



FERC's Release of DEIS and Next Steps for Proposed Mountain Valley Pipeline

Frequently Asked Questions:

1. Why would the Forest Service even consider allowing a pipeline across the national forest?

As a federal land-managing agency with a multiple-use mission, the Forest considers the authorization of many different types of uses on the national forests. The laws governing the management of the national forests state that the national forests play a role in energy generation and transmission. The Forest Service will follow all laws, regulations, and policies pertaining to issuing permits for natural gas transmission pipelines during our analysis of the Mountain Valley Pipeline.

2. How can I comment on the Mountain Valley Pipeline's proposed route across the national forest?

All comments should be sent to FERC, including those pertaining to National Forest System lands. Comments must be sent to FERC by December 22, 2016. FERC will forward all comments pertaining to the national forest to the Forest Service. We welcome your involvement and encourage your comments on this proposal.

3. How will my comments on the Draft EIS be used?

The Forest Service will use your comments on the Draft EIS to develop the portions of the Final Environmental Impact Statement (FEIS) that pertain to the national forest. Ultimately, we will use your comments pertaining to the national forest, along with the environmental analysis, to decide whether to amend the Forest Plan to accommodate the construction, operation and maintenance of the Mountain Valley Pipeline across the Jefferson National Forest.

4. What is a Forest Plan amendment?

Forest Plans are required by the National Forest Management Act (NFMA). They are an integrated document, developed with extensive public input that describes the goals, objectives, and management direction for each component of the National Forest System. The Jefferson Forest Plan was last revised in 2004. All activities on a national forest must be consistent with the Forest Plan for that particular national





forest. To deviate from the Forest Plan, a Forest Plan amendment must be completed. To complete a Forest Plan amendment, an environmental analysis must be conducted and the public is involved in the decision.

5. Why are Forest Plan amendments needed?

The National Forest Management Act of 1976 requires that proposed projects be consistent with Forest Plans. When a project would not be consistent with the Forest Plan, the Forest Service can amend the Forest Plan to make the project consistent.

The linear nature of the proposed pipeline corridor and the topography of the national forest make it difficult to avoid every circumstance that would be inconsistent with the direction in the Jefferson Forest Plan. Mountain Valley Pipeline, LLC has cooperated with the Forest Service to make its proposal consistent with the Forest Plan, where feasible. However, even with several route adjustments, the Forest Service has determined that the Jefferson Forest Plan would need to be amended if a right-of-way grant is approved for the proposed route.

6. What amendments are being proposed for the Jefferson Forest Plan?

Two types of plan amendments are being proposed. One is a “plan level amendment” that would be a change in land allocation and change the future management of land in this allocation. The proposed plan amendment would:

Transfer 186 acres to a land allocation specifically for utility corridors. Currently, those acres are in a mixture of management allocations including a mix of successional habitats and forested landscapes, old growth, urban/suburban interface and riparian corridors. If there is a need to have additional special uses on the Forests in the future, we would encourage colocation in areas like this that are already dedicated to utility corridor uses.

The second type of amendment is project specific and only applies to the construction and operation of the Mountain Valley Pipeline. Project specific amendments temporarily waive some requirements outlined in the Forest Plan.

Three proposed project specific amendments would allow MVP to:

- Exceed restrictions on soil and riparian corridor conditions as long as mitigation measures are implemented, including how much vegetation can be removed and the level of disturbance in riparian zones.
- Remove old growth trees within the corridor of the Mountain Valley Pipeline.
- Cross the Appalachian National Scenic Trail on Peters Mountain in Monroe County, West Virginia.





7. *Why is there a difference in the width of the proposed right-of-way that BLM would issue and the width of the Designated Utility Corridor prescription proposed by the Forest Service plan-level amendment?*

MVP proposes a 125-ft wide temporary construction right-of-way and a 50-ft wide permanent right-of-way for operation and maintenance. The Jefferson Forest Plan states that new utility corridors with a right-of-way width of 50 feet or greater will be reallocated to the management prescription for Designated Utility Corridors. The purpose of Designated Utility Corridors is to encourage collocation of special uses, like transmission lines or pipelines, to minimize the negative environmental, social and visual impacts that can be associated with long, linear corridors. The Forest Plan does not specify a required width for the Designated Utility Corridor Prescription, however, a 500-ft wide prescription area has been the standard size that the Jefferson National Forest has applied to these areas to date. If there is a need to have additional special uses on the Forest in the future, the 500-ft designated corridor encourages collocation.

