COMMONWEALTH of VIRGINIA

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December 22, 2016

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

RE: Federal Energy Regulatory Commission Draft Environmental Impact Statement for the Mountain Valley Project (FERC/DEIS-D0272; FERC Docket Number CP16-10-000; DEQ 16-194F).

Dear Secretary Bose:

The Commonwealth of Virginia has completed its review of the draft environmental impact statement (DEIS) for the portions of the Mountain Valley Project (MVP) in Virginia. The Virginia Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. This letter, including attachments, is the Commonwealth of Virginia's response to the September 16, 2016 public notice, issued by the Federal Energy Regulatory Commission (FERC or Commission) for the MVP DEIS.

Comments from reviewers primarily focus on recommending measures to mitigate potential environmental impacts. In general, participants in the Commonwealth's review support the recommendations in the DEIS to coordinate with government agencies, adhere to protective construction measures, and mitigate for unavoidable impacts. State agencies are also supportive of some route variations that protect resources under their jurisdiction. These statements are discussed in the detailed comments from reviewers in Attachment B. However, the Commonwealth has reached two significant conclusions:

- A supplemental DEIS is needed to address adequate analysis of newly submitted route changes.

- A comprehensive forest mitigation plan addressing direct and indirect forest loss is needed.

Supplemental DEIS

There were a number of route changes to the MVP in Virginia that were submitted to the FERC docket in October 2016. Some route changes were at FERC's request while others appeared to be corrections to the route as described in the DEIS. In addition, Mountain Valley Pipeline, LLC (MVP, LLC) submitted limited analysis for the route variations and changes to plans, surveys and assessments during October and changes to their plans and procedures (directly to DEQ) in November. Based on a review of this information, it appears that impacts from some proposed route variations or the viability of construction procedures in some locations are uncertain. The Commonwealth appreciates the flexibility that is necessary and inherent in any planning project. However, the DEIS lacks a thorough and accurate environmental analysis of the substantial changes that were made during the public comment period. For these reasons, the Commonwealth strongly recommends that FERC prepare a supplemental DEIS pursuant to 40 Code of Federal Regulations (CFR) 1502.9. The Commonwealth also recommends that the supplemental DEIS include analysis, especially in sensitive environmental areas, of the October 2016 proposed route changes and any additional variations, address applicable comments that are detailed in the attachments, and provide the opportunity for sufficient public comment.

Forest Mitigation Plan

The Commonwealth agrees with FERC that implementation of the MVP will create adverse and significant impacts on forests and supports the recommendation for MVP, LLC to develop a mitigation plan in coordination with federal and state agencies for upland forest impacts (DEIS, Section 4.4.3). However, the Commonwealth's natural resource agencies indicate that indirect impacts and associated mitigation were not adequately addressed in the DEIS (see Attachment B). The regulations implementing NEPA (40 CFR 1500 et seq.) clearly state that federal agencies must discuss means to mitigate adverse environmental impacts, including indirect effects and their significance. The Commonwealth is recommending that FERC include a recommendation in Section 5.2 of the Final Environmental Impact Statement (EIS) that requires coordination with the Commonwealth's natural resource agencies and applicable federal agencies to mitigate direct and indirect impacts to upland forests in Virginia, specifically forested cores, and that if the Commission approves the construction and operation of the MVP, it condition the order on adherence to this recommendation.

Coordinated Review

As part of the Commonwealth's review, DEQ requested comments from state agencies, localities and planning district commissions. DEQ notified reviewers of the availability of the DEIS and additional information submitted to the FERC docket by MVP, LLC on October 14, 20 and 27, 2016. Reviewers also had an opportunity to review files suitable for use in Geographic Information System software of the route that were provided by MVP, LLC. The comments that were submitted as part of this review are attached and organized as follows:

- Attachment A: Recommendations for the Supplemental or Final EIS, Plans and Procedures
- Attachment B: Detailed comments from reviewers

Attachment A includes more than 70 recommendations that are based on a summation of comments from participating agencies, localities and planning district commissions. This summary highlights priorities derived from submitted comments and is not meant to substitute the totality of the individual comments in Attachment B. The Commonwealth recommends that FERC consider every comment, correction or recommendation detailed in Attachment B that FERC did not already address during the consideration of Attachment A.

Thank you for the opportunity to comment. If you have questions, please do not hesitate to contact me at bettina.sullivan@deq.virginia.gov or (804) 698-4204.

Sincerely,

Bettina Sullivan

Bettina Sullivan, Manager
Environmental Impact Review and Long Range Priorities Program

Enclosures

ec: Paul Friedman, FERC
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Marc Verniel, Town of Blacksburg
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Brent Robertson, Franklin County
C. James Ervin, Town of Rocky Mount
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ATTACHMENT A: RECOMMENDATIONS FOR THE SUPPLEMENTAL OR FINAL EIS, PLANS AND PROCEDURES

The recommendations within this attachment are organized as follows:

- Part I: Section 5.2 of the Final EIS
  - New Recommendations
  - Modifications to Existing Recommendations in Section 5.2
- Part II: Supplemental or Final EIS, Plans and Procedures
  - Route Changes and Variations
    - Canoe Cave Conservation Site
    - Mount Tabor Variation and Slussers Chapel Conservation Site
    - Mill Creek Springs Natural Area Preserve
    - DCR Conservation Areas
    - Surface Waters
    - Wildlife Resources
    - Aviation
  - Preconstruction Recommendations
    - Surface Waters and Groundwater Resources
    - Infrastructure Conflicts
    - Karst Resources
    - Wildlife Resources
    - Contaminated Soil, Sediment and Groundwater
    - Recreational and Scenic Resources
    - Virginia Outdoors Foundation Easements
    - Geologic and Mineral Resources
    - Pollution Prevention
    - Aviation
    - Drinking Water Resources
    - Rare Plants
  - Mitigation Measures for Construction and Maintenance Activities
    - Wetlands and Surface Waters

