



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Travis A. Voyles
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

February 2, 2023

Dr. Homer Wilkes, Under Secretary
U.S. Department of Agriculture/U.S. Forest Service
c/o Jefferson National Forest, MVP Project
Submitted online: <https://cara.fs2c.usda.gov/Public/CommentInput?Project=50036>

RE: U.S. Forest Service and Bureau of Land Management, Draft Supplemental Environmental Impact Statement, Mountain Valley Pipeline and Equitrans Expansion Project (DEQ 23-001F).

Dear Dr. Wilkes:

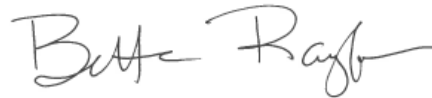
The Commonwealth of Virginia has completed its review of the draft supplemental environmental impact statement (DSEIS) for the portions of the Mountain Valley Pipeline (MVP) within Jefferson National Forest in Virginia. The Virginia Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act and responding to appropriate federal officials on behalf of the Commonwealth. This letter, including attachments, is the Commonwealth of Virginia's response. Comments from reviewers primarily focus on recommending measures to mitigate potential environmental impacts.

As part of the Commonwealth's review, DEQ requested comments from state agencies, localities and the planning district commission. DEQ notified reviewers of the availability of the DSEIS and files suitable for use in Geographic Information System software of the route that were provided by the U.S. Forest Service via its website. The comments that were submitted as part of this review are attached and organized as follows:

- Attachment A: Comments and Recommendations
- Attachment B: Detailed comments from reviewers

Thank you for the opportunity to comment. If you have questions, please do not hesitate to contact me at bettina.rayfield@deq.virginia.gov or (804) 659-1915.

Sincerely,

A handwritten signature in black ink that reads "Bettina Rayfield". The signature is written in a cursive, flowing style.

Bettina Rayfield, Manager
Environmental Impact Review and Long Range
Priorities Program

Enclosures

ec: Amy Martin, DWR
Keith Tignor, VDACS
Allison Tillet, DCR
Arlene Warren, VDH
Roger Kirchen, DHR
David Spears, DOE
Terry Lasher, DOF
Claire Gorman, VMRC
Allison Wishon, VDOT
Scott Denny, DOAV
Martha Little, VOF
Chris McKlarney, Giles County
Craig Meadows, Montgomery County
Kevin Byrd, New River Valley Regional Commission



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ATTACHMENT A: COMMENTS AND RECOMMENDATIONS

The Commonwealth of Virginia encourages the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) to incorporate the following recommendations into appropriate sections of the final supplemental environmental impact statement.

1) Wetlands and Streams

a) Requirements

- Measures must be taken to avoid and minimize impacts to surface waters and wetlands during construction activities. The disturbance of surface waters or wetlands may require prior approval by the Virginia Department of Environmental Quality (DEQ) and/or the U.S. Army Corps of Engineers (Corps). The Corps is the final authority for an official confirmation of whether there are federal jurisdictional wetlands or other surface waters that may be impacted by the proposed project. DEQ may confirm additional waters as jurisdictional beyond those under federal authority. Review of National Wetland Inventory maps or topographic maps for locating wetlands or streams may not be sufficient; there may need to be a site-specific review of the site by a qualified professional. Even if there will be no intentional placement of fill material in jurisdictional waters, potential water quality impacts resulting from construction site surface runoff must be minimized. This can be achieved by using Best Management Practices (BMPs).

b) Recommendations

- Based upon review of the information provided, the DEQ Office of Wetlands and Stream Protection (OWSP) offers the following general recommendations concerning potential surface water impacts:

1. Prior to commencing project work, all surface waters on the project site should be delineated by a qualified professional and verified by the Corps for federal jurisdictional waters and by DEQ for state jurisdictional waters.
2. Wetland and stream impacts should be avoided and minimized to the maximum extent practicable.
3. If the scope of the project changes, additional review will be necessary by one or more offices in the Commonwealth's Secretariat of Natural and Historic Resources and/or the Corps.
4. At a minimum, any required compensation for impacts to State Waters, including the compensation for permanent conversion of forested wetlands to emergent wetlands, should be in accordance with all applicable state regulations and laws. Consider mitigating impacts to forested or converted wetlands by establishing new forested wetlands within the impacted watershed.
5. Any temporary impacts to surface waters associated with this project should be restored to pre-existing conditions.
6. No activity may substantially disrupt the movement of aquatic life indigenous to the water body, including those species, which normally migrate through the area, unless the primary purpose of the activity is to impound water. Culverts placed in streams must be installed to maintain low flow conditions. No activity may cause more than minimal adverse effect on navigation. Furthermore the activity must not impede the passage of normal or expected high flows and the structure or discharge must withstand expected high flows.
7. Erosion and sedimentation controls should be designed in accordance with the *Virginia Erosion and Sediment Control Handbook*, Third Edition, 1992. These controls should be placed prior to clearing and grading and maintained in good working order to minimize impacts to state waters. These controls should remain in place until the area is stabilized and should then be removed. Any exposed slopes and streambanks should be stabilized immediately upon completion of work in each permitted area. All denuded areas should be properly stabilized in accordance with the *Virginia Erosion and Sediment Control Handbook*, Third Edition, 1992.
8. No machinery may enter surface waters, unless authorized by a Virginia Water Protection (VWP) individual permit, general permit, or general permit coverage.
9. Heavy equipment in temporarily impacted surface waters should be placed on mats, geotextile fabric, or other suitable material, to minimize soil disturbance to the maximum extent practicable. Equipment and materials should be removed immediately upon completion of work.

10. Activities should be conducted in accordance with any time-of-year restriction(s) as recommended by the Department of Game and Inland Fisheries, the Department of Conservation and Recreation, or the Virginia Marine Resources Commission. The permittee should retain a copy of the agency correspondence concerning the time-of-year restriction(s), or the lack thereof, for the duration of the construction phase of the project.
11. All construction, construction access, and demolition activities associated with this project should be accomplished in a manner that minimizes construction materials or waste materials from entering surface waters, unless authorized by a Virginia Water Protection (VWP) individual permit, general permit, or general permit coverage. Wet, excess, or waste concrete should be prohibited from entering surface waters.
12. Herbicides used in or around any surface water should be approved for aquatic use by the U.S. Environmental Protection Agency or the U.S. Fish and Wildlife Service. These herbicides should be applied according to label directions by a licensed herbicide applicator. A non-petroleum based surfactant should be used in or around any surface waters.

c) Comments

- DEQ OWSP concurs with the proposed amendments to the Forest Plan, the use of conventional boring to reduce stream impacts, and incorporation of the 2023 Biological Opinion as related to listed species, including the Northern Long-eared Bat.

2) Erosion and Sediment Controls

a) Requirements

- Comply with the DEQ-approved Annual Standards and Specifications for Erosion and Sediment Control and Stormwater Management.
- Implement the DEQ-approved Erosion and Sediment Control Plan and Stormwater Management Plan.

b) Comments

- DEQ states that the proposed trenchless crossings are included in the MVP annual standards and specifications.

3) Air Quality

a) Comments

- The DEQ Division of Air and Renewable Energy states that the project is located in an attainment area for all National Ambient Air Quality Standards.

4) Solid and Hazardous Waste Database Search.

a) Comments

- The DEQ Division of Land Protection and Revitalization (DLPR) conducted a search (200-foot radius) of the project area of solid and hazardous waste databases (including petroleum releases) to identify waste sites in close proximity to the project area. The search did not identify any waste sites within the project area which might impact the project.

