

# MVP Variance Request Form

Variance Request



No.: MVP-003

Date Approval Requested by Contractor:

Date Submitted by Chief Inspector to LEI:

Date Received by FERC:

FERC Approval Reference No.:

Requested By: *John Uhrin*

Spread: *Project Wide*

Variance Type: *PM*

Request Prepared By \*: *Phil Veneziano*

Variance Sequence Number: *MVP-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: *Project Wide*

To:

Milepost:

To:

Alignment Sheet Number: *N/A*

Tract No.: *All*

Current Land Use/ Vegetative Cover: *All*

Other Agency Jurisdiction: *None*

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): *Site Specific*

In or w/in 50 feet of a wetland:  Yes     No

In or w/in 50 feet of a waterbody:  Yes     No

Wetland or Waterbody ID: *Site Specific*

Additional Stream footage impacted: *None*

Additional Wetland impacts: *N/A*

Net acreage affected: *N/A*

Tree Clearing Required: *N/A*

Acreage of tree clearing: *N/A*

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

The FEIS for the MVP Project confirmed that pipeline construction would generally occur during "daylight hours." See page 2-55 ("Work would be conducted during daylight hours, except where the pipe would be installed using the HDD and bore methods, which require around-the-clock operations and typically last a few days to a few weeks."); page 4-390 ("Construction activities would be scheduled to take advantage of daylight hours."); page 4-535 ("Sound level increases during pipeline construction would be intermittent and would generally occur during daylight hours, with the possible exception of some HDD activities."). The FEIS also contemplates working before and after daylight hours for pipeline construction using artificial lighting. See page 4-204 ("Mountain Valley and Equitrans would only use artificial lighting as necessary during construction between the hours of 7:00 am and 7:00 pm, except for during emergencies or limited instances of 24-hour construction activities (e.g., HDD during construction along the EEP).") In addition, for compressor stations and other aboveground facilities, the FEIS confirmed that construction "would be primarily limited to daytime hours," which FERC defines as being until 10:00 PM. See page 4-535.

Mountain Valley is submitting this variance to further define the hours when construction activities will generally occur Project-wide. The Federal Aviation Administration defines "Night" as "the time between the end of evening civil twilight and the beginning of morning civil twilight[.]" 14 C.F.R. § 1.1. Using this definition, Mountain Valley proposes to use the morning and evening civil twilight times published by the U.S. Naval Observatory for Roanoke, Virginia as the general start and stop times for activities associated with pipeline construction, except when morning civil twilight would be after 7:00 AM (in which case the start time is adjusted to 7:00 AM) and the evening civil twilight would be prior to 7:00 PM (in which case the stop time is adjusted to 7:00 PM). See Attachment A. For activities associated with the construction of aboveground facilities, Mountain Valley expects to work from the start times shown in Attachment A until 10:00 PM. In its noise analysis for the construction of aboveground facilities, FERC defines the daytime average sound level (Ld) to apply until 10:00 PM. FERC has already reviewed and approved the noise impacts for construction work at aboveground facilities until 10 PM.

The times shown in Attachment A are generally-applicable Project-wide. However, work may occur outside of these windows in certain circumstances, including 24-hour drilling for HDD or bores, 24-hour work at compressor stations (as approved by FERC), extended work to comply with stream crossing time requirements, extended work due to upcoming inclement weather, extended work to resolve a safety issue, hydrostatic testing, tie-ins, and other similar circumstances.

