

# Mountain Valley Pipeline Project

## Individual Permit Application

Attachment B: Virginia Department of Environmental Quality 401  
Water Quality Certification Information and Virginia Water  
Protection Permit Application

February 2021

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## TABLE OF CONTENTS

<b>Section</b>	<b>Page</b>
1.0 PROJECT INFORMATION .....	1
2.0 BACKGROUND .....	1
2.1 2017 Joint Permit Application .....	1
2.2 2018 NWP 12 and VWP Permit .....	2
2.3 2018 SWCB Review of Stream and Wetland Crossings .....	2
2.4 2017 Upland 401 Certification and 2018 Appeal .....	3
2.5 2021 Decision to Apply for New Permits .....	4
3.0 VWP PERMIT APPLICATION .....	5
4.0 401 CERTIFICATION REQUEST .....	6
5.0 ADDITIONAL INFORMATION .....	6

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## FIGURES

### **Figures**

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Figure B-1 Areas Subject to Protective Instruments

## TABLES

### **Tables**

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Table B-1	Virginia Stream Impacts
Table B-2	Virginia Wetland Impacts
Table B-3	Virginia Stream Impact Summary
Table B-4	Virginia Wetland Impact Summary

## ATTACHMENTS

### **Attachments**

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Attachment B-1	VWP Regulatory Checklist
Attachment B-2	DEQ Staff Presentation at Aug. 21, 2018 SWCB Meeting
Attachment B-3	Transcript of Aug. 21, 2018 SWCB Meeting (Excerpt)
Attachment B-4	Virginia Water Protection Permit Program Property-Access Agreement
Attachment B-5	Riparian Property Owner Information

## 1.0 PROJECT INFORMATION

Mountain Valley Pipeline, LLC (Mountain Valley<sup>1</sup>) is seeking an Individual Permit from the United States Army Corps of Engineers (USACE) Pittsburgh, Huntington, and Norfolk Districts to conduct regulated activities below the ordinary high water elevation of navigable waters under Section 10 of the Rivers and Harbors Act of 1899 and for the discharge of dredged and fill material into Waters of the United States under Section 404 of the Clean Water Act for the Mountain Valley Pipeline Project (Project). In addition to the USACE Individual Permit Application, Mountain Valley is seeking Clean Water Act (CWA) Section 401 Water Quality Certification and a Virginia Water Protection (VWP) permit from the Virginia Department of Environmental (DEQ) for portions of the Project in Virginia. Also note that MVP is requesting a permit modification from the Virginia Marine Resources Commission (VMRC) for 8 of the previously authorized crossings.

Due to the large volume of materials included in this submission, Mountain Valley has prepared this supplement for the convenience of DEQ staff in processing the VWP permit application and forthcoming certification request.

## 2.0 BACKGROUND

This Project is the most highly publicized, transparent, and stringently regulated construction project in the history of the Commonwealth. The public has been afforded numerous opportunities to publicly comment in person and in writing on all aspects of the Project. Mountain Valley's plans and specifications, inspection reports, monitoring data, permit applications and reports, and other information are posted online for the public and regulatory agencies to access. The Project has been thoroughly reviewed by DEQ over the past four years, including through staff and third-party inspectors dedicated solely to the Project and a first-of-its-kind erosion and sediment control plan and stormwater management plan review and approval process.

Notwithstanding the length of this application package, it is unlikely DEQ or the public will find a great deal of unfamiliar information in this submittal. The most substantial new information is a revised analysis of opportunities to avoid and minimize the Project's aquatic impacts to the extent practicable. Mountain Valley evaluated every stream and wetland crossing in light of multiple relevant factors, including available crossing methods, environmental impacts, and site-specific conditions. Where appropriate and practicable, Mountain Valley has further avoided and minimized its impacts. As a result, this application represents a significant reduction in stream and wetland impacts compared to the impacts that were previously reviewed and approved by the USACE and DEQ.

## 3.0 2017 JOINT PERMIT APPLICATION

Mountain Valley submitted a Joint Permit Application the USACE, DEQ, and Virginia Marine Resources Commission (VMRC) on September 11, 2017. That application included nearly every stream and wetland impact included in this application. There are a few new minor impacts in this application that were not included in the 2017 JPA due to minor shifts in the Project alignment made in early 2018. DEQ was made aware of those minor shifts through the erosion and sediment control plan review, approval, and modification process. Moreover, the few new impacts are outweighed by the substantially greater quantity of impacts that have been reduced or completely avoided since the 2017 application.

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<sup>1</sup> Mountain Valley is a joint venture between EQM Midstream Partners, LP; NextEra Capital Holding, Inc; Con Edison Transmission, Inc.; WGL Midstream; and RGC Midstream, LLC.

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## 4.0 2018 NWP 12 AND VWP PERMIT

On January 23, 2018, the USACE Norfolk District issued a letter to Mountain Valley verifying that the Project complied with all conditions of Nationwide Permit 12 (NWP 12), including the Commonwealth's April 7, 2017, conditional water quality certification for the same.<sup>2</sup> Under the State Water Control Board's (SWCB) regulations, Mountain Valley also obtained coverage under a VWP general permit on that date.<sup>3</sup> No party challenged the USACE's determination that the portions of the Project in Virginia complied with all conditions of NWP 12 and the 401 certification.

## 5.0 2018 SWCB REVIEW OF STREAM AND WETLAND CROSSINGS

At its April 21, 2018, meeting, the SWCB directed DEQ to solicit public comment on three issues germane to this application:

- The sufficiency of NWP 12 for Mountain Valley generally;
- The sufficiency of NWP 12's general and regional conditions as applied to Mountain Valley; and
- The sufficiency of the 401 certification for NWP 12 as applied to specific streams and wetlands crossed by the Project.

The public notice expressly requested any relevant site-specific information relevant to the Project (which had commenced construction at that time) or specific waterbodies for which NWP 12 and the 401 certification would not be adequate to protect water quality. During a 45-day comment period, DEQ received 2,543 comments on Mountain Valley (and an additional 10,218 public comments directed at the Atlantic Coast Pipeline). DEQ noted that 327 comments provided "*crossing specific technical information*" for Mountain Valley.<sup>4</sup> Many others were directed at Mountain Valley's crossing methods and erosion and sediment controls, water quality standards compliance, and the conditions and requirements of NWP 12.

DEQ reviewed the comments and made a presentation to the SWCB at its August 21, 2018, meeting. Regarding the sufficiency of NWP 12 generally, DEQ concluded that of the 46 regional and general conditions applicable to NWP 12, only two were different from what is required by the VWP permit program. However, DEQ noted that Mountain Valley had offered to comply with those two provisions—meaning that the Project was in full compliance with the VWP permit program. DEQ noted that many of the public comments alleged that the NWP 12 permit process is inadequate "because it is a blanket permit that does not provide any crossing-specific review or information."<sup>5</sup> DEQ responded that it conducted a detailed site-specific review of the Project's stream and wetland crossings during the erosion and sediment control plan review and approval process.<sup>6</sup> More specifically, DEQ staff explained that three of the Erosion and Sediment Control Regulation's minimum standards apply directly to stream and wetland crossings and that "under [DEQ's] Erosion and Sediment Control Plan review *every stream crossing is reviewed*."<sup>7</sup> Regarding the 327 comments with site-specific information related to the Project, DEQ concluded: "*No new, crossing-*

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<sup>2</sup> A verification letter was initially issued December 26, 2017. The January 2018 verification letter made a technical correction requested by Mountain Valley.

<sup>3</sup> 9 VAC 25-210-130.J.

<sup>4</sup> DEQ Presentation to SWCB (Aug. 21, 2018), included here as Attachment E-2 ("DEQ Presentation").

<sup>5</sup> Transcript of SWCB Mtg. at 20 (Aug. 21, 2018), excerpt included here as Attachment E-3 ("Transcript") (DEQ staff presenting).

<sup>6</sup> *Id.*

<sup>7</sup> Transcript at 22 (emphasis added); see *also id.* 22–40 (describing the crossing-specific review process performed by DEQ).

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*specific information supports conclusion that NWP12 is not protective of any specific wetland and/or stream.”<sup>8</sup>*

Following DEQ’s presentation, the floor was opened for additional public comment. The SWCB took no action to amend or modify the 401 certification with respect to Mountain Valley’s NWP 12 verification.

## **6.0 2017 UPLAND 401 CERTIFICATION AND 2018 APPEAL**

The SWCB unanimously voted to issue a separate water quality certification to Mountain Valley on December 8, 2017 (“Upland 401 Certification”). The Upland 401 Certification applied solely to “Project activities in upland areas outside of the Corps jurisdictional areas under 33 U.S.C. § 1344 and water withdrawal activities that are exempt from coverage under the Virginia Water Protection Permit Program Regulation.”

The Upland 401 Certification was issued after an extensive public comment process that drew over 8,000 comments, two public hearings in the Project area before a member of the SWCB serving as a hearing officer, and a two-day public hearing before the full SWCB. In the certification, the SWCB makes the following finding:

The additional conditions contained in Section V of this Certification along with the requirements imposed by the VWP regulation, the Corps Section 404 permitting requirements, and prior regulatory actions associated with the approval and requirements of the June 2017 Annual Standards and Specifications, and the April 7, 2017 Section 401 Water Quality Certification of the Corps Nationwide Permit 12 provide reasonable assurance that water quality standards will not be violated. . . . This Certification constitutes the Commonwealth’s final decision on the upland activities associated with the construction, operation, maintenance, and repair of the Project under the requirement of Clean Water Act § 401.

A group of Project opponents filed a petition in the U.S. Court of Appeals for the Fourth Circuit challenging the Board’s decision to issue the Upland 401 Certification. Following briefing and oral argument, the court denied the petition. An opinion was issued on August 1, 2018, upholding the SWCB’s unanimous decision to issue the Upland 401 Certification.<sup>9</sup> Of particular relevance to this present application, the court held:

Petitioners (and amicus Chesapeake Bay Foundation) also challenge the State Agencies’ decision to analyze the impacts from activities covered by NWP 12 separately from the impacts from upland activities related to construction. In light of this segmentation, Petitioners maintain that issuance of the December 401 Certification was arbitrary and capricious because the State Agencies “fail[ed] to consider the combined effect of the upland activities and the stream and wetland crossings.” We disagree.

. . . .

What we do consider today is Petitioners’ argument that the State Agencies erred by not including the impact of activities covered by NWP 12 within the scope of their supplemental 401 process.

