USDA United States Department of Agriculture | Forest Service | Southern Region | 1720 Peachtree Street, NW Atlanta, GA 30309

File Code: 6270
Date: April 3, 2020

[redacted]

This is our final response to your Freedom of Information Act (FOIA) request #2019-FS-R8-01657-F of January 8, 2019, which was received in this office for processing on January 28, 2019. You requested the following information:

- "copies of all written communications – to include letters, memorandums, reports and emails – either received or sent by the forest supervisor of the Jefferson National Forest, from July 27, 2018, to the present, that pertain to the issuance of a new permit or approval from the U.S. Forest Service for the Mountain Valley Pipeline to cross through the Jefferson National Forest. To be more precise, the request is for written communications related to the Forest Service's decision to amend the Jefferson National Forest Land Resource Management Plan to allow for construction of the pipeline – a decision that was vacated on July 27, 2018 by the 4th U.S. Circuit Court of Appeals and remanded for further review – or for written communications about any other issues identified by the court's opinion. This request is intended to cover all written communications, for the above-designated topics, sent or received by any person who has served as supervisor of the Jefferson National Forest since July 27, 2018 -- whether that is Joby Timm, Elizabeth LeMaster or another individual."

A reasonable search was conducted by this office and all responsive records were referred to the Office of the General Counsel (OGC), U.S. Department of Agriculture (USDA) for review on February 12, 2019. Upon review of these records (793 pages), it has been determined that 31 pages are being withheld according to 5 U.S.C. § 552(b)(5). Additionally, 138 pages have been partially redacted in accordance with 5 U.S.C. § 552(b)(2) and 5 U.S.C. § 552(b)(5). The remaining 624 pages are being released in full.

Exemptions

FOIA Exemption 2 exempts from mandatory disclosure records that are "related solely to the internal personnel rules and practices of an agency." We have determined that portions of the records, specifically emails between Forest Service employees, must be withheld pursuant to Exemption 2 of the FOIA, 5 U.S.C. 552(b)(2).

FOIA Exemption 5 protects from disclosure inter-agency or intra-agency memorandums or letters which would not be available by law to a party, other than a party in litigation with the agency. Incorporated in Exemption 5 are three primary privileges:

1. The deliberative process privilege,
2. The attorney work-product privilege, and
3. The attorney-client privilege.

We have determined that portions of the records requested must be withheld pursuant to all three of the privileges extended under Exemption 5 of the FOIA, 5 U.S.C. 552(b)(5).

Deliberative Process Privilege

We are withholding portions of email documents under the deliberative process privilege. The deliberative process privilege prevents injury to the quality of agency decisions. For the deliberative process privilege to apply, three requirements must be met: (1) the communication must be inter-or intra- agency, (2) the communication must be pre-decisional and developed prior to the adoption of an agency policy, and (3) the communication must be deliberative, and a direct part of the deliberative process that makes recommendations or expresses opinions on legal or policy matters. The three policy purposes that constitute the basis for the deliberative process privilege are (1) to encourage open, frank discussions on matters of policy between subordinates and superiors, (2) to protect against premature disclosure of proposed policies before they are adopted, and (3) to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

The withheld information consists of portions of email discussions involving issues and concerns related to the Jefferson National Forest, the land management plan, and the Mountain Valley Pipeline. These records also include draft documents prepared for internal use only. All of these records are withheld to encourage open, frank discussions on matters of policy between subordinates and superiors, to protect against premature disclosure of proposed policies before they are adopted and to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's actions.

The Attorney Work-Product Privilege

The attorney work-product privilege protects records and documents prepared by an attorney or at an attorney’s direction in contemplation or anticipation of litigation, including administrative proceedings. The withheld information consists of communications between USDA OGC attorneys and the client agency, the Forest Service, regarding records of law enforcement investigations, when the investigation is based upon specific wrongdoing and represents an attempt to obtain evidence and build a case against the suspected, information shared with a party holding a common legal interest with the agency, and reports prepared to provide background on a Federal Torts Claim Act for USDA OGC and at the request of an OGC attorney.

The Attorney-Client Privilege

The attorney-client privilege of FOIA Exemption 5 protects confidential communication between an attorney and a client relating to legal matters for which the client has sought professional advice. The privilege applies to facts divulged by a client to an attorney and communications between attorneys which reflect client-supplied information. Release of the information would reveal the strategy, thought processes, communications, and interactions between attorney and client that assist the attorney in protecting the interests of the client in addressing legal issues specific to the Jefferson National Forest. The information reflects specific legal communication between OGC attorneys and employees of the Forest Service.

Fees

Pursuant to 7 C.F.R. Subtitle A, Part 1, Subpart A, Appendix A, there is no charge for the records enclosed. At our discretion, we have chosen not to charge fees in this case because we believe the release of the records at issue to be in the public interest.

This discretionary waiver of fees applies to this particular FOIA request and does not guarantee a waiver of fees when similar records are requested in the future; nor does it guarantee a waiver of fees to you when making future requests or appeals.

Appeal Rights

This concludes the Forest Service response to your FOIA request. The FOIA provides you the right to appeal this response. Any appeal must be made in writing, within 90 days from the date of this letter, to the Chief, USDA, Forest Service:

1) by email to SM.FS.WOFOIA@USDA.Gov
2) by regular mail to Mail Stop 1143, 1400 Independence Avenue, SW, Washington, DC 20250-1143
3) by Fed Ex or UPS to 201 14th Street, SW, Washington, DC 20250-1143, and telephone (202) 205-1542

The term "FOIA APPEAL" should be placed in capital letters on the subject line of the email or on the front of the envelope. To facilitate the processing of your appeal, please include a copy of this letter and/or the FOIA case number (2019-FS-R8-01657-F) assigned to your request.

If you need further assistance or would like to discuss any aspect of your request, please contact the FOIA Public Liaison at (202) 205-1542. Additionally, you may contact the Office of Government Information Services (OGIS) National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
e-mail: ogis@nara.gov
telephone: (202) 741-5770
toll free: (877) 684-6448
facsimile: (202) 741-5769

If you have questions regarding this FOIA request, you may contact Douglas Meloche at (404) 347-4427 or douglas.meloche@usda.gov.

Sincerely,

Frank R. Beum (for)

KEN ARNEY
Regional Forester

Enclosures

cc: Douglas Meloche

625 Liberty Avenue, Suite 1700 | Pittsburgh, PA 15222
844-MVP-TALK | mail@mountainvalleypipeline.info
www.mountainvalleypipeline.info

July 26, 2018

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

Re: Mountain Valley Pipeline, LLC
Docket No. CP16-10-000
Weekly Status Report No. 35

Dear Ms. Bose:

On October 13, 2017, the Federal Energy Regulatory Commission issued an order granting a Certificate of Public Convenience and Necessity to Mountain Valley Pipeline, LLC ("Mountain Valley") for the Mountain Valley Pipeline Project in the above-identified docket. On October 31, 2017, Mountain Valley submitted its Implementation Plan for the Project. In compliance with Environmental Condition Nos. 8 and 14, Mountain Valley submits its status report for the week ending June 29, 2018.

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

Attachments

cc: All Parties
Paul Friedman, OEP
Lavinia DiSanto, Cardno, Inc.
Doug Mooneyhan, Cardno, Inc.

FEDERAL AUTHORIZATIONS

All federal authorizations have been received.

CONSTRUCTION STATUS

Construction activities and progress are included in Appendix A.

WORK PLANNED FOR NEXT REPORTING PERIOD

Mechanized clearing, and prepare ROW will continue on all Spreads. Trenching will continue on Spreads B, C, D, F, and H. Stringing will continue on Spreads A, B, C, D, F, G, H, and I. Welding will continue on Spread A, B, C, D, F, G, H, and I. Coating and wrapping will continue on spreads B, C, D, and F. Backfilling and tying-in will continue on spreads C, D, F, H, and I. Site construction will continue at the authorized compressor stations and interconnects in West Virginia. Road construction will continue in West Virginia. Trenching will commence on Spread A. Stringing will commence on Spread E. Coating and wrapping will commence on Spread E.

SCHEDULE CHANGES

There are no required schedule changes for waterbody crossings or work in other environmentally sensitive areas.

ENVIRONMENTAL ISSUES

The table in Appendix B summarizes problem area reports (PAR) and noncompliance reports (NCR) issued for the Project during the reporting period, as well as corrective actions taken to resolve the issue (including the cost and effectiveness of the corrective actions).

In the event Mountain Valley receives correspondence from other federal, state, or local permitting agencies concerning instances of noncompliance during the reporting period, Mountain Valley will include or reference such correspondence, as well as Mountain Valley's response thereto, in Appendix C.

LANDOWNER RESOLUTIONS

The table in Appendix D includes information regarding landowner concerns and how they were resolved.

VARIANCE CONDITIONS

In the event Mountain Valley is required to provide supplemental documentation as a condition to a variance request granted by the Federal Energy Regulatory Commission, Mountain Valley will include or reference such variances, as well as the required reporting, in Appendix E.

Activity Name	Activity Status	% Complete
Compressor Stations		
Bradshaw		
Bradshaw Mechanical - Office Building Area	Not Started	0%
Bradshaw Mechanical - Discharge Filter Area	Not Started	0%
Bradshaw Mechanical - Auxiliary Equipment Area	Not Started	0%
Bradshaw Mechanical - Blowdown Silencer Area	Not Started	0%
Bradshaw Mechanical - Gas Cooler Area	Not Started	0%
Bradshaw Mechanical - Compressor Building Area	Not Started	0%
Bradshaw Mechanical - Suction Filter Area	Not Started	0%
Bradshaw Mechanical - Launcher/Receiver Area	Not Started	0%
Bradshaw Mechanical - Produced Fluids Area	Not Started	0%
Bradshaw Mechanical - Site Work Area	Not Started	0%
Bradshaw Mechanical - Commissioning	Not Started	0%
Bradshaw Civil - Road Construction	In Progress	65.17%
Bradshaw Civil - Site Construction	In Progress	74.87%
Bradshaw Civil - Post Site Construction/Reclamation	In Progress	43.38%
Bradshaw Civil - Tree Felling	Completed	100%
Harris		
Harris Mechanical - Office Building Area	Not Started	0%
Harris Mechanical - Discharge Filter Area	Not Started	0%
Harris Mechanical - Auxiliary Equipment Area	Not Started	0%
Harris Mechanical - Blowdown Silencer Area	Not Started	0%
Harris Mechanical - Gas Cooler Area	In Progress	0.9%
Harris Mechanical - Compressor Building Area	In Progress	1.4%
Harris Mechanical - Suction Filter Area	In Progress	4.72%
Harris Mechanical - Launcher/Receiver Area	In Progress	2.88%
Harris Mechanical - Produced Fluids Area	Not Started	0%
Harris Mechanical - Site Work Area	In Progress	17.5%
Harris Mechanical - Commissioning	Not Started	0%
Harris Civil - Road Construction	Completed	100%
Harris Civil - Site Construction	Completed	100%
Harris Civil - Post Site Construction/Reclamation	Completed	100%
Harris Civil - Tree Felling	Completed	100%
Stallworth		
Stallworth Mechanical - Office Building Area	Not Started	0%
Stallworth Mechanical - Discharge Filter Area	Not Started	0%
Stallworth Mechanical - Auxiliary Equipment Area	Not Started	0%
Stallworth Mechanical - Blowdown Silencer Area	Not Started	0%
Stallworth Mechanical - Gas Cooler Area	Not Started	0%
Stallworth Mechanical - Compressor Building Area	In Progress	0.25%
Stallworth Mechanical - Suction Filter Area	Not Started	0%
Stallworth Mechanical - Launcher/Receiver Area	Not Started	0%
Stallworth Mechanical - Produced Fluids Area	Not Started	0%
Stallworth Mechanical - Site Work Area	Not Started	0%
Stallworth Mechanical - Commissioning	Not Started	0%
Stallworth Civil - Road Construction	In Progress	83.25%
Stallworth Civil - Site Construction	In Progress	69.24%
Stallworth Civil - Post Site Construction/Reclamation	In Progress	16.54%
Stallworth Civil - Tree Felling	Completed	100%

Activity Name	Activity Status	% Complete
Interconnects		
Mobley		
Mobley Mechanical - GC Building Area	Not Started	0%
Mobley Mechanical - CV Building Area	Not Started	0%
Mobley Mechanical - Meter Building Area	Not Started	0%
Mobley Mechanical - Filter Area	Not Started	0%
Mobley Mechanical - Launcher/Receiver Area	Not Started	0%
Mobley Mechanical - Site Work Area	Not Started	0%
Mobley Mechanical - Commissioning	Not Started	0%
Mobley Civil - Road Construction	In Progress	57.94%
Mobley Civil - Site Construction	In Progress	91.8%
Mobley Civil - Post Site Construction/Reclamation	In Progress	59.48%
Mobley Civil - Tree Felling	Completed	100%
Sherwood		
Sherwood Mechanical - GC Building Area	Not Started	0%
Sherwood Mechanical - CV Building Area	Not Started	0%
Sherwood Mechanical - Meter Building Area	Not Started	0%
Sherwood Mechanical - Filter Area	Not Started	0%
Sherwood Mechanical - Launcher/Receiver Area	Not Started	0%
Sherwood Mechanical - Site Work Area	Not Started	0%
Sherwood Mechanical - Commissioning	Not Started	0%
Sherwood Civil - Road Construction	Not Started	0%
Sherwood Civil - Site Construction	Not Started	0%
Sherwood Civil - Post Site Construction/Reclamation	Not Started	0%
Sherwood Civil - Tree Felling	Not Started	0%
WB		
WB Mechanical - GC Building Area	In Progress	5%
WB Mechanical - CV Building Area	In Progress	5%
WB Mechanical - Meter Building Area	In Progress	2.7%
WB Mechanical - Filter Area	In Progress	14.82%
WB Mechanical - Launcher/Receiver Area	In Progress	14.5%
WB Mechanical - Site Work Area	Not Started	0%
WB Mechanical - Commissioning	Not Started	0%
WB Civil - Road Construction	In Progress	100%
WB Civil - Site Construction	Completed	100%
WB Civil - Post Site Construction/Reclamation	In Progress	99.04%
WB Civil - Tree Felling	Completed	100%
Transco		
Transco Mechanical - GC Building Area	Not Started	0%
Transco Mechanical - CV Building Area	Not Started	0%
Transco Mechanical - Meter Building Area	Not Started	0%
Transco Mechanical - Filter Area	Not Started	0%
Transco Mechanical - Launcher/Receiver Area	Not Started	0%
Transco Mechanical - Site Work Area	Not Started	0%
Transco Mechanical - Commissioning	Not Started	0%
Transco Civil - Road Construction	Not Started	0%
Transco Civil - Site Construction	Not Started	0%
Transco Civil - Post Site Construction/Reclamation	Not Started	0%
Transco Civil - Tree Felling	Completed	100%

Activity Name	Activity Status	% Complete
Spreads (Pipeline)		
Spread A		
Spread A - Clearing	In Progress	41.59%
Spread A - Prepare right-of-way	In Progress	20.75%
Spread A - Trenching	Not Started	0%
Spread A - Stringing	In Progress	8.71%
Spread A - Welding	In Progress	1.78%
Spread A - Coating & Wrapping	Not Started	0%
Spread A - Backfilling & Tying-in	Not Started	0%
Spread A - Internal Cleaning	Not Started	0%
Spread A - Final Restoration	Not Started	0%
Spread A - Tree Felling	In Progress	99.95%
Spread B		
Spread B - Clearing	In Progress	35.4%
Spread B - Prepare right-of-way	In Progress	29.12%
Spread B - Trenching	In Progress	3.77%
Spread B - Stringing	In Progress	14.24%
Spread B - Welding	In Progress	10.89%
Spread B - Coating & Wrapping	Not Started	0%
Spread B - Backfilling & Tying-in	Not Started	0%
Spread B - Internal Cleaning	Not Started	0%
Spread B - Final Restoration	Not Started	0%
Spread B - Tree Felling	In Progress	99.54%
Spread C		
Spread C - Clearing	In Progress	33.24%
Spread C - Prepare right-of-way	In Progress	18.13%
Spread C - Trenching	In Progress	0.34%
Spread C - Stringing	In Progress	5.42%
Spread C - Welding	In Progress	0.34%
Spread C - Coating & Wrapping	In Progress	0.34%
Spread C - Backfilling & Tying-in	In Progress	0.05%
Spread C - Internal Cleaning	Not Started	0%
Spread C - Final Restoration	Not Started	0%
Spread C - Tree Felling	In Progress	97.9%
Spread D		
Spread D - Clearing	In Progress	49.06%
Spread D - Prepare right-of-way	In Progress	23.52%
Spread D - Trenching	In Progress	13.85%
Spread D - Stringing	In Progress	11.6%
Spread D - Welding	In Progress	4.5%
Spread D - Coating & Wrapping	Not Started	0%
Spread D - Backfilling & Tying-in	Not Started	0%
Spread D - Internal Cleaning	Not Started	0%
Spread D - Final Restoration	Not Started	0%
Spread D - Tree Felling	In Progress	99.9%
Spread E		
Spread E - Clearing	In Progress	40.65%
Spread E - Prepare right-of-way	In Progress	30.55%
Spread E - Trenching	Not Started	0%
Spread E - Stringing	Not Started	0%

Activity Name	Activity Status	% Complete
Spread E - Welding	Not Started	0%
Spread E - Coating & Wrapping	Not Started	0%
Spread E - Backfilling & Tying-in	Not Started	0%
Spread E - Internal Cleaning	Not Started	0%
Spread E - Final Restoration	Not Started	0%
Spread E - Tree Felling	Completed	100%
Spread F		
Spread F - Clearing	In Progress	65.12%
Spread F - Prepare right-of-way	In Progress	26.22%
Spread F - Trenching	In Progress	16.54%
Spread F - Stringing	In Progress	11.73%
Spread F - Welding	In Progress	1.2%
Spread F - Coating & Wrapping	In Progress	3.45%
Spread F - Backfilling & Tying-in	In Progress	1.05%
Spread F - Internal Cleaning	Not Started	0%
Spread F - Final Restoration	Not Started	0%
Spread F - Tree Felling	In Progress	98.1%
Spread G		
Spread G - Clearing	In Progress	38.67%
Spread G - Prepare right-of-way	In Progress	19.17%
Spread G - Trenching	Not Started	0%
Spread G - Stringing	In Progress	16.96%
Spread G - Welding	In Progress	6.76%
Spread G - Coating & Wrapping	Not Started	0%
Spread G - Backfilling & Tying-in	Not Started	0%
Spread G - Internal Cleaning	Not Started	0%
Spread G - Final Restoration	Not Started	0%
Spread G - Tree Felling	In Progress	98.88%
Spread H		
Spread H - Clearing	In Progress	38.74%
Spread H - Prepare right-of-way	In Progress	22.98%
Spread H - Trenching	In Progress	7.43%
Spread H - Stringing	In Progress	17.17%
Spread H - Welding	In Progress	13.73%
Spread H - Coating & Wrapping	Not Started	0%
Spread H - Backfilling & Tying-in	In Progress	3.04%
Spread H - Internal Cleaning	Not Started	0%
Spread H - Final Restoration	Not Started	0%
Spread H - Tree Felling	In Progress	92.34%
Spread I		
Spread I - Clearing	In Progress	43.88%
Spread I - Prepare right-of-way	In Progress	26.75%
Spread I - Trenching	Not Started	0%
Spread I - Stringing	In Progress	7.16%
Spread I - Welding	Not Started	0%
Spread I - Coating & Wrapping	Not Started	0%
Spread I - Backfilling & Tying-in	In Progress	1.85%
Spread I - Internal Cleaning	Not Started	0%
Spread I - Final Restoration	Not Started	0%
Spread I - Tree Felling	In Progress	99.6%

Activity Name	Activity Status	% Complete
Contractor Yards		
West Virginia Locations		
MVP-LY-024	Not Started	0%
MVP-RD-001A	Not Started	0%
MVP-RD-001B	Completed	100%
MVP-LY-001	Completed	100%
MVP-LY-003	Completed	100%
MVP-LY-013	Completed	100%
MVP-LY-002	Not Started	0%
MVP-LY-017	Completed	100%
MVP-AP-001	Not Started	0%
MVP-LOG-001	Not Started	0%
MVP-SA-001	Not Started	0%
MVP-AP-002	Not Started	0%
MVP-LY-001A	Completed	100%
MVP-LY-021	Completed	100%
MVP-LY-004	Completed	100%
MVP-LY-005	Completed	100%
MVP-LY-022	Completed	100%
MVP-LY-025	Completed	100%
MVP-LY-030	Completed	100%
MVP-LY-050	In Progress	55%
MVP-LY-016	Not Started	0%
MVP-LY-037	Not Started	0%
MVP-CY-002	Not Started	0%
MVP-CY-002A	Not Started	0%
MVP-LY-027	Completed	100%
MVP-LY-051	In Progress	95%
MVP-LY-069	Completed	100%
MVP-LY-038	Completed	100%
MVP-LY-058	In Progress	10%
MVP-LY-059	In Progress	20%
MVP-LY-068	In Progress	60%
MVP-LY-070	In Progress	50%
MVP-LY-057	Completed	100%
MVP-LY-031	Not Started	0%
MVP-LY-065	Not Started	0%
MVP-LY-052	Not Started	0%
Virginia Locations		
MVP-PY-006	In Progress	99%
MVP-LY-032	Completed	100%
MVP-LY-033	Completed	100%
MVP-LY-034	Completed	100%
MVP-LY-035	Not Started	0%
MVP-LY-026	Completed	100%
MVP-LY-028	Completed	100%
MVP-LY-1019	Completed	100%
MVP-LY-029	Not Started	0%
MVP-LY-048	Not Started	0%
MVP-LY-045	Not Started	0%
MVP-LY-046	Not Started	0%

APPENDIX B

ENVIRONMENTAL COMPLIANCE

The following table summarizes problem area reports (PAR) and noncompliance reports (NCR) issued for the Project during the reporting period, as well as corrective actions taken to resolve the issue (including the cost and effectiveness of the corrective actions).

Compliance	Spread	Location	Description and Date	Correction and Date
NCR	A	323+50 to 324+50	6/12/2018 - Contractor built temporary diversion berm outside of the LOD. Berm was 3 to 4 feet outside, for about 100 feet at station 323+50 to 324+50	Pending - Land agent was contacted on 6/13/2018. Waiting on L/O approval to remove the material. Material will be put back immediately following approval with equipment sitting inside the LOD.
PAR	A	201+00	6/22/2018 - Slip began on row and overwhelmed and removed diversion berm. Material left the LOD.	Pending - Material will be retrieved off the LOD after a variance is obtained.
NCR	A	30+00	6/29/2018 - A slip occurred resulting in trees having to be cut, the tree cutting occurred outside of the approved time window.	6/29/2018 - A NCR was issued and MVP environmental coordinators were notified. MVP contacted the USFWS.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2573+65	3/14/2018 - Hanger 3, hanging outside of LOD	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2592+00	3/15/2018 – Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2594+00	3/15/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2608+00	3/15/2018 - Tree rolled out of the LOD leaving the butt inside the ROW. Crews s-hooked the tree and will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2641+00	3/15/2018 - Tree rolled out of the LOD on steep slope.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2642+00	3/15/2018 - Tree rolled out of the LOD on steep slope.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2583+22	3/15/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2585+19	3/15/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2670+15	3/16/2018 - Tree felled out of the LOD due to natural wind damage.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2681+00	3/16/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2670+15	3/16/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2659+00-2653+00	3/16/2018 - Tree rolled out of the LOD on steep side slope rock bluff.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2659+00-2653+00	3/16/2018 - Tree rolled out of the LOD on steep slide rock bluff. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2636+84	3/16/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2615+03	3/16/2018 – Tree hung with the top outside ROW. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2570+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2767+87	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2653+00 - 2659+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2665+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2661+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2597+89	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2597+89	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2641+00	3/17/2018 – As crew cut a tree, the limbs were caught on another tree. Limbs have been left hanging.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2642+00	3/17/2018 – As crew cut a tree, the limbs were caught on another tree. Limbs have been left hanging.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2643+00	3/17/2018 – Tree top rolled out of the LOD. Too dangerous for crew to retrieve, due to safety issues.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2644+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2651+00	3/17/2018 – As crew cut a tree, the limbs were caught on another tree. Limbs have been left hanging.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2666+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2611+38	3/17/2018 – As crew cut a tree, the limbs were caught on another tree. Limbs have been left hanging.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2614+44	3/17/2018 - Tree hung and another rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2615+03	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2631+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	AWTS-804	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2707+00	3/19/2018 - Tree top fell out of the LOD and a tree was hung outside of LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2706+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2709+07	3/19/2018 – Three tree tops and two tree hangers fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2721+43	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2721+25	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2723+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2762+30	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2748+00	3/19/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2739+00	3/19/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2726+95	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2729+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2728+90	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2749+80	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2726+78	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2737+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2778+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2730+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2728+74	3/19/2018 - Tree butt rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	ATWS-078	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2728+67	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2726+75	3/20/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2734+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2762+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2713+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2714+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2715+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2716+00	3/20/2018 - Tree rolled out of the LOD and a tree top also fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2717+00	3/20/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2717+98	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2720+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2775+80	3/22/2018 - Tree hangers out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2774+60	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2778+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2779+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2788+25	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2783+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2780+40	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2782+00	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2781+00	3/22/2018 – One tee top fell out of the LOD and one tree rolled out of LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2792+90	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	ATWS-478	3/22/2018 – Tree butt fell outside of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2726+00	3/22/2018 - Tree fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2726+95	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2724+11	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2728+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2724+11	3/22/2018 - Tree butt fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2725+50	3/22/2018 - Tree butt fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2725+00	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2728+67	3/22/2018 - Tree top fell out of the LOD, two tree butts rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2733+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2759+00	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2760+03	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2731+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2733+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2729+53	3/22/2018 - Tree limbs fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2729+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2758+49	3/22/2018 - Tree top fell out of the LOD. One tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2758+00	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2740+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2754+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2751+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2756+00	3/23/2018 – Two tree tops and one tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2755+33	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2755+54	3/23/2018 - Tree rolled out of the LOD. Not accessible from LOD.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2754+00	3/23/2018 – One tree and one tree butt rolled out of the LOD. Not accessible from LOD.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2753+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2752+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2751+00	3/23/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2841+00	3/23/2018 – Three tree tops and one hanger fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2836+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2836+72	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2832+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2833+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2834+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2844+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
FERC Communication Report	B	2845+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2835+41	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2836+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2838+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2904+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2903+48	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2908+00	3/24/2018 - Tree butt rolled out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
NCR (self report)	B	2868+00	3/29/18 - Two trees were cut outside the LOD	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2872+00	3/29/18 - Tree butt fell out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2874+00	3/29/18 - Tree butt fell out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2877+51	3/29/18 - Tree top rolled out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2898+00	3/26/18 - Tree butt fell out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.
NCR	B	Access Road MVP-LE-054	6/6/2018 - Contractor built four pull offs and a turnaround on LE-054, outside of the LOD and without obtaining approval first.	Pending – Pending approval of a variance request.
PAR	D	6301+00	4/3/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
PAR	D	6130+00	4/4/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	D	6469+25	4/4/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
PAR	D	6432+50	4/4/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
PAR	D	6457+20	4/4/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
PAR	D	6249+00	4/6/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
NCR	D	MVP-NI-129	5/31/18- ROW Crew tracked equipment through wetland W-A18.	6/1/18- Retrained ROW Crew. Crew properly installed travel lane through wetland with geo and timber mats.
PAR	D	LDY-38	6/29/2018 - Fueling Station with potential refueling spills.	6/29/2018- Installed turbidity curtain around fueling station to catch any fuel.
PAR	E	7122+60, 7223+00	4/11/2018 - Compliance Monitor was informed by the Lead Environmental Inspector that two trees in two different locations one 25' off LOD at 7122+60 and the second tree is off ROW by 6' at 7223+00.	4/30/2018 - Corrected and pulled back on when mechanical came through.

Compliance	Spread	Location	Description and Date	Correction and Date
FERC Communication Report	E	7508+92	4/20/2018 – Tree fell outside of the LOD.	5/4/2018 - Notified land agent and FERC monitor. Moved onto ROW during mechanical process.
FERC Communication Report	E	7359+60	4/20/2018 – Tree fell outside of the LOD.	5/4/2018- Notified land agent and FERC monitor. Moved onto ROW during mechanical process.
NCR	E	6854+05	4/21/2018 – 4" tree cut 6" outside of LOD	4/28/2018 – Notified Land, MVP Office and FERC Monitor. Moved onto ROW during mechanical process.
NCR	E	6853+77	4/21/2018 – 9" tree cut 15" outside of LOD	4/27/2018 – Notified Land, MVP Office and FERC Monitor. Moved onto ROW during mechanical process.
NCR	E	6853+62	4/21/2018 – Tree cut half in and half outside of LOD.	4/27/2018 - Notified Land, MVP Office and FERC Monitor. Moved onto ROW during mechanical process.
NCR	E	6852+75	4/23/2018 - Dirt was pushed approximately 2 foot off the LOD at station # 6852+75.	4/23/0218 - Dirt was pushed back on the day it occurred.
PAR	E	6822+17	4/23/2018 - Hand felling crew dropped a tree off of the limits of disturbance at Station No. 6822+17.	4/30/2018 - Corrected and pulled back on when mechanical came through.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	E	6813+75	4/23/2018 - One tree with two main trunks fell off of the LOD by 40' at Station # 6813+75.	4/30/2018 - Corrected and pulled back on when mechanical came through.
PAR	E	MVP-LY-030	4/24/2018 - Composite Sock was not keyed into the silt fence to prevent any drainage from by passing through the void and directly into the stream.	4/24/2018 - Mulch was placed by sock.
NCR	E	MVP-LY-030	4/24/2018 - Generator is stored near 100 feet of a stream without being stored in secondary containment.	4/24/2018 - Generator was placed in secondary containment.
PAR	E	7164+53	4/25/2018 - There are cleared trees pushed off the LOD about 5 foot.	4/30/2018 - Corrected and pulled back on when mechanical came through.
NCR	E	7921+00	4/26/2018 - Clearing contractor hand-felled trees in an area that had not yet been surveyed by the Avian Monitors.	4/27/2018 - All work stopped. Avian survey came back to survey and work continued afterwards.
FERC Communication Report	E	7938+00	4/28/2018 - Cut tree (30") and fell off ROW after wedging failure/wind	4/28/2018 – Crew discussed wind gust and additional measures to aid in being aware of the wind changes on 4/28/18. Also, reviewed the process of wedging. Moved onto ROW during mechanical process.
FERC Communication Report	E	6968+00	4/30/18 - 24" diameter double heart tree fell off ROW	5/1/2018 – Discussed double hearted trees on 4/30/18. Moved onto ROW during mechanical process.

Compliance	Spread	Location	Description and Date	Correction and Date
FERC Communication Report	E	7018+20	4/30/18 -Wedge tree; when fell it rolled off ROW	5/1/2018 - Reviewed wedging procedures on 4/30/18. Moved onto ROW during mechanical process.
FERC Communication Report	E	8070+00	5/1 /18- Hill very steep and 8" tree rolled off the ROW	5/2/2018 - Reviewed dangers as well as procedures for hand felling on steep grades on 5/1/18. Moved onto ROW during mechanical process.
FERC Communication Report	E	8085+00	5/1/18- Hill very steep and 8" tree rolled off the ROW. JP calling Jeff to see about mechanical in the area.	5/3/2018 - Reviewed dangers as well as procedures for hand felling on steep grades on 5/1/18. Moved onto ROW during mechanical process.
NCR	E	6854+75	5/1/2018 - During brush pile burn a fire went off of the LOD by approximately 100 feet by 40 feet.	5/2/2018 - Reseeded and mulched area where the fire went off.
NCR	E	MVP-NI-163	5/1/2018 - Observed dirt clumps and soil that were pushed into the stream S-N8 from the bulldozer grading the access road without any erosion controls previously installed.	5/1/2018 - Pulled dirt clumps and soil from the resource. Mulched and seeded.
NCR	E	7945+00	5/1/2018 - Tree was cut off 1 foot off of the LOD.	5/1/2018 - Tree was pulled back on ROW.

Compliance	Spread	Location	Description and Date	Correction and Date
FERC Communication	E	7938+08	5/10/2018 - 14" dead tree 12' tall rolled off the LOD when it hit the ground.	5/30/2018 - Went over distance to stay away from tree cutting and the dangers of steep grades and rolling trees on 5/10/2018. Moved onto ROW during mechanical process.
FERC Communication	E	7938+90	5/10/2018 - 20" tree 10' off LOD when cut	5/30/2018 - Went over tree felling procedures and LOD location markers on 5/10/2018. Moved onto ROW during mechanical process.
PAR	E	6773+50 to 6802+00	5/10/2018 - Filter sock is not properly functional nor is it properly staked in. It also has been driven over causing a rip on the end.	5/10/2018 - Replaced filter sock and staked.
PAR	E	6773+50 to 6802+00	5/10/2018 - Observed crews installing a temporary water bar however this water bar is not installed as outlined on the typical. The water bar is missing a j-hook at the end.	5/10/2018 - Reworked slope breakers and installed J hooks as outlined.
PAR	E	6773+50 to 6802+00	5/10/2018 - The bridge crossing waterbody S-W1 had the side rail repaired however the reinforced bottom where the geo-textile fabric keeps sediment from entering into the waterbody was not reinforced.	5/10/2018 - Repaired, reworded geo-tech so that it became functional.
PAR	E	6773+50 to 6802+00	5/10/2018 - The filter sock near waterbody S-W1 has a tear in it that needs repair.	5/10/2018 - Repaired and replaced sock where needed.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	E	6773+50 to 6802+00	5/10/2018 - The filter sock near waterbody S-W1 needs to be cleaned out due to being full of silt. The filter sock is located on the side of the bridge crossing at S-W1.	5/10/2018 - Filter sock cleaned and replaced. Bridge also cleaned.
PAR	E	6773+50 to 6802+00	5/10/2018 - The temporary water bar that was not functional due to the discharge point being full of soil. This causes the water to go around the filter dissipater (composite sock).	5/10/2018 - Reworked the slope breakers in the area.
FERC Communication	E	8156+00	5/10/2018 - Wind picked up the 11" tree 30' long when it was cut.	5/30/2018 - Discussed safety hazards when winds gust come and monitoring winds speeds on 5/10/2018. Moved onto ROW during mechanical process.
FERC Communication	E	8124+55	5/11/2018 - 13" tree top off LOD before sawyers approached. Once base was cut the top still remained off LOD 30' The tree is located off Cold Hollow Road on the south side of the LOD.	5/30/2018 - Reviewed location of tree top and dangers of hanging trees becoming widow makers as well as "sweeping" areas for dangers prior to cutting and walking the LOD on 5/11/2018. Moved onto ROW during
PAR	E	6840+00	5/12/2018 - Clearing crews are approximately 3 miles ahead of the environmental crews. Erosion controls have not been installed from Station No. 6768+38 to Station No. 6840+00.	5/13/2018 - ECD's installed between grading and clearing.
NCR	E	6812+50	5/12/2018 - Clearing crews disturbed soil around wetland W-N16 at Station No. 6812+50 without installing erosion controls.	5/12/2018 - Installed ECD's and seeded.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	E	6798+90 to 6822+60	5/12/2018 - Crews stockpiled timber outside of the limits of disturbance at multiple locations from Station No. 6822+17 to Old Nicholas Rd. The Compliance Monitor was informed crews were not sure if there was any landowner permission to stack the timber outside of the limits of disturbance.	5/12/2018 - Repositioned tress on ROW.
PAR	E	6798+90 to 6822+60	5/12/2018 - Temporary water bars were not installed from Station No. 6768+38 to Station No. 6763+00.	5/12/2018 - Installed temporary water bars and energy dispersant devices.
FERC Communication	E	7428+00 - 7429+00	5/15/2018 - Cherry tree fell off the ROW when being cut due to it being rotten in the center. Off ROW approximately 20'.	5/30/2018 - Moved onto ROW during mechanical process.
PAR	E	MVP-NI-166	5/16/2018 - Crews are using the access road MVP-NI-166 without an installed rock construction entrance which is called out on the E&S Plans. Minor track out sediment occurred on Hominey Creek Road from today's rain.	5/16/2018 - Installed rock approach at MVP-NI-166.
PAR	E	MVP-NI-166	5/16/2018 - Crews did not properly key in the composite filter sock along the access road.	5/16-17/2018 - Reinstalled all ECD's at all the access roads.
NCR	E	MVP-NI-166	5/16/2018 - Crews filled in a washout of a culvert at stream S-H88 with unwashed stone and road base.	5/16/2018 - Reinstalled and cleaned rock at the resource.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	E	MVP-NI-170	5/17/2018 - Observed a large amount of soil on the main road at access road NI-170. The Compliance Monitor observed no rock construction entrance installed yet on this access road. The Lead Environmental Inspector was contacted about getting a sweeper to clean up road.	5/17/2018 - Reworked access road and applied stone at construction entrance.
PAR	E	MVP-NI-163	5/17/2018 - Observed no crews were working along access road NI-163 over stream S-VV1 and stream S-8N. However, the composite filter socks protecting these streams across the travel lane were not reinstalled. There is rain in the forecast. The Compliance Monitor reminded the Lead Environmental Inspector that these should be reinstalled when the area is not in use. Also mud and sediment on the bridge over stream S-8N needs to be cleaned off.	5/17/2018 - Replaced filter sock and cleaned the bridge.
NCR	E	6898+80 to 6898+00	5/19/2018 - Crews chipped/grubbed within the stream buffer of stream S-H88. The stream bed and bank were not disturbed nor damaged. No impact to the stream S-H88.	5/19/2108 - Stabilized, seeded, and mulched disturbed area.
FERC Communication	E	7860+00 to 7870+00	5/20/2018 - Near the south end of AR 188 a tree top (7" towards the top) is about 20' off the LOD.	5/30/2018 - Moved onto ROW during mechanical process.
FERC Communication	E	7820+00 to 7840+00	5/20/2018 - One tree leaning off the Row. The second tree is partially off a few feet.	5/30/2018 - Moved onto ROW during mechanical process.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	E	7427+10 to 7427+10	5/22/2018 - The bridge over stream S-IJ66 is impeding the flow and starting to flow over the mats. This occurred on access road MVP-GR-179.01. Stream S-IJ66 has a clogged culvert and now the bridge mats are impeding the flow causing the water in the stream to back up.	5/22/2018 - Reworked and raised the bridge. Cleaned the flow path.
PAR	E	Access Road AR179.01	5/23/2018 - Section of the surrounding silt fence laying down from being driven over.	5/23/2018 - Reinstalled silt fence.
PAR	E	6800+10 to 6850+00	5/24/2018 - All of the waterbars from MP 128.8 to MP 129.7 are incorrectly installed (not installed per the typical). No function sumps or J-hooks are installed.	5/24/2018 - Reworked slope breakers. Installed J hooks and pipe.
PAR	E	6800+10 to 6850+00	5/24/2018 - Mounds of boulders and piles of soil were pushed against the silt fence causing the silt fence to either be torn or falling over.	5/24/2018 - Cleaned out boulders and soil. Replaced silt fence so that it is functional.
NCR	E	6977+10 to 6975+70	5/24/2018 - Observed a trackhoe parked overnight within a 100 feet of a sensitive area near Station No. 6977+10.	5/24/2018 - Removed trackhoe and put back into buffer zone.
PAR	E	6800+10 to 6850+00	5/24/2018 - Soil clumps and boulders were observed outside of the limits of disturbance.	5/24/2018 - Removed and returned back to the LOD boulders and soil clumps.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	E	6800+10 to 6850+00	5/24/2018 - There are six inches of soil built-up on the matting across wetland W-N16. The mats need to be cleaned off.	5/24/2018 - Cleaned mats and ECD's around wetland.
NCR	E	6936+40 to 6937+42	5/26/2018 - Clearing crew ground and chipped inside of wetland W-H41. The Environmental Inspector inspected the site in which the clearing crew ground in the wetland and mixed the topsoil and subsoil.	5/26/2018 - Removed chips from wetland. Stabilized and added additional ECD's.
FERC Communication	E	7060+00	5/26/2018 - Tree top rolled out of the LOD about 20 feet.	5/30/2018 - Moved onto ROW during mechanical process.
FERC Communication	E	7061+30	5/26/2018 - Tree top rolled out of the LOD about 35-40 feet.	5/30/2018 - Moved onto ROW during mechanical process.
NCR	E	6940+00 to 6940+00	5/30/2018 - Observed an area at MVP-ATWS-1023 outside of the limits of disturbance staking was cleared. The clearing crew cleared outside of the limits of disturbance at MVP-ATWS-1023. The survey staking was present where the crew cleared outside of the approved limits of disturbance. The clearing equipment went outside of the limits of disturbance and cleared a 20-foot by 50-foot section outside of the limits of disturbance.	5/30/2018 - Stabilized area, mulched, and reseeded.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	E	7233+66	5/31/2018 - Observed soil pushed into the wetland W-M23. The Compliance Monitor also observed a soil stockpile from the matting installation stored within the wetland buffer.	5/31/2018 - Removed soil from wetlands, stabilized and added additional ECD's.
PAR	E	MVP-ATWS-255B	5/31/2018 - Observed vehicles parked outside of the limits of disturbance adjacent to extra workspace MVP-ATWS-255B. The vehicles were parked off the limits of disturbance along with a mechanics truck in an adjacent parking lot of a church. The church parking lot is not an approved extra workspace.	5/31/2018 - Removed vehicles from the area. Placed no parking signs.
FERC Communication Report	E	8081+13	5/4 /18- 18" tree was a high risk tree. As it was being pulled with robe it broke in two.	5/3/2018 – Reviewed roping high risk tree procedures and had a safety talk on 5/4/18. Moved onto ROW during mechanical process.
FERC Communication	E	ATWS-273A	5/5/2018 - 18" Tree broke and pulled off the ROW off ATWS 273-A	5/7/2018 - Discussed the dangers of a tree splitting/breaking when cut on 5/5/2018. Moved onto ROW during mechanical process.
PAR	E	MVP-LY-030	5/5/2018 - Stone was pushed onto the composite sock on Access Road MVP-NI-163 making erosion controls not functional. The stream crossing bridge W-W1 needs to have soil cleaned off bridge and the entrance and exit approaches need to be stabilized.	5/5/2018 - Cleaned bridge and stone from ECD's to make them functional.
FERC Communication Report	E	6829+00	5/5/2018 - Tree was cut and fell off the LOD.	5/7/2018 - Discussed safety hazards when tree cutting on 5/5/2018. Moved onto ROW during mechanical process.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	E	6780+00 to 6784+90	5/7/2018 - Geo-textile fabric is not being properly supported underneath the bridge stream S-W1. The fabric is loaded with water and silt causing it to sag and possibly break due to the weight.	5/7/2018 - Reworked the stringers.
PAR	E	6780+00 to 6784+90	5/7/2018 - On access road MVP-NI-163, stone is piled over the composite sock causing it to not function properly.	5/7/2018 - Reworked slope breakers and composite sock.
PAR	E	6780+00 to 6784+90	5/7/2018 - Silt has built-up on the composite sock at stream W-W1 on access road MVP-NI-163.	5/7/2018 - Reworked composite sock and slope breakers.
PAR	E	6780+00 to 6784+90	5/7/2018 - The composite sock, located at the bridge of stream S-W1, is full of built-up silt and sedimentation.	5/7/2018 - Reworked composite sock and slope breakers.
PAR	E	6773+25 to 6773+50	5/7/2018 - The mats need to be cleaned off before any soils fall into the stream S-N8A at Station No. 6773+25.	5/7/2018 - Cleaned mats and reworked sock so that ECD's are functional.
PAR	E	6780+00 to 6784+90	5/7/2018 - The rail for the bridge over stream S-W1 is no longer attached.	5/7/2018 - Reattached and cleaned.
PAR	E	6780+00 to 6784+90	5/7/2018 - The silt is built up around the composite sock at 6773+25 near stream S-N8A.	5/7/2018 - Pulled back the silt and corrected composite sock.

Compliance	Spread	Location	Description and Date	Correction and Date
NCR	E	000+00	5/8/2018 - The contractor cleared trees on Access Road MVP-NI-170 which was not up to date on the required avian surveys. The crew cleared approximately six trees along Access Road MVP-NI-170.	5/8/2018 - Work was stopped. Avian survey came back through. Issue addressed.
NCR	E	MVP-LY-030	5/9/2018 - Observed the contractor utilizing a general unlabeled roll off trash dumpster to throw away DEF containers, used hydraulic oil containers, oily rags, oil filters, and other hazardous waste items at laydown yard MVP-LY-030.	5/9/2018 - Dumpster was hauled off. Addressed dumpster needs to be label.
NCR	E	ATWS 267	6/29/2018 - Clearing operator missed the PI on the LOD staking and went off the ROW.	6/29/2018 - Cleaned up what went off ROW. Asked for a spotter so PIs are not missed and to avoid future occurrence.
PAR	E	6784+89	6/29/2018 - ECD failure. Sediment left the ROW.	6/29/2018 - Cleaned the sediment that left the ROW. Improved the ECD's.
FERC Communication	E	6780+00 - 7042+00	6/29/2018 - ECDs lost effectiveness.	6/29/2018 - Corrugated plastic pipe was placed on down grade ends of water bars. Mats added to wet areas at 6979+00.
FERC Communication	E	6867+00	6/29/2018 - Silt fence about to release sediment.	6/29/2018 - Corrected silt fence by adding additional ECD's.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	F	9467+74 & 9502+85	6/23/2018 - No permanent seeding on streams S-OP1 and S-IJ64.	Pending - Seed banks still pending.
PAR	F	8183+00	6/23/2018 - Sediment went off LOD due to major rain event.	6/25/2018 - New ECD's were installed.
PAR	F	8910+50	6/24/2018 - Water bars need to be built per the plan.	6/25/2018 - Water bars were reinstalled correctly.
PAR	F	Wayside Talcott	6/26/2018 - RCE needs to be refreshed to keep mud from coming onto roadway.	6/27/2018 - Stone was added to the RCE at Wayside Talcott Rd.
NCR	F	9580+00 to 9633+00	6/26/2018 - All the water bars in this area were non-functional.	6/27/2018 - All the water bars were rebuilt and are working properly.
PAR	F	MVP-LY-50	6/27/2018 - Spoil pile was not seeded on the backside.	6/29/2018 - Seed was added to the spoil pile.
PAR	F	MVP-LY-50	6/27/2018 - ECD's were full and needed to be cleaned out.	6/29/2018 - Cleaned out ECD's.

Compliance	Spread	Location	Description and Date	Correction and Date
NCR	G	11407+61 to 11409+00	6/21/2018 - Livestock fence installed off ROW.	Pending - Fence will be moved to LOD following approval of Level 2 variance request.
NCR	G	11352+97	6/19/2018 - Livestock fence installed off ROW.	Pending - Fence will be moved to LOD following approval of Level 2 variance request.
NCR	G	MP 226.6 to 226	6/22/2018 - Sediment left ROW and impacted karst feature. Sediment left ROW on 6/22/18 following a rain event and investigation with Draper Aden took place evening of 6/22.	6/23/2018 - Stormwater was pumped from sink near 11976+00. Sediment was left in sink at direction of Draper Aden. The area was stabilized with seed and mulch. Added ECDs and repaired water bars.
NCR	G	MP 226.6 to 226	6/22/2018 - Water bars not repaired prior to storm event of 6/22/18.	6/23/2018 - Water bars were repaired on 6/23/18.
PAR	G	11767+15 to 11767+44	6/22/2018 - Turbid stormwater and fine sediment traveled from ROW to roadside ditch depositing in RCE of MLV 26 with turbid water entering S-IJ52. Stormwater event occurred on 6/22/18.	6/22/2018 - Sediment was removed for road side ditch that could be reached from LOD. Stone was refreshed at RCE. Corrective action started 6/22 and completed on 6/25.

Compliance	Spread	Location	Description and Date	Correction and Date
NCR	G	11687+42, 11704+10	6/25/2018 - Sediment impacted streams S-MN21 and S-MN22 during storm event of 6/22/18.	6/25/2018 - Remove sediment from stream and buffer area. Area stabilized with seed and mulch. Landowner permission required to go off ROW and wet soil conditions delayed removal.
NCR	H	12035+11	6/23/2018 - Stream S-G40 was impacted with sediment due to improper installation of slope breakers and ECD failure.	6/29/2018 - Contractor installed slope breakers above the stream and upgraded ECD's at stream crossing.
PAR	H	12036+92	6/23/2018 - Wetland PP8 impacted by sediment when slope breakers failed to function upslope.	6/30/2018 - Contractor removed upland soil from wetland, installed super silt fence BMP at wetland perimeter, installed additional slope breakers above wetland.
NCR	H	12067+50	6/26/2018 - Clean water crossing was impacted with sediment during rain event. Sediment migrated 80 feet beyond right of way limits.	6/30/2018 - Contractor retrieved sediment from beyond the LOD, clean water crossing was stabilized, BMP upgraded.
PAR	H	12071+00	6/26/2018 - Slope breakers up slope failed concentrating flow to overtop this slope breaker end treatment during rain event. Sediment migrated 150 feet beyond right of way limits.	6/30/2018 - Contractor retrieved sediment from beyond the LOD, slope breakers were adjusted to send discharge flow to the opposite side of the right of way.
NCR	H	12076+95	6/23/2108 – Stream S-MM15 impacted by sediment as slope breakers above wetland failed.	6/23/2018 - Contractor removed sediment out of stream to a distance of 3,175 feet beyond the LOD with L/O approval. Slope breakers were installed properly above stream crossing and ECD's were upgraded at stream crossing.

Compliance	Spread	Location	Description and Date	Correction and Date
NCR	H	13334+17	6/29/2018 - Due to slope breaker failure in a storm event, ECD'a at stream S-GH11 crossing were damaged, sediment impacted the stream and a pond located 250 feet beyond the LOD.	6/29/2018 - Sediment was removed from the stream, bridge side boards were upgraded, geotech underlayment was extended the full length of the bridge, ECD was upgraded at stream crossing, and slope breakers were installed above stream crossing.
NCR	H	13596+00, 13626+65, 13431+00	6/27/2018 - Waterbars not installed at days end, prior to rain event.	6/29/2018 – Waterbars installed.
NCR	I	14105+26, 14141+62, 14157+55	6/25/2018 - Silt entered stream after rain event due to failure to maintain mat crossings.	6/26/2018 - Cleaned creek and repaired mat ECDs.
NCR	I	13949+70	6/26/2018 - Failure to perform mat maintenance and replace waterbars at days end.	6/28/2018 - Breakers rebuilt and mat maintenance completed.
PAR	JNF	11584+02	6/25/2018 - Runoff undermined silt fence along the LOD and allowed sediment to migrate off ROW at 11584+02.	Pending - The silt fence was backfilled but sediment cannot be retrieved until variance request from the Forest Service is received.
PAR	JNF	11580+01	6/27/2018 - Runoff undermined silt fence along the LOD and allowed sediment to migrate off ROW at 11580+01	Pending - The silt fence was backfilled but sediment cannot be retrieved until variance request from the Forest Service is received.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	JNF	11626+04	6/26/2018 - After repairs were made to the S-HH18 crossing at station 11626+04, the crew failed to reconnect the cable that secures the bridge to the anchor post.	6/28/2018 – Bridge secured after issuance of NCR.
NCR	JNF	11626+04	6/28/2018 - After repairs were made to the S-HH18 crossing at station 11626+04, the crew failed to reconnect the cable that secures the bridge to the anchor post.	6/28/2018 – Bridge secured after issuance of NCR.
Note: PAR – Problem Area Report; NCR – Noncompliance Report.				

APPENDIX C

AGENCY CORRESPONDENCE AND RESPONSES

None.

APPENDIX D

LANDOWNER CONCERNS

The following table includes information regarding landowner concerns and how they were resolved.

Tract ID	Spread / Facility	Station/ MP	Date of Concern	Date of Resolution	Issue and Resolution
VA-MO-025	Spread H	237.3	3/20/2018	Pending	**Issue:** Survey was approached by L/O stating that the property lines were incorrect in the maps. The L/O said that the lines were off about 100' and the neighbors have not been compensated. **Resolution:** MVP is currently reviewing the property boundary information to determine if the claim is accurate. • **4/15/2018 -** Agent met with VA-MO-025 L/O along with L/Os of VA-MN-5233 and VA-RO-5805. The stakes were reviewed that the L/O was referring to and walked the route L/O preferred. These stakes were from a previous survey and do not reflect the filed route. The filed route does appear to enter VA-RO-5805 and VA-RO-5806. If the L/O's preferred route is accepted, it will require signatures from VA-MO-025 and VA-MO-023. Further discussions will proceed through both L/O's attorneys. • **4/20/2018 -** MVP is currently working with the L/O to identify potential alternatives to the route in the area of concern. • **4/27/2018 -** Land and construction have met with the L/O and the adjacent L/O to correct the route and are meeting with the adjacent L/O's to acquire rights. • **5/4/2018** - Still working with L/Os and reviewing alternatives. • **5/11/2018-** Still have an issue with the route. One neighbor has signed to fix part of the issue, but the other neighbor, documents are still in process. • **5/18/2018**- Still processing documents. • **5/25/2018**- the route has been corrected but this is still being negotiated • **6/8/2018**- Still being negotiated. • **6/15-29/2018-** MVP is coordinating with the attorney to come to an agreement.

VA-RO-045	Spread H	241.6	5/7/2018	Pending	**Issue:** Cut trees are blocking L/O access road. **Resolution:** The trees need to be cleared from the access road. **5/18/2018**- checking to see if this was completed. **6/8/2018**- No further update. **6/15/2018-** Construction will clear the road with mechanical equipment. **6/22/2018-** Waiting to clear by mechanical means. **6/29/2018-** Waiting to be cleared by mechanical crews.
VA-FR-017.17	Spread H	254.6	5/24/2018	Pending	**Issue:** Land Agent received a call from the L/O stating that with the rain in the Cahas Mountain area, the pond by their home is now a mud pond. They said it is due to the tree clearing up the hill from their house. They also said that the mud has killed the fish in the pond they had stocked with trout, catfish and crappie. The L/O added that the pond does turn cloudy with heavy rain, but not mud. They are asking to pay for the sediment removal and to restock the fish. **Resolution:** The L/O called and got two estimates. It would be $1,100 for the silt removal and $500 for the fish. The total compensation will be $1,600. The L/O has the water clause in his LOW for his drinking water, but the pond is not his drinking water source. **6/8/2018-** Still negotiating the sediment removal and fish restocking. **6/15/2018-** Land agent is still negotiating with the L/O. **6/22/2018**- No new update from negotiations. **6/29/2018**- No new update.
VA-MO-057	Spread G	227.3	6/1/2018	Pending	**Issue:** Rocks slid off the ROW 100' to 150' down the slope. **Resolution:** EI, Land and FERC are working on a plan to either retrieve the rock or compensate the L/O. **6/8/2018**- No further update. **6/15/2018-** Agent met with the L/O and could not travel to the affected area due to construction clearing/grading nearby. Agent will return in a couple days to review. **6/22/2018-** Met to discuss with foreman from Precision. **6/29/2018-** No update from Precision.
VA-FR-017.33	Spread I	256.8	6/4/2018	Pending	**Issue:** L/O is upset about the fact that the openings in the silt fence have not been put in so they can access both sides of the property. The L/O's timber has also been covered up with dirt and cannot be used. **Resolution:** Construction is working on a solution to this issue. **6/22/2018-** No new update from construction. **6/29/2018-** No new update from construction.

VA-FR-076.01	Spread I	262.4	6/20/2018	Pending	**Issue:** L/O reported issue about dust from the core drilling is negatively affecting their chicken farm. **Resolution:** Pictures were sent to construction to figure out how to mitigate dust control. **6/29/2018-** No new update.
VA-FR-076.01 C2	Spread I	262.4	6/22/2018	Pending	**Issue:** L/O demanded to know why there were no warning signals given prior to blasting. **Resolution:** Complaint was filed with FERC. The construction group stated that they blasted with no warning at the direction of the Fire Marshall. **6/29/2018-** No new update.
VA-FR-5508	Spread I	267.1	6/21/2018	Pending	**Issue:** Dirt is piled up so the L/O can't cross the ROW. **Resolution:** Construction was notified. **6/21/2018-** Held meeting with the L/O.
VA-FR-180	Spread I	279	6/21/2018	Pending	**Issue:** L/O thinks T-Posts on top of buried pins that were placed by a surveyor previous to the ROW acquisition on the tract may be lost or moved by construction. **Resolution:** Agent visited the home and received a map with the locations of the 5 T-Posts. Agent walked the line and could not find the T-Posts. Agent is to follow up with the L/O with this issue. **6/29/2018-** No new update.
VA-FR-196.03	Spread I	283.6	6/21/2018	Pending	**Issue:** Crop damage to wheat crop, approximately 1.964 acres reported by farmer renting part of this tract. **Resolution:** Agent to follow up with the L/O to confirm details. **6/29/2018-** No new update.
VA-GI-097.01	Spread G	214.6	6/23/2018	Pending	**Issue:** The L/O reported that the fence is off the ROW and potentially the bridge too. **Resolution:** The bridge was resurveyed and was found to be off the ROW and the fence was identified as off the ROW. Waiting on the variance to get the fence back on the ROW. The decking of the bridge was brought back to the ROW.

APPENDIX E

VARIANCE CONDITIONS

Variance No. Bradshaw-1

On March 21, 2018, Mountain Valley filed Variance Request No. Bradshaw-1 to conduct 24-hour construction at its Bradshaw Compressor Station site in Wetzel County, West Virginia through May 31, 2018. On May 2, 2018, Mountain Valley supplemented its variance request to perform 24-hour construction at the Bradshaw Compressor Station through June 30, 2018. The Commission issued an order granting the variance request on May 3, 2018. In its letter order, the Commission stipulated that Mountain Valley will stop night work if measured noise levels exceed the predicted criteria.

Due to heavy storms and lack of sunlight at the end of the week of June 18th, the solar charged batteries in both sound monitoring kits died and the power to the sound level meters was lost. Because of this, no data was collected from June 23th to June 29th. To resolve the issue, the batteries in each sound monitoring kit were replaced with new ones on July 2nd. Both sound level monitors have been restarted and were collecting data again as of July 2, 2018. Moving forward, battery charge levels at the monitors will be checked at least twice a week to ensure that sufficient power is available for data collection.

625 Liberty Avenue, Suite 1700 | Pittsburgh, PA 15222
844-MVP-TALK | mail@mountainvalleypipeline.info
www.mountainvalleypipeline.info

July 26, 2018

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

Re: Mountain Valley Pipeline, LLC
Docket No. CP16-10-000
Weekly Status Report No. 36

Dear Ms. Bose:

On October 13, 2017, the Federal Energy Regulatory Commission issued an order granting a Certificate of Public Convenience and Necessity to Mountain Valley Pipeline, LLC ("Mountain Valley") for the Mountain Valley Pipeline Project in the above-identified docket. On October 31, 2017, Mountain Valley submitted its Implementation Plan for the Project. In compliance with Environmental Condition Nos. 8 and 14, Mountain Valley submits its status report for the week ending July 6, 2018.

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

Attachments

cc: All Parties
Paul Friedman, OEP
Lavinia DiSanto, Cardno, Inc.
Doug Mooneyhan, Cardno, Inc.

FEDERAL AUTHORIZATIONS

All federal authorizations have been received.

CONSTRUCTION STATUS

Construction activities and progress are included in Appendix A.

WORK PLANNED FOR NEXT REPORTING PERIOD

Mechanized clearing, Prepare ROW, Trenching, Stringing, and Welding will continue on all Spreads. Coating and wrapping will continue on spreads A, B, C, D, F, and H. Backfilling and tying-in will continue on spreads B, C, D, F, H, and I. Site construction will continue at the authorized compressor stations and interconnects in West Virginia. Road construction will continue in West Virginia. Coating and Wrapping will commence on spreads E and G. Backfilling and tying-in will commence on spreads A and E.

SCHEDULE CHANGES

There are no required schedule changes for waterbody crossings or work in other environmentally sensitive areas.

ENVIRONMENTAL ISSUES

The table in Appendix B summarizes problem area reports (PAR) and noncompliance reports (NCR) issued for the Project during the reporting period, as well as corrective actions taken to resolve the issue (including the cost and effectiveness of the corrective actions).

In the event Mountain Valley receives correspondence from other federal, state, or local permitting agencies concerning instances of noncompliance during the reporting period, Mountain Valley will include or reference such correspondence, as well as Mountain Valley's response thereto, in Appendix C.

LANDOWNER RESOLUTIONS

The table in Appendix D includes information regarding landowner concerns and how they were resolved.

VARIANCE CONDITIONS

In the event Mountain Valley is required to provide supplemental documentation as a condition to a variance request granted by the Federal Energy Regulatory Commission, Mountain Valley will include or reference such variances, as well as the required reporting, in Appendix E.

Activity Name	Activity Status	% Complete
Compressor Stations		
Bradshaw		
Bradshaw Civil - Tree Felling	Completed	100%
Bradshaw Civil - Road Construction	In Progress	65.17%
Bradshaw Civil - Site Construction	In Progress	74.87%
Bradshaw Civil - Post Site Construction/Reclamation	In Progress	43.38%
Bradshaw Mechanical - Office Building Area	Not Started	0%
Bradshaw Mechanical - Discharge Filter Area	Not Started	0%
Bradshaw Mechanical - Auxiliary Equipment Area	Not Started	0%
Bradshaw Mechanical - Blowdown Silencer Area	Not Started	0%
Bradshaw Mechanical - Gas Cooler Area	Not Started	0%
Bradshaw Mechanical - Compressor Building Area	Not Started	0%
Bradshaw Mechanical - Suction Filter Area	Not Started	0%
Bradshaw Mechanical - Launcher/Receiver Area	Not Started	0%
Bradshaw Mechanical - Produced Fluids Area	Not Started	0%
Bradshaw Mechanical - Site Work Area	Not Started	0%
Bradshaw Mechanical - Commissioning	Not Started	0%
Harris		
Harris Civil - Tree Felling	Completed	100%
Harris Civil - Road Construction	Completed	100%
Harris Civil - Site Construction	Completed	100%
Harris Civil - Post Site Construction/Reclamation	Completed	100%
Harris Mechanical - Office Building Area	Not Started	0%
Harris Mechanical - Discharge Filter Area	Not Started	0%
Harris Mechanical - Auxiliary Equipment Area	Not Started	0%
Harris Mechanical - Blowdown Silencer Area	Not Started	0%
Harris Mechanical - Gas Cooler Area	In Progress	1.58%
Harris Mechanical - Compressor Building Area	In Progress	3.4%
Harris Mechanical - Suction Filter Area	In Progress	5.5%
Harris Mechanical - Launcher/Receiver Area	In Progress	3.6%
Harris Mechanical - Produced Fluids Area	Not Started	0%
Harris Mechanical - Site Work Area	In Progress	17.5%
Harris Mechanical - Commissioning	Not Started	0%
Stallworth		
Stallworth Civil - Tree Felling	Completed	100%
Stallworth Civil - Road Construction	In Progress	86.86%
Stallworth Civil - Site Construction	In Progress	77.02%
Stallworth Civil - Post Site Construction/Reclamation	In Progress	16.54%
Stallworth Mechanical - Office Building Area	Not Started	0%
Stallworth Mechanical - Discharge Filter Area	Not Started	0%
Stallworth Mechanical - Auxiliary Equipment Area	Not Started	0%
Stallworth Mechanical - Blowdown Silencer Area	Not Started	0%
Stallworth Mechanical - Gas Cooler Area	Not Started	0%
Stallworth Mechanical - Compressor Building Area	In Progress	1.55%
Stallworth Mechanical - Suction Filter Area	Not Started	0%
Stallworth Mechanical - Launcher/Receiver Area	In Progress	0.52%
Stallworth Mechanical - Produced Fluids Area	Not Started	0%
Stallworth Mechanical - Site Work Area	Not Started	0%
Stallworth Mechanical - Commissioning	Not Started	0%

Activity Name	Activity Status	% Complete
Interconnects		
Mobley		
Mobley Civil - Tree Felling	Completed	100%
Mobley Civil - Road Construction	In Progress	57.94%
Mobley Civil - Site Construction	In Progress	91.8%
Mobley Civil - Post Site Construction/Reclamation	In Progress	59.48%
Mobley Mechanical - GC Building Area	Not Started	0%
Mobley Mechanical - CV Building Area	Not Started	0%
Mobley Mechanical - Meter Building Area	Not Started	0%
Mobley Mechanical - Filter Area	Not Started	0%
Mobley Mechanical - Launcher/Receiver Area	Not Started	0%
Mobley Mechanical - Site Work Area	Not Started	0%
Mobley Mechanical - Commissioning	Not Started	0%
Sherwood		
Sherwood Civil - Tree Felling	Not Started	0%
Sherwood Civil - Road Construction	Not Started	0%
Sherwood Civil - Site Construction	Not Started	0%
Sherwood Civil - Post Site Construction/Reclamation	Not Started	0%
Sherwood Mechanical - GC Building Area	Not Started	0%
Sherwood Mechanical - CV Building Area	Not Started	0%
Sherwood Mechanical - Meter Building Area	Not Started	0%
Sherwood Mechanical - Filter Area	Not Started	0%
Sherwood Mechanical - Launcher/Receiver Area	Not Started	0%
Sherwood Mechanical - Site Work Area	Not Started	0%
Sherwood Mechanical - Commissioning	Not Started	0%
WB		
WB Civil - Tree Felling	Completed	100%
WB Civil - Road Construction	In Progress	100%
WB Civil - Site Construction	Completed	100%
WB Civil - Post Site Construction/Reclamation	In Progress	99.04%
WB Mechanical - GC Building Area	In Progress	8.88%
WB Mechanical - CV Building Area	In Progress	5%
WB Mechanical - Meter Building Area	In Progress	6.6%
WB Mechanical - Filter Area	In Progress	24.6%
WB Mechanical - Launcher/Receiver Area	In Progress	14.5%
WB Mechanical - Site Work Area	Not Started	0%
WB Mechanical - Commissioning	Not Started	0%
Transco		
Transco Civil - Tree Felling	Completed	100%
Transco Civil - Road Construction	Not Started	0%
Transco Civil - Site Construction	Not Started	0%
Transco Civil - Post Site Construction/Reclamation	Not Started	0%
Transco Mechanical - GC Building Area	Not Started	0%
Transco Mechanical - CV Building Area	Not Started	0%
Transco Mechanical - Meter Building Area	Not Started	0%
Transco Mechanical - Filter Area	Not Started	0%
Transco Mechanical - Launcher/Receiver Area	Not Started	0%
Transco Mechanical - Site Work Area	Not Started	0%
Transco Mechanical - Commissioning	Not Started	0%

Activity Name	Activity Status	% Complete
Spreads (Pipeline)		
Spread A		
Spread A - Tree Felling	In Progress	99.95%
Spread A - Clearing	In Progress	46.81%
Spread A - Prepare right-of-way	In Progress	26.76%
Spread A - Trenching	In Progress	0.9%
Spread A - Stringing	In Progress	13.53%
Spread A - Welding	In Progress	4.44%
Spread A - Coating & Wrapping	In Progress	2.07%
Spread A - Backfilling & Tying-in	Not Started	0%
Spread A - Internal Cleaning	Not Started	0%
Spread A - Final Restoration	Not Started	0%
Spread B		
Spread B - Tree Felling	In Progress	99.54%
Spread B - Clearing	In Progress	36.39%
Spread B - Prepare right-of-way	In Progress	30.85%
Spread B - Trenching	In Progress	6.88%
Spread B - Stringing	In Progress	19.56%
Spread B - Welding	In Progress	12.56%
Spread B - Coating & Wrapping	In Progress	8.84%
Spread B - Backfilling & Tying-in	In Progress	1.58%
Spread B - Internal Cleaning	Not Started	0%
Spread B - Final Restoration	Not Started	0%
Spread C		
Spread C - Tree Felling	In Progress	97.9%
Spread C - Clearing	In Progress	37.37%
Spread C - Prepare right-of-way	In Progress	19.8%
Spread C - Trenching	In Progress	0.43%
Spread C - Stringing	In Progress	8.69%
Spread C - Welding	In Progress	0.93%
Spread C - Coating & Wrapping	In Progress	0.43%
Spread C - Backfilling & Tying-in	In Progress	0.05%
Spread C - Internal Cleaning	Not Started	0%
Spread C - Final Restoration	Not Started	0%
Spread D		
Spread D - Tree Felling	In Progress	99.9%
Spread D - Clearing	In Progress	54.17%
Spread D - Prepare right-of-way	In Progress	25.18%
Spread D - Trenching	In Progress	17.45%
Spread D - Stringing	In Progress	16.94%
Spread D - Welding	In Progress	8.09%
Spread D - Coating & Wrapping	In Progress	1.72%
Spread D - Backfilling & Tying-in	In Progress	0.05%
Spread D - Internal Cleaning	Not Started	0%
Spread D - Final Restoration	Not Started	0%
Spread E		
Spread E - Tree Felling	Completed	100%
Spread E - Clearing	In Progress	47.75%
Spread E - Prepare right-of-way	In Progress	36.31%
Spread E - Trenching	In Progress	0.28%

Activity Name	Activity Status	% Complete
Spread E - Stringing	In Progress	3.46%
Spread E - Welding	Not Started	0%
Spread E - Coating & Wrapping	Not Started	0%
Spread E - Backfilling & Tying-in	Not Started	0%
Spread E - Internal Cleaning	Not Started	0%
Spread E - Final Restoration	Not Started	0%
Spread F		
Spread F - Tree Felling	In Progress	98.1%
Spread F - Clearing	In Progress	67.8%
Spread F - Prepare right-of-way	In Progress	28.46%
Spread F - Trenching	In Progress	18.58%
Spread F - Stringing	In Progress	13.35%
Spread F - Welding	In Progress	1.2%
Spread F - Coating & Wrapping	In Progress	5.57%
Spread F - Backfilling & Tying-in	In Progress	1.05%
Spread F - Internal Cleaning	Not Started	0%
Spread F - Final Restoration	Not Started	0%
Spread G		
Spread G - Tree Felling	In Progress	98.88%
Spread G - Clearing	In Progress	38.67%
Spread G - Prepare right-of-way	In Progress	19.17%
Spread G - Trenching	Not Started	0%
Spread G - Stringing	In Progress	16.96%
Spread G - Welding	In Progress	7.41%
Spread G - Coating & Wrapping	In Progress	0.28%
Spread G - Backfilling & Tying-in	Not Started	0%
Spread G - Internal Cleaning	Not Started	0%
Spread G - Final Restoration	Not Started	0%
Spread H		
Spread H - Tree Felling	In Progress	92.34%
Spread H - Clearing	In Progress	38.74%
Spread H - Prepare right-of-way	In Progress	22.98%
Spread H - Trenching	In Progress	7.43%
Spread H - Stringing	In Progress	17.17%
Spread H - Welding	In Progress	13.73%
Spread H - Coating & Wrapping	In Progress	2.38%
Spread H - Backfilling & Tying-in	In Progress	3.04%
Spread H - Internal Cleaning	Not Started	0%
Spread H - Final Restoration	Not Started	0%
Spread I		
Spread I - Tree Felling	In Progress	99.6%
Spread I - Clearing	In Progress	43.88%
Spread I - Prepare right-of-way	In Progress	27.26%
Spread I - Trenching	Not Started	0%
Spread I - Stringing	In Progress	7.16%
Spread I - Welding	Not Started	0%
Spread I - Coating & Wrapping	Not Started	0%
Spread I - Backfilling & Tying-in	In Progress	1.85%
Spread I - Internal Cleaning	Not Started	0%
Spread I - Final Restoration	Not Started	0%

Activity Name	Activity Status	% Complete
Contractor Yards		
West Virginia Locations		
MVP-LY-024	Not Started	0%
MVP-RD-001A	Not Started	0%
MVP-RD-001B	Completed	100%
MVP-LY-001	Completed	100%
MVP-LY-003	Completed	100%
MVP-LY-013	Completed	100%
MVP-LY-002	Not Started	0%
MVP-LY-017	Completed	100%
MVP-AP-001	Not Started	0%
MVP-LOG-001	Not Started	0%
MVP-SA-001	Not Started	0%
MVP-AP-002	Not Started	0%
MVP-LY-001A	Completed	100%
MVP-LY-021	Completed	100%
MVP-LY-004	Completed	100%
MVP-LY-005	Completed	100%
MVP-LY-022	Completed	100%
MVP-LY-025	Completed	100%
MVP-LY-030	Completed	100%
MVP-LY-050	In Progress	55%
MVP-LY-016	Not Started	0%
MVP-LY-037	Not Started	0%
MVP-CY-002	Completed	100%
MVP-CY-002A	Completed	100%
MVP-LY-027	Completed	100%
MVP-LY-051	In Progress	95%
MVP-LY-069	Completed	100%
MVP-LY-038	Completed	100%
MVP-LY-058	In Progress	10%
MVP-LY-059	In Progress	20%
MVP-LY-068	In Progress	60%
MVP-LY-070	Completed	100%
MVP-LY-057	Completed	100%
MVP-LY-031	Not Started	0%
MVP-LY-065	Not Started	0%
MVP-LY-052	Not Started	0%
Virginia Locations		
MVP-PY-006	In Progress	99%
MVP-LY-032	Completed	100%
MVP-LY-033	Completed	100%
MVP-LY-034	Completed	100%
MVP-LY-035	Not Started	0%
MVP-LY-026	Completed	100%
MVP-LY-028	Completed	100%
MVP-LY-1019	Completed	100%
MVP-LY-029	Not Started	0%
MVP-LY-048	Completed	100%
MVP-LY-046	Completed	100%

APPENDIX B

ENVIRONMENTAL COMPLIANCE

The following table summarizes problem area reports (PAR) and noncompliance reports (NCR) issued for the Project during the reporting period, as well as corrective actions taken to resolve the issue (including the cost and effectiveness of the corrective actions).

Compliance	Spread	Location	Description and Date	Correction and Date
NCR	A	323+50 to 324+50	6/12/2018 - Contractor built temporary diversion berm outside of the LOD. Berm was 3 to 4 feet outside, for about 100 feet at station 323+50 to 324+50	7/3/2018 - Land agent was contacted on 6/13/2018. L/O approved removal of material on 7/3/2018. Material was immediately pulled back following approval with equipment sitting inside the LOD.
PAR	A	201+00	6/22/2018 - Slip began on row and overwhelmed and removed diversion berm. Material left the LOD.	Pending - Material will be retrieved off the LOD after a variance is obtained.
PAR	A	122+00	7/6/2018 - ECD's in disrepair, stone and mats pushed into silt fence damaging the ECD's.	7/7/2018 – ECD's repaired, mats and stone moved away from silt fence.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	A	424+50	7/6/2018 - Contractor failed to maintain segregation between subsoil and topsoil.	7/7/2018 - Contractor moved material and created barrier between the topsoil and subsoil.
PAR	B	2573+65	3/14/2018 - Hanger 3, hanging outside of LOD	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2592+00	3/15/2018 – Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2594+00	3/15/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2608+00	3/15/2018 - Tree rolled out of the LOD leaving the butt inside the ROW. Crews s-hooked the tree and will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2641+00	3/15/2018 - Tree rolled out of the LOD on steep slope.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2642+00	3/15/2018 - Tree rolled out of the LOD on steep slope.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2583+22	3/15/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2585+19	3/15/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2670+15	3/16/2018 - Tree felled out of the LOD due to natural wind damage.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2681+00	3/16/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2670+15	3/16/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2659+00-2653+00	3/16/2018 - Tree rolled out of the LOD on steep side slope rock bluff.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2659+00-2653+00	3/16/2018 - Tree rolled out of the LOD on steep slide rock bluff. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2636+84	3/16/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2615+03	3/16/2018 – Tree hung with the top outside ROW. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2570+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2767+87	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2653+00 - 2659+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2665+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2661+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2597+89	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2597+89	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2641+00	3/17/2018 – As crew cut a tree, the limbs were caught on another tree. Limbs have been left hanging.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2642+00	3/17/2018 – As crew cut a tree, the limbs were caught on another tree. Limbs have been left hanging.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2643+00	3/17/2018 – Tree top rolled out of the LOD. Too dangerous for crew to retrieve, due to safety issues.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2644+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2651+00	3/17/2018 – As crew cut a tree, the limbs were caught on another tree. Limbs have been left hanging.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2666+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2611+38	3/17/2018 – As crew cut a tree, the limbs were caught on another tree. Limbs have been left hanging.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2614+44	3/17/2018 - Tree hung and another rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2615+03	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2631+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	AWTS-804	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2707+00	3/19/2018 - Tree top fell out of the LOD and a tree was hung outside of LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2706+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2709+07	3/19/2018 – Three tree tops and two tree hangers fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2721+43	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2721+25	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2723+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2762+30	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2748+00	3/19/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2739+00	3/19/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2726+95	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2729+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2728+90	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2749+80	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2726+78	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2737+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2778+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2730+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2728+74	3/19/2018 - Tree butt rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	ATWS-078	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2728+67	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2726+75	3/20/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2734+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2762+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2713+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2714+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2715+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2716+00	3/20/2018 - Tree rolled out of the LOD and a tree top also fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2717+00	3/20/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2717+98	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2720+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2775+80	3/22/2018 - Tree hangers out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2774+60	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2778+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2779+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2788+25	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2783+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2780+40	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2782+00	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2781+00	3/22/2018 – One tee top fell out of the LOD and one tree rolled out of LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2792+90	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	ATWS-478	3/22/2018 – Tree butt fell outside of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2726+00	3/22/2018 - Tree fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2726+95	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2724+11	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2728+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2724+11	3/22/2018 - Tree butt fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2725+50	3/22/2018 - Tree butt fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2725+00	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2728+67	3/22/2018 - Tree top fell out of the LOD, two tree butts rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2733+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2759+00	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2760+03	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2731+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2733+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2729+53	3/22/2018 - Tree limbs fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2729+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2758+49	3/22/2018 - Tree top fell out of the LOD. One tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2758+00	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2740+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2754+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2751+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2756+00	3/23/2018 – Two tree tops and one tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2755+33	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2755+54	3/23/2018 - Tree rolled out of the LOD. Not accessible from LOD.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2754+00	3/23/2018 – One tree and one tree butt rolled out of the LOD. Not accessible from LOD.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2753+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2752+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2751+00	3/23/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2841+00	3/23/2018 – Three tree tops and one hanger fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2836+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2836+72	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2832+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2833+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2834+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
FERC Communication Report	B	2844+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2845+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2835+41	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2836+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2838+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2904+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
FERC Communication Report	B	2903+48	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2908+00	3/24/2018 - Tree butt rolled out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.
NCR (self report)	B	2868+00	3/29/18 - Two trees were cut outside the LOD	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2872+00	3/29/18 - Tree butt fell out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2874+00	3/29/18 - Tree butt fell out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2877+51	3/29/18 - Tree top rolled out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2898+00	3/26/18 - Tree butt fell out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.
NCR	B	Access Road MVP-LE-054	6/6/2018 - Contractor built four pull offs and a turnaround on LE-054, outside of the LOD and without obtaining approval first.	Pending – Pending approval of a variance request.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	D	6301+00	4/3/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
PAR	D	6130+00	4/4/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
PAR	D	6469+25	4/4/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
PAR	D	6432+50	4/4/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
PAR	D	6457+20	4/4/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
PAR	D	6249+00	4/6/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
NCR	D	6473+00	7/3/2018 - Boring Crew at Rt39 used a 30' area off the LOD to access ATWS. Truck traffic only; no ground disturbance occurred.	7/4/2018 - Boring Crew informed only to use approved access. ECDs/Safety Fence and DO NOT ENTER signs installed at the unapproved area of travel.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	E	MVP-LY-058	6/1/2018 - No environmental signage prior to construction activities.	6/2/2018 - Installed signage at all resources. Contractor had not moved onto the yard yet.
PAR	E	MVP-NI-163	6/2/2018 - Composite sock over the travel lane at stream S-N8 (along access road MVP-NI-163) is no longer functional and needs to be replaced.	6/2/2018 - Replaced sock and maintenance the bridge.
PAR	E	6780+00 to 6794+60	6/2/2018 - No waterbars were installed near the stream S-N8A with a slope flowing into Stream S-N8A. No waterbars were installed within 400 feet from waterbody S-VV1 on the north end. Required waterbars within 50 of sensitive resource if a slope of 5%.	6/2/2018 - Worked waterbars and installed ECD's throughout the ROW.
PAR	E	MVP-GB-179.01	6/4/2018 - Sediment off of the LOD along with some timber that is stacked off of the ROW without landowner permission.	6/5/2018 - Returned sediment and installed additional ECD's. Pulled logs back on ROW.
NCR	E	7183+00	6/4/2018 - Crew member drove off of the approved LOD to access Bamboo School Road.	6/4/2018 - Addressed with crew member. Mulched and seeded.

Compliance	Spread	Location	Description and Date	Correction and Date
NCR	E	6781+60	6/4/2018 - A rock construction entrance was installed on the south end of ATWS- 593 outside of the approved LOD. The rock construction entrance was installed on the south corner of ATWS-593 for accessing Wahoo Road. Mountain Valley's survey crew verified that the rock construction entrance was outside of the LOD.	6/4/2018 - Installed additional signage. Met with crew members noting approved roads. Wrote up a variance to FERC for additional graveled area.
NCR	E	6816+10	6/5/2018 - Silt and sedimentation off of the LOD at 6816+10, 6810+00, 6812+50, 6793+70, and 6794+10. Inadequate waterbars resulting in ROW erosion and silt discharge off of the LOD from MPs 128.6 to 129.7.	6/5/2018 - Removed silt and sediment. Installed additional waterbars.
NCR	E	6812+10	6/5/2018 - Silt and sediment flowed into wetland W-N16.	6/5/2018 - Removed silt and sediment. Installed additional waterbars and ECD's.
PAR	E	6781+70 to 6840+20	6/5/2018 - Sumps and waterbars blown out between MP 128.5 to 129.	6/5/2018 - Reworked waterbars added new outlets and additional ECD's to prevent reoccurrence.
NCR	E	6789+40	6/5/2018 - Silt run off into stream bridge S-VV1.	6/5/2018 - Removed silt and added additional ECD's ad slope breakers to prevent reoccurrence.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	E	MVP-LY-059	6/6/2018 - No erosion controls around the two wetlands prior to ground disturbance activities around the wetlands.	6/7/2018 - Installed ECD's. Informed contractor of environmental issues. Contractor added a crew to install additional ECD's between grading and burning.
PAR	E	6890+00 to 6910+00	6/7/2018 - The bridge at stream S-H88 has a couple of inches of soil and should be cleaned off. Also there is an unstabilized soil stockpile on the south end of the bridge which was caused by pushing material off of the bridge and leaving it on the edge. The grade on both sides of stream S-H88 is greater than a 5% slope requiring a waterbar to be installed at least 50 feet away. No waterbars were observed within 50 feet. Rock and boulders were observed to be pushed off of the LOD at Station No. 6895+55 on the north corner of MVP-ATWS-247B. The rocks were pushed by grading over the subsoil stockpile.	6/8/2018 - Installed additional slope breakers at buffer. Removed stock pile of subsoil. Added additional ECD's to prevent reoccurrence.
PAR	E	6895+60 to 6822+00	6/8/2018 - waterbars blown out and/or silted in from previous rain events. Silt also went outside of the LOD in many of these areas. Some waterbars did not have j-hooks or dissipater bars installed.	6/9/2018 - Installed additional waterbars routing off ROW with 12" piping to prevent reoccurrence according to project typical. Crews will no longer install sump traps at the end of the waterbars but instead install 18" triple stack composite sock for j-hooks.

Compliance	Spread	Location	Description and Date	Correction and Date
NCR	E	6936+40 to 6941+60	6/11/2018 - Grade crews working at wetland W-H41 and stream S-H80 without erosion controls installed around the two sensitive areas. In addition, crews used stockpiled soil to raise the height of the matting.	6/12/2018 - Installed ECD's and matting to protect resource.
PAR	E	MVP-NI-168	6/11/2018 - Composite sock not properly keyed on access road MVP-NI-168.	6/12/2018 - Installed mulch along silt sock to prevent undermining of ECD's.
NCR	E	6792+00	6/11/2018 - Silt and sediment in streams S-VV1, S-N8, and S-N8A caused from a waterbar blowing out at Station No. 6792+00. There was approximately 1.10" of rain which caused the erosion.	6/11/2018 - Installed additional slope breakers and ECD's to prevent reoccurrence.
NCR	E	MVP-GB-179.01	6/13/2018 - Multiple gaps were observed in composite sock letting silt laden water flow directly into stream S-IJ69 without any filtering. Located off of access road MVP-GB-179.01. Also observed overloaded silt fence with silt and sediment. Sediment is off LOD and not repaired even though this issue was documented 2 weeks ago. Bridge off stream S-IJ68 needs to be clean off and a rail is missing causing sediment to flow into the stream. Mud pushed over the composite sock. Silt and sediment off of the LOD needs to be retrieved and brought back onto the approved LOD. Matting through wetlands need to be cleaned off of soil and sediment build up.	6/14/2018 - Reworked silt fence at 179.01 to correct all environmental issues along the road. This took over a week to complete.

Compliance	Spread	Location	Description and Date	Correction and Date
NCR	E	7145+80 to 7181+20	6/16/2018 - Six ponds (P-M5, P-M6, P-M7, P-M8, P-M9, P-M10), within the ROW from Station No. 7145+80 to Station No. 7181+18 that were grubbed and grinded within the waterbody vegetation buffer. All six ponds did not have erosion controls installed after soil disturbance.	6/17-18/2018 - Removed material from the resource - seeded and mulched.
PAR	E	7233+00 to 7243+00	6/21/2018 - Soil disturbance on a slope without temporary waterbars. Wetlands W-M19, W-M20 and W-M23 are located at the bottom of the slope.	6/21/2018 - Installed temporary waterbars to protect resources and additional ECD's to prevent reoccurrence.
NCR	E	7156+00 to 7156+80	6/22/2018 - Three large piles of soil pushed outside of the approved LOD. Erosion controls were observed, however, the soil was 3 to 5 feet past the LOD.	6/22/2018 - Returned soil to ROW.
PAR	E	7120+00 to 7324+30	6/23/2018 - Large amount of ROW trash which needed to be properly disposed. Culvert installed at the rock construction entrance is damaged. This culvert was install too shallow and now has a large gap which will cause sediment to enter from the construction entrance.	6/23-24/2018 - Repair damaged culvert and removed trash from the ROW.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	E	ATWS-693	6/25/2018 - Gray- colored material deposited at ATWS-693. Material is from the vacuum truck used to pot hole and expose foreign line crossings. Material should be cleaned up and stabilized until it can be properly disposed of at an approved site. The Lead Environmental Inspector informed the Compliance Monitor that the crew will put it into a stockpile and install silt fence around until it can be properly disposed. The material did not enter into any sensitive resources however it eroded about 100 feet down slope.	6/26/2018 - Removed hydrovac material. Deposit contained and removed from ROW. Repaired erosion.
PAR	E	7332+70 to 7395+00	6/28/2018 - The ROW was fully disturbed from the grubbing and grinding equipment. Areas from station # 7332+70 to 7395+00 are fully disturbed without any temporary waterbars installed on the any of the slopes.	6/28/2018 - Had contractor install slope breakers to meet E&S plan between burning and grading.
PAR	F	9467+74 & 9502+85	6/23/2018 - No permanent seeding on streams S-OP1 and S-IJ64.	Pending - Seed banks still pending.
NCR	F	9378+13	7/6/2018 - Water bars were not reinstalled. As a result, sediment traveled downhill and breached stream SH61.	7/7/2018 - Sediment was cleaned out of stream S-H61 and water bars were rebuilt properly.

Compliance	Spread	Location	Description and Date	Correction and Date
NCR	G	11407+61 to 11409+00	6/21/2018 - Livestock fence installed off ROW.	Pending - Fence will be moved to LOD following approval of Level 2 variance request.
NCR	G	11352+97	6/19/2018 - Livestock fence installed off ROW.	Pending - Fence will be moved to LOD following approval of Level 2 variance request.
NCR	H	13474+00	7/2/2018 – Improper housekeeping.	7/2/2018 - Trash picked up and discarded.
NCR	H	13479+95 to 13493+96	7/5/2018 – Improper housekeeping.	7/5/2018 - Trash picked up and discarded.
NCR	I	14067+00 to 14075+00	6/30/2018 - Precision graded and left area before installing clean water diversion berm.	6/30/2018 - Crew installed diversion berm and plunge pool.
NCR	I	15113+00	6/30/2018 - RCE started but not completed. Temporary BMP's not installed.	6/30/2018 - RCE completed as well as BMP's.

Compliance	Spread	Location	Description and Date	Correction and Date
NCR	I	14661+00 to 14776+50	7/2/2018 - Multiple spoil piles not stabilized.	7/2/2018 - Stabilization completed.
NCR	I	13728+00	7/3/2018 - Geotech damaged under mat crossing allowing sediment to enter stream crossing.	7/3/2018 - Mat crossing rebuilt with new Geotech.
NCR	I	14437+82 to 14439+94	7/3/2018 - Power broom operator swept dirt and debris from mats into wetland.	7/5/2018 - Area cleaned of debris and dirt.
PAR	JNF	11584+02	6/25/2018 - Runoff undermined silt fence along the LOD and allowed sediment to migrate off ROW at 11584+02.	Pending - The silt fence was backfilled but sediment cannot be retrieved until variance request from the Forest Service is received.
PAR	JNF	11580+01	6/27/2018 - Runoff undermined silt fence along the LOD and allowed sediment to migrate off ROW at 11580+01	Pending - The silt fence was backfilled but sediment cannot be retrieved until variance request from the Forest Service is received.
Note: PAR – Problem Area Report; NCR – Noncompliance Report.				

APPENDIX C

AGENCY CORRESPONDENCE AND RESPONSES

Spread A

On June 18th, MVP Environmental Coordinator Matthew Hoover received a NOV from the WVDEP. The NOV is associated with the site inspection conducted on June 6, 2018 between Stations 498+06 to 556+00. The NOV addressed erosion sediment control failures in violation of the WV/NPDES General Water Pollution Control Permit No. WV0116815. MVP responded to NOV No. W18-17-065-TJC on July 5, 2018 addressing those concerns. A copy of MVP's response is attached.

Spread D

On June 18th, MVP Environmental Coordinator Matthew Hoover received a Notice of Violation (NOV) from the West Virginia Department of Environmental Protection (WVDEP). The NOV is associated with the site inspection conducted on June 6, 2018 between Stations 6782+00 to 6854+00. The NOV addressed erosion sediment control failures in violation of the WV/NPDES General Water Pollution Control Permit No. WV0116815. MVP responded to NOV No. W18-52-002-CP on July 5, 2018 addressing those concerns. A copy of MVP's response is attached.

July 5, 2018

Mr. Tim Casto
West Virginia DEP - Environmental Enforcement/WW
131 Peninsula St
Wheeling, WV 25304

Re: Mountain Valley Pipeline Project (Permit No. WVR310667)
Response to Notice of Violation No. W18-17-065-TJC

Dear Mr. Casto:

This letter is in response to Notice of Violation (NOV) No. W18-17-065-TJC issued to Mountain Valley Pipeline, LLC (Mountain Valley or MVP) by the West Virginia Department of Environmental Protection (WVDEP). The inspection was completed on June 6, 2018 along portions of Spread A located in Harrison County.

Mountain Valley investigated accordingly and completed the following corrective actions to address and abate any alleged issues within NOV No. W18-17-065-TJC:

Corrective Actions

- Mountain Valley conducted meetings with all Environmental Inspectors to ensure that erosion control devices (ECDs) were properly installed.

- Immediately following the inspection, MVP began installing the required BMPs, which included temporary diversion berms, reinforced filtration devices (RFDs), and waterbars. MVP also completed the necessary repairs and RFD replacements. Additional corrective actions included replacing or repairing RFDs, adjusting waterbar slopes, and maintaining waterbar sumps.

Please see the attached Photographs 1 through 3 for representative pictures of the ECDs, including temporary diversion berms and the Priority 1 silt fence that has been installed.

***

Mountain Valley believes the issues listed in the NOV have been fully addressed and resolved. If you have questions or need additional information, please do not hesitate to contact me at (724) 873-3009 or via email at mhoover@eqt.com.

Sincerely,

Matthew S. Hoover
EQT - Sr. Environmental Coordinator

CC: Project File

Attachment A
Corrective Action Photos



Photo No. 1: Photo shows the installed and seeded temporary diversion berm (left).



Photo No. 2: Photo shows the temporary diversion berm (left) and Priority 1 silt fence (left and right) along the right-of-way.



Photo No. 3: Photo shows Priority 1 silt fence and the temporary diversion berm.

July 5, 2018

Ms. Christy Pitsenbarger
West Virginia DEP - Environmental Enforcement/WW
131 Peninsula St
Wheeling, WV 25304

Re: Mountain Valley Pipeline Project (Permit No. WVR310667)
Response to Notice of Violation No. W18-52-002-CP

Dear Ms. Pitsenbarger:

This letter is in response to Notice of Violation (NOV) No. W18-52-002-CP issued to Mountain Valley Pipeline, LLC (Mountain Valley or MVP) by the West Virginia Department of Environmental Protection (WVDEP) for the Spread E site inspection on June 6, 2018 in Nicholas County.

Mountain Valley investigated accordingly and completed the following corrective actions to address and abate any alleged issues within NOV No. W18-52-002-CP:

Corrective Actions

- On June 7, 2018, a Tailgate Safety Meeting was held with the contractor to discuss the issues identified during the inspection and to ensure that concerns pertaining to the project area's Erosion Control Devices (ECDs) were properly addressed.

- Immediately following the inspection and field discussions, MVP added additional ECDs, such as waterbars, compost filter sock, slope drains, and belted silt fence. In addition to the repair, replacement, and upgrade activities, the slope drains have been installed to address the rill erosion that was forming on the fill slopes. The contractor also adjusted the waterbars to include drainage outlets and ensure proper sloping. Mountain Valley has returned the identified sediment back to the permitted LOD. All concerns within the Department's inspection report have been addressed.

The photographs in Attachment A illustrate the corrective measures.

***

Mountain Valley believes the issues listed in the NOV have been fully addressed and resolved. If you have questions or need additional information, please do not hesitate to contact me at (724) 873-3009 or via email at mhoover@eqt.com.

Sincerely,

Matthew S. Hoover
EQT - Sr. Environmental Coordinator

CC: Project File

Attachment A
Corrective Action Photos



Photo No. 1: Photo illustrates the additional waterbars and end treatments.



Photo No. 2: Photo illustrates the culverts that have been installed at the end of the waterbars to provide an outlet.



Photo 3: Picture shows the additional slope drain that was added along a fill slope.



Photo 4 Photo shows the location of slope drain that was installed on a fill location.



Photo No. 5: Photo shows repaired waterbars and additional controls around the resource crossing.

APPENDIX D

LANDOWNER CONCERNS

The following table includes information regarding landowner concerns and how they were resolved.

Tract ID	Spread / Facility	Station/ MP	Date of Concern	Date of Resolution	Issue and Resolution
VA-MO-025	Spread H	237.3	3/20/2018	Pending	**Issue:** Survey was approached by L/O stating that the property lines were incorrect in the maps. The L/O said that the lines were off about 100' and the neighbors have not been compensated. **Resolution:** MVP is currently reviewing the property boundary information to determine if the claim is accurate. • **4/15/2018 -** Agent met with VA-MO-025 L/O along with L/Os of VA-MN-5233 and VA-RO-5805. The stakes were reviewed that the L/O was referring to and walked the route L/O preferred. These stakes were from a previous survey and do not reflect the filed route. The filed route does appear to enter VA-RO-5805 and VA-RO-5806. If the L/O's preferred route is accepted, it will require signatures from VA-MO-025 and VA-MO-023. Further discussions will proceed through both L/O's attorneys. • **4/20/2018 -** MVP is currently working with the L/O to identify potential alternatives to the route in the area of concern. • **4/27/2018 -** Land and construction have met with the L/O and the adjacent L/O to correct the route and are meeting with the adjacent L/O's to acquire rights. • **5/4/2018** - Still working with L/Os and reviewing alternatives. • **5/11/2018-** Still have an issue with the route. One neighbor has signed to fix part of the issue, but the other neighbor, documents are still in process. • **5/18/2018**- Still processing documents. • **5/25/2018**- the route has been corrected but this is still being negotiated • **6/8/2018**- Still being negotiated. • **6/15-29/2018-** MVP is coordinating with the attorney to come to an agreement.

VA-MO-025	Spread H	237.3	3/20/2018	Pending	• **7/6/2018-** Lead land agent is still waiting on responses from the attorneys.
VA-RO-045	Spread H	241.6	5/7/2018	Pending	**Issue:** Cut trees are blocking L/O access road. **Resolution:** The trees need to be cleared from the access road. **5/18/2018**- checking to see if this was completed. **6/8/2018**- No further update. **6/15/2018-** Construction will clear the road with mechanical equipment. **6/22/2018-** Waiting to clear by mechanical means. **6/29/2018-** Waiting to be cleared by mechanical crews. **7/6/2018-** Waiting on mechanical clearing.
VA-FR-017.17	Spread H	254.6	5/24/2018	Pending	**Issue:** Land Agent received a call from the L/O stating that with the rain in the Cahas Mountain area, the pond by their home is now a mud pond. They said it is due to the tree clearing up the hill from their house. They also said that the mud has killed the fish in the pond they had stocked with trout, catfish and crappie. The L/O added that the pond does turn cloudy with heavy rain, but not mud. They are asking to pay for the sediment removal and to restock the fish. **Resolution:** The L/O called and got two estimates. It would be $1,100 for the silt removal and $500 for the fish. The total compensation will be $1,600. The L/O has the water clause in his LOW for his drinking water, but the pond is not his drinking water source. **6/8/2018-** Still negotiating the sediment removal and fish restocking. **6/15/2018-** Land agent is still negotiating with the L/O. **6/22/2018**- No new update from negotiations. **6/29/2018**- No new update. **7/6/2018**- Waiting on land agent to update.
VA-MO-057	Spread G	227.3	6/1/2018	Pending	**Issue:** Rocks slid off the ROW 100' to 150' down the slope. **Resolution:** EI, Land and FERC are working on a plan to either retrieve the rock or compensate the L/O. **6/8/2018**- No further update. **6/15/2018-** Agent met with the L/O and could not travel to the affected area due to construction clearing/grading nearby. Agent will return in a couple days to review. **6/22/2018-** Met to discuss with foreman from Precision. **6/29/2018-** No update from Precision. **7/6/2018-** Land agent is waiting on photos of documentation of the cleanup efforts to present to the L/O.

VA-FR-017.33	Spread I	256.8	6/4/2018	Pending	**Issue:** L/O is upset about the fact that the openings in the silt fence have not been put in so they can access both sides of the property. The L/O's timber has also been covered up with dirt and cannot be used. **Resolution:** Construction is working on a solution to this issue. **6/22/2018-** No new update from construction. **6/29/2018-** No new update from construction. **7/6/2018-** Waiting on land agent to update.
VA-FR-076.01	Spread I	262.4	6/20/2018	Pending	**Issue:** L/O reported issue about dust from the core drilling is negatively affecting their chicken farm. **Resolution:** Pictures were sent to construction to figure out how to mitigate dust control. **6/29/2018-** No new update. **7/6/2018-** Waiting on land agent to update.
VA-FR-076.01 C2	Spread I	262.4	6/22/2018	Pending	**Issue:** L/O demanded to know why there were no warning signals given prior to blasting. **Resolution:** Complaint was filed with FERC. The construction group stated that they blasted with no warning at the direction of the Fire Marshall. **6/29/2018-** No new update. **7/6/2018-** Waiting on land agent to update.
VA-FR-5508	Spread I	267.1	6/21/2018	Pending	**Issue:** Dirt is piled up so the L/O can't cross the ROW. **Resolution:** Construction was notified. **6/21/2018-** Held meeting with the L/O. **7/6/2018-** Waiting on land agent to update.
VA-FR-180	Spread I	279	6/21/2018	Pending	**Issue:** L/O thinks T-Posts on top of buried pins that were placed by a surveyor previous to the ROW acquisition on the tract may be lost or moved by construction. **Resolution:** Agent visited the home and received a map with the locations of the 5 T-Posts. Agent walked the line and could not find the T-Posts. Agent is to follow up with the L/O with this issue. **6/29/2018-** No new update. **7/6/2018-** Agent has a meeting next week to resolve the issue.

VA-FR-196.03	Spread I	283.6	6/21/2018	Pending	**Issue:** Crop damage to wheat crop, approximately 1.964 acres reported by farmer renting part of this tract. **Resolution:** Agent to follow up with the L/O to confirm details. **6/29/2018-** No new update. **7/6/2018-** Agent followed up with L/O, but has not heard back. The agent plans on following up this week.
VA-GI-097.01	Spread G	214.6	6/23/2018	Pending	**Issue:** The L/O reported that the fence is off the ROW and potentially the bridge too. **Resolution:** The bridge was resurveyed and was found to be off the ROW and the fence was identified as off the ROW. Waiting on the variance to get the fence back on the ROW. The decking of the bridge was brought back to the ROW. **7/6/2018-** The variance was signed and the fence will be moved as soon as NCI gets full clearance to proceed with all work.
WV-BR-014.04	Spread C	3790+00	6/26/2018	7/5/2018	**Issue:** L/O complained that children were playing in the yard when boulders rolled down into their yard. L/O is afraid of the children's safety. **Resolution:** Spread personnel and construction was notified. Silt fence with steel reinforcement and chain link fence was installed along the area of the ROW where the rocks came from.
MVP-ATWS-779	Spread A	1890+00	6/29/2018	Pending	**Issue:** L/O reported to FERC that work on Mountain Valley, combined with recent rainstorms, has resulted in mud slides in and around his home and farm. the L/O stated that due to the controls/lack of controls for the MVP ROW up on the ridge (OFF this L/O's property approx. 2000' feet away) has caused sediment and stone to wash down towards their property, clogging up adjacent neighbors' culvert and washing down gravel road. The plugged culvert then washed said gravel/sediment into the L/O's hay field; which they state is now compromised. **Resolution**: Land agent met with the L/O. No evidence of sediment off ROW was apparent. Environmental inspector stated that up on the ridge/MVP ROW, the controls in place are/have not been overloaded and are functional. The heavy rain is the determining factor of the L/O's issues. The land agent said he would further review and get back with the L/O over said issues.

WV-BR-3984	Spread C	77.9	7/5/2018	Pending	**Issue:** L/O is complaining of pipeline workers parking on their property and don't have permission to do so. There are no parking signs on the property at this time. They also have a mailbox that has been torn down, and has complained about tires scattered near the road. **Resolution:** The land agent asked for an estimate to replace the mailbox. The agent told the L/O construction needs the tires to offload equipment, but it shouldn't be a problem to stack the tires near the house.

APPENDIX E

VARIANCE CONDITIONS

Variance No. Bradshaw-1

On March 21, 2018, Mountain Valley filed Variance Request No. Bradshaw-1 to conduct 24-hour construction at its Bradshaw Compressor Station site in Wetzel County, West Virginia through May 31, 2018. On May 2, 2018, Mountain Valley supplemented its variance request to perform 24-hour construction at the Bradshaw Compressor Station through June 30, 2018. The Commission issued an order granting the variance request on May 3, 2018. In its letter order, the Commission stipulated that Mountain Valley will stop night work if measured noise levels exceed the predicted criteria.

Mountain Valley performed a noise study at locations close to NSAs 3 and 4. The study documented ambient noise data at the two identified NSAs starting on May 8, 2018 and continuing through July 5, 2018. Data was not collected between June 22, 2018 and July 2, 2018, due to loss of power at the monitoring locations that has since been corrected. In summary, sound levels measured after the start of nighttime construction activities on June 1, 2018 indicate that nighttime sound levels are all below 48.6 dBA L_{eq} for those nights without rain and thunder, and there is no measured increase in the nighttime sound levels due to the construction activities. A copy of the noise monitoring report through July 5, 2018 is attached.

July 9, 2018

To: Mr. Matthew B. Johnson, P.E.
Engineer III, MVP Compression Design
EQT Corporation
EQT Plaza
625 Liberty Avenue
Pittsburgh, PA 15222
Office: 304-627-6423
Cell: 304-543-7569
MJohnson@eqt.com

Re: Nighttime Construction Noise Monitoring
Bradshaw Compressor Station
Wetzel County, West Virginia

TECHNICAL MEMORANDUM

This Technical Memorandum addresses the work being performed by SLR International Corporation for EQT at the MVP Bradshaw Compressor Station in Wetzel County, West Virginia. The sound levels during nighttime construction have been measured and compared to the sound levels before construction began. The data indicate that nighttime sound levels during construction are lower than 48.6 dBA L_{eq} and that there has been no significant change in nighttime sound level due to the construction activities.

ENVIRONMENTAL NOISE STUDY

General

Solar powered sound level monitors were placed at locations close to the nearest Noise Sensitive Areas (NSAs) to the project site on May 8, 2018 to continuously monitor sound levels. No nighttime construction activities were taking place before June 1st, so measurements from May 8th to May 31st have been used to characterize the nighttime ambient sound levels at the NSAs. Nighttime construction started on the night of June 1st. Measurements on that night and after have been used to characterize the sound levels during nighttime construction activities.

Measurement Locations

Long-term sound levels were measured at locations close to the two nearest NSAs to the station site. NSA 3 represents the house located at 2680 Fallen Timber Road and is the nearest NSA west of the construction site. NSA 4 represents the house located at 1371 Buck Run Road and is the nearest NSA southeast of the construction site. On July 2nd, 2018, at the request of the land owner, the sound level monitoring kit located at NSA 3 was moved from its original position. The new location places the sound level monitoring kit 230 feet north of the previous location. The kit is still on the NSAs property. An aerial photo (**Figure 1**) showing the project site and current measurement locations as well as the previous measurement location for NSA 3 is attached. "ML3 Rev0" was the previous measurement location while "ML3 Rev1" is the new measurement location.

Measurement Instrumentation

Two Larson Davis Model 831C Type 1 sound level meters (serial number 10403 and 10416) are being used to continuously monitor the sound levels. Each meter records 1/3-octave band and full-octave band sound levels as well as statistical parameters. Data are based on 15-minute sound level averages with 10-second sampling periods. The meters hold calibration certification traceable to National Institute of Standards and Technology standards. Microphone windscreens were used for all measurements.

CRITERIA

Several different sound level metrics have been presented in the results, as construction noise has been a minor contributor to the sound levels at the NSAs. The nighttime equivalent sound level, L_{eq}, is the most commonly used metric for evaluating sound levels. However, due to the presence of significant and time-varying non-construction environmental noise sources in this area, some nighttime L_{eq} values at the NSAs are strongly affected or even dominated by non-construction sources, and thus some analysis efforts are required to fairly evaluate the construction contribution. Simple comparison of before-and-after sound levels may not account for the actual construction contribution.

As per the latest Federal Energy Regulatory Commission (FERC) guidance, "Construction activity that would or may occur during nighttime hours should be performed with the goal that the activity contributes noise levels below 55 dBA L_{dn} and 48.6 dBA L_{eq}, or no more than 10 dBA over background if ambient noise levels are above 55 dBA L_{dn}."[1] The ambient sound levels in the area were measured during the pre-construction noise study, with results of 42.6 and 44.1 dBA L_{dn} at NSAs 3 and 4, respectively. These levels are well below 55 dBA L_{dn}, so the 48.6 dBA L_{eq} targets for construction noise apply at the NSAs.

In addition to the 48.6 dBA L_{eq} nighttime sound level targets, the nighttime construction noise is compared to the existing nighttime ambient sound levels with the goal of limiting the short-term nighttime construction sound level impact to less than 3 dB.

The FERC considers nighttime to extend from 10:00 pm until 7:00 am the following morning. In this report, nighttime periods are dated based on the start time, so the night period for May 25th extends from 10:00 pm on May 25th until 7:00 am on May 26th.

MEASUREMENT RESULTS

Ten second sound level samples were continuously recorded at each NSA during the measurement period. These samples were then used to calculate the nighttime average sound level (L_{eq}) and several statistical parameters: the L_{10}, L_{50}, and L_{90}. The L_{10}, L_{50}, and L_{90} are the sound levels that are exceeded 10, 50, and 90 percent of the measurement time interval, respectively. These statistical parameters are helpful in evaluating the range and type of sound levels in an area. For instance, the L_{90} is often used to characterize the background or ambient

[1] FERC (2017) Federal Energy Regulatory Commission, Office of Energy Projects "Guidance Manual for Environmental Report Preparation for Applications Filed Under the Natural Gas Act." Volume 1, February 2017.

sound level, since it tends to filter out short-term sounds. The results for NSA 3 are presented in **Table 1** and the results for NSA 4 are presented in **Table 2**. The sound level monitors were present between June 22, 2018 and July 2, 2018, but data was not collected due to power supply malfunction that was caused by poor weather conditions.

Table 1 – Nighttime Sound Level Measurement Results – NSA 3

Measurement Location	Measurement Date	Nighttime Sound Levels (dBA)			
		L_{eq}	L_{10}	L_{50}	L_{90}
NSA 3 - No Nighttime Construction	8-May-18	39.7	43.2	36.2	35.4
	9-May-18	**57.5**	45.6	32.8	31.5
	11-May-18	37.8	41.9	26.9	26.3
	12-May-18	**50.8**	48.4	41.3	24.2
	13-May-18	41.8	44.9	32.5	31.7
	14-May-18	40.5	43.7	32.0	31.0
	15-May-18	**48.7**	53.4	41.2	40.0
	16-May-18	40.7	43.7	36.5	35.7
	17-May-18	38.7	43.0	31.7	29.9
	18-May-18	38.2	41.7	31.5	28.6
	19-May-18	43.6	44.3	39.8	38.7
	20-May-18	42.0	42.5	30.5	29.9
	21-May-18	**52.1**	52.4	34.1	29.7
	22-May-18	46.8	48.3	41.4	40.2
	23-May-18	38.6	42.0	34.6	34.1
	24-May-18	37.4	42.6	28.0	27.6
	25-May-18	36.1	41.6	24.3	23.2
	26-May-18	**55.8**	54.1	49.3	38.2
	27-May-18	41.9	43.9	39.7	39.0
	28-May-18	39.1	44.6	31.8	31.2
	29-May-18	39.9	44.4	29.1	28.0
	30-May-18	40.7	43.2	28.6	25.0
	31-May-18	38.5	43.5	31.9	29.8
NSA 3 - With Nighttime Construction	1-Jun-18	38.8	44.7	30.1	27.9
	2-Jun-18	39.4	44.1	29.8	26.1
	3-Jun-18	38.9	43.2	31.7	27.5
	4-Jun-18	39.0	42.1	36.2	32.5

Measurement Location	Measurement Date	Nighttime Sound Levels (dBA)			
		L_{eq}	L_{10}	L_{50}	L_{90}
NSA 3 - With Nighttime Construction	5-Jun-18	38.6	41.8	29.9	26.4
	6-Jun-18	38.8	42.5	22.6	19.3
	7-Jun-18	38.4	43.3	24.3	21.5
	8-Jun-18	38.3	43.4	26.1	22.0
	9-Jun-18	37.6	42.2	24.4	20.0
	10-Jun-18	**50.3**	48.3	23.4	21.1
	11-Jun-18	38.5	43.7	29.3	23.9
	12-Jun-18	**56.8**	62.2	50.0	22.5
	13-Jun-18	40.3	43.9	37.6	34.5
	14-Jun-18	37.9	41.5	33.3	26.3
	15-Jun-18	37.4	43.3	23.2	20.4
	16-Jun-18	**54.8**	53.7	41.5	20.5
	17-Jun-18	38.1	43.7	24.7	21.3
	18-Jun-18	38.3	43.2	27.5	24.8
	19-Jun-18	38.1	43.6	23.8	21.2
	20-Jun-18	**41.4**	44.8	36.5	32.5
	21-Jun-18	**57.6**	62.0	54.2	47.0
	22-Jun-18	**48.6**	49.7	47.9	46.6
	23-Jun-18	- [1]	-	-	-
	24-Jun-18	- [1]	-	-	-
	25-Jun-18	- [1]	-	-	-
	26-Jun-18	- [1]	-	-	-
	27-Jun-18	- [1]	-	-	-
	28-Jun-18	- [1]	-	-	-
	29-Jun-18	- [1]	-	-	-
	30-Jun-18	- [1]	-	-	-
	1-Jul-18	- [1]	-	-	-
	2-Jul-18	- [1]	-	-	-
	3-Jul-18 [2]	45.6	50.9	31.9	31.3
	4-Jul-18	45.2	49.9	29.3	28.8
	5-Jul-18	**51.4**	52.7	44.1	35.1

1) No data was collected during this time period due to loss of power.
2) Sound level measurements after July 2nd are at the ML3 Rev1 measurement location.

