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July 3, 2018

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

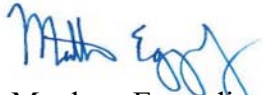
Re: Mountain Valley Pipeline, LLC  
Mountain Valley Pipeline Project  
Docket No. CP16-10-000  
Notice of Reinstated Nationwide Permit 12

Dear Ms. Bose:

On May 21, 2018, the Huntington District of the United States Army Corps of Engineers suspended the Nationwide Permit 12 verifications for four river crossings associated with the Mountain Valley Pipeline Project. Today, the Huntington District reinstated with modifications the Nationwide Permit 12 verifications for these four river crossings. A copy of the Huntington District's letter is attached hereto. Mountain Valley will continue to comply with the stay issued by the United States Court of Appeals for the Fourth Circuit on June 21, 2018 regarding the Huntington District's Nationwide Permit 12 verifications for the Project.

If you have any questions, please do not hesitate to contact me at (412) 553-5786 or meggerding@eqt.com. Thank you.

Respectfully submitted,  
MOUNTAIN VALLEY PIPELINE, LLC  
by and through its operator,  
EQM Gathering Opco, LLC

By:   
Matthew Eggerding  
Senior Counsel, Midstream

Attachment

cc: All Parties  
Rich McGuire, OEP  
James Martin, OEP  
Paul Friedman, OEP



REPLY TO  
ATTENTION OF

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

JUL 03 2018

Regulatory Division  
North Branch  
LRH 2015-592-GBR

### NATIONWIDE PERMIT 12 VERIFICATIONS

Mr. Shawn Posey  
Mountain Valley Pipeline, LLC  
555 Southpointe Boulevard, Suite 200  
Canonsburg, Pennsylvania 15317

Dear Mr. Posey:

On May 21, 2018, the Huntington District, United States Army Corps of Engineers (Corps) suspended the Nationwide Permit 12 verifications dated December 22, 2017 indefinitely for four (4) river crossings (Gauley River, Greenbrier River, Meadow River, and Elk River) associated with the construction of the Mountain Valley Pipeline (MVP) in accordance with the procedures of 33 CFR § 330.5(d)(1). Via a letter dated June 22, 2018, you provided new information regarding the dry-cut construction method proposed at the four (4) river crossings.

The Corps' authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (Section 404) requires a Department of the Army (DA) permit be obtained prior to discharging dredged and/or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires a DA permit be obtained for any work in, on, over or under a navigable water.

Each proposed pipeline crossing, as described in the submitted information, has been reviewed in accordance with Section 404 and Section 10. Based on your description of the proposed work, and other information available to us, it has been determined that the proposed Gauley River, Greenbrier River and Elk River pipeline crossings will involve activities subject to the requirements of Section 10 and Section 404. The proposed Meadow River pipeline crossing is only subject to the requirements of Section 404.

In the submitted materials, including your most recent submittal dated June 22, 2018, you have requested a DA authorization to discharge dredged and/or fill material into and/or perform work within the Greenbrier River, the Gauley River, the Elk River, and the Meadow River, as indicated on the Table 1 below, in order to install a 42 inch pipeline associated with the MVP. Each crossing is considered a "single and complete linear project." Each of these four (4) crossings will be constructed using the "dry" open-cut methodology, which has been determined to be more protective of water quality and is the least environmentally damaging construction method, with the use of water-filled bladder cofferdam.