5) Natural Heritage Resources

a) Comments

- DCR reiterates its previous comments for the proposed project. In addition, DCR provides the following comments for the December 2022 Mountain Valley Pipeline and Equitrans Expansion Project DSEIS.
- **Peter Mountain Slopes-Laurel Branch Slopes Conservation Site:**

According to the information currently in DCR's files, the Peter Mountain Slopes-Laurel Branch Slopes Conservation Site is documented within the proposed project area. The site has been given a biodiversity significance ranking of B2, which represents a site of very good significance. The natural heritage resources of concern associated with this conservation site are:

Aneura sharpie, A liverwort, G1G2/S1/NL/NL
Corallorhiza bentleyi, Bentley's coralroot, G2/S2/LE/NL
Myotis lucifugus, Little Brown Bat, G3/S1S3/LE/NL
Myotis leibii, Eastern Small-footed Myotis, G4/S2/NL/NL

The Eastern small-footed myotis is a bat species known from southern Canada and New England, south through the Appalachians and Ohio Valley (NatureServe, 2009). This species has been recorded in Virginia most frequently in association with cavernous limestone (karst) areas and sandstone ridges in the western portion of the state. It roosts in rock crevices, rock shelters, caves, mines, human habitations, and trees in mountainous

areas with deciduous or evergreen forest. Threats to the Eastern small-footed myotis include alteration or destruction of its roosting or hibernation habitats including rock outcrops, bridges, trees, and caves.

The Little brown bat is a small brown insect eating bat, which uses a wide range of habitats including caves and human-made structures (NatureServe, 2015). Since 2008 there has been a significant decline in population numbers (greater than 90%) for bat species due to white nose syndrome. The Little brown bat is state listed as endangered on April 1, 2016 by the Department of Wildlife Resources (DWR).

- **Karst:** The Western part, on the southeastern slope of Peters Mountain, consists mostly of a long access road on Devonian-Silurian bedrock that contains a very small percentage of limestone. Because of this, it is included in the new DCR statewide karst screen. However, only very locally are any significant karst features developed. In the project area, there are no caves or sinkholes documented in the unit. Downslope (east) of the project area, streams cross onto the significant karst. Some are likely to sink while others may not. No documented significant cave resources are at risk from activities associated with the construction of the MVP on the southeast slope of Peters Mountain.
- **Forest Fragmentation:** According to the 2020 DSEIS, the majority of the tree removal has been conducted for the project “except for tree removal activities associated with future slip repairs, existing slip remediation and variance requests remains”. The previous tree removal associated with the project, fragmented C1 and C2 Ecological Cores as well as other ecological cores as identified in the Virginia Natural Landscape Assessment (<https://www.dcr.virginia.gov/natural-heritage/vaconvisvnl>), one of a suite of tools in Virginia ConservationVision that identify and prioritize lands for conservation and protection.

Ecological Cores are areas of at least 100 acres of continuous interior, natural cover that provide habitat for a wide range of species, from interior-dependent forest species to habitat generalists, as well as species that utilize marsh, dune, and beach habitats. Interior core areas begin 100 meters inside core edges and continue to the deepest parts of cores. Cores also provide the natural, economic, and quality of life benefits of open space, recreation, thermal moderation, water quality (including drinking water recharge and protection, and erosion prevention), and air quality (including sequestration of carbon, absorption of gaseous pollutants, and production of oxygen). Cores are ranked from C1 to C5 (C5 being the least significant) using nine prioritization criteria, including the habitats of natural heritage resources they

contain. Impacts to cores occur when their natural cover is partially or completely converted permanently to developed land uses. Habitat conversion to development causes reductions in ecosystem processes, native biodiversity, and habitat quality due to habitat loss; less viable plant and animal populations; increased predation; and increased introduction and establishment of invasive species.

To date, the MVP project has resulted in clearing of trees in all of the cores ranked C1 (outstanding ecological integrity) or C2 (very high ecological integrity) along the limits of disturbance identified for the FEIS. The forest fragmentation impacts and recommended mitigation for these impacts, as well as impacts to other cores and non-core forests, on and outside National Forest lands, were calculated for the FEIS and to inform the December 2017, "Memorandum of Agreement for Comprehensive Mitigation of Virginia Resource Impacts of Mountain Valley Pipeline" to address these impacts.

- **State-listed Plants or Insects:** The current activity will not affect any documented state-listed plants or insects, according to DCR.
- **State Natural Area Preserves:** There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity, according to DCR.

b) Recommendations

Bats:

- Due to the legal status of the Little brown bat, DCR recommends coordination with the DWR, Virginia's regulatory authority for the management and protection of this species to ensure compliance with the Virginia Endangered Species Act (Code of Virginia §§ 29.1-563 – 570). The northern long-eared bat (*Myotis septentrionalis*) was up listed from "Threatened" to "Endangered" on November 29, 2022, under the Endangered Species Act (ESA). Based on a recent extension by the U.S. Fish and Wildlife Service (FWS), the rule will become effective March 31, 2023. On September 13, 2022, the FWS also announced a proposal to list the tricolored bat as endangered under the ESA.
- As stated in the DSEIS, DCR supports formal consultation with the FWS for the northern long-eared bat and the Indiana bat (*Myotis sodalis*, G2/S1/LE/LE) to ensure compliance with protective species legislation.
- The FWS utilizes an online project review process (<https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process>) to facilitate compliance with the Endangered Species Act (16 U.S.C. 1531-1544, 87 Stat. 884) (ESA), as amended. The process

enables users to 1) follow step-by-step guidance; 2) access information that will allow them to identify threatened and endangered species, designated critical habitat, and other Federal trust resources that may be affected by their project; and 3) accurately reach determinations regarding the potential effects of their project on these resources as required under the ESA. For questions regarding the online review process, contact Rachel Case at rachel_case@fws.gov.

Water Quality and Aquatic Resources:

- To minimize adverse impacts to the aquatic ecosystem and associated rare species including the Candy darter (*Etheostoma osburni*, G3/S1/LE/NL) and the Hellbender (*Cryptobranchus alleganiensis*, G3/S2/NL/NL) as a result of the proposed activities, DCR recommends the implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management regulations.
- As stated in the DSEIS, DCR supports formal consultation with the FWS for the candy darter and Roanoke logperch (*Percina rex*, G1G2/S1S2/LE/LE) to ensure compliance with protective species legislation.
- Due to the legal status of the James spiny mussel, DCR recommends coordination with FWS and DWR to ensure compliance with the Virginia Endangered Species Act (Code of Virginia §§ 29.1-563 – 570).

Karst Resources:

- DCR recommends adherence to erosion and sediment control measures as required by the USFS, Federal Energy Regulatory Commission, and DEQ under the DSEIS to protect downstream, karst resources.

Native and Invasive Species:

- DCR continues to recommend the development and implementation of an invasive species plan to be included as part of the maintenance practices for the right-of-way. The invasive species plan should include an invasive species inventory for the project area based on the current DCR Invasive Species List (<http://www.dcr.virginia.gov/natural-heritage/document/nh-invasive-plant-list-2014.pdf>) and methods for treating the invasives.
- DCR recommends that the right-of-way restoration and maintenance practices planned include appropriate revegetation using native species in a mix of grasses and forbs, robust monitoring and an adaptive management plan to provide guidance if initial revegetation efforts are unsuccessful or if

invasive species outbreaks occur.

Update Request:

- Re-submit project information and a map to DCR for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

6) Wildlife Resources

a) Recommendations

- The Department of Wildlife Resources (DWR) documents federally listed endangered and state-listed endangered Candy Darters from the project area. Stony Creek, where the pipeline crosses, has been documented a Threatened and Endangered Species Water due to the presence of this species. To ensure protection of Candy Darters and their habitat, DWR recommends that any instream work in Stony Creek or at work sites located within 1 mile upstream of Stony Creek adhere to a time-of-year restriction from March 15 through June 30 of any year.
- DWR documents federally listed endangered and state-listed endangered Indiana Bats from a cave located along this pipeline route. Based on the location and timing of documentations, it is likely that this cave serves as hibernacula (over-wintering habitat) for this species. This project is located within the regulatory buffer around such features. As such, DWR recommends that all tree removal, tree timbering, and/or prescribed burns adhere to a time of year restriction from April 1 - November 14 of any year. DWR also recommends that the applicant coordinate with the FWS for all projects that may affect Indiana Bats.
- Stony Creek, Little Stony Creek, and Mill Creek have been designated wild trout waters known to support brook and/or brown trout. To ensure protection of these species, DWR recommends that any work occurring in these waters or at sites within 1 mile upstream of these waters adhere to a time-of-year restriction from October 1 through March 31 of any year.
- DWR recommends conducting any in-stream activities during low or no-flow conditions, using non-erodible cofferdams or turbidity curtains to isolate the construction area, blocking no more than 50% of the streamflow at any given time (minimal overlap of construction footprint notwithstanding), stockpiling excavated material in a manner that prevents reentry into the stream, restoring original streambed and streambank contours, revegetating barren areas with native vegetation, and implementing strict erosion and sediment control measures. DWR recommends that instream work be designed and performed in a manner that minimizes impacts upon natural streamflow and