Table 2 – Nighttime Sound Level Measurement Results – NSA 4

Measurement Location	Measurement Date	Nighttime Sound Levels (dBA)			
		L_{eq}	L_{10}	L_{50}	L_{90}
NSA 4 - No Nighttime Construction	8-May-18	42.2	44.7	37.7	37.1
	9-May-18	**58.0**	48.9	35.1	34.9
	11-May-18	47.1	44.8	34.3	32.9
	12-May-18	**52.0**	52.3	42.5	31.5
	13-May-18	45.8	48.2	35.8	35.3
	14-May-18	44.5	48.3	36.2	35.1
	15-May-18	**50.2**	55.3	42.9	41.3
	16-May-18	45.4	48.7	37.8	37.5
	17-May-18	44.9	50.0	35.9	35.2
	18-May-18	44.6	44.3	34.4	33.1
	19-May-18	43.2	44.9	36.7	35.7
	20-May-18	43.6	44.7	32.3	32.0
	21-May-18	**50.4**	50.1	34.1	32.7
	22-May-18	46.9	50.5	40.5	38.9
	23-May-18	44.5	47.1	35.9	35.7
	24-May-18	41.5	44.7	32.6	32.2
	25-May-18	41.4	42.3	31.5	30.7
	26-May-18	**53.1**	53.7	48.2	38.3
	27-May-18	42.5	45.7	38.6	37.7
	28-May-18	39.9	44.2	33.3	32.6
	29-May-18	43.9	47.7	30.8	30.1
	30-May-18	43.4	45.7	35.6	30.4
	31-May-18	40.4	44.7	32.3	30.1
NSA 4 - With Nighttime Construction	1-Jun-18	41.4	46.2	34.8	30.8
	2-Jun-18	38.6	41.9	31.6	27.6
	3-Jun-18	41.1	45.4	33.7	31.6
	4-Jun-18	38.9	41.9	31.1	28.5
	5-Jun-18	37.8	41.4	30.6	26.1
	6-Jun-18	37.9	41.8	27.1	21.5
	7-Jun-18	39.9	42.3	28.6	23.3
	8-Jun-18	44.0	46.5	34.6	25.6
	9-Jun-18	44.6	48.1	34.6	23.9

Measurement Location	Measurement Date	Nighttime Sound Levels (dBA)			
		L_{eq}	L_{10}	L_{50}	L_{90}
NSA 4 - With Nighttime Construction	10-Jun-18	**50.0**	49.4	38.6	28.7
	11-Jun-18	43.5	46.9	30.5	24.8
	12-Jun-18	**56.5**	61.9	49.2	36.7
	13-Jun-18	45.4	48.0	43.9	37.9
	14-Jun-18	41.9	43.9	33.0	26.7
	15-Jun-18	41.1	43.4	33.3	27.3
	16-Jun-18	**54.3**	54.2	43.4	37.2
	17-Jun-18	41.7	44.5	36.9	33.7
	18-Jun-18	46.9	49.8	45.4	33.5
	19-Jun-18	51.8 [1]	46.6	40.1	34.1
	20-Jun-18	**48.8**	46.9	40.3	38.2
	21-Jun-18	**57.1**	61.0	53.4	48.0
	22-Jun-18	**51.6**	52.0	50.8	48.8
	23-Jun-18	- [2]	-	-	-
	24-Jun-18	- [2]	-	-	-
	25-Jun-18	- [2]	-	-	-
	26-Jun-18	- [2]	-	-	-
	27-Jun-18	- [2]	-	-	-
	28-Jun-18	- [2]	-	-	-
	29-Jun-18	- [2]	-	-	-
	30-Jun-18	46.9	47.4	41.7	32.8
	1-Jul-18	46.5	43.7	38.1	28.2
	2-Jul-18	44.4	45.7	38.8	31.7
	3-Jul-18	41.3	44.5	34.6	27.8
	4-Jul-18	41.1	42.3	36.7	28.4
	5-Jul-18	**54.1**	52.8	44.8	37.6

1) Temporary L_{eq} increase due to bird activity near the microphone
2) No data was collected during this time period due to loss of power.

Results Discussion

Due to heavy storms and lack of sunlight at the end of the week of June 18th, the solar charged batteries in both sound monitoring kits died and the power to the sound level meters was lost. Because of this, no data was collected from June 23th to June 29th. To resolve the issue, the batteries in each sound monitoring kit were replaced with new ones on July 2nd. Both sound level monitors have been restarted and were collecting data again as of July 2, 2018. Moving forward, battery charge levels at the monitors will be checked at least twice a week to ensure that sufficient power is available for data collection.

On July 2nd, 2018, at the request of the land owner, the sound level monitoring kit located at NSA 3 was moved from its original position. The new measurement is located 230 ft north of the previous measurement location but is still on the NSAs property. Because of this, all sound level measurements after July 2nd will be measured from the ML3 Rev1 measurement location.

There were periods of rain and thunder on several nights during monitoring. Due to noise from rain and thunder, the nighttime L_{eq} for these days will be higher than the other nighttime periods at both NSAs. Periods with rain are indicated with a bold L_{eq} in **Tables 1 and 2**.

The sound levels for the nighttime construction period are consistently similar to, or lower than, the sound levels measured during the ambient measurement period, across all measurement metrics. This indicates that the sound levels at the NSAs are controlled by non-construction related environmental sources, such as wind, rain, birds, and nearby creeks, even during construction activities.

There was an unusually loud 10-second period at 5:59 am on the morning of June 20, 2018 at NSA 4 that caused a higher than normal average nighttime level for June 19, 2018. Review of audio recordings indicate that the only sound sources that were audible at this time were birds. The frequency distribution of the anomalous 10-second sample is also mostly high frequency, which is consistent with bird noise. Therefore, the unusually high sample was likely due to bird activity very near the monitoring microphone. If the anomalous 10-second period is excluded from the data set, the average nighttime level for June 19, 2018 is reduced to 44.6 dBA, similar to other nights without rain.

Based on the available data, the measured construction nighttime sound levels at NSAs 3 and 4 are all below 48.6 dBA L_{eq} for those nights without rain and thunder, and there is no measured increase in the nighttime sound levels due to the construction activities. The construction activities at the station are in full compliance with all FERC guidance on construction nighttime sound levels.

CONCLUSION

Sound level measurements were taken at locations close to NSAs 3 and 4 starting on May 8, 2018 and continuing through July 5, 2018 at the Bradshaw Compressor Station located in Wetzel County, West Virginia. Data was not collected between June 22, 2018 and July 2, 2018, due to loss of power at the monitoring locations that has since been corrected. Sound levels measured after the start of nighttime construction activities on June 1st demonstrate that construction contributes less than 48.6 dBA L_{eq} at both NSAs, and that there is no significant increase in the nighttime sound levels due to construction activities.

This concludes this Technical Memorandum. Please contact us if you have any questions.

Sincerely,
SLR International Corporation

David M. Jones, P.E., INCE Bd. Cert.
Principal Engineer



Figure 1: Measurement Locations

625 Liberty Avenue, Suite 1700 | Pittsburgh, PA 15222
844-MVP-TALK | mail@mountainvalleypipeline.info
www.mountainvalleypipeline.info

July 26, 2018

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

Re: Mountain Valley Pipeline, LLC
Docket No. CP16-10-000
Weekly Status Report No. 37

Dear Ms. Bose:

On October 13, 2017, the Federal Energy Regulatory Commission issued an order granting a Certificate of Public Convenience and Necessity to Mountain Valley Pipeline, LLC ("Mountain Valley") for the Mountain Valley Pipeline Project in the above-identified docket. On October 31, 2017, Mountain Valley submitted its Implementation Plan for the Project. In compliance with Environmental Condition Nos. 8 and 14, Mountain Valley submits its status report for the week ending July 13, 2018.

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

Attachments

cc: All Parties
Paul Friedman, OEP
Lavinia DiSanto, Cardno, Inc.
Doug Mooneyhan, Cardno, Inc.

FEDERAL AUTHORIZATIONS

All federal authorizations have been received.

CONSTRUCTION STATUS

Construction activities and progress are included in Appendix A.

WORK PLANNED FOR NEXT REPORTING PERIOD

Mechanized clearing, Prepare ROW, Trenching, Stringing, and Welding will continue on all Spreads. Coating and wrapping will continue on spreads A, B, C, D, E, F, G, and H. Backfilling and tying-in will continue on spreads A, B, C, D, E, F, H, and I. Site construction will continue at the authorized compressor stations and interconnects in West Virginia. Road construction will continue in West Virginia. Coating and Wrapping will commence on Spread I. Backfilling and tying-in will commence on Spread G.

SCHEDULE CHANGES

There are no required schedule changes for waterbody crossings or work in other environmentally sensitive areas.

ENVIRONMENTAL ISSUES

The table in Appendix B summarizes problem area reports (PAR) and noncompliance reports (NCR) issued for the Project during the reporting period, as well as corrective actions taken to resolve the issue (including the cost and effectiveness of the corrective actions).

In the event Mountain Valley receives correspondence from other federal, state, or local permitting agencies concerning instances of noncompliance during the reporting period, Mountain Valley will include or reference such correspondence, as well as Mountain Valley's response thereto, in Appendix C.

LANDOWNER RESOLUTIONS

The table in Appendix D includes information regarding landowner concerns and how they were resolved.

VARIANCE CONDITIONS

In the event Mountain Valley is required to provide supplemental documentation as a condition to a variance request granted by the Federal Energy Regulatory Commission, Mountain Valley will include or reference such variances, as well as the required reporting, in Appendix E.

Activity Name	Activity Status	% Complete
Compressor Stations		
Bradshaw		
Bradshaw Civil - Tree Felling	Completed	100%
Bradshaw Civil - Road Construction	In Progress	86.04%
Bradshaw Civil - Site Construction	In Progress	97.92%
Bradshaw Civil - Post Site Construction/Reclamation	In Progress	43.38%
Bradshaw Mechanical - Office Building Area	Not Started	0%
Bradshaw Mechanical - Discharge Filter Area	Not Started	0%
Bradshaw Mechanical - Auxiliary Equipment Area	Not Started	0%
Bradshaw Mechanical - Blowdown Silencer Area	Not Started	0%
Bradshaw Mechanical - Gas Cooler Area	Not Started	0%
Bradshaw Mechanical - Compressor Building Area	Not Started	0%
Bradshaw Mechanical - Suction Filter Area	Not Started	0%
Bradshaw Mechanical - Launcher/Receiver Area	Not Started	0%
Bradshaw Mechanical - Produced Fluids Area	Not Started	0%
Bradshaw Mechanical - Site Work Area	Not Started	0%
Bradshaw Mechanical - Commissioning	Not Started	0%
Harris		
Harris Civil - Tree Felling	Completed	100%
Harris Civil - Road Construction	Completed	100%
Harris Civil - Site Construction	Completed	100%
Harris Civil - Post Site Construction/Reclamation	Completed	100%
Harris Mechanical - Office Building Area	Not Started	0%
Harris Mechanical - Discharge Filter Area	Not Started	0%
Harris Mechanical - Auxiliary Equipment Area	Not Started	0%
Harris Mechanical - Blowdown Silencer Area	Not Started	0%
Harris Mechanical - Gas Cooler Area	In Progress	5%
Harris Mechanical - Compressor Building Area	In Progress	4.82%
Harris Mechanical - Suction Filter Area	In Progress	6.93%
Harris Mechanical - Launcher/Receiver Area	In Progress	4.05%
Harris Mechanical - Produced Fluids Area	Not Started	0%
Harris Mechanical - Site Work Area	In Progress	17.5%
Harris Mechanical - Commissioning	Not Started	0%
Stallworth		
Stallworth Civil - Tree Felling	Completed	100%
Stallworth Civil - Road Construction	In Progress	89.28%
Stallworth Civil - Site Construction	In Progress	77.43%
Stallworth Civil - Post Site Construction/Reclamation	In Progress	16.54%
Stallworth Mechanical - Office Building Area	Not Started	0%
Stallworth Mechanical - Discharge Filter Area	Not Started	0%
Stallworth Mechanical - Auxiliary Equipment Area	Not Started	0%
Stallworth Mechanical - Blowdown Silencer Area	Not Started	0%
Stallworth Mechanical - Gas Cooler Area	Not Started	0%
Stallworth Mechanical - Compressor Building Area	In Progress	4.51%
Stallworth Mechanical - Suction Filter Area	In Progress	0.39%
Stallworth Mechanical - Launcher/Receiver Area	In Progress	8.55%
Stallworth Mechanical - Produced Fluids Area	Not Started	0%
Stallworth Mechanical - Site Work Area	Not Started	0%
Stallworth Mechanical - Commissioning	Not Started	0%

Activity Name	Activity Status	% Complete
Interconnects		
Mobley		
Mobley Civil - Tree Felling	Completed	100%
Mobley Civil - Road Construction	In Progress	57.94%
Mobley Civil - Site Construction	In Progress	91.8%
Mobley Civil - Post Site Construction/Reclamation	In Progress	59.48%
Mobley Mechanical - GC Building Area	Not Started	0%
Mobley Mechanical - CV Building Area	Not Started	0%
Mobley Mechanical - Meter Building Area	Not Started	0%
Mobley Mechanical - Filter Area	Not Started	0%
Mobley Mechanical - Launcher/Receiver Area	Not Started	0%
Mobley Mechanical - Site Work Area	Not Started	0%
Mobley Mechanical - Commissioning	Not Started	0%
Sherwood		
Sherwood Civil - Tree Felling	Not Started	0%
Sherwood Civil - Road Construction	Not Started	0%
Sherwood Civil - Site Construction	Not Started	0%
Sherwood Civil - Post Site Construction/Reclamation	Not Started	0%
Sherwood Mechanical - GC Building Area	Not Started	0%
Sherwood Mechanical - CV Building Area	Not Started	0%
Sherwood Mechanical - Meter Building Area	Not Started	0%
Sherwood Mechanical - Filter Area	Not Started	0%
Sherwood Mechanical - Launcher/Receiver Area	Not Started	0%
Sherwood Mechanical - Site Work Area	Not Started	0%
Sherwood Mechanical - Commissioning	Not Started	0%
WB		
WB Civil - Tree Felling	Completed	100%
WB Civil - Road Construction	In Progress	100%
WB Civil - Site Construction	Completed	100%
WB Civil - Post Site Construction/Reclamation	In Progress	99.04%
WB Mechanical - GC Building Area	In Progress	10%
WB Mechanical - CV Building Area	In Progress	14.82%
WB Mechanical - Meter Building Area	In Progress	15.2%
WB Mechanical - Filter Area	In Progress	31.7%
WB Mechanical - Launcher/Receiver Area	In Progress	28.1%
WB Mechanical - Site Work Area	Not Started	0%
WB Mechanical - Commissioning	Not Started	0%
Transco		
Transco Civil - Tree Felling	Completed	100%
Transco Civil - Road Construction	Not Started	0%
Transco Civil - Site Construction	Not Started	0%
Transco Civil - Post Site Construction/Reclamation	Not Started	0%
Transco Mechanical - GC Building Area	Not Started	0%
Transco Mechanical - CV Building Area	Not Started	0%
Transco Mechanical - Meter Building Area	Not Started	0%
Transco Mechanical - Filter Area	Not Started	0%
Transco Mechanical - Launcher/Receiver Area	Not Started	0%
Transco Mechanical - Site Work Area	Not Started	0%
Transco Mechanical - Commissioning	Not Started	0%

Activity Name	Activity Status	% Complete
Spreads (Pipeline)		
Spread A		
Spread A - Tree Felling	In Progress	99.95%
Spread A - Clearing	In Progress	51.67%
Spread A - Prepare right-of-way	In Progress	32.72%
Spread A - Trenching	In Progress	2.13%
Spread A - Stringing	In Progress	18.21%
Spread A - Welding	In Progress	8.69%
Spread A - Coating & Wrapping	In Progress	5.47%
Spread A - Backfilling & Tying-in	In Progress	0.81%
Spread A - Internal Cleaning	Not Started	0%
Spread A - Final Restoration	Not Started	0%
Spread B		
Spread B - Tree Felling	In Progress	99.54%
Spread B - Clearing	In Progress	45.31%
Spread B - Prepare right-of-way	In Progress	38.45%
Spread B - Trenching	In Progress	9.89%
Spread B - Stringing	In Progress	29.68%
Spread B - Welding	In Progress	12.56%
Spread B - Coating & Wrapping	In Progress	16.12%
Spread B - Backfilling & Tying-in	In Progress	3.03%
Spread B - Internal Cleaning	Not Started	0%
Spread B - Final Restoration	Not Started	0%
Spread C		
Spread C - Tree Felling	In Progress	97.9%
Spread C - Clearing	In Progress	45.88%
Spread C - Prepare right-of-way	In Progress	24.94%
Spread C - Trenching	In Progress	0.43%
Spread C - Stringing	In Progress	18.25%
Spread C - Welding	In Progress	5.09%
Spread C - Coating & Wrapping	In Progress	1.98%
Spread C - Backfilling & Tying-in	In Progress	0.34%
Spread C - Internal Cleaning	Not Started	0%
Spread C - Final Restoration	Not Started	0%
Spread D		
Spread D - Tree Felling	In Progress	99.9%
Spread D - Clearing	In Progress	61.46%
Spread D - Prepare right-of-way	In Progress	31.89%
Spread D - Trenching	In Progress	23.33%
Spread D - Stringing	In Progress	25.01%
Spread D - Welding	In Progress	10.53%
Spread D - Coating & Wrapping	In Progress	2.67%
Spread D - Backfilling & Tying-in	In Progress	1.3%
Spread D - Internal Cleaning	Not Started	0%
Spread D - Final Restoration	Not Started	0%
Spread E		
Spread E - Tree Felling	Completed	100%
Spread E - Clearing	In Progress	53.28%
Spread E - Prepare right-of-way	In Progress	44.95%
Spread E - Trenching	In Progress	0.59%

Activity Name	Activity Status	% Complete
Spread E - Stringing	In Progress	10.44%
Spread E - Welding	In Progress	1.61%
Spread E - Coating & Wrapping	In Progress	0.44%
Spread E - Backfilling & Tying-in	In Progress	0.26%
Spread E - Internal Cleaning	Not Started	0%
Spread E - Final Restoration	Not Started	0%
Spread F		
Spread F - Tree Felling	In Progress	98.1%
Spread F - Clearing	In Progress	75.41%
Spread F - Prepare right-of-way	In Progress	29.29%
Spread F - Trenching	In Progress	22.16%
Spread F - Stringing	In Progress	18.2%
Spread F - Welding	In Progress	3.11%
Spread F - Coating & Wrapping	In Progress	9.44%
Spread F - Backfilling & Tying-in	In Progress	1.05%
Spread F - Internal Cleaning	Not Started	0%
Spread F - Final Restoration	Not Started	0%
Spread G		
Spread G - Tree Felling	In Progress	98.88%
Spread G - Clearing	In Progress	41.37%
Spread G - Prepare right-of-way	In Progress	25.29%
Spread G - Trenching	In Progress	2.59%
Spread G - Stringing	In Progress	19.94%
Spread G - Welding	In Progress	11.59%
Spread G - Coating & Wrapping	In Progress	0.28%
Spread G - Backfilling & Tying-in	Not Started	0%
Spread G - Internal Cleaning	Not Started	0%
Spread G - Final Restoration	Not Started	0%
Spread H		
Spread H - Tree Felling	In Progress	92.34%
Spread H - Clearing	In Progress	38.74%
Spread H - Prepare right-of-way	In Progress	23.77%
Spread H - Trenching	In Progress	7.43%
Spread H - Stringing	In Progress	17.82%
Spread H - Welding	In Progress	13.73%
Spread H - Coating & Wrapping	In Progress	11.45%
Spread H - Backfilling & Tying-in	In Progress	3.04%
Spread H - Internal Cleaning	Not Started	0%
Spread H - Final Restoration	Not Started	0%
Spread I		
Spread I - Tree Felling	In Progress	99.6%
Spread I - Clearing	In Progress	43.88%
Spread I - Prepare right-of-way	In Progress	27.69%
Spread I - Trenching	Not Started	0%
Spread I - Stringing	In Progress	7.16%
Spread I - Welding	Not Started	0%
Spread I - Coating & Wrapping	Not Started	0%
Spread I - Backfilling & Tying-in	In Progress	1.85%
Spread I - Internal Cleaning	Not Started	0%
Spread I - Final Restoration	Not Started	0%

Activity Name	Activity Status	% Complete
Contractor Yards		
West Virginia Locations		
MVP-LY-024	Not Started	0%
MVP-RD-001A	Not Started	0%
MVP-RD-001B	Completed	100%
MVP-LY-001	Completed	100%
MVP-LY-003	Completed	100%
MVP-LY-013	Completed	100%
MVP-LY-002	Not Started	0%
MVP-LY-017	Completed	100%
MVP-AP-001	Not Started	0%
MVP-LOG-001	Not Started	0%
MVP-SA-001	Not Started	0%
MVP-AP-002	Not Started	0%
MVP-LY-001A	Completed	100%
MVP-LY-021	Completed	100%
MVP-LY-004	Completed	100%
MVP-LY-005	Completed	100%
MVP-LY-022	Completed	100%
MVP-LY-025	Completed	100%
MVP-LY-030	Completed	100%
MVP-LY-050	Completed	100%
MVP-LY-016	Not Started	0%
MVP-LY-037	Not Started	0%
MVP-CY-002	Completed	100%
MVP-CY-002A	Completed	100%
MVP-LY-027	Completed	100%
MVP-LY-051	In Progress	95%
MVP-LY-069	Completed	100%
MVP-LY-038	Completed	100%
MVP-LY-058	In Progress	10%
MVP-LY-059	Completed	100%
MVP-LY-068	Completed	100%
MVP-LY-070	In Progress	50%
MVP-LY-057	Completed	100%
MVP-LY-031	Not Started	0%
MVP-LY-065	Not Started	0%
MVP-LY-052	Not Started	0%
Virginia Locations		
MVP-PY-006	In Progress	99%
MVP-LY-032	Completed	100%
MVP-LY-033	Completed	100%
MVP-LY-034	Completed	100%
MVP-LY-035	Not Started	0%
MVP-LY-026	Completed	100%
MVP-LY-028	Completed	100%
MVP-LY-1019	Completed	100%
MVP-LY-029	Not Started	0%
MVP-LY-048	Completed	100%
MVP-LY-046	Completed	100%

APPENDIX B

ENVIRONMENTAL COMPLIANCE

The following table summarizes problem area reports (PAR) and noncompliance reports (NCR) issued for the Project during the reporting period, as well as corrective actions taken to resolve the issue (including the cost and effectiveness of the corrective actions).

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	A	201+00	6/22/2018 - Slip began on row and overwhelmed and removed diversion berm. Material left the LOD.	Pending - Material will be retrieved off the LOD after a variance is obtained.
NCR	A	Across from North Fork Road and Mobley Run Road	7/9/2018 - Crews parking in an area that wasn't permitted for use.	7/9/2018 - Communication with crews about unauthorized parking in this area.
NCR	A	Across from North Fork Road and Mobley Run Road	7/11/2018 - Crews parking in an area that wasn't permitted for use.	7/11/2018 - Communication with crews about unauthorized parking in this area.
PAR	B	2573+65	3/14/2018 - Hanger 3, hanging outside of LOD	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2592+00	3/15/2018 – Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2594+00	3/15/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2608+00	3/15/2018 - Tree rolled out of the LOD leaving the butt inside the ROW. Crews s-hooked the tree and will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2641+00	3/15/2018 - Tree rolled out of the LOD on steep slope.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2642+00	3/15/2018 - Tree rolled out of the LOD on steep slope.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2583+22	3/15/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2585+19	3/15/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2670+15	3/16/2018 - Tree felled out of the LOD due to natural wind damage.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2681+00	3/16/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2670+15	3/16/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2659+00-2653+00	3/16/2018 - Tree rolled out of the LOD on steep side slope rock bluff.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2659+00-2653+00	3/16/2018 - Tree rolled out of the LOD on steep slide rock bluff. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2636+84	3/16/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2615+03	3/16/2018 – Tree hung with the top outside ROW. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2570+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2767+87	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2653+00 - 2659+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2665+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2661+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2597+89	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2597+89	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2641+00	3/17/2018 – As crew cut a tree, the limbs were caught on another tree. Limbs have been left hanging.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2642+00	3/17/2018 – As crew cut a tree, the limbs were caught on another tree. Limbs have been left hanging.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2643+00	3/17/2018 – Tree top rolled out of the LOD. Too dangerous for crew to retrieve, due to safety issues.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2644+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2651+00	3/17/2018 – As crew cut a tree, the limbs were caught on another tree. Limbs have been left hanging.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2666+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2611+38	3/17/2018 – As crew cut a tree, the limbs were caught on another tree. Limbs have been left hanging.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2614+44	3/17/2018 - Tree hung and another rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2615+03	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2631+00	3/17/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	AWTS-804	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2707+00	3/19/2018 - Tree top fell out of the LOD and a tree was hung outside of LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2706+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2709+07	3/19/2018 – Three tree tops and two tree hangers fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2721+43	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2721+25	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2723+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2762+30	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2748+00	3/19/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2739+00	3/19/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2726+95	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2729+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2728+90	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2749+80	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2726+78	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2737+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2778+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2730+00	3/19/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2728+74	3/19/2018 - Tree butt rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	ATWS-078	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2728+67	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2726+75	3/20/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2734+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2762+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2713+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2714+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2715+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2716+00	3/20/2018 - Tree rolled out of the LOD and a tree top also fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2717+00	3/20/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2717+98	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2720+00	3/20/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2775+80	3/22/2018 - Tree hangers out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2774+60	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2778+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2779+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2788+25	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2783+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2780+40	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2782+00	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2781+00	3/22/2018 – One tee top fell out of the LOD and one tree rolled out of LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2792+90	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	ATWS-478	3/22/2018 – Tree butt fell outside of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2726+00	3/22/2018 - Tree fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2726+95	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2724+11	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2728+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2724+11	3/22/2018 - Tree butt fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2725+50	3/22/2018 - Tree butt fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2725+00	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2728+67	3/22/2018 - Tree top fell out of the LOD, two tree butts rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2733+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2759+00	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2760+03	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2731+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2733+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2729+53	3/22/2018 - Tree limbs fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2729+00	3/22/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2758+49	3/22/2018 - Tree top fell out of the LOD. One tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2758+00	3/22/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2740+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2754+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2751+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2756+00	3/23/2018 – Two tree tops and one tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2755+33	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2755+54	3/23/2018 - Tree rolled out of the LOD. Not accessible from LOD.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2754+00	3/23/2018 – One tree and one tree butt rolled out of the LOD. Not accessible from LOD.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2753+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2752+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2751+00	3/23/2018 - Tree rolled out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2841+00	3/23/2018 – Three tree tops and one hanger fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	B	2836+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2836+72	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2832+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2833+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
PAR	B	2834+00	3/23/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2844+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
FERC Communication Report	B	2845+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2835+41	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2836+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2838+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2904+00	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2903+48	3/24/2018 - Tree top fell out of the LOD. Crews will be able to retrieve from inside the LOD. No off ROW disturbance.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2908+00	3/24/2018 - Tree butt rolled out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.

Compliance	Spread	Location	Description and Date	Correction and Date
NCR (self report)	B	2868+00	3/29/18 - Two trees were cut outside the LOD	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2872+00	3/29/18 - Tree butt fell out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2874+00	3/29/18 - Tree butt fell out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2877+51	3/29/18 - Tree top rolled out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.
FERC Communication Report	B	2898+00	3/26/18 - Tree butt fell out of the LOD.	Pending - Will be moved in LOD during mechanical clearing.
NCR	B	Access Road MVP-LE-054	6/6/2018 - Contractor built four pull offs and a turnaround on LE-054, outside of the LOD and without obtaining approval first.	Pending – Pending approval of a variance request.
PAR	D	6301+00	4/3/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
PAR	D	6130+00	4/4/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	D	6469+25	4/4/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
PAR	D	6432+50	4/4/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
PAR	D	6457+20	4/4/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
PAR	D	6249+00	4/6/18 - Tree fell off LOD. No ground disturbance off ROW. Can be moved back onto ROW with equipment.	Pending- Will be moved onto ROW during mechanical process.
PAR	F	9467+74 & 9502+85	6/23/2018 - No permanent seeding on streams S-OP1 and S-IJ64.	Pending - Seed banks still pending.
NCR	G	11407+61 to 11409+00	6/21/2018 - Livestock fence installed off ROW.	Pending - Fence will be moved to LOD following approval of Level 2 variance request.

Compliance	Spread	Location	Description and Date	Correction and Date
NCR	G	11352+97	6/19/2018 - Livestock fence installed off ROW.	Pending - Fence will be moved to LOD following approval of Level 2 variance request.
NCR	G	MVP GI 256.02	7/12/2018 - Limbing of trees along access road.	7/12/2018 - Stopped activity.
NCR	G	11327+85	7/12/2018 - Sediment in stream S-NN12 from storm event.	7/12/2018 - Removed sediment from S -NN12 in LOD. Obtaining L/O permission to go off ROW to retrieve sediment.
PAR	G	11294+00	7/12/2018 - Sediment off ROW from overwhelmed ECD in vicinity of 11294+00 from storm event.	7/12/2018 - Added priority 1 silt fence in front of existing 18 inch compost filter sock. Obtaining permission from L/O to retrieve sediment from off ROW.
NCR	G	11479+99	7/13/2018 - Silt fence was installed off ROW at this location.	Pending - Obtaining approval from L/O to move silt fence back to LOD.

Compliance	Spread	Location	Description and Date	Correction and Date
PAR	JNF	11584+02	6/25/2018 - Runoff undermined silt fence along the LOD and allowed sediment to migrate off ROW at 11584+02.	Pending - The silt fence was backfilled but sediment cannot be retrieved until variance request from the Forest Service is received.
PAR	JNF	11580+01	6/27/2018 - Runoff undermined silt fence along the LOD and allowed sediment to migrate off ROW at 11580+01	Pending - The silt fence was backfilled but sediment cannot be retrieved until variance request from the Forest Service is received.
Note: PAR – Problem Area Report; NCR – Noncompliance Report.				

APPENDIX C

AGENCY CORRESPONDENCE AND RESPONSES

None.

APPENDIX D

LANDOWNER CONCERNS

The following table includes information regarding landowner concerns and how they were resolved.

Tract ID	Spread / Facility	Station/ MP	Date of Concern	Date of Resolution	Issue and Resolution
VA-MO-025	Spread H	237.3	3/20/2018	Pending	**Issue:** Survey was approached by L/O stating that the property lines were incorrect in the maps. The L/O said that the lines were off about 100' and the neighbors have not been compensated. **Resolution:** MVP is currently reviewing the property boundary information to determine if the claim is accurate. • **4/15/2018 -** Agent met with VA-MO-025 L/O along with L/Os of VA-MN-5233 and VA-RO-5805. The stakes were reviewed that the L/O was referring to and walked the route L/O preferred. These stakes were from a previous survey and do not reflect the filed route. The filed route does appear to enter VA-RO-5805 and VA-RO-5806. If the L/O's preferred route is accepted, it will require signatures from VA-MO-025 and VA-MO-023. Further discussions will proceed through both L/O's attorneys. • **4/20/2018 -** MVP is currently working with the L/O to identify potential alternatives to the route in the area of concern. • **4/27/2018 -** Land and construction have met with the L/O and the adjacent L/O to correct the route and are meeting with the adjacent L/O's to acquire rights. • **5/4/2018** - Still working with L/Os and reviewing alternatives. • **5/11/2018-** Still have an issue with the route. One neighbor has signed to fix part of the issue, but the other neighbor, documents are still in process. • **5/18/2018**- Still processing documents. • **5/25/2018**- the route has been corrected but this is still being negotiated • **6/8/2018**- Still being negotiated. • **6/15-29/2018-** MVP is coordinating with the attorney to come to an agreement.

VA-MO-025	Spread H	237.3	3/20/2018	Pending	• **7/6/2018-** Lead land agent is still waiting on responses from the attorneys. • **7/13/2018-** Lead land agent is still waiting on responses from the attorneys.
VA-RO-045	Spread H	241.6	5/7/2018	Pending	**Issue:** Cut trees are blocking L/O access road. **Resolution:** The trees need to be cleared from the access road. **5/18/2018**- checking to see if this was completed. **6/8/2018**- No further update. **6/15/2018-** Construction will clear the road with mechanical equipment. **6/22/2018-** Waiting to clear by mechanical means. **6/29/2018-** Waiting to be cleared by mechanical crews. **7/6/2018-** Waiting on mechanical clearing. **7/13/2018-** Waiting on mechanical clearing.
VA-FR-017.17	Spread H	254.6	5/24/2018	Pending	**Issue:** Land Agent received a call from the L/O stating that with the rain in the Cahas Mountain area, the pond by their home is now a mud pond. They said it is due to the tree clearing up the hill from their house. They also said that the mud has killed the fish in the pond they had stocked with trout, catfish and crappie. The L/O added that the pond does turn cloudy with heavy rain, but not mud. They are asking to pay for the sediment removal and to restock the fish. **Resolution:** The L/O called and got two estimates. It would be $1,100 for the silt removal and $500 for the fish. The total compensation will be $1,600. The L/O has the water clause in his LOW for his drinking water, but the pond is not his drinking water source. **6/8/2018-** Still negotiating the sediment removal and fish restocking. **6/15/2018-** Land agent is still negotiating with the L/O. **6/22/2018**- No new update from negotiations. **6/29/2018**- No new update. **7/6/2018**- Waiting on land agent to update. **7/13/2018-** Address issue after pipeline is in the ground.

VA-MO-057	Spread G	227.3	6/1/2018	Pending	**Issue:** Rocks slid off the ROW 100' to 150' down the slope. **Resolution:** EI, Land and FERC are working on a plan to either retrieve the rock or compensate the L/O. **6/8/2018**- No further update. **6/15/2018-** Agent met with the L/O and could not travel to the affected area due to construction clearing/grading nearby. Agent will return in a couple days to review. **6/22/2018-** Met to discuss with foreman from Precision. **6/29/2018-** No update from Precision. **7/6/2018-** Land agent is waiting on photos of documentation of the cleanup efforts to present to the L/O. **7/13/2018-** Agent received pictures of the cleanup efforts on the L/O property and sent them to the L/O to review.
VA-FR-017.33	Spread I	256.8	6/4/2018	7/13/2018	**Issue:** L/O is upset about the fact that the openings in the silt fence have not been put in so they can access both sides of the property. The L/O's timber has also been covered up with dirt and cannot be used. **Resolution:** Construction is working on a solution to this issue. **6/22/2018-** No new update from construction. **6/29/2018-** No new update from construction. **7/6/2018-** Waiting on land agent to update. **7/13/2018-** Silt fencing issue is resolved; timber issue will be addressed during reclamation.
VA-FR-076.01	Spread I	262.4	6/20/2018	7/13/2018	**Issue:** L/O reported issue about dust from the core drilling is negatively affecting their chicken farm. **Resolution:** Pictures were sent to construction to figure out how to mitigate dust control. **6/29/2018-** No new update. **7/6/2018-** Waiting on land agent to update. **7/13/2018- W**ater mitigation is being used to keep the dust down as much as possible.
VA-FR-076.01 C2	Spread I	262.4	6/22/2018	7/13/2018	**Issue:** L/O demanded to know why there were no warning signals given prior to blasting. **Resolution:** Complaint was filed with FERC. The construction group stated that they blasted with no warning at the direction of the Fire Marshall. **6/29/2018-** No new update. **7/6/2018-** Waiting on land agent to update. **7/13/2018-** Blasting issue so not related to land agent reports.

VA-FR-5508	Spread I	267.1	6/21/2018	7/13/2018	**Issue:** Dirt is piled up so the L/O can't cross the ROW. **Resolution:** Construction was notified. **6/21/2018-** Held meeting with the L/O. **7/6/2018-** Waiting on land agent to update. **7/13/2018**- Dirt pile was knocked down so access is possible.
VA-FR-180	Spread I	279	6/21/2018	Pending	**Issue:** L/O thinks T-Posts on top of buried pins that were placed by a surveyor previous to the ROW acquisition on the tract may be lost or moved by construction. **Resolution:** Agent visited the home and received a map with the locations of the 5 T-Posts. Agent walked the line and could not find the T-Posts. Agent is to follow up with the L/O with this issue. **6/29/2018-** No new update. **7/6/2018-** Agent has a meeting next week to resolve the issue. **7/13/2018 –** Waiting on agent to update.
VA-FR-196.03	Spread I	283.6	6/21/2018	Pending	**Issue:** Crop damage to wheat crop, approximately 1.964 acres reported by farmer renting part of this tract. **Resolution:** Agent to follow up with the L/O to confirm details. **6/29/2018-** No new update. **7/6/2018-** Agent followed up with L/O, but has not heard back. The agent plans on following up this week. **7/13/2018 –** Waiting on L/O response.
VA-GI-097.01	Spread G	214.6	6/23/2018	7/9/2018	**Issue:** The L/O reported that the fence is off the ROW and potentially the bridge too. **Resolution:** The bridge was resurveyed and was found to be off the ROW and the fence was identified as off the ROW. Waiting on the variance to get the fence back on the ROW. The decking of the bridge was brought back to the ROW. **7/6/2018-** The variance was signed and the fence will be moved as soon as NCI gets full clearance to proceed with all work. **7/9/2018-** The bridge and fence were moved onto the ROW and the issue is resolved.

MVP-ATWS-779	Spread A	35.5	6/29/2018	Pending	**Issue:** L/O reported to FERC that work on Mountain Valley, combined with recent rainstorms, has resulted in mud slides in and around his home and farm. the L/O stated that due to the controls/lack of controls for the MVP ROW up on the ridge (OFF this L/O's property approx. 2000' feet away) has caused sediment and stone to wash down towards their property, clogging up adjacent neighbors' culvert and washing down gravel road. The plugged culvert then washed said gravel/sediment into the L/O's hay field; which they state is now compromised. **Resolution**: Land agent met with the L/O. No evidence of sediment off ROW was apparent. Environmental inspector stated that up on the ridge/MVP ROW, the controls in place are/have not been overloaded and are functional. The heavy rain is the determining factor of the L/O's issues. The land agent said he would further review and get back with the L/O over said issues. **7/6/2018-** Another field meeting occurred where the entire area was walked and documented.
WV-BR-3984	Spread C	77.9	7/5/2018	Pending	**Issue:** L/O is complaining of pipeline workers parking on their property and don't have permission to do so. There are no parking signs on the property at this time. They also have a mailbox that has been torn down, and has complained about tires scattered near the road. **Resolution:** The land agent asked for an estimate to replace the mailbox. The agent told the L/O construction needs the tires to offload equipment, but it shouldn't be a problem to stack the tires near the house. **7/10/2018-** Waiting on an estimate for the mailbox. All parking was done within the LOD, L/O does not want their access blocked to their cabin.
VA-FR-157	Spread I	275.1	7/6/2018	Pending	**Issue:** L/O called to complain his well has gone dry and thinks that it might be due to the work in the area over the past three weeks. **Resolution:** Construction was out on the property assessing this, and they believe a rock that caved in is the problem. Further investigation is needed with the well inspector to assess the problem.

APPENDIX E

VARIANCE CONDITIONS

Variance No. Bradshaw-1

On March 21, 2018, Mountain Valley filed Variance Request No. Bradshaw-1 to conduct 24-hour construction at its Bradshaw Compressor Station site in Wetzel County, West Virginia through May 31, 2018. On May 2, 2018, Mountain Valley supplemented its variance request to perform 24-hour construction at the Bradshaw Compressor Station through June 30, 2018. The Commission issued an order granting the variance request on May 3, 2018. In its letter order, the Commission stipulated that Mountain Valley will stop night work if measured noise levels exceed the predicted criteria.

Mountain Valley performed a noise study at locations close to NSAs 3 and 4. The study documented ambient noise data at the two identified NSAs starting on May 8, 2018 and continuing through July 13, 2018. In summary, sound levels measured after the start of nighttime construction activities on June 1, 2018 indicate that nighttime sound levels are all below 48.6 dBA L_{eq}, and there is no measured increase in the nighttime sound levels due to the construction activities. A copy of the noise monitoring report through July 13, 2018 is attached.

July 16, 2018

To: Mr. Matthew B. Johnson, P.E.
Engineer III, MVP Compression Design
EQT Corporation
EQT Plaza
625 Liberty Avenue
Pittsburgh, PA 15222
Office: 304-627-6423
Cell: 304-543-7569
MJohnson@eqt.com

Re: Nighttime Construction Noise Monitoring
Bradshaw Compressor Station
Wetzel County, West Virginia

TECHNICAL MEMORANDUM

This Technical Memorandum addresses the work being performed by SLR International Corporation for EQT at the MVP Bradshaw Compressor Station in Wetzel County, West Virginia. The sound levels during nighttime construction have been measured and compared to the sound levels before construction began. The data indicate that nighttime sound levels during construction are lower than 48.6 dBA L_{eq} and that there has been no significant change in nighttime sound level due to the construction activities.

ENVIRONMENTAL NOISE STUDY

General

Solar powered sound level monitors were placed at locations close to the nearest Noise Sensitive Areas (NSAs) to the project site on May 8, 2018 to continuously monitor sound levels. No nighttime construction activities were taking place before June 1st, so measurements from May 8th to May 31st have been used to characterize the nighttime ambient sound levels at the NSAs. Nighttime construction started on the night of June 1st. Measurements on that night and after have been used to characterize the sound levels during nighttime construction activities.

Measurement Locations

Long-term sound levels were measured at locations close to the two nearest NSAs to the station site. NSA 3 represents the house located at 2680 Fallen Timber Road and is the nearest NSA west of the construction site. NSA 4 represents the house located at 1371 Buck Run Road and is the nearest NSA southeast of the construction site. On July 2nd, 2018, at the request of the land owner, the sound level monitoring kit located at NSA 3 was moved from its original position. The new location places the sound level monitoring kit 230 feet north of the previous location. The kit is still on the NSAs property. An aerial photo (**Figure 1**) showing the project site and current measurement locations as well as the previous measurement location for NSA 3 is attached. "ML3 Rev0" was the previous measurement location while "ML3 Rev1" is the new measurement location.

Measurement Instrumentation

Two Larson Davis Model 831C Type 1 sound level meters (serial number 10403 and 10416) are being used to continuously monitor the sound levels. Each meter records 1/3-octave band and full-octave band sound levels as well as statistical parameters. Data are based on 15-minute sound level averages with 10-second sampling periods. The meters hold calibration certification traceable to National Institute of Standards and Technology standards. Microphone windscreens were used for all measurements.

CRITERIA

Several different sound level metrics have been presented in the results, as construction noise has been a minor contributor to the sound levels at the NSAs. The nighttime equivalent sound level, L_{eq}, is the most commonly used metric for evaluating sound levels. However, due to the presence of significant and time-varying non-construction environmental noise sources in this area, some nighttime L_{eq} values at the NSAs are strongly affected or even dominated by non-construction sources, and thus some analysis efforts are required to fairly evaluate the construction contribution. Simple comparison of before-and-after sound levels may not account for the actual construction contribution.

As per the latest Federal Energy Regulatory Commission (FERC) guidance, "Construction activity that would or may occur during nighttime hours should be performed with the goal that the activity contributes noise levels below 55 dBA L_{dn} and 48.6 dBA L_{eq}, or no more than 10 dBA over background if ambient noise levels are above 55 dBA L_{dn}."[1] The ambient sound levels in the area were measured during the pre-construction noise study, with results of 42.6 and 44.1 dBA L_{dn} at NSAs 3 and 4, respectively. These levels are well below 55 dBA L_{dn}, so the 48.6 dBA L_{eq} targets for construction noise apply at the NSAs.

In addition to the 48.6 dBA L_{eq} nighttime sound level targets, the nighttime construction noise is compared to the existing nighttime ambient sound levels with the goal of limiting the short-term nighttime construction sound level impact to less than 3 dB.

The FERC considers nighttime to extend from 10:00 pm until 7:00 am the following morning. In this report, nighttime periods are dated based on the start time, so the night period for May 25th extends from 10:00 pm on May 25th until 7:00 am on May 26th.

MEASUREMENT RESULTS

Ten second sound level samples were continuously recorded at each NSA during the measurement period. These samples were then used to calculate the nighttime average sound level (L_{eq}) and several statistical parameters: the L_{10}, L_{50}, and L_{90}. The L_{10}, L_{50}, and L_{90} are the sound levels that are exceeded 10, 50, and 90 percent of the measurement time interval, respectively. These statistical parameters are helpful in evaluating the range and type of sound levels in an area. For instance, the L_{90} is often used to characterize the background or ambient

[1] FERC (2017) Federal Energy Regulatory Commission, Office of Energy Projects "Guidance Manual for Environmental Report Preparation for Applications Filed Under the Natural Gas Act." Volume 1, February 2017.

sound level, since it tends to filter out short-term sounds. The results for NSA 3 are presented in **Table 1** and the results for NSA 4 are presented in **Table 2**. The sound level monitors were present between June 22, 2018 and July 2, 2018, but data was not collected due to power supply malfunction that was caused by poor weather conditions.

Table 1 – Nighttime Sound Level Measurement Results – NSA 3

Measurement Location	Measurement Date	Nighttime Sound Levels (dBA)			
		L_{eq}	L_{10}	L_{50}	L_{90}
NSA 3 - No Nighttime Construction	8-May-18	39.7	43.2	36.2	35.4
	9-May-18	**57.5**	45.6	32.8	31.5
	11-May-18	37.8	41.9	26.9	26.3
	12-May-18	**50.8**	48.4	41.3	24.2
	13-May-18	41.8	44.9	32.5	31.7
	14-May-18	40.5	43.7	32.0	31.0
	15-May-18	**48.7**	53.4	41.2	40.0
	16-May-18	40.7	43.7	36.5	35.7
	17-May-18	38.7	43.0	31.7	29.9
	18-May-18	38.2	41.7	31.5	28.6
	19-May-18	43.6	44.3	39.8	38.7
	20-May-18	42.0	42.5	30.5	29.9
	21-May-18	**52.1**	52.4	34.1	29.7
	22-May-18	46.8	48.3	41.4	40.2
	23-May-18	38.6	42.0	34.6	34.1
	24-May-18	37.4	42.6	28.0	27.6
	25-May-18	36.1	41.6	24.3	23.2
	26-May-18	**55.8**	54.1	49.3	38.2
	27-May-18	41.9	43.9	39.7	39.0
	28-May-18	39.1	44.6	31.8	31.2
	29-May-18	39.9	44.4	29.1	28.0
	30-May-18	40.7	43.2	28.6	25.0
	31-May-18	38.5	43.5	31.9	29.8
NSA 3 - With Nighttime Construction	1-Jun-18	38.8	44.7	30.1	27.9
	2-Jun-18	39.4	44.1	29.8	26.1
	3-Jun-18	38.9	43.2	31.7	27.5
	4-Jun-18	39.0	42.1	36.2	32.5
	5-Jun-18	38.6	41.8	29.9	26.4
	6-Jun-18	38.8	42.5	22.6	19.3

Measurement Location	Measurement Date	Nighttime Sound Levels (dBA)			
		L_{eq}	L_{10}	L_{50}	L_{90}
NSA 3 - With Nighttime Construction	7-Jun-18	38.4	43.3	24.3	21.5
	8-Jun-18	38.3	43.4	26.1	22.0
	9-Jun-18	37.6	42.2	24.4	20.0
	10-Jun-18	**50.3**	48.3	23.4	21.1
	11-Jun-18	38.5	43.7	29.3	23.9
	12-Jun-18	**56.8**	62.2	50.0	22.5
	13-Jun-18	40.3	43.9	37.6	34.5
	14-Jun-18	37.9	41.5	33.3	26.3
	15-Jun-18	37.4	43.3	23.2	20.4
	16-Jun-18	**54.8**	53.7	41.5	20.5
	17-Jun-18	38.1	43.7	24.7	21.3
	18-Jun-18	38.3	43.2	27.5	24.8
	19-Jun-18	38.1	43.6	23.8	21.2
	20-Jun-18	**41.4**	44.8	36.5	32.5
	21-Jun-18	**57.6**	62.0	54.2	47.0
	22-Jun-18	**48.6**	49.7	47.9	46.6
	23-Jun-18	- [1]	-	-	-
	24-Jun-18	- [1]	-	-	-
	25-Jun-18	- [1]	-	-	-
	26-Jun-18	- [1]	-	-	-
	27-Jun-18	- [1]	-	-	-
	28-Jun-18	- [1]	-	-	-
	29-Jun-18	- [1]	-	-	-
	30-Jun-18	- [1]	-	-	-
	1-Jul-18	- [1]	-	-	-
	2-Jul-18	- [1]	-	-	-
	3-Jul-18 [2]	45.6	50.9	31.9	31.3
	4-Jul-18	45.2	49.9	29.3	28.8
	5-Jul-18	**51.4**	52.7	44.1	35.1
	6-Jul-18	47.3	49.3	32.9	32.4
	7-Jul-18	45.3	49.2	28.2	27.8
	8-Jul-18	47.3	51.4	27.8	27.0
	9-Jul-18	50.7 [3]	48.1	32.7	30.1
	10-Jul-18	52.4 [3]	53.3	39.4	36.3

Measurement Location	Measurement Date	Nighttime Sound Levels (dBA)			
		L_{eq}	L_{10}	L_{50}	L_{90}
NSA 3 - With Nighttime Construction	11-Jul-18	52.0 [3]	50.2	33.1	29.3
	12-Jul-18	54.5 [3]	57.1	47.1	30.8
	13-Jul-18	59.3 [3]	64.2	52.6	35.5

1) No data was collected during this time period due to loss of power.
2) Sound level measurements after July 2nd are at the ML3 Rev1 measurement location.
3) Apparent exceedances July 9 through 13 were due to insect activity near the microphone. See Results Discussion section.

Table 2 – Nighttime Sound Level Measurement Results – NSA 4

Measurement Location	Measurement Date	Nighttime Sound Levels (dBA)			
		L_{eq}	L_{10}	L_{50}	L_{90}
NSA 4 - No Nighttime Construction	8-May-18	42.2	44.7	37.7	37.1
	9-May-18	**58.0**	48.9	35.1	34.9
	11-May-18	47.1	44.8	34.3	32.9
	12-May-18	**52.0**	52.3	42.5	31.5
	13-May-18	45.8	48.2	35.8	35.3
	14-May-18	44.5	48.3	36.2	35.1
	15-May-18	**50.2**	55.3	42.9	41.3
	16-May-18	45.4	48.7	37.8	37.5
	17-May-18	44.9	50.0	35.9	35.2
	18-May-18	44.6	44.3	34.4	33.1
	19-May-18	43.2	44.9	36.7	35.7
	20-May-18	43.6	44.7	32.3	32.0
	21-May-18	**50.4**	50.1	34.1	32.7
	22-May-18	46.9	50.5	40.5	38.9
	23-May-18	44.5	47.1	35.9	35.7
	24-May-18	41.5	44.7	32.6	32.2
	25-May-18	41.4	42.3	31.5	30.7
	26-May-18	**53.1**	53.7	48.2	38.3
	27-May-18	42.5	45.7	38.6	37.7
	28-May-18	39.9	44.2	33.3	32.6
	29-May-18	43.9	47.7	30.8	30.1
	30-May-18	43.4	45.7	35.6	30.4
	31-May-18	40.4	44.7	32.3	30.1
NSA 4 - With Nighttime Construction	1-Jun-18	41.4	46.2	34.8	30.8
	2-Jun-18	38.6	41.9	31.6	27.6
	3-Jun-18	41.1	45.4	33.7	31.6
	4-Jun-18	38.9	41.9	31.1	28.5
	5-Jun-18	37.8	41.4	30.6	26.1
	6-Jun-18	37.9	41.8	27.1	21.5
	7-Jun-18	39.9	42.3	28.6	23.3
	8-Jun-18	44.0	46.5	34.6	25.6
	9-Jun-18	44.6	48.1	34.6	23.9
	10-Jun-18	**50.0**	49.4	38.6	28.7

Measurement Location	Measurement Date	Nighttime Sound Levels (dBA)			
		L_{eq}	L_{10}	L_{50}	L_{90}
NSA 4 - With Nighttime Construction	11-Jun-18	43.5	46.9	30.5	24.8
	12-Jun-18	**56.5**	61.9	49.2	36.7
	13-Jun-18	45.4	48.0	43.9	37.9
	14-Jun-18	41.9	43.9	33.0	26.7
	15-Jun-18	41.1	43.4	33.3	27.3
	16-Jun-18	**54.3**	54.2	43.4	37.2
	17-Jun-18	41.7	44.5	36.9	33.7
	18-Jun-18	46.9	49.8	45.4	33.5
	19-Jun-18	51.8 [1]	46.6	40.1	34.1
	20-Jun-18	**48.8**	46.9	40.3	38.2
	21-Jun-18	**57.1**	61.0	53.4	48.0
	22-Jun-18	**51.6**	52.0	50.8	48.8
	23-Jun-18	- [2]	-	-	-
	24-Jun-18	- [2]	-	-	-
	25-Jun-18	- [2]	-	-	-
	26-Jun-18	- [2]	-	-	-
	27-Jun-18	- [2]	-	-	-
	28-Jun-18	- [2]	-	-	-
	29-Jun-18	- [2]	-	-	-
	30-Jun-18	46.9	47.4	41.7	32.8
	1-Jul-18	46.5	43.7	38.1	28.2
	2-Jul-18	44.4	45.7	38.8	31.7
	3-Jul-18	41.3	44.5	34.6	27.8
	4-Jul-18	41.1	42.3	36.7	28.4
	5-Jul-18	**54.1**	52.8	44.8	37.6
	6-Jul-18	41.4	41.4	32.3	30.5
	7-Jul-18	40.1	41.0	27.0	26.1
	8-Jul-18	38.6	40.4	29.6	26.6
	9-Jul-18	45.2	42.2	31.4	28.7
	10-Jul-18	41.7	41.5	35.3	34.0
	11-Jul-18	53.4 [1]	43.7	30.7	29.2
	12-Jul-18	43.3	46.0	30.2	27.2
	13-Jul-18	41.4	42.2	31.4	27.6

1) Apparent exceedances were due to birds near microphone. See Results Discussion section.
2) No data was collected during this time period due to loss of power.

Results Discussion

Due to heavy storms and lack of sunlight at the end of the week of June 18th, the solar charged batteries in both sound monitoring kits died and the power to the sound level meters was lost. Because of this, no data was collected from June 23th to June 29th. To resolve the issue, the batteries in each sound monitoring kit were replaced with new ones on July 2nd. Both sound level monitors have been restarted and were collecting data again as of July 2, 2018. Moving forward, battery charge levels at the monitors will be checked at least twice a week to ensure that sufficient power is available for data collection.

On July 2nd, 2018, at the request of the land owner, the sound level monitoring kit located at NSA 3 was moved from its original position. The new measurement is located 230 ft north of the previous measurement location but is still on the NSAs property. Because of this, all sound level measurements after July 2nd will be measured from the ML3 Rev1 measurement location.

There were periods of rain and thunder on several nights during monitoring. Due to noise from rain and thunder, the nighttime L_{eq} for these days will be higher than the other nighttime periods at both NSAs. Periods with rain are indicated with a bold L_{eq} in **Tables 1 and 2**.

The sound levels for the nighttime construction period are consistently similar to, or lower than, the sound levels measured during the ambient measurement period, across all measurement metrics. This indicates that the sound levels at the NSAs are controlled by non-construction related environmental sources, such as wind, rain, birds, and nearby creeks, even during construction activities.

Bird Noise: There were two unusually loud periods at 5:59 am on the morning of June 20, 2018 and at 5:56 am on the morning of July 12, 2018. Review of audio recordings of both time periods indicate that the only sound sources that were audible at this time were birds. The frequency distribution of the anomalous short samples is also mostly high frequency, which is consistent with bird noise. Therefore, the unusually high sample was likely due to bird activity very near the monitoring microphone. If the anomalous periods are excluded from the data set, the average nighttime level for June 19, 2018 is reduced to 44.6 dBA, and the average nighttime level for July 11, 2018 is reduced to 40.1 dBA, similar to other nights without rain.

Insect Noise: During the nights of July 9, 2018 through July 13, 2018, there were periods of unusual high frequency noise at NSA 3. The audio recordings of periods with high frequency anomalies were reviewed, and the only audible sound sources were clearly insects, not construction. The insect noise was removed according to ANSI/ASA S3/SC1.100-2014, *Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas,* which omits sound energy in the whole-octave bands above 1 kHz. Doing this brought the nighttime level for all five of those nights down to an average of 32.4 dBA, which is slightly lower than other nights without insect processing.

Based on the available data, the measured construction nighttime sound levels at NSAs 3 and 4 are all below 48.6 dBA L_{eq} for those nights without rain and thunder, and there is no measured increase in the nighttime sound levels due to the construction activities. The construction

activities at the station are in full compliance with all FERC guidance on construction nighttime sound levels.

CONCLUSION

Sound level measurements were taken at locations close to NSAs 3 and 4 starting on May 8, 2018 and continuing through July 13, 2018 at the Bradshaw Compressor Station located in Wetzel County, West Virginia. Data was not collected between June 22, 2018 and July 2, 2018, due to loss of power at the monitoring locations that has since been corrected. Sound levels measured after the start of nighttime construction activities on June 1st demonstrate that construction contributes less than 48.6 dBA L_{eq} at both NSAs, and that there is no significant increase in the nighttime sound levels due to construction activities.

This concludes this Technical Memorandum. Please contact us if you have any questions.

Sincerely,
SLR International Corporation

David M. Jones, P.E., INCE Bd. Cert.
Principal Engineer



Figure 1: Measurement Locations

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas Branch 3
Mountain Valley Pipeline LLC
CP16-10-000

August 3, 2018

Matthew Eggerding, Counsel
Mountain Valley Pipeline LLC
625 Liberty Ave., Suite 1700
Pittsburgh, PA 15222

Re: Notification of Stop Work Order

Dear Mr. Eggerding:

On July 27, 2018, the United States Court of Appeals for the Fourth Circuit issued an order vacating decisions by the Department of the Interior's Bureau of Land Management (BLM) and by the Department of Agriculture's Forest Service (Forest Service) authorizing the construction of the Mountain Valley Pipeline Project (Project) across federal lands and remanding to those agencies for further proceedings to address issues identified in that opinion. In light of this development, Mountain Valley Pipeline, LLC (MVP) has not obtained the rights-of-way and temporary use permits from the federal government needed for the Project to cross federally owned lands.

There is no reason to believe that the Forest Service or the Army Corps of Engineers, as the land managing agencies, or the BLM, as the federal rights-of-way grantor, will not be able to comply with the Court's instructions and to ultimately issue new right-of-way grants that satisfy the Court's requirements. However, Commission staff cannot predict when these agencies may act or whether these agencies will ultimately approve the same route. Should the agencies authorize alternative routes, MVP may need to revise substantial portions of the Project route across non-federal lands, possibly requiring further authorizations and environmental review. Accordingly, allowing continued construction poses the risk of expending substantial resources and substantially disturbing the environment by constructing facilities that ultimately might have to be relocated or abandoned.

MVP is hereby notified that construction activity along all portions of the Project and in all work areas must cease immediately, with the exception of any measures deemed necessary by those land managing agencies or FERC staff to ensure the stabilization of the right of way and work areas. Commission staff intends to review the need for this stop work notification in light of further actions that the Forest

Service, the Army Corps of Engineers, and the BLM will take with respect to the issues raised in the Court's opinion and stand ready to assist to achieve a prompt resolution.

In addition, within 5 days, MVP must provide an interim right-of-way and work area stabilization plan for review and written approval by the Director of the Office of Energy Projects.

Sincerely,

Terry L. Turpin
Director
Office of Energy Projects

Document Content(s)

Mountain Valley Pipeline Letter 08-03-2017.PDF.....1-2

USDA United States Department of Agriculture | Forest Service | Southern Region | 1720 Peachtree Road, NW Atlanta, GA 30309

File Code: 2720
Date: September 21, 2018

Joseph M. Dawley
Deputy General Counsel
Public Policy and Environmental
Mountain Valley Pipeline, LLC
625 Liberty Avenue, Suite 1700
Pittsburg, PA 15222

Dear Mr. Dawley:

Thank you for meeting with us last week in our regional office to discuss the stabilization plan for the Mountain Valley Pipeline on the Jefferson National Forest. Upon receipt of your September 11, 2018 response to the Forest Service's stabilization guidelines, our team was able to conduct a site visit to Brush Mountain to review current conditions in light of your proposed plans. We carefully considered each of the options you proposed, including your proposal to install the pipe and complete final restoration on the 1.86 miles of right-of-way that has been cleared, graded, and has pipe strung along the ground.

This letter affirms Forest Service concurrence to the approach outlined in Attachment 1 of your September 11 letter as being the most appropriate for the current circumstances. It is important that site preparation and installation of soil amendments, seed, and mulch occur by October 15, as seeding of perennial species after this date will likely be unsuccessful. We acknowledge the challenge of maintaining erosion control measures for an extended period, but believe this represents the most expedient opportunity to achieve vegetative cover in advance of winter conditions.

The Forest Service recommends that the Federal Energy Regulatory Commission adopt the stabilization measures described in Attachment 1of this letter.

We look forward to continuing to work with you in the future on this project. If you have any questions, please contact me at 404-347-2872, or fbeum@fs.fed.us.

Sincerely,

Frank R. Beum
Pipeline Infrastructure Executive

Enclosure

cc: Ken Arney, Timothy Abing, Beth LeMaster, Terry Turpin

Attachment 1
Forest Service Concurrence
Mountain Valley Pipeline Stabilization Plan
September 21, 2018

The USDA Forest Service provides its concurrence to Mountain Valley Pipeline, LLC, with the following stabilization measures for the Jefferson National Forest:

Peters Mountain Segment

A. Leave felled trees in place within Right-of-Way (ROW).
B. Maintain and monitor installed Erosion Control Devices (ECDs) every seven calendar days and within 24 hours after any storm event greater or equal to 0.5 inches in a 24-hour period. ECDs will be enhanced, repaired, and replaced as necessary.
C. Monitor and control invasive species consistent with the Exotic and Invasive Species Control Plan included in the Plan of Development (POD).
D. Ensure that maintenance and monitoring activities do not preclude the use of Pocahontas or Mystery Ridge Roads for other purposes.

Sinking Creek Mountain and Brush Mountain Segment

Item 1 – No burying of pipe will occur. Pipe may be moved and staged within the ROW and on adjacent non-Forest Service land to optimize effectiveness of overall stabilization of the area.

A. The welded sections of pipe located on Brush Mountain may remain in place provided they are secured and supported in a manner that is stable and resistant to toppling. Install additional ECD's on the working side as needed to compensate for restricted access to the non-working side.
    1. One option for consideration is installing sediment traps or other ECDs in the water bar ditch channel immediately uphill of the pipe as necessary to provide two-stage water and sediment containment.
B. If necessary to achieve stabilization goals and minimize equipment trips on the ROW, relocate un-welded joints from steep slopes to existing flat areas of the ROW on JNF or to adjacent areas of non-Forest Service land near Craig Creek and at the top of Brush Mountain. Secure approval of adjacent landowners to store pipe. Ensure pipe is secure and stable. Install additional ECD's as needed to divert runoff around staged pipe.
    1. For the purposes of this work item, equipment used to relocate pipe only needs washing upon initial entry to the work area on National Forest System (NFS) lands. Short trips to back and forth from adjacent non-NFS land for the purpose of staging pipe does not require rewashing before returning to NFS land.

Item 2 - Perform actions needed within the limits of disturbance to stabilize or prevent landslides, slips, or mass wasting.

A. Install appropriate measures, including subsurface drains, to address springs/seeps within the ROW.
B. Some areas may be regraded to reduce slope angle.
C. As a component of ECD monitoring, also monitor ROW for signs of slope instability. Areas that are characterized by tension cracks should be regraded and stabilized as needed and continue to be monitored.

Item 3 - Stabilize topsoil and spoil piles and leave in current locations.

A. MVP seeded and mulched all spoil stockpiles during construction. MVP will confirm seeding was successful and supplement as needed. The stockpiles are stacked along the edge of the ROW. Certain spoil stockpiles on the working side of the ROW may be spread; however, spreading topsoil will not occur.
B. MVP will install additional erosion and sediment control measures, as needed, for temporary stabilization. MVP will scarify travel lanes and compacted areas to promote growth while limiting excessive loosening of soils that will overwhelm temporary ECDs during rain events.
C. MVP will temporarily seed and mulch the ROW consistent with the Restoration Plan included in the POD; with the exception that topsoil will not be spread back across the ROW prior to seeding. Apply additional amendments as needed to condition the soils that are currently at the surface of the ROW. Amendments will be selected based on soil testing, and seed mixes will be selected from Appendix H-7 to H-15 of the POD. Revegetation success criteria will be based on 80% ground cover; additional measures, if needed, will be coordinated with the Forest Service/BLM if criteria cannot be met.
D. As a component of ECD monitoring, also monitor stockpiles for tension cracks, and stabilize as needed.

Item 4 - Stabilize all areas of bare soils (the exception to this would be exposed soil areas underneath strung pipe).

A. Additional ECDs will be installed as appropriate consistent with best management practices. In areas that cannot be accessed with machinery, ECDs will be installed manually.
B. Once installation of additional ECDs has been completed and pipe has been secured to the ROW, exposed soils within the ROW will be scarified using heavy equipment as needed. We concur with your proposal to scarify rather than disc compacted areas.
C. Due to the lack of topsoil, amendments will be required to modify the soil quality to promote successful vegetation growth. Amendments will be hauled to the ROW using tracked dump. Due to the restricted working conditions along the ROW created by the secured pipe and two-tone ROW sections, amendments will likely be spread manually over a significant portion of the ROW. Temporary stabilization using a combination of mechanical and manual methods to condition the soil and spread seed will require several weeks to successfully execute. MVP will follow the requirements in the Restoration Plan for achieving approval of the materials (amendments, binders, mulches, seed mix, etc.) and executing the temporary stabilization process. The requirements of the Restoration Plan anticipated a ROW restored to approximate precondition grades; therefore, temporary stabilization processes may be adjusted to account for the conditions currently in place. Adjustments to stabilization measures and/or processes will be coordinated with, and concurred on, by the Forest Service and BLM.
D. To achieve effective germination and growth, timely installation of amendments, seed, and mulch by October 15 is necessary. Seeding of perennial species after October 15 will likely not achieve the success criteria.
E. Stabilize to the extent practical all areas of bare soil; to include the ROW, topsoil stock piles, and soil stock piles. Seed and mulch, or hydro-mulching as appropriate, should be applied to all bare soil. Use a tackifier to hold mulch and seed in place once applied to bare soil. Use erosion control fabric in places that mulch cannot be used. Use wildlife friendly erosion control products.
F. Implement appropriate Stabilization/Winterization and Erosion and Sediment control measures found in the POD Winter Construction Plan.

G. Monitor and control invasive species consistent with the Exotic and Invasive Species Control Plan included in the POD.

Item 5 - Monitor and maintain erosion control structures and devices.

A. MVP will conduct monitoring and maintenance of the ECDs. Monitor and maintain installed ECDs no less than every seven calendar days and within 24 hours after any storm event greater or equal to 0.5 inches in a 24-hour period. ECDs will be enhanced, repaired, and replaced as necessary. Maintenance will be conducted manually as is feasible, with mechanical methods only used with USFS approval.
B. Using equipment to maintain ECDs will be kept as a last resort since the use of equipment will require removing and reinstalling waterbars, creating additional land disturbance.
C. MVP will continue to fund Transcon Environmental as the third-party monitor for the Forest Service.

Item 6 - Once temporary stabilization activities are complete, vehicle access to the ROW will be restricted by placing bounders, earthen berms, or other measures at the entrance to the ROW to restrict access. MVP will obtain Forest Service concurrence of the proposed access restricting measures prior to implementing.

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas Branch 3
Mountain Valley Pipeline LLC
CP16-10-000

August 3, 2018

Matthew Eggerding, Counsel
Mountain Valley Pipeline LLC
625 Liberty Ave., Suite 1700
Pittsburgh, PA 15222

Re: Notification of Stop Work Order

Dear Mr. Eggerding:

On July 27, 2018, the United States Court of Appeals for the Fourth Circuit issued an order vacating decisions by the Department of the Interior's Bureau of Land Management (BLM) and by the Department of Agriculture's Forest Service (Forest Service) authorizing the construction of the Mountain Valley Pipeline Project (Project) across federal lands and remanding to those agencies for further proceedings to address issues identified in that opinion. In light of this development, Mountain Valley Pipeline, LLC (MVP) has not obtained the rights-of-way and temporary use permits from the federal government needed for the Project to cross federally owned lands.

There is no reason to believe that the Forest Service or the Army Corps of Engineers, as the land managing agencies, or the BLM, as the federal rights-of-way grantor, will not be able to comply with the Court's instructions and to ultimately issue new right-of-way grants that satisfy the Court's requirements. However, Commission staff cannot predict when these agencies may act or whether these agencies will ultimately approve the same route. Should the agencies authorize alternative routes, MVP may need to revise substantial portions of the Project route across non-federal lands, possibly requiring further authorizations and environmental review. Accordingly, allowing continued construction poses the risk of expending substantial resources and substantially disturbing the environment by constructing facilities that ultimately might have to be relocated or abandoned.

MVP is hereby notified that construction activity along all portions of the Project and in all work areas must cease immediately, with the exception of any measures deemed necessary by those land managing agencies or FERC staff to ensure the stabilization of the right of way and work areas. Commission staff intends to review the need for this stop work notification in light of further actions that the Forest

Service, the Army Corps of Engineers, and the BLM will take with respect to the issues raised in the Court's opinion and stand ready to assist to achieve a prompt resolution.

In addition, within 5 days, MVP must provide an interim right-of-way and work area stabilization plan for review and written approval by the Director of the Office of Energy Projects.

Sincerely,



Terry L. Turpin
Director
Office of Energy Projects

Geosyntec consultants

9211 Arboretum Parkway, Suite 200
Richmond, Virginia 23236
PH 804.767.2206
FAX 804.767.2182
www.Geosyntec.com

Technical Memorandum

Date:	11 September 2018
To:	Mr. Joseph Dawley, EQT Corporation
From:	Mr. Scott Sheridan, P.E. (VA), Geosyntec Consultants Mr. Eric Kovich, P.E. (VA), Geosyntec Consultants
Subject:	Stormwater Hydrology Modeling for Waterbar Drainage Area Mountain Valley Pipeline, Jefferson National Forest, Virginia

---

The purpose of this stormwater hydrology model analysis is to evaluate the stormwater runoff from a drainage area located on the right-of-way (ROW) in the Jefferson National Forest for the Mountain Valley Pipeline Project (Project) in a steep slope condition under three different scenarios. These scenarios include (1) pre-existing conditions, (2) a temporarily stabilized condition with temporary vegetation, and (3) the initial stage of the permanently stabilized condition with the Restoration Plan in place. The model was conducted on a conceptual section of the ROW using a small drainage area between waterbars for comparison purposes and is not intended to reflect the full stormwater management design approved for the Project.

HYDROLOGIC ANALYSIS

Attached to this technical memorandum are three exhibits identifying the three scenarios that are modelled. The first scenario is a predeveloped condition, assuming forested ground cover prior to construction of the ROW. The second scenario is a temporarily stabilized condition for the 125-foot wide ROW with the appropriate erosion and sediment control devices (ECDs) in place. The third scenario is the initial stage of the permanently stabilized condition in which the ROW consists of a 50-foot wide grassed strip centered on the pipeline with the remaining portion of the ROW planted to achieve a reforested condition per the approved Restoration Plan. Drawings illustrating these scenarios are attached as Exhibit 1.

These three scenarios were modelled using HydroCAD software for the 2-, 10-, and 25-year, 24-hour precipitation events. The ground cover for each condition was modelled with the following parameters.

I. EXISTING SITE CHARACTERISTICS

The existing site area is forested, mountainous terrain with steep slopes on either side of Craig Creek Road leading up to ridge tops. The ROW generally consists of a side slope condition with ground sloping up on one side and down on the other, or the ROW runs along a ridge with both sides sloping down to existing ground.

Figure 1 is a representative photograph of a hillside section along the ROW that is consistent with the modeling conducted for this analysis.



Figure 1
Example of Waterbar Alignment on Hillside Section

Existing Soil Characteristics

The soil along the Brush Mountain ROW is generally Jefferson extremely stony soils, 7 to 25 percent slopes, hydrologic soil group (HSG) A. The soil along the Sinking Creek ROW is generally Berks and Weikert soils, 25 to 65 percent slopes, hydrologic soil groups B and D. A typical soil profile for the Jefferson extremely stony soils is

0 to 8 inches: gravelly loam
8 to 31 inches: gravelly clay loam
31 to 79 inches: gravelly sandy clay loam

A typical soil profile for the Berks and Weikert soils is

0 to 7 inches: channery silt loam
7 to 23 inches: very channery silt loam
23 to 33 inches: extremely channery silt loam
33 to 79 inches: bedrock

Figure 2 below is provided as an example of the USDA Soils Survey map of area in which the Sinking Creek Mountain segment is located. For ease of producing the model, a hydrologic soil group C was used for all soils.



Figure 2
USDA Soil Map

Drainage Outfall Conditions

The drainage area modeled is a conceptual drainage area located between two waterbars. Runoff within the drainage area is collected by the downslope waterbar and directed towards a silt trap that discharges through silt fence and off the ROW.

II. HYDROLOGIC CALCULATION METHODOLOGY

Under the three proposed scenario, flows were determined using the National Resources Conservation Service (NRCS) method, which is dependent on the soil's ability to absorb a certain amount of precipitation before runoff begins. This ability is categorized based on a Hydrologic Soil Group (HSG). The hydrologic calculations were performed using HydroCAD® micro-computer program, the results of which are attached as Exhibit 2. The following list details the assumptions used in determining the flows for each identified outfall.

1. The estimated surface runoff used the NRCS curve number (CN) method. The assumed CN values are presented below:

Table 1
Curve Numbers, CN

Description	HSG	Curve Number, CN
Grass Cover 50-75%	C	79
Woods, good	C	70
Woods, fair	C	73
Fallow, bare soil	C	91

2. The annual 2-, 10-, and 25-year, 24-hour precipitation data using a Type II 24-hour rainfall distribution in accordance with geographic boundaries are 2.80, 4.10, and 4.90 inches per NOAA Atlas 14, Volume 2, Version 3, Location name: Blacksburg, Virginia, US, Latitude: 37.3147, Longitude: -80.4036.

3. The drainage area is contained within the ROW between waterbars and equals 0.26 acres for each of the three conditions.

4. The time of concentration, T_c, was set to 5.0 due to the small drainage area.

Based on the assumptions and inputs stated above, the peak stormwater discharges were modeled for each of the three scenarios. The results of the modeling are summarized in **Table 2** below.

Table 2
Model Results Summary

Scenario	*2-Year Storm Discharge Flow (cfs)*	*10-Year Storm Discharge Flow (cfs)*	*25-Year Storm Discharge Flow (cfs)*
1 – Pre-Existing	0.21	0.53	0.76
2 – Temporary Stabilization	0.71	1.14	1.41
3 – Permanent Stabilization	0.31	0.67	0.92

CONCLUSIONS

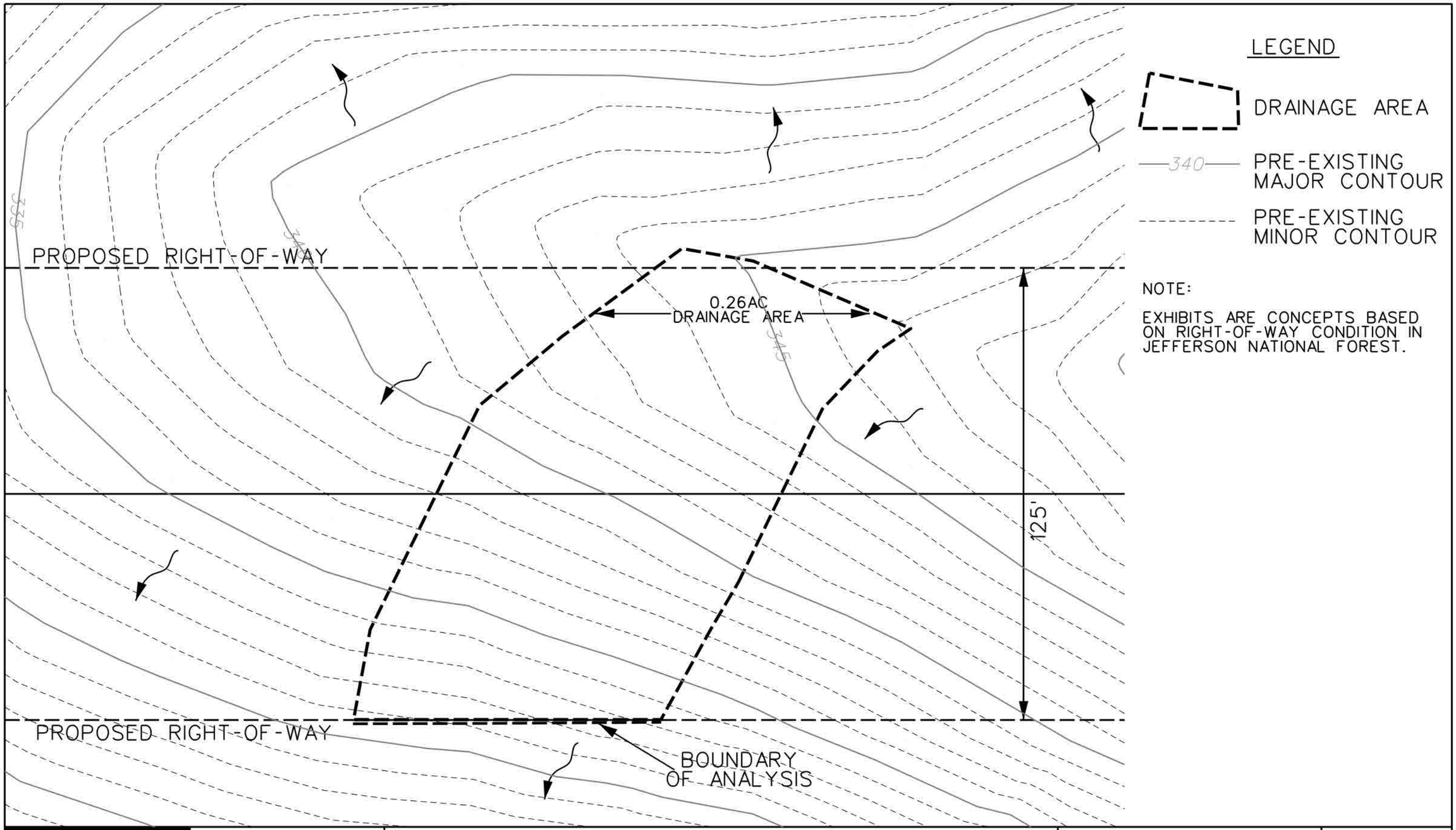
The hydrologic modeling was performed on the three ROW scenarios to evaluate the difference between temporary and permanent stabilization. Stormwater discharge from the initial stages of the permanent stabilization condition most closely matches the discharge under the pre-existing scenario. Stormwater discharge for the initial stages of permanent stabilization is closer to pre-existing conditions for the following reasons:

- Vegetation is best established under a permanent stabilization condition;
- Permanent stabilization includes a sheet flow condition as opposed to concentrating runoff with a waterbar; and
- Permanent stabilization includes grading the ROW to slopes that more closely match pre-existing conditions (i.e., slopes are shallower on the edges of the ROW).

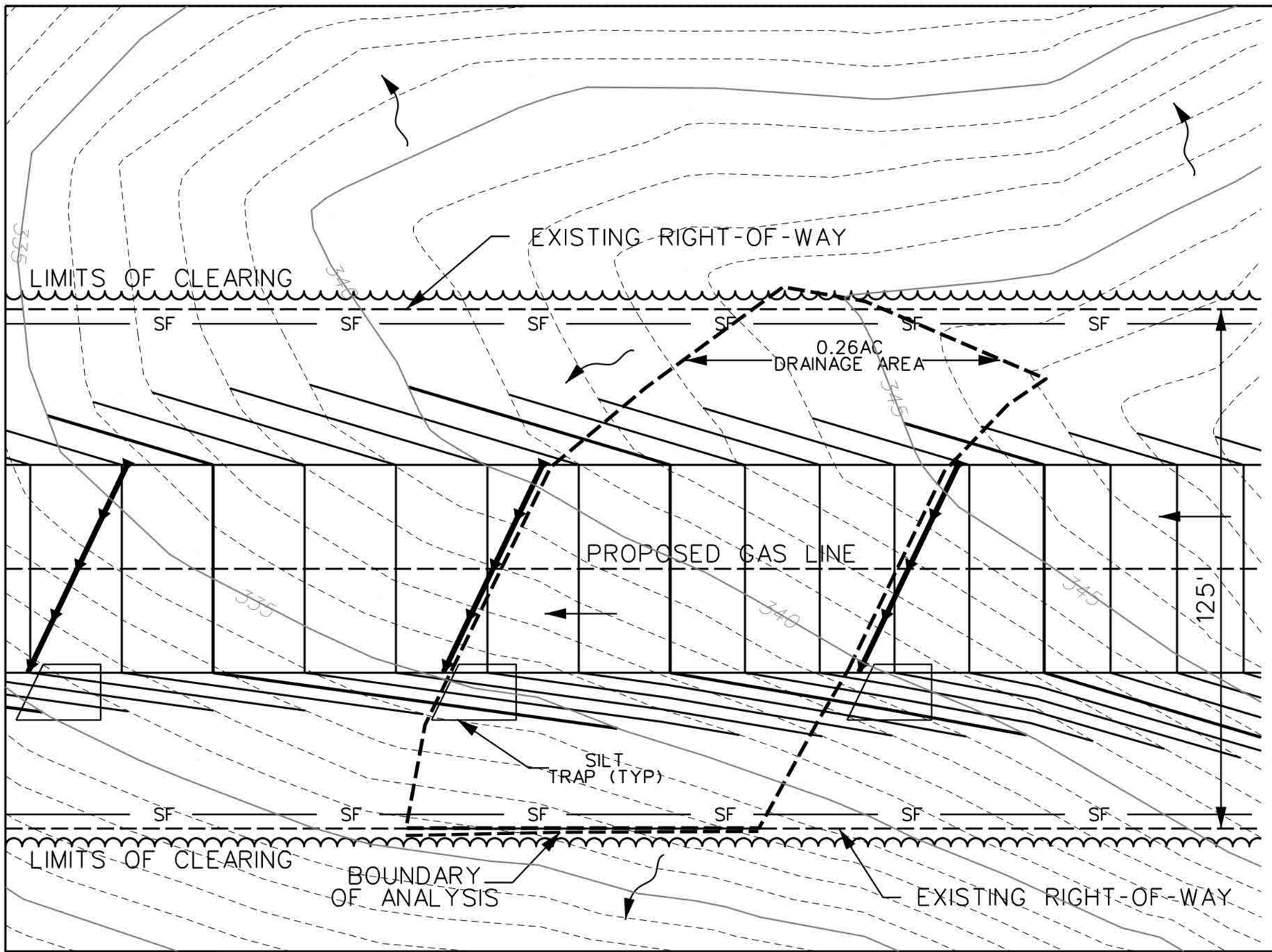
Exhibits:
Exhibit 1 - Drawings
Exhibit 2 - HydroCAD Output

EXHIBIT 1

DRAWINGS



		Project No.		
Drawn by:	YHH	MV1674	PRE-EXISTING CONDITION (WOODED)	Figure No. 1
Date:	09/10/18			
Scale:	N.T.S.			



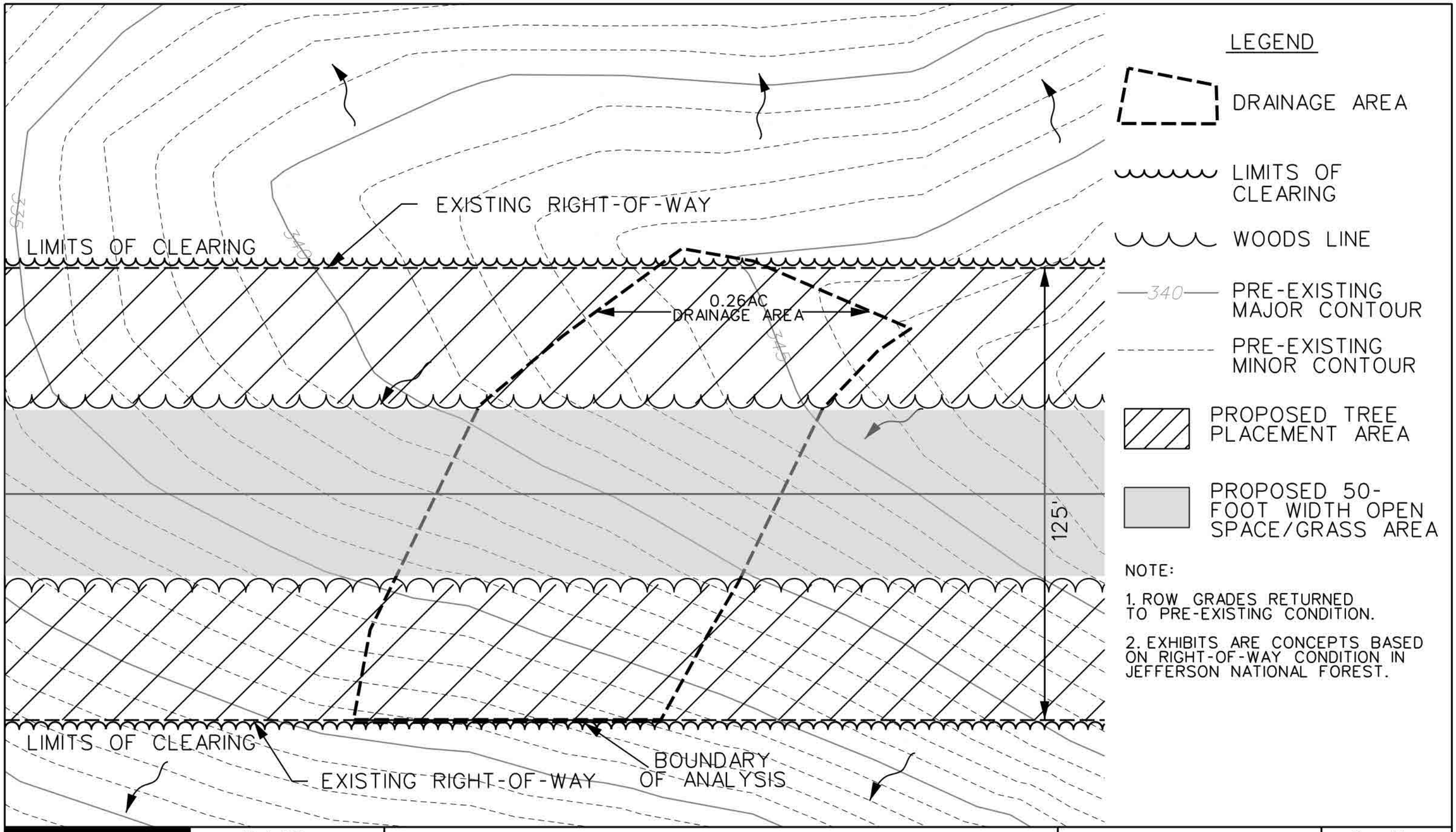
LEGEND

- WATERBAR
- SF — SILT FENCE
- DRAINAGE AREA
- LIMITS OF CLEARING
- 340 — PRE-EXISTING MAJOR CONTOUR
- PRE-EXISTING MINOR CONTOUR
- 340 — EXISTING ROW MAJOR CONTOUR
- EXISTING ROW MINOR CONTOUR

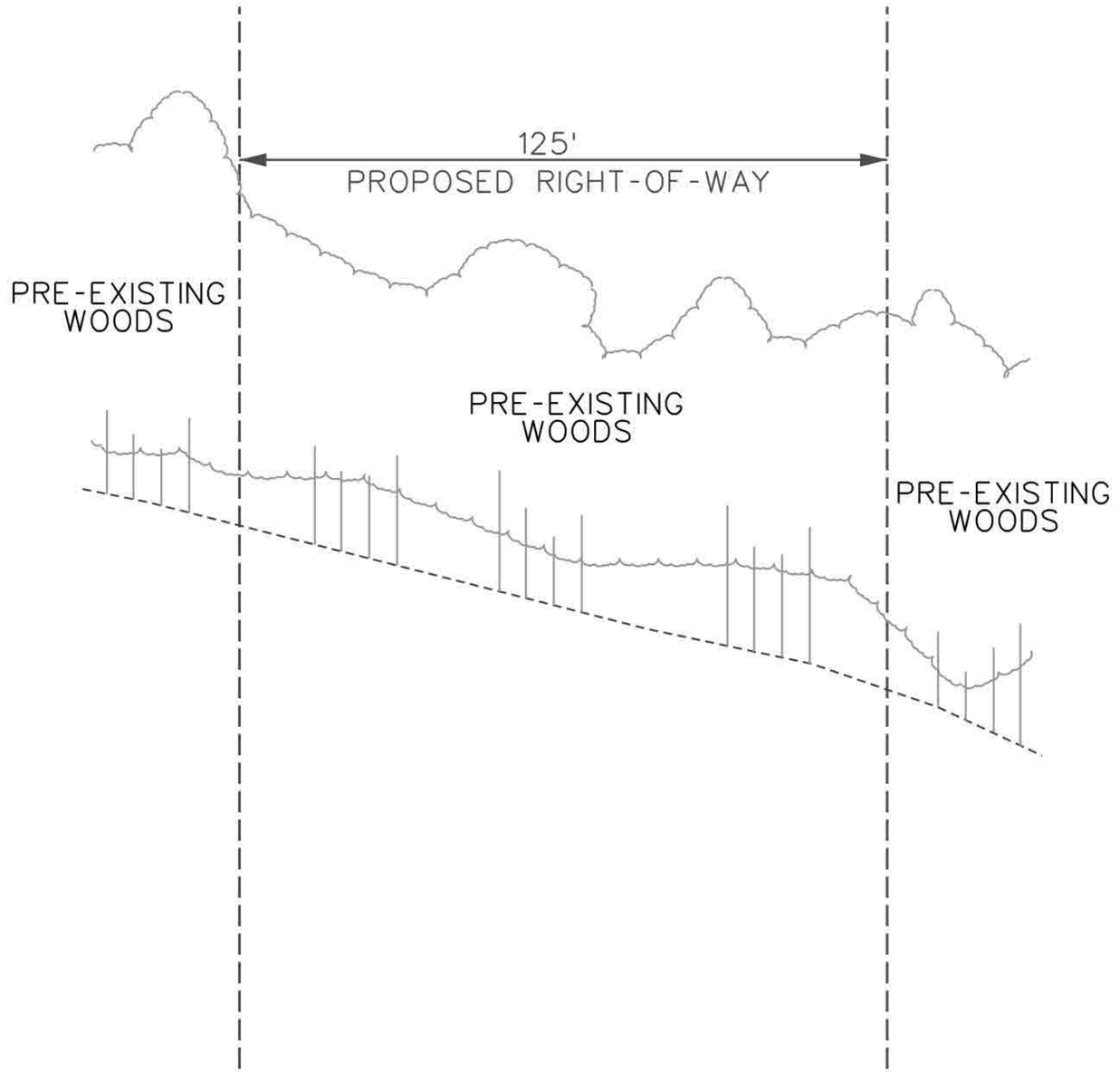
NOTE:

EXHIBITS ARE CONCEPTS BASED ON RIGHT-OF-WAY CONDITION IN JEFFERSON NATIONAL FOREST.

		Project No.		Figure No.
Drawn by:	YHH	MV1674	TEMPORARY STABILIZATION CONDITION	2
Date:	09/10/18			
Scale:	N.T.S.			



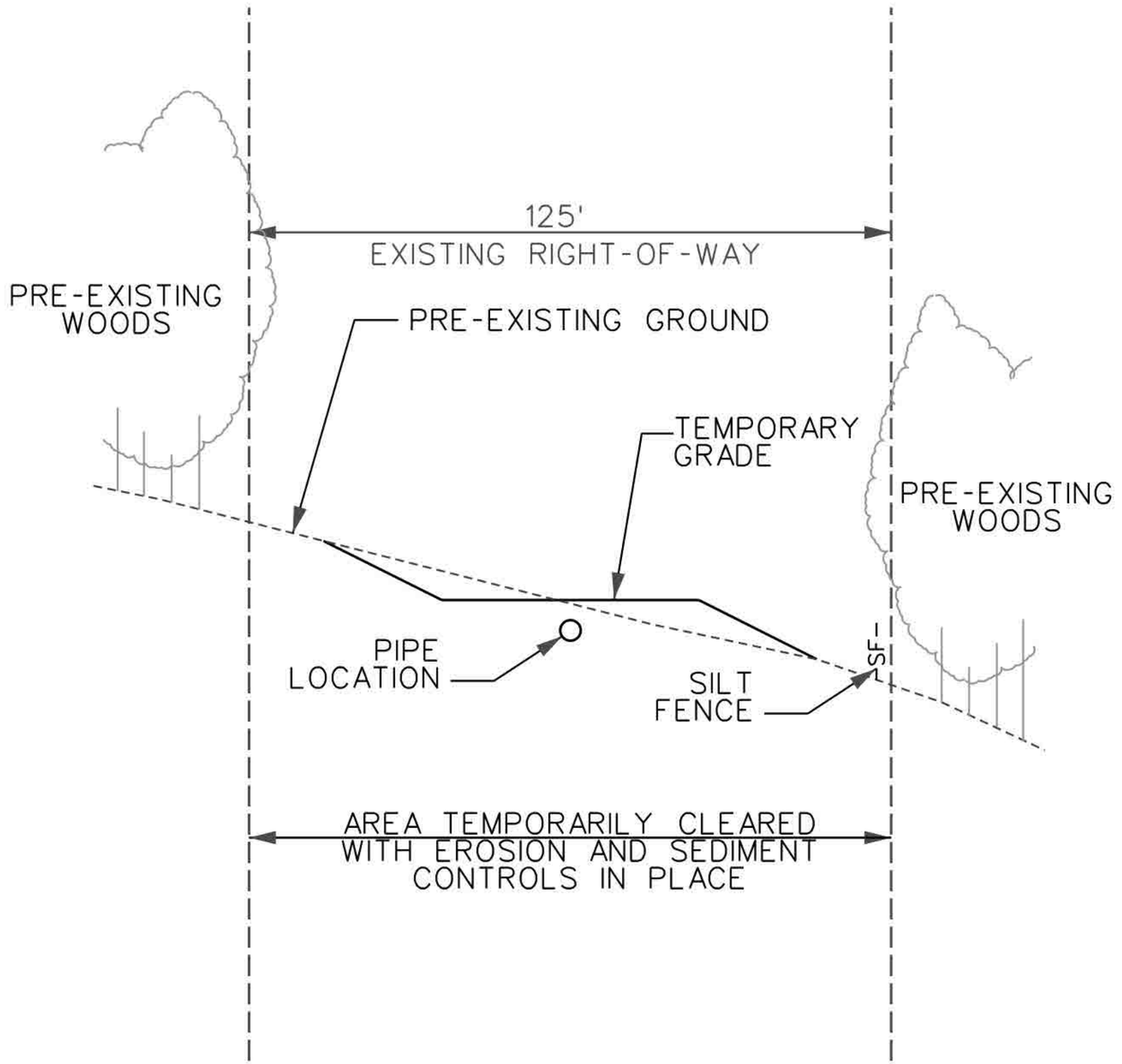
		Project No.		Figure No.
Drawn by:	YHH	MV1674	PERMANENTLY STABILIZED CONDITION	3
Date:	09/10/18			
Scale:	N.T.S.			



NOTE:

EXHIBITS ARE CONCEPTS BASED ON RIGHT-OF-WAY CONDITION IN JEFFERSON NATIONAL FOREST.

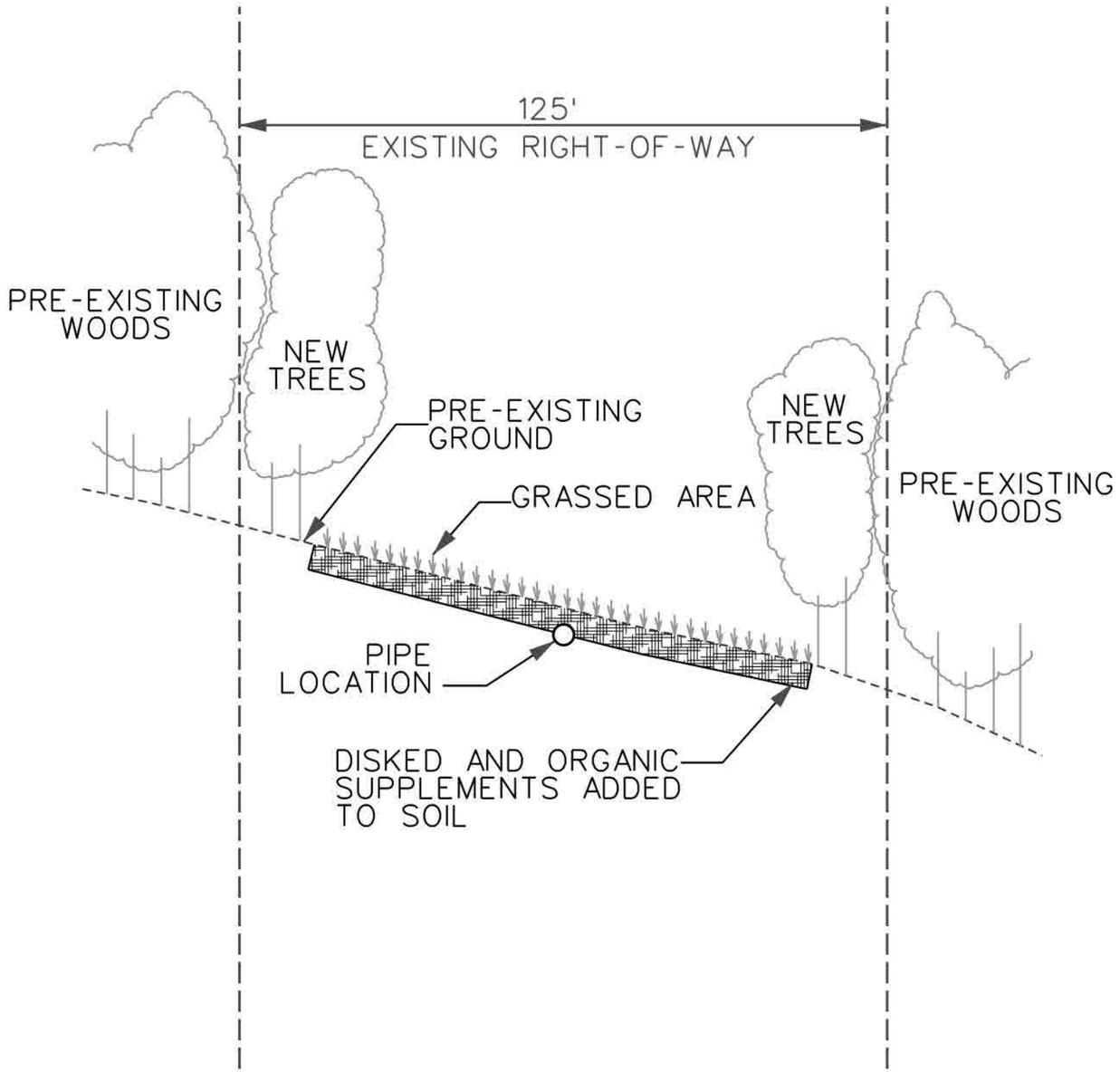
		Project No.		
Drawn by:	YHH	MV1674	PRE-EXISTING SECTION (WOODED)	Figure No. 1A
Date:	09/10/18			
Scale:	NTS			



NOTE:

EXHIBITS ARE CONCEPTS BASED ON RIGHT-OF-WAY CONDITION IN JEFFERSON NATIONAL FOREST.

		Project No.	TEMPORARY STABILIZATION CONDITION SECTION		Figure No.
Drawn by:	YHH	MV1674			1B
Date:	09/10/18				
Scale:	NTS				



NOTE:

EXHIBITS ARE CONCEPTS BASED ON RIGHT-OF-WAY CONDITION IN JEFFERSON NATIONAL FOREST.