**Table 1- Discharge of Dredged and/or Fill Material in Waters of the United States and/or Work within Navigable Waters of the United States**

| Pipeline Section | Crossing# | Feature Name            | Water Type | Cowardin Class | County     | Latitude | Longitude   | Temporary Impacts within Construction Limits (linear feet/acres) | Amount of Temporary Discharge (cubic yards) | Type of Impact | Impact Duration | Figure#     |
|------------------|-----------|-------------------------|------------|----------------|------------|----------|-------------|--|---|----------------|-----------------|-------------|
| 87.3 and 87.4    | 207       | S-E68 (Elk River)       | TNW        | R2UB1          | Webster    | 38.61506 | -80.506121  | 187/0.6425   | 10366                                       | Pipeline ROW   | Temporary       | 2-163       |
| 118.8 and 118.9  | 346       | S-J29 (Gauley River)    | TNW        | R2UB1          | Nicholas   | 38.2745  | -80.691389  | 313/2.1556   | 34776                                       | Pipeline ROW   | Temporary       | 2-253       |
| 144 and 144.1    | 424       | S-128 (Meadow River)    | RPW        | R2UB3          | Greenbrier | 37.98208 | -80.7555369 | 50/0.0861  | 1389  | Pipeline ROW   | Temporary       | 2-336       |
| 171.4 and 171.5  | 522       | S-18 (Greenbrier River) | TNW        | R2RB2          | Summers    | 37.68013 | -80.731502  | 404/0.0934   | 1507  | Pipeline ROW   | Temporary       | 2-403/2-404 |

The Federal Energy Regulatory Commission Final Environmental Impact Statement (EIS) for the MVP concluded the proposed “dry” method is preferred and thus found this method to be “acceptable” (Final EIS, pg. 4-139). Via a letter dated May 31, 2018, the West Virginia Department of Environmental Protection (WVDEP) stated *“the use of the “dry” cut construction method...is more protective of water quality at each of the crossings of the Gauley, Greenbrier, Elk, and Meadow Rivers.... “dry” cut techniques that rely on water isolation techniques such as coffer dams... generally provide better control of environmental sedimentation and more protection to the aquatic environment than do “wet” cuts. While “dry” crossings take longer to complete, the actual stream disturbance activity is of similar duration and poses substantially lower risk to the aquatic environment.”*

According to the information you provided, during construction, no heavy equipment will operate within flowing water given the work areas will be dewatered by the water-filled bladder cofferdams. Once the construction site is dewatered, the open trench will not be exposed to flowing water. Riverbed restoration will be accomplished in controlled, dry conditions. Affected riparian areas will be revegetated with native, non-invasive species similar in density to adjacent undisturbed lands. Post-construction reports will be submitted to this office upon completion of the four (4) river crossings to document the restoration of the rivers to their pre-construction contours and elevation.

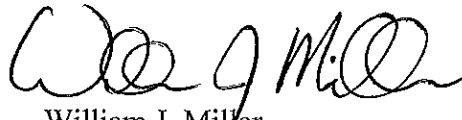
Based on the provided information, it has been determined the proposed discharge of dredged and/or fill material into waters of the United States at each of the four (4) proposed pipeline crossings and the work within navigable waters of the United States meet the criteria for Nationwide Permit (NWP) No. 12 (enclosed) under the January 6, 2017 Federal Register, Issuance and Reissuance of NWPs (82 FR 1860) provided you comply with all terms and conditions of the enclosed material and the enclosed special conditions. The NWP 12 verification for the four (4) major river crossings (Greenbrier River, Elk River, Gauley River, and Meadow River) is therefore reinstated with modifications pursuant to 33 CFR § 330.5(d).

Each verification is valid until the expiration date of the NWPs, unless the NWP authorization is modified, suspended, or revoked. The verification will remain valid if the NWP authorization is reissued without modification or the activity complies with any subsequent modification of the NWP authorization. All of the existing NWPs are scheduled to be modified, reissued, or revoked on March 18, 2022. Prior to this date, it is not necessary to contact this

office for re-verification of your projects unless the plans for the proposed activity are modified. Furthermore, if you commence or are under contract to commence this activity before March 18, 2022, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP. The Corps contemplates that MVP will comply with the Fourth Circuit's June 21, 2018 stay of the Corps' verification of NWP 12 for the MVP project, so long as that order remains in effect.

