



MVP Southgate Project

Docket No. CP19-14-000

Attachment 30-2

March 2019



625 Liberty Avenue, Suite 1700 | Pittsburgh, PA 15222
833-MV-SOUTH | mail@mvpsouthgate.com
www.mvpsouthgate.com

February 8, 2019

Ms. Karen Higgins
North Carolina Department of Environmental Quality
Division of Water Resources
401 & Buffer Permitting Unit, Wetlands Branch
1617 Mail Service Center
Raleigh, North Carolina 27699 -1617

RE: MVP Southgate Project
DWR# 20181638
Response to 1/10/2019 Request for Additional Information

Dear Ms. Higgins:

Mountain Valley Pipeline, LLC ("Mountain Valley") is providing this response to North Carolina Department of Environmental Quality (NC DEQ)'s initial comment letter, dated January 10, 2019, requesting additional information regarding the MVP Southgate Project ("Project"). This initial comment letter was in response to the Joint Permit Application (DWR# 20181638) submitted by Mountain Valley on November 30th, 2018. To allow for ease of reference, Mountain Valley has provided the NC DEQ comments below followed by Mountain Valley's response.

- 1. Please provide the Division with a copy of your response to the US Army Corps of Engineers request for more information dated December 28, 2018. [15A NCAC 02H .0502(c)]**

Response: A copy of this email was provided to the NC DEQ on January 17, 2019. Additionally, the response is attached as Attachment A.

- 2. The application documentation notes that the pipeline construction sequence includes clearing and grubbing of the project right of way. Clarify the linear schedule for clearing and grubbing. For instance, will the entire linear length be cleared and grubbed, including all wetland and buffer areas prior to initiation of the next phase of construction? What means and/or measures will be taken to ensure protection of waters of the state and protected riparian areas for the maximum time feasible? [15A NCAC 02H .0506(f) and (g)]**

Response: An exact schedule for the construction sequence of the Project has not been developed. The Project is proposing to use two spreads to construct the pipeline. Spread 1 includes MP 0 to MP 30.4 and Spread 2 includes MP 30.4 to MP 73.1. Generally, construction of the proposed pipeline within each spread will follow a set of sequential operations. In this typical pipeline construction scenario, the construction spread proceeds along the pipeline right-of-way in one continuous operation. The Project will coordinate the entire process in such a manner as to minimize the total time a tract of land is disturbed and therefore exposed to erosion and temporarily precluded from normal use.

The Project will clear the right-of-way of obstructions (e.g., trees and stumps, brush, logs, large rocks) according to the FERC Plan, the Project-specific erosion and sediment control plan (E&SCP), and applicable regulatory approvals. Erosion control devices will be installed prior to grubbing. After the land is cleared and grubbed, additional crews will begin with the next phases of construction, grading and trenching on the right-of-way. In most instances, the corridor will be reduced from 100-feet to 75-feet for the riparian buffer (50 feet from top of stream bank) of intermittent and perennial streams crossed by the Project. Aside

from clearing and/or grubbing, no construction activity will occur within the stream buffer until the pipeline crossing is ready to be installed and any inactive areas must be stabilized within 20 days. To facilitate future inspection and maintenance of the pipeline, trees will be cut to grade, and stumps will be removed within the proposed 50-foot permanent maintenance corridor. Within the proposed 25-foot temporary workspace, vegetation will be replanted and restored, trees will be cut to grade, but stumps will not be removed. In forested wetlands, trees will be cut to grade, but stumps will only be removed within 15 feet of the edge of the pipe trench, or where safety concerns dictate otherwise.

The Project will conduct post-construction restoration activities in accordance with the measures specified in the FERC Plan and Procedures, and as applicable to meet buffer requirements in accordance with 2B.0295 (n)(2). After a segment of pipe is installed, backfilled, and successfully tested, the Project will final-grade the right-of-way, temporary ATWS, and other disturbed areas, and construction debris will be disposed of properly.

- 3. Section 4.4 of the Project Description notes that Impact Avoidance and Minimization Measures include "Cutting trees to grade, and only removing stumps from directly over the trench, or where safety dictate otherwise ... " This statement appears to contradict Section 2.4.2 and Figure 2 which describe Typical Pipeline Construction Sequence as complete clearing and grading of the entire project corridor. Please clarify. [15A NCAC 02H .0506(f) and (g)]**

Response: In Section 4.4 of the Project Description, the Project identified avoidance and minimization measures specific to wetland areas where we committed to reduced workspaces (75 feet). Section 2.4.2 is specific to upland construction areas where the full width of the construction workspace (100 feet) will be cleared, stumped and graded. While the full width of the construction workspace will also be cleared within wetlands, stumps will be left to minimize wetland soil disturbance and promote re-sprouting of vegetation from the stumps once wetland restoration is complete.

For the portion of the project within the Jordan Lake watershed [15A NCAC 02B .0267]:

- 4. Provide route maps that show the proposed route and all impact areas overlaid onto the published county soil survey maps and USGS Topo maps. Please also clearly identify any streams that were determined to be "not present in the field" by DWR staff and therefore not subject to the Jordan Buffer Riparian Buffer Rules.**

Response: Route maps that show the proposed route and all impact areas overlaid onto the published county soil survey maps and USGS Topo maps are included as Attachments B and C. Streams determined to be 'not present in the field' by DWR are identified on the county soil survey maps per your request. These features are not subject to the Jordan Lake Riparian Buffer Rules.

- 5. Provide a table that indicates which stream features are subject to the Jordan Lake Riparian Buffer Rules in accordance with the maps and site visit determinations noted in Item #3 above.**

Response: Stream features that are subject to the Jordan Lake Riparian Buffer Rules will be provided in an updated table per Item #6, below.

- 6. Modify Table 4.3 to indicate which stream impacts are being included in the Buffer Authorization request and which stream impacts will be requested under a major variance to be submitted separately.**

Response: Mountain Valley is currently completing route evaluations and will be providing updated impact tables at a later date. Table 4.3 is being modified to indicate which streams are being included in the Buffer Authorization request and which streams are being requested for approval under a major variance. The major variance application was submitted to DWR on February 8, 2019 under separate cover.



7. **All impacts from access roads should be accounted for as Road Impacts, or Temporary Road Impacts under the Table of Uses. Please clearly identify these on Table 4.3 (or other impact table) and calculate mitigation accordingly.**

Response: All impacts from access roads are being accounted for in Table 4.3 as Road Impacts, or Temporary Road Impacts under the Jordan Watershed Buffer Rules Table of Uses and are identified as impacts to be approved under the Buffer Authorization request.

8. **Provide impact maps with hatching or shading to clearly identify areas proposed (and calculated) as temporary impacts and areas proposed to be within a permanent maintenance corridor. Please provide impact drawings at a greater scale to clearly show details as necessary.**

Response: Mountain Valley is currently completing route evaluations and will be providing updated impact maps and impact tables that will clearly identify what impacts are construction (temporary) impacts, and what impacts are operational (permanent) at a later date. Field surveys continued in January of 2019 and are planned for the near future. Updated drawings will include the newly delineated resources.

9. **Provide mitigation acceptance/commitment letters from private Mitigation Banks and/or DMS to meet the Jordan Lake buffer mitigation requirements. The mitigation plan must comply with 15A NCAC 02B .0295 and G.S. 143-214.20.**

Response: Copies of the current mitigation acceptance/commitment letters for the Project are provided in the Attachments and will be provided to the applicable agencies in digital format.

10. **Provide a description of Jordan Lake Riparian Buffer restoration within Section 2.5 of the Project Description.**

Response: The Project will install temporary and permanent erosion and sediment control measures where necessary, including silt fencing, diversion dikes, and vegetation. If the buffer was forested, Revegetation of the 25-foot temporary workspace with native tree species. The 50-foot permanent maintenance corridor and the 25-foot temporary workspace if not previously forested will be revegetated using approved native seed mix. Riparian buffer restoration will occur in accordance with 2B.0295 (n)(2). Detailed restoration plans will be submitted separately with the Project-specific E&SCP.

11. **Provide a description of the proposed permanent operation and maintenance plan for areas subject to the Jordan Lake Buffer Rules within Section 2.8 of the Project Description.**

Response: As stated above in Item #10, the operational impacts in Zone 1 will be revegetated with native grass seeding. In Zone 2, all impacts will be revegetated with native grass seeding unless otherwise noted. In the Jordan Watershed, all riparian buffer restoration will occur in accordance with 2B.0295 (n)(2). Detailed restoration plans will be submitted separately with the Project-specific E&SCP.