We find this criticism to be unfounded. Contrary to Petitioners’ suggestion, DEQ “did not review the Project’s potential upland impacts in a vacuum.” Rather, DEQ “fully integrated [its earlier] analysis into its review of upland impacts.” . . . . DEQ’s analysis in the

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<sup>8</sup> DEQ Presentation (emphasis added).

<sup>9</sup> *Sierra Club v. SWCB*, 898 F.3d 383 (4th Cir. 2018).

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supplemental process included consideration of the impacts the activities covered by NWP 12 were expected to have. Thus, although the December 401 Certification "addressed only activities in upland areas," and determined that there was reasonable assurance that allowing these activities would not reduce water quality, DEQ made this determination with full awareness and consideration of the fact that the NWP 12-covered activities would also be occurring. And in the end, DEQ made clear that it was only "[t]he additional conditions contained in Section V of the draft certification along with the requirements imposed by the VWP regulation, the Corps Section 404 permitting requirements, and prior regulatory actions associated with the approval and requirements of the June 2017 [Annual Standards and Specifications]," that "provide[d] reasonable assurance that water quality standards will not be violated." Finally, as we have discussed, a significant basis for the State Agencies' reasonable-assurance certification was the existence of monitoring requirements that would allow DEQ to make prompt adjustments if samples revealed exceedances of pre-construction sedimentation levels. In this way, the monitoring plan protected against any degradation of water quality from the Project, without regard to what particular activities (or combination of activities) was the cause. For all of these reasons, we conclude that the State Agencies' segmented approach to the December 401 Certification, even if unorthodox, was not arbitrary and capricious.

To summarize, DEQ and SWCB's review of the Project for the Upland 401 Certification included a *cumulative impacts review* of potential water quality impacts associated with (1) upland construction and (2) stream and wetland crossings. The SWCB's reasonable assurance finding was made on the basis of an extensive record, fully informed by public input. Lastly, the SWCB's finding and rationale held up under the scrutiny of a legal challenge and judicial review.

## 7.0 2021 DECISION TO APPLY FOR NEW PERMITS

Mountain Valley is obligated to submit this application to DEQ not due to any change in the Project, but due solely to an unfortunate coincidence of litigation unrelated to Project activities in Virginia and a recent change in state law. The Project's NWP 12 verification for Virginia was suspended due to technical legal challenges to an NWP 12 verification issued for a portion of the Project in West Virginia. Mountain Valley was subsequently compelled to submit this individual CWA § 404 permit application to the USACE.<sup>10</sup>

But for a recent change in state law, that application would not obligate Mountain Valley to apply for an individual VWP permit and 401 certification. The Project satisfied in 2017—and still satisfies—every substantive requirement of the applicable VWP general permit.<sup>11</sup> However, a change in state law made a very narrow class of pipelines (Federal Energy Regulatory Commission (FERC)-certificated interstate natural gas pipelines greater than 36 inches in diameter) ineligible for coverage under the VWP general permit.<sup>12</sup> That statutory change applied only to applications for FERC certificates or federal permits submitted after July 1, 2018.<sup>13</sup> At that time, Mountain Valley held a valid FERC certificate and CWA § 404 permit from the USACE.

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<sup>10</sup> Mountain Valley's decision to seek an individual permit from the USACE is explained further in Section 1.2 of the Individual Permit Application narrative.

<sup>11</sup> 9 VAC 25-670-100.

<sup>12</sup> Va. Code § 62.1-44.15:21.J.

<sup>13</sup> 2018 Va. Acts Ch. 636 § 2.

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If not for litigation in West Virginia that caused Mountain Valley to reapply for a permit from the USACE and a recent change in state law that otherwise would not have applied to Mountain Valley, the Project's crossings in Virginia could have been completed under the NWP 12 verification, 401 certification, and VWP permit Mountain Valley obtained in December 2017 and which DEQ and SWCB found to be sufficient to protect water quality in 2018. In sum, Mountain Valley is obligated to request a new VWP permit and new 401 certification strictly for legal reasons. However, the SWCB and DEQ already made (and re-affirmed) those decisions. The only new and relevant factual information is that the Project's aquatic impacts have been *reduced* since those decisions were initially made.

### 3.0 VWP PERMIT APPLICATION

Mountain Valley submits this application for an individual VWP permit in accordance with Va. Code §§ 62.1-44.15:20.D and :21.J. As DEQ is aware, large areas of the Project right-of-way in Virginia remain in a state of temporarily stabilized construction. The best environmental outcome for water quality is for the construction to be completed as soon as possible so that those areas can be fully restored and revegetated. Construction cannot be completed until Mountain Valley re-secures authorization to complete stream and wetland crossings. Although this application package is voluminous, DEQ is familiar with the Project's construction practices and has previously reviewed every stream and wetland crossing in this application. For these reasons, Mountain Valley respectfully requests that DEQ process this application in an expedited manner in accordance with Va. Code § 62.1-44.15:21.E.

To facilitate DEQ's review, Mountain Valley has endeavored to prepare a complete application that provides all necessary information to make a tentative permit decision. Appended to this narrative as Attachment E-1 is a checklist that includes every application requirement in the VWP regulations and a reference to the location in this application package where the relevant information can be found.

To streamline the process of developing conditions for a tentative draft permit, Mountain Valley suggests that DEQ incorporate all conditions that were previously required for Project construction in the 2017 NWP 12 (including its general, regional, and special conditions) and the Commonwealth's 401 certification for the same. DEQ and the SWCB found those conditions to be protective of water quality standards in December 2017 (which was sustained by the Fourth Circuit) and again August 2018—both times after lengthy public comment and hearing processes.<sup>14</sup> To support this suggestion, the checklist in Attachment E-1 also includes a listing of every permit application requirement and permit condition that previously applied to the Project's crossings in Virginia, with references to where Mountain Valley has or proposes to satisfy the condition.<sup>15</sup>

As noted above, the most significant difference between this application and 2017 Joint Permit Application is that Mountain Valley is proposing to avoid and minimize additional aquatic impacts by using trenchless crossing methods where appropriate and practicable. Trenchless crossing methods significantly reduce the direct aquatic impacts associated with stream and wetland crossings. Due to site logistics, trenchless crossings sometimes necessitate that timber mats or other structures be placed in aquatic resources (temporary fill) for the duration of the crossing to support the construction equipment crossing. Mountain

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<sup>14</sup> Mountain Valley also refers DEQ to the comments Mountain Valley submitted on June 15, 2018, in response to the solicitation of comments on the sufficiency of NWP 12 and the 401 certification. Those comments detailed, on a site-specific basis, how Mountain Valley's crossings comply with each applicable permit condition.

<sup>15</sup> The checklist also includes any applicable new substantive requirements in the 2021 NWP 12 and related 401 certification issued by DEQ in December 2020. Mountain Valley has no objection to complying with those conditions as well.



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Valley's site-specific analysis of alternative crossing methods for each single and complete project can be found in Section 5.1.1 and Table 15 of the Individual Permit Application narrative. Plan and Profile Crossing Drawings for every crossing included in this application can be found in Attachment H of the Individual Permit Application.

As compared to the September 2017 Joint Permit Application, Mountain Valley is proposing further mitigation in the form of additional avoidance and minimization. No additional compensatory mitigation is being proposed. Mountain Valley provided compensatory mitigation for all permanent impacts, including conversion impacts and impacts that fall below the NWP 12 compensatory mitigation thresholds (i.e., 300 linear feet of stream loss or 1/10 acre wetland loss), in concert with the September 2017 Joint Permit Application. The permanent impacts included in this application are less than was originally permitted in 2018, so Mountain Valley has provided sufficient compensatory mitigation to comply with the VWP permit program regulatory requirements for all permanent impacts. Please refer to Section 5.3 of the Individual Permit Application narrative for additional information on compensatory mitigation.

## 4.0 401 CERTIFICATION REQUEST

Under state law, a VWP permit issued to Mountain Valley would constitute Clean Water Act § 401 water quality certification for the Project with respect to stream and wetland crossings subject to the jurisdiction of the USACE.<sup>16</sup> By satisfying the requirements of a complete VWP permit application, this submission has been prepared to provide the factual information necessary for DEQ to make a water quality certification decision in accordance with state law. However, this application does not constitute Mountain Valley's request for certification. A formal request for certification will be submitted to DEQ no sooner than February 25, 2021.<sup>17</sup>

The proposed stream and wetland impacts reflected in this application fall outside the scope of the Upland 401 Certification, which remains valid and in effect. Furthermore, the proposed changes in crossing methods from open cuts to trenchless crossings do not constitute a modification of the "Project" as that term is defined in the certification. Out of an abundance of caution, however, Mountain Valley makes the following statement consistent with certification condition V.12: Any proposed crossing method changes, including work in or under aquatic resources and any immediately adjacent work in uplands, (1) are wholly within the limits of disturbance previously approved by FERC and are subject to approval by FERC; (2) reduce the Project's direct and cumulative impacts on water quality; and (3) will not affect Mountain Valley's compliance with any condition of the certification.

## 5.0 ADDITIONAL INFORMATION

The following additional information is provided to facilitate DEQ's review of this application.

- Areas crossed by the Project and subject to a deed restriction, conservation easement, restrictive covenant, or other land use protective instrument is included as [Figure B-1](#).
- Tables of stream and wetland impacts in Virginia are included as [Table B-1](#) and [Table B-2](#), respectively. All proposed impacts to state waters, including temporary impacts associated with trenchless crossing methods, are included in this table.

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<sup>16</sup> Va. Code § 62.1-44.15:20.D.

<sup>17</sup> 40 C.F.R. § 121.5. Mountain Valley submitted a pre-filing meeting request on January 26, 2021.

- Tables summarizing stream and wetland impacts by type and by Cowardin Class in Virginia are included as Table B-3 and Table B-4, respectively.
- An executed Virginia Water Protection Permit Program Property-Access Agreement is included as Attachment B-4 hereto. Please note that Mountain Valley made a minor modification to the form agreement to reflect its status as an easement holder for the Project areas.
- Riparian Property Owner Information is included as Attachment B-5.

