HS1. The net acreage affected is 0.063 acre (W-H109: 0.003ac, W-H35: 0.02ac, W-HS1: 0.04ac). These permanent wetland impacts have been authorized by the USACE and WVDEP. These wetlands are crossed by the pipeline centerline, and due to topographic location, restoration of the resources is unlikely. One stream, S-H170, was identified within 50 feet, but outside the variance area for W-H109, and will not incur additional impacts as a result of this variance. Additional impacts to cultural resources, or rare threatened and endangered species will not occur. No tree clearing will be required for this variance.			
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: Due to the existing topographic conditions it is unlikely the resources would maintain their pre-construction properties following final restoration; therefore Mountain Valley identified these as permanent impacts and has purchased the appropriate mitigation credits.			

For MVP Use Only			
Additional Surveys Required		Surveyed Corridor Description	Additional Surveys Completed
Cultural Survey	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The locations for this variance request were evaluated for cultural resources, waterbodies and wetlands, threatened and endangered species, and habitat.	<input type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes <input 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 2/28/2023. The cultural resources surveys were reported in: Mountain Valley Pipeline Project, Cultural Resources Survey, Volume I, Wetzel, Harrison, Doddridge and Lewis Counties, West Virginia (Espino et al. July 2015), and Mountain Valley Pipeline Project, Cultural Resources Survey, Volume III, Nicholas, Greenbrier, and Fayette Counties, West Virginia (Espino et al. December 2015). These reports were filed with the FERC on 9/12/2015 and 12/24/2015. Clearances were received from the WVDCH on 10/6/2015 and 1/27/2016. The Concurrence Letters are provided in Attachment 4.			
Landowner:		REDACTED	
Land Agent Contact:		Brian Murphy	
Landowner Approval Obtained:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Date of Landowner Approval: 5/3/2018, 9/22/2016, 12/14/2015
Sign Off:	Name	Signature	Date
Construction Manager	Brent Ladd	<i>Brent Ladd</i>	7/27/2023
Lead Environmental Inspector - Spread B	Rodney Minney	<i>Rodney Minney</i>	7/27/2023
Lead Environmental Inspector - Spread E	Jonathan Houde	<i>Jonathan Houde</i>	7/27/2023
Third Party Compliance Manager or monitor			
ROW Land Agent *	Brian Murphy	<i>Brian Murphy</i>	7/27/2023
Environmental Supervisor	Matt Hoover	<i>Matt Hoover</i>	7/27/2023
*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.: B, E

Variance Request No.: MVP-042

VARIANCE CONDITIONS

Name: Title: Organization:

Conditions:

Name: _____ Title: _____ Organization: _____

Conditions:

Name: _____ Title: _____ Organization: _____

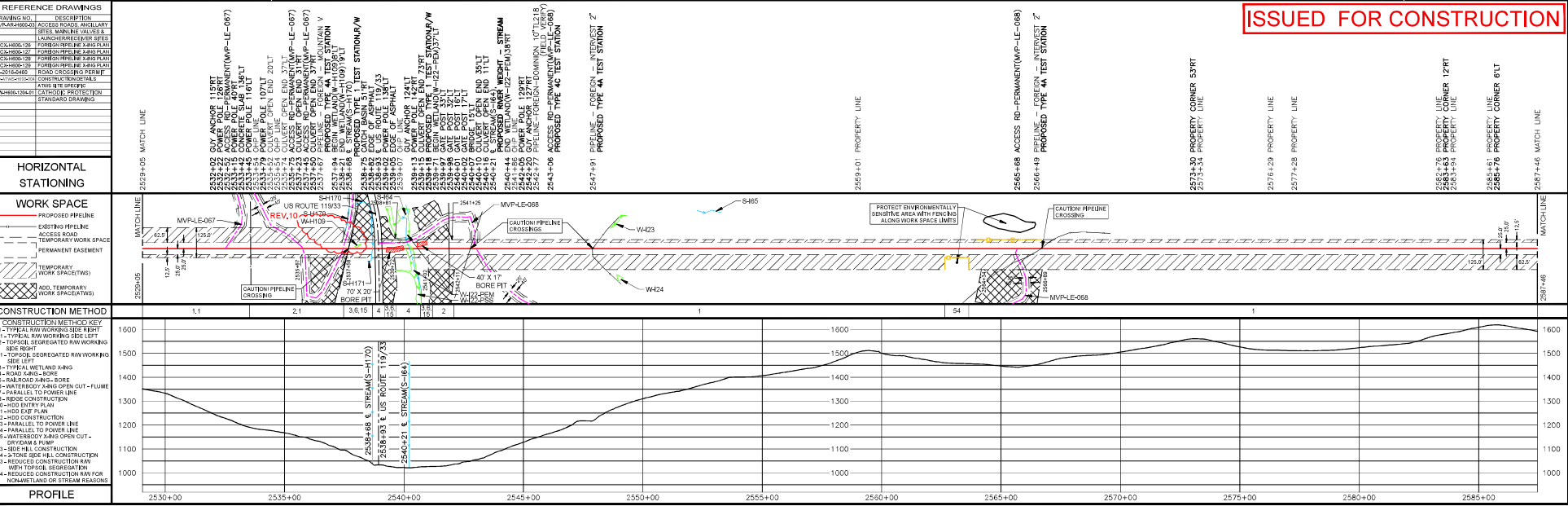
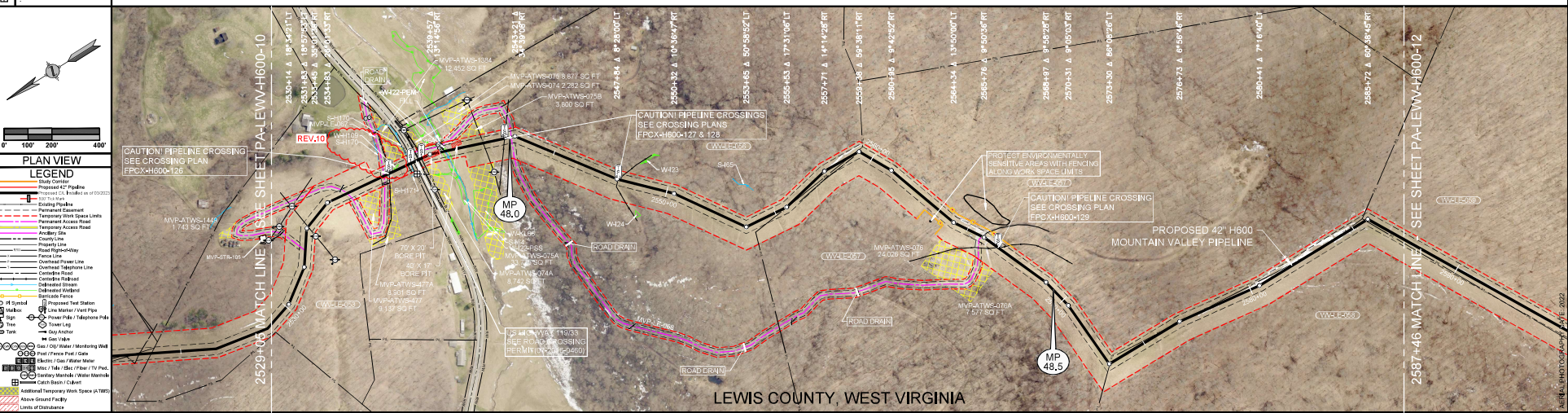
Conditions:

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

**Alignment Sheets
Attachment 1**



RIGHT-OF-WAY & OWNERSHIP DATA																					
DESIGN	PIPE / COATING	1	2	3	4	5	6	7	8	9	10										
DESIGN	SLOPE DISTANCE	600	40	240	40			4800													
DESIGN	CLASS LOCATION / HCA	1																			
ENVIRONMENTAL	CONSTRUCTION EXCLUSION	NO TREE CLEARING ALLOWED UNLESS APPROVED BY MOUNTAIN VALLEY ENVIRONMENTAL. AVIAN SURVEYS REQUIRED FOR VEGETATIVE MAINTENANCE APRIL 1 - AUGUST 31.																			
ENVIRONMENTAL	WETLAND / STREAM	<table border="1"> <tr> <th></th> <th>VAH10B</th> <th>S4H170</th> <th>S4B4</th> <th>WH22-2PBM</th> </tr> <tr> <td>27 LF</td> <td>3 LF</td> <td>4 LF</td> <td>73 LF</td> <td></td> </tr> </table>											VAH10B	S4H170	S4B4	WH22-2PBM	27 LF	3 LF	4 LF	73 LF	
	VAH10B	S4H170	S4B4	WH22-2PBM																	
27 LF	3 LF	4 LF	73 LF																		



