

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

**Responses to FERC Staff’s Recommended Mitigation
in Final Environmental Impact Statement**

16. **Prior to construction**, Mountain Valley shall file with the Secretary, for review and approval by the Director of OEP, a segment-specific construction and operation access plan for the area between MP 237.6 and 240.3, that does not include access road MVP-RO-279.01. (*section 3.5.1.12*)

Response:

Mountain Valley strongly objects to this recommended condition. It introduces unnecessary environmental impacts and safety risks on the Project. In the FEIS, Commission Staff “determined that the apparent impacts of widening [access road MVP-RO-279.01] outweigh the demonstrated need.”¹ The safety of Mountain Valley’s personnel, the environment, and the general public must be paramount in the Commission’s analysis of alternatives. As discussed below, these environmental and safety considerations fully justify Mountain Valley’s use of this existing road and vastly outweigh the minor environmental impacts associated with expanding the existing road. This recommended condition should not be adopted by the Commission in its Certificate Order for the Project.

1. Recommended Condition 16 Introduces Unnecessary Environmental Impacts

Commission approval of Mountain Valley’s use of access road MVP-RO-279.01 would significantly decrease environmental impacts to streams and wetlands.

In its February 17, 2017 data response, Mountain Valley stated that the section of right-of-way between mileposts 237.6 and 239.7 would be inaccessible from other access points without significant stream and wetland encroachment. While the FEIS noted the streams and wetlands in the area between the temporary access roads nearest to MVP-RO-279.01, it did not discuss any environmental impacts to these streams and wetlands during construction or operation.² As discussed in detail in Section 2 below, constructing the Project without the use of access road MVP-RO-279.01 requires extremely slow winching or aerial techniques to provide access for material, equipment, fuel, and workers. These techniques increase the amount of time that Mountain Valley is actively constructing in the area, which increases environmental impacts, particularly on the streams and wetlands in the area. Mountain Valley’s use of access road MVP-RO-279.01 would minimize these impacts.

Further, the FEIS did not address the challenges created during operation and the associated impacts. During operation, Mountain Valley personnel and emergency responders would access the right-of-way using permanent access roads and public roads, not temporary access roads. The nearest operational access from the north would be via permanent access road MVP-MLV-AR-

¹ FEIS at 3-76.

² *See id.*

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

**Responses to FERC Staff’s Recommended Mitigation
in Final Environmental Impact Statement**

028 (milepost 236.4) and to the south via Honeysuckle Road (milepost 240.3), which is a public road. Attachment 1 shows there are four streams and one wetland located on the right-of-way itself between permanent access road MVP-MLV-AR-028 and Honeysuckle Road. Without the use of access road MVP-RO-279.01, access for maintenance personnel or emergency responders requires unnecessary crossings and associated impacts to these streams and wetlands, increased response time due to the crossings, and winching or aerial techniques and associated impacts. Mountain Valley’s use of access road MVP-RO-279.01 would minimize these impacts and decrease response time.

2. Recommended Condition 16 Introduces Unnecessary Safety Risks

Commission approval of Mountain Valley’s use of access road MVP-RO-279.01 would significantly increase Project safety. To illustrate the construction and engineering challenges as well as the techniques that would be necessary without the use of access road MVP-RO-279.01, Mountain Valley has included two figures that show the slope percentages (Attachment 2) and elevation profile (Attachment 3) of the right-of-way in the relevant area. Without the use of access road MVP-RO-279.01, material, equipment, fuel, and workers must access the right-of-way using access roads MVP-MN-278.01 (milepost 237.5) and MVP-RO-280 (milepost 240.5) or aurally during construction. As shown in Attachment 2, the right-of-way and the surrounding area are steeply sloped. Consequently, the surrounding topography is not conducive to access roads other than MVP-RO-279.01³ and using the right-of-way for access requires techniques for sloped areas. The steeply sloped nature of the right-of-way is further shown in Attachment 3.