## FIGURES

### **Figures**

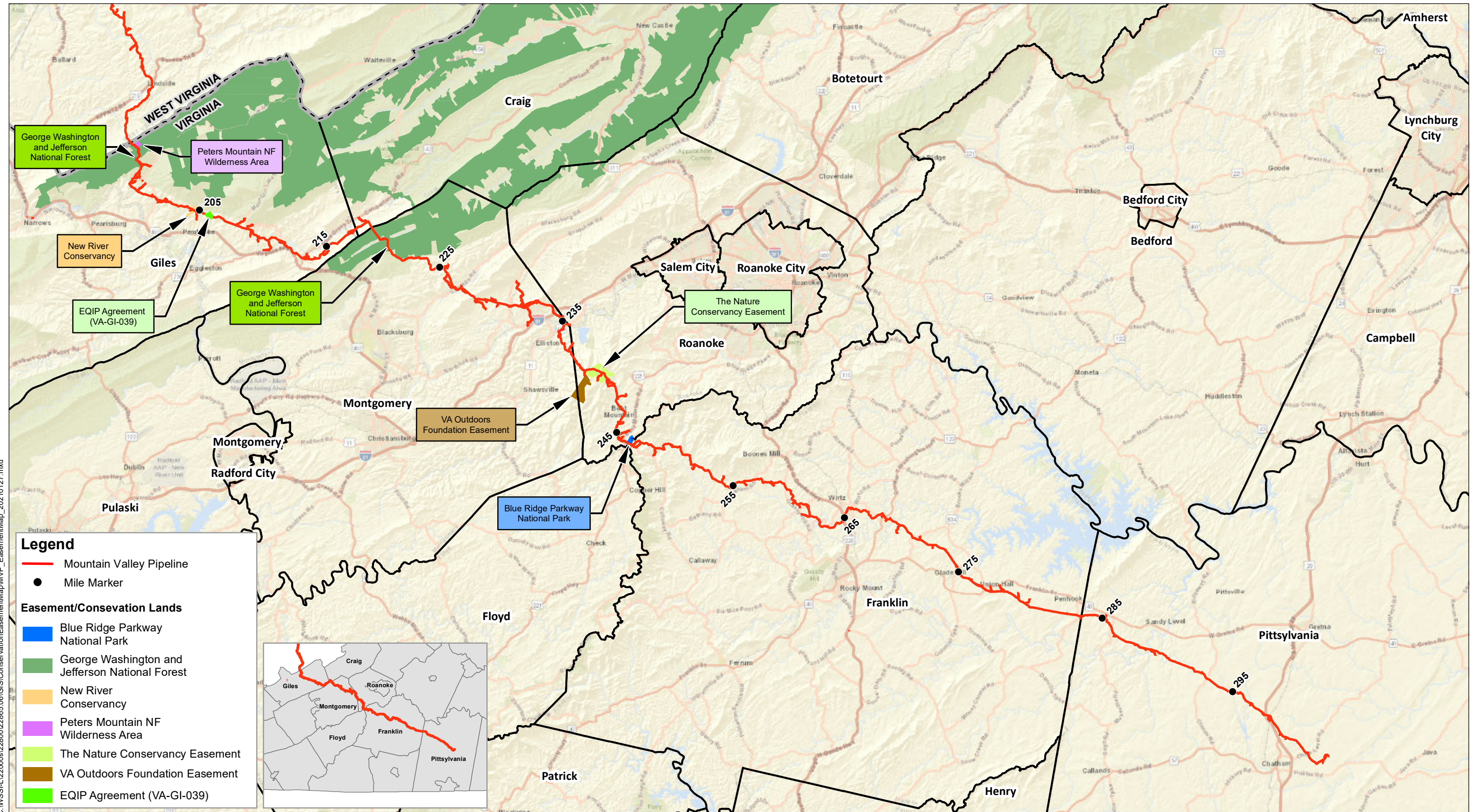
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Figure B-1

Areas Subject to Protective Instruments

# MVP Pipeline Project

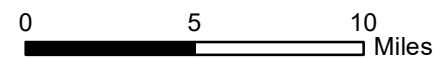
## Easement/Conservation Lands



C:\WSS\122000s\22800\22805\06\GIS\Conservation\EasementMap\MVP\_EasementMap\_20210127.mxd



Basemap Source: ESRI ArcGIS Online. World Street Map.  
 Centerline Source: MVP. January 27, 2021  
 Easement/Conservation Lands Data: VA-DCR, Natural Heritage (10/26/20)  
<https://www.dcr.virginia.gov/natural-heritage/cldownload>



## TABLES

### **Tables**

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Table B-1	Virginia Stream Impacts
Table B-2	Virginia Wetland Impacts
Table B-3	Virginia Stream Impact Summary
Table B-4	Virginia Wetland Impact Summary

**Table B-1. Virginia Stream Impacts  
Individual Permit Application  
Mountain Valley Pipeline Project**

Stream ID	NHD Stream Name <sup>1</sup>	County	Latitude <sup>2</sup>	Longitude <sup>2</sup>	Flow Regime	Water Type <sup>3</sup>	Stream Designation <sup>4</sup>	HUC 8	Impact Type	Temporary Impact (linear ft)	Permanent Impact (linear ft)	Temporary Impact Area (square feet) <sup>5</sup>	Permanent Impact Area (square feet) <sup>5</sup>	Temporary Fill (cubic yard) <sup>6</sup>	Permanent Fill (cubic yard) <sup>7</sup>	Figure
S-Q12	UNT to Kimbalton Branch	Giles	37.375311	-80.680878	Ephemeral	NRPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	86	-	344	-	127	-	4-531
S-Q13	Kimbalton Branch	Giles	37.374377	-80.682038	Perennial	RPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	90	-	1350	-	500	-	4-532
S-P6	UNT to Stony Creek	Giles	37.362202	-80.688092	Ephemeral	NRPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	78	-	466	-	173	-	4-535
S-S5-Braid-2	Stony Creek	Giles	37.360325	-80.684214	Ephemeral	NRPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	20	-	122	-	13	-	4-536
S-S5-Braid-1	Stony Creek	Giles	37.360276	-80.684193	Ephemeral	NRPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	20	-	139	-	16	-	4-536
S-S5	Stony Creek	Giles	37.360071	-80.683960	Perennial	RPW	Candy darter, Green floater, pistol grip, Natural Trout, Coldwater Fishery, Stockable Trout	05050002	Timber Mat Crossing	40	-	802	-	178	-	4-536
S-G29	UNT to Dry Branch	Giles	37.350430	-80.658259	Ephemeral	NRPW	-	05050002	Pipeline ROW	30	-	122	-	13	-	4-541
S-G30	UNT to Dry Branch	Giles	37.350373	-80.658230	Ephemeral	NRPW	-	05050002	Pipeline ROW	85	-	680	-	252	-	4-541
S-G32	Dry Branch	Giles	37.349095	-80.652040	Intermittent	RPW	-	05050002	Pipeline ROW	110	-	662	-	244	-	4-542
S-G33	UNT to Dry Branch	Giles	37.348641	-80.647225	Perennial	RPW	-	05050002	Pipeline ROW	99	-	793	-	293	-	4-542
S-G35	UNT to Little Stony Creek	Giles	37.344876	-80.633426	Perennial	RPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	25	-	501	-	69	-	4-544
S-SS4	UNT to Little Stony Creek	Giles	37.344859	-80.631295	Ephemeral	NRPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	20	-	61	-	7	-	4-544
S-G35	UNT to Little Stony Creek	Giles	37.344779	-80.633379	Perennial	RPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	25	-	501	-	69	-	4-544
S-Z7	UNT to Little Stony Creek	Giles	37.344278	-80.626185	Intermittent	RPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	20	-	61	-	7	-	4-545
S-Z7-Braid-1	UNT to Little Stony Creek	Giles	37.344277	-80.626113	Ephemeral	NRPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	20	-	61	-	7	-	4-545
S-Z9	UNT to Little Stony Creek	Giles	37.344163	-80.628400	Perennial	RPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	20	-	78	-	9	-	4-544
S-Z10	UNT to Little Stony Creek	Giles	37.342351	-80.620823	Intermittent	RPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	20	-	240	-	27	-	4-545
S-Z11	UNT to Little Stony Creek	Giles	37.342236	-80.620542	Perennial	RPW	Natural Trout, Coldwater Fishery, Stockable Trout	05050002	Timber Mat Crossing	20	-	100	-	11	-	4-545
S-Z12-EPH	UNT to Little Stony Creek	Giles	37.342214	-80.620312	Ephemeral	RPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	20	-	122	-	13	-	4-545
S-Z13	Little Stony Creek	Giles	37.342172	-80.620090	Perennial	RPW	Natural Trout, Coldwater Fishery, Stockable Trout	05050002	Timber Mat Crossing	25	-	501	-	69	-	4-545
S-Z14	UNT to Little Stony Creek	Giles	37.340977	-80.618031	Intermittent	RPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	20	-	78	-	9	-	4-545
S-Y21	Doe Creek	Giles	37.338952	-80.614618	Intermittent	RPW	-	05050002	Temporary Access Road	102	-	1019	-	113	-	4-546
S-A34	UNT to Doe Creek	Giles	37.337763	-80.606008	Ephemeral	NRPW	-	05050002	Pipeline ROW	86	-	601	-	223	-	4-548
S-A33	UNT to Doe Creek	Giles	37.337639	-80.605571	Ephemeral	NRPW	-	05050002	Pipeline ROW	111	-	775	-	288	-	4-548
S-YZ1	Doe Creek	Giles	37.337562	-80.614711	Intermittent	RPW	-	05050002	Temporary Access Road	92	-	919	-	102	-	4-546
S-YZ1	Doe Creek	Giles	37.337048	-80.614625	Intermittent	RPW	-	05050002	Temporary Access Road	121	-	1211	-	134	-	4-546
S-A32	UNT to Doe Creek	Giles	37.335094	-80.596868	Perennial	RPW	-	05050002	Pipeline ROW	78	-	1250	-	462	-	4-549
S-QQ2	Sinking Creek	Craig	37.333152	-80.429438	Perennial	RPW	Natural Trout, Coldwater Fishery, Stockable Trout	05050002	Temporary Access Road	40	-	1398	-	156	-	4-581
S-MN11-Upstream	UNT to Sinking Creek	Giles	37.332869	-80.559168	Ephemeral	NRPW	-	05050002	Temporary Access Road	15	-	61	-	7	-	4-554
S-MN11-Upstream	UNT to Sinking Creek	Giles	37.332191	-80.559979	Ephemeral	NRPW	-	05050002	Temporary Access Road	30	-	122	-	13	-	4-554
S-MN11-Downstream	UNT to Sinking Creek	Giles	37.332146	-80.560079	Ephemeral	NRPW	-	05050002	Temporary Access Road	37	-	183	-	21	-	4-554
S-Y3	UNT to Doe Creek	Giles	37.331748	-80.583355	Ephemeral	NRPW	-	05050002	Timber Mat Crossing	20	-	200	-	22	-	4-551
S-Y2	Doe Creek	Giles	37.331332	-80.583047	Perennial	RPW	-	05050002	Timber Mat Crossing	25	-	501	-	69	-	4-551
S-PP4	UNT to Sinking Creek	Craig	37.328329	-80.422810	Intermittent	RPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	84	-	170	-	62	-	4-579
S-PP3	UNT to Sinking Creek	Craig	37.326705	-80.425803	Perennial	RPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	82	-	244	-	91	-	4-579
S-RR4	UNT to Sinking Creek	Giles	37.326015	-80.556831	Perennial	RPW	-	05050002	Temporary Access Road	85	-	257	-	28	-	4-556
S-E24	UNT to Sinking Creek	Giles	37.325728	-80.565082	Perennial	RPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	81	-	1620	-	600	-	4-553
S-E25-Downstream	UNT to Sinking Creek	Giles	37.325638	-80.564680	Perennial	RPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	20	-	161	-	18	-	4-553
S-E25-Upstream	UNT to Sinking Creek	Giles	37.325607	-80.564373	Perennial	RPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	15	-	148	-	17	-	4-553
S-E25-Downstream	UNT to Sinking Creek	Giles	37.325566	-80.564634	Perennial	RPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	20	-	161	-	18	-	4-553
S-PP1	UNT to Sinking Creek	Craig	37.324781	-80.431446	Intermittent	RPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	86	-	257	-	96	-	4-578
S-RR5	UNT to Sinking Creek	Giles	37.323702	-80.555627	Perennial	RPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	83	-	832	-	307	-	4-555
S-PA07	UNT to Sinking Creek	Giles	37.323533	-80.555257	Intermittent	RPW	-	05050002	Pipeline ROW	115	-	231	-	85	-	4-555
S-IJ18-EPH	UNT to Sinking Creek	Giles	37.322737	-80.552396	Ephemeral	NRPW	-	05050002	Pipeline ROW	74	-	444	-	164	-	4-555
S-IJ19	UNT to Sinking Creek	Giles	37.322194	-80.553058	Ephemeral	NRPW	-	05050002	Temporary Access Road	43	-	170	-	19	-	4-555
S-IJ19	UNT to Sinking Creek	Giles	37.321823	-80.55311	Ephemeral	NRPW	-	05050002	Temporary Access Road	9	-	35	-	4	-	4-555
S-IJ18-INT	UNT to Sinking Creek	Giles	37.321756	-80.553011	Intermittent	RPW	-	05050002	Temporary Access Road	44	-	174	-	20	-	4-555
S-PP22	UNT to Craig Creek	Montgomery	37.321090	-80.412831	Intermittent	RPW	Atlantic Pigtoe, Coldwater Fishery	02080201	Timber Mat Crossing	44	-	174	-	20	-	4-584
S-OO12	UNT to Sinking Creek	Giles	37.318956	-80.440648	Ephemeral	NRPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	25	-	48	-	6	-	4-577
S-OO13	UNT to Sinking Creek	Giles	37.318930	-80.440930	Perennial	RPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	77	-	1542	-	570	-	4-577
S-OO14	UNT to Sinking Creek	Giles	37.318647	-80.441619	Perennial	RPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	86	-	344	-	127	-	4-577
S-IJ17	UNT to Sinking Creek	Giles	37.318324	-80.547720	Ephemeral	NRPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	31	-	248	-	28	-	4-558
S-IJ16-b	UNT to Sinking Creek	Giles	37.318246	-80.547711	Ephemeral	NRPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	78	-	780	-	289	-	4-558
S-PP21	UNT to Craig Creek	Montgomery	37.317187	-80.409235	Perennial	RPW	Atlantic Pigtoe, Coldwater Fishery	02080201	Timber Mat Crossing	20	-	78	-	9	-	4-584