ISSUED FOR CONSTRUCTION

HOLLAND ENGINEERING
1200 UNIVERSITY AVENUE, SUITE 200, FREDERICK, MD 21701
TEL: 301.477.4000 FAX: 301.477.4001
WWW.HOLLANDENGINEERING.COM

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR CONSTRUCTION	09/06/2023

MATERIAL SUMMARY

NO.	DESCRIPTION	QTY	UNIT
1	PROPOSED 42\"/>		

MOUNTAIN VALLEY PIPELINE
PIPELINE ALIGNMENT - H600 LINE
PREEMANS DIST., LEWIS CO. W.V.
STA. 2529+05 TO STA. 2587+46

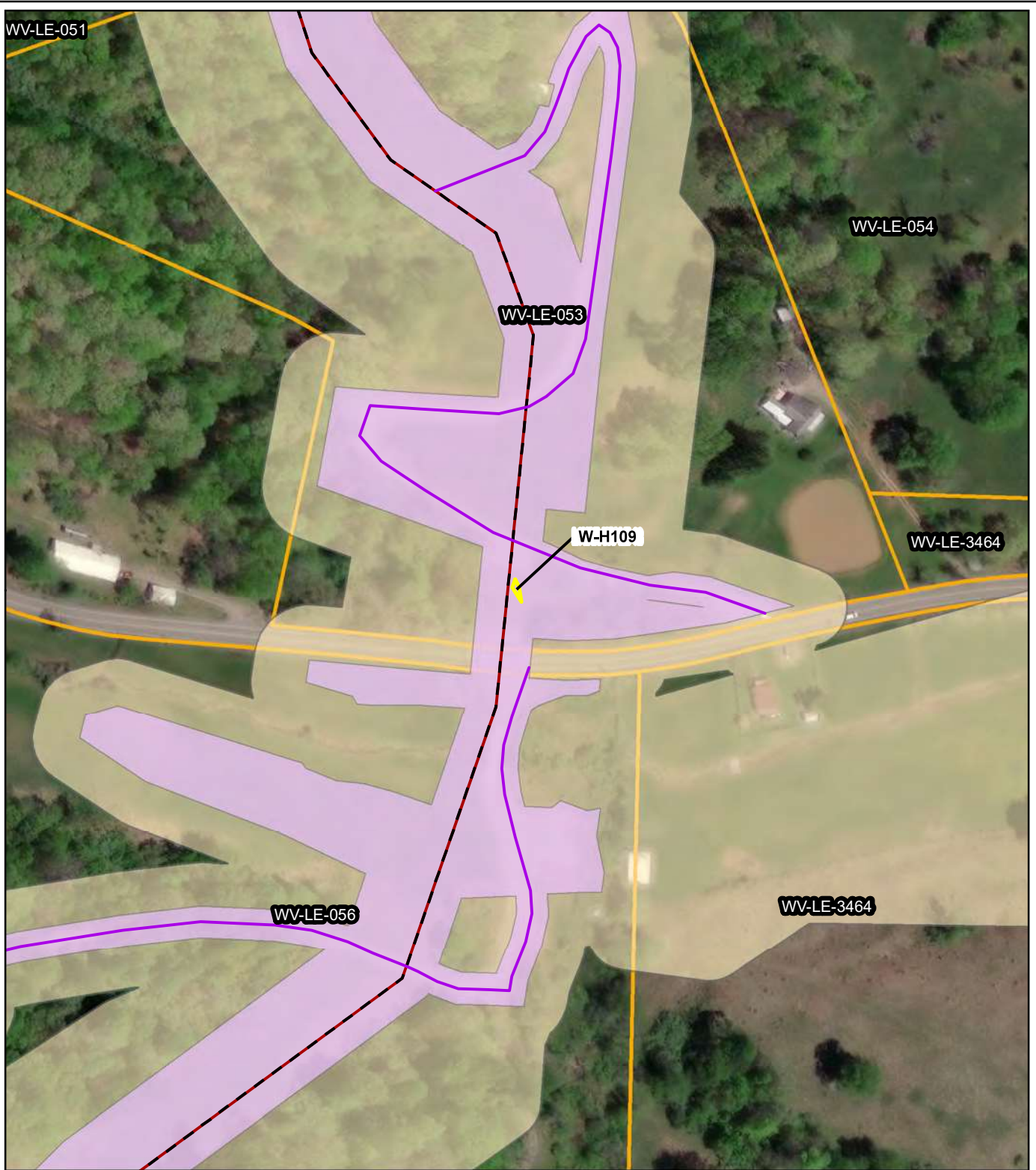
PA-LEW-H600-11
SHEET 13 OF 28
DATE OF PLOT: 08/29/23 10:58 AM