        - Hydrostatic Testing
        - Stream Crossings
        - Forest Resources
        - Wildlife Resources
        - Erosion and Sediment Control
        - Right-of-Way Maintenance
        - Government-Funded Best Management Practices
        - Open Burning and Fugitive Dust
        - Aviation
    - Recommendations for Specific Plans
        - Spill Prevention Controls and Countermeasures and Emergency Response Plan
        - Migratory Bird Conservation Plan
        - Exotic and Invasive Species Control Plan
        - Fire Prevention and Suppression Plan
        - Plans for the Management of Waste and Contaminated Soil, Sediment and Groundwater
        - Plan for Discovery of Unanticipated Paleontological Resources
        - Blasting Plan
        - Karst Mitigation Plan
        - Traffic and Transportation Management Plan
    - Comments for the Bureau of Land Management and U.S. Forest Service
    - Errors in the EIS

Part I: Section 5.2 of the Final EIS

The Commonwealth of Virginia recommends that FERC include the following recommendations in Section 5.2 of the Final EIS (FEIS) and that if the Commission approves the construction and operation of the Mountain Valley Project (MVP), it condition the order on adherence to these recommendations. If FERC does not include these recommendations in Section 5.2, then the Commonwealth recommends that they be incorporated in appropriate sections of the FEIS, plans and procedures as mitigation measures. To the extent practicable, the Commonwealth recommends that the Bureau of Land Management and U.S. Forest Service also consider these recommendations to the degree that they relate to decisions under their jurisdiction.

1) New recommendations for Section 5.2

a) Recommendation: Given the adverse impact to forestland that has been documented and recognized by FERC as significant in its analysis, the Commonwealth of Virginia recommends that FERC include in Section 5.2 a recommendation that directs MVP, LLC to coordinate with Virginia's natural resource agencies and applicable federal agencies on an acceptable mitigation plan to offset and compensate for the significant forestland impacts in Virginia, including direct and indirect loses and fragmentation effects.

Findings to support recommendation: The DEIS directs MVP, LLC to develop a mitigation plan in coordination with federal and state agencies for upland forest impacts in Section 4.4.3. Failing to include a robust account for direct and indirect impacts of the MVP to forests would gravely underestimate the extent to which Virginia's forest would be affected by the project. For additional evidence to support the recommendation, see comments from the Commonwealth's natural resource agencies in Attachment B.

b) Recommendation: Include a requirement directing MVP, LLC to develop an Acid Soil Mitigation Plan to be approved by Virginia Department of Environmental Quality (DEQ) and implement horizontal directional drilling (HDD) to the maximum extent practicable in areas containing acid soils. DEQ cautions that exposing these soils to the atmosphere through open trenching operations could result in acidic runoff, potentially resulting in environmental impacts. The plan should address how these areas will be managed, the disposition of acid soils, and details regarding proper storage and disposal practices.

Findings to support recommendation: DEQ considers stormwater management and erosion and sediment control (ESC) measures to be critically important to minimizing potential water quality impacts from the MVP. The MVP

crosses or is within 100 meters of more than 21 miles of Virginia streams. Additionally, there are areas of special interest such as karst, steep slopes, slide prone areas, and acid sulfate soils. Proper stormwater management and ESC design, implementation, and monitoring will be paramount in protecting these resources. The ESC procedures contained in the DEIS are not representative of the full scope of Virginia's requirements for stormwater and ESC. DEQ has required MVP, LLC to submit site-specific ESC plans to be reviewed and approved prior to land-disturbing activity. These ESC plans will be expected to meet and exceed Virginia's requirements, particularly in areas of special interest. See the DEQ comments in Attachment B.

c) **Recommendation:** Add a recommendation to direct MVP, LLC to conduct pre-impact characterizations of proposed stream and wetland crossings to include sufficient evidence that the system will be able to maintain its original functions indefinitely after restoration. DEQ is concerned that the proposed temporary impacts could result in a permanent alteration of the impacted systems post construction. Pre-impact characterizations should include subsurface investigations at temporary stream and wetland impact areas to establish the feasibility of restoring the systems post construction and hydrologic assessments, including piezometers, to establish pre-impact hydrologic conditions at temporary wetland impact areas. See the DEQ comments in Attachment B.

d) **Recommendation:** Add a new recommendation, or amend Recommendation 28, to include a requirement that MVP, LLC file feasibility and geotechnical studies for all HDD stream crossings. See the DEQ comments in Attachment B for location information.

e) **Recommendation:** Include a requirement that directs MVP, LLC to develop a comprehensive Water Quality Monitoring Plan that describes how water quality monitoring will be conducted before, during and up to five years after project construction. The plan should focus on identifying an appropriate number of monitoring locations above and below where open trench crossing or HDD are used in critical areas such as wild/stocked trout streams, endangered/threatened species waters, public water supplies, total maximum daily load (TMDL) watersheds, Tier 3 streams, areas near acidic soils and streams with high Virginia Stream Condition Index (VSCI) scores. The plan should consider real-time temperature, dissolved oxygen and turbidity monitoring (such as that done in Virginia by the U.S. Geological Survey), which could allow the public and all agencies involved to access the data real-time. Additionally, the plan should include a collection of macroinvertebrates, fish, and habitat data, using DEQ-approved methods, above and below identified crossings during the project, and yearly for 5 years after completion of the project.

f) **Recommendation:** Add a requirement directing MVP, LLC to conduct additional hydrostatic testing protections beyond the Virginia Pollutant Discharge Elimination System (VPDES) Permit discharge general permit requirements to include restricting volumes of intake and discharge not to exceed 10% of stream average daily flows and limiting screen sizes to not larger than 1 millimeter for withdrawals associated with hydrostatic testing and dust control.

   Findings to support recommendation: MVP, LLC will be required to obtain coverage under the General VPDES Permit Regulation for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (9VAC25-120). Section 4.6.2.4 suggests that MVP, LLC will minimize impacts from water withdrawals by adhering to the measures in its procedures called Erosion and Sediment Control Plans. However, in those plans in Section 2.6.1 Hydrostatic Testing, there is no evaluation or assurance that aquatic life will be minimally impacted. The focus is on withdrawal with water discharges only being mitigated with an energy dissipating device. A rough analysis indicated discharge volumes ranging from 10% to 445% of the average daily stream flow. See the DEQ comments in Attachment B for additional information.

g) **Recommendation:** Add a requirement for MVP, LLC to file stream and wetland mitigation plans prior to construction for permanent operational impacts, including permanent access roads and upgrades of existing roads for temporary access resulting in long-term stream impact. See the DEQ comments in Attachment B for additional information.

h) **Recommendation:** Add a requirement that, prior to construction, MVP, LLC conduct dye trace studies, geological analysis and hydrological studies to determine subsurface flow paths in areas where the pipeline, access roads, layout yards, or fueling stations cross or lie upslope along drainages from karst features so that in the event of a spill, recovery and monitoring efforts may begin immediately. Locations of where channels terminate downstream of the project in swallets, especially in cases where swallets are more than 400 feet from the project centerline, should be documented. Incorporate results into the Karst Mitigation Plan. See DCR comment comments in Attachment B for specific locations.

