

DECISION MEMO

Special Use Permit Modification for Routing and Survey Activities on National Forest System Lands

Mountain Valley Pipeline, LLC
George Washington & Jefferson National Forests
Eastern Divide Ranger District
Craig, Giles, Montgomery and Roanoke Counties, Virginia
and Monroe County, West Virginia

DECISION

I have decided to modify the temporary special use permit and authorize the use of additional National Forest System (NFS) lands by Mountain Valley Pipeline, LLC (MVP) to conduct field routing, environmental, cultural resource, and civil surveys within the Jefferson National Forest (JNF). The added areas of surveys will occur along the following segments that cross the JNF: 1) a 0.5 mile segment (1,000 feet wide) on the newly acquired tract on Peters Mountain in Giles County, VA; 2) a 6 miles long segment (100 feet wide) along existing Forest Service Road 972 (Pocahontas Road) that would provide access to the Peters Mountain route in Giles County, VA; and 3) a 1.8 miles long (1000 feet wide) segment across Sinking Creek and Brush Mountains in Montgomery County that is part of MVP Alternative 200 (Appendix A, Maps). The surveys are to be completed within one year following the issuance of the permit.

Allowing these survey activities does not mean that I am allowing the construction of a pipeline across the JNF. If proposed, the construction of a pipeline would involve a separate environmental analysis and require a separate decision. These surveys are collectively necessary to determine the feasibility of any proposed routes and will collect the environmental and cultural resources data needed to inform future decisions on whether or not to allow the construction and operation of the gas pipeline on the JNF. If construction is allowed, the survey information will also inform us where to avoid or reduce the impacts to sensitive resources.

The following activities will be authorized in the special use permit:

Centerline Survey – A pedestrian reconnaissance survey crew will flag the centerline in advance of other survey crews.

Wetland and Waterbody Delineation Survey – Biodegradable flags will be left behind for the wetland and waterbody delineations if features are identified. There will be no ground disturbing activities aside from test pits. Test pits for wetland surveys will be approximately 4-6 inches in diameter and 18 inches deep and will be recorded by GPS. All test pits will be backfilled immediately after the survey is complete and before crews leave the survey area each day.

Cultural Resources Survey – Forest Service archaeologists will be funded by MVP to conduct the cultural resource surveys along the routes.

Rare, Threatened or Endangered Species Survey - All surveys will be conducted per authorization and consultation with the U. S. Fish and Wildlife Service and Virginia Department of Game and Inland Fisheries. In an effort to reduce the number of site visits, surveys will be made concurrent with one another when possible.

Soil Surveys - A detailed NRCS map of soil types with road crossings (potential road cuts) and other anthropogenic features will be developed. On this map at least 15 locations (number of soil types so far identified) will be marked for intrusive work. These 15 locations could be expanded based on the mapping identified by NRCS mapping or in the field when unique field surface features are identified (road cuts). The field team will consist of one soil scientist and one geologist. The purpose of the field team is to transverse the route digging at the assigned locations or other areas determined by these trained scientists. Soil logging will be done in each location, dug to a depth of 40 inches or refusal by soil spades. Each hole will be evaluated by NRCS protocol and include at a minimum; soil horizon, soil horizon thickness, texture, color, soil pH and slope, as well as to verify or not the mapped soil unit, this data will be recorded in field notebooks. Photographs of the hole highlighting soil horizon will be taken, along with photographs of hole closer. Geologic logging will identify historic landslides, seeps or groundwater breakout. In areas of bedrock outcrop, rock type and fracture patterns will be verified. The holes dug during the surveys will be backfilled after the completion of the field analysis.

Access for the Surveys – Access to USFS lands will be from public roadways or as advised by the USFS. Vehicles will be staged at the entry and exit locations to allow crews greater efficiency during survey.

I have made this decision because authorization of these surveys would involve no significant effects, is consistent with management direction, and provides for needs that cannot be met on non-National Forest System lands. This decision will be implemented through issuance of the appropriate special use authorization document that meet the requirements of the decision and Forest Service regulations.

I. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement (EIS) or environmental assessment (EA) when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified in Forest Service National Environmental Policy and Procedures Handbook (FSH) 1909.15, Section 30 and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

Category of Exclusion

This action falls within Section 32.12, Category 8 of the FSH 1909.15, WO Amendment 1909.15-2014-1: *“Approval, modification, or continuation of minor, short-term (1 year or less) special uses of National Forest System lands.”* (36 CFR 220.6(d)(8))

Relationship to Extraordinary Circumstances

Direction provided in FSH 1909.15 (1909.15-2014-1, effective 05/28/2014) requires the

Responsible Official to consider whether effects to extraordinary circumstances related to a proposed action warrant analysis in an EA or EIS. The Handbook also states that the mere presence of these resources does not preclude use of a categorical exclusion. This project was analyzed for the following resource conditions (per FSH 1909.15, Section 31.2) and the results are as follows:

a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:

An analysis on potential effects to federally listed and rare species as part of a Biological Assessment/Biological Evaluation (BA/BE) was completed for these proposed survey activities. The analysis determined that there will be no effect on federally listed threatened or endangered species, designated or proposed critical habitat, species proposed for Federal listing, or Forest Service sensitive species. The proposed survey activities were analyzed knowing the entire Jefferson National Forest is potential habitat for the endangered Indiana bat and the threatened northern long-eared bat (NLEB). Environmental surveys conducted for TES bats will follow guidance and permit requirements in effect at the time of the survey and as issued by the USFWS. MVP will coordinate with USFS and FWS biologists to follow standard protocols and determine the appropriate methodology for conducting presence/absence surveys prior to completing these investigations. The project area is outside the primary and secondary cave protection areas for Indiana Bats as presented in the Forest Plan of 2004. The project is also outside any known hibernacula, caves, or known occupied roost trees for the NLEB within 0.25 miles of the project area.

b. Flood plains, wetlands, or municipal watersheds:

The survey activities would have no effect on flood plains, wetlands or municipal watersheds since the extent of impacts would only be potential removal of minor amounts of brush using hand tools to navigate the survey route and minor soil sampling associated with wetland identification. The information gained from these survey activities would be used to avoid, minimize, or mitigate potential impacts to floodplains, wetlands and municipal watersheds from possible construction of a pipeline.

c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas:

The study corridor is not within any congressionally designated areas so there would be no effect on any congressionally designated areas.

d. Inventoried roadless areas or potential wilderness areas:

About one mile of the study corridor is on Brush Mountains in Montgomery County is within the Brush Mountain Inventoried Roadless Area. The survey activities will not involve the cutting, selling or removal of timber from the area and will not involve construction or reconstruction of roads. Therefore, the surveys will be in compliance with the Roadless Conservation Rule. Survey activities will be temporary in nature and will not adversely affect high quality or undisturbed soil, water or air, sources of public drinking water, habitat for any species, semi-primitive classes of dispersed recreation, reference landscapes, natural appearing landscapes, traditional cultural properties, or other locally identified unique

characteristics that are considered to be roadless area characteristics. There will be no adverse impacts on Inventoried roadless areas or potential wilderness areas.

e. Research natural areas:

The study corridor is not within a research natural area, so there would be no effect on any research natural areas.

f. American Indians and Alaska Native religious or cultural sites:

The cultural resources survey is designed to identify these types of sites. The field methodology, data recording, and documentation efforts will meet all state and federal guidelines for Section 106 compliance. The information gained from these survey activities would be used to avoid, minimize, or mitigate potential impacts to floodplains, wetlands and municipal watersheds from possible construction of a pipeline.

g. Archaeological sites, or historic properties or areas:

The cultural resources survey is designed to identify archaeological sites and historic resources. The field methodology, data recording, and documentation efforts will meet all state and federal guidelines for Section 106 compliance. The information gained from these survey activities would be used to avoid, minimize, or mitigate potential impacts to floodplains, wetlands and municipal watersheds from possible construction of a pipeline.

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15, Section 32.12, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. My conclusion is based on information presented in this document and the entirety of the planning record.

II. PUBLIC INVOLVEMENT

Public scoping for surveys for the Proposed Route began on August 24, 2015 with a letter sent to those on the Eastern Divide Ranger District project mailing list and those who have expressed interest to us in this project. A news release was released and information was posted on the Forests' website.

The purpose of the scoping was to request comments to determine issues and concerns related to the proposed surveys. Attachment 1 is a summary of the public comments received and our response to those comments. No reason was found not to authorize the routing and survey activities or to require more detailed analysis.

