

# MVP Variance Request Form



**Variance Request No.:** MVP-004

Date Approval Requested by Contractor:

Date Submitted by Chief Inspector to LEI:

Date Received by FERC:

FERC Approval Reference No.:

**Requested By:** Jeff Klinefelter

**Spread:** Project Wide

**Variance Type:** PM

**Request Prepared By \*:** Megan Neylon

**Variance Sequence Number:** MVP-004

\* 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

Mountain Valley requests a variance to increase the distance between wildlife escape ramps in the trench for all Project areas outside of the Jefferson National Forest. Section 4.5.2.1 of the FEIS states that Mountain Valley would "install escape ramps about every 50 feet within the trench to provide a wildlife exit[.] Prior to the start of the construction day, the trench ... would be inspected and any wildlife encountered would be safely removed from the construction corridor." Mountain Valley included a 50-foot interval in its Plan of Development for construction in the Jefferson National Forest. However, Mountain Valley did not intend for the 50-foot interval to apply for the remainder of the Project outside of the Jefferson National Forest. Mountain Valley requests to modify the distance between escape ramps for all Project areas outside of the Jefferson National Forest to intervals of no more than 1/2-mile in WV and no more than 1/10-mile in VA. These distances were determined in coordination with the WVDNR and the VDGIF, see attachment 1. Mountain Valley would retain the ability to include escape ramps at closer intervals in certain locations in consultation with the applicable environmental inspectors and monitors.

This variance provides equal protection for wildlife. Wildlife would still have the means to exit the trench using the ramps, and Mountain Valley would continue to inspect the trench and safely remove any wildlife. The Biological Opinion issued by the U.S. Fish and Wildlife Service for the Project does not require escape ramps or specify interval distances. In addition, no other agency recommended escape ramps or interval distances for the Project. While FERC infrequently specifies ramp intervals in its certificate orders, in limited instances FERC has required escape ramps at 1-mile intervals, which is a much greater distance than the 1/2-mile interval requested here. See, e.g., Entrega Gas Pipeline Inc., 112 FERC ¶ 61,177 at Environmental Condition 27 (1-mile interval); Paiute Pipeline Co., 76 FERC ¶ 61,144 at Environmental Condition 17 (1-mile intervals for only three miles of pipeline and only for construction during a certain time of year).

**List Attachments:** Attachment 1 - Agency Correspondence (CUI/PRIV - DO NOT RELEASE)

**Variance Justification:**  
See description above.

**For MVP Use Only**

| Additional Surveys Required  | Surveyed Corridor Description | Additional Surveys Completed  |
|--|-------------------------------|---|
| 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 |

**Proof of Previous Biological and Cultural Survey Clearance**

N/A

Landowner:

Land Agent Contact

Landowner Approval Obtained  Yes  No

**Sign Off:**

|   | Name             | Signature               | Date      |
|---|------------------|-------------------------|-----------|
| Construction Manager                      | Jeff Klinefelter | <i>Jeff Klinefelter</i> | 6/13/2018 |
| Lead Environmental Inspector              | n/a              |                         |           |
| Third Party Compliance Manager or monitor | n/a              |                         |           |
| ROW Land Agent *                          | n/a              |                         |           |
| Environmental Supervisor                  | Megan Neylon     | <i>Megan Neylon</i>     | 6/13/2018 |

\*signature denotes confirmed landowner approval

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

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

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| <b>Spread No.:</b> | <u>Project Wide</u> | <b>Variance Request No.:</b> | <u>MVP-004</u> |
|--------------------|---------------------|------------------------------|----------------|

**VARIANCE CONDITIONS**

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