|  |                                       |   |             |
|--|---------------------------------------|---|-------------|
| <b>List Attachments:</b>   | Attachment A - MVP Construction Times |   |             |
| <b>Variance Justification:</b>   |                                       |   |             |
| See description above.   |                                       |   |             |
| <b>For MVP Use Only</b>  |                                       |   |             |
| <b>Additional Surveys Required</b>   | <b>Surveyed Corridor Description</b>  | <b>Additional Surveys Completed</b>                                 |             |
| Cultural Survey <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      | N/A                                   | <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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No |             |
| <b>Proof of Previous Biological and Cultural Survey Clearance</b>                        |                                       |   |             |
| N/A  |                                       |   |             |
| <b>Landowner:</b>  |                                       |   |             |
| Land Agent Contact   |                                       |   |             |
| Landowner Approval <input type="checkbox"/> Yes <input type="checkbox"/> No              |                                       |   |             |
| Obtained   |                                       |   |             |
| <b>Sign Off:</b>   | <b>Name</b>                           | <b>Signature</b>  | <b>Date</b> |
| Construction Manager   | <i>John Uhrin</i>                     | <i>John Uhrin</i>   | 6/5/2018    |
| Lead Environmental Inspector   | <i>n/a</i>                            |   |             |
| Third Party Compliance Manager or monitor  | <i>n/a</i>                            |   |             |
| ROW Land Agent *   | <i>n/a</i>                            |   |             |
| Environmental Supervisor   | <i>Megan Neylon</i>                   | <i>Megan Neylon</i>   | 6/5/2018    |
| *signature denotes confirmed landowner approval  |                                       |   |             |

**For FERC Compliance Monitor and Compliance Manager Use Only**

|                    |  |                  |  |                   |  |
|--------------------|--|------------------|--|-------------------|--|
| Variance Approved: |  | Variance Denied: |  | Beyond Authority: |  |
| Signature:         |  |                  |  |                   |  |
| Date:              |  |                  |  |                   |  |
| Stipulations:      |  |                  |  |                   |  |

|  |   |
|--|---|
| <b>Spread No.:</b> <u>Project Wide</u> | <b>Variance Request No.:</b> <u>MVP-003</u> |
|--|---|

**VARIANCE CONDITIONS**

|             |  |        |  |               |  |
|-------------|--|--------|--|---------------|--|
| Name:       |  | Title: |  | Organization: |  |
| Conditions: |  |        |  |               |  |
|             |  |        |  |               |  |

|             |  |        |  |               |  |
|-------------|--|--------|--|---------------|--|
| Name:       |  | Title: |  | Organization: |  |
| Conditions: |  |        |  |               |  |
|             |  |        |  |               |  |

|             |  |        |  |               |  |
|-------------|--|--------|--|---------------|--|
| Name:       |  | Title: |  | Organization: |  |
| Conditions: |  |        |  |               |  |
|             |  |        |  |               |  |