As discussed below, access using only the pipeline right-of-way introduces unnecessary safety concerns. In the event Mountain Valley is not permitted to use access road MVP-RO-279.01, this is the only area on the Project where Mountain Valley expects to require the techniques discussed below to provide access to the right-of-way.

- a. **Winch Positioning** – Winch construction typically proceeds downward from the top of the slope. As shown in Attachment 3, access road MVP-RO-279.01 intersects the pipeline right-of-way at the top of the slope, which means Mountain Valley could start construction and transport materials, equipment, fuel, and workers from the safest location. Without the use of access road MVP-RO-279.01, Mountain Valley may be required to clear and grade the right-of-way, and move equipment up the slope, without the aid of a winch cable until the initial winch tractor is positioned at the top of the ridge. After the initial winch tractor is positioned, additional winch tractors would be necessary in steeply sloped areas. These winch tractors, access techniques, and their

³ Mountain Valley agrees with Commission Staff’s statement in the FEIS that creating greenfield access roads in this area “would not provide a significant environmental advantage.” FEIS at 3-76.

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

**Responses to FERC Staff's Recommended Mitigation
in Final Environmental Impact Statement**

associated safety risks would not be necessary if Mountain Valley was permitted to use access road MVP-RO-279.01.

- b. **Excessive and Complex Winching** – Attachment 3 shows three steeply sloped areas along the right-of-way that would require up to 10 winch tractors daisy chained together to move a single load of materials, equipment, fuel, or personnel up and down the slopes. Without the use of access road MVP-RO-279.01, more than 700 additional winch loads would be necessary to transport the required materials, equipment, fuel, and workers along the right-of-way during construction using this daisy chain technique.⁴ The number and complexity of these winching processes create safety concerns. In addition, the required winching is an extremely slow process that increases the amount of time that Mountain Valley is actively constructing in the area. This, in turn, increases environmental impacts and safety risks in the area. None of these techniques would be necessary if Mountain Valley was permitted to use access road MVP-RO-279.01.
- c. **Aerial Access** – Because of the constructability and safety concerns associated with additional winching, Mountain Valley is further evaluating whether to transport pipe and certain materials to the right-of-way using helicopters, which could double the number of loads and increase noise impacts to surrounding properties for a much longer period of time. Similar to the winching processes described above, using helicopters to bring pipe and equipment to the right-of-way is an extremely slow process that increases the amount of time that Mountain Valley is actively constructing in the area, which increases environmental impacts and safety risks in the area. In addition, because certain equipment cannot be transported to the right-of-way aurally, the complex winching processes described above may still be required.
- d. **Emergency Response** – Without the use of access road MVP-RO-279.01, it could take up to two additional hours for emergency responders to reach an injured worker on the right-of-way. This could leave an injured worker without needed medical treatment for more than four additional hours.
- e. **Safe Operation and Maintenance** – Pipeline personnel need ready access to all segments of the right-of-way for safe operation of the pipeline. In the event the pipeline is damaged, operations personnel must be able to access the area in a timely manner to mitigate or repair the damage. Without access road MVP-RO-279.01, Mountain Valley may be required to bring winch tractors to the right-of-way and winch the maintenance

⁴ This estimate does not include the winch loads associated with the construction of the pipeline itself because such winch loads would be required regardless of whether Mountain Valley uses access road MVP-RO-279.01.

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

**Responses to FERC Staff's Recommended Mitigation
in Final Environmental Impact Statement**

vehicles and equipment into position. This increases response time and introduces unnecessary environmental and safety risks.

- f. **Emergency Access** – In the event of an emergency during operation, pipeline personnel and emergency responders must be able to access the area in a timely manner. Without access road MVP-RO-279.01, the only access to the right-of-way would be by foot, air, or winched equipment. As discussed above regarding safe maintenance, Mountain Valley may be required to bring winch tractors to the right-of-way and winch the emergency vehicles and equipment into position. This increases response time and introduces unnecessary environmental and safety risks.