		Project No.	PERMANENTLY STABILIZATION CONDITION SECTION		Figure No.
Drawn by:	YHH	MV1674			1C
Date:	09/10/18				
Scale:	NTS				

EXHIBIT 2

HYDROCAD OUTPUT

Summary for Subcatchment EX.: PRE-EXISTING CONDITION

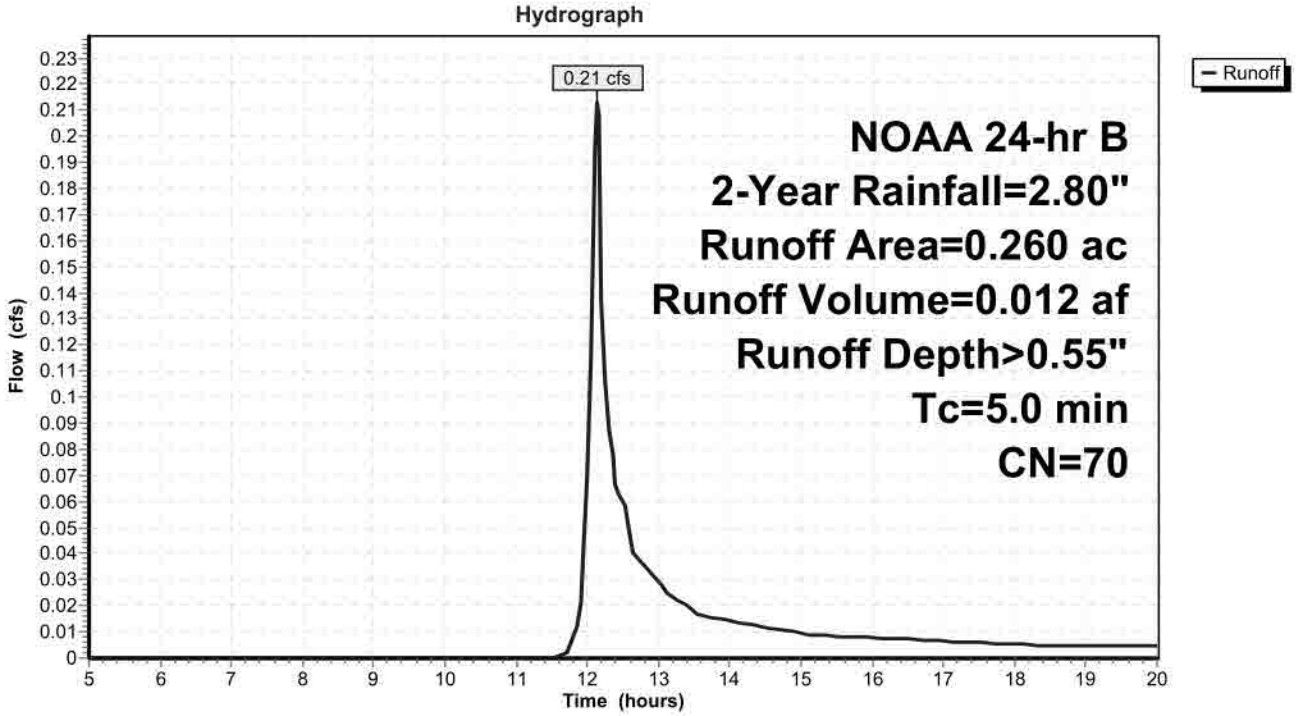
Runoff = 0.21 cfs @ 12.13 hrs, Volume= 0.012 af, Depth> 0.55"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
NOAA 24-hr B 2-Year Rainfall=2.80"

Area (ac)	CN	Description
0.260	70	Woods, Good, HSG C
0.260		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment EX.: PRE-EXISTING CONDITION



Summary for Subcatchment TEMP.: TEMPORARY STABILIZATION

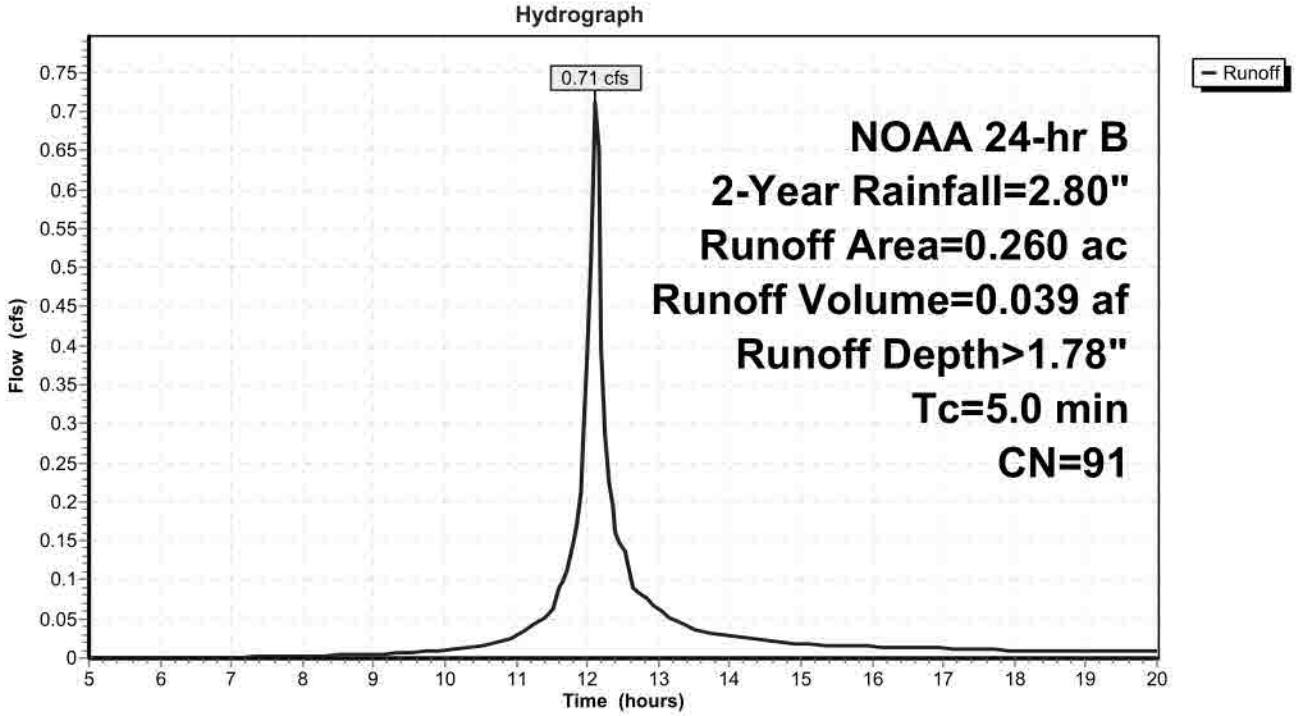
Runoff = 0.71 cfs @ 12.11 hrs, Volume= 0.039 af, Depth> 1.78"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
NOAA 24-hr B 2-Year Rainfall=2.80"

Area (ac)	CN	Description
0.260	91	Fallow, bare soil, HSG C
0.260		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment TEMP.: TEMPORARY STABILIZATION



Summary for Subcatchment PROP.: PERMANENT STABILIZATION

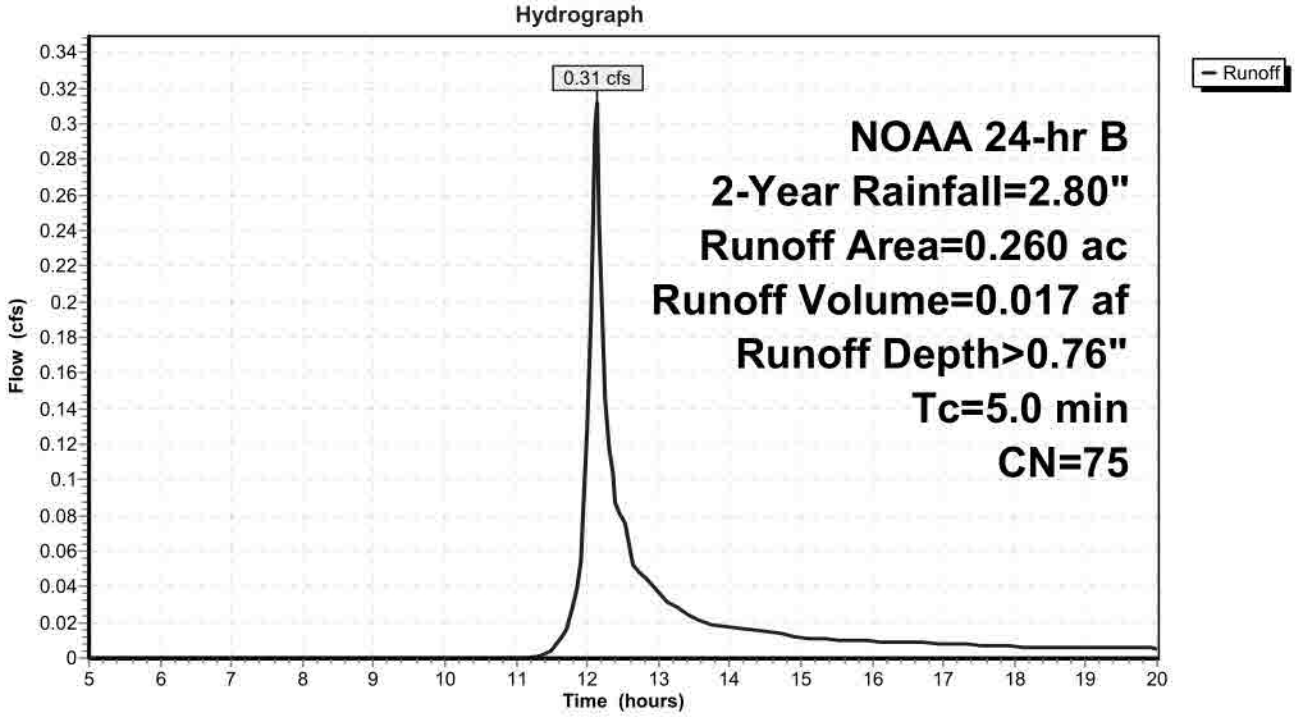
Runoff = 0.31 cfs @ 12.13 hrs, Volume= 0.017 af, Depth> 0.76"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
NOAA 24-hr B 2-Year Rainfall=2.80"

Area (ac)	CN	Description
0.100	79	50-75% Grass cover, Fair, HSG C
0.160	73	Woods, Fair, HSG C
0.260	75	Weighted Average
0.260		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment PROP.: PERMANENT STABILIZATION



Summary for Subcatchment EX.: PRE-EXISTING CONDITION

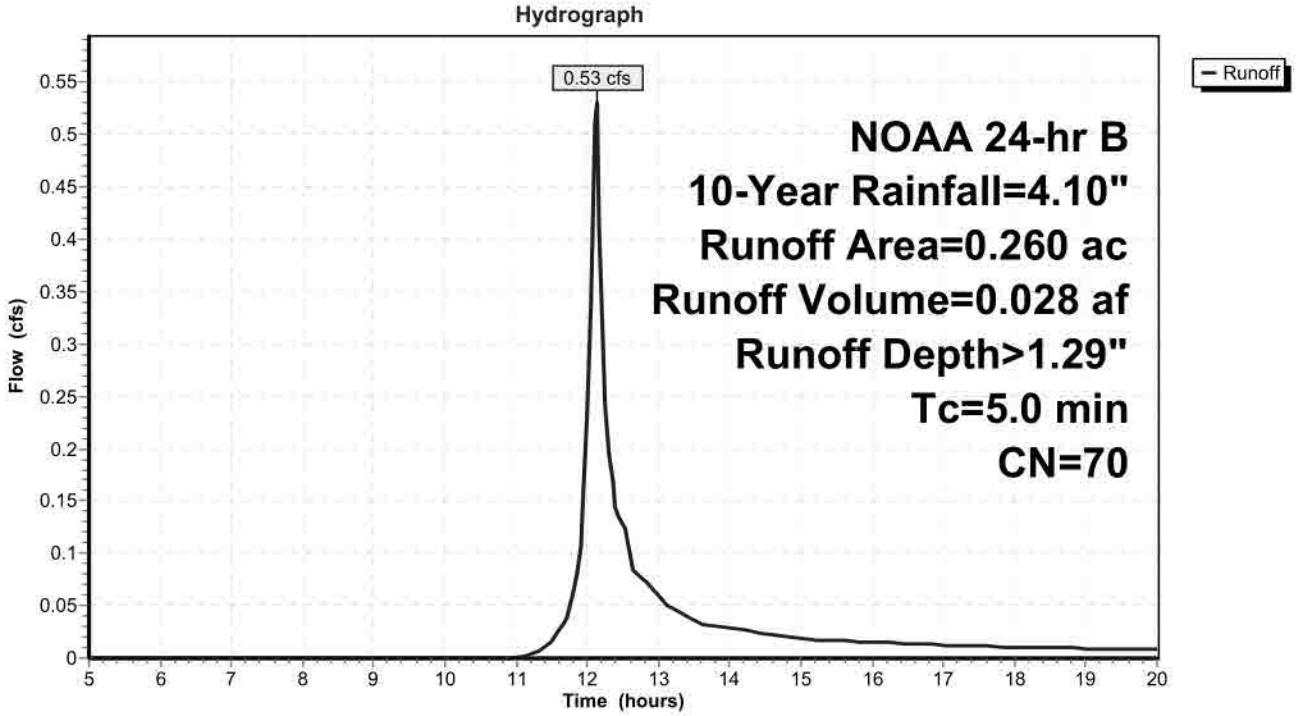
Runoff = 0.53 cfs @ 12.12 hrs, Volume= 0.028 af, Depth> 1.29"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
NOAA 24-hr B 10-Year Rainfall=4.10"

Area (ac)	CN	Description
0.260	70	Woods, Good, HSG C
0.260		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment EX.: PRE-EXISTING CONDITION



Summary for Subcatchment TEMP.: TEMPORARY STABILIZATION

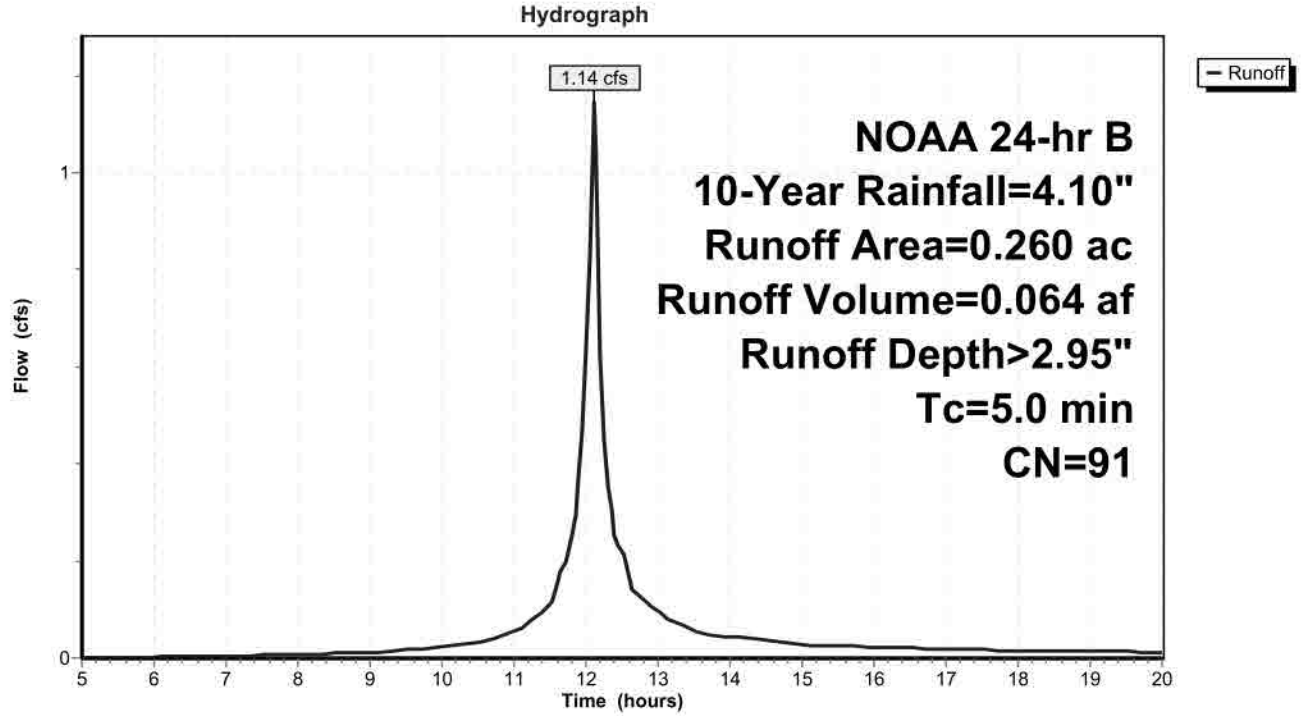
Runoff = 1.14 cfs @ 12.11 hrs, Volume= 0.064 af, Depth> 2.95"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
NOAA 24-hr B 10-Year Rainfall=4.10"

Area (ac)	CN	Description
0.260	91	Fallow, bare soil, HSG C
0.260		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment TEMP.: TEMPORARY STABILIZATION



Summary for Subcatchment PROP.: PERMANENT STABILIZATION

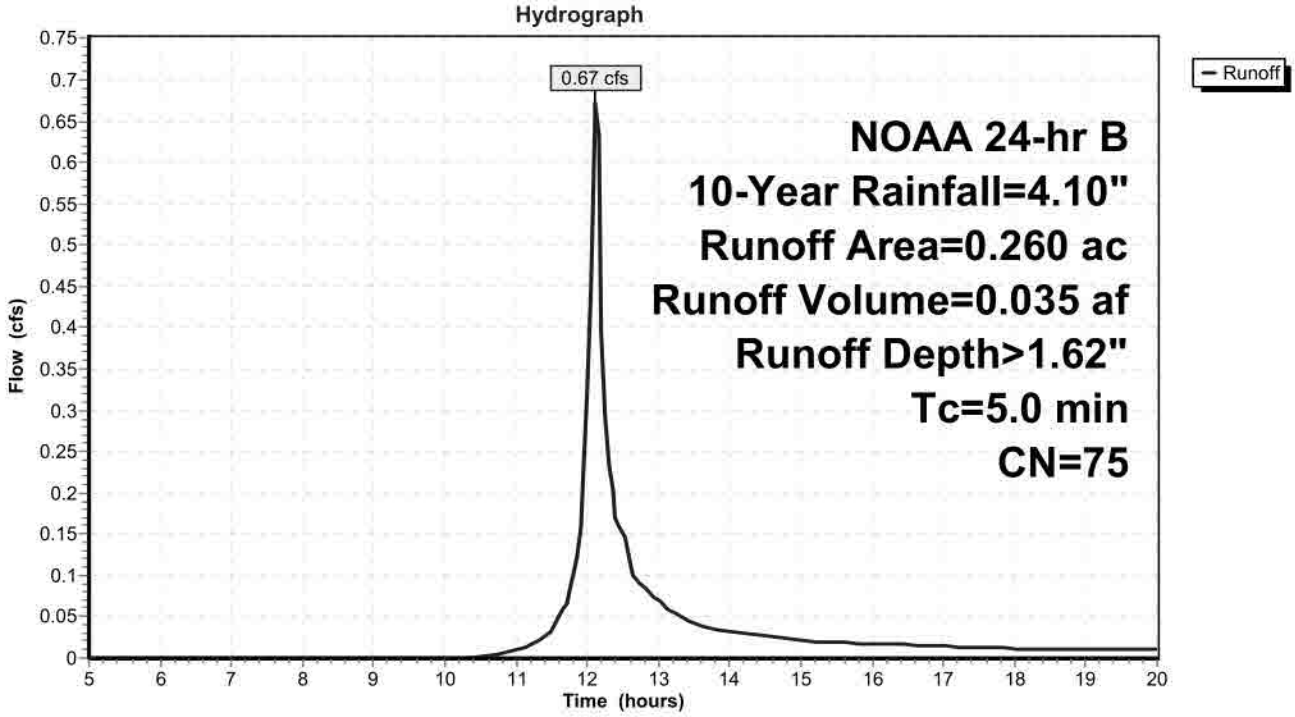
Runoff = 0.67 cfs @ 12.12 hrs, Volume= 0.035 af, Depth> 1.62"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
NOAA 24-hr B 10-Year Rainfall=4.10"

Area (ac)	CN	Description
0.100	79	50-75% Grass cover, Fair, HSG C
0.160	73	Woods, Fair, HSG C
0.260	75	Weighted Average
0.260		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment PROP.: PERMANENT STABILIZATION



Summary for Subcatchment EX.: PRE-EXISTING CONDITION

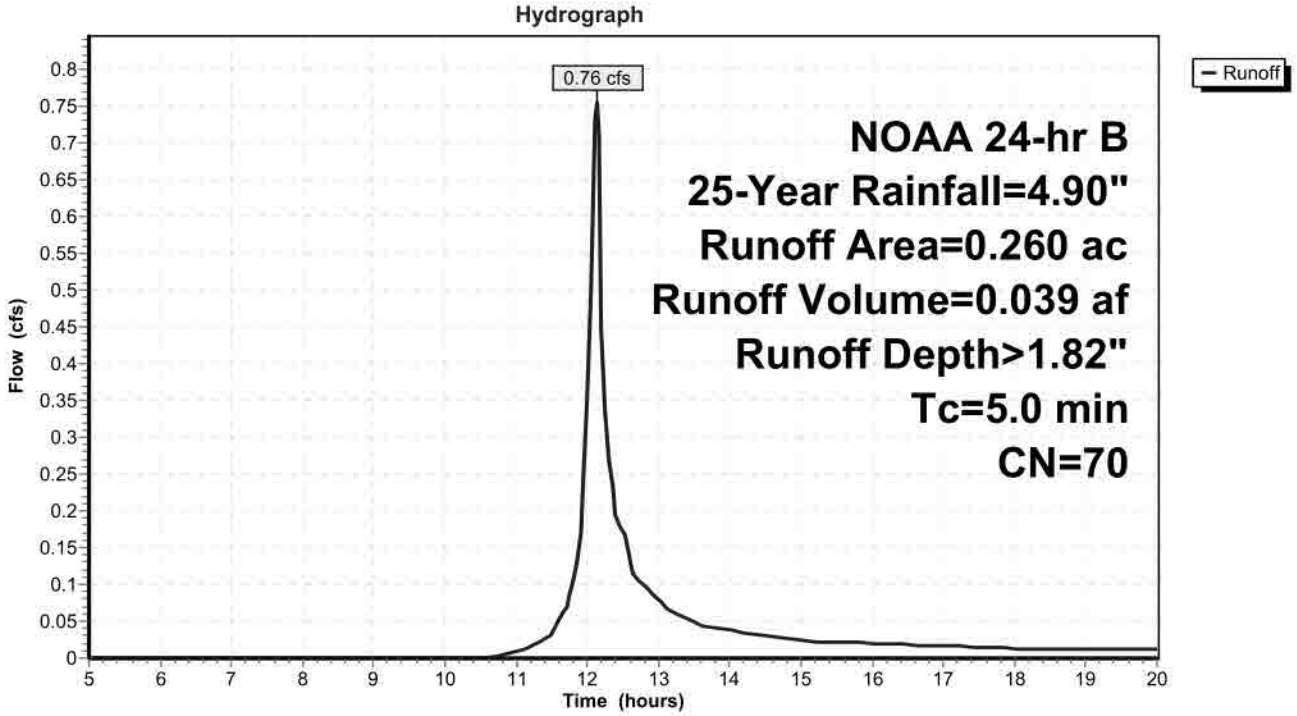
Runoff = 0.76 cfs @ 12.12 hrs, Volume= 0.039 af, Depth> 1.82"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
NOAA 24-hr B 25-Year Rainfall=4.90"

Area (ac)	CN	Description
0.260	70	Woods, Good, HSG C
0.260		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment EX.: PRE-EXISTING CONDITION



Summary for Subcatchment TEMP.: TEMPORARY STABILIZATION

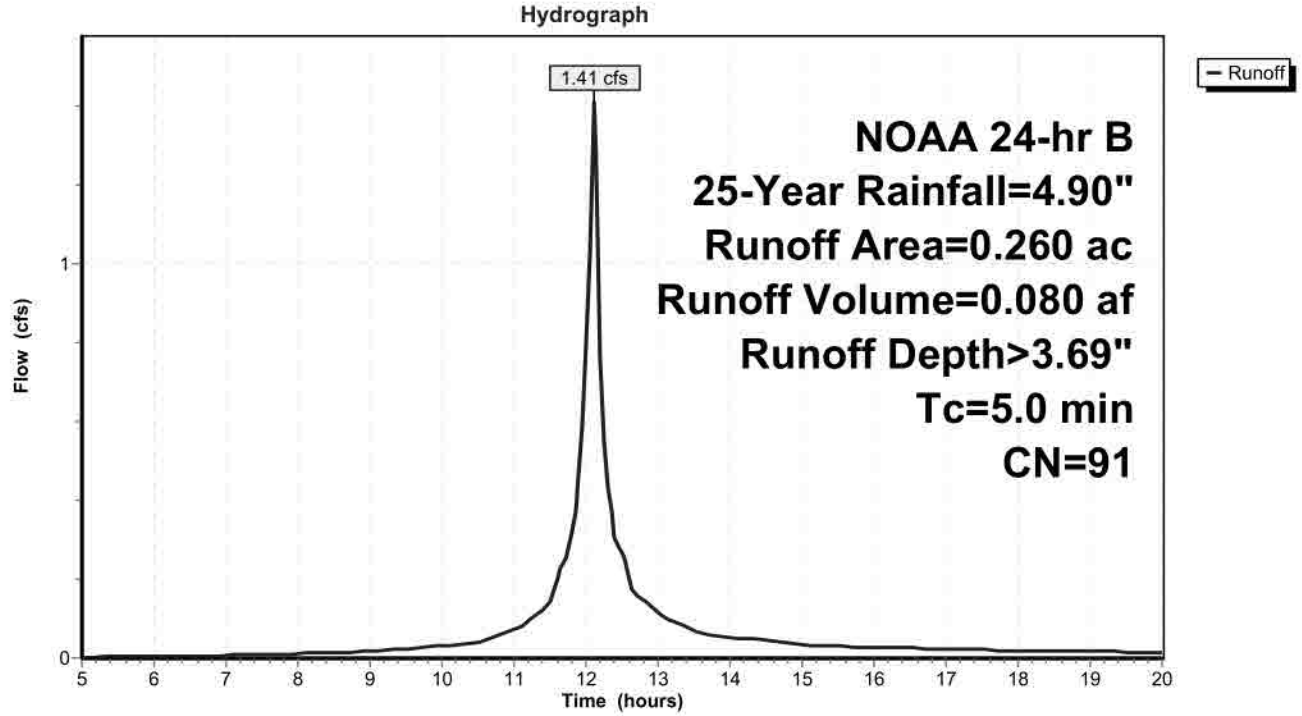
Runoff = 1.41 cfs @ 12.11 hrs, Volume= 0.080 af, Depth> 3.69"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
NOAA 24-hr B 25-Year Rainfall=4.90"

Area (ac)	CN	Description
0.260	91	Fallow, bare soil, HSG C
0.260		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment TEMP.: TEMPORARY STABILIZATION



Summary for Subcatchment PROP.: PERMANENT STABILIZATION

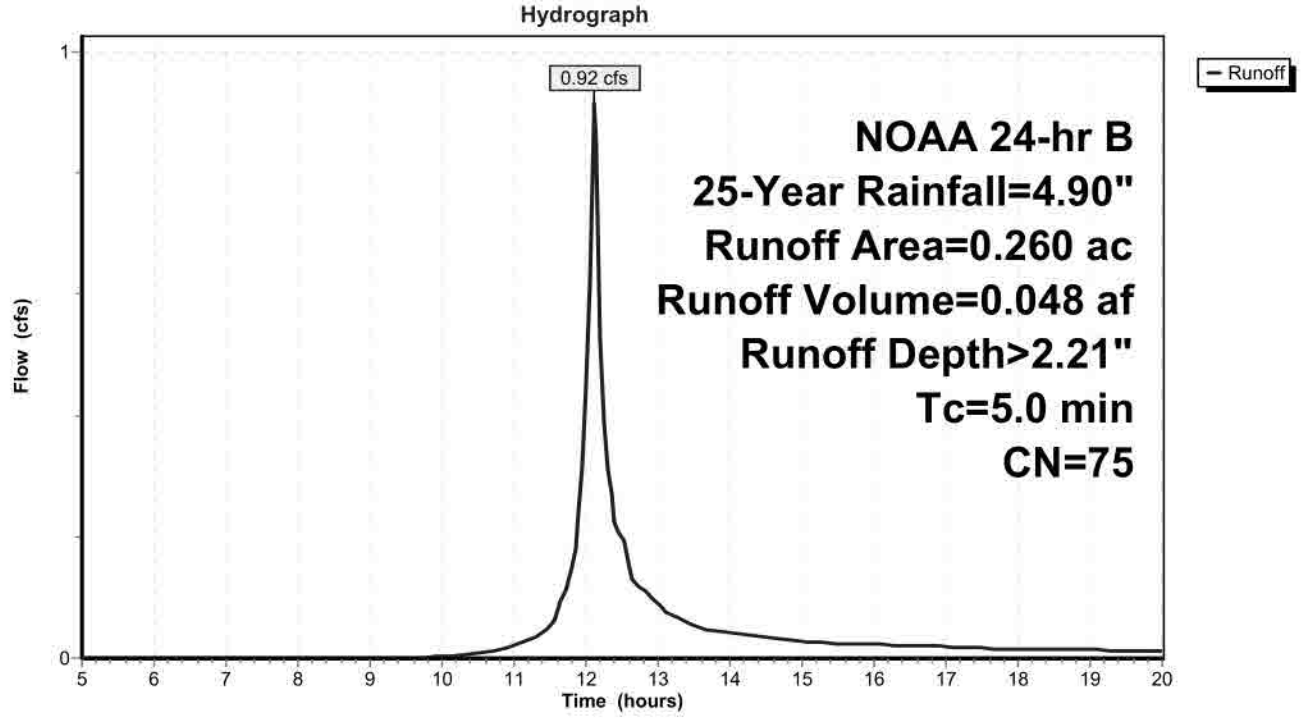
Runoff = 0.92 cfs @ 12.12 hrs, Volume= 0.048 af, Depth> 2.21"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
NOAA 24-hr B 25-Year Rainfall=4.90"

Area (ac)	CN	Description
0.100	79	50-75% Grass cover, Fair, HSG C
0.160	73	Woods, Fair, HSG C
0.260	75	Weighted Average
0.260		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment PROP.: PERMANENT STABILIZATION



Attachment 1

Mountain Valley Pipeline Response to USFS Stabilization Plan

September 11, 2018

Mountain Valley Pipeline, LLC (MVP) provides the following response to the United States Forest Service's (USFS) August 25, 2018 proposed stabilization plan for the Mountain Valley Pipeline Project ("USFS Plan").

Current Status in the Jefferson National Forest

The Mountain Valley Pipeline Project ("Project") crossing of Jefferson National Forest (JNF) consists of two segments of right-of-way (ROW) totaling approximately 3.6 miles. The first segment, known as the Peters Mountain Segment, includes approximately 9,211 feet in Giles County, Virginia and 558 feet in Monroe County, West Virginia. The second segment, known as the Sinking Creek Mountain and Brush Mountain Segment, includes approximately 9,810 feet in Montgomery County, Virginia.

Peters Mountain. For the Peters Mountain Segment, MVP has only completed tree felling on the ROW to date. Trees have been hand-felled and left in place across the ROW. There has been no significant ground disturbance at this point. The ground in this segment is stable and poses no threat to erosion and sediment impacts the environment. This area also includes Pocahontas and Mystery Ridge roads, which have been exposed to light vehicular traffic. Erosion and sediment control devices (ECDs) have been installed along the roads, and regular maintenance activity is ongoing as required.

Sinking Creek Mountain and Brush Mountain. On the Sinking Creek Mountain and Brush Mountain Segment, the ROW has been fully cleared, graded, and prepared for construction. MVP has strung and bent pipe in preparation for welding along the entire length of this segment. Topsoil generally has been segregated and stockpiled on the non-working side of the right-of-way. Due to the pipe strung along the trench line, topsoil is not currently accessible in most locations. Equipment access to the non-working side for environmental maintenance is also limited. No trench has been dug or pipe installed in the ground.

On Brush Mountain, MVP has welded a total of 1,290 feet of pipe in five different sections. In addition to those welded sections, there are 20 loose joints of equaling approximately 800 feet of pipe on the top of Brush Mountain. Another 79 joints totaling approximately 3,160 feet have been strung along the ROW, bent, and placed on skids waiting to be welded. On Sinking Creek Mountain, 114 joints totaling approximately 4,560 feet have been strung along the ROW, bent, and placed on skids waiting to be welded, but no welding has occurred.

MVP Response to USFS Plan

MVP offers specific comments on how it would implement the USFS Plan, followed by concerns related to that proposed implementation. MVP's comments are supported by the report entitled *Independent Review of MVP Orderly Shutdown Recommendation*, Geosyntec Consultants, August 9, 2018, which is provided as Appendix A to this Plan and the Technical Memorandum entitled *Stormwater Hydrology Modeling for Waterbar Drainage Area*,

Geosyntec Consultants, September 11, 2018, which is provided as Appendix B to this Plan. Due to the different state of the two segments, MVP's comments are tailored to each segment.

Peters Mountain Segment

USFS Plan. The USFS Plan for the Peters Mountain Segment is as follows:

- Leave felled trees in place within ROW
- Maintain and monitor installed ECDs every seven calendar days and within 24 hours after any storm event greater or equal to 0.5 inches in a 24-hour period. ECDs will be enhanced, repaired, and replaced as necessary.
- Monitor and control invasive species consistent with the Exotic and Invasive Species Control Plan included in the Plan of Development.
- Ensure that maintenance and monitoring activities do not preclude the use of Pocahontas or Mystery Ridge Roads for other purposes.

MVP Response. MVP agrees that this is the best course of action to ensure stabilization of the Peters Mountain Segment of the Project.

Sinking Creek Mountain and Brush Mountain Segment

The USFS Plan for the Sinking Creek Mountain and Brush Mountain Segment includes six items, which MVP has numbered for ease of reference in this comment response.

USFS Plan Item 1. Pipe may remain on site without burying if it can be safely secured to the hillside and not unduly interfere with stabilization goals. Describe means to secure pipe, protect bare steel, and address UV degradation.

MVP Implementation Proposal for Item 1. There are two general categories of pipe in this segment: welded sections and individual pipe segments. The welded sections total approximately 1,290 feet in length, consisting of five sections ranging from 160 to 508 feet in length, and are located on Brush Mountain. The welded sections are staged on box cribs, which are temporary wooden structures used to support heavy objects, slightly off center of the ROW. Most of the welded sections are located on steep slopes and are currently secured with anchors that comprise clamps attached to driven posts. The clamps are placed around the pipe and a strap connects the clamp to a post driven into the ground. There is one welded pipe section on a relatively flat area at the top of Brush Mountain that has been anchored to the ground. No additional work is required to secure these welded sections.

Securing the individual pipe segments is not feasible because leaving those segments on site would unduly interfere with stabilization goals. The ECDs would be inaccessible for maintenance due to the disbursement of joints along the ROW restricting access to the non-working side of the ROW. Instead, to implement this item of the USFS Plan, MVP would relocate the joints from steep slopes to existing flat areas on the ROW, including the areas near Craig Creek and at the top of Brush Mountain, which are both outside the JNF, as shown in Figure 1 below. Relocation of the joints would require mobilizing excavators to move the joints,

washing the excavators at a wash station before they leave the JNF, and depositing the joint in the staging area. Two sets of equipment could be used at each of the boundaries of the JNF to eliminate the need to wash the equipment. Excavators can only move one joint at a time so relocation of the joints would require over 250 round trips, or 500 one-way trips, taking approximately two to three weeks.

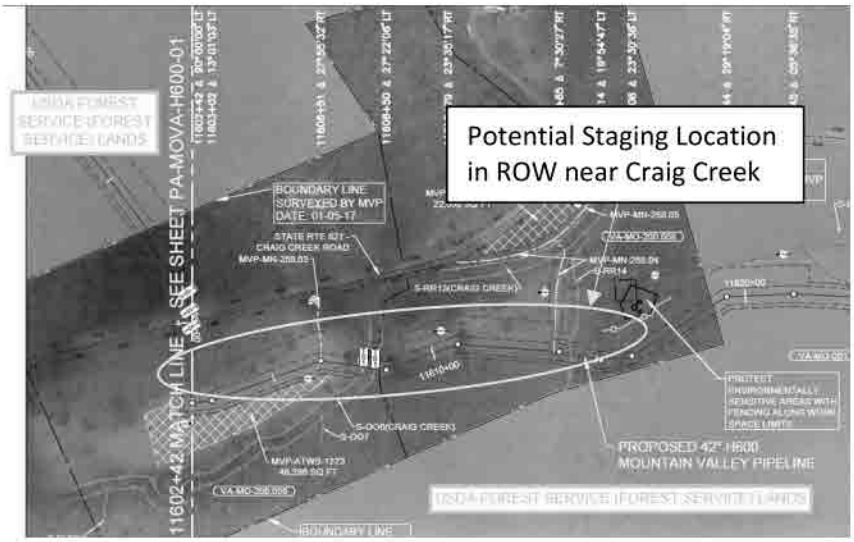


Figure 1. Potential Pipe Staging Location Adjacent to Craig Creek.

With respect to UV degradation, all pipe was coated in June or July 2017 and does not show any signs of UV damage. All pipe in this area is 0.740" wall pipe. MVP will inspect pipe coating for UV damage and will cover or paint the pipe if it becomes necessary.

MVP Concerns for Item 1. The construction ROW is 125 feet in width for the Project. Figures 2 and 3 depict typical ROW layouts in a level and side-hill cross section and show both the "working" and "non-working" areas of the ROW. Non-working areas are also referred to as "spoil side" or "temporary ROW."

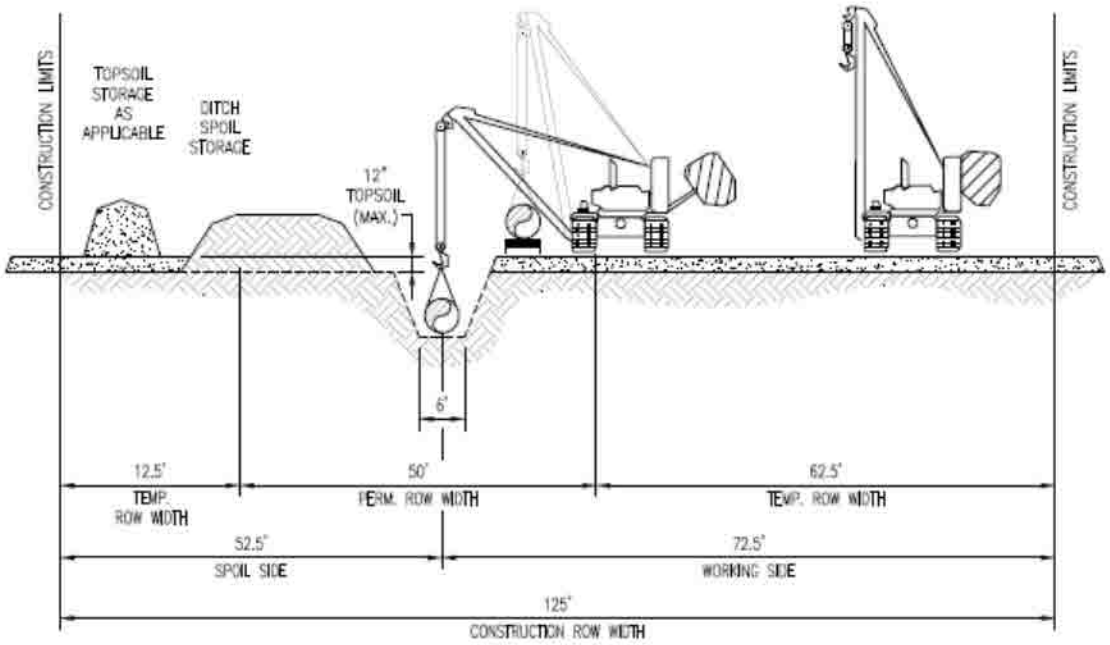


Figure 2. ROW Layout on Level Cross Section

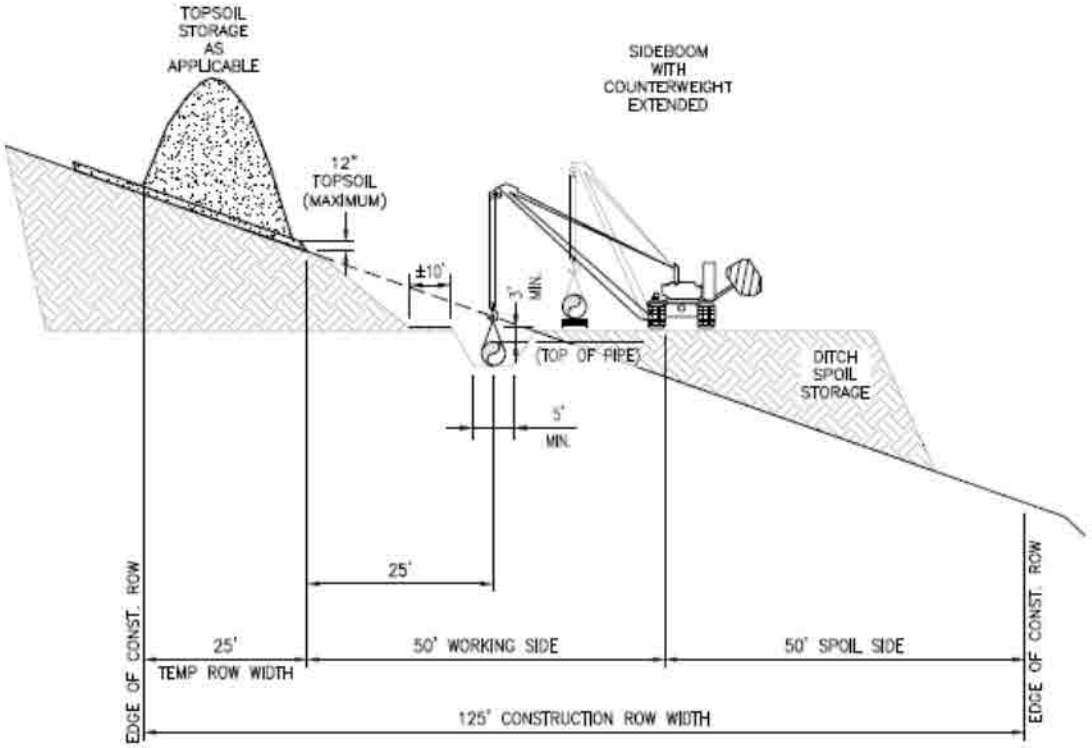


Figure 3. ROW Layout on Side-Hill Cross Section.

The below photo presented as Figure 4 provides an example of a welded pipeline section and individual pipe joints located on ROW within the JNF and is useful to understand the actual

"working" and "non-working" portions of the ROW from a field application perspective. In general, the wider section of the ROW is referred to as the "working side" and the narrower section is referred to as the "non-working side."



Figure 4. View of Pipe (welded sections and individual joints) in JNF.

While the welded pipe segments can be secured in place under a temporary restoration scenario, the presence of the pipe above grade will adversely affect the stabilization goals during this time period. More specifically, the location of the welded sections restricts access to the non-working side of the ROW, as shown in the above photo (Figure 4). As shown in Photo 2 of Exhibit 2 in *August 9 and 10, 2018 Site Evaluation* prepared by Madsen, Kneppers, & Associates, Inc. (Evaluation), the non-working side includes waterbars, end treatments, silt fences, and spoil piles that will require continued maintenance during a temporary restoration scenario. Even with the individual joints removed, securing the welded sections in place still leaves inaccessible sections of non-working ROW in those areas. Overall, securing the welded pipe segments to the hillside limits MVP's ability to temporarily stabilize the ROW and accomplish the stabilization goals that the USFS calls for in the remainder of the USFS Plan.

The relocation of individual joints will require equipment activity on the ROW that will resemble or exceed the activity of normal pipeline construction. For example, the section of ROW adjacent to Craig Creek (Figure 1) will experience approximately 300 one-way equipment trips on the ROW just upslope of the creek. During normal pipeline installation construction, the number of one-way equipment trips is expected to be no more than 200 trips, including permanent restoration. While this joint-relocation process would allow some access to the non-working side of the ROW to maintain ECDs once complete, it will require significantly more activity along the ROW, leading to increased effort to establish temporary stabilization.

USFS Plan Item 2. Perform actions needed within the limits of disturbance to stabilize or prevent landslides, slips, or mass wasting.

MVP Implementation Proposal for Item 2. A slip in a rock cut along the ROW has been documented on the Brush Mountain segment around Sta. 11624+00 along with numerous tension

cracks noted by the USFS inspectors. MVP began preparing and implementing a plan for stabilizing the slip on August 10, 2018. As of August 29, 2018, the slope remains stable with no change in conditions since completing stabilization procedures. MVP is continuing to monitor the slip area for any further signs of instability. Areas that are characterized by tension cracks were regraded as needed and continue to be monitored.

MVP Concerns for Item 2. The Sinking Creek section has approximately 1,900 feet of two-tone ROW. Two-tone sections are constructed with two levels of the ROW separated by a slope (Figure 5). The slope between the two levels is subject to slips and erosion over time, as shown in Exhibit 1, Photo 9 of the Evaluation. In addition, stormwater controls that convey water from the upper level to sumps at the lower level may become compromised by the erosion of the slope between the two levels. Because there are welded sections of pipe on the lower level of the two tone, maintenance of the slope and stormwater controls is limited.



Figure 5. Two-Tone ROW Construction

USFS Plan Item 3. Stabilize topsoil and spoil piles and leave in current locations by: (1) seeding and mulching piles, (2) following seeding guidance in Appendix H-7 to H-15 of the Plan of Development, and (3) installing and maintaining silt fencing around the base of all topsoil stockpiles. Spoil piles (other than topsoil) may be re-spread or handled differently as needed to achieve stability or otherwise further stabilization plan goals.

MVP Implementation Proposal for Item 3. MVP seeded and mulched all spoil stockpiles during construction. MVP will confirm seeding was successful and supplement as needed. The stockpiles are stacked along the edge of the ROW. Certain spoil stockpiles on the working side of the ROW may be spread; however, spreading topsoil is best left for final restoration.

MVP will install additional erosion and sediment control measures, as needed, for temporary stabilization. MVP will scarify travel lanes and compacted areas to promote growth while limiting excessive loosening of soils that will overwhelm temporary ECDs during rain events.

MVP will temporarily seed and mulch the ROW consistent with the Restoration Plan included in the Plan of Development; however, the Restoration Plan requires spreading topsoil back across the ROW prior to seeding. Without the topsoil, additional amendments will likely be required to condition the soils that are currently at the surface of the ROW. Amendments will be selected based on soil testing, and seed mixes will be selected from Appendix H-7 to H-15 of the Plan of Development.

MVP Concerns for Item 3. The tension cracks noted by USFS in the stockpiles are evidence that the piles were not designed to remain in place for extended periods of time; the soil in the piles was expected to be spread back out across the ROW after pipe construction. Ensuring stability of the stockpiles will require close scrutiny and maintenance; however, the piles are located on the non-working side of the ROW, which currently has access restricted by welded sections of pipe.

USFS Plan Item 4. Stabilize all areas of bare soils (the exception to this would be exposed soil areas underneath strung pipe) in accordance with the following: (1) install additional erosion control devices/structures requiring machinery, as needed, before implementing other stabilization measures; (2) disk compacted areas to a depth of 4 to 6 inches; (3) seed, lime, fertilize, and mulch according to specifications in Appendix H of POD (Restoration Plan, pp 3.5 – 3.8 for seedbed prep and seeding); (4) select species that would provide the most erosion control (Appendix H: Table 3.7.1-3, POD); (5) use a biotic soil amendment to provide nutrients necessary to grow vegetation on exposed subsoils; (6) seed, hydroseed, and hydromulch on slopes based on MVP's approved Restoration Plan; and (7) monitor revegetation success four weeks after seeding and again in the spring. Success is 80% soil cover. Re-seed if there is less than 80% soil cover according to specifications in Appendix H of POD.

MVP Implementation Proposal for Item 4. Additional ECDs will be installed as appropriate, unless areas cannot be accessed due to the location of the pipes on the ROW. In areas that cannot be accessed with machinery, ECDs will be installed manually, if feasible. Once installation of additional ECDs has been completed and pipe has been secured to the ROW, exposed soils within the ROW will be scarified using heavy equipment as needed. MVP is proposing to scarify rather than to disc compacted areas due to (1) the difficulty of accessing the steep slopes and the presence of weathered, partially weathered, and solid rock near the ground surface; (2) the need to maintain waterbars on a tight spacing within the ROW, which would make the discing process extremely difficult; and (3) the fact that discing would excessively loosen already erodible soils and increase the mobility of sediments from the operation.

Due to the lack of topsoil, amendments will be required to modify the soil quality to promote successful vegetation growth. Amendments will be hauled to the ROW using tracked dump. Due to the restricted working conditions along the ROW created by the secured pipe and two-tone ROW sections, amendments will likely be spread manually over a significant portion of the ROW. Temporary stabilization using a combination of mechanical and manual methods to condition the soil and spread seed will require several weeks to successfully execute. MVP will follow the requirements in the Restoration Plan for achieving approval of the materials

(amendments, binders, mulches, seed mix, etc.) and executing the temporary stabilization process. The requirements of the Restoration Plan anticipated a ROW restored to approximate precondition grades; therefore, temporary stabilization processes may be adjusted to account for the temporary conditions currently in place.

MVP Concerns for Item 4. Adding the soil amendments requiring a significant number of round trips with tracked dump trucks. The success of seeding the steep slopes on the edges of the ROW that tie into the existing grades outside of the ROW will be limited; therefore, functioning silt fence will continue to be the main method for controlling sediment from these slopes and preventing release outside the ROW. Over long-term, the erosion of the steep slopes will increase the maintenance burden.

USFS Plan Item 5. Monitor and maintain erosion control structures and devices. Maintenance is to be done with hand tools. Use of machinery for maintenance must be approved in advance by the Forest Service. Entry can be via UTVs or ATVs. To minimize erosion of soil underneath strung pipe, install silt fencing around and underneath pipe staged in the ROW. Monitor every 7 calendar days and within 24 hours after any storm event equal to or greater than 0.5 inches of rain per 24-hour period.

MVP Implementation Proposal for Item 5. MVP will conduct monitoring and maintenance of the ECDs. Maintenance will be conducted manually as is feasible with mechanical methods only used with USFS approval.

MVP Concerns for Item 5. During the winter season, even manual maintenance will be difficult to conduct due to the terrain and likely wet, cold conditions. Maintenance activities can lead to further disturbance and degrading of the temporarily stabilized ROW. Using equipment to maintain ECDs will be kept as a last resort since the use of equipment will require removing and reinstalling waterbars, creating additional land disturbance. Subsequent revegetation of these areas would not be feasible, increasing the maintenance burden.

USFS Plan Item 6. Restrict vehicle access by blocking entrances to the ROW with boulders or earthen berms.

MVP Implementation Proposal for Item 6. Once temporary stabilization activities are complete, vehicle access to the ROW will be restricted by placing bounders, earthen berms, or other measures at the entrance to the ROW to restrict access. MVP will inform USFS of the proposed access restricting measures for comment.

MVP's Additional Concerns Regarding Impacts Due to Reopening the ROW

If MVP is authorized to resume work in the JNF along the same alignment after the agencies complete their tasks on remand, then the implementation of temporary stabilization measures in the Sinking Creek Mountain and Brush Mountain Segment will increase the risk of impacts to the environmental resources for the following reasons.

- Increased equipment traffic. Placing temporary stabilization measures and subsequently reopening the ROW for construction and permanent stabilization will lead to approximately 1,600 equipment trips throughout the Brush Mountain and Sinking Creek Mountain Segment. Relative to the area located near Craig Creek referenced under ***MVP Concerns for Item 1,*** the number of equipment trips would be approximately 950 trips compared to 200 trips for normal pipeline construction.

- Runoff concentration. Under temporary stabilization, runoff from the ROW will continue to be concentrated along the waterbars. While the waterbars discharge to sumps that discharge through silt fence, the more stable sheet flow conditions that characterize the pre-existing and restored conditions are not achieved. In the technical memorandum entitled *Stormwater Hydrology Modeling for Waterbar Drainage Area*, the effect of the waterbars in concentrating runoff during temporary stabilization, relative to the pre-existing condition and initials stages of the permanently restored condition, is an increase in runoff discharge. The goal of the permanently stabilized condition is to not exceed the discharge of the pre-existing condition.

- Preservation of topsoil. The quality of the topsoil stripped from the ROW will be significantly degraded if the stockpiles are spread for temporary stabilization and stripped again for construction. MVP recommends the topsoil stockpiles remain in place; however, as stated above the stockpiles are not intended to remain for long periods of time.

- Long-term exposure of steep slopes. Slopes along the edges of the ROW are steeper than the pre-existing and the proposed restored conditions. These steep slopes will be difficult to stabilize and will likely ravel over time. These slopes can generally be flattened with the exception of areas with stockpiles or welded pipe.

- Extended exposure of risk to wildlife. Leaving ECDs in place for long-term will increase risk to wildlife.

Attachment 2
Mountain Valley Pipeline's Stabilization Plan
for the Jefferson National Forest

September 11, 2018

Mountain Valley Pipeline, LLC (MVP) proposes the following stabilization plan for the portions of the right-of-way (ROW) for the Mountain Valley Pipeline Project ("Project") in the Jefferson National Forest (JNF). MVP's primary goal of stabilization is to minimize erosion and sediment runoff from the ROW during the pendency of the remand ordered by the United States Court of Appeals for the Fourth Circuit on July 27, 2018.

Current Status in the Jefferson National Forest

The Project's crossing of the JNF consists of two segments of ROW totaling approximately 3.6 miles. The first segment, known as the Peters Mountain Segment, includes approximately 9,211 feet in Giles County, Virginia and 558 feet in Monroe County, West Virginia. The second segment, known as the Sinking Creek Mountain and Brush Mountain Segment, includes approximately 9,810 feet in Montgomery County, Virginia.

Peters Mountain. For the Peters Mountain Segment, MVP has only completed tree felling on the ROW to date. Trees have been hand-felled and left laying across the ROW. There has been no significant ground disturbance at this point. The ground in this segment is stable and poses no threat to erosion and sediment impacts the environment. This area also includes Pocahontas and Mystery Ridge Roads, which have been exposed to light vehicular traffic. Erosion and sediment control devices (ECDs) have been installed along the roads and regular maintenance activity is ongoing as required.

Sinking Creek Mountain and Brush Mountain. On the Sinking Creek Mountain and Brush Mountain Segment, the ROW has been fully cleared, graded, and prepared for construction. Pipe has been strung and bent in preparation for welding for the entire length of this segment. All of the pipe necessary to complete this segment of the ROW has already been staged and bent along the right-of-way. Topsoil generally has been segregated and stockpiled on the non-working side of the right-of-way. Due to pipe strung along the trench line, topsoil is not currently accessible in most locations. Equipment access to the non-working side for environmental maintenance is also limited. No trench has been dug or pipe installed in the ground.

On Brush Mountain, MVP has welded a total of 1,290 feet of pipe in five different sections. In addition to those welded sections, there are 20 loose joints of equaling approximately 800 feet of pipe on the top of Brush Mountain. Another 79 joints totaling approximately 3,160 feet have been strung along the ROW, bent, and placed on skids waiting to be welded. On Sinking Creek Mountain, 114 joints totaling approximately 4,560 feet have been strung along the ROW, bent, and placed on skids waiting to be welded, but no welding has occurred.

MVP's Proposed Stabilization Plan

Peters Mountain Segment

MVP's stabilization plan for the Peter's Mountain Segment is as follows:

1. Leave felled trees in place within the ROW.
2. Maintain and monitor installed ECDs every seven calendar days and within 24 hours after any storm event greater or equal to 0.5 inch in a 24-hour period. ECDs will be enhanced, repaired, and replaced as necessary.
3. Monitor and control invasive species consistent with the Exotic and Invasive Species Control Plan included in the Plan of Development.
4. Ensure that maintenance and monitoring activities do not preclude the use of Pocahontas or Mystery Ridge Roads for other purposes.

Sinking Creek Mountain and Brush Mountain Segment

To stabilize the ROW on Sinking Creek and Brush Mountains, MVP proposes to install the pipe that is currently staged on the ROW and undertake final restoration activities. Achieving final restoration in the fall will allow for vegetation regrowth on the ROW before winter. Without strung pipe impeding access, MVP will have full access to the ROW to maintain ECDs and address any environmental concerns. More importantly, with the ROW restored to its final state and growth established prior to winter, minimal maintenance of ECDs will be required throughout the winter months.

This plan will take approximately 60 days and will be completed by two composite crews on each mountain simultaneously. The work will consist of the following activities. Note that equipment operating on steep slopes will be secured with a winch line attached to an upslope dozer.

1. Complete Welding of Pipe. Individual pipe segments will be welded together to form segments between 80 feet and 500 feet prior to being lowered into the trench. This will include the following type of equipment and activities on the ROW:
    a. Pipe bevel preparation using a beveling machine.
    b. Placement of pipe on cribbing in preparation for welding using excavators and side booms.
    c. Completion of welding using a combination of manual welding techniques and automatic welding shacks. Welding rigs on skids or tack rigs are used for manual welding. Both tack rigs and automatic welding shacks are transported and placed for welding by excavators or dozers.
    d. Non-destructive testing of welds using X-ray equipment.
2. Install Pipe Coating and Protective Covering. The new weld joints will be coated for protection from corrosion prior to being lowered in the trench. The pipe coating will also be tested for anomalies, and any defects in the coating will be repaired. Additionally, pipe

that will be installed in a rocky trench will be wrapped with a protective covering to shield the coating from abrasion. This will include the following type of equipment and activities on the ROW:

a. Use of manual brush-on and automatic spray application shacks to coat welds.

b. Testing for coating damage using hand-held jeeping equipment.

3. Trenching. Once the pipe is prepared, MVP will construct the pipe trenches and prepare the bed of the trench for the pipe installation. This will include the following type of equipment and activities on the ROW:

   a. Removal of soil from the trench line using an excavator with a bucket attachment.

   b. Breaking up of hard rock within a trench line using an excavator with a rock hammering attachment.

4. Installing Pipe in Trench. Once the trench is prepared, MVP will lower the pipe into the trench. This will include the following type of equipment and activities:

   a. Set up of supports and trench breakers in the trench using sand bags. Sand bags will be hauled in on skids using an excavator or dozer. Sandbags are placed by hand.

   b. Installation of landslide mitigation systems, including various drains and subsoil support systems. Most landslide mitigation systems are installed by hand while using a small excavator for drain line trench excavation. Materials for drains will be hauled in on Marookas (rubber-track carriers) or skids.

   c. Lifting of welded pipe sections from the skids using multiple side boom cranes and excavators and lowering of those pipe sections onto the supports within the trench.

5. Tie In and Backfill. Once the pipe sections are lowered into the trench, MVP will weld the sections welded together and will install pipe coating on the welded connections. This will include the following type of equipment and activities on the ROW:

   a. Use of excavators and side boom cranes to support and align the pipe for a tie-in weld.

   b. Potential use of a trench box, which would be lowered into the trench by an excavator at the weld, to protect workers in the trench from collapse of unstable trench walls.

   c. Placement of a tack rig or automatic weld shack at the weld by an excavator to complete the weld.

   d. Non-destructive testing of the completed weld with an X-ray rig, which will then be coated and possibly wrapped with a protective abrasive covering.

   e. Backfilling of the pipe with an excavator using the stockpiled native subsoils. Rocky fill will be broken down using a sifting bucket on an excavator. If there are insufficient suitable soils for backfill, select backfill material may need to be brought in using Marookas.

6. Final Restoration. Once the trench is backfilled, MVP will restore subsoil displaced for construction purposes back to as close to original contours as possible. The top layer of subgrade will be loosened by discing, and topsoil will be disced to establish a final grade conducive to seed mixes taking root. Seeding and mulching prior to the fall growing season will promote healthy growth on the ROW prior to winter. This will include the following type of equipment and activities on the ROW:

    a. Replacement of subsoil and rough grading and restoration of the ROW to original contours using dozers and excavators. Temporary E&S controls will be removed.

    b. Spreading of topsoil with dozers.

    c. Discing, which will completed by a tractor or dozer with a discing attachment.

    d. Hydraulic spreading of seed and fertilizer. Water and seeding materials will be hauled in on a Marooka and applied with hydroseeding equipment.

    e. Hydraulic application of mulch. Fiber-matrix hydromulch will be hauled in on a Marooka and sprayed on the right-of-way.

7. Ongoing Environmental Maintenance. During all phases of construction, environmental maintenance will continue as required. This will include the following type of equipment and activities on the ROW:

    a. Removing and replacing water bars on a daily basis using excavators.

    b. Cleaning out of sumps by hand or using excavators.

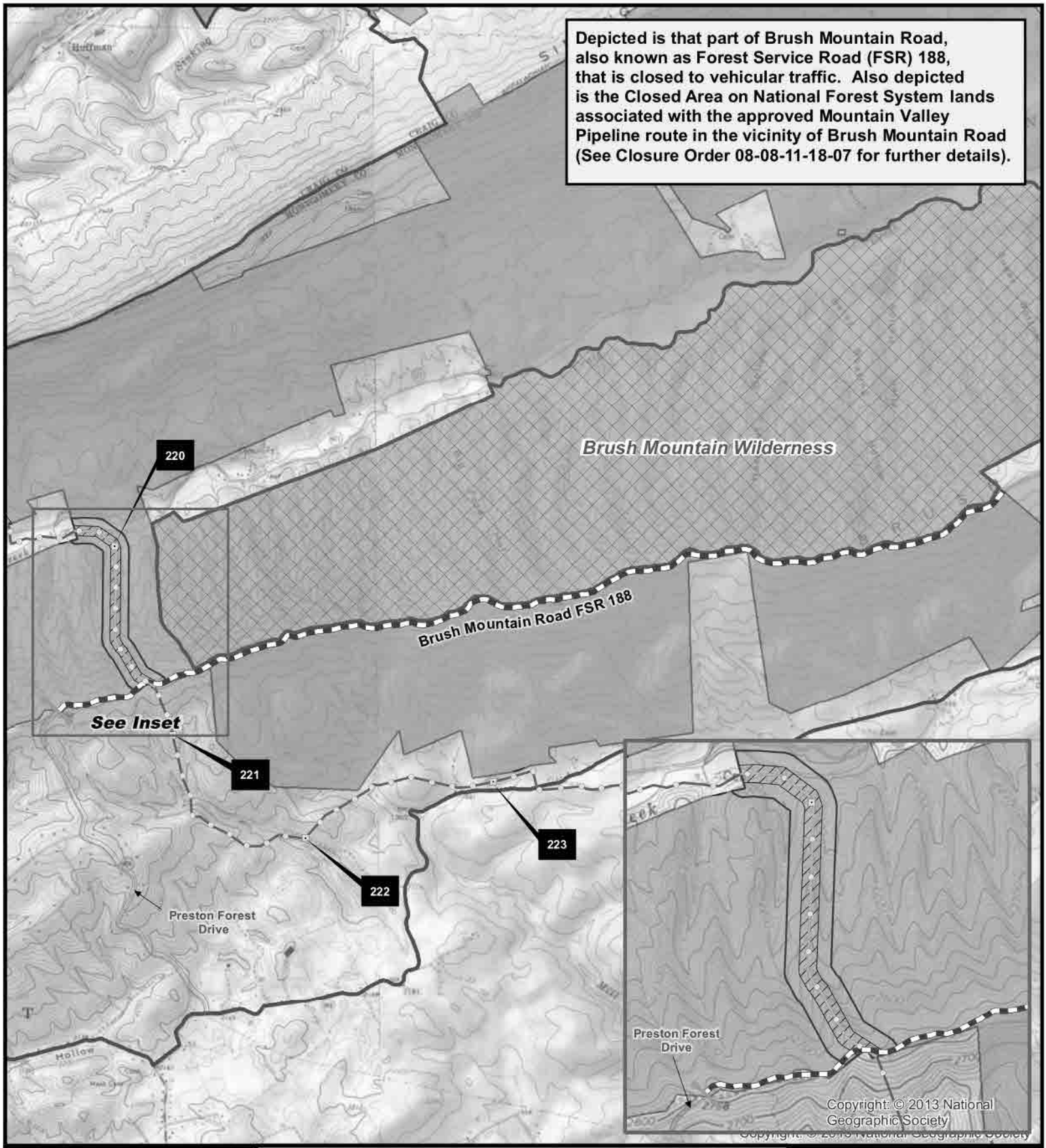
    c. Installing new ECDs as required. ECDs are typically installed by hand but may use excavators or dozers to aid in excavation. Materials will be hauled in on skids or Marookas.

    d. Placing timber mats using excavators.

    e. Placing stone using excavators.

Alternative Stabilization Plan for the Sinking Creek Mountain and Brush Mountain Segment

MVP believes that installation of all welded pipe and loose pipe joints in the Sinking Creek Mountain and Brush Mountain Segment of the ROW in the JNF will achieve the best outcome in terms of stabilizing the ROW and minimizing the potential for erosion and sedimentation issues. A less advantageous option would be to install only the welded pipe segments, while removing the loose pipe joints to a staging area off the JNF. This approach would not allow MVP to achieve final restoration and thus is not as desirable from a stabilization standpoint as complete installation. However, it would still be preferable to securing the welded pipe segments in place on the ROW, because it would remove a significant impediment to maintaining the ECDs along the ROW.



Vicinity Map



References

Background data is ESRI NGS_Topo_US data, supplemented with Mountain Valley Pipeline project data and Forest Service Lands Status Records System ownership and boundary data.

Disclaimer

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification. The USDA Forest Service makes no warranty to the accuracy of the approved pipeline route on non National Forest System lands. Any buffers shown on this map are for the purpose of depicting the area subject to the closure order and do not reflect the approved area of disturbance for the project.

Legend

- U.S. Forest Service Road closed to vehicular traffic
- Seasonal Gate
- Pipeline Milepost
- Pipeline Tenth-mile
- Approved Pipeline Route on Non-National Forest System lands
- 200' buffer on either side of the cleared Construction Right-of-Way of the Approved Pipeline Route
- Approved Pipeline Route on National Forest System lands
- Construction Right-of-Way of the Approved Pipeline Route
- Administrative Forest Boundary
- National Wilderness Area
- National Forest System Lands

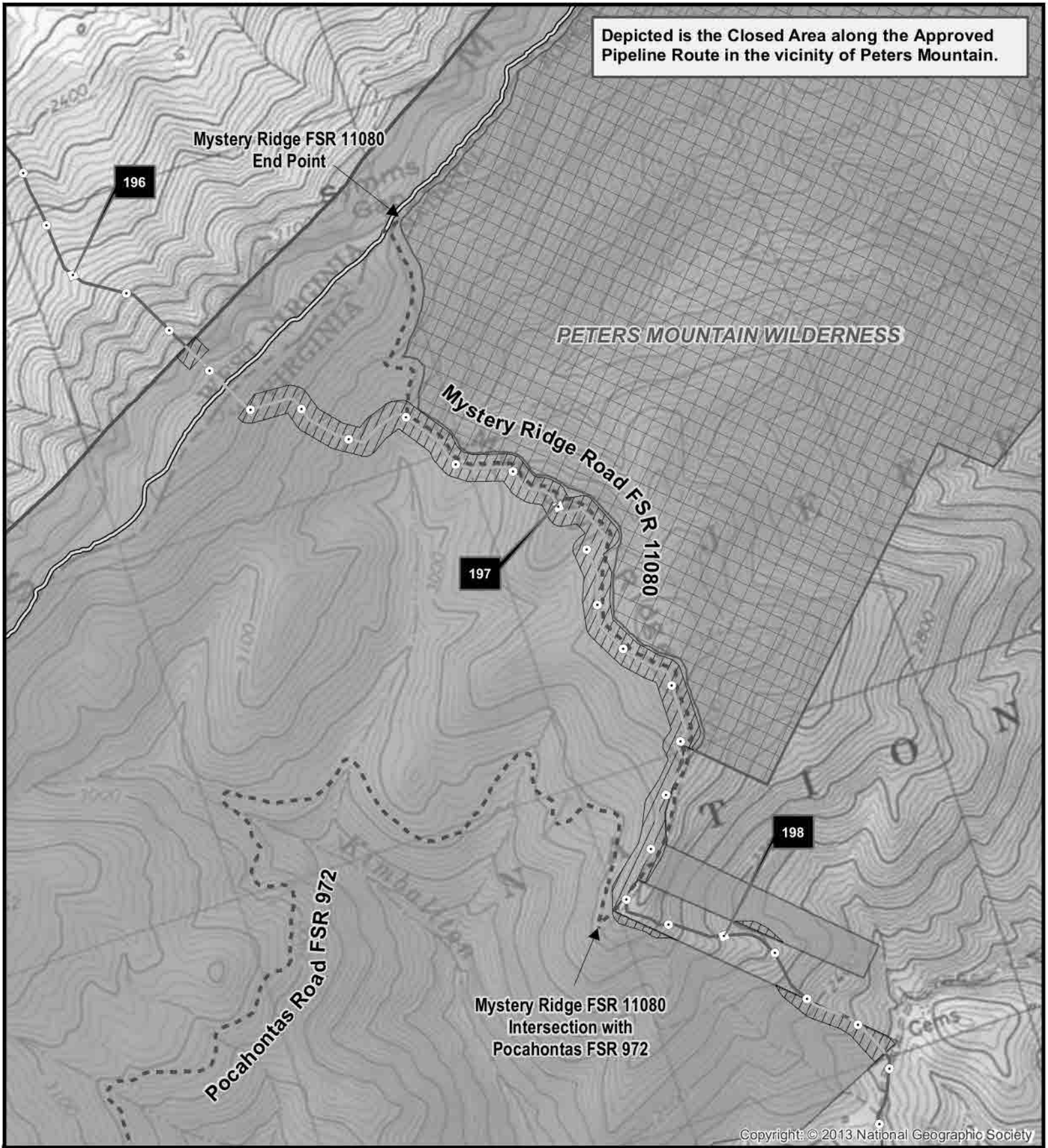
Map Created: September 25, 2018

Attachment 1:
Brush Mountain Road Closure Order
Mountain Valley Pipeline
08-08-11-18-06

U.S. Forest Service
Southern Region
George Washington & Jefferson National Forest
Montgomery County, VA

Copies of this map are available for public inspection in the Office of the Regional Forester, Southern Region, Atlanta, GA.

file location: T:/FS/NFS/WOLands/ALP/Project/R08/regional/MapProduct/Attachment1_MVP_CO_08-08-11-18-06.pdf



Vicinity Map



References

Background data is ESRI NGS_Topo_US data, supplemented with Mountain Valley Pipeline project data and Forest Service Lands Status Records System ownership and boundary data.

Disclaimer

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification. The USDA Forest Service makes no warranty to the accuracy of the approved pipeline route on non National Forest System lands. Any buffers shown on this map are for the purpose of depicting the area subject to the closure order and do not reflect the approved area of disturbance for the project.

Legend

- Pipeline Milepost
- Pipeline Tenth-mile
- Approved Pipeline Route on Non-National Forest System lands
- Approved Pipeline Route on National Forest System lands
- Construction Right-of-Way of the Approved Pipeline Route
- Seasonal Gate
- U.S. Forest Service Road
- Appalachian Trail
- Administrative Forest Boundary
- National Wilderness Area
- National Forest System Lands

0 0.05 0.1 0.2 Miles

Map Created: September 25, 2018

Attachment 1:
Peters Mountain
Right-of-Way Closure Order
Mountain Valley Pipeline
08-08-11-18-08

U.S. Forest Service
Southern Region
George Washington & Jefferson National Forest
Giles County, VA

Copies of this map are available for public inspection in the Office of the Regional Forester, Southern Region, Atlanta, GA.

file location: T:/FS/NFS/WOLands/ALP/Project/R08/regional/MapProduct/Attachment1_MVP_CO_08-08-11-18-08.pdf

CATEGORY 6 MAJOR COST RECOVERY AGREEMENT

Between

USDA, FOREST SERVICE, George Washington & Jefferson National Forest,

and MOUNTAIN VALLEY PIPELINE, LLC

This agreement is entered into between the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, George Washington & Jefferson National Forest (the Forest Service), and the Mountain Valley Pipeline, LLC (the applicant) under 36 CFR 251.58.

A. RECITALS

1. On March 3, 2017, the Forest Service and Bureau of Land Management accepted the applicant's application for use and occupancy of National Forest System lands (hereinafter "the application"), which is enumerated in Appendix A. The Forest Service shall assess the applicant a cost recovery fee for the agency's costs to process the application.

2. The Forest Service has determined that the fee for processing the application falls within category 6 under the applicable Forest Service processing fee schedule and/or that the fee for monitoring the applicant's special use authorization falls within category 6 under the applicable Forest Service monitoring fee schedule.

3. The geographic area to be covered by this agreement is the Mountain Valley Pipeline project area shown generally on the attached Appendix B.

4. The application has been submitted or the applicant's special use authorization is being issued under the Mineral Leasing Act, or under other authorities and the applicant has waived payment of reasonable costs. Therefore, the Forest Service is entitled to recover its full actual costs incurred in processing the application or monitoring the authorization.

5. Payment of a processing fee by the applicant does not obligate the Forest Service to authorize the applicant's proposed use and occupancy. If the application is denied or withdrawn in writing, the applicant is responsible for costs incurred by the Forest Service in processing the application up to and including the date the agency denies the application or receives written notice of the applicant's withdrawal. If the applicant withdraws the application, the applicant also is responsible for any costs subsequently incurred by the Forest Service in terminating consideration of the application.

6. The Forest Service shall determine the appropriate level of environmental analysis for the application and inform the applicant prior to initiating the environmental analysis.

7. Information associated with this agreement may be released to the public in accordance with the provisions of the Freedom of Information Act and Privacy Act.

PART I - PROCESSING FEES

B. BASIS FOR PROCESSING FEES

Processing fees for the application are based upon the direct and indirect costs that the Forest Service incurs in reviewing the application, conducting environmental analyses of the effects of the proposed use, reviewing any applicant-generated environmental documents and studies, conducting site visits, evaluating the applicant's technical and financial qualifications, making a decision on whether to issue the authorization, and preparing documentation of analyses, decisions, and authorizations for the application. The processing fee for the application shall be based only on costs that are necessary for processing the application. "Necessary for" means that but for the application, the costs would not have been incurred. The processing fee shall not include costs for studies for programmatic planning or analysis or other agency management objectives, unless they are necessary for processing the application. Proportional costs for analyses, such as capacity studies, that are necessary for the application may be included in the processing fee.

C. AGREEMENT

In consideration of the foregoing, the parties agree as follows:

1. Scope of Work. The Forest Service shall develop a scope of work for processing the application and an estimate of the agency's costs to process the application, which will be incorporated into this agreement as Appendix C. This scope of work shall report direct costs in categories that correspond to those in the agency's accounting system, e.g., job code, personnel compensation based upon the cost to the government (salary and benefits), travel, and other direct services, materials, and supplies. In addition, the estimate of the agency's processing costs shall include the agency's indirect costs based upon the approved annual indirect cost rate. Classification of costs as direct or indirect shall be in accordance with the published Forest Service budget for the applicable fiscal year.

2. Environmental Analysis. The Forest Service shall supervise the preparation of the environmental analysis associated with the application in compliance with applicable legal requirements, including public review of the analysis, analysis of public comments, and decision documentation. In exercising this responsibility, the Forest Service shall endeavor to foster cooperation among other agencies involved in the process, and to integrate National Environmental Policy Act requirements and other environmental review and consultation requirements to avoid, to the fullest extent possible, duplication of efforts by those agencies. However, the Forest Service shall not delegate to any other agency its authority over the scope and content of the environmental analysis, or approval or denial of the application.

3. Billing. The Forest Service shall bill the applicant prior to commencement of work. The applicant agrees to pay the estimated processing fee of $679,047.67. The bill for the estimated processing fee will be sent by The Forest Service, Albuquerque Service Center (ASC).

4. Payment. The applicant shall pay the estimated processing fee within 30 days of the date the bill for the fee is issued. The Forest Service shall not initiate processing the application until the estimated processing fee is paid. If the applicant fails to pay the estimated processing fee or the fee is late, the Forest Service shall cease processing the application until the fee is paid.

5. Statement of Costs. The Forest Service shall upon completion of the project report costs incurred for processing the application by providing a financial statement from the agency's accounting system to the applicant.

6. Underpayment. When the estimated processing fee is lower than the full actual costs of processing an application submitted under the Mineral Leasing Act, or lower than the full reasonable costs (when the applicant has not waived payment of reasonable costs) of processing an application submitted under other authorities, the applicant shall pay the difference between the estimated and full actual or reasonable processing costs within 30 days of billing.

7. Overpayment. If payment of the processing fee exceeds the full actual costs of processing an application submitted under the Mineral Leasing Act, or the full reasonable costs (when the applicant has not waived payment of reasonable costs) of processing an application submitted under other authorities, the Forest Service shall either (a) refund the excess payment to the applicant or (b) at the applicant's request, credit it towards monitoring fees due.

8. Disputes

a. If the applicant disagrees with the estimated dollar amount of the processing costs, the applicant may submit a written request before the disputed fee is due for substitution of alternative estimated costs to the immediate supervisor of the authorized officer who determined the estimated costs. The written request must include supporting documentation.

b. If the applicant pays the full disputed processing fee, the Forest Service shall continue to process the application during the supervisory officer's review of the disputed fee, unless the applicant requests that the application processing cease.

c. If the applicant fails to pay the full disputed processing fee, the Forest Service shall suspend further processing of the application pending the supervisory officer's determination of an appropriate processing fee and the applicant's payment of that fee.

d. The authorized officer's immediate supervisor shall render a decision on a disputed processing fee within 30 calendar days of receipt of the written request from the applicant. The supervisory officer's decision is the final level of administrative review. The dispute shall be decided in favor of the applicant if the supervisory officer does not respond to the written request within 30 days of receipt.

9. Lack of Administrative Appeal. A decision by an authorized officer to assess a processing fee or to determine the estimated costs is not subject to administrative appeal. A decision by an authorized officer's immediate supervisor in response to a request for substitution of alternative estimated costs likewise is not subject to administrative appeal.

10. Amendment. Modifications to this agreement shall be made in writing and shall be signed and dated by both parties.

11. Expiration and Termination. This agreement expires on January 1, 2021. Either party, in writing, may terminate this agreement in whole or in part at any time before it expires. The applicant is responsible for all Forest Service costs covered by this agreement that are incurred up to the date of expiration or termination.

12. Principal Point of Contact. The Forest Service and the applicant shall each establish a principal point of contact for purposes of this agreement.

The Forest Service's contact is Jennifer Adams, Special Project Coordinator (540) 265-5114 or jenniferpadams@fs.fed.us.

The applicant's contact is _____.

PART II - MONITORING FEES

A. BASIS FOR MONITORING FEES

The Forest Service shall assess the applicant a monitoring fee based upon the agency's estimated costs to ensure compliance with the terms and conditions of the authorization during all phases of its term, including but not limited to monitoring to ensure compliance with the authorization during the construction or reconstruction of temporary or permanent facilities and rehabilitation of the construction or reconstruction site.

B. AGREEMENT

The parties agree that if a special use permit is authorized through a Forest Service NEPA decision, monitoring fees will be assessed. Assessment of monitoring fees will occur by either amending this agreement to add monitoring terms or by entering into a new separate cost recovery agreement.

_____
Applicant Name Print

_____
Applicant Title

_____ _____
Applicant Signature Date

_____ _____
Tony Tooke Date
Regional Forester
USDA, Forest Service

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national

origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

APPENDIX A

Applications and Authorizations Subject to this Agreement

Applications

SF-299 submitted by Mountain Valley Pipeline, LLC to the Bureau of Land Management and Forest Service, dated 3/2/2017, and any future revisions thereto

Authorizations

APPENDIX B

Description and Map of the Geographic Area

APPENDIX C

Scope of Work

UNITED STATES DEPARTMENT OF AGRICULTURE
GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS

Order Number 08-08-11-18-06
Brush Mountain Road Closure Order
for the Mountain Valley Pipeline Project

Pursuant to the provisions of 16 U.S.C. § 551, and 36 C.F.R. § 261.50(b), the following acts are prohibited due to hazards associated with stabilization activities for the Mountain Valley Pipeline Project on the Eastern Divide Ranger District of the Jefferson National Forest, Virginia.

A. Prohibitions:

1. Brush Mountain Road Segment. It is prohibited to use any motor vehicle on Brush Mountain Road, also known as (a/k/a) Forest Service Road (FSR) #188, from the Forest Service seasonal gate where Preston Forest Drive meets Brush Mountain Road to Brush Mountain Road's eastern endpoint at the Forest boundary, as shown on the map attached hereto and made a part hereof as Attachment 1, dated September 25, 2018. 36 C.F.R. § 261.54(e).

2. Motor Vehicle. As used herein, "motor vehicle" means any vehicle which is self-propelled, other than: (a) a vehicle operated on rails; and (b) any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area. 36 C.F.R. § 212.1.

B Duration: The prohibitions of this Order shall remain in effect through January 10, 2019, unless terminated earlier by the Authorized Officer.

C. Exemptions: Pursuant to 36 C.F.R. §§ 261.50(e), the following persons are exempt from the prohibitions contained in this order:

1. Persons working under a permit, contract, or agreement issued by a Federal, State, or Local regulatory entity which specifically authorizes activity within the area covered by this Closure Order. 36 C.F.R. § 261.50(e)(1).

2. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force engaged in the performance of an official duty. 36 C.F.R. § 261.50(e)(4).

D. General Prohibitions: The General Prohibitions set forth in 36 C.F.R. Part 261, Subpart A (§§ 261.1 – 261.23), remain in effect. The prohibitions set forth herein pursuant to 36 C.F.R. Part 261, Subpart B (§§ 261.50 – 261.58) are in addition to the General Prohibitions.

Executed in Roanoke, Virginia this _____ day of September, 2018.

_____
Elizabeth T. LeMaster
Acting Forest Supervisor
George Washington and Jefferson National Forests

Violation of these prohibitions is punishable by a fine of not more than $5,000 for an individual or $10,000 for an organization, imprisonment for not more than 6 months, or both. 16 U.S.C. § 551, and 18 U.S.C. §§ 3559 and 3571.

DRAFT

Prior to Judge's Order – (Short-term) Orderly Shutdown of MVP construction on NFS lands: based on no existing trenches in temporary Right-of-Way (ROW) on NFS lands. Shutdown applies to MVP construction on Brush Mountain, Sinking Creek Mountain, Peters Mountain, Pocahontas Road and Mystery Ridge Road. Shutdown does not apply to maintenance for erosion and sediment control and environmental protection.

1. MVP maintenance crews are active daily onsite, and perform continuing maintenance of existing erosion and sediment control measures.

2. MVP review temporary ROW and roads to see if additional seeding and mulching or other erosion and sediment control measures are needed.

3. Transcon continues daily inspection and monitoring.

4. Transcon review temporary ROW and roads to see is additional seeding and mulching or other erosion and sediment control measures are needed.

5. Current drone footage for various resource specialists to be able to determine effects of shutdown on resource areas, help guide maintenance, etc.

6. No timber removal.

7. No trenching.

[Transcon needs to be involved to provide 1) information on the current status of temporary ROW and roads, such as, are there slope breakers under the pipelines in the temporary ROW, 2) recommendations on additional measures to include in an orderly shutdown, such as, does pipe need to be cut and/or removed.]

After Judge's Order – (Long-term) Orderly Shutdown of MVP construction on NFS lands. The judge's order would set the scope and nature of an orderly shutdown. For a long-term orderly shutdown, other issues need to be considered compared with a short-term shutdown. For example, will it be better environmental protection for NFS lands to have 1) trenches dug, pipelines installed and temporary spoils moved back to final stabilization and restoration of the slopes, or 2) temporary spoils moved back for interim stabilization of the slopes, then when construction is resumed, having these slopes regraded and the temporary spoils placed on steep slopes again, then trenches dug, pipelines installed and temporary spoils moved back to final stabilization and restoration of the slopes, or 3) leave the temporary spoils on slopes during the temporary shutdown, then when construction is resumed, having these slopes regraded and the temporary spoils placed on steep slopes again, then trenches dug, pipelines installed and temporary spoils moved back to final stabilization and restoration of the slopes.

DRAFT2

Prior to Judge's Order – (Short-term) Orderly Shutdown of MVP construction on NFS lands: based on no existing trenches in temporary Right-of-Way (ROW) on NFS lands. Shutdown applies to MVP construction on Brush Mountain, Sinking Creek Mountain, Peters Mountain, Pocahontas Road and Mystery Ridge Road. Shutdown does not apply to maintenance for erosion and sediment control and environmental protection.

1. MVP maintenance crews are active daily onsite, and perform continuing maintenance of existing erosion and sediment control measures.

2. MVP review temporary ROW and roads to see if additional seeding and mulching or other erosion and sediment control measures are needed.

3. Transcon continues daily inspection and monitoring.

4. Transcon review temporary ROW and roads to see is additional seeding and mulching or other erosion and sediment control measures are needed.

5. Current drone footage for various resource specialists to be able to determine effects of shutdown on resource areas, help guide maintenance, etc.

6. No timber removal.

7. No trenching.

[Transcon needs to be involved to provide 1) information on the current status of temporary ROW and roads, such as, are there slope breakers under the pipelines in the temporary ROW, 2) recommendations on additional measures to include in an orderly shutdown, such as, does pipe need to be cut and/or removed.]

After Judge's Order – (Long-term) Orderly Shutdown of MVP construction on NFS lands. The judge's order would set the scope and nature of an orderly shutdown. For a long-term orderly shutdown, other issues need to be considered compared with a short-term shutdown, such as the long-term slope stability of large spoil piles. For example, would it be better environmental protection for NFS lands 1) to have trenches dug, pipelines installed and temporary spoils moved back to original contour and seeded as part of final restoration, or 2) to have temporary spoils moved back to original contour and seeded for interim stabilization during the long-term shutdown, then if construction is resumed, to have the interim reconstructed original contour slopes excavated and the temporary spoils placed again on steep slopes, and then to have trenches dug, pipelines installed and temporary spoils moved back to original contour and seeded as part of final restoration, or 3) to leave the temporary spoils on slopes and to stabilize in place during the long-term shutdown, then if construction is resumed, to have trenches dug, pipelines installed and temporary spoils moved back to original contour and seeded as part of final restoration.

PERSONNEL								
Name	**Position**	**Forest**	**Unit**	**Est. Hours**	**Scope of Work**	**Workplan Daily Rate**	**Hourly Rate**	**Total Estimated Personnel Cost**
Name	**Position**	**Forest**	**Unit**	**Est. Hours**	**Scope of Work**	**Workplan Daily Rate**	**Hourly Rate**	**Total Estimated Personnel Cost**
Alex Faught	Lands Program Manager	GWJNF	SO	300	Core team member and special use case manager. Review documents for accuracy, track progress and costs, draft documents for review (permit, CR agreement, NEPA, etc.), respond to queries, meet with specialists, coordinate with R8/R9 offices, and other tasks deemed necessary to carry out the application and NEPA reviews.	$ 430.40	$ 53.80	$ 16,140.00
Ava Turnquist	NEPA Specialist	GWJNF (GS-11 Detailer, Est. salary)	Alleghany NF	640	NEPA environmental document reviewer	$ 350.00	$ 43.75	$ 28,000.00
Ben Neuhold	Archeology Tech	GWJNF	SO	40	Consultations:VA & WVA SHPO's, Eastern Shawnee THPO, Civil War Trust, State Recognized Tribal Authorities, COUN	$ 154.94	$ 19.36	$ 774.40
Carol Croy	Wildlife Biologist	GWJNF	SO	125	Coordinating, reviewing, etc. terrestrial wildlife resources except bats	$ 461.01	$ 57.62	$ 7,202.50
Dan McKeague	District Ranger	GWJNF	EDRD	120	Review and provide input on scoping request. Coordinate District resource specialists involved in the project, public affairs for local communities and counties, review	$ 505.00	$ 63.12	$ 7,574.40
Dawn Kirk	Fisheries Biologist	GWJNF	SO/ GPRD	250	Coordinate and review aquatics resources	$ 501.21	$ 62.65	$ 15,662.50
Fred Huber	Botanist	GWJNF	SO	125	Coordinate botanicals, NNIS, herps	$ 452.52	$ 56.56	$ 7,070.00
Ginny Williams	Developed Recreation Program Lead	GWJNF	SO	200	Coordinate, review, and provide input on visuals analysis	$ 440.92	$ 55.11	$ 11,022.00
James Ohear	GIS Specialist	GWJNF	SO/ NRRD	40	GIS coordination	$ 407.82	$ 50.97	$ 2,038.80
James Willett	Special Agent	GWJNF	SO	96	Reviewing, meeting, and commenting on ACP COM Plan and other documents related to safety and law enforcement. Coordinating and reviewing potential forest closure orders.	$ 512.31	$ 64.03	$ 6,146.88
Jason Millott	Budget Officer	GWJNF	SO	200	Tracking/reporting financials.	$ 403.19	$ 50.39	$ 10,078.00
Jesse Overcash	District Biologist	GWJNF	EDRD	160	Coordinate and review biological resources for the District	$ 425.55	$ 53.19	$ 8,510.40
Jim Twaroski	R8 Special Use Coordinator/ RPOC	GWJNF	RO-R8	160	Regional level coordination with Regional Forester, R8 LMU Director, R9 LMU Director, and WO. Serve as Regional Point of Contact (RPOC) for project. Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 539.00	$ 67.37	$ 10,779.20

PERSONNEL								
Name	**Position**	**Forest**	**Unit**	**Est. Hours**	**Scope of Work**	**Workplan Daily Rate**	**Hourly Rate**	**Total Estimated Personnel Cost**
Jobeth Brown	Public Affairs Officer	GWJNF	SO	200	Public affairs, lands, special uses and NEPA coordination. Coordinate talking points, public notices, and serve as POC for external relations.	$ 555.85	$ 69.48	$ 13,896.00
Joby Timm	Forest Supervisor	GWJNF	SO	200	Authorized Officer reviewing and signing documents. Coordinating project reviews and approvals with R8, R9, MNF, and WO. Attending meetings. Providing oversight over all aspects of the project for R8, R9, MNF, and WO.	$ 596.40	$ 74.55	$ 14,910.00
John Hairfield	Forestry Technician	GWJNF	SO	40	District review and coordination for roads.	$ 317.40	$ 39.67	$ 1,586.80
John Norten Jensen	Zone FMO	GWJNF	EDRD	40	Coordinate and review analysis for effects to fire prescription and fire management planning	$ 376.75	$ 47.09	$ 1,883.60
Karen Overcash	NEPA Coordinator	GWJNF	SO	300	NEPA and Forest Plan coordination	$ 440.69	$ 55.08	$ 16,524.00
Karen Stevens	Forest Environmental Coordinator	MNF	SO	250	NEPA and Forest Plan coordination	$ 400.00	$ 50.00	$ 12,500.00
Katie Ballew	Patrol Captain	GWJNF	SO	96	Reviewing, meeting, and commenting on ACP COM Plan and other documents related to safety and law enforcement. Coordinating and reviewing potential forest closure orders.	$ 416.34	$ 52.04	$ 4,995.84
Mary Helms	Support Staff	GWJNF	SO	8	O: Drive and sharepoint manager	$ 162.00	$ 20.25	$ 162.00
Mark Miller	Timber Management Administrator	GWJNF	EDRD	40	Coordinate and review timber removal and revegetation plans for District	$ 397.22	$ 49.65	$ 1,986.00
Mike Donahue	Biological Science Technician	GWJNF	SO	40	Field expertise and liaison in herps, insects, pollinators, birds, etc.	$ 296.75	$ 37.09	$ 1,483.60
Mike Madden	Forest Archeologist	GWJNF	SO	125	Consultations:VA & WVA SHPO's, Eastern Shawnee THPO, Civil War Trust, State Recognized Tribal Authorities, COUN	$ 404.09	$ 50.51	$ 6,313.75
Mitch Kerr	Land Surveyor	GWJNF	SO	40	Survey, plat, and plan review. Coordinate land records and boundary reviews.	$ 453.84	$ 56.73	$ 2,269.20
Paul Arndt	Regional Planner, GS-13		RO-R8	120	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed, subject matter expert for Forest Plan and revisions.	$ 505.00	$ 63.12	$ 7,574.40
Pauline Adams	Hydrologist	GWJNF	SO	250	Hydrology.	$ 368.55	$ 46.06	$ 11,515.00
Pete Irvine	Trails, Wilderness, Dispersed Recreation Program Lead	GWJNF	SO	100	Coordinate review of trail resources	$ 500.62	$ 62.57	$ 6,257.00

PERSONNEL								
Name	**Position**	**Forest**	**Unit**	**Est. Hours**	**Scope of Work**	**Workplan Daily Rate**	**Hourly Rate**	**Total Estimated Personnel Cost**
Peter Gaulke	Director of Planning, GS-15		R8-R0	120	Coordinate and oversee processing of project objections, prepare draft documents, coordinate objections meetings as needed, overall process management, key contact between Forest, Regional Forester, Reviewing Officer and Washington Office.	$ 591.00	$ 73.87	$ 8,864.40
Rebecca Robbins	Public Affairs Officer	GWJNF	SO	100	Public affairs. Drafting press releases, web content, talking points, briefing papers, etc.	$ 325.89	$ 40.73	$ 4,073.00
Richard Guercin	Archeology Tech	GWJNF	SO	40	Consultations:VA & WVA SHPO's, Eastern Shawnee THPO, Civil War Trust, State Recognized Tribal Authorities, COUN	$ 237.52	$ 29.69	$ 1,187.60
Robin Stidham	Agreements Specialist	GWJNF	SO	8	Agreements Specialist. Develop and administer agreements associated with the project.	$ 350.22	$ 43.77	$ 350.16
Russ Macfarlane	Forest Silviculturalist	GWJNF	SO	100	Coordinate and review timber and silviculture analysis.	$ 489.09	$ 61.13	$ 6,113.00
Sally Zaragoza	Budget Analyst	GWJNF	SO	40	Tracking/reporting financials.	$ 321.64	$ 40.20	$ 1,608.00
Shamina Dillard	Forest Engineer	GWJNF	SO	100	Coordinate engineering and road access and analysis	$ 428.43	$ 53.55	$ 5,355.00
Steve Croy	Forest Ecologist	GWJNF	SO	125	Coordinate and review studies for Bats & TES, vegetation.	$ 472.97	$ 59.12	$ 7,390.00
Steve Tanguay	Biologist	GWJNF	JRWSRD	40	Coordinate wildlife & fisheries for District. Serve as local contact for associated field visits and data collection.	$ 425.12	$ 53.14	$ 2,125.60
Steve Woods	Civil Engineer	GWJNF		40	Technical expert for roads review and analysis	$ 381.85	$ 47.73	$ 1,909.20
TBD	Archeologist, GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80
TBD	Wildlife Biologist, GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80
TBD	Soils Specialist, GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80

PERSONNEL								
Name	**Position**	**Forest**	**Unit**	**Est. Hours**	**Scope of Work**	**Workplan Daily Rate**	**Hourly Rate**	**Total Estimated Personnel Cost**
TBD	Hydrologist, GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80
TBD	Geologist, GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80
TBD	Engineer GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80
TBD	NEPA/Planning Specialst, GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80
TBD	Landscape Architect/Recreation Specialist, GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80
TBD	WO Support for Objection Process, GS-14		WO	240	Support RO Objections Processing Team As Needed	$ 548.00	$ 68.50	$ 16,440.00
TBD	Reviewing Officer, SES Level 1		R8-R0	240	Final review of objections received, leads objections meetings if needed, provides final recommendation to the Regional Forester	$ 802.00	$ 100.25	$ 24,060.00
TBD	Public Affairs Officer (GS-12 Detailer Salary)	GWJNF	SO	640	Serve as lead public affairs officer for the project to supplement existing staff resources. (120 day detail)	$ 400.00	$ 50.00	$ 32,000.00
TBD/Detailer	Staff Officer (Recreation, Wilderness, Engineering)	GWJNF	SO	80	Coordinating, reviewing, etc. for recrecreation and visual resources	$ 512.03	$ 64.00	$ 5,120.00
TBD/ Detailer	Recreation Program Manager	GWJNF	EDRD	40	Coordinate and review recreation resources for District	$ 350.00	$ 43.75	$ 1,750.00
Timothy Abing	Director of Lands/Minerals/Uses, GS-15		R8-R0	240	Coordinate and oversee processing of project objections, oversight of lands issues raised in objections process, key contact between Forest, Regional Forester, Reviewing Officer and Washington Office.	$ 591.00	$ 73.87	$ 17,728.80

PERSONNEL								
Name	**Position**	**Forest**	**Unit**	**Est. Hours**	**Scope of Work**	**Workplan Daily Rate**	**Hourly Rate**	**Total Estimated Personnel Cost**
Tom Bailey	Soils Scientist	GWJNF	SO	288	Coordinate and review soil resources analysis	$ 409.75	$ 51.21	$ 14,748.48
Tom Collins	Geologist	GWJNF	SO	150	Review and coordinate geologic resources: groundwater; karst; slope stability; erosion. Mineral resources.	$ 409.74	$ 51.21	$ 7,681.50
Troy Morris	Staff Officer	GWJNF	SO	250	Natural resources team lead, Forest Plan compliance, oversight of resource specialists	$ 503.14	$ 62.89	$ 15,722.50
Various	EMNEPA Support Team		WO		Intake of objections for project, reviews, identifies and enters into a database all objections/comments received, provides report of each individual comment/objection and provides summmary report of all information received. FS enterprise team contracted to collect, sort, analyze and build a databse of each unique objection/comment received.	$ -	$ -	$ 30,000.00
TOTAL				9106				$ 560,273.91

OTHER RESOURCES						
Other Resources	**Description**	**Forest**	**Unit of Measure**	**Est. Units**	**Est. Cost Per Unit**	**Total Est. Other Resources Cost**
Fleet Mileage	To and from project areas, consultations, meetings,	GWJNF	Miles	5000	$0.32	$ 1,600.00
Administrative Support Costs	Legal ads, mailings, printing, etc.	GWJNF	Each	500	$1.00	$ 500.00
Objection Team Travel and Per Diem	Lodging, hotel costs, per diem costs, car rental costs for attending initial objections orientation meetings in the Atlanta Regional Office of the Forest Service. Most work would be done as a team while in travel status	R8/ WO	Persons	9	$3,234.00	$ 29,106.00
TBD, GS-12 Detailer for Public Affairs on the GWJNF (Travel and Per Diem for 120 days)	$91/day lodging, $51/day M&IE, Flight or other travel (if necessary) for 120 days	GWJNF	Days	120	$158.33	$ 18,999.60
Employee Overtime	Overtime authorizations as needed to meet deadlines.	GWJNF	Hours	500	$25.00	$ 12,500.00
TOTAL						$ 62,705.60
Sub-Total Cost	$ 622,979.51					
TOTAL ESTIMATED COST RECOVERY (including 9% ASC Burden Rate)=	$ 679,047.67					

Definitions:

Processing - agency actions regarding an application that occur after the agency accepts a proposal as a special use application.

Mountain Valley PIPELINE LLC

625 Liberty Avenue, Suite 1700 | Pittsburgh, PA 15222
844-MVP-TALK | mail@mountainvalleypipeline.info
www.mountainvalleypipeline.info

September 11, 2018

Timothy Abing
Director - Lands, Minerals, and Uses
United States Forest Service, Southern Region
1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405

Re: Stabilization Plan for Jefferson National Forest

Dear Director Abing:

On August 3, 2018, in response to the July 27, 2018 remand order of the United States Court of Appeals for the Fourth Circuit ("Court Order") regarding the Mountain Valley Pipeline Project ("Project"), FERC issued a stop-work order to Mountain Valley Pipeline, LLC (MVP). With respect to the crossing of the Jefferson National Forest (JNF), the stop-work order provided an exception for any measures deemed necessary by the U.S. Forest Service (USFS) to stabilize the right-of-way (ROW) and work areas. The need to stabilize the ROW and work area is significant because MVP had made considerable progress on construction of the Project at the time of the Court Order. MVP had cleared, graded, and strung pipe along 1.86 miles of the ROW in the JNF. It had also welded a total of 1,290 feet of pipe in five different sections and staged over 200 loose joints of pipe along the ROW. On August 25, 2018, USFS proposed a stabilization plan to MVP ("USFS Plan").

MVP submits the attached responses to the USFS Plan (Attachment 1). MVP also submits an alternative stabilization plan that will provide better protection to the JNF and private lands and watersheds adjacent to the JNF ("MVP Plan"), which is provided as Attachment 2 to this letter. MVP's primary goal of stabilization is to minimize erosion and sediment runoff from the ROW during the pendency of the remand required by the Court Order.

The MVP crossing of the JNF consists of two segments of ROW totaling approximately 3.6 miles. The first segment, known as the Peters Mountain Segment, includes approximately 9,211 feet in Giles County, Virginia and 558 feet in Monroe County, West Virginia. The second segment, known as the Sinking Creek Mountain and Brush Mountain Segment, includes approximately 9,810 feet in Montgomery County, Virginia. While MVP has conducted no earth disturbance on the Peters Mountain Segment (only hand-felling of trees), as noted above, MVP has fully cleared and graded the Sinking Creek Mountain and Brush Mountain Segment. At the time the Court Order was issued, MVP was welding pipe on Brush Mountain. Upon issuance of the order, MVP ceased construction activities in all areas of the JNF and reassigned the welding crews to areas outside the JNF. Since that time, MVP has limited its activities in the JNF to maintaining erosion control devices (ECDs) to limit any erosion and sediment impacts to the environment.

The USFS Plan adopts a status quo approach, which is to stabilize the ROW in its current state by taking whatever steps are available to prevent erosion and sediment runoff despite the considerable challenges associated with stabilizing the ROW in a temporary state, working around pipe that is staged along the ROW, and maintaining temporary ECDs that are designed for short-term construction phase activities.

A significant amount of construction activity will be necessary to implement the USFS Plan, the result of which will only be maintenance of the ROW and ECDs in a precarious temporary condition for an extended period of time.

By contrast, MVP's preferred stabilization plan will achieve permanent restoration of the ROW. This involves installation of the existing pipe that is staged on the Sinking Creek Mountain and Brush Mountain segment of the JNF. An alternative to installation of all staged pipe is installation of just the welded sections, with relocation of the loose joints to a staging area off the JNF. This alternative is less desirable from an environmental perspective than installation of all staged pipe but is still preferable to the USFS Plan of securing welded segments in place.

In comparison to the USFS plan, MVP's preferred plan will result in slightly more construction activity during the implementation phase, but MVP's permanent approach ensures superior stabilization that will greatly reduce erosion and sediment runoff and offer greater protection to the lands in and adjacent to the JNF.

Upon your review of MVP's responses to the USFS Plan and the MVP Plan, please let me know if you would like to schedule a time to discuss in more detail.

Sincerely,

Joseph M. Dawley

Joseph M. Dawley

Deputy General Counsel, Public Policy and Environmental

TAMMY L. BELINSKY
Attorney at Law
9544 Pine Forest Road
Copper Hill, Virginia 24079
office telephone (540) 929-4222
telefax (540) 929-9195
email: tambel@hughes.net

September 28, 2018

Elizabeth LeMaster, Acting Forest Supervisor
George Washington and Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

RE: Mountain Valley Pipeline Remand Regarding Compliance with the 2012 Planning Rule

Dear Acting Supervisor Elizabeth LeMaster:

On behalf of The Wilderness Society, Preserve Craig, Inc., and Save Monroe, Inc., we write to provide our perspective on how the Forest Service might address the violations of the 2012 Planning Rule identified by the Fourth Circuit in *Sierra Club, Inc. v. United States Forest Serv.*, 2018 WL 3595760 (4th Cir. 2018).

We note at the outset that it may be impossible for the Forest Service to ultimately authorize the Mountain Valley Pipeline (MVP) given the magnitude and extent of adverse effects on the resources in question and the Forest Service's prior effects analysis conclusions. This possible result is envisioned by the 2012 Planning Rule. 36 C.F.R. § 219.15(e)(2). There is nothing in the 2012 Planning Rule, 2016 Amendments, or other law that *requires* the Forest Service to authorize the MVP; and indeed, the law may in fact require the Forest Service to disapprove the project.

Given the documentation of ongoing sediment and erosion control failures by the Forest Service contractor, it is evident that real impacts are occurring that likely were not predicted by the sedimentation analysis performed by MVP and capitulated to by the Forest Service. The reality of the impacts justifies the concerns expressed in the NEPA process by the resource staff who are the most qualified to assess and predict those impacts on the Jefferson National Forest where they have used their expertise for many years. The Forest Service cannot discount the sediment and erosion control failures that have already harmed the National Forest even before ground disturbance has occurred in some of the most hazardous locations.

Regarding the amendment process, as the Court explained, the 2016 Amendments to the 2012 Planning Rule:

> ...provide that the Forest Service "shall ... [d]etermine which specific substantive requirement(s) within §§ 219.8 through 219.11 are *directly related* to the plan direction being added, modified, or removed by the amendment," and then "apply such requirement(s) within the scope and scale of the amendment." 36 C.F.R. § 219.13(b)(5) (emphasis supplied). Conversely, "[t]he responsible official is not required to apply any

> substantive requirements within §§ 219.8 through 219.11 that are not *directly related* to the amendment." *Id.* (emphasis supplied).
>
> ...
>
> In undertaking the "directly related" analysis, an agency's "determination must be based on the purpose for the amendment *and* the effects (beneficial or adverse) of the amendment, and informed by the best available scientific information, scoping, effects analysis, monitoring data or other rationale." 36 C.F.R. § 219.13(b)(5)(ii) (emphasis supplied).

Sierra Club, 2018 WL 3595760, at *12, *14. In our view, the Court identified the correct process to demonstrate compliance with the 2012 Planning Rule. Furthermore, it is our position that the correct process requires the development of an SEIS and all applicable public participation requirements.

In its Record of Decision for the Mountain Valley Pipeline, the Forest Service identified which substantive provisions of the 2012 Rule are directly related to the proposed amendments:

- Multiple uses including renewable and nonrenewable energy and mineral resources (36 C.F.R. § 219.10(a)(2));
- Multiple uses including sustainable recreation and scenic character (36 C.F.R. § 219.10(b)(1)(i));
- Appropriate management of designated areas (the Appalachian National Scenic Trail) (36 C.F.R. § 219.10(b)(1)(vi));
- Soils and soil productivity, including guidance to reduce soil erosion and sedimentation (36 C.F.R. § 219.8(a)(2)(ii));
- Water resources in the plan area, including lakes, streams, and wetlands; ground water; public water supplies; sole source aquifers; source water protection areas; and other sources of drinking water (including guidance to prevent or mitigate detrimental changes in quantity, quality, and availability) (36 C.F.R. § 219.8(a)(2)(iv));
- The ecological integrity of riparian areas, including their structure, function, composition, and connectivity (36 C.F.R. § 219.8(a)(3)(i));
- NFMA timber requirements (36 C.F.R. § 219.11(c), § 219.11(d)(2), § 219.11(d)(3)); and
- The ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area (36 C.F.R. § 219.8(a)(1).

Record of Decision for the Mountain Valley Project Land and Resource Management Plan Amendment for the Jefferson National Forest (ROD), 19 – 25 (listing existing and proposed

amended plan component language).[1] Although the Forest Service identified certain substantive provisions in the ROD, the Forest Service did not provide any analysis under the terms of the Forest Planning Rule provisions that supports the conclusions and did not make the analysis available for public comment. For example, nowhere in FERC's NEPA documents was there any analysis of the "interdependence of terrestrial and aquatic ecosystems in the plan area", 36 CFR § 219.8 (a)(1)(i). The Planning Rule differs from the isolated, resource-specific method of analysis that FERC uses in a boilerplate manner. Instead, the Planning Rule incorporates principles of connectivity and interdependence in the required analysis that is lacking in the FERC NEPA documents and the Plan of Development.

We also believe that 36 CFR § 219.9 is implicated in the context of the certain introduction of invasive plant species into an Inventoried Roadless Area, two Wilderness Areas, and designated Old Growth.

Additionally, the Forest Service must meet its obligation to address the monitoring requirements for achieving the goals and objectives of the Forest Plan that is required by 36 CFR § 219.12. The Forest Service previously disregarded the need to evaluate the monitoring questions in Chapter 5 of the Forest Plan and assess the sufficiency of the monitoring tasks in Appendix E due to the construction and operation of the Mountain Valley Pipeline. For example, Task # 54 calls for the sampling of soil loss for the purpose of measuring the effect of management activities on soil quality and productivity. The frequency of the Task is listed as periodic or random. Instead, Task #54 should be frequently conducted on the pipeline corridor. Such monitoring differs from monitoring the construction practices. Similarly, Task #40 requires assessment of conflicts and effects within the AT corridor on an as needed basis. We assert that the Forest Service has a duty to gather such data continuously in order to gain an understanding of the actual impacts of the pipeline on the experiences of the users of the AT. The monitoring tasks must be revisited.

The Forest Service's next step, after identifying which plan components are directly related to either the amendment itself or the effects of the project, is to develop fresh plan component language that sufficiently protects the resource in question based on the expected effects from the project. In the case of the MVP, it does not appear that the Forest Service actually undertook an analysis to determine what plan component language would be sufficient, relying instead on the project proponent's assertions that mitigation measures would be effective to prevent any adverse effect to the resources at issue. However, the MVP final environmental impact statement (FEIS) never analyzed the effectiveness of the proposed mitigation measures. As a result, the Forest Service had little information upon which to develop adequate plan components.

On remand, we advise that the Forest Service analyze the effectiveness of the mitigation measures proposed by the project proponent: as you know, this review must be an independent analysis. 40 C.F.R. §§ 1506.3(a), (c); *Hughes River Watershed Conservancy v. Glickman*, 81

---

[1] We note that there are likely other plan components implicated by the MVP that the Forest Service has not identified as requiring amendment. While we expect to be involved in the supplemental environmental analysis and public comment process and will provide our input on those other affected plan components at that time, we focus here only on the amendments before the Fourth Circuit.

F.3d 437, 445 & n.6 (4th Cir. 1996). If the Forest Service is able to independently confirm that the proposed mitigation measures are adequate to protect public resources from impairment, then the agency should develop new plan component language that requires the implementation of those specific measures.[2] The Forest Service may also determine that changes to the project design, including route changes, are required in order to best protect national forest resources: new plan components should also reflect these requirements.

In our view, this process need not be onerous, but it does require an independent and thorough analysis of the effects of the project and amendments, including the effectiveness of proposed mitigation measures (which would essentially become the new plan components). The remand effort must also be accompanied by public engagement, comment, and administrative review. 36 C.F.R. §§ 219.13(b)(2), (b)(3), as well as ready access by the public to the plan amendment records in accordance with 36 CFR § 219.14(b)(2). It is our understanding that staff located in Atlanta, Georgia is now assigned to the process on remand while the most interested public is located near the Jefferson National Forest and the Supervisor's office in Roanoke. We insist that the planning record be maintained locally for ready access.

In closing, we note that 2012 Planning Rule and 2016 Amendments to the 2012 Rule are well-designed to address situations such as the present scenario. However, the Forest Service must faithfully *utilize* the Rule, rather than attempting to exempt itself from its requirements. The 2016 Amendments were developed specifically to preclude such situations, as the Forest Service itself and the Court of Appeals have explained. 81 Fed. Reg. 90,725 – 90,726;[3] *Sierra Club*, WL 3595760, at *14.

Sincerely,



Tammy L. Belinsky

---

[2] We note that the proposed amendments invalidated by the Court simply refer to "the applicable mitigation measures identified in the approved POD and MVP Project design requirements," but the POD and MVP project design requirements are hundreds of pages long and it is impossible to know which POD and project design requirements are applicable to which amendment. In drafting new plan components, the agency should specify which measures apply to which amendment.

[3] 2016 Amendment preamble rejecting view that "the 2012 rule gives the responsible official discretion to selectively pick and choose which, if any, provisions of the rule to apply, thereby allowing the responsible official to avoid 2012 rule requirements or even propose amendments that would contradict the 2012 rule. Under this second interpretation, some members of the public hypothesized that a responsible official could amend a 1982 rule plan to remove plan direction that was required by the 1982 rule without applying relevant requirements in the 2012 rule."

PUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-2399

SIERRA CLUB, INC.; APPALACHIAN VOICES; WILD VIRGINIA, INC.,

Petitioners,

v.

UNITED STATES FOREST SERVICE; UNITED STATES DEPARTMENT OF AGRICULTURE,

Respondents,

MOUNTAIN VALLEY PIPELINE, LLC,

Intervenor.

CHEROKEE FOREST VOICES; THE CLINCH COALITION; GEORGIA FORESTWATCH; MOUNTAINTRUE,

Amici Supporting Petitioner.

On Petition for Review of a Decision of the United States Forest Service.

No. 18-1012

THE WILDERNESS SOCIETY; PRESERVE CRAIG, INC.; SAVE MONROE, INC.,

Petitioners,

v.

UNITED STATES FOREST SERVICE; UNITED STATES DEPARTMENT OF AGRICULTURE,

Respondents,

MOUNTAIN VALLEY PIPELINE, LLC,

Intervenor.

On Petition for Review of a Decision of the United States Forest Service.

No. 18-1019

SIERRA CLUB, INC.; APPALACHIAN VOICES; WILD VIRGINIA, INC.,

Petitioners,

v.

UNITED STATES DEPARTMENT OF THE INTERIOR; UNITED STATES BUREAU OF LAND MANAGEMENT; UNITED STATES FOREST SERVICE; UNITED STATES DEPARTMENT OF AGRICULTURE,

Respondents,

MOUNTAIN VALLEY PIPELINE, LLC,

Intervenor.

CHEROKEE FOREST VOICES; THE CLINCH COALITION; GEORGIA FORESTWATCH; MOUNTAINTRUE,

Amici Supporting Petitioner.

On Petition for Review of a Decision of the Bureau of Land Management. (VA-ES-058143; WV-ES-058142)

No. 18-1036

THE WILDERNESS SOCIETY; PRESERVE CRAIG, INC.; SAVE MONROE, INC.,

Petitioners,

v.

UNITED STATES DEPARTMENT OF THE INTERIOR; UNITED STATES BUREAU OF LAND MANAGEMENT; UNITED STATES FOREST SERVICE; UNITED STATES DEPARTMENT OF AGRICULTURE,

Respondents,

MOUNTAIN VALLEY PIPELINE, LLC,

Intervenor.

On Petition for Review of a Decision of the Bureau of Land Management. (VA-ES-058143; WV-ES-058142)

Argued: May 8, 2018 Decided: July 27, 2018

Before GREGORY, Chief Judge, and TRAXLER, and THACKER, Circuit Judges.

Petitions granted, vacated and remanded by published opinion. Judge Thacker wrote the opinion, in which Chief Judge Gregory and Judge Traxler joined.

ARGUED: Nathan Matthews, SIERRA CLUB ENVIRONMENTAL LAW PROGRAM, Oakland, California, for Petitioners. Kevin William McArdle, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondents. George Peter Sibley, III, HUNTON ANDREWS KURTH LLP, Richmond, Virginia, for Intervenor.

ON BRIEF: Elizabeth Fay Benson, SIERRA CLUB ENVIRONMENTAL LAW PROGRAM, Oakland, California, for Petitioners Sierra Club, Wild Virginia, and Appalachian Voices. Tammy L. Belinsky, Copper Hill, Virginia, for Petitioners The Wilderness Society, Preserve Craig, and Save Monroe. Jeffrey H. Wood, Acting Assistant Attorney General, Eric Grant, Deputy Assistant Attorney General, J. David Gunter II, Emily A. Polachek, Environment & Natural Resources Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.; John Henson, Haninah Levine, Office of the Solicitor, UNITED STATES DEPARTMENT OF THE INTERIOR, Washington, D.C.; Jay McWhirter, Sarah Kathmann, Office of the General Counsel, UNITED STATES DEPARTMENT OF AGRICULTURE, Washington, D.C., for Respondents. Kevin S. Elliker, HUNTON ANDREWS KURTH LLP, Richmond, Virginia; Thomas C. Jensen, Washington, D.C., Murray D. Feldman, Boise, Idaho, Sandra A. Snodgrass, HOLLAND & HART LLP, Denver, Colorado, for Intervenor. J. Patrick Hunter, Austin D. Gerken, Jr., Amelia Y. Burnette, Asheville, North Carolina; Gregory Buppert, SOUTHERN ENVIRONMENTAL LAW CENTER, Charlottesville, Virginia, for Amici Curiae.

THACKER, Circuit Judge:

In this case, we address petitions seeking review of two federal agency decisions. The first is the Bureau of Land Management ("BLM")'s decision granting a right of way through federal land for construction and operation of a pipeline proposed by Mountain Valley Pipeline, LLC ("MVP"). The second is the United States Forest Service ("Forest Service")'s decision to amend the Jefferson National Forest Land Resource Management Plan to accommodate the right of way and pipeline construction. Sierra Club, Inc.; Appalachian Voices; Wild Virginia, Inc.; the Wilderness Society; Preserve Craig, Inc.; and Save Monroe, Inc. (collectively, "Petitioners") claim that by these decisions, the federal agencies violated the National Environmental Policy Act ("NEPA"), the Mineral Leasing Act ("MLA"), and the National Forest Management Act ("NFMA").

After careful review, we conclude that aspects of the Forest Service's decision fail to comply with NEPA and the NFMA. As more fully explained below, we grant the petition challenging the Forest Service's decision and vacate that decision. We also conclude that the BLM failed to acknowledge its obligations under the MLA, and therefore, we also grant the petition challenging the BLM decision and vacate that decision. We remand to the respective agencies for further proceedings consistent with this opinion.

I.

A.

The Pipeline Project and FERC

MVP plans to construct, operate, and maintain approximately 303.5 miles of new underground, 42-inch diameter pipeline extending from Wetzel County, West Virginia, to Pittsylvania County, Virginia. The trench for the pipeline will be at least 54 inches wide and 5.5 to 9 feet deep. Construction will involve "remov[ing] trees, shrubs, brush, roots, and large rocks" and will initially require a 75-foot to 125-foot right of way for construction purposes, and a subsequent 50-foot right of way for at least 30 years to accommodate the pipeline's operation. J.A. 102–03, 107.[1]

On October 13, 2017, the Federal Energy Regulatory Commission ("FERC") issued a Certificate of Public Convenience and Necessity for MVP's pipeline project ("Certificate"). Pursuant to the Natural Gas Act ("NGA"), a natural gas company is not permitted to undertake construction of a pipeline unless FERC first issues a Certificate authorizing such construction. *See* 15 U.S.C. § 717f(c)(1)(A). Before doing so, in most cases FERC "shall set the matter for hearing and shall give such reasonable notice of the hearing thereon to all interested persons as in its judgment may be necessary under [FERC's] rules and regulations." *Id.* § 717f(c)(1)(B). FERC also "shall have the power to attach to the issuance of the certificate and to the exercise of the rights granted

[1] Citations to the "J.A." refer to the Corrected Deferred Joint Appendix filed by the parties in this appeal.

thereunder such reasonable terms and conditions as the public convenience and necessity may require." *Id.* § 717f(e). Petitioners do not challenge FERC's issuance of the Certificate in this case.

FERC was also required to issue an Environmental Impact Statement ("EIS").[2] Pursuant to NEPA, when a federal agency proposes to take a "major Federal action[] significantly affecting the quality of the human environment," the agency must prepare a detailed EIS describing the likely environmental effects, "adverse environmental effects which cannot be avoided," and potential alternatives to the proposal. 42 U.S.C. § 4332(C). Multiple agencies may cooperate to issue an EIS, but a "lead agency" is usually designated. 7 C.F.R. § 3407.11(a).[3] Where an interstate gas pipeline is involved, FERC acts as the lead NEPA agency. *See* 15 U.S.C. § 717n(b)(1); *see also EarthReports, Inc. v. FERC*, 828 F.3d 949, 953 (D.C. Cir. 2016). Here, the BLM and the Forest Service served as cooperating agencies and ultimately adopted the EIS.

---

[2] The issues in this case concern both the draft EIS and the final EIS. Unless otherwise noted, the acronym "EIS" in this opinion refers to the *final* Environmental Impact Statement issue by FERC.

[3] This regulation provides, "If more than one Federal agency participates in a program activity, a lead agency shall be selected . . . . The lead agency, in full cooperation with all participating agencies, shall assume responsibility for involving the public . . . and shall prepare the EIS or shall cause the EIS to be prepared . . . ." 7 C.F.R. § 3407.11(a).

B.

The Pipeline Project and the BLM

It is not enough, however, that FERC issued a Certificate and an EIS. Because portions of the proposed pipeline route cross federally owned lands, MVP was also required to obtain rights of way and temporary use permits from the federal government to construct and operate the pipeline on those lands. The proposed right of way will cross land managed by two different agencies -- the Forest Service (3.6 miles or approximately 83 acres of the Jefferson National Forest in West Virginia and Virginia) and the Army Corps of Engineers (60 feet of the Weston and Gauley Bridge Turnpike Trail in Braxton County, West Virginia) -- which means the Department of the Interior is responsible for issuing rights of way and attendant permits. *See* 30 U.S.C. § 185(c)(2) ("Where the surface of the Federal lands involved is administered by . . . two or more Federal agencies, the Secretary [of the Interior] is authorized, after consultation with the agencies involved, to grant or renew rights-of-way or permits through the Federal lands involved."). In situations involving oil and gas pipeline rights of way, the Department of the Interior has delegated that authority to the BLM. *See* 36 C.F.R. § 251.54(b)(3). Importantly, the BLM must have the concurrence of the Forest Service and the Army Corps of Engineers in order to grant the necessary rights of way or permits. *See* 30 U.S.C. § 185(c)(2); 43 C.F.R. § 2884.26.[4]

[4] The Army Corps of Engineers is not a party to this case.

On December 20, 2017 -- upon review of the pertinent regulations, FERC's EIS, and public comments, and with the concurrence of the Forest Service and the Corps of Engineers -- the BLM issued a Rule of Decision ("ROD") granting a 30 year, 50-foot operational right of way and associated temporary use permits across 3.6 miles of the Jefferson National Forest. The BLM explicitly adopted the EIS and "prepared th[e] ROD based on information contained" therein. J.A. 574.

C.

The Pipeline Project and the Forest Service

In addition to the Certificate, EIS, and right of way, MVP was also required to ensure compliance with a Land Resource Management Plan governing the Jefferson National Forest (the "Jefferson Forest Plan"). Pursuant to the NFMA, any plans, permits, or contracts for use of the Jefferson National Forest "shall be consistent with" the Jefferson Forest Plan. 16 U.S.C. § 1604(i). Here, it is undisputed that the pipeline project, as proposed, is not consistent with certain aspects of that plan. *See* J.A. 1280 (Forest Service ROD: "[A]mendment [to the Jefferson Forest Plan] is needed because the MVP Project cannot achieve several Forest Plan standards . . . ."). In such a case, the Forest Service has four options:

> (1) modify the proposed project to make it consistent with the Forest Plan; (2) reject the proposal; (3) amend the Forest Plan so that the project would be consistent with the plan as amended; or (4) amend the Forest Plan simultaneously with the approval of the project so the project would be consistent with the plan as amended[.] [Such amendments] may be limited to apply only to the project.

J.A. 1271 (citing 36 C.F.R. § 219.15(c) (offering these four options if "a proposed project . . . would not be consistent with the application plan components")). In its ROD filed on December 1, 2017, the Forest Service decided it would select option four above and amend the Jefferson Forest Plan such that the MVP project would be consistent with that plan, but those amendments would only apply to the MVP project.

D.

The Pipeline Project and Review of Agency Decisions

Petitioners seek review of the BLM and Forest Service RODs, and we possess jurisdiction to review them pursuant to the Administrative Procedure Act, *see* 5 U.S.C. §§ 701–06, and the NGA, *see* 15 U.S.C. § 717r(d)(1) ("The United States Court of Appeals for the circuit in which a [natural gas] facility . . . is proposed to be constructed, expanded, or operated shall have original and exclusive jurisdiction over any civil action for the review of an order or action of a Federal agency . . . to issue, condition, or deny any permit, license, concurrence, or approval . . . required under Federal law . . . .").

II.

We may "'hold unlawful and set aside [a federal] agency action' for certain specified reasons, including whenever the challenged act is 'arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'" *Friends of Back Bay v. U.S. Army Corps of Eng'rs*, 681 F.3d 581, 586–87 (4th Cir. 2012) (quoting 5 U.S.C. § 706(2)(A)).

> An agency's decision is arbitrary and capricious if the agency relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the

> problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.

Defs. of Wildlife v. N.C. Dep't of Transp., 762 F.3d 374, 396 (4th Cir. 2014) (quoting *Motor Vehicle Mnfs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983)).

III.

Petitioners raise a host of alleged violations of NEPA, the NFMA, and the MLA. We address each of these Acts and alleged violations in turn.

A.

The National Environmental Policy Act

Congress enacted NEPA, in part, "to reduce or eliminate environmental damage." *Dep't of Transp. v. Pub. Citizen*, 541 U.S. 752, 756 (2004). "NEPA itself does not mandate particular results in order to accomplish these ends," but rather, "imposes only procedural requirements on federal agencies with a particular focus on requiring agencies to undertake analyses of the environmental impact of their proposals and actions." *Id.* at 756–57 (internal quotation marks omitted). NEPA's procedures require that agencies "take a hard look at environmental consequences" and "provide for broad dissemination of relevant environmental information." *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989) (internal quotation marks omitted).

As explained above, FERC, as lead agency for natural gas pipeline projects, issued the EIS. Nonetheless, the Forest Service and the BLM may adopt FERC's EIS, but only if the EIS "meets the standards for an adequate statement" under pertinent

regulations, 40 C.F.R. § 1506.3(a), and only if the agencies undertake "an independent review of the statement" and determine that their "comments and suggestions have been satisfied," *id.* § 1506.3(c); *see also Hughes River Watershed Conservancy v. Glickman*, 81 F.3d 437, 445 & n.6 (4th Cir. 1996).

1.

Erosion and Sedimentation[5]

We begin with Petitioners' argument that the Forest Service violated NEPA by adopting and relying upon the EIS's analysis of erosion and sedimentation effects in the Jefferson National Forest. *See, e.g.*, J.A. 1269 (Forest Service ROD "adopt[ing] the environmental analysis prepared by FERC"); *id.* at 1274 ("All design features and mitigation measures described in the []EIS that are applicable to N[ational] F[orest] S[ervice] land are incorporated by reference into [the ROD]."). Specifically, Petitioners contend that the "EIS is invalid[.] [It] fails to take the required hard look at impacts within Jefferson National Forest." Pet'rs' Br. 2.[6]

---

[5] Erosion is defined as the "removal of surface material from the Earth's crust, primarily soil and rock debris, and the transportation of the . . . materials by natural agencies (such as water or wind) from the point of removal." Erosion, *Encyclopaedia Brittanica: Geology*, https://www.britannica.com/science/erosion-geology (enclosed as PDF attachment). Sedimentation is defined as the "process of deposition of a solid material," or sediment, "from a state of suspension or solution in a fluid," here, the waters in the vicinity of the Jefferson National Forest. Sedimentation, *Encyclopaedia Brittanica: Geology*, https://www.britannica.com/science/sedimentation-geology (enclosed as PDF attachment).

[6] We decline to address any arguments by Petitioners that seek to challenge FERC's actions in composing the EIS. FERC is not a party to this case, and such challenges are being made elsewhere, via the FERC rehearing process, *see* FERC-CP 16-
(Continued)

a.