Although a 500-ft wide Utility Corridor Prescription could be designated along the MVP route, MVP's right-of-way grant would be limited to 125-ft wide during construction and 50-ft wide for operations and maintenance. Any new projects proposed within this or any other Designated Utility Corridor Prescription area would be subject to NEPA.

8. *How can the Forest Service allow MVP to cross Inventoried Roadless Areas?*

The proposed pipeline bisects the Brush Mountain Inventoried Roadless Area for a length of approximately one mile. There is no road construction proposed within the IRA. The Brush Mountain IRA was originally 5,920 acres in size and was included in the 2001 Roadless Area Conservation Rule (RACR). In 2009, most of the IRA was congressionally-designated as Brush Mountain Wilderness. The remaining 1,125 acres of the IRA is still managed under the RACR. The pipeline route is located on the eastern side of the remaining IRA.

The RACR prohibits timber removal and road construction and reconstruction in IRAs. The RACR does not prohibit special use permits for the construction of utility corridors. It also allows incidental timber harvest in the implementation of a management activity not otherwise prohibited by the rule. Therefore, MVP's proposal for crossing the IRA is allowed under the RACR.

9. *Does the pipeline go through designated Wilderness Areas?*

The pipeline does not cross designated Wilderness Areas. The Mountain Valley pipeline route would cross within 0.25 mile of both Peters Mountain Wilderness and Brush Mountain Wilderness, within 2.5 miles of Mountain Lake Wilderness, and within 7.5 miles of Brush Mountain East Wilderness. Pipelines and other facilities are prohibited in Wilderness, unless specifically authorized by the President of the United States.





10. How can the Forest Service allow MVP to cross the Appalachian National Scenic Trail?

The Appalachian National Scenic Trail (ANST) is a unit of the national park system, and the NPS is the lead federal agency for the entire ANST. The ANST is managed through a unique cooperative management system comprised of NPS, the Forest Service, the Appalachian Trail Conservancy (ATC), volunteers from 31 ATC-affiliated local Trail Clubs, and public land-managing agencies.

The Forest Service administers the portion of the Appalachian National Scenic Trail where MVP proposes to cross in Monroe County, West Virginia. A Plan Amendment would be needed to cross the Appalachian National Scenic Trail on Peters Mountain in Monroe County, West Virginia.

To align with the management of the Appalachian National Scenic Trail, Mountain Valley proposes to use a 600-foot-long bore to cross under the ANST, leaving a roughly 300-foot forested buffer on each side of the trail. The Appalachian National Scenic Trail is managed to protect the experience of the trail users and includes the footpath of the trail and the foreground area visible from the trail into the interior of the Forest. Roads, utility transmission corridors, communication facilities, or signs of mineral development activity exist or may be seen, although the goal is to avoid these types of facilities and land uses to the greatest extent possible and blend facilities which cannot be avoided into the landscape so that they remain visually subordinate to the surrounding natural scenery.

11. How will the Forest Service ensure slope stability during and after construction?

Mitigation measures and monitoring activities will be identified in a Plan of Development and an Environmental Protection Plan for MVP. Both of these plans are currently under development and will be included in the Final EIS.

If this project is approved and if the mitigation measures and monitoring activities described in those two plans are acceptable to the Forest Service, a project-specific plan amendment would be required to temporarily exceed Jefferson National Forest Plan standards.

12. Why is the Forest Service using FERC's EIS to make decisions on National Forest System lands?

Council on Environmental Quality (CEQ) regulations allow federal agencies to do one EIS to make all federal decisions for the project (40CFR 1506.3). This alleviates duplicate costly efforts and ensures consistency of the environmental analysis across the entire project.

13. Will I get to comment on the Final EIS?





There is not a comment period when FERC issues a Final EIS. When FERC issues a Final EIS, they will either issue a certificate of public convenience and necessity, or not.

14. What decisions will be made from the Final EIS?

The Federal Energy Regulatory Commission (FERC) will decide whether to issue a certificate of public convenience and necessity and approve the pipeline route. More information on FERC's decision can be found at:

www.ferc.gov.

www.ferc.gov/resources/processes/flow/gas-2.asp

www.ferc.gov/resources/processes/flow/gas-2-text.asp

The Forest Service will decide whether or not to:

- Amend three project-specific standards that temporarily waive some requirements in the Jefferson National Forest Plan to allow for the construction of the project; and
- Amend the Jefferson Forest Plan to transfer 186 acres into a land allocation that specifies management for utility corridors.

If FERC approves the certificate of public necessity and convenience, the Bureau of Land Management (BLM) will decide whether to issue a right-of-way grant across federal lands. The BLM issues right-of-way grants when two or more federal agencies are involved in the route. Mountain Valley Pipeline proposes to cross federal lands managed by the Forest Service and the Army Corp of Engineers, so BLM will be the agency granting the right-of-way.