movement of resident aquatic species. If a dam and pump-around must be used, DWR recommends that it be used for as limited a time as possible and that water returned to the stream be free of sediment and excess turbidity. To minimize potential wildlife entanglements resulting from use of synthetic/plastic erosion and sediment control matting, DWR recommends the use of matting made from natural/organic materials such as coir fiber, jute, and/or burlap. To minimize harm to the aquatic environment and its residents resulting from use of the Tremie method to install concrete, installation of grout bags, and traditional pouring of concrete, DWR recommends that such activities occur only in the dry, allowing all concrete to harden prior to contact with open water. Due to future maintenance costs associated with culverts, and the loss of riparian and aquatic habitat, DWR prefers stream crossings to be constructed via clear-span bridges. However, if this is not possible, DWR recommends countersinking any culverts below the streambed at least 6 inches, or the use of bottomless culverts, to allow passage of aquatic organisms. DWR also recommends the installation of floodplain culverts to carry bankfull discharges.

- To minimize overall impacts to wildlife and natural resources, DWR offers the following comments about development activities: we recommend that the applicant avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable. Avoidance and minimization of impact may include relocating stream channels as opposed to filling or channelizing as well as using, and incorporating into the development plan, a natural stream channel design and forested riparian buffers. DWR recommends maintaining undisturbed naturally vegetated buffers of at least 100 feet in width around all on-site wetlands and on both sides of all perennial and intermittent streams. DWR recommends maintaining wooded lots to the fullest extent possible. DWR generally does not support proposals to mitigate wetland impacts through the construction of stormwater management ponds or the creation of in-stream stormwater management ponds.
- DWR recommends that the stormwater controls for this project be designed to replicate and maintain the hydrographic condition of the site prior to the change in landscape. This should include, but not be limited to, utilizing bioretention areas, and minimizing the use of curb and gutter in favor of grassed swales. Bioretention areas (also called rain gardens) and grass swales are components of Low Impact Development (LID). They are designed to capture stormwater runoff as close to the source as possible and allow it to slowly infiltrate into the surrounding soil. They benefit natural resources by filtering pollutants and decreasing downstream runoff volumes.
- DWR recommends that all tree removal and ground clearing adhere to a time-of-year restriction protective of resident and migratory songbird nesting from March 15 through August 15 of any year.

- DWR recommends adherence to erosion and sediment controls during ground disturbance. To minimize potential wildlife entanglements resulting from use of synthetic/plastic erosion and sediment control matting, DWR recommends the use of matting made from natural/organic materials such as coir fiber, jute, and/or burlap.
- DWR recommends coordination with the FWS regarding the up-listing of Northern Long Eared Bats (NLEB) from Threatened to Endangered, which should occur by March 31, 2023. Upon up-listing, almost any project that proposes tree removal in Virginia will need to consider potential impacts upon NLEB and what is necessary to protect them. To ensure the applicant is aware of their responsibilities for the protection of NLEB, DWR offers the below DRAFT guidance, per the FWS and recommend coordination with them. Depending on what tree removal activities are still necessary along this stretch of the MVP, the project could be considered included within one of the three general project types below, categories A-C:

A. Project activities that are excluded under the federal listing because they would not constitute a "take" of the species include, but are not limited to:

- Minimal tree removal and vegetation management activities that occur any time of the year outside of suitable forested/wooded habitat and more than 5 miles from known or potential hibernacula;
- Insignificant amounts of suitable forested/wooded habitat removal provided it occurs during the hibernation period and the modification of habitat does not significantly impair an essential behavior pattern such that it is likely to result in the actual killing or injury of northern long-eared bats after hibernation;
- Tree removal that occurs at any time of year in highly developed urban areas (e.g., street trees, downtown areas);
- Mowing of existing (non-suitable forested/woodland habitat) rights-of-way; and
- Maintenance, repair, and replacement activities conducted completely within existing, maintained utility rights-of-way provided there is no tree removal or tree trimming.

B. Projects previously coordinated and permitted under the FWS current "4(d) Rule:"

- If the project can be completed by March 31, 2023, adherence to the "4(d) rule" is appropriate.

- If the project cannot be completed by March 31, 2023, the project applicant should engage in the interim consultation process, which will be available through Spring 2024.

C. New projects in Virginia that are in suitable habitat:

- Projects located in Chesapeake, Isle of Wight, Norfolk, Portsmouth, Surry, Sussex, Southampton, Suffolk, and Virginia Beach:
- Projects proposing <1 acre or less of tree clearing, timbering, or prescribed fire: adhere to a time-of-year restriction from December 15 - February 15 and April 15-30 or perform relevant pre-assessment surveys per Service guidelines; coordinate with DWR and/or FWS. No disturbance of hibernating bats and/or physical modification of the hibernaculum entrance.
- If the project proposes greater than 1 acre of tree clearing, timbering, or prescribed fire, coordinate with the Service: Virginia Ecological Services Field Office, virginiafieldoffice@fws.gov or (804) 693-6694. 6669 Short Lane, Gloucester, VA 23061-4410
- Projects located elsewhere in Virginia:
 - Time-of-year restriction on tree clearing, timbering or prescribed fire in NLEB suitable habitat from April 1 through November 14 or perform pre-assessment surveys per Service guidelines; coordinate the results with DWR and/or the Service.
 - No disturbance of hibernating bats and/or physical modification of the hibernaculum entrance.

7) Public Water Supplies

a) Comments

The Virginia Department of Health (VDH) Office of Drinking Water (ODW) states that its comments on the previous DSEIS remain valid They are provided below:

The following public groundwater wells are located within a 1-mile radius of the project site:

PWS ID Number	City/County	System Name	Facility Name
1071568	GILES	LHOIST NORTH AMERICA OF VIRGINIA	SPRING
1121751	MONTGOMERY	CAMP TUK-A-WAY	DRILLED WELL

There are no surface water intakes located within a 5-mile radius of the project site.

The project is within the watershed of the following public surface water sources:

PWS ID Number	System Name	Facility Name
4087125	HENRICO COUNTY WATER SYSTEM	HENRICO RAW WATER INTAKE
4075735	JAMES RIVER CORRECTIONAL CTR	JAMES RIVER INTAKE
5680200	LYNCHBURG, CITY OF	JAMES RIVER-COLLEGE HILL
5680200	LYNCHBURG, CITY OF	JAMES RIVER-ABERT
4760100	RICHMOND, CITY OF	RAW WATER INTAKE
3670800	VIRGINIA-AMERICAN WATER CO	APPOMATTOX RIVER

b) Recommendations

- Implement best management practices, including erosion and sedimentation controls and spill prevention controls and countermeasures, on the project site.
- Manage materials while on site and during transport to prevent impacts to nearby surface water.

8) Aviation

a) Comment

- The Virginia Department of Aviation states that it does not appear as though any portion of the project within Virginia will occur within 20,000 linear feet of a public use airport.

9) Virginia Outdoors Foundation

a) Comments

- The Virginia Outdoors Foundation (VOF) has reviewed the proposed project. As of January 17, 2023, there are no existing or proposed VOF open-space easements immediately adjacent to the referenced portion of MVP in Jefferson National Forest.

b) Recommendation

- Contact VOF (Baron Lin at impactreview@vof.org) for further review of if this project and its location changes or does not begin within 24 months.

10) Regional Comments

a) Comments

- The New River Valley Regional Commission Board has concern about the overall environmental impact of the proposed project. The board prefers, Option 1, no action, thereby not altering the U.S. Forest Service Standards to accommodate the project.

b) Recommendations

Should the reviewing agency recommend Option 2, the board recommends the following:

- Confirm that previous violations, and their underlying impacts, cited by DEQ have been addressed and remedied prior to issuing a permit for any new construction activity.
- Require water quality monitoring upstream and downstream of water body crossings up to two months before and one year after constructing the crossings.
- Provide certified professional engineer construction drawings for all stream crossings prior to construction as opposed to allowing stream crossing design decisions to be made in the field during construction.
- Recommend that DEQ staff be present onsite to oversee stream crossing construction as a proactive approach as opposed to reactive site visits, which necessitate remediation that may have been avoided.
- For wilderness areas such as the Brush Mountain Wilderness Area, confirm whether restrictions for the wilderness area extend beyond the boundaries established for the area, including sound and visual impacts to the wilderness area in close proximity.