The Hydrologic Report

In assessing the impacts of erosion and sedimentation that would occur as a result of pipeline construction and operation in the Jefferson National Forest, FERC relied on a report entitled "Hydrologic Analysis of Sedimentation," *see* J.A. 234–36, which was prepared by MVP and attached to the EIS, *see id.* at 297–327 (Appendix O–3) (the "Hydrologic Report").

There were three drafts of the Hydrologic Report. The first was completed on June 7, 2016, and released to the public on July 25, 2016. *See* J.A. 1311–26. Although that report observed that pipeline construction in the Jefferson National Forest "has potential to introduce temporary excess sediment into waterways . . . which may result in changes to water quality and potentially temporarily impact aquatic biota," *id.* at 1313, it also noted that the results in the analysis "represent[ed] a worst case scenario" because the first draft did not address erosion and sediment control measures or best management practices ("BMP"s) that would reduce sedimentation effects, *id.* at 1324. The Forest Service promptly filed comments to the first draft on August 16, 2016. One of its main concerns was that the draft "treats the [sedimentation] disturbance as a single-year

---

10-000, and in the D.C. Circuit, *see Appalachian Voices v. FERC*, No. 17-1271 (D.C. Cir. filed Dec. 22, 2017). In this matter, we address only the arguments that the Forest Service and the BLM failed to comply with applicable regulations in adopting and relying upon the EIS.

occurrence." *Id.* at 1330. It asked MVP to "estimate when (if ever) sediment yields return to pre-disturbance levels." *Id.*

MVP then submitted a second draft of the Hydrologic Report on March 3, 2017. *See* J.A. 297–327. It addressed the Forest Service's concern and explained that sediment yields would reach a "new sediment equilibrium" within approximately four to five years from the start of the project, which for "the majority of streams" would represent one percent or less increase in sedimentation load over baseline conditions. *Id.* at 323. But it also predicted a new sediment equilibrium in excess of 10 percent over baseline for "several streams within the New River drainage." *Id.*

The second draft also considered BMPs and containment measures such as sediment basins, traps, and barriers,[7] and it attempted to determine a proper estimate of reduction in sediment load expected from those measures. It explained that "performance estimates vary widely among studies with some estimates as low as 55 percent . . . [and some] as high as 99 percent." J.A. 310. The second draft of the report also cited to a 2007 study from the Environmental Protection Agency ("EPA"), which concluded that with the use of sediment basins, "annual average sediment reductions ranged from 77 to 93 percent." *Id.* The second draft cited still another study, a 2014 Master's thesis

[7] Sediment basins and traps "are designed to promote settling of sediment by reducing flow velocities." J.A. 310. Sediment barriers, such as silt fences, "are installed to intercept and detain sediment from disturbed areas and to decrease the velocity of sheet flows." *Id.* at 311. Sheet flow is when water "flow[s] overland as a sheet instead of in definite channels or rills." Sheet erosion, *Encyclopaedia Britannica: Geology*, https://www.britannica.com/science/sheet-erosion (enclosed as PDF attachment).

examining sediment barriers "evaluated containment at a variety of slopes and rainfall events and found that overall average projected performance efficiency ranged from 48 to 87 percent with a mean and median of 79 and 86 percent, respectively." *Id.* at 311. In light of this data, the second draft concluded that 79% containment would be a proper figure to use "to model the benefits of erosion and sediment control practices" expected for the pipeline project. *Id.*

The second draft also grappled with setting a proper exceedance threshold for impact of sedimentation on waterbodies. Ultimately, it decided to utilize a "commonly used impact threshold" of 10% "to assess potential changes associated with sedimentation." J.A. 314–15. It then delineated streams and downstream waterbodies within the vicinity of the pipeline route with expected sediment loads or sediment increases of "10 percent or greater." *Id.* at 319, 322. Initially, the Forest Service expressed concern with this analysis, especially with regard to Threatened and Endangered Species ("TES"). At an April 6, 2017 meeting with consultants who composed the report, Forest Service officials expressed concern that "organisms respond differently to increases in sedimentation, and a 10% impact threshold to determine when impacts would occur is likely not relevant." *Id.* at 1357–58.

The Forest Service filed comments to the second draft on April 25, 2017, and conveyed apprehension with both the 79% and 10% figures. It explained:

> - "Since many of the literature citations [offered in the second draft] are laboratory based and proper installation is widely understood in the industry to be a limiting factor for effectiveness in the field, [79%] is a vast overestimate of containment. It is more appropriate to err on the side of the

> worst case scenario, rather than the best case. Update the analysis to reflect a . . . factor, equal to or less than 48% containment." J.A. 1361.
>
> - "The commonly used threshold of 10% may be a valid assumption for [areas that] meet[] water quality standards or do not contain sensitive aquatic biota. However, in downstream areas where TES aquatic species are present, it is important to further evaluate cumulative impacts less than 10% increase in sediment load, particularly if construction may coincide with low flow conditions. . . . Update the analysis to include cumulative effects delineation for Stony Creek and Craig Creek [both of which contain TES], and track updates (where appropriate) in the tables and figures." J.A. 1362. The Forest Service also explained, "If there are impacts to sensitive species the F[orest] S[ervice] must analyze the significance of adverse effects on the populations, its habitat, and on the viability of the species as a whole." *Id.*

After the Forest Service filed these comments, representatives of the Forest Service and MVP met on May 9, 2017, to discuss the Forest Service's concerns. During that meeting, MVP representatives expressed "concern[] that lowering the containment value from 79% to 48% . . . *would have ramifications for the entire project analysis* and would not accurately reflect the work that MVP has already done." J.A. 1363 (emphasis supplied). A representative from Environmental Solutions & Innovations, the company that completed the Hydrologic Report, explained that "the 79% containment figure was based on a field test thesis paper study," and thus, was not *strictly* laboratory based. *Id.*

In turn, the Forest Service urged MVP to provide "additional supporting documentation for how MVP came up with their model assumptions, in particular containment efficiency." J.A. 1363. One of the Forest Service officials "stressed" that

"good plans aren't enough and must be bolstered by consistent monitoring and accurate implementation." *Id.* at 1364.

On June 21, 2017, MVP responded to the Forest Service's concerns with the second draft of the Hydrologic Report, and submitted a third and final Hydrologic Report. *See* J.A. 1374–81 (response to comments), 1384–1420 (final draft), 1422–37 (appendix with methods used in final analysis). As to the Forest Service's sedimentation concerns, MVP sent the Forest Service copies of the following studies: *The Performance Evaluation of Two Silt Fence Geosynthetic Fabrics During and After Rainfall Event*, the 2014 Master's thesis mentioned above by Gregg Steven Dubinski; a turbidity monitoring study completed by the United States Geological Survey; details regarding site specific erosion control measures along Craig Creek; and "additional details supporting various aspects of the analysis." J.A. 1377–78. It also responded to the Forest Service comments as follows:

- The 79% containment value: The studies provided to the Forest Service "use both field and laboratory investigations . . . to provide a range of efficiencies that are reasonably attainable. The 79% containment is not the best-case scenario, but rather the mean reported value for both silt fences and compost filter socks, two predominant controls proposed to be used on the [pipeline right of way]." J.A. 1378.

- The 10% sedimentation threshold value: The Hydrologic Report "explains that no nationally accepted sedimentation standard or exceedance threshold for sediment is available. The level of 10 percent was chosen because it was a commonly used impact threshold for sediment metrics in a review conducted by the [EPA]. Additional detail is provided in Section 2.6 of the [Hydrologic Report]." J.A. 1381. Section 2.6 of the third Hydrologic Report, in turn,

> contains a soil loss and sediment delivery analysis, and explains that "[f]rom a sensitive-species perspective, a 10 percent increase over background would likely be within the normal variance experienced in a stream system" and "natural variation in streams is relatively high"; thus, "detecting sediment increases in streams is fairly difficult." *Id.* at 1405.

The very next day, June 22, 2017, FERC released the EIS, which incorporated and relied upon the second draft of the Hydrologic Report.[8] Specifically, the EIS stated the following:

- In the commentary process, the Forest Service expressed concern "regarding the potential for increased sedimentation caused by erosion of exposed soil . . . to affect the waterbodies crossed by the [pipeline] within the Jefferson National Forest and impact downstream resources." J.A. 234.

- To address these concerns, MVP "commissioned a sedimentation model to assess the extent of sedimentation that could occur during construction within [certain] subwatersheds that intersect the Jefferson National Forest boundaries and the project area." J.A. 234–35.

- This "model" resulted in the conclusion that catchments in certain subwatersheds "would likely experience increases in sediment yield over baseline conditions during construction, restoration, and operation." J.A. 235. Such sedimentation "would likely be transported into downstream waterbodies." *Id.*

- The model also indicated that "construction could increase sedimentation, when accounting for [MVP's] erosion and sediment control methods, by more than 10 percent along sections of Craig Creek and [certain other headwater

[8] The third and final draft of the Hydrologic Report became available on FERC's docket on June 30, 2017.

> streams and tributaries, and subwatersheds]." J.A. 235. Impacts on the streams would be "greatest during the active construction phase of the project." *Id.*
>
> - Although the Hydrologic Report suggested that sediment loads would reach a "new sediment equilibrium" of one percent or less increase in sediment load within approximately four to five years, it also predicted "a new sediment equilibrium in excess of 10 percent over baseline for streams within [two certain] subwatersheds." J.A. 235.

Nearly six months later, the Forest Service issued its ROD, adopting the EIS, and presumably relying on the third and final Hydrologic Report. Of note, the Forest Service did not provide any discussion as to how its concerns with regard to the second draft had been alleviated, and did not explain how the EIS was an adequate statement even though it relied on the second draft, not the third. The ROD states merely, "Forest Service hydrology and aquatic biology specialists reviewed the [Hydrologic Report] and . . . enlisted expertise from local, certified consultants to validate results." J.A. 1279.

b.

Forest Service's Adoption of the EIS's Analysis

The Forest Service may adopt FERC's EIS only if it undertakes "an independent review of the [EIS]" and "concludes that its comments and suggestions have been satisfied." 40 C.F.R. § 1506.3(c). It must also ensure that the EIS is "adequate" under NEPA regulations. *Id.* § 1506.3(a); *see also Hughes River Watershed*, 81 F.3d at 445 & n.6. Our responsibility is to "determine whether the [agency] has considered the relevant factors and articulated a rational connection between the facts found and the choice made." *Balt. Gas & Elec. Co. v. Nat. Res. Def. Council, Inc.*, 462 U.S. 87, 105 (1983).

The agency's decision is arbitrary and capricious if it "entirely failed to consider an important aspect of the problem" or "offered an explanation for its decision that runs counter to the evidence before the agency." *Defs. of Wildlife*, 762 F.3d at 396 (internal quotation marks omitted).

i.

Independent Review and Comments Satisfied?

First, we discern no evidence that the Forest Service undertook the required independent review of the EIS's sedimentation analysis. Nor can we ascertain how the Forest Service concluded that its comments had been satisfied, especially after having expressed such grave concerns about the sedimentation impact and containment figures presented in the second draft of the Hydrologic Report. The Forest Service suggests the written comments from MVP after the second draft, and the Forest Service's ROD months later, demonstrate that the concerns had been alleviated. *See* Resp'ts' Br. 38. MVP counsel likewise explained at oral argument, "[T]he court can certainly discern the rationale" for the Forest Service's ultimate acquiescence to the 79% figure. Oral Argument at 39:37–40, *Sierra Club v. Forest Service*, No. 17-2399 (May 8, 2018) (hereinafter "Oral Argument"); *see also* Intervenor's Br. 19.

But we certainly *cannot* discern the Forest Service's rationale because, as MVP counsel admitted at argument, "[The Forest Service] doesn't say in the record specifically that [its proposed 48% figure] is incorrect." Oral Argument at 39:33–36. Indeed, the Forest Service expressed nothing but skepticism of the 79% figure for more than three months. In fact, the Forest Service proposed the 48% figure as a ceiling, rather than a

floor or even a desired target, for sediment containment. *See* J.A. 1361 (proposing a figure "equal to or less than 48% containment"). Given the circumstances, we simply cannot conclude that the Forest Service undertook an independent review and determined that its comments and concerns were satisfied when it shifted from a 48% ceiling to 79% with absolutely no explanation. *See* 40 C.F.R. § 1506.3(c). This shift is particularly concerning in light of MVP's commentary at the May 9 meeting that using the 48% figure would have "ramifications for the entire project analysis." *Id.* at 1363. MVP's counsel attempted to curb this statement at argument. *See* Oral Argument at 35:55–36:01 (The "ramifications . . . would be to challenge basic practice for dealing with construction related impacts."). But a more logical way to interpret the statement is that MVP was troubled that using the 48% figure would undercut other studies and numbers supporting the project, causing the entire project to fail or be delayed.

Moreover, MVP's June 21, 2017 comments do not support the Forest Service's change in position. For example, in response to concerns about the 79% containment figure, MVP states that the figure "is not the best-case scenario, but rather the mean reported value for both silt fences and compost filter socks, two predominant controls proposed to be used on the [pipeline right of way]." J.A. 1384. Significantly, the Forest Service already knew this. *See id.* at 311 (second draft of Hydrologic Report: "Th[e] [79%] value is chosen because it is the mean reported value for both silt fences and compost filter socks."). In response to both the 79% figure and the 10% sedimentation impact threshold, MVP's June 21 comments list the Dubinski thesis, one government turbidity study, "details" about erosion control on Craig Creek, and "additional support"

that MVP provided to the Forest Service to further explain its rationale. *Id.* at 1368–69, 1372. But critically, the Forest Service ROD does not explain how these materials support the metrics used in the Hydrologic Report, or how they assuage the Forest Service's earlier concerns about TES in the above-threshold subwatersheds.

As to the 10% figure for sediment increase above baseline measures, the EIS explains that even when "accounting for [MVP's] erosion and sediment control methods," construction could increase sedimentation "*by more than 10 percent* along sections of Craig Creek and [other certain headwater streams, tributaries, and subwatersheds]." J.A. 235 (emphasis supplied). The EIS also explains that "a new sediment equilibrium *in excess of 10 percent* over baseline for streams within [two certain] subwatersheds" would occur as a result of the project. *Id.* (emphasis supplied). Yet the Forest Service does not address these points in adopting the EIS, even though it earlier explained that (1) "organisms respond differently to increases in sedimentation, and a 10% impact threshold to determine when impacts would occur is likely not relevant," *id.* at 1357–58; and (2) if increase in sediment load leads to "impacts to sensitive species," the Forest Service "must analyze the significance of adverse effects on the populations, its habitat, and on the viability of the species as a whole," *id.* at 1362. Indeed, the Forest Service asked MVP to further evaluate the *impacts* on TES of less than 10% over the sedimentation baseline, but in response, MVP simply stated that a 10% increase "would likely be within the normal variance experienced in a stream system," and "detecting sediment increases in streams is fairly difficult." J.A. 1405.

ii.

Remand to the Forest Service

Pursuant to NEPA, we conclude the Forest Service acted arbitrarily and capriciously in adopting the sedimentation analysis in the EIS. It did not "articulate[] a rational connection between the facts found and the choice made." *Balt. Gas & Elec.*, 462 U.S. at 105. By MVP counsel's own admission, there is no statement in the ROD explaining the Forest Service's abandonment of its earlier concerns. *See* Oral Argument at 39:33–36 ("[The Forest Service] doesn't say in the record specifically that [its proposed 48% figure] is incorrect."). Its decision also "runs counter to the evidence before the agency." *Defs. of Wildlife*, 762 F.3d at 396 (internal quotation marks omitted). Leading up to the filing of the EIS, the Forest Service expressed steadfast concerns about the figures proposed by the Hydrologic Report. But it is not clear whether and how MVP's comments and the studies and reports it provided to the Forest Service alleviated those concerns. Finally, FERC incorporated the second draft of the Hydrologic Report in the EIS, even though the third and final draft was issued the previous day. There is also no indication FERC considered the third draft at all, yet the Forest Service adopted the EIS anyway.

Upon remand, the Forest Service should explain its assent to the 79% and 10% figures, and also explain how the EIS took a "hard look" at the sedimentation issues discussed here considering its reliance on a superseded report with which the Forest Service had grave concerns. If supplemental analysis is needed, i.e., regarding the effect of aquatic TES, the agency should perform that analysis as well.

2.

Forest Effects

Petitioners also contend that the BLM and Forest Service violated NEPA because, in adopting the EIS, they did not consider the impact on the forests in considering alternative routes and plans. For example, they argue the BLM and the Forest Service did not consider whether the core forests through which the right of way passes would still be part of a contiguous forest patch, or whether alternative routes "would reduce visual or scenic impacts." Pet'rs' Br. 40. They claim "[m]ore nuanced analyses could have addressed other elements of forest quality, such as the shape or 'depth' of forest patches." *Id.* at 36. Thus, Petitioners contend the BLM and Forest Service did not recognize that the EIS "fails to justify its conclusion" that none of the alternative routes offers a significant environmental advantage. *Id.* at 43.

We conclude that Petitioners have not met their "demanding burden" on this issue. *Almy v. Sebelius*, 679 F.3d 297, 307 (4th Cir. 2012). NEPA requires that agencies reasonably evaluate a right of way's impacts on forests and "candidly acknowledge[] its risks." *Webster v. U.S. Dep't of Agric.*, 685 F.3d 411, 429 (4th Cir. 2012). "It is of course always possible to explore a subject more deeply and to discuss it more thoroughly." *Coal. on Sensible Transp., Inc. v. Dole*, 826 F.2d 60, 66 (D.C. Cir. 1987). The BLM and the Forest Service, through their respective RODs, sufficiently explained their methodology and identified the competing factors they weighed in reaching their conclusion. They also considered viable alternatives and explained why they are not appropriate.

The agencies likewise did not "entirely fail[] to consider an important aspect of the problem." *Defs. of Wildlife*, 762 F.3d at 396. The EIS indicated that the proposed right of way would transform approximately 336 acres of adjacent "interior forest" habitat into "forest edge" habitat.[9] J.A. 210. The EIS noted that interior forest "has a higher habitat value for some wildlife species, and is generally considered rarer than forest edges which have lower habitat value for many species and can be created immediately with disturbance." *Id.* at 195. It also discussed the pipeline's potential to fragment interior forests. *See id.* at 224–26. A diagram in the EIS also demonstrates that the proposed right of way would transect three core forests that Virginia has rated as having "outstanding" or "very high" ecological value. *Id.* at 199.

The EIS and the BLM's ROD also discuss four alternatives to the proposed pipeline route, and they specifically address the impact on forest fragmentation. For example, Alternative 1, which would be collocated with existing electrical transmission lines for around 70 more miles than the proposed route, also "crosses 1.9 fewer miles of [National Forest Service] lands, . . . and would impact less interior forest" compared to the proposed route. J.A. 604. However, it would also be 20 miles longer, "potentially disturbing 336 more acres, and 90 more parcels." *Id.* Hybrid Alternative 1A, which would cross the forest in a different location, would "be substantially collocated with various overhead electric transmission lines," and would cross 1.8 fewer miles of the

[9] "Interior forest" is defined in the EIS as "forested areas greater than 300 feet from the influence of forest edges or open habitat." J.A. 195.

Jefferson National Forest and five fewer miles with landslide potential. But it would also increase the length of the pipeline by six miles, affect 28 more landowners, and cross 22 more perennial streams and two more major waterbodies. *Id.* Hybrid Alternative 1B would reduce impacts on interior forests, but would increase the length of the pipeline by almost 15 miles and increase the "overall project disturbance." *Id.* at 605. And the Atlantic Coast Pipeline Collocation Alternative, which would involve the installation of the MVP pipeline adjacent to the proposed pipeline route for the Atlantic Coast pipeline project, would affect less interior and old growth forest compared to the proposed route. But that option would cross 15.6 more miles of Forest Service land, and in many areas, there is insufficient space to run the pipelines beside each other, so construction would require side slope construction techniques and additional acres of disturbance. The EIS also discussed how collocation is desirable because it reduces forest fragmentation. *See id.* at 225 (explaining that collocating the pipeline with an existing right of way "reduces the amount of fragmentation and new edges by shifting the existing forest edge as opposed to creating a completely new corridor").

As for visual impact, the agencies considered this as well, including "potential visual impacts . . . both at the [Appalachian Trail] crossing location and from more distant viewpoints." J.A. 152. The EIS acknowledged, however, that a "buffer of undisturbed forest on either side of the trail . . . would substantially reduce visual impacts." *Id.* at 153. The EIS also recognized "[o]ther visual effects could result from the removal of large individual trees that have intrinsic aesthetic value." *Id.* at 259. But

it also explained measures for 'minimizing visual effects" and "reducing long-term impacts of the permanent right-of-way." *Id.* at 271.

In sum, perhaps the agencies' analysis could have been more "nuanced," but the agencies did not "entirely fail[] to consider an important aspect of the problem," and their decision was not "implausible." *Defs. of Wildlife.*, 762 F.3d at 396. We thus defer to the agencies' conclusions on the issue of forest effects.

3.

Meaningful Analysis

As explained above, an agency may only adopt an EIS if it "meets the standards for an adequate [EIS]" under NEPA regulations. 40 C.F.R. § 1506.3(a). One applicable regulation applies to Draft Environmental Impact Statements ("DEIS") and provides:

> If a [DEIS] is so inadequate *as to preclude meaningful analysis*, the agency shall prepare and circulate a revised draft of the appropriate portion. The agency shall make every effort to disclose and discuss at appropriate points in the [DEIS] all major points of view on the environmental impacts of the alternatives, including the proposed action.

40 C.F.R. § 1502.9(a) (emphasis supplied). In addition, "[n]o material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment." *Id.* § 1502.21. Petitioners contend that the DEIS precluded meaningful comment because (1) it failed to address the efficacy of MVP's Erosion and Sediment Control Plan (the "Control Plan"); (2) its description of the project's *purpose* and *need* precluded meaningful analysis; (3) it did not adequately analyze or weigh impacts on forests. *See* Pet'rs' Br. 25–29. Therefore,

Petitioners' claim, the agencies should not have adopted the EIS. We reject each of these arguments.

a.

Time for Comment

First, a DEIS must not be "so inadequate as to preclude meaningful analysis," and any referenced material should be made available "within the time allowed for comment." 40 C.F.R. §§ 1502.9(a), 1502.21. The Control Plan was publicly available on the FERC docket during the DEIS comment period. Indeed, Petitioners filed six pages of comments on sedimentation issues at the DEIS stage, including a critique of the Control Plan itself. Petitioners have not demonstrated that "omissions in the DEIS left the public unable to make known its environmental concerns about the project's impact." *Nat'l Comm. for the New River v. FERC*, 373 F.3d 1323, 1329 (D.C. Cir. 2004).

b.

Project's Purpose

Second, a DEIS "shall briefly specify the underlying purpose and need to which the agency is responding in proposing alternatives including the proposed action." 40 C.F.R. § 1502.13. We have explained, "The statement of a project's purpose and need is left to the agency's expertise and discretion, and we defer to the agency if the statement is reasonable." *All. for Legal Action v. F.A.A.*, 69 F. App'x 617, 622 (4th Cir. 2003) (per curiam) (citing *Friends of Se.'s Future v. Morrison*, 153 F.3d 1059, 1066–67 (9th Cir. 1998)). We further explained that we should consider "the nature of the proposed federal action" informed by "the project sponsor's goals," as well as "the goals that Congress has

set for the agency." *Id.* On the flip side, "a purpose is unreasonable when the agency defines it so narrowly as to allow only one alternative from among the environmentally benign ones in the agency's power, such that the EIS becomes essentially a foreordained formality." *Webster*, 685 F.3d at 422 (internal quotation marks omitted). It may also be unreasonable "if the agency draws [the purpose] so broadly that an infinite number of alternatives would accomplish" the project's goals. *Id.* (internal quotation marks omitted).

Here, the DEIS explained:

> In general, as described by the Applicants, the purpose of . . . the MVP . . . is to transport natural gas produced in the Appalachian Basin to markets in the Northeast, Mid-Atlantic, and Southeastern United States. Specifically, the MVP would deliver the identified gas volumes (2 Bcf/d) to five contracted shippers via a pooling point at Transco Station 165 in Pittsylvania County, Virginia . . . .

J.A. 4. It is not clear whether Petitioners are arguing that this statement is too narrow or too broad. Nonetheless, we conclude the statement allows for a wide range of alternatives but is narrow enough (i.e., it explains where the gas must come from, where it will go, how much it would deliver) that there are not an infinite number of alternatives. It also reflects the goals Congress set forth in the Natural Gas Act, which bestows upon FERC the "power to perform any and all acts . . . to carry out the provisions of" the NGA in the transportation of natural gas in interstate commerce. 15 U.S.C. § 717*o*; *see also id.* § 717(b). Although Petitioners would like more detail, specifically about the precise final destination of the gas transported through the pipeline,

they have not sufficiently explained how the absence of that detail precluded meaningful analysis of the DEIS.

c.

Opportunity to Respond

Third, Petitioners also believe the DEIS did not adequately analyze or weigh impacts on forests, and they lacked a meaningful opportunity to respond to an impacts analysis. However, the DEIS does discuss the project's potential to convert interior forest to edge forest and to fragment interior forests. *See*, *e.g.*, J.A. 3, 38–44, 47–49. Indeed, Petitioners and others submitted detailed comments on these edge effects and fragmentation. *See, e.g., id.* at 471–75. Clearly, then, there was an opportunity for meaningful comment and review, and Petitioners took advantage of it.

4.

Alternatives

Petitioners' next NEPA argument is that the Forest Service's ROD is deficient because it does not discuss all alternatives examined in FERC's EIS. Rather, it "unlawfully limited its analysis to only two alternatives: MVP's proposal and the 'no action' alternative." Pet'rs' Br. 60 (citing J.A. 1291). Petitioners claim "[t]his cabined analysis violates the Forest Service's obligation to 'rigorously explore and objectively evaluate *all reasonable alternatives*.'" *Id.* at 60–61 (quoting 40 C.F.R. § 1502.14(a)) (emphasis in brief).

NEPA regulations require that a ROD "[i]dentify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were

considered to be environmentally preferable." 40 C.F.R. § 1505.2(b). The EIS shall "[r]igorously explore and objectively evaluate all reasonable alternatives," and "[d]evote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits." *Id.* § 1502.14(a), (b). Here, while the Forest Service ROD does not have a separate section addressing alternatives, it nonetheless adopts the EIS's conclusion that the "proposed route minimizes the totality of impacts across federal and non-federal lands," J.A. 1288, and "[t]he alternatives and variations considered were either not technically feasible or did not result in significant environmental advantage over the corresponding proposed route," *id.* at 1289.

NEPA regulations require the EIS -- not the ROD -- to "[r]igorously explore and objectively evaluate all reasonable alternatives" to the proposed action. 40 C.F.R. § 1502.14(a). Therefore, the Forest Service did not act arbitrarily in failing to tick through each alternative and the reasons for rejecting them. By adopting the EIS and rendering its decision, it sufficiently "identified" all alternatives considered and "specified" that the preferred route was environmentally preferable. *Id.*. § 1505.2(b). In the end, the Forest Service was tasked with determining whether to amend its Forest Plan, and whether to join in the BLM's decision to grant a right of way. It was *not* tasked with approving the project as a whole -- nor could it be under the Natural Gas Act. Therefore, this argument fails.

Petitioners also contend that the Forest Service and the BLM acted arbitrarily by "conclud[ing] that the no action alternative would not offer environmental benefits."

Pet'rs' Br. 63. But the premise underlying this argument is false. In fact, the EIS acknowledges that "[c]ompared to the proposed action, the no action alternative would offer a *significant* environmental advantage." J.A. 116 (emphasis supplied). We reject this argument as well.

B.

The National Forest Management Act

We turn next to Petitioners' arguments under the NFMA. This Act "establishes a two-step procedure for managing National Forest System lands." *Am. Wild Horse Pres. Campaign v. Perdue*, 873 F.3d 914, 919 (D.C. Cir. 2017). First, the Forest Service must "develop, maintain, and, as appropriate, revise [Forest Plans]," which provide a framework for where and how certain activities can occur in national forests. *Id.* (quoting 16 U.S.C. § 1604(a)); *see also Sierra Club v. Robertson*, 28 F.3d 753, 758 (8th Cir. 1994). Second, the Forest Service must "ensure that all '[r]esource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands' . . . are 'consistent with the Forest Plans.'" *Id.* (quoting 16 U.S.C. § 1604(i)) (alteration omitted).

The NFMA also provides a process for developing, revising, and amending Forest Plans. It charges the Department of Agriculture with promulgating guidelines for Forest Plans, which should, inter alia, "insure consideration of the economic and environmental aspects of various systems of renewable resource management," and "provide for diversity of plant and animal communities based on the suitability and capability of the specific land area." 16 U.S.C. § 1604(g)(3)(A)–(B).

1.

The 2012 Planning Rule

Under the authority bestowed by the NFMA, the Forest Service has promulgated regulations for all Forest Plans. *See* 36 C.F.R. § 200.3(b) (Secretary of Agriculture delegating authority under the NFMA to the Forest Service). In 2012, the Forest Service issued the regulations at the heart of this appeal. *See* Nat'l Forest Sys. Land Mgmt. Planning, 77 Fed. Reg. 21162 (April 9, 2012) (the "2012 Planning Rule"). The 2012 Planning Rule allows forest plans to be amended "at any time." 36 C.F.R. § 219.13(a). When promulgated, the 2012 Planning Rule stated that amendments to forest plans should occur "consistent with the Forest Service NEPA procedures." *Id.* § 219.13(b)(3) (2012). But it did not elaborate further, which led to "confusion about how responsible officials should apply the substantive requirements for sustainability, diversity, multiple use and timber set forth in [the 2012 Planning Rule] when amending [earlier] plans." Nat'l Forest Sys. Land Mgmt. Planning, 81 Fed. Reg. 70373-01, at 70374–75 (Oct. 12, 2016).

To resolve this confusion, the Forest Service further revised portions of the 2012 Planning Rule in 2016 (the "2016 Revisions").[10] Specifically, the 2016 Revisions provide that the Forest Service "shall . . . [d]etermine which specific substantive requirement(s) within §§ 219.8 through 219.11 are *directly related* to the plan direction

[10] The 2016 Revision took effect Jan. 17, 2017, after initiation of the proceedings at issue here. The Forest Service agrees that its final decision was required to comply with the revised rule. *See* J.A. 1272.

being added, modified, or removed by the amendment," and then "apply such requirement(s) within the scope and scale of the amendment." 36 C.F.R. § 219.13(b)(5) (emphasis supplied). Conversely, "[t]he responsible official is not required to apply any substantive requirements within §§ 219.8 through 219.11 that are not *directly related* to the amendment." *Id*. (emphasis supplied).

Thus, the issue we consider here turns on whether the requirements in the 2012 Planning Rule are *directly related* to the instant Forest Service amendments to the Jefferson Forest Plan.

2.

The Jefferson Forest Plan Amendments

In its ROD, the Forest Service explained that it decided to amend the Jefferson Forest Plan standards, but only for the limited purpose of construction and operation of the MVP pipeline. It made amendments in five categories to accommodate the project: (1) utility corridors; (2) soil and riparian; (3) old growth management; (4) Appalachian Trail area; (5) and scenic integrity.[11] *See* J.A. 1274–76. For example, following is an amendment set forth in the Forest Service ROD, with the bold language applicable only for purposes of the MVP pipeline project:

> Standard FW-5: On all soils dedicated to growing vegetation, the organic layers, topsoil and root mat will be left in place over at least 85% of the activity area and revegetation is accomplished within 5 years, **with the exception of the operational right-of-way and the construction zone for the**

[11] Petitioners only challenge the soil and riparian category on this issue.

Mountain Valley Pipeline, for which the applicable [MVP proposed] mitigation measures . . . must be implemented.

Id. at 1274. There are similar Forest Plan standards from which the MVP project is exempt, including: (1) no heavy equipment can be used on plastic soils when the water table is within 12 inches of the surface or when soil moisture exceeds the plastic limit;[12] (2) heavy equipment is operated so that soil indentations, ruts, or furrows are aligned on the contour, and the slope of such indentations is 5% or less; (3) management activities expose no more than 10% mineral soil in the channeled ephemeral zone;[13] (4) management activities expose no more than 10% mineral soil within the project area riparian corridor.[14]

---

[12] Plastic soils are soils that exhibit plastic properties and "will deform without shearing (typically silts or clays)." Plastic Soil, *Vocabulary Catalog*, Environ. Prot. Agency, https://iaspub.epa.gov/sor_internet/registry/termreg/searchandretrieve/glossariesandkeywordlists/search.do?details=&vocabName=UST%20Technical%20Terms, Page 5 of 7 (enclosed as PDF attachment).

[13] An ephemeral stream "has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow." Ephemeral Stream, *Glossary*, Environ. Prot. Agency, https://www.epa.gov/sites/production/files/2016-02/documents/realestate_glossary.pdf (enclosed as PDF attachment).

[14] Riparian areas are "lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects water bodies with their adjacent uplands." Riparian, *Glossary*, Environ. Prot. Agency, https://www.epa.gov/sites/production/files/2016-02/documents/realestate_glossary.pdf (enclosed as PDF attachment). A riparian corridor, on the other hand, is a Forest Service designated prescription area that includes the area in and around water, including the highest water mark and around the perimeter of the water source. *See* Forest Service, (Continued)

3.

"Directly Related"

Having set forth the amendments to the Jefferson Forest Plan, we must now look to whether the 2012 Planning Rule substantive requirements are "directly related" to the plan direction added or modified by those amendments. 36 C.F.R. § 219.13(b)(5).

a.

Proper Analysis

In undertaking the "directly related" analysis, an agency's "determination must be based on the purpose for the amendment *and* the effects (beneficial or adverse) of the amendment, and informed by the best available scientific information, scoping, effects analysis, monitoring data or other rationale." 36 C.F.R. § 219.13(b)(5)(ii) (emphasis supplied). In the ROD, the Forest Service states that some 2012 Planning Rule soil and riparian substantive requirements are "*relevant* to th[e] [Jefferson Forest Plan] amendment": for example, soil and soil productivity; water resources in the plan area; ecological integrity of riparian areas. J.A. 1287 (emphasis supplied). But it nonetheless concludes they were not "directly related" to the Planning Rule because, with proposed mitigation measures in the plan of development and project design, which "will minimize adverse environmental impacts to soils and water resources and riparian areas," the amendment will not cause "substantial adverse effects" or "a substantial lessening of

---

Definition of Riparian Corridor, https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3834599.pdf (enclosed as PDF attachment).

protections" to soil and water. *Id.*

With regard to the directly related analysis, the Department of Agriculture itself has explained, "When a specific substantive requirement is associated with *either* the purpose for the amendment *or* the effects (beneficial or adverse) of the amendment, the responsible official must apply that requirement to the amendment." Nat'l Forest Sys. Land Mgmt. Planning, 81 Fed. Reg. 90723-01, 90731 (Dec. 15, 2016) (emphasis supplied). We conclude that the only way to read this statement, along with § 219.13(b)(5)(ii), is to require the agency to look to both the purpose and effect of the amendment, and if the substantive requirement at issue (i.e., soil, water) is based upon or associated with either one, it is *directly related*.

In its ROD here, however, the Forest Service failed to analyze the purpose of the amendment. Instead, it only analyzed the effects of the amendment. This is an improper interpretation of a decidedly unambiguous regulation -- one that, as noted directly above, the Department of Agriculture had already interpreted to the contrary -- and thus, the Forest Service analysis here is entitled to no deference. *See Auer v. Robbins*, 519 U.S. 452, 461 (1997) (review of agency's interpretation of its own regulation "controlling unless plainly erroneous or inconsistent with the regulation" (internal quotation marks omitted)); *see also Ohio Valley Envtl. Coal. v. Aracoma Coal* Co., 556 F.3d 177, 193 (4th Cir. 2009) ("In applying . . . *Auer* deference . . . we must first determine whether the regulation itself is unambiguous; if so, its plain language controls." (internal quotation marks omitted)).

b.

Purpose of the Amendment

Thus, we look to the purpose of the amendment, which is determined by "the need to change the plan." 36 C.F.R. § 219.13(b)(1); *see also* 81 Fed. Reg. at 90,731. A "responsible official" is required to identify that need, 36 C.F.R. § 219.13(b), and the record is clear that the Forest Service has already done this. The Forest Service admittedly needed to change the Forest Plan because the MVP project could not meet its requirements otherwise. *See* J.A. 1280 ("The amendment [to the Forest Plan] is needed because the MVP Project cannot achieve several *Forest Plan standards* that are intended to protect *soil, water, [and] riparian . . . resources*." (emphasis supplied)). Of note, elsewhere in the ROD, the Forest Service characterizes the purpose of the amendment as "ensur[ing] consistency between provisions of the Forest Plan and the proposal to construct, operate, and maintain [the pipeline] on National Forest System land." J.A. 1284. But there would be no need to "ensure consistency" if the Forest Plan need not be amended in the first place. Thus, the clear purpose of the amendment is to lessen requirements protecting soil and riparian resources so that the pipeline project could meet those requirements.

Having determined the purpose of the amendment, it is clear the Planning Rule sets forth substantive requirements *directly related* to that purpose: "soil and soil productivity" (36 C.F.R. § 219.8(a)(2)(ii)); "water resources" (36 C.F.R. § 219.8(a)(2)(iv)); "the ecological integrity of riparian areas" (36 C.F.R. § 219.8(a)(3)(i)). Therefore, there is no question that the 2012 Planning Rule requirements for soil, water,

and riparian resources are *directly related* to the purpose of the Forest Plan amendment. The Forest Service acted arbitrarily and capriciously in concluding otherwise.

c.

Remand to the Forest Service

Because the soil and riparian Planning Rule requirements are *directly related* to the amendments to the Jefferson Forest Plan, the agency is required to "apply [those] requirement[s] within the scope and scale of the amendment." 36 C.F.R. § 219.13(b)(5). At base, this means that the Forest Service is required to ensure that amendments to the soil and riparian standards in the Jefferson Forest Plan will comply with the NFMA and attendant regulations. The Forest Service claims this would be an exercise in futility, as the record already demonstrates that the mitigation measures proposed by MVP and agreed upon by FERC and the other agencies will ensure that there will be no substantial adverse effects to soil and water. However, as explained in our analysis of the Hydrologic Report, *supra*, the record does not support such a conclusion as a matter of law. We therefore remand to the Forest Service for proper application of the Planning Rule soil and riparian requirements to the Forest Plan amendment.

C.

The Mineral Leasing Act

Finally, we turn to Petitioners' argument that the BLM violated the MLA in its grant of the 3.6 mile right of way across federal land. The Natural Gas Act gives FERC the authority over construction and operation of interstate gas pipelines, but it does not limit or modify other agencies' authority or obligations. The MLA regulates the *location*

of interstate pipelines across most federal lands. *See* 30 U.S.C. § 185(a). This includes approving rights of way and easements for the siting of those pipelines. The BLM implements the right of way program to "[p]rotect[] the natural resources associated with Federal lands"; "[p]revent[] unnecessary or undue degradation to public lands"; and "[p]romote[] the use of rights-of-way in common." 43 C.F.R. § 2881.2(a)–(c).

1.

Practicality

The MLA provides, "In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way across Federal lands, the utilization of rights-of-way in common *shall be required to the extent practical*." 30 U.S.C. § 185(p) (emphasis supplied). Petitioners contend the BLM violated its obligations because it "failed to demonstrate that alternatives that would make greater use of existing rights-of-way were impractical." Pet'rs' Br. 45 (emphasis supplied). We agree. Whereas the BLM's ROD adopted and incorporated the EIS's NEPA alternatives analysis on this issue, it nonetheless failed to recognize that the MLA imposes a higher and more specific bar.

The EIS "evaluate[d] a range of reasonable alternatives, as required by NEPA," explaining, "The purpose of this evaluation is to determine whether an alternative would be *preferable to the proposed action*." J.A. 113–14 (emphasis supplied). The EIS used the following criteria in considering whether an alternative was "preferable": (1) whether it met "the stated purpose of the project"; (2) whether it was "technically and economically feasible and practical"; and (3) whether it "offer[ed] a significant environmental advantage over [the] proposed action." *Id.* at 114. Importantly, the EIS

explained, "Ultimately, an alternative that results in equal or minor advantages in terms of environmental impact would not compel [FERC] to shift the impacts from the [set of landowners set to be affected by the proposed route] to a new set of landowners." *Id.*

Using this criteria, the EIS discussed alternative routes. For example, the Columbia Gas of Virginia ("CGV") Peters Mountain Variation would "follow existing rights-of-way . . . cross[ing] approximately 0.8 mile[s] of the Jefferson National Forest." J.A. 149. However, the EIS also explained that this route "would be about 9 miles longer than the comparable portion of the proposed route, and would result in approximately 136 additional acres of construction disturbance." *Id.* at 151. Thus, the EIS concluded that the CGV alternative route "*does not offer a significant environmental advantage* when compared to the corresponding proposed route." *Id.* at 152 (emphasis supplied). The BLM's ROD, like the EIS, considered whether alternatives "offer[ed] a significant environmental advantage over the proposed pipeline route." *Id.* at 603; *see also id.* at 607. Nowhere, however, does the BLM recognize the MLA's direction that the utilization of rights of way in common "shall be required to the extent practical." 30 U.S.C. § 185(p).

However, the BLM contends that its analysis is sufficient, explaining, "The comparative analysis in the EIS showed that alternative National Forest crossings along existing rights-of-way posed greater practical difficulties without yielding a significant environmental advantage." Resp'ts' Br. 16. Thus, by incorporating and adopting the EIS, the BLM fulfilled its statutory duty to utilize existing rights of way *when practical*. The BLM also argues it has wide discretion to decide, on a case-by-case basis, which

alternatives are practical. As support for its interpretation, it points to a BLM regulation providing that the agency "*may* . . . restrict new grants to existing right of way corridors *where safety and other considerations allow*." 43 C.F.R. § 2882.10(b) (emphases supplied). And as set forth in the EIS, with regard to alternatives, other factors outweighed the environmental benefits of utilizing existing rights of way.

We disagree with the BLM's analysis. The agency "entirely failed to consider an important aspect of the problem." *Defs. of Wildlife*, 762 F.3d at 396. It never decided that the utilization of an existing right of way would be *impractical*. Indeed, it never even purported to do so. Had the BLM done so, its analysis -- rather than favoring the proposed route by rejecting alternatives unless they were substantially better -- would have favored routes utilizing existing rights of way unless those alternatives were impractical.

Although the BLM did not make a practicability finding, we are not authorized to step in and do so on behalf of the agency, nor may we predict how the agency might have made such a finding. *See Michigan v. EPA*, 135 S. Ct. 2699, 2710 (2015) ("[A] court may uphold agency action only on the grounds that the agency invoked when it took the action." (citing *SEC v. Chenery Corp.*, 318 U.S. 80, 87 (1943))). We thus vacate the BLM's decision and remand for consideration of the MLA's preference for utilizing existing rights of way.

2.

Feasibility

The MLA also requires the BLM to ensure that "activities in connection with the right-of-way or permit" comply with "facility siting standards established by or pursuant to law." 30 U.S.C. § 185(h)(2)(B). Petitioners state that one such facility siting standard is set forth in the Jefferson Forest Plan and requires that "[w]hen feasible, expansion of existing corridors and sites is preferable to designating new sites." Standard FW-247, J.A. 1238.

Petitioners read this standard as creating an obligation upon the BLM to demonstrate that collocation with existing rights of way is *infeasible*. But the siting standard does not appear to apply to the ROD's determination of the proper *route* for a right of way. Rather, it dictates that the *right of way grant* would "ensure that activities in connection with" the right of way abide by siting standards. *See* 43 C.F.R. § 2885.11(b)(9)(ii) (providing that applicants who receive a right of way grant from the BLM must, "[d]uring construction, operation, maintenance, and termination of the project," "[e]nsure that activities in connection with the grant . . . comply with . . . facility siting standards"); *see also* J.A. 572 (BLM ROD stating that approval of the right of way is "subject to terms, conditions, stipulations, and environmental protection measures" developed by the Forest Service, which would include the Jefferson Forest Plan). Accordingly, the BLM is not required to show that siting alternatives are infeasible under the MLA.

IV.

MVP's proposed project would be the largest pipeline of its kind to cross the Jefferson National Forest. American citizens understandably place their trust in the Forest Service to protect and preserve this country's forests, and they deserve more than silent acquiescence to a pipeline company's justification for upending large swaths of national forestlands. Citizens also trust in the Bureau of Land Management to prevent undue degradation to public lands by following the dictates of the MLA.

As a result, for the reasons set forth herein, we grant the petition for review of the Forest Service Rule of Decision and vacate that decision. We also grant the petition for review of the BLM's Rule of Decision and vacate that decision. We remand to the respective agencies for proceedings consistent with this opinion.

PETITIONS FOR REVIEW GRANTED,
VACATED AND REMANDED

Date: Wednesday, July 25, 2018 (period of review July 18-July 24)

Compliance Inspectors Present During this Period: Dan Danko, Nathan Amick, Mike Tripp and Nick Carrara

Construction Activities:

Activity	Location
Erosion and Sediment Control	218.52-219.37, 219.78-220.74, Pocahontas Rd
Grading	218.52-219.37, 219.78-220.74
Bending	219.26-219.37, 219.78-220.74
Stringing	218.76-219.37, 219.78-220.74

- Construction of New Bridge at S-PP22
  - Third bridge for stream S-PP22 has been constructed due to the bridge being in the path of the pipeline centerline.
- Erosion Control Features
  - All ECDs were inspected and were adjusted or replaced if showing signs of wear or imminent failure.
- Blasting
  - Blasting will occur on the top of Sinking Creek Mountain, timing TBD.
  - Rock to be blasted was identified as quartz arenite sandstone.

- Construction Schedule
  - Tree Clearing
    - No tree clearing scheduled for next 3 weeks
  - Grading
    - 11670+00-11550+00
  - Stringing
    - 11670+00-11550+00
  - Road Maintenance
    - Pocahontas Rd and Mystery Ridge Rd

- Compliance Status
  - Observations
    - Erosion Control Devices
      - Brush Mountain and Sinking Creek Mountain ECDs are performing adequately following rain events.
      - Pocahontas Rd ECDs observed to be in need of maintenance. Silt fence at 164+27 blew out resulting in sediment travelling off LOD (July 23, 2018).
    - Rutting
      - Rutting observed within Brush Mountain LOD at depths of 6-8".
    - S-PP22 Bridge Construction
      - Area within the stream buffer for S-PP22 disturbed by grading and construction of three separate bridges.

        - Water Bar Construction
            - Water bars constructed at MP 220.56 observed to be at grades not allowed by DEQ standards. MVP EI was notified.
        - JNF Boundary Signage
            - MVP moved boundary signs on Brush Mountain that were barely visible. MVP has corrected the issue.
    - Problem Areas
        - Dust
            - Issue: Inadequate dust abatement.
            - MVP has utilized two water trucks to address dust abatement.
            - Watering did not occur until 2:00pm (July 18, 2018 & July 19, 2018).
        - Noxious Weed Inspections
            - Issue: MVP equipment and vehicles entering JNF property without noxious weed inspections.
            - One vehicle observed on JNF without Transcon noxious weed inspection (July 19, 2018). Surveyor crew drove onto JNF without noxious weed inspection due to moved JNF boundary signs on Brush Mountain (July 20, 2018).
        - Sedimentation off of LOD
            - Issue: Several silt fence failures resulting in sediment-laden water running off LOD.
            - Sediment observed running 5' off LOD on Pocahontas Rd/164+27 (July 23, 2018).
        - Sedimentation in Streams
            - Sedimentation observed within S-HH16 & S-MN17 (July 23, 2018).

- Variances
    - VA-MPV-007/Sedimentation off LOD
        - Status: Out for agency signature
    - VA-MVP-008/Sediment Retrieval
        - Status: Being reviewed by Transcon

- Misc.
    - Partial Self-Imposed Shutdown
        - MVP shutdown work on Brush Mountain on July 19, 2018 to address dust abatement issues.

Meetings Held

- MVP Weekly Internal and External Meetings (July 18, 2018)

Upcoming Meetings

- MVP Weekly Internal and External Meetings (July 25, 2018)
- FS/FERC Bi-weekly Coordination Meeting (August 14, 2018)

Date: 7-18-2018

Photograph   	GPS Coordinates: Aspect: Looking north Photo Number: 1 Mile Post: Stream S-PP22 Description: Excavator in disturbed buffer zone removing mats from second bridge. Right photo showing same area after excavator had moved on west side of third bridge.
Photograph   	GPS Coordinates: Aspect: Looking north left photo, looking south ri Photo Number: 2 Mile Post: Stream S-PP22 Description: West side Stream S-PP22 approach fill across buffer zone to bridge abutment. Fill is 5 to 6 feet deep. Right photo is overview of Stream S-PP22 crossing. Third bridge location on left with UTV. Undisturbed buffer zone on east side. Disturbed buffer on west side, the excavator is aligned with old the second bridge location on right.

Date: 7-18-2018

Photograph  	GPS Coordinates: Aspect: Looking east Photo Number: 3 Mile Post: Stream Os-PP22 Description: South abutment within 5 feet of delineated stream stakes. Sump with culvert pipe for drainage to be installed directly in front of abutment.
Photo  	GPS Coordinates: Aspect: Looking esat Photo Number: 4 Mile Post: Description: Station 11563+50 incorrectly installed flume inlet. Pipe is set 6 inches above inlet. Water will flow around inlet prior to going into pipe.

Date: 7-18-2018

Photograph	GPS Coordinates:
	Aspect: Looking north Photo Number: 5 Mile Post: 218.90 Description: Survey has laid out pipe centerline on Sinking Creek Mountain.
Photograph	GPS Coordinates:
	Aspect: Looking south Photo Number: 6 Mile Post: 219.10 Description: Stringing crew has delivered cribbing and blocking for pipe placement.

Date: 7-18-2018

Photograph   	GPS Coordinates: Aspect: Looking north Photo Number: 7 Mile Post: 218.70 Description: Looking towards crest of Sinking Creek Mountain. Excavators with rock hammers breaking rock for travel lane. Rock crest has been lowered 7 to 8 feet. Dozers establishing grade with soil to within 125 feet of crest
Photograph   	GPS Coordinates: Aspect: Looking west Photo Number: 8 Mile Post: 218.91 Description: Clean water flume for draining back side of top soil pile. Plunge pool with rip rap in distance. Culvert will extend to rip rap station 11571+50. Right photo of flume inlet behind top soil pile.

Date: 7/18/2018

Photograph 	GPS Coordinates: Aspect: North& Northwest Photo Number: 1 Mile Post: 220.48 & 219.98 Description: Overview of strung pipe. First picture also shows area when bending of pipe occurred. Pipe would be bent and then transported to necessary placement.
Photograph 	GPS Coordinates: Aspect: Down Photo Number: 2 Mile Post: 219.89 Description: Rope was found to be discarded on the edge of a sump. The rope was also found to be partially buried.

Date: 7/18/2018

Photograph 	GPS Coordinates: Aspect: Photo Number: 3 Mile Post: Description: Bridge construction spanning S-PP22 continued, and grading of 2-tone took place south of the new bridge location. Lower section of 2-tone was found to be outside the stream buffer. However, entrance to the bridge was found to have some grading activity inside the buffer.
Photograph 	GPS Coordinates: Aspect: Southeast Photo Number: 4 Mile Post: 219.30 Description: Stringing began on the JNF, at the bottom of Sinking Creek, and reached MP 219.30.

Date: 7/18/2018

Photograph 	GPS Coordinates: Aspect: Photo Number: 5 Mile Post: 218.92 Description: Morooka was used by MVP for dust abatement on Sinking Creek Mountain.
Photograph  	GPS Coordinates: Aspect: West & North Photo Number: 6 Mile Post: 218.89 Description: Flume and plunge pool construction continued. MVP plans to finish ECD installation on 7/18.

Date: 18 July 2018






GPS Coordinates: See photo
Aspect: Facing down
Photo Number: 1
Mile Post: 220.58, 220.44, 220.13, 219.91
Description: A cigarette butt, trash bag, empty water bottle, and piece of rope were found discarded on the ROW.




GPS Coordinates: See photo
Aspect: Facing West then East
Photo Number: 2
Mile Post: 220.56
Description: Water bars created last night were much steeper than the standards recently set by DEQ allow.

Date: 7-19-2018

Photograph   	GPS Coordinates: Aspect: N/A Photo Number: 1 Mile Post: 220.40 Description: Measured 6 to 8 inch ruts in fine powder on Brush Mountain.
Photograph   	GPS Coordinates: Aspect: Looking north Photo Number: 2 Mile Post: 219.33 left, 219.28 right Description: Pipe stringing on Sinking Creek Mountain.

Date: 7-19-2018

Photograph	GPS Coordinates:
	Aspect: N/A Photo Number: 3 Mile Post: 219.36 Description: Unapproved truck on National Forest without being cleaned and inspected.
Photograph	GPS Coordinates:
	Aspect: N/A Photo Number: 4 Mile Post: 220.50 Description: Pipe is typically strapped after being bent to prevent movement.

Date: 7/19/2018

Photograph 	GPS Coordinates: Aspect: North Photo Number: 1 Mile Post: 220.34 Description: Bending crew helped set-up crew by bringing sections of pipe to specified locations. Set-up crew arrived at the wash station at the top of Brush Mountain and started crossing on to JNF once equipment was inspected.
Photograph  	GPS Coordinates: Aspect: Down Photo Number: 2 Mile Post: 220.00 & 219.99 Description: A discarded cigarette filter and piece of rope was found along the LOD. An unopened water bottle was also found at MP 219.92.

Date: 7/19/2018

Photograph 	GPS Coordinates: Aspect: Northwest Photo Number: 3 Mile Post: 218.96 Description: Grading continued to take place on the top portion of Sinking Creek Mountain above the temporary work space.
Photogra 	GPS Coordinates: Aspect: Southeast Photo Number: 4 Mile Post: 218.65 Description: Dust clouds continued to form from equipment use on Sinking Creek as seen in the photo.

Date: 7/19/2018

Photograph 	GPS Coordinates: Aspect: Northwest Photo Number: 5 Mile Post: 218.82 Description: A drainage channel was constructed from MP 218.78-218.81 on the southwest edge of the LOD.
Photograph  	GPS Coordinates: Aspect: Southeast & Northwest Photo Number: 6 Mile Post: 218.98 Description: Stringing of pipe reached MP 218.96. First photo shows strung pipe down to the beginning of Sinking Creek, and second photo shows active stringing up to MP 218.96.

Date: 7/19/2018

Photograph	GPS Coordinates:
	Aspect: Southwest & Down
	Photo Number: 7
	Mile Post: 218.89
	Description: Completed inlet and outlet of plunge pool and flume that was constructed at MP 218.89.





Photograph	GPS Coordinates:
	Aspect: Northeast & Northwest
	Photo Number: 8
	Mile Post:
	Description: Bridge spanning S-PP22 was found to be completed and entrance and exit graded for easy entry.





Date: 19 July 2018

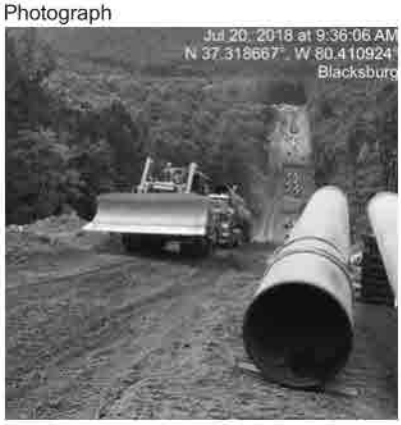


GPS Coordinates: See photo
Aspect: Facing East
Photo Number: 1
Mile Post: 219.91
Description: Trees over S-HH18 now have dust accumulating on leaves.



GPS Coordinates: See photo
Aspect: Facing Southeast
Photo Number: 2
Mile Post: 220.78
Description: A single UTV climbing to the top of Brush Mountain from the private side created a dust cloud that was over the tree canopy.

Date: 7-20-2018

Photograph   	GPS Coordinates: Aspect: Looking south Photo Number: 1 Mile Post: 219.10 left and 218.79 Description: Left photo of dozer pulling pipe delivery truck up Sinking Creek Mountain station 11583+56. Right photo overview of Sinking Creek Mountain looking down just above bridge at Stream S-PP22.
Photograph   	GPS Coordinates: Aspect: Looking north Photo Number: 2 Mile Post: 219.25 Description: New Marooka performing dust abatement watering right of way.

Date: 7-20-2018

Photograph	GPS Coordinates:
	Aspect: Looking south Photo Number: 3 Mile Post: 219.04 Description: Pipe cribbing and stringing on Sinking Creek Mountain
Photograph	GPS Coordinates:
	Aspect: N/A Photo Number: 4 Mile Post: 218.74 Description: Stringing crew unloading skid with timber blocking for pipe cribbing.

Date: 7-20-2018

Photograph   	GPS Coordinates: Aspect: Looking east Photo Number: 5 Mile Post: 218.91 Description: Plunge pool at end of clean water diversion station 11571+50. Rip rap and triple erosion sock has been placed at pool.
Photograph 	GPS Coordinates: Aspect: N/A Photo Number: 6 Mile Post: Stream S-PP22 Description: Sump at Stream S-PP22 between south bridge abutment and stream delineation stakes. Six inch cmp to drain sump. CMP has not been completed.

Date: 7-20-2018

Photograph	GPS Coordinates:
 	Aspect: Looking west
	Photo Number: 7
	Mile Post: Stream S-PP22
	Description: Incomplete 6inch cmp draining sump under bridge. Right photo showing 6inch cmp for sump drain.
Photograph	GPS Coordinates:
	Aspect: Looking south
	Photo Number: 8
	Mile Post: 218.79
	Description: New earthen breakers above Stream S-PP22 Re-graded to drain away from Stream S-PP22 into new side channel with ditch blocks and sumps.

Date: 7-20-2018

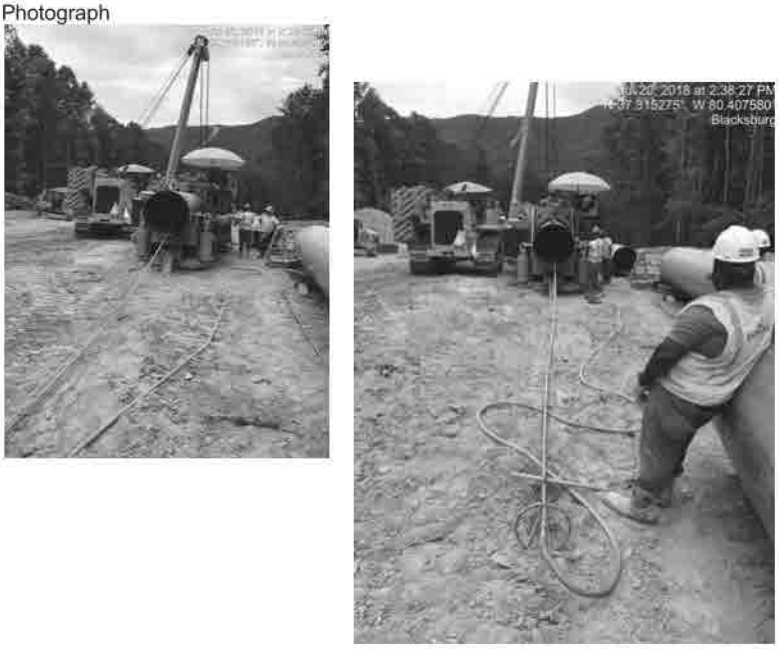
Photograph   	GPS Coordinates: Aspect: Varies Photo Number: 9 Mile Post: 218.78 Description: Left photo looking west of channel for re-graded earthen breaker drainage. Right photo of ditch blocks in channel .
Photograph  	GPS Coordinates: Aspect: Looking south Photo Number: 10 Mile Post: 218.79 Description: Station 11566+10 view of channel for side drainage of earthen breakers.

Date: 7-20-2018

Photograph	GPS Coordinates:
	Aspect: N/A Photo Number: 11 Mile Post: N/A Description: Pipe collars for pipe for deadman anchors delivered to Brush Mountain. Dead men will be at seed to prevent pipe from moving during set up and welding.

Photograph	GPS Coordinates:
 	Aspect: N/A Photo Number: 12 Mile Post: 219.30 Description: Pipe bending operations in progress.

Date: 7-20-2018

Photograph 	GPS Coordinates: Aspect: N/A Photo Number: 13 Mile Post: 219.30 Description: Pipe bending operations. The numbers are the number of bends made in the section on right. This was bend number 15 in the forty feet pipe section.
Photograph 	GPS Coordinates: Aspect: N/A Photo Number: 14 Mile Post: 219.30 Description: Pipe being bent with mandrel inside pipe to prevent pipe from crushing. Mandrel controls running inside pipe are pneumatic. Hoses loop from compressor on side of bender.

Date: 7/20/2018

Photograph 	GPS Coordinates: Aspect: Northwest Photo Number: 1 Mile Post: 219.23 Description: Morooka with larger tank for water was brought onto the JNF and used for dust abatement along LOD on Sinking Creek Mountain.
Photograph 	GPS Coordinates: Aspect: West Photo Number: 2 Mile Post: 218.81 Description: Sump measuring 5 feet by 1.5 feet with a depth of 1 foot installed under bridge spanning S-PP22.

Date: 7/20/2018

Photograph	GPS Coordinates:
 	Aspect: Southeast & Northwest
	Photo Number: 3
	Mile Post: 218.63
	Description: Topsoil piles on the edge of the temporary work space near the summit of Sinking Creek was found to be adequately segregated. However, subsoil piles were found to be pushed against and over rock that was hammered off of the summit of Sinking Creek.

Photograph	GPS Coordinates:
	Aspect: Northwest
	Photo Number: 4
	Mile Post: 218.63
	Description: Grading crew finished grading up to the summit of Sinking Creek Mountain and crosse Dover onto the private side of the mountain.

Date: 7/20/2018

Photograph 	GPS Coordinates: Aspect: Southeast Photo Number: 5 Mile Post: 218.77 Description: Pipe stringing reached MP 218.77. We photo for overview of strung pipe along the LOD on Sinking Creek Mountain.
Photograph 	GPS Coordinates: Aspect: Southeast Photo Number: 6 Mile Post: 219.23 Description: Pipe bending crossed onto the JNF at the bottom of Sinking Creek Mountain and reached MP 219.23

Date: 7/20/2018

Photograph 	GPS Coordinates: Aspect: Southwest Photo Number: 7 Mile Post: 219.36 Description: View of pipe being actively bent at the bottom of Sinking Creek Mountain.
Photograph	GPS Coordinates: Aspect: Photo Number: 8 Mile Post: Description:

Date: 20 July 2018





GPS Coordinates: See photo
Aspect: Facing Southeast
Photo Number: 1
Mile Post: 220.20 & 219.31
Description: First photo depicts the inefficiency of the backup morooka that was used on Brush Mountain. Second photo depicts the purpose built watering morooka making a second pass on Sinking Creek Mountain.



GPS Coordinates: See photo
Aspect: Facing East
Photo Number: 2
Mile Post: 219.78
Description: The signs indicating the JNF boundary and that vehicles must be inspected were moved onto the embankment where they were barely visible. MVP EI resolved this.

Date: 20 July 2018



GPS Coordinates: See photo
Aspect: Facing South
Photo Number: 3
Mile Post: 218.92
Description: Zip ties were being discarded on the ground until we notified the MVP EI of the issue.

Photograph	
	GPS Coordinates:
	Aspect:
	Photo Number: 4
	Mile Post:
	Description:

Date: 7-21-2018

Photograph	GPS Coordinates:
	Aspect: Looking north
	Photo Number: 1
	Mile Post: 219.30
	Description: Bending equipment setting idle today.

Photograph	GPS Coordinates:
	Aspect: Looking north
	Photo Number: 2
	Mile Post: 219.31
	Description: Dozer repairing earthen breaker in anticipation of rain event.

Date: 7-21-2018

Photograph	GPS Coordinates:
	Aspect: Looking southeast
	Photo Number: 3
	Mile Post: 219.97
	Description: Engineering crew double checking pipe section numbers and pipe lengths station 11628+00.
Photograph	GPS Coordinates:
	Aspect: Looking south
	Photo Number: 4
	Mile Post: 220.00
	Description: Dust abatement being performed on Brush Mountain.

Date: 7-21-2018

Photograph	GPS Coordinates:
	Aspect: Looking north
	Photo Number: 5
	Mile Post: 220.70
	Description: Excavator restoring earthern breakers in anticipation of forecasted rain event.

Photograph	GPS Coordinates:
	Aspect:
	Photo Number: 6
	Mile Post:
	Description:

Date: 7/21/2018

Photograph 	GPS Coordinates: Aspect: Northwest Photo Number: 1 Mile Post: 218.80 Description: Riprap from hammering on the top of Sinking Creek was brought down by an excavator to reinforce check dams along drainage channel above S-PP22 on Southwest edge of LOD.
Photograph 	GPS Coordinates: Aspect: East Photo Number: 2 Mile Post: 218.80 Description: MVP was found to be actively reworking sump underneath bridge spanning S-PP22.

Date: 21 July 2018





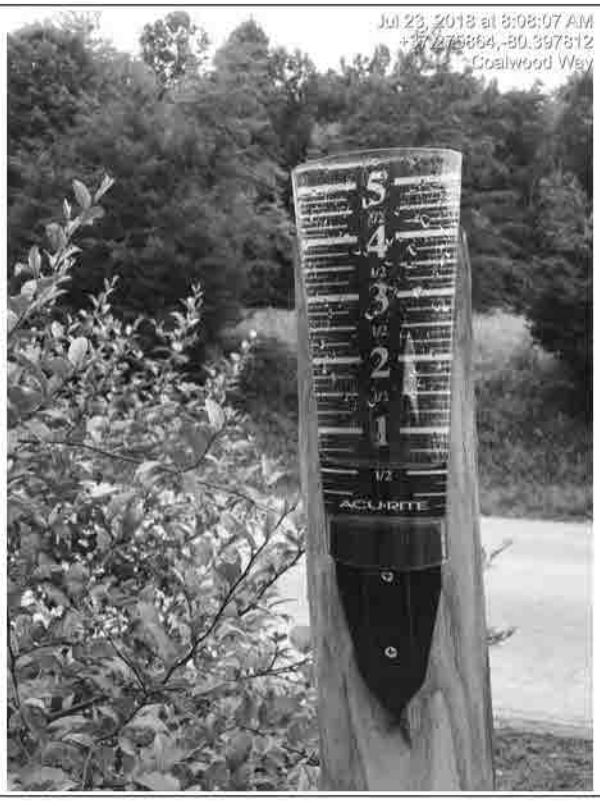
GPS Coordinates:	See photo
Aspect:	Facing North then Southwest
Photo Number:	1
Mile Post:	219.55 & 220.33
Description:	First image depicts secondary Morooka that was retrofitted into a watering device, this retrofit was completed this morning. The second image depicts the secondary morooka being utilized on brush mountain this morning.





GPS Coordinates:	See photo
Aspect:	Facing Northwest then West
Photo Number:	2
Mile Post:	220.68
Description:	The set up crew strapped down the joints to the wooden skids on the steeper sections of Brush Mountain.

Date: 7/23/18

Photograph 	GPS Coordinates: See photo Aspect: Facing North Photo Number: 1 Mile Post: N/A (Craig Creek parking lot) Description: Rain gauge showing approximately 5/8" of overnight rainfall.
Photograph  	GPS Coordinates: See photos Aspect: Facing Northwest Photo Number: 2 Mile Post: 219.20/219.14 Description: Photos show streams S-PP20 (top left) and S-PP21 (bottom right). No visual impacts to any streams were observed.

Date: 7/23/18

Photograph		GPS Coordinates: See photo Aspect: Facing Southeast Photo Number: 3 Mile Post: 218.99 Description: A walk of the perimeter revealed no sediment off of the LOD, with all erosion control devices in good condition.
Photograph		GPS Coordinates: See photo Aspect: Facing Southwest Photo Number: 4 Mile Post: 218.91 Description: Receiving end of a water bar with sump and j-hooked silt fence in good condition after 5/8" rainfall.

Date: 7/23/18

Photograph		GPS Coordinates: See photo Aspect: Facing Northeast Photo Number: 5 Mile Post: 218.89 Description: Photo shows a functioning pipe slope drain conveying water downslope to a sump. Water in sump did not reach capacity, as evidenced by a clean silt fence j-hook with no water marks.
Photograph		GPS Coordinates: See photo Aspect: Facing Northeast Photo Number: 6 Mile Post: 218.87 Description: Photo shows a failing pipe slope drain where runoff is undercutting the inlet. Rilling has occurred downslope. Runoff still enters the sump, which is reinforced with a silt fence j-hook.

Date: 7/23/18

Photograph 	GPS Coordinates: See photos Aspect: Facing Southeast/Northwest Photo Number: 7 Mile Post: 218.76/218.84 Description: Photo at top left shows the series of sumps previously installed upslope of stream S-PP22; all sumps were functioning properly. Photo at bottom right shows the outfall to stream S-PP22 via a flume pipe. There was no evidence that water has flowed through the flume pipe.
Photograph 	GPS Coordinates: See photo Aspect: Facing Southeast Photo Number: 8 Mile Post: 219.29 Description: A walk of the perimeter revealed no sediment off of the LOD, with all erosion control devices in good condition.

Date: 7-23-2018

Photograph	GPS Coordinates:
 	Aspect: Looking north
	Photo Number: 1
	Mile Post: 220.68
	Description: Earthen breakers and sumps after 0.6 inch rain event on Brush Mountain.

Photograph	GPS Coordinates:
	Aspect: Looking north
	Photo Number: 2
	Mile Post: 220.22
	Description: Erosion control sock after 0.6 inch rain event station 11640+00

Date: 7-23-2018

Photograph	GPS Coordinates:
	Aspect: Looking west
	Photo Number: 3
	Mile Post: Stream S-HH18
	Description: Previous location of erosion control device failure leading to sediment in Stream S-HH18. No impact to stream after this rain event of 7-21-2018.

Photograph	GPS Coordinates:
 	Aspect: Looking downstream then upstream
	Photo Number: 4
	Mile Post: Stream S-HH18
	Description: View of Stream after 0.6 inch rain event of 7-21-2018 no sediment entered stream.

Date: 7-23-2018

Photograph	GPS Coordinates:
 	Aspect: Looking north
	Photo Number: 5
	Mile Post: 219.70
	Description: Plunge pool station 11619+44 after rain event of 7-21-2018

Photograph	GPS Coordinates:
 	Aspect: N/A left and deadman on right
	Photo Number: 6
	Mile Post: 220.67
	Description: Bored 6” diameter hole for deadman anchor left photo. Right photo of deadman in place for anchor of pipe.

Date: 7/23/2018

Photograph	GPS Coordinates:
 	Aspect: Northeast
	Photo Number: 1
	Mile Post: N/A (Appalachian Trail)
	Description: Vegetation continues to grow in disturbed areas along the Appalachian Trail. Photos show the trail between the LOD crossing and the hikers camp located at Symm's Gap.

Photograph	GPS Coordinates:
 	Aspect: Northeast
	Photo Number: 2
	Mile Post: N/A (Appalachian Trail)
	Description: Vegetation continues to grow in disturbed areas along the Appalachian Trail. First photo shows present conditions of trail at the hikers camp at Symm's Gap and second photo shows trail conditions between Symm's Gap and the top of Mystery Ridge Road.

Date: 7/23/2018

Photograph	GPS Coordinates:
 	Aspect: Southeast & South
	Photo Number: 3
	Mile Post: N/A (Mystery Ridge Road)
	Description: Minor rutting/erosion channels were discovered on Mystery Ridge road between the beginning of the cultural site and the Appalachian Trail. Channels measured 2-4 inches in depth.

Photograph	GPS Coordinates:
 	Aspect: Southeast & Southwest
	Photo Number: 4
	Mile Post: N/A (Mystery Ridge Road)
	Description: Water bars that were constructed between the beginning of the cultural site on Mystery Ridge road and the Appalachian Trail was found to have led to sediment deposition off of Mystery Ridge Road.

Date: 7/23/2018

Photograph	GPS Coordinates:
	Aspect: Northeast & Southwest
	Photo Number: 5
 	Mile Post: N/A (Mystery Ridge Road)
	Description: J-hooks at the end of waters on Mystery Ridge Road between stations 10408+00 - 10442+50 were found to have 3-4 inches of sediment and in need of maintenance. MVP EI was notified and MVP plans to do maintenance of both ECD's and water bars.

Photograph	GPS Coordinates:
	Aspect: Down
	Photo Number: 6
 	Mile Post: N/A (Pocahontas Road)
	Description: J-hook at the end of the waterbar located at station 164+27 was discovered to have been "blown out" leading to sediment deposition 5 feet off of access road LOD as seen in the second photo.

Date: 7/23/2018

Photograph 	GPS Coordinates: Aspect: South Photo Number: 7 Mile Post: N/A (Pocahontas Road) Description: Sediment ladened water was found to be bypassing j-hook at the end of the water bar at station 80+53.
Photograph 	GPS Coordinates: Aspect: Southwest Photo Number: 8 Mile Post: N/A (Pocahontas Road) Description: Sediment ladened runoff was observed entering S-HH16 during heavy rain event. Runoff continued into and then down the stream.

Photograph	GPS Coordinates:
 	Aspect:
	Photo Number: 9
	Mile Post: N/A (Pocahontas Road)
	Description: Sediment ladened run off was observed entering S-MN17 and running down stream as seen in the second photo.

Photograph	GPS Coordinates:
 	Aspect: Southwest
	Photo Number: 10
	Mile Post: N/A (Pocahontas Road)
	Description: First photo shows carsonite post being visible from trailhead to Rice Fields. Second photo shows carsonite post being easily visible at the entrance to Pocahontas Road.

Photograph	GPS Coordinates:
 	Aspect:
	Photo Number: 10
	Mile Post: N/A (Pocahontas Road)
	Description: Photos shows both middle carsonite posts along the beginning of Pocahontas road denoting the AT. Posts were found to be visible from one another in sequence.

Photograph	GPS Coordinates:
	Aspect:
	Photo Number: 11
	Mile Post:
	Description:

Date: 23 July 2018





GPS Coordinates:	See photo
Aspect:	Facing Northwest
Photo Number:	1
Mile Post:	196.32
Description:	MVP security campsite at the bore site.





GPS Coordinates:	See photo
Aspect:	Facing Northwest
Photo Number:	2
Mile Post:	N/A
Description:	This is the trail leading to the campsite. The site is not visible from the AT.

Date: 23 July 2018





GPS Coordinates:	See photo
Aspect:	Facing Northeast
Photo Number:	3
Mile Post:	N/A
Description:	Photos depict the AT near Symm's gap.





GPS Coordinates:	See photo
Aspect:	Facing Southwest
Photo Number:	4
Mile Post:	Near 197.4
Description:	Photos depict 2 locations on Mystery Ridge Road that storm water runoff has carried sediment into the woods.

Date: 23 July 2018






GPS Coordinates:	See photo
Aspect:	Several
Photo Number:	5
Mile Post:	196.77 - 197.13
Description:	Do not enter sign denoting where MVP traffic must stop on Mystery Ridge Road. The only noticeable ruts on Mystery Ridge Road are South of this towards Pocahontas Road.




GPS Coordinates:	See photo
Aspect:	Facing East
Photo Number:	6
Mile Post:	Vicinity 196.9
Description:	Double silt fence J-hook at station number 10408+38 serves as an accurate representation of all J-hooks on Mystery Ridge Road. No sediment escaped the ECD but it needs to be emptied.





Date: 23 July 2018

GPS Coordinates: See photo
Aspect: Facing South and Southeast
Photo Number: 7
Mile Post: N/A
Description: Rain events are causing sediment to run down Pocahontas Road and enter S-HH16 (top) and S-MN17 (bottom).





GPS Coordinates: See photo
Aspect: Facing East
Photo Number: 8
Mile Post: N/A
Description: J-hook on Pocahontas Road was washed out and sediment is traveling underneath at station number 164+29

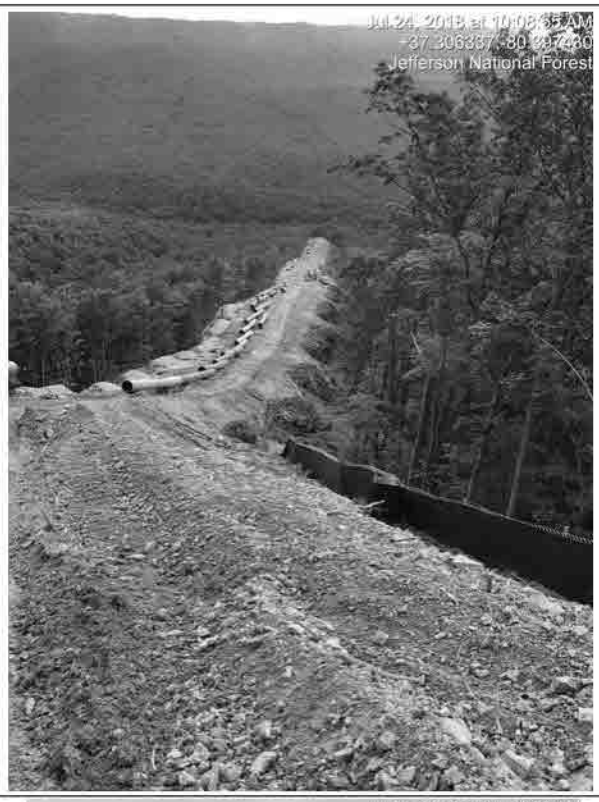
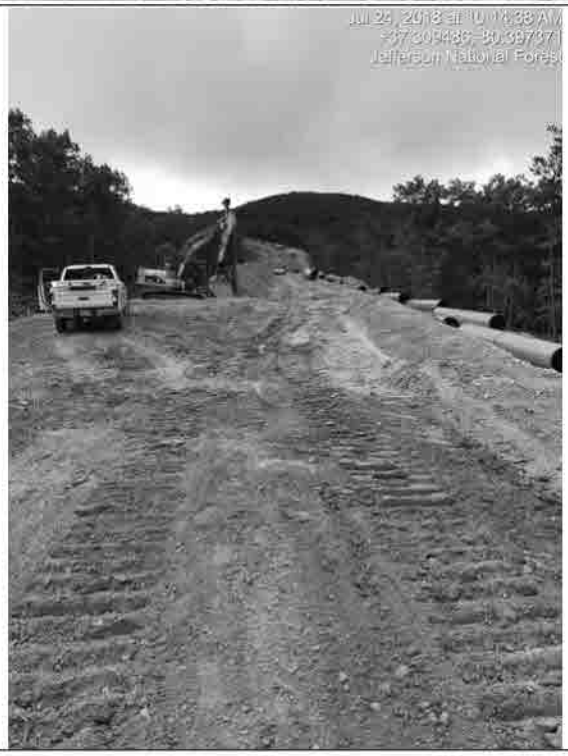




Date: 7/24/18

Photograph 	GPS Coordinates: See photo Aspect: Facing East Photo Number: 1 Mile Post: 220.74 Description: Topsoil pile that was seeded and mulched the week of July 2-6 has not established any vegetation.
Photograph  	GPS Coordinates: See photos Aspect: Facing Northwest/Southeast Photo Number: 2 Mile Post: 220.56/220.49 Description: Setup crew continues to organize pipe into proper sections.

Date: 7/24/18

Photograph 	GPS Coordinates: See photo Aspect: Facing North Photo Number: 3 Mile Post: 220.47 Description: Pipe setup along Brush Mountain.
Photograph 	GPS Coordinates: See photo Aspect: Facing South Photo Number: 4 Mile Post: 220.33 Description: Setup crew continues to organize pipe into proper sections.

Date: 7/24/18

Photograph 	GPS Coordinates: See photo Aspect: Facing East Photo Number: 5 Mile Post: 219.78 Description: Current conditions on Brush Mountain side where JNF property line begins.
Photograph  	GPS Coordinates: See photos Aspect: Facing West Photo Number: 6 Mile Post: 220.74 Description: The road surface on Brush Mountain road has been impacted by the passing of equipment by the stringing crew and setup crew. Previous crews utilized timber mats to avoid adverse impacts to the road surface. See comparison photo in bottom right when clearing activities began on JNF.

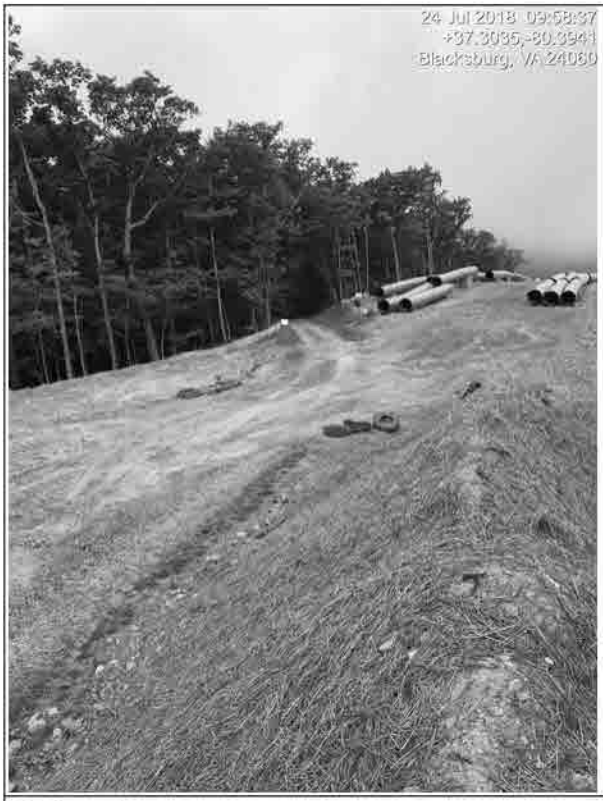
Date: 7/24/2018

Photograph 	GPS Coordinates: Aspect: Southeast Photo Number: 1 Mile Post: 218.65 Description: Stringing crew was actively staging pipe sections at the temporary workspace near the summit of Sinking Creek Mountain. Sections were found to have been strung up to workspace on all nine steep sections of the LOD.
Photograph 	GPS Coordinates: Aspect: Northwest Photo Number: 2 Mile Post: 218.65 Description: Water bars on section of Sinking Creek above the temporary work space were being reworked/maintained. Photo also shows lumber staged for pipe stringing/set-up.

Date: 7/24/2018

Photograph 	GPS Coordinates: Aspect: Southeast Photo Number: 3 Mile Post: 218.92 Description: Bending crew were found to have reached MP 218.92 and were actively bending sections in said location.
Photograph 	GPS Coordinates: Aspect: Down Photo Number: 4 Mile Post: 218.82 Description: Sump was found to have been installed just outside the buffer to S-PP22. Formation of the sump created a spring that was actively seeping into sump.

Date: 24 July 2018



GPS Coordinates: See photo
Aspect: Facing Northwest
Photo Number: 1
Mile Post: 220.78
Description: Image shows the current state of FS road 188 has degraded due to tracked equipment. The road is still passable and will be rebuilt during restoration phase.

Photograph



GPS Coordinates: See photo
Aspect: Facing Northwest
Photo Number: 2
Mile Post: 220.75
Description: Image shows new water bars on Brush Mountain as setup crew makes their way down towards Craig Creek.

Topic: Mountain Valley Pipeline - 4th Circuit Court of Appeals Opinion to Vacate and Remand Approval Decision.
Date: July 30, 2018

Contacts: Southern Region
Ken Arney, Acting Regional Forester
(404) 386-2917, karney@fs.fed.us

Topic: The 4th Circuit Court of Appeals vacated the Forest Service's and Bureau of Land Management's (BLM) Mountain Valley Pipeline decisions on Friday, July 27, 2018, and remanded the decisions to the agencies for further proceedings.

Issue: The 4th Circuit concluded that aspects of the Forest Service's decision fail to comply with the National Environmental Policy Act and the National Forest Management Act. The Court granted the petition (Sierra Club v. U.S. Forest Service) challenging the Forest Service's decision and vacated that decision. The Court also conclude that the BLM failed to acknowledge its obligations under the Mineral Leasing Act, and therefore, also granted the petition challenging the BLM decision and vacated that decision. It remanded to the respective agencies for further proceedings consistent with its opinion. Petitioners did not challenge the Federal Energy Regulatory Commission's Certificate of Public Convenience and Necessity.

The 4th Circuit Court of Appeals local rules states that "On the date of issuance of the mandate, the Clerk of the Court will issue written notice to the parties and the clerk of the lower court that the judgment of the Court of Appeals takes effect that day [within 45 days]." Therefore, the Courts order issued Friday, July 27, 2018, will not take effect until the date of issuance of the mandate. During this period, the government, plaintiffs and intervenors have the options to further petition the court.

Although the Federal Rules of Appellate Procedure would technically allow Mountain Valley Pipeline (MVP) to continue construction activities until the mandate is issued. Discussions between the Agencies and legal counsel are on-going over the prudence of issuing a "stop work" order to MVP which would halt further ground-disturbing activities. In the meantime, MVP has voluntarily agreed to pull construction equipment off the Jefferson National Forest by Monday afternoon (July 30, 2018), will halt all construction activity and only maintain erosion controls in the interim until permit complexities are cleared up. It is expected a full closure of operations and mitigations measures guarding against erosion and sedimentation could take up to 20 days (stabilize slopes, secure equipment, etc.) to complete. The company will now work off federal land.

As a cooperating agency to the Federal Energy Regulatory Commission's Environmental Impact Statement, the Forest Service conducted a thorough yet expedient environmental analysis supporting its decision to amend the Jefferson National Forest Land and Resource Management Plan (the Plan). A Draft Record of Decision to amend the Plan for Mountain Valley Project (MVP) was released on June 23, 2017 and a 45-day public objection period followed. Following a thorough review of the objection issues, the Forest Service issued its Record of Decision and letter of concurrence to the BLM on December 01, 2017.

Background: The Mountain Valley Pipeline (MVP) project is a 301 mile long, $3.5 billion proposal to construct a 42-inch interstate natural gas pipeline to deliver Marcellus and Utica shale natural gas from northwestern West Virginia to southern Virginia. The proposed route would crosses 3.4 miles of the Jefferson National Forest, 60 feet of land managed by the Corps of Engineers (COE) and the Blue Ridge Parkway, which the National Park Services oversees. Pipeline construction activity has been on-going on the Jefferson National Forest. This work includes mechanized clearing of the right of way, tree felling and tree clearing, grading, trenching, stringing, welding, coating and wrapping of pipe, backfilling of the trench and erosion and sediment control. Road construction and reconstruction is planned.

Topic: Mountain Valley Pipeline - 4th Circuit Court of Appeals Opinion to Vacate and Remand Approval Decision.
Date: July 30, 2018

Contacts: Southern Region
Ken Arney, Acting Regional Forester
(404) 386-2917, karney@fs.fed.us

Topic: The 4th Circuit Court of Appeals vacated the Forest Service's and Bureau of Land Management's (BLM) Mountain Valley Pipeline (MVP) decisions on Friday, July 27, 2018, and remanded the decisions to the agencies for further proceedings.

Issue: The 4th Circuit concluded that aspects of the Forest Service's decision fail to comply with the National Environmental Policy Act and the National Forest Management Act. Specifically, the Court concluded the Forest Service acted arbitrarily and capriciously in adopting the sedimentation analysis in the Federal Energy Regulatory Commission's (FERC) Environmental Impact Statement (EIS), and in concluding that the 2012 Planning Rule requirements for soil, water, and riparian resources are not directly related to the purpose of the Forest Plan amendment. The Court granted the petition (Sierra Club v. U.S. Forest Service) challenging the Forest Service's decision and vacated that decision. The Court also concluded that the BLM failed to acknowledge its obligations under the Mineral Leasing Act, and therefore, also granted the petition challenging the BLM decision and vacated that decision. It remanded to the respective agencies for further proceedings consistent with its opinion. Petitioners did not challenge the FERC Certificate of Public Convenience and Necessity.

The 4th Circuit Court of Appeals local rules states that "On the date of issuance of the mandate, the Clerk of the Court will issue written notice to the parties and the clerk of the lower court that the judgment of the Court of Appeals takes effect that day [within 45 days]." Therefore, the Court's opinion issued Friday, July 27, 2018, will not take effect until the date of issuance of the mandate. During this period, the government, plaintiffs and intervenors may further petition the court.

Although the Federal Rules of Appellate Procedure would technically allow Mountain Valley Pipeline (MVP) to continue construction activities until the mandate is issued, discussions between the Agencies and legal counsel are on-going over the prudence of issuing in advance of a mandate, a "stop work" order to MVP which would halt further ground-disturbing activities. MVP is on the verge of installing pipe on 1.8 miles of the 3.6-mile pipeline route on the Jefferson National Forest (JNF). MVP proposes as an orderly shutdown to finish constructing the pipe, restoring the right of way, and installing permanent erosion control structures on the 1.8 mile section; but not proceed with any new construction on the remaining route on the JNF until permit complexities are resolved. MVP estimates it would take 35 days to complete their proposed orderly shutdown. -MVP continues with construction off federal land.

Background: The Mountain Valley Pipeline (MVP) project is a 301 mile long, $3.5 billion proposal to construct a 42-inch interstate natural gas pipeline from northwestern West Virginia to southern Virginia. The proposed route would cross 3.6 miles of the Jefferson National Forest, 60 feet of land managed by the Corps of Engineers and the Blue Ridge Parkway, managed by the National Park Service. Project work includes tree felling and tree clearing, mechanized clearing of the right of way, grading, trenching, stringing, welding, coating and wrapping of pipe, backfilling of the trench, and erosion and sediment control. Road construction and reconstruction for access is planned.

As a cooperating agency to FERC's Environmental Impact Statement (EIS), the Forest Service's resource staff closely worked the FERC and its contractors on their field reviews, protocols, environmental analysis methods and results, significance

findings, supporting scientific documentation, and ultimately adopted the EIS to support its decision to amend the JNF Land and Resource Management Plan (the Plan). A Draft Record of Decision (ROD) to amend the Plan for the MVP Project was released on June 23, 2017 and a 45-day public objection period followed. Following a thorough 60-day review of the objection issues by subject matter experts, the Forest Service determined the EIS and draft ROD were consistent with controlling law, regulation, and policy. Subsequently, the Forest Service issued its final ROD and letter of concurrence to the BLM on December 01, 2017.

From: Gaulke, Peter T -FS
Sent: 28 Nov 2017 20:41:07 +0000
To: Beum, Frank R -FS;Gaulke, Peter T -FS
Subject: MVP Review Team Meeting
Importance: High

Here are a few thoughts. Hopefully there are not too many typos

1. The MVP Environmental Analysis, Decision and Objection processes exposed the Forest and the RO to a totally new set of processes. It was foreign to us and warrants a comprehensive after action review.
2. Always at the forefront of the conversation is that FERC was the lead agency, and we along with several other agencies were cooperating agencies.
3. With FERC as the lead agency, we were forced to adhere to FERC timelines, FERC NEPA regulations, FERC administrative processes, FERC public involvement approaches, and so on.
4. It is no doubt an understatement that FERCs processes differ dramatically from how the USFS runs its NEPA environmental analysis and decision-making. FERC is foreign.
5. It is fair to say that there were pains of adjustment as we tried to merge our USFS way of business to the FERC way of business. The adjustments were daily, weekly, monthly – we were constantly learning and adjusting over the entire 2-3 years of the project.
6. Whatever metaphor you want to use, we needed to incorporate our NEPA and Objection process into the way FERC operates (square peg in a round hole…). This was not easy and still has a level of discomfort for the Forest and the Regional Office.
7. We needed, as best we can, to try to incorporate the results of our Objection Issue Analysis into layers of Federal Agency decision making. Remember, FERC, USFS & BLM all have roles, authorities and responsibilities in approving the MVP. We needed to figure out how best to fit our outcomes and determinations of the objection process into the approval steps and authorities.
8. Mitigation measures and other outcomes found their way into the FERC EIS, USFS ROD, USFS letter of concurrence, Plan of Development (POD),

BLM decision and FERC certificate. Piecing all those together so that we were legally sufficient, regulatorilly straight, and safeguarding the natural resources was difficult and clumsy.

9. I, as the responsible official, weighed each and every issue on its merits. The review team was strong and professional.

10. When we got down to the wire, FERC issued their certificate of public necessity. That FERC certificate addressed I believe every issue that we struggled with in our objection review. In the end we had two choices:

    a. Be inconsistent with FERC and essentially pit one GOV agency's analysis against another GOV agency's analysis.

    b. Present a consistent "one GOV approach" to the project.

11. FERC's certificate read like a legal brief and it would have been very difficult for the USFS counter their findings with our own.

12. Also, as the pipeline process works, any outcomes of the Objection Review that would have required additional analysis, additional disclosure or additional documentation to the record would have been the responsibility of the USFS. We, the USFS, have no binding authority to force the BLM or the FERC to do additional analysis, additional disclosure or additional documentation to the record. Outcomes of the objection review that call for any of those would have been essentially a recommendation to the BLM and FERC.

13. My review focused strictly on a straight forward and narrow reading of our regulatory requirements.

Peter Gaulke
Regional Planning Director
Forest Service
Southern Region
p: 404-347-3183
c: 404-807-6342
pgaulke@fs.fed.us
1720 Peachtree Street, NW
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

NON-FEDERAL COMMERCIAL ROAD USE PERMIT

AUTHORITY:

Section 4 and Section 6 of the National Forest Roads and Trails Act
16 U.S.C. 535 and 537

Mountain Valley Pipeline, 2200 Energy Drive, Canonsburg, PA 15317 (the holder), is hereby granted use of the following road / road segments and related transportation facilities (hereinafter "roads") on the Eastern Divide Ranger District on the George Washington and Jefferson National Forests, for use during construction of the pipeline segment traversing the forest, subject to the terms and conditions of this permit:

FS 972, Pocahontas - MP 0.00 to MP 6.15
FS 11080, Mystery Ridge - MP 0.00 to MP 3.43

APPENDICES

A – Annual Operating Plan
B – Maintenance Requirements
C – Revocation, Suspension, and Termination

TERMS AND CONDITIONS

I. GENERAL TERMS

A. AUTHORITY. This permit is issued pursuant to the National Forest Roads and Trails Act, 16 U.S.C. 535 and 537, and 36 CFR Part 212, Subpart A, as amended, and is subject to their provisions.

B. RESPONSIBLE OFFICIAL. The responsible official is Joby Timm, Forest Supervisor, or a subordinate officer with delegated authority.

C. TERM. This permit shall expire at midnight 5 years from the date of issuance. Expiration of this permit shall not require notice, a decision document, or any environmental analysis or other documentation.

D. RENEWAL. This permit is not renewable. Prior to expiration of this permit, the holder may apply for a new permit that would renew the use authorized by this permit. Renewal of the use shall be at the sole discretion of the responsible official.

E. AMENDMENT. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the responsible official, this action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable land management plan, or projects and activities implementing a land management plan pursuant to 36 CFR part 215.

F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS. In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements, including state traffic laws, that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

G. NON-EXCLUSIVE USE. The use authorized by this permit is not exclusive. The Forest Service reserves the right to use the roads authorized by this permit and to allow others to use them at any time. The holder shall use the roads authorized by this permit in a manner that will not unreasonably or unnecessarily interfere with their use by others, including the Forest Service. Except for any restrictions that the holder and the Forest Service agree are necessary to protect public safety and road investments, the roads authorized by this permit shall remain open to the public for all lawful purposes.

H. ASSIGNABILITY. This permit is not assignable or transferable.

II. OPERATIONS

A. ANNUAL OPERATING PLAN. The holder shall prepare and annually revise an operating plan. The annual operating plan shall be prepared in consultation with the responsible official or the responsible official's designated representative and shall cover all operations authorized by this permit. At a minimum, the annual operating plan shall specify the date the use authorized by this permit will commence, the duration and extent of the use, the products that will be hauled, a traffic control plan per clause II.C, the names of the holder's employees, contractors, and subcontractors who will use the roads authorized by this permit on behalf of the holder, and any other information regarding the authorized use deemed necessary by the responsible official. The annual operating plan shall be submitted by the holder and approved by the responsible official or the responsible official's designated representative prior to commencement of commercial hauling under this permit and shall be attached to this permit as Appendix A. If there is any material change in the information contained in the annual operating plan, the holder shall notify the responsible official promptly in writing of the change.

B. HOLDER'S REPRESENTATIVE. The holder shall designate a representative for purposes of administration of this permit and shall notify the responsible official in writing who the holder's representative will be.

C. USE RECORDS. Every month during periods the holder is conducting commercial hauling on the roads covered by this permit, the holder shall provide scale or other records acceptable to the responsible official that document the quantity hauled, calculated in the unit of measure (e.g., thousands of board feet, tons, cubic yards, or vehicle units) used to determine payments in lieu of performance under clause III.E or the holder's investment share under section V.

D. PUBLIC SAFETY. When the holder is engaged in commercial hauling adjacent to or on National Forest System roads or National Forest System trails open to public travel, the holder shall provide users with adequate warning of hazardous conditions associated with the holder's operations. A traffic control plan for each commercial hauling project shall be approved by the responsible official in writing before commercial hauling commences. Warning devices shall be appropriate for current conditions and shall be covered or removed when not needed. Flags and other warning devices shall comply with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and any specifications attached to this permit.

E. TRAFFIC RULES AND USE RESTRICTIONS

1. The holder and its agents, employees, and contractors shall comply with all traffic rules and use restrictions imposed by the Forest Service, including:

a. Road closures or use restrictions prompted by weather conditions, a fire hazard, or road construction or maintenance.

b. Traffic rules for safe and effective use of roads.

c. Regulation of the number of vehicles using a road to prevent traffic congestion.

2. Unless specified in this permit or approved in writing by the responsible official, use of motor vehicles by the holder or its agents, employees, or contractors must be in accordance with the applicable motor vehicle use map (36 CFR 261.13).

3. Temporary traffic control signs, flagging, and warning devices for road construction, operation, or maintenance conducted under this permit shall comply with Part 6 of the MUTCD.

4. The holder shall load logs in accordance with the timber removal plan approved by the Forest Service.

5. The holder shall not operate vehicles or equipment with cleats or other tracks that will injure the road surface unless otherwise approved by the Forest Service. Any damage to the traveled way shall be addressed in accordance with all maintenance provisions in Appendix B.

F. REQUIREMENT TO CARRY A COPY OF THE PERMIT. Drivers of all vehicles operating under this permit shall have a copy of the first sheet of this permit in their vehicle. The copy will be presented, on request, to any Forest Service officer.

G. LOAD MARKING. Unless otherwise approved in writing by the responsible official, when hauling wood products under authority of this permit, a 6" minimum size red letter "P" shall be painted on three or more ends of logs visible from the front and on three or more ends of logs visible from the back of the load.

III. PERFORMANCE AND COST RECOVERY

A. RECONSTRUCTION REQUIRED TO ACCOMMODATE USE. The holder shall perform any road reconstruction required to accommodate the holder's use under this permit, or deposit funds sufficient to cover the cost of the reconstruction, before the holder's use commences.

B. COMMENSURATE SHARE.

The holder shall perform maintenance, or deposit funds sufficient to cover the cost of maintenance, commensurate with the holder's use of the roads authorized by this permit (the holder's commensurate share), measured, e.g., in thousand board feet, cubic yards, or vehicle units. The holder shall be entirely responsible for maintenance that is necessitated by the holder's use, i.e., maintenance which would not be necessary if the holder's use did not occur. The holder shall be proportionately responsible with other users of the roads authorized by this permit for maintenance not necessitated by traffic, i.e., maintenance that is necessary due to natural causes such as rain, wind, rock fall, and growth of brush. Maintenance that could be required or for which payment could be required by this clause includes, at a minimum, work addressed in section IV of this permit.

C. PERFORMANCE BOND FOR ROAD MAINTENANCE. As a further guarantee of the holder's commensurate share obligation, the responsible official may require the holder to furnish a surety bond or other security.

IV. REQUIREMENTS FOR CONDUCTING MAINTENANCE

A. IN GENERAL. When maintenance is performed, it shall be conducted in accordance with the following requirements and the requirements in Appendix B:

1. The holder shall perform maintenance on the roads authorized by this permit that is necessary to protect and repair the roadbed, road surface, and associated transportation facilities.

2. The holder shall resurface the roads authorized by this permit to the extent loss of surfacing is caused by the use authorized by this permit.

3. When two or more commercial users are simultaneously using the same road where the Forest Service is not requiring maintenance deposits, the commercial users will develop maintenance responsibilities and arrangements for accomplishing the work. The Forest Service must agree to this plan. If commercial users cannot agree on maintenance responsibilities, the Forest Service shall resolve the differences.

B. SNOW REMOVAL. Snow removal shall be conducted in a manner that protects roads, ensures safe and efficient transportation of materials, and prevents erosion damage to roads, streams, and adjacent lands. The holder shall:

1. Remove snow from the entire width of the road surface, including turnouts.

2. Remove snow slides, earth slides, fallen timber, and boulders that obstruct the road surface.

3. Remove snow, ice, and debris from ditches and culverts so that the drainage system will function efficiently at all times.

4. Deposit all debris, except snow and ice, removed from the road surface and ditches at locations approved by the responsible official and away from stream channels.

5. Leave at least 4 inches of snow to protect the road.

6. Restore any damage resulting from snow removal in a timely manner.

7. Ensure that snow plowing is conducted in accordance with the traffic control plan required under clause II.C.

The holder shall not:

8. Undercut constructed slopes or remove gravel or other surfacing material from the road surface.

9. Leave snow berms on the road surface. Berms on the shoulder of the road shall be removed or drainage holes shall be opened and maintained. Drainage holes shall be spaced as necessary to obtain satisfactory surface drainage without discharge on erodible fills.

10. Use equipment with cleats or other tracks to plow snow without prior written approval of the responsible official.

V. INVESTMENT SHARING. The holder is hauling non-federal forest products from land tributary to roads authorized under this permit, and is therefore subject to investment sharing under 16 U.S.C. 535. The holder and the responsible official have entered into a cooperative agreement for the agency to recoup the holder's share of the construction costs for roads authorized under this permit that have been borne by the agency (the holder's investment share). The holder may contribute funds or may perform maintenance or reconstruction required to accommodate the holder's use to satisfy the holder's investment sharing obligation. The cooperative agreement shall include the holder's investment share calculation and shall be attached to this permit.

VI. RIGHTS AND LIABILITIES

A. LEGAL EFFECT OF THE PERMIT. This permit, which is revocable and terminable, is a federal license. This permit does not constitute a contract or lease for purposes of the Contract Disputes Act, 41 U.S.C. 601. This permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

B. VALID OUTSTANDING RIGHTS. This permit is subject to all valid outstanding rights.

C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS. The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

D. RISK OF LOSS. The holder assumes all risk of loss associated with use of the roads authorized by this permit, including but not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and acts of God.

E. DAMAGE TO UNITED STATES PROPERTY. The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs, damage to government improvements covered by this permit, and all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. For purposes of this clause, "hazardous material" shall mean any hazardous substance, pollutant, contaminant, hazardous waste, oil, and/or petroleum product, as those terms are defined under any federal, state, or local law or regulation.

1. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, while conducting commercial

hauling under this permit. If the environment or any government property covered by this permit becomes damaged during the holder's use under this permit, the holder shall immediately repair the damage or replace the damaged items to the satisfaction of the responsible official and at no expense to the United States.

2. The holder shall be liable for all injury, loss, or damage, including fire suppression, or other costs in connection with rehabilitation or restoration of natural resources associated with the use authorized by this permit. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs.

3. The holder shall be liable for damage caused by use of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees to all roads and trails of the United States to the same extent as provided under clause VI.E.1.

F. HEALTH, SAFETY, AND ENVIRONMENTAL PROTECTION. The holder shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any activity or condition arising out of or relating to use of the roads authorized by this permit that causes or threatens to cause a hazard to public health or the safety of the holder's employees or agents or harm to the environment (including areas of vegetation or timber, fish or other wildlife populations, their habitats, or any other natural resources). The holder shall immediately notify the responsible official of all traffic accidents and any other serious accidents that occur in connection with the authorized use. The responsibility to protect the health and safety of all persons affected by use of the roads authorized by this permit is solely that of the holder. The Forest Service has no duty under the terms of this permit to inspect the roads authorized by this permit or authorized activities of the holder for hazardous conditions or compliance with health and safety standards.

G. COMPLIANCE WITH ENVIRONMENTAL LAWS. The holder shall in connection with use of the roads authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 *et seq.*, the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.*, the Oil Pollution Act, as amended, 33 U.S.C. 2701 *et seq.*, the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9601 *et seq.*, the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 *et seq.*, the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 *et seq.*, and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f *et seq.*

H. INDEMNIFICATION OF THE UNITED STATES. The holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder or the holder's employees, contractors, or subcontractors in connection with use of the roads authorized by this permit. This indemnification provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assigns, agents, employees, or contractors in connection with use of the roads authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable, and including but not limited to those environmental laws listed in clause V.G of this permit; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous substance, pollutant, contaminant, oil in any form, or petroleum product into the environment. The responsible official may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.

I. INSURANCE

1. The holder or the holder's employees, contractors, or subcontractors shall have in force automobile insurance covering losses associated with the use authorized by this permit in at least the amount of $1,000,000 for injury or death to one person, $1,000,000 for injury or death to two or more persons, and

$1,000,000 for property damage. Minimum amounts of coverage and other insurance requirements are subject to change at the sole discretion of the responsible official on the anniversary date of this permit.

2. Any insurance policies obtained by the holder pursuant to this clause shall name the United States as an additional insured, and the additional insured provision shall provide for insurance coverage for the United States as required under clause VI.I. The policies also shall specify that the insurance company shall give 30 days prior written notice to the responsible official of cancellation of or any modification to the policies.

3. The holder shall furnish proof of insurance, such as a certificate of insurance, to the responsible official prior to issuance of this permit and each year thereafter that this permit is in effect. The Forest Service reserves the right to review and approve the insurance policy prior to issuance. The holder shall send an authenticated copy of any insurance policy obtained pursuant to clause V.I to the responsible official immediately upon issuance of the policy. The certificate of insurance, the authenticated copy of the insurance policy, and written notice of cancellation or modification of insurance should be sent to the responsible official at 5162 Valleypointe Parkway, Roanoke, VA 24019.

VI. REVOCATION, SUSPENSION, AND TERMINATION

A. REVOCATION AND SUSPENSION. The responsible official may revoke or suspend this permit in whole or in part for:

1. Noncompliance with federal, state, or local law.
2. Noncompliance with the terms of this permit.
3. Abandonment or other failure of the holder to exercise the privileges granted.

Prior to revocation or suspension, other than immediate suspension under clause VII.B, the responsible official shall give the holder written notice of the grounds for revocation or suspension and a reasonable time, typically not to exceed 90 days, to cure any noncompliance. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

B. IMMEDIATE SUSPENSION. The responsible official may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing.

C. TERMINATION. This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the responsible official, such as expiration of the permit by its terms on a specified date or with the consent of the holder. Termination of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

VII. MISCELLANEOUS PROVISIONS

A. MEMBERS OF CONGRESS. No member of or delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

B. CURRENT ADDRESSES. The holder and the responsible official shall keep each other informed of current mailing addresses, including those necessary for payment of the holder's commensurate or investment share.

C. SUPERIOR CLAUSES. If there is a conflict between any of the preceding printed clauses and any of the following clauses, the preceding printed clauses shall control.

THIS PERMIT IS ACCEPTED SUBJECT TO ALL ITS TERMS AND CONDITIONS.

BEFORE ANY PERMIT IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE RESPONSIBLE OFFICIAL OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS AND CONDITIONS OF THE PERMIT.

ACCEPTED:

Robert J. Cooper	Robert A. Cooper	March 1 2018
HOLDER NAME, PRECEDED BY NAME AND TITLE OF PERSON SIGNING ON BEHALF OF HOLDER, IF HOLDER IS AN ENTITY	SIGNATURE	DATE

APPROVED:

[signature]	MARCH 1, 2018
NAME AND TITLE OF RESPONSIBLE OFFICIAL	SIGNATURE	DATE

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0016. The time required to complete this information collection is estimated to have no associated burden per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a discrimination complaint write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 975-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

APPENDIX B

ROAD MAINTENANCE REQUIREMENTS (IN LIEU OF PAYMENT)

1.) Surface Blading of Roads

All blading shall conform to the following requirements:

a) Grade with a motorgrader to establish a crown or outslope prior to hauling and initial aggregate placement as needed to maintain drainage and remove any ruts and potholes; and
b) Grade with a motorgrader to establish a crown or outslope as needed to facilitate drainage upon project completion.

General Requirements:

All blading performed shall conform to the following specifications:

Blading operations are to be done over the traveled way in order to remove, by cutting out, all ruts, potholes, corrugations, and berms. All suitable dislodged aggregate shall be smoothly redistributed over the traveled way to produce the proper cross-slope or crown as specified. Existing surfacing material will not be wasted during blading operations.

Aggregate surfacing which has been worked onto road shoulders by traffic or previous maintenance activities shall be reclaimed and smoothly redistributed over the traveled way. Traveled way widths shall be perpetuated as existing. Dips and swales designated to control surface drainage are to be maintained. Turnouts and intersections shall be considered part of the traveled way. Assure proper road crowns and surface drainage is in accordance with what is shown in the typical sections after all operations are completed.

Passes shall not exceed one (1) mile intervals at one time without permission. No undercutting of the roadway edges shall be allowed. Berms of material caused by grading operations shall be removed from the roadway prior to the end of the day's work and not left in place overnight.

Removal of shoulder vegetation and grass sod will not be necessary unless it interferes with proper surface drainage. Reasonable amounts of grass, leaf litter or pine straw is to be smoothly spread within the traveled way or along the shoulder after sufficient movement to sift out surface aggregate. Where grass, leaf litter or pine straw is excessive, this material will be piled in spots along the road shoulder and left to decay. Care must be taken to insure this material does not interfere with surface drainage nor present a safety hazard. If any of this material cannot be placed to avoid interference with drainage, it shall be removed from the roadway. Any such material is to be reclaimed in subsequent bladings and smoothly spread within the traveled way or along the shoulder. Existing material from previous bladings shall also be reclaimed and smoothly spread within the traveled way.

Loose rocks, wood debris, or other unsuitable material, protruding 2 inches (greatest dimension) or more above the graded surface shall be removed. It is permissible to waste the referenced material over the shoulders away from ditches and culverts.

Suitable soil moisture conditions (SMC) for surface blading shall be from 5 – 15 percent by weight. Unless authorized by the Forest Service, no surface blading shall be performed while SMC are outside this range. When SMC are below 5%, the roadbed visually appears to contain little moisture and heavy dusting is present. Under these conditions no wetting precipitation has occurred in the recent past. Above 15% SMC, the roadbed appears oversaturated, contains standing water, or may be rutting slightly. Recent heavy precipitation has occurred under these conditions. If conditions are too dry, the cooperator may provide water to increase moisture content.

2.) Ditch Cleaning

The permittee, on an as needed basis, shall be required to:

a) Clean ditchlines prior to hauling of any equipment/materials/supplies,
b) Keep ditchlines functional and free flowing during roadway use, and
c) Clean ditchlines at the conclusion of hauling.

All ditch cleaning shall be performed in accordance with the following specifications:

All ditches are to be maintained in their original location and at a grade required to insure proper drainage of the roadway. No ditch sections shall have the capacity to create standing water. Ditches shall be shaped as shown in the attached Typical Section unless otherwise directed by the Forest Service. Backslopes shall not be undercut. Drainage structures and road appurtenances shall not be damaged during this operation and the cooperator will be responsible for any damage that occurs from this operation. Handwork required to properly connect ditch flow lines to drainage structures inlets is considered part of this activity. Any existing damaged culverts shall be brought to the attention of the Forest Service.

Rocks (larger than 2 inches), sediment, wood debris (larger than 1.5 inches and 18 inches long), leaves and other debris in the ditch line shall be removed without unnecessarily disturbing the grass or other erosion-controlling vegetation growing in ditches or along ditch slopes. All suitable material, having the same character as the road surface, excavated through this activity shall be reclaimed and used within the traveled way. Unsuitable material shall be wasted beyond and below the outer edge of the road shoulder as directed by the Forest Service. This includes spreading the unsuitable material along back slopes or fill slopes in such a way that maintains surface drainage and prevents the unsuitable material from being deposited onto the road surface.

Leadoff ditches shall be opened for a distance of one machine length to provide drainage away from the roadway. No material excavated from these structures shall be reclaimed onto the roadbed. When ditch bottoms are soft or if there is standing water present, avoid running the grader tire in the ditch. Reshape the ditch using the extended blade.