**Attachment A**

Mountain Valley Pipeline Project

2018 Generally-Applicable Start and Stop Times for Construction Activities\*

| Day | June    |         | July    |         | August  |         | September |         | October |         | November |         | December |         |
|-----|---------|---------|---------|---------|---------|---------|-----------|---------|---------|---------|----------|---------|----------|---------|
|     | Start   | End     | Start   | End     | Start   | End     | Start     | End     | Start   | End     | Start    | End     | Start    | End     |
| 1   | 5:31 AM | 9:05 PM | 5:32 AM | 9:14 PM | 5:55 AM | 8:56 PM | 6:23 AM   | 8:15 PM | 6:49 AM | 7:28 PM | 7:00 AM  | 7:00 PM | 6:46 AM  | 7:00 PM |
| 2   | 5:30 AM | 9:06 PM | 5:32 AM | 9:14 PM | 5:56 AM | 8:54 PM | 6:24 AM   | 8:13 PM | 6:50 AM | 7:27 PM | 7:00 AM  | 7:00 PM | 6:47 AM  | 7:00 PM |
| 3   | 5:30 AM | 9:07 PM | 5:33 AM | 9:14 PM | 5:57 AM | 8:53 PM | 6:25 AM   | 8:12 PM | 6:50 AM | 7:25 PM | 7:00 AM  | 7:00 PM | 6:48 AM  | 7:00 PM |
| 4   | 5:29 AM | 9:07 PM | 5:33 AM | 9:14 PM | 5:58 AM | 8:52 PM | 6:26 AM   | 8:10 PM | 6:51 AM | 7:24 PM | 6:20 AM  | 7:00 PM | 6:48 AM  | 7:00 PM |
| 5   | 5:29 AM | 9:07 PM | 5:34 AM | 9:14 PM | 5:59 AM | 8:51 PM | 6:27 AM   | 8:08 PM | 6:52 AM | 7:22 PM | 6:21 AM  | 7:00 PM | 6:49 AM  | 7:00 PM |
| 6   | 5:29 AM | 9:08 PM | 5:34 AM | 9:13 PM | 6:00 AM | 8:50 PM | 6:27 AM   | 8:07 PM | 6:53 AM | 7:21 PM | 6:22 AM  | 7:00 PM | 6:50 AM  | 7:00 PM |
| 7   | 5:29 AM | 9:08 PM | 5:35 AM | 9:13 PM | 6:01 AM | 8:49 PM | 6:28 AM   | 8:05 PM | 6:54 AM | 7:20 PM | 6:23 AM  | 7:00 PM | 6:51 AM  | 7:00 PM |
| 8   | 5:28 AM | 9:09 PM | 5:36 AM | 9:13 PM | 6:01 AM | 8:48 PM | 6:29 AM   | 8:04 PM | 6:55 AM | 7:18 PM | 6:24 AM  | 7:00 PM | 6:52 AM  | 7:00 PM |
| 9   | 5:28 AM | 9:10 PM | 5:36 AM | 9:12 PM | 6:02 AM | 8:46 PM | 6:30 AM   | 8:02 PM | 6:56 AM | 7:17 PM | 6:25 AM  | 7:00 PM | 6:53 AM  | 7:00 PM |
| 10  | 5:28 AM | 9:11 PM | 5:37 AM | 9:12 PM | 6:03 AM | 8:45 PM | 6:31 AM   | 8:01 PM | 6:56 AM | 7:15 PM | 6:26 AM  | 7:00 PM | 6:53 AM  | 7:00 PM |
| 11  | 5:28 AM | 9:11 PM | 5:38 AM | 9:12 PM | 6:04 AM | 8:44 PM | 6:32 AM   | 7:59 PM | 6:57 AM | 7:14 PM | 6:27 AM  | 7:00 PM | 6:54 AM  | 7:00 PM |
| 12  | 5:28 AM | 9:11 PM | 5:38 AM | 9:11 PM | 6:05 AM | 8:43 PM | 6:33 AM   | 7:58 PM | 6:58 AM | 7:13 PM | 6:28 AM  | 7:00 PM | 6:55 AM  | 7:00 PM |
| 13  | 5:28 AM | 9:12 PM | 5:39 AM | 9:11 PM | 6:06 AM | 8:41 PM | 6:33 AM   | 7:56 PM | 6:59 AM | 7:11 PM | 6:29 AM  | 7:00 PM | 6:56 AM  | 7:00 PM |
| 14  | 5:28 AM | 9:12 PM | 5:40 AM | 9:10 PM | 6:07 AM | 8:40 PM | 6:34 AM   | 7:55 PM | 7:00 AM | 7:10 PM | 6:30 AM  | 7:00 PM | 6:56 AM  | 7:00 PM |
| 15  | 5:28 AM | 9:12 PM | 5:41 AM | 9:10 PM | 6:08 AM | 8:39 PM | 6:35 AM   | 7:53 PM | 7:00 AM | 7:08 PM | 6:31 AM  | 7:00 PM | 6:57 AM  | 7:00 PM |