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ATTACHMENT B: DETAILED COMMENTS FROM REVIEWERS

Detailed comments submitted by reviewers are included in this attachment.

MEMORANDUM

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION

TO: Julia Wellman, DEQ/EIR Environmental Program Planner

FROM: Steve Hardwick
Office of Wetlands and Stream Protection

DATE: January 23, 2023

SUBJECT: Environmental Impact Review: 23-001F US Forest Service Draft Supplemental EIS for Mountain Valley Pipeline in Giles and Montgomery Counties, Virginia.

The DEQ's Office of Wetlands and Stream Protection (OWSP) has reviewed the information concerning the above-referenced project. According to the information provided, under the proposed action, the Forest Service would amend the Forest Plan as necessary to allow for the MVP to cross the JNF and concur in a decision by the BLM to grant a ROW and a TUP under the MLA. Changes to the Proposed Action since publication of the 2020 FSEIS include using a conventional bore method for crossing the four streams on NFS lands (the potential use of dry-ditch open trench methods is no longer under consideration). The ROW grant and TUP would incorporate relevant portions of the expected 2023 FWS BO (for example, portions related to species [e.g., listed bats] which have the potential to be affected by activities on NFS lands).

DEQ concurs with the proposed amendments to the Forest Plan, the use of conventional boring to reduce stream impacts, and incorporation of the 2023 Biological Opinion as related to listed species, including the NLEB.

Water Quality and Wetlands. Measures must be taken to avoid and minimize impacts to surface waters and wetlands during construction activities. The disturbance of surface waters or wetlands may require prior approval by DEQ and/or the U.S. Army Corps of Engineers. The Army Corps of Engineers is the final authority for an official confirmation of whether there are federal jurisdictional wetlands or other surface waters that may be impacted by the proposed project. DEQ may confirm additional waters as jurisdictional beyond those under federal authority. Review of National Wetland Inventory maps or topographic maps for locating wetlands or streams may not be sufficient; there may need to be a site-specific review of the site by a qualified professional. Even if there will be no intentional placement of fill material in jurisdictional waters, potential water quality impacts resulting from construction site surface runoff must be minimized. This can be achieved by using Best Management Practices (BMPs).

Erosion and Sediment Control and Storm Water Management. DEQ has regulatory authority for the Virginia Pollutant Discharge Elimination System (VPDES) programs related to municipal separate storm sewer systems (MS4s) and construction activities. Erosion and sediment control measures are addressed in local ordinances and State regulations. Additional information is available at <http://www.deq.virginia.gov/Programs/Water/StormwaterManagement.aspx>. Non-point source pollution resulting from this project should be minimized by using effective erosion and sediment control practices and structures. Denuded areas should be promptly revegetated following construction work.

Recommendations

Based upon review of the information provided, DEQ's OWSP offers the following general recommendations concerning potential surface water impacts:

1. Prior to commencing project work, all surface waters on the project site should be delineated by a qualified professional and verified by the U.S. Army Corps of Engineers (the Corps) for federal jurisdictional waters and by DEQ for state jurisdictional waters.
2. Wetland and stream impacts should be avoided and minimized to the maximum extent practicable.
3. If the scope of the project changes, additional review will be necessary by one or more offices in the Commonwealth's Secretariat of Natural Resources and/or the Corps.
4. At a minimum, any required compensation for impacts to State Waters, including the compensation for permanent conversion of forested wetlands to emergent wetlands, should be in accordance with all applicable state regulations and laws. Consider mitigating impacts to forested or converted wetlands by establishing new forested wetlands within the impacted watershed.
5. Any temporary impacts to surface waters associated with this project should be restored to pre-existing conditions.
6. No activity may substantially disrupt the movement of aquatic life indigenous to the water body, including those species, which normally migrate through the area, unless the primary purpose of the activity is to impound water. Culverts placed in streams must be installed to maintain low flow conditions. No activity may cause more than minimal adverse effect on navigation. Furthermore the activity must not impede the passage of normal or expected high flows and the structure or discharge must withstand expected high flows.
7. Erosion and sedimentation controls should be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992. These controls should be placed prior to clearing and grading and maintained in good working order to minimize impacts to state waters. These controls should remain in place until the area is stabilized and should then be removed. Any exposed slopes and streambanks should be stabilized immediately upon completion of work in each permitted area. All denuded areas should be properly stabilized in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992.
8. No machinery may enter surface waters, unless authorized by a Virginia Water Protection (VWP) individual permit, general permit, or general permit coverage.
9. Heavy equipment in temporarily impacted surface waters should be placed on mats, geotextile fabric, or other suitable material, to minimize soil disturbance to the maximum extent practicable. Equipment and materials should be removed immediately upon completion of work.
10. Activities should be conducted in accordance with any Time-of-Year restriction(s) as recommended by the Department of Game and Inland Fisheries, the Department of Conservation and Recreation, or the Virginia Marine Resources Commission. The permittee should retain a copy of the agency correspondence concerning the Time-of-Year restriction(s), or the lack thereof, for the duration of the construction phase of the project.
11. All construction, construction access, and demolition activities associated with this project should be accomplished in a manner that minimizes construction materials or waste materials from entering surface waters, unless authorized by a Virginia Water Protection (VWP) individual permit, general permit, or general permit coverage. Wet, excess, or waste concrete should be prohibited from entering surface waters.

Environmental Impact Review: 23-001F

12. Herbicides used in or around any surface water should be approved for aquatic use by the United States Environmental Protection Agency (EPA) or the U.S. Fish & Wildlife Service. These herbicides should be applied according to label directions by a licensed herbicide applicator. A non-petroleum based surfactant should be used in or around any surface waters.

Office of SWM Comment

Comply with the Virginia Department of Environmental Quality approved Annual Standards and Specifications for Erosion and Sediment Control and Stormwater Management. Implement the Virginia Department of Environmental Quality approved Erosion and Sediment Control Plan and Stormwater Management Plan.

L.G.



Wellman, Julia <julia.wellman@deq.virginia.gov>

Re: Review Request: US Forest Service Draft Supplemental EIS for Mountain Valley Pipeline

1 message

Stafford, Matthew <matthew.stafford@deq.virginia.gov>

Mon, Jan 23, 2023 at 10:15 AM

To: Julia Wellman <julia.wellman@deq.virginia.gov>

Cc: "Morris, Scott" <anthony.morris@deq.virginia.gov>, "Davis, Dave" <dave.davis@deq.virginia.gov>, Rebecca Rochet <rebecca.rochet@deq.virginia.gov>

Julia,

OWC reviewed the DSEIS and has no additional comment. The proposed trenchless crossings are currently included in MVPs standards and specifications.

Thank you.

Matt

Matthew W. Stafford
Manager - Office of Water Compliance
Department of Environmental Quality
[1111 East Main Street](#)
[Richmond, Virginia 23219](#)
804-298-4956

On Tue, Jan 3, 2023 at 3:39 PM Morris, Scott <anthony.morris@deq.virginia.gov> wrote:

Please see below.

----- Forwarded message -----

From: **Wellman, Julia** <julia.wellman@deq.virginia.gov>

Date: Tue, Jan 3, 2023 at 2:42 PM

Subject: Review Request: US Forest Service Draft Supplemental EIS for Mountain Valley Pipeline

To: Scott Morris <anthony.morris@deq.virginia.gov>, Kathryn Perszyk <kathryn.perszyk@deq.virginia.gov>, Michael Dowd <michael.dowd@deq.virginia.gov>

Cc: Melanie Davenport <melanie.davenport@deq.virginia.gov>, Baxter Sharon dku34917

<sharon.baxter@deq.virginia.gov>, Bettina Rayfield <bettina.rayfield@deq.virginia.gov>, Golden James bia20947 <james.golden@deq.virginia.gov>, Robert Weld <robert.weld@deq.virginia.gov>

The U.S. Forest Service has issued another draft supplemental environmental impact statement (DSEIS) for approximately 3.5 miles of the Mountain Valley Pipeline (MVP) project that crosses Jefferson National Forest in Giles and Montgomery counties.