3.) Culvert Cleaning

The permittee may be required to keep culverts fully operational and free flowing during haul. Culverts that fail as a result of the perimitee's operations shall be replaced in kind or repaired at the expense of the permittee to the satisfaction of the government. Any necessary culvert cleaning shall conform to the following:

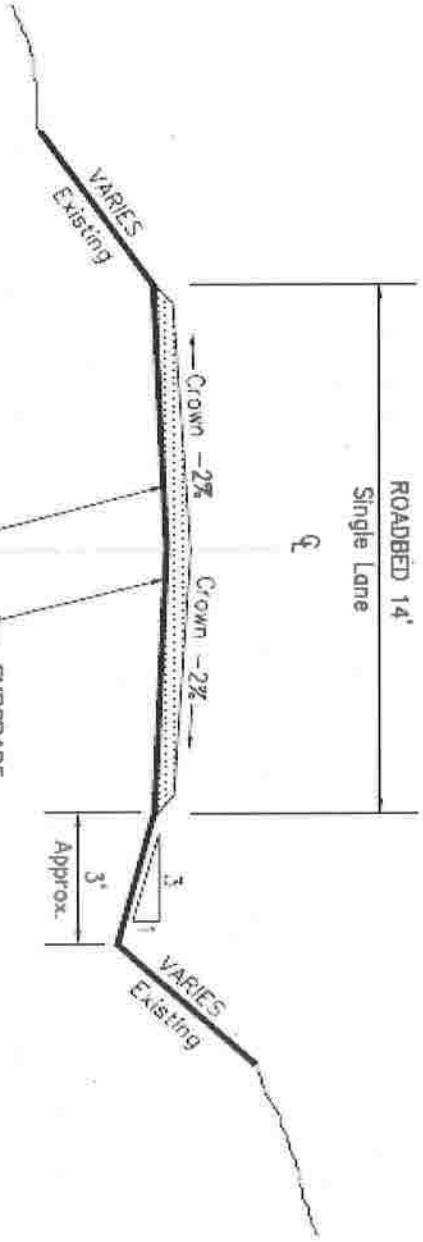
Culverts, 36-inches and smaller, associated with road and lead-off ditches are to be cleaned of dirt, silt, rock, debris, brush and vegetative matter around the inlet and outlet ends. Permittee shall clean a minimum of three (3) feet inside of the culvert, on both culvert ends. Material extracted from around the ends of the culvert is to be spread off of the roadway and away from ditch lines. This work also includes debris removal from the culvert inlet and outlet ditches (ie, 10 feet from each end of the culvert), catch basins, and other structures associated with the culvert ends.

4.) Aggregate Surfacing

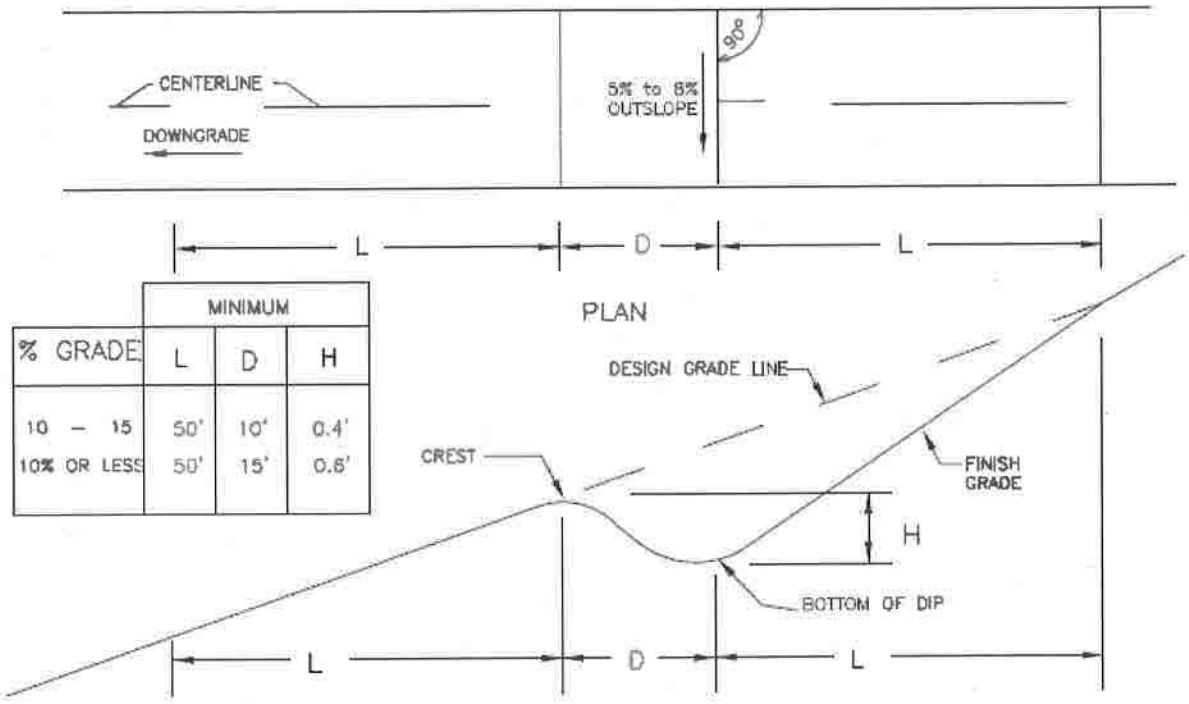
The permittee will be required to tailgate spread aggregate surfacing as set forth below, and as needed to maintain a suitable surface during use.

All aggregate placements shall conform to the following specifications:

The aggregate shall be reasonably hard, durable, free of organic material or other objectionable materials. Spread the aggregate in a uniform layer, with no segregation of size, and to a loose depth that will provide the required compacted thickness. Compact each layer full width with a roller or by operating spreading and hauling equipment over the full width of the traveled way. Blade the surface of each layer during the compaction operations to remove irregularities and produce a smooth, even surface. VDOT #357 stone shall be used as surfacing in wet areas. Nothing smaller than VDOT #26 shall be used without prior approval of the Forest Service. Roller compaction permitted but not required.



TYPICAL SECTION
"NO SCALE"

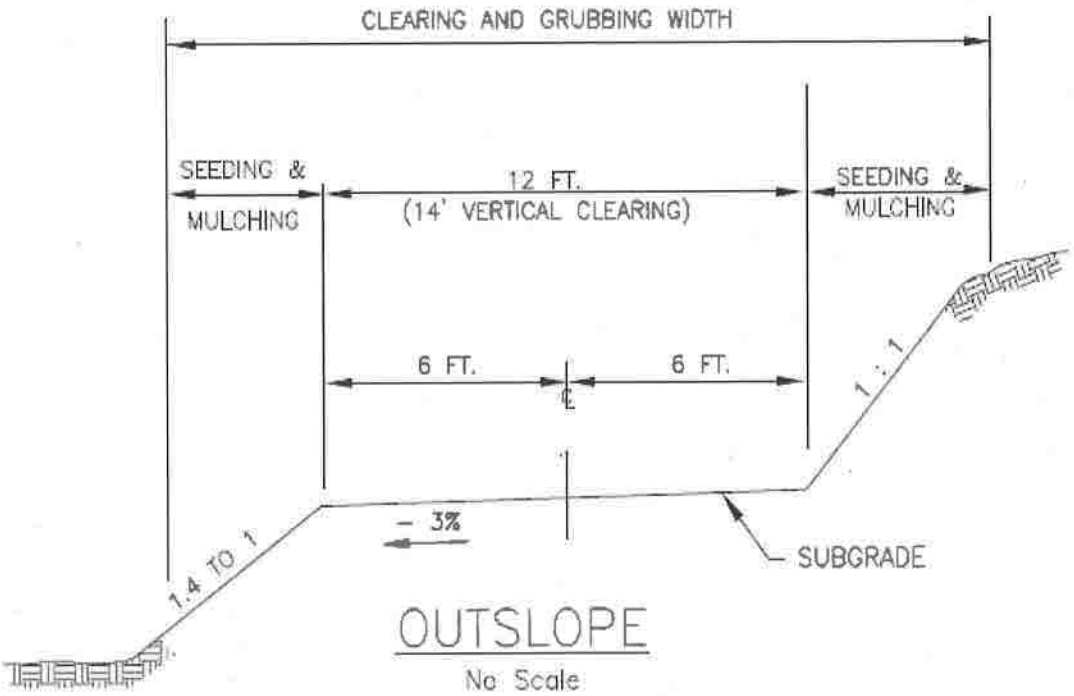


% GRADE	MINIMUM L	D	H
10 – 15	50'	10'	0.4'
10% OR LESS	50'	15'	0.6'

DIP LOCATIONS ON THE PLANS ARE APPROXIMATE ONLY, AND ARE SUBJECT TO ADJUSTMENT DURING CONSTRUCTION TO MEET FIELD CONDITIONS.

DRAINAGE DIP DETAIL

No Scale



OUTSLOPE

No Scale

APPENDIX C

REVOCATION, SUSPENSION AND TERMINATION CONDITIONS

The responsible official may revoke or suspend this permit in whole or in part in accordance with clause VII.A and all that is contained therein as well as the following:

1) Noncompliance with the POD which is recognized as the Annual Operating Plan.
2) Noncompliance with BLM's Right of Way Grant.
3) Noncompliance with the Restoration and Rehabilitation Plan.
4) Noncompliance with the Habitat Mitigation Plan.
5) Failure to submit construction drawings and specifications for review and approval prior to construction.

Holder and Holder's Representative

Holder - Mountain Valley Pipeline, LLC

Representative – Robert J. Cooper, Senior VP for MVP Construction and Engineering

Responsible Official and Subordinate Officer with Delegated Authority

Responsible Official – Joby Timm, Forest Supervisor

Subordinate Officer – Dan McKeague, Eastern Divide District Ranger

U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY (OSEC) ROLLOUT PLAN

Mountain Valley Pipeline Notice of Intent to Prepare a Supplemental Environmental Impact Statement

Jefferson National Forest

December x, 2018

ACTION: Mountain Valley Pipeline Notice of Intent to Prepare a Supplemental Environmental Impact Statement

Overview

Expedited publishing of a Notice of Intent (NOI) in the Federal Register and approval of communication materials is needed to inform the public that the USDA Forest Service (Forest Service) is developing a Supplement to the Final Environmental Impact Statement (FEIS) for the Mountain Valley Project (MVP) and Amendment to the Jefferson National Forest (JNF) Land and Resource Management Plan (LRMP) to address a court ruling which vacated and remanded the Record of Decision (ROD) to amend the JNF LRMP.

Secretarial and Subcabinet Awareness

The WO office of communications will determine process for secretarial and subcabinet awareness, if needed.

Background Information

The Forest Service participated as a cooperating agency with the Federal Energy Regulatory Commission (FERC) and the Bureau of Land Management (BLM) in the preparation of the MVP and Equitrans Expansion Project (EEP) FEIS (82 FR 29539 (June 29, 2017)). The MVP route crosses around 3.6 miles of lands managed by the JNF in Monroe County, WV and Giles and Montgomery Counties, VA. An amendment to the JNF LRMP was needed so the MVP will be consistent with the LRMP. The Forest Service's ROD for the Amendment to the JNF LRMP was signed on December 1, 2017, and was subsequently challenged.

The U.S. Court of Appeals for the Fourth Circuit issued an opinion on July 27, 2018, vacating the ROD and stating that on remand the Forest Service should: (1) explain why it adopted Mountain Valley's predictive modelling results related to soil erosion and sedimentation after expressing concerns about specific model inputs; (2) explain how the FEIS took a "hard look" at sedimentation issues considered in the FEIS; and (3) properly apply the 36 CFR 219 planning rule requirements for soil and riparian resources to the amendment to the LRMP for the JNF.

The Supplement to the Final EIS for the MVP and LRMP amendment will: (1) incorporate any new or updated scientific information on sedimentation analysis, effectiveness of erosion control measures, and on-site monitoring information; (2) update the determination of which substantive requirements within 36 CFR 219.8 through 219.11 are directly related to the proposed plan amendment and determine if any

changes are needed to the proposed plan amendment; and (3) update the sections in the FEIS addressing the amendment to the LRMP for the JNF associated with Soils, Water Resources, Fisheries and Aquatic Resources, and "Land Use on Federal Lands").

At the time of the Fourth Circuit's ruling, a 1.8-mile long by 125 feet wide section of the pipeline right-of-way (ROW) on very steep slopes on the JNF had been cleared and prepared for pipeline installation, with pipe sections strung throughout the cleared route. Trees have been felled on the remaining 1.8 miles of the ROW. The site has been temporarily stabilized, but needs to be restored as soon as possible to avoid significant resource damage. A Forest Service decision by June 1, 2019 would allow installation of the pipeline and full site restoration to be completed prior to the end of the fall seeding season.

Comment [RJ-F]: Who should we list here? Stephanie isn't that appraised of the day to day but is at the appropriate level??

ROLLOUT

Contacts

- Media contact: Stephanie Johnson, Director, Region 8 Public Affairs and Support Services, stephanie.johnson@usda.gov, 404-347-4116.
- Subject Matter Experts: Frank Beum, Pipeline Infrastructure Executive, frank.beum@usda.gov, 404-347-2872; Tim Abing, Pipeline Infrastructure Regional Coordinator, timothy.abing@usda.gov, 404-347-3989.

Press Statement/Response to Query

The USDA Forest Service (Forest Service) is developing a Supplement to the Final Environmental Impact Statement (FEIS) for the Mountain Valley Project (MVP) and Amendment to the Jefferson National Forest (JNF) Land and Resource Management Plan (LRMP) to address a court ruling which vacated and remanded the Record of Decision (ROD) to amend the JNF LRMP.

Rollout Plan

Date/Time	**Event/Outreach** (OSEC Lead)	**Participants/Audience**	**Materials**
Day NOI is published	Email news release to media	GWJeff Public Affairs email address	News Release
Day NOI is published	Email news release to legislators	Joby Timm	News Release
Day NOI is published	Update project website	Jessica Rubado	Talking Points

Press Release

In response to the opinion from the United States Court of Appeals for the Fourth Circuit in Sierra Club et al. v. U.S. Forest Service; U.S.D.A. et al., Case No. 17-2399, the USDA Forest Service is preparing a Supplement to the Final Environmental Impact Statement (SEIS) for the Mountain Valley Pipeline Project. The SEIS will address issues relating to erosion and sedimentation, sensitive aquatic species, and compliance with Forest Service planning regulations as they relate to this project's activities on the Jefferson National Forest. The public will have an opportunity to comment once the Draft SEIS is published.

The SEIS for the Mountain Valley Pipeline Project will: incorporate any new or updated scientific information on sedimentation analysis, effectiveness of erosion control measures, and on-site monitoring information; update the determination of which substantive requirements within the forest service planning regulations are directly related to the proposed plan amendment and determine if any changes are needed to the proposed plan amendment; and update the sections in the Final Environmental Impact Statement addressing the amendment to the Land and Resource Management Plan for the Jefferson National Forest associated with Soils, Water Resources, Fisheries and Aquatic Resources, and "Land Use on Federal Lands".

Key Messages

The USDA Forest Service is preparing a Supplement to the Final Environmental Impact Statement (SEIS) for the Mountain Valley Pipeline Project.

Talking Points:

- The USDA Forest Service is preparing the SEIS to address a court ruling which vacated and remanded the Record of Decision (ROD) to amend the Jefferson National Forest Land and Resource Management Plan for the Mountain Valley Pipeline Project.
- The SEIS will address issues relating to erosion and sedimentation, sensitive aquatic species.
- The SEIS will address compliance with Forest Service planning regulations as they relate to this project's activities on the Jefferson National Forest.
- The public will have an opportunity to comment once the Draft SEIS is published.

Intergovernmental Outreach

Joby Timm, George Washington and Jefferson National Forest Supervisor will email the news release to legislators on the day the Notice of Intent is published in the federal register. While this project is generally controversial it is not anticipated that announcing a Notice of Intent will foster significant attention.

Audiences

External:

- Jefferson National Forest Legislators and Media Contacts (list maintained at the forest).
- It's anticipated that Legislators will be interested but not specifically concerned with this step in the project. The media will likely want more detail on how the SEIS will satisfy the court findings. We do not recommend more detail than what is in the talking points.

Internal:

- Jefferson National Forest employees involved in project implementation (list maintained at the forest)

Materials Available

- Briefing Paper
- Press Release

Mountain Valley Pipeline Project

Docket No. CP16-10-000

Temporary Stabilization Plan

(Public)

August 2018

TABLE OF CONTENTS

Introduction **2**

Short Term Stabilization Plan: Tree felled, Cleared and Graded Only **3**
Inspection/Maintenance Activities 3
Stabilization Activities 4

Short Term Stabilization Plan: Pipe Strung, Welded and Trenched **5**
Installation of Pipe Strung Along the ROW 5
Final Restoration Where Possible 6
Pigg River HDD 7
Blue Ridge Parkway 7
Jefferson National Forest 7

Short Term Stabilization plan: Compressor Stations & Interconnects **10**
All Compressor and Interconnect Facilities 10
Mobley 10
Bradshaw 10
Harris 10
WB 10
Stallworth 11
Transco 11

Longer Term Stabilization Plan: Pipeline ROW and Facilities **12**
Pipeline ROW 12
Compressor Station & Interconnects 12

Specific Areas of Sensitive Environmental Concern **13**

INTRODUCTION

Mountain Valley Pipeline, LLC is providing the Federal Energy Regulatory Commission (FERC) with this *Temporary Stabilization Plan* (Plan). This is in response to the FERC's August 3, 2018 *Notification of Stop Work Order* calling for the immediate cessation of construction of the Mountain Valley Pipeline Project (Project) located in 17 counties in West Virginia and Virginia. The Project involves the construction of an approximately 303-mile, 42-inch-diameter natural gas pipeline, three compressor stations, and other appurtenant facilities to provide timely, cost-effective access to the growing demand for natural gas for use by local distribution companies, industrial users, and power generation in the Mid-Atlantic and southeastern markets, as well as potential markets in the Appalachian region. Construction began in February 2018. Construction on National Forest System lands began in February 2018. Per the Stop Work Order, *"MVP is hereby notified that construction activity along all portions of the Project and in all work areas must cease immediately, with the exception of any measures deemed necessary by those land managing agencies or FERC staff to ensure the stabilization of the right of way and work areas."* The Stop Work Order required that "*within 5 days, MVP must provide an interim right-of-way and work area stabilization plan for review and written approval by the Director of the Office of Energy Projects*."

The goal of this Plan is to provide a structure for implementing the Project's temporary stabilization process, which is designed to meet the following objectives:

- Stabilize the Project right of way (ROW) and workspaces to minimize potential erosion and sedimentation;
- Protect sensitive resources and conserve segregated topsoil;
- Assess, maintain, and reinforce temporary erosion control measures to avoid off-ROW impacts;
- Address safety concerns, including those associated with open trenches;
- Secure fuels and equipment to prevent spills; and
- Suspend activities, leaving the ROW free of construction debris.

Temporarily stopping work on the Project has the potential to cause impacts to sensitive environmental resources that would not have been caused with continued work. Protective measures have been developed to minimize potential environmental impacts on these resources and will be applied, as applicable, to the Project. In general, Mountain Valley will utilize FERC's Plan and Procedures as well as measures outlined in Mountain Valley's Winter Construction Plan, Erosion and Sediment Control Plans (West Virginia and Virginia), and Restoration Plan. This Plan details the protective measures.

SHORT TERM STABILIZATION PLAN: TREE FELLED, CLEARED AND GRADED ONLY

The following immediate actions are necessary to temporarily stabilize the ROW and work areas in sections of the project area that have been tree felled, cleared, and graded but not yet trenched or not yet having pipe strung along the ROW. The focus for this portion of the Project is on safety, resource and topsoil protection, basic housekeeping, and avoidance of off-ROW impacts by completing the activities described in this section.

Stage of Construction	Approximate Mileage	Action
Not Felled	3 miles	Continue to monitor and inspect per WVDEP and VADEQ requirements.
Tree Felled Only	102 miles	Continue to monitor and inspect per WVDEP and VADEQ requirements.
Trees Felled / ROW Cleared and/or Graded / No Pipe Strung / Not Trenched	103 miles	Temporary stabilization in accordance with the approved WVDEP and VADEP Erosion and Sediment Control Plans.

Each of the Mountain Valley Environmental Inspectors (EIs) are responsible for inspecting a portion of their dedicated Spread. The EI's primary responsibility is conducting periodic site inspections to verify compliance with the state specific stormwater discharge permits and the FERC's Plan and Procedures.

The Environmental Inspection and Construction teams will be focused on the following inspection/maintenance and stabilization activities.

INSPECTION/MAINTENANCE ACTIVITIES

In VA, inspect all erosion and sedimentation controls within disturbed areas at least once every four business days. In WV, inspect all erosion and sedimentation controls within disturbed areas, at a minimum, once every seven calendar days and within 24 hours after any storm event equal to or greater than 0.25 inch per 24-hour period. Repairs or maintenance shall be performed immediately to Best Management Practices (BMPs). If weather or site conditions prevent immediate repair, the repairs will be completed when site conditions allow. The inspection and maintenance activities will include the following:

- Assess the ROW at vulnerable/sensitive resource areas.
- Recommend installation of supplemental Erosion Control Devices (ECDs).
- Confirm all bridges/equipment mats are thoroughly cleaned and secured to prevent sediment impacts and displacement by storm flows.

- Ensure all installed waterbars and end treatments (sumps, compost filter sock, rip rap lined channels, slope drains, etc.) are properly maintained and in place.
- Determine the effectiveness of project area ECDs and prescribe the appropriate maintenance, repair, or replacement requirements.
- Remove all construction debris.
- Create and prioritize a punchlist of all ECD maintenance, repair, and/or replacement activity.
    - Equipment would be necessary for reestablishing/grading waterbars; cleaning, stabilizing, and installing sumps and waterbar end treatments; replacing/repairing equipment bridges; regrading/stabilizing temporary diversion berms; tracking slopes for appropriate drainage; compacting and stabilizing spoil piles; moving pipe/materials to safe locations; and hauling ECDs and fuel throughout the project area.

STABILIZATION ACTIVITIES

- For all graded sections of ROW, temporary seed and mulch, hydroseed, or hydromulch per the guidelines in the WVDEP and VADEQ approved Erosion and Sediment Control Plans
- Maintain perimeter controls and enhance downslope ECDs as necessary.
- Maintain all segregated topsoil piles – re-apply temporary seed mix and mulch to the piles, as necessary, and maintain ECDs around the bases of all topsoil piles.
- Anywhere that brush piles are impeding the ability to stabilize the ROW, burn the brush piles in accordance with local permits.
- Retrieve all off-ROW sediment after obtaining the necessary landowner approvals.

SHORT TERM STABILIZATION PLAN: PIPE STRUNG, WELDED AND TRENCHED

In addition to the stabilization plan outlined above, the following actions are necessary to stabilize the ROW and work areas in sections of the project that have been either trenched or have pipe strung along the ROW.

INSTALLATION OF PIPE STRUNG ALONG THE ROW

It is important that Mountain Valley install the pipe in all currently trenched areas. This is critical to ensure that the ROW can be properly restored and sensitive environmental resources protected. In many areas along the pipeline alignment, the ROW has been graded and exposed to the elements. ROW grading is intended to be short-term and the ground exposed to weathering only for a limited amount of time. Consequently, it must be stabilized prior to any long-term shutdown of construction activity. If there is pipe strung in an acidic soil area, installing the pipe, backfilling and completing final restoration is the proper action. In potential acid soil areas where pipe has not yet been strung then Mountain Valley will restore per the Acid Forming Materials Plan.

The most effective way to stabilize the ROW and ensure adequate access for environmental maintenance is to install the pipe in the trenched, strung, and/or welded areas. Once the pipe is installed, these areas can be reclaimed to original grade, if appropriate, and drainage patterns and allowed to revegetate to post-construction conditions. It is advantageous to begin reclamation as soon as possible to establish vegetation prior to the winter freeze/thaw cycle. Seed and mulch placed at this time will generally be placed on compacted subsoil, which will hinder growth. While it is possible to attain short term growth in subsoil, long term growth that is resilient in winter conditions is not likely. Temporarily stabilized soils are more susceptible to erosion and sediment loss than final restored conditions. By not installing the permanent ECDs and establishing permanent vegetation in as many areas as possible, the potential for sedimentation and erosion events increases. A temporarily stabilized ROW will require significantly more maintenance than a fully restored ROW. Each time Mountain Valley must revisit the ROW to address an environmental concern, additional environmental concerns may be created. For example, accessing the ROW with equipment to clean sumps will require waterbars to be removed, and will likely damage previously seeded and mulched areas. Under winter conditions, waterbars will be difficult to replace and compact to withstand future rain and snow events.

Temporary restoration also is challenging in areas where pipe is already strung or anchored. Erosion and sediment control is generally performed by hand in these areas, to the extent possible. For the relatively short timeframe that pipe is typically strung along the ROW, hand maintenance of ECDs is a manageable approach to maintaining environmental controls. Over an extended period, it is difficult to properly maintain these ECDs without the use of equipment. Equipment access to the non-working side for environmental maintenance is limited. In addition, topsoil is generally segregated and stockpiled on the non-working side of the ROW. Due to pipe strung along the ROW, topsoil is not currently accessible in most locations. The ROW cannot be properly restored in areas where pipe is strung or anchored.

Pipe segments staged on cribbing should be lowered into the trench and backfilled. Storing pipe on cribbing is intended to be temporary in nature for welding and staging pipe prior to lowering into the trench. Over time, the ground the cribbing rests on may be compromised via soil settlement and erosion. Without continuous monitoring and maintenance via the use of heavy equipment, cribbing could fail

causing pipe segments to roll down a slope or off ROW. Pipe segments strung along the ROW for an extended period are also subject to UV damage to the coating. Pipe staged in a storage yard is typically stacked and can be systematically rotated to minimize the UV exposure to any given joint of pipe. Pipe strung along the ROW cannot be moved "to the bottom of the pile" to remove it from UV exposure and subsequent damage. Therefore, the coating will continuously degrade while staged on the ROW. Pipe left above the ground is subject to other point source damage due to vehicle traffic and tools during maintenance of erosion and sediment control devices and cribbing. In addition, each uncoated weld has approximately one foot of bare metal exposed for the circumference of the pipe. These uncoated welds should not be left exposed to the elements as they are subject to corrosion. Also, pipe staged on the ROW for an extended timeframe increases the likelihood of vandalism to the pipe itself but also to the supports for the pipe, which could cause the pipe to roll and lead to bodily or property injury.

Pipe staged on skids should be lowered into the trench and backfilled. Removal of pipe from the site is not practical, as removal presents additional environmental and safety risks, as well as logistical hurdles. The pipe would need to be held on the slope while being cut, individually moved to a loading area, loaded onto a pipe truck, and then trucked back to a yard where it would be stockpiled. The majority of the pipe on the ROW has been bent, in which case only one joint may be able to be loaded onto a truck, instead of three joints per truck that were used to bring the pipe onto the right of way. This would result in nearly three times the number of pipe truck loads in order to get the pipe off of the ROW than was required to bring the pipe in. The equipment crossings at numerous waterbodies will be crossed with heavy loads additional times by pipe hauling trucks alone, plus added crossings for equipment required to handle and load the pipe. In addition, waterbars and other erosion and sediment control devices along the ROW will be compromised by the continuous hauling traffic, which will be more traffic than it has been exposed to thus far. Handling the pipe on the ROW creates undue safety and environmental risks, and potentially results in damage to the coating and pipe itself. Best construction practices include minimizing the handling of pipe. Also, because the bent pipe cannot be stacked, Mountain Valley will have insufficient space to store the pipe off the ROW, as pipe in Mountain Valley laydown yards was typically stacked four joints high. The best course of action to minimize safety and environmental risk, and allow for stabilization and maintenance of the right of way, is to lower pipe strung on the ROW into the trench and backfill it.

FINAL RESTORATION WHERE POSSIBLE

A single restoration phase is preferable to restoring, regrading, and final reclamation. The ROW must be stabilized prior to any long-term work cessation. Leaving the temporary ROW and trench open may degrade exposed soil and rocks as they are exposed to precipitation events and potentially freeze/thaw cycles. In areas restored without pipe installation, the soils will be worked multiple times to facilitate final pipe installation. This can result in mixing and loss of topsoil which can have impacts to the sustainability of native seed mixes. Also, if rework occurs in unfavorable moisture conditions, soils tend to lose strength with excessive disturbance. Completion of activities to allow for final restoration in areas where possible is best for the environment and hence the best for this circumstance.

The mitigation measures identified in the Landslide Mitigation Plan (LMP) include installing surface water control measures, subsurface drainage measures, and implementing field-identified solutions by geotechnical engineers during construction. These measures cannot be installed until the pipeline is installed and backfilled.

The basis of the LMP is to minimize water intrusion into the reclaimed areas, mostly by means of drains. It is impractical to install, remove, and replace these drains during temporary stabilization. This increases the risk of slope movements due to saturated soils. The ROW is currently lined with temporary soil

stockpiles from both grading and trenching. These materials, intended as a short-term stockpile, will deteriorate if left exposed for a long period of time leading to potential slope failures and associated sedimentation issues. Constructing in a timely fashion will reduce the amount of time the ROW is exposed to the elements and not under final grade. Temporary stabilization without returning the ROW to final grade puts these high-hazard, steep slope areas at an elevated risk of geotechnical failures.

Mountain Valley's landslide mitigation team is developing remediation plans to stabilize areas exhibiting signs of slope instability. In many cases, stabilization of these areas is intended to be concurrent with permanent reclamation/stabilization of the ROW. Re-exposing these areas during pipe installation, following temporary stabilization, may be detrimental to the remediation plan's efficacy. In cases where the instability is limited to the trench or ROW edge, backfilling to create a buttress is the best solution to arresting the instability; re-exposing this instability for pipe installation could reactivate the movement and depending on moisture conditions could exacerbate the movement.

PIGG RIVER HDD

Mountain Valley will complete HDD operations at the Pigg River. The Certificate Order for the Project required an HDD in this area. To date, the pilot hole under the Pigg River has been completed and half of the crossing has been reamed to 27". By not continuing the drilling and reaming operations, the HDD is at an increased risk for a downhole failure. The longer the drill pipe and tooling remain in the hole without proper circulation, the greater the chance of that equipment becoming seized downhole. In addition, the drill cuttings and fluid that are in the hole are at risk of solidifying and increasing downhole pressures that could create an inadvertent release of drilling fluid once the drilling resumes. Completing the HDD immediately is paramount to ensure environmental compliance with Environmental Condition 23 of the Certificate Order, protect the resources, and avoid adverse environmental impacts.

BLUE RIDGE PARKWAY

Mountain Valley has consulted with the National Park Service and they have recommended the following restoration measures. Mountain Valley will complete the road bore by grouting around the bored pipe under the Blue Ridge Parkway to ensure road stability. The open pipe trench on the north side will be back filled and both the north and south side of the Blue Ridge Parkway will be rough graded. All disturbed areas and soil stockpiles will be temporarily seeded and mulched. During the temporary stop work order, Mountain Valley will monitor and maintain the temporary sediment and erosion control devices on site and assure that the cattle have access to the existing spring. The work area will also be fenced off to exclude and protect the cattle. In addition, Mountain Valley will repair and stabilize the private road on the south side of the Blue Ridge Parkway to ensure accessibility and proper function. Once this is complete, all equipment and pipe that is stacked will be removed from National Park Service property.

JEFFERSON NATIONAL FOREST

Mountain Valley continues to consult with the United States Forest Service to address the graded portions of the ROW on Sinking Creek and Brush Mountains.

Summary of Stabilization and Restoration Actions

Stage of Construction	Approximate Mileage	Approximate Portion of mileage with Steep Slope	Action
Trench Open Only	4 miles	11%	Stabilize the trench by installing / maintaining trench breakers or trench plugs. Monitor daily, continue to dewater open excavations / trenches to avoid saturation and potential for cave-in / slip. Backfill any open trench that poses a safety concern. Secure all remaining open trench with orange safety fencing.
Pipe Strung / Welded, Trench Open	26 miles	14%	Lower in, backfill, restore to final grade, if appropriate, and permanently stabilize per approved WVDEP or VADEQ plans.
Pipe Strung / Welded, Not Trenched	15 miles	0 %	In non-steep slope areas Mountain Valley will stabilize the pipe as appropriate. Mountain Valley will use seed and mulch to temporarily stabilize the ROW per the WVDEP and VADEQ requirements.
	6 miles	100%	In steep slope areas, trenching, lowering in, backfilling, restoring to final grade, if appropriate, and permanently stabilizing ROW.
Pipe Strung / Not Welded, Trench Open	7 miles	13%	Weld, lower in, backfill, restore to final grade, if appropriate, and permanently seed per approved WVDEP or VADEQ plans.
Pipe Strung / Not Welded, Not Trenched	20 miles	0%	In non-steep slope areas Mountain Valley will stabilize the pipe as appropriate. Mountain Valley will use seed and mulch to temporarily stabilize the ROW per the WVDEP and VADEQ requirements.
	6 miles	100%	In steep slope areas, trenching, lowering in, backfilling, restoring to final grade, if appropriate, and permanently stabilizing the ROW.

Stage of Construction	Approximate Mileage	Approximate Portion of mileage with Steep Slope	Action
Pipe Installed / Backfilled	11 miles	12%	Restore to final grade, if appropriate, and permanently seed per approved WVDEP or VADEQ plans.
Pigg River HDD	N/A	N/A	Fully complete the HDD by finishing reaming and pull back operations. Temporarily seed and mulch adjacent temporary workspace areas.
Blue Ridge Parkway	N/A	N/A	In consultation with National Park Service, install grouting around the bored pipe under the Blue Ridge Parkway, back fill the open trench, rough grade, temporarily seed and mulch, monitor and maintain the temporary ECDs, assure that the cattle have access to the existing spring and the work area is fenced off, repair and stabilize the private road on the south side of the Blue Ridge Parkway, and remove all equipment and pipe that is stacked from National Park Service property.

*** Note: Steep slope is defined as slopes greater than 18%.*

SHORT TERM STABILIZATION PLAN: COMPRESSOR STATIONS & INTERCONNECTS

In addition to the stabilization plans outlined above, the following immediate actions are necessary to temporarily stabilize the facilities and their associated work areas.

ALL COMPRESSOR AND INTERCONNECT FACILITIES

- Perform any necessary ECD maintenance. Also assess the site for vulnerable/sensitive resource areas and install supplemental ECDs.
- For all segregated topsoil piles, apply temporary seed mix and mulch, hydroseed or hydromulch to the piles and install ECDs around the bases of all topsoil piles per the guidelines in the WVDEP and VADEQ approved Erosion and Sediment Control Plans.
- For all graded sections of the site, apply temporary seed and mulch, hydroseed or hydromulch per the guidelines in the WVDEP and VADEQ approved Erosion and Sediment Control Plans, to any areas that are vulnerable to storm flow/erosion. Permanent seed can be applied to steep slope areas that are at final grade according the approved WVDEP and VADEQ Erosion and Sediment Control Plans.
    - For all graded sections of site, backfill any open trench that poses a safety concern. Secure all remaining open excavations / trenches with orange safety fencing and continue to dewater to avoid saturation and potential for cave-in / slip.
- Maintain rock construction entrances, maintain and sweep any county roads and monitor and maintain all secondary containments as required.

MOBLEY

- Return Pad to grade for proper drainage
- Install permanent safety fence along stream S-ST10 and the top of the retaining wall.
- Clean up and maintain roadway to allow continued access to property owner.

BRADSHAW

- Return Pad to grade for proper drainage.
- Seed and mulch the existing slip area.
- Install permanent road barriers along the edge of the county road (RSS2) at the pad for safety purposes. Place final stone on the county road along edge of pad.
- Install permanent 4’ safety fence along the reinforced soil slope walls (RSS1, RSS3 and RSS4).

HARRIS

- Return Pad to grade for proper drainage.

WB

- Return Pad to grade for proper drainage

STALLWORTH

- Complete the soil nail wall. The wall is designed to prevent slope slips; completing the installation as soon as possible is vital to enhancing the safety of MVP-GB-190.01 and to prevent major sloughing of slope material and potential slip of a major portion of the access road slope. Continued exposure could result in slope / wall failure. Wall completion will eliminate potential for slope failure and remove the risk of sediment laden water to discharge off LOD. Also, wall completion will allow for road side ditch installation and reduce velocity of runoff to stabilized slopes.
- Install Cross Culvert 3 along with Channel C per the approved WVDEP plans – As the excess materials are removed from the soil nail slopes, Mountain Valley will be able to complete the lower spoil pile and install Cross Culvert #3 and the associated rock outfall. This is one of the main permanent outlets. Installing this culvert and channel will drastically reduce the volume and velocity of storm water that is currently concentrated to one discharge point, Cross Culvert 2. At present, the water discharged from Cross Culvert 2 has the increased potential to impact W-QR1 and S-QR3. Cross Culvert 2 would be at maximum capacity during large storm events unless cross culvert 3 is installed. Once these controls are completed, restoration and stabilization of the temporary Haul Road and installation of the permanent Diversion Berm can occur. The temporary haul road increases sediment laden runoff. By completing the soil nail wall, Mountain Valley will have a reliable road, open at all times, and will have no further need for the temporary haul road. Returning it to original grade will stabilize slopes and allow the final installation of the upper diversion berm system. Installing the diversion berm will allow storm water to be diverted away from unstable slopes and further reduce the risk of slope failure.
- 90% of the site slopes are at final grade just lacking topsoil. Mountain Valley is requesting permission to place topsoil on these slopes and add permanent seed and mulch. This will greatly increase site stabilization and vegetation success prior to winter.
- Fuel tank relocation and containment removal - At the time of the FERC Stop Work Order, a contractor was in process of moving a fuel storage tank from an inadequate secondary containment to a new containment. Moving this tank and removing the old containment is vital to reducing the risk of an accidental release.

TRANSCO

- Surface roughening of all exposed soil per VADEQ specification.
- Complete Sediment Basin-1 in order to better contain site runoff.
- Finish grade banks and final seed to prevent further erosion.
- Install outlet protection and level spreader to properly filter storm water.
- Complete Sediment Trap-2 and finish grade exterior banks and final seed to prevent further erosion.
- Install planned channels / water diversion berms to control storm water runoff.
- Complete Sediment Trap-1 to control runoff.

LONGER TERM STABILIZATION PLAN: PIPELINE ROW AND FACILITIES

In addition to the stabilization plan outlined above, the following actions are necessary to temporarily stabilize the ROW and work areas if the FERC Stop Work Order is not resolved by September 1, 2018.

PIPELINE ROW

Stage of Construction	Approximate Mileage	Approximate Portion of mileage with Steep Slope	Action
Pipe Strung / Welded, Not Trenched	15 miles	0 %	In non-steep slope areas, trenching, lowering in, backfilling, restoring to final grade and permanently stabilizing the ROW.
Pipe Strung / Not Welded, Not Trenched	20 miles	0%	In non-steep slope areas, trenching, welding, lowering in, backfilling, restoring to final grade and permanently stabilizing the ROW.

*** Note: Steep slope is defined as slopes greater than 18%.*

COMPRESSOR STATION & INTERCONNECTS

- Install security fencing at the Compressor Station and Interconnect sites.
- Complete any work in open excavations, including welding, coating, x-ray of pipe, finishing concrete pours already prepared and backfilling as appropriate (already in ditch).
- Complete MLV-9 installation at Harris – this is currently ready for final coating test and backfill. It would be beneficial to complete to protect the pipe and leave one less open excavation to monitor and dewater.
- Complete MLV-19 installation at Stallworth – this work is currently in progress. It would be beneficial to complete to protect the pipe and leave one less open excavation to monitor and dewater.
- Complete compressor foundation #4 at Bradshaw - Currently an open excavation that can't be backfilled due to forms, exposed rebar, bolts, etc.
- Compressor building walls at Harris - Currently an open excavation that can't be backfilled due to forms, exposed rebar, bolts, etc.
- Complete 42" header piping that is already in the ditch at all facilities - Currently exposed pipe, open excavations.
- Protect any installed anchor bolts from the elements.
- Preserve, protect and maintain all equipment per best practices / manufacturer's recommendations at all Compressor Station and Interconnect Facilities.

SPECIFIC AREAS OF SENSITIVE ENVIRONMENTAL CONCERN

In addition to the stabilization plan outlined above, the following actions as outlined below are necessary to protect sensitive environmental resources.

Due to the locations of sensitive resources, steep slopes, existing problem areas, and difficult drainage conditions, the following areas must be completed to prevent additional environmental impacts.

Spread	MP Start	MP End	Area	Status	Stabilization Measure
A	0.0	0.1	Mobley	Slip Area	There are two slips in the area that need stabilized to prevent further migration and sediment impacts. This will require a variance.
A	0.6	0.6	North Fork Road	Slip Area	Area needs to be permanently stabilized and evaluated under the Slip Mitigation Plan. Temporary stabilization measures will not prevent the existing slip from worsening.
A	2.1	2.2	Shortview Road	Slip Area	A slip that needs to be put back before restoration can take place. This will also require a variance
A	6.45	6.55	MVP-AR-014.01	Slip Area	A slip that needs to be put back before restoration can take place. Temporary stabilization measures will not prevent the existing slip from worsening.
A	7.8	8.0	Sam's Run Road	Slip Area	A slip that needs to be put back before restoration can take place. This will also require a variance
A	15.35	15.35	MVP-HA-022	Main Line Valve pipe exposed	MLV-4 needs to be set, tied in, coated and backfilled

Spread	MP Start	MP End	Area	Status	Stabilization Measure
B	34.4	34.85	Meathouse Fork	Steep Slopes	The steep slope in this area creates a high potential for continued failure of ECDs. Installing the pipe, restoring the original grade, and applying permanent stabilization will greatly reduce the potential impact to the wetlands and streams at the bottom of the slope.
E	128.3	128.5	Wahoo Road	Steep Slopes	The steep slopes and heavy rains in this area have resulted in continued failure and maintenance of ECDs. Installing the pipe, restoring the original grade, and applying permanent stabilization will greatly reduce the potential impact the streams and wetlands at the bottom of the slope.
E	143.4	144.7	Meadow River	Steep Slopes	The steep slopes and heavy rains in this area have resulted in continued failure and maintenance of ECDs. Installing the pipe, restoring the original grade, and applying permanent stabilization will greatly reduce the potential impact the streams and wetlands at the bottom of the slope.
E	146.6	147.6	James River-Kanawha Turnpike	Steep Slopes	The steep slopes and heavy rains in this area have resulted in continued failure and maintenance of ECDs. Installing the pipe, restoring the original grade, and applying permanent stabilization will greatly reduce the potential impact the streams and wetlands at the bottom of the slope.
F	194.45	194.65	Painters Run Road	Steep Slopes	The steep slopes and heavy rains in this area have resulted in continued failure and maintenance of ECDs. Installing the pipe, restoring the original grade, and applying permanent stabilization will greatly reduce the potential impact the streams and wetlands at the bottom of the slope.
H	227.65; 228.45	228.25; 229.1	Paris Mountain	Steep Slopes	The steep slopes and heavy rains in this area have resulted in continued failure and maintenance of ECDs. Installing the pipe,

Spread	MP Start	MP End	Area	Status	Stabilization Measure
					restoring the original grade, and applying permanent stabilization will greatly reduce the potential impact the streams and wetlands at the bottom of the slopes.

USDA FOREST SERVICE
BILL FOR COLLECTION

1. BILL DATE: 04/28/2016 PAGE: 1 OF 1

TO ENSURE PROPER CREDIT PLEASE HAVE YOUR BILL AVAILABLE AND CHOOSE ONE OF THE FOLLOWING OPTIONS:

. **PAY ONLINE AT**: WWW.FS.FED.US/BILLPAY

. **PAY BY MAIL**: Please include the top part of this bill with your payment. Also include the bill number and payer code, items 4 & 5 at right, on your check or money order. Do not send cash. Make your payment for the exact amount due and make it payable to USDA Forest Service. See address at right.

. **PAY AT MOST FOREST SERVICE OFFICES**: Bring a copy of your bill. Multiple payment options available. Call the office for details.

PAY BY MAIL ADDRESS:
USDA FOREST SERVICE
C/O CITIBANK
P.O. BOX 301550
LOS ANGELES, CA 90030-1550

AMOUNT DUE: $11,980.33

AMOUNT ENCLOSED:$_____

TO: MOUNTAIN VALLEY PIPELINE LLC
EQT CORPORATION
625 LIBERTY AVENUE
SUITE 1700
PITTSBURGH, PA 15222 USA

JCENTOFANTI@EQT.COM

2. NET AMOUNT DUE: $11,980.33
3. DUE DATE: **06/01/2016**
4. BILL NUMBER: BF080811T0025
5. PAYER CODE: 0003380267

6. AGREEMENT NO: **-- TEAR HERE --**

8. REMARKS:
FAILURE TO PAY FEES BY DUE DATE CONSTITUTES NON-COMPLIANCE WITH AUTHORIZATION.

7. DESCRIPTION:

9. PRINCIPAL:	**$11,980.33**
10. INTEREST:	
11. ADMINISTRATIVE COSTS:	
12. PENALTY:	
13. AMOUNT DUE:	$11,980.33
14. ADJ. + CREDIT:	$.00
15. NET AMOUNT DUE:	**$11,980.33**

NOTE:
PLEASE SEND ALL CORRESPONDENCE, INQUIRIES, AND CHANGE OF ADDRESS TO:

USDA FOREST SERVICE
EASTERN DIVIDE RANGER DISTRICT
110 SOUTHPARK DRIVE
BLACKSBURG, VA 24060-6648

540-552-4641

Failure to include both the bill number and payer code with your payment will delay posting and may delay your ability to use the National Forest. Failure to make payment by the due date may result in the assessment of interest, administrative fees and/or penalty charges. In accordance with your authorization or the debt collection act of 1982, as amended, postmarks are not honored.

DATE/PERIOD	DESCRIPTION		AMOUNT
05/01/2016 To 04/29/2017	2720 SPECIAL USES BBW433303T 411 SITE SURVEY AND TESTING	EASTERN DIVIDE RANGER DISTRICT	$11,980.33
	COMMENTS: Land Use Rental Fee Bill 1 of 1		

FOR OFFICIAL USE ONLY

16. ORG	17. JOB	18. AMOUNT
0808	89831416	$11,980.33

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

SPECIAL USE PERMIT

Authority: ORGANIC ADMINISTRATION ACT June 4, 1897

MOUNTAIN VALLEY PIPELINE LLC of EQT CORPORATION 625 LIBERTY AVENUE SUITE 1700 PITTSBURGH PA USA 15222 (hereinafter "the holder") is authorized to use or occupy National Forest System lands in the **GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS** or Eastern Divide Ranger District unit of the National Forest System, subject to the terms and conditions of this special use permit (the permit).

This permit covers 774.9 acres or 1.21 miles ("the permit area"), as shown on the map attached as Appendix A. This permit issued for the purpose of:

Conducting field routing, environmental, cultural resource, and civil surveys within the Jefferson National Forest (JNF) by Mountain Valley Pipeline, LLC. These surveys will occur in two areas previously authorized for surveys under temporary special use permit BBW433301T. These areas include: a 55.8 acre survey areas in Monroe County, WV along on the crest of Peters Mountain; a 500.9 acre survey area in Giles County, VA on Peters Mountain, which includes a 6 mile segment of Pocahontas Road/Forest Road 975; and a 218.2 acre survey area near Sinking Creek and Brush Mountain Road in Montgomery County, VA, as shown on the attached Appendix A. All survey activities are to be coordinated with the appropriate Forest Service subject matter experts.

TERMS AND CONDITIONS

I. GENERAL TERMS

A. AUTHORITY. This permit is issued pursuant to ORGANIC ADMINISTRATION ACT June 4, 1897 and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

B. AUTHORIZED OFFICER. The authorized officer is the Forest or Grassland Supervisor or a subordinate officer with delegated authority.

C. TERM. This permit shall expire at midnight on 04/29/2017, 1 year from the date of issuance.

D. RENEWAL. This permit is not renewable. Prior to expiration of this permit, the holder may apply for a new permit that would renew the use and occupancy authorized by this permit. Applications for a new permit must be submitted at least 6 months prior to expiration of this permit. Renewal of the use and occupancy authorized by this permit shall be at the sole discretion of the authorized officer. At a minimum, before renewing the use and occupancy authorized by this permit, the authorized officer shall require that (1) the use and occupancy to be authorized by the new permit is consistent with the standards and guidelines in the applicable land management plan; (2) the type of use and occupancy to be authorized by the new permit is the same as the type of use and occupancy authorized by this permit; and (3) the holder is in compliance with all the terms of this permit. The authorized officer may prescribe new terms and conditions when a new permit is issued.

E. AMENDMENT. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable forest land and resource management plan, or projects and activities implementing a land management plan pursuant to 36 CFR Part 215.

F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS. In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

G. NON-EXCLUSIVE USE. The use or occupancy authorized by this permit is not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area for inspection,

monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the holder and the authorized officer agree are necessary to protect the installation and operation of authorized temporary improvements, the lands and waters covered by this permit shall remain open to the public for all lawful purposes.

H. ASSIGNABILITY. This permit is not assignable or transferable.

I. CHANGE IN CONTROL OF THE BUSINESS ENTITY.

1. Notification of Change in Control. The holder shall notify the authorized officer when a change in control of the business entity that holds this permit is contemplated.

a. In the case of a corporation, control is an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the business so as to permit the exercise of managerial authority over the actions and operations of the corporation or election of a majority of the board of directors of the corporation.

b. In the case of a partnership, limited partnership, joint venture, or individual entrepreneurship, control is a beneficial ownership of or interest in the entity or its capital so as to permit the exercise of managerial authority over the actions and operations of the entity.

c. In other circumstances, control is any arrangement under which a third party has the ability to exercise management authority over the actions or operations of the business.

2. Effect of Change in Control. Any change in control of the business entity as defined in paragraph 1 of this clause shall result in termination of this permit. The party acquiring control must submit an application for a special use permit. The Forest Service is not obligated to issue a new permit to the party who acquires control. The authorized officer shall determine whether the applicant meets the requirements established by applicable federal regulations.

II.IMPROVEMENTS

A. LIMITATIONS ON USE. Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity, unless specifically authorized by this permit. Any use not specifically authorized by this permit must be proposed in accordance with 36 CFR 251.54. Approval of such a proposal through issuance of a new permit or permit amendment is at the sole discretion of the authorized officer.

B. PLANS. All plans for development, layout, construction, reconstruction, or alteration of improvements in the permit area, as well as revisions to those plans must be prepared by a professional engineer, architect, landscape architect, or other qualified professional based on federal employment standards acceptable to the authorized officer. These plans and plan revisions must have written approval from the authorized officer before they are implemented. The authorized officer may require the holder to furnish as-built plans, maps, or surveys upon completion of the work.

C. CONSTRUCTION. Any construction authorized by this permit shall commence by N/A and shall be completed by N/A.

III. OPERATIONS.

A. PERIOD OF USE. Use or occupancy of the permit area shall be exercised at least 1 days each year.

B. CONDITION OF OPERATIONS. The holder shall maintain the authorized improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this permit. Standards are subject to periodic change by the authorized officer when deemed necessary to meet statutory, regulatory, or policy requirements or to protect national forest resources. The holder shall comply with inspection requirements deemed appropriate by the authorized officer.

C. INSPECTION BY THE FOREST SERVICE. The Forest Service shall monitor the holder's operations and reserves the right to inspect the permit area and transmission facilities at any time for compliance with the terms of this permit. The holder's obligations under this permit are not contingent upon any duty of the Forest Service to inspect the permit area or transmission facilities. A failure by the Forest Service or other governmental officials to inspect is not a justification for noncompliance with any of the terms and conditions of this permit.

IV. RIGHTS AND LIABILITIES

A. LEGAL EFFECT OF THE PERMIT. This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR 251, Subpart C and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

B. VALID OUTSTANDING RIGHTS. This permit is subject to all valid outstanding rights. Valid outstanding rights include those derived under mining and mineral leasing laws of the United States. The United States is not liable to the holder for the exercise of any such right.

C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS. The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

D. SERVICES NOT PROVIDED. This permit does not provide for the furnishing of road or trail maintenance, water, fire protection, search and rescue, or any other such service by a government agency, utility, association, or individual.

E. RISK OF LOSS. The holder assumes all risk of loss associated with use or occupancy of the permit area, including but not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and other forces of nature. If authorized temporary improvements in the permit area are destroyed or substantially damaged, the authorized officer shall conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed. If rebuilding is not allowed, the permit shall terminate.

F. DAMAGE TO UNITED STATES PROPERTY. The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs, damage to government-owned improvements covered by this permit, and all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. For purposes of clause IV.F and section V, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

1. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, during the holder's use or occupancy of the permit area. If the environment or any government property covered by this permit becomes damaged during the holder's use or occupancy of the permit area, the holder shall immediately repair the damage or replace the damaged items to the satisfaction of the authorized officer and at no expense to the United States.

2. The holder shall be liable for all injury, loss, or damage, including fire suppression, prevention and control of the spread of invasive species, or other costs in connection with rehabilitation or restoration of natural resources associated with the use or occupancy authorized by this permit. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs. Such costs may be deducted from a performance bond required under clause IV.I.

3. The holder shall be liable for damage caused by use of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees to all roads and trails of the United States to the same extent as provided under clause IV.F.1, except that liability shall not include reasonable and ordinary wear and tear.

G. HEALTH, SAFETY, AND ENVIRONMENTAL PROTECTION. The holder shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any activity or condition arising out of or relating to the authorized use or occupancy that causes or threatens to cause a hazard to public health or the safety of the holder's employees or agents or harm to the environment (including areas of vegetation or timber, fish or other wildlife populations, their habitats, or any other natural resources). The holder shall prevent impacts to the environment and cultural resources by implementing actions identified in the operating plan to prevent establishment and spread of invasive species. The holder shall immediately notify the authorized officer of all serious accidents that occur in connection with such activities.

The responsibility to protect the health and safety of all persons affected by the use or occupancy authorized by this permit is solely that of the holder. The Forest Service has no duty under the terms of this permit to inspect the permit area or operations and activities of the holder for hazardous conditions or compliance with health and safety standards.

H. INDEMNIFICATION OF THE UNITED STATES. The holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use or occupancy authorized by this permit. This indemnification provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees in connection with the use or occupancy authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable, and including but not limited to those environmental laws listed in clause V.A of this permit; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous materials, pollutant, contaminant, oil in any form, or petroleum product into the environment. The authorized officer may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.

I. BONDING. The authorized officer may require the holder to furnish a surety bond or other security for any of the obligations imposed by the terms and conditions of this permit or any applicable law, regulation, or order.

V. RESOURCE PROTECTION

A. COMPLIANCE WITH ENVIRONMENTAL LAWS. The holder shall in connection with the use or occupancy authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., the Oil Pollution Act, as amended, 33 U.S.C. 2701 et seq., the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., CERCLA, as amended, 42 U.S.C. 9601 et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq.

B. VANDALISM. The holder shall take reasonable measures to prevent and discourage vandalism and disorderly conduct and when necessary shall contact the appropriate law enforcement officer.

C. PESTICIDE USE. Pesticides may not be used outside of buildings to control undesirable woody and herbaceous vegetation (including aquatic plants), insects, rodents, fish, and other pests and weeds without prior written approval from the authorized officer. A request for approval of planned uses of pesticides shall be submitted annually by the holder on the due date established by the authorized officer. The report shall cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests or weeds require control measures that were not anticipated at the time an annual report was submitted. Only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned shall be considered for use on National Forest System lands. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers.

D. ARCHAEOLOGICAL-PALEONTOLOGICAL DISCOVERIES. The holder shall immediately notify the authorized officer of all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized by this permit. The holder shall leave these discoveries intact and in place until directed otherwise by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.

E. NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION. In accordance with 25 U.S.C. 3002(d) and 43 CFR 10.4, if the holder inadvertently discovers human remains, funerary objects, sacred objects, or objects of cultural patrimony on National Forest System lands, the holder shall immediately cease work in the area of the discovery and shall make a reasonable effort to protect and secure the items. The holder shall immediately notify the authorized officer by telephone of the discovery and shall follow up with written confirmation of the discovery. The activity that resulted in the inadvertent discovery may not resume until 30 days after the authorized officer certifies receipt of the written confirmation, if resumption of the activity is otherwise lawful, or at any time if a binding written agreement has been executed between the Forest Service and the affiliated Indian tribes that adopts a recovery plan for the human remains and objects.

F. PROTECTION OF HABITAT OF THREATENED, ENDANGERED, AND SENSITIVE SPECIES. The location of sites within the permit area needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531 et seq., as amended, or identified as sensitive or otherwise requiring special protection by the Regional Forester under Forest Service Manual (FSM) 2670, pursuant to

consultation conducted under section 7 of the ESA, may be shown on the ground or on a separate map. The map shall be attached to this permit as an appendix. The holder shall take any protective and mitigative measures specified by the authorized officer. If protective and mitigative measures prove inadequate, if other sites within the permit area containing threatened, endangered, or sensitive species or species otherwise requiring special protection are discovered, or if new species are listed as threatened or endangered under the ESA or identified as sensitive or otherwise requiring special protection by the Regional Forester under the FSM, the authorized officer may specify additional protective and mitigative measures. Discovery of these sites by the holder or the Forest Service shall be promptly reported to the other party.

G. CONSENT TO STORE HAZARDOUS MATERIALS. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include, or in the case of approval provided after this permit is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

H. CLEANUP AND REMEDIATION

1. The holder shall immediately notify all appropriate response authorities, including the National Response Center and the authorized officer or the authorized officer's designated representative, of any oil discharge or of the release of a hazardous material in the permit area in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153, Subpart B, and 40 CFR Part 302. For the purposes of this requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The holder shall immediately notify the authorized officer or the authorized officer's designated representative of any release or threatened release of any hazardous material in or near the permit area which may be harmful to public health or welfare or which may adversely affect natural resources on federal lands.

2. Except with respect to any federally permitted release as that term is defined under Section 101(10) of CERCLA, 42 U.S.C. 9601(10), the holder shall clean up or otherwise remediate any release, threat of release, or discharge of hazardous materials that occurs either in the permit area or in connection with the holder's activities in the permit area, regardless of whether those activities are authorized under this permit. The holder shall perform cleanup or remediation immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The holder shall perform the cleanup or remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this permit, the holder shall deliver the site to the Forest Service free and clear of contamination.

I. CERTIFICATION UPON REVOCATION OR TERMINATION. If the holder uses or stores hazardous materials at the site, upon revocation or termination of this permit the holder shall provide the Forest Service with a report certified by a professional or professionals acceptable to the Forest Service that the permit area is uncontaminated by the presence of hazardous materials and that there has not been a release or discharge of hazardous materials upon the permit area, into surface water at or near the permit area, or into groundwater below the permit area during the term of the permit. This certification requirement may be waived by the authorized officer when the Forest Service determines that the risks posed by the hazardous material are minimal. If a release or discharge has occurred, the professional or professionals shall document and certify that the release or discharge has been fully remediated and that the permit area is in compliance with all federal, state, and local laws and regulations.

VI. LAND USE FEE AND ACCOUNTING ISSUES

A. LAND USE FEES. The holder shall pay an initial annual land use fee of $9098.44 for the period from 5/1/2016 to 4/29/2017, and thereafter on 5/1/2016, shall pay an annual land use fee of $9098.44. The annual land use fee shall be adjusted annually using the IDP-GDP Adjustment Factor.

B. MODIFICATION OF THE LAND USE FEE. The land use fee may be revised whenever necessary to reflect the market value of the authorized use or occupancy or when the fee system used to calculate the land use fee is modified or replaced.

C. FEE PAYMENT ISSUES.

1. Crediting of Payments. Payments shall be credited on the date received by the deposit facility, except that if a payment is received on a non-workday, the payment shall not be credited until the next workday.

2. Disputed Fees. Fees are due and payable by the due date. Disputed fees must be paid in full. Adjustments will be made if dictated by an administrative appeal decision, a court decision, or settlement terms.

3. Late Payments

(a) Interest. Pursuant to 31 U.S.C. 3717 et seq., interest shall be charged on any fee amount not paid within 30 days from the date it became due. The rate of interest assessed shall be the higher of the Prompt Payment Act rate or the rate of the current value of funds to the Treasury (i.e., the Treasury tax and loan account rate), as prescribed and published annually or quarterly by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. Interest on the principal shall accrue from the date the fee amount is due.

(b) Administrative Costs. If the account becomes delinquent, administrative costs to cover processing and handling the delinquency shall be assessed.

(c) Penalties. A penalty of 6% per annum shall be assessed on the total amount that is more than 90 days delinquent and shall accrue from the same date on which interest charges begin to accrue.

(d) Termination for Nonpayment. This permit shall terminate without the necessity of prior notice and opportunity to comply when any permit fee payment is 90 calendar days from the due date in arrears. The holder shall remain responsible for the delinquent fees.

4. Administrative Offset and Credit Reporting. Delinquent fees and other charges associated with the permit shall be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. and common law. Delinquencies are subject to any or all of the following:

(a) Administrative offset of payments due the holder from the Forest Service.

(b) If in excess of 60 days, referral to the Department of the Treasury for appropriate collection action as provided by 31 U.S.C. 3711(g)(1).

(c) Offset by the Secretary of the Treasury of any amount due the holder, as provided by 31 U.S.C. 3720 et seq.

(d) Disclosure to consumer or commercial credit reporting agencies.

VII. REVOCATION, SUSPENSION, AND TERMINATION

A. REVOCATION AND SUSPENSION. The authorized officer may revoke or suspend this permit in whole or in part:

1. For noncompliance with federal, state, or local law.

2. For noncompliance with the terms of this permit.

3. For abandonment or other failure of the holder to exercise the privileges granted.

4. With the consent of the holder.

5. For specific and compelling reasons in the public interest.

Prior to revocation or suspension, other than immediate suspension under clause VII.B, the authorized officer shall give the holder written notice of the grounds for revocation or suspension. In the case of revocation or suspension based on clause VII.A.1, 2, or 3, the authorized officer shall give the holder a reasonable time, typically not to exceed 90 days, to cure any noncompliance.

B. IMMEDIATE SUSPENSION. The authorized officer may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing. The holder may request an on-site review with the authorized officer's supervisor of the adverse conditions prompting the suspension. The authorized officer's supervisor shall grant this request within 48 hours. Following the on-site review, the authorized officer's supervisor shall promptly affirm, modify, or cancel the suspension.

C. APPEALS AND REMEDIES. Written decisions by the authorized officer relating to administration of this permit are subject to administrative appeal pursuant to 36 CFR Part 214 as amended. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

D. TERMINATION. This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to expiration of the permit by its terms on a specified date and termination upon change of control of the business entity. Termination of this permit shall not require notice, a decision document, or any environmental analysis or other documentation. Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the holder against the Forest Service.

E. RIGHTS AND RESPONSIBILITIES UPON REVOCATION OR TERMINATION WITHOUT RENEWAL. Upon revocation or termination of this permit without renewal of the authorized use, the holder shall remove all structures and improvements, except those owned by the United States, within a reasonable period prescribed by the authorized officer and shall restore the site to the satisfaction of the authorized officer. If the holder fails to remove all structures and improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

VIII. MISCELLANEOUS PROVISIONS

A. MEMBERS OF CONGRESS. No member of or delegate to Congress or resident commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

B. CURRENT ADDRESSES. The holder and the Forest Service shall keep each other informed of current mailing addresses, including those necessary for billing and payment of land use fees.

C. SUPERSEDED PERMIT. This permit supersedes a special use permit designated BBW433301T, dated 5/8/2015.

D. SUPERIOR CLAUSES. If there is a conflict between any of the preceding printed clauses and any of the following clauses, the preceding printed clauses shall control.

THIS PERMIT IS ACCEPTED SUBJECT TO ALL ITS TERMS AND CONDITIONS.

BEFORE ANY PERMIT IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE AUTHORIZED OFFICER OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS AND CONDITIONS OF THE PERMIT.

ACCEPTED:

_____

AUTHORIZED REPRESENTATIVE DATE
MOUNTAIN VALLEY PIPELINE, LLC

APPROVED:

_____

JOBY P. TIMM DATE
FOREST SUPERVISOR

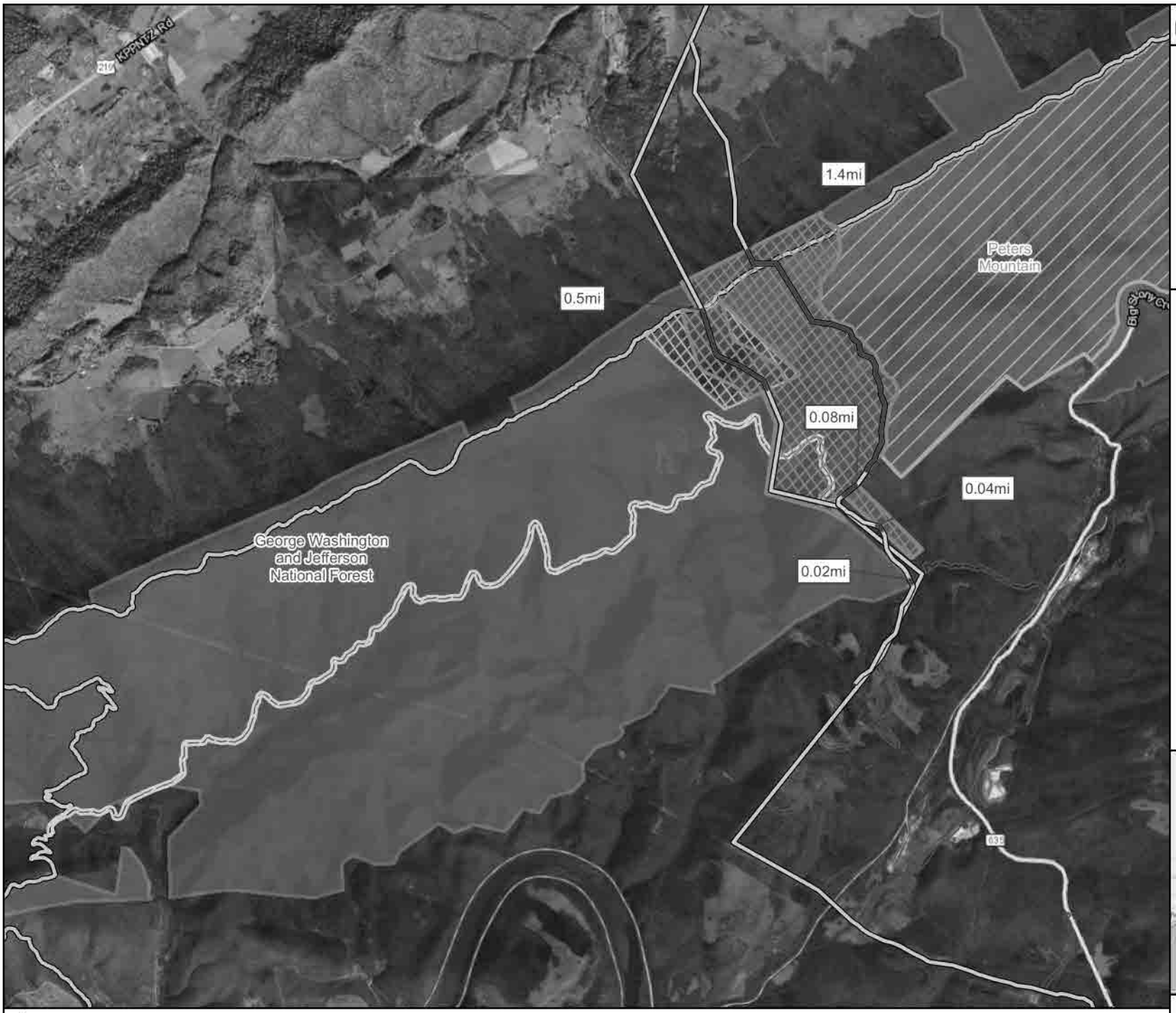
According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for

this information collection is 0596-0082. The time required to complete this information collection is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 975-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.



Mountain Valley Pipeline Project

Mountain Valley PIPELINE

FIGURE 1
Proposed Pipeline Route
Jefferson National Forest Crossing

August 2015

Legend

- Proposed Pipeline Route Crossing Newly Acquired USFS Property
- Proposed Pipeline Route
- Authorized Survey Corridor
- Proposed Access Road
- Proposed Pocahontas Road 100ft Survey Corridor
- Newly Acquired USFS Property
- Appalachian Trail
- Peters Mountain
- National Forest Boundary



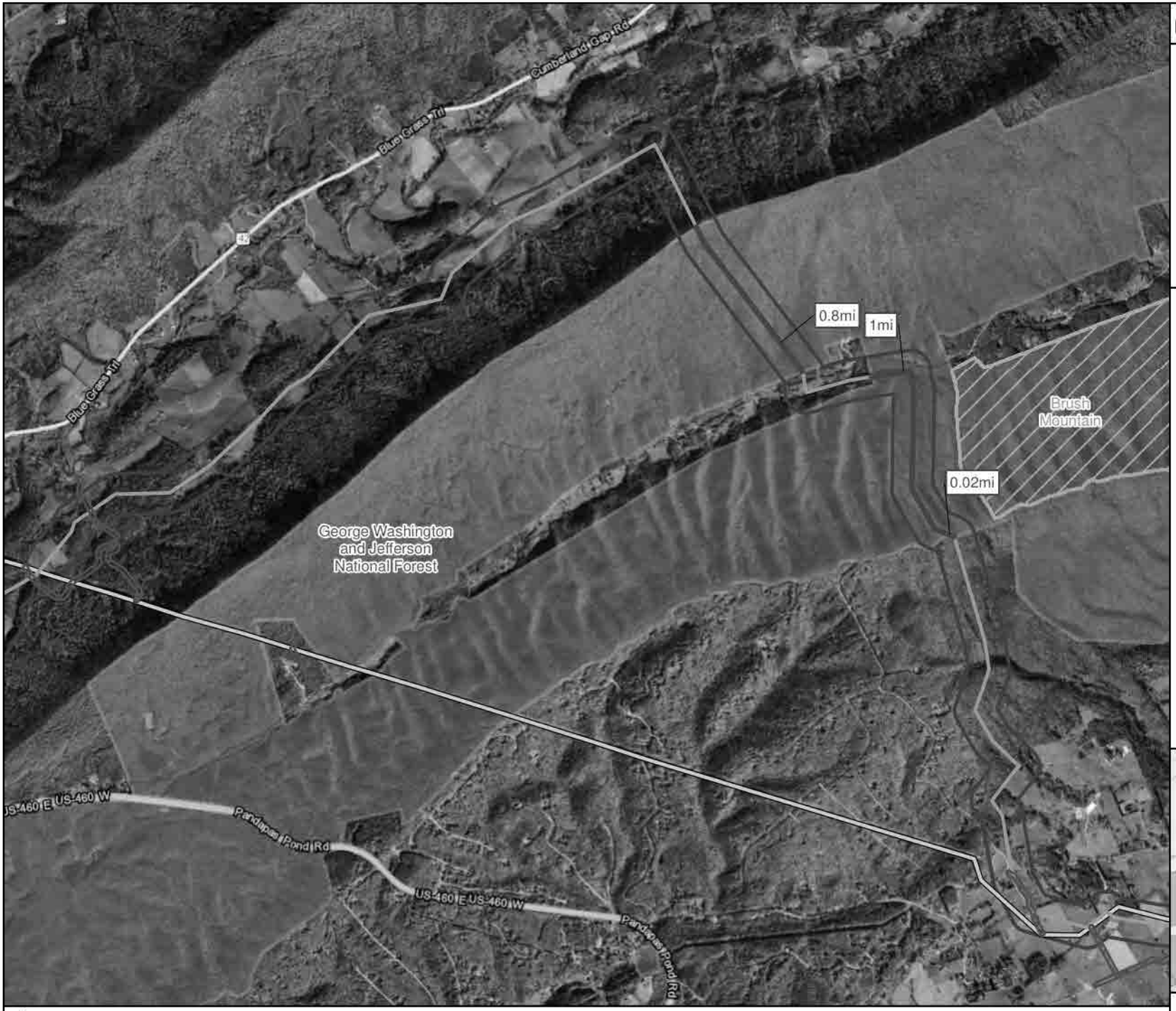
N

1:40,000

NAD 1983 UTM 17N

0 1 2 Miles

Data Sources: Appalachian Trail Conservancy, VA DCR, USDA, ESRI Streaming Data.



Mountain Valley Pipeline Project

Mountain Valley PIPELINE

FIGURE 2
Alternative 200
Jefferson National Forest
Crossings

August 2015

Legend

- Proposed Access Road
- Alternative 200 Crossing USFS Land
- Alternative 200
- Proposed Pipeline Route
- Proposed 1000ft Survey Corridor
- Conserved Land
- National Forest Boundary



N

1:40,000

NAD 1983 UTM 17N

0 0.5 1 2 Miles

Data Sources: Appalachian Trail Conservancy, VA DCR, USDA, ESRI Streaming Data.

UNITED STATES DEPARTMENT OF AGRICULTURE
GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS

Order Number 08-08-11-18-06
Brush Mountain Road Closure Order
for the Mountain Valley Pipeline Project

Pursuant to the provisions of 16 U.S.C. § 551, and 36 C.F.R. § 261.50(b), the following acts are prohibited due to hazards associated with stabilization activities for the Mountain Valley Pipeline Project on the Eastern Divide Ranger District of the Jefferson National Forest, Virginia.

A. Prohibitions:

1. Brush Mountain Road Segment. It is prohibited to use any motor vehicle on Brush Mountain Road, also known as (a/k/a) Forest Service Road (FSR) #188, from the Forest Service seasonal gate where Preston Forest Drive meets Brush Mountain Road to Brush Mountain Road's eastern endpoint at the Forest boundary, as shown on the map attached hereto and made a part hereof as Attachment 1, dated September 25, 2018. 36 C.F.R. § 261.54(e).

2. Motor Vehicle. As used herein, "motor vehicle" means any vehicle which is self-propelled, other than: (a) a vehicle operated on rails; and (b) any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area. 36 C.F.R. § 212.1.

B Duration: The prohibitions of this Order shall remain in effect through January 10, 2019, unless terminated earlier by the Authorized Officer.

C. Exemptions: Pursuant to 36 C.F.R. §§ 261.50(e), the following persons are exempt from the prohibitions contained in this order:

1. Persons working under a permit, contract, or agreement issued by a Federal, State, or Local regulatory entity which specifically authorizes activity within the area covered by this Closure Order. 36 C.F.R. § 261.50(e)(1).

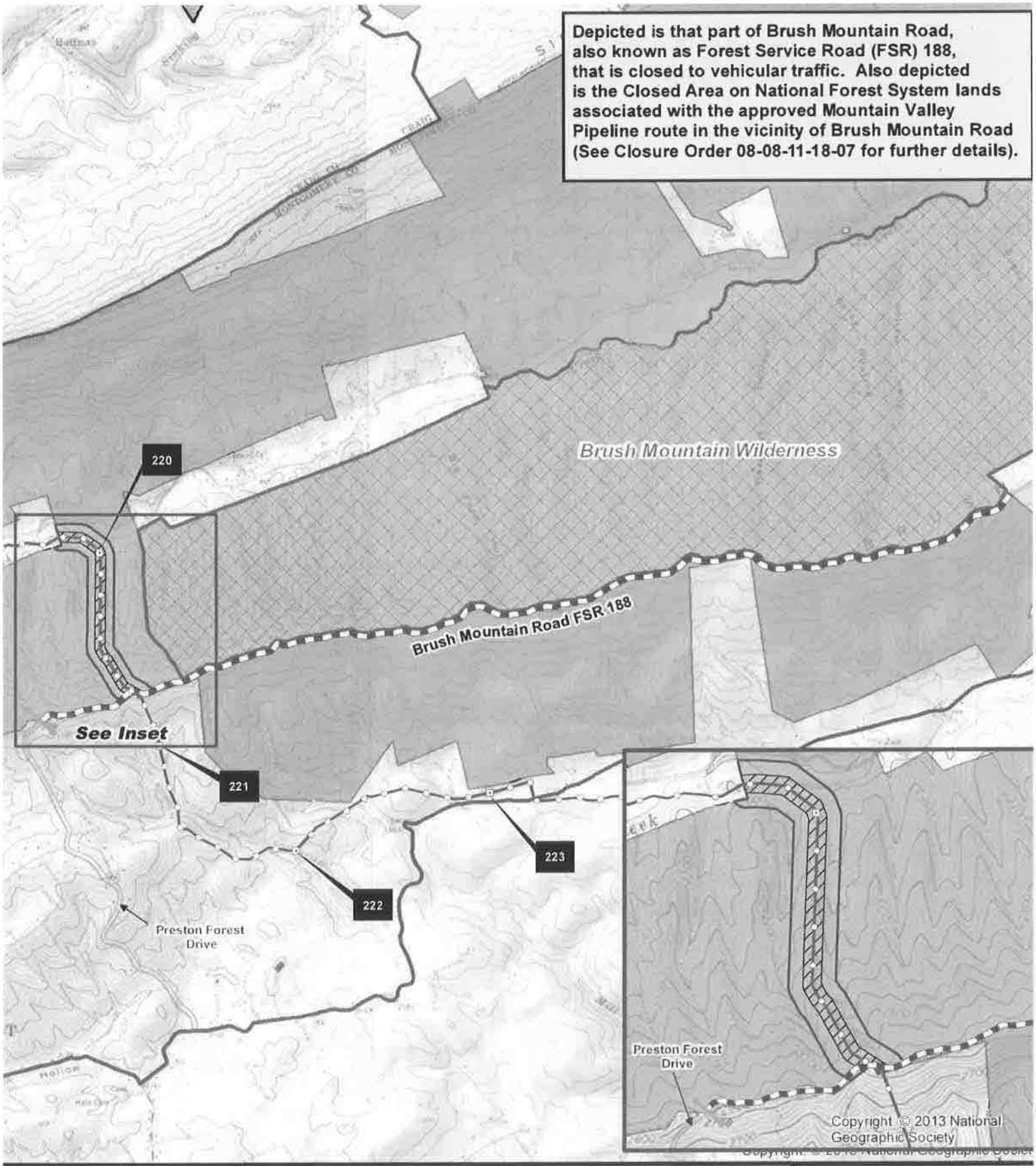
2. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force engaged in the performance of an official duty. 36 C.F.R. § 261.50(e)(4).

D. General Prohibitions: The General Prohibitions set forth in 36 C.F.R. Part 261, Subpart A (§§ 261.1 – 261.23), remain in effect. The prohibitions set forth herein pursuant to 36 C.F.R. Part 261, Subpart B (§§ 261.50 – 261.58) are in addition to the General Prohibitions.

Executed in Roanoke, Virginia this 28 day of September, 2018.

Elizabeth T. LeMaster
Acting Forest Supervisor
George Washington and Jefferson National Forests

Violation of these prohibitions is punishable by a fine of not more than $5,000 for an individual or $10,000 for an organization, imprisonment for not more than 6 months, or both. 16 U.S.C. § 551, and 18 U.S.C. §§ 3559 and 3571.



Vicinity Map



References

Background data is ESRI NGS_Topo_US data, supplemented with Mountain Valley Pipeline project data and Forest Service Lands Status Records System ownership and boundary data.

Disclaimer

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification. The USDA Forest Service makes no warranty to the accuracy of the approved pipeline route on non National Forest System lands. Any buffers shown on this map are for the purpose of depicting the area subject to the closure order and do not reflect the approved area of disturbance for the project.

Legend

- U.S. Forest Service Road closed to vehicular traffic
- Seasonal Date
- Pipeline Milepost
- Pipeline Terminals
- Approved Pipeline Route on Non-National Forest System lands
- 200' buffer on either side of the closed Construction Right-of-Way of the Approved Pipeline Route
- Approved Pipeline Route on National Forest System lands
- Construction Right-of-Way of the Approved Pipeline Route
- Administrative Forest Boundary
- National Wilderness Area
- National Forest System Lands

Map Created: September 25, 2018

Attachment 1:
Brush Mountain Road Closure Orde
Mountain Valley Pipeline
08-08-11-18-06

U.S. Forest Service
Southern Region
George Washington & Jefferson National Forest
Montgomery County, VA

Copies of this map are available for publ inspection in the Office of the Regional Forester, Southern Region, Atlanta, GA

UNITED STATES DEPARTMENT OF AGRICULTURE
GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS

Order Number 08-08-11-18-07
Brush Mountain & Sinking Creek Mountain
Right-of-Way Closure Order
for the Mountain Valley Pipeline Project

Pursuant to the provisions of 16 U.S.C. § 551, and 36 C.F.R. § 261.50(a), the following acts are prohibited to protect public safety due to the hazards associated with activities for the Mountain Valley Pipeline Project on the Eastern Divide Ranger District, Jefferson National Forest, Virginia.

A. Prohibitions:

1. Brush Mountain Construction ROW. It is prohibited to be within 200 feet from the outer edge of each side of the Construction Right-of-Way (ROW) as already cut through the Jefferson National Forest along the Approved Pipeline Route on or near Brush Mountain as shown on the map attached hereto and made a part hereof as Attachment 1, dated September 25, 2018. 36 C.F.R. § 261.53(e).

2. Sinking Creek Mountain Construction ROW. It is prohibited to be within 200 feet from the outer edge of each side of the Construction Right-of-Way (ROW) as already cut through the Jefferson National Forest along the Approved Pipeline Route on or near Sinking Creek Mountain as shown on the maps attached hereto and made a part hereof as Attachment 1, dated September 25, 2018. 36 C.F.R. § 261.53(e).

B. Exclusion: Brush Mountain Road (a/k/a FSR #188) is excluded from this Closure Order. Persons lawfully traveling on Brush Mountain Road, also known as Forest Service Road 188, are excluded from this Closure Order.

C. Duration: The prohibitions of this Order shall remain in effect through December 31, 2019, unless terminated earlier by the Authorized Officer.

D. Exemptions: Pursuant to 36 C.F.R. §§ 261.50(e), the following persons are exempt from the prohibitions contained in this order:

1. Persons working under a permit, contract, or agreement issued by a Federal, State, or Local regulatory entity which specifically authorizes activity within the area covered by this Closure Order. 36 C.F.R. § 261.50(e)(1).

2. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force engaged in the performance of an official duty. 36 C.F.R. § 261.50(e)(4).

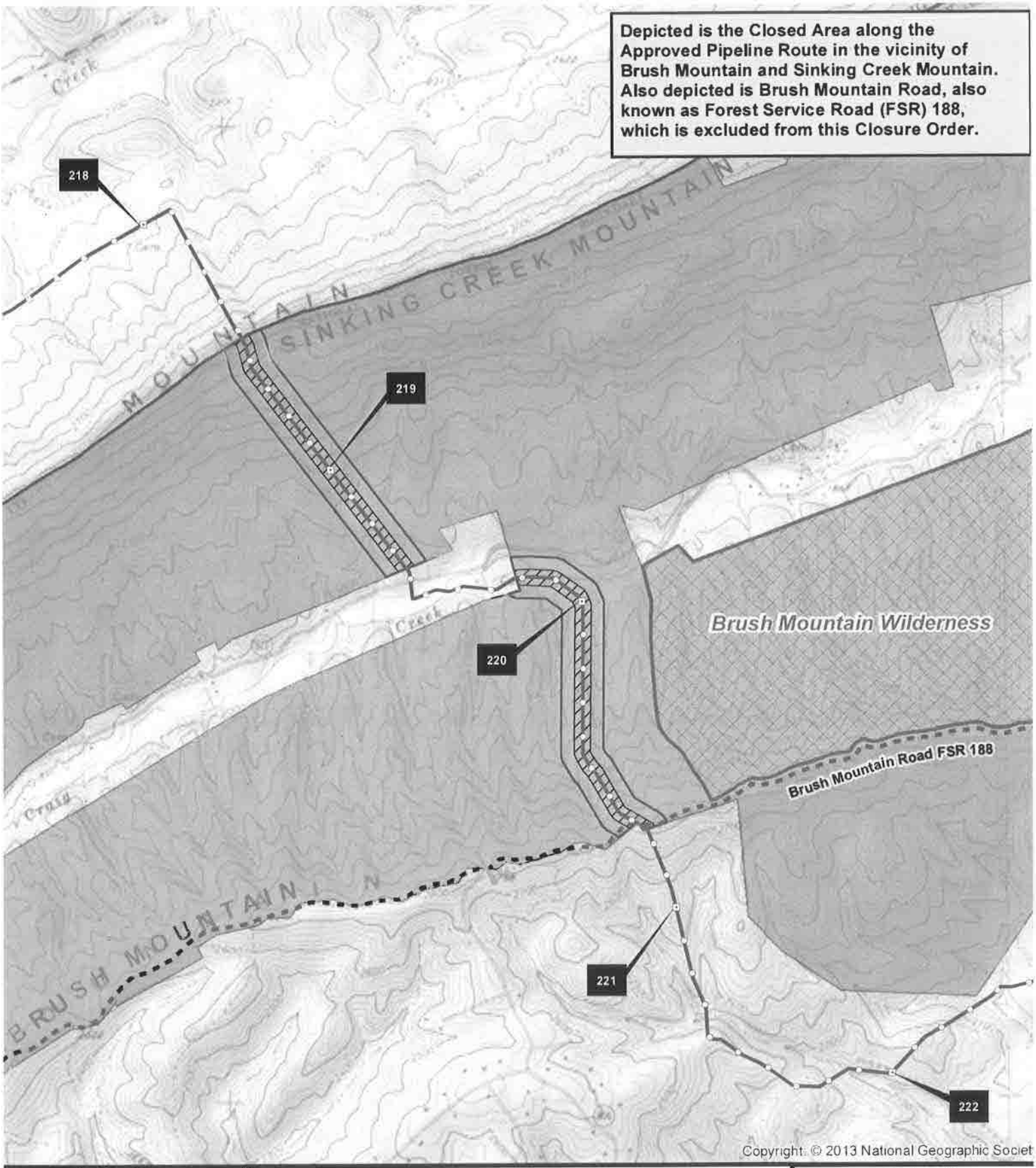
E. General Prohibitions: The General Prohibitions set forth in 36 C.F.R. Part 261, Subpart A (§§ 261.1 – 261.23), remain in effect. The prohibitions set forth herein pursuant to 36 C.F.R. Part 261, Subpart B (§§ 261.50 – 261.58) are in addition to the General Prohibitions.

F. Additional Clarification: The USDA Forest Service makes no warranties, guaranties, or representations regarding the accuracy of the Approved Pipeline ROW on nonfederal lands as depicted on the attached map.

Executed in Roanoke, Virginia this 28 day of September, 2018.

Elizabeth T. LeMaster
Acting Forest Supervisor
George Washington and Jefferson National Forests

Violation of these prohibitions is punishable by a fine of not more than $5,000 for an individual or $10,000 for an organization, imprisonment for not more than 6 months, or both. 16 U.S.C. § 551, and 18 U.S.C. §§ 3559 and 3571.



Vicinity Map



References

Background data is ESRI NGS_Topo_US data, supplemented with Mountain Valley Pipeline project data and Forest Service Lands Status Records System ownership and boundary data.

Disclaimer

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification. The USDA Forest Service makes no warranty to the accuracy of the approved pipeline route on non National Forest System lands. Any buffers shown on this map are for the purpose of depicting the area subject to the closure order and do not reflect the approved area of disturbance for the project.

Legend

- Pipeline Material
- Pipeline Diameter
- Approved Pipeline Route on Non-National Forest System lands
- 220' buffer on each side of the Closed Centerline Right-of-Way of the Approved Pipeline Route
- Approved Pipeline Route on National Forest System lands
- Construction Right-of-Way of the Approved Pipeline Route
- U.S. Forest Service Road closed to vehicular traffic
- Boundary Line
- Administrative Forest Boundary
- National Monument Area
- National Forest System Lands

Map Created: September 25, 2018

Attachment 1:
Brush Mountain & Sinking Creek Mounta
Right-of-Way Closure Order
Mountain Valley Pipeline
08-08-11-18-07

U.S. Forest Service
Southern Region
George Washington & Jefferson
National Forest
Montgomery County, VA

Copies of this map are available for publ inspection in the Office of the Regional Forester, Southern Region, Atlanta, GA

Auth ID: BBW433303T
Contact ID: 608704010602
Use Code: 411

FS-2700-23 (v. 10/09)
OMB No. 0596-0082

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
AMENDMENT
FOR

COST RECOVERY AGREEMENT

Amendment#: 2

This amendment is attached to and made a part of the 15-MJ-11080811-061 cost recovery agreement for site survey and testing on National Forest System (NFS) lands on the George Washington & Jefferson National Forests issued to MOUNTAIN VALLEY PIPELINE LLC on 04/29/2016 which is hereby amended as follows:

I. Permit # BBW433303T is hereby added to agreement # 15-MJ-11080811-061

II. The expiration and termination date of this agreement at Part II.C.10 is hereby extended from 4/29/2016 to 4/29/2017.

III. The applicant agrees to pay the estimated processing fee of $9,098.44. The bill for the estimated processing fee will be sent by the Forest Service, Albuquerque Service Center (ASC).

IV. The applicant shall pay an initial estimated monitoring fee of $29,355.47 before or at the same the authorization is issued and a subsequent quarterly estimated monitoring fee of $29,355.47, for a total of $117,421.88. The bill for the estimated monitoring fee will be sent by the Forest Service, Albuquerque Service Center (ASC).

V. Appendix A “Applications and Authorizations Subject to this Agreement” is hereby amended to add Application/ Authorization # BBW433303T.

VI. Appendix B “Description and Map of the Geographic Area” is hereby amended to add the maps associated with BBW433303T labeled “Figure 1” and “Figure 2” dated August 2015.

VII. Appendix C “Scope of Work” is hereby amended to add the scope of work document dated 4/27/2016.

This Amendment is accepted subject to the conditions set forth herein, and to conditions I to VII attached hereto and made a part of this Amendment.

_____	_____
MOUNTAIN VALLEY PIPELINE, LLC	AUTHORIZED OFFICER
_____	_____
Title	Forest Supervisor
_____	_____
Date	Date

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average one (1) hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

APPENDIX A

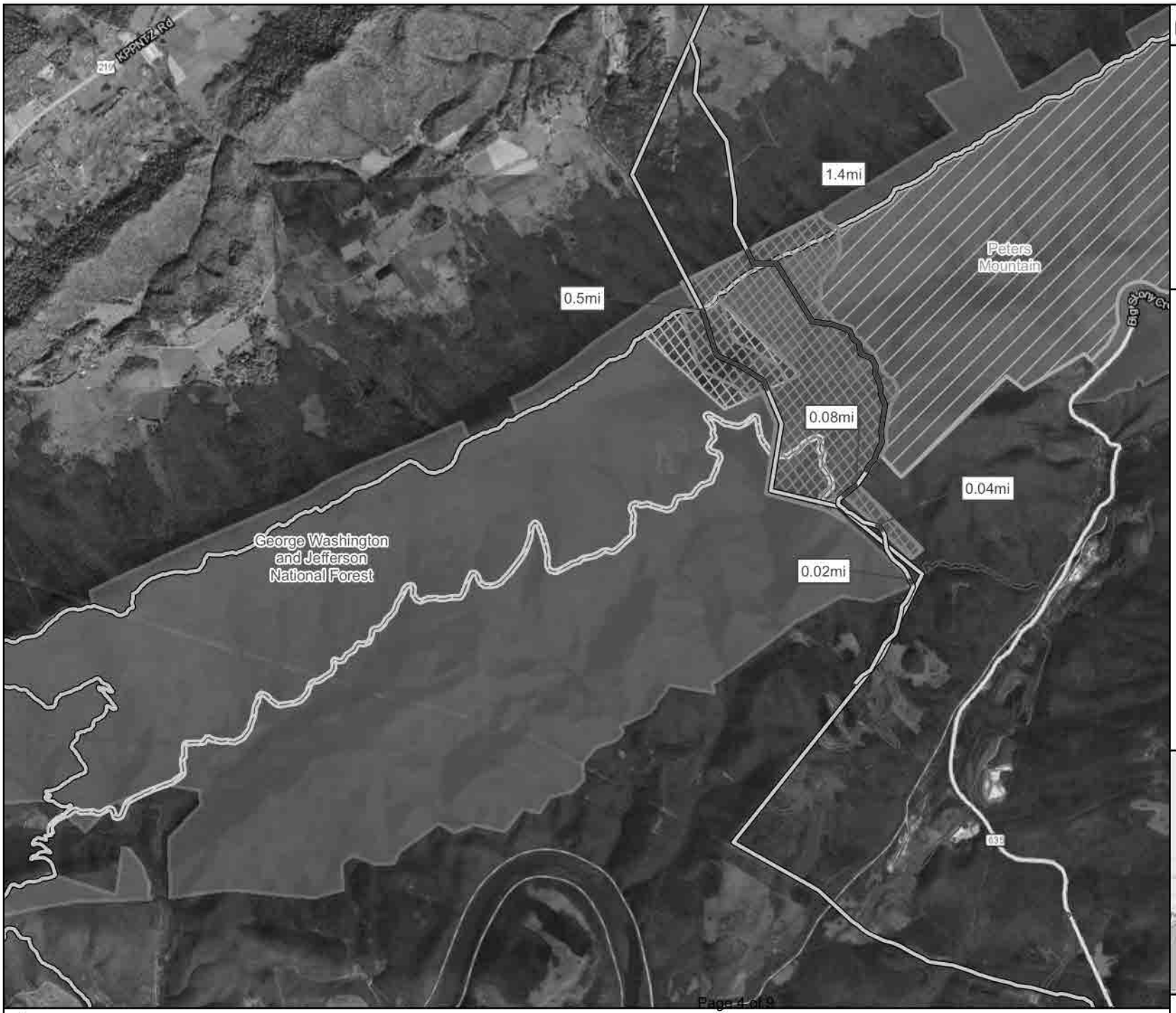
Applications and Authorizations Subject to this Agreement

Applications

BBW433303T

Authorizations

BBW433303T



Mountain Valley Pipeline Project

Mountain Valley PIPELINE

FIGURE 1
Proposed Pipeline Route
Jefferson National Forest Crossing

August 2015

Legend

- Proposed Pipeline Route Crossing Newly Acquired USFS Property
- Proposed Pipeline Route
- Authorized Survey Corridor
- Proposed Access Road
- Proposed Pocahontas Road 100ft Survey Corridor
- Newly Acquired USFS Property
- Appalachian Trail
- Peters Mountain
- National Forest Boundary



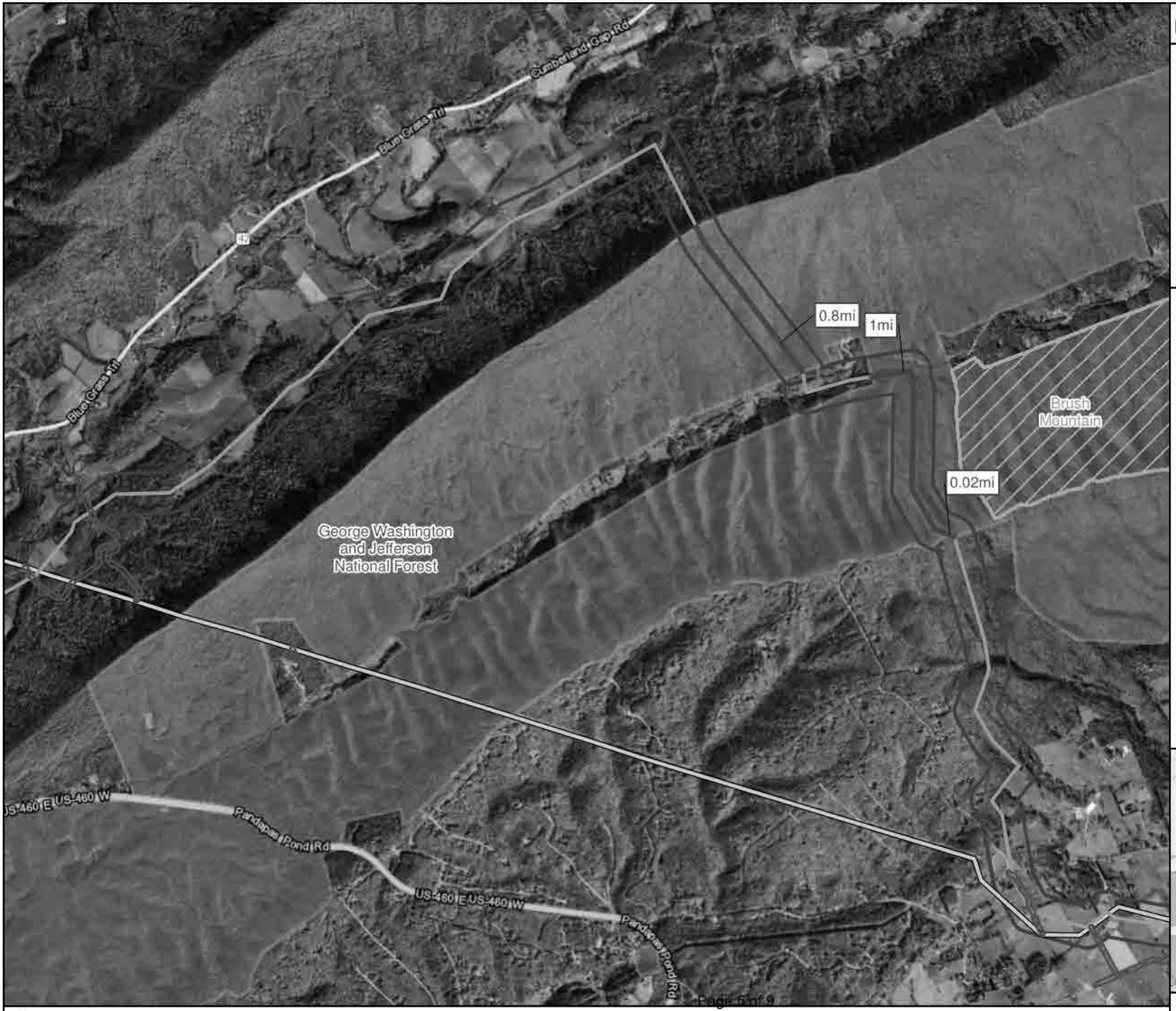
N

1:40,000

NAD 1983 UTM 17N

0 0.5 1 2 Miles

Data Sources: Appalachian Trail Conservancy, VA DCR, USDA, ESRI Streaming Data.



Mountain Valley Pipeline Project

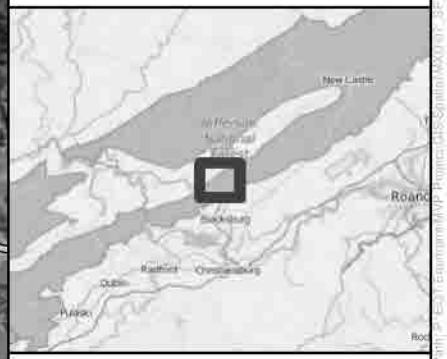
Mountain Valley PIPELINE

FIGURE 2
Alternative 200
Jefferson National Forest
Crossings

August 2015

Legend

- Proposed Access Road
- Alternative 200 Crossing USFS Land
- Alternative 200
- Proposed Pipeline Route
- Proposed 1000ft Survey Corridor
- Conserved Land
- National Forest Boundary



N

1:40,000

NAD 1983 UTM 17N

0 0.5 1 2 Miles

Data Sources: Appalachian Trail Conservancy, VA DCR, USDA, ESRI Streaming Data.

APPENDIX C
SCOPE OF WORK
MOUNTAIN VALLEY PIPELINE, LLC
Cost Recovery Agreement

			PROCESSING		MONITORING								FLEET					OTHER RESOURCES	
Name	**Position**	**Unit**	**Est. Hours**	**Scope of Work**	**Est. Hours**	**Scope of Work (Please specify in as much detail as possible)**	**Total Est. Hours (Proc. & Mon.)**	**Workplan Daily Rate**	**Hourly Rate**	**Sub-Total Personnel Processing Cost**	**Sub-Total Personnel Monitoring Cost**	**Total Personnel Cost**	**Vehicle # (if known)**	**Est. Miles**	**Use Rate**	**Total Fleet Cost**	**Scope of Travel (Please specify in as much detail as possible)**	**Est. Cost**	**Description and Justification**
Tom Collins	Geologist	SO	2	Review and provide input on scoping request	40	Review and coordinate geologic resources: groundwater; karst; slope stability; erosion. Mineral resources.	42	$ 405.53	$ 50.69	$ 101.38	$ 2,027.60	$ 2,128.98							
Dawn Kirk	Fisheries Biologist	SO/ GPRD	4	Review and provide input on scoping request	120	Coordinate and review fisheries and hydrology analysis	124	$ 479.36	$ 59.92	$ 239.68	$ 7,190.40	$ 7,430.08	1235	500	$ 0.28	$ 140.00	To and from project areas,consultations and meetings		
Karen Overcash	NEPA Coordinator		40	Coordinate NEPA decision on application, publication of scoping notice, reviewing comments, etc.	120	NEPA and Forest Plan coordination	160	$ 463.73	$ 57.96	$ 2,318.40	$ 6,955.20	$ 9,273.60				$ -			
Tom Bailey	Soils Scientist	SO	2		40	Coordinate and review soil resources analysis	42	$ 405.59	$ 50.69	$ 101.38	$ 2,027.60	$ 2,128.98				$ -			
Jobeth Brown	Public Affairs Officer	SO	8	Coordinate talking points, public notices, serve as POC for external relations, coordinate agreements	80	PAO. Public affairs and coordination with R8, R9, and MNF.	88	$ 549.23	$ 68.65	$ 549.20	$ 5,492.00	$ 6,041.20				$ -			
Dan McKeague	District Ranger	EDRD	8	Review and provide input on scoping request. Coordinate District resource specialists involved in the project, public affairs for local communities and counties, review	80	Coordinate District resource specialists involved in the project, public affairs for local communities and counties, review and provide input on all reports associated with resources.	88	$ 479.00	$ 59.87	$ 478.96	$ 4,789.60	$ 5,268.56				$ -			
Jesse Overcash	District Biologist	EDRD	8	Review and provide input on scoping request	80	Coordinate local biological reviews. Serve as local contact for associated field visits and data collection.	88	$ 416.00	$ 52.00	$ 416.00	$ 4,160.00	$ 4,576.00				$ -			
Mike Madden	Forest Archeologist	SO	8	Review and provide input on scoping request, review and process ARPA permit	200	Consultations:VA & WVA SHPO's, Eastern Shawnee THPO, Civil War Trust, State Recognized Tribal Authorities, COUN	208	$ 399.00	$ 49.87	$ 398.96	$ 9,974.00	$ 10,372.96	3137		$ 0.32	$ -	To and from project areas		
Michelle Zulauf	Archeology Tech	SO			200	Consultations:VA & WVA SHPO's, Eastern Shawnee THPO, Civil War Trust, State Recognized Tribal Authorities, COUN	200	$ 278.00	$ 34.75	$ -	$ 6,950.00	$ 6,950.00	3137		$ 0.32	$ -	To and from project areas and consultations		
Steve Croy	Forest Ecologist	SO	2	Review and provide input on scoping request	40	Coordinate and review studies for Bats & TES, vegetation.	42	$ 490.90	$ 61.36	$ 122.72	$ 2,454.40	$ 2,577.12		500	$ 0.32	$ 160.00	To and from project areas, consultations and meetings		

APPENDIX C
SCOPE OF WORK
MOUNTAIN VALLEY PIPELINE, LLC
Cost Recovery Agreement

			PROCESSING		MONITORING								FLEET					OTHER RESOURCES	
Name	**Position**	**Unit**	**Est. Hours**	**Scope of Work**	**Est. Hours**	**Scope of Work (Please specify in as much detail as possible)**	**Total Est. Hours (Proc. & Mon.)**	**Workplan Daily Rate**	**Hourly Rate**	**Sub-Total Personnel Processing Cost**	**Sub-Total Personnel Monitoring Cost**	**Total Personnel Cost**	**Vehicle # (if known)**	**Est. Miles**	**Use Rate**	**Total Fleet Cost**	**Scope of Travel (Please specify in as much detail as possible)**	**Est. Cost**	**Description and Justification**
Carol Croy	Wildlife Biologist	SO	2	Review and provide input on scoping request	40	Coordinating, reviewing, etc. terrestrial wildlife resources except bats	42	$ 425.77	$ 53.22	$ 106.44	$ 2,128.80	$ 2,235.24		500	$ 0.32	$ 160.00	To and from project areas, consultations and meetings		
Mike Donahue	Biological Science Technician	SO			80	Field expertise and liaison in herps, insects, pollinators, birds, etc.	80	$ 283.29	$ 35.41	$ -	$ 2,832.80	$ 2,832.80		500	$ 0.32	$ 160.00	To and from project areas		
Fred Huber	Botanist	SO	2	Review and provide input on scoping request	80	Coordinate botanicals, NNIS, herps	82	$ 448.18	$ 56.02	$ 112.04	$ 4,481.60	$ 4,593.64		500	$ 0.32	$ 160.00	To and from project areas, consultations and meetings		
Ted Coffman	Staff Officer (Recreation, Wilderness, Heritage)	SO	2	Review and provide input on scoping request	40	Coordinating, reviewing, etc. for recrecreation, heritage, fire, and visual resources	42	$ 503.75	$ 62.96	$ 125.92	$ 2,518.40	$ 2,644.32				$ -			
Pete Irvine	Trails, Wilderness, Dispersed Recreation Program Lead	SO			40	Coordinate review of trail resources	40	$ 490.00	$ 61.25	$ -	$ 2,450.00	$ 2,450.00				$ -			
Ginny Williams	Developed Recreation Program Lead	SO		Review and provide input on scoping request	80	Coordinate, review, and provide input on visuals analysis	80	$ 423.00	$ 52.87	$ -	$ 4,229.60	$ 4,229.60				$ -			
Shamina Dillard	Forest Engineer	SO		Review and provide input on scoping request	8	Coordinate engineering and road access and analysis	8	$ 408.57	$ 51.07	$ -	$ 408.56	$ 408.56				$ -			
Steve Woods	Civil Engineer				8	Technical expert for roads review and analysis	8	$ 376.88	$ 47.11	$ -	$ 376.88	$ 376.88				$ -			
Derrick Miller	Realty Specialist (Special Uses)	SO	2	Cost and agreement reviewer	4	Assist Project Coordinator with special use billing, organization, tracking project progress, etc.	6	$ 365.10	$ 45.63	$ 91.26	$ 182.52	$ 273.78				$ -			
Mitch Kerr	Land Surveyor	SO			40	Survey, plat, and plan review. Coordinate land records and boundary reviews.	40	$ 434.09	$ 54.26	$ -	$ 2,170.40	$ 2,170.40				$ -			
Vacant (Joby Timm Acting)	Forest Supervisor	SO			80	Authorized Officer reviewing and signing documents. Coordinating project reviews and approvals with R8 and WO. Attending meetings. Providing oversight over all aspects of the project for R8 and WO.	80	$ 606.36	$ 75.79	$ -	$ 6,063.20	$ 6,063.20				$ -			
Mark Miller	Timber Management Administrator	EDRD			40	Timber/ Silviculture analysis review	40	$ 388.37	$ 48.54	$ -	$ 1,941.60	$ 1,941.60				$ -	travel to site		
James Ohear	GIS Specialist	SO/ NRRD			40	GIS coordination	40	$ 395.33	$ 49.41	$ -	$ 1,976.40	$ 1,976.40				$ -			
Russ Macfarlane	Forest Silviculturalist/ Acting Staff Officer (Planning, Monitoring, Ecology, GIS)	SO	2	Review and provide input on scoping request	80	Coordinate and review timber and silviculture analysis.	82	$ 479.00	$ 59.87	$ 119.74	$ 4,789.60	$ 4,909.34				$ -			
Robin Stidham	Agreements Specialist	SO	2	Agreements Specialist. Develop and administer agreements associated with the project.	8	Agreements Specialist. Develop and administer agreements associated with the project.	10	$ 344.00	$ 43.00	$ 86.00	$ 344.00	$ 430.00				$ -			
Jim Twaroski	Regional Special Use Coordinator/ RPOC	RO-R8			40	Regional level coordination with Regional Forester, R8 LMU Director, R9 LMU Director, and WO. Serve as Regional Point of Contact (RPOC) for project.	40	$ 505.00	$ 63.12	$ -	$ 2,524.80	$ 2,524.80				$ -			

APPENDIX C
SCOPE OF WORK
MOUNTAIN VALLEY PIPELINE, LLC
Cost Recovery Agreement

			PROCESSING		MONITORING								FLEET					OTHER RESOURCES	
Name	Position	Unit	Est. Hours	Scope of Work	Est. Hours	Scope of Work (Please specify in as much detail as possible)	Total Est. Hours (Proc. & Mon.)	Workplan Daily Rate	Hourly Rate	Sub-Total Personnel Processing Cost	Sub-Total Personnel Monitoring Cost	Total Personnel Cost	Vehicle # (if known)	Est. Miles	Use Rate	Total Fleet Cost	Scope of Travel (Please specify in as much detail as possible)	Est. Cost	Description and Justification
Alex Faught	Lands Program Manager	SO	40	Process/ administer survey permit application, coordinate with specialists, review/edit documents.	200	Review documents for accuracy, track progress and costs, draft documents for review (permit, CR agreement, NEPA, etc.), respond to queries, meet with specialists and other tasks deemed necessary to carry out the administration of the authorization and coordinate all those involved.	240	$ 411.28	$ 51.41	$ 2,056.40	$ 10,282.00	$ 12,338.40	Pool	1500	$ 0.32	$ 480.00	Travel to project area at least once, meetings, district office, and Monongahela NF	$1,000.00	Legal ads and mailings for NEPA CE public scoping
Jason Millott	Budget Officer	SO			40	Tracking/reporting financials.	40	$ 384.00	$ 48.00	$ -	$ 1,920.00	$ 1,920.00				$ -			
Sally Zaragoza	Budget Analyst	SO			40	Tracking/reporting financials.	40	$ 315.00	$ 39.37	$ -	$ 1,574.80	$ 1,574.80							
Sheryl Mills	Recreation Program Lead	EDRD			40	Coordinate recreation for District. Review and comment on visuals analysis. Serve as local contact for associated field visits and data collection.	40	$ 417.47	$ 52.18	$ -	$ 2,087.20	$ 2,087.20				$ -			

APPENDIX C
SCOPE OF WORK
MOUNTAIN VALLEY PIPELINE, LLC
Cost Recovery Agreement

			PROCESSING		MONITORING								FLEET					OTHER RESOURCES	
Name	Position	Unit	Est. Hours	Scope of Work	Est. Hours	Scope of Work (Please specify in as much detail as possible)	Total Est. Hours (Proc. & Mon.)	Workplan Daily Rate	Hourly Rate	Sub-Total Personnel Processing Cost	Sub-Total Personnel Monitoring Cost	Total Personnel Cost	Vehicle # (if known)	Est. Miles	Use Rate	Total Fleet Cost	Scope of Travel (Please specify in as much detail as possible)	Est. Cost	Description and Justification
TOTAL*			**134**		**2028**		2162			$ 7,424.48	$ 107,303.96	$ 114,728.44		4000		$ 1,260.00		$1,000.00	

PROCESSING	
Personnel Total=	$ 7,424.48
Fleet and Other Resources =	$1,000
SUB-TOTAL PROCESSING FEE=	$ 8,424.48
TOTAL PROCESSING FEE INCLUDING 8% ASC BURDEN RATE=	**$ 9,098.44**

MONITORING	
Personnel Total=	$ 107,303.96
Fleet and Other Resources =	$ 1,420.00
SUB-TOTAL MONITORING FEE=	$ 108,723.96
TOTAL MONITORING FEE INCLUDING 8% ASC BURDEN RATE=	**$ 117,421.88**

TOTAL FEE (PROCESSING & MONITORING)	**$ 126,520.32**

Definitions:

Processing - agency actions regarding an application that occur after the agency accepts a proposal as a special use application.