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Individual Permit Application  
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Stream ID	NHD Stream Name <sup>1</sup>	County	Latitude <sup>2</sup>	Longitude <sup>2</sup>	Flow Regime	Water Type <sup>3</sup>	Stream Designation <sup>4</sup>	HUC 8	Impact Type	Temporary Impact (linear ft)	Permanent Impact (linear ft)	Temporary Impact Area (square feet) <sup>5</sup>	Permanent Impact Area (square feet) <sup>5</sup>	Temporary Fill (cubic yard) <sup>6</sup>	Permanent Fill (cubic yard) <sup>7</sup>	Figure	
S-PP20	UNT to Craig Creek	Montgomery	37.316523	-80.408646	Perennial	RPW	Atlantic Pigtoe, Coldwater Fishery	02080201	Timber Mat Crossing	20	-	122	-	13	-	4-584	
S-RR13	Craig Creek	Montgomery	37.314504	-80.402613	Perennial	RPW	Atlantic Pigtoe, Stockable Trout, Coldwater Fishery	02080201	Temporary Access Road	41	-	1433	-	159	-	4-585	
S-HH18	UNT to Craig Creek	Montgomery	37.313910	-80.398683	Perennial	RPW	Atlantic pigtoe, orangefin madtom Coldwater Fishery	02080201	Timber Mat Crossing	20	-	122	-	13	-	4-586	
S-RR14	UNT to Craig Creek	Montgomery	37.313615	-80.402521	Ephemeral	NRPW	Atlantic Pigtoe, Coldwater Fishery	02080201	Timber Mat Crossing	20	-	139	-	16	-	4-585	
S-O06	Craig Creek	Montgomery	37.313511	-80.404606	Perennial	RPW	Atlantic Pigtoe, Stockable Trout, Coldwater Fishery	02080201	Timber Mat Crossing	35	-	701	-	136	-	4-585	
S-QQ3	UNT to Sinking Creek	Giles	37.311869	-80.532365	Ephemeral	NRPW	-	05050002	Temporary Access Road	15	-	30	-	3	-	4-560	
S-U16-a	UNT to Sinking Creek	Giles	37.311730	-80.544091	Ephemeral	NRPW	-	05050002	Permanent Access Road	6	-	44	-	5	-	4-559	
S-U16-a	UNT to Sinking Creek	Giles	37.311730	-80.544091	Ephemeral	NRPW	-	05050002	Permanent Access Road	-	45	-	314.0000	-	35	-	4-559
S-NN17	Sinking Creek	Giles	37.311616	-80.515786	Perennial	RPW	Green floater, Non-listed mussels, Natural Trout, Coldwater Fishery, Stockable Trout	05050002	Timber Mat Crossing	55	-	1102	-	336	-	4-564	
S-KL43	UNT to Sinking Creek	Giles	37.307524	-80.466665	Perennial	RPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	75	-	749	-	278	-	4-573	
S-NN11	UNT to Sinking Creek	Giles	37.305508	-80.467231	Intermittent	RPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	84	-	418	-	156	-	4-573	
S-NN12	UNT to Sinking Creek	Giles	37.300454	-80.472911	Ephemeral	NRPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	88	-	174	-	65	-	4-571	
S-MN21	UNT to Mill Creek	Montgomery	37.299397	-80.391243	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	80	-	562	-	207	-	4-588	
S-MM17	UNT to Sinking Creek	Giles	37.298226	-80.480624	Perennial	RPW	-	05050002	Temporary Access Road	49	-	96	-	11	-	4-569	
S-MN22	UNT to Mill Creek	Montgomery	37.297166	-80.386612	Ephemeral	NRPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	96	-	192	-	71	-	4-589	
S-RR2	Greenbriar Branch	Giles	37.296666	-80.494174	Perennial	RPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	20	-	161	-	18	-	4-567	
S-YZ6	UNT to Greenbriar Branch	Giles	37.296612	-80.494165	Intermittent	RPW	Natural Trout, Coldwater Fishery	05050002	Timber Mat Crossing	20	-	122	-	13	-	4-567	
S-EF62	UNT to Mill Creek	Montgomery	37.296356	-80.375118	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	76	-	836	-	310	-	4-590	
S-MM18	UNT to Sinking Creek	Giles	37.296226	-80.481455	Ephemeral	NRPW	Natural Trout, Coldwater Fishery	05050002	Pipeline ROW	88	-	440	-	163	-	4-569	
S-UJ52	UNT to Mill Creek	Montgomery	37.296153	-80.367510	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	84	-	1346	-	498	-	4-591	
S-EF65	Mill Creek	Montgomery	37.295743	-80.375921	Intermittent	RPW	Orangefin madtom, Non-listed mussels, Natural Trout, Coldwater Fishery, Stockable Trout	03010101	Pipeline ROW	152	-	910	-	338	-	4-590	
S-G36	North Fork Roanoke River	Montgomery	37.288586	-80.313161	Perennial	RPW	Roanoke logperch, Orangefin madtom, Non-listed mussels, Natural Trout, Coldwater Fishery	03010101	Temporary Access Road	26	-	518	-	58	-	4-602	
S-G38	UNT to North Fork Roanoke River	Montgomery	37.267002	-80.312898	Ephemeral	NRPW	Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	61	-	7	-	4-603	
S-G40	UNT to North Fork Roanoke River	Montgomery	37.264882	-80.307302	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	61	-	7	-	4-603	
S-PP23	UNT to North Fork Roanoke River	Montgomery	37.264858	-80.307151	Ephemeral	NRPW	Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	48	-	6	-	4-604	
S-G39	UNT to North Fork Roanoke River	Montgomery	37.264817	-80.308486	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	82	-	492	-	182	-	4-604	
S-MM14	UNT to Flatwoods Branch	Montgomery	37.258717	-80.293210	Ephemeral	NRPW	-	03010101	Pipeline ROW	105	-	736	-	272	-	4-608	
S-MM15	UNT to Flatwoods Branch	Montgomery	37.258673	-80.296446	Intermittent	RPW	-	03010101	Pipeline ROW	82	-	492	-	182	-	4-608	
S-MM11	UNT to Flatwoods Branch	Montgomery	37.258403	-80.288186	Ephemeral	NRPW	-	03010101	Pipeline ROW	80	-	640	-	237	-	4-609	
S-F15	UNT to Flatwoods Branch	Montgomery	37.258198	-80.286029	Intermittent	RPW	-	03010101	Pipeline ROW	129	-	775	-	287	-	4-609	
S-MM13	UNT to Flatwoods Branch	Montgomery	37.258176	-80.289222	Ephemeral	NRPW	-	03010101	Pipeline ROW	85	-	427	-	157	-	4-608	
S-F16a/F16b	UNT to Flatwoods Branch	Montgomery	37.257998	-80.284735	Ephemeral	NRPW	-	03010101	Pipeline ROW	81	-	244	-	90	-	4-609	
S-C36	UNT to Flatwoods Branch	Montgomery	37.257260	-80.281611	Intermittent	RPW	-	03010101	Pipeline ROW	96	-	287	-	107	-	4-609	
S-C36	UNT to Flatwoods Branch	Montgomery	37.257133	-80.281475	Intermittent	RPW	-	03010101	Pipeline ROW	36	-	109	-	40	-	4-609	
S-MM31	UNT to Flatwoods Branch	Montgomery	37.256959	-80.280329	Ephemeral	NRPW	-	03010101	Timber Mat Crossing	20	-	78	-	9	-	4-609	
S-C29	Flatwoods Branch	Montgomery	37.256387	-80.278021	Ephemeral	NRPW	-	03010101	Pipeline ROW	46	-	57	-	20	-	4-610	
S-C25	UNT to Bradshaw Creek	Montgomery	37.254342	-80.267895	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	115	-	344	-	128	-	4-611	
S-C24	UNT to Bradshaw Creek	Montgomery	37.254135	-80.266743	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	108	-	322	-	120	-	4-611	
S-C21	Bradshaw Creek	Montgomery	37.251791	-80.258990	Perennial	RPW	Roanoke logperch, Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	25	-	501	-	69	-	4-613	
S-NN19	UNT to Roanoke River	Montgomery	37.244319	-80.206995	Intermittent	RPW	-	03010101	Pipeline ROW	76	-	266	-	99	-	4-627	
S-AB16	UNT to Roanoke River	Montgomery	37.231693	-80.198778	Intermittent	RPW	-	03010101	Timber Mat Crossing	20	-	100	-	11	-	4-631	
S-11	UNT to Roanoke River	Montgomery	37.231179	-80.198460	Intermittent	RPW	-	03010101	Timber Mat Crossing	20	-	279	-	31	-	4-631	
S-CD12b	UNT to South Fork Roanoke River	Montgomery	37.229764	-80.201144	Perennial	RPW	Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	122	-	13	-	4-631	
S-EF19	UNT to Indian Run	Montgomery	37.216102	-80.197390	Ephemeral	NRPW	Warmwater Fishery, Tier 2	03010101	Pipeline ROW	79	-	396	-	146	-	4-634	
S-EF20a	UNT to Roanoke River	Montgomery	37.210922	-80.193318	Perennial	RPW	Orangefin madtom, Non-listed mussels	03010101	Pipeline ROW	80	-	479	-	178	-	4-635	
S-MM22	UNT to Roanoke River	Montgomery	37.205284	-80.187282	Perennial	RPW	Orangefin madtom, Non-listed mussels	03010101	Pipeline ROW	175	-	2627	-	972	-	4-637	
S-UJ50	UNT to Roanoke River	Roanoke	37.194064	-80.167933	Perennial	RPW	Orangefin madtom, Non-listed mussels	03010101	Pipeline ROW	77	-	1925	-	713	-	4-641	
S-Y13	UNT to Bottom Creek	Roanoke	37.187687	-80.151146	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	85	-	680	-	252	-	4-644	
S-Y14	UNT to Bottom Creek	Roanoke	37.187568	-80.151049	Perennial	RPW	Orangefin madtom, Non-listed mussels, Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	77	-	1076	-	399	-	4-644	
S-EF57	UNT to Bottom Creek	Roanoke	37.181736	-80.148948	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Temporary Access Road	42	-	335	-	37	-	4-645	
S-EF55	UNT to Bottom Creek	Roanoke	37.181506	-80.149497	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	33	-	266	-	98	-	4-645	
S-EF34b	UNT to Bottom Creek	Roanoke	37.181385	-80.149140	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	81	-	810	-	300	-	4-645	
S-EF33	UNT to Bottom Creek	Roanoke	37.179186	-80.141000	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	148	-	1333	-	493	-	4-647	
S-UJ82	UNT to Bottom Creek	Roanoke	37.170458	-80.138216	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	301	-	33	-	4-648	