As we did for previous reviews, this coordination is being sent directly to division directors for coordination within your programs. Please ask your staff to review the DSEIS as appropriate.

Document for review: The DSEIS is available at T:\EIR\USDA USFS MVP DSEIS.

Comments due to the DEQ Office of Environmental Impact Review: **January 23, 2023**

DEQ Project Number: 23-001F

How to Submit Comments: Please save comments in T:\EIR\USDA USFS MVP DSEIS\comments and email me when they are final.

**DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR AND RENEWABLE ENERGY DIVISION**

ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY

TO: Julia Wellman, OEIR

We thank OEIR for providing DEQ-AIR an opportunity to review the following project:
Accordingly, I am providing following comments for consideration.

Document Type: DEIS

Project Sponsor: US Forest Service

Project Title: Mountain Valley Pipeline Crossing of Jefferson National Forest

Location: Giles and Montgomery Counties

Project Number: DEQ #23-001F

PROJECT LOCATION: Attainment Area for all National Ambient Air Quality Standards

REGULATORY REQUIREMENTS MAY BE APPLICABLE TO:

**CONSTRUCTION
OPERATION**

STATE AIR POLLUTION CONTROL BOARD REGULATIONS THAT MAY APPLY:

1. 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 E – STAGE I
2. 9 VAC 5-45-760 et seq. – Asphalt Paving operations
3. 9 VAC 5-130 et seq. – Open Burning
4. **9 VAC 5-50-60 et seq. Fugitive Dust Emissions**
5. 9 VAC 5-50-130 et seq. - Odorous Emissions; Applicable to _____
6. 9 VAC 5-60-300 et seq. – Standards of Performance for Toxic Pollutants
7. 9 VAC 5-50-400 Subpart_____, Standards of Performance for New Stationary Sources, designates standards of performance for the_____
8. 9 VAC 5-80-1100 et seq. of the regulations – Permits for Stationary Sources
9. 9 VAC 5-80-1605 et seq. Of the regulations – Major or Modified Sources located in PSD areas. This rule may be applicable to the _____
10. 9 VAC 5-80-2000 et seq. of the regulations – New and modified sources located in non-attainment areas
11. 9 VAC 5-80-800 et seq. Of the regulations – State Operating Permits. This rule may be applicable to _____

COMMENTS SPECIFIC TO THE PROJECT:

No additional comments.

**Thomas R. Ballou, Manager
Office of Air Data Analysis and Planning**

DATE: 1/23/2023



MEMORANDUM

TO: Julia Wellman, DEQ/EIR Environmental Program Planner

FROM: Carlos A. Martinez, Division of Land Protection & Revitalization Review Coordinator

DATE: January 19, 2023

COPIES: Sanjay Thirunagari, Division of Land Protection & Revitalization Review Manager; file

SUBJECT: Environmental Impact Review: 23-001F US Forest Service Draft Supplemental EIS for Mountain Valley Pipeline in Giles and Montgomery Counties, Virginia.

The Division of Land Protection & Revitalization (DLPR) has completed its review of the US Forest Service Draft Supplemental EIS for Mountain Valley Pipeline in Giles and Montgomery Counties, Virginia.

DLPR staff conducted a search (200 ft. radius) of the project area of solid and hazardous waste databases (including petroleum releases) to identify waste sites in close proximity to the project area. DLPR search did not identify any waste sites within the project area which might impact the project.

DLPR staff has reviewed the submittal and offers the following comments:

Hazardous Waste/RCRA Facilities – none in close proximity to the project area

CERCLA Sites – none in close proximity to the project area

Formerly Used Defense Sites (FUDS) – none in close proximity to the project area.

Solid Waste – none in close proximity to the project area

Virginia Remediation Program (VRP) – none in close proximity to the project area

Petroleum Releases – none in close proximity to the project area

PROJECT SPECIFIC COMMENTS

None

GENERAL COMMENTS

Soil, Sediment, Groundwater, and Waste Management

Any soil, sediment or groundwater that is suspected of contamination or wastes that are generated must be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. Some of the applicable state laws and regulations are: Virginia Waste Management Act, Code of Virginia Section 10.1-1400 *et seq.*; Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60); Virginia Solid Waste Management Regulations (VSWMR) (9VAC 20-81); Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110). Some of the applicable Federal laws and regulations are: the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 *et seq.*, and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous Materials, 49 CFR Part 107.

Asbestos and/or Lead-based Paint

All structures being demolished/renovated/removed should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, State regulations 9VAC 20-81-620 for ACM and 9VAC 20-60-261 for LBP must be followed. Questions may be directed to the DEQ's Blue Ridge Regional Office at (540) 562-6700.

Pollution Prevention – Reuse - Recycling

Please note that DEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately.

If you have any questions or need further information, please contact Carlos A. Martinez by phone at (804) 350-9962 or email Carlos.Martinez@DEQ.Virginia.Gov.



Commonwealth of Virginia
Department of Conservation and
Recreation
MEMORANDUM

To: Allison Tillett, DCR-DPRR
Julia Wellman, DEQ-EIR

From: Rene' Hypes, DCR-DNH

Date: January 30, 2023

Subject: DEQ 23-001F, Mountain Valley Pipeline and Equitrans Expansion
Due January 30, 2023

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area identified by the shapefile provided for the project. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

DCR reiterates its previous comments for the proposed project. In addition, DCR provides the following comments for the December 2022 Mountain Valley Pipeline and Equitrans Expansion Project Draft Supplemental Environmental Impact Statement (DSEIS) for the Jefferson National Forest.

According to the information currently in our files, the Peter Mountain Slopes-Laurel Branch Slopes Conservation Site is documented within the proposed project area. Conservation sites are tools for representing key areas of the landscape that warrant further review for possible conservation action because of the natural heritage resources and habitat they support. Conservation sites are polygons built around one or more rare plant, animal, or natural community designed to include the element and, where possible, its associated habitat, and buffer or other adjacent land thought necessary for the element's conservation. Conservation sites are given a biodiversity significance ranking based on the rarity, quality, and number of element occurrences they contain; on a scale of 1-5, 1 being most significant. The Peter Mountain Slopes-Laurel Branch Slopes has been given a biodiversity significance ranking of B2, which represents a site of very good significance. The natural heritage resources of concern associated with this conservation site are:

<i>Aneura sharpii</i>	A liverwort	G1G2/S1/NL/NL
<i>Corallorhiza bentleyi</i>	Bentley's coralroot	G2/S2/LE/NL
<i>Myotis lucifugus</i>	Little Brown Bat	G3/S1S3/LE/NL
<i>Myotis leibii</i>	Eastern Small-footed Myotis	G4/S2/NL/NL

The Eastern small-footed myotis is a bat species known from southern Canada and New England, south through the Appalachians and Ohio Valley (NatureServe, 2009). This species has been recorded in Virginia most frequently in association with cavernous limestone (karst) areas and sandstone ridges in the

western portion of the state. It roosts in rock crevices, rock shelters, caves, mines, human habitations, and trees in mountainous areas with deciduous or evergreen forest.

Threats to the Eastern small-footed myotis include alteration or destruction of its roosting or hibernation habitats including rock outcrops, bridges, trees, and caves. DCR recommends avoiding impacts to those types of roost habitats during the summer or winter months.

The Little brown bat is a small brown insect eating bat, which uses a wide range of habitats including caves and human-made structures (NatureServe, 2015). Since 2008 there has been a significant decline in population numbers (greater than 90%) for bat species due to white nose syndrome. The Little brown bat is state listed as “endangered” on April 1, 2016 by the Virginia Department of Wildlife Resources.

Due to the legal status of the Little brown bat, DCR recommends coordination with the VDWR, Virginia's regulatory authority for the management and protection of this species to ensure compliance with the Virginia Endangered Species Act (VA ST §§ 29.1-563 – 570). As stated in the DEIS on page 12, the northern long-eared bat (*Myotis septentrionalis*) was uplisted from “Threatened” to “Endangered” on November 29, 2022, under the Endangered Species Act (ESA). Based on a recent extension by the United States Fish and Wildlife Service (USFWS), the rule will become effective March 31, 2023. Please note, on September 13, 2022, the USFWS also announced a proposal to list the tricolored bat as endangered under the ESA.