The use of access road MVP-RO-279.01 for the construction and operation of the Project is necessary and optimal because (i) it is located on a ridge, which allows access and construction to start at the top of a hill and avoids the complexity of accessing the ridge and the need for additional winch loads or helicopters, (ii) it uses an existing road, which reduces the need to clear trees, (iii) it decreases impacts on streams and wetlands along the right-of-way, and (iv) the surrounding topography is not conducive to any other access road. Using only the pipeline right-of-way for access introduces unnecessary safety concerns.

3. Mountain Valley Proposes To Narrow The Access Road

To further decrease any environmental impact associated with access road MVP-RO-279.01, Mountain Valley proposes to narrow the road.

In its February 17, 2017 data response, Mountain Valley proposed “*up to* a 40-foot-wide workspace” (emphasis added) for access road MVP-RO-279.01, which is consistent with the requested workspace width for the other access roads on the Project. Using this maximum workspace width and considering that the Virginia Outdoors Foundation (“VOF”) parcel was previously disturbed by the 10-foot-wide existing road, Mountain Valley estimated 0.62 acres of total impact and 0.47 acres of incremental impact (after subtracting the previously-disturbed area for the existing road) to the VOF parcel.⁵ It is important to note that only 675 linear feet of access road MVP-RO-279.01 is located on the VOF parcel, which is approximately 28% of the total linear length of the road. The land tract for the remaining 72% of the access road is not subject to any conservation easement, and the landowner for that tract has not objected to the access road. Commission Staff’s analysis of access road MVP-RO-279.01 in the FEIS focuses solely on the VOF parcel while not considering the remaining 72% of the existing road.

Mountain Valley has further reviewed the workspaces that may be required for access road MVP-RO-279.01. While narrowing access road MVP-RO-279.01 is not optimal because it would limit

⁵ For the entire access road (inclusive of the portion on the VOF parcel), Mountain Valley estimated up to 1.87 acres of total impact and 1.40 acres of incremental impact.

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

**Responses to FERC Staff's Recommended Mitigation
in Final Environmental Impact Statement**

the road to one-way traffic instead of two-way traffic, Mountain Valley is proposing to do so to emphasize the importance of this access road to Project safety. Mountain Valley is amenable to upgrading and widening the existing road only to the extent necessary to permit passage of equipment and materials to the right-of-way.⁶ Attachment 4 includes a representative drawing for narrowing access road MVP-RO-279.01. Mountain Valley believes it can narrow the access road (inclusive of the width of the existing road) to 15 feet on straight portions and 20 feet on curved portions⁷ and narrow the workspace to 20 feet on straight portions and 30 feet on curved portions.⁸ However, the widths shown in Attachment 4 are only estimates because Mountain Valley is unable to perform additional surveys to provide more detailed information. Mountain Valley proposes to work with Commission Staff to provide a site-specific drawing for approval prior to construction. To memorialize this commitment, Mountain Valley proposes that the Commission replace Recommended Condition 16 with the following in the Certificate Order:

16. **Prior to construction**, Mountain Valley shall file with the Secretary, for review and approval by the Director of OEP, a site-specific drawing for access road MVP-RO-279.01 and justification for road widths that exceed 15 feet for straight portions and 20 feet for curved portions, and justification for workspace widths that exceed 20 feet for straight portions and 30 feet for curved portions, for access road MVP-RO-279.01.

Mountain Valley previously estimated 0.62 acres of total impact and 0.47 acres of incremental impact (after subtracting the previously-disturbed area for the 10-foot-wide existing road) to the VOF parcel using the estimated 40-foot-wide workspace. By narrowing the workspace as discussed above, Mountain Valley estimates 0.32 acres of total impact (52% of the prior estimate) and 0.17 acres of incremental impact (36% of the prior estimate) to the VOF parcel. While the need for access road MVP-RO-279.01 for Project safety already substantially outweighed the minor environmental impacts associated with the originally-proposed 40-foot-wide workspace, narrowing the workspace further reduces impacts associated with the access road.