III. FINDINGS OF CONSISTENCY WITH THE FOREST PLAN AND OTHER LAWS AND REGULATIONS

The 2004 Revised Jefferson Forest Land and Resource Management Plan (Forest Plan) was reviewed for consistency with the proposed project. The following Forest Plan direction allows for the authorized survey activities:

Forestwide Standard, FW-244 (Forest Plan, p. 2-60): *“Evaluate new special use authorizations using the criteria outlined in 36 CFR 251.54 and according to Forest Service policy. Limit to needs that cannot be reasonably met on non-National Forest System lands or that enhance programs and activities. Locate uses where they minimize the need for additional designated sites and best service their intended purpose. Require joint use on land when feasible.”*

The survey corridors comprise approximately 330 acres of NFS lands. Under the 2004 Revised Land and Resource Management Plan (Forest Plan) for the JNF, the additional survey area includes Management Areas 4A-Appalachian National Scenic Trail Corridor, 6C-Old Growth with Disturbance, 8A1-Mix of Successional Habitats, and 4J-Urban/Suburban Interface. The Forest Plan allows the proposed survey activities to occur within these management areas.

IV. IMPLEMENTATION DATE

Implementation of this decision may begin immediately after the decision is signed.

V. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITY

Pursuant to 36 CFR 215.8(a)(4), this decision is not subject to a higher level of administrative review.

VI. CONTACT PERSON

Further information about this decision can be obtained from Alex Faught at the Supervisor’s Office, 5162 Valleypointe Parkway, Roanoke, VA 24019 or by email: afaught@fs.fed.us; or by phone at 540-265-5192.



H. THOMAS SPEAKS, Jr.
Forest Supervisor



Date

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Analysis of Scoping Comments for a Special Use Permit for Routing and Survey Activities for the Mountain Valley Pipeline

On August 24, 2015 we sent out a request for comments on a modification to a special use permit for Mountain Valley Pipeline to conduct feasibility surveys for a proposed pipeline study corridor on the Jefferson NF. Mountain Valley Pipeline has pre-filed with the Federal Energy Regulatory Commission (FERC) to begin the environmental analysis required to construct and operate a pipeline. On April 27, 2015 the Forest Service decided to issue a temporary special use permit to Mountain Valley Pipeline, LLC (MVP) authorizing them to survey the Jefferson National Forest (JNF) for the proposed Mountain Valley Pipeline. The surveys are collectively necessary to determine the feasibility of the proposed and alternative routes and collect the environmental data needed to determine whether a pipeline can be safely constructed and avoid sensitive resources on the Jefferson NF. We requested comments specifically related to the survey activities identified in the application to decide whether to modify the permit for these activities on additional areas of the Forest.

We have reviewed all of the comments received in response to the August 24, 2015 scoping notice, grouped them into comment categories and provided a response to each.

1. Requests to extend the comment period for this proposal

These comments state that time allowed for comment on this proposal was inadequate and should be extended for 30 days. Reasons for the need for the extension are as follows:

- Inadequate notice – After receiving notice in the mail, people only had 10 business days to complete their review and comment
- Inaccurate and incomplete figures and maps - black and white copies of maps mailed out with the notice were difficult to read and did not contain topographic information
- Substitute figures were posted online, but not mailed out
- The topographic map showed a different location for the section on National Forest on Sinking Creek Mountain
- This proposal had substantial changes from the original permit (study corridor increased from 300' to 1,000' in width, added a road corridor, includes a proposal for a pipeline in an Inventoried Roadless Area)
- Scoping notice was difficult to read, could not determine the extent of the second alternative

Response:

The methods and degree of the scoping effort undertaken for a given project vary depending on scope and complexity of the project. This project is a small modification of an existing permit to conduct survey activities. Most of the comments received on the original proposal expressed concerns about the potential future construction of the pipeline rather than concerns with the specific survey activities. Based on this and the relatively small change in the route to be surveyed, the Forest Service determined that a two week comment period would be sufficient.

The black and white maps accompanying the scoping notice were not high quality. However, between those maps, the description in the letter, and the color versions of the maps on our website, we believe that information was provided that adequately described where the surveys would occur. These are broad survey corridors and the decision authorizes only survey activities,

not construction activities. In light of the decision to be made, we believe that the information provided was adequate for review of the proposed survey activities.

The topographic map was prepared to identify the Forest Plan Management Prescription Areas that would be affected by the surveys. This particular map incorrectly showed the location of the proposed survey on National Forest System lands on Sinking Creek Mountain. However, the incorrect location is only slightly offset and traverses the same Management Prescription Areas as the correct location.