A copy of the NWP and this verification letter must be kept at the site during construction. Upon completion of the activities authorized by this NWP verification, the enclosed certification must be signed and returned to this office. If you have any questions concerning the above, please contact Teresa Spagna of the North Branch at 304-399-5210, by mail at the above address, or by email at [teresa.d.spagna@usace.army.mil](mailto:teresa.d.spagna@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Miller". The signature is fluid and cursive, with the first and last names being more prominent than the middle initial.

William J. Miller  
Lieutenant Colonel, Corps of Engineers  
Commanding

Enclosures

**Special Conditions for Nationwide Permit 12 Verifications  
Mountain Valley Pipeline Crossings 207, 346, 424 and 522  
LRH 2015-592-GBR**

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1. These Nationwide Permit 12 verifications for the discharge of dredged and/or fill material and associated work within the Greenbrier River, the Gauley River, the Meadow River and the Elk River remain contingent upon the permittee's submitted Pre-Construction Notification information regarding the scope and/or impacts of the proposed crossings as described in Figure 1 titled Mountain Valley Pipeline Overview Map, the aquatic resources identified in the table below, and the environmentally preferred construction method (dry open cut with water-filled bladder cofferdam) described in the enclosed Mountain Valley Pipeline Crossings of the Gauley, Greenbrier, Elk and Meadow Rivers – Assessment of “Wet” vs “Dry” Open-cut Methods of Pipeline Installation...dated June 22, 2018. Because of new information submitted by the permittee and the WVDEP's conclusion that the dry cut construction method provides more stringent water quality protections than the 72 hour requirement in WVDEP's NWP 12 Water Quality Certification Special Condition C, the permittee is required to use the environmentally preferred construction method (dry open cut with water-filled bladder cofferdam) for these crossings.

| Pipeline Section | Crossing # | Feature Name            | Water Type | Cowardin Class | County     | Latitude | Longitude   | Temporary Impacts within Construction Limits (linear feet/acres) | Amount of Temporary Discharge (cubic yards) | Type of Impact | Impact Duration | Figure#     |
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2. Should new information regarding the scope and/or impacts of the proposed activities become available that was not submitted to this office during our review of the proposals, the permittee must submit written information concerning proposed modification(s) to this office for review and evaluation, as soon as practicable.

3. The permittee is required to apply for and secure all necessary permits, certifications or other approvals from Federal, State and/or local regulatory agencies, prior to commencing the construction activity.

4. Enclosed is a copy of Nationwide Permit 12, which will be kept at each of the river crossing site during construction. A copy of the nationwide permit verification, special conditions, and the submitted construction plans must be kept at each site during construction. The permittee will supply a copy of these documents to their project engineer responsible for construction activities.