⁶ Mountain Valley estimates that the widest equipment would be a CAT D8T Crawler Dozer or equivalent (shipping width of 8 feet 8 inches) and the tallest equipment would be a CAT 587 pipe-layer or equivalent (vertical shipping height of 12 feet 7 inches).

⁷ A 20-foot-wide roadbed would be required along curved portions of the road to accommodate the turn radius of trucks hauling materials and equipment.

⁸ This workspace would accommodate unobstructed passage of the equipment via vegetation trimming. The vertical impact of vegetation trimming would be limited to approximately 13 feet above the roadbed. Any required erosion and sedimentation controls would be placed within the workspace.

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

**Responses to FERC Staff's Recommended Mitigation
in Final Environmental Impact Statement**

4. By Removing Access Road MVP-RO-279.01 From The Project, The VOF Would Not Realize Any Mitigation Benefit

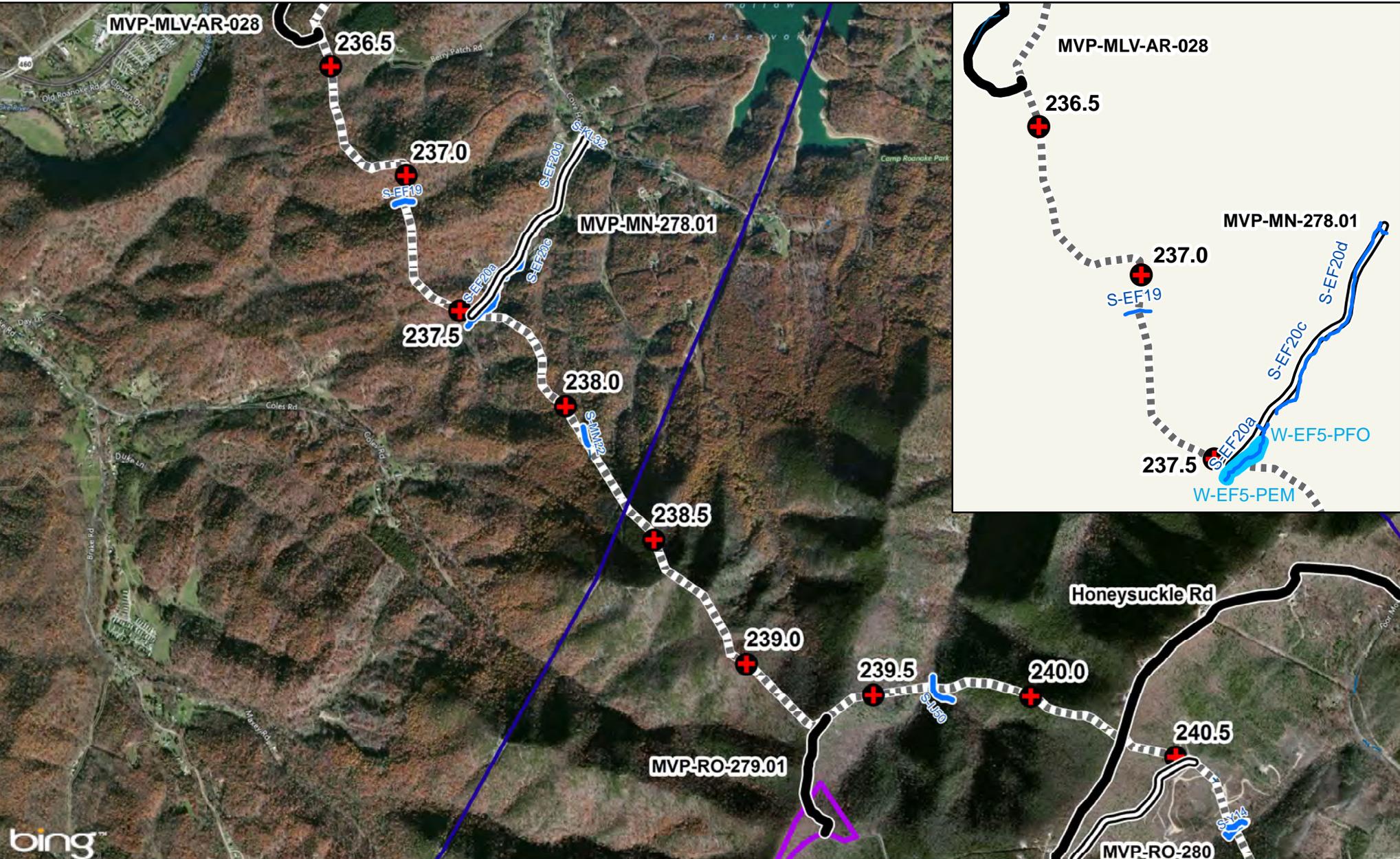
Mountain Valley proposed to mitigate the impacts on the VOF parcel by replacing the portion of the VOF parcel affected by access road MVP-RO-279.01 with 10.25 acres of undisturbed, high-quality forested lands adjacent to Poor Mountain Natural Area Preserve. This property is approximately five miles northeast of the proposed access road. Using the originally-requested 40-foot-wide workspace, the proposed 10.25 acres of compensatory mitigation represented a 17:1 ratio to total impacts from the access road and a 22:1 ratio to incremental impacts. Although narrowing the workspace on the VOF parcel substantially decreases impacts, Mountain Valley is not proposing to decrease the mitigation acreage offered to the VOF. Using the narrowed workspace, the compensatory mitigation acreage ratio increases significantly to 32:1 for total impacts and 60:1 for incremental impacts. In addition, while the VOF parcel affected by access road MVP-RO-279.01 is already disturbed by the existing road, the parcel offered to the VOF as compensatory mitigation is undisturbed, which further benefits the VOF.