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

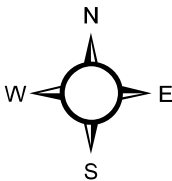
**Rare, Threatened, and Endangered Species Report
Attachment 2**

Mountain Valley Pipeline Project
MVP-042
July 31, 2023

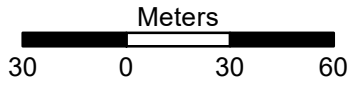
Mountain Valley Pipeline received the Biological Opinion and Incidental Take Statement from the USFWS on February 28, 2023. These areas are entirely contained within the areas evaluated.



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

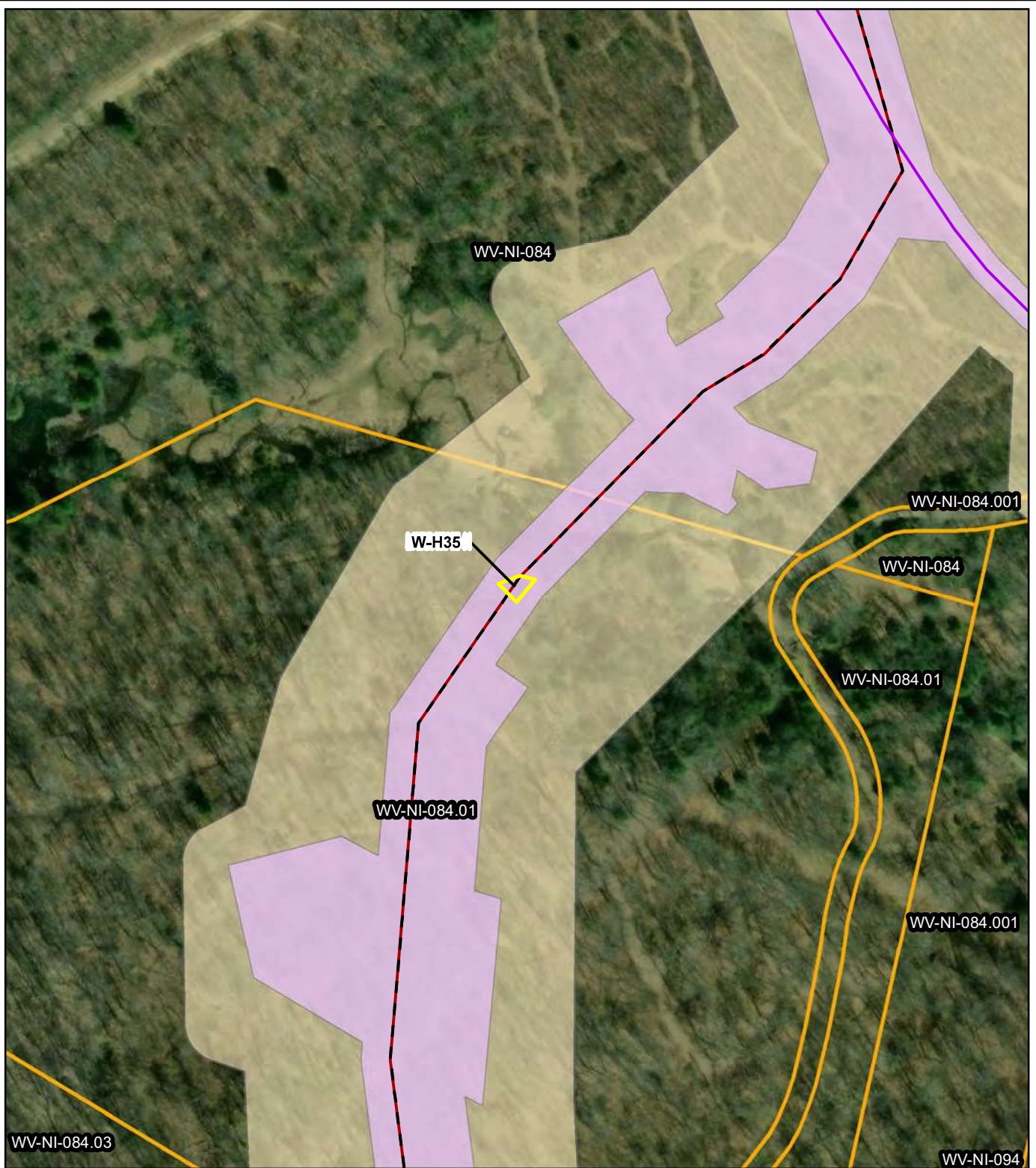


Mountain Valley Pipeline Variance Survey Exhibit; MVP-042: W-H109

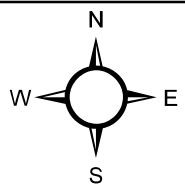


Base Map
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 accessed: 8/1/2023

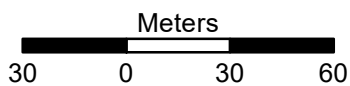
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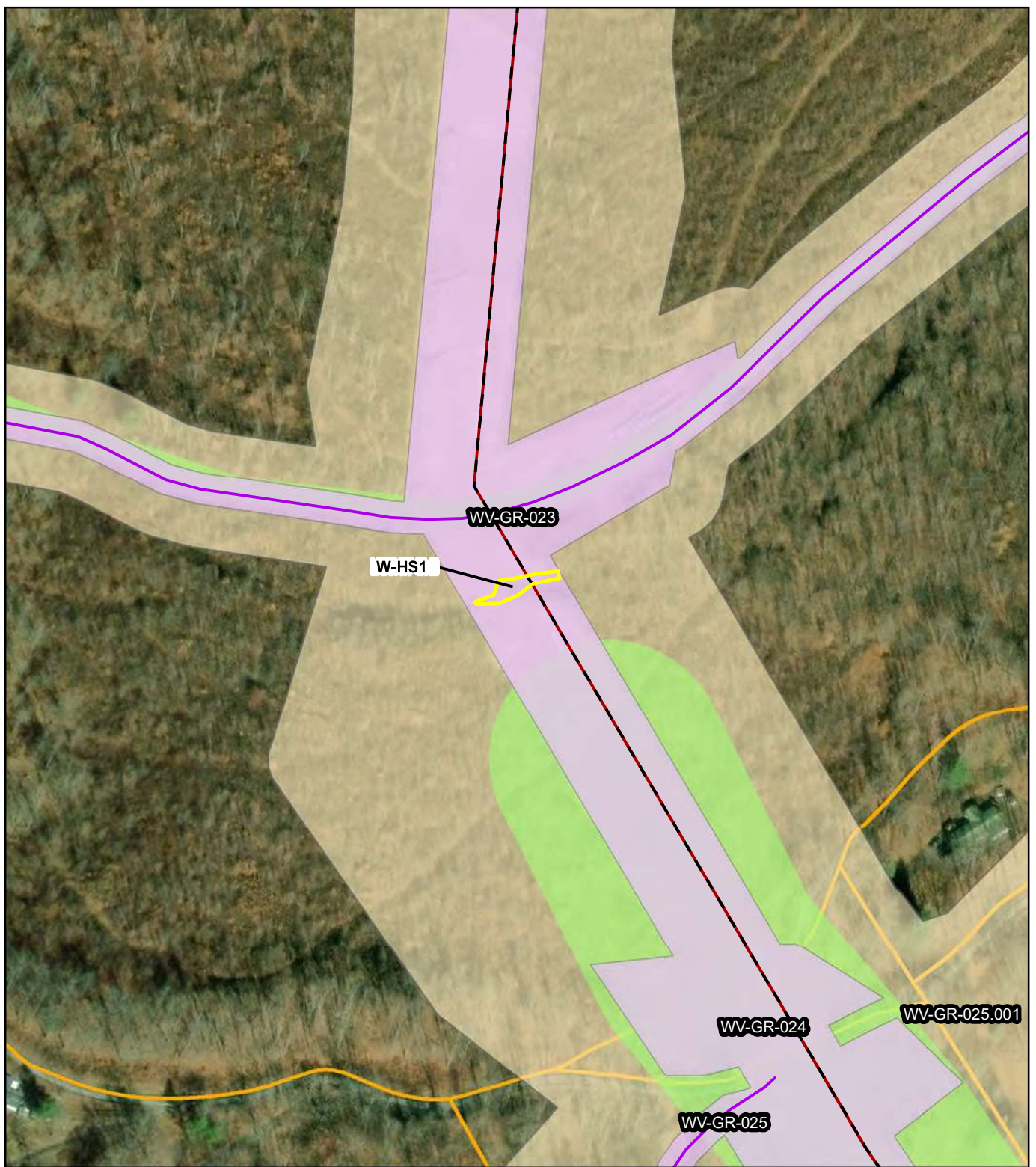
- MVP Access Road
- MVP LOD
- MVP Variance
- ESI Portal Survey Coverage
- MVP Centerline
- Parcel Boundary