To minimize adverse impacts to the aquatic ecosystem and associated rare species including the Candy darter (*Etheostoma osburni*, G3/S1/LE/NL) and the Hellbender (*Cryptobranchus alleganiensis*, G3/S2/NL/NL) as a result of the proposed activities, DCR recommends the implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management regulations. As stated in the DEIS, DCR supports formal consultation with the USFWS for the northern long-eared bat, the Indiana bat (*Myotis sodalis*, G2/S1/LE/LE), the candy darter and the Roanoke logperch (*Percina rex*, G1G2/S1S2/LE/LE) to ensure compliance with protective species legislation.

The Western part, on the southeastern slope of Peters Mountain, consists mostly of a long access road on Devonian-Silurian bedrock that contains a very small percentage of limestone. Because of this, it is included in our new statewide karst screen. However, only very locally are any significant karst features developed. In the project area, there are no caves or sinkholes documented in the unit. Downslope (east) of the project area, streams cross onto the significant karst. Some are likely to sink while others may not. DCR recommends adherence to erosion and sediment control measures as required by the US Forest Service, FERC, and DEQ under the DSEIS protective of the downstream, karst resources. No documented significant cave resources are at risk from activities associated with the construction of the Mountain Valley Pipeline on the southeast slope of Peters Mountain.

The 2022 DSEIS stated on page 29 “Since publication of the 2020 FSEIS, the Forest Service silviculturist has identified tree of heaven (*Ailanthus altissima*) and princess tree (*Paulownia tomentosa*) growing within the ROW on Peters Mountain. These non-native species and those disclosed in the 2020 FSEIS have previously and would continue to be removed as described in the POD Appendix S, Exotic and Invasive Species Control Plan.” Therefore, DCR continues to support/recommend the development and implementation of an invasive species plan to be included as part of the maintenance practices for the right-of-way (ROW). The invasive species plan should include an invasive species inventory for the project area based on the current DCR Invasive Species List (<http://www.dcr.virginia.gov/natural-heritage/document/nh-invasive-plant-list-2014.pdf>) and methods for treating the invasives. DCR also recommends the ROW restoration and maintenance practices planned include appropriate revegetation using native species in a mix of grasses and forbs, robust monitoring and an adaptive management plan to provide guidance if initial revegetation efforts are unsuccessful or if invasive species outbreaks occur.

According to the 2020 DSEIS, the majority of the tree removal has been conducted for the project “except for tree removal activities associated with future slip repairs, existing slip remediation and variance requests remains”. The previous tree removal associated with the project, fragmented C1 and C2 Ecological Cores as well as other ecological cores as identified in the Virginia Natural Landscape Assessment (<https://www.dcr.virginia.gov/natural-heritage/vaconvisvnl>), one of a suite of tools in Virginia ConservationVision that identify and prioritize lands for conservation and protection.

Ecological Cores are areas of at least 100 acres of continuous interior, natural cover that provide habitat for a wide range of species, from interior-dependent forest species to habitat generalists, as well as species that utilize marsh, dune, and beach habitats. Interior core areas begin 100 meters inside core edges and continue to the deepest parts of cores. Cores also provide the natural, economic, and quality of life benefits of open space, recreation, thermal moderation, water quality (including drinking water recharge and protection, and erosion prevention), and air quality (including sequestration of carbon, absorption of gaseous pollutants, and production of oxygen). Cores are ranked from C1 to C5 (C5 being the least significant) using nine prioritization criteria, including the habitats of natural heritage resources they contain.

Impacts to cores occur when their natural cover is partially or completely converted permanently to developed land uses. Habitat conversion to development causes reductions in ecosystem processes, native biodiversity, and habitat quality due to habitat loss; less viable plant and animal populations; increased predation; and increased introduction and establishment of invasive species.

To date, the MVP project has resulted in clearing of trees in all of the cores ranked C1 (outstanding ecological integrity) or C2 (very high ecological integrity) along the limits of disturbance identified for the final EIS. The forest fragmentation impacts and recommended mitigation for these impacts, as well as impacts to other cores and non-core forests, on and outside National Forest lands, were calculated for the final EIS and to inform the December 2017, "Memorandum of Agreement for Comprehensive Mitigation of Virginia Resource Impacts of Mountain Valley Pipeline" to address these impacts.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

There are no State Natural Area Preserves under DCR’s jurisdiction in the project vicinity.

New and updated information is continually added to Biotics. Please re-submit project information and map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

The USFWS utilizes an online project review process (<https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process>) to facilitate compliance with the Endangered Species Act (16 U.S.C. 1531-1544, 87 Stat. 884) (ESA), as amended. The process enables users to 1) follow step-by-step guidance; 2) access information that will allow them to identify threatened and endangered species, designated critical habitat, and other Federal trust resources that may be affected by their project; and 3) accurately reach determinations regarding the potential effects of their project on these resources as required under the ESA. If you have questions regarding the online review process, please contact Rachel Case at rachel_case@fws.gov.

The VDWR maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Amy Martin at (804-367-2211)

or amy.martin@dwr.virginia.gov. According to the information in our files, Craig Creek has been designated as a “T & E Water” by VDWR for the James spiny mussel. Due to the legal status of the James spiny mussel, DCR recommends coordination with (USFWS) and Virginia's regulatory authority for the management and protection of this species, the VDWR, to ensure compliance with the Virginia Endangered Species Act (VA ST §§ 29.1-563 – 570).

Thank you for the opportunity to comment on this project.

Cc: Wil Orndorff, DCR-Karst
Amy Martin, VDWR

Literature Cited

NatureServe. 2009. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed: April 27, 2010).

NatureServe, 2015. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available <http://explorer.natureserve.org> (Accessed: April 21, 2016).



Wellman, Julia <julia.wellman@deq.virginia.gov>

ESSLog# 35246_MVP_SDEIS FS Lands_DWR_AEM20230126

1 message

Martin, Amy (DWR) <Amy.Martin@dwr.virginia.gov>

Thu, Jan 26, 2023 at 2:02 PM

To: "Wellman, Julia (DEQ)" <Julia.Wellman@deq.virginia.gov>

Cc: "Brann, Lee (DWR)" <Lee.Brann@dwr.virginia.gov>, "Doucette, Tamara (DWR)" <Tamara.Doucette@dwr.virginia.gov>

Julia,

We have reviewed the SDEIS for the 3.5 mile section of the MVP that falls on Forest Service Lands. As per previous correspondence, we document the following species and resources from along that segment of line and recommend the SDEIS be updated to include our comments about their protection:

We document federal endangered state endangered Candy Darters from the project area. Stony Creek, where the pipeline crosses, has been documented a Threatened and Endangered Species Water due to the presence of this species. To ensure protection of Candy Darters and their habitat, we recommend that any instream work in Stony Creek or at work sites located within 1 mile upstream of Stony Creek adhere to a time of year restriction from March 15 through June 30 of any year.

We also document federal endangered state endangered Indiana Bats from a cave located along this pipeline route.

Based on the location and timing of documentations, it is likely that this cave serves as hibernacula (over-wintering habitat) for this species. This project is located within the regulatory buffer around such features. As such, we recommend that all tree removal, tree timbering, and/or prescribed burns adhere to a time of year restriction from April 1 - November 14 of any year. We also recommend that the applicant coordinate with the USFWS for all projects that may affect Indiana Bats.

Stony Creek, Little Stony Creek, and Mill Creek have been designated wild trout waters known to support brook and/or brown trout. To ensure protection of these species, we recommend that any work occurring in these waters or at sites within 1 mile upstream of these waters adhere to a time of year restriction from October 1 through March 31 of any year.