After FERC issues a certificate of public necessity and convenience, the BLM will decide whether to issue a right-of-way grant across federal lands, after consulting with the federal agencies involved.

The Draft EIS and Final EIS details the impacts of each of these decisions.

15. Can I appeal or object to FERC's decision?

For information on the FERC re-hearing process, please visit:

www.ferc.gov

www.ferc.gov/resources/processes/flow/rule-rehearing.asp

www.ferc.gov/resources/processes/flow/rule-rehearing-text.asp

16. Can I appeal or object to the Forest Service decision to amend the Jefferson Forest Plan?





After FERC releases the Final EIS, the Forest Service will issue a draft Record of Decision for the four amendments. If you submitted comments regarding the proposed amendments during the FERC Notice of Intent comment period or FERC’s comment period on the Draft EIS, you have the right to object to the Forest Service decision for amending the Jefferson National Forest Plan. Whether the Forest Service decides to amend the Plan or not, you can:

- Object to the draft decision for the three project-specific amendments which temporarily waives some requirements of the Jefferson Forest Plan to allow construction. Objectors have 45 days to file an objection to the decision pursuant to CFR 218 regulations. The Forest Service then has 45-75 days to respond to objections. The project cannot move forward on the Jefferson National Forest until a final decision is made on these amendments.
- Object to the decision for the plan-level amendment which would change the future management of 186 acres to activities consistent with managing utility corridors. Objectors have 60 days to object to the decision pursuant to 36 CFR 219 regulations. The Forest Service then has up to 90 days to respond to your objection. The project cannot move forward on the Jefferson National Forest until a final decision is made on this amendment.

17. Can I appeal BLM’s decision to issue a right-of-way grant across federal lands?

Forest Service concurrence to BLM to issue the right-of-way grant is not a Forest Service decision that is subject to objection with the 36 CFR 218 regulations. However, the BLM decision is appealable to the Interior Board of Land Appeals (IBLA). To appeal BLM’s decision, please follow BLM procedures.

18. Can I object to or appeal the Forest Service decision to concur or not concur with BLM issuing a right-of-way grant?

Concurrence from the Forest Service for the BLM right-of-way grant is not a decision that is subject to the National Environmental Policy Act (NEPA) and therefore is not subject to objection.

19. Can pipeline construction proceed during the Forest Service objection time periods?

After FERC issues the certificate of necessity and convenience, the company may begin construction on private land, if authorized by FERC.





The BLM cannot make a decision on issuing a right-of-way grant until the Forest Service has finished the objection process for the Plan amendments and provides its concurrence to the BLM. There are two objection processes: (1) for the “plan level amendment” that changes future management of land in this allocation (36 CFR 219 regulations), and: (2) three project-specific amendments (36 CFR 218 regulations). So construction on National Forest System lands cannot begin until both objection processes have concluded. Both objection processes run concurrently and can take up to 150 days.

20. Why is the Bureau of Land Management (BLM) involved?

Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) states that where the surface of the Federal lands involved is administered by two or more federal agencies, the BLM is authorized, after consultation with the agencies involved, to grant or renew rights-of-way or temporary use permits through the Federal lands involved. The proposed MVP crosses National Forest System lands and federal lands administered by the Army Corps of Engineers. Therefore, in this instance, the BLM would issue a right-of-way grant concurrence with the Forest Service.

21. Why is the BLM not issuing the right-of-way grant for the Atlantic Coast Pipeline?

The Atlantic Coast Pipeline, as currently proposed, only crosses National Forest System lands. Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) authorizes the Bureau of Land Management (BLM) to issue right-of-way grants across federal lands when *two or more federal land management agencies* (except lands in the National Park System) are involved. Since the Forest Service is the only federal land management agency involved in the proposed Atlantic Coast Pipeline, the Forest Service is authorized to issue a special use authorization across National Forest System lands.

22. What happens if the Forest Service does not concur with BLM’s decision to issue a right-of-way grant?

BLM will not issue the right-of-way grant until the heads of agencies administering the lands involved have concurred. Where concurrence is not reached, the Secretary of Interior, after consulting with these agencies may issue the right-of-way grant. In the unlikely event the Secretaries don’t agree, then directions to agencies will be provided at that time.

23. What happens if FERC issues a certificate of convenience but the Forest Service decides not to amend the Jefferson Forest Plan?





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Without the Forest Plan amendments, the Forest Service would not concur to BLM issuing a right-of-way grant for the project.



Forest Service

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