An extension of time to provide comments could delay the completion of plant surveys in the newly proposed locations until next spring. We believe it is important to be aware of all pertinent information as we evaluate alternatives in the Draft Environmental Impact Statement. Because we believe that adequate information was available in our scoping notice and also because there is a seasonal aspect to sampling vegetation, we decided not to extend the comment period.

2. Additional surveys need to be performed.

These comments identify concerns that the proposed inventory will not provide all of the information needed by the Forest Service to make an informed decision on whether or not to authorize a future permit for construction and operation of the pipeline. The Forest Service should require all key data now so that the information will be available in the EIS. These should be included now because additional surveys could result in additional impacts.

An associated issue is that the Forest Service should accompany the study team.

The following are some of the specific survey needs that were identified:

- Surface and subsurface water with dates of water age
- Upland wetlands and vernal pools
- Isolated ice-age fish and arthropods, amphipods and cave waters
- Landslide history
- Soil health
- Water health
- Forest health
- Air quality
- Hydrogeology of vernal pools
- Soil physics
- Non-native invasive species

Response:

The proposed survey will meet the current needs of the proponent and will provide information that will be important to the Forest Service should the proponent decide to apply for a construction permit. The proposed survey request was developed by the proponent. It is based on their assessment of the information needed to determine if they want to file an application for construction and operation of the pipeline and, if so, to inform their application for construction and operation of the pipeline. We reviewed their application for the temporary permit to conduct surveys. The surveys and the methods that they proposed for the temporary permit are appropriate as baseline information. Additional information regarding potentially affected resources may be needed should a construction application be submitted and accepted. Some of

this information could be derived from existing information and other information could require additional field surveys. Issuing the permit as proposed will not inhibit the Forest Service from requiring additional information in the future.

We will review the credentials of people conducting the surveys, members of our staff will review the results of the surveys, and members of our staff will likely accompany some of the survey crews when they are conducting surveys.

3. **The application is deficient**

Comments stated that the application should be denied because the information in the permit application was incorrect or incomplete. Specific deficiencies included:

- Section 16. The survey will result in probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles. Landowners have reported in writing to the Forest Service, the Federal Energy Regulatory Commission and MVP that property is not selling, a range of construction and expansion projects are on hold, and the community feels tyrannized and frightened by the aggressive and uncooperative behavior of MVP and its agents.
- The maps and figures are inadequate to display where the activities will occur.

Response:

We have reviewed the permit application and determined that it is complete.

Section 16 of the permit application states, "Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles." We understand that the proposal to construct a pipeline would affect the local population. This effect is present regardless of the Forest Service decision to authorize this temporary permit authorizing surveys. However, the temporary permit only authorizes surveys and does not authorize construction. Therefore, the answer to Section 16 will not result in a denial of the permit application.

The maps and figures in the application were sufficient for the Forest Service to understand and evaluate the application.

4. **The application should be denied since it does not justify the need for a route through the JNF**

Comments state that since MVP has not justified the need for a route across the JNF, that the survey permit should be denied.

Response:

The Forest Plan contains direction for special use permits to "Evaluate new special use authorizations using the criteria outlined in 36 CFR 251.54 and according to Forest Service policy. Limit to needs that cannot be reasonably met on non-NFS lands or that enhance programs and activities. Locate uses where they minimize the need for additional designated sites and best serve their intended purpose. Require joint use on land when feasible." Direction for linear rights-of-

way includes, "Develop and use existing corridors and sites to their greatest potential in order to reduce the need for additional commitment of lands for these uses. When feasible, expansion of existing corridors and sites is preferable to designating new sites." The proponent asserts that the pipeline cannot reasonably be constructed without crossing the National Forest and has identified the route that they believe best accomplishes objectives of the proposed project, while reducing impacts to resources. For the purposes of issuing a temporary permit authorizing surveys, in order to provide better information on the proponent's assertions, the Forest Plan does not prohibit the issuance of the permit. The language in the Forest Plan acknowledges that some linear uses may be needed and that not all proposals will be able to utilize existing corridors. The determination on whether or not other alternatives need to be considered for the issuance of a construction permit will be determined based on the analysis that would be prepared for the construction permit, should an application be submitted.