Monitoring - agency actions to ensure compliance with the terms and conditions of the authorization involving construction, reconstruction, operation, maintenance, and termination of the facilities within the authorized area, and protecting and rehabilitating affected lands. The actions for billing, maintenance of case files, annual performance evaluations, or scheduled inspections to determine compliance generally with the terms and conditions of an authorization are excluded.*

PERSONNEL								
Name	**Position**	**Forest**	**Unit**	**Est. Hours**	**Scope of Work**	**Workplan Daily Rate**	**Hourly Rate**	**Total Estimated Personnel Cost**
Name	**Position**	**Forest**	**Unit**	**Est. Hours**	**Scope of Work**	**Workplan Daily Rate**	**Hourly Rate**	**Total Estimated Personnel Cost**
Alex Faught	Lands Program Manager	GWJNF	SO	300	Core team member and special use case manager. Review documents for accuracy, track progress and costs, draft documents for review (permit, CR agreement, NEPA, etc.), respond to queries, meet with specialists, coordinate with R8/R9 offices, and other tasks deemed necessary to carry out the application and NEPA reviews.	$ 430.40	$ 53.80	$ 16,140.00
Ava Turnquist	NEPA Specialist	GWJNF (GS-11 Detailer, Est. salary)	Alleghany NF	640	NEPA environmental document reviewer	$ 350.00	$ 43.75	$ 28,000.00
Ben Neuhold	Archeology Tech	GWJNF	SO	40	Consultations:VA & WVA SHPO's, Eastern Shawnee THPO, Civil War Trust, State Recognized Tribal Authorities, COUN	$ 154.94	$ 19.36	$ 774.40
Carol Croy	Wildlife Biologist	GWJNF	SO	125	Coordinating, reviewing, etc. terrestrial wildlife resources except bats	$ 461.01	$ 57.62	$ 7,202.50
Dan McKeague	District Ranger	GWJNF	EDRD	120	Review and provide input on scoping request. Coordinate District resource specialists involved in the project, public affairs for local communities and counties, review	$ 505.00	$ 63.12	$ 7,574.40
Dawn Kirk	Fisheries Biologist	GWJNF	SO/ GPRD	250	Coordinate and review aquatics resources	$ 501.21	$ 62.65	$ 15,662.50
Fred Huber	Botanist	GWJNF	SO	125	Coordinate botanicals, NNIS, herps	$ 452.52	$ 56.56	$ 7,070.00
Ginny Williams	Developed Recreation Program Lead	GWJNF	SO	200	Coordinate, review, and provide input on visuals analysis	$ 440.92	$ 55.11	$ 11,022.00
James Ohear	GIS Specialist	GWJNF	SO/ NRRD	40	GIS coordination	$ 407.82	$ 50.97	$ 2,038.80
James Willett	Special Agent	GWJNF	SO	96	Reviewing, meeting, and commenting on ACP COM Plan and other documents related to safety and law enforcement. Coordinating and reviewing potential forest closure orders.	$ 512.31	$ 64.03	$ 6,146.88
Jason Millott	Budget Officer	GWJNF	SO	200	Tracking/reporting financials.	$ 403.19	$ 50.39	$ 10,078.00
Jesse Overcash	District Biologist	GWJNF	EDRD	160	Coordinate and review biological resources for the District	$ 425.55	$ 53.19	$ 8,510.40
Jim Twaroski	R8 Special Use Coordinator/ RPOC	GWJNF	RO-R8	160	Regional level coordination with Regional Forester, R8 LMU Director, R9 LMU Director, and WO. Serve as Regional Point of Contact (RPOC) for project. Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 539.00	$ 67.37	$ 10,779.20

PERSONNEL								
Name	**Position**	**Forest**	**Unit**	**Est. Hours**	**Scope of Work**	**Workplan Daily Rate**	**Hourly Rate**	**Total Estimated Personnel Cost**
Jobeth Brown	Public Affairs Officer	GWJNF	SO	200	Public affairs, lands, special uses and NEPA coordination. Coordinate talking points, public notices, and serve as POC for external relations.	$ 555.85	$ 69.48	$ 13,896.00
Joby Timm	Forest Supervisor	GWJNF	SO	200	Authorized Officer reviewing and signing documents. Coordinating project reviews and approvals with R8, R9, MNF, and WO. Attending meetings. Providing oversight over all aspects of the project for R8, R9, MNF, and WO.	$ 596.40	$ 74.55	$ 14,910.00
John Hairfield	Forestry Technician	GWJNF	SO	40	District review and coordination for roads.	$ 317.40	$ 39.67	$ 1,586.80
John Norten Jensen	Zone FMO	GWJNF	EDRD	40	Coordinate and review analysis for effects to fire prescription and fire management planning	$ 376.75	$ 47.09	$ 1,883.60
Karen Overcash	NEPA Coordinator	GWJNF	SO	300	NEPA and Forest Plan coordination	$ 440.69	$ 55.08	$ 16,524.00
Karen Stevens	Forest Environmental Coordinator	MNF	SO	250	NEPA and Forest Plan coordination	$ 400.00	$ 50.00	$ 12,500.00
Katie Ballew	Patrol Captain	GWJNF	SO	96	Reviewing, meeting, and commenting on ACP COM Plan and other documents related to safety and law enforcement. Coordinating and reviewing potential forest closure orders.	$ 416.34	$ 52.04	$ 4,995.84
Mary Helms	Support Staff	GWJNF	SO	8	O: Drive and sharepoint manager	$ 162.00	$ 20.25	$ 162.00
Mark Miller	Timber Management Administrator	GWJNF	EDRD	40	Coordinate and review timber removal and revegetation plans for District	$ 397.22	$ 49.65	$ 1,986.00
Mike Donahue	Biological Science Technician	GWJNF	SO	40	Field expertise and liaison in herps, insects, pollinators, birds, etc.	$ 296.75	$ 37.09	$ 1,483.60
Mike Madden	Forest Archeologist	GWJNF	SO	125	Consultations:VA & WVA SHPO's, Eastern Shawnee THPO, Civil War Trust, State Recognized Tribal Authorities, COUN	$ 404.09	$ 50.51	$ 6,313.75
Mitch Kerr	Land Surveyor	GWJNF	SO	40	Survey, plat, and plan review. Coordinate land records and boundary reviews.	$ 453.84	$ 56.73	$ 2,269.20
Paul Arndt	Regional Planner, GS-13		RO-R8	120	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed, subject matter expert for Forest Plan and revisions.	$ 505.00	$ 63.12	$ 7,574.40
Pauline Adams	Hydrologist	GWJNF	SO	250	Hydrology.	$ 368.55	$ 46.06	$ 11,515.00
Pete Irvine	Trails, Wilderness, Dispersed Recreation Program Lead	GWJNF	SO	100	Coordinate review of trail resources	$ 500.62	$ 62.57	$ 6,257.00

PERSONNEL								
Name	**Position**	**Forest**	**Unit**	**Est. Hours**	**Scope of Work**	**Workplan Daily Rate**	**Hourly Rate**	**Total Estimated Personnel Cost**
Peter Gaulke	Director of Planning, GS-15		R8-R0	120	Coordinate and oversee processing of project objections, prepare draft documents, coordinate objections meetings as needed, overall process management, key contact between Forest, Regional Forester, Reviewing Officer and Washington Office.	$ 591.00	$ 73.87	$ 8,864.40
Rebecca Robbins	Public Affairs Officer	GWJNF	SO	100	Public affairs. Drafting press releases, web content, talking points, briefing papers, etc.	$ 325.89	$ 40.73	$ 4,073.00
Richard Guercin	Archeology Tech	GWJNF	SO	40	Consultations:VA & WVA SHPO's, Eastern Shawnee THPO, Civil War Trust, State Recognized Tribal Authorities, COUN	$ 237.52	$ 29.69	$ 1,187.60
Robin Stidham	Agreements Specialist	GWJNF	SO	8	Agreements Specialist. Develop and administer agreements associated with the project.	$ 350.22	$ 43.77	$ 350.16
Russ Macfarlane	Forest Silviculturalist	GWJNF	SO	100	Coordinate and review timber and silviculture analysis.	$ 489.09	$ 61.13	$ 6,113.00
Sally Zaragoza	Budget Analyst	GWJNF	SO	40	Tracking/reporting financials.	$ 321.64	$ 40.20	$ 1,608.00
Shamina Dillard	Forest Engineer	GWJNF	SO	100	Coordinate engineering and road access and analysis	$ 428.43	$ 53.55	$ 5,355.00
Steve Croy	Forest Ecologist	GWJNF	SO	125	Coordinate and review studies for Bats & TES, vegetation.	$ 472.97	$ 59.12	$ 7,390.00
Steve Tanguay	Biologist	GWJNF	JRWSRD	40	Coordinate wildlife & fisheries for District. Serve as local contact for associated field visits and data collection.	$ 425.12	$ 53.14	$ 2,125.60
Steve Woods	Civil Engineer	GWJNF		40	Technical expert for roads review and analysis	$ 381.85	$ 47.73	$ 1,909.20
TBD	Archeologist, GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80
TBD	Wildlife Biologist, GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80
TBD	Soils Specialist, GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80

PERSONNEL								
Name	**Position**	**Forest**	**Unit**	**Est. Hours**	**Scope of Work**	**Workplan Daily Rate**	**Hourly Rate**	**Total Estimated Personnel Cost**
TBD	Hydrologist, GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80
TBD	Geologist, GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80
TBD	Engineer GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80
TBD	NEPA/Planning Specialst, GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80
TBD	Landscape Architect/Recreation Specialist, GS-13		RO-R8 or R8 Forest To Be Determined	240	Review objections received, review project record to see if the objection is already addressed, determine if additional analysis is required to address objection point, develop new requirements to address objection point if needed	$ 505.00	$ 63.12	$ 15,148.80
TBD	WO Support for Objection Process, GS-14		WO	240	Support RO Objections Processing Team As Needed	$ 548.00	$ 68.50	$ 16,440.00
TBD	Reviewing Officer, SES Level 1		R8-R0	240	Final review of objections received, leads objections meetings if needed, provides final recommendation to the Regional Forester	$ 802.00	$ 100.25	$ 24,060.00
TBD	Public Affairs Officer (GS-12 Detailer Salary)	GWJNF	SO	640	Serve as lead public affairs officer for the project to supplement existing staff resources. (120 day detail)	$ 400.00	$ 50.00	$ 32,000.00
TBD/Detailer	Staff Officer (Recreation, Wilderness, Engineering)	GWJNF	SO	80	Coordinating, reviewing, etc. for recrecreation and visual resources	$ 512.03	$ 64.00	$ 5,120.00
TBD/ Detailer	Recreation Program Manager	GWJNF	EDRD	40	Coordinate and review recreation resources for District	$ 350.00	$ 43.75	$ 1,750.00
Timothy Abing	Director of Lands/Minerals/Uses, GS-15		R8-R0	240	Coordinate and oversee processing of project objections, oversight of lands issues raised in objections process, key contact between Forest, Regional Forester, Reviewing Officer and Washington Office.	$ 591.00	$ 73.87	$ 17,728.80

PERSONNEL								
Name	**Position**	**Forest**	**Unit**	**Est. Hours**	**Scope of Work**	**Workplan Daily Rate**	**Hourly Rate**	**Total Estimated Personnel Cost**
Tom Bailey	Soils Scientist	GWJNF	SO	288	Coordinate and review soil resources analysis	$ 409.75	$ 51.21	$ 14,748.48
Tom Collins	Geologist	GWJNF	SO	150	Review and coordinate geologic resources: groundwater; karst; slope stability; erosion. Mineral resources.	$ 409.74	$ 51.21	$ 7,681.50
Troy Morris	Staff Officer	GWJNF	SO	250	Natural resources team lead, Forest Plan compliance, oversight of resource specialists	$ 503.14	$ 62.89	$ 15,722.50
Various	EMNEPA Support Team		WO		Intake of objections for project, reviews, identifies and enters into a database all objections/comments received, provides report of each individual comment/objection and provides summmary report of all information received. FS enterprise team contracted to collect, sort, analyze and build a databse of each unique objection/comment received.	$ -	$ -	$ 30,000.00
TOTAL				9106				$ 560,273.91

OTHER RESOURCES						
Other Resources	**Description**	**Forest**	**Unit of Measure**	**Est. Units**	**Est. Cost Per Unit**	**Total Est. Other Resources Cost**
Fleet Mileage	To and from project areas, consultations, meetings,	GWJNF	Miles	5000	$0.32	$ 1,600.00
Administrative Support Costs	Legal ads, mailings, printing, etc.	GWJNF	Each	500	$1.00	$ 500.00
Objection Team Travel and Per Diem	Lodging, hotel costs, per diem costs, car rental costs for attending initial objections orientation meetings in the Atlanta Regional Office of the Forest Service. Most work would be done as a team while in travel status	R8/ WO	Persons	9	$3,234.00	$ 29,106.00
TBD, GS-12 Detailer for Public Affairs on the GWJNF (Travel and Per Diem for 120 days)	$91/day lodging, $51/day M&IE, Flight or other travel (if necessary) for 120 days	GWJNF	Days	120	$158.33	$ 18,999.60
Employee Overtime	Overtime authorizations as needed to meet deadlines.	GWJNF	Hours	500	$25.00	$ 12,500.00
TOTAL						$ 62,705.60
Sub-Total Cost	$ 622,979.51					
TOTAL ESTIMATED COST RECOVERY (including 9% ASC Burden Rate)=	$ 679,047.67					

Definitions:

Processing - agency actions regarding an application that occur after the agency accepts a proposal as a special use application.

UNITED STATES DEPARTMENT OF AGRICULTURE
GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS

Order Number 08-08-11-18-08
Peters Mountain
Right-of-Way Closure Order
for the Mountain Valley Pipeline Project

Pursuant to the provisions of 16 U.S.C. § 551, and 36 C.F.R. §§ 261.50 (a) and (b), the following acts are prohibited due to hazards associated with activities for the Mountain Valley Pipeline on the Eastern Divide Ranger District, Jefferson National Forests, West Virginia and Virginia.

A. Prohibitions:

1. Peters Mountain Construction ROW. It is prohibited to be within the cut area of the Peters Mountain Construction Right-of-Way (ROW) on National Forest System land on or near Peters Mountain as shown on the map attached hereto and made a part hereof as Attachment 1, dated September 26, 2018. 36 C.F.R. § 261.53(e).

B. Exclusion: Mystery Ridge Road Segment. Persons lawfully traveling on Mystery Ridge Road, also known as Forest Service Road (FSR) 11080, are excluded from this Closure Order.

C. Duration: The prohibitions of this Order shall remain in effect through December 31, 2019, unless terminated earlier by the Authorized Officer.

D. Exemptions: Pursuant to 36 C.F.R. §§ 261.50(e), the following persons are exempt from the prohibitions contained in this order:

1. Persons working under a permit, contract, or agreement issued by a Federal, State, or Local regulatory entity which specifically authorizes activity within the area and on the roads covered by this Order. 36 C.F.R. §§ 261.50(e)(1), and (6).

2. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force engaged in the performance of an official duty. 36 C.F.R. § 261.50(e)(4).

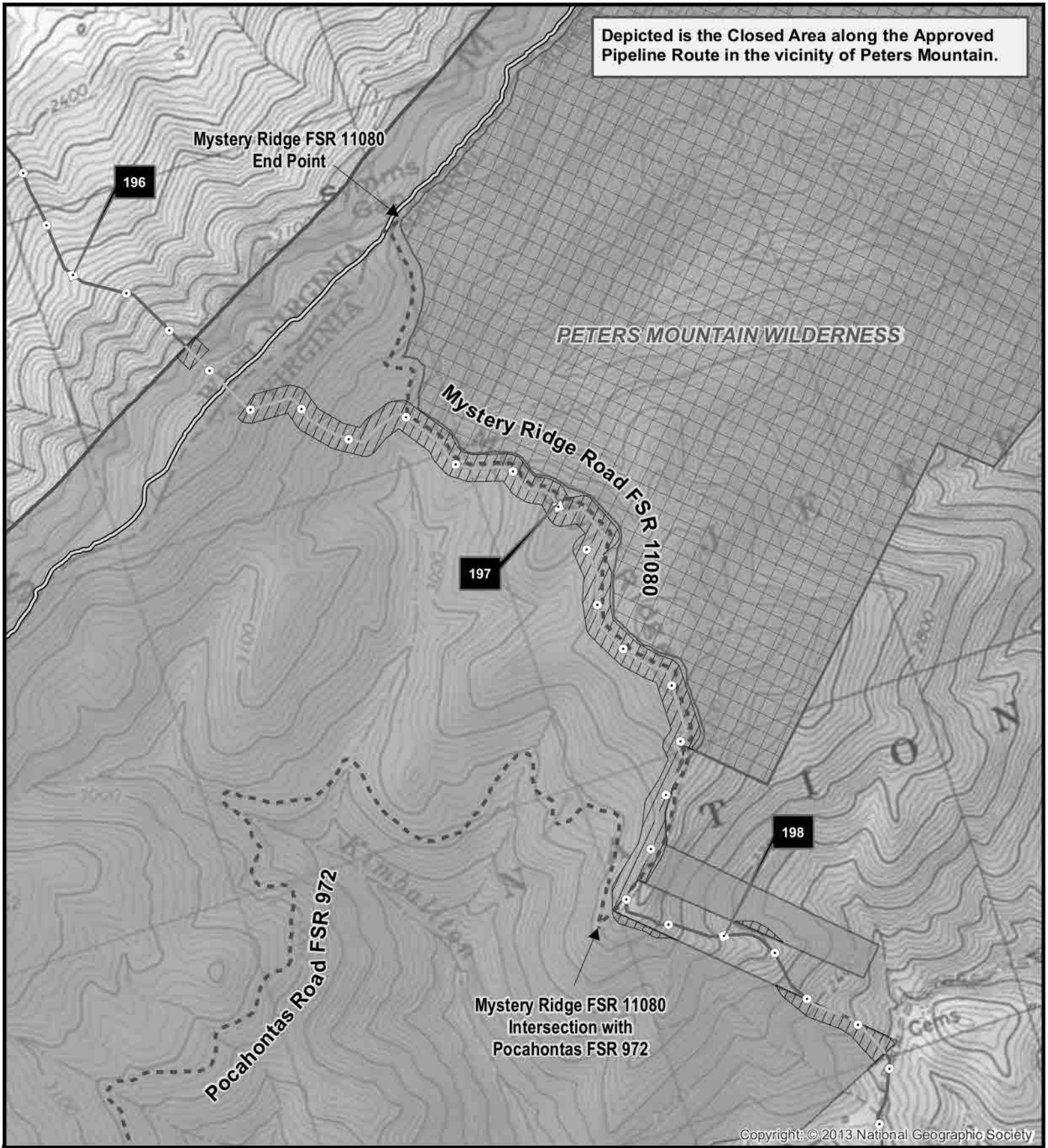
E. General Prohibitions: The General Prohibitions set forth in 36 C.F.R. Part 261, Subpart A (§§ 261.1 – 261.23), remain in effect. The prohibitions set forth herein pursuant to 36 C.F.R. Part 261, Subpart B (§§ 261.50 – 261.58) are in addition to the General Prohibitions.

F. Additional Clarification: The USDA Forest Service makes no warranties, guaranties, or representations regarding the accuracy of the Approved Pipeline ROW on nonfederal lands as depicted on the attached map.

Executed in Roanoke, Virginia this 28 day of September, 2018.

Elizabeth T. LeMaster
Acting Forest Supervisor
George Washington and Jefferson National Forests

Violation of these prohibitions is punishable by a fine of not more than $5,000 for an individual or $10,000 for an organization, imprisonment for not more than 6 months, or both. 16 U.S.C. § 551, and 18 U.S.C. §§ 3559 and 3571.



Vicinity Map



References

Background data is ESRI NGS_Topo_US data, supplemented with Mountain Valley Pipeline project data and Forest Service Lands Status Records System ownership and boundary data.

Disclaimer

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification. The USDA Forest Service makes no warranty to the accuracy of the approved pipeline route on non National Forest System lands. Any buffers shown on this map are for the purpose of depicting the area subject to the closure order and do not reflect the approved area of disturbance for the project.

Legend

- Pipeline Milepost
- Pipeline Tenth-mile
- Approved Pipeline Route on Non-National Forest System lands
- Approved Pipeline Route on National Forest System lands
- Construction Right-of-Way of the Approved Pipeline Route
- Seasonal Gate
- U.S. Forest Service Road
- Appalachian Trail
- Administrative Forest Boundary
- National Wilderness Area
- National Forest System Lands

0 0.05 0.1 0.2 Miles

Map Created: September 25, 2018

Attachment 1:
Peters Mountain
Right-of-Way Closure Order
Mountain Valley Pipeline
08-08-11-18-08

U.S. Forest Service
Southern Region
George Washington & Jefferson National Forest
Giles County, VA

Copies of this map are available for public inspection in the Office of the Regional Forester, Southern Region, Atlanta, GA.

file location: T:/FS/NFS/WOLands/ALP/Project/R08/regional/MapProduct/Attachment1_MVP_CO_08-08-11-18-08.pdf

CATEGORY 6 MAJOR COST RECOVERY AGREEMENT

Between

USDA, FOREST SERVICE, George Washington & Jefferson National Forest,

and MOUNTAIN VALLEY PIPELINE, LLC

This agreement is entered into between the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, George Washington & Jefferson National Forest (the Forest Service), and the Mountain Valley Pipeline, LLC (the applicant) under 36 CFR 251.58.

A. RECITALS

1. On March 3, 2017, the Forest Service and Bureau of Land Management accepted the applicant's application for use and occupancy of National Forest System lands (hereinafter "the application"), which is enumerated in Appendix A. The Forest Service shall assess the applicant a cost recovery fee for the agency's costs to process the application.

2. The Forest Service has determined that the fee for processing the application falls within category 6 under the applicable Forest Service processing fee schedule and/or that the fee for monitoring the applicant's special use authorization falls within category 6 under the applicable Forest Service monitoring fee schedule.

3. The geographic area to be covered by this agreement is the Mountain Valley Pipeline project area shown generally on the attached Appendix B.

4. The application has been submitted or the applicant's special use authorization is being issued under the Mineral Leasing Act, or under other authorities and the applicant has waived payment of reasonable costs. Therefore, the Forest Service is entitled to recover its full actual costs incurred in processing the application or monitoring the authorization.

5. Payment of a processing fee by the applicant does not obligate the Forest Service to authorize the applicant's proposed use and occupancy. If the application is denied or withdrawn in writing, the applicant is responsible for costs incurred by the Forest Service in processing the application up to and including the date the agency denies the application or receives written notice of the applicant's withdrawal. If the applicant withdraws the application, the applicant also is responsible for any costs subsequently incurred by the Forest Service in terminating consideration of the application.

6. The Forest Service shall determine the appropriate level of environmental analysis for the application and inform the applicant prior to initiating the environmental analysis.

7. Information associated with this agreement may be released to the public in accordance with the provisions of the Freedom of Information Act and Privacy Act.

PART I - PROCESSING FEES

B. BASIS FOR PROCESSING FEES

Processing fees for the application are based upon the direct and indirect costs that the Forest Service incurs in reviewing the application, conducting environmental analyses of the effects of the proposed use, reviewing any applicant-generated environmental documents and studies, conducting site visits, evaluating the applicant's technical and financial qualifications, making a decision on whether to issue the authorization, and preparing documentation of analyses, decisions, and authorizations for the application. The processing fee for the application shall be based only on costs that are necessary for processing the application. "Necessary for" means that but for the application, the costs would not have been incurred. The processing fee shall not include costs for studies for programmatic planning or analysis or other agency management objectives, unless they are necessary for processing the application. Proportional costs for analyses,

such as capacity studies, that are necessary for the application may be included in the processing fee.

C. AGREEMENT

In consideration of the foregoing, the parties agree as follows:

1. Scope of Work. The Forest Service shall develop a scope of work for processing the application and an estimate of the agency's costs to process the application, which will be incorporated into this agreement as Appendix C. This scope of work shall report direct costs in categories that correspond to those in the agency's accounting system, e.g., job code, personnel compensation based upon the cost to the government (salary and benefits), travel, and other direct services, materials, and supplies. In addition, the estimate of the agency's processing costs shall include the agency's indirect costs based upon the approved annual indirect cost rate. Classification of costs as direct or indirect shall be in accordance with the published Forest Service budget for the applicable fiscal year.

2. Environmental Analysis. The Forest Service shall supervise the preparation of the environmental analysis associated with the application in compliance with applicable legal requirements, including public review of the analysis, analysis of public comments, and decision documentation. In exercising this responsibility, the Forest Service shall endeavor to foster cooperation among other agencies involved in the process, and to integrate National Environmental Policy Act requirements and other environmental review and consultation requirements to avoid, to the fullest extent possible, duplication of efforts by those agencies. However, the Forest Service shall not delegate to any other agency its authority over the scope and content of the environmental analysis, or approval or denial of the application.

3. Billing. The Forest Service shall bill the applicant prior to commencement of work. The applicant agrees to pay the estimated processing fee of $679,047.67. The bill for the estimated processing fee will be sent by The Forest Service, Albuquerque Service Center (ASC).

4. Payment. The applicant shall pay the estimated processing fee within 30 days of the date the bill for the fee is issued. The Forest Service shall not initiate processing the application until the estimated processing fee is paid. If the applicant fails to pay the estimated processing fee or the fee is late, the Forest Service shall cease processing the application until the fee is paid.

5. Statement of Costs. The Forest Service shall upon completion of the project report costs incurred for processing the application by providing a financial statement from the agency's accounting system to the applicant.

6. Underpayment. When the estimated processing fee is lower than the full actual costs of processing an application submitted under the Mineral Leasing Act, or lower than the full reasonable costs (when the applicant has not waived payment of reasonable costs) of processing an application submitted under other authorities, the applicant shall pay the difference between the estimated and full actual or reasonable processing costs within 30 days of billing.

7. Overpayment. If payment of the processing fee exceeds the full actual costs of processing an application submitted under the Mineral Leasing Act, or the full reasonable costs (when the applicant has not waived payment of reasonable costs) of processing an application submitted under other authorities, the Forest Service shall either (a) refund the excess payment to the applicant or (b) at the applicant's request, credit it towards monitoring fees due.

8. Disputes

a. If the applicant disagrees with the estimated dollar amount of the processing costs, the applicant may submit a written request before the disputed fee is due for substitution of alternative estimated costs to the immediate supervisor of the authorized officer who determined the estimated costs. The written request must include supporting documentation.

b. If the applicant pays the full disputed processing fee, the Forest Service shall continue to process the application during the supervisory officer's review of the disputed fee, unless the applicant requests that the application processing cease.

c. If the applicant fails to pay the full disputed processing fee, the Forest Service shall suspend further processing of the application pending the supervisory officer's determination of an appropriate processing fee and the applicant's payment of that fee.

d. The authorized officer's immediate supervisor shall render a decision on a disputed processing fee within 30 calendar days of receipt of the written request from the applicant. The supervisory officer's decision is the final level of administrative review. The dispute shall be decided in favor of the applicant if the supervisory officer does not respond to the written request within 30 days of receipt.

9. Lack of Administrative Appeal. A decision by an authorized officer to assess a processing fee or to determine the estimated costs is not subject to administrative appeal. A decision by an authorized officer's immediate supervisor in response to a request for substitution of alternative estimated costs likewise is not subject to administrative appeal.

10. Amendment. Modifications to this agreement shall be made in writing and shall be signed and dated by both parties.

11. Expiration and Termination. This agreement expires on January 1, 2021. Either party, in writing, may terminate this agreement in whole or in part at any time before it expires. The applicant is responsible for all Forest Service costs covered by this agreement that are incurred up to the date of expiration or termination.

12. Principal Point of Contact. The Forest Service and the applicant shall each establish a principal point of contact for purposes of this agreement.

The Forest Service's contact is Jennifer Adams, Special Project Coordinator (540) 265-5114 or jenniferpadams@fs.fed.us.

The applicant's contact is _____.

PART II - MONITORING FEES

A. BASIS FOR MONITORING FEES

The Forest Service shall assess the applicant a monitoring fee based upon the agency's estimated costs to ensure compliance with the terms and conditions of the authorization during all phases of its term, including but not limited to monitoring to ensure compliance with the authorization during the construction or reconstruction of temporary or permanent facilities and rehabilitation of the construction or reconstruction site.

B. AGREEMENT

The parties agree that if a special use permit is authorized through a Forest Service NEPA decision, monitoring fees will be assessed. Assessment of monitoring fees will occur by either amending this agreement to add monitoring terms or by entering into a new separate cost recovery agreement.

_____
Applicant Name Print

_____
Applicant Title

_____ _____
Applicant Signature Date

_____ _____
Tony Tooke Date
Regional Forester
USDA, Forest Service

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.. The time required to complete this information collection is estimated to average 8 hours per response, including the time for

reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

APPENDIX A

Applications and Authorizations Subject to this Agreement

Applications

SF-299 submitted by Mountain Valley Pipeline, LLC to the Bureau of Land Management and Forest Service, dated 3/2/2017, and any future revisions thereto

Authorizations

APPENDIX B

Description and Map of the Geographic Area

APPENDIX C

Scope of Work

This scope of work is based on the assumption that an Environmental Impact Statement (EIS) will be prepared for this project. The Forest Service reserves the right to make any revisions to this scope of work based on any changes in estimated Agency processing or monitoring costs.

I. PROCESSING RESPONSIBILITIES

TASK	RESPONSIBLE PARTY
Review Application	Forest Service (FS)
Identify NEPA Team	FS
Enter into CR Agreement	FS, Applicant
Draft maps and lists of PLSS US Tracts as well as Management Prescriptions affected by Project	FS, Applicant
Public Notification	
- newspapers	Third Party, FS
- scoping letters	Third Party, FS
Scoping Meetings	
- agency	Third party, FS, Applicant
- public	Third Party, FS, Applicant
Field Review	FS, Applicant, Other Agencies
Preparation of the EIS	Third Party, FS
Review EIS and Public Comments	Third Party, FS, Other Agencies
Release Final EIS, Public Review	Public
Finalize PLSS US Tract list and maps	FS
Draft Decision Notice	Third Party, FS
Issue Decision Notice	FS
Objection Period	Public
If Approved/No Appeal Issue Authorization	FS

Information to be Supplied by Applicants

The applicant will provide the Forest Service items required to locate and manage the project if authorized. These items include but are not limited to:

Technical drawings
Operation and maintenance plan
Survey drawings

Applicant/Consultant Statement of Work

Centerline survey

Biological Evaluation for ESA (plant, animal, aquatic) for consultation with USFWS
Cultural Resource Survey
Water & Soil Evaluations
Visual
Construction Operation Maintenance Plan and Best Management Practices
Other FERC or Forest Service required studies and reports

Coordination with Other Agencies

Forest Service will coordinate this proposed project with at least the following other agencies:

US Fish and Wildlife Service	State Department of Environmental Protection
State Department of Natural Resources	Environmental Groups
State Historic Preservation Department	Appalachian Trail Conservancy
National Park Service	Other affected parties

Agency Statement of Work

The Forest Service will perform the work required to locate, identify, mitigate, and issue a decision related to this project. This includes but is not limited to:

Review Application, Construction Operation Maintenance Plan, Best Management Practices
Review technical reports/surveys provided by Applicant/Consultant
Meet with Applicant/Consultant and/or subcontractors
Write Decision Document if applicable
Process objections
Prepare authorization if use is approved

II. FINANCIAL PLAN

Estimate for Fiscal Year 2017 and 2018

PROCESSING

Personnel Needed for Processing	Estimated Processing Hours	Estimated Labor Costs

SEE ATTACHED WORKSHEET FOR DETAILS OF POSITIONS, DESCRIPTION OF WORK, ESTIMATED HOURS AND COSTS.

III. Applicant/Third Party/Agency Responsibilities

A. PURPOSE

The purpose of this Scope of Work is to articulate the working arrangement whereby the Forest Service, in consultation with the Third Party Consultant and Applicant, will prepare a Record of Decision based on the EIS prepared by Federal Energy Regulatory Commission needed to issue a special use permit for possible natural gas transmission pipeline activities.

B. STATEMENT OF MUTUAL INTERESTS AND BENEFITS.

The Forest Service has discretion to accept and approve the Applicant's proposal, and as part of this approval process must comply with the National Environmental Policy Act of 1969 (NEPA), the National Forest Management Act of 1976, the Forest Service special use permit regulations in 36 C.F.R. 251, and other applicable statutes, regulations, Executive orders, and the Forest Service Manual and Handbook direction before any action can proceed.

Based upon the project description and other information provided by the Applicant, and an initial assessment of the Project, the Forest Service has determined that an EIS is required to meet the NEPA requirements.

The parties agree that the analysis will be given a high priority, will be initiated and completed promptly, will utilize existing information and resource specialists to the greatest extent appropriate, will focus on key environmental issues, and will provide an opportunity for full participation by interested members of the public and governmental agencies consistent with the applicable legal requirements.

The parties recognize that the Forest Service retains sole responsibility for making decisions with regard to the analysis.

C. IN CONSIDERATION OF THE ABOVE, THE PARTIES AGREE AS FOLLOWS:

1. It is understood by the Applicant and the Forest Service that the analysis will be prepared by a Third Party Consultant, hired from a list of Forest Service approved contractors and paid for by the Applicant. The Consultant will be chosen solely by and serve under the direct supervision and control of the Forest Service. The Consultant's work product will be considered Forest Service work product owned by the Forest Service because it will be prepared under Forest Service supervision and is intended to meet legal requirements that apply to the Forest Service. The Consultant may obtain technical assistance or information from one or more independent, third-party subcontractors subject to Forest Service approval. The combination of the Consultant and any required subcontractors working under the direction of the Forest Service Case Manager should be sufficient to prepare the analysis.

2. Based upon a review of the project and the information developed to date, the Forest Service will make every effort to meet a time schedule mutually agreed upon in writing by the Applicant and the Forest Service. The schedule may be subsequently modified due to events or conditions beyond the control of the parties. In this event, the Forest Service will work with the applicant on a new schedule.

3. Meetings between the Applicant, Consultant, and the Forest Service, for the purpose of exchanging facts and/or information will occur as needed to plan and advance with the Project.

4. These meetings in no way limit the communications between the Applicant and the Forest Service regarding questions of procedural matters, scope of analysis, technical feasibility, mitigation, or other matters. All such meetings will generally include the Forest Service Case Manager and the principal contact of the Applicant.

5. Once the NEPA process has started (when the scoping letter is sent out), contact by the Applicant with the Consultant or the Forest Service will be limited to matters of budget or scheduling and the exchange of necessary information to support the project analysis (see F.3 and F.4).

D. THE FOREST SERVICE SHALL:

1. Establish a principal point of contact for the Forest Service (see F.12) as the Case Manager on all matters relating to the environmental analysis and the preparation of the document. The duties of the Case Manager shall include oversight of all analyses using past relevant studies and reports, and information supplied by the Applicant, the Forest Service, other agencies, the Consultant, and any subcontractors where necessary; facilitate communications between the Forest Service, the Applicant, the Consultant, and subcontractors to assure a timely and thorough exchange of relevant information among the parties; oversee the public involvement plan developed by the Forest Service, including, without limitation, all necessary scoping meetings and other public reviews; and be responsible for other duties as required to complete the analysis. The goal is to facilitate appropriate and efficient communication between the Forest Service, the Consultant, the Applicant, the public, and affected Federal, State, and local agencies, to expedite the flow of information necessary for the analysis.

2. Consider the views of the Applicant, in choosing the Consultant and manage the contract. Select the Consultant based on past experience, technical competence, availability to perform work, cost factors, and an absence of conflict of interest.

3. Assist the Applicant, as necessary, with preparation of the contract with the Consultant. The contract will be in accordance with the terms of the Scope of Work.

4. Furnish copies of the following information to the Consultant and/or Applicant:

   a. The Consultant shall be provided with the agreed-upon schedule of work between the Forest Service and the Applicant.

   b. An outline of the format to be used and the contents of the analysis as specified at 40 CFR 1500-1508.

c. A copy of the Forest Plan, Forest Plan environmental analysis, and Record of Decision with all amendments.

d. Copies of the statutes, regulations, Executive orders, Forest Service Manuals and Handbooks which control or guide the preparation of the analysis and the formulation of the legal concerns related to each of the issues.

e. The Consultant shall be provided with written comments or reports prepared by the Forest Service Interdisciplinary Team (ID Team).

f. Letters, comments or other materials received by the Forest Service from interested parties or agencies in the scoping session, comments on the document, or at other stages in the analysis process.

5. Meet with the Consultant throughout the preparation of the EIS to discuss at a minimum the following topics:

a. The significant issues that will be addressed in the analysis.

b. The design criteria for the proposed action and the alternatives to the proposed action.

c. The alternatives to be analyzed in detail and the alternatives that will not be analyzed in detail.

d. The changes to the EIS required by the comments received from the public.

e. Proposed mitigation measures and analysis and disclosures required by those measures.

6. Make its own independent evaluation of the information submitted by the Consultant, subcontractors, the applicant, or others, and have responsibility for its accuracy (40 CFR 1506.5(b)). Make the final determination of the inclusion or deletion of material from the analysis and in all instances involving questions as to the content of any material (including all data, analysis, and conclusions).

7. Convene a Forest Service ID Team as required by 40 CFR 1500 to oversee the Record of Decision relating to Forest Service lands. It is anticipated that the ID Team will function principally as a review team, providing technical guidance to the Project Manager, Consultant, and subcontractors regarding the issues and alternatives to be addressed in the analysis. They will provide input and guidance on the adequacy of existing data and studies, and such additional matters as are useful to the prompt and efficient completion of the analysis in compliance with the applicable legal requirements. Every effort will be made to avoid duplication of tasks between the Case Manager, Consultant, subcontractors, and ID Team members and to focus the analysis on significant issues.

8. Provide the necessary personnel and other resources to complete their responsibilities in a timely and professional manner.

9. Upon request, make available all records provided to the USDA Forest Service, pursuant to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C.552 and the Privacy Act, 5 U.S.C. 552a. Submitters of business information will be provided prompt notification of a request for that information. The business information submitter will be given reasonable time in which to object to the disclosure of any specified portion of the information. The business information submitter will be notified of any determination to disclose such records prior to the disclosure date, in order that the matter may be considered for possible judicial intervention. Business information submitters will be promptly notified of all instances in which FOIA requesters bring suit seeking to compel disclosure of submitted information. 7 CFR 1.12.

10. Coordinate the release of the Decision Document.

11. Supervise the preparation of the analysis in compliance with applicable legal requirements including, but not limited to, public review of the analysis, analysis of public comments, and decision documentation. In exercising this responsibility, the Forest Service will endeavor to foster cooperation among other relevant agencies and to integrate NEPA requirements with other environmental review and consultation requirements in order to avoid, to the fullest extent possible, duplication of efforts by such agencies. (40 CFR 1500.5(g)-(h), 1501.2(d)(2), 1506.2) However, the Forest Service will not delegate to any other agency its authority over the scope and content of the analysis or its approval of the Project.

12. Via the Consultant, and consistent with the applicable legal requirements, maintain the official administrative record for the project until the decision is signed. At that time, the project record will be delivered to the Forest Service.

a. The Forest Service shall provide direction to the Consultant for design, organization, indexing, preparation, and maintenance of the administrative record for the project.

b. The Consultant and subcontractors shall document the sampling, testing, field observations, literature searches, analysis, recommendation, and other work which provides source material for the analysis, and any Supplements to them. The Consultant and subcontractors shall also document all the Forest Service's records in a similar and compatible manner.

c. The documentation shall be assembled in some organizational system which will make it possible for the responsible official to refer conveniently to specific documents or pages within documents. The source documents shall be listed. The list shall show the date, author, addresses, subject, and document or page number. The list shall be an appendix to the analysis and used to incorporate by reference the items on the list in the analysis.

d. The list shall be prepared on a current basis throughout the environmental analysis and documentation processes so that it reflects the following information for each document: date, document number, page number, author, addressee, issue, sub-issue, and by page number. Provision should be made for printing reports of the sorted information.

e. Two complete copies of the record will be available to the public during the Draft analysis comment period. Any documents added after the comment period is prepared shall be included in the set of documents.

13. Through the Case Manager, develop a protocol to facilitate communication and coordinate the exchange of information between the Applicant, the Forest Service, and the Consultant. All such communications will be part of the Forest Service's deliberative process regarding the proposed project. This protocol will be determined considering the complexity of the proposed action, the Federal Advisory Committee Act, the Freedom of Information Act, and related agency guidance.

14. The Case Manager will keep the Applicant informed of the status of the analysis and will discuss with the Applicant any additional data needs, and of changes needed in the terms of the third-party contracts.

15. Via the Consultant and subcontractors, and as documented in their respective written contracts, and consistent with the applicable legal requirements:

a. Develop a public involvement plan for the public scoping.

b. Arrange for and participate in the agency and public scoping meetings and make available to the Applicant and the public any summary of the results.

c. Design visual aids for meetings and open houses including maps, handouts, poster boards, mailers, and so forth.

d. Develop an information mailer/newsletter and news releases for the scoping period and comment period, as well as for the release of the final analysis and decision documents.

e. Develop a mailing list and, at the direction of the Forest Service, draft responses to comments for Forest Service approval.

f. Be responsible for conducting and completing all necessary studies, inventories, and suitable reports for all resource values in the scoping process. These resource values may include but not be limited to: Cultural features; sensitive, threatened and endangered plant and animal species; wetlands; visual esthetics; fisheries; and riparian zones and tundra environments.

16. Invite the Applicant to attend meetings with Federal, State, regional, and local agencies and the public whenever possible and as appropriate (for example, discussions on procedural matters; physical, biological, and social issues; the proposal and alternative actions; impacts and their mitigation; and other compliance requirements).

17. Meet with the Applicant as early as possible to discuss the project description, and various components of the analysis as needed to determine mitigation measures necessary to avoid or mitigate adverse impacts.

18. Address Applicant-proposed alternatives and respond to comments submitted by the Applicant during the analysis process, whether of a procedural or substantive nature.

19. Be responsible for the public review of the analysis, public hearings, analysis of public comments, distribution of the documents, within established time frames, with input as required from the Applicant.

20. Be recipient of all comments on the Draft analysis resulting from the public comments. Determine any necessary modification of the text as a result of public comments with input from the Applicant.

21. To the fullest extent possible, utilize existing information, inventories, studies, and reports to support the analysis. Accept and utilize information submitted within the established time schedule by the Applicant, consultants working for the Applicants, and other parties provided that such information can be verified by the Forest Service and is accurate as required by 40 CFR 1506.5(a) and (c).

E. THE APPLICANT SHALL:

1. Establish a principal point of contact (see F.12) for the Applicant on all matters relating to the environmental analysis.

2. Select a Consultant from the Forest Service list of qualified contractors for the completion of the analysis on the Project which will be subject to review and written acceptance by the Forest Service. The Applicant's views on the selection of a Consultant will be solicited and considered, but the Consultant will be selected solely by the Forest Service.

3. Require a disclosure statement to be executed by the Consultant, the Consultant's professional personnel, and the Consultant's subcontractors stating that the Consultant, the Consultant's professional personnel and the Consultant's subcontractors have no financial interest in the outcome of the analysis or any Biological Assessment pertaining to the project proposed by the Applicant (40 CFR 1506.5(c)).

4. Provide to the Consultant or the Forest Service any justifiable, necessary, or relevant technical or environmental information it may have, which is needed (at the Forest Service's discretion) for analysis preparation.

5. Respond to data requests and provide review comments (for example, on description of the project and changes thereto) within a reasonable time set by the Forest Service. If the Applicant fails to provide requested materials on schedule, the analysis schedule will be adjusted by the Forest Service to the extent necessary for timely completion of the proposal.

6. Provide information about the feasibility of design criteria, mitigation measures, and related agreements as requested by the Forest Service.

7. Be solely responsible for all Consultant and subcontractor fees, costs, and expenses and make no claim against the Forest Service for such fees, costs, and expenses.

8. Fund all reproduction, printing, and distribution of preliminary, Draft, and Final documents, unless otherwise agreed to by the Forest Service.

9. Provide in contracts with the Consultant and any subcontractors that they are not to conduct public surveys or questionnaires without prior approval of the Forest Service.

F. IT IS MUTUALLY AGREED AND UNDERSTOOD BY THE PARTIES THAT:

1. The Consultant will be under the supervision of the Forest Service, and the Forest Service will make the final determination concerning the scope and contents of the consultant's work. The contract between the Applicant and the Consultant will specify compliance with all applicable legal requirements.

2. All information and data collected by the Consultant and any subcontractors will be inserted in the administrative record.

3. The complexity and the independent nature of the NEPA process requires a common understanding of the roles of the Forest Service personnel, the Applicant, the Consultant, and other interested persons, agencies, and organizations. The role of the Applicant is the same as it would be if the process were being entirely performed by Forest Service personnel, with no Applicant financing.

4. The independent nature of the NEPA process creates the need to conduct the process with integrity. The Forest Service Case Manager will establish the process for the efficient flow of communication between the Consultant, the Applicant, and the Forest Service. Oral and written communications among ID Team members are protected from disclosure to preserve the integrity of the deliberative process. Individuals who disclose this kind of information to the public and/or the applicant will be excluded from further participation in the analysis.

5. The Consultant is an important part of the interdisciplinary process and will aid and support the Forest Service ID Team.

6. All planning data, maps, files, reports, computer, audio or video tapes, and disks and other records will be made a part of the permanent administrative record.

7. In the event of a challenge to the legality or adequacy of the Forest Service compliance with NEPA with respect to the proposal of the Applicant, the Applicant, the Consultant, the Consultant's professional personnel, and the subcontractors shall, at the Applicant's expense, make available to the Federal Government all pertinent non-privileged information under their control, and to the extent reasonable, discuss such information with the Government, and testify at deposition or trial regarding such information.

8. As required by NEPA, the Forest Service will give full consideration to a "No Action Alternative" and other alternatives identified by the ID Team that are technically and economically feasible and address the purpose and need and significant issues. The Applicant's financing of this analysis will have no bearing on the consideration given to the "No Action" or other alternatives.

9. Either party, in writing, may terminate the Cost Recovery Agreement (FS-2700-26) in whole, or in part as stated in clause C.11 of that Agreement, at any time before the date of expiration. In the event of termination, it is agreed to as follows:

   a. The analysis preparation process will terminate.

   b. All documentation, reports, analyses, and data used in the analysis developed by the Applicant, the Consultant, or the Consultant's subcontractors up to the date of termination will be delivered to the Forest Service and be placed in the administrative record.

c. The Applicant's contract with the Consultant will require the Consultant to submit to the Forest Service a written report on the environmental work and analyses done by the Contractor.

d. Preparation of the analysis may be initiated by the Forest Service, consistent with federal government manpower and budget limitations.

10. Any information furnished to the Forest Service under this Scope of Work is subject to the Freedom of Information Act (5 U.S.C. 552).

11. This Scope of Work in no way restricts the Forest Service or the Applicant from participating in similar activities with other public and private agencies, organizations, and individuals.

12. The principal contacts for this Scope of Work are:
Forest Service – Jennifer Adams, Special Project Coordinator (540) 265-5114 or jenniferpadams@fs.fed.us

Applicant - _____

13. Nothing in this Scope of Work must obligate either the Forest Service or the Applicant to obligate or transfer funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the Forest Service and the Applicant will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This Scope of Work does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

14. This Scope of Work is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

15. This Scope of Work may be amended upon mutual written agreement of all parties.

Page 424

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Page 425

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Page 426

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Page 427

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Page 428

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Page 429

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Page 430

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Page 431

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Page 432

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Page 433

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

George Washington Jefferson NF's
SUP # BBW433303T

Mountain Valley Pipeline, LLC
Temporary Survey Permit
LAND USE RENTAL FEE CALCULATION

Billing Period 4/30/2016 - 4/29/2017

State	County	USDA NASS Census Year	80% 2012 NASS Census County Land & Building Value	2016-2020 Zone	2016* Per-Acre Rent (2.1 % IPD-GDP –Annual Adjustment 2004-2013)	Acres of Use of NFS Lands	Land Use Rental Fee (2016 Per Acre Rent x Acres of Use of NFS Lands)	Adjustment Factor for 10 Weeks Use of NFS Lands	FINAL FEE (Land Use Rental Fee x Adjustment Factor
WV	Monroe	2012	1826	5	$ 63.22	55.8	$ 3,527.68	0.19	$ 670.26
Virginia	Giles	2012	2114	5	$ 63.22	500.9	$ 31,666.90	0.19	$ 6,016.71
Virginia	Montgomery	2012	3902	7	$ 127.68	218.2	$ 27,859.78	0.19	$ 5,293.36
								Total	$ 11,980.33

Calendar Years 2016 – 2025 Per-Acre Rent Schedule

County Zone Number and Per-Acre Zone Value	2016* Per-Acre Rent (2.1 % IPD-GDP – Annual Adjustment 2004-2013)	2017* Per-Acre Rent (2.1 % IPD-GDP – Annual Adjustment 2004-2013)	2018* Per-Acre Rent (2.1 % IPD-GDP – Annual Adjustment 2004-2013)	2019* Per-Acre Rent (2.1 % IPD-GDP – Annual Adjustment 2004-2013)	2020* Per-Acre Rent (2.1 % IPD-GDP – Annual Adjustment 2004-2013)	2021* Per-Acre Rent (2.1 % IPD-GDP – Annual Adjustment 2004-2013	2022* Per-Acre Rent (2.1 % IPD-GDP – Annual Adjustment 2004-2013	2023* Per-Acre Rent (2.1 % IPD-GDP – Annual Adjustment 2004-2013	2024* Per-Acre Rent (2.1 % IPD-GDP – Annual Adjustment 2004-2013	2025* Per-Acre Rent (2.1 % IPD-GDP– Annual Adjustment 2004-2013
Zone 1 $299	$8.04	$8.21	$8.39	$8.56	$8.74	$8.92	$9.11	$9.30	$9.50	$9.70
Zone 2 $579	$15.58	$15.90	$16.24	$16.58	$16.93	$17.28	$17.65	$18.02	$18.39	$18.78
Zone 3 $1,132	$30.45	$31.09	$31.75	$32.41	$33.09	$33.79	$34.50	$35.22	$35.96	$36.72
Zone 4 $1,706	$45.90	$46.86	$47.85	$48.85	$49.88	$50.92	$51.99	$53.08	$54.20	$55.34
Zone 5 $2,350	$63.22	$64.55	$65.91	$67.29	$68.70	$70.15	$71.62	$73.12	$74.66	$76.23
Zone 6 $3,394	$91.31	$93.23	$95.19	$97.18	$99.23	$101.31	$103.44	$105.61	$107.83	$110.09
Zone 7 $4,746	$127.68	$130.36	$133.10	$135.90	$138.75	$141.67	$144.64	$147.68	$150.78	$153.95
Zone 8 $6,583	$177.10	$180.82	$184.62	$188.50	$192.46	$196.50	$200.62	$204.84	$209.14	$213.53
Zone 9 $16,279	$437.96	$447.16	$456.55	$466.13	$475.92	$485.92	$496.12	$506.54	$517.18	$528.04
Zone 10 $50,000	$1,345.17	$1,373.42	$1,402.26	$1,431.71	$1,461.77	$1,492.47	$1,523.81	$1,555.81	$1,588.48	$1,621.84
Zone 11 $100,000	$2,690.34	$2,746.83	$2,804.52	$2,863.41	$2,923.54	$2,984.94	$3,047.62	$3,111.62	$3,176.96	$3,243.68
Zone 12 $250,000	$6,725.84	$6,867.08	$7,011.29	$7,158.53	$7,308.85	$7,462.34	$7,619.05	$7,779.05	$7,942.41	$8,109.20
Zone 13 $500,000	$13,451.68	$13,734.16	$14,022.58	$14,317.05	$14,617.71	$14,924.68	$15,238.10	$15,558.10	$15,884.82	$16,218.40
Zone 14 $750,000	$20,177.51	$20,601.24	$21,033.87	$21,475.58	$21,926.56	$22,387.02	$22,857.15	$23,337.15	$23,827.23	$24,327.60
Zone 15 $1,000,000	$26,903.35	$27,468.32	$28,045.16	$28,634.10	$29,235.42	$29,849.36	$30,476.20	$31,116.20	$31,769.64	$32,436.80

*Counties are re-assigned to appropriate zones for calendar years 2016-2025 based on 2012 NASS Census Data (80% of average per acre land and building value).

State	County	80% 2007 NASS Census County Land & Building Value	2011- 2015 Zone	80% 2012 NASS Census County Land & Building Value	2016- 2020 Zone
Alabama	Autauga	$1,558	5	$1,828	5
Alabama	Baldwin	$2,616	6	$3,184	6
Alabama	Barbour	$1,409	4	$1,809	5
Alabama	Bibb	$1,795	5	$1,678	4
Alabama	Blount	$2,561	6	$2,906	6
Alabama	Bullock	$1,617	5	$1,742	5
Alabama	Butler	$1,706	5	$1,943	5
Alabama	Calhoun	$2,541	6	$2,437	6
Alabama	Chambers	$1,447	4	$2,082	5
Alabama	Cherokee	$1,741	5	$2,735	6
Alabama	Chilton	$2,221	6	$2,346	5
Alabama	Choctaw	$1,375	4	$1,498	4
Alabama	Clarke	$1,313	4	$1,636	4
Alabama	Clay	$1,875	5	$1,979	5
Alabama	Cleburne	$2,461	6	$2,196	5
Alabama	Coffee	$1,737	5	$2,109	5
Alabama	Colbert	$1,726	5	$2,256	5
Alabama	Conecuh	$1,467	4	$1,593	4
Alabama	Coosa	$1,670	5	$1,658	4
Alabama	Covington	$1,793	5	$1,804	5
Alabama	Crenshaw	$1,705	5	$1,623	4
Alabama	Cullman	$2,975	6	$3,341	6
Alabama	Dale	$1,688	5	$2,008	5
Alabama	Dallas	$1,319	4	$1,468	4
Alabama	DeKalb	$2,770	6	$3,032	6

West Virginia	Clay	$1,327	4	$1,498	4
West Virginia	Doddridge	$1,177	4	$1,506	4
West Virginia	Fayette	$1,639	5	$1,966	5
West Virginia	Gilmer	$1,169	4	$1,178	4
West Virginia	Grant	$1,862	5	$1,902	5
West Virginia	Greenbrier	$1,930	5	$2,270	5
West Virginia	Hampshire	$3,822	7	$2,881	6
West Virginia	Hancock	$2,187	6	$2,346	5
West Virginia	Hardy	$2,439	6	$2,270	5
West Virginia	Harrison	$1,666	5	$1,695	4
West Virginia	Jackson	$1,581	5	$1,766	5
West Virginia	Jefferson	$5,433	8	$5,498	8
West Virginia	Kanawha	$2,183	6	$1,732	5
West Virginia	Lewis	$1,356	4	$1,575	4
West Virginia	Lincoln	$1,186	4	$1,617	4
West Virginia	Logan	$2,271	6	$1,559	4
West Virginia	Marion	$1,697	5	$1,724	5
West Virginia	Marshall	$1,494	4	$1,759	5
West Virginia	Mason	$1,782	5	$1,691	4
West Virginia	McDowell	$1,778	5	$1,919	5
West Virginia	Mercer	$1,762	5	$1,778	5
West Virginia	Mineral	$2,218	6	$2,405	6
West Virginia	Mingo	$789	3	$1,134	4
West Virginia	Monongalia	$2,206	6	$2,472	6
West Virginia	Monroe	$1,835	5	$1,826	5
West Virginia	Morgan	$3,468	7	$3,576	7
West Virginia	Nicholas	$1,618	5	$2,042	5
West Virginia	Ohio	$1,695	5	$1,850	5

Virginia	Fluvanna	$3,980	7	$4,078	7
Virginia	Franklin	$3,334	7	$2,835	6
Virginia	Frederick	$4,677	7	$4,722	7
Virginia	Giles	$2,503	6	$2,114	5
Virginia	Gloucester	$4,498	7	$4,022	7
Virginia	Goochland	$4,234	7	$4,366	7
Virginia	Grayson	$3,691	7	$3,356	6
Virginia	Greene	$5,243	8	$5,504	8
Virginia	Greensville	$2,216	6	$1,623	4
Virginia	Halifax	$2,216	6	$1,838	5
Virginia	Hanover	$4,534	7	$4,453	7
Virginia	Henrico	$4,339	7	$5,262	8
Virginia	Henry	$2,500	6	$2,160	5
Virginia	Highland	$2,428	6	$2,704	6
Virginia	Isle of Wight	$2,530	6	$2,845	6
Virginia	James City	$6,718	8	$7,013	9
Virginia	King and Queen	$2,892	6	$2,471	6
Virginia	King George	$3,358	7	$4,026	7
Virginia	King William	$3,077	7	$2,987	6
Virginia	Lancaster	$3,394	7	$3,663	7
Virginia	Lee	$2,193	6	$1,762	5
Virginia	Loudoun	$5,910	8	$9,582	9
Virginia	Louisa	$3,921	7	$4,578	7
Virginia	Lunenburg	$2,354	6	$1,904	5
Virginia	Madison	$4,622	7	$5,053	8
Virginia	Mathews	$4,564	7	$4,954	8
Virginia	Mecklenburg	$2,531	6	$2,060	5
Virginia	Middlesex	$4,026	7	$3,084	6

Virginia	Montgomery	$3,302	7	$3,902	7
Virginia	Nelson	$3,748	7	$3,665	7
Virginia	New Kent	$4,270	7	$4,420	7
Virginia	Northampton	$3,150	7	$3,455	7
Virginia	Northumberland	$3,037	7	$2,401	6
Virginia	Nottoway	$2,797	6	$2,496	6
Virginia	Orange	$4,437	7	$5,397	8
Virginia	Page	$4,925	7	$4,705	7
Virginia	Patrick	$2,778	6	$2,669	6
Virginia	Pittsylvania	$2,526	6	$1,944	5
Virginia	Powhatan	$5,142	8	$4,583	7
Virginia	Prince Edward	$2,462	6	$2,562	6
Virginia	Prince George	$3,010	7	$3,362	6
Virginia	Prince William	$5,869	8	$7,062	9
Virginia	Pulaski	$2,918	6	$2,459	6
Virginia	Rappahannock	$4,970	7	$6,754	9
Virginia	Richmond	$2,945	6	$2,306	5
Virginia	Roanoke	$4,048	7	$3,420	7
Virginia	Rockbridge	$3,482	7	$3,437	7
Virginia	Rockingham	$4,920	7	$5,644	8
Virginia	Russell	$2,265	6	$1,737	5
Virginia	Scott	$2,359	6	$1,661	4
Virginia	Shenandoah	$4,316	7	$4,464	7
Virginia	Smyth	$2,646	6	$2,231	5
Virginia	Southampton	$2,073	6	$2,134	5
Virginia	Spotsylvania	$4,062	7	$4,904	8
Virginia	Stafford	$7,062	8	$7,334	9
Virginia	Suffolk	$3,643	7	$3,617	7

UNITED STATES DEPARTMENT OF AGRICULTURE
GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS

Notice of Termination of Closure Order Number 08-08-11-18-05
Revised Mountain Valley Pipeline Project Emergency Closure

This Notice Terminates Order Number 08-08-11-18-05.

Pursuant to authority set forth in 16 U.S.C. § 551, and the authority vested in me pursuant to 36 C.F.R. § 261.50, I am hereby terminating the Revised Mountain Valley Pipeline Project Emergency Closure, Number 08-08-11-18-05, in its entirety, effectively immediately.

A. Termination of Order Number 08-08-11-18-05: Effective immediately, the following closures established by the "Revised Mountain Valley Pipeline Project Emergency Closure, Number 08-08-11-18-05," are no longer in effect:

(1) Approved Pipeline Route in the vicinity of Peters Mountain;

(2) Approved Pipeline Route in the vicinity of Brush Mountain Road

(3) Mystery Ridge Road Segment; and

(4) Pocahontas Road Segment.

B. Remaining Applicability of General Prohibitions: The General Prohibitions set forth in 36 C.F.R. Part 261, Subpart A (§§ 261.1 – 261.23), remain in effect.

Executed in Roanoke, Virginia this 28 day of September, 2018.

Elizabeth T. LeMaster
Acting Forest Supervisor
George Washington and Jefferson National Forests

Violation of the General Prohibitions set forth in 36 C.F.R. Part 261, Subpart A (§§ 261.1 – 261.23), is punishable by a fine of not more than $5,000 for an individual or $10,000 for an organization, imprisonment for not more than 6 months, or both. 16 U.S.C. § 551, and 18 U.S.C. §§ 3559 and 3571.

USDA
United States Department of Agriculture

NEWS RELEASE
For Immediate Release
Media Contact: George Washington and Jefferson National Forests Public Affairs
Phone: 1-888-603-0261
Email: GeorgeWashingtonAndJeffersonNationalForests-PublicAffairs@fs.fed.us

Comment [RJ-F]: This is template language to be included where appropriate – given the specific nature of this release I think we can leave it out??

USDA FOREST SERVICE NOTICE OF INTENT TO PREPARE A SUPPLEMENT TO THE FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE MOUNTAIN VALLEY PROJECT DECISION.

ROANOKE, VA.—December x, 2018—The U.S. Forest Service

In response to the opinion from the United States Court of Appeals for the Fourth Circuit in Sierra Club et al. v. U.S. Forest Service; U.S.D.A. et al., Case No. 17-2399, the Forest Service is preparing a Supplement to the Final Environmental Impact Statement (SEIS) for the Mountain Valley Pipeline Project. The SEIS will address issues relating to erosion and sedimentation, sensitive aquatic species, and compliance with Forest Service planning regulations as they relate to this project's activities on the Jefferson National Forest. The public will have an opportunity to comment once the Draft SEIS is published.

The SEIS for the Mountain Valley Pipeline Project will: incorporate any new or updated scientific information on sedimentation analysis, effectiveness of erosion control measures, and on-site monitoring information; update the determination of which substantive requirements within the 2012 planning rule are directly related to the proposed plan amendment and determine if any changes are needed to the proposed plan amendment; and update the sections in the FEIS addressing the amendment to the LRMP for the JNF associated with Soils, Water Resources, Fisheries and Aquatic Resources, and "Land Use on Federal Lands".

The mission of the U.S. Forest Service, an agency of the U.S. Department of Agriculture, is to sustain the health, diversity and productivity of the nation's forests and grasslands to meet the needs of present and future generations. The agency manages 193 million acres of public land, provides assistance to state and private landowners and maintains the largest forestry research organization in the world. Public lands the Forest Service manages contribute more than $13 billion to the economy each year through visitor spending alone. Those same lands provide 30 percent of the nation's surface drinking water to cities and rural communities and approximately 66 million Americans rely on drinking water that originated from the National Forest System. The agency also has either a direct or indirect role in stewardship of about 900 million forested acres within the U.S., of which over 130 million acres are urban forests where most Americans live.

#

"USDA is an equal opportunity provider, employer and lender."

Forest Service

USDA

Forest Service
George Washington &
Jefferson National Forests
5162 Valleypointe Pkwy.
Roanoke, VA 24019
http://www.fs.fed.us/r8/gwj

News Release

Media Contact: George Washington and Jefferson National Forests Public Affairs
Phone: 1-888-603-0261
Email: GeorgeWashingtonAndJeffersonNationalForests-PublicAffairs@fs.fed.us

USDA FOREST SERVICE RECINDS EMERGENCY CLOSURE ORDER FOR THE MOUNTAIN VALLEY PIPELINE PROJECT RIGHT-OF-WAY AND ACCESS ROADS AND ISSUES CLOSURE ORDERS FOR STABILIZATION

ROANOKE, Va., October 1, 2018 – The USDA Forest Service rescinded an emergency closure order for the Mountain Valley Pipeline Project right-of-way (ROW) and access roads for construction activities on National Forest System (NFS) lands in Monroe County, West Virginia and Giles and Montgomery Counties, Virginia.

The USDA Forest Service issued new closure orders for the stabilization activities of the Mountain Valley Pipeline Project ROW and an access road on National Forest System (NFS) lands in Monroe County, West Virginia and Giles and Montgomery Counties, Virginia. The new closure orders were enacted to protect public safety due to hazards associated with stabilizing the Mountain Valley Pipeline ROW.

One order prohibits going into or to be upon NFS lands within 200 feet of the outer edge of each side of the construction ROW where it's already been cut on Brush Mountain and Sinking Creek Mountain. A second order prohibits going into or being upon the area where trees have been cut ("cut area") on the Peters Mountain construction ROW on NFS lands. A third order prohibits going into or being upon a segment of Brush Mountain Road on NFS lands. The Appalachian National Scenic Trail is excluded from the Peters Mountain closure order and will remain open because it is not within the "cut area" of the ROW.

These new orders are in effect until January 10, 2019 on the segment of Brush Mountain Road, and December 31, 2019 on the ROW on Brush Mountain, Sinking Creek Mountain, and Peter's Mountain, unless terminated earlier by the Authorized Officer.

USDA is an equal opportunity provider, employer, and lender.

On August 3, 2018, Federal Energy Regulatory Commission (FERC) issued a stop work order for the entire MVP project. On August, 29, 2018, the stop work order was revised to authorize construction to resume on most areas of the project; however, work on a 25-mile stretch of the route (that contains the Jefferson National Forest) remains stopped until issues associated with the recent court ruling are resolved. While FERC's stop work order is in effect on the Jefferson National Forest, the Forest Service is ensuring Mountain Valley Pipeline, LLC takes necessary measures to stabilize and perform interim restoration of construction areas on Brush Mountain and Sinking Creek Mountain. Mountain Valley will require use of construction equipment to implement stabilization measures.

The Forest Service has designated Caldwell Flats Campground as a First Amendment area to accommodate legal protest activity.

The complete text of the closure orders, along with maps, can be viewed on the George Washington and Jefferson National Forests' webpage at the following link: https://www.fs.usda.gov/detailfull/gwj/home/?cid=stelprdb5407016&width=full.

-USFS-

USDA is an equal opportunity provider, employer, and lender.

Topic: **Federal Register Notice of Intent to Prepare a Supplement to the Mountain Valley Pipeline FEIS**
Date: November 27, 2018

Contacts: Frank Beum; Pipeline Infrastructure Executive; frank.beum@usda.gov; 404-347-2872

Issue: Expedited publishing of a Notice of Intent (NOI) in the Federal Register is needed to inform the public that the USDA Forest Service (Forest Service) is developing a Supplement to the Final Environmental Impact Statement (FEIS) for the Mountain Valley Project (MVP) and Amendment to the Jefferson National Forest (JNF) Land and Resource Management Plan (LRMP) to address a court ruling which vacated and remanded the Record of Decision (ROD) to amend the JNF LRMP.

Summary/Key Points:

- To complete pipeline installation and full site restoration on very steep slopes prior to the end of the 2019 field season, a revised ROD will need to be signed by June 1, 2019.
- If the ROD is signed by the Forest Supervisor, the Draft Supplement will need to be issued for public comment by January 1, 2019 to meet this timeline.
- An NOI (copy attached) will need to be published in the Federal Register before the Notice of Availability is published in the Federal Register for the Draft Supplement.

Background: The Forest Service participated as a cooperating agency with the Federal Energy Regulatory Commission (FERC) and the Bureau of Land Management (BLM) in the preparation of the MVP and Equitrans Expansion Project (EEP) FEIS (82 FR 29539 (June 29, 2017)). The MVP route crosses around 3.6 miles of lands managed by the JNF in Monroe County, WV and Giles and Montgomery Counties, VA. An amendment to the JNF LRMP was needed so the MVP will be consistent with the LRMP. The Forest Service's ROD for the Amendment to the JNF LRMP was signed on December 1, 2017, and was subsequently challenged.

The U.S. Court of Appeals for the Fourth Circuit issued an opinion on July 27, 2018, vacating the ROD and stating that on remand the Forest Service should: (1) explain why it adopted Mountain Valley's predictive modelling results related to soil erosion and sedimentation after expressing concerns about specific model inputs; (2) explain how the FEIS took a "hard look" at sedimentation issues considered in the FEIS; and (3) properly apply the 36 CFR 219 planning rule requirements for soil and riparian resources to the amendment to the LRMP for the JNF.

The Supplement to the Final EIS for the MVP and LRMP amendment will: (1) incorporate any new or updated scientific information on sedimentation analysis, effectiveness of erosion control measures, and on-site monitoring information; (2) update the determination of which substantive requirements within 36 CFR 219.8 through 219.11 are directly related to the proposed plan amendment and determine if any changes are needed to the proposed plan amendment; and (3) update the sections in the FEIS addressing the amendment to the LRMP for the JNF associated with Soils, Water Resources, Fisheries and Aquatic Resources, and "Land Use on Federal Lands").

At the time of the Fourth Circuit's ruling, a 1.8-mile long by 125 feet wide section of the pipeline right-of-way (ROW) on very steep slopes on the JNF had been cleared and prepared for pipeline installation, with pipe sections strung throughout the cleared route. Trees have been felled on the remaining 1.8 miles of the ROW. The site has been temporarily stabilized, but needs to be restored as soon as possible to avoid significant resource damage. A Forest Service decision by June 1, 2019 would allow installation of the pipeline and full site restoration to be completed prior to the end of the fall seeding season.

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas Branch 3
Mountain Valley Pipeline LLC
CP16-10-000

August 10, 2018

Matthew Eggerding, Counsel
Mountain Valley Pipeline LLC
625 Liberty Ave., Suite 1700
Pittsburgh, PA 15222

Re: Partial Approval of the Temporary Stabilization Plan

Dear Mr. Eggerding:

Staff has reviewed Mountain Valley Pipeline LLC's (Mountain Valley) August 8, 2018 *Temporary Stabilization Plan,* filed in response to the August 3, 2018 Notification of Stop Work Order. As indicated in your plan, the shutdown presents challenges for stabilization and restoration, and we agree that there are some clear advantages to allowing some limited construction activities to proceed to prevent potential safety and environmental impacts.

Mountain Valley is approved to implement the stabilization measures as indicated in Attachment 1. Any measures discussed within the Temporary Stabilization Plan that are not identified in the attachment as "approved" cannot be implemented at this time. Commission staff will continue to evaluate unapproved measures and will be requesting additional information from Mountain Valley during that review. Mountain Valley must also seek concurrence from appropriate agencies, such as the Bureau of Land Management, the Forest Service, or the Army Corps of Engineers, for any measures that Mountain Valley proposes on federal lands.

Sincerely,

TL Turpin

Terry L. Turpin
Director
Office of Energy Projects

Enclosure

Attachment 1

Plan Section	Stage of Construction	Action	Approval Status
Short Term Stabilization Plan: Tree Felled, Cleared and Graded Only	Not Felled	Continue to monitor and inspect per WVDEP and VADEQ requirements.	Yes
Short Term Stabilization Plan: Tree Felled, Cleared and Graded Only	Tree Felled Only	Continue to monitor and inspect per WVDEP and VADEQ requirements.	Yes
Short Term Stabilization Plan: Tree Felled, Cleared and Graded Only	Trees Felled/ROW Cleared and/or Graded No Pipe Strung/Not Trenched	Temporary stabilization in accordance with the approved WVDEP and VADEP Erosion and Sediment Control Plans.	Yes
Inspection/Maintenance Activities	N/A	N/A	Yes
Stabilization Activities	N/A	N/A	Yes
Short Term Stabilization Plan: Pipe Strung, Welded and Trenched	Trench Open Only	Stabilize the trench by installing / maintaining trench breakers or trench plugs. Monitor daily, continue to dewater open excavations / trenches to avoid saturation and potential for cave-in / slip. Backfill any open trench that poses a safety concern. Secure all remaining open trench with orange safety fencing.	Yes
Short Term Stabilization Plan: Pipe Strung, Welded and Trenched	Pipe Strung / Welded, Trench Open	Lower in, backfill, restore to final grade, if appropriate, and permanently stabilize per approved WVDEP or VADEQ plans.	Yes

Short Term Stabilization Plan: Pipe Strung, Welded and Trenched	Pipe Strung / Welded, Not Trenched	In non-steep slope areas Mountain Valley will stabilize the pipe as appropriate. Mountain Valley will use seed and mulch to temporarily stabilize the ROW per the WVDEP and VADEQ requirements.	Pending
Short Term Stabilization Plan: Pipe Strung, Welded and Trenched	Pipe Strung / Welded, Not Trenched	In steep slope areas, trenching, lowering in, backfilling, restoring to final grade, if appropriate, and permanently stabilizing ROW.	Pending
Short Term Stabilization Plan: Pipe Strung, Welded and Trenched	Pipe Strung / Not Welded, Trench Open	Weld, lower in, backfill, restore to final grade, if appropriate, and permanently seed per approved WVDEP or VADEQ plans.	Yes
Short Term Stabilization Plan: Pipe Strung, Welded and Trenched	Pipe Strung / Not Welded, Not Trenched	In non-steep slope areas Mountain Valley will stabilize the pipe as appropriate. Mountain Valley will use seed and mulch to temporarily stabilize the ROW per the WVDEP and VADEQ requirements.	Yes
Short Term Stabilization Plan: Pipe Strung, Welded and Trenched	Pipe Strung / Not Welded, Not Trenched	In steep slope areas, trenching, lowering in, backfilling, restoring to final grade, if appropriate, and permanently stabilizing the ROW.	Pending
Short Term Stabilization Plan: Pipe Strung, Welded and Trenched	Pipe Installed / Backfilled	Restore to final grade, if appropriate, and permanently seed per approved WVDEP or VADEQ plans.	Yes
Short Term Stabilization Plan: Pipe Strung, Welded and Trenched	Pigg River HDD	Fully complete the HDD by finishing reaming and pull back operations. Temporarily seed and mulch adjacent temporary workspace areas.	Yes

Short Term Stabilization Plan: Pipe Strung, Welded and Trenched	Blue Ridge Parkway	In consultation with National Park Service, install grouting around the bored pipe under the Blue Ridge Parkway, back fill the open trench, rough grade, temporarily seed and mulch, monitor and maintain the temporary ECDs, assure that the cattle have access to the existing spring and the work area is fenced off, repair and stabilize the private road on the south side of the Blue Ridge Parkway, and remove all equipment and pipe that is stacked from National Park Service property.	Pending
Short Term Stabilization Plan: Pipe Strung, Welded and Trenched	**Jefferson National Forest**	**All work stopped**	**Pending**
Immediate actions are necessary toztemporarily stabilize the facilities and their associated work areas -			Yes
Longer Term Stabilization Plan: Pipeline ROW and Facilities	Pipe Strung/Welded, Not Trenched	In non-steep slope areas, trenching, lowering in, backfilling, restoring to final grade and permanently stabilizing the ROW.	Pending
Longer Term Stabilization Plan: Pipeline ROW and Facilities	Pipe Strung/Not Welded, Not Trenched	In non-steep slope areas, trenching, welding, lowering in, backfilling, restoring to final grade and permanently stabilizing the ROW.	Pending

Longer Term Stabilization Plan: Compressor Station and Interconnects	N/A	Install security fencing at the Compressor Station and Interconnect sites. -Complete any work in open excavations, including welding, coating, x-ray of pipe, finishing concrete pours already prepared and backfilling as appropriate (already in ditch). -Protect any installed anchor bolts from the elements. -Preserve, protect and maintain all equipment per best practices / manufacturer's recommendations at all Compressor Station and Interconnect Facilities.	Yes
Specific Areas of Sensitive Environmental Concern	N/A	N/A	Yes

Longer Term Stabilization Plan: Compressor Station and Interconnects	N/A	- Complete MLV-9 installation at Harris – this is currently ready for final coating test and backfill. It would be beneficial to complete to protect the pipe and leave one less open excavation to monitor and dewater. -Complete MLV-19 installation at Stallworth – this work is currently in progress. It would be beneficial to complete to protect the pipe and leave one less open excavation to monitor and dewater. -Complete compressor foundation #4 at Bradshaw - Currently an open excavation that can't be backfilled due to forms, exposed rebar, bolts, etc. -Compressor building walls at Harris - Currently an open excavation that can't be backfilled due to forms, exposed rebar, bolts, etc. -Complete 42" header piping that is already in the ditch at all facilities - Currently exposed pipe, open excavations.	Yes

From:	McKeague, Dan -FS
To:	Collins, Thomas K -FS
Cc:	Adams, Jennifer - FS; Morris, Troy - FS; Winningham, Jarret -FS; MacFarlane, Russ -FS; Madden, Michael J -FS; Thompson, James H -FS; Woods, Steven -FS; Adams, Pauline - FS; Timm, Joby -FS; LeMaster, Elizabeth -FS; Abing, Timothy -FS; Grace Ellis; Lauren Johnston
Subject:	Re: Need to resolve potential conflicts between MVP litigation (Pocahontas road) and sold timber sale (Pocahontas timber sale)
Date:	Friday, August 24, 2018 1:19:06 PM
Attachments:	image001.png image002.png image003.png image004.png

(b)(5); Deliberative Process Privilege

(b)(5); Deliberative Process Privilege

<image001.png> **Tom Collins**
Geologist

Forest Service
George Washington and Jefferson National Forest

p: 540-265-5152
tkcollins@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us
<image002.png><image003.png><image004.png>

Caring for the land and serving people

From: Adams, Jennifer - FS
To: McKeague, Dan -FS; Winningham, Jarret -FS; Miller, Mark D -FS
Cc: Nik Gillen; Grace Ellis; Lauren Johnston
Subject: RE: timber sale & pipeline work
Date: Friday, October 5, 2018 8:09:00 AM
Attachments: image006.png
image007.png
image008.png
image009.png
image010.png
image011.png

Dan,

I'll be available for a call later in the morning. (I'm about to go off the clock, then I have a call at 0900).

I will let MVP know that the lock will not be changed.

The waterbars are usually needed to control water. I will give the RO the heads up that the road maintenance may become a topic that MVP will discuss with them.

Thanks, and I'll call you later,
Jennifer

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: McKeague, Dan -FS
Sent: Friday, October 5, 2018 8:06 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Winningham, Jarret -FS <jwinningham@fs.fed.us>; Miller, Mark D -FS <markmiller@fs.fed.us>
Cc: Nik Gillen <ngillen@transcon.com>; Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>

Subject: RE: timber sale & pipeline work

(b)(5); Deliberative Process Privilege

Thanks, Dan

Dan McKeague
District Ranger

Forest Service
George Washington & Jefferson National Forests,
Eastern Divide Ranger District

p: 540-953-3560
dmckeague@fs.fed.us

110 Southpark Drive
Blacksburg, VA 24060
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Friday, October 5, 2018 7:19 AM
To: Winningham, Jarret -FS <jwinningham@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Miller, Mark D -FS <markmiller@fs.fed.us>
Cc: Nik Gillen <ngillen@transcon.com>; Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Subject: RE: timber sale & pipeline work

(b)(5); Deliberative Process Privilege

(b)(5), Deliberative Process Privilege

[redacted]

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

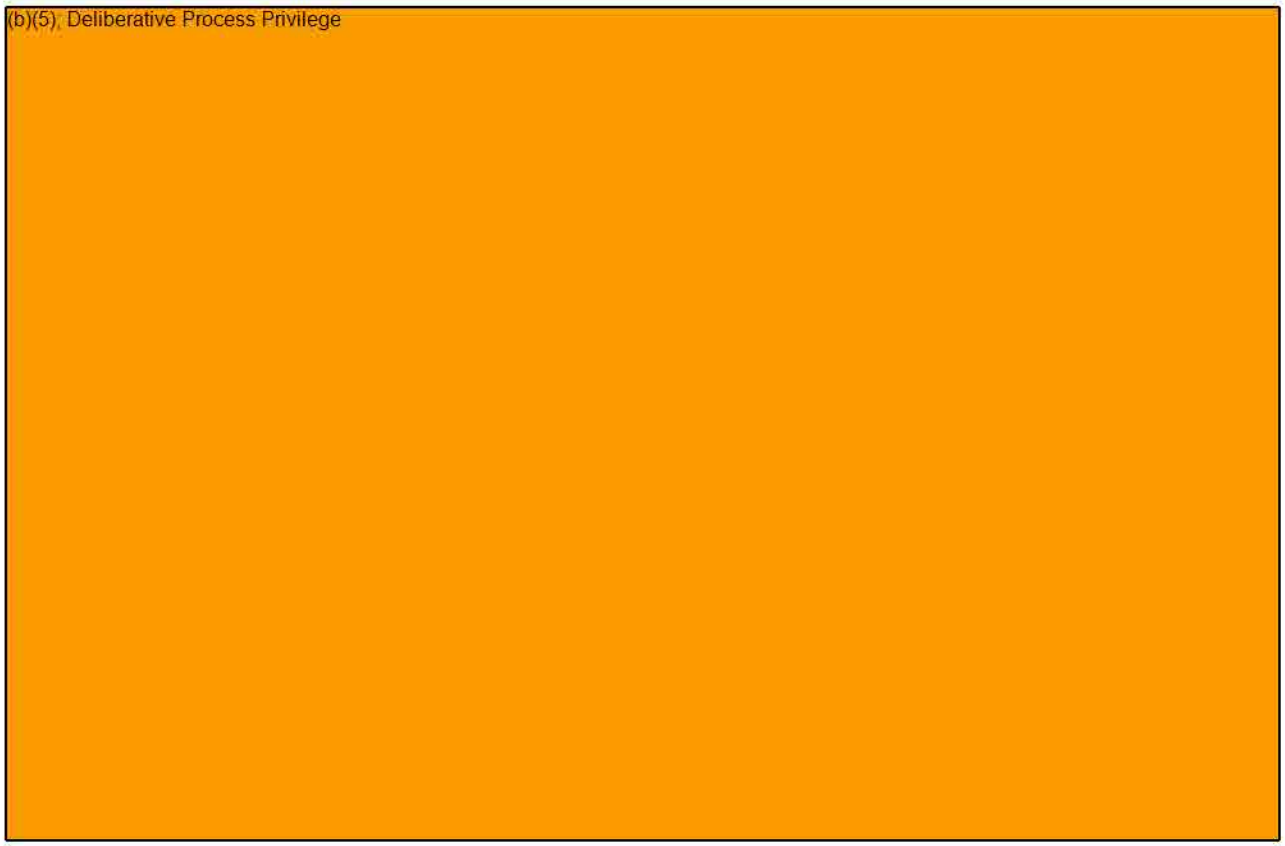
Caring for the land and serving people

From: Winningham, Jarret -FS
Sent: Friday, October 5, 2018 5:55 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Miller, Mark D -FS <markmiller@fs.fed.us>
Cc: Nik Gillen <ngillen@transcon.com>; Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Subject: RE: timber sale & pipeline work

Good morning Jennifer,

The Pocahontas Timber Sale contract terminates 11/15/2020. They have until that time to complete

(b)(5), Deliberative Process Privilege



V/R,

Jarret Winningham
Timber Contracting Officer

Forest Service
George Washington & Jefferson National Forests

p: 540-265-5163
c: 540-613-4201
f: 540-265-5145
jarret.winningham@usda.gov

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Thursday, October 4, 2018 7:42 PM
To: McKeague, Dan -FS <dmckeague@fs.fed.us>; Winningham, Jarret -FS <jwinningham@fs.fed.us>
Cc: Nik Gillen <ngillen@transcon.com>; Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>

Subject: timber sale & pipeline work

(b)(5); Deliberative Process Privilege

Thank you very much,
Jennifer

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Kathmann, Sarah - OGC
To: LeMaster, Elizabeth -FS; Adams, Jennifer - FS; Beum, Frank R -FS; Abing, Timothy -FS
Cc: Grace Ellis; Lauren Johnston
Subject: RE: MVP SEIS
Date: Wednesday, October 24, 2018 10:08:48 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png

(b)(5), Attorney Work Product Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: LeMaster, Elizabeth -FS
Sent: Wednesday, October 24, 2018 10:03 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Cc: Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Subject: RE: MVP SEIS

(b)(5), Deliberative Process Privilege

Beth

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Wednesday, October 24, 2018 9:55 AM
To: Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Cc: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Subject: MVP SEIS

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Rubado, Jessica - FS
To: Abing, Timothy -FS; Brown, JoBeth -FS; Johnson, Stephanie N -FS; Ransom, Ashlee D -FS; Beum, Frank R -FS; LeMaster, Elizabeth -FS
Subject: ACP and MVP Pinyon Folders Up to Date
Date: Thursday, October 4, 2018 5:05:59 PM
Attachments: image005.png
image006.png
image007.png
image008.png
image009.png

Both pinyon folders are updated to reflect versions with Tim's edits from today incorporated. I also added talking points documents derived from the communication plans per Beth's request.

ACP is located here: https://usfs.box.com/s/p29t10ytmlywltzscf318p9ur18im0m2

MVP is located here: https://usfs.box.com/s/jupca5sbijvht20hu857qdlxaplzimy1

Best,
Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@usda.gov
Naples, FL 34114
www.fs.fed.us
Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Thursday, October 4, 2018 4:48 PM
To: Rubado, Jessica - FS <jrubado@fs.fed.us>; Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>
Subject: Updated MVP Communications Plan

I version on Pinyon was way out of date and didn't have edits I made on 9/24. Here is up to date edited version.

Timothy Abing
Director - Lands, Minerals, and Uses
On detail – Pipeline Infrastructure Regional Coordinator
Forest Service
Southern Region
p: 404-347-3989
c: 404-387-7898

f: 404-347-2437
timothy.abing@usda.gov

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us



Caring for the land and serving people

From:	Rubado, Jessica - FS
To:	LeMaster, Elizabeth -FS; Brown, JoBeth -FS; Johnson, Stephanie N -FS; Ransom, Ashlee D -FS; Williams, Michael R -FS; Abing, Timothy -FS; Beum, Frank R -FS
Cc:	McKeague, Dan -FS; Ballew, Katie J -FS
Subject:	Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders
Date:	Friday, September 28, 2018 2:28:37 PM
Attachments:	image002.png image003.png image004.png image005.png image006.png NewsRelease-FS_MVP_NewClosureOrders_09282018_draft.docx
Importance:	High

Hi All –

I took a quick run at drafting the attached news release based on Beth's request. I have an appointment for a while, and then I'll be back to post the orders on the web. Since the forest would like to issue the release on Monday I wanted to get it to you as soon I had notice about it (Beth's email was the first I've heard we were issuing stabilization closure orders)– it has some formatting issues I'll address but please review it for content.

As a bit of a plug, a heads up that this was coming might give us a better chance of getting materials approved, and the quality of the materials sent in for review… I know this is a very minute by minute project but it never hurts to make the plea. :)

The news release is also posted to box here:
https://usfs.box.com/s/jupca5sbijvht20hu857qdlxaplzimy1

Please let me know what edits you have and if we can get this up to the WO for approval in time to send it out on Monday.

Best,
Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us
Caring for the land and serving people

From: LeMaster, Elizabeth -FS
Sent: Friday, September 28, 2018 1:13 PM
To: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Rubado, Jessica - FS <jrubado@fs.fed.us>

Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: FW: Mountain Valley Closure Orders

So this is our game plan – please advise if you have suggestions/concerns.

- We will post the COs (and the termination) on our website.
- We will wait for a news release on Monday to include stabilization activity, COs, and first amendment site reminder (if needed).
- We will send an email to employees on Monday with updates.
- Dan will decide where to post the COs – needed at office, and on the seasonal gate, and remove the ones from Pocahontas Rd.

What did we forget??

Thanks, Beth

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 10:47 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>
Cc: Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; McWhirter, Jay - OGC <JAY.MCWHIRTER@OGC.USDA.GOV>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Adkins, Tracey E -FS <tadkins@fs.fed.us>; Mulach, Ronald - OGC <RONALD.MULACH@OGC.USDA.GOV>
Subject: Mountain Valley Closure Orders

All,

(b)(5); Attorney-Client Privilege

Thank you all for your work on this – especially Tracey and her amazing map making skills!

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From:	Kathmann, Sarah - OGC
To:	LeMaster, Elizabeth -FS
Cc:	McKeague, Dan -FS; Ballew, Katie J -FS; Donaldson, Mike -FS; Bott, Steven - OGC; Abing, Timothy -FS; Beum, Frank R -FS; Adkins, Tracey E -FS
Subject:	Closure Order for Brush Mountain Road - ready for signature
Date:	Friday, September 28, 2018 8:37:45 AM
Attachments:	image001.png MVP Cls Ord - Brush Mtn Rd No 08-08-11-18-06 (9.27.2018).docx Attachment1_MVP_CO_08-08-11-18-06.pdf

---

Beth,

(b)(5), Attorney-Client Privilege

Beth, please sign and date this and send back the signed copy as soon as possible. Thanks!

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From:	Kathmann, Sarah - OGC
To:	LeMaster, Elizabeth -FS
Cc:	McKeague, Dan -FS; Ballew, Katie J -FS; Donaldson, Mike -FS; Bott, Steven - OGC; Beum, Frank R -FS; Abing, Timothy -FS
Subject:	Closure Order for ROW on Peters Mountain
Date:	Friday, September 28, 2018 10:07:41 AM
Attachments:	MVP Cls Ord - Peters Mtn Construction ROW No 08-08-11-18-08 (9.27.2018).....docx image001.png Attachment1_MVP_CO_08-08-11-18-08.pdf

---

Beth,

(b)(5); Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: LeMaster, Elizabeth -FS
To: Joby -FS Timm (jtimm@fs.fed.us)
Subject: FW: Closure Order for Brush Mountain Road - ready for signature
Date: Friday, September 28, 2018 8:59:00 AM
Attachments: MVP_Brush Mtn Rd_CO_08-08-11-18-06_signed092818.pdf
image002.png
image003.png
image004.png
image005.png
image006.png

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
Sent: Friday, September 28, 2018 8:53 AM
To: 'Kathmann, Sarah - OGC' <sarah.kathmann@ogc.usda.gov>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Adkins, Tracey E -FS <tadkins@fs.fed.us>
Subject: RE: Closure Order for Brush Mountain Road - ready for signature

Signed Copy.

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 8:38 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Adkins, Tracey E -FS <tadkins@fs.fed.us>
Subject: Closure Order for Brush Mountain Road - ready for signature

Beth,

(b)(5); Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: LeMaster, Elizabeth -FS
To: Joby -FS Timm (jtimm@fs.fed.us)
Subject: FW: Closure Order for Brush Mountain/Sinking Creek Mountain ROW
Date: Friday, September 28, 2018 8:59:00 AM
Attachments: MVP_Brush Mtn_Sinking Creek Mtn_CO_08-08-11-18-07_signed092818.pdf
image002.png
image003.png
image004.png
image005.png
image006.png

FYI

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
Sent: Friday, September 28, 2018 8:59 AM
To: 'Kathmann, Sarah - OGC' <sarah.kathmann@ogc.usda.gov>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Subject: RE: Closure Order for Brush Mountain/Sinking Creek Mountain ROW

Signed copy attached.

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 8:49 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Subject: Closure Order for Brush Mountain/Sinking Creek Mountain ROW

Beth,

(b)(5); Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: Brown, JoBeth -FS
To: Rubado, Jessica - FS
Cc: LeMaster, Elizabeth -FS
Subject: FW: Draft MVP Stabilization Email for Employees
Date: Monday, October 1, 2018 11:57:50 AM
Attachments: image001.png
image002.png
image003.png
image004.png

This looks great to me. Although we need to add a sentence about referring any inquiries, public and media to the 800# or email address for both MVP and ACP.. Jessica can you add that in and resend to Beth to send out? Also – we might want to mention that the closure order and maps are on the GWJ website. Thanks so much.

JoBeth Brown
Staff Officer/Public Affairs Officer

Forest Service
Planning, RIM/GIS, Lands & Special Uses, Collaboration & Partnerships, Public & Legislative Affairs

p: 540-265-5102
jobethbrown@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Rubado, Jessica - FS
Sent: Monday, October 1, 2018 9:07 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Robbins, Rebecca - FS <rebeccarobbins@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>
Subject: Draft MVP Stabilization Email for Employees

Hi Beth – Here's a run at a draft email for you to send out.

(b)(5), Deliberative Process Privilege

(b)(5); Deliberative Process Privilege

Thanks,
Beth

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us

Caring for the land and serving people

From:	LeMaster, Elizabeth -FS
To:	Brown, JoBeth -FS; Rubado, Jessica - FS
Cc:	McKeague, Dan -FS; Ballew, Katie J -FS
Subject:	FW: Mountain Valley Closure Orders
Date:	Friday, September 28, 2018 1:12:00 PM
Attachments:	MVP_Brush Mtn Rd_CO_08-08-11-18-06_signed092818.pdf MVP_Brush Mtn_Sinking Creek Mtn_CO_08-08-11-18-07_signed092818.pdf MVP_Peters Mtn_CO_08-08-11-18-08_signed092818.pdf image001.png MVP_termination_ECO_08-08-11-18-05_signed092818.pdf image002.png image003.png image004.png image005.png

---

So this is our game plan – please advise if you have suggestions/concerns.

- We will post the COs (and the termination) on our website.
- We will wait for a news release on Monday to include stabilization activity, COs, and first amendment site reminder (if needed).
- We will send an email to employees on Monday with updates.
- Dan will decide where to post the COs – needed at office, and on the seasonal gate, and remove the ones from Pocahontas Rd.

What did we forget??

Thanks, Beth

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 10:47 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>
Cc: Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; McWhirter, Jay - OGC <JAY.MCWHIRTER@OGC.USDA.GOV>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Adkins, Tracey E -FS <tadkins@fs.fed.us>; Mulach, Ronald - OGC

<RONALD.MULACH@OGC.USDA.GOV>
Subject: Mountain Valley Closure Orders

All,

(b)(5); Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From:	Adams, Jennifer - FS
To:	LeMaster, Elizabeth -FS; Overcash, Karen B -FS; Grace Ellis; Lauren Johnston
Subject:	FW: Mountain Valley Pipeline
Date:	Friday, September 28, 2018 2:25:29 PM
Attachments:	Letter to USFS on Remand 09 28 18.pdf image001.png

Galileo—For the decision file/project record

Beth—If you need background information on Tammy Belinsky, you can talk with Karen. Tammy's been involved in the pipeline projects from the beginning, plus Karen's known her for years before from Tammy's involvement in appealing other FS decisions.

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Tammy Belinsky [mailto:tambel@hughes.net]
Sent: Friday, September 28, 2018 12:34 PM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: Abing, Timothy -FS <tabing@fs.fed.us>; Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Arney, Ken S -FS <karney@fs.fed.us>
Subject: Mountain Valley Pipeline

Dear Supervisor LeMaster,

Please see the attached letter on behalf of The Wilderness Society, Preserve Craig, Inc., and Save Monroe, Inc.

Tammy L. Belinsky, Esq.

From: LeMaster, Elizabeth -FS
To: Brown, JoBeth -FS; Rubado, Jessica - FS
Subject: FW: Mountain Valley Pipeline
Date: Friday, September 28, 2018 12:39:00 PM
Attachments: Letter to USFS on Remand 09 28 18.pdf
image001.png
image002.png
image003.png
image004.png

(b)(5), Deliberative Process Privilege

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Tammy Belinsky [mailto:tambel@hughes.net]
Sent: Friday, September 28, 2018 12:34 PM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: Abing, Timothy -FS <tabing@fs.fed.us>; Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Arney, Ken S -FS <karney@fs.fed.us>
Subject: Mountain Valley Pipeline

Dear Supervisor LeMaster,

Please see the attached letter on behalf of The Wilderness Society, Preserve Craig, Inc., and Save Monroe, Inc.

Tammy L. Belinsky, Esq.

From:	Adams, Jennifer - FS
To:	Grace Ellis; Lauren Johnston; Maria Martin; Peter Rocco
Cc:	Madden, Michael J -FS; Hess, Todd A -FS; LeMaster, Elizabeth -FS; Robbins, Rebecca - FS; Rubado, Jessica - FS; Bridges, Kelly - FS; Thompson, Clyde N -FS; Fosbender, Julie K -FS
Subject:	FW: MVP Stabilization Plan
Date:	Monday, October 1, 2018 9:59:23 AM
Attachments:	20180924-4001(33146686) (1).pdf image001.png

(b)(2)

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Jayanna Miller [mailto:jmiller@transcon.com]
Sent: Monday, October 1, 2018 9:28 AM
To: Nik Gillen <ngillen@transcon.com>; Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; J. Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Cc: Daniel Danko <ddanko@transcon.com>; Steven Milauskas <smilauskas@transcon.com>; Jeff Davis <jdavis@transcon.com>; Mike Warner <mwarner@transcon.com>; MVP <mvp@transcon.com>

Subject: RE: MVP Stabilization Plan

Here is the Stabilization plan with the FS concurrence letter.

From: Nik Gillen
Sent: Monday, October 1, 2018 9:17 AM
To: Jennifer Adams <jenniferpadams@fs.fed.us>; J. Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Cc: Daniel Danko <ddanko@transcon.com>; Steven Milauskas <smilauskas@transcon.com>; Jeff Davis <jdavis@transcon.com>; Mike Warner <mwarner@transcon.com>; MVP <mvp@transcon.com>; Jayanna Miller <jmiller@transcon.com>
Subject: MVP Stabilization Plan

Jennifer and Galileo,

Do either of you have a copy of the MVP Stabilization Plan?

MVP has several crews on site moving pipe and prepping the LOD. Also, did FERC approve the Stabilization Plan for the JNF? Last I heard, that had not taken place yet.

Thank you,

Nikolaus Gillen
Biologist/Project Coordinator

Transcon Environmental
Portland, OR
Cell: 925-550-7147

Two color horizontal

Think Green – Not every email needs to be printed.

CONFIDENTIAL AND PRIVILEGED: This communication with its contents may contain confidential and/or legally privileged information. It is soley for the use of the intended recipient(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From:	Rubado, Jessica - FS
To:	Abing, Timothy -FS; Ransom, Ashlee D -FS; Beum, Frank R -FS; LeMaster, Elizabeth -FS; Brown, JoBeth -FS; Johnson, Stephanie N -FS; Williams, Michael R -FS; McKeague, Dan -FS; Ballew, Katie J -FS
Subject:	FW: NEWS RELEASE: USDA FOREST SERVICE RECINDS EMERGENCY CLOSURE ORDER FOR THE
Date:	Monday, October 1, 2018 3:36:40 PM
Attachments:	image001.png image002.png image003.png image004.png NewsRelease-FS_MVP_NewClosureOrders_Final20181001.pdf

---

The release was bcc'd to the following media contact lists – please let me know if you'd like specifics on who that entails:

MEDIA-CLINCH (Updated 2/1/2018); MEDIA-EASTERN DIVIDE (Updated 2/1/2018); MEDIA-GLENWOOD/PEDLAR (Updated 2/1/2018); MEDIA-JAMES RIVER (Updated 2/15/2018); MEDIA-LEE (Updated 2/1/2018); MEDIA-NORTH RIVER (NORTH) (Updated 2/13/2018); MEDIA-NORTH RIVER (SOUTH) (Updated 2/13/2018); MEDIA-NRA (Updated 2/1/2018); MEDIA-SO (Updated 2/14/2018); MEDIA-WARM SPRINGS (Updated 2/15/2018); Jessica - FS Rubado (jrubado@fs.fed.us)

I've checked to confirm and the "Jessica Rubado on behalf of" only shows up on internal mail.

Best,
Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@usda.gov
Naples, FL 34114
www.fs.fed.us

Caring for the land and serving people

From: Rubado, Jessica - FS **On Behalf Of** FS-George Washington and Jefferson National Forests PublicAffairs
Sent: Monday, October 1, 2018 3:28 PM
Subject: NEWS RELEASE: USDA FOREST SERVICE RECINDS EMERGENCY CLOSURE ORDER FOR THE

News Release

USDA FOREST SERVICE RECINDS EMERGENCY CLOSURE ORDER FOR THE MOUNTAIN VALLEY PIPELINE PROJECT RIGHT-OF-WAY AND ACCESS ROADS AND ISSUES CLOSURE ORDERS FOR STABILIZATION

Media Contact: George Washington and Jefferson National Forests Public Affairs
Phone: 1-888-603-0261
Email: GeorgeWashingtonAndJeffersonNationalForests- PublicAffairs@fs.fed.us

ROANOKE, Va., October 1, 2018 – The USDA Forest Service rescinded an emergency closure order
for the Mountain Valley Pipeline Project right-of-way (ROW) and access roads for construction activities on National Forest System (NFS) lands in Monroe County, West Virginia and Giles and Montgomery Counties, Virginia.
The USDA Forest Service issued new closure orders for the stabilization activities of the Mountain Valley Pipeline Project ROW and an access road on National Forest System (NFS) lands in Monroe County, West Virginia and Giles and Montgomery Counties, Virginia. The new closure orders were enacted to protect public safety due to hazards associated with stabilizing the Mountain Valley Pipeline ROW.
One order prohibits going into or to be upon NFS lands within 200 feet of the outer edge of each side of the construction ROW where it's already been cut on Brush Mountain and Sinking Creek Mountain. A second order prohibits going into or being upon the area where trees have been cut ("cut area") on the Peters Mountain construction ROW on NFS lands. A third order prohibits going into or being upon a segment of Brush Mountain Road on NFS lands. The Appalachian National Scenic Trail is excluded from the Peters Mountain closure order and will remain open because it is not within the "cut area" of the ROW.
These new orders are in effect until January 10, 2019 on the segment of Brush Mountain Road, and December 31, 2019 on the ROW on Brush Mountain, Sinking Creek Mountain, and Peter's Mountain,
unless terminated earlier by the Authorized Officer.

On August 3, 2018, Federal Energy Regulatory Commission (FERC) issued a stop work order for the entire MVP project. On August, 29, 2018, the stop work order was revised to authorize construction to resume on most areas of the project; however, work on a 25-mile stretch of the route (that contains the Jefferson National Forest) remains stopped until issues associated with the recent court ruling are resolved. While FERC's stop work order is in effect on the Jefferson National Forest, the Forest Service is ensuring Mountain Valley Pipeline, LLC takes necessary measures to stabilize and perform interim restoration of construction areas on Brush Mountain and Sinking Creek Mountain. Mountain Valley will require use of construction equipment to implement stabilization measures.

The Forest Service has designated Caldwell Flats Campground as a First Amendment area to accommodate legal protest activity.

The complete text of the closure orders, along with maps, can be viewed on the George Washington and Jefferson National Forests' webpage at the following link: https://www.fs.usda.gov/detailfull/gwj/home/?cid=stelprdb5407016&width=full.

-USFS-

Public Affairs
Phone: 888-603-0261

GeorgeWashingtonAndJeffersonNationalForests-PublicAffairs@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us



Caring for the land and serving people

From: Rubado, Jessica - FS
To: LeMaster, Elizabeth -FS
Cc: Brown, JoBeth -FS
Subject: FW: No Tree Clearing along FS 124
Date: Monday, October 1, 2018 10:55:49 AM
Attachments: image002.png
image001.png
image003.png
image004.png
image005.png

Hi Beth and JoBeth –

(b)(5); Deliberative Process Privilege

Best,
Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Sunday, September 30, 2018 11:26 PM
To: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Yonce, Mary E -FS <meyonce@fs.fed.us>; Stull, Lauren B -FS <lbstull@fs.fed.us>; Sandeno, Cynthia M -FS <cmsandeno@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>
Cc: Hess, Todd A -FS <tahess@fs.fed.us>; Grace Ellis <grace.ellis@galileoaz.com>; LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Thompson, Clyde N -FS <cnthompson@fs.fed.us>; Bridges, Kelly - FS <kellybridges@fs.fed.us>; Robbins, Rebecca - FS <rebeccarobbins@fs.fed.us>; Rubado, Jessica - FS <jrubado@fs.fed.us>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: FW: No Tree Clearing along FS 124

Page 026

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

(b)(5), Deliberative Process Privilege

[redacted]

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Sunday, September 30, 2018 10:23 PM
To: 'wflimpert@gmail.com' <wflimpert@gmail.com>
Cc: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; 'lewfreeman@gmail.com' <lewfreeman@gmail.com>; 'rwebb.481@gmail.com' <rwebb.481@gmail.com>; 'davidwsligh@yahoo.com' <davidwsligh@yahoo.com>; 'limpstur1@gmail.com' <limpstur1@gmail.com>; 'lee@leebrauer.com' <lee@leebrauer.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>

Subject: RE: No Tree Clearing along FS 124

Mr. Limpert,

I am writing to respond to you on the behalf of District Ranger McNichols. I'm copying Elizabeth, and also one of our colleagues on the MNF (Todd Hess) who works closely with me, Clyde and others on the pipeline projects. I'm also copying Maria Martin and Peter Rocco of Galileo, who work for the FS to help us with many tasks.

The erosion and sediment control plans in Virginia would actually be approved by the WV Dept. of Environmental Quality (VA DEQ) because in VA it is VA DEP that requires and approves the plans for control of water quality and quantity. Those plans have not yet been approved, and because those plans haven't yet been approved, the FS has not yet approved the road designs for the ACP Project. The shrubs that would be planted would most likely be native shrubs, essentially shrubs that could be found in the immediate area. I can't recall the language in the biological opinion, but overall the idea is to use native plants to support native habitat.

I hope I've answered your questions for you. If you have other questions, feel free to email me directly. Please feel free to cc Maria and Peter, because if I'm out of the office or in meetings, they'll track me down or otherwise make sure someone else gets an answer for you.

Thank you for your interest in the resources on National Forest System lands. It's good to know so many people truly care about the resources.

Sincerely,
Jennifer

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: "William Limpert" <wflimpert@gmail.com>

Date: Saturday, September 29, 2018 at 1:17:14 PM
To: "McNichols, Elizabeth -FS" <emcnichols@fs.fed.us>
Cc: "Lew Freeman" <lewfreeman@gmail.com>, "Rick Webb" <rwebb.481@gmail.com>, "David Sligh" <davidwsligh@yahoo.com>, "Lynn Limpert" <limpstur1@gmail.com>, "Lee and Linda Brauer" <lee@leebrauer.com>
Subject: No Tree Clearing along FS 124

Elizabeth:

My wife, I, and a neighbor drove from Route 220 along our Forest Service Road 124 to Duncan Knob today, and found no tree clearing. We looked beyond the gate at Duncan Knob and could see no evidence of logging trucks accessing that part of our forest service road as well.

I did note that If the access road goes in it would require large amounts of cut and fill along the portion from Route 220 to Duncan Knob, and for some portions of the road from Duncan Knob north as well. This would require construction of another drainage ditch along the upgrade side of the road, substantially increasing sediment runoff from concentrated flow from this proposed project.

Additionally, I saw where the USFWS, in their revised biological opinion, are calling for the planting of native flowering shrubs already present in the High Potential Zone for the Rusty Patched Bumble Bee along the proposed access road.

Can you please send me the erosion and sediment control plan approved by the USFS for this proposed access road, including an indication where these flowering shrubs would be planted?

Can you please also advise me as to what flowering shrubs would be planted?

Thank you for your care for our national forests.

Bill Limpert

From: Adams, Jennifer - FS
To: Beum, Frank R -FS; Abing, Timothy -FS; Erba, Anthony E -FS; Thompson, Clyde N -FS; LeMaster, Elizabeth -FS
Cc: Maria Martin; Peter Rocco
Subject: FW: No Tree Clearing along FS 124
Date: Monday, October 1, 2018 12:08:35 PM
Attachments: image003.png
image001.png

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Monday, October 1, 2018 12:02 PM
To: 'William Limpert' <wflimpert@gmail.com>
Cc: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Lew Freeman <lewfreeman@gmail.com>; Rick Webb <rwebb.481@gmail.com>; David Sligh <davidwsligh@yahoo.com>; Lee and Linda Brauer <lee@leebrauer.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>; Gary and Jeanette Robinson <jbr9850@gmail.com>
Subject: RE: No Tree Clearing along FS 124

I passed along you request to management, but I will share this response with them so they fully understand your request. What is the best number for calling you?

Jennifer P. Adams

Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: William Limpert [mailto:wflimpert@gmail.com]
Sent: Monday, October 1, 2018 11:35 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Cc: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Lew Freeman <lewfreeman@gmail.com>; Rick Webb <rwebb.481@gmail.com>; David Sligh <davidwsligh@yahoo.com>; Lee and Linda Brauer <lee@leebrauer.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>; Gary and Jeanette Robinson <jbr9850@gmail.com>
Subject: Re: No Tree Clearing along FS 124

Thank you, Jennifer

I wanted to inspect the plans before they are approved, because once they are approved it will be too late. If these plans are deficient our public lands and waters will be despoiled, as well as the private lands downgrade, including 2 waterways through our property, one of which sinks into the ground 250 feet from our well. We hike along FS 124 from our home, share a long border with GW National Forest, and have a personal interest in preserving this road and the wildlife, including endangered species, that this area supports. We purchased our property in part because of the "protection" that we would receive from development, and the benefits of the natural environment afforded by the GW National Forest.

I don't understand how these plans could be privileged or confidential. They are erosion and sediment control plans for our public lands. Hearing that I may not be able to see and comment on these plans until they are already approved, and perhaps not even then is very disheartening.

I do appreciate you relaying this information to me, and I'll give you a call.

Bill

> On Oct 1, 2018, at 10:32 AM, Adams, Jennifer - FS <jenniferpadams@fs.fed.us> wrote:
>
> Good morning,

We have not yet received the plans for FR 124 and at this time I do not know the estimated submittal date for that particular plan. Typically designs are not able to be released before, and sometimes after, the designs are approved. It depends on if it's marked as privileged or confidential. However, I will inform management that you've asked to receive the plan for FR 124 after ACP submits the design plan to the FS. It could be the end of the week before I hear something back.

Sincerely,
Jennifer



Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: William Limpert [mailto:wflimpert@gmail.com]
Sent: Monday, October 1, 2018 7:01 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Cc: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Lew Freeman <lewfreeman@gmail.com>; Rick Webb <rwebb.481@gmail.com>; David Sligh <davidwsligh@yahoo.com>; Lee and Linda Brauer <lee@leebrauer.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: Re: No Tree Clearing along FS 124

Thank you, Jennifer

I would like to see the plans that have been submitted for Forest Service Road 124.

Can they be sent to me via e-mail?

Thanks for your help.

I'll call later today.

Bill

> On Sep 30, 2018, at 11:19 PM, Adams, Jennifer - FS <jenniferpadams@fs.fed.us> wrote:
>
> Thank you for clarifying that your primary issue was tree removal which doesn't need E&S control. Yes, that helps me understand your point.
>
> Originally (under the original schedule) FS wanted trees left in place until spring so that no trees would be removed until E&S controls were in place. But you're right, when trees are removed, E&S need to be in place. If the stay were to be lifted, such that ACP could fell trees on NFS lands, ACP would not be able to remove trees until FERC issues a notice to proceed for construction. The reason is that E&S controls would need to be in place and ACP would need to use heavy equipment that would result in ground disturbance—all of which requires the FERC notice to proceed to be in place.
>
> I should clarify that the FS does take a role in looking at the road designs including the E&S control because the road designs and E&S controls must also meet the FS's needs. We also review what ACP proposes for E&S control in areas other than roads, and though ACP's design focuses on state regs and also their added designs, the FS resource specialists review those designs and often ask for modifications. We are in process of reviewing road designs and we are in process of reviewing some plans for controlling E&S on site, but we've not yet received all of the plans from ACP.
>
> I think the third time is charm, meaning I understood your questions this time and I hope I better answered your questions. Feel free to call me tomorrow. 540-597-5465.
>
> Good night,
> Jennifer
>
> <image003.png>
> **Jennifer P. Adams**
> **Special Project Coordinator**
> **Forest Service**
> **George Washington & Jefferson National Forests**
> **and**

Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: William Limpert [mailto:wflimpert@gmail.com]
Sent: Sunday, September 30, 2018 11:07 PM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Cc: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Lew Freeman <lewfreeman@gmail.com>; Rick Webb <rwebb.481@gmail.com>; David Sligh <davidwsligh@yahoo.com>; Lee and Linda Brauer <lee@leebrauer.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: Re: No Tree Clearing along FS 124

Thanks Jennifer:

The issue I was checking on was tree removal, which does not need erosion and sediment control approval acording to VA DEQ. I had seen a log truck parked on Route 220 at the Forest Service Road, knew that the ACP was eager to cut trees in our National Forests, and was worried they were doing so in violation of the stay issued by the 4th Circuit Court.

I'll get back to you soon.

Bill

> On Sep 30, 2018, at 11:03 PM, Adams, Jennifer - FS <jenniferpadams@fs.fed.us> wrote:
>
> **Mr. Limpert,**
>
> I remember speaking with you during the early phases of the project. The phone number in the signature file below is my FS cell phone so it's the best means for reaching me.
>
> You're correct, the planting of the shrubs would be per the FWS's terms and conditions in the BO and as such it is the FWS's call as to how the planting is implemented. It would most likely be rhododendron and mountain laurel (the same as what's there). I understand your point about the age of

the shrubs. In fact, the FS biologist suggested having Dominion hold or temporarily store the shrubs that are removed such that those same shrubs could be put back. She acknowledged that the success rate may not be great, but it may work. I'll reach out to FWS to see if I can get any specifics that can be shared with you and I'll also ask them for a contact so you could speak with them directly.

I understand your point about the FS not approving the plans for control of water quality and quantity. I know many people attended the hearing held by the State Water Board due to the concern, and I've heard other similar comments.

I'll try to get more specifics for you as soon as possible.

Maria and Peter,

If you're able to locate any public documents that contain specifics that may help to answer Mr. Limpert's questions, please share those with him.



Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: William Limpert [mailto:wflimpert@gmail.com]
Sent: Sunday, September 30, 2018 10:50 PM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>

Cc: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Lew Freeman <lewfreeman@gmail.com>; Rick Webb <rwebb.481@gmail.com>; David Sligh <davidwsligh@yahoo.com>; Lee and Linda Brauer <lee@leebrauer.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: Re: No Tree Clearing along FS 124

Jennifer:

Thanks for getting back to me. You and I talked early on about the ACP, and I sent you a number of images of recent large landslides here in Little Valley within several hundred feet of the proposed pipeline on our property, and adjacent properties at your request.

I'm sorry, but I don't understand who would approve the plans, and there may be a typo in your message. If it is VA DEQ, it's a problem. The plans submitted to DEQ for our very steep property are really bad, and the VA DEQ will not come out to let me show them why they wouldn't work. We've seen how the DEQ plans for the MVP have worked out. I am surprised and disappointed that the USFS relies on VA DEQ to approve erosion and sediment control plans on our public lands. Does the USFS have any say in those plans? A large part of my career was spent inspecting and enforcing erosion and sediment control from construction sites for the Maryland Department of the Environment, and yes, the state of Maryland also reviewed and approved erosion and sediment control plans for federal projects, although we did a far superior job to what DEQ is doing.

The native shrubs would be planted under the USFWS biological opinion terms and conditions for invasive species for the ACP. They would replace mature Rhododendron and Mountain Laurel bushes that would be cut down along a large stretch of forest Road 124, and are probably over 100 years old.

I'll give you a call to discuss these issues.

Thanks for getting back to me, and thanks for your public service.

Bill

On Sep 30, 2018, at 10:23 PM, Adams,

Jennifer - FS <jenniferpadams@fs.fed.us> wrote:

Mr. Limpert,

I am writing to respond to you on the behalf of District Ranger McNichols. I'm copying Elizabeth, and also one of our colleagues on the MNF (Todd Hess) who works closely with me, Clyde and others on the pipeline projects. I'm also copying Maria Martin and Peter Rocco of Galileo, who work for the FS to help us with many tasks.

The erosion and sediment control plans in Virginia would actually be approved by the WV Dept. of Environmental Quality (VA DEQ) because in VA it is VA DEP that requires and approves the plans for control of water quality and quantity. Those plans have not yet been approved, and because those plans haven't yet been approved, the FS has not yet approved the road designs for the ACP Project. The shrubs that would be planted would most likely be native shrubs, essentially shrubs that could be found in the immediate area. I can't recall the language in the biological opinion, but overall the idea is to use native plants to support native habitat.

I hope I've answered your questions for you. If you have other questions, feel free to email me directly. Please feel free to cc Maria and Peter, because if I'm out of the office or in meetings, they'll track me down or otherwise make sure someone else gets an answer for you.

Thank you for your interest in the resources on National Forest System lands. It's good to know so many people truly care about the resources.

Sincerely,
Jennifer



Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests and Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: "William Limpert" <wflimpert@gmail.com>
Date: Saturday, September 29, 2018 at 1:17:14 PM
To: "McNichols, Elizabeth -FS" <emcnichols@fs.fed.us>
Cc: "Lew Freeman" <lewfreeman@gmail.com>, "Rick Webb" <rwebb.481@gmail.com>, "David Sligh" <davidwsligh@yahoo.com>, "Lynn Limpert" <limpstur1@gmail.com>, "Lee and Linda Brauer" <lee@leebrauer.com>
Subject: No Tree Clearing along FS 124

Elizabeth:

My wife, I, and a neighbor drove from Route 220 along our Forest Service Road 124 to Duncan Knob today, and found no tree clearing. We looked beyond the gate at Duncan Knob and could see no evidence of logging trucks accessing that part of our forest service road as well.