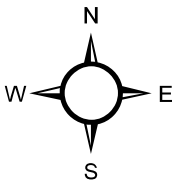
Mountain Valley Pipeline Variance Survey Exhibit; MVP-042: W-H35



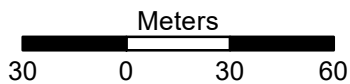
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 accessed: 8/1/2023



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



Mountain Valley Pipeline Variance Survey Exhibit; MVP-042: W-HS1



Base Map
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**Mountain Valley Pipeline, LLC
Mountain Valley Pipeline Project
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**Waterbodies and Wetlands Report
Attachment 3**

Mountain Valley Pipeline Project

MVP-042

August 14, 2023

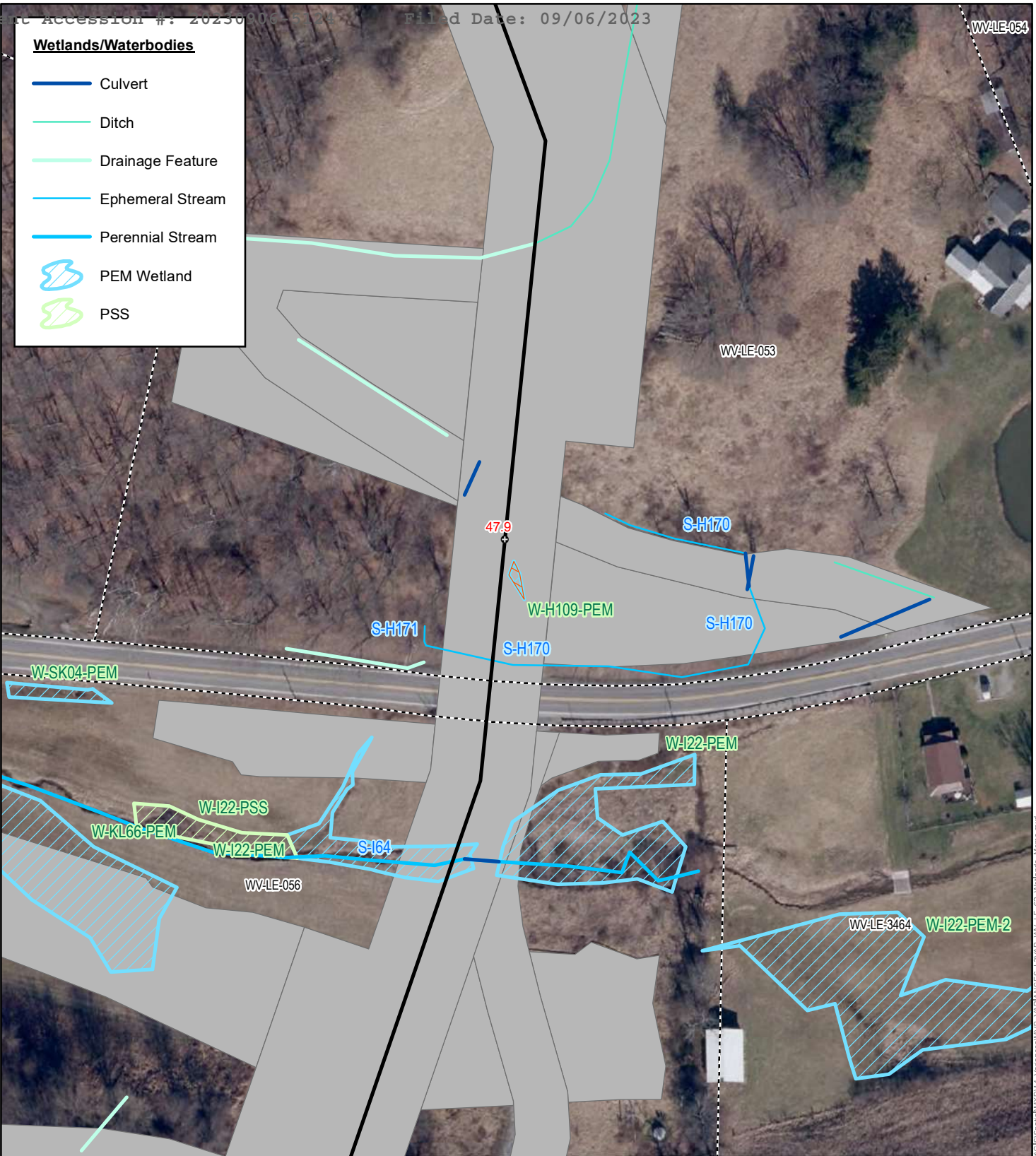
Tetra Tech, Inc. (Tetra Tech) surveyed the proposed MVP-042 variance in Lewis, Nicholas, and Greenbrier Counties, WV for wetlands and streams. Wetland delineations were conducted utilizing the Routine On-Site Determination Methodology presented in the US Army Corps of Engineers (USACE) Wetland Delineation 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).