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S-IJ85	UNT to Bottom Creek	Roanoke	37.169474	-80.130356	Perennial	RPW	Natural Trout, Coldwater Fishery	03010101	Permanent Access Road	-	50	-	401.0000	-	44	4-650
S-IJ83	UNT to Bottom Creek	Roanoke	37.169211	-80.138258	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	148	-	741	-	82	-	4-649
S-IJ88	Bottom Creek	Roanoke	37.168395	-80.138295	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	30	-	1960	-	726	-	4-649
S-IJ84	UNT to Bottom Creek	Roanoke	37.168361	-80.138381	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	35	-	527	-	58	-	4-649
S-IJ89	UNT to Bottom Creek	Roanoke	37.165862	-80.139317	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	200	-	22	-	4-649
S-IJ90	UNT to Bottom Creek	Roanoke	37.165685	-80.139378	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	100	-	11	-	4-649
S-KL25	UNT to Mill Creek	Roanoke	37.160173	-80.134799	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	82	-	409	-	152	-	4-651
S-ST9b	UNT to Mill Creek	Roanoke	37.154424	-80.129179	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	20	-	301	-	33	-	4-652
S-ST9b	UNT to Mill Creek	Roanoke	37.154424	-80.129179	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	301	-	33	-	4-652
S-KL55	UNT to Mill Creek	Roanoke	37.150009	-80.13246	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	301	-	33	-	4-653
S-IJ12	UNT to Mill Creek	Roanoke	37.148333	-80.133919	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	261	-	29	-	4-653
S-EF44	UNT to Bottom Creek	Roanoke	37.143003	-80.138399	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	139	-	16	-	4-654
S-IJ43	Mill Creek	Roanoke	37.138636	-80.139715	Perennial	RPW	Orangefin madtom, Stockable Trout, Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	362	-	40	-	4-655
S-Y9	UNT to Mill Creek	Roanoke	37.134576	-80.137649	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	44	-	174	-	20	-	4-656
S-Y7	UNT to Mill Creek	Roanoke	37.134481	-80.137622	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	32	-	126	-	14	-	4-656
S-Y8	UNT to Mill Creek	Roanoke	37.134176	-80.137484	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	78	-	9	-	4-656
S-B22	UNT to Mill Creek	Roanoke	37.128922	-80.133769	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	78	-	9	-	4-659
S-B23	UNT to Mill Creek	Roanoke	37.128853	-80.133910	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	14	-	26	-	3	-	4-659
S-B25	UNT to Mill Creek	Roanoke	37.128490	-80.132601	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	76	-	379	-	42	-	4-659
S-B21	UNT to Mill Creek	Roanoke	37.128484	-80.130943	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	92	-	366	-	136	-	4-659
S-H1	Green Creek	Franklin	37.127733	-80.116787	Perennial	RPW	Orangefin madtom, Natural Trout, Coldwater Fishery	03010101	Timber Mat Crossing	20	-	200	-	22	-	4-661
S-G26	UNT to Green Creek	Franklin	37.127077	-80.111387	Intermittent	RPW	-	03010101	Timber Mat Crossing	20	-	139	-	16	-	4-662
S-G27	UNT to Green Creek	Franklin	37.126962	-80.111052	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	139	-	16	-	4-662
S-G24	UNT to Green Creek	Franklin	37.126412	-80.121398	Intermittent	RPW	-	03010101	Pipeline ROW	75	-	449	-	167	-	4-661
S-G25	UNT to Green Creek	Franklin	37.125398	-80.121401	Intermittent	RPW	-	03010101	Pipeline ROW	42	-	292	-	33	-	4-661
S-RR18	UNT to Green Creek	Franklin	37.125055	-80.113578	Intermittent	RPW	-	03010101	Permanent Access Road	8	-	17	-	2	-	4-662
S-D11	UNT to North Fork Blackwater River	Franklin	37.124137	-80.086182	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	200	-	22	-	4-666
S-D8	North Fork Blackwater River	Franklin	37.123098	-80.074673	Perennial	RPW	Natural Trout, Coldwater Fishery	03010101	Pipeline ROW	78	-	941	-	349	-	4-667
S-D12	UNT to North Fork Blackwater River	Franklin	37.121558	-80.085642	Intermittent	RPW	-	03010101	Pipeline ROW	54	-	322	-	120	-	4-666
S-D13	UNT to North Fork Blackwater River	Franklin	37.121513	-80.085680	Intermittent	RPW	-	03010101	Pipeline ROW	117	-	466	-	173	-	4-666
S-D14	UNT to North Fork Blackwater River	Franklin	37.121473	-80.088457	Intermittent	RPW	-	03010101	Pipeline ROW	234	-	701	-	260	-	4-666
S-II4	UNT to North Fork Blackwater River	Franklin	37.115679	-80.060300	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	301	-	33	-	4-670
S-GH7	UNT to North Fork Blackwater River	Franklin	37.106614	-80.054219	Perennial	RPW	-	03010101	Timber Mat Crossing	20	-	179	-	20	-	4-672
S-GH15	UNT to North Fork Blackwater River	Franklin	37.106177	-80.050105	Intermittent	RPW	-	03010101	Pipeline ROW	75	-	301	-	111	-	4-674
S-GH14	UNT to North Fork Blackwater River	Franklin	37.105883	-80.048861	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	76	-	305	-	113	-	4-674
S-GH11	UNT to North Fork Blackwater River	Franklin	37.104707	-80.046220	Intermittent	RPW	-	03010101	Pipeline ROW	77	-	231	-	86	-	4-674
S-GH9	UNT to North Fork Blackwater River	Franklin	37.104329	-80.045343	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	78	-	314	-	116	-	4-674
S-RR08	UNT to North Fork Blackwater River	Franklin	37.103290	-80.041868	Ephemeral	NRPW	-	03010101	Timber Mat Crossing	20	-	139	-	16	-	4-674
S-RR09	UNT to North Fork Blackwater River	Franklin	37.102491	-80.041046	Ephemeral	NRPW	-	03010101	Pipeline ROW	77	-	693	-	257	-	4-675
S-RR11	UNT to North Fork Blackwater River	Franklin	37.101127	-80.039653	Ephemeral	NRPW	-	03010101	Pipeline ROW	77	-	540	-	200	-	4-675
S-IJ1	UNT to North Fork Blackwater River	Franklin	37.093062	-80.027724	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	107	-	1285	-	476	-	4-677
S-IJ2	UNT to North Fork Blackwater River	Franklin	37.092891	-80.027593	Intermittent	RPW	-	03010101	Pipeline ROW	40	-	100	-	37	-	4-677
S-II6	UNT to Little Creek	Franklin	37.092697	-79.978402	Intermittent	NRPW	-	03010101	Timber Mat Crossing	20	-	61	-	7	-	4-685
S-IJ3	UNT to North Fork Blackwater River	Franklin	37.092600	-80.027231	Intermittent	RPW	-	03010101	Pipeline ROW	77	-	383	-	143	-	4-677
S-GH6	UNT to Little Creek	Franklin	37.092397	-79.983227	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	61	-	7	-	4-684
S-II12	UNT to Little Creek	Franklin	37.091608	-79.987839	Intermittent	RPW	-	03010101	Timber Mat Crossing	20	-	39	-	4	-	4-684
S-II11	UNT to Little Creek	Franklin	37.091564	-79.988051	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	78	-	9	-	4-684
S-II8	UNT to Little Creek	Franklin	37.091413	-79.993944	Intermittent	RPW	-	03010101	Timber Mat Crossing	20	-	39	-	4	-	4-683
S-II9	UNT to Little Creek	Franklin	37.091382	-79.990620	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	401	-	44	-	4-683
S-II7	UNT to Little Creek	Franklin	37.091354	-79.992013	Intermittent	RPW	-	03010101	Timber Mat Crossing	20	-	78	-	9	-	4-683
S-IJ4	UNT to North Fork Blackwater River	Franklin	37.091189	-80.024366	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	78	-	9	-	4-677
S-KL2	UNT to Little Creek	Franklin	37.090361	-79.996354	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	74	-	8	-	4-682
S-GH2	UNT to Teels Creek	Franklin	37.090153	-79.953936	Intermittent	RPW	-	03010101	Timber Mat Crossing	20	-	39	-	4	-	4-689
S-GH4	UNT to Teels Creek	Franklin	37.089812	-79.956077	Perennial	RPW	-	03010101	Timber Mat Crossing	20	-	100	-	11	-	4-688