   Findings to support recommendation: DCR supports MVP, LLC's efforts in minimizing impacts to karst resources. However, the proposed practices do not completely eliminate the possibility of sediment or other contaminant releases during construction, maintenance, and operation of the pipeline. Primary contaminants of concern are sediment and chemicals, particularly hydrocarbons, associated with construction. Such contaminants could easily travel more than ¼

mile along these channels to downstream, receiving karst features, and in turn contaminate subterranean habitats and karst aquifers that supply water to springs and wells. The well and spring sampling protocol (see recommendation 2(e) of this section) should be revised and be based on the results of a robust and thorough karst hydrology study. See the DCR comments in Attachment B for additional information.

2) Modifications to Existing Recommendations in Section 5.2

a) Recommendation 5: Require MVP, LLC to provide information on new route realignments or facility relocations, and staging areas, contractor yards, new access roads, and other areas that have not been previously identified in filings to DEQ and other entities responsible for permitting.

b) Recommendation 6(a): Incorporate the recommended mitigation measures in Attachment A into the Implementation Plan for the MVP.

c) Recommendations 8, 25 and 26: Modify the recommendations to include DEQ as an entity that will receive updated status reports, results, and plans.

d) Recommendation 26: Amend the recommendation to include the requirement that MVP, LLC file site-specific plans for streams crossed by temporary roads, including crossing methods (bridge or culvert), and for culvert crossings, culvert sizes based on runoff calculations and time in place. Locations of fill sources, temporary crossing restoration plans, and excess fill material disposal sites should be identified.

e) Recommendations 25 and 39: Amend the recommendations to include a requirement that MVP, LLC implement the following steps for a water monitoring assessment to ensure an accurate understanding of the environmental consequences related to karst resources as discussed in 4.3.1.2:

- Identify resurgence springs and other down gradient, connected groundwater for karst areas crossed by MVP using dye tracing methods
- Perform time-series monitoring of these features by using conductivity, temperature, pressure, and turbidity probes
- Collect spot samples during base flow periods
- Evaluate turbidity response to precipitation events prior to, during, and subsequent to construction

Findings to support recommendation: DCR is concerned that the proposed 500-foot buffer for identifying water sources in karst terrain is not adequate for identifying potential areas of impact as karst groundwater can move miles in a day. The existing water monitoring proposal would make it difficult to correlate impacts to the pipeline. Spot sampling of wells and springs prior to and after construction is important but karst waters can be dynamic. Depending on timing of sampling, results may or may not be characteristic. See the DCR comments in Attachment B for additional information.

f) **Recommendation 41:** Modify the recommendation to include state-listed species and to require MVP, LLC to perform habitat assessments and/or species surveys, with permits as needed, for those species listed in the Department of Game and Inland Fisheries' (DGIF) detailed comments for which DGIF has not provided specific guidance (Attachment B). Modify the recommendation to require coordination with DGIF and DCR Division of Natural Heritage to ensure avoidance and minimization of impacts upon listed species and their habitats during project construction and long-term operation.

Part II: Recommendations for Other Sections of the Supplemental or Final EIS, Plans and Procedures

The Commonwealth of Virginia encourages FERC to incorporate the following recommendations into appropriate sections of the supplemental or final EIS, plans and procedures. To the extent practicable, the Commonwealth recommends that the Bureau of Land Management and U.S. Forest Service also consider these recommendations to the degree that they relate to decisions under their jurisdiction.

1) Route Changes and Variations

a) Canoe Cave Conservation Site

i) Recommendation: Avoid the Canoe Cave Conservation Site as part of continuing efforts to evaluate route adjustments as stated on page 4-35 (paragraph 4). See comments from DCR in Attachment B for additional information.

ii) Recommendation: Institute route variations to avoid the pipeline running parallel along or upslope of belts of significant karst. Crossing these belts perpendicularly to the geologic strike would minimize the effects of land disturbance on the karst areas. See the DCR comments in Attachment B for additional information.

iii) Recommendation: Ensure that MVP, LLC performs dye trace investigations to determine the recharge area of Canoe Cave and associated spring and consider route variations based on results since the proposed route and the associated access road are within the conservation site for the significant cave (see Figure 1 in the DCR comments in Attachment B). See the DCR comments in Attachment B for additional information.

b) Mount Tabor Variation and Slussers Chapel Conservation Site

i) Recommendation: Reroute the portion of the Mount Tabor alternative to avoid areas of concentrated water flow and associated erosion and sedimentation. See the DCR comments in Attachment B for additional information.

ii) Recommendation: Continue to evaluate alternatives in search of one that minimizes proximity to karst features and drainages associated with the Slussers Chapel Conservation Site.

Findings to support recommendation: The Mount Tabor reroute moves the proposed section of the pipeline through the Slussers Chapel Conservation site, off of karst bedrock and the Mount Tabor sinkhole plain, onto non-carbonate rocks just to the north. However, the Mount Tabor alternative crosses five deeply incised stream channels (some intermittent, others perennial) immediately upstream of the contact with the karst of the Slussers Chapel Conservation Site. Based on recent studies, all but one of the sinkpoints downstream of the indicated stream crossing have been traced directly to the stream in Slussers Chapel and Mill Creek Cave and spring (see Figure 2 in the DCR comment letter). The remaining sinkpoint is expected to trace to Slussers Chapel as well, since it is within the watershed boundary as defined by the other traces. The current MVP route as proposed has a high potential to alter the hydrology of the Slussers Chapel-Mill Creek Cave system, and impact downstream surface waters as well. Construction in these streams is likely to produce erosion issues that will persist well beyond the construction period. See the DCR comments in Attachment B for additional information.