I did note that If the access road goes in it would require large amounts of cut and fill along the portion from Route 220 to Duncan Knob, and for some portions of the road from Duncan Knob north as well. This would require construction of another drainage ditch along the

upgrade side of the road, substantially increasing sediment runoff from concentrated flow from this proposed project.

Additionally, I saw where the USFWS, in their revised biological opinion, are calling for the planting of native flowering shrubs already present in the High Potential Zone for the Rusty Patched Bumble Bee along the proposed access road.

Can you please send me the erosion and sediment control plan approved by the USFS for this proposed access road, including an indication where these flowering shrubs would be planted?

Can you please also advise me as to what flowering shrubs would be planted?

Thank you for your care for our national forests.

Bill Limpert

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

From: Adams, Jennifer - FS
To: McNichols, Elizabeth -FS
Cc: LeMaster, Elizabeth -FS
Subject: FW: No Tree Clearing along FS 124
Date: Monday, October 1, 2018 12:23:53 PM
Attachments: image003.png
image002.png

(b)(5), Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Monday, October 1, 2018 12:09 PM
To: Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Erba, Anthony E - FS <aerba@fs.fed.us>; Thompson, Clyde N -FS <cnthompson@fs.fed.us>; LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: FW: No Tree Clearing along FS 124

(b)(5), Deliberative Process Privilege

Jennifer P. Adams

Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Monday, October 1, 2018 12:02 PM
To: 'William Limpert' <wflimpert@gmail.com>
Cc: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Lew Freeman <lewfreeman@gmail.com>; Rick Webb <rwebb.481@gmail.com>; David Sligh <davidwsligh@yahoo.com>; Lee and Linda Brauer <lee@leebrauer.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>; Gary and Jeanette Robinson <jbr9850@gmail.com>
Subject: RE: No Tree Clearing along FS 124

I passed along you request to management, but I will share this response with them so they fully understand your request. What is the best number for calling you?

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: William Limpert [mailto:wflimpert@gmail.com]
Sent: Monday, October 1, 2018 11:35 AM

To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Cc: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Lew Freeman <lewfreeman@gmail.com>; Rick Webb <rwebb.481@gmail.com>; David Sligh <davidwsligh@yahoo.com>; Lee and Linda Brauer <lee@leebrauer.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>; Gary and Jeanette Robinson <jbr9850@gmail.com>
Subject: Re: No Tree Clearing along FS 124

Thank you, Jennifer

I wanted to inspect the plans before they are approved, because once they are approved it will be too late. If these plans are deficient our public lands and waters will be despoiled, as well as the private lands downgrade, including 2 waterways through our property, one of which sinks into the ground 250 feet from our well. We hike along FS 124 from our home, share a long border with GW National Forest, and have a personal interest in preserving this road and the wildlife, including endangered species, that this area supports. We purchased our property in part because of the "protection" that we would receive from development, and the benefits of the natural environment afforded by the GW National Forest.

I don't understand how these plans could be privileged or confidential. They are erosion and sediment control plans for our public lands. Hearing that I may not be able to see and comment on these plans until they are already approved, and perhaps not even then is very disheartening.

I do appreciate you relaying this information to me, and I'll give you a call.

Bill

> On Oct 1, 2018, at 10:32 AM, Adams, Jennifer - FS <jenniferpadams@fs.fed.us> wrote:
>
> Good morning,
>
> We have not yet received the plans for FR 124 and at this time I do not know the estimated submittal date for that particular plan. Typically designs are not able to be released before, and sometimes after, the designs are approved. It depends on if it's marked as privileged or confidential. However, I will inform management that you've asked to receive the plan for FR 124 after ACP submits the design plan to the FS. It could be the end of the week before I hear something back.
>
> Sincerely,
> Jennifer



Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: William Limpert [mailto:wflimpert@gmail.com]
Sent: Monday, October 1, 2018 7:01 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Cc: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Lew Freeman <lewfreeman@gmail.com>; Rick Webb <rwebb.481@gmail.com>; David Sligh <davidwsligh@yahoo.com>; Lee and Linda Brauer <lee@leebrauer.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: Re: No Tree Clearing along FS 124

Thank you, Jennifer

I would like to see the plans that have been submitted for Forest Service Road 124.

Can they be sent to me via e-mail?

Thanks for your help.

I'll call later today.

Bill

> On Sep 30, 2018, at 11:19 PM, Adams, Jennifer - FS <jenniferpadams@fs.fed.us> wrote:
>
> Thank you for clarifying that your primary issue was tree removal which doesn't need E&S control. Yes, that helps me understand your point.
>
> Originally (under the original schedule) FS wanted trees left in place until spring so that no trees would be removed until E&S controls were in place. But you're right, when trees are removed, E&S need to be in place. If the stay were to be lifted, such that ACP could fell trees on NFS lands, ACP would not be able to remove trees until FERC issues a notice to

proceed for construction. The reason is that E&S controls would need to be in place and ACP would need to use heavy equipment that would result in ground disturbance—all of which requires the FERC notice to proceed to be in place.

I should clarify that the FS does take a role in looking at the road designs including the E&S control because the road designs and E&S controls must also meet the FS's needs. We also review what ACP proposes for E&S control in areas other than roads, and though ACP's design focuses on state regs and also their added designs, the FS resource specialists review those designs and often ask for modifications. We are in process of reviewing road designs and we are in process of reviewing some plans for controlling E&S on site, but we've not yet received all of the plans from ACP.

I think the third time is charm, meaning I understood your questions this time and I hope I better answered your questions. Feel free to call me tomorrow. 540-597-5465.

Good night,
Jennifer



Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: William Limpert [mailto:wflimpert@gmail.com]
Sent: Sunday, September 30, 2018 11:07 PM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Cc: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Lew Freeman <lewfreeman@gmail.com>; Rick Webb <rwebb.481@gmail.com>; David Sligh <davidwsligh@yahoo.com>; Lee and Linda Brauer <lee@leebrauer.com>; Maria Martin

<maria.martin@galileoaz.com>; Peter Rocco
<peter.rocco@galileoaz.com>
Subject: Re: No Tree Clearing along FS 124

Thanks Jennifer:

The issue I was checking on was tree removal, which does not need erosion and sediment control approval acording to VA DEQ. I had seen a log truck parked on Route 220 at the Forest Service Road, knew that the ACP was eager to cut trees in our National Forests, and was worried they were doing so in violation of the stay issued by the 4th Circuit Court.

I'll get back to you soon.

Bill

> On Sep 30, 2018, at 11:03 PM, Adams, Jennifer - FS <jenniferpadams@fs.fed.us> wrote:
>
> **Mr. Limpert,**
>
> I remember speaking with you during the early phases of the project. The phone number in the signature file below is my FS cell phone so it's the best means for reaching me.
>
> You're correct, the planting of the shrubs would be per the FWS's terms and conditions in the BO and as such it is the FWS's call as to how the planting is implemented. It would most likely be rhododendron and mountain laurel (the same as what's there). I understand your point about the age of the shrubs. In fact, the FS biologist suggested having Dominion hold or temporarily store the shrubs that are removed such that those same shrubs could be put back. She acknowledged that the success rate may not be great, but it may work. I'll reach out to FWS to see if I can get any specifics that can be shared with you and I'll also ask them for a contact so you could speak with them directly.
>
> I understand your point about the FS not approving the plans for control of water quality and quantity. I know many people attended the hearing held by the State Water Board due to the concern, and I've heard other similar comments.
>
> I'll try to get more specifics for you as soon as possible.

Maria and Peter,

If you're able to locate any public documents that contain specifics that may help to answer Mr. Limpert's questions, please share those with him.

<image003.png>

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: William Limpert [mailto:wflimpert@gmail.com]
Sent: Sunday, September 30, 2018 10:50 PM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Cc: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Lew Freeman <lewfreeman@gmail.com>; Rick Webb <rwebb.481@gmail.com>; David Sligh <davidwsligh@yahoo.com>; Lee and Linda Brauer <lee@leebrauer.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: Re: No Tree Clearing along FS 124

Jennifer:

Thanks for getting back to me. You and I talked early on about the ACP, and I sent you a number of images of recent large landslides here in Little Valley within several hundred feet of the proposed pipeline on our property, and adjacent properties at your request.

I'm sorry, but I don't understand who would approve the plans, and there may be a typo in your message. If it is VA DEQ, it's a problem. The plans submitted to DEQ for our very steep property are really bad, and the VA DEQ will not come out to let me show them why they wouldn't work. We've seen how the DEQ plans for the MVP have worked out. I am surprised and disappointed that the USFS relies on VA DEQ to approve erosion and sediment control plans on our public lands. Does the USFS have any say in those plans? A large part of my career was spent inspecting and enforcing erosion and sediment control from construction sites for the Maryland Department of the Environment, and yes, the state of Maryland also reviewed and approved erosion and sediment control plans for federal projects, although we did a far superior job to what DEQ is doing.

The native shrubs would be planted under the USFWS biological opinion terms and conditions for invasive species for the ACP. They would replace mature Rhododendron and Mountain Laurel bushes that would be cut down along a large stretch of forest Road 124, and are probably over 100 years old.

I'll give you a call to discuss these issues.

Thanks for getting back to me, and thanks for your public service.

Bill

> On Sep 30, 2018, at 10:23 PM, Adams, Jennifer - FS <jenniferpadams@fs.fed.us> wrote:
>
> Mr. Limpert,
>
> I am writing to respond to you on the behalf of District Ranger McNichols. I'm copying Elizabeth, and also one of our colleagues on the MNF (Todd Hess) who works closely with me, Clyde and others on the pipeline projects. I'm also copying Maria Martin and Peter Rocco of Galileo, who work for the FS to help us with many tasks.
>
> The erosion and sediment control plans in Virginia would actually be approved by the WV Dept. of Environmental Quality (VA DEQ)

because in VA it is VA DEP that requires and approves the plans for control of water quality and quantity. Those plans have not yet been approved, and because those plans haven't yet been approved, the FS has not yet approved the road designs for the ACP Project. The shrubs that would be planted would most likely be native shrubs, essentially shrubs that could be found in the immediate area. I can't recall the language in the biological opinion, but overall the idea is to use native plants to support native habitat.

I hope I've answered your questions for you. If you have other questions, feel free to email me directly. Please feel free to cc Maria and Peter, because if I'm out of the office or in meetings, they'll track me down or otherwise make sure someone else gets an answer for you.

Thank you for your interest in the resources on National Forest System lands. It's good to know so many people truly care about the resources.

Sincerely,
Jennifer



Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests and Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: "William Limpert" <wflimpert@gmail.com>
Date: Saturday, September 29, 2018 at 1:17:14 PM
To: "McNichols, Elizabeth -FS" <emcnichols@fs.fed.us>
Cc: "Lew Freeman" <lewfreeman@gmail.com>, "Rick Webb" <rwebb.481@gmail.com>, "David Sligh" <davidwsligh@yahoo.com>, "Lynn Limpert" <limpstur1@gmail.com>, "Lee and Linda Brauer" <lee@leebrauer.com>
Subject: No Tree Clearing along FS 124

Elizabeth:

My wife, I, and a neighbor drove from Route 220 along our Forest Service Road 124 to Duncan Knob today, and found no tree clearing. We looked beyond the gate at Duncan Knob and could see no evidence of logging trucks accessing that part of our forest service road as well.

I did note that If the access road goes in it would require large amounts of cut and fill along the portion from Route 220 to Duncan Knob, and for some portions of the road from Duncan Knob north as well. This would require construction of another drainage ditch along the upgrade side of the road, substantially increasing sediment runoff from concentrated flow from this proposed project.

Additionally, I saw where the USFWS, in their revised biological opinion, are calling for the planting of native flowering shrubs already present in the High Potential Zone for the Rusty Patched Bumble Bee along the proposed access road.

Can you please send me the erosion and sediment control plan approved by the USFS for this proposed access road, including an indication where these flowering shrubs would be planted?

Can you please also advise me as to what flowering shrubs would be planted?

Thank you for your care for our national forests.

Bill Limpert

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

Page 051

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

(b)(5); Deliberative Process Privilege

[redacted]

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Sunday, September 30, 2018 10:23 PM

To: 'wflimpert@gmail.com' <wflimpert@gmail.com>
Cc: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; 'lewfreeman@gmail.com' <lewfreeman@gmail.com>; 'rwebb.481@gmail.com' <rwebb.481@gmail.com>; 'davidwsligh@yahoo.com' <davidwsligh@yahoo.com>; 'limpstur1@gmail.com' <limpstur1@gmail.com>; 'lee@leebrauer.com' <lee@leebrauer.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: RE: No Tree Clearing along FS 124

Mr. Limpert,

I am writing to respond to you on the behalf of District Ranger McNichols. I'm copying Elizabeth, and also one of our colleagues on the MNF (Todd Hess) who works closely with me, Clyde and others on the pipeline projects. I'm also copying Maria Martin and Peter Rocco of Galileo, who work for the FS to help us with many tasks.

The erosion and sediment control plans in Virginia would actually be approved by the WV Dept. of Environmental Quality (VA DEQ) because in VA it is VA DEP that requires and approves the plans for control of water quality and quantity. Those plans have not yet been approved, and because those plans haven't yet been approved, the FS has not yet approved the road designs for the ACP Project. The shrubs that would be planted would most likely be native shrubs, essentially shrubs that could be found in the immediate area. I can't recall the language in the biological opinion, but overall the idea is to use native plants to support native habitat.

I hope I've answered your questions for you. If you have other questions, feel free to email me directly. Please feel free to cc Maria and Peter, because if I'm out of the office or in meetings, they'll track me down or otherwise make sure someone else gets an answer for you.

Thank you for your interest in the resources on National Forest System lands. It's good to know so many people truly care about the resources.

Sincerely,
Jennifer

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: "William Limpert" <wflimpert@gmail.com>
Date: Saturday, September 29, 2018 at 1:17:14 PM
To: "McNichols, Elizabeth -FS" <emcnichols@fs.fed.us>
Cc: "Lew Freeman" <lewfreeman@gmail.com>, "Rick Webb" <rwebb.481@gmail.com>, "David Sligh" <davidwsligh@yahoo.com>, "Lynn Limpert" <limpstur1@gmail.com>, "Lee and Linda Brauer" <lee@leebrauer.com>
Subject: No Tree Clearing along FS 124

Elizabeth:

My wife, I, and a neighbor drove from Route 220 along our Forest Service Road 124 to Duncan Knob today, and found no tree clearing. We looked beyond the gate at Duncan Knob and could see no evidence of logging trucks accessing that part of our forest service road as well.

I did note that If the access road goes in it would require large amounts of cut and fill along the portion from Route 220 to Duncan Knob, and for some portions of the road from Duncan Knob north as well. This would require construction of another drainage ditch along the upgrade side of the road, substantially increasing sediment runoff from concentrated flow from this proposed project.

Additionally, I saw where the USFWS, in their revised biological opinion, are calling for the planting of native flowering shrubs already present in the High Potential Zone for the Rusty Patched Bumble Bee along the proposed access road.

Can you please send me the erosion and sediment control plan approved by the USFS for this proposed access road, including an indication where these flowering shrubs would be planted?

Can you please also advise me as to what flowering shrubs would be planted?

Thank you for your care for our national forests.

Bill Limpert

From:	Brown, JoBeth -FS
To:	Rubado, Jessica - FS
Cc:	LeMaster, Elizabeth -FS
Subject:	FW: Please Review- Talking Points for MVP and ACP
Date:	Thursday, October 4, 2018 4:16:48 PM
Attachments:	image001.png image002.png image003.png image004.png Talking Points for the Current Phase of the MVP Project_20181004_draft.docx
Importance:	High

I am good with these MVP talking points!

JoBeth Brown
Staff Officer/Public Affairs Officer

Forest Service
Planning, RIM/GIS, Lands & Special Uses, Collaboration & Partnerships, Public & Legislative Affairs

p: 540-265-5102
jobethbrown@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Rubado, Jessica - FS
Sent: Thursday, October 4, 2018 2:21 PM
To: Brown, JoBeth -FS <jobethbrown@fs.fed.us>
Subject: Please Review- Talking Points for MVP and ACP
Importance: High

Hi JoBeth –

Just off the phone with Beth- apparently the WO only wants talking points to approve so I pulled these from the communication plans – anything to add that's missing from your perspective?

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager

Forest Service
Washington Office, Business Operations, Enterprise Program

p: 503-314-0767
jrubado@usda.gov
Naples, FL 34114

www.fs.fed.us

Caring for the land and serving people

From:	Rubado, Jessica - FS
To:	LeMaster, Elizabeth -FS
Cc:	Brown, JoBeth -FS
Subject:	FW: Please Review- Talking Points for MVP and ACP
Date:	Thursday, October 4, 2018 4:56:37 PM
Attachments:	image001.png image002.png image003.png image004.png Talking Points for Current Phase of the ACP Project_20181004_draft.docx Talking Points for the Current Phase of the MVP Project_20181004_draft.docx
Importance:	High

(b)(5); Deliberative Process Privilege

Best,
Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@usda.gov
Naples, FL 34114
www.fs.fed.us

Caring for the land and serving people

From: Brown, JoBeth -FS
Sent: Thursday, October 4, 2018 4:17 PM
To: Rubado, Jessica - FS <jrubado@fs.fed.us>
Cc: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Subject: FW: Please Review- Talking Points for MVP and ACP
Importance: High

I am good with these MVP talking points!

JoBeth Brown
Staff Officer/Public Affairs Officer
Forest Service
Planning, RIM/GIS, Lands & Special Uses, Collaboration & Partnerships, Public & Legislative Affairs
p: 540-265-5102
jobethbrown@fs.fed.us
5162 Valleypointe Parkway

Roanoke, VA 24019
www.fs.fed.us



Caring for the land and serving people

From: Rubado, Jessica - FS
Sent: Thursday, October 4, 2018 2:21 PM
To: Brown, JoBeth -FS <jobethbrown@fs.fed.us>
Subject: Please Review- Talking Points for MVP and ACP
Importance: High

Hi JoBeth –

Just off the phone with Beth- apparently the WO only wants talking points to approve so I pulled these from the communication plans – anything to add that's missing from your perspective?



Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@usda.gov
Naples, FL 34114
www.fs.fed.us



Caring for the land and serving people

Page 059

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

(b)(5), Deliberative Process Privilege

[redacted]

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Friday, October 5, 2018 7:19 AM
To: Winningham, Jarret -FS <jwinningham@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>;

Miller, Mark D -FS <markmiller@fs.fed.us>
Cc: Nik Gillen <ngillen@transcon.com>; Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Subject: RE: timber sale & pipeline work

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Winningham, Jarret -FS
Sent: Friday, October 5, 2018 5:55 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Miller, Mark D -FS <markmiller@fs.fed.us>
Cc: Nik Gillen <ngillen@transcon.com>; Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Subject: RE: timber sale & pipeline work

Good morning Jennifer,

The Pocahontas Timber Sale contract terminates 11/15/2020. They have until that time to complete the work required in the contract. As for a start date, that's fluid, and is driven strictly by what is convenient for the Purchaser. The last I talked to Mark Miller, the Purchaser wanted to start soon, but was having difficulty finding loggers to operate the sale. Unless Mark has additional information, the start date is completely up in the air. I'll try contacting the Purchaser and will update you with the information I'm given.

The contract does not require the Purchaser to do any road improvements prior to using the FS972. If the road is not currently up to hauling standard, the requirement to repair the road falls on the Forest Service. That said, agreements can be made with the Purchaser to do the work, but they are under no obligation to agree, and if they are in agreement, the contract will have to be modified to ensure they are compensated for the work. I can confirm that the Purchaser is required to repair any damage their operations cause to the road, though only up to the standard set forth in the contract.

MVP and the Purchaser will be required to work together and come to an agreement on a maintenance schedule for the road. "When two or more commercial users are simultaneously using the same road where Forest Service is not requiring maintenance deposits (we are not), the commercial users will develop maintenance responsibilities and arrangements for accomplishing the work. Forest Service must agree to this plan." If I'm not mistaken, this language is also in the POD for the MVP project.

V/R,

Jarret Winningham
Timber Contracting Officer

Forest Service
George Washington & Jefferson National Forests

p: 540-265-5163
c: 540-613-4201
f: 540-265-5145
jarret.winningham@usda.gov

5162 Valleypointe Parkway

Roanoke, VA 24019
www.fs.fed.us
Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Thursday, October 4, 2018 7:42 PM
To: McKeague, Dan -FS <dmckeague@fs.fed.us>; Winningham, Jarret -FS <jwinningham@fs.fed.us>
Cc: Nik Gillen <ngillen@transcon.com>; Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Subject: timber sale & pipeline work

Dan or Jarret,

First, I'm copying Galileo and the Transcon project manager to help me track this item.

Do you have the approximate timespan for the timber sale on Peters Mountain? This information would allow us to 1) inform MVP of the range of dates, so the MVP contractors will know to expect other traffic on Pocahontas Rd and 2) allow Transcon to know the range of dates when extra attention should be focused on monitoring roads.

Could you please confirm that the timber sale contractor will address any road improvements that will be needed prior to the use of the roads and any damage as a result of road use for the timber sale? I recall from an email conversation (with Dan) that the timber sale contractor would handle road construction/repairs, but I wanted to double check.

The MVP Project manager has expressed some concerns, but I explained that we'll have Transcon pay extra attention to road monitoring to ensure that damage caused by road use for the timber sale does not become MVP's responsibility. I told her we'd be able to ensure that the timber sale would not affect the pipeline work.

Thank you very much,
Jennifer

Jennifer P. Adams
Special Project Coordinator
Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Brown, JoBeth -FS
To: Rubado, Jessica - FS
Cc: LeMaster, Elizabeth -FS
Subject: FW: Updated MVP Communications Plan
Date: Thursday, October 4, 2018 5:03:07 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
WO Draft MVPCommunicationsPlan_10042018JBrownEdits20181004.docx

---

I'm good with Tim's edits. I made one tiny edit "mountain instead of mount" which should be in track changes.

JoBeth Brown
Staff Officer/Public Affairs Officer

Forest Service
Planning, RIM/GIS, Lands & Special Uses, Collaboration & Partnerships, Public & Legislative Affairs

p: 540-265-5102
jobethbrown@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Thursday, October 4, 2018 4:48 PM
To: Rubado, Jessica - FS <jrubado@fs.fed.us>; Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>
Subject: Updated MVP Communications Plan

I version on Pinyon was way out of date and didn't have edits I made on 9/24. Here is up to date edited version.

Timothy Abing
Director - Lands, Minerals, and Uses
On detail – Pipeline Infrastructure Regional Coordinator

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437

timothy.abing@usda.gov

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us



Caring for the land and serving people

From: Kathmann, Sarah - OGC
To: LeMaster, Elizabeth -FS; McKeague, Dan -FS; Ballew, Katie J -FS; Donaldson, Mike -FS
Cc: Beum, Frank R -FS; Abing, Timothy -FS; McWhirter, Jay - OGC; Bott, Steven - OGC; Adkins, Tracey E -FS; Mulach, Ronald - OGC
Subject: Mountain Valley Closure Orders
Date: Friday, September 28, 2018 10:46:51 AM
Attachments: MVP_Brush Mtn Rd_CO_08-08-11-18-06_signed092818.pdf
MVP_Brush Mtn_Sinking Creek Mtn_CO_08-08-11-18-07_signed092818.pdf
MVP_Peters Mtn_CO_08-08-11-18-08_signed092818.pdf
image001.png
MVP_termination_ECO_08-08-11-18-05_signed092818.pdf

All,

(b)(5), Deliberative Process Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: Abing, Timothy -FS
To: Adams, Jennifer - FS; Overcash, Karen B -FS
Cc: Timm, Joby -FS; LeMaster, Elizabeth -FS
Subject: Mountain Valley Pipeline Plan of Development Review
Date: Friday, July 28, 2017 10:22:23 AM
Attachments: image001.png
image002.png
image003.png
image004.png

(b)(5); Deliberative Process Privilege

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us


Caring for the land and serving people

From:	Tammy Belinsky
To:	LeMaster, Elizabeth -FS
Cc:	Abing, Timothy -FS; Adams, Jennifer - FS; Arney, Ken S -FS
Subject:	Mountain Valley Pipeline
Date:	Friday, September 28, 2018 12:34:25 PM
Attachments:	Letter to USFS on Remand 09 28 18.pdf

Dear Supervisor LeMaster,

Please see the attached letter on behalf of The Wilderness Society, Preserve Craig, Inc., and Save Monroe, Inc.

Tammy L. Belinsky, Esq.

From: Brown, JoBeth -FS
To: LeMaster, Elizabeth -FS; Rubado, Jessica - FS
Subject: MVP info to legislative staff
Date: Monday, October 1, 2018 3:55:34 PM
Attachments: image001.png
image002.png
image003.png
image004.png

I sent the news release to Congressman Griffith's staff (Christiansburg, Abingdon, DC)
Senator Kaine's staff (Roanoke, DC)
Senator Warner's staff (Roanoke, Abingdon)
And a courtesy copy to Congressman Goodlatte's staff (Pete Larkin, COS; Harrisonburg, Stanton, Roanoke)

JoBeth Brown
Staff Officer/Public Affairs Officer

Forest Service
Planning, RIM/GIS, Lands & Special Uses, Collaboration & Partnerships, Public & Legislative Affairs

p: 540-265-5102
jobethbrown@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
To: Kathmann, Sarah - OGC; Beum, Frank R -FS; Abing, Timothy -FS
Cc: LeMaster, Elizabeth -FS; Grace Ellis; Lauren Johnston
Subject: MVP SEIS
Date: Wednesday, October 24, 2018 9:55:28 AM
Attachments: image001.png

(b)(5); Attorney Work Product Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From:	Johnson, Stephanie N -FS
To:	Beum, Frank R -FS; O"Connor, Kathryn -FS; LeMaster, Elizabeth -FS; Abing, Timothy -FS; Brown, JoBeth -FS; Rubado, Jessica - FS; Ransom, Ashlee D -FS
Cc:	Williams, Michael R -FS; JON MCMILLAN; Weaver, Wendi -FS; Albert, Donavan -FS; Anderson, Babete R -FS; Pardi, Nicholas - FS
Subject:	Outline of MVP/ ACP communication products approval process
Date:	Thursday, October 4, 2018 5:12:29 PM
Attachments:	image001.png image002.png image003.png image004.png

---

I spoke today with Katie O'Connor, Communication Director in the WO. We talked through a more refined review/ concurrence process associated with MVP/ ACP pipelines communication products. We are still following the usual process for WO-OC, but because of the need for timeliness and the complexity of the pipeline projects, we are dividing it into three categories to provide some clarity:

1) **Talking Points**
2) **Communication Strategies**
3) **News Releases**

Talking Points – These are needed more often and more quickly. Depending upon the sensitivity of the talkers, they might require high-level review. Others will just require USDA concurrence/ awareness. This process applies for talking points not only for use with the press, but also externals and internals (because internal is external here, as we know). We have been writing talking points for multiple audiences on these projects, so this should work fine for us.

We will handle these as we do all other talking points –

1) The pipeline team will draft and review (including OGC review) and send to R8-OC.
    a. There is not a FS standard format for talking points, outside of the industry standard. However, please ensure the intended audience is included on each submittal.
2) R8-OC will review and submit to WO-Media Desk
    a. R8-OC review will be managed by Ashlee Ransom. Either myself or Deputy Director Jon McMillan (arrives 10/15) will be the final reviewer.
    b. Ashlee will submit to WO-Media Desk; WO-Media Desk will share with USDA-OC for awareness/ concurrence.
    c. Turnaround on this process is about 2 hours, depending upon complexity and timing of submittal. WO-Media Desk will return to Ashlee, who will push back to pipeline team.

Communication Strategies – These should **NOT** be submitted for review every time they are updated, nor should they be submitted every time talking points are updated. However, these should be kept updated and filed in the Pinyon folder (that the RO and WO have access to) for use AS NEEDED. This means they need to stay as updated as possible. When bigger shifts occur (lawsuits, court rulings, decisions, etc.), both RO and WO will want to grab the latest version to use as an operational linchpin for other communication (talking points and/or news releases) both with the WO and with USDA. That means the communication strategies should be lean, mean and easy to

update.

News Releases – These will be handled using the same process as outlined above for talking points. HOWEVER, there is a standard format for news releases. Also, depending upon the subject/ timing of the news release, an updated communication plan may be pulled to serve as the foundational support for the release. This again pinpoints the need for the strategies to be kept updated in the Pinyon folder.

I hope this helps streamline things a bit. Let me know if you have any questions and I will try to resolve them.

Stephanie Neal Johnson
Director, Office of Communication

Forest Service
Southern Region

p: 404-347-4116
c: 404-895-1709
snjohnson@fs.fed.us

1720 Peachtree Street NW, Room 700 South
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
To: Joby -FS Timm (jtimm@fs.fed.us)
Subject: Pipeline Mtgs
Date: Friday, September 28, 2018 9:24:00 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Which mtgs should I make sure the Dir of Lands/Min./SU are invited to?

- MVP – internal and external
- ACP – internal and external
- RO – Friday updates

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
To: Adams, Jennifer - FS
Subject: Qs
Date: Friday, September 28, 2018 11:55:00 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Do you have any thoughts on the MVP closure orders posting? I don't think I want to do a news release but post on our website.

Hope your voice is getting better!

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From:	Abing, Timothy -FS
To:	Rubado, Jessica - FS
Cc:	LeMaster, Elizabeth -FS; Brown, JoBeth -FS; Johnson, Stephanie N -FS; Ransom, Ashlee D -FS; Williams, Michael R -FS; Beum, Frank R -FS; McKeague, Dan -FS; Ballew, Katie J -FS
Subject:	Re: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders
Date:	Friday, September 28, 2018 3:32:41 PM
Attachments:	image001.png image002.png image003.png image004.png

---

MVP reports that they expect to start stabilization work on Monday, weather and ROW conditions permitting.

Sent from my iPhone

On Sep 28, 2018, at 3:21 PM, Rubado, Jessica - FS <jrubado@fs.fed.us> wrote:

> Thanks Tim – I was just writing an email to that effect!
>
> My email concluded with: Please proceed with review of the news release and any assistance with expediting it would be appreciated.
>
> I've attached it again so it's easy to find.
>
> Best,
> Jessica
>
> <image001.png>
> **Jessica Rubado**
> **Project Manager/Acting Land Minerals and Special Uses Service Line Manager**
> **Forest Service**
> **Washington Office, Business Operations, Enterprise Program**
> **p: 503-314-0767**
> **jrubado@fs.fed.us**
> **Naples, FL 34114**
> www.fs.fed.us
> <image002.png><image003.png><image004.png>
> **Caring for the land and serving people**
>
> ---
>
> **From:** Abing, Timothy -FS
> **Sent:** Friday, September 28, 2018 3:20 PM
> **To:** Rubado, Jessica - FS <jrubado@fs.fed.us>
> **Cc:** LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Williams, Michael R -FS <mrwilliams04@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
> **Subject:** Re: Approval Requested By Monday: Draft News Release Mountain Valley

Closure Orders

FERC provided a letter to MVP stating they accept the stabilization plan for the JNF. MVP now has the authorization it needs to proceed with stabilization work on the Forest. We are in contact with MVP to find out when they intend to start. We would like the draft release before sending to media.

Sent from my iPhone

On Sep 28, 2018, at 2:42 PM, Rubado, Jessica - FS <jrubado@fs.fed.us> wrote:

> Beth and JoBeth –
>
> Can you confirm that the news release is for Monday October 1, 2018? Ashlee recall a news release will get issued around October 13, 2018 but not immediately in reaction to the closure orders.
>
> The RO is holding off review until you confirm the news release is for Monday.
>
> I'll try to call as well.
>
> Best,
> Jessica
>
> <image001.png>
> **Jessica Rubado**
> **Project Manager/Acting Land Minerals and Special Uses Service Line Manager**
> **Forest Service**
> **Washington Office, Business Operations, Enterprise Program**
> **p: 503-314-0767**
> **jrubado@fs.fed.us**
> **Naples, FL 34114**
> www.fs.fed.us
> <image002.png><image003.png><image004.png>
> **Caring for the land and serving people**

From: Rubado, Jessica - FS
Sent: Friday, September 28, 2018 2:26 PM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Williams, Michael R -FS <mrwilliams04@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>

Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders
Importance: High

Hi All –

I took a quick run at drafting the attached news release based on Beth's request. I have an appointment for a while, and then I'll be back to post the orders on the web. Since the forest would like to issue the release on Monday I wanted to get it to you as soon I had notice about it (Beth's email was the first I've heard we were issuing stabilization closure orders)– it has some formatting issues I'll address but please review it for content.

As a bit of a plug, a heads up that this was coming might give us a better chance of getting materials approved, and the quality of the materials sent in for review… I know this is a very minute by minute project but it never hurts to make the plea. :)

The news release is also posted to box here:
https://usfs.box.com/s/jupca5sbijvht20hu857qdlxaplzimy1

Please let me know what edits you have and if we can get this up to the WO for approval in time to send it out on Monday.

Best,
Jessica

<image001.png>
Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us
<image002.png><image003.png><image004.png>
Caring for the land and serving people

From: LeMaster, Elizabeth -FS
Sent: Friday, September 28, 2018 1:13 PM
To: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Rubado, Jessica - FS

<jrubado@fs.fed.us>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: FW: Mountain Valley Closure Orders

So this is our game plan – please advise if you have suggestions/concerns.

- <!--[if !supportLists]-->• <!--[endif]-->We will post the COs (and the termination) on our website.
- <!--[if !supportLists]-->• <!--[endif]-->We will wait for a news release on Monday to include stabilization activity, COs, and first amendment site reminder (if needed).
- <!--[if !supportLists]-->• <!--[endif]-->We will send an email to employees on Monday with updates.
- <!--[if !supportLists]-->• <!--[endif]-->Dan will decide where to post the COs – needed at office, and on the seasonal gate, and remove the ones from Pocahontas Rd.

What did we forget??

Thanks, Beth

<image001.png>

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us
<image002.png><image003.png><image004.png>

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 10:47 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>
Cc: Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; McWhirter, Jay - OGC <JAY.MCWHIRTER@OGC.USDA.GOV>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Adkins, Tracey E -FS

<tadkins@fs.fed.us>; Mulach, Ronald - OGC
<RONALD.MULACH@OGC.USDA.GOV>
Subject: Mountain Valley Closure Orders

All,

(b)(5), Attorney Work Product Privilege

<image005.png>

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

<NewsRelease-FS_MVP_NewClosureOrders_09282018_draft.docx>

From:	Rubado, Jessica - FS
To:	Abing, Timothy -FS; LeMaster, Elizabeth -FS
Cc:	Brown, JoBeth -FS; Johnson, Stephanie N -FS; Ransom, Ashlee D -FS; Williams, Michael R -FS; Beum, Frank R -FS; McKeague, Dan -FS; Ballew, Katie J -FS
Subject:	RE: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders
Date:	Sunday, September 30, 2018 9:12:56 AM
Attachments:	NewsRelease-FS_MVP_NewClosureOrders_09282018_draftELTAedits.docx Draft MVPCommunicationsPlan_09252018 AR TA edits incorporated.docx image001.png image002.png image003.png image004.png image005.png image006.png

---

Thanks Tim –

For those of you who would like to review edits without logging in the draft news release and revised brief communication plan are attached. If you would like to provide edits, they are preferred in box but you can also email them and I'll incorporated them into the versions saved to box.

The box link where these are posted is located:
https://usfs.box.com/s/jupca5sbijvht20hu857qdlxaplzimy1

Best,
Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us
Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Saturday, September 29, 2018 8:02 AM
To: Rubado, Jessica - FS <jrubado@fs.fed.us>; LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Williams, Michael R -FS <mrwilliams04@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: RE: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders

I made some edits on the document posted in box/pinyon.

Timothy Abing
Director - Lands, Minerals, and Uses
On detail – Pipeline Infrastructure Regional Coordinator

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Rubado, Jessica - FS
Sent: Friday, September 28, 2018 4:04 PM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Williams, Michael R -FS <mrwilliams04@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: RE: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders

Please use this updated version with some edits from Beth in your review. I've also updated the version on box: https://usfs.box.com/s/jupca5sbijvht20hu857qdlxaplzimy1

Best,
Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager

Forest Service
Washington Office, Business Operations, Enterprise Program

p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114

www.fs.fed.us

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
Sent: Friday, September 28, 2018 4:00 PM
To: Rubado, Jessica - FS <jrubado@fs.fed.us>

Cc: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Williams, Michael R -FS <mrwilliams04@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: Re: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders

Yes Confirmed for Monday.

Sent from my iPhone

On Sep 28, 2018, at 2:42 PM, Rubado, Jessica - FS <jrubado@fs.fed.us> wrote:

> Beth and JoBeth –
>
> Can you confirm that the news release is for Monday October 1, 2018? Ashlee recall a news release will get issued around October 13, 2018 but not immediately in reaction to the closure orders.
>
> The RO is holding off review until you confirm the news release is for Monday.
>
> I'll try to call as well.
>
> Best,
> Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us



Caring for the land and serving people

From: Rubado, Jessica - FS
Sent: Friday, September 28, 2018 2:26 PM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Williams, Michael R -FS <mrwilliams04@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS

<katiejballew@fs.fed.us>
Subject: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders
Importance: High

Hi All –

I took a quick run at drafting the attached news release based on Beth's request. I have an appointment for a while, and then I'll be back to post the orders on the web. Since the forest would like to issue the release on Monday I wanted to get it to you as soon I had notice about it (Beth's email was the first I've heard we were issuing stabilization closure orders)– it has some formatting issues I'll address but please review it for content.

As a bit of a plug, a heads up that this was coming might give us a better chance of getting materials approved, and the quality of the materials sent in for review… I know this is a very minute by minute project but it never hurts to make the plea. :)

The news release is also posted to box here:
https://usfs.box.com/s/jupca5sbijvht20hu857qdlxaplzimy1

Please let me know what edits you have and if we can get this up to the WO for approval in time to send it out on Monday.

Best,
Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
Sent: Friday, September 28, 2018 1:13 PM
To: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Rubado, Jessica - FS <jrubado@fs.fed.us>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>

Subject: FW: Mountain Valley Closure Orders

So this is our game plan – please advise if you have suggestions/concerns.

- We will post the COs (and the termination) on our website.
- We will wait for a news release on Monday to include stabilization activity, COs, and first amendment site reminder (if needed).
- We will send an email to employees on Monday with updates.
- Dan will decide where to post the COs – needed at office, and on the seasonal gate, and remove the ones from Pocahontas Rd.

What did we forget??

Thanks, Beth

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 10:47 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>
Cc: Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; McWhirter, Jay - OGC <JAY.MCWHIRTER@OGC.USDA.GOV>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Adkins, Tracey E -FS <tadkins@fs.fed.us>; Mulach, Ronald - OGC <RONALD.MULACH@OGC.USDA.GOV>
Subject: Mountain Valley Closure Orders

All,

(b)(5); Attorney Work Product Privilege

(b)(5); Attorney Work Product Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
✉ **Sarah.Kathmann@ogc.usda.gov**

From:	Beum, Frank R -FS
To:	Ransom, Ashlee D -FS; Rubado, Jessica - FS
Cc:	Abing, Timothy -FS; LeMaster, Elizabeth -FS; Brown, JoBeth -FS; Johnson, Stephanie N -FS; Williams, Michael R -FS; McKeague, Dan -FS; Ballew, Katie J -FS
Subject:	RE: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders
Date:	Monday, October 1, 2018 12:48:52 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png image006.png NewsRelease-FS_MVP_NewClosureOrders_10012018_jr_frb_edits.docx

---

Ashlee –

Jessica and I have made a few edits to the version you sent to the WO. See attached.

Do you know the status of the WO review?

— Frank

Frank Beum
Deputy Regional Forester
On Detail – Pipeline Infrastructure Executive

Forest Service
Southern and Eastern Regions

p: 404-347-2872
c: 404-272-9413
f: 404-347-4821
fbeum@fs.fed.us

1720 Peachtree Road, NW, Suite 792 South
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Ransom, Ashlee D -FS
Sent: Monday, October 1, 2018 9:00 AM
To: Rubado, Jessica - FS <jrubado@fs.fed.us>
Cc: Abing, Timothy -FS <tabing@fs.fed.us>; LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Williams, Michael R -FS <mrwilliams04@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: Re: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders

Good morning! I took a look at the docs this weekend and I am good with them. I have sent them along to WO OC and they are taking a look.

On Oct 1, 2018, at 8:45 AM, Rubado, Jessica - FS <jrubado@fs.fed.us> wrote:

Happy Monday Everyone!

I heard from Dan and Beth that they are good with the draft with Tim's edits. We're just waiting for the green light that we're approved to send out the news release.

Can someone from the RO weigh in on that?

We haven't seen if this has been forwarded to the WO or if other review channels have been explored but I know Beth would like to get this sent out today.

Best,
Jessica



Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager

Forest Service
Washington Office, Business Operations, Enterprise Program

p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114

www.fs.fed.us
<image002.png><image003.png><image004.png>

Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Saturday, September 29, 2018 8:02 AM
To: Rubado, Jessica - FS <jrubado@fs.fed.us>; LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Williams, Michael R -FS <mrwilliams04@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: RE: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders

I made some edits on the document posted in box/pinyon.

Timothy Abing
Director - Lands, Minerals, and Uses
On detail – Pipeline Infrastructure Regional Coordinator

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898

f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us
<image002.png><image003.png><image004.png>

Caring for the land and serving people

From: Rubado, Jessica - FS
Sent: Friday, September 28, 2018 4:04 PM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Williams, Michael R -FS <mrwilliams04@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: RE: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders

Please use this updated version with some edits from Beth in your review. I've also updated the version on box: https://usfs.box.com/s/jupca5sbijvht20hu857qdlxaplzimy1

Best,
Jessica

<image001.png>

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager

Forest Service
Washington Office, Business Operations, Enterprise Program

p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114

www.fs.fed.us
<image002.png><image003.png><image004.png>

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
Sent: Friday, September 28, 2018 4:00 PM
To: Rubado, Jessica - FS <jrubado@fs.fed.us>
Cc: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Williams, Michael R -FS <mrwilliams04@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>;

Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: Re: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders

Yes Confirmed for Monday.

Sent from my iPhone

On Sep 28, 2018, at 2:42 PM, Rubado, Jessica - FS <jrubado@fs.fed.us> wrote:

> Beth and JoBeth –
>
> Can you confirm that the news release is for Monday October 1, 2018? Ashlee recall a news release will get issued around October 13, 2018 but not immediately in reaction to the closure orders.
>
> The RO is holding off review until you confirm the news release is for Monday.
>
> I'll try to call as well.
>
> Best,
> Jessica
>
> <image001.png>
> **Jessica Rubado**
> **Project Manager/Acting Land Minerals and Special Uses Service Line Manager**
> **Forest Service**
> **Washington Office, Business Operations, Enterprise Program**
> **p: 503-314-0767**
> **jrubado@fs.fed.us**
> **Naples, FL 34114**
> www.fs.fed.us
> <image002.png><image003.png><image004.png>
> **Caring for the land and serving people**

From: Rubado, Jessica - FS
Sent: Friday, September 28, 2018 2:26 PM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Williams, Michael R -FS <mrwilliams04@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>

Subject: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders
Importance: High

Hi All –

I took a quick run at drafting the attached news release based on Beth's request. I have an appointment for a while, and then I'll be back to post the orders on the web. Since the forest would like to issue the release on Monday I wanted to get it to you as soon I had notice about it (Beth's email was the first I've heard we were issuing stabilization closure orders)– it has some formatting issues I'll address but please review it for content.

As a bit of a plug, a heads up that this was coming might give us a better chance of getting materials approved, and the quality of the materials sent in for review… I know this is a very minute by minute project but it never hurts to make the plea. :)

The news release is also posted to box here:
https://usfs.box.com/s/jupca5sbijvht20hu857qdlxaplzimy1

Please let me know what edits you have and if we can get this up to the WO for approval in time to send it out on Monday.

Best,
Jessica



Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager

Forest Service
Washington Office, Business Operations, Enterprise Program

p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114

www.fs.fed.us
<image002.png><image003.png><image004.png>

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
Sent: Friday, September 28, 2018 1:13 PM
To: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Rubado, Jessica - FS <jrubado@fs.fed.us>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS

<katiejballew@fs.fed.us>
Subject: FW: Mountain Valley Closure Orders

So this is our game plan – please advise if you have suggestions/concerns.

- We will post the COs (and the termination) on our website.
- We will wait for a news release on Monday to include stabilization activity, COs, and first amendment site reminder (if needed).
- We will send an email to employees on Monday with updates.
- Dan will decide where to post the COs – needed at office, and on the seasonal gate, and remove the ones from Pocahontas Rd.

What did we forget??

Thanks, Beth

<image001.png>
Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us
<image002.png><image003.png><image004.png>

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 10:47 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>
Cc: Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; McWhirter, Jay - OGC <JAY.MCWHIRTER@OGC.USDA.GOV>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Adkins, Tracey E -FS <tadkins@fs.fed.us>; Mulach, Ronald - OGC <RONALD.MULACH@OGC.USDA.GOV>
Subject: Mountain Valley Closure Orders

All,

(b)(5), Attorney Work Product Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From:	Abing, Timothy -FS
To:	Rubado, Jessica - FS
Cc:	LeMaster, Elizabeth -FS; Brown, JoBeth -FS; Johnson, Stephanie N -FS; Ransom, Ashlee D -FS; Williams, Michael R -FS; Beum, Frank R -FS; McKeague, Dan -FS; Ballew, Katie J -FS
Subject:	Re: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders
Date:	Friday, September 28, 2018 3:19:45 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png

---

FERC provided a letter to MVP stating they accept the stabilization plan for the JNF. MVP now has the authorization it needs to proceed with stabilization work on the Forest. We are in contact with MVP to find out when they intend to start. We would like the draft release before sending to media.

Sent from my iPhone

On Sep 28, 2018, at 2:42 PM, Rubado, Jessica - FS <jrubado@fs.fed.us> wrote:

> Beth and JoBeth –
>
> Can you confirm that the news release is for Monday October 1, 2018? Ashlee recall a news release will get issued around October 13, 2018 but not immediately in reaction to the closure orders.
>
> The RO is holding off review until you confirm the news release is for Monday.
>
> I'll try to call as well.
>
> Best,
> Jessica
>
> <image001.png>
> **Jessica Rubado**
> **Project Manager/Acting Land Minerals and Special Uses Service Line Manager**
> **Forest Service**
> **Washington Office, Business Operations, Enterprise Program**
> **p: 503-314-0767**
> **jrubado@fs.fed.us**
> **Naples, FL 34114**
> www.fs.fed.us
> <image002.png><image003.png><image004.png>
> **Caring for the land and serving people**
>
> ---
>
> **From:** Rubado, Jessica - FS
> **Sent:** Friday, September 28, 2018 2:26 PM

To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Williams, Michael R -FS <mrwilliams04@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: Approval Requested By Monday: Draft News Release Mountain Valley Closure Orders
Importance: High

Hi All –

I took a quick run at drafting the attached news release based on Beth's request. I have an appointment for a while, and then I'll be back to post the orders on the web. Since the forest would like to issue the release on Monday I wanted to get it to you as soon I had notice about it (Beth's email was the first I've heard we were issuing stabilization closure orders)– it has some formatting issues I'll address but please review it for content.

As a bit of a plug, a heads up that this was coming might give us a better chance of getting materials approved, and the quality of the materials sent in for review… I know this is a very minute by minute project but it never hurts to make the plea. :)

The news release is also posted to box here:
https://usfs.box.com/s/jupca5sbijvht20hu857qdlxaplzimy1

Please let me know what edits you have and if we can get this up to the WO for approval in time to send it out on Monday.

Best,
Jessica



Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us

Caring for the land and serving people

From: LeMaster, Elizabeth -FS

Sent: Friday, September 28, 2018 1:13 PM
To: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Rubado, Jessica - FS <jrubado@fs.fed.us>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: FW: Mountain Valley Closure Orders

So this is our game plan – please advise if you have suggestions/concerns.

- <!--[if !supportLists]-->• <!--[endif]-->We will post the COs (and the termination) on our website.
- <!--[if !supportLists]-->• <!--[endif]-->We will wait for a news release on Monday to include stabilization activity, COs, and first amendment site reminder (if needed).
- <!--[if !supportLists]-->• <!--[endif]-->We will send an email to employees on Monday with updates.
- <!--[if !supportLists]-->• <!--[endif]-->Dan will decide where to post the COs – needed at office, and on the seasonal gate, and remove the ones from Pocahontas Rd.

What did we forget??

Thanks, Beth

<image001.png>

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us
<image002.png><image003.png><image004.png>

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 10:47 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>
Cc: Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; McWhirter, Jay - OGC <JAY.MCWHIRTER@OGC.USDA.GOV>; Bott, Steven - OGC

<STEVEN.BOTT@OGC.USDA.GOV>; Adkins, Tracey E -FS <tadkins@fs.fed.us>; Mulach, Ronald - OGC <RONALD.MULACH@OGC.USDA.GOV>

Subject: Mountain Valley Closure Orders

(b)(5), Attorney Work Product Privilege

<image005.png>

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
✉ **Sarah.Kathmann@ogc.usda.gov**

From:	LeMaster, Elizabeth -FS
To:	"Kathmann, Sarah - OGC"
Cc:	McKeague, Dan -FS; Ballew, Katie J -FS; Donaldson, Mike -FS; Bott, Steven - OGC; Abing, Timothy -FS; Beum, Frank R -FS; Adkins, Tracey E -FS
Subject:	RE: Closure Order for Brush Mountain Road - ready for signature
Date:	Friday, September 28, 2018 8:52:00 AM
Attachments:	MVP_Brush Mtn Rd_CO_08-08-11-18-06_signed092818.pdf image002.png image003.png image004.png image005.png image006.png

Signed Copy.

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 8:38 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Adkins, Tracey E -FS <tadkins@fs.fed.us>
Subject: Closure Order for Brush Mountain Road - ready for signature

(b)(5); Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
✉ **Sarah.Kathmann@ogc.usda.gov**

From:	LeMaster, Elizabeth -FS
To:	"Kathmann, Sarah - OGC"
Cc:	McKeague, Dan -FS; Ballew, Katie J -FS; Donaldson, Mike -FS; Bott, Steven - OGC; Beum, Frank R -FS; Abing, Timothy -FS
Subject:	RE: Closure Order for Brush Mountain/Sinking Creek Mountain ROW
Date:	Friday, September 28, 2018 8:58:00 AM
Attachments:	MVP_Brush Mtn_Sinking Creek Mtn_CO_08-08-11-18-07_signed092818.pdf image002.png image003.png image004.png image005.png image006.png

Signed copy attached.

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 8:49 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Subject: Closure Order for Brush Mountain/Sinking Creek Mountain ROW

(b)(5); Attorney Work Product Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309

☎ 404-347-1072 (Voice)
470-330-1121 (Work Cell)
844-217-8320 (Fax)
✉ Sarah.Kathmann@ogc.usda.gov

From: LeMaster, Elizabeth -FS
To: "Kathmann, Sarah - OGC"
Subject: RE: Closure Order for ROW on Peters Mountain
Date: Friday, September 28, 2018 10:44:00 AM
Attachments: MVP_termination_ECO_08-08-11-18-05_signed092818.pdf
image002.png
image003.png
image004.png
image005.png
image006.png

Here is the term signed.

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 10:29 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Subject: RE: Closure Order for ROW on Peters Mountain

(b)(5), Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
404-347-1072 (Voice)
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: LeMaster, Elizabeth -FS
Sent: Friday, September 28, 2018 10:17 AM

To: Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Subject: RE: Closure Order for ROW on Peters Mountain

Signed CO.

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 10:08 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Subject: Closure Order for ROW on Peters Mountain

(b)(5); Attorney Work Product Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW

Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
✉ Sarah.Kathmann@ogc.usda.gov

From:	LeMaster, Elizabeth -FS
To:	"Kathmann, Sarah - OGC"
Cc:	McKeague, Dan -FS; Ballew, Katie J -FS; Donaldson, Mike -FS; Bott, Steven - OGC; Beum, Frank R -FS; Abing, Timothy -FS
Subject:	RE: Closure Order for ROW on Peters Mountain
Date:	Friday, September 28, 2018 10:16:00 AM
Attachments:	image002.png image003.png image004.png image005.png image006.png MVP_Peters Mtn_CO_08-08-11-18-08_signed092818.pdf

Signed CO.

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 10:08 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Subject: Closure Order for ROW on Peters Mountain

(b)(5), Attorney Work Product Privilege

USDA
Sarah Kathmann
Attorney-Advisor

Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
✉ **Sarah.Kathmann@ogc.usda.gov**

From: LeMaster, Elizabeth -FS
To: "Kathmann, Sarah - OGC"
Subject: RE: Closure Orders for MVP
Date: Friday, September 28, 2018 8:41:00 AM
Attachments: image002.png
image003.png
image004.png
image005.png
image006.png

Sounds good.

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 8:05 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Subject: RE: Closure Orders for MVP

(b)(5); Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ 404-347-1072 (Voice)
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: LeMaster, Elizabeth -FS
Sent: Friday, September 28, 2018 7:54 AM
To: Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Subject: RE: Closure Orders for MVP

(b)(5), Attorney Work Product Privilege

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

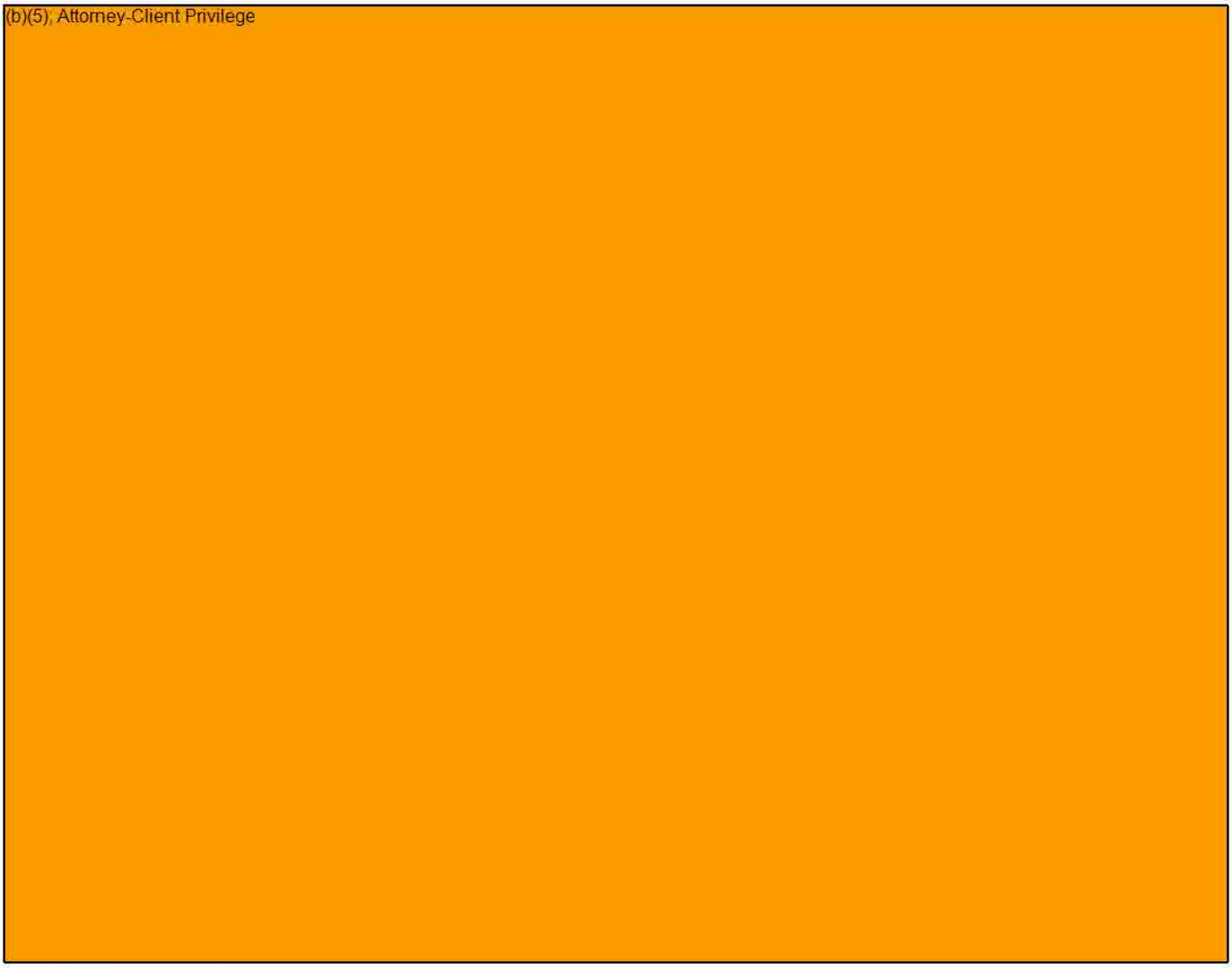
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Thursday, September 27, 2018 9:39 PM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Subject: Closure Orders for MVP

Hey Beth,

(b)(5); Attorney-Client Privilege



Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309

☎ 404-347-1072 (Voice)
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: LeMaster, Elizabeth -FS
Sent: Thursday, September 27, 2018 2:31 PM
To: Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Subject: RE: Closure Order Numbers for MVP?

(b)(5); Attorney Work Product Privilege

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Thursday, September 27, 2018 9:47 AM
To: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Cc: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Adkins, Tracey E -FS <tadkins@fs.fed.us>
Subject: Closure Order Numbers for MVP?

(b)(5); Attorney Work Product Privilege

(b)(5); Attorney Work Product Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: Kathmann, Sarah - OGC
To: LeMaster, Elizabeth -FS
Subject: RE: Closure Orders for MVP
Date: Friday, September 28, 2018 8:05:12 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

(b)(5); Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: LeMaster, Elizabeth -FS
Sent: Friday, September 28, 2018 7:54 AM
To: Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Subject: RE: Closure Orders for MVP

(b)(5); Attorney-Client Privilege

Page 114

Withheld pursuant to exemption

(b)(5) ; Attorney-Client Privilege

of the Freedom of Information and Privacy Act

Page 115

Withheld pursuant to exemption

(b)(5) ; Attorney-Client Privilege

of the Freedom of Information and Privacy Act

Page 116

Withheld pursuant to exemption

(b)(5) ; Attorney-Client Privilege

of the Freedom of Information and Privacy Act

From:	Rubado, Jessica - FS
To:	LeMaster, Elizabeth -FS
Cc:	Brown, JoBeth -FS
Subject:	RE: Comm plan
Date:	Tuesday, October 2, 2018 4:23:37 PM
Attachments:	image001.png image002.png image003.png image004.png

---

No, we do not. The MVP communication plan went up with the news release but no word back on that yet. The ACP communication plan review stopped when we heard about the court stopping work.

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager

Forest Service
Washington Office, Business Operations, Enterprise Program

p: 503-314-0767
jrubado@usda.gov
Naples, FL 34114

www.fs.fed.us

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
Sent: Tuesday, October 2, 2018 4:22 PM
To: Rubado, Jessica - FS <jrubado@fs.fed.us>
Cc: Brown, JoBeth -FS <jobethbrown@fs.fed.us>
Subject: Comm plan

Do we have an approved communication plan and talking points yet for either pipelines?
I am staying confused.

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From:	Adams, Jennifer - FS
To:	Maria Martin; Abing, Timothy -FS; Twaroski, Jim -FS; Hise, Laura B -FS; LeMaster, Elizabeth -FS; Erba, Anthony E -FS; Thompson, Clyde N -FS
Cc:	Hess, Todd A -FS; Madden, Michael J -FS; Peter Rocco; acp@transcon.com
Subject:	RE: CSI and Citizen Observers Reporting ACP/MVP Non-Compliance to USFS
Date:	Friday, September 28, 2018 12:36:40 PM
Attachments:	image003.png image001.png

Thank you.
I'll review my email and make any clarification based on Tim's comments on our call this morning.

Tim—thanks for answering all my questions on the call. That was helpful!

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Maria Martin [mailto:maria.martin@galileoaz.com]
Sent: Friday, September 28, 2018 12:32 PM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>; Hise, Laura B -FS <lhise@fs.fed.us>; LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Erba, Anthony E -FS <aerba@fs.fed.us>; Thompson, Clyde N -FS <cnthompson@fs.fed.us>
Cc: Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; Peter Rocco <peter.rocco@galileoaz.com>; acp@transcon.com
Subject: RE: CSI and Citizen Observers Reporting ACP/MVP Non-Compliance to USFS

Hi Jennifer –

We will forward the information on to you and the others listed below and let you or Todd thank them for the submittal.

Thanks,

Maria

Maria L. Martin
Galileo Project LLC
4700 S McClintock Dr, Suite 100
Tempe, AZ 85282
480-629-4705 – office
480-888-6283 – cell
www.galileoaz.com

From: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Sent: Thursday, September 27, 2018 9:12 PM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>; Hise, Laura B -FS <lhise@fs.fed.us>; LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Erba, Anthony E -FS <aerba@fs.fed.us>; Thompson, Clyde N -FS <cnthompson@fs.fed.us>
Cc: Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: FW: CSI and Citizen Observers Reporting ACP/MVP Non-Compliance to USFS

All,
You can see my response below to the CSI group about how to submit non-compliances to the FS.

Galileo,
When the time comes that we receive such correspondence from CSI, send the information to Transcon, myself, Todd, cc to Mike. I or Todd can thank them on occasion for submitting documentation.

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Thursday, September 27, 2018 10:23 PM

To: 'Malcolm Cameron' <malcolmgcameron@gmail.com>
Cc: Thompson, Clyde N -FS <cnthompson@fs.fed.us>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>; acp@transcon.com; Kirk Bowers <kirk.bowers@sierraclub.org>; Lewis Freeman <lew.freeman@gmail.com>; Richard Brooks <drabrooks@gmail.com>; Rick Webb <rwebb.481@gmail.com>; David Sligh <david@wildvirginia.org>; Autumn Crowe <acrowe@wvrivers.org>; Jacob Lemon <Jacob.Lemon@tu.org>; Hess, Todd A -FS <tahess@fs.fed.us>
Subject: RE: CSI and Citizen Observers Reporting ACP/MVP Non-Compliance to USFS

Malcolm,

I'm writing to follow up on your inquiry below. Though I've not received direction from management, I have had time to consider your request and to consider the fact that you've already reported non-compliances for the MVP and ACP projects on private property to the Va. DEQ, West Va. DEP and FERC. Therefore, I recommend that you use whatever format you've used for those agencies. Please submit any information to the FS by emailing Galileo (Maria and Peter) and they will provide that information to myself, Todd Hess, Transcon, and other folks at the FS.

Thank you for being patient while I got back with you. We appreciate your interest in the Monongahela and George Washington National Forests and we know that you have the concerns of the resources in mind.

Sincerely,
Jennifer

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Malcolm Cameron [mailto:malcolmgcameron@gmail.com]
Sent: Monday, September 24, 2018 11:56 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>

Cc: Thompson, Clyde N -FS <cnthompson@fs.fed.us>; Jankowiak, Connie L -FS <cjankowiak@fs.fed.us>; MacFarlane, Russ -FS <rmacfarlane@fs.fed.us>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>; acp@transcon.com; Kirk Bowers <kirk.bowers@sierraclub.org>; Lewis Freeman <lew.freeman@gmail.com>; Richard Brooks <drabrooks@gmail.com>; Rick Webb <rwebb.481@gmail.com>; David Sligh <david@wildvirginia.org>; Autumn Crowe <acrowe@wvrivers.org>; Jacob Lemon <Jacob.Lemon@tu.org>
Subject: CSI and Citizen Observers Reporting ACP/MVP Non-Compliance to USFS

Jennifer,

Our Compliance Surveillance Initiative group is training local citizen observers and local area coordinators on observing pipeline construction for compliance with Erosion and Sediment Control regulations and Army COE permit requirements, etc.

Is there a standard protocol to follow and/or a website address to use in reporting non-compliance incidents and problem area observations to the GW and Mon. National Forests ?

We will have reports and photo images from both aerial and ground observers.

We already have reported numerous non-compliance incidents for the MVP and ACP on private property to the Va. DEQ and West Va. DEP and FERC.

Since construction will be starting soon for the ACP on the National Forests, we want to coordinate with you on the proper method and protocol to report non-compliance issues.

Thanks for your assistance.

Malcolm Cameron
ABRA-CSI
(540) 234-6273

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

From: Rubado, Jessica - FS
To: Brown, JoBeth -FS
Cc: LeMaster, Elizabeth -FS
Subject: RE: Draft MVP Stabilization Email for Employees
Date: Monday, October 1, 2018 12:27:42 PM
Attachments: image001.png
image002.png
image003.png
image004.png

Thanks for the input JoBeth – see trailing email where I've incorporated the edits you suggested.

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us
Caring for the land and serving people

From: Brown, JoBeth -FS
Sent: Monday, October 1, 2018 11:58 AM
To: Rubado, Jessica - FS <jrubado@fs.fed.us>
Cc: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Subject: FW: Draft MVP Stabilization Email for Employees

This looks great to me. Although we need to add a sentence about referring any inquiries, public and media to the 800# or email address for both MVP and ACP.. Jessica can you add that in and resend to Beth to send out? Also – we might want to mention that the closure order and maps are on the GWJ website. Thanks so much.

JoBeth Brown
Staff Officer/Public Affairs Officer
Forest Service
Planning, RIM/GIS, Lands & Special Uses, Collaboration & Partnerships, Public & Legislative Affairs
p: 540-265-5102
jobethbrown@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us
Caring for the land and serving people

From: Rubado, Jessica - FS
Sent: Monday, October 1, 2018 9:07 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Robbins, Rebecca - FS <rebeccarobbins@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>
Subject: Draft MVP Stabilization Email for Employees

Hi Beth – Here's a run at a draft email for you to send out.

(b)(5); Deliberative Process Privilege

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program

p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us



Caring for the land and serving people

From: Abing, Timothy -FS
To: Kathmann, Sarah - OGC; LeMaster, Elizabeth -FS; Adams, Jennifer - FS; Beum, Frank R -FS
Cc: Grace Ellis; Lauren Johnston
Subject: RE: MVP SEIS
Date: Wednesday, October 24, 2018 10:23:52 AM
Attachments: image007.png
image008.png
image009.png
image010.png
image011.png
image012.png
image013.png

(b)(5), Deliberative Process Privilege

Timothy Abing
Director - Lands, Minerals, and Uses
On detail – Pipeline Infrastructure Regional Coordinator

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
timothy.abing@usda.gov

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Wednesday, October 24, 2018 10:09 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Cc: Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Subject: RE: MVP SEIS

(b)(5), Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**

470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: LeMaster, Elizabeth -FS
Sent: Wednesday, October 24, 2018 10:03 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Cc: Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Subject: RE: MVP SEIS

(b)(5); Deliberative Process Privilege

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Wednesday, October 24, 2018 9:55 AM
To: Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Cc: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Subject: MVP SEIS

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
To: Adams, Jennifer - FS; Kathmann, Sarah - OGC; Beum, Frank R -FS; Abing, Timothy -FS
Cc: Grace Ellis; Lauren Johnston
Subject: RE: MVP SEIS
Date: Wednesday, October 24, 2018 10:02:00 AM
Attachments: image002.png
image003.png
image004.png
image005.png
image006.png

(b)(5), Deliberative Process Privilege

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Wednesday, October 24, 2018 9:55 AM
To: Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Cc: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Subject: MVP SEIS

(b)(5), Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service

George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
To: Rubado, Jessica - FS
Subject: RE: NEWS RELEASE: USDA FOREST SERVICE RECINDS EMERGENCY CLOSURE ORDER FOR THE
Date: Monday, October 1, 2018 3:39:00 PM
Attachments: image001.png
image002.png
image003.png
image004.png

Perfect – thanks, Jessica!

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Rubado, Jessica - FS
Sent: Monday, October 1, 2018 3:37 PM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Williams, Michael R -FS <mrwilliams04@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: FW: NEWS RELEASE: USDA FOREST SERVICE RECINDS EMERGENCY CLOSURE ORDER FOR THE

The release was bcc'd to the following media contact lists – please let me know if you'd like specifics on who that entails:

MEDIA-CLINCH (Updated 2/1/2018); MEDIA-EASTERN DIVIDE (Updated 2/1/2018); MEDIA-GLENWOOD/PEDLAR (Updated 2/1/2018); MEDIA-JAMES RIVER (Updated 2/15/2018); MEDIA-LEE (Updated 2/1/2018); MEDIA-NORTH RIVER (NORTH) (Updated 2/13/2018); MEDIA-NORTH RIVER (SOUTH) (Updated 2/13/2018); MEDIA-NRA (Updated 2/1/2018); MEDIA-SO (Updated 2/14/2018); MEDIA-WARM SPRINGS (Updated 2/15/2018); Jessica - FS Rubado (jrubado@fs.fed.us)

I've checked to confirm and the "Jessica Rubado on behalf of" only shows up on internal mail.

Best,

Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@usda.gov
Naples, FL 34114
www.fs.fed.us
Caring for the land and serving people

From: Rubado, Jessica - FS **On Behalf Of** FS-George Washington and Jefferson National Forests PublicAffairs
Sent: Monday, October 1, 2018 3:28 PM
Subject: NEWS RELEASE: USDA FOREST SERVICE RECINDS EMERGENCY CLOSURE ORDER FOR THE

News Release

USDA FOREST SERVICE RECINDS EMERGENCY CLOSURE ORDER FOR THE MOUNTAIN VALLEY PIPELINE PROJECT RIGHT-OF-WAY AND ACCESS ROADS AND ISSUES CLOSURE ORDERS FOR STABILIZATION

Media Contact: George Washington and Jefferson National Forests Public Affairs
Phone: 1-888-603-0261
Email: GeorgeWashingtonAndJeffersonNationalForests- PublicAffairs@fs.fed.us

ROANOKE, Va., October 1, 2018 – The USDA Forest Service rescinded an emergency closure order
for the Mountain Valley Pipeline Project right-of-way (ROW) and access roads for construction activities on National Forest System (NFS) lands in Monroe County, West Virginia and Giles and Montgomery Counties, Virginia.

The USDA Forest Service issued new closure orders for the stabilization activities of the Mountain Valley Pipeline Project ROW and an access road on National Forest System (NFS) lands in Monroe County, West Virginia and Giles and Montgomery Counties, Virginia. The new closure orders were enacted to protect public safety due to hazards associated with stabilizing the Mountain Valley Pipeline ROW.

One order prohibits going into or to be upon NFS lands within 200 feet of the outer edge of each side of the construction ROW where it's already been cut on Brush Mountain and Sinking Creek Mountain. A second order prohibits going into or being upon the area where trees have been cut ("cut area") on the Peters Mountain construction ROW on NFS lands. A third order prohibits going into or being upon a segment of Brush Mountain Road on NFS lands. The Appalachian National Scenic Trail is excluded from the Peters Mountain closure order and will remain open because it is not within the "cut area" of the ROW.

These new orders are in effect until January 10, 2019 on the segment of Brush

Mountain Road, and December 31, 2019 on the ROW on Brush Mountain, Sinking Creek Mountain, and Peter's Mountain,
unless terminated earlier by the Authorized Officer.

On August 3, 2018, Federal Energy Regulatory Commission (FERC) issued a stop work order for the entire MVP project. On August, 29, 2018, the stop work order was revised to authorize construction to resume on most areas of the project; however, work on a 25-mile stretch of the route (that contains the Jefferson National Forest) remains stopped until issues associated with the recent court ruling are resolved. While FERC's stop work order is in effect on the Jefferson National Forest, the Forest Service is ensuring Mountain Valley Pipeline, LLC takes necessary measures to stabilize and perform interim restoration of construction areas on Brush Mountain and Sinking Creek Mountain. Mountain Valley will require use of construction equipment to implement stabilization measures.

The Forest Service has designated Caldwell Flats Campground as a First Amendment area to accommodate legal protest activity.

The complete text of the closure orders, along with maps, can be viewed on the George Washington and Jefferson National Forests' webpage at the following link: https://www.fs.usda.gov/detailfull/gwj/home/?cid=stelprdb5407016&width=full.

-USFS-

Forest Service
George Washington and Jefferson National Forests
Public Affairs
Phone: 888-603-0261

GeorgeWashingtonAndJeffersonNationalForests-PublicAffairs@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Rubado, Jessica - FS
To: LeMaster, Elizabeth -FS
Cc: Brown, JoBeth -FS
Subject: RE: No Tree Clearing along FS 124
Date: Monday, October 1, 2018 11:43:46 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

Hi Beth – This was scrubbed from recent communication plans but the plan sent to the RO in May/June included the following (never approved):

Public Affairs Officer Media and Public Inquiry Protocol

George Washington and Jefferson National Forests Public Inquiry Protocol

Step	Activity	Responsible
Phone	Public inquiries by phone: • Galileo has set up an 800# for all inquiries. • The 800# automatically sends an email to Galileo when a call comes in. • Galileo enters the message transcript into the tracking table. • Galileo will immediately forward calls that need immediate attention, including press, elected officials, or safety concerns to the public affairs inbox. • Galileo will provide a weekly update of the comments received on the 800# to the Forest PAO and Jessica Rubado.	
Field	• Employees in the field will follow the ACP and MVP "Guide for Public Interaction." • Employees will refer the public to the 800# the public affairs email, or GWJ website for information.	
Documents	Public requesting documents will be referred to	

	the GWJ website. If the documents are not available on the GWJ website, the requestor will be advised to submit a FOIA request for the information. A standard approved email response will be used.	

Monongahela National Forest Public Inquiry Protocol

Step	Activity	Responsible
Phone	Public inquiries by phone: • Directed to Kelly Bridges at 304-635-4432.	
Field	• Employees in the field will follow the ACP "Guide for Public Interaction." • Employees will refer the public to Kelly Bridges at 304-635-4432 or kellybridges@fs.fed.us.	

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
Sent: Monday, October 1, 2018 11:30 AM
To: Rubado, Jessica - FS <jrubado@fs.fed.us>
Cc: Brown, JoBeth -FS <jobethbrown@fs.fed.us>
Subject: RE: No Tree Clearing along FS 124

(b)(5); Deliberative Process Privilege

Beth

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Rubado, Jessica - FS
Sent: Monday, October 1, 2018 10:56 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: Brown, JoBeth -FS <jobethbrown@fs.fed.us>
Subject: FW: No Tree Clearing along FS 124

Hi Beth and JoBeth –

(b)(5); Deliberative Process Privilege

Best,
Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager

Forest Service
Washington Office, Business Operations, Enterprise Program

p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114

www.fs.fed.us

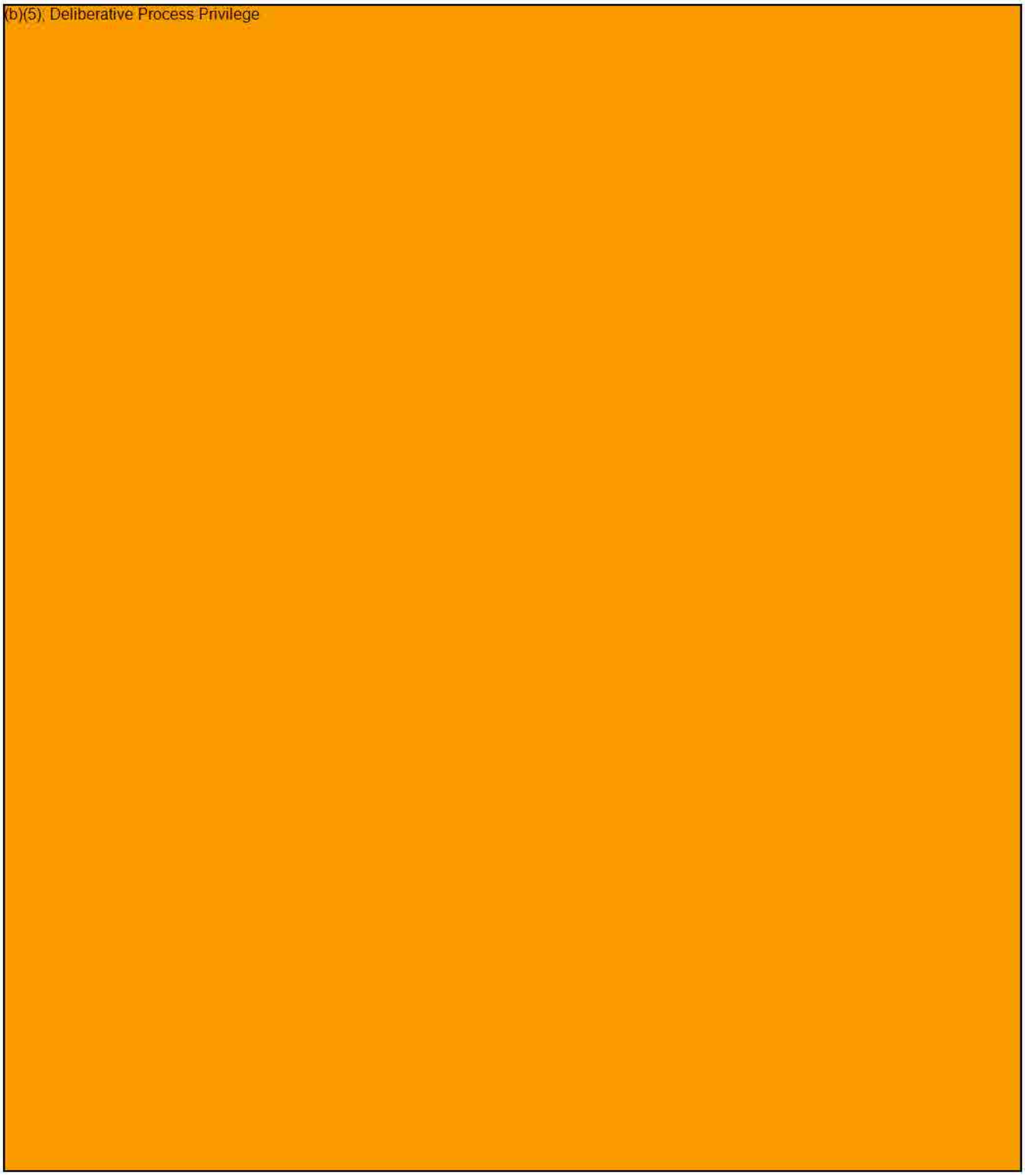
Page 136

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

(b)(5), Deliberative Process Privilege



Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019
Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Sunday, September 30, 2018 10:23 PM
To: 'wflimpert@gmail.com' <wflimpert@gmail.com>
Cc: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; 'lewfreeman@gmail.com' <lewfreeman@gmail.com>; 'rwebb.481@gmail.com' <rwebb.481@gmail.com>; 'davidwsligh@yahoo.com' <davidwsligh@yahoo.com>; 'limpstur1@gmail.com' <limpstur1@gmail.com>; 'lee@leebrauer.com' <lee@leebrauer.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: RE: No Tree Clearing along FS 124

Mr. Limpert,

I am writing to respond to you on the behalf of District Ranger McNichols. I'm copying Elizabeth, and also one of our colleagues on the MNF (Todd Hess) who works closely with me, Clyde and others on the pipeline projects. I'm also copying Maria Martin and Peter Rocco of Galileo, who work for the FS to help us with many tasks.

The erosion and sediment control plans in Virginia would actually be approved by the WV Dept. of Environmental Quality (VA DEQ) because in VA it is VA DEP that requires and approves the plans for control of water quality and quantity. Those plans have not yet been approved, and because those plans haven't yet been approved, the FS has not yet approved the road designs for the ACP Project. The shrubs that would be planted would most likely be native shrubs, essentially shrubs that could be found in the immediate area. I can't recall the language in the biological opinion, but overall the idea is to use native plants to support native habitat.

I hope I've answered your questions for you. If you have other questions, feel free to email me directly. Please feel free to cc Maria and Peter, because if I'm out of the office or in meetings, they'll track me down or otherwise make sure someone else gets an answer for you.

Thank you for your interest in the resources on National Forest System lands. It's good to know so many people truly care about the resources.

Sincerely,
Jennifer

Jennifer P. Adams

Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: "William Limpert" <wflimpert@gmail.com>
Date: Saturday, September 29, 2018 at 1:17:14 PM
To: "McNichols, Elizabeth -FS" <emcnichols@fs.fed.us>
Cc: "Lew Freeman" <lewfreeman@gmail.com>, "Rick Webb" <rwebb.481@gmail.com>, "David Sligh" <davidwsligh@yahoo.com>, "Lynn Limpert" <limpstur1@gmail.com>, "Lee and Linda Brauer" <lee@leebrauer.com>
Subject: No Tree Clearing along FS 124

Elizabeth:

My wife, I, and a neighbor drove from Route 220 along our Forest Service Road 124 to Duncan Knob today, and found no tree clearing. We looked beyond the gate at Duncan Knob and could see no evidence of logging trucks accessing that part of our forest service road as well.

I did note that If the access road goes in it would require large amounts of cut and fill along the portion from Route 220 to Duncan Knob, and for some portions of the road from Duncan Knob north as well. This would require construction of another drainage ditch along the upgrade side of the road, substantially increasing sediment runoff from concentrated flow from this proposed project.

Additionally, I saw where the USFWS, in their revised biological opinion, are calling for the planting of native flowering shrubs already present in the High Potential Zone for the Rusty Patched Bumble Bee along the proposed access road.

Can you please send me the erosion and sediment control plan approved by the USFS for this proposed access road, including an indication where these flowering shrubs would be planted?

Can you please also advise me as to what flowering shrubs would be planted?

Thank you for your care for our national forests.

Bill Limpert

From: LeMaster, Elizabeth -FS
To: Rubado, Jessica - FS
Cc: Brown, JoBeth -FS
Subject: RE: No Tree Clearing along FS 124
Date: Monday, October 1, 2018 11:30:00 AM
Attachments: image001.png
image003.png
image004.png
image005.png
image006.png

(b)(5); Deliberative Process Privilege

Beth

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Rubado, Jessica - FS
Sent: Monday, October 1, 2018 10:56 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: Brown, JoBeth -FS <jobethbrown@fs.fed.us>
Subject: FW: No Tree Clearing along FS 124

Hi Beth and JoBeth –

(b)(5); Deliberative Process Privilege

(b)(5); Deliberative Process Privilege

Best,
Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us
Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Sunday, September 30, 2018 11:26 PM
To: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Yonce, Mary E -FS <meyonce@fs.fed.us>; Stull, Lauren B -FS <lbstull@fs.fed.us>; Sandeno, Cynthia M -FS <cmsandeno@fs.fed.us>; McKeague, Dan -FS <dmckeague@fs.fed.us>
Cc: Hess, Todd A -FS <tahess@fs.fed.us>; Grace Ellis <grace.ellis@galileoaz.com>; LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Thompson, Clyde N -FS <cnthompson@fs.fed.us>; Bridges, Kelly - FS <kellybridges@fs.fed.us>; Robbins, Rebecca - FS <rebeccarobbins@fs.fed.us>; Rubado, Jessica - FS <jrubado@fs.fed.us>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: FW: No Tree Clearing along FS 124

(b)(5); Deliberative Process Privilege

Page 142

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Sunday, September 30, 2018 10:23 PM
To: 'wflimpert@gmail.com' <wflimpert@gmail.com>
Cc: McNichols, Elizabeth -FS <emcnichols@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; 'lewfreeman@gmail.com' <lewfreeman@gmail.com>; 'rwebb.481@gmail.com' <rwebb.481@gmail.com>; 'davidwsligh@yahoo.com' <davidwsligh@yahoo.com>; 'limpstur1@gmail.com' <limpstur1@gmail.com>; 'lee@leebrauer.com' <lee@leebrauer.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: RE: No Tree Clearing along FS 124

Mr. Limpert,

I am writing to respond to you on the behalf of District Ranger McNichols. I'm copying Elizabeth, and also one of our colleagues on the MNF (Todd Hess) who works closely with me, Clyde and others on the pipeline projects. I'm also copying Maria Martin and Peter Rocco of Galileo, who work for the FS to help us with many tasks.

The erosion and sediment control plans in Virginia would actually be approved by the WV Dept. of Environmental Quality (VA DEQ) because in VA it is VA DEP that requires and approves the plans for control of water quality and quantity. Those plans have not yet been approved, and because those plans haven't yet been approved, the FS has not yet approved the road designs for the ACP Project. The shrubs that would be planted would most likely be native shrubs, essentially shrubs that could be found in the immediate area. I can't recall the language in the biological opinion, but overall the idea is to use native plants to support native habitat.

I hope I've answered your questions for you. If you have other questions, feel free to email me directly. Please feel free to cc Maria and Peter, because if I'm out of the office or in meetings, they'll track me down or otherwise make sure someone else gets an answer for you.

Thank you for your interest in the resources on National Forest System lands. It's good to know so many people truly care about the resources.

Sincerely,
Jennifer

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: "William Limpert" <wflimpert@gmail.com>
Date: Saturday, September 29, 2018 at 1:17:14 PM
To: "McNichols, Elizabeth -FS" <emcnichols@fs.fed.us>
Cc: "Lew Freeman" <lewfreeman@gmail.com>, "Rick Webb" <rwebb.481@gmail.com>, "David Sligh" <davidwsligh@yahoo.com>, "Lynn Limpert" <limpstur1@gmail.com>, "Lee and Linda Brauer" <lee@leebrauer.com>
Subject: No Tree Clearing along FS 124

Elizabeth:

My wife, I, and a neighbor drove from Route 220 along our Forest Service Road 124 to Duncan Knob today, and found no tree clearing. We looked beyond the gate at Duncan Knob and could see no evidence of logging trucks accessing that part of our forest service road as well.

I did note that If the access road goes in it would require large amounts of cut and fill along the portion from Route 220 to Duncan Knob, and for some portions of the road from Duncan Knob north as well. This would require construction of another drainage ditch along the upgrade side of the road, substantially increasing sediment runoff from concentrated flow from this proposed project.

Additionally, I saw where the USFWS, in their revised biological opinion, are calling for the

planting of native flowering shrubs already present in the High Potential Zone for the Rusty Patched Bumble Bee along the proposed access road.

Can you please send me the erosion and sediment control plan approved by the USFS for this proposed access road, including an indication where these flowering shrubs would be planted?

Can you please also advise me as to what flowering shrubs would be planted?

Thank you for your care for our national forests.

Bill Limpert

From:	Rubado, Jessica - FS
To:	Johnson, Stephanie N -FS; Beum, Frank R -FS; O"Connor, Kathryn -FS; LeMaster, Elizabeth -FS; Abing, Timothy -FS; Brown, JoBeth -FS; Ransom, Ashlee D -FS
Cc:	Williams, Michael R -FS; JON MCMILLAN; Weaver, Wendi -FS; Albert, Donavan -FS; Anderson, Babete R -FS; Pardi, Nicholas - FS
Subject:	RE: Outline of MVP/ ACP communication products approval process
Date:	Thursday, October 4, 2018 6:10:24 PM
Attachments:	image001.png image002.png image003.png image004.png

---

Thank you for the guidance Stephanie! I updated both Pinyon Folders to mirror the direction described here as well as saving this email to Pinyon folder for our future reference – revised folders are located:

ACP is located here: https://usfs.box.com/s/p29t10ytmlywltzscf318p9ur18im0m2

MVP is located here: https://usfs.box.com/s/jupca5sbijvht20hu857qdlxaplzimy1

To save on re-filing older materials the parent folder is called "Communication Materials FY 2019" to reflect the change in protocol coinciding with a new fiscal year. It seemed like an easy way to split the old and the new.

Please let me know if you have comments or concerns.

Best,
Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@usda.gov
Naples, FL 34114
www.fs.fed.us

Caring for the land and serving people

From: Johnson, Stephanie N -FS
Sent: Thursday, October 4, 2018 5:12 PM
To: Beum, Frank R -FS <fbeum@fs.fed.us>; O'Connor, Kathryn -FS <kathrynoconnor@fs.fed.us>; LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Rubado, Jessica - FS <jrubado@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>
Cc: Williams, Michael R -FS <mrwilliams04@fs.fed.us>; JON MCMILLAN <jon.e.mcmillan@gmail.com>; Weaver, Wendi -FS <wweaver@fs.fed.us>; Albert, Donavan -FS

<dalbert@fs.fed.us>; Anderson, Babete R -FS <branderson@fs.fed.us>; Pardi, Nicholas - FS <npardi@fs.fed.us>
Subject: Outline of MVP/ ACP communication products approval process

I spoke today with Katie O'Connor, Communication Director in the WO. We talked through a more refined review/ concurrence process associated with MVP/ ACP pipelines communication products. We are still following the usual process for WO-OC, but because of the need for timeliness and the complexity of the pipeline projects, we are dividing it into three categories to provide some clarity:

1) **Talking Points**
2) **Communication Strategies**
3) **News Releases**

Talking Points – These are needed more often and more quickly. Depending upon the sensitivity of the talkers, they might require high-level review. Others will just require USDA concurrence/ awareness. This process applies for talking points not only for use with the press, but also externals and internals (because internal is external here, as we know). We have been writing talking points for multiple audiences on these projects, so this should work fine for us.

We will handle these as we do all other talking points –

1) The pipeline team will draft and review (including OGC review) and send to R8-OC.
    a. There is not a FS standard format for talking points, outside of the industry standard. However, please ensure the intended audience is included on each submittal.
2) R8-OC will review and submit to WO-Media Desk
    a. R8-OC review will be managed by Ashlee Ransom. Either myself or Deputy Director Jon McMillan (arrives 10/15) will be the final reviewer.
    b. Ashlee will submit to WO-Media Desk; WO-Media Desk will share with USDA-OC for awareness/ concurrence.
    c. Turnaround on this process is about 2 hours, depending upon complexity and timing of submittal. WO-Media Desk will return to Ashlee, who will push back to pipeline team.

Communication Strategies – These should **NOT** be submitted for review every time they are updated, nor should they be submitted every time talking points are updated. However, these should be kept updated and filed in the Pinyon folder (that the RO and WO have access to) for use AS NEEDED. This means they need to stay as updated as possible. When bigger shifts occur (lawsuits, court rulings, decisions, etc.), both RO and WO will want to grab the latest version to use as an operational linchpin for other communication (talking points and/or news releases) both with the WO and with USDA. That means the communication strategies should be lean, mean and easy to update.

News Releases – These will be handled using the same process as outlined above for talking points. HOWEVER, there is a standard format for news releases. Also, depending upon the subject/ timing of

the news release, an updated communication plan may be pulled to serve as the foundational support for the release. This again pinpoints the need for the strategies to be kept updated in the Pinyon folder.

I hope this helps streamline things a bit. Let me know if you have any questions and I will try to resolve them.

Stephanie Neal Johnson
Director, Office of Communication

Forest Service
Southern Region

p: 404-347-4116
c: 404-895-1709
snjohnson@fs.fed.us

1720 Peachtree Street NW, Room 700 South
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
To: Adams, Jennifer - FS; Thompson, Clyde N -FS
Cc: Hess, Todd A -FS
Subject: RE: public affairs and CSI group
Date: Tuesday, October 2, 2018 4:57:00 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

(b)(2)

Beth

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Tuesday, October 2, 2018 3:39 PM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Thompson, Clyde N -FS <cnthompson@fs.fed.us>
Cc: Hess, Todd A -FS <tahess@fs.fed.us>
Subject: RE: public affairs and CSI group

Forest Sups,

(b)(5); Deliberative Process Privilege

Page 150

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
Sent: Tuesday, October 2, 2018 11:29 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Thompson, Clyde N -FS <cnthompson@fs.fed.us>
Subject: RE: public affairs and CSI group

I have called Clyde and left him a message – so we will talk.
This is one of the items I wanted to talk to you about when we chatted this morning. I am tied up from 1-2 and 3-4 today, and I know you have at least one pipeline call. Please send me a calendar invite for our meeting today.

Thank, Beth

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Tuesday, October 2, 2018 11:18 AM
To: Thompson, Clyde N -FS <cnthompson@fs.fed.us>; LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Subject: public affairs and CSI group

(b)(2)

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and

Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

Page 154

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

(b)(5), Deliberative Process Privilege

[redacted]

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
Sent: Tuesday, October 2, 2018 11:29 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Thompson, Clyde N -FS <cnthompson@fs.fed.us>
Subject: RE: public affairs and CSI group

I have called Clyde and left him a message – so we will talk.
This is one of the items I wanted to talk to you about when we chatted this morning. I am tied up from 1-2 and 3-4 today, and I know you have at least one pipeline call. Please send me a calendar invite for our meeting today.

Thank, Beth

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Tuesday, October 2, 2018 11:18 AM
To: Thompson, Clyde N -FS <cnthompson@fs.fed.us>; LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Subject: public affairs and CSI group

(b)(2)

(b)(2)

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Adams, Jennifer - FS
To: LeMaster, Elizabeth -FS
Subject: RE: Qs
Date: Friday, September 28, 2018 11:58:23 AM
Attachments: image006.png
image007.png
image008.png
image009.png
image001.png

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
Sent: Friday, September 28, 2018 11:55 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Subject: Qs

Do you have any thoughts on the MVP closure orders posting? I don't think I want to do a news release but post on our website.

Hope your voice is getting better!

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us



Caring for the land and serving people

From: LeMaster, Elizabeth -FS
To: Adams, Jennifer - FS; Woods, Steven -FS; Parrish, Angela T -FS; Thompson, James H -FS
Cc: Thompson, Clyde N -FS; Hess, Todd A -FS; Madden, Michael J -FS
Subject: RE: road permit & no heavy equipment
Date: Friday, September 28, 2018 11:52:00 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

We can get things ready on our part – but we will NOT be proceeding with the road use permits right now for the GWJ. Direction is to hold off for now.

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Friday, September 28, 2018 11:42 AM
To: Woods, Steven -FS <swoods01@fs.fed.us>; Parrish, Angela T -FS <atparrish@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>
Cc: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Thompson, Clyde N -FS <cnthompson@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: RE: road permit & no heavy equipment

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service

Page 161

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Woods, Steven -FS
Sent: Friday, September 28, 2018 11:10 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Mike Warner <mwarner@transcon.com>
Cc: Parrish, Angela T -FS <atparrish@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; ACP <ACP@TransconEnvironmental.onmicrosoft.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: RE: road permit & no heavy equipment

(b)(5), Deliberative Process Privilege

Thanks!

Steven C. Woods
INFRA Data Steward / Civil Engineer
Forest Service
George Washington & Jefferson National Forests
p: 540-265-5189
c: 540-529-0364
f: 540-265-5109
swoods01@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us
Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Friday, September 28, 2018 8:50 AM
To: Mike Warner <mwarner@transcon.com>
Cc: Woods, Steven -FS <swoods01@fs.fed.us>; Parrish, Angela T -FS <atparrish@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; ACP <ACP@TransconEnvironmental.onmicrosoft.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: RE: road permit & no heavy equipment

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator
Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest
p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019
Caring for the land and serving people

From: Mike Warner [mailto:mwarner@transcon.com]
Sent: Friday, September 28, 2018 1:43 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Cc: Woods, Steven -FS <swoods01@fs.fed.us>; Parrish, Angela T -FS <atparrish@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; ACP <ACP@TransconEnvironmental.onmicrosoft.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: Re: road permit & no heavy equipment

(b)(5); Deliberative Process Privilege

MW

Sent from my iPhone

On Sep 27, 2018, at 9:51 PM, Adams, Jennifer - FS <jenniferpadams@fs.fed.us> wrote:

(b)(5); Deliberative Process Privilege

<image003.png> **Jennifer P. Adams**
Special Project Coordinator

Page 165

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

(b)(5); Deliberative Process Privilege

[redacted]

<image002.png>

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

From: Adams, Jennifer - FS
To: LeMaster, Elizabeth -FS; Woods, Steven -FS; Parrish, Angela T -FS; Thompson, James H -FS
Cc: Thompson, Clyde N -FS; Hess, Todd A -FS; Madden, Michael J -FS
Subject: RE: road permit & no heavy equipment
Date: Friday, September 28, 2018 11:56:25 AM
Attachments: image007.png
image008.png
image009.png
image010.png
image011.png
image001.png

Yes, and further….

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
Sent: Friday, September 28, 2018 11:52 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Woods, Steven -FS <swoods01@fs.fed.us>; Parrish, Angela T -FS <atparrish@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>
Cc: Thompson, Clyde N -FS <cnthompson@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: RE: road permit & no heavy equipment

(b)(5); Deliberative Process Privilege

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Friday, September 28, 2018 11:42 AM
To: Woods, Steven -FS <swoods01@fs.fed.us>; Parrish, Angela T -FS <atparrish@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>
Cc: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>; Thompson, Clyde N -FS <cnthompson@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: RE: road permit & no heavy equipment

(b)(5), Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Woods, Steven -FS
Sent: Friday, September 28, 2018 11:21 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Subject: RE: road permit & no heavy equipment

(b)(5); Deliberative Process Privilege

Steven C. Woods
INFRA Data Steward / Civil Engineer
Forest Service
George Washington & Jefferson National Forests
p: 540-265-5189
c: 540-529-0364
f: 540-265-5109
swoods01@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Friday, September 28, 2018 11:15 AM
To: Woods, Steven -FS <swoods01@fs.fed.us>; Mike Warner <mwarner@transcon.com>
Cc: Parrish, Angela T -FS <atparrish@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; ACP <ACP@TransconEnvironmental.onmicrosoft.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: RE: road permit & no heavy equipment

(b)(5); Deliberative Process Privilege



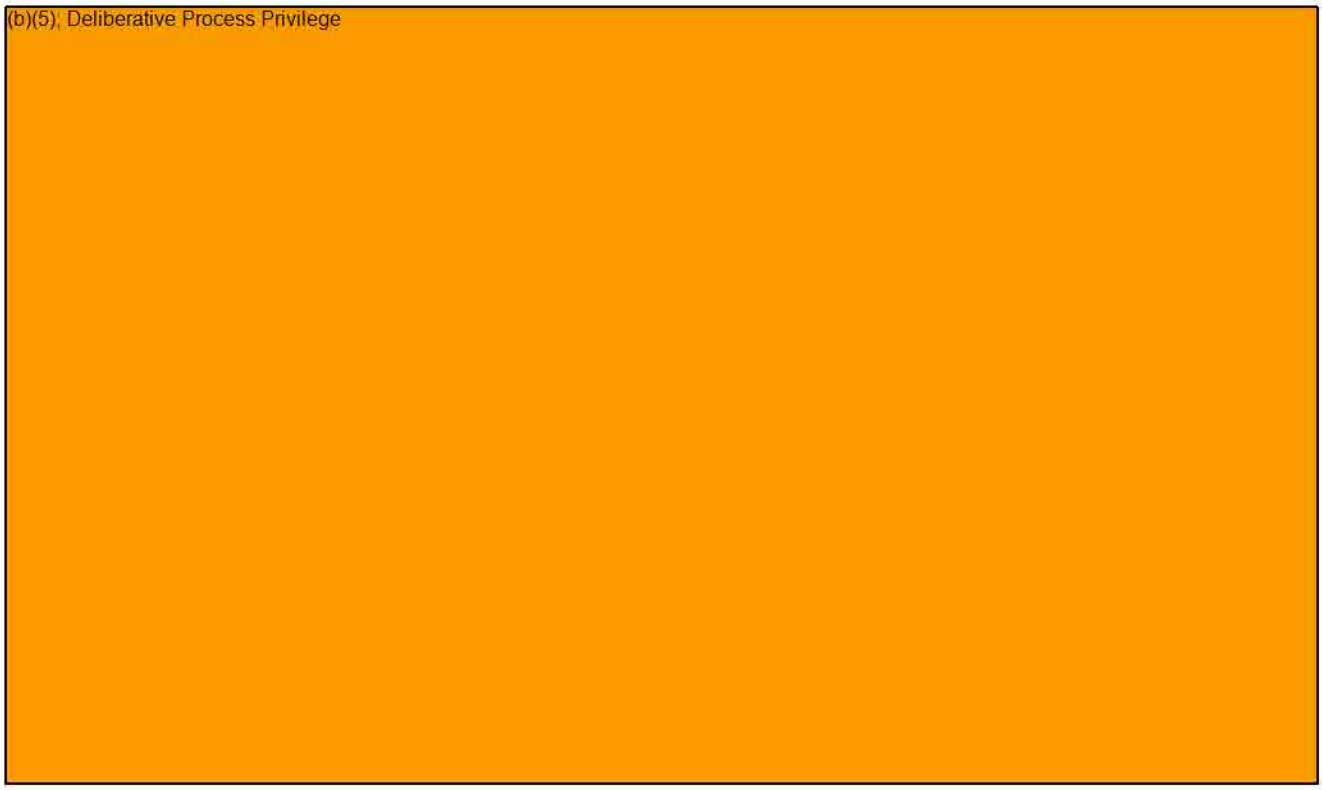
Jennifer P. Adams
Special Project Coordinator
Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest
p: 540-597-5465
jenniferpadams@fs.fed.us
George Washington & Jefferson National Forests
5162 Valleypointe Parkway

Roanoke, VA 24019

Caring for the land and serving people

From: Woods, Steven -FS
Sent: Friday, September 28, 2018 11:10 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Mike Warner <mwarner@transcon.com>
Cc: Parrish, Angela T -FS <atparrish@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; ACP <ACP@TransconEnvironmental.onmicrosoft.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: RE: road permit & no heavy equipment

(b)(5); Deliberative Process Privilege



Thanks!

Steven C. Woods
INFRA Data Steward / Civil Engineer
Forest Service
George Washington & Jefferson National Forests
p: 540-265-5189
c: 540-529-0364
f: 540-265-5109
swoods01@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Friday, September 28, 2018 8:50 AM
To: Mike Warner <mwarner@transcon.com>
Cc: Woods, Steven -FS <swoods01@fs.fed.us>; Parrish, Angela T -FS <atparrish@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; ACP <ACP@TransconEnvironmental.onmicrosoft.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: RE: road permit & no heavy equipment

(b)(5), Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Mike Warner [mailto:mwarner@transcon.com]
Sent: Friday, September 28, 2018 1:43 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Cc: Woods, Steven -FS <swoods01@fs.fed.us>; Parrish, Angela T -FS <atparrish@fs.fed.us>;

Thompson, James H -FS <jamesthompson@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; ACP <ACP@TransconEnvironmental.onmicrosoft.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>

Subject: Re: road permit & no heavy equipment

(b)(5); Deliberative Process Privilege

[redacted]

<image003.png>

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

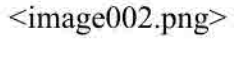
Page 173

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Jennifer



Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

From: Adams, Jennifer - FS
To: Woods, Steven -FS; Parrish, Angela T -FS; Thompson, James H -FS
Cc: LeMaster, Elizabeth -FS; Thompson, Clyde N -FS; Hess, Todd A -FS; Madden, Michael J -FS
Subject: RE: road permit & no heavy equipment
Date: Friday, September 28, 2018 11:41:49 AM
Attachments: image006.png
image007.png
image008.png
image009.png
image001.png

(b)(5), Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Woods, Steven -FS
Sent: Friday, September 28, 2018 11:21 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Subject: RE: road permit & no heavy equipment

(b)(5), Deliberative Process Privilege

Steven C. Woods
INFRA Data Steward / Civil Engineer

Forest Service
George Washington & Jefferson National Forests

p: 540-265-5189
c: 540-529-0364
f: 540-265-5109
swoods01@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019

www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Friday, September 28, 2018 11:15 AM
To: Woods, Steven -FS <swoods01@fs.fed.us>; Mike Warner <mwarner@transcon.com>
Cc: Parrish, Angela T -FS <atparrish@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; ACP <ACP@TransconEnvironmental.onmicrosoft.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: RE: road permit & no heavy equipment

(b)(5), Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

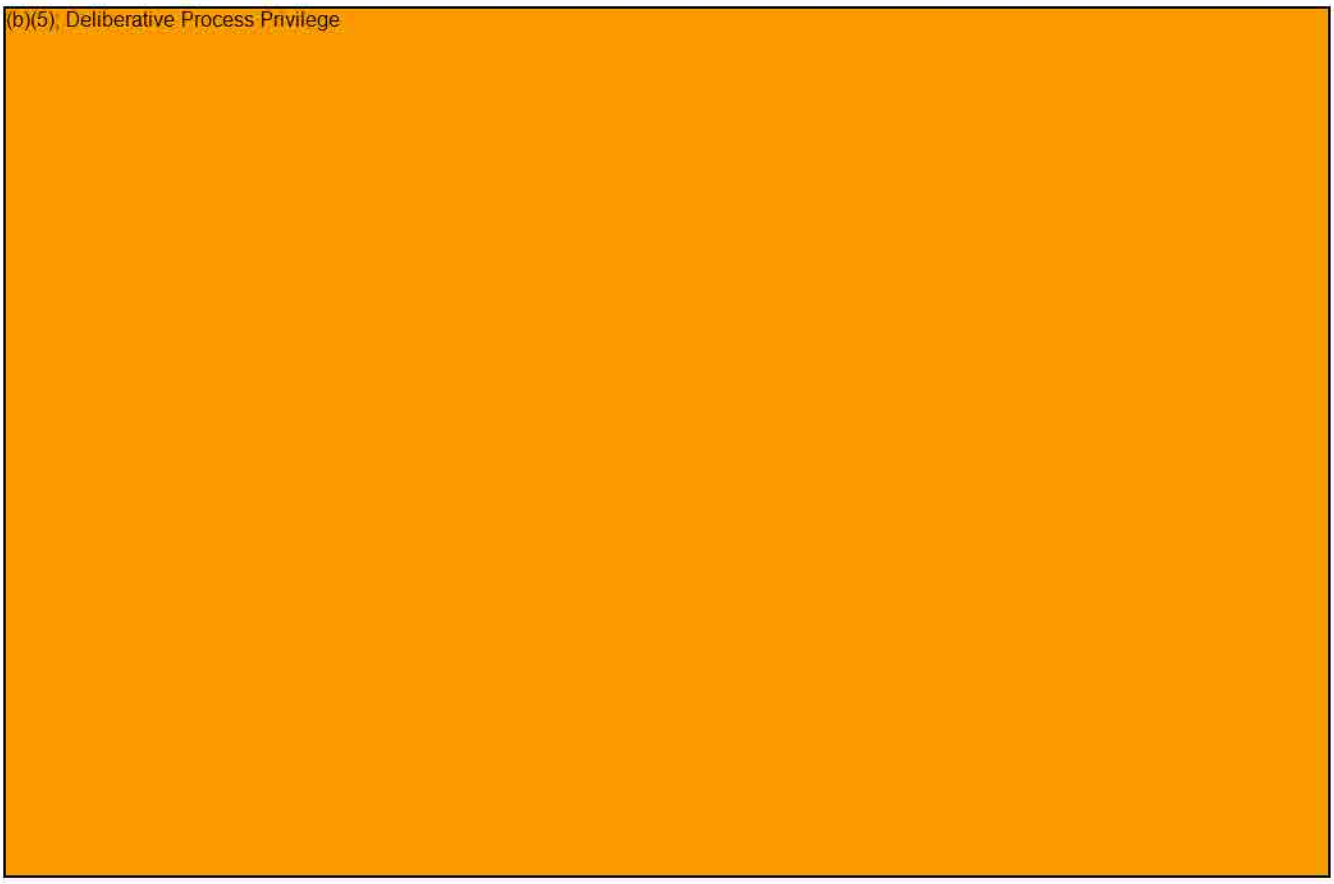
George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Woods, Steven -FS
Sent: Friday, September 28, 2018 11:10 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Mike Warner <mwarner@transcon.com>
Cc: Parrish, Angela T -FS <atparrish@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; ACP <ACP@TransconEnvironmental.onmicrosoft.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: RE: road permit & no heavy equipment

(b)(5), Deliberative Process Privilege

(b)(5); Deliberative Process Privilege



Steven C. Woods
INFRA Data Steward / Civil Engineer

Forest Service
George Washington & Jefferson National Forests

p: 540-265-5189
c: 540-529-0364
f: 540-265-5109
swoods01@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us



Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Friday, September 28, 2018 8:50 AM
To: Mike Warner <mwarner@transcon.com>
Cc: Woods, Steven -FS <swoods01@fs.fed.us>; Parrish, Angela T -FS <atparrish@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; ACP <ACP@TransconEnvironmental.onmicrosoft.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: RE: road permit & no heavy equipment

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Mike Warner [mailto:mwarner@transcon.com]
Sent: Friday, September 28, 2018 1:43 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Cc: Woods, Steven -FS <swoods01@fs.fed.us>; Parrish, Angela T -FS <atparrish@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; ACP <ACP@TransconEnvironmental.onmicrosoft.com>; Maria Martin <maria.martin@galileoaz.com>; Peter Rocco <peter.rocco@galileoaz.com>
Subject: Re: road permit & no heavy equipment

(b)(5); Deliberative Process Privilege

Sent from my iPhone

On Sep 27, 2018, at 9:51 PM, Adams, Jennifer - FS <jenniferpadams@fs.fed.us> wrote:

(b)(5), Deliberative Process Privilege

<image003.png>

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Friday, September 28, 2018 12:39 AM
To: Woods, Steven -FS <swoods01@fs.fed.us>; Parrish, Angela T -FS <atparrish@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>
Cc: Hess, Todd A -FS <tahess@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: road permit & no heavy equipment

(b)(5), Deliberative Process Privilege

Page 180

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

To: Kathmann, Sarah - OGC
Subject: RE: Termination Notice for the MVP Closure Order from April
Date: Friday, September 28, 2018 9:11:35 AM
Attachments: image002.png
image003.png
image004.png
image005.png
image006.png

(b)(5), Attorney-Client Privilege

Elizabeth (Beth) LeMaster
Acting Forest Supervisor

Forest Service
George Washington and Jefferson National Forests

p: 540-265-5119
c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Friday, September 28, 2018 9:05 AM
To: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Cc: McKeague, Dan -FS <dmckeague@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>; Donaldson, Mike -FS <mdonaldson01@fs.fed.us>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>; Beum, Frank R -FS <fbeum@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Adkins, Tracey E -FS <tadkins@fs.fed.us>
Subject: Termination Notice for the MVP Closure Order from April

(b)(5), Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
✉ **Sarah.Kathmann@ogc.usda.gov**

From:	Rubado, Jessica - FS
To:	Brown, JoBeth -FS
Cc:	LeMaster, Elizabeth -FS
Subject:	RE: Updated MVP Communications Plan
Date:	Thursday, October 4, 2018 5:14:03 PM
Attachments:	image005.png image006.png image007.png image008.png image009.png

---

Great thanks – I just made the edit in the versions on pinyon.

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@usda.gov
Naples, FL 34114
www.fs.fed.us

Caring for the land and serving people

From: Brown, JoBeth -FS
Sent: Thursday, October 4, 2018 5:03 PM
To: Rubado, Jessica - FS <jrubado@fs.fed.us>
Cc: LeMaster, Elizabeth -FS <elemaster@fs.fed.us>
Subject: FW: Updated MVP Communications Plan

I'm good with Tim's edits. I made one tiny edit "mountain instead of mount" which should be in track changes.

JoBeth Brown
Staff Officer/Public Affairs Officer
Forest Service
Planning, RIM/GIS, Lands & Special Uses, Collaboration & Partnerships, Public & Legislative Affairs
p: 540-265-5102
jobethbrown@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Thursday, October 4, 2018 4:48 PM
To: Rubado, Jessica - FS <jrubado@fs.fed.us>; Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>
Subject: Updated MVP Communications Plan

I version on Pinyon was way out of date and didn't have edits I made on 9/24. Here is up to date edited version.

Timothy Abing
Director - Lands, Minerals, and Uses
On detail – Pipeline Infrastructure Regional Coordinator

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
timothy.abing@usda.gov

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From:	Beum, Frank R -FS
To:	LeMaster, Elizabeth -FS; Thompson, Clyde N -FS; Brown, JoBeth -FS; Robbins, Rebecca - FS; Bridges, Kelly - FS
Cc:	Ransom, Ashlee D -FS; Rubado, Jessica - FS; Johnson, Stephanie N -FS; Kirchner, Jason D -FS; Adams, Jennifer - FS; Abing, Timothy -FS; Arney, Ken S -FS; Atkinson, Kathleen -FS; Borst, Mary Beth - FS; Smith, Greg -FS
Subject:	Talking Points -- ACP and MVP
Date:	Wednesday, October 10, 2018 1:45:08 PM
Attachments:	image005.png image006.png image007.png image008.png Talking Points for Current Phase of the ACP Project_20181010_Final.docx Talking Points for the Current Phase of the MVP Project_20181010_Final.docx

---

Hi all –

(b)(5); Deliberative Process Privilege

Thanks all.

— Frank

Frank Beum
Deputy Regional Forester
On Detail – Pipeline Infrastructure Executive

Forest Service
Southern and Eastern Regions

p: 404-347-2872
c: 404-272-9413
f: 404-347-4821
fbeum@fs.fed.us

1720 Peachtree Road, NW, Suite 792 South
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From:	Twaroski, Jim -FS
To:	Timm, Joby -FS
Subject:	Emailing: MVP_Scope_of_Work_DRAFT_14Apr17, MVP_CR_ScopeOfWork_Worksheet_GWJNF_DRAFT_14Apr17, MVP_ROWapp_CR_Agreement_MJ11080811101_DRAFT_14Apr17
Date:	Wednesday, October 24, 2018 10:04:58 AM
Attachments:	MVP_Scope_of_Work_DRAFT_14Apr17.doc MVP_CR_ScopeOfWork_Worksheet_GWJNF_DRAFT_14Apr17.xlsx MVP_ROWapp_CR_Agreement_MJ11080811101_DRAFT_14Apr17.docx

---

Job,
Best I can do. Pinyon folder with processing documents was empty. I have contacted Amy Sutton from Enterprise who was doing some stuff for MVP cost recovery. Last resort would be having Jennifer contact Galileo to see if they have those records.