**Table B-1. Virginia Stream Impacts  
Individual Permit Application  
Mountain Valley Pipeline Project**

Stream ID	NHD Stream Name <sup>1</sup>	County	Latitude <sup>2</sup>	Longitude <sup>2</sup>	Flow Regime	Water Type <sup>3</sup>	Stream Designation <sup>4</sup>	HUC 8	Impact Type	Temporary Impact (linear ft)	Permanent Impact (linear ft)	Temporary Impact Area (square feet) <sup>5</sup>	Permanent Impact Area (square feet) <sup>5</sup>	Temporary Fill (cubic yard) <sup>6</sup>	Permanent Fill (cubic yard) <sup>7</sup>	Figure
S-GH3	UNT to Teels Creek	Franklin	37.089745	-79.956042	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	122	-	13	-	4-688
S-U10	Little Creek	Franklin	37.089179	-80.005026	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	61	-	7	-	4-681
S-E29	UNT to Teels Creek	Franklin	37.089178	-79.950110	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	80	-	640	-	237	-	4-689
S-E28	Teels Creek	Franklin	37.089047	-79.9613	Perennial	RPW	-	03010101	Pipeline ROW	82	-	984	-	364	-	4-687
S-E28	Teels Creek	Franklin	37.085247	-79.948057	Perennial	RPW	-	03010101	Pipeline ROW	76	-	910	-	338	-	4-687
S-E28	Teels Creek	Franklin	37.082875	-79.945556	Perennial	RPW	-	03010101	Timber Mat Crossing	101	-	1211	-	449	-	4-687
S-EF4	UNT to Teels Creek	Franklin	37.078963	-79.941911	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	80	-	880	-	326	-	4-691
S-EF7	UNT to Teels Creek	Franklin	37.074664	-79.941123	Ephemeral	NRPW	-	03010101	Timber Mat Crossing	20	-	39	-	4	-	4-692
S-EF7	UNT to Teels Creek	Franklin	37.074636	-79.941336	Ephemeral	NRPW	-	03010101	ATWS	22	-	44	-	5	-	4-692
S-EF12	Teels Creek	Franklin	37.073367	-79.939865	Perennial	RPW	-	03010101	Pipeline ROW	79	-	1581	-	585	-	4-692
S-MM42	UNT to Teels Creek	Franklin	37.070703	-79.937069	Ephemeral	NRPW	-	03010101	Pipeline ROW	81	-	161	-	60	-	4-693
S-D23	Teels Creek	Franklin	37.070322	-79.931039	Perennial	RPW	-	03010101	Pipeline ROW	92	-	2087	-	772	-	4-694
S-D22	UNT to Teels Creek	Franklin	37.070101	-79.929732	Intermittent	RPW	-	03010101	Pipeline ROW	83	-	662	-	246	-	4-694
S-D18	UNT to Teels Creek	Franklin	37.069560	-79.926213	Ephemeral	NRPW	-	03010101	Pipeline ROW	30	-	61	-	7	-	4-694
S-RR15	UNT to Teels Creek	Franklin	37.069542	-79.933892	Perennial	RPW	-	03010101	Timber Mat Crossing	20	-	26	-	31	-	4-694
S-D20	UNT to Teels Creek	Franklin	37.069485	-79.926230	Intermittent	RPW	-	03010101	Pipeline ROW	76	-	610	-	225	-	4-694
S-EF48	UNT to Blackwater River	Franklin	37.064748	-79.874420	Intermittent	RPW	-	03010101	Pipeline ROW	86	-	170	-	64	-	4-705
S-YZ4	UNT to Blackwater River	Franklin	37.064723	-79.878190	Ephemeral	NRPW	-	03010101	Pipeline ROW	84	-	253	-	93	-	4-704
S-C14	Teels Creek	Franklin	37.063956	-79.921985	Perennial	RPW	-	03010101	Pipeline ROW	90	-	3655	-	1,353	-	4-696
S-YZ5	UNT to Blackwater River	Franklin	37.063464	-79.878281	Ephemeral	NRPW	-	03010101	Pipeline ROW	86	-	344	-	127	-	4-704
S-KL41	UNT to Blackwater River	Franklin	37.062262	-79.862639	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	75	-	902	-	333	-	4-706
S-KL39	UNT to Blackwater River	Franklin	37.061193	-79.880018	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	121	-	788	-	291	-	4-704
S-C16	UNT to Teels Creek	Franklin	37.060610	-79.921179	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	301	-	33	-	4-696
S-KL54	UNT to Maggodee Creek	Franklin	37.059535	-79.840624	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	76	-	758	-	281	-	4-710
S-C8	UNT to Blackwater River	Franklin	37.059098	-79.853595	Intermittent	RPW	-	03010101	Pipeline ROW	86	-	431	-	159	-	4-708
S-F4	UNT to Blackwater River	Franklin	37.059060	-79.853379	Ephemeral	NRPW	-	03010101	Pipeline ROW	82	-	819	-	91	-	4-708
S-C17	Teels Creek	Franklin	37.058390	-79.918015	Perennial	RPW	-	03010101	Timber Mat Crossing	30	-	601	-	100	-	4-696
S-KL52	UNT to Maggodee Creek	Franklin	37.058165	-79.844877	Ephemeral	NRPW	-	03010101	Pipeline ROW	105	-	105	-	39	-	4-709
S-S11	UNT to Maggodee Creek	Franklin	37.057776	-79.838583	Perennial	RPW	-	03010101	Temporary Access Road	41	-	453	-	50	-	4-710
S-F8	UNT to Maggodee Creek	Franklin	37.057724	-79.836406	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	83	-	2492	-	922	-	4-710
S-CD6	Little Creek	Franklin	37.057584	-79.913921	Perennial	RPW	-	03010101	Pipeline ROW	77	-	4426	-	1,639	-	4-698
S-HH4	UNT to Maggodee Creek	Franklin	37.056594	-79.835785	Intermittent	RPW	-	03010101	Pipeline ROW	97	-	871	-	323	-	4-711
S-KL51	UNT to Blackwater River	Franklin	37.056084	-79.850384	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	67	-	370	-	136	-	4-708
S-KL38	UNT to Blackwater River	Franklin	37.055912	-79.883177	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	78	-	545	-	202	-	4-702
S-C20	UNT to Maggodee Creek	Franklin	37.055193	-79.833881	Ephemeral	NRPW	-	03010101	Timber Mat Crossing	20	-	78	-	9	-	4-711
S-C19	Maggodee Creek	Franklin	37.055147	-79.830098	Perennial	RPW	-	03010101	Pipeline ROW	75	-	3006	-	1,113	-	4-711
S-KL36	UNT to Blackwater River	Franklin	37.053336	-79.884604	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	148	-	17	-	4-702
S-F11	Blackwater River	Franklin	37.052843	-79.825711	Perennial	TNW	Non-listed mussels	03010101	Pipeline ROW	91	-	6765	-	2,506	-	4-712
S-KL35	UNT to Blackwater River	Franklin	37.052125	-79.886182	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	35	-	87	-	10	-	4-702
S-F9b	UNT to Blackwater River	Franklin	37.049238	-79.817223	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	76	-	1141	-	422	-	4-713
S-II2	Little Creek	Franklin	37.049219	-79.908513	Perennial	RPW	-	03010101	Pipeline ROW	76	-	3245	-	1,203	-	4-699
S-F10	UNT to Blackwater River	Franklin	37.048037	-79.813934	Ephemeral	NRPW	-	03010101	Timber Mat Crossing	20	-	179	-	20	-	4-713
S-CD1	UNT to Blackwater River	Franklin	37.047765	-79.897636	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	104	-	366	-	135	-	4-701
S-F9a	UNT to Blackwater River	Franklin	37.047172	-79.813000	Intermittent	RPW	-	03010101	Timber Mat Crossing	20	-	301	-	33	-	4-713
S-MM29	UNT to Maple Branch	Franklin	37.043871	-79.822898	Perennial	RPW	-	03010101	Temporary Access Road	42	-	632	-	70	-	4-714
S-MM23	Maple Branch	Franklin	37.043854	-79.822974	Perennial	RPW	-	03010101	Temporary Access Road	78	-	1559	-	173	-	4-714
S-G4	UNT to Blackwater River	Franklin	37.042742	-79.809015	Ephemeral	NRPW	-	03010101	Timber Mat Crossing	20	-	200	-	22	-	4-716
S-A36	UNT to Foul Ground Creek	Franklin	37.037916	-79.804237	Ephemeral	NRPW	-	03010101	Pipeline ROW	77	-	309	-	114	-	4-717
S-A38	UNT to Foul Ground Creek	Franklin	37.036271	-79.799442	Intermittent	RPW	-	03010101	Timber Mat Crossing	30	-	270	-	30	-	4-718
S-A40	UNT to Foul Ground Creek	Franklin	37.036173	-79.799240	Intermittent	RPW	-	03010101	Timber Mat Crossing	13	-	74	-	8	-	4-718
S-A41	Foul Ground Creek	Franklin	37.031714	-79.788213	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	76	-	910	-	338	-	4-720
S-GH36	UNT to Foul Ground Creek	Franklin	37.031063	-79.778588	Intermittent	RPW	-	03010101	Timber Mat Crossing	20	-	61	-	7	-	4-721
S-KL17	UNT to Foul Ground Creek	Franklin	37.031011	-79.778435	Intermittent	RPW	-	03010101	Timber Mat Crossing	20	-	100	-	11	-	4-721
S-GH37	UNT to Foul Ground Creek	Franklin	37.030974	-79.778190	Intermittent	RPW	-	03010101	Pipeline ROW	46	-	139	-	15	-	4-721