| 16  | 5:28 AM | 9:13 PM | 5:41 AM | 9:09 PM | 6:09 AM | 8:38 PM | 6:36 AM   | 7:51 PM | 7:00 AM | 7:07 PM | 6:32 AM  | 7:00 PM | 6:58 AM  | 7:00 PM |
| 17  | 5:28 AM | 9:13 PM | 5:42 AM | 9:08 PM | 6:10 AM | 8:36 PM | 6:37 AM   | 7:50 PM | 7:00 AM | 7:06 PM | 6:33 AM  | 7:00 PM | 6:58 AM  | 7:00 PM |
| 18  | 5:28 AM | 9:13 PM | 5:43 AM | 9:08 PM | 6:11 AM | 8:35 PM | 6:38 AM   | 7:48 PM | 7:00 AM | 7:05 PM | 6:34 AM  | 7:00 PM | 6:59 AM  | 7:00 PM |
| 19  | 5:28 AM | 9:14 PM | 5:44 AM | 9:07 PM | 6:12 AM | 8:33 PM | 6:39 AM   | 7:47 PM | 7:00 AM | 7:03 PM | 6:35 AM  | 7:00 PM | 6:59 AM  | 7:00 PM |
| 20  | 5:28 AM | 9:14 PM | 5:45 AM | 9:06 PM | 6:12 AM | 8:32 PM | 6:39 AM   | 7:45 PM | 7:00 AM | 7:02 PM | 6:36 AM  | 7:00 PM | 7:00 AM  | 7:00 PM |
| 21  | 5:29 AM | 9:14 PM | 5:45 AM | 9:05 PM | 6:13 AM | 8:31 PM | 6:40 AM   | 7:44 PM | 7:00 AM | 7:01 PM | 6:37 AM  | 7:00 PM | 7:00 AM  | 7:00 PM |
| 22  | 5:29 AM | 9:14 PM | 5:46 AM | 9:05 PM | 6:14 AM | 8:29 PM | 6:41 AM   | 7:42 PM | 7:00 AM | 7:00 PM | 6:37 AM  | 7:00 PM | 7:00 AM  | 7:00 PM |
| 23  | 5:29 AM | 9:14 PM | 5:47 AM | 9:04 PM | 6:15 AM | 8:28 PM | 6:42 AM   | 7:41 PM | 7:00 AM | 7:00 PM | 6:38 AM  | 7:00 PM | 7:00 AM  | 7:00 PM |
| 24  | 5:29 AM | 9:15 PM | 5:48 AM | 9:03 PM | 6:16 AM | 8:26 PM | 6:43 AM   | 7:39 PM | 7:00 AM | 7:00 PM | 6:39 AM  | 7:00 PM | 7:00 AM  | 7:00 PM |
| 25  | 5:30 AM | 9:15 PM | 5:49 AM | 9:02 PM | 6:17 AM | 8:25 PM | 6:44 AM   | 7:37 PM | 7:00 AM | 7:00 PM | 6:40 AM  | 7:00 PM | 7:00 AM  | 7:00 PM |
| 26  | 5:30 AM | 9:15 PM | 5:50 AM | 9:01 PM | 6:18 AM | 8:23 PM | 6:44 AM   | 7:36 PM | 7:00 AM | 7:00 PM | 6:41 AM  | 7:00 PM | 7:00 AM  | 7:00 PM |
| 27  | 5:30 AM | 9:15 PM | 5:51 AM | 9:00 PM | 6:19 AM | 8:22 PM | 6:45 AM   | 7:34 PM | 7:00 AM | 7:00 PM | 6:42 AM  | 7:00 PM | 7:00 AM  | 7:00 PM |
| 28  | 5:31 AM | 9:15 PM | 5:51 AM | 8:59 PM | 6:20 AM | 8:21 PM | 6:46 AM   | 7:33 PM | 7:00 AM | 7:00 PM | 6:43 AM  | 7:00 PM | 7:00 AM  | 7:00 PM |
| 29  | 5:31 AM | 9:15 PM | 5:52 AM | 8:59 PM | 6:21 AM | 8:19 PM | 6:47 AM   | 7:31 PM | 7:00 AM | 7:00 PM | 6:44 AM  | 7:00 PM | 7:00 AM  | 7:00 PM |
| 30  | 5:32 AM | 9:15 PM | 5:53 AM | 8:58 PM | 6:21 AM | 8:18 PM | 6:48 AM   | 7:30 PM | 7:00 AM | 7:00 PM | 6:45 AM  | 7:00 PM | 7:00 AM  | 7:00 PM |
| 31  |         |         | 5:54 AM | 8:57 PM | 6:22 AM | 8:16 PM |           |         | 7:00 AM | 7:00 PM |          |         | 7:00 AM  | 7:00 PM |

\* For activities associated with construction of aboveground facilities, the start times are as shown above, and the end time is 10:00 PM. Work may occur outside of these windows in certain circumstances, including 24-hour drilling for HDD or bores, 24-hour work at compressor stations (as approved by FERC), extended work to comply with stream crossing time requirements, extended work due to upcoming inclement weather or to resolve safety issues, hydrostatic testing, tie-ins, and other similar circumstances.