

MVP Variance Request Form

Variance Request No.: MVP-007



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-007

* 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

N/A

Tract No.:

All

Current Land Use/ Vegetative Cover: All

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

None

Additional Wetland impacts:

N/A

Net acreage affected: N/A

N/A

Tree Clearing Required: N/A

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 Nationwide Permit 12 issued by the Huntington and Pittsburgh Districts of the U.S. Army Corps of Engineers for the MVP Project require stream crossings in those districts (other than the crossings of the Gauley River, Greenbrier River, Elk River,

and Meadow River) to be "completed in a continuous, progress manner and within 72 hours during seasonal normal or below normal stream flow conditions." The Nationwide Permit 12 issued by the Norfolk District for the MVP Project does not include a 72-hour requirement.

Mountain Valley expects that crossings of streams in West Virginia that are <20 feet wide at the ordinary high water mark can be completed within 72 hours using only daylight construction. However, crossings of streams ≥ 20 feet wide may (but will not necessarily) require extended work hours for active construction to comply with the federal permits. Attachment A includes a table that lists 44 streams in West Virginia that are ≥ 20 feet wide as well as relevant information for these streams. In addition to the streams ≥ 20 feet wide, site and sub-surface conditions may require Mountain Valley to work extended hours at additional smaller stream crossings to maintain compliance with the 72-hour requirement in its federal permits. In the event that Mountain Valley concludes that extended work hours are necessary either (a) after beginning the crossing of a stream <20 feet wide or (b) streams ≥ 20 feet wide that are not listed in Attachment A, Mountain Valley will communicate its conclusion to the applicable FERC monitor and must request approval from the FERC monitor in advance of commencing extended hours. Mountain Valley will also notify the landowner immediately after receiving permission from the FERC monitor.

Mountain Valley commits to measures to mitigate the effects of this request:

1. Mountain Valley commits to complete as much work as possible during daylight hours to limit the need for extended hour work. Work during the daylight hours maximizes worker safety and limits noise and associated construction impacts on nearby residences.
2. Mountain Valley commits to moving heavy equipment to the waterbody crossing location only during daylight hours.
3. For the crossings listed in Attachment A, Mountain Valley commits to provide notice to identified residences within 500 feet of these crossings at least 48 hours prior to the start of expected extended hour work. The notification will include methods to express concerns to Mountain Valley and FERC. Mountain Valley will offer to relocate residents within 500 feet of the stream crossing in the event extended hour work is expected. As noted above, extended hour work may not be necessary for streams ≥ 20 feet wide.

Mountain Valley requests approval for extended hour work for active construction at the streams listed in Attachment A that require extended hour work to comply with its federal permits, consistent with its commitments described above. This variance request is fully justified. As explained above, Mountain Valley is obligated to comply with the 72-hour requirement. Active construction during extended hours may be required in certain circumstances to maintain compliance with these federal permits. In addition, the extended hour work at each of these streams will be short in duration and temporary in nature. The 72-hour requirement may require up to three days of extended hour work per stream. In addition, Mountain Valley's commitments described above mitigate the effects of any extended hour construction at stream crossings.

List Attachments:	Attachment A: Stream crossings ≥ 20 feet wide in Huntington and Pittsburgh Districts	
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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	<i>John Uhrin</i>	<i>John Uhrin</i>	9/24/2018
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>	9/24/2018

*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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Spread No.:	<u>Project Wide</u>	Variance Request No.:	<u>MVP-007</u>
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VARIANCE CONDITIONS

Name:		Title:		Organization:	
Conditions:					

Name:		Title:		Organization:	
Conditions:					

Name:		Title:		Organization:	
Conditions:					