Survey dates and results from the field surveys are shown on the table below and attached figures. The table below lists features within the variance areas and features that are in the vicinity, but not within the variance areas. Features that were considered to be in the vicinity of the variance areas are those that are located within 50 feet, but outside of, the variance areas. This information is being provided to the FERC to update wetland temporary impacts to permanent, as permitted by USACE and WVDEP.

Wetland	County	State	Survey Dates	Features within Variance Area	Features in the vicinity of the Variance Area
W-H109	Lewis	WV	5/20/2015, 9/25/2019	W-H109	S-H170
W-H35	Nicholas		4/20/2015, 10/16/2019	W-H35	N/A
W-HS1	Greenbrier		5/11/2018, 11/12/2022	W-HS1	N/A

Wetlands/Waterbodies

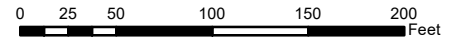

-  Culvert
-  Ditch
-  Drainage Feature
-  Ephemeral Stream
-  Perennial Stream
-  PEM Wetland
-  PSS



Mountain Valley Pipeline Project



NAD 1983 UTM 17N

**Proposed Variance
MVP-042: W-H109**

Lewis County, West Virginia

August 2023

- Legend**
-  Issued for Construction Milepost
 -  Issued for Construction Limits of Disturbance
 -  Issued for Construction Route
 -  Proposed Variance Wetland Permanent Impact
 -  Parcel Boundary



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

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

**Variance Request Map
Attachment 6**



Mountain Valley Pipeline Project NAD 1983 UTM 17N

0 25 50 100 150 200 Feet

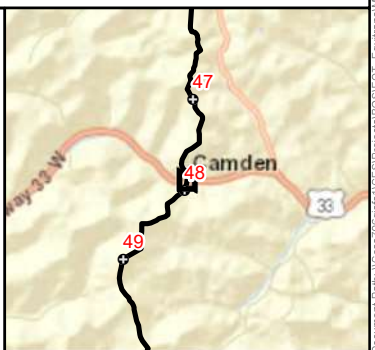
FERC Docket No. CP16-10-000

MVP Variance
MVP-042: W-H109

LEWIS COUNTY
August 2023

Legend

- Issued for Construction Milepost
- Parcel Boundary
- Issued for Construction Route
- Proposed Variance Wetland Permanent Impact
- Issued for Construction Limits of Disturbance



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



Mountain Valley Pipeline Project NAD 1983 UTM 17N

0 25 50 100 150 200 Feet

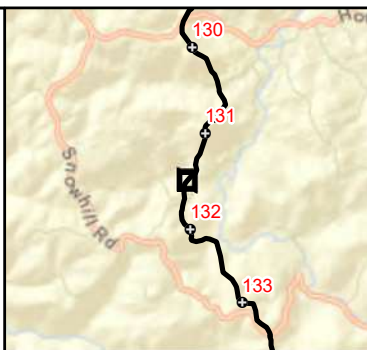
FERC Docket No. CP16-10-000

**MVP Variance
MVP-042: W-H35**

NICHOLAS COUNTY
August 2023

Legend

- Issued for Construction Milepost
- Parcel Boundary
- Issued for Construction Route
- Proposed Variance Wetland Permanent Impact
- Issued for Construction Limits of Disturbance



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

Document Content(s)

PUBLIC MVP 042.pdf.....1