**Special Conditions for Nationwide Permit 12 Verifications  
Mountain Valley Pipeline Crossings 207, 346, 424 and 522  
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5. Construction activities will be performed during low flow conditions to the greatest extent practicable. Additionally, appropriate site-specific best management practices for sediment and erosion control will be fully implemented during construction activities. Construction activities will adhere to the Wetland and Waterbody Construction and Mitigation Procedures and the Upland Erosion Control, Revegetation Plan, and Maintenance Plan established by the Federal Energy Regulatory Commission and the “dry” open-cut methodology described in the *Mountain Valley Pipeline Crossings of the Gauley, Greenbrier, Elk and Meadow Rivers – Assessment of “Wet” vs “Dry” Open-cut Methods of Pipeline Installation... dated June 22, 2018.*
6. Construction of each river crossing (Greenbrier River, Gauley River, Elk River and Meadow River) will be conducted using the “dry” open-cut methodology (water-filled bladder cofferdam approach) to minimize adverse effects to water quality, the aquatic environment, and overall environmental impacts. This Special Condition shall apply in lieu of Special Condition C of the West Virginia Department of Environmental Protection’s (WVDEP) Section 401 Water Quality Certification (WQC) issued for Nationwide Permit 12 in West Virginia.
7. In-stream work in designated warm water rivers during fish spawning season (April-June) and trout waters fish spawning season (September 15-March 31) requires a spawning season waiver from the West Virginia Division of Natural Resources (WVDNR) Coordination Unit, at (304) 637-0245. Please contact the West Virginia Department of Environmental Protection, Water Quality Section at (304) 926-0495 regarding specific stream designations. If a spawning season waiver is required, no work below the ordinary high water mark of waters of the United States will be performed until the required waiver has been granted by the WVDNR.
8. At each river crossing, substrate in the channel is to be removed and stockpiled separately from other excavated material. This native material must be reused in restoration of the river channel and, upon final river bed restoration, the river must have similar substrate pattern, profile, dimension and embeddedness of the original river channel. Affected riparian areas must be revegetated with native, non-invasive species similar in density to adjacent undisturbed lands.
9. The permittee will document pre- and post-construction activities through photographs, both upstream and downstream of each channel and each bank. A minimum of four (4) photographs per river crossing will be taken pre- and post-construction. Additional photographs of the rivers’ banks will be taken for a minimum of six (6) photographs. All photographs must be geo-referenced and identified to correspond with aquatic feature names as described in the table under Special Condition 1, with a date of the photograph taken and corresponding GPS coordinates. Upon completion of construction and reclamation of each river crossing, associated photographs must be taken in the same manner and locations as pre-impact existing conditions with narrative documentation that the area has been returned to pre-construction contours. A post-construction report must be submitted to the Corps along with the enclosed “Activity Completion Certification.” The post-construction report shall include the pre- and post- construction photographs associated with each river crossing, post-construction data consistent with methods used to document pre-construction conditions (in-stream habitat, bank characteristics, GPS locations for boulders larger than 36-inches) provided by the permittee in the *Gauley River Crossing Report... , Greenbrier River Crossing Report... , Elk River*

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*Crossing Report... and Meadow River Crossing Report...*, and documentation that the rivers have similar substrate pattern, profile, dimension and embeddedness of the original river channels. The permittee is responsible for implementing reasonable corrective measures recommended by the Corps.

10. The authorized work shall not interfere with the public's right to free navigation on navigable waters of the United States. At no time shall construction extend bank to bank. There will be no bank to bank closure of navigable waters of the United States. The permittee will provide a site-specific spill response plan and Aid to Navigation (ATON) to provide public information on construction, in-stream activities, and any potential user restrictions during construction.

11. In the event any previously unknown historic or archaeological sites or human remains are uncovered while accomplishing the authorized activity, the permittee must cease all work in waters of the United States immediately and contact local, state and county law enforcement offices (only contact law enforcement on findings of human remains), the Corps at (304) 399-5210 and West Virginia State Historic Preservation Office at (304) 558-0220. The Federal Energy Regulatory Commission will initiate the Federal, state and tribal coordination required to comply with the National Historic Preservation Act and the applicable state and local laws and regulations. Federally recognized tribes are afforded a government-to-government status as sovereign nations and consultations are required under Executive Order 13175 and 36 CFR Part 800.

12. The United States Fish and Wildlife Service Biological Opinion for the Mountain Valley Pipeline, LLC; Docket Number CP16-10-000; Project #05E2VA00-2016-F-0880 and #05E2WV00-2015-F-0046 (BO) and dated November 21, 2017 contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. The permittee's authorization under this Corps nationwide permit verification is conditional upon compliance with all of the mandatory terms and conditions associated with the incidental take of the BO, which terms and conditions are incorporated by reference as being special conditions of the Section 404 Clean Water Act and Section 10 Rivers and Harbors Act of 1899 nationwide permit verifications. Section 7 obligations under Endangered Species Act must be reconsidered if new information reveals impacts of the project that may affect federally listed species or critical habitat in a manner not previously considered, the proposed project is subsequently modified to include activities which were not considered during Section 7 consultation with the United States Fish and Wildlife Service, or new species are listed or critical habitat designated that might be affected by the subject project. The United States Fish and Wildlife Service is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the Endangered Species Act.

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