ATTACHMENT A

Point_ID	MP	StreamName	Width	County	State	USACE_Dist	Approx. Count of Residences within 500 feet of Crossing and (Distance from Crossing in Feet)	Approx. Count of Residences 500-1000 feet from Crossing and (Distance from Crossing in Feet)	Approx. Count of Residences between 1000 Feet and 1 Mile from Crossing
S-A1a	0.65	North Fork Fishing Creek	35	Wetzel	West Virginia	Huntington	0	1 (560, 740)	7
S-A6a	2.31	Fallen Timber Run	20	Wetzel	West Virginia	Huntington	1 (100)	0	7
S-A125	4.99	Price Run	35	Wetzel	West Virginia	Huntington	2 (325, 350)	4 (525, 715, 915, 955)	27
S-J51	15.37	Little Tenmile Creek	30	Harrison	West Virginia	Pittsburgh	0	0	37
S-B3a	18.76	Rockcamp Run	20	Harrison	West Virginia	Pittsburgh	0	2 (825, 1000)	16
S-B6a	22.99	Indian Run	30	Harrison	West Virginia	Pittsburgh	1 (360)	3 (570, 915, 995)	23
S-UU3	25.90	Salem Fork	60	Harrison	West Virginia	Pittsburgh	4 (150, 200, 350, 355)	6 (660, 690, 800, 840, 940, 950)	94
S-K94	38.01	Kincheloe Creek	20	Lewis	West Virginia	Pittsburgh	0	0	5
S-J43	42.55	Right Fork Freemans Creek	25	Lewis	West Virginia	Pittsburgh	0	4 (575, 680, 685, 865)	9
S-I63	55.12	Sand Fork	20	Lewis	West Virginia	Huntington	1 (360)	1 (950)	30
S-H160	58.54	Indian Fork	23	Lewis	West Virginia	Huntington	0	0	14
S-VV2	65.45	Clover Fork	20	Braxton	West Virginia	Huntington	1 (335)	0	10
S-L51	67.38	Barbecue Run	20	Braxton	West Virginia	Huntington	0	0	8
S-L60	68.67	Left Fork Knawl Creek	30	Braxton	West Virginia	Huntington	1 (240)	0	7
S-LL1	68.71	Knawl Creek	30	Braxton	West Virginia	Huntington	1 (420)	0	7
S-J70	72.43	Falls Run	30	Braxton	West Virginia	Huntington	0	1 (920)	15
S-H132	74.81	Little Kanawha River	120	Braxton	West Virginia	Huntington	0	1 (945)	11
S-I57	79.70	Mudlick Run	30	Braxton	West Virginia	Huntington	0	0	8
S-A100	81.60	Left Fork Holly River	80	Webster	West Virginia	Huntington	0	0	7
S-F40	82.28	Oldlick Creek	25	Webster	West Virginia	Huntington	0	0	8
S-E67	84.08	Right Fork Holly River	85	Webster	West Virginia	Huntington	0	0	14
S-T29	90.65	Houston Run	30	Webster	West Virginia	Huntington	0	0	0
S-A83/A91	92.39	UNT to Camp Creek	25	Webster	West Virginia	Huntington	0	0	6
S-B34	97.66	Amos Run	30	Webster	West Virginia	Huntington	0	2 (750, 925)	38
S-A79	98.82	Laurel Creek	55	Webster	West Virginia	Huntington	2 (350, 465)	3 (620, 920, 940)	32
S-F36b	104.89	UNT to Birch River	20	Webster	West Virginia	Huntington	1 (350)	6 (500, 600, 625, 750, 835, 990)	91
S-E46	110.13	Strouds Creek	30	Webster	West Virginia	Huntington	1 (400)	2 (725, 960)	56
S-J32	114.35	Big Beaver Creek	35	Nicholas	West Virginia	Huntington	0	0	100+
S-A65	116.17	Big Beaver Creek	70	Nicholas	West Virginia	Huntington	0	0	78
S-L41	123.39	Jims Creek	20	Nicholas	West Virginia	Huntington	0	0	48
S-I36	126.86	Hominy Creek	55	Nicholas	West Virginia	Huntington	0	0	25
S-H88	130.48	Sugar Branch	40	Nicholas	West Virginia	Huntington	0	0	31
S-V3	132.36	UNT to Hominy Creek	50	Nicholas	West Virginia	Huntington	0	0	25
S-J20	140.42	UNT to Meadow Creek	30	Greenbrier	West Virginia	Huntington	0	0	15
S-L22	146.99	Little Sewell Creek	30	Greenbrier	West Virginia	Huntington	2 (415, 465)	2 (745, 750)	80
S-K17	154.87	Buffalo Creek	25	Greenbrier	West Virginia	Huntington	1 (485)	0	33
S-N2	169.77	Hungard Creek	20	Summers	West Virginia	Huntington	3 (325, 390, 465)	6 (600, 615, 720, 725, 730, 800)	41
S-KL29	169.98	Right Fork Hungard Creek	44	Summers	West Virginia	Huntington	2 (335, 485)	6 (625, 715, 730, 745, 815, 870)	55
S-J5	172.68	Kelly Creek	20	Summers	West Virginia	Huntington	0	3 (590, 600, 650)	28
S-G49	176.74	UNT to Wind Creek	20	Monroe	West Virginia	Huntington	0	0	21
S-G48	176.75	Wind Creek	20	Monroe	West Virginia	Huntington	0	0	21
S-H61	177.43	UNT to Stony Creek	25	Monroe	West Virginia	Huntington	0	0	16
S-D31	182.77	Indian Creek	65	Monroe	West Virginia	Huntington	1 (360)	2 (690, 950)	17
S-CV19	187.61		25	Monroe	West Virginia	Huntington	0	0	40