Your message is ready to be sent with the following file or link attachments:

MVP_Scope_of_Work_DRAFT_14Apr17
MVP_CR_ScopeOfWork_Worksheet_GWJNF_DRAFT_14Apr17
MVP_ROWapp_CR_Agreement_MJ11080811101_DRAFT_14Apr17

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

From: Paul Friedman
To: Craft, Victoria (vcraft@blm.gov); Spencer, Sally; Adams, Jennifer - FS; Timm, Joby -FS; Abing, Timothy -FS
Cc: Lavinia.DiSanto@cardno.com
Subject: Court Order - MVP (CP16-10)
Date: Monday, August 6, 2018 9:25:55 AM

(b)(5), Deliberative Process Privilege

From: Twaroski, Jim -FS
To: Beum, Frank R -FS; Timm, Joby -FS; Kathmann, Sarah - OGC
Cc: Twaroski, Jim -FS
Subject: Draft Letter RE: MVP Oct17 2018
Date: Thursday, October 18, 2018 2:32:19 PM
Attachments: MVP Ltr Oct17 2018.docm

Frank/Job/Sarah,

(b)(5); Attorney Work Product Privilege

From:	Collins, Thomas K -FS
To:	Morris, Troy - FS
Cc:	Timm, Joby -FS; Adams, Pauline - FS; MacFarlane, Russ -FS; Kirk, Dawn -FS; Madden, Michael J -FS
Subject:	draft orderly shutdown MVP
Date:	Friday, August 3, 2018 1:31:48 PM
Attachments:	draft orderly shutdown MVP 2018Aug3.docx image001.png image002.png image003.png image004.png

---

Troy – As requested, here is draft orderly shutdown for MVP project.

Tom Collins
Geologist
Forest Service
George Washington and Jefferson National Forest
p: 540-265-5152
tkcollins@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From:	Collins, Thomas K -FS
To:	Morris, Troy - FS
Cc:	Timm, Joby -FS; Adams, Pauline - FS; Kirk, Dawn -FS; Madden, Michael J -FS; MacFarlane, Russ -FS
Subject:	draft2 orderly shutdown MVP
Date:	Friday, August 3, 2018 4:01:16 PM
Attachments:	image001.png image002.png image003.png image004.png

---

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist
Forest Service
George Washington and Jefferson National Forest
p: 540-265-5152
tkcollins@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us



Caring for the land and serving people

From:	Abing, Timothy -FS
To:	Arney, Ken S -FS; Beum, Frank R -FS; Gaulke, Peter T -FS; Lee, Alice - FS; Kathmann, Sarah - OGC; McWhirter, Jay - OGC; Timm, Joby -FS; Twaroski, Jim -FS
Subject:	FERC Partially Approves MVP"s Stabilization Plan
Date:	Saturday, August 11, 2018 8:34:58 PM
Attachments:	Partial Approval of Temporary Stabilization Plan.pdf image001.png image002.png image003.png image004.png

---

MVP is able to return to work on some areas. Of course decision is still pending on the JNF, but it is interesting to note that areas off the Forest where the pipe is strung but not yet trenched are also listed as pending.

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From:	Rubado, Jessica - FS
To:	Beum, Frank R -FS; Abing, Timothy -FS; Timm, Joby -FS
Cc:	Brown, JoBeth -FS; Eichner, Kristi - FS
Subject:	For Review: MVP SEIS Communication Plan and Supporting News Release
Date:	Monday, December 10, 2018 1:34:43 PM
Attachments:	image001.png image002.png image003.png image004.png MVP SEIS Communication Plan in WO Template_Draft_12102018.docx New Release - FS MVP Supplemental EIS_12102018_draft.doc ORMS BP_MVP_SupplementEIS_NOI.docx
Importance:	High

Hi All –

Per our discussion on Friday, attached is a draft communication plan and the documents it references, the NOI Briefing Paper and draft News Release. Also attached is the newish WO template for communication plans if you're wondering about format/content.

They are also loaded on box in their respective folders at the following link:
https://usfs.box.com/s/jupca5sbijvht20hu857qdlxaplzimy1

As you all know, were already behind the timelines the WO/USDA like to review materials so if you could expedite your input it would be appreciated!

I kept this strictly focused on the SEIS in the interest of time and a succinct document. Looking forward to hearing what you think!

Best,
Jessica

Jessica Rubado
Project Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jessica.rubado@usda.gov
Naples, FL 34114
www.fs.fed.us

Caring for the land and serving people

From: Williams, Ginny -FS
To: Adams, Jennifer - FS; Timm, Joby -FS; Morris, Troy - FS; MacFarlane, Russ -FS; Winningham, Jarret -FS; Overcash, Karen B -FS; Thompson, James H -FS; Irvine, Peter -FS
Subject: FW: draft2 orderly shutdown MVP - SIOs
Date: Sunday, August 5, 2018 5:11:11 PM
Attachments: image013.png
image014.png
image015.png
image016.png
image006.png
image008.png
image010.png
image012.png

(b)(5), Deliberative Process Privilege

Ginny Williams, Landscape Architect
Developed Recreation Program Manager,
Volunteer & Service Programs Coordinator

Forest Service
George Washington & Jefferson National Forests,
Supervisor's Office

p: 540-265-5166
f: 540-265-5109
gwilliams03@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Sunday, August 5, 2018 1:30 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn -FS <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ -FS <rmacfarlane@fs.fed.us>; Collins, Thomas K -FS <tkcollins@fs.fed.us>; Winningham, Jarret -FS <jwinningham@fs.fed.us>; Williams, Ginny -FS <gwilliams03@fs.fed.us>; Irvine, Peter -FS <pirvine@fs.fed.us>; Woods, Steven -FS <swoods01@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>; Overcash, Karen B -FS <kovercash@fs.fed.us>
Cc: MVP <mvp@transcon.com>; Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Subject: RE: draft2 orderly shutdown MVP

All,

Page 009

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Page 010

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Caring for the land and serving people

From: Morris, Troy - FS
Sent: Friday, August 3, 2018 4:10 PM
To: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn - FS <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ -FS <rmacfarlane@fs.fed.us>; Collins, Thomas K -FS <tkcollins@fs.fed.us>; Winningham, Jarret -FS <jwinningham@fs.fed.us>; Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Cc: MVP <mvp@transcon.com>
Subject: RE: draft2 orderly shutdown MVP

Thanks, Tom, and everyone for your inputs.

Jarret – I want you to review from the Timber CO perspective on Monday (to see if there are any issues contractually with stopping timber removal).

Transcon – We would also appreciate any inputs you may have, including any site-specific recommendations that should be considered.

Thanks,

Troy W. Morris
Integrated Resources Staff Officer

Forest Service
George Washington & Jefferson National Forests

p: 540-265-5170
f: 540-265-5145
troymorris@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Collins, Thomas K -FS
Sent: Friday, August 3, 2018 4:02 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>
Cc: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn - FS <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ -FS <rmacfarlane@fs.fed.us>
Subject: RE: draft2 orderly shutdown MVP

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist

Forest Service
George Washington and Jefferson National Forest

p: 540-265-5152
tkcollins@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Collins, Thomas K -FS
Sent: Friday, August 3, 2018 4:01 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>
Cc: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn (dkirk@fs.fed.us) <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ (rmacfarlane@fs.fed.us) <rmacfarlane@fs.fed.us>
Subject: draft2 orderly shutdown MVP

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist
Forest Service
George Washington and Jefferson National Forest
p: 540-265-5152
tkcollins@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us
Caring for the land and serving people

From:	Timm, Joby -FS
To:	Abing, Timothy -FS
Cc:	Beum, Frank R -FS
Subject:	FW: Emailing: MVP_Scope_of_Work_DRAFT_14Apr17, MVP_CR_ScopeOfWork_Worksheet_GWJNF_DRAFT_14Apr17, MVP_ROWapp_CR_Agreement_MJ11080811101_DRAFT_14Apr17
Date:	Wednesday, October 24, 2018 10:35:00 AM
Attachments:	MVP_Scope_of_Work_DRAFT_14Apr17.doc MVP_CR_ScopeOfWork_Worksheet_GWJNF_DRAFT_14Apr17.xlsx MVP_ROWapp_CR_Agreement_MJ11080811101_DRAFT_14Apr17.docx

---

Tim,

Attached is the cost recovery agreement from the Forest. I think we can edit this and move it forward but there are several items we would need clarification on;

1. Will Cardno be in a position to engage?
2. Verify specialists (I don't think this has to be all inclusive.)
3. If RO will be "lead" on the coordination?

Perhaps we can sit and dicuss further..... -JOB

From:	Timm, Joby -FS
To:	Twaroski, Jim -FS
Subject:	FW: Fourth Circuit decision on MVP (contact for requests for comment)
Date:	Wednesday, October 17, 2018 1:56:00 PM
Attachments:	MVP - Fourth Circuit decision.pdf image006.png image008.png image010.png image012.png
Importance:	High

From: Timm, Joby -FS
Sent: Friday, July 27, 2018 1:29 PM
To: Johnson, Stephanie N -FS <snjohnson@fs.fed.us>; Ransom, Ashlee D -FS <adransom@fs.fed.us>; Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Robbins, Rebecca - FS <rebeccarobbins@fs.fed.us>
Cc: Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Arney, Ken S -FS <karney@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Jankowiak, Connie L -FS <cjankowiak@fs.fed.us>; McWhirter, Jay - OGC <JAY.MCWHIRTER@OGC.USDA.GOV>; Bott, Steven - OGC <STEVEN.BOTT@OGC.USDA.GOV>
Subject: FW: Fourth Circuit decision on MVP (contact for requests for comment)
Importance: High

All,

(b)(5); Attorney-Client Privilege

Joby P. Timm
Forest Supervisor
Forest Service
George Washington and Jefferson National Forest
p: 540-265-5118
c: 540-339-2523
f: 540-265-5110
jtimm@fs.fed.us
Supervisors Office
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Grace Ellis [mailto:grace.ellis@galileoaz.com]
Sent: Friday, July 27, 2018 1:16 PM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; Rubado, Jessica - FS <jrubado@fs.fed.us>; Miller, Lynette M - FS <lynettemmiller@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Cc: Haninah Levine <haninah.levine@sol.doi.gov>; Mitchell Leverette <mleveret@blm.gov>; Spencer, Sally <sspencer@blm.gov>; Barbara Eggers <beggers@blm.gov>; Victoria Craft <vcraft@blm.gov>; Miriam Liberatore <mliberat@blm.gov>; Henson, John <john.henson@sol.doi.gov>; Lauren Johnston <lauren.johnston@galileoaz.com>; Justin Katusak <jkatusak@blm.gov>; Maritza (Andrea) Reilly <mreilly@blm.gov>; Wyn.Hornbuckle@usdoj.gov; Meredith Griffin <meredith.griffin@galileoaz.com>
Subject: MVP: Fourth Circuit decision on MVP (contact for requests for comment)

Hi Forest Service Folks,

(b)(5), Attorney Work Product Privilege

From: Morris, Troy - FS
To: Abing, Timothy -FS; LeMaster, Elizabeth -FS; Timm, Joby -FS
Subject: FW: MVP - Transcon Field Update
Date: Monday, July 30, 2018 1:35:22 PM
Attachments: image001.png
image002.png
image003.png
image004.png

FYI...

Troy W. Morris
Integrated Resources Staff Officer

Forest Service
George Washington & Jefferson National Forests

p: 540-265-5170
f: 540-265-5145
troymorris@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Nik Gillen [mailto:ngillen@transcon.com]
Sent: Monday, July 30, 2018 12:53 PM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; Overcash, Jesse L -FS <jovercash@fs.fed.us>; Morris, Troy - FS <troymorris@fs.fed.us>; Vicki Craft <vcraft@blm.gov>; Liberatore, Miriam <mliberat@blm.gov>; paul.friedman@ferc.gov; Lavinia DiSanto <Lavinia.DiSanto@cardno.com>; J. Grace Ellis <grace.ellis@galileoaz.com>; Lauren Johnston <lauren.johnston@galileoaz.com>
Cc: Jeff Davis <jdavis@transcon.com>; Mike Warner <mwarner@transcon.com>; MVP <mvp@transcon.com>; Alli Rhodehamel-Leung <allirl@transcon.com>; Nadine Benally <nbenally@transcon.com>; Jayanna Miller <jmiller@transcon.com>
Subject: MVP - Transcon Field Update

Hello all,

Just wanted to pass along information we have received from the field:

- MVP has halted all construction on JNF til the permit situation is sorted out
- MVP is removing all construction equipment from JNF
- MVP has not removed any pipe
- MVP EIs are continuing to perform their work related to environmental management activities (e.g. ECD maintenance)
- Transcon will continue to perform regular field inspections on the JNF as it is still an

open construction zone.

Let me know if you have any further questions.

Nikolaus Gillen
Biologist/Project Coordinator

Transcon Environmental
Portland, OR
Cell: 925-550-7147

Two color horizontal

Think Green – Not every email needs to be printed.

CONFIDENTIAL AND PRIVILEGED: This communication with its contents may contain confidential and/or legally privileged information. It is soley for the use of the intended recipient(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From:	Twaroski, Jim -FS
To:	Timm, Joby -FS
Subject:	FW: MVP ROD--objections
Date:	Wednesday, October 17, 2018 12:00:31 PM
Attachments:	image003.png image001.png image002.png image004.png image005.png

---

FYI…please see below.

Jim Twaroski
Realty Specialist
Special Uses/Hydropower

Forest Service
Southern Region-Lands/Minerals/Uses

p: 404-347-2871
f: 404-347-2437
jtwaroski@fs.fed.us

1720 Peachtree Road, NW Suite 792S
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Wednesday, October 17, 2018 11:33 AM
To: Abing, Timothy -FS <tabing@fs.fed.us>
Cc: Twaroski, Jim -FS <jtwaroski@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Subject: MVP ROD--objections

Tim,

FYI…

(b)(5):Deliberative Process Privilege

Jennifer

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Abing, Timothy -FS
To: Timm, Joby -FS
Subject: FW: MVP Stabilization Plan
Date: Thursday, September 13, 2018 10:38:32 AM
Attachments: Letter to Tim Abing Re Mountain Valley JNF Stabilization Plan (Final September 11, 2018).pdf
Attachment 1 - Mountain Valley Response to USFS Stabilization Plan (Final 9-11-18).pdf
Attachment 2 - MVP Proposed Stabilization Plan for Jefferson National Forest (September 11, 2018).pdf
Appendix A Geosyntec Review Of MVP Orderly Shutdown Recommendation (August 9, 2018).pdf
Appendix B Stormwater Discharge Modeling for Waterbar Drainage Area (September 11, 2018).pdf
image001.png
image002.png
image003.png
image004.png

Timothy Abing
Director - Lands, Minerals, and Uses
On detail – Pipeline Infrastructure Regional Coordinator

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Dawley, Joseph [mailto:JDawley@eqt.com]
Sent: Tuesday, September 11, 2018 11:10 PM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>
Cc: Neylon, Megan <MNeylon@eqt.com>; Klinefelter, Jeffrey <JKlinefelter@eqt.com>; Cooper, Bob <RCooper@eqt.com>
Subject: MVP Stabilization Plan

Tim and Frank,

Attached is a letter presenting Mountain Valley Pipeline's response to the United States Forest Service's stabilization plan for the Jefferson National Forest. This letter contains multiple documents and I apologize for the fragmentated nature of this submittal. Along with the letter, this submittal includes two attachments and associated appendices. Specifically, this submittal includes the following:

1. Letter to Tim Abing regarding Mountain Valley JNF Stabilization Plan
    a. Attachment 1 – Mountain Valley Response to USFS Stabilization Plan, September 11, 2018
        i. Appendix A – Geosyntec Review of MVP Orderly Shutdown

Recommendation, August 9, 2018

ii. Appendix B – Stormwater Discharge Modeling for Waterbar Drainage Area, September 11, 2018

b. Attachment 2 – MVP Proposed Stabilization Plan for Jefferson National Forest, September 11, 2018

Upon your review please let me know if you have any questions or would like to schedule a call to discuss.

Thanks,

Joe

Joseph M. Dawley, P.E.
Deputy General Counsel, Public Policy & Environmental Affairs
EQT Corporation
625 Liberty Avenue
Pittsburgh, PA 15222
(412) 553-7708
jdawley@eqt.com

To learn about EQT's sustainability efforts visit: https://csr.eqt.com

From:	Johnson, Stephanie N -FS
To:	O"Connor, Kathryn -FS
Cc:	Beum, Frank R -FS; Abing, Timothy -FS; Timm, Joby -FS; Pilip-Florea, Shoshona M -FS
Subject:	FW: MVP Stop Work: PAO reference in the Roanoke Times
Date:	Tuesday, August 7, 2018 12:56:06 PM
Attachments:	image001.png image002.png image003.png image004.png

---

This doesn't concern me, since we have been following protocols, but sharing this for info. The Portland reference is to an individual from the Enterprise Team who was working for the forest on this project.

From: Timm, Joby -FS
Sent: Tuesday, August 7, 2018 12:48 PM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Arney, Ken S -FS <karney@fs.fed.us>
Cc: Johnson, Stephanie N -FS <snjohnson@fs.fed.us>
Subject: FW: MVP Stop Work: PAO reference in the Roanoke Times

All,

Just a heads up. -JOB

From: Brown, JoBeth -FS
Sent: Tuesday, August 7, 2018 12:06 PM
To: Timm, Joby -FS <jtimm@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>
Subject: FW: MVP Stop Work: PAO reference in the Roanoke Times

Fyi-

JoBeth Brown
Staff Officer/Public Affairs Officer

Forest Service
Planning, RIM/GIS, Lands & Special Uses, Collaboration & Partnerships, Public & Legislative Affairs

p: 540-265-5102
jobethbrown@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Rubado, Jessica - FS

Sent: Monday, August 6, 2018 8:52 AM
To: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Robbins, Rebecca - FS <rebeccarobbins@fs.fed.us>
Subject: MVP Stop Work: PAO reference in the Roanoke Times

Hi JoBeth and Rebecca-

Just a heads up (which you probably already know about…) – the Roanoke Times published a not so encouraging reference to forest service public affairs:

"Since tree-cutting for the pipeline began in March, officials at Jefferson National Forest headquarters in Roanoke have usually deflected questions.

A public affairs officer in Portland, Oregon, was first designated to handle media inquiries; that role was later shifted to another Forest Service office in Atlanta. Asked about the 4th Circuit's ruling, the Atlanta office told The Roanoke Times to contact a U.S. Justice Department official in Washington, D.C."

If you're interested in the entire story it's located at the following link:
https://www.roanoke.com/business/an-order-stops-work-on-the-mountain-valley-pipeline-but/article_2a60355c-7208-515e-ba7c-7f9a2058347b.html

Best,
Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us

Caring for the land and serving people

From: Brown, JoBeth -FS
To: Timm, Joby -FS; Johnson, Stephanie N -FS
Subject: FW: MVP Stop Work: PAO reference in the Roanoke Times
Date: Tuesday, August 7, 2018 12:06:02 PM
Attachments: image001.png
image002.png
image003.png
image004.png

Fyi-

JoBeth Brown
Staff Officer/Public Affairs Officer

Forest Service
Planning, RIM/GIS, Lands & Special Uses, Collaboration & Partnerships, Public & Legislative Affairs

p: 540-265-5102
jobethbrown@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Rubado, Jessica - FS
Sent: Monday, August 6, 2018 8:52 AM
To: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Robbins, Rebecca - FS <rebeccarobbins@fs.fed.us>
Subject: MVP Stop Work: PAO reference in the Roanoke Times

Hi JoBeth and Rebecca-

Just a heads up (which you probably already know about…) – the Roanoke Times published a not so encouraging reference to forest service public affairs:

"Since tree-cutting for the pipeline began in March, officials at Jefferson National Forest headquarters in Roanoke have usually deflected questions.

A public affairs officer in Portland, Oregon, was first designated to handle media inquiries; that role was later shifted to another Forest Service office in Atlanta. Asked about the 4th Circuit's ruling, the Atlanta office told The Roanoke Times to contact a U.S. Justice Department official in Washington, D.C."

If you're interested in the entire story it's located at the following link:
https://www.roanoke.com/business/an-order-stops-work-on-the-mountain-valley-pipeline-but/article_2a60355c-7208-515e-ba7c-7f9a2058347b.html

Best,
Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us



Caring for the land and serving people

From:	Twaroski, Jim -FS
To:	Timm, Joby -FS
Cc:	Twaroski, Jim -FS
Subject:	FW: MVP Survey Permit - Re-Authorization & CR Agreement Amendment - Please review, sign, and return
Date:	Wednesday, October 24, 2018 8:26:54 AM
Attachments:	MVP_SurveyPermit_CoverLetter_28Apr16.pdf MVP_BBW433303T_SurveyPermit_DRAFT_28Apr16.pdf MVP_BBW433303T_LandUseFee_Bill_28Apr16.pdf MVP_SurveyPermit_FeeCalc_28Apr16.pdf MVP_CR_Amendment2_15MJ11080811061_28Apr16.pdf image001.png image002.png image003.png image004.png

---

Job,
This is the earliest version I can come up with…from April 2016. Delete the other documents if not needed.

Still looking for the original CR document, this one is Amendment 2, so there must be two earlier versions.

Jim Twaroski
Realty Specialist
Special Uses/Hydropower

Forest Service
Southern Region-Lands/Minerals/Uses

p: 404-347-2871
f: 404-347-2437
jtwaroski@fs.fed.us

1720 Peachtree Road, NW Suite 792S
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Faught, Alex R -FS
Sent: Thursday, April 28, 2016 11:18 AM
To: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>
Cc: Twaroski, Jim -FS <jtwaroski@fs.fed.us>; Overcash, Karen B -FS <kovercash@fs.fed.us>
Subject: FW: MVP Survey Permit - Re-Authorization & CR Agreement Amendment - Please review, sign, and return

FYI.

Alex Faught
Lands Program Manager

Forest Service

George Washington & Jefferson National Forests, Supervisor's Office

p: 540-265-5192
f: 540-265-5145
afaught@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Faught, Alex R -FS
Sent: Thursday, April 28, 2016 11:16 AM
To: John Centofanti (jcentofanti@eqt.com) <jcentofanti@eqt.com>; Neylon, Megan <MNeylon@eqt.com>; sean.sparks@tetratech.com
Cc: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Subject: MVP Survey Permit - Re-Authorization & CR Agreement Amendment - Please review, sign, and return

Mr. Centofanti:

Attached are the following items for your review and action:

1) Cover Letter
2) New temp. survey permit
3) Bill for land use fee
4) Fee calculation worksheet for land use fee
5) Amendment to cost recovery agreement

Hardcopies are forthcoming in the mail, however, I would recommend, if MVP is able, to review, sign, and FedEx overnight back to me today.
If you have any questions, please do not hesitate to contact me.

Sincerely,

Alex Faught
Lands Program Manager

Forest Service
George Washington & Jefferson National Forests, Supervisor's Office

p: 540-265-5192
f: 540-265-5145
afaught@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From:	Adams, Jennifer - FS
To:	Timm, Joby -FS; Kathmann, Sarah - OGC; Abing, Timothy -FS; Twaroski, Jim -FS
Cc:	Hise, Laura B -FS; Erba, Anthony E -FS; Thompson, Clyde N -FS; Madden, Michael J -FS; Hess, Todd A -FS; Morris, Troy - FS; Thompson, James H -FS
Subject:	FW: orderly shutdown MVP
Date:	Sunday, August 5, 2018 2:01:25 PM
Attachments:	MVP_shutdown_2018Aug4_Jennifer.docx image013.png image014.png image015.png image016.png MVP_shutdown_2018Aug4_Jennifer_clean.docx image006.png image008.png image010.png image012.png 20180803-3076(33046008).pdf image017.png image018.png image019.png image020.png

---

Job, Sarah, Tim, Jim,
See the email string below, and the attached file with "clean" in the file name. I used the forest's input to further develop the draft. Transcon is reviewing the document now. I also asked Galileo to provide similar documents from other projects.

Tony, Clyde, Laura,
Just fyi in case the same is required of us for the ACP Project.

All,
If for the ACP Project we also need to provide guidance for an orderly shutdown, I'll have Transcon and Galileo use what we develop for MVP as a template for the ACP Project. (Transcon will make revisions based on the project activities; I usually ask Galileo to format and finalize documents for us.) In this way, we can reduce workload on forest staff except for reviewing the final version.

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Page 030

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Page 031

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Page 032

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

FS <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ -FS <rmacfarlane@fs.fed.us>; Collins, Thomas K -FS <tkcollins@fs.fed.us>; Winningham, Jarret -FS <jwinningham@fs.fed.us>; Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Cc: MVP <mvp@transcon.com>
Subject: RE: draft2 orderly shutdown MVP

Thanks, Tom, and everyone for your inputs.

Jarret – I want you to review from the Timber CO perspective on Monday (to see if there are any issues contractually with stopping timber removal).

Transcon – We would also appreciate any inputs you may have, including any site-specific recommendations that should be considered.

Thanks,

Troy W. Morris
Integrated Resources Staff Officer
Forest Service
George Washington & Jefferson National Forests
p: 540-265-5170
f: 540-265-5145
troymorris@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Collins, Thomas K -FS
Sent: Friday, August 3, 2018 4:02 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>
Cc: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn - FS <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ -FS <rmacfarlane@fs.fed.us>
Subject: RE: draft2 orderly shutdown MVP

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist
Forest Service
George Washington and Jefferson National Forest

p: 540-265-5152
tkcollins@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us
Caring for the land and serving people

From: Collins, Thomas K -FS
Sent: Friday, August 3, 2018 4:01 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>
Cc: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn (dkirk@fs.fed.us) <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ (rmacfarlane@fs.fed.us) <rmacfarlane@fs.fed.us>
Subject: draft2 orderly shutdown MVP

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist
Forest Service
George Washington and Jefferson National Forest
p: 540-265-5152
tkcollins@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us
Caring for the land and serving people

From:	Timm, Joby -FS
To:	Beum, Frank R -FS; Arney, Ken S -FS; Morris, Mary -FS; Abing, Timothy -FS; Donaldson, Mike -FS; Twaroski, Jim -FS; Sporl, Christopher F -FS
Subject:	FW: Padilla Case (Pole sitter)
Date:	Wednesday, January 23, 2019 4:26:00 PM

Interesting results.....-JOB

From: Willett, James -FS
Sent: Wednesday, January 23, 2019 3:50 PM
To: Donaldson, Mike -FS <mdonaldson01@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>
Cc: Southard, Brian -FS <bsouthard@fs.fed.us>; Amos, Morgan L -FS <mamos@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: Padilla Case

Padilla pled guilty to blocking a road and/or gate (CFR violation). The closure order and maintaining structure violations were dismissed. Padilla was sentenced to 14 days in jail and to pay a $10 special assessment. She will self surrender tomorrow and serve the full sentence.

Any questions just let me know. Will be driving home from Roanoke today and in my office tomorrow. This was the final USFS criminal case from the 2018 MVP protests.

Get Outlook for iOS

From: Timm, Joby -FS
To: Abing, Timothy -FS
Subject: Fwd: draft2 orderly shutdown MVP
Date: Sunday, August 5, 2018 1:39:43 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image001.png
image002.png
image003.png
image004.png
image001.png
image002.png
image003.png
image004.png

Just a FYI that Troy has asked for Transcons perspective on orderly shutdown.....

Sent from my iPhone

Begin forwarded message:

> **From:** Nik Gillen <ngillen@transcon.com>
> **Date:** August 3, 2018 at 7:33:15 PM EDT
> **To:** MVP <mvp@transcon.com>, "Morris, Troy - FS" <troymorris@fs.fed.us>, "Timm, Joby -FS" <jtimm@fs.fed.us>, "Adams, Pauline - FS" <paulineadams@fs.fed.us>, "Kirk, Dawn -FS" <dkirk@fs.fed.us>, "Madden, Michael J -FS" <mjmadden@fs.fed.us>, "MacFarlane, Russ -FS" <rmacfarlane@fs.fed.us>, "Collins, Thomas K -FS" <tkcollins@fs.fed.us>, "Winningham, Jarret -FS" <jwinningham@fs.fed.us>, "Adams, Jennifer - FS" <jenniferpadams@fs.fed.us>, Jeff Davis <jdavis@transcon.com>, Mike Warner <mwarner@transcon.com>, "Jayanna Miller" <jmiller@transcon.com>
> **Subject: Re: draft2 orderly shutdown MVP**
>
> Troy,
>
> I just wanted to follow up with you and let you know that we will have our input to the FS on Monday morning.
>
> Have a great weekend,
>
> **Nikolaus Gillen**
> *Biologist/Project Coordinator*
>
> Transcon Environmental
> Portland, OR
> Cell: 925-550-7147

Two color horizontal

Think Green – Not every email needs to be printed.

CONFIDENTIAL AND PRIVILEGED: This communication with its contents may contain confidential and/or legally privileged information. It is soley for the use of the intended recipient(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: MVP
Sent: Friday, August 3, 2018 1:17 PM
To: Morris, Troy - FS; Timm, Joby -FS; Adams, Pauline - FS; Kirk, Dawn -FS; Madden, Michael J -FS; MacFarlane, Russ -FS; Collins, Thomas K -FS; Winningham, Jarret -FS; Adams, Jennifer - FS; Nik Gillen; Jeff Davis; Mike Warner; Jayanna Miller
Subject: Re: draft2 orderly shutdown MVP

Hi Troy,

Yes, Transcon can take a look and provide you our thoughts.

Thank you,

Nik Gillen

Transcon Environmental
5440 Peters Creek Rd, Suite 101
Roanoke, VA 24019

Two color horizontal

Think Green – Not every email needs to be printed.

CONFIDENTIAL AND PRIVILEGED: This communication with its contents may contain confidential and/or legally privileged information. It is soley for the use of the intended recipient(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Morris, Troy - FS <troymorris@fs.fed.us>
Sent: Friday, August 3, 2018 8:10:07 PM
To: Timm, Joby -FS; Adams, Pauline - FS; Kirk, Dawn -FS; Madden, Michael J -FS; MacFarlane, Russ -FS; Collins, Thomas K -FS; Winningham, Jarret -FS; Adams, Jennifer - FS
Cc: MVP
Subject: RE: draft2 orderly shutdown MVP

Thanks, Tom, and everyone for your inputs.

Jarret – I want you to review from the Timber CO perspective on Monday (to see if there are any issues contractually with stopping timber removal).

Transcon – We would also appreciate any inputs you may have, including any site-specific recommendations that should be considered.

Thanks,

Troy W. Morris
Integrated Resources Staff Officer
Forest Service

George Washington & Jefferson National Forests

p: 540-265-5170
f: 540-265-5145
troymorris@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Collins, Thomas K -FS
Sent: Friday, August 3, 2018 4:02 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>
Cc: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn -FS <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ -FS <rmacfarlane@fs.fed.us>
Subject: RE: draft2 orderly shutdown MVP

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist
Forest Service

George Washington and Jefferson National Forest
p: 540-265-5152
tkcollins@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us


Caring for the land and serving people

From: Collins, Thomas K -FS
Sent: Friday, August 3, 2018 4:01 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>
Cc: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn (dkirk@fs.fed.us) <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ (rmacfarlane@fs.fed.us) <rmacfarlane@fs.fed.us>
Subject: draft2 orderly shutdown MVP

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist
Forest Service

George Washington and Jefferson National Forest
p: 540-265-5152
tkcollins@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

From: Timm, Joby -FS
To: Abing, Timothy -FS
Subject: Fwd: draft2 orderly shutdown MVP
Date: Sunday, August 5, 2018 11:36:39 AM
Attachments: image001.png
ATT00001.htm
image002.png
ATT00002.htm
image003.png
ATT00003.htm
image004.png
ATT00004.htm
image001.png
ATT00005.htm
image002.png
ATT00006.htm
image003.png
ATT00007.htm
image004.png
ATT00008.htm
image001.png
ATT00009.htm
image002.png
ATT00010.htm
image003.png
ATT00011.htm
image004.png
ATT00012.htm
draft2 orderly shutdown MVP 2018Aug3.docx
ATT00013.htm

Here are some thoughts from the forest specialists from Friday's discussion.

Sent from my iPhone

Begin forwarded message:

> **From:** "Morris, Troy - FS" <troymorris@fs.fed.us>
> **Date:** August 3, 2018 at 4:10:07 PM EDT
> **To:** "Timm, Joby -FS" <jtimm@fs.fed.us>, "Adams, Pauline - FS" <paulineadams@fs.fed.us>, "Kirk, Dawn -FS" <dkirk@fs.fed.us>, "Madden, Michael J -FS" <mjmadden@fs.fed.us>, "MacFarlane, Russ -FS" <rmacfarlane@fs.fed.us>, "Collins, Thomas K -FS" <tkcollins@fs.fed.us>, "Winningham, Jarret -FS" <jwinningham@fs.fed.us>, "Adams, Jennifer - FS" <jenniferpadams@fs.fed.us>
> **Cc:** MVP <mvp@transcon.com>
> **Subject: RE: draft2 orderly shutdown MVP**
>
> Thanks, Tom, and everyone for your inputs.
>
> Jarret – I want you to review from the Timber CO perspective on Monday (to see if there are any issues contractually with stopping timber removal).
>
> Transcon – We would also appreciate any inputs you may have, including any site-specific recommendations that should be considered.

Thanks,

From:	Abing, Timothy -FS
To:	Timm, Joby -FS
Subject:	Fwd: MVP - stop work order from FERC
Date:	Friday, August 3, 2018 9:36:15 PM
Attachments:	APPELLATE-#367326-v1-MVP - final - FERC stop work order.PDF ATT00001.htm

---

FERC shut MVP down EVERWHERE!

Sent from my iPhone

Begin forwarded message:

From: "Polachek, Emily (ENRD)" <Emily.Polachek@usdoj.gov>
Date: August 3, 2018 at 8:40:21 PM EDT
To: "Mergen, Andy (ENRD)" <Andy.Mergen@usdoj.gov>, "Gunter, David (ENRD)" <David.Gunter2@usdoj.gov>, "Kupfer, Avi (ENRD)" <Avi.Kupfer@usdoj.gov>, Haninah Levine <haninah.levine@sol.doi.gov>, "Henson, John" <john.henson@sol.doi.gov>, "Kathmann, Sarah - OGC" <sarah.kathmann@ogc.usda.gov>, "Foster, Andrea - OGC" <ANDREA.FOSTER@OGC.USDA.GOV>, "McWhirter, Jay - OGC" <JAY.MCWHIRTER@OGC.USDA.GOV>, "charles.spicknall@ogc.usda.gov" <charles.spicknall@ogc.usda.gov>, "kathryn.toffenetti@ogc.usda.gov" <kathryn.toffenetti@ogc.usda.gov>, "parndt@fs.fed.us" <parndt@fs.fed.us>, "pgaulke@fs.fed.us" <pgaulke@fs.fed.us>, "Lee, Alice - FS" <alee@fs.fed.us>, "Abing, Timothy -FS" <tabing@fs.fed.us>, "Beum, Frank R -FS" <fbeum@fs.fed.us>, "Donaldson, Mike -FS" <mdonaldson01@fs.fed.us>, "Spencer, Sally" <sspencer@blm.gov>, Victoria Craft <vcraft@blm.gov>
Subject: MVP - stop work order from FERC

Hi everyone,

(b)(5);Attorney-Client Privilege

(b)(5) Attorney-Client Privilege

Thanks,

Emily

Emily Polachek
Attorney, U.S. Department of Justice
Environment & Natural Resources Division, Appellate Section
Office: (202) 514-5442
Cell: (202) 532-3255
emily.polachek@usdoj.gov

From: Timm, Joby -FS
To: Gaulke, Peter T -FS; Abing, Timothy -FS; Kathmann, Sarah - OGC; Beum, Frank R -FS
Subject: Fwd: MVP Weekly Updates 7-20
Date: Saturday, July 28, 2018 8:31:38 AM
Attachments: 20180726_MVP Weekly Report No. 35.pdf
ATT00001.htm
20180726_MVP Weekly Report No. 36.pdf
ATT00002.htm
20180726_MVP Weekly Report No. 37.pdf
ATT00003.htm
MVP - Transcon Weekly Report 20180725 with Photos.pdf
ATT00004.htm
1. 20180727 Weekly Bullet Brief.docx
ATT00005.htm
1. 20180727 Weekly Bullet Brief.docx
ATT00006.htm

Sent from my iPhone

Begin forwarded message:

From: "Lauren Johnston" <lauren.johnston@galileoaz.com>
To: "McKeague, Dan -FS" <dmckeague@fs.fed.us>, "Williams, Ginny -FS" <gwilliams03@fs.fed.us>, "Willett, James -FS" <jwillett@fs.fed.us>, "Adams, Jennifer - FS" <jenniferpadams@fs.fed.us>, "Rubado, Jessica - FS" <jrubado@fs.fed.us>, "Timm, Joby -FS" <jtimm@fs.fed.us>, "Ballew, Katie J - FS" <katiejballew@fs.fed.us>, "Helms, Mary S -FS" <mshelms@fs.fed.us>, "Madden, Michael J -FS" <mjmadden@fs.fed.us>, "Irvine, Peter -FS" <pirvine@fs.fed.us>, "Abing, Timothy -FS" <tabing@fs.fed.us>, "Morris, Troy - FS" <troymorris@fs.fed.us>, "Rubado, Jessica - FS" <jrubado@fs.fed.us>, "Miller, Lynette M - FS" <lynettemmiller@fs.fed.us>, "Craft, Victoria" <vcraft@blm.gov>, "Liberatore, Miriam" <mliberat@blm.gov>, "Brown, JoBeth -FS" <jobethbrown@fs.fed.us>, "Overcash, Jesse L -FS" <jovercash@fs.fed.us>, "Grace Ellis" <grace.ellis@galileoaz.com>, "Rosana Nesheim" <rosana.nesheim@galileoaz.com>, "Adams, Jennifer - FS" <jenniferpadams@fs.fed.us>, "fpiccoli@blm.gov" <fpiccoli@blm.gov>
Subject: RE: MVP Weekly Updates 7-20

Hi All –

The following MVP Weekly update items are attached for your review:

- 20180727 MVP Galileo Weekly Brief
- 20180726 MVP Weekly Report No. 35
- 20180726 MVP Weekly Report No. 36
- 20180726 MVP Weekly Report No. 37
- 20180725 MVP Transcon Weekly Report

Thanks,

Lauren Johnston
Galileo Project, LLC
4700 S. McClintock Dr. Suite 100
Tempe, Arizona, 85282
O: 480.629.4705
www.galileoaz.com

From: Gaulke, Peter T -FS
To: Abing, Timothy -FS; Timm, Joby -FS; Kathmann, Sarah - OGC; Beum, Frank R -FS; Morris, Mary -FS
Subject: MVP 4th Circuit Sec BP
Date: Saturday, July 28, 2018 3:34:03 PM
Attachments: MVP 4th Circuit Sec BP.docx

Here is the first draft of my MVP Briefing Paper.

From:	Adams, Jennifer - FS
To:	Abing, Timothy -FS; Timm, Joby -FS; Gaulke, Peter T -FS; Kathmann, Sarah - OGC; Twaroski, Jim -FS
Subject:	MVP halting construction
Date:	Friday, July 27, 2018 11:07:45 PM
Attachments:	image001.png image002.png image003.png image004.png

---

I was informed by Transcon of the following:

MVP will pull all construction equipment off federal property known as the JNF by Monday afternoon, MVP will halt al construction activity on JNF and only maintain erosion controls in the interim until permit complexities are cleared up. The company will work on other areas for now. We will hear more tomorrow after the construction management team meets with the contractor, and Transcon attends those meetings.

I will pass information to you as I receive it.

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC
To: Beum, Frank R -FS
Cc: Abing, Timothy -FS; Twaroski, Jim -FS; Timm, Joby -FS; McWhirter, Jay - OGC
Subject: MVP Letter
Date: Thursday, October 18, 2018 4:52:30 PM
Attachments: MVP Ltr Oct17 2018 SSK final edits (10.18.2018).docm
image001.png

(b)(5);Attorney-Client Privilege



Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
✉ **Sarah.Kathmann@ogc.usda.gov**

From: Adams, Jennifer - FS
To: Beum, Frank R -FS; Kathmann, Sarah - OGC; Timm, Joby -FS; Abing, Timothy -FS
Cc: Williams, Ginny -FS
Subject: MVP planting plan
Date: Monday, December 3, 2018 3:28:27 PM
Attachments: image001.png

Frank, Tim, Job, Sarah,

(b)(5); Attorney Work Product Privilege

[redacted]

Lauren,

Thanks for your help providing dates for the submittal and vacatur. Please add this to the agenda for Friday if Tim doesn't get back to us before then.

Jennifer P. Adams
Special Project Coordinator
Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest
p: 540-597-5465
jenniferpadams@fs.fed.us
jennifer.p.adams@usda.gov
George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019
Caring for the land and serving people

From: FERC - State Relations
Subject: MVP Project Authorized to Restart Construction
Date: Wednesday, August 29, 2018 2:53:42 PM

The following was issued today by the Federal Energy Regulatory Commission:

August 29, 2018 - MVP Project Authorized to Restart Construction News Release | Commissioners' Statements: LaFleur | Glick

Sarah McKinley
Office of External Affairs
Federal Energy Regulatory Commission
(202) 502-8368

From:	Abing, Timothy -FS
To:	McWhirter, Jay - OGC; Kathmann, Sarah - OGC; Beum, Frank R -FS; Gaulke, Peter T -FS; Timm, Joby -FS
Cc:	Arney, Ken S -FS
Subject:	MVP Stabilization Plan
Date:	Friday, August 10, 2018 7:23:25 AM
Attachments:	MVP Stabilization Plan Cvr Letter.pdf MVP Stabilization Plan.pdf image001.png image002.png image003.png image004.png

---

I have only skimmed over this, but as expected, MVP is requesting approval to install pipe.

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
To: Kathmann, Sarah - OGC; Abing, Timothy -FS; Timm, Joby -FS; Twaroski, Jim -FS
Cc: Madden, Michael J -FS
Subject: MVP--guidance needed
Date: Wednesday, August 1, 2018 10:45:21 AM
Attachments: image009.png
image010.png
image011.png
image012.png

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
To: Timm, Joby -FS; Abing, Timothy -FS; Twaroski, Jim -FS; Kathmann, Sarah - OGC
Cc: Overcash, Karen B -FS; Madden, Michael J -FS
Subject: MVP--guidance needed
Date: Tuesday, July 31, 2018 5:02:07 PM
Attachments: image001.png
image002.png
image003.png
image004.png

We need guidance on how best to proceed with a particular MVP Project activity.

Bacground: MVP needs to proceed with porta john maintenance, which requires the use of a road which is not currently authorized. The porta john would be maintained twice weekly. We could authorize the use of the road under the road permit, and as an action item from the call last week, MVP will be providing the information requested by Steve Woods. Mike Madden tells me the porta john was originally put there for law enforcement, or during that time span.
Typically, we would also require a variance because the porta john is outside the LOD and also because the POD needs to be updated to show the use of the road. As an action item from the last week's call with MVP, MVP is also looking for alternatives to a variance, such (which may now be a non-issue In light of the recent court opinion) such as moving the porta john to a place inside the LOD where a road is already authorized for use.

(b)(5);Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us


Caring for the land and serving people

From:	Adams, Jennifer - FS
To:	Timm, Joby -FS; Abing, Timothy -FS; Twaroski, Jim -FS
Cc:	Madden, Michael J -FS
Subject:	MVP--more guidance needed
Date:	Tuesday, July 31, 2018 5:29:18 PM
Attachments:	image001.png image002.png image003.png image004.png

(b)(5):Deliberative Process Privilege

agenda for tomorrow's internal FS-BLM call and external FS-BLM-MVP call

I. Roll Call
II. 4th Circuit Court Decision
    a. BLM Update
    b. FS Update
    c. Questions for MVP?
III. Construction Update
IV. Compliance Update
    a. Noncompliance for 30 by 40 foot mulched area? (**INTERNAL ONLY**)
V. Follow Up Items:
    a. Variance 007
    b. Variance 008 (recurring outside-LOD sedimentation events)
    c. Request to use FS Road 166
    d. Planting Plans
    e. ANST Photo Points (**INTERNAL ONLY**)
VI. Public Outreach
VII. Action Items

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us



Caring for the land and serving people

From: Willett, James -FS
To: Donaldson, Mike -FS; Timm, Joby -FS
Cc: Southard, Brian -FS; Amos, Morgan L -FS; Ballew, Katie J -FS
Subject: Padilla Case
Date: Wednesday, January 23, 2019 3:49:58 PM

Padilla pled guilty to blocking a road and/or gate (CFR violation). The closure order and maintaining structure violations were dismissed. Padilla was sentenced to 14 days in jail and to pay a $10 special assessment. She will self surrender tomorrow and serve the full sentence.

Any questions just let me know. Will be driving home from Roanoke today and in my office tomorrow. This was the final USFS criminal case from the 2018 MVP protests.

Get Outlook for iOS

From:	Kathmann, Sarah - OGC
To:	Beum, Frank R -FS
Cc:	Twaroski, Jim -FS; Timm, Joby -FS; Abing, Timothy -FS
Subject:	RE: Draft 2-MVP Ltr Oct17 2018
Date:	Thursday, October 18, 2018 2:14:59 PM
Attachments:	MVP Ltr Oct17 2018 - SSK edits (10.18.2018).docm image001.png

Frank,

Here are my suggested edits to the letter now that BLM has issued its Post-Termination Instructions. I have a call at 2:30 until about 3:30, but am available to discuss after if you'd like to.

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: Twaroski, Jim -FS
Sent: Wednesday, October 17, 2018 4:00 PM
To: Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Cc: Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Subject: Draft 2-MVP Ltr Oct17 2018

(b)(5), Attorney Work Product Privilege

From: Timm, Joby -FS
To: Twaroski, Jim -FS; Beum, Frank R -FS; Kathmann, Sarah - OGC
Cc: Abing, Timothy -FS
Subject: RE: Draft Letter RE: MVP Oct17 2018
Date: Thursday, October 18, 2018 2:34:00 PM

Jim, little thing but we need to correct the phone number. -JOB

From: Twaroski, Jim -FS
Sent: Thursday, October 18, 2018 2:32 PM
To: Beum, Frank R -FS <fbeum@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Cc: Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Subject: Draft Letter RE: MVP Oct17 2018

(b)(5); Attorney Work Product Privilege

From: Madden, Michael J -FS
To: Collins, Thomas K -FS; Morris, Troy - FS
Cc: Timm, Joby -FS; Adams, Pauline - FS; MacFarlane, Russ -FS; Kirk, Dawn -FS
Subject: RE: draft orderly shutdown MVP
Date: Friday, August 3, 2018 1:36:03 PM
Attachments: image001.png
image002.png
image003.png
image004.png

Tom,

Thank you for putting this together !! Mike

From: Collins, Thomas K -FS
Sent: Friday, August 3, 2018 1:32 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>
Cc: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; MacFarlane, Russ -FS <rmacfarlane@fs.fed.us>; Kirk, Dawn -FS <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: draft orderly shutdown MVP

Troy – As requested, here is draft orderly shutdown for MVP project.

Tom Collins
Geologist
Forest Service
George Washington and Jefferson National Forest
p: 540-265-5152
tkcollins@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From:	Morris, Troy - FS
To:	Timm, Joby -FS; Adams, Pauline - FS; Kirk, Dawn -FS; Madden, Michael J -FS; MacFarlane, Russ -FS; Collins, Thomas K -FS; Winningham, Jarret -FS; Adams, Jennifer - FS
Cc:	MVP
Subject:	RE: draft2 orderly shutdown MVP
Date:	Friday, August 3, 2018 4:10:09 PM
Attachments:	draft2 orderly shutdown MVP 2018Aug3.docx image001.png image002.png image003.png image004.png

---

Thanks, Tom, and everyone for your inputs.

Jarret – I want you to review from the Timber CO perspective on Monday (to see if there are any issues contractually with stopping timber removal).

Transcon – We would also appreciate any inputs you may have, including any site-specific recommendations that should be considered.

Thanks,

Troy W. Morris
Integrated Resources Staff Officer

Forest Service
George Washington & Jefferson National Forests

p: 540-265-5170
f: 540-265-5145
troymorris@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Collins, Thomas K -FS
Sent: Friday, August 3, 2018 4:02 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>
Cc: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn - FS <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ -FS <rmacfarlane@fs.fed.us>
Subject: RE: draft2 orderly shutdown MVP

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist
Forest Service
George Washington and Jefferson National Forest
p: 540-265-5152
tkcollins@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us
Caring for the land and serving people

From: Collins, Thomas K -FS
Sent: Friday, August 3, 2018 4:01 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>
Cc: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn (dkirk@fs.fed.us) <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ (rmacfarlane@fs.fed.us) <rmacfarlane@fs.fed.us>
Subject: draft2 orderly shutdown MVP

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist
Forest Service
George Washington and Jefferson National Forest
p: 540-265-5152
tkcollins@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us
Caring for the land and serving people

From:	Adams, Jennifer - FS
To:	Morris, Troy - FS; Timm, Joby -FS; Adams, Pauline - FS; Kirk, Dawn -FS; Madden, Michael J -FS; MacFarlane, Russ -FS; Collins, Thomas K -FS; Winningham, Jarret -FS; Williams, Ginny -FS; Irvine, Peter -FS; Woods, Steven - FS; Thompson, James H -FS; Overcash, Karen B -FS
Cc:	MVP; Grace Ellis; Lauren Johnston
Subject:	RE: draft2 orderly shutdown MVP
Date:	Sunday, August 5, 2018 1:30:26 PM
Attachments:	MVP_shutdown_2018Aug4_Jennifer.docx image013.png image014.png image015.png image016.png MVP_shutdown_2018Aug4_Jennifer_clean.docx image006.png image008.png image010.png image012.png

---

All,

- I'm sorry I was out of the office on AL Friday.
- I took the liberty of revising the document using your input, and relying on my experience writing resource protection plans and articles for license orders. Attached are clean and tracked versions of the document.
- I'm assuming that this document will be provided to MVP, because FERC is requiring MVP to submit a plan to FERC (per FERC's August 3, 2018 letter to MVP), which means now is the time for us to tell MVP what the Forest Service expects to see in such a plan. (And, perhaps the RO or OGC wants to provide this to FERC.)
- In either case, we need to provide our input in a language that I call "FERCese" to make it easy for every entity (MVP, FERC, BLM) to see and understand what the Forest Service wants from MVP in terms of what the Forest Service has determined would be the best means for protecting resources for both the short-term and the long-term under each possible scenario. We need to cover each and every aspect of what will be needed to conserve and protect resources in the short-term and conserve, protect and enhance resources in the long-term.
- If we're providing this to MVP and/or FERC, we want to clarify that we will defer to direction provided by FERC in FERC's order. For example, if we say it's best to leave the pipe on site for the short-term, and FERC disagrees, we want to acknowledge that we realize it is ultimately FERC's role to make that determination.
- I addressed each possible scenario from FERC's August 3, 2018 letter to MVP
    - shut down until agencies issue permit/ROW grant, where no timeframe is predicted
    - revision of the route to avoid JNF lands
    - Note: even though the FS wouldn't suggest #2, keep in mind that it's FERC who sites the pipeline and I saw that in the letter FERC acknowledged the full range of options
- Because "short-term" and "long-term" have different meanings for waiting on the court decision versus protecting resources on NFS lands, I formatted the document to show measures for
    - Resource protection in the short-term because MVP needs to correct the problems with ECDs now and ensure the adequate conservation and protection of other resources in the here and now (i.e., MVP's ECDs are not working so these must be fixed now)
    - Resource protection for the long-term (in the event that construction resumes)

- Resource protection for the long-term (in the event that construction will not resume)

- Because our role is different now (in light of the shutdown), you'll see I used phrasing to say plans or measures will be "developed in consultation with the Forest Service." You'll see that there are times when FERC uses these phrases too, because it's different on the backend of a process than on the front end when the company needs to propose and the agencies review. Note: Transcon, as our third party functioning like an extension of our staff, can do the work where ever I used "Forest Service" just like they're doing for us now.
- You'll see that I listed requirements to develop "a plan." This is something that FERC does to put the idea out there in the present, but to require the company to prepare a plan when/if it's needed. _The idea is to include only the broad requirements at this point (it's like a short and basic outline) with details to be developed later. So no extensive input is necessary, just short phrases to create a very short list/outline with the catch-all phrase that I already included "and other measures as determined by the Forest Service."

Grace,

- Please provide to Transcon and myself any documents you can gather from projects that experienced shutdowns. I know there was a shutdown on a pipeline after construction began on a project in NY after the state determined a water quality certificate couldn't be issued to the project (maybe Connecticut River Project..). It would be helpful for us to see what was required by FERC and by any land mgt agencies involved, since there were some similarities (e.g., timber was removed). I know you worked on the Ruby for which there was a shutdown. I figure you may have some helpful input.
- I'll touch base with you if we need a goto meeting to discuss the final draft.

Transcon,

- Please add any input you see fit, and edit my input, especially given your concerns about the ECDs, your experience on past projects, and any relevant documents that Grace gathers for us.
- In the attached document, I made some comments that will require input from other resource specialists. See the "clean" document.
- I'll leave input about roads for each scenario to you/Mike Tripp.
- We can talk to see if a goto meeting would be helpful for you to present the final document, or not. (We may not have time.)
- I was careful to not change the content of Tom's input, so you may need to clean it up after I moved it around.

Carol,

- Feel free to disagree with my input on wildlife. I was concerned because "short-term" and "long-term" aren't defined. (b)(5):Deliberative Process Privilege

[redacted]

Resource specialists,

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Caring for the land and serving people

From: Morris, Troy - FS
Sent: Friday, August 3, 2018 4:10 PM
To: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn - FS <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ -FS <rmacfarlane@fs.fed.us>; Collins, Thomas K -FS <tkcollins@fs.fed.us>; Winningham, Jarret -FS <jwinningham@fs.fed.us>; Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Cc: MVP <mvp@transcon.com>
Subject: RE: draft2 orderly shutdown MVP

Thanks, Tom, and everyone for your inputs.

Jarret – I want you to review from the Timber CO perspective on Monday (to see if there are any issues contractually with stopping timber removal).

Transcon – We would also appreciate any inputs you may have, including any site-specific recommendations that should be considered.

Thanks,

Troy W. Morris
Integrated Resources Staff Officer

Forest Service
George Washington & Jefferson National Forests

p: 540-265-5170
f: 540-265-5145
troymorris@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Collins, Thomas K -FS
Sent: Friday, August 3, 2018 4:02 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>
Cc: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn - FS <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ -FS <rmacfarlane@fs.fed.us>
Subject: RE: draft2 orderly shutdown MVP

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist

Forest Service
George Washington and Jefferson National Forest

p: 540-265-5152
tkcollins@fs.fed.us

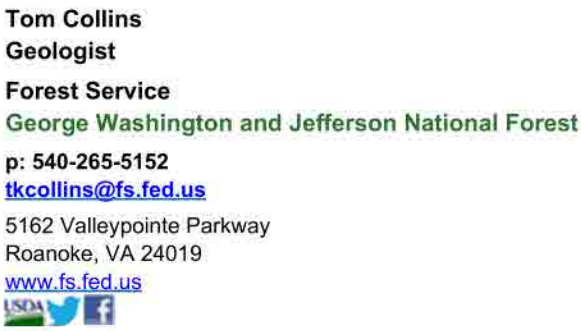
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Collins, Thomas K -FS
Sent: Friday, August 3, 2018 4:01 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>
Cc: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn (dkirk@fs.fed.us) <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ (rmacfarlane@fs.fed.us) <rmacfarlane@fs.fed.us>
Subject: draft2 orderly shutdown MVP

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist
Forest Service
George Washington and Jefferson National Forest
p: 540-265-5152
tkcollins@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us



Caring for the land and serving people

From:	Collins, Thomas K -FS
To:	Morris, Troy - FS
Cc:	Timm, Joby -FS; Adams, Pauline - FS; Kirk, Dawn -FS; Madden, Michael J -FS; MacFarlane, Russ -FS
Subject:	RE: draft2 orderly shutdown MVP
Date:	Friday, August 3, 2018 4:02:18 PM
Attachments:	draft2 orderly shutdown MVP 2018Aug3.docx image001.png image002.png image003.png image004.png

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist
Forest Service
George Washington and Jefferson National Forest
p: 540-265-5152
tkcollins@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Collins, Thomas K -FS
Sent: Friday, August 3, 2018 4:01 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>
Cc: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn (dkirk@fs.fed.us) <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ (rmacfarlane@fs.fed.us) <rmacfarlane@fs.fed.us>
Subject: draft2 orderly shutdown MVP

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist
Forest Service
George Washington and Jefferson National Forest
p: 540-265-5152
tkcollins@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Timm, Joby -FS
To: Twaroski, Jim -FS
Subject: RE: Emailing: MVP_Scope_of_Work_DRAFT_14Apr17, MVP_CR_ScopeOfWork_Worksheet_GWJNF_DRAFT_14Apr17, MVP_ROWapp_CR_Agreement_MJ11080811101_DRAFT_14Apr17
Date: Wednesday, October 24, 2018 10:31:00 AM

Thanks Jim.

-----Original Message-----
From: Twaroski, Jim -FS
Sent: Wednesday, October 24, 2018 10:05 AM
To: Timm, Joby -FS <jtimm@fs.fed.us>
Subject: Emailing: MVP_Scope_of_Work_DRAFT_14Apr17, MVP_CR_ScopeOfWork_Worksheet_GWJNF_DRAFT_14Apr17, MVP_ROWapp_CR_Agreement_MJ11080811101_DRAFT_14Apr17

Job,
Best I can do. Pinyon folder with processing documents was empty. I have contacted Amy Sutton from Enterprise who was doing some stuff for MVP cost recovery. Last resort would be having Jennifer contact Galileo to see if they have those records.

Your message is ready to be sent with the following file or link attachments:

MVP_Scope_of_Work_DRAFT_14Apr17
MVP_CR_ScopeOfWork_Worksheet_GWJNF_DRAFT_14Apr17
MVP_ROWapp_CR_Agreement_MJ11080811101_DRAFT_14Apr17

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

From:	Morris, Mary -FS
To:	Abing, Timothy -FS; Gaulke, Peter T -FS; Timm, Joby -FS; Kathmann, Sarah - OGC; Beum, Frank R -FS
Subject:	RE: MVP 4th Circuit Sec BP
Date:	Sunday, July 29, 2018 9:05:08 AM
Attachments:	image005.png image006.png image007.png image008.png image009.png

---

I think the outline of process and options given the remand is very thorough. The only comment

(b)(5):Deliberative Process Privilege

MARY A. MORRIS
Deputy Regional Forester

Forest Service
Operations/Recreation/Engineering/Lands

p: 404-347-4177 x4177
c: 404-275-6606
f: 404-347-4821
mmorris@fs.fed.us

1720 Peachtree Street, NW, Suite 760S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Saturday, July 28, 2018 9:08 PM
To: Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>
Subject: RE: MVP 4th Circuit Sec BP

Suggested edits. We will verify MVP's status/intent on current activity, as well as an estimate of time needed for an orderly shut-down if needed.

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us


Caring for the land and serving people

From: Gaulke, Peter T -FS
Sent: Saturday, July 28, 2018 3:34 PM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>
Subject: MVP 4th Circuit Sec BP

Here is the first draft of my MVP Briefing Paper.

From:	Gaulke, Peter T -FS
To:	Abing, Timothy -FS; Timm, Joby -FS; Kathmann, Sarah - OGC; Beum, Frank R -FS; Morris, Mary -FS; Gaulke, Peter T -FS
Subject:	RE: MVP 4th Circuit Sec BP
Date:	Sunday, July 29, 2018 2:28:14 PM
Attachments:	MVP 4th Circuit Sec BP_ta.docx image005.png image006.png image007.png image008.png image009.png

---

Thanks Tim – Very Good Edits.

Let's use this clean copy for any edits that result from the 4:00pm call. Stephanie is in the office tomorrow and is aware of the need for a quick OC review.

We'll need to coordinate with the WO on whether we have time to update the BP after the 11am Attorney Call, or we need to submit something in advance of that call.

Joby has also asked if we can include for the WO a page or two of photos to visually depict what the on-going construction on the forest looks like.

Peter Gaulke
Regional Planning Director
Forest Service
Southern Region
p: 404-347-3183
c: 404-807-6342
pgaulke@fs.fed.us
1720 Peachtree Road, NW
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Saturday, July 28, 2018 9:08 PM
To: Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>
Subject: RE: MVP 4th Circuit Sec BP

Suggested edits. We will verify MVP's status/intent on current activity, as well as an estimate of time needed for an orderly shut-down if needed.

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us



Caring for the land and serving people

From: Gaulke, Peter T -FS
Sent: Saturday, July 28, 2018 3:34 PM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>
Subject: MVP 4th Circuit Sec BP

Here is the first draft of my MVP Briefing Paper.

From: Beum, Frank R -FS
To: Gaulke, Peter T -FS; Morris, Mary -FS; Abing, Timothy -FS; Timm, Joby -FS; Kathmann, Sarah - OGC
Subject: RE: MVP 4th Circuit Sec BP
Date: Sunday, July 29, 2018 3:48:00 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
MVP Review Team Meeting.msg

Hi Mary –

(b)(5); Deliberative Process Privilege

Thanks.

— Frank

Frank Beum
Deputy Regional Forester
Natural Resources

Forest Service
Southern Region

p: 404-347-2693
c: 404-272-9413
f: 404-347-4821
fbeum@fs.fed.us

1720 Peachtree Road, NW, Suite 760 South
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Gaulke, Peter T -FS
Sent: Sunday, July 29, 2018 2:10 PM
To: Morris, Mary -FS <mmorris@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>
Subject: RE: MVP 4th Circuit Sec BP

(b)(5); Deliberative Process Privilege

Peter Gaulke
Regional Planning Director
Forest Service
Southern Region
p: 404-347-3183
c: 404-807-6342
pgaulke@fs.fed.us
1720 Peachtree Road, NW
Atlanta, GA 30309
www.fs.fed.us
Caring for the land and serving people

From: Morris, Mary -FS
Sent: Sunday, July 29, 2018 9:05 AM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>
Subject: RE: MVP 4th Circuit Sec BP

(b)(5);Deliberative Process Privilege

MARY A. MORRIS
Deputy Regional Forester
Forest Service
Operations/Recreation/Engineering/Lands
p: 404-347-4177 x4177
c: 404-275-6606
f: 404-347-4821
mmorris@fs.fed.us
1720 Peachtree Street, NW, Suite 760S
Atlanta, GA 30309-2405
www.fs.fed.us
Caring for the land and serving people

From: Abing, Timothy -FS

Sent: Saturday, July 28, 2018 9:08 PM
To: Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>
Subject: RE: MVP 4th Circuit Sec BP

Suggested edits. We will verify MVP's status/intent on current activity, as well as an estimate of time needed for an orderly shut-down if needed.

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Gaulke, Peter T -FS
Sent: Saturday, July 28, 2018 3:34 PM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>
Subject: MVP 4th Circuit Sec BP

Here is the first draft of my MVP Briefing Paper.

From: Abing, Timothy -FS
To: Beum, Frank R -FS; Gaulke, Peter T -FS; Morris, Mary -FS; Timm, Joby -FS; Kathmann, Sarah - OGC
Subject: RE: MVP 4th Circuit Sec BP
Date: Sunday, July 29, 2018 6:31:35 PM
Attachments: image005.png
image006.png
image007.png
image008.png
image009.png
MVP 4th Circuit Sec BP_07292018.docx

MVP reports that they have the right of way prepared and pipe strung (laid out on the ground) along a 2-mile section on the JNF, with one mile of the pipe already welded together and ready to be installed. No trenches have been dug yet. MVP's proposed orderly shutdown is to install the pipe they have on site, restore the ROW, and install permanent erosion control measures…but they would then cease any new construction on the remaining route on the Forest. They estimate they could complete their proposed orderly shutdown in 35 days. Edits made to BP attached.

MVP asserts given the current status of construction, that completing pipe installation and getting permanent erosion controls (EC) in place on the 1.8 mile section would provide better resource protection than installing interim EC measures.

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Beum, Frank R -FS
Sent: Sunday, July 29, 2018 3:48 PM
To: Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Subject: RE: MVP 4th Circuit Sec BP

Hi Mary –

You make a good point and I will work with the team to determine the best way to communicate a

(b)(5); Deliberative Process Privilege

Thanks.

— Frank

Frank Beum
Deputy Regional Forester
Natural Resources

Forest Service
Southern Region

p: 404-347-2693
c: 404-272-9413
f: 404-347-4821
fbeum@fs.fed.us

1720 Peachtree Road, NW, Suite 760 South
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Gaulke, Peter T -FS
Sent: Sunday, July 29, 2018 2:10 PM
To: Morris, Mary -FS <mmorris@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>
Subject: RE: MVP 4th Circuit Sec BP

(b)(5); Deliberative Process Privilege

Peter Gaulke
Regional Planning Director

Forest Service
Southern Region

p: 404-347-3183
c: 404-807-6342
pgaulke@fs.fed.us

1720 Peachtree Road, NW
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and
serving people

From: Morris, Mary -FS
Sent: Sunday, July 29, 2018 9:05 AM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>
Subject: RE: MVP 4th Circuit Sec BP

(b)(5):Deliberative Process Privilege

MARY A. MORRIS
Deputy Regional Forester

Forest Service
Operations/Recreation/Engineering/Lands

p: 404-347-4177 x4177
c: 404-275-6606
f: 404-347-4821
mmorris@fs.fed.us

1720 Peachtree Street, NW, Suite 760S
Atlanta, GA 30309-2405
www.fs.fed.us



Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Saturday, July 28, 2018 9:08 PM
To: Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>
Subject: RE: MVP 4th Circuit Sec BP

Suggested edits. We will verify MVP's status/intent on current activity, as well as an estimate of time needed for an orderly shut-down if needed.

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us



Caring for the land and serving people

From: Gaulke, Peter T -FS
Sent: Saturday, July 28, 2018 3:34 PM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>
Subject: MVP 4th Circuit Sec BP

Here is the first draft of my MVP Briefing Paper.

From: Beum, Frank R -FS
To: Abing, Timothy -FS; Gaulke, Peter T -FS; Morris, Mary -FS; Timm, Joby -FS; Kathmann, Sarah - OGC
Subject: RE: MVP 4th Circuit Sec BP
Date: Sunday, July 29, 2018 7:34:00 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
MVP 4th Circuit Sec BP_07292018 frb edits.docx

Thanks Tim. I made a few additional edits and added a couple of comments. I would like Peter to add some additional context on the FS role as a cooperating agency in developing the EIS (see my comment) and would also like OGC review before we send this up to the WO.

Thanks much.

— Frank

Frank Beum
Deputy Regional Forester
Natural Resources

Forest Service
Southern Region

p: 404-347-2693
c: 404-272-9413
f: 404-347-4821
fbeum@fs.fed.us

1720 Peachtree Road, NW, Suite 760 South
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Sunday, July 29, 2018 6:32 PM
To: Beum, Frank R -FS <fbeum@fs.fed.us>; Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Subject: RE: MVP 4th Circuit Sec BP

MVP reports that they have the right of way prepared and pipe strung (laid out on the ground) along a 2-mile section on the JNF, with one mile of the pipe already welded together and ready to be installed. No trenches have been dug yet. MVP's proposed orderly shutdown is to install the pipe they have on site, restore the ROW, and install permanent erosion control measures…but they would then cease any new construction on the remaining route on the Forest. They estimate they could complete their proposed orderly shutdown in 35 days. Edits made to BP attached.

MVP asserts given the current status of construction, that completing pipe installation and getting permanent erosion controls (EC) in place on the 1.8 mile section would provide better resource

protection than installing interim EC measures.

Timothy Abing
Director - Lands, Minerals, and Uses
Forest Service
Southern Region
p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us
1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us
Caring for the land and serving people

From: Beum, Frank R -FS
Sent: Sunday, July 29, 2018 3:48 PM
To: Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Subject: RE: MVP 4th Circuit Sec BP

Hi Mary –

You make a good point and I will work with the team to determine the best way to communicate a

(b) (5)

[redacted]

Thanks.

— Frank

Frank Beum
Deputy Regional Forester
Natural Resources
Forest Service
Southern Region
p: 404-347-2693
c: 404-272-9413

f: 404-347-4821
fbeum@fs.fed.us
1720 Peachtree Road, NW, Suite 760 South
Atlanta, GA 30309
www.fs.fed.us
Caring for the land and serving people

From: Gaulke, Peter T -FS
Sent: Sunday, July 29, 2018 2:10 PM
To: Morris, Mary -FS <mmorris@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>
Subject: RE: MVP 4th Circuit Sec BP

(b) (5)
[redacted]

Peter Gaulke
Regional Planning Director
Forest Service
Southern Region
p: 404-347-3183
c: 404-807-6342
pgaulke@fs.fed.us
1720 Peachtree Road, NW
Atlanta, GA 30309
www.fs.fed.us
Caring for the land and serving people

From: Morris, Mary -FS
Sent: Sunday, July 29, 2018 9:05 AM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>
Subject: RE: MVP 4th Circuit Sec BP

(b)(5);Deliberative Process Privilege
[redacted]

MARY A. MORRIS
Deputy Regional Forester

Forest Service
Operations/Recreation/Engineering/Lands

p: 404-347-4177 x4177
c: 404-275-6606
f: 404-347-4821
mmorris@fs.fed.us

1720 Peachtree Street, NW, Suite 760S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Saturday, July 28, 2018 9:08 PM
To: Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>
Subject: RE: MVP 4th Circuit Sec BP

Suggested edits. We will verify MVP's status/intent on current activity, as well as an estimate of time needed for an orderly shut-down if needed.

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Gaulke, Peter T -FS
Sent: Saturday, July 28, 2018 3:34 PM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>

Subject: MVP 4th Circuit Sec BP

Here is the first draft of my MVP Briefing Paper.

From:	Gaulke, Peter T -FS
To:	Beum, Frank R -FS; Abing, Timothy -FS; Morris, Mary -FS; Timm, Joby -FS; Kathmann, Sarah - OGC; Johnson, Stephanie N -FS
Subject:	RE: MVP 4th Circuit Sec BP
Date:	Sunday, July 29, 2018 7:59:06 PM
Attachments:	MVP 4th Circuit Sec BP_07292018 frb PTG edits.docx image001.png image002.png image003.png image004.png image005.png

---

See if this language works. I still would like to have a subtle qualifier in there that indicates that we were not in the driver's seat. Not sure of the feasibility of that.

If I understand correctly, Stephanie reviews the BP after OGC's concurrence – do I have that correct Stephanie?

Peter Gaulke
Regional Planning Director
Forest Service
Southern Region
p: 404-347-3183
c: 404-807-6342
pgaulke@fs.fed.us
1720 Peachtree Road, NW
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Beum, Frank R -FS
Sent: Sunday, July 29, 2018 7:34 PM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Subject: RE: MVP 4th Circuit Sec BP

Thanks Tim. I made a few additional edits and added a couple of comments. I would like Peter to add some additional context on the FS role as a cooperating agency in developing the EIS (see my comment) and would also like OGC review before we send this up to the WO.

Thanks much.

— Frank

Frank Beum
Deputy Regional Forester
Natural Resources

Forest Service
Southern Region

p: 404-347-2693
c: 404-272-9413
f: 404-347-4821
fbeum@fs.fed.us

1720 Peachtree Road, NW, Suite 760 South
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Sunday, July 29, 2018 6:32 PM
To: Beum, Frank R -FS <fbeum@fs.fed.us>; Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Morris, Mary - FS <mmorris@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Subject: RE: MVP 4th Circuit Sec BP

MVP reports that they have the right of way prepared and pipe strung (laid out on the ground) along a 2-mile section on the JNF, with one mile of the pipe already welded together and ready to be installed. No trenches have been dug yet. MVP's proposed orderly shutdown is to install the pipe they have on site, restore the ROW, and install permanent erosion control measures…but they would then cease any new construction on the remaining route on the Forest. They estimate they could complete their proposed orderly shutdown in 35 days. Edits made to BP attached.

MVP asserts given the current status of construction, that completing pipe installation and getting permanent erosion controls (EC) in place on the 1.8 mile section would provide better resource protection than installing interim EC measures.

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Beum, Frank R -FS
Sent: Sunday, July 29, 2018 3:48 PM
To: Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Subject: RE: MVP 4th Circuit Sec BP

Hi Mary –

You make a good point and I will work with the team to determine the best way to communicate a

(b) (5) [redacted]

— Frank

Frank Beum
Deputy Regional Forester
Natural Resources

Forest Service
Southern Region

p: 404-347-2693
c: 404-272-9413
f: 404-347-4821
fbeum@fs.fed.us

1720 Peachtree Road, NW, Suite 760 South
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Gaulke, Peter T -FS
Sent: Sunday, July 29, 2018 2:10 PM
To: Morris, Mary -FS <mmorris@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>
Subject: RE: MVP 4th Circuit Sec BP

(b) (5) [redacted]

(b) (5)

Peter Gaulke
Regional Planning Director
Forest Service
Southern Region
p: 404-347-3183
c: 404-807-6342
pgaulke@fs.fed.us
1720 Peachtree Road, NW
Atlanta, GA 30309
www.fs.fed.us
Caring for the land and serving people

From: Morris, Mary -FS
Sent: Sunday, July 29, 2018 9:05 AM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>
Subject: RE: MVP 4th Circuit Sec BP

(b)(5);Deliberative Process Privilege

MARY A. MORRIS
Deputy Regional Forester
Forest Service
Operations/Recreation/Engineering/Lands
p: 404-347-4177 x4177
c: 404-275-6606
f: 404-347-4821
mmorris@fs.fed.us
1720 Peachtree Street, NW, Suite 760S
Atlanta, GA 30309-2405
www.fs.fed.us
Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Saturday, July 28, 2018 9:08 PM
To: Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>
Subject: RE: MVP 4th Circuit Sec BP

Suggested edits. We will verify MVP's status/intent on current activity, as well as an estimate of time needed for an orderly shut-down if needed.

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Gaulke, Peter T -FS
Sent: Saturday, July 28, 2018 3:34 PM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>
Subject: MVP 4th Circuit Sec BP

Here is the first draft of my MVP Briefing Paper.

From: Abing, Timothy -FS
To: Gaulke, Peter T -FS; Timm, Joby -FS; Kathmann, Sarah - OGC; Beum, Frank R -FS; Morris, Mary -FS
Subject: RE: MVP 4th Circuit Sec BP
Date: Saturday, July 28, 2018 9:08:24 PM
Attachments: MVP 4th Circuit Sec BP_ta.docx
image001.png
image002.png
image003.png
image004.png

Suggested edits. We will verify MVP's status/intent on current activity, as well as an estimate of time needed for an orderly shut-down if needed.

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Gaulke, Peter T -FS
Sent: Saturday, July 28, 2018 3:34 PM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Morris, Mary -FS <mmorris@fs.fed.us>
Subject: MVP 4th Circuit Sec BP

Here is the first draft of my MVP Briefing Paper.

From:	Southard, Brian -FS
To:	Willett, James -FS; Ballew, Katie J -FS
Cc:	Donaldson, Mike -FS; Timm, Joby -FS; Grooms, Timothy L -FS; Harrison, Michael R -FS; Ellington, Matthew -FS; Price, John R -FS; Crims, Alvin D -FS
Subject:	RE: MVP Cases today
Date:	Saturday, July 28, 2018 11:57:35 AM

Thanks James!

Brian Southard
Assistant Special Agent in Charge
Forest Service
Southern Region Law Enforcement and Investigations
p: 828-526-6734
c: 828-526-6734
f: 404-347-1849
bsouthard@fs.fed.us
1720 Peachtree Road NW Suite 870S
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

-----Original Message-----
From: Willett, James -FS
Sent: Thursday, July 26, 2018 4:12 PM
To: Ballew, Katie J -FS <katiejballew@fs.fed.us>
Cc: Donaldson, Mike -FS <mdonaldson01@fs.fed.us>; Southard, Brian -FS <bsouthard@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Grooms, Timothy L -FS <tgrooms@fs.fed.us>; Harrison, Michael R -FS <mrharrison@fs.fed.us>; Ellington, Matthew -FS <mellington@fs.fed.us>; Price, John R -FS <jrprice@fs.fed.us>; Crims, Alvin D -FS <acrims@fs.fed.us>
Subject: MVP Cases today

MacDougal from the skypod pled guilty to violation of the closure order and blocking a FS road. The resisting and maintaining a structure charges were dismissed. She received two days jail time which she started after court.

Nicholson, Grabowski and Chancey were the three who attempted to rush and resupply the monopod. All three had the resisting charge dismissed. All three pled to a violation of the closure order and each received a $100 fine.

Local news media were present . A small group of supporters were also present but no problems inside or outside the court that I am aware of.

Thank you to everyone for their assistance with these matters. Any questions please give me a call.

James Willett
Special Agent
Sent from my iPhone

From: Kathmann, Sarah - OGC
To: Adams, Jennifer - FS
Cc: Abing, Timothy -FS; Timm, Joby -FS; Gaulke, Peter T -FS; Twaroski, Jim -FS
Subject: Re: MVP halting construction
Date: Saturday, July 28, 2018 8:50:52 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Thanks Jennifer for the information!

Sent from my iPhone

On Jul 27, 2018, at 11:07 PM, Adams, Jennifer - FS <jenniferpadams@fs.fed.us> wrote:

> I was informed by Transcon of the following:
>
> MVP will pull all construction equipment off federal property known as the JNF by Monday afternoon, MVP will halt al construction activity on JNF and only maintain erosion controls in the interim until permit complexities are cleared up. The company will work on other areas for now. We will hear more tomorrow after the construction management team meets with the contractor, and Transcon attends those meetings.
>
> I will pass information to you as I receive it.

<image001.png>

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us
<image002.png><image003.png><image004.png>

Caring for the land and serving people

From: Kathmann, Sarah - OGC
To: Adams, Jennifer - FS; Twaroski, Jim -FS; Timm, Joby -FS; Abing, Timothy -FS
Cc: Madden, Michael J -FS
Subject: RE: MVP issues; RESPONSE NEEDED
Date: Thursday, August 2, 2018 2:08:18 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.png
image009.png
image010.png
image011.png
image012.png
image013.png

Hey guys,

(b)(5):Attorney-Client Privilege

Thanks!

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ 404-347-1072 (Voice)
☎ 470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: Adams, Jennifer - FS
Sent: Thursday, August 2, 2018 1:41 PM
To: Twaroski, Jim -FS <jtwaroski@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Cc: Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: RE: MVP issues; RESPONSE NEEDED

More new information:

MVP's immediate request **is to go outside of the LOD and remove sediment by hand** that has the potential of entering S-PP21 during a forecasted rain event later today. They are also requesting to install three 25' silt fence segments outside of the LOD in the same area to prevent further sedimentation. Attached are some photos of S-PP21.

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Caring for the land and serving people

From: Twaroski, Jim -FS
Sent: Thursday, August 2, 2018 1:28 PM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Cc: Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: RE: MVP issues; RESPONSE NEEDED

I did find this in the POD, Appendix R, Section 3.O, page Appendix R-4:

"Routine, corrective, and emergency response activities will be conducted in accordance with this O&M Plan with previous notification to the BLM, FS, or USACE, as applicable. Maintenance activities that are outside of the right-of-way, established access roads, or other Project-related ancillary facilities or that are not identified in this plan will not be conducted until approved by BLM, FS, or USACE, as applicable. An exception to this would be when emergency action/maintenance is needed that requires outside right-of-way work to be completed to ensure safety and reliable delivery to customers."

Jim Twaroski
Realty Specialist
Special Uses/Hydropower

Forest Service
Southern Region-Lands/Minerals/Uses

p: 404-347-2871
f: 404-347-2437
jtwaroski@fs.fed.us

1720 Peachtree Road, NW Suite 792S
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Thursday, August 2, 2018 1:15 PM
To: Timm, Joby -FS <jtimm@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Cc: Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: RE: MVP issues; RESPONSE NEEDED

New information that just came in:

We got some clarification about the failures of ECDs on the MVP Project. **Based on some new coordination it sounds like MVP's field folks are asking to place some of the ECDs outside (sediment fencing) of the LOD.** Transcon is sending over some additional details.

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241

www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Thursday, August 2, 2018 1:08 PM
To: Timm, Joby -FS <jtimm@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Cc: Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: RE: MVP issues; RESPONSE NEEDED

(b)(5), Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Thursday, August 2, 2018 1:05 PM
To: Timm, Joby -FS <jtimm@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Cc: Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: RE: MVP issues; RESPONSE NEEDED

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Caring for the land and serving people

From: Timm, Joby -FS
Sent: Thursday, August 2, 2018 12:59 PM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Cc: Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: RE: MVP issues; RESPONSE NEEDED

Jennifer,

As referenced in the POD and as I have discussed with the RO, I would suggest that MVP continue to ensure erosion control measures are functioning properly and if needed we allow them to added/repair erosion control measures.

Tim, has anything changed?

–JOB

Joby P. Timm
Forest Supervisor
Forest Service
George Washington and Jefferson National Forest
p: 540-265-5118
c: 540-339-2523
f: 540-265-5110
jtimm@fs.fed.us
Supervisors Office
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us
Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Thursday, August 2, 2018 12:54 PM
To: Timm, Joby -FS <jtimm@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Cc: Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: MVP issues; RESPONSE NEEDED

(b)(5); Deliberative Process Privilege

[redacted]

What we'll keep doing: In the meantime, Transcon will assess the situation and provide recommendations. We'll share the daily report as well.

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Caring for the land and serving people

From: Timm, Joby -FS
To: Kathmann, Sarah - OGC; Beum, Frank R -FS
Cc: Abing, Timothy -FS; Twaroski, Jim -FS; McWhirter, Jay - OGC
Subject: RE: MVP Letter
Date: Friday, October 19, 2018 7:54:00 AM
Attachments: image001.png

Morning,

In the past much of our correspondence went to Joe, but that may have changed. Do we want to include the VA DEQ? Just a thought as DEQ has been coordinating with the project. Tim, you have had recent conversation with them, any thoughts? -JOB

From: Kathmann, Sarah - OGC [mailto:sarah.kathmann@ogc.usda.gov]
Sent: Thursday, October 18, 2018 4:52 PM
To: Beum, Frank R -FS <fbeum@fs.fed.us>
Cc: Abing, Timothy -FS <tabing@fs.fed.us>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; McWhirter, Jay - OGC <JAY.MCWHIRTER@OGC.USDA.GOV>
Subject: MVP Letter

(b)(5);Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
✉ **Sarah.Kathmann@ogc.usda.gov**

From: Williams, Ginny -FS
To: Abing, Timothy -FS; Adams, Jennifer - FS; Beum, Frank R -FS; Kathmann, Sarah - OGC; Timm, Joby -FS
Cc: Thompson, James H -FS
Subject: RE: MVP planting plan
Date: Tuesday, December 4, 2018 9:02:32 AM
Attachments: image001.png
image003.png
image004.png
image005.png
image006.png

I reviewed that last set of plans in August and found them to be acceptable. For the reason specified by Jennifer, I did not provide that feedback.

Ginny Williams, Landscape Architect
Developed Recreation Program Manager,
Volunteer & Service Programs Coordinator

Forest Service
George Washington & Jefferson National Forests,
Supervisor's Office

p: 540-265-5166
f: 540-265-5109
gwilliams03@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Monday, December 3, 2018 4:49 PM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Timm, Joby -FS <jtimm@fs.fed.us>
Cc: Williams, Ginny -FS <gwilliams03@fs.fed.us>
Subject: RE: MVP planting plan

(b)(5);Deliberative Process Privilege

Timothy Abing
On detail – Pipeline Infrastructure Regional Coordinator

Forest Service

Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
timothy.abing@usda.gov

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Monday, December 3, 2018 3:28 PM
To: Beum, Frank R -FS <fbeum@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Timm, Joby -FS <jtimm@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Cc: Williams, Ginny -FS <gwilliams03@fs.fed.us>
Subject: MVP planting plan

(b)(5); Deliberative Process Privilege

Lauren,
Thanks for your help providing dates for the submittal and vacatur. Please add this to the agenda for Friday if Tim doesn't get back to us before then.

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us
jennifer.p.adams@usda.gov

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Kathmann, Sarah - OGC
To: Williams, Ginny -FS; Abing, Timothy -FS; Adams, Jennifer - FS; Beum, Frank R -FS; Timm, Joby -FS
Cc: Thompson, James H -FS
Subject: RE: MVP planting plan
Date: Tuesday, December 4, 2018 9:13:06 AM
Attachments: image002.png
image007.png
image008.png
image009.png
image010.png
image011.png

(b)(5) Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: Williams, Ginny -FS
Sent: Tuesday, December 4, 2018 9:02 AM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Timm, Joby -FS <jtimm@fs.fed.us>
Cc: Thompson, James H -FS <jamesthompson@fs.fed.us>
Subject: RE: MVP planting plan

(b)(5), Deliberative Process Privilege

Ginny Williams, Landscape Architect
Developed Recreation Program Manager,
Volunteer & Service Programs Coordinator

Forest Service
George Washington & Jefferson National Forests,
Supervisor's Office

p: 540-265-5166
f: 540-265-5109
gwilliams03@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019

www.fs.fed.us

Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Monday, December 3, 2018 4:49 PM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Timm, Joby -FS <jtimm@fs.fed.us>
Cc: Williams, Ginny -FS <gwilliams03@fs.fed.us>
Subject: RE: MVP planting plan

(b)(5):Deliberative Process Privilege

Timothy Abing
On detail – Pipeline Infrastructure Regional Coordinator

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
timothy.abing@usda.gov

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Monday, December 3, 2018 3:28 PM
To: Beum, Frank R -FS <fbeum@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Timm, Joby -FS <jtimm@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Cc: Williams, Ginny -FS <gwilliams03@fs.fed.us>
Subject: MVP planting plan

Frank, Tim, Job, Sarah,

(b)(5); Deliberative Process Privilege

Lauren,

Thanks for your help providing dates for the submittal and vacatur. Please add this to the agenda for Friday if Tim doesn't get back to us before then.

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us
jennifer.p.adams@usda.gov

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Adams, Jennifer - FS
To: Kathmann, Sarah - OGC; Williams, Ginny -FS; Abing, Timothy -FS; Beum, Frank R -FS; Timm, Joby -FS
Cc: Thompson, James H -FS
Subject: RE: MVP planting plan
Date: Tuesday, December 4, 2018 10:34:26 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png

This is simply a review of the proposed planting plan. However, we had not "approved" the plan or asked for revisions to the plan with all of our work on hold.

Jennifer P. Adams
Special Project Coordinator
Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest
p: 540-597-5465
jenniferpadams@fs.fed.us
jennifer.p.adams@usda.gov
George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019
Caring for the land and serving people

From: Kathmann, Sarah - OGC
Sent: Tuesday, December 4, 2018 9:13 AM
To: Williams, Ginny -FS <gwilliams03@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>
Cc: Thompson, James H -FS <jamesthompson@fs.fed.us>
Subject: RE: MVP planting plan

(b)(5);Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
404-347-1072 (Voice)

470-330-1121 (Work Cell)
844-217-8320 (Fax)
Sarah.Kathmann@ogc.usda.gov

From: Williams, Ginny -FS
Sent: Tuesday, December 4, 2018 9:02 AM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Timm, Joby -FS <jtimm@fs.fed.us>
Cc: Thompson, James H -FS <jamesthompson@fs.fed.us>
Subject: RE: MVP planting plan

(b)(5), Deliberative Process Privilege

Ginny Williams, Landscape Architect
Developed Recreation Program Manager,
Volunteer & Service Programs Coordinator

Forest Service
George Washington & Jefferson National Forests,
Supervisor's Office

p: 540-265-5166
f: 540-265-5109
gwilliams03@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Monday, December 3, 2018 4:49 PM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Timm, Joby -FS <jtimm@fs.fed.us>
Cc: Williams, Ginny -FS <gwilliams03@fs.fed.us>
Subject: RE: MVP planting plan

(b)(5);Deliberative Process Privilege

version, not the December 2017 version.

Timothy Abing
On detail – Pipeline Infrastructure Regional Coordinator
Forest Service
Southern Region
p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
timothy.abing@usda.gov
1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us
Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Monday, December 3, 2018 3:28 PM
To: Beum, Frank R -FS <fbeum@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Timm, Joby -FS <jtimm@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Cc: Williams, Ginny -FS <gwilliams03@fs.fed.us>
Subject: MVP planting plan

(b)(5); Deliberative Process Privilege

Lauren,
Thanks for your help providing dates for the submittal and vacatur. Please add this to the agenda for Friday if Tim doesn't get back to us before then.

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us
jennifer.p.adams@usda.gov

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Adams, Jennifer - FS
To: Abing, Timothy -FS; Beum, Frank R -FS; Kathmann, Sarah - OGC; Timm, Joby -FS
Cc: Williams, Ginny -FS; Thompson, James H -FS
Subject: RE: MVP planting plan
Date: Tuesday, December 4, 2018 10:39:36 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

(b)(5); Attorney Work Product Privilege

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us
jennifer.p.adams@usda.gov

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Monday, December 3, 2018 4:49 PM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Timm, Joby -FS <jtimm@fs.fed.us>
Cc: Williams, Ginny -FS <gwilliams03@fs.fed.us>
Subject: RE: MVP planting plan

(b)(5);Deliberative Process Privilege

(b)(5);Deliberative Process Privilege

Timothy Abing
On detail – Pipeline Infrastructure Regional Coordinator

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
timothy.abing@usda.gov

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Monday, December 3, 2018 3:28 PM
To: Beum, Frank R -FS <fbeum@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Timm, Joby -FS <jtimm@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Cc: Williams, Ginny -FS <gwilliams03@fs.fed.us>
Subject: MVP planting plan

(b)(5); Deliberative Process Privilege

Lauren,
Thanks for your help providing dates for the submittal and vacatur. Please add this to the agenda for Friday if Tim doesn't get back to us before then.

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us
jennifer.p.adams@usda.gov

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: Abing, Timothy -FS
To: Adams, Jennifer - FS; Beum, Frank R -FS; Kathmann, Sarah - OGC; Timm, Joby -FS
Cc: Williams, Ginny -FS
Subject: RE: MVP planting plan
Date: Monday, December 3, 2018 4:49:19 PM
Attachments: image002.png
image003.png
image004.png
image005.png
image006.png

(b)(5);Deliberative Process Privilege

Timothy Abing
On detail – Pipeline Infrastructure Regional Coordinator

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
timothy.abing@usda.gov

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Monday, December 3, 2018 3:28 PM
To: Beum, Frank R -FS <fbeum@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Timm, Joby -FS <jtimm@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>
Cc: Williams, Ginny -FS <gwilliams03@fs.fed.us>
Subject: MVP planting plan

(b)(5); Deliberative Process Privilege

(b)(5), Deliberative Process Privilege

Lauren,

Thanks for your help providing dates for the submittal and vacatur. Please add this to the agenda for Friday if Tim doesn't get back to us before then.

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us
jennifer.p.adams@usda.gov

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From:	Beum, Frank R -FS
To:	Abing, Timothy -FS; McWhirter, Jay - OGC; Kathmann, Sarah - OGC; Gaulke, Peter T -FS; Timm, Joby -FS
Cc:	Arney, Ken S -FS
Subject:	RE: MVP Stabilization Plan
Date:	Friday, August 10, 2018 8:20:09 AM
Attachments:	image005.png image006.png image007.png image008.png image009.png

---

Got it – will review. Thanks Tim.

— Frank

Frank Beum
Deputy Regional Forester
Natural Resources

Forest Service
Southern Region

p: 404-347-2693
c: 404-272-9413
f: 404-347-4821
fbeum@fs.fed.us

1720 Peachtree Road, NW, Suite 760 South
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Friday, August 10, 2018 7:23 AM
To: McWhirter, Jay - OGC <JAY.MCWHIRTER@OGC.USDA.GOV>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Beum, Frank R -FS <fbeum@fs.fed.us>; Gaulke, Peter T -FS <pgaulke@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>
Cc: Arney, Ken S -FS <karney@fs.fed.us>
Subject: MVP Stabilization Plan

I have only skimmed over this, but as expected, MVP is requesting approval to install pipe.

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

From:	Johnson, Stephanie N -FS
To:	Timm, Joby -FS; Abing, Timothy -FS; Beum, Frank R -FS; Arney, Ken S -FS
Subject:	RE: MVP Stop Work: PAO reference in the Roanoke Times
Date:	Tuesday, August 7, 2018 12:51:48 PM
Attachments:	image001.png image002.png image003.png image004.png

---

Thanks for the headsup.

From: Timm, Joby -FS
Sent: Tuesday, August 7, 2018 12:48 PM
To: Abing, Timothy -FS <tabing@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Arney, Ken S -FS <karney@fs.fed.us>
Cc: Johnson, Stephanie N -FS <snjohnson@fs.fed.us>
Subject: FW: MVP Stop Work: PAO reference in the Roanoke Times

All,

Just a heads up. -JOB

From: Brown, JoBeth -FS
Sent: Tuesday, August 7, 2018 12:06 PM
To: Timm, Joby -FS <jtimm@fs.fed.us>; Johnson, Stephanie N -FS <snjohnson@fs.fed.us>
Subject: FW: MVP Stop Work: PAO reference in the Roanoke Times

Fyi-

JoBeth Brown
Staff Officer/Public Affairs Officer

Forest Service
Planning, RIM/GIS, Lands & Special Uses, Collaboration & Partnerships, Public & Legislative Affairs

p: 540-265-5102
jobethbrown@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Rubado, Jessica - FS
Sent: Monday, August 6, 2018 8:52 AM
To: Brown, JoBeth -FS <jobethbrown@fs.fed.us>; Robbins, Rebecca - FS <rebeccarobbins@fs.fed.us>

Subject: MVP Stop Work: PAO reference in the Roanoke Times

Hi JoBeth and Rebecca-

Just a heads up (which you probably already know about…) – the Roanoke Times published a not so encouraging reference to forest service public affairs:

"Since tree-cutting for the pipeline began in March, officials at Jefferson National Forest headquarters in Roanoke have usually deflected questions.

A public affairs officer in Portland, Oregon, was first designated to handle media inquiries; that role was later shifted to another Forest Service office in Atlanta. Asked about the 4th Circuit's ruling, the Atlanta office told The Roanoke Times to contact a U.S. Justice Department official in Washington, D.C."

If you're interested in the entire story it's located at the following link:
https://www.roanoke.com/business/an-order-stops-work-on-the-mountain-valley-pipeline-but/article_2a60355c-7208-515e-ba7c-7f9a2058347b.html

Best,
Jessica

Jessica Rubado
Project Manager/Acting Land Minerals and Special Uses Service Line Manager
Forest Service
Washington Office, Business Operations, Enterprise Program
p: 503-314-0767
jrubado@fs.fed.us
Naples, FL 34114
www.fs.fed.us
Caring for the land and serving people

From: Kathmann, Sarah - OGC
To: Adams, Jennifer - FS; Abing, Timothy -FS; Timm, Joby -FS; Twaroski, Jim -FS
Cc: Madden, Michael J -FS
Subject: RE: MVP--guidance needed
Date: Wednesday, August 1, 2018 11:16:33 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

Jennifer,

Of course, I can answer your 'later' question now...and will have to answer your 'now' question a little later.

(b)(5);Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
☎ **470-330-1121 (Work Cell)**
844-217-8320 (Fax)
✉ Sarah.Kathmann@ogc.usda.gov

From: Adams, Jennifer - FS
Sent: Wednesday, August 1, 2018 10:45 AM
To: Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Cc: Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: MVP--guidance needed

(b)(5); Deliberative Process Privilege; Attorney Work Product Privilege

(b)(5); Deliberative Process Privilege; Attorney Work Product Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
To: Kathmann, Sarah - OGC; Abing, Timothy -FS; Timm, Joby -FS; Twaroski, Jim -FS
Cc: Madden, Michael J -FS
Subject: RE: MVP--guidance needed
Date: Wednesday, August 1, 2018 11:30:16 AM
Attachments: image010.png
image011.png
image012.png
image013.png
image014.png
image001.png
image002.png
image003.png
image004.png

Thank you so much for the response. We'll wait for further guidance when it's available, and in the meantime, we wanted to ensure that we passed up the information that we feel is pertinent. I'll instruct Transcon to continue to monitor and inform us of any environmental condition that is out of the ordinary.

Thank you for taking the time from your schedule to respond.

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Caring for the land and serving people

From: Kathmann, Sarah - OGC
Sent: Wednesday, August 1, 2018 11:17 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Cc: Madden, Michael J -FS <mjmadden@fs.fed.us>

Subject: RE: MVP--guidance needed

Jennifer,

(b)(5);Attorney-Client Privilege

Sarah Kathmann
Attorney-Advisor
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, NW
Suite 576
Atlanta, GA 30309
☎ **404-347-1072 (Voice)**
☎ **470-330-1121 (Work Cell)**
844-217-8320 (Fax)
✉ **Sarah.Kathmann@ogc.usda.gov**

From: Adams, Jennifer - FS
Sent: Wednesday, August 1, 2018 10:45 AM
To: Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Abing, Timothy -FS <tabing@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Cc: Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: MVP--guidance needed

(b)(5); Deliberative Process Privilege; Attorney Work Product Privilege

(b)(5), Deliberative Process Privilege, Attorney Work Product Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us



Caring for the land and serving people

From: Abing, Timothy -FS
To: Adams, Jennifer - FS; Timm, Joby -FS; Twaroski, Jim -FS; Kathmann, Sarah - OGC
Cc: Overcash, Karen B -FS; Madden, Michael J -FS
Subject: RE: MVP--guidance needed
Date: Wednesday, August 1, 2018 9:40:44 AM
Attachments: image005.png
image006.png
image007.png
image008.png
image009.png
image010.png
image011.png
image012.png

Since the court opinion vacates the FS and BLM decisions, we don't have a permit to grant a variance to. (b)(5);Deliberative Process Privilege

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Tuesday, July 31, 2018 5:02 PM
To: Timm, Joby -FS <jtimm@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Cc: Overcash, Karen B -FS <kovercash@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: MVP--guidance needed

(b)(5); Deliberative Process Privilege; Attorney Work Product Privilege

LOD where a road is already authorized for use.

Decision point: In light of the recent court opinion, which of the options you are comfortable with…how should we proceed?

(b)(5):Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
To: Abing, Timothy -FS; Timm, Joby -FS; Twaroski, Jim -FS
Cc: Madden, Michael J -FS; Kathmann, Sarah - OGC
Subject: RE: MVP--more guidance needed
Date: Wednesday, August 1, 2018 9:33:17 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.png
image009.png
image010.png
image011.png
image012.png

(b)(5), Deliberative Process Privilege, Attorney Work Product Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Caring for the land and serving people

From: Abing, Timothy -FS
Sent: Wednesday, August 1, 2018 9:32 AM
To: Adams, Jennifer - FS <jenniferpadams@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Cc: Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: RE: MVP--more guidance needed

(b)(5);Deliberative Process Privilege

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Tuesday, July 31, 2018 5:29 PM
To: Timm, Joby -FS <jtimm@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Cc: Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: MVP--more guidance needed

Decision point: Do we continue processing variances?

(b)(5);Deliberative Process Privilege

agenda for tomorrow's internal FS-BLM call and external FS-BLM-MVP call

I. Roll Call
II. 4th Circuit Court Decision
    a. BLM Update
    b. FS Update
    c. Questions for MVP?
III. Construction Update
IV. Compliance Update
    a. Noncompliance for 30 by 40 foot mulched area? (**INTERNAL ONLY**)
V. Follow Up Items:
    a. Variance 007
    b. Variance 008 (recurring outside-LOD sedimentation events)
    c. Request to use FS Road 166
    d. Planting Plans
    e. ANST Photo Points (**INTERNAL ONLY**)
VI. Public Outreach

VII. Action Items

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us



Caring for the land and serving people

From: Abing, Timothy -FS
To: Adams, Jennifer - FS; Timm, Joby -FS; Twaroski, Jim -FS
Cc: Madden, Michael J -FS
Subject: RE: MVP--more guidance needed
Date: Wednesday, August 1, 2018 9:32:27 AM
Attachments: image005.png
image006.png
image007.png
image008.png
image009.png
image010.png
image011.png
image012.png

(b)(5);Deliberative Process Privilege

Timothy Abing
Director - Lands, Minerals, and Uses

Forest Service
Southern Region

p: 404-347-3989
c: 404-387-7898
f: 404-347-2437
tabing@fs.fed.us

1720 Peachtree Road NW, Suite 792S
Atlanta, GA 30309-2405
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Tuesday, July 31, 2018 5:29 PM
To: Timm, Joby -FS <jtimm@fs.fed.us>; Abing, Timothy -FS <tabing@fs.fed.us>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Cc: Madden, Michael J -FS <mjmadden@fs.fed.us>
Subject: MVP--more guidance needed

Decision point: Do we continue processing variances?

(b)(5);Deliberative Process Privilege

agenda for tomorrow's internal FS-BLM call and external FS-BLM-MVP call

I. Roll Call
II. 4th Circuit Court Decision
    a. BLM Update
    b. FS Update

c. Questions for MVP?

III. Construction Update

IV. Compliance Update
   a. Noncompliance for 30 by 40 foot mulched area? (**INTERNAL ONLY**)

V. Follow Up Items:
   a. Variance 007
   b. Variance 008 (recurring outside-LOD sedimentation events)
   c. Request to use FS Road 166
   d. Planting Plans
   e. ANST Photo Points (**INTERNAL ONLY**)

VI. Public Outreach

VII. Action Items

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us



Caring for the land and serving people

From:	Timm, Joby -FS
To:	Adams, Jennifer - FS; Kathmann, Sarah - OGC; Abing, Timothy -FS; Twaroski, Jim -FS
Cc:	Hise, Laura B -FS; Erba, Anthony E -FS; Thompson, Clyde N -FS; Madden, Michael J -FS; Hess, Todd A -FS; Morris, Troy - FS; Thompson, James H -FS
Bcc:	Beum, Frank R -FS
Subject:	RE: orderly shutdown MVP
Date:	Tuesday, August 14, 2018 10:52:00 AM
Attachments:	image017.png image018.png image019.png image020.png image021.png image022.png image023.png image024.png MVP_shutdown_2018Aug4_Jennifer.docx MVP_shutdown_2018Aug4_Jennifer_clean.docx 20180803-3076(33046008).pdf image001.png image002.png image003.png image004.png

---

All,

(b)(5); Deliberative Process Privilege

Joby P. Timm
Forest Supervisor
Forest Service
George Washington and Jefferson National Forest
p: 540-265-5118
c: 540-339-2523
f: 540-265-5110
jtimm@fs.fed.us
Supervisors Office
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Adams, Jennifer - FS
Sent: Sunday, August 5, 2018 2:01 PM
To: Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>; Abing, Timothy -FS <tabing@fs.fed.us>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Cc: Hise, Laura B -FS <lhise@fs.fed.us>; Erba, Anthony E -FS <aerba@fs.fed.us>; Thompson, Clyde N - FS <cnthompson@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; Hess, Todd A -FS <tahess@fs.fed.us>; Morris, Troy - FS <troymorris@fs.fed.us>; Thompson, James H -FS <jamesthompson@fs.fed.us>
Subject: FW: orderly shutdown MVP

(b)(5), Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Caring for the land and serving people

Page 138

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

Page 139

Withheld pursuant to exemption

(b)(5) ; Deliberative Process Privilege

of the Freedom of Information and Privacy Act

(b)(5); Deliberative Process Privilege

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-265-5114
p: 304-635-4457
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241
www.fs.fed.us

Caring for the land and serving people

From: Morris, Troy - FS
Sent: Friday, August 3, 2018 4:10 PM
To: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn - FS <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ -FS <rmacfarlane@fs.fed.us>; Collins, Thomas K -FS <tkcollins@fs.fed.us>; Winningham, Jarret -FS <jwinningham@fs.fed.us>; Adams, Jennifer - FS <jenniferpadams@fs.fed.us>
Cc: MVP <mvp@transcon.com>

Subject: RE: draft2 orderly shutdown MVP

Thanks, Tom, and everyone for your inputs.

Jarret – I want you to review from the Timber CO perspective on Monday (to see if there are any issues contractually with stopping timber removal).

Transcon – We would also appreciate any inputs you may have, including any site-specific recommendations that should be considered.

Thanks,

Troy W. Morris
Integrated Resources Staff Officer

Forest Service
George Washington & Jefferson National Forests

p: 540-265-5170
f: 540-265-5145
troymorris@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Collins, Thomas K -FS
Sent: Friday, August 3, 2018 4:02 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>
Cc: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn - FS <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ -FS <rmacfarlane@fs.fed.us>
Subject: RE: draft2 orderly shutdown MVP

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist

Forest Service
George Washington and Jefferson National Forest

p: 540-265-5152
tkcollins@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Collins, Thomas K -FS
Sent: Friday, August 3, 2018 4:01 PM
To: Morris, Troy - FS <troymorris@fs.fed.us>
Cc: Timm, Joby -FS <jtimm@fs.fed.us>; Adams, Pauline - FS <paulineadams@fs.fed.us>; Kirk, Dawn (dkirk@fs.fed.us) <dkirk@fs.fed.us>; Madden, Michael J -FS <mjmadden@fs.fed.us>; MacFarlane, Russ (rmacfarlane@fs.fed.us) <rmacfarlane@fs.fed.us>
Subject: draft2 orderly shutdown MVP

Troy – Here is updated draft for orderly shutdown for MVP project based on comments from everyone. I believe this finishes my assignment to produce a draft.

Tom Collins
Geologist
Forest Service
George Washington and Jefferson National Forest
p: 540-265-5152
tkcollins@fs.fed.us
5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us

Caring for the land and serving people

From: Donaldson, Mike -FS
To: Willett, James -FS; Ballew, Katie J -FS
Cc: Southard, Brian -FS; Amos, Morgan L -FS; Ballew, Katie J -FS; Timm, Joby -FS; Bennett Wallace, Kelada L - FS
Subject: RE: Padilla Case
Date: Wednesday, January 23, 2019 3:54:52 PM
Attachments: image001.png
image002.png
image003.png
image004.png

Thanks James and Katie for your efforts today. Please extend my thanks to John as well.

Will the US Attorney's office do a press release?

This very good.

Mike

Michael Donaldson
Special Agent in Charge

Forest Service
Southern Region Law Enforcement and Investigations

p: 404-347-3701
c: 404-556-1081
f: 404-347-1849
mike.donaldson01@usda.gov

1720 Peachtree Road NW Suite 870S
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Willett, James -FS
Sent: Wednesday, January 23, 2019 3:50 PM
To: Donaldson, Mike -FS <mdonaldson01@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>
Cc: Southard, Brian -FS <bsouthard@fs.fed.us>; Amos, Morgan L -FS <mamos@fs.fed.us>; Ballew, Katie J -FS <katiejballew@fs.fed.us>
Subject: Padilla Case

Padilla pled guilty to blocking a road and/or gate (CFR violation). The closure order and maintaining structure violations were dismissed. Padilla was sentenced to 14 days in jail and to pay a $10 special assessment. She will self surrender tomorrow and serve the full sentence.

Any questions just let me know. Will be driving home from Roanoke today and in my office tomorrow. This was the final USFS criminal case from the 2018 MVP protests.

Get Outlook for iOS

From: Beum, Frank R -FS
To: Twaroski, Jim -FS; Timm, Joby -FS; Kathmann, Sarah - OGC
Cc: Abing, Timothy -FS
Subject: RE: Update-Corrected Phone Number RE: Draft Letter RE: MVP Oct17 2018
Date: Thursday, October 18, 2018 2:59:57 PM
Attachments: MVP Ltr Oct17 2018 frb edits.docm
image001.png
image002.png
image003.png
image004.png

Here are my edits – before the phone number edit.

— Frank

Frank Beum
Deputy Regional Forester
On Detail – Pipeline Infrastructure Executive

Forest Service
Southern and Eastern Regions

p: 404-347-2872
c: 404-272-9413
f: 404-347-4821
fbeum@fs.fed.us

1720 Peachtree Road, NW, Suite 792 South
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Twaroski, Jim -FS
Sent: Thursday, October 18, 2018 2:40 PM
To: Timm, Joby -FS <jtimm@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Cc: Abing, Timothy -FS <tabing@fs.fed.us>; Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Subject: Update-Corrected Phone Number RE: Draft Letter RE: MVP Oct17 2018

FYI...

Jim Twaroski
Realty Specialist
Special Uses/Hydropower

Forest Service
Southern Region-Lands/Minerals/Uses

p: 404-347-2871
f: 404-347-2437
jtwaroski@fs.fed.us

1720 Peachtree Road, NW Suite 792S
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Timm, Joby -FS
Sent: Thursday, October 18, 2018 2:34 PM
To: Twaroski, Jim -FS <jtwaroski@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Cc: Abing, Timothy -FS <tabing@fs.fed.us>
Subject: RE: Draft Letter RE: MVP Oct17 2018

Jim, little thing but we need to correct the phone number. -JOB

From: Twaroski, Jim -FS
Sent: Thursday, October 18, 2018 2:32 PM
To: Beum, Frank R -FS <fbeum@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Cc: Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Subject: Draft Letter RE: MVP Oct17 2018

(b)(5), Attorney Work Product Privilege

From: Adams, Jennifer - FS
To: Abing, Timothy -FS; Timm, Joby -FS
Subject: status of MVP stabilization plan on JNF
Date: Tuesday, August 14, 2018 1:23:19 AM
Attachments: image001.png

Tim,

(b)(5), Deliberative Process Privilege

Thank you,
Jennifer

Jennifer P. Adams
Special Project Coordinator

Forest Service
George Washington & Jefferson National Forests
and
Monongahela National Forest

p: 540-597-5465
jenniferpadams@fs.fed.us

George Washington & Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

Caring for the land and serving people

From: LeMaster, Elizabeth -FS
To: FS-pdl r8 gwjeff all
Cc: Rubado, Jessica - FS
Subject: Update on MVP ROW Stabilization
Date: Monday, October 1, 2018 3:35:49 PM
Attachments: image001.png
image002.png
image003.png
image004.png
NewsRelease-FS_MVP_NewClosureOrders_Final20191001.pdf

Although this may have a greater impact to the Eastern Divide Ranger District, I wanted to touch base with all of you now that Mountain Valley Pipeline, LLC (MVP) is starting to stabilize the Mountain Valley Pipeline Project (MVP Project) right-of-way (ROW) on the Jefferson National Forest. While FERC's stop work order is in effect on the Jefferson National Forest, the Forest Service is ensuring MVP takes necessary measures on Brush Mountain and Sinking Creek Mountain construction areas to stabilize soil and minimize impacts to water resources. Mountain Valley will require use of construction equipment to implement stabilization measures.

On Friday, September 28, I terminated the closure order for construction of the MVP Project and issued three new closure orders for stabilization activities for the MVP Project. These closure orders were enacted to protect public safety due to hazards associated with stabilizing the Mountain Valley Pipeline ROW. The closure orders are posted to the George Washington and Jefferson National Forests website on the MVP Project page and the closure order page. With the renewed activity and presence of construction equipment, I wanted you all to be notified so that you can account for your safety as you conduct the important work you do, and so that you are aware of the purpose of the activities.

We may see increase interest with this work, which may result in questions from the public. As a reminder, inquiries from the public and media should be referred to 1-888-603-0261, GeorgeWashingtonAndJeffersonNationalForests-PublicAffairs@fs.fed.us, or the George Washington and Jefferson National Forest website for information. If you have any questions with this protocol, please visit with your local line officer.

I appreciate everyone's patience as we work through this unique project. As always, safety of our employees, partners, and publics is our first priority. If you have any specific concerns, please make sure you share these with your supervisor, your ranger, your staff officer, or myself.

Thanks,
Beth

P.S. Attached is the News Release concerning the new closure orders on the Eastern Divide RD

Elizabeth (Beth) LeMaster
Acting Forest Supervisor
Forest Service
George Washington and Jefferson National Forests
p: 540-265-5119

c: 540-200-9007
elemaster@fs.fed.us

5162 Valleypointe Parkway
Roanoke, VA 24019
www.fs.fed.us


Caring for the land and serving people

From: Twaroski, Jim -FS
To: Timm, Joby -FS; Beum, Frank R -FS; Kathmann, Sarah - OGC
Cc: Abing, Timothy -FS; Twaroski, Jim -FS
Subject: Update-Corrected Phone Number RE: Draft Letter RE: MVP Oct17 2018
Date: Thursday, October 18, 2018 2:39:55 PM
Attachments: image001.png
image002.png
image003.png
image004.png
MVP Ltr Oct17 2018.docm

FYI...

Jim Twaroski
Realty Specialist
Special Uses/Hydropower

Forest Service
Southern Region-Lands/Minerals/Uses

p: 404-347-2871
f: 404-347-2437
jtwaroski@fs.fed.us

1720 Peachtree Road, NW Suite 792S
Atlanta, GA 30309
www.fs.fed.us

Caring for the land and serving people

From: Timm, Joby -FS
Sent: Thursday, October 18, 2018 2:34 PM
To: Twaroski, Jim -FS <jtwaroski@fs.fed.us>; Beum, Frank R -FS <fbeum@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Cc: Abing, Timothy -FS <tabing@fs.fed.us>
Subject: RE: Draft Letter RE: MVP Oct17 2018

Jim, little thing but we need to correct the phone number. -JOB

From: Twaroski, Jim -FS
Sent: Thursday, October 18, 2018 2:32 PM
To: Beum, Frank R -FS <fbeum@fs.fed.us>; Timm, Joby -FS <jtimm@fs.fed.us>; Kathmann, Sarah - OGC <sarah.kathmann@ogc.usda.gov>
Cc: Twaroski, Jim -FS <jtwaroski@fs.fed.us>
Subject: Draft Letter RE: MVP Oct17 2018

(b)(5); Attorney Work Product Privilege

(b)(5); Attorney Work Product Privilege