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Individual Permit Application  
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Stream ID	NHD Stream Name <sup>1</sup>	County	Latitude <sup>2</sup>	Longitude <sup>2</sup>	Flow Regime	Water Type <sup>3</sup>	Stream Designation <sup>4</sup>	HUC 8	Impact Type	Temporary Impact (linear ft)	Permanent Impact (linear ft)	Temporary Impact Area (square feet) <sup>5</sup>	Permanent Impact Area (square feet) <sup>5</sup>	Temporary Fill (cubic yard) <sup>6</sup>	Permanent Fill (cubic yard) <sup>7</sup>	Figure
S-GH38	UNT to Foul Ground Creek	Franklin	37.030972	-79.778083	Intermittent	RPW	-	03010101	Pipeline ROW	7	-	22	-	2	-	4-721
S-GH39	UNT to Foul Ground Creek	Franklin	37.030861	-79.778069	Intermittent	RPW	-	03010101	Pipeline ROW	103	-	414	-	153	-	4-721
S-GH40	UNT to Foul Ground Creek	Franklin	37.028893	-79.774785	Ephemeral	NRPW	-	03010101	Pipeline ROW	89	-	266	-	99	-	4-721
S-GH44	UNT to Foul Ground Creek	Franklin	37.028392	-79.773359	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	103	-	619	-	69	-	4-721
S-G22	UNT to Poplar Camp Creek	Franklin	37.019612	-79.761958	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	80	-	958	-	356	-	4-723
S-G23	UNT to Poplar Camp Creek	Franklin	37.019526	-79.762002	Intermittent	RPW	-	03010101	Pipeline ROW	42	-	126	-	14	-	4-723
S-G21	UNT to Poplar Camp Creek	Franklin	37.019359	-79.761643	Intermittent	RPW	-	03010101	Pipeline ROW	54	-	161	-	18	-	4-723
S-G20	Poplar Camp Creek	Franklin	37.017364	-79.760000	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	200	-	22	-	4-724
S-G18	UNT to Blackwater River	Franklin	37.009236	-79.754238	Intermittent	RPW	-	03010101	Pipeline ROW	81	-	161	-	60	-	4-725
S-G17	UNT to Blackwater River	Franklin	37.005496	-79.752655	Ephemeral	NRPW	-	03010101	Timber Mat Crossing	20	-	100	-	11	-	4-726
S-E18	UNT to Blackwater River	Franklin	37.001271	-79.747749	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	94	-	658	-	244	-	4-727
S-E17	UNT to Blackwater River	Franklin	37.000529	-79.742760	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	95	-	758	-	281	-	4-727
S-E14	UNT to Blackwater River	Franklin	36.995814	-79.735144	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	82	-	1638	-	607	-	4-728
S-H38	UNT to Jacks Creek	Franklin	36.989430	-79.722366	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	240	-	27	-	4-730
S-H32	UNT to Jacks Creek	Franklin	36.988273	-79.708199	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	200	-	22	-	4-732
S-H37	UNT to Jacks Creek	Franklin	36.988031	-79.717450	Ephemeral	NRPW	-	03010101	Pipeline ROW	82	-	492	-	182	-	4-731
S-H34	UNT to Jacks Creek	Franklin	36.988009	-79.711881	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	61	-	7	-	4-732
S-H36	UNT to Jacks Creek	Franklin	36.988008	-79.714922	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	61	-	7	-	4-731
S-H30	UNT to Jacks Creek	Franklin	36.987961	-79.702711	Intermittent	RPW	-	03010101	Pipeline ROW	4	-	4	-	1	-	4-734
S-A18	UNT to Jacks Creek	Franklin	36.987818	-79.700634	Intermittent	RPW	-	03010101	Pipeline ROW	87	-	227	-	84	-	4-734
S-A19/H26	UNT to Jacks Creek	Franklin	36.987719	-79.698901	Intermittent	RPW	-	03010101	Pipeline ROW	212	-	1485	-	550	-	4-734
S-A20	UNT to Jacks Creek	Franklin	36.987715	-79.698555	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	139	-	16	-	4-734
S-H28	UNT to Jacks Creek	Franklin	36.985174	-79.692272	Ephemeral	NRPW	-	03010101	Pipeline ROW	16	-	96	-	11	-	4-735
S-H27	UNT to Jacks Creek	Franklin	36.985124	-79.692272	Ephemeral	NRPW	-	03010101	Pipeline ROW	36	-	362	-	40	-	4-735
S-A22	UNT to Jacks Creek	Franklin	36.984846	-79.691870	Intermittent	RPW	-	03010101	Timber Mat Crossing	20	-	161	-	18	-	4-735
S-MM44	UNT to Little Jacks Creek	Franklin	36.982507	-79.687818	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	78	-	9	-	4-735
S-MM46	UNT to Little Jacks Creek	Franklin	36.982240	-79.687500	Intermittent	RPW	-	03010101	Timber Mat Crossing	9	-	26	-	3	-	4-735
S-MM45	UNT to Little Jacks Creek	Franklin	36.981971	-79.686901	Ephemeral	NRPW	-	03010101	Timber Mat Crossing	33	-	131	-	15	-	4-735
S-MM48	UNT to Little Jacks Creek	Franklin	36.979223	-79.684192	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	25	-	174	-	19	-	4-736
S-H25	Little Jacks Creek	Franklin	36.978529	-79.682186	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	139	-	16	-	4-736
S-H24	UNT to Little Jacks Creek	Franklin	36.978025	-79.680682	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	200	-	22	-	4-736
S-H23	UNT to Turkey Creek	Franklin	36.976421	-79.677525	Ephemeral	NRPW	-	03010101	Pipeline ROW	92	-	462	-	170	-	4-738
S-HH1	UNT to Turkey Creek	Franklin	36.974647	-79.674453	Ephemeral	NRPW	-	03010101	Pipeline ROW	18	-	91	-	10	-	4-738
S-A13	Turkey Creek	Franklin	36.973282	-79.673075	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	161	-	18	-	4-738
S-A11	UNT to Turkey Creek	Franklin	36.973237	-79.669898	Ephemeral	NRPW	-	03010101	Pipeline ROW	55	-	166	-	18	-	4-740
S-H17	Dinner Creek	Franklin	36.972125	-79.662987	Intermittent	RPW	-	03010101	Pipeline ROW	101	-	806	-	299	-	4-741
S-A7	UNT to Dinner Creek	Franklin	36.972032	-79.662504	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	122	-	13	-	4-741
S-SS8	Polecat Creek	Franklin	36.970904	-79.657370	Perennial	RPW	Orangefin madtom,	03010101	Timber Mat Crossing	20	-	161	-	18	-	4-741
S-CD8	UNT to Owens Creek	Franklin	36.970522	-79.653726	Intermittent	RPW	-	03010101	Pipeline ROW	78	-	353	-	130	-	4-742
S-AB8	UNT to Owens Creek	Franklin	36.970133	-79.651328	Intermittent	RPW	-	03010101	Pipeline ROW	84	-	335	-	124	-	4-742
S-DD3	Owens Creek	Franklin	36.969118	-79.645042	Intermittent	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	301	-	33	-	4-743
S-G16	Strawfield Creek	Franklin	36.968640	-79.642174	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	30	-	601	-	100	-	4-743
S-G15	UNT to Parrot Branch	Franklin	36.967711	-79.636590	Intermittent	RPW	-	03010101	Pipeline ROW	88	-	793	-	293	-	4-744
S-G13	Parrot Branch	Franklin	36.967025	-79.630747	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	161	-	18	-	4-744
S-D3	UNT to Jonnikin Creek	Pittsylvania	36.965631	-79.605542	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	200	-	22	-	4-747
S-D4	UNT to Jonnikin Creek	Pittsylvania	36.965600	-79.604894	Intermittent	RPW	-	03010101	Pipeline ROW	105	-	632	-	233	-	4-747
S-D2	Jonnikin Creek	Pittsylvania	36.965405	-79.599130	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	362	-	40	-	4-748
S-D7	UNT to Jonnikin Creek	Franklin	36.964763	-79.617043	Intermittent	RPW	-	03010101	Pipeline ROW	80	-	640	-	237	-	4-746
S-D1-EPH	UNT to Jonnikin Creek	Pittsylvania	36.964430	-79.595691	Ephemeral	NRPW	-	03010101	Pipeline ROW	61	-	610	-	226	-	4-748
S-D1-INT	UNT to Jonnikin Creek	Pittsylvania	36.964407	-79.595841	Intermittent	RPW	-	03010101	Pipeline ROW	29	-	292	-	32	-	4-748
S-G11	UNT to Jonnikin Creek	Pittsylvania	36.962420	-79.590500	Intermittent	RPW	-	03010101	Pipeline ROW	77	-	462	-	171	-	4-749
S-G9	UNT to Jonnikin Creek	Pittsylvania	36.959361	-79.586437	Intermittent	RPW	-	03010101	Pipeline ROW	79	-	318	-	117	-	4-751
S-G8	UNT to Jonnikin Creek	Pittsylvania	36.957805	-79.583545	Intermittent	RPW	-	03010101	Pipeline ROW	90	-	362	-	133	-	4-751
S-Q15	UNT to Jonnikin Creek	Pittsylvania	36.957580	-79.583492	Ephemeral	NRPW	-	03010101	Pipeline ROW	103	-	514	-	191	-	4-751