We recommend coordination with the USFWS regarding the up-listing of Northern Long Eared Bats from Threatened to Endangered, which should occur by March 31, 2023. Upon up-listing, almost any project that proposes tree removal in Virginia will need to consider potential impacts upon NLEB and what is necessary to protect them. Likely, recommendations for its protection would include, but not be limited to:

A. Project activities that are excluded under the federal listing because they would not constitute a "take" of the species include, but are not limited to:

- * Minimal tree removal and vegetation management activities that occur any time of the year outside of suitable forested/wooded habitat and more than 5 miles from known or potential hibernacula;
- * Insignificant amounts of suitable forested/wooded habitat removal provided it occurs during the hibernation period and the modification of habitat does not significantly impair an essential behavior pattern such that it is likely to result in the actual killing or injury of northern long-eared bats after hibernation;
- * Tree removal that occurs at any time of year in highly developed urban areas (e.g., street trees, downtown areas);
- * Mowing of existing (non-suitable forested/woodland habitat) rights-of-way; and
- * Maintenance, repair, and replacement activities conducted completely within existing, maintained utility rights-of-way provided there is no tree removal or tree trimming.

B. Projects previously coordinated and permitted under the Service's current "4(d) Rule":

- * If the project can be completed by March 31, 2023, adherence to the "4(d) rule" is appropriate.
- * If the project cannot be completed by March 31, 2023, the project applicant should engage in the interim consultation process, which will be available through Spring 2024.

C. New projects in Virginia that are in suitable habitat:

- * Projects located in Chesapeake, Isle of Wight, Norfolk, Portsmouth, Surry, Sussex, Southampton, Suffolk, and Virginia Beach:
 - o Projects proposing <1 acre or less of tree clearing, timbering, or prescribed fire: adhere to a time of year restriction from December 15 - February 15 and April 15-30 or perform relevant pre-assessment surveys per Service guidelines; coordinate with the VA Dept. of Wildlife Resources (DWR) and/or the Service.
 - o No disturbance of hibernating bats and/or physical modification of the hibernaculum entrance.
 - o If your project proposes greater than 1 acre of tree clearing, timbering, or prescribed fire, coordinate with the Service: Virginia Ecological Services Field Office, virginiafieldoffice@fws.gov, <mailto:virginiafieldoffice@fws.gov> (804) 693-6694.

6669 Short Lane, Gloucester, VA 23061-4410

* Projects located elsewhere in Virginia:

- o Time of year restriction on tree clearing, timbering or prescribed fire in NLEB suitable habitat from April 1 through November 14 or perform pre-assessment surveys per Service guidelines; coordinate the results with DWR and/or the Service.
- o No disturbance of hibernating bats and/or physical modification of the hibernaculum entrance.

We recommend conducting any in-stream activities during low or no-flow conditions, using non-erodible cofferdams or turbidity curtains to isolate the construction area, blocking no more than 50% of the streamflow at any given time (minimal overlap of construction footprint notwithstanding), stockpiling excavated material in a manner that prevents reentry into the stream, restoring original streambed and streambank contours, revegetating barren areas with native vegetation, and implementing strict erosion and sediment control measures. We recommend that instream work be designed and performed in a manner that minimizes impacts upon natural streamflow and movement of resident aquatic species. If a dam and pump-around must be used, we recommend it be used for as limited a time as possible and that water returned to the stream be free of sediment and excess turbidity. To minimize potential wildlife entanglements resulting from use of synthetic/plastic erosion and sediment control matting, we recommend use of matting made from natural/organic materials such as coir fiber, jute, and/or burlap. To minimize harm to the aquatic environment and its residents resulting from use of the Tremie method to install concrete, installation of grout bags, and traditional pouring of concrete, we recommend that such activities occur only in the dry, allowing all concrete to harden prior to contact with open water. Due to future maintenance costs associated with culverts, and the loss of riparian and aquatic habitat, we prefer stream crossings to be constructed via clear-span bridges. However, if this is not possible, we recommend countersinking any culverts below the streambed at least 6 inches, or the use of bottomless culverts, to allow passage of aquatic organisms. We also recommend the installation of floodplain culverts to carry bankfull discharges.

To minimize overall impacts to wildlife and our natural resources, we offer the following comments about development activities: we recommend that the applicant avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable. Avoidance and minimization of impact may include relocating stream channels as opposed to filling or channelizing as well as using, and incorporating into the development plan, a natural stream channel design and forested riparian buffers. We recommend maintaining undisturbed naturally vegetated buffers of at least 100 feet in width around all on-site wetlands and on both sides of all perennial and intermittent streams. We recommend maintaining wooded lots to the fullest extent possible. We generally do not support proposals to mitigate wetland impacts through the construction of stormwater management ponds, nor do we support the creation of in-stream stormwater management ponds.

We recommend that the stormwater controls for this project be designed to replicate and maintain the hydrographic condition of the site prior to the change in landscape. This should include, but not be limited to, utilizing bioretention areas, and minimizing the use of curb and gutter in favor of grassed swales. Bioretention areas (also called rain gardens) and grass swales are components of Low Impact Development (LID). They are designed to capture stormwater runoff as close to the source as possible and allow it to slowly infiltrate into the surrounding soil. They benefit natural resources by filtering pollutants and decreasing downstream runoff volumes.

We recommend that all tree removal and ground clearing adhere to a time of year restriction (TOYR) protective of resident and migratory songbird nesting from March 15 through August 15 of any year.

We recommend adherence to erosion and sediment controls during ground disturbance. To minimize potential wildlife entanglements resulting from use of synthetic/plastic erosion and sediment control matting, we recommend use of matting made from natural/organic materials such as coir fiber, jute, and/or burlap.

Thanks, Amy

[cid:image001.jpg@01D9317B.302A3070]

Amy Martin

(she/her/hers)

Manager, Wildlife Information and Environmental Services

P 804.481.5296

Virginia Department of Wildlife Resources

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www.dwr.virginia.gov<<http://www.dwr.virginia.gov/>>



Wellman, Julia <julia.wellman@deq.virginia.gov>

RE: NEW PROJECT USDA/USFS Mountain Valley Pipeline & Equitrans Expansion, DEQ #23-001F

1 message

Warren, Arlene (VDH) <Arlene.Warren@vdh.virginia.gov>
To: "Wellman, Julia (DEQ)" <Julia.Wellman@deq.virginia.gov>

Tue, Jan 24, 2023 at 12:58 PM

VDH – Office of Drinking Water has reviewed the above project. ODW's previous comments as provided in response to DEQ #20-136F remains valid (see attached). ODW has no additional comments to submit at this time.

The Virginia Department of Health – Office of Drinking Water appreciates the opportunity to provide comments. If you have any questions, please let me know.

Best Regards,

Arlene F. Warren
GIS Program Support Technician
Mobile 804-389-2167 (office/cell/text)
Email arlene.warren@vdh.virginia.gov
VDH, Office of Drinking Water
109 Governor Street, 6th Floor
Richmond, VA 23219

From: Wellman, Julia <julia.wellman@deq.virginia.gov>

Sent: Tuesday, January 24, 2023 9:05 AM

To: ProjectReview (DWR) <ProjectReview@dwr.virginia.gov>; Tignor, Keith (VDACS) <Keith.Tignor@vdacs.virginia.gov>; rr DCR-PRR Environmental Review <envreview@dcr.virginia.gov>; Kirchen, Roger (DHR) <Roger.Kirchen@dhr.virginia.gov>; Spears, David (Energy) <David.Spears@energy.virginia.gov>; Didier, Karl (Virginia) <Karl.Didier@dof.virginia.gov>; MRC - Scoping (MRC) <Scoping@mrc.virginia.gov>; rr EIR Coordination <eir.coordination@vdot.virginia.gov>; Kevin.Byrd <kbyrd@nrvc.org>; McKlarney, Chris <cmcklarney@gilescounty.org>; Edmonds, L. Carol <edmondslc@montgomerycountyva.gov>; odwreview (VDH) <odwreview@vdh.virginia.gov>

Subject: Re: NEW PROJECT USDA/USFS Mountain Valley Pipeline & Equitrans Expansion, DEQ #23-001F

Good morning,

Please note that comments were due on this project yesterday. If you would like for your comments to be included in our response, please respond by COB today.