Mountain Valley appreciates the opportunity to provide this information in support of its request for Joint USACE Section 404 and 401 authorization of the Project pursuant to Nationwide Permit 12. Should you have any additional questions or further information to complete your review of the Project, please do not hesitate to contact Alex Miller at 713-374-1599 or via email at alex.miller@nexteraenergy.com or me at 561-691-2808 or via email Matthew.Raffenberg@fpl.com. Thank you for your continued consideration.

Sincerely,
Mountain Valley Pipeline, LLC

A handwritten signature in blue ink, appearing to read "Matt Raff", is positioned below the typed name.

Matthew Raffenberg
Senior Director, Environmental Services

Attachments

CC:

David Bailey, USACE
Jean Gibby, USACE
Scott McLendon, USACE
Henry Wicker, USACE
Todd Miller, USACE
Sue Homewood, NC DEQ
Travis Faul, MVP
Heather Patti, TRC





MVP Southgate Project

Attachment A USACE-Wilmington District January 2019 Response to RAI

February 2019



625 Liberty Avenue, Suite 1700 | Pittsburgh, PA 15222
833-MV-SOUTH | mail@mvpssouthgate.com
www.mvpssouthgate.com

January 17, 2019

Mr. David Bailey
United States Army Corps of Engineers -Wilmington District
Raleigh Regulatory Field Office
3331 Heritage Trade Drive, Suite 105
Wake Forest, North Carolina 27587
SAW-2018-00887
Via Safe Upload

Ms. Karen Higgins
North Carolina Department of Environmental Quality
Division of Water Resources
401 & Buffer Permitting Unit, Wetlands Branch
1617 Mail Service Center
Raleigh, North Carolina 27699 -1617

RE: MVP Southgate Project
SAW-2018-00887
Response to Request for Additional Information

Dear Mr. Bailey and Ms. Higgins,

Mountain Valley Pipeline, LLC ("Mountain Valley") is providing this response to your initial comment letter, dated December 28, 2018, requesting additional information regarding the MVP Southgate Project ("Project"). The comments from the letter are restated below and are followed by Mountain Valley's response.

- 1. While the U.S. Army Corps of Engineers, Wilmington District, Raleigh Regulatory Field Office (Corps) has verified the delineation of potential waters of the US within a majority of the proposed pipeline route in North Carolina, there are still sections of the route that have not been delineated or the delineation has not been verified. In addition, it is our understanding that there may still be some re-routing of sections of the pipeline. Pending submittal of additional delineations, the Corps may choose to field-verify the delineation for these areas in order to determine not only the extent of the jurisdictional impacts, but also the functional quality of the resources, upon which to determine appropriate compensatory mitigation requirements. (see PCN Section B.4b.).**

Response: Mountain Valley understands a completed jurisdictional determination is necessary prior to permit verification. Mountain Valley is in the process of completing the wetland and waterbody delineation on the remaining un-surveyed tracts, and will submit the updated delineation data (e.g., GIS data, maps, data sheets, photographs) when complete. The currently proposed route is still under evaluation by the Federal Energy Regulatory Commission (FERC) and any route adjustments would require additional survey and verification for resources managed by the U.S. Army Corps of Engineers, Wilmington District, Raleigh Regulatory Field Office (Corps). Mountain Valley will continue to work with the Corps for verification of delineated resource boundaries and functional quality so the appropriate compensatory mitigation requirements can be determined. Field survey is currently anticipated to be completed in the 3rd quarter, 2019.

2. **Changes to the wetland/stream delineation based on the Corps field-review are not all displayed on Appendix K 2-lh. For example, WB-C18-19 is shown as a pond, but was determined to primarily be a wetland, with a small component of surface water in its western extent. Also, S-C18-18 was determined to not be potentially jurisdictional. Review all delineation maps and plan sheets to ensure that the field-approved delineation is shown, and update all acreages/linear feet and impact proposals accordingly. Further, it is possible that our office will not agree with some of your forested vs. non-forested wetland designation (e.g. W-A18-22-PEM, etc.). However, these distinctions will be made following the completion of field delineations, field verifications (if necessary), and re-submittal of your PCN and attachments.**

Response: The changes made to the delineated resource area boundaries during the Corps field verification process conducted on September 5th and 8th, 2018 were incorporated into the drawing set that was submitted as part of the Joint Permit Application submitted on November 30th, 2018. Wetland and waterbody boundary modifications made during the field verification that occurred on September 25th, 2018 were not reflected within the original Joint Permit Application. These modifications will be submitted to the Corps with the information obtained during the additional field surveys in 1st quarter, 2019.

3. **The permit application appendices are missing the alignment sheets for the Alamance County section of the proposed project (i.e. Appendix B; Sheets PA-ALNC-H-650-01 through ALNC-H-650-21).**

Response: The alignment sheets for the portion of the Project in Alamance County have been uploaded to the Project website.

4. **Appendices K 2-lg, 2-li, and 2-lk appear to be the same file on the project website. Further, the permit application package appears to be missing Figure 4 (Wetland & Waterway Delineation Maps) Sheets 1-103. Please ensure that the project webpage includes the complete and correct documentation.**

Response: Mountain Valley reviewed the Project website and updated these files to ensure that the project webpage includes the complete and correct documentation. Additionally, Mountain Valley can furnish hard copies upon request.

5. **Please provide detailed plan and profile views for all proposed permanent fills of wetlands, streams, and other waters, including culvert sizes and lengths, overlaid on the approved delineation.**

Response: Mountain Valley will provide final plan and profile views for all proposed permanent fills of aquatic resources in North Carolina, including culvert sizes and lengths, once all surveys have been completed and the Project design is finalized (currently forecasted for 3rd quarter, 2019). Any plan and profile drawings developed in accordance with this request will be submitted to the Corps in a supplemental filing.

6. **Although no rip rap is currently proposed in wetland or stream areas, reference was made to decisions on rip rap needs being made during construction. Please note that the Corps Wilmington District considers rip rap to be a permanent impact (though not necessarily a permanent loss). As such, any rip rap proposed would need to be included in the PCN/application as a permanent impact and authorized prior to construction.**

Response: Should rip rap be proposed within any jurisdictional resource, Mountain Valley will submit for PCN approval prior to construction.

7. **Based on the Rockingham County alignment sheets (Appendix B), additional avoidance and minimization of stream and wetland impacts could be achieved. Please review and update all project plan sheets based on the following comments. If additional avoidance and minimization is not practicable in these circumstances, please provide documentation to that effect:**

- a. **The pipeline would presumably be constructed under roadways via conventional bore methods. As such, wetland and stream resources located next to roadways (e.g. W-B18-99/S-B18-99, W-B18-78/S-B18-74, etc.) could be avoided by extending conventional bores slightly beyond roadways. Costs for extending bores already planned should be considerably less than mobilizing for entirely new bores.**
- b. **Several streams are proposed to be trenched through along their channel length rather than near perpendicular (e.g. S-A18-140, S-A18-143, S-A18-147, etc.). Several hundred linear feet of stream disturbance could be avoided by slight redesigns in pipe centerline.**
- c. **The pipe centerline is proposed to trench through several stream confluences (e.g. S-C18-38/S-C18-53, etc.). Prolonged stream disturbance would be expected in these locations due to inherent stream bank instability at stream confluences, difficulty in reconstructing intersecting stream banks in their original location, and lack of woody vegetation along stream banks due to long term maintenance. Slight redesigns in pipe centerline could avoid these issues.**

Response: Final design of the Project's route and construction methods are still under development with an emphasis on avoidance and minimization of wetland and stream resources to the extent practicable. Documentation of the revised construction procedures and routes will be provided to the Corps to avoid linear feet of stream disturbance and avoid stream confluences throughout the route development process.

8. **On Appendix M (Section 404/401 Permit Application Proposed Pipeline Route and Impacts) Sheets 1-108, please add the 2018 aerial photo as a background, faded to still allow project details to show clearly. Within the wetland and stream areas, also add shading or hatching to show temporary construction impacts, permanent wetland conversion impacts, and permanent wetland/stream fill impacts. Also clearly note acreages/linear feet of each impact type at each crossing. Provide zoom-ins of crossing locations if necessary to show details. Note that these impacts/details could also be shown on Appendix B plans if the two sets of plans should prove redundant.**

Response: Mountain Valley will continue to work with the Corps to provide the necessary mapping that will aid in the evaluation of project impacts.