5. The application to survey the alternative routes should be denied since those routes cannot meet Forest Plan direction

Comments state that since the alternative routes could not be constructed while meeting direction in the Jefferson NF Forest Plan, that the application for a survey should be denied. The aspects of the proposed pipeline that would be inconsistent with the Forest Plan include:

- MVP has not described the rationale for crossing the Appalachian Trail.
- The Forest Plan states that areas allocated to Management Prescription Areas 6C-Old Growth with Disturbance and 8C-Black Bear Habitat are unsuitable for the designation of new utility corridors or utility rights-of-way.
- Construction of the pipeline would result in non-native invasive species occupying the corridor and changing the fuel loading in an area establishes to manage the urban/suburban interface.
- Utility corridors are not allowed in Inventoried Roadless Areas.

Response:

We have reviewed the permit application and the Forest Plan does not preclude the conducting of surveys within the proposed study area for the alternatives.

Comments indicate that the construction of the pipeline is not compatible with the Forest Plan and so there is no need to allow the survey. We have reviewed the proposed pipeline project in regard to whether or not the construction could be allowed under the Forest Plan. Under the 2004 Revised Land and Resource Management Plan (Forest Plan) for the JNF, the study area includes Management Areas 8C-Black Bear Habitat and Management Prescription Areas 6C-Old Growth with Disturbance.

While the Forest Plan allows the proposed survey activities, the Forest Plan states that areas allocated to Management Prescription Areas 6C-Old Growth with Disturbance and 8C-Black Bear Habitat are unsuitable for the designation of new utility corridors or utility rights-of-way. While the current Forest Plan direction would not allow the construction of the pipeline in these alternative routes, we do have the authority to amend the Forest Plan. Any decision on if, and where, a crossing of the JNF could be allowed could consequently change the impacts on resources on

private lands. In the interest of allowing for a more complete analysis of potential impacts of the entire proposed pipeline project, we believe it is worthwhile to allow the survey of these additional alternatives on the JNF. With the additional information, we would be better able to assess if a Forest Plan amendment would be appropriate in light of the overall impacts of the proposed pipeline project.

The issue of non-native invasive species would be addressed in the environmental impact statement if MVP files an application. Utility corridors are not prohibited from Inventoried Roadless Areas.

6. Survey is not an independent action separate from the construction; the decision must account for the survey and the construction

Comments state that the survey is not an isolated action, but only the first step in the total process of survey, analysis, construction and operation for a pipeline. The construction is a reasonably foreseeable action and the cumulative effects of construction must be considered now at the time of issuing the survey permit.

Response:

The survey is an independent action. Authorizing the survey will not automatically result in the authorization of a permit to construct and operate the pipeline. Authorizing the survey may result in the proponent applying for a permit to construct and operate the pipeline, but that permit would then be subject to another environmental analysis to determine if, and how, to the authorize the construction. Thus, the only action resulting from the temporary permit authorizing surveys would be another NEPA analysis. It would not make sense to analyze the effects of construction of the proposed pipeline project in order to authorize a temporary survey permit, when in fact the purpose of the temporary survey permit is to gather information that would define potential effects and inform the analysis of construction and operation.

7. The survey will affect the cultural attachment to Peters Mountain

A concern was expressed that the process of conducting the survey would affect the cultural attachment of local people to Peters Mountain.

Response:

The issue of cultural attachment was addressed in the environmental analysis of the APCo 765 kV Transmission Line (March 1996) completed by the Forest Service. Cultural attachment, as defined for that analysis, is the cumulative effect over time of a collection of traditions, attitudes, practices, and stories that tie a person to the land, to physical place, and to kinship patterns. It is distinguished from attachment to lifestyle, views, and rural ambiance. Unlike some other attachments, such as attachment to view or a particular lifestyle, cultural attachment is non-transferable and therefore cannot be moved to another place with similar physical characteristics.

Areas of high, medium and low cultural attachment were identified in the EIS for the APCo 765 kV Transmission Line. A section of Peters Mountain was identified as an area of cultural attachment

and the attachment was rated as high on the west side (private land) and high/medium on the east side (National Forest System and private lands). This section of Peters Mountain that was identified with cultural attachment is north of the Proposed Route of the MVP pipeline, but contains sections of the alternative routes.

The description of the impacts to cultural attachment from the transmission line as described in the EIS clearly state that for a project to have a substantial adverse impact on cultural attachment, the project must be long-term in nature. It is the permanence of the intrusion that creates the impact. The short-term nature of the surveys would not result in a significant impact to cultural attachment.