iii) Recommendation: Eliminate crossings on alignment sheet 27 by rerouting the pipeline in this area and change the route to avoid disturbance to active stream channels that lead to discrete inputs (swallets) of the Slussers Chapel – Mill Creek system. Obtain updated data on the thundercroft fissure. See the DCR comments in Attachment B for additional information.

c) Mill Creek Springs Natural Area Preserve

i) Recommendation: Change the proposed route to include a variation that avoids the Mill Creek Springs Natural Area Preserve also known as the Blake Preserve since proposed activities would violate the terms of the deed of dedication and open space easement. When modifying the route to avoid the preserve, consider all alternatives in determining the least environmentally impactful pipeline route including impacts to karst. See the DCR comments in Attachment B for additional information.

d) DCR Conservation Areas

i) Recommendation: Change the proposed route to include variations that avoid the following conservation areas (see the DCR comments in Attachment B for additional information):

- Roanoke River-North and South Forks Stream Conservation Unit
- Stony Creek Stream Conservation Unit
- Clover Hollow Conservation Site

- Craig Creek Stream Conservation Unit
- Canoe Cave Conservation Site
- Old Mill Conservation Site
- Kimballton Quarry (access roads)

e) Surface Waters

i) Recommendation: Incorporate recommendations from DEQ to evaluate rerouting and, where not practicable, utilize enhanced ESC practices and increased inspections during construction activities. See the DEQ comments in Attachment B for detailed information.

f) Wildlife Resources

i) Recommendation: Consider the long-term impacts of forest fragmentation and to minimize them to the greatest extent possible by co-locating the pipeline within already-disturbed utility corridors and early successional habitats. See the DGIF comments in Attachment B.

g) Aviation

i) Recommendation: Consider impacts to the Roanoke-Blacksburg Regional Airport and the Smith Mountain Lake Airport if variations or route changes are proposed for areas north of the current alignment. See the Virginia Department of Aviation (DOAV) comments in Attachment B.

2) Recommendations for Preconstruction Planning, Surveys and Studies

a) Surface Water and Groundwater Resources

i) Recommendation: Include an inventory of locations of private ponds relative to the pipe and road network. Locate road and pipe crossings down gradient of private ponds to the maximum extent possible and develop enhanced ESC measures to protect ponds from secondary impacts of construction where route alignments are not possible. See the DEQ comments in Attachment B.

ii) Recommendation: Provide details regarding material to be used and installation methods for all temporary culverts and temporary fill in waterbodies and wetlands for permanent and temporary access roads, including methods proposed to stabilize fill material. Include a detailed analysis of all alternatives relative to the use of culverts and temporary fill, such as relocations and bridges, to reduce both permanent and temporary

waterbody impacts. See the DEQ comments in Attachment B.

b) Infrastructure Conflicts

i) Recommendation: Consider the Town of Rocky Mount's concerns about the proximity of the MVP to the town's drinking water plant as prevailing winds tend to blow south and the pipeline would be within 2,000 feet of the facility at its closest point. To limit the duration of any nearby emergency that would affect the drinking water facility or State Route 220 corridor, the Town of Rocky Mount recommends that additional mainline block valves be installed in the vicinity. See the comments from the Town of Rocky Mount in Attachment B for additional information.

ii) Recommendation: Consider the impact of pipeline construction to planned infrastructure activities in the Town of Rocky Mount and include coordination with the Western Virginia Water Authority (WVWA) as a requirement to mitigate potential conflicts. See the comments from the Town of Rocky Mount in Attachment B for additional information.

c) Karst Resources

i) Recommendation: Incorporate location-specific recommendations from DCR to protect karst resources. See the DCR comments in Attachment B for locations and associated recommendations and hydrological studies.

d) Wildlife Resources

i) Recommendation: Update preconstruction requirements to include recommendations for mussel surveys (see the DGIF comments in Attachment B) :

- If any work is proposed in streams known to support listed mussels, or in their perennial tributaries, perform a mussel survey and relocation from 100 meters upstream through 400 meters downstream of impact areas. This survey should be performed by a qualified, permitted biologist, preferably no more than six months prior to the start of construction.
- Ensure that all survey and relocation activities should adhere to draft guidance (attached to DGIF's detailed comments in Attachment B).
- Coordinate any relocations should be coordinated with DGIF.
- Coordinate with the U.S. Fish and Wildlife Service prior to relocating federally listed species.

- Submit survey results to DGIF. Upon review of the results, DGIF will make final recommendations regarding the protection of listed species known from the area.
- Coordinate with the U.S. Fish and Wildlife Service.

ii) Recommendation: Include all habitat survey results for the bog turtle. Due to access restrictions, habitat assessments are not complete and surveying continues. See the DGIF comments in Attachment B.

iii) Recommendation: Adhere to time-of-year restrictions for all instream work as described in Part II items 3(c)(iii) and 3(e)(ii). See the DGIF comments in Attachment B for additional information.

e) Contaminated Soil, Sediment and Groundwater

i) Recommendation: Add clarification that soil or sediment that is suspected of contamination should be addressed by the six-stage response plan as referenced in Section 4.2.2.2 in addition to the Unanticipated Discovery of Contamination Plan and in accordance with all applicable federal, state, and local laws and regulations. See the DEQ comments in Attachment B.

ii) Recommendation: Incorporate more specific measures, including coordination with appropriate regulatory agencies, to manage groundwater suspected of contamination or discovery of any brine pit as referenced in section 4.3.1.2. Ensure that the Environmental Inspectors (EIs) complete more specific training and use proper field equipment for contamination analyses. See the DEQ comments in Attachment B.

f) Recreational and Scenic Resources

i) Recommendation: Include coordination with the DCR Division of Planning and Recreational Resources since the route easement could offer connection to regional and local trail systems. See the DCR comments in Attachment B for additional information.

g) Virginia Outdoor Foundation Easements

i) Recommendation: Incorporate accurate impacts to easements owned by the Virginia Outdoors Foundation (VOF) and identify future coordination with the VOF Board of Trustees as a requirement pursuant to the Code of Virginia §10.1-1704 as applicable.

h) Geologic and Mineral Resources

i) Recommendation: Incorporate information to address analytical deficiencies identified by the Department of Mines, Minerals and Energy (DMME) in Attachment B by including impacts to undeveloped mineral resources with potential economic value and addressing the potential for acid drainage from the coal-bearing strata of the Price Formation and potential debris flows at slopes as low as approximately 5%.

i) Pollution Prevention

i) Recommendation: Include additional information on reuse, recycling and pollution prevention as identified below by the DEQ Office of Pollution Prevention (see comments in Attachment B).

