Mr. Mitchell Leverette  
Eastern States, Acting State Director  
Bureau of Land Management  
20 M Street, SE, Suite 950  
Washington, DC  20003  

Dear Mr. Leverette:

This letter is to communicate my concurrence for granting Mountain Valley Pipeline LLC (Mountain Valley), a right-of-way and temporary use permit to construct, operate, and maintain the Mountain Valley Pipeline (MVP) Project on lands administered by the Jefferson National Forest subject to the following conditions:

1. Mountain Valley shall obtain and comply with the right-of-way (ROW) Grant and Temporary Use Permits as approved by the Bureau of Land Management (BLM).

2. Mountain Valley must implement the construction procedures and mitigation measures applicable to the Jefferson National Forest contained in the November, 2017 Plan of Development.


4. Mountain Valley shall not begin activities associated with the MVP project with the potential to adversely impact historic properties on the Jefferson National Forest until conditions below are satisfied:
   a. A Programmatic Agreement has been executed to satisfy consultation requirements of the National Historic Preservation Act for the MVP Project, and  
   b. The archaeological excavations for site 44GS0241, as outlined in the cultural resource treatment plan with an agreement on the use of Cherokee Tribal monitors, have been completed.

5. Mountain Valley shall obtain Virginia’s Clean Water Act Section 401 Certification (or waiver thereof) before beginning activity on National Forest System (NFS) land in Virginia that may impact waters of the U.S.

6. Mountain Valley shall obtain required approvals/certifications for an Erosion and
Sediment Control Plan and a Stormwater Management Plan from the Virginia Department of Environmental Quality before beginning construction on NFS land.

7. Mountain Valley shall comply with the Stormwater Permit and associated Erosion and Sediment Control Plan as approved by the West Virginia Department of Environmental Protection before beginning construction on NFS land.

8. Mountain Valley shall comply with the applicable Reasonable and Prudent Measures and Terms and Conditions of the November 21, U.S. Fish and Wildlife Service (FWS) Biological Opinion for the MVP Project.

9. Mountain Valley shall implement applicable mitigation measures for the candy darter and yellow lance found in the June, 2017 Biological Evaluation for Forest Service Sensitive Species. Mountain Valley shall also implement applicable mitigation measures recommended by FWS through any future Section 7(a) (4) Endangered Species Act (ESA) conferencing for these species that may occur. If either species is listed as threatened or endangered under the ESA, any Reasonable and Prudent Measures and Terms and Conditions identified in a Biological Opinion conducted under ESA 7(a) (2), must be implemented.

Section 28 of the Mineral Leasing Act (MLA) as amended, authorizes the Secretary of the Interior, after consultation with the agencies involved, to grant rights-of-way or permits through affected Federal lands for natural gas pipelines when lands under the jurisdiction of two or more Federal agencies are involved. The MVP project’s proposed crossing of NFS lands and Army Corps of Engineer lands necessitates BLM’s involvement in authorizing the project. The Forest Service and the BLM were cooperating agencies with FERC as the lead agency in preparing the Final Environmental Impact Statement for this project.

The BLM and the Forest Service also closely coordinated with each other and the proponent in developing the MVP Plan of Development (POD) which contains measures to: protect and minimize environmental impacts; comply with applicable Federal and State requirements; and ensure consistency with the Forest’s Land and Resource Management Plan as amended. Given the extensive coordination between the Forest Service Southern Region and BLM Eastern States organizations, I consider the consultation requirement of the MLA to have been satisfied.

Forest Service regulations require that projects or activities authorized on NFS lands must be consistent with the applicable Forest and Resource Management Plan (Forest Plan). On December 1, the Forest Supervisor for the George Washington and Jefferson National Forest approved a project-specific amendment to the Jefferson National Forest Plan. This amendment modifies certain Forest Plan standards that, along with the terms and conditions listed above, will provide the required consistency between the Forest Plan and the MVP Project.

BLM regulation at 43 CFR 2884.26, states that the BLM will not issue a ROW grant or permits when applications involve lands managed by two or more Federal agencies, until the heads of the agencies administering the lands involved have concurred. As Acting Regional Forester, I am delegated the authority to concur on applications involving pipeline diameters 24 inches or greater.
If you have any questions, please contact Tim Abing, Director of Lands, Minerals, and Uses for the Southern Region; at tabing@fs.fed.us or 404-347-3989.

Sincerely,

\[Signature\]

KEN ARNEY
Acting Regional Forester

cc: Joby Timm, Jim Twaroski