8. The survey will cause effects on the social and economic resources

Comments stated that conducting the surveys impacts the people whose lands are within or near the survey corridor because the fact that the surveys are being conducted means that there is a potential for the line to be constructed within the study corridor. This potential requires the affected people to be concerned about the impacts of construction, forces them to become involved in the process to try to stop the pipeline from crossing their lands, causes a reduction in their property value or prevents them from making long-term decisions about their land.

Response:

Conducting surveys on National Forest System lands does not directly cause these potential impacts on private property owners. The alternative routes crossing private lands would likely continue to be analyzed whether or not the Forest Service issues a permit for survey on the National Forest.

9. The survey will cause effects on Forest resources

Comments expressed concerns that soil pits will damage the forest and that surveys will be conducted in environmentally sensitive areas. Concerns were identified that the season for surveying plants and bats is over, so there is no reason to allow the surveys now. Surveyors may start a fire. Clearly identify what plants or animals can be removed from the forest during surveys. Rescind the original survey permit in regard to the expanded area allowed for survey on Peters Mountain.

Response:

We have reviewed the surveys in relation to forest resources and do not believe that the surveys will adversely affect those resources. While the season for surveying some species and groups of species is over, surveys for those species and groups of species could continue next spring and summer. Some surveys could be conducted for the remainder of this season, such as surveys for species and groups of species that are still in season and resources that are not affected by seasonality. Fires can potentially be started by anyone in the woods at this time of the year. We encourage all visitors to the Forest to be careful. We will include information in the permit regarding collection of plants and animals.

10. Various Concerns about construction of the pipeline

Comments expressed concerns about the eminent domain process, about the company's (MVP) ethics and handling of public involvement, and their conduct in survey activities completed to date. Comments also expressed opposition to the construction, questioned why the Forest Service would consider such a proposal, questioned the need for the pipeline, and questioned why MVP has no plans to remove the pipeline in the future.

Response:

Eminent domain is a process that occurs on private lands and does not affect National Forest System lands. Concerns about MVP and its interactions with public should be addressed to the company or to FERC. The laws governing the management of the national forests stipulate 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. The regulations that govern special use permits are in the Code of Federal Regulations, Title 36, Chapter II, Part 251-Land Uses. These regulations direct us to evaluate proposed uses for the requested site, including effects on the environment. It also authorizes us to approve the proposed use with modifications, based on evaluation of the information provided by the applicant and other relevant information such as environmental findings. The regulations go on to state that each special use authorization will specify the lands to be used which shall be limited to that which we determine: will be necessary for the conduct of authorized activities; and, to be necessary to protect the public health and safety and the environment.

If MVP files an application and if FERC accepts the application, the need for the project will be addressed by FERC in the Environmental Impact Statement. Removal of the pipeline would be addressed if, and when, MVP applies for a permit to construct the proposed pipeline.

11. Concerns about the construction impacts on the following resources:

Many of the comments expressed strong concerns about the impacts of constructing and operating the gas pipeline. These included concerns about:

- James spinymussel
- Cultural attachment to place (Appendix M of the Forest Service Draft EIS for APCO 765 kV Transmission Line, Vol. IV, June 1996)
- Water supplies
- Well water
- Wilderness and areas adjacent to Wilderness
- Appalachian National Scenic Trail
- Allegheny Trail
- Caves
- Wildlife
- Recreation
- Hiking
- Forests
- Water quality
- Streams

- Water quantity
- Sinkholes
- Springs
- Karst
- Slusser's Chapel and Mill Creek Conservancies
- Soils
- Steep slopes
- Scenery
- Non-native invasive species
- Erosion/sedimentation control
- Soil stability on steep slopes and rugged terrain
- Leaks and ruptures
- Fuel spills
- Fire
- Herbicides
- Increased access
- Ecosystems
- Endangered species
- Medicinal plants
- Ginseng
- Roadless Areas
- Forest fragmentation
- Illegal hunting
- Old Growth
- Environmental Justice
- Greater Newport Rural Historic District

Comments also requested that impacts associated with gas extraction be included in the analysis, including: fracking, burning gas, methane release, climate change, and hindering the development of renewable resources.

Response:

These concerns were raised in regard to the impacts of the construction and operation of the pipeline. While we share the concern about potential impacts on these resources caused by construction of the proposed pipeline project, this analysis and decision only relate to the surveys. We have determined that the potential impacts from the surveys are minimal and would have no significant effect on the environment. Any future environmental analysis for a permit to construct and operate the pipeline would include a detailed analysis of many, if not all, of these concerns.