If the Commission adopts Recommended Condition 16 and does not allow Mountain Valley to construct and use access road MVP-RO-279.01, then the VOF will not realize any compensatory mitigation and will not accrue any benefits as a result of the Project.

5. Conclusion

Safety is Mountain Valley's number one priority. The Commission's analysis of alternatives must focus on the safety of Mountain Valley's personnel, the environment, and the general public. As the Commission has done in the past, it should decline to adopt a recommended condition that introduces unnecessary safety and constructability risks to a project.⁹ As discussed above, environmental and safety considerations fully justify Mountain Valley's use of this existing road and vastly outweigh the minor environmental impacts associated with expanding the existing road. Recommended Condition 16 should not be adopted in the Certificate Order for the Project.

⁹ See, e.g., *Gulf South Pipeline Co., LP*, 110 FERC ¶ 61,338 at PP 22-29 (2005) (Commission deleted a recommended condition that compromised worker and environmental safety and constructability).



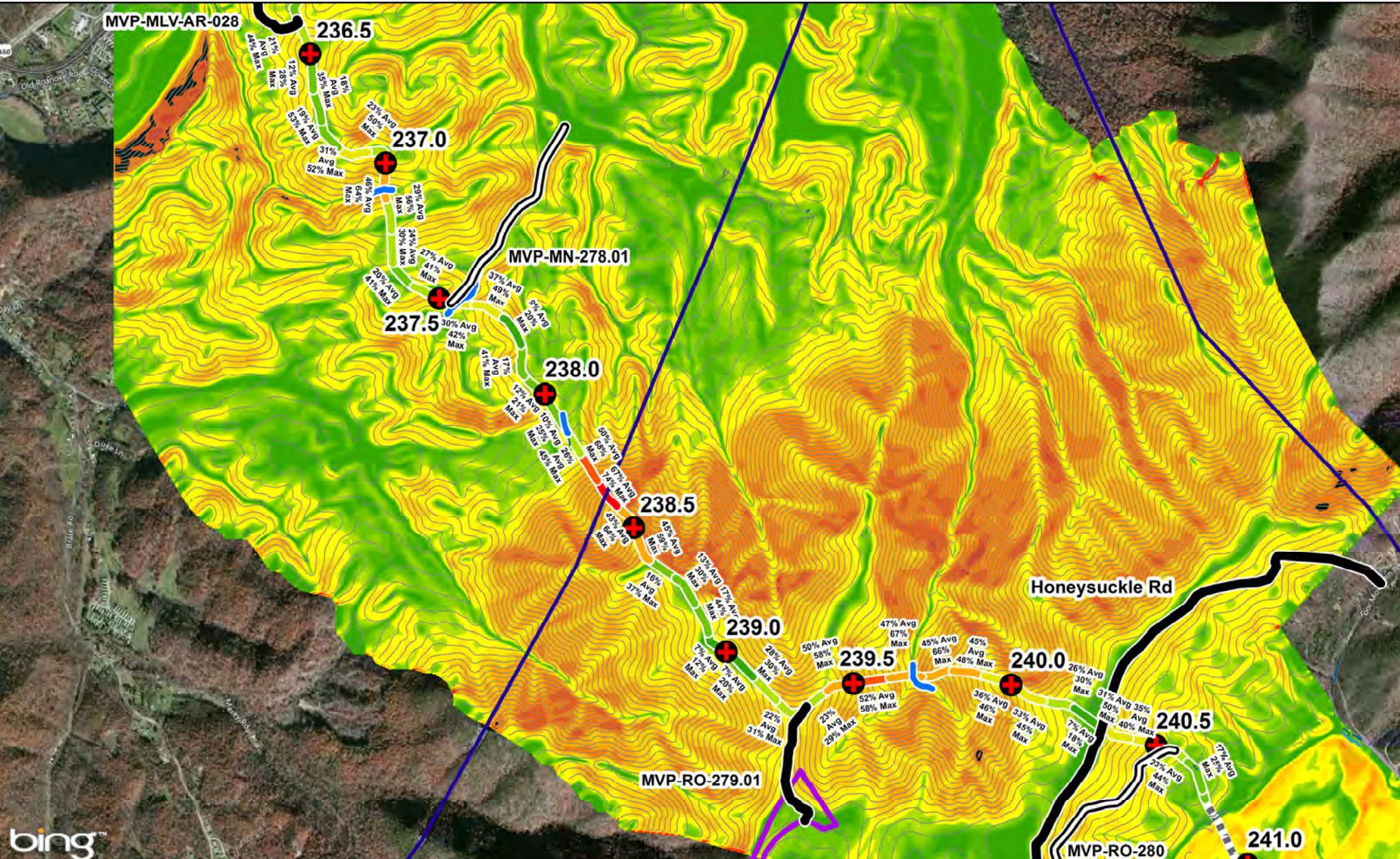

**ATTACHMENT 1:
STREAMS AND WETLANDS BETWEEN
ACCESS ROAD MVP-MLV-AR-028 AND
HONEYSUCKLE ROAD**

7/19/2017




LEGEND

- Proposed Route
- Stream
- Electrical Transmission Line
- VOF Easement
- Access Roads
- PERMANENT
- TEMPORARY