**Table B-1. Virginia Stream Impacts  
Individual Permit Application  
Mountain Valley Pipeline Project**

Stream ID	NHD Stream Name <sup>1</sup>	County	Latitude <sup>2</sup>	Longitude <sup>2</sup>	Flow Regime	Water Type <sup>3</sup>	Stream Designation <sup>4</sup>	HUC 8	Impact Type	Temporary Impact (linear ft)	Permanent Impact (linear ft)	Temporary Impact Area (square feet) <sup>5</sup>	Permanent Impact Area (square feet) <sup>5</sup>	Temporary Fill (cubic yard) <sup>6</sup>	Permanent Fill (cubic yard) <sup>7</sup>	Figure
S-A6	UNT to Rocky Creek	Pittsylvania	36.952275	-79.580460	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	100	-	11	-	4-750
S-H11-Braid	UNT to Rocky Creek	Pittsylvania	36.949615	-79.579553	Ephemeral	NRPW	-	03010101	Pipeline ROW	85	-	170	-	19	-	4-750
S-F2	UNT to Rocky Creek	Pittsylvania	36.944049	-79.571442	Ephemeral	NRPW	-	03010101	Timber Mat Crossing	20	-	139	-	16	-	4-753
S-C7	UNT to Rocky Creek	Pittsylvania	36.944016	-79.571517	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	401	-	44	-	4-753
S-C3	Harpen Creek	Pittsylvania	36.929762	-79.526109	Perennial	RPW	Roanoke logperch, Orangefin madtom	03010101	Timber Mat Crossing	20	-	362	-	40	-	4-758
S-C4	UNT to Harpen Creek	Pittsylvania	36.929745	-79.526290	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	58	-	231	-	26	-	4-758
S-H13	Harpen Creek	Pittsylvania	36.925105	-79.517350	Perennial	RPW	Orangefin madtom	03010101	Pipeline ROW	77	-	1542	-	570	-	4-759
S-G6	UNT to Harpen Creek	Pittsylvania	36.920737	-79.505898	Intermittent	RPW	-	03010101	Pipeline ROW	80	-	479	-	178	-	4-761
S-G5	UNT to Harpen Creek	Pittsylvania	36.917694	-79.496604	Ephemeral	NRPW	-	03010101	Pipeline ROW	77	-	462	-	171	-	4-762
S-G4	Harpen Creek	Pittsylvania	36.916463	-79.492669	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	30	-	601	-	100	-	4-762
S-G3	UNT to Harpen Creek	Pittsylvania	36.915658	-79.490029	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	179	-	20	-	4-762
S-CC16	UNT to Harpen Creek	Pittsylvania	36.913003	-79.487838	Perennial	RPW	Orangefin madtom	03010101	Timber Mat Crossing	20	-	222	-	24	-	4-763
S-CC14	UNT to Cherrystone Creek	Pittsylvania	36.905329	-79.471492	Intermittent	RPW	-	03010105	Timber Mat Crossing	20	-	161	-	18	-	4-765
S-CC13	UNT to Cherrystone Creek	Pittsylvania	36.905307	-79.471574	Intermittent	RPW	-	03010105	Timber Mat Crossing	20	-	139	-	16	-	4-765
S-MM8	UNT to Cherrystone Creek	Pittsylvania	36.902991	-79.468220	Perennial	RPW	Orangefin madtom	03010105	Timber Mat Crossing	20	-	122	-	13	-	4-766
S-CC15	UNT to Cherrystone Creek	Pittsylvania	36.901941	-79.466535	Perennial	RPW	Orangefin madtom	03010105	Timber Mat Crossing	20	-	122	-	13	-	4-766
S-CC8	UNT to Cherrystone Creek	Pittsylvania	36.899437	-79.462685	Intermittent	RPW	-	03010105	Timber Mat Crossing	20	-	161	-	18	-	4-766
S-CC5	UNT to Cherrystone Creek	Pittsylvania	36.899411	-79.462483	Perennial	RPW	Orangefin madtom	03010105	Timber Mat Crossing	20	-	240	-	27	-	4-766
S-CC5	UNT to Cherrystone Creek	Pittsylvania	36.899411	-79.462483	Perennial	RPW	Orangefin madtom	03010105	Timber Mat Crossing	20	-	240	-	27	-	4-766
S-CC9	UNT to Cherrystone Creek	Pittsylvania	36.899248	-79.462396	Perennial	RPW	Orangefin madtom	03010105	Timber Mat Crossing	54	-	649	-	240	-	4-766
S-CC9	UNT to Cherrystone Creek	Pittsylvania	36.897740	-79.458046	Ephemeral	NRPW	-	03010105	Pipeline ROW	81	-	444	-	165	-	4-767
S-CC10	UNT to Cherrystone Creek	Pittsylvania	36.897315	-79.456119	Intermittent	RPW	-	03010105	Pipeline ROW	78	-	701	-	260	-	4-767
S-MM10	UNT to Cherrystone Creek	Pittsylvania	36.895915	-79.452960	Intermittent	RPW	-	03010105	Pipeline ROW	9	-	61	-	7	-	4-768
S-CC11	UNT to Cherrystone Creek	Pittsylvania	36.895808	-79.452920	Perennial	RPW	Orangefin madtom	03010105	Pipeline ROW	87	-	697	-	258	-	4-768
S-CC1	Cherrystone Creek	Pittsylvania	36.894043	-79.445744	Perennial	RPW	Orangefin madtom	03010105	Pipeline ROW	82	-	1228	-	456	-	4-769
S-CC3	UNT to Cherrystone Creek	Pittsylvania	36.893727	-79.444763	Ephemeral	NRPW	-	03010105	Pipeline ROW	91	-	727	-	270	-	4-769
S-P5	UNT to Cherrystone Creek	Pittsylvania	36.892751	-79.440053	Ephemeral	NRPW	-	03010105	Timber Mat Crossing	20	-	100	-	11	-	4-769
S-U35-EPH	UNT to Pole Bridge Branch	Pittsylvania	36.891451	-79.433781	Ephemeral	NRPW	-	03010105	Pipeline ROW	171	-	684	-	253	-	4-770
S-Q4	UNT to Pole Bridge Branch	Pittsylvania	36.886114	-79.430914	Perennial	RPW	Orangefin madtom	03010105	Timber Mat Crossing	20	-	100	-	11	-	4-771
S-Q3	Pole Bridge Branch	Pittsylvania	36.884444	-79.428220	Perennial	RPW	Orangefin madtom	03010105	Pipeline ROW	75	-	1873	-	694	-	4-771
S-Q2	UNT to Pole Bridge Branch	Pittsylvania	36.884284	-79.427914	Perennial	RPW	Orangefin madtom	03010105	Timber Mat Crossing	20	-	139	-	16	-	4-771
S-B6	UNT to Pole Bridge Branch	Pittsylvania	36.879063	-79.420189	Ephemeral	NRPW	-	03010105	Pipeline ROW	84	-	841	-	311	-	4-772
S-B8	UNT to Pole Bridge Branch	Pittsylvania	36.877937	-79.417992	Intermittent	RPW	-	03010105	Pipeline ROW	82	-	327	-	121	-	4-773
S-B9	UNT to Pole Bridge Branch	Pittsylvania	36.877416	-79.416255	Perennial	RPW	Orangefin madtom	03010105	Pipeline ROW	78	-	545	-	202	-	4-773
S-DD4-Braid-1	UNT to Mill Creek	Pittsylvania	36.871651	-79.404061	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010105	Pipeline ROW	67	-	401	-	149	-	4-775
S-DD4	UNT to Mill Creek	Pittsylvania	36.871478	-79.403907	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010105	Pipeline ROW	147	-	880	-	327	-	4-775
S-KL27	UNT to Mill Creek	Pittsylvania	36.866534	-79.400511	Ephemeral	NRPW	Natural Trout, Coldwater Fishery	03010105	Pipeline ROW	84	-	83	-	31	-	4-776
S-C1	Mill Creek	Pittsylvania	36.863513	-79.397914	Intermittent	RPW	Natural Trout, Coldwater Fishery	03010105	Pipeline ROW	92	-	553	-	204	-	4-777
S-G2	Little Cherrystone Creek	Pittsylvania	36.851931	-79.386051	Perennial	RPW	Orangefin madtom	03010105	Timber Mat Crossing	20	-	139	-	16	-	4-779
S-B2	UNT to Little Cherrystone Creek	Pittsylvania	36.849394	-79.377780	Ephemeral	NRPW	-	03010105	Timber Mat Crossing	20	-	100	-	11	-	4-780
S-H55	UNT to Little Cherrystone Creek	Pittsylvania	36.843486	-79.369222	Ephemeral	NRPW	-	03010105	Timber Mat Crossing	20	-	61	-	7	-	4-781
S-H54	UNT to Little Cherrystone Creek	Pittsylvania	36.841112	-79.366848	Perennial	RPW	Orangefin madtom	03010105	Timber Mat Crossing	20	-	240	-	27	-	4-781
S-GG11	UNT to Little Cherrystone Creek	Pittsylvania	36.841093	-79.366942	Perennial	RPW	-	03010105	Timber Mat Crossing	46	-	366	-	41	-	4-781
S-H3	UNT to Little Cherrystone Creek	Pittsylvania	36.834501	-79.360244	Intermittent	RPW	-	03010105	Pipeline ROW	18	-	109	-	12	-	4-783
S-H5	UNT to Little Cherrystone Creek	Pittsylvania	36.833412	-79.359823	Perennial	RPW	Orangefin madtom	03010105	Pipeline ROW	83	-	662	-	246	-	4-783
S-OO1	UNT to Little Cherrystone Creek	Pittsylvania	36.830285	-79.356618	Intermittent	RPW	-	03010105	Pipeline ROW	84	-	418	-	156	-	4-783
S-H44	UNT to Little Cherrystone Creek	Pittsylvania	36.829823	-79.346016	Perennial	RPW	Orangefin madtom	03010105	Timber Mat Crossing	33	-	266	-	29	-	4-785
S-H42	UNT to Little Cherrystone Creek	Pittsylvania	36.828993	-79.344442	Perennial	RPW	Orangefin madtom	03010105	Permanent Access Road	-	15	-	74.0000	-	11	4-785
S-H42	UNT to Little Cherrystone Creek	Pittsylvania	36.828958	-79.344315	Perennial	RPW	Orangefin madtom	03010105	Timber Mat Crossing	20	-	139	-	16	-	4-785

**Table B-1. Virginia Stream Impacts  
Individual Permit Application  
Mountain Valley Pipeline Project**

Stream ID	NHD Stream Name <sup>1</sup>	County	Latitude <sup>2</sup>	Longitude <sup>2</sup>	Flow Regime	Water Type <sup>3</sup>	Stream Designation <sup>