- Consider the development of an effective Environmental Management System (EMS). An effective EMS will ensure that the proposed project is committed to complying with environmental regulations, reducing risk, minimizing environmental impacts, setting environmental goals, and achieving improvements in its environmental performance. DEQ offers EMS development assistance and recognizes facilities with effective Environmental Management Systems through its Virginia Environmental Excellence Program (VEEP). VEEP provides recognition, annual permit fee discounts, and the possibility for alternative compliance methods.
- Consider reuse and recycling opportunities when evaluating waste handling, including asphalt recycling (Section 2.4.2.12, p. 2-47), mulching of brush and timber (Section 2.4.2.2, p. 2-38) and water reuse opportunities (p. 4-101).
- Consider contractors' commitment to the environment when choosing contractors. Specifications regarding raw materials and construction practices can be included in contract documents and requests for proposals.
- Choose sustainable materials and practices for construction and design, including the use of native species and pollinators when re-establishing vegetation (Section 2.3.4, p. 2-28).
- Integrate pollution prevention techniques into maintenance and operation.
- Encourage supply chain partners to implement pollution prevention, sustainability, and environmental management systems.
- Coordinate with the DEQ Office of Pollution Prevention for additional information and technical assistance relating to pollution prevention techniques and EMS.

j) Aviation

i) **Recommendation:** Ensure that the design of above-ground facilities does not interfere with pilots' safe ingress and egress at nearby airports at their existing configuration and with planned improvements and runway expansion. See the DOAV comments in Attachment B for additional information.

k) Drinking Water Resources

i) **Recommendation:** Follow recommendations from the Virginia Department of Health (VDH) to protect drinking water sources (private wells, springs, cisterns and public water supplies), conduct a survey of onsite sewage systems and private wells in relation to the pipeline route to determine potential impacts, and coordinate with VDH Office of Environmental Health Services (see the VDH comments in Attachment B).

l) Rare Plants

i) **Recommendation:** Conduct surveys for the following non-listed state and globally rare plants that are tracked by DCR and that were not included in the previous rare plant surveys for the project (see the DCR comments in Attachment B):

- Chestnut lip fern (*Cheilanthes castanea*, G5?/S2/NL/NL) – Ellison Quad
- Piedmont fameflower (*Phemeranthus piedmontanus*, G1/S1/NL/NL) – Boone's Mill Quad
- Weak bluegrass (*Poa saltuensis*, G5/S2/NL/NL) – Penhook Quad
- Prairie dropseed (*Sporobolus heterolepis*, G5/S1/NL/NL) – Penhook Quad

3) Mitigation Measures for Construction and Maintenance Activities

a) Wetlands and Surface Waters

i) **Recommendation:** Include temporary wetland impact soil handling requirements as detailed in the DEQ comments in attachment B. During trench excavation in all wetlands, saturated or unsaturated, segregate the upper 12-inches of the soil profile as "wetland topsoil" from the underlying subsoil, store the wetland topsoil in a soil stockpile separate from other soil materials, and upon closing the trench, use the wetland topsoil to fill the upper 12-inches of the trench to reconstruct the wetland soil profile. Restore temporarily disturbed wetland areas to pre-existing conditions within 30 days of completing work at each respective temporary impact area, including

reestablishing preconstruction elevations and contours with topsoil from the impact area and planting or seeding with appropriate wetland vegetation according to pre-disturbance cover type.

ii) Recommendation: Incorporate recommendations for additional information and clarification to enable sufficient analysis of surface water resources (see the DEQ comments in Attachment B for a list).

b) Hydrostatic Testing

i) Recommendation: Identify a more suitable location for the discharge that is currently proposed to Craig Creek at Milepost 219.5 since the discharge contradicts a requirement of the FERC Wetland and Waterbody Construction and Mitigation Procedures not to discharge into waterbodies which provide habitat for federally listed threatened or endangered species without appropriate permissions. Provide clarification and correction to Table 4.3.2-10 and associated portions of the EIS as identified by DEQ in its comments in Attachment B.

c) Stream Crossings

i) Recommendation: Incorporate the following Virginia Marine Resources Commission (VMRC) recommendations, which are standard instream permit conditions, for jurisdictional stream crossings since the project will require a Subaqueous Lands Permit pursuant to the Code of Virginia § 28.2-1204 (see the VMRC comments in Attachment B):

- A "frac-out" contingency plan must be provided for any crossings utilizing the directional drill method to address potential frac-outs or related spills associated with any directional drilling activities.
- In an effort to minimize adverse impacts to threatened and endangered fish and mussel species, instream surveys and species relocations may be required. No instream construction shall be conducted during any recommended time-of-year restrictions of any year unless waived by DGIF in writing.
- The instream construction activities shall be accomplished during low flow periods utilizing darn and pump, flume around or within cofferdams constructed of nonerodible materials in such a manner that no more than half the width of the waterway is obstructed at any point in time. All areas of state-owned bottom and adjacent lands disturbed by this activity shall be restored to their original contours and natural conditions within thirty (30) days from the date of completion of the authorized work. All excess

materials shall be removed to an upland site and contained in such a manner to prevent its reentry into state waters.