Mountain Valley
PIPELINE

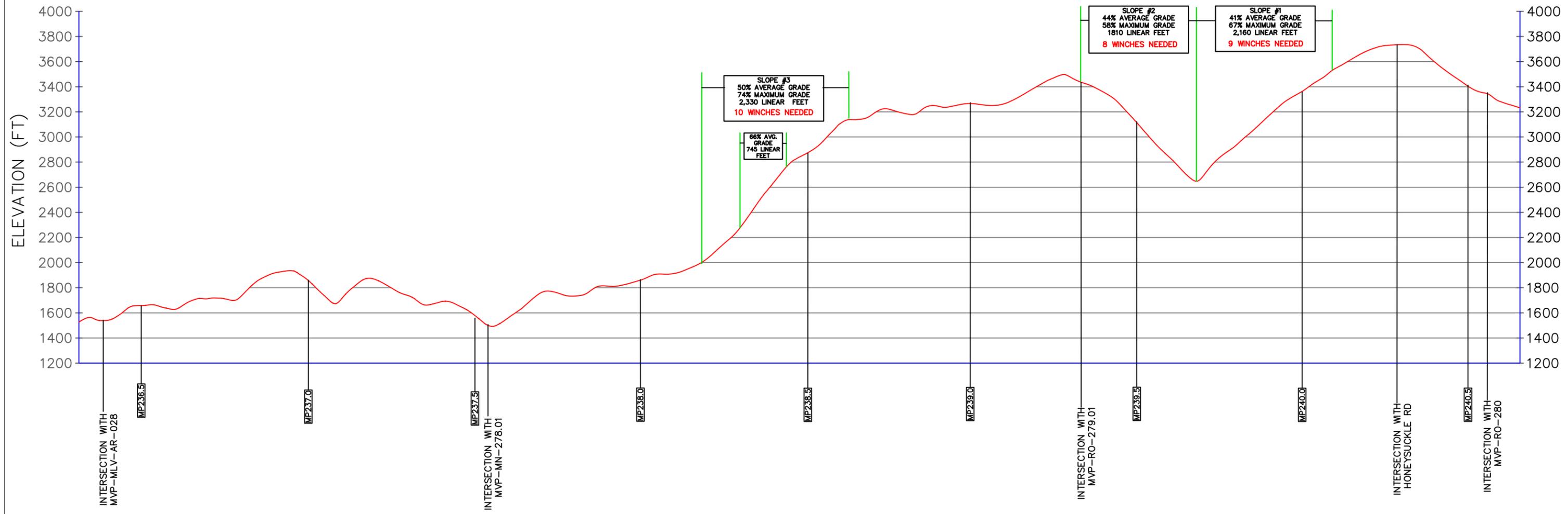
**ATTACHMENT 2:
SLOPES OF ROW AND
SURROUNDING AREA**

7/20/2017 0 0.2 0.4 0.6 0.8 1 Miles



LEGEND

- ▬▬▬ Proposed Route
- Stream
- Electrical Transmission Line
- VOF Easement
- Access Roads
- PERMANENT
- TEMPORARY



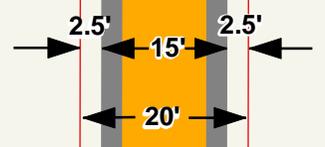
* 2X Vertical Enhancement Shown



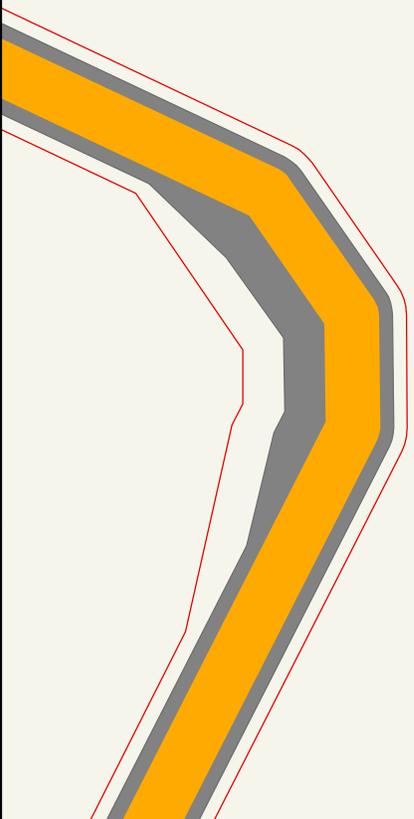
ATTACHMENT 3:
ELEVATION PROFILE, SLOPES AND
REPRESENTATIVE ACCESS BETWEEN
MVP-MLV-AR-028 AND MVP-RO-280



Straight Portions of Road



Curved Portion of Road



**ATTACHMENT 4:
MVP-RO-279.01
REPRESENTATIVE DRAWING -
PROPOSED ACCESS ROAD UPGRADES**



LEGEND

- ■ Proposed Pipeline
- Proposed MVP-RO-279.01
- 10' Wide Existing Road
- Workspace
- Proposed ATWS
- VOF Easement

*All dimensions are approximate. Representative drawing subject to additional field survey.