9. **Given the numerous proposed crossings of wetlands, streams, and open waters, please provide the itemized proposed impact information in digital format to facilitate efficient processing. Once additional delineations and any required field verification are complete and you plan to submit the updated PCN and attachments, please contact David Bailey for the latest ORM upload sheets, as the upload sheets are frequently revised.**

Further, our office is under the impression that all of the delineated wetlands would be classified as either Headwater Forest, Bottomland Hardwood Forest, Floodplain Pool, or Non-Tidal Freshwater Marsh types based on the North Carolina Wetland Assessment Method (NCWAM). As such, for mitigation purposes, the appropriate Wetland Group/Credit Classification would be Riparian non-Riverine or Riparian Riverine. If applicable, please identify any delineated wetlands that you would classify instead as Basin Wetland, Seep, or any other NCWAM type that would better fit the Non-Riparian Wetland Group/Credit Classification.

Response: Mountain Valley will submit a completed ORM upload sheet, with the appropriate wetland group/credit classification, once field delineations and field verifications are complete.

10. **Your current proposal is to acquire compensatory mitigation through private mitigation banks. We recommend that you also consider contingencies such as acquiring compensatory mitigation through the North Carolina Division of Mitigation Services (NCDMS) in the event that there are not enough appropriate private mitigation bank credits available. Further, provide letters from private Mitigation Banks and/or NCDMS stating that they are willing to provide the appropriate type and amount of compensatory mitigation credits required for this project. Note that a complete compensatory mitigation plan, including the letters referenced above, is required by our office for review and approval prior to verifying the use of NWP 12. (see PCN Sections D.2 and D.3.).**

Further, although our office typically requires compensatory mitigation for permanent conversion of forested wetlands to another wetland type at a 1:1 ratio, compensatory mitigation for permanent fill of wetlands (see Access Road PA-RO-113A at MP 41.8) is typically required at a 2:1 ratio. Please update section 4.1.2 of your project narrative, as well as your related compliance statement on pages N-2-7 and N-2-8 of your application documents.

Response: The amount of compensatory mitigation will be developed in accordance with the above-referenced ratios and will be updated once the Project-design is finalized. Mountain Valley will provide an updated compensatory mitigation plan (including letters of available credit) for permanent fill of wetlands and permanent conversion of forested wetlands to scrub-shrub or emergent wetlands. In the event that not enough credits are available through private mitigation banks, Mountain Valley will also acquire compensatory mitigation through the North Carolina Division of Mitigation Services.

11. We are aware that the FERC (Lead Federal Agency) is preparing an Environmental Impact Statement which addresses the requirements of Section 106 of the National Historic Preservation Act (NHPA) and Section 7 of the Endangered Species Act (ESA).
- a. Their final opinion on whether the proposed activity may affect properties listed, or eligible for listing, in the National Register of Historic Places is needed before the use of a Nationwide Permit can be verified for this project. Please provide documentation showing compliance with Section 106 of the NHPA. (see PCN Sections F.7).
 - b. Their final opinion on whether or not the project "may affect" a listed species or critical habitat is needed before the use of a Nationwide Permit can be verified for this project. Please provide documentation showing compliance with Section 7 of the ESA. (see PCN Sections F.8).

Response: Mountain Valley is actively coordinating with the North Carolina State Historic Preservation Office and the U.S. Fish and Wildlife Service. Final documentation of compliance with Section 106 of the NHPA and Section 7 of the ESA for Corps jurisdictional areas is currently anticipated in 4th quarter, 2019.

Mountain Valley appreciates the opportunity to provide this information in support of its request for USACE Section 404 authorization of the Project pursuant to Nationwide Permit 12. A complete application is expected in the 2nd quarter of 2019¹. Should you have any additional questions or further information to complete your review of the Project, please do not hesitate to contact Alex Miller at 713-374-1599 or via email at Alex.Miller@nee.com or me at 561-691-2808 or via email Matthew.Raffenberg@fpl.com. Thank you for your continued consideration.

Sincerely,



Matthew Raffenberg
Senior Director, Environmental Services

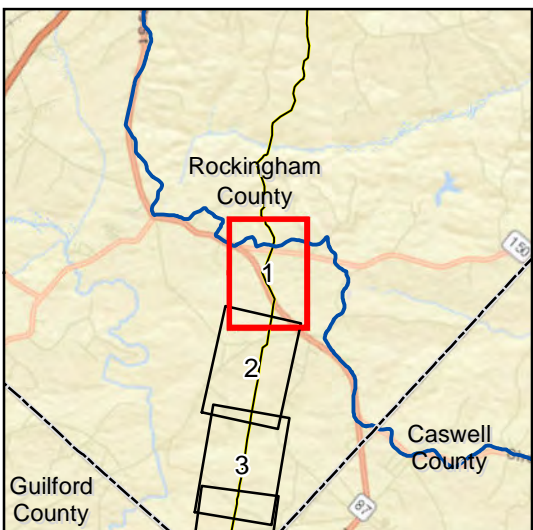
CC: Jean Gibby, USACE
Scott McLendon, USACE
Henry Wicker, USACE
Todd Miller, USACE
Sue Homewood, NC DEQ
Amanda Mardiney, OEP
John Ellis, USFWS
Renee Gledhill-Early, NCDRC



MVP Southgate Project

Attachment B Jordan Watershed Published Soil Survey Maps

February 2019



Legend

- Mileposts
- H-650 Pipeline
- ▭ Limits of Construction Right-of-Way
- ▭ Survey Area
- State Removed Resources
- Approximated Soil Survey Stream
- Approximated Surface Water Top Of Bank
- Approximated Stream Centerline
- Delineated Surface Water Top Of Bank
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- ▭ Approximated Surface Water
- ▭ Delineated Surface Water
- Delineated Wetland Boundary
- ▭ Approximated Wetland
- ▭ Delineated Wetland
- ▭ County Boundary

Data Sources: EOT, ESRI, NC OneMap, TRC, USGS
 Basemap: Published Soil Survey Maps

1 inch = 500 feet
 When Printed 11x17

Mountain Valley PIPELINE LLC

Section 404/401 Permit Application

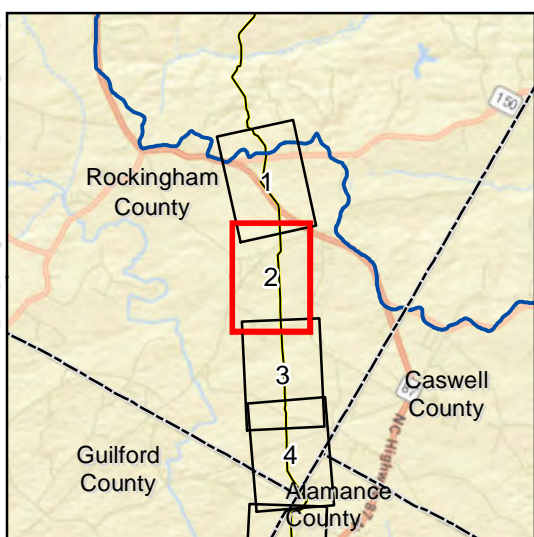
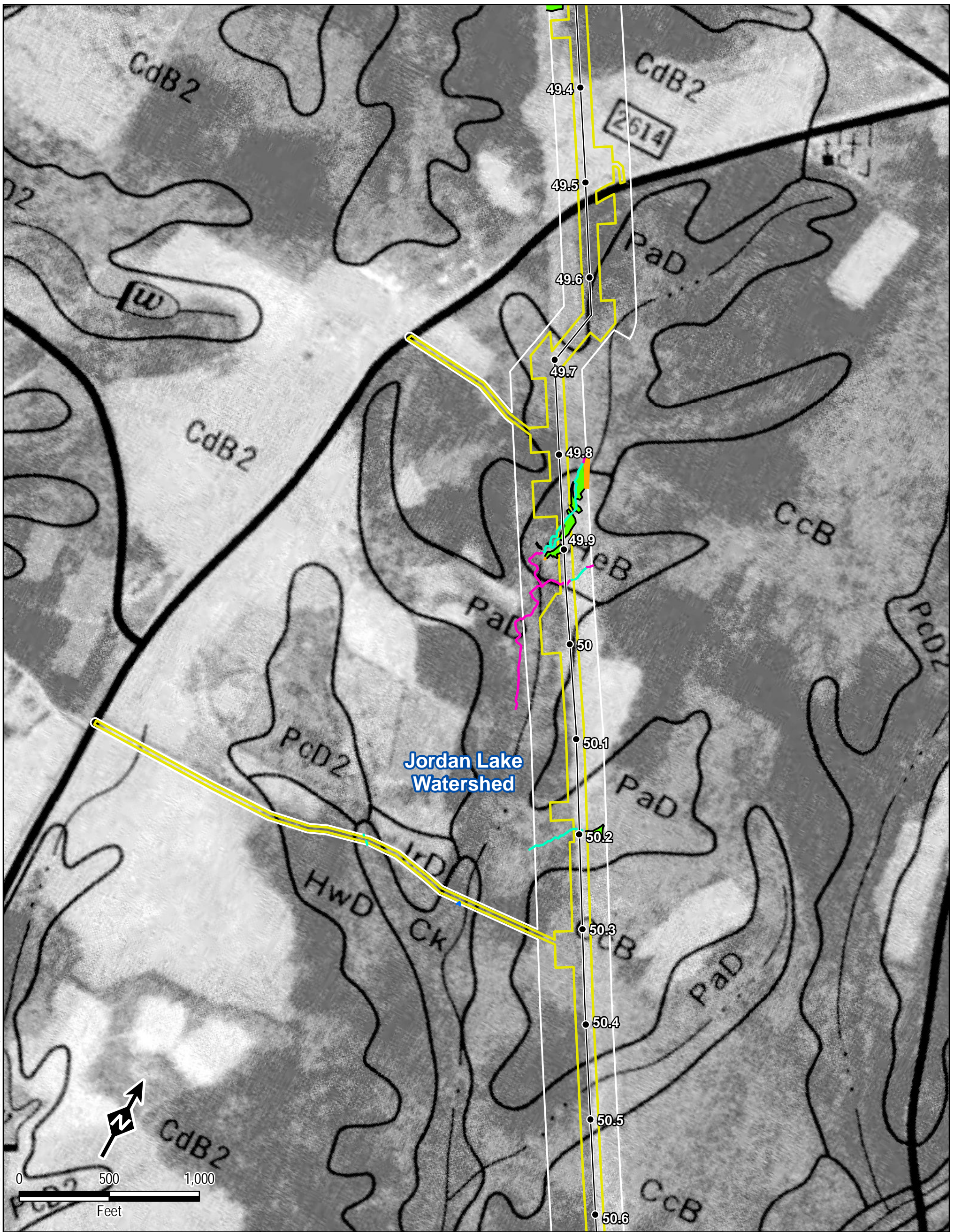
Jordan Lake Watershed
 Published Soil Survey
 Response to Additional Information

Rockingham County, NC
 Sheet 1 of 22

TRC
 Results you can rely on

600 Willowbrook Ln
 West Chester, PA 19382
 Date: February 2019

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Legend

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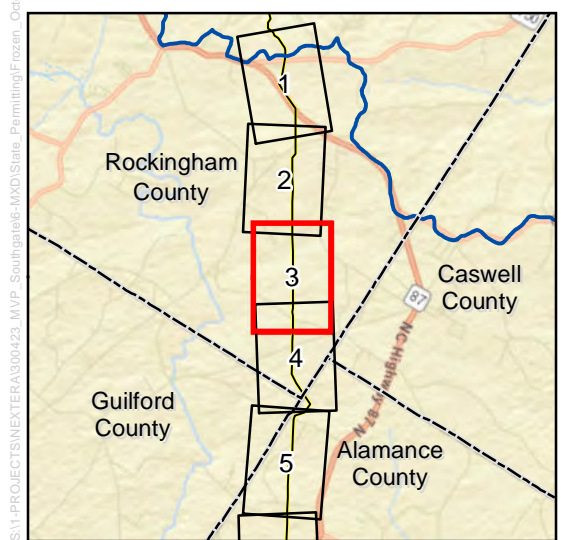
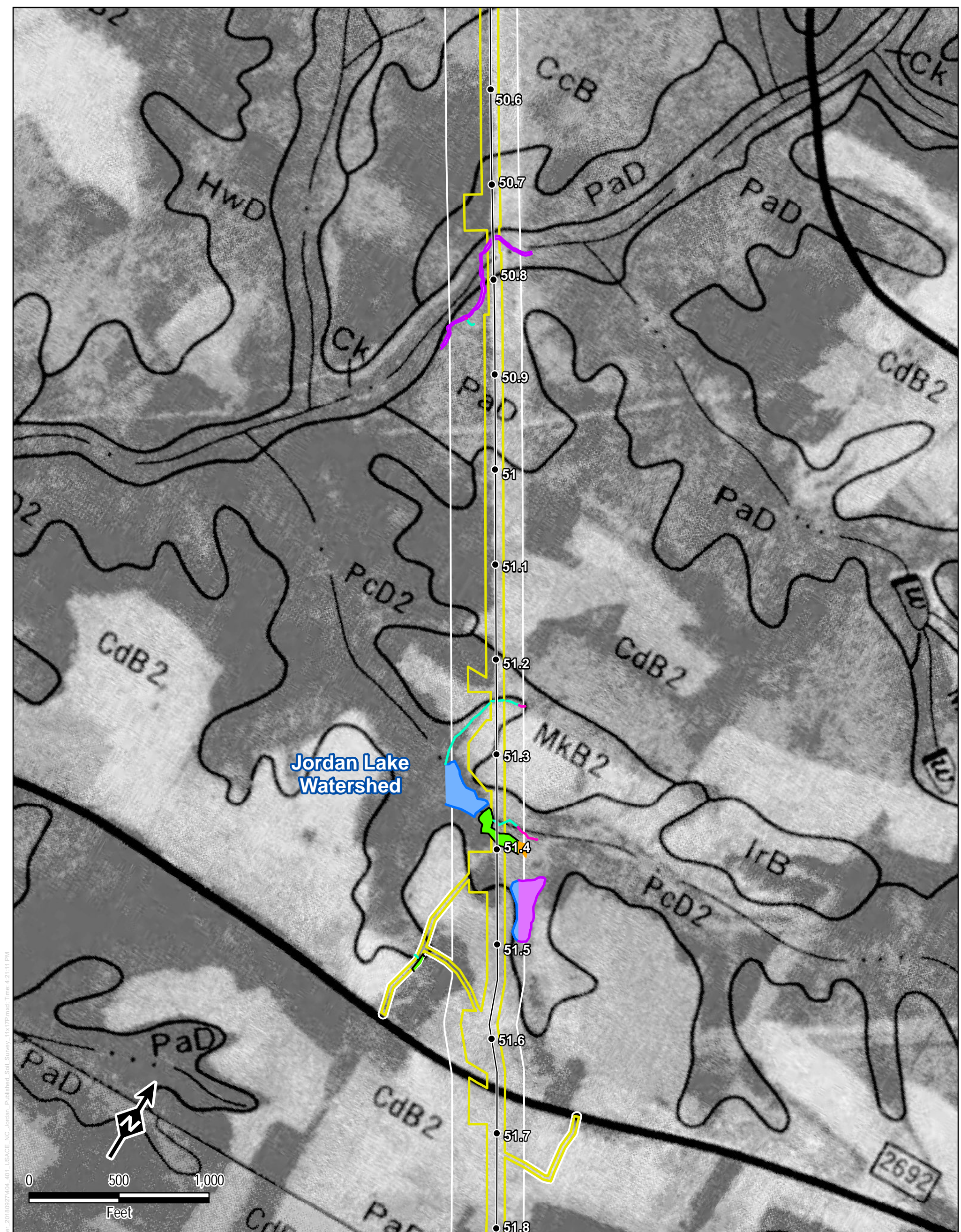
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Section 404/401 Permit Application

Jordan Lake Watershed
Published Soil Survey
Response to Additional Information

Rockingham County, NC
Sheet 2 of 22

600 Willowbrook Ln
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Date: February 2019



Legend

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Mountain Valley
 PIPELINE LLC