- Erosion and sediment control measures shall be in conformance with the 1992 Third Edition of the *Virginia Erosion and Sediment Control Handbook* and shall be employed throughout construction.
- If it is determined that blasting is necessary at any of the crossings, DGIF shall be notified a minimum of 48 hours in advance of the blasting.
- The DCR shall be contacted for any stream crossings where karst landscape features are encountered during installation.
- DGIF shall be contacted for any work in trout waters to avoid conflicts with trout stocking activities.

ii) Recommendation: Include a table citing recommendations identified by the DEIS or by state agency correspondence to protect freshwater aquatic resources at each of the VMRC jurisdictional stream crossings and the applicant's intention of following those recommendations. See the VMRC comments in Attachment B for additional information.

iii) Recommendation: Adhere to the following time-of-year restrictions for all instream work (see the DGIF comments in Attachment B for additional information):

- From May 15 through July 31 of any year in waters known to or anticipated to support Atlantic pigtoes
- From March 15 through May 31 and August 15 through October 15 of any year in waters known to or anticipated to support dwarf wedgemussels
- From April 15 through June 15 and August 15 through September 30 of any year for waters known to or anticipated to support green floaters
- From March 15 through June 30 of any year in waters known to support Roanoke logperch or their tributaries

iv) Recommendation: Include a directive that when MVP, LLC coordinates with DGIF, the applicant must provide a stream/wetland crossing table that includes information in the list below, so that agencies may make clear recommendations, as appropriate, about any given stream or wetland crossing:

- Latitude/longitude coordinates for each crossing site
- Name of stream being crossed
- Type of stream being crossed (perennial, intermittent)
- Description of the substrate in the stream at each crossing
- Depth and width of stream at crossing

- Photographs of each crossing site (including up and downstream photographs)
- A map depicting each crossing site and that is referenced to the stream crossing table

d) Forest Resources

i) Recommendation: Incorporate the following recommendations to mitigate the impacts of forest fragmentation on biodiversity (see the Department of Forestry (DOF) comments in Attachment B):

- Keep right-of-way clearing to the minimum width necessary to prevent interference from trees and other vegetation.
- Establish herbaceous species and shrubs or some low-growing trees that are considered desirable ground cover and valuable wildlife habitat along the right-of-way in the project's vegetation management and revegetation plan.
- Maintain a scrub habitat, dominated by low growing, bushy vegetation and young trees, which is preferable to mowing in forest habitats. It can provide quality habitat for wildlife species that are dependent on early successional habitat (birds, reptiles, and amphibians).

ii) Recommendation: Incorporate the following best management activities to protect forest resources (see the DOF comments in Attachment B):

- Restore contours to pre-construction conditions and controlling erosion until re-vegetation stabilizes the disturbed areas.
- Restore vegetation to native species and protecting the natural functions of the pre-construction ecosystem.
- Use machinery where feasible, that when combined (example: earth mover and cart) weigh less than 10 tons per axle. Research has shown that this will help alleviate compaction to the top 6-8 inches of soil where it can be more easily addressed. Combination vehicles weighing more than 10 tons can create compaction as deep as 3 feet which is very difficult to mitigate.
- Minimize traffic lanes for transporting cleared timber from the site.
- Follow Forestry Best Management Practices (BMPs) for water quality as outlined by the Virginia Department of Forestry's Voluntary BMP Guidelines publication for all harvesting operations.
- Stock pile soil away from trees that are to remain standing. Piling soil at a tree stem can kill the root system of the tree. Soil stockpiles should be covered, as well, to prevent soil erosion and fugitive dust.

- Retain existing groupings and/or clusters of trees and natural vegetation on the sites of the support facilities, where feasible, to provide aesthetic and environmental benefits, as well as reducing future open space maintenance costs.

e) Wildlife Resources

i) Recommendation: Incorporate the following construction mitigation recommendations to protect wildlife resources (see the DGIF comments in Attachment B for additional information):

- Review the Virginia Wildlife Action Plan (available through www.bewildvirginia.org) to determine what threats are known to these species, what suitable habitat for these species consists of and how to best protect them and their habitats from harm.
- Conduct any in-stream activities, whether resulting in permanent or temporary impacts, during low or no-flow conditions, using non-erodible cofferdams or turbidity curtains to isolate the construction area, blocking no more than 50% of the streamflow at any given time, stockpiling excavated material in a manner that prevents reentry into the stream, restoring original streambed and streambank contours, revegetating barren areas with native vegetation, and implementing strict erosion and sediment control measures.
- To minimize harm to the aquatic environment and its residents resulting from use of the Tremie method to install concrete, installation of grout bags, and traditional pouring of concrete, ensure that such activities occur only in the dry, allowing all concrete to harden and cure prior to contact with open water.
- Due to future maintenance costs associated with culverts, and the loss of riparian and aquatic habitat, construct stream crossings via clear-span bridges. However, if this is not possible, countersink any culverts below the streambed at least 6 inches, or use of bottomless culverts, to allow passage of aquatic organisms.
- Install floodplain culverts to carry bankfull discharges.
- The use of directional drill, aerial crossing, or other methods that avoid impacts upon streams, wetlands, and other unique natural resources is preferable when practicable.
- Due to recent examples of frac-outs leading to bentonite mud spills resulting from the directional drill method, perform geotechnical analysis of all proposed sites for directional drills and closely review it to ensure that the sites are suited for such a crossing method. Depending on the sensitivity of any given stream, it may be preferable to trench crossings

that adhere to DGIF's instream work recommendations or any recommendations made for the protection of listed species and/or designated wildlife resources.

- If a directional drill is the chosen method, develop a contingency/clean-up plan to address frac-outs and/or spills.
- To minimize the adverse impacts of linear utility project development on wildlife resources, avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable; maintain naturally vegetated buffers of at least 100 feet in width around wetlands and on both sides of perennial and intermittent streams, where practicable; conduct significant tree removal and ground clearing activities outside of the primary songbird nesting season of March 15 through August 15; and, implement and maintain appropriate erosion and sediment controls throughout project construction and site restoration.

ii) Recommendation: Incorporate the following recommendations to protect designated trout streams, which are ecologically and economically significant resources in Virginia (see the DGIF comments in Attachment B):

- Adhere to the following time-of-year restrictions for all instream work:
  - From October 1 through March 31 of any year within Bottom Creek and all tributaries in Roanoke and Montgomery Counties (brook trout), Little Stony Creek in Giles County (brook trout), Green Creek in Franklin County (brown trout), Mill Creek (brown trout) and
  - From March 15 through May 15 of any year within Little Stony Creek in Giles County (rainbow trout).
- Coordinate with DGIF to ensure avoidance of stocking and/or angling activities in Little Stony Creek in Giles County during project construction and long-term operation.

iii) Recommendation: Incorporate the consideration of impacts upon state-listed endangered bat (tri-colored bat and little brown bats) that may result from construction activities and coordinate with DGIF if the surveys indicate that the species are roosting along the proposed pipeline corridor. See the DGIF comments in Attachment B for additional information.