Thank you, Julia

On Tue, Jan 3, 2023 at 4:49 PM Wellman, Julia <julia.wellman@deq.virginia.gov<mailto:julia.wellman@deq.virginia.gov>> wrote:

Good afternoon - this is a new OEIR review request/project:

Document Type: Supplemental Draft Environmental Impact Statement
Project Sponsor: U.S. Department of Agriculture/U.S. Forest Service
Project Title: Mountain Valley Pipeline & Equitrans Expansion Project
Location: Giles and Montgomery Counties
Project Number: DEQ #23-001F

The document for review is attached. Additional information is available online at <https://www.fs.usda.gov/project/?project=50036>. The files in the folder titled "supporting" include the following:

- * the proposed MVP project corridor (2022_05_22_MVP AFC.kmz)



Warren, Arlene <arlene.warren@vdh.virginia.gov>

NEW PROJECT USDA/USFS Mountain Valley Pipeline & Equitrans Expansion, DEQ #20-136F

Warren, Arlene <arlene.warren@vdh.virginia.gov>
 To: Julia Wellman <julia.wellman@deq.virginia.gov>
 Cc: rr Environmental Impact Review <eir@deq.virginia.gov>

Wed, Oct 7, 2020 at 12:30 PM

Project Name: Mountain Valley Pipeline & Equitrans Expansion Project

Project #: 20-136 F

UPC #: N/A

Location: Giles & Montgomery Cos.

VDH – Office of Drinking Water has reviewed the above project. Below are our comments as they relate to proximity to **public drinking water sources** (groundwater wells, springs and surface water intakes). Potential impacts to public water distribution systems or sanitary sewage collection systems **must be verified by the local utility**.

The following public groundwater wells are located within a 1 mile radius of the project site:

PWS ID Number	City/County	System Name	Facility Name
1071568	GILES	LHOIST NORTH AMERICA OF VIRGINIA	SPRING
1121751	MONTGOMERY	CAMP TUK-A-WAY	DRILLED WELL

There are no surface water intakes located within a 5-mile radius of the project site.

The project is within the watershed of the following public surface water sources:

PWS ID Number	System Name	Facility Name
4087125	HENRICO COUNTY WATER SYSTEM	HENRICO RAW WATER INTAKE
4075735	JAMES RIVER CORRECTIONAL CTR	JAMES RIVER INTAKE
5680200	LYNCHBURG, CITY OF	JAMES RIVER-COLLEGE HILL
5680200	LYNCHBURG, CITY OF	JAMES RIVER-ABERT
4760100	RICHMOND, CITY OF	RAW WATER INTAKE
3670800	VIRGINIA-AMERICAN WATER CO	APPOMATTOX RIVER

Best Management Practices should be employed, including Erosion & Sedimentation Controls and Spill Prevention Controls & Countermeasures on the project site.

Materials should be managed while on site and during transport to prevent impacts to nearby surface water.

The Virginia Department of Health – Office of Drinking Water appreciates the opportunity to provide comments. If you have any questions, please let me know.

Best Regards,

Arlene Fields Warren

GIS Program Support Technician

Office of Drinking Water

10/7/2020

Commonwealth of Virginia Mail - NEW PROJECT USDA/USFS Mountain Valley Pipeline & Equitrans Expansion, DEQ #20-136F

Virginia Department of Health

109 Governor Street

Richmond, VA 23219

(804) 864-7781

On Tue, Sep 29, 2020 at 3:15 PM Fulcher, Valerie <valerie.fulcher@deq.virginia.gov> wrote:

[Quoted text hidden]



Wellman, Julia <julia.wellman@deq.virginia.gov>

DEQ Project # 23-001F, Mountain Valley Pipeline, Jefferson NF

1 message

Denny, S. Scott (DOAV) <Scott.Denny@doav.virginia.gov>
To: "Wellman, Julia (DEQ)" <Julia.Wellman@deq.virginia.gov>

Fri, Jan 20, 2023 at 9:32 AM

Dear Ms. Wellman:

Thank you for providing the Department of Aviation an opportunity to comment on the DEQ project # 23-001F

The Virginia Department of Aviation has reviewed the information package provided in the link to the above referenced project. Following our review, it appears that no portion of the proposed project is within 20,000 linear feet of a public use airport. Therefore, the Department has no objection to the proposed project as it has been presented.

Please feel free to contact me at (804) 236-3638 if you have any questions regarding this project.

Sincerely,

S. Scott Denny
Senior Aviation Planner
Virginia Department of Aviation



Wellman, Julia <julia.wellman@deq.virginia.gov>

RE: NEW PROJECT USDA/USFS Mountain Valley Pipeline & Equitrans Expansion, DEQ #23-001F

1 message

ImpactReview <impactreview@vof.org>
To: "Wellman, Julia" <julia.wellman@deq.virginia.gov>

Tue, Jan 17, 2023 at 4:23 PM

Hi Julia,

The Virginia Outdoors Foundation has reviewed the project referenced below. As of January 17, 2023, there are not any existing nor proposed VOF open-space easements immediately adjacent to the referenced portion of MVP in Jefferson National Forest.

Please contact VOF again for further review if this specific project (DEQ #23-001F) and its area changes or if this project does not begin within 24 months. Thank you for considering conservation easements.

Best,

Baron

Baron Lin (*he/they*)

GIS Specialist

[Virginia Outdoors Foundation](#)

cell: 540-935-3163

other work #: 844-863-9800, ext. 355

email: blin@vof.org

From: Wellman, Julia <julia.wellman@deq.virginia.gov>**Sent:** Tuesday, January 3, 2023 4:49 PM**To:** ProjectReview@dgif.virginia.gov; Keith Tignor <keith.tignor@vdacs.virginia.gov>; rr DCR-PRR Environmental Review <envreview@dcr.virginia.gov>; Odwreview-VDH@cov.virginia.gov; Roger Kirchen <Roger.Kirchen@dhr.virginia.gov>; David Spears <David.Spears@energy.virginia.gov>; Karl Didier <karl.didier@dof.virginia.gov>; MRC - Scoping, rr <scoping@mrc.virginia.gov>; rr EIR Coordination <eir.coordination@vdot.virginia.gov>; Kevin Byrd <kbyrd@nrvc.org>; cmcklarney@gilescounty.org; edmondslc@montgomerycountyva.gov; Russell Harrington <Rusty.Harrington@doav.virginia.gov>; ImpactReview@vof.org**Subject:** NEW PROJECT USDA/USFS Mountain Valley Pipeline & Equitrans Expansion, DEQ #23-001F

Alert: This email originated from outside VOF

Good afternoon - this is a new OEIR review request/project:



6580 Valley Center Drive | Suite 124 | Radford, VA 24141 | 540-639-9313

N R V R C . O R G

January 24, 2023

MEMORANDUM

TO: Julia Wellman, Environmental Impact Review Coordinator

FROM: Kevin R. Byrd, Executive Director

SUBJECT: Regional Clearinghouse Review of:

RE: Mountain Valley Pipeline & Equitrans Expansion Project DEQ #23-001F

The New River Valley Regional Commission board has concern about the overall environmental impact of the proposed project. The board prefers Option 1, no action, thereby not altering the US Forest Service Standards to accommodate the project. Should the reviewing agency recommend Option 2, comments from the Regional Commission board are below.

- 1) Confirm previous violations, and their underlying impacts, cited by the Virginia Department of Environmental Quality have been addressed and remedied prior to issuing a permit for any new construction activity.
- 2) Require water quality monitoring upstream and downstream of water body crossings up to two months before and one year after constructing the crossings.
- 3) Provide certified Professional Engineer (PE) construction drawings for all stream crossings prior to construction opposed to allowing stream crossing design decisions to be made in the field during construction.
- 4) Recommend Virginia Department of Environmental Quality staff be present on-site to oversee stream crossing construction as a proactive approach opposed to reactive site visits which necessitate remediation that may have been avoided.
- 5) For Wilderness Areas such as the Brush Mountain Wilderness Area, confirm whether restrictions for the wilderness area extend beyond the boundaries established for the wilderness area, ie-sound or visual impacts to the wilderness area in close proximity.

Should you have questions concerning the status of this review, please do not hesitate to contact us.

KRB/jp

Counties

Floyd | Giles
Montgomery | Pulaski

City

Radford

Towns

Blacksburg | Christiansburg
Floyd | Narrows | Pearisburg
Pulaski | Rich Creek

Universities

Virginia Tech | Radford University