Section 404/401 Permit Application

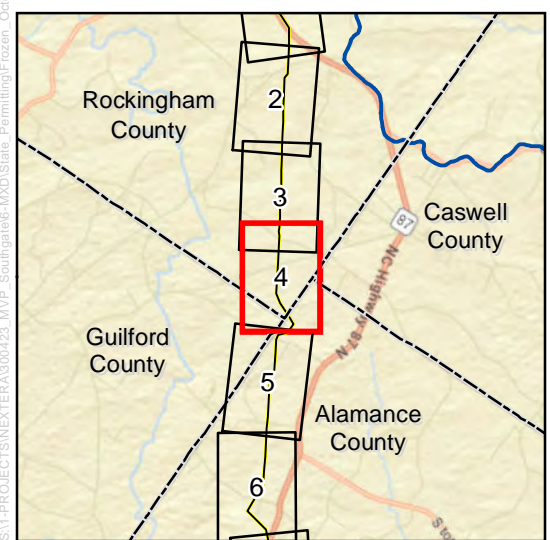
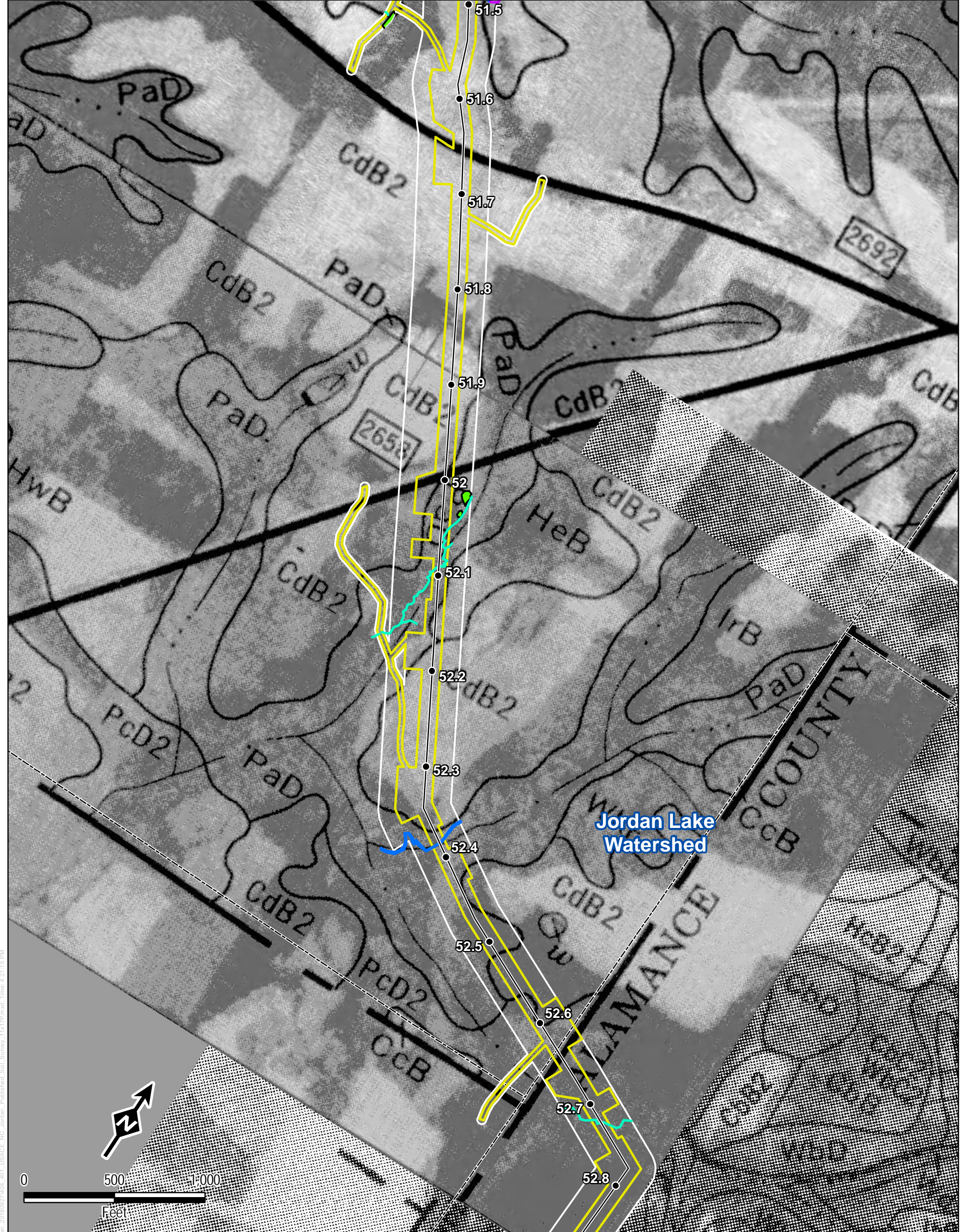
Jordan Lake Watershed
 Published Soil Survey
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Rockingham County, NC
 Sheet 3 of 22

TRC
 Results you can rely on

600 Willowbrook Ln
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| Legend | |
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| ● Mileposts | Delineated Surface Water Top Of Bank |
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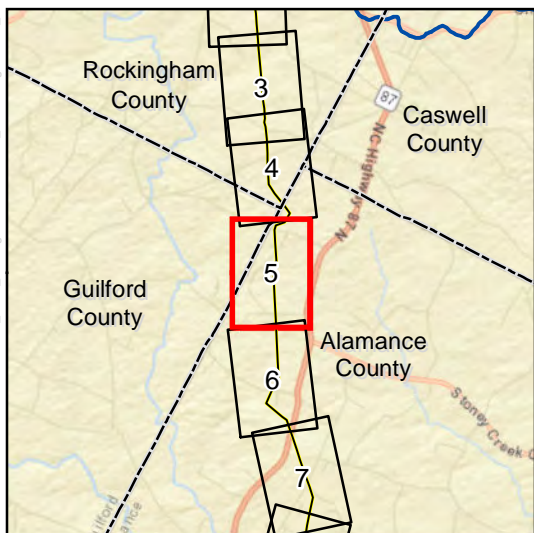
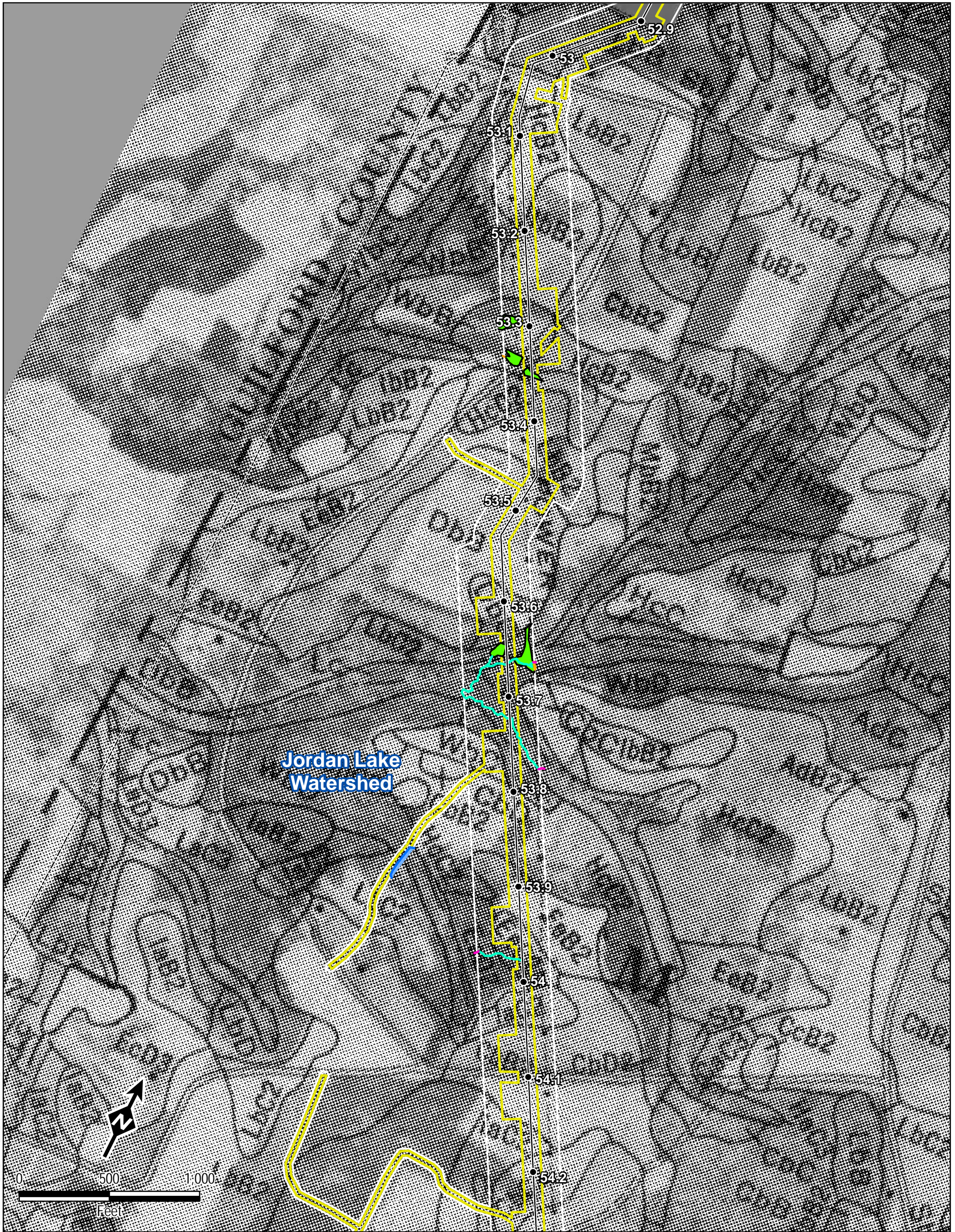
Section 404/401 Permit Application

Jordan Lake Watershed
Published Soil Survey
Response to Additional Information

Rockingham, Guilford, & Alamance Counties, NC
Sheet 4 of 22



600 Willowbrook Ln
West Chester, PA 19382
Date: February 2019



Legend

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Mountain Valley
 PIPELINE LLC

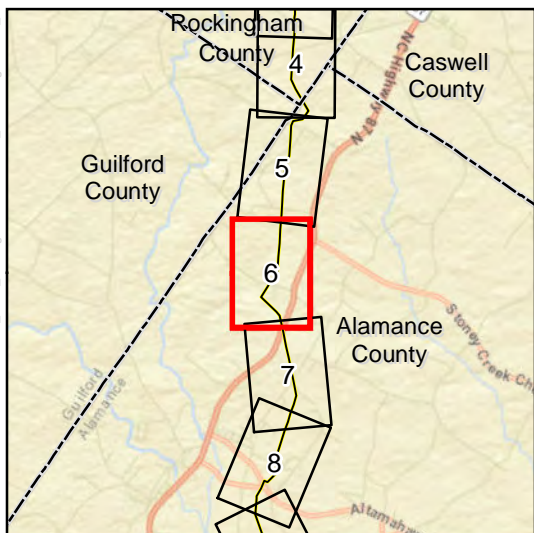
Section 404/401 Permit Application

Jordan Lake Watershed
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Alamance County, NC
 Sheet 5 of 22

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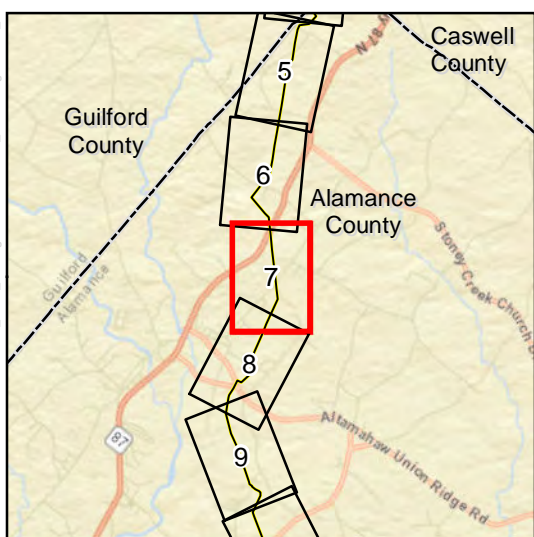
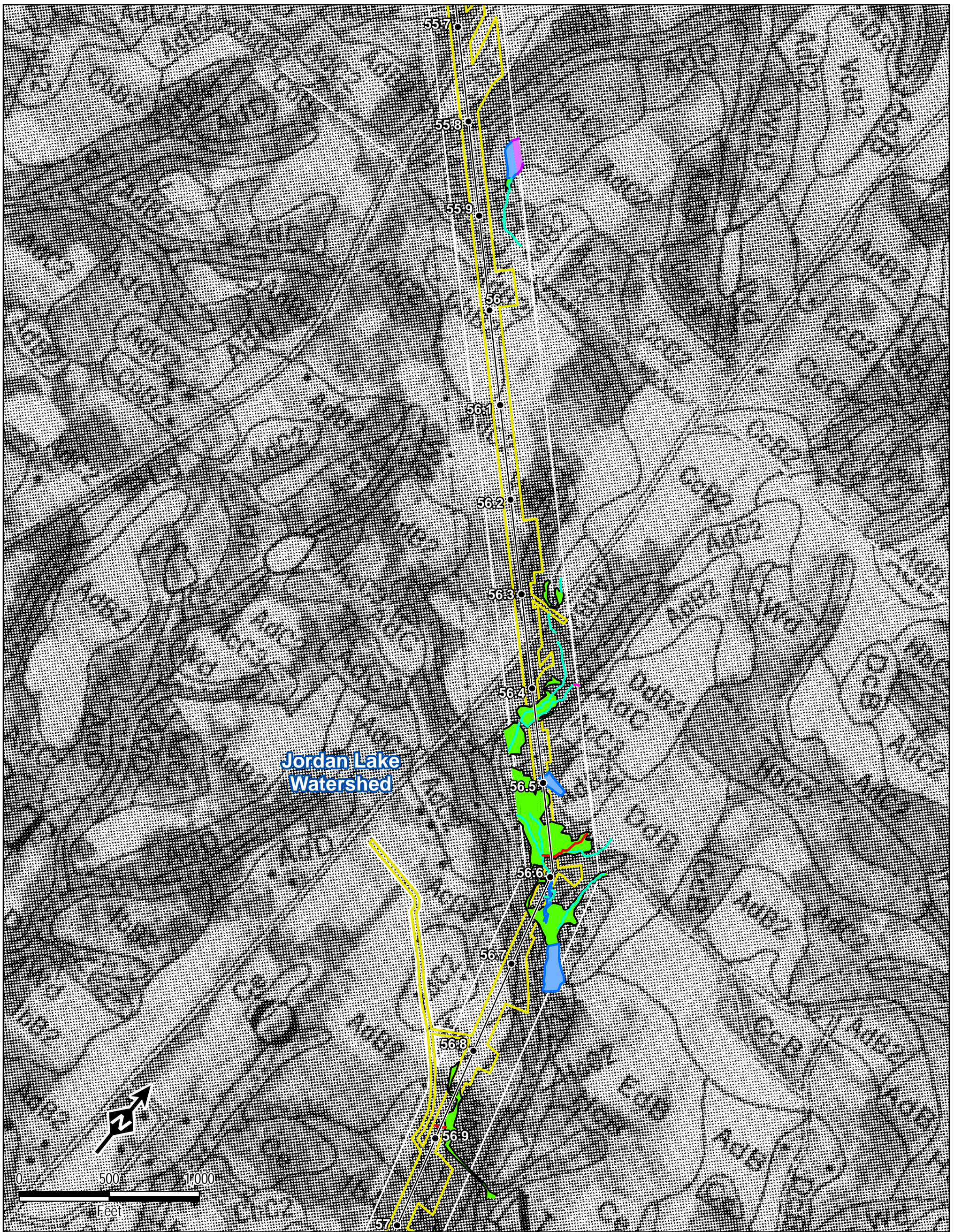
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Jordan Lake Watershed
 Published Soil Survey
 Response to Additional Information

Alamance County, NC
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600 Willowbrook Ln
 West Chester, PA 19382
 Date: February 2019



Legend

- Mileposts
- H-650 Pipeline
- ▭ Limits of Construction Right-of-Way
- ▭ Survey Area
- State Removed Resources
- Approximated Soil Survey Stream
- Approximated Surface Water Top Of Bank
- Approximated Stream Centerline
- Delineated Surface Water Top Of Bank
- Delineated Stream Centerline
- ▭ Approximated Surface Water
- ▭ Delineated Surface Water
- Delineated Wetland Boundary
- ▭ Approximated Wetland
- ▭ Delineated Wetland
- ▭ County Boundary

Data Sources: EOT, ESRI, NC OneMap, TRC, USGS
 Basemap: Published Soil Survey Maps

1 inch = 500 feet
 When Printed 11x17

Mountain Valley PIPELINE LLC

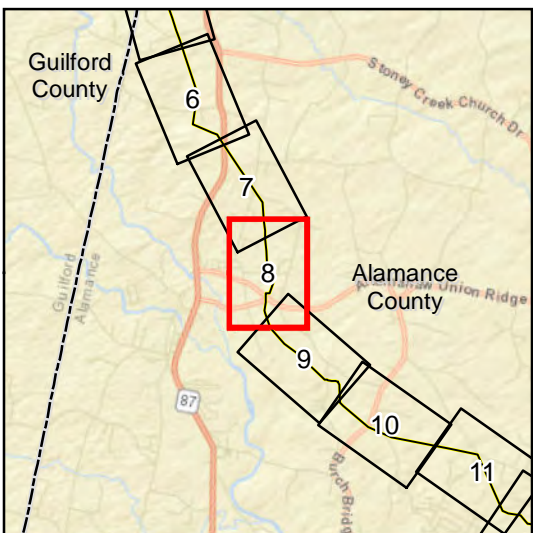
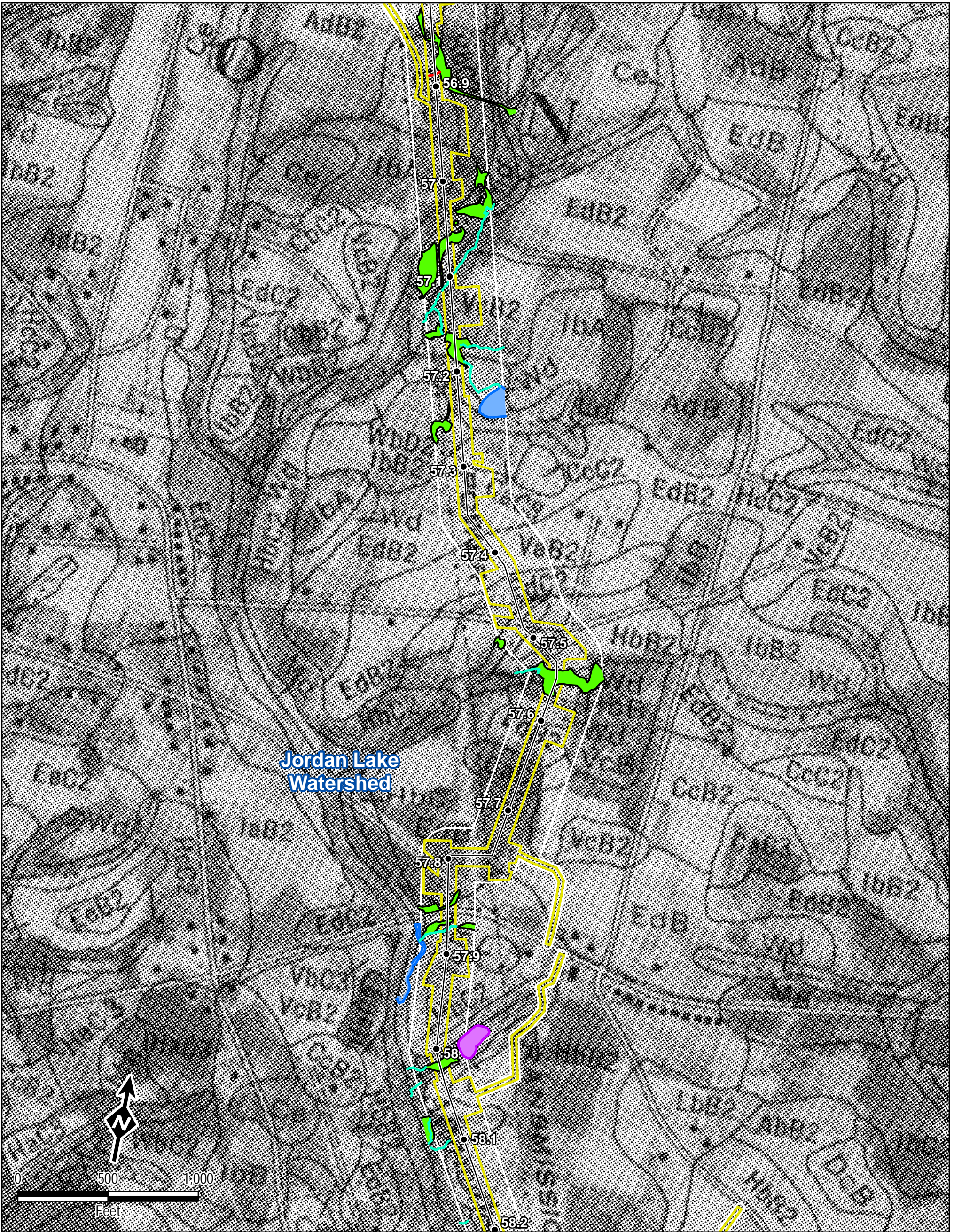
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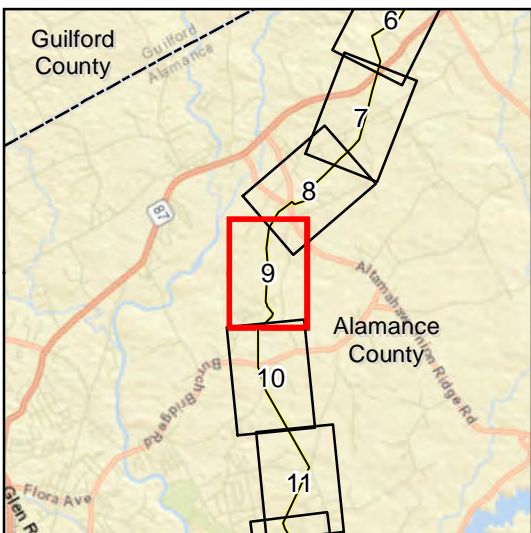
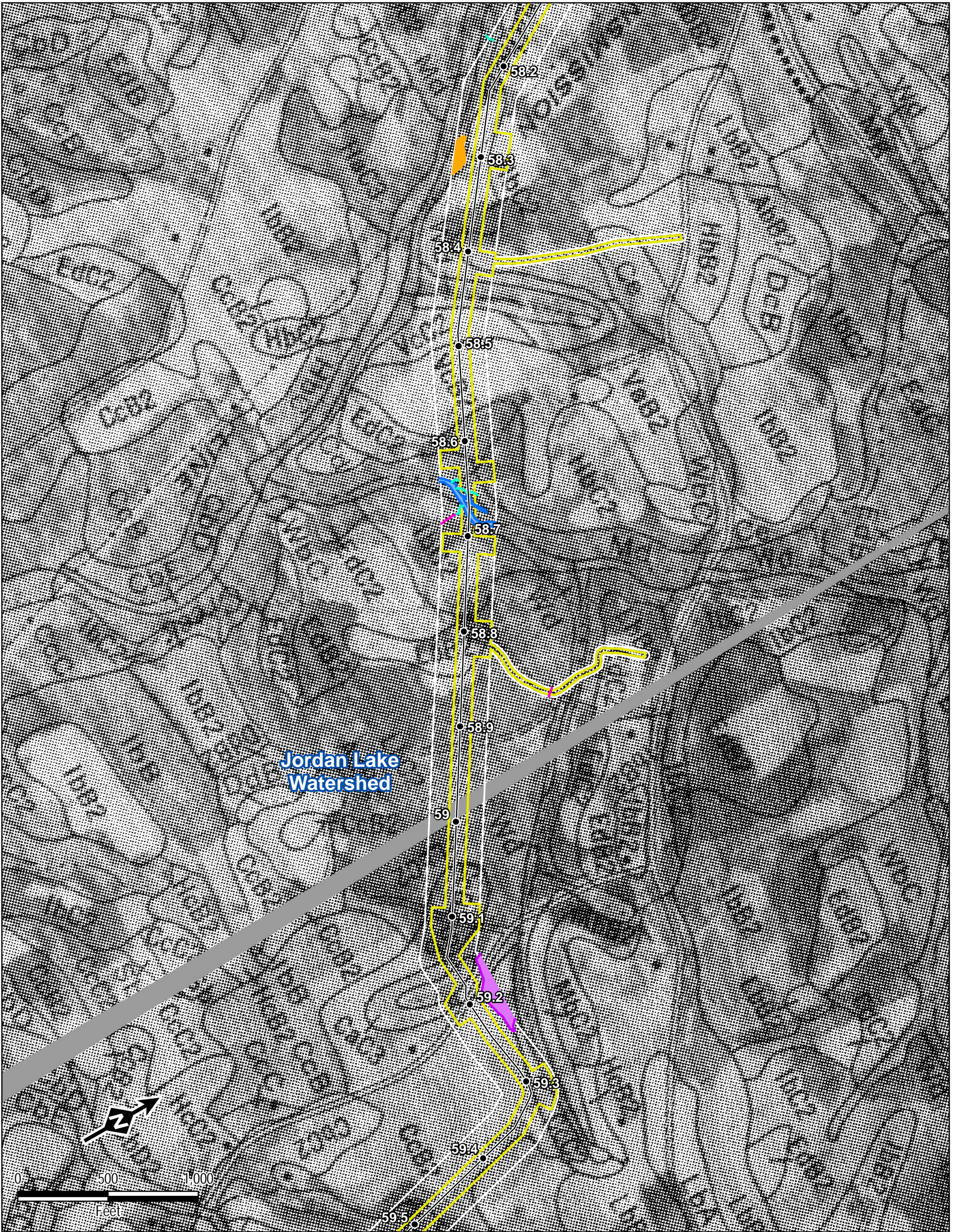
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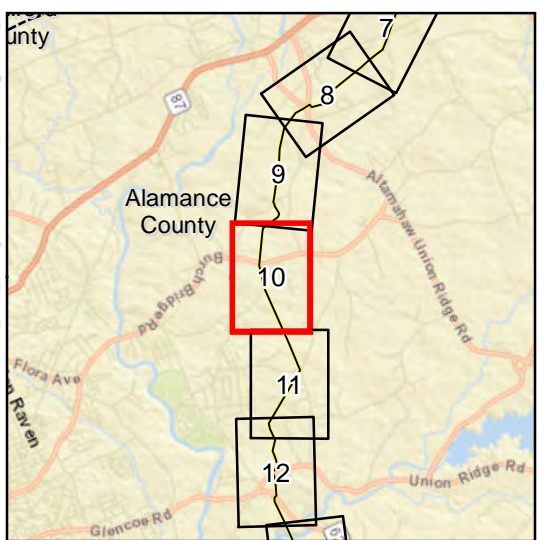
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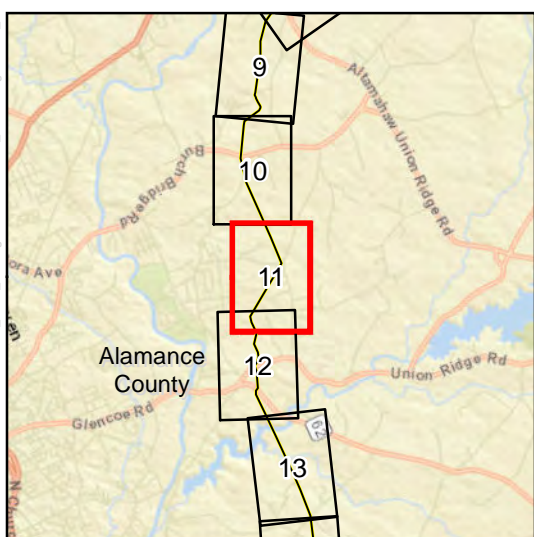
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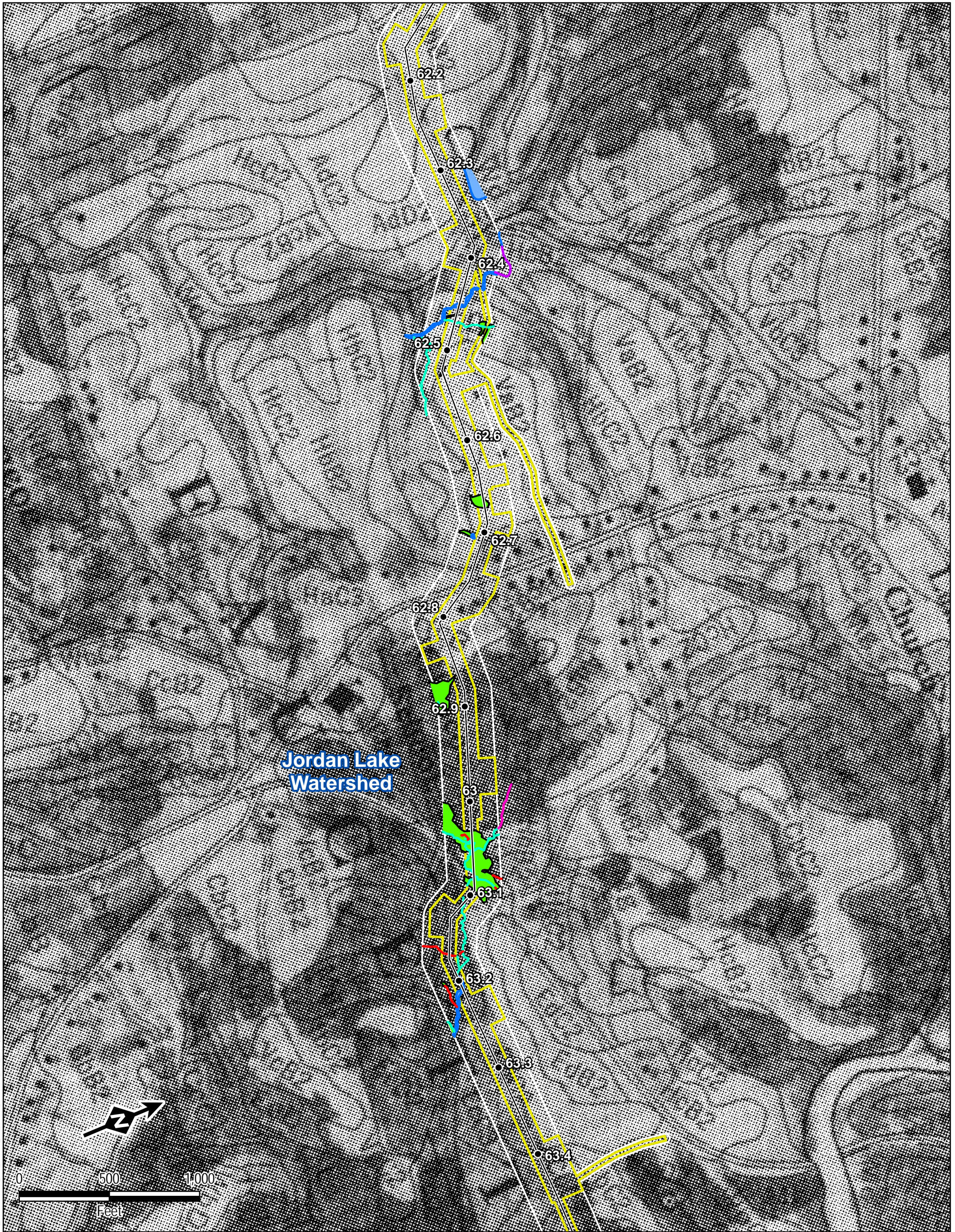
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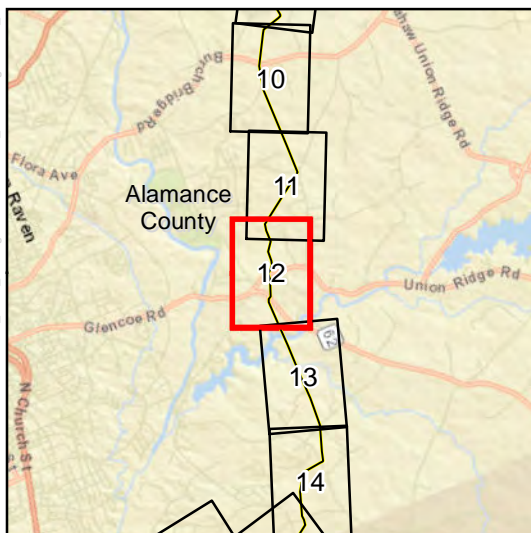
Alamance County, NC
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600 Willowbrook Ln
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Jordan Lake Watershed



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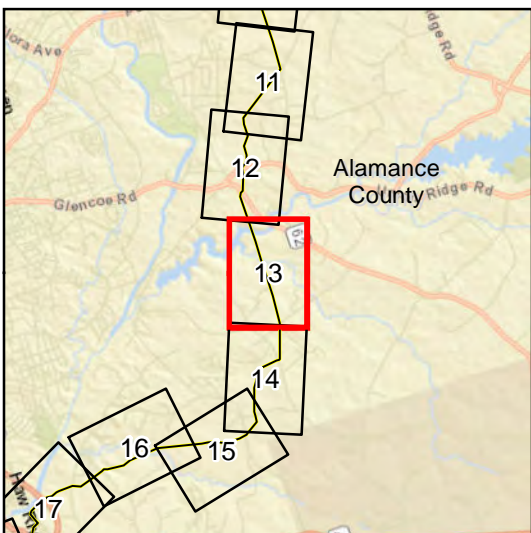
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