iv) Recommendation: Include an analysis of possible impacts to timber rattlesnakes and directives that construction workers are provided educational training in coordination with DGIF (see Attachment B).

v) Recommendation: Ensure that construction activities, including but not limited to vegetation clearing, do not take place during the customary time-of-

year restrictions within suitable loggerhead shrike habitat until outstanding issues related to nest occupancy surveys can be clarified to DGIF's satisfaction (see Attachment B).

f) Erosion and Sediment Control

i) Recommendation: To the degree that it is consistent with Virginia Erosion and Sediment Control Law and regulations, require the Wildlife Habitat Council, FERC and MVP, LLC's project-specific Erosion and Sediment Control Plans to meet or exceed DOF best management practices (BMPs) where appropriate (see the DOF comments in Attachment B).

ii) Recommendation: To the degree that it is consistent with Virginia Erosion and Sediment Control Law and regulations, incorporate detailed comments from the Department of Conservation and Recreation (DCR) regarding proposed seed mixes and ensure that recommended seed mixtures include seeds of native plants and, to the degree practicable, do not contain any species listed on the Virginia DCR Invasive Plant Species List. See the DCR comments in Attachment B for additional information.

g) Right-of-Way Maintenance

i) Recommendation: Include a robust monitoring and adaptive management plan as part of right-of-way maintenance to provide guidance if initial revegetation efforts are unsuccessful or if invasive species outbreaks occur. See the DCR comments in Attachment B for additional information.

ii) Recommendation: Include maintenance of vegetation using annual mowing in the non-growing season between October 15 and April 1 and minimal to no use of chemicals, especially in sensitive areas with documented natural heritage resources. See the DCR comments in Attachment B for additional information.

h) Government-Funded Best Management Practices

i) Recommendation: Ensure any impacted BMPs along the route (see map attached to the DCR comments in Attachment B) be reinstalled or relocated. Examples of BMPs include livestock fences and stream crossings re-erected, watering systems relocated, cover crops reimbursed to the farmers, and disturbed areas re-vegetated.

ii) Recommendation: Add a recommendation for MVP, LLC to coordinate with the DCR Division of Soil and Water Conservation on tree loss associated with

impacted BMPs on a case-by-case basis (see the DCR comments in Attachment B for contact information).

iii) **Recommendation:** For segments of the MVP that cross TMDL Implementation Planning (IP) watersheds, where implementation has already occurred, incorporate a requirement that MVP, LLC replace BMPs such as livestock exclusion and riparian buffers if they need to be destroyed or have funds allocated to replace the BMPs nearby (see the DEQ comments in Attachment B). This recommendation affects the following IP watersheds:

- Four watersheds of the Blackwater River (Upper, Middle, North Fork and South Fork) IP
- Two watersheds of the Lower Blackwater River, Maggodee and Gills Creek IP
- One watershed of the Pigg River and Old Womans Creek Watersheds IP and
- Two watersheds of the Upper Banister River and Tributaries IP

i) Open Burning and Fugitive Dust

i) **Recommendation:** Include requirements that open burning is allowed only in accordance with 9VAC20-81-95 of the Virginia Solid Waste Management Regulations (VSWMR) and localities should be consulted since they may have additional open burning restrictions. See the DEQ comments in Attachment B.

ii) **Recommendation:** Include requirements that construction activities associated with the MVP are subject to the Air Pollution Control Regulations regarding open burning (9 VAC 5-130 et seq.) and fugitive dust (9 VAC 5 -50-60 et seq.) and that the project would be subject to any applicable existing source regulations related to the southern part of Roanoke County, which is a volatile organic compound (VOC) and nitrogen oxide (NOx) emissions control area. See the DEQ comments in Attachment B.

iii) **Recommendation:** Include a recommendation that MVP, LLC mitigate construction-related air emissions through the use of construction equipment that releases cleaner emissions. See the DEQ comments in Attachment B.

j) Aviation

i) **Recommendation:** Include potential impacts on aviation facilities and operations as identified by DOAV in Attachment B to ensure airport safety

and identify implementation of applicable requirements:

- The design of above-ground facilities must not interfere with pilots' safe ingress and egress at nearby airports at their existing configuration and with planned improvements and runway expansion.
- Activities at the project site should not pose a hazard or impediment to pilots using the airport. Hazards or impediments in design and operations include interference with navigation and communication equipment, interference with existing and planned approach procedures for all aircraft published for or by the airport, glare from building materials and external lights, and generation of dust or like particles.
- Construction activity in the vicinity of an airport, especially involving heavy equipment, must be in compliance with FAA Advisory Circular 150/5370-2E Operational Safety on Airports During Construction.
- To ensure that the proposed construction would not create a hazard to air navigation, the applicant should confirm with FAA that Part 77 safety areas, especially the horizontal surface, are not penetrated through the filing of Form7460-1. See the DOAV comments in Attachment B.

4) Recommendations for Specific Plans

a) Spill Prevention Controls and Countermeasures (SPCC) and Emergency Response Plan

i) Recommendation: Update the emergency response plan (SPCC and Unanticipated Discovery of Contamination Plan for Construction Activities in Virginia) to include the results of dye tracing investigations performed where the pipeline runs across or above karst in the unlikely event that contaminants enter a karst feature. See the DCR comments in Attachment B for additional information as well as an example of how appropriate studies and planning could have prevented contamination of public water supplies from a fuel spill at a natural gas pipeline construction project.

ii) Recommendation: Update the SPCC with correct information, including replacing existing contact information with the Virginia Department of Emergency Management 24-hour notification number, and clarification as provided by DEQ (comments in Attachment B) that includes, but is not limited to, the following:

- SPCC applicability includes facilities with total oil storage capacity of 1,320 gallons or greater and containers storing 55 gallons or more of oil. The SPCC and Tables 2-5A and 2-5B include inaccurate statements. Ancillary

oil storage in other areas of the facility, such as stored fuel, stored lubrication oil, and oil-filled equipment, are also to be included in aggregate storage calculations.
- A professional engineer must certify the SPCC as required by 40 CFR §112.3(d)(1)(iii).
- Spills 25 gallons or greater must be reported immediately.

b) Migratory Bird Conservation Plan

i) Recommendation: Update the Migratory Bird Conservation Plan to include the following (see the DGIF comments in Attachment B):

- Conduct an updated analysis, substituting the top two tiers of DGIF Species of Greatest Conservation Need (SGCN) found in DGIF's Wildlife Action Plan for selection of priority species for this project.
- Include the American Woodcock, which was excluded from the SGCN list in the DEIS.
- Ensure that the plan place greater emphasis on the following species:
    - Golden-winged warbler
    - Cerulean warbler
    - Swainson's warbler
    - Black-billed cuckoo
    - Northern saw-whet owl
    - Loggerhead shrike
    - Peregrine falcon
- Clarify the timing and methodology of nest occupancy surveys for the state-listed Loggerhead Shrike when clearing cannot be completed prior to nesting season.
- Coordinate with DGIF prior to all occupancy surveys to ensure surveys will be conducted according to DGIF protocols.
- Continue coordination with DGIF regarding assessments of potentially suitable habitat for the Loggerhead Shrike since the proposed route continues to be refined.
- To help minimize potential impact to nesting falcons, prior to all blasting work, coordinate the proposed location and timing of blasting activities in Virginia with DGIF. Loud blasting during construction could have impacts to nesting falcons, including flushing an incubating falcon from the nest, which could cause egg damage.
- Continue coordination with DGIF and the U.S. Fish and Wildlife Service regarding protection of bald eagle nests and golden eagles during project construction and long-term operation.

c) *Exotic and Invasive Species Control Plan*

i) **Recommendation:** Update the Exotic and Invasive Species Control Plan with the following mitigation recommendations from state agencies (see comments from DCR, DGIF and DOF in Attachment B for additional information):

- Consider the likely response of invasive species or target species when prescribing activities that result in soil disturbance or increased sunlight.
- During construction and follow-on maintenance activities, take steps to guard against construction vehicles inadvertently bringing into forest interiors invasive and/or non-native plant species from other locations. Weed seed and fungal spores can be transported in the mud or dirt on vehicles. Prior to moving equipment onto and off of an activity area, scrape or brush soil and debris from exterior surfaces, to the extent practical, to minimize the movement of invasive plants, pests and diseases to non-infested areas. Another option is to wash vehicles before they enter a weed-free area or when they leave an infested area. The emphasis of the cleaning should be in the wheels, wheel wells, bumpers, and undercarriage of the vehicle where most mud and dirt collects.
- If seeding or planting is necessary to minimize the threat of highly damaging invasive species from spreading, use native seed or non-invasive cover plants for revegetation.
- Conduct all site restoration for the following scenic and recreational resources with native plant species to restore the scenic value of the affected resources to the greatest extent possible:
    - Stony Creek Road and Route 42 in Giles County
    - Catawba Road in Montgomery County
    - Pigg River in Pittsylvania County
- Verify the locations of the invasive species identified in Table 4.4 1-4 of the DEIS as “unknown” for incorporation in the invasive species management plan.
- Implement the invasive species plan for the lifespan of the project as part of the right-of-way maintenance since invasive species outbreaks can occur any time during and after construction.
- Include a more robust and comprehensive invasive species control plan that fully addresses decontamination of construction machinery used during stream crossings and disinfection of personal gear worn by workers (e.g., boots, waders, etc.) to ensure that aquatic invasive species known from West Virginia are contained (e.g., zebra mussels, dydimo, hydrilla, etc.) and are prevented from spreading into Virginia waters.
- Direct MVP, LLC to coordinate with DGIF (see DGIF’s detailed comments) for guidance.

d) Fire Prevention and Suppression Plan

i) **Recommendation:** Update the MVP Fire Prevention and Suppression Plan to meet or exceed DOF fire prevention and suppression guidelines, add adherence to the plan as a condition of the FERC order (if approved) from the Commission, and require MVP, LLC to consult with DOF to ensure that the plan meets DOF's guidelines. See the DOF comments for details in Attachment B.

e) Plans for the Management of Waste and Contaminated Soil, Sediment and Groundwater

i) **Recommendation:** Include a Waste and Debris Management Plan. The plan should address how all excess material and debris will be managed in accordance with all applicable federal, state, and local laws and regulations. See the DEQ comments in Attachment B.

ii) **Recommendation:** Include the Unanticipated Discovery of Contamination Plan only under Appendix A in the SPCC and revise it with corrections and recommendations as identified by DEQ in its comments in Attachment B.

f) Plan for Discovery of Unanticipated Paleontological Resources

i) **Recommendation:** Update the Plan for Discovery of Unanticipated Paleontological Resources to consider the potential for encountering Tertiary or Quaternary vertebrate and plant fossils in unconsolidated (non-bedrock) deposits. See the DMME comments in Attachment B.

g) Blasting Plan

i) ***Recommendation:*** Update the blasting plan to reflect DGIF's requests for notifications and accurate DMME permitting and notification requirements. See DGIF and DMME comments in Attachment B.

h) Karst Mitigation Plan

i) **Recommendation:** Incorporate existing and new dye trace information into the plan to determine flow direction to support recovery efforts after a spill and correct errors identified in the DCR comments in Attachment B.

i) Traffic and Transportation Management Plan

i) Recommendation: Incorporate recommendations from the Virginia Department of Transportation and ensure that the plan identifies the need for appropriate work zone and traffic control plans, permits and coordination (see the VDOT comments in Attachment B).

5) Comments for the Bureau of Land Management and U.S. Forest Service

a) Recommendation: Consider the Town of Blacksburg's comments and associated recommendations detailed in the town's resolutions (attached) that were passed on November 8, 2016, expressing opposition to the proposed amendments to the Jefferson National Forest Revised Land and Resource Management Plan (LRMP). See the comments from the Town of Blacksburg in Attachment B.

6) Errors in the EIS

a) Recommendation: Update the Supplemental of Final EIS with correct information as identified by DGIF, DCR, DEQ, DMME and DOF in Attachment B.

b) Recommendation: Incorporate corrections and project changes, such as the proposed use of municipal water supply sources instead of surface water withdrawals, identified in a November 17, 2016, letter from MVP, LLC (see Attachment B) that was submitted to DEQ after its commenting deadline request and conduct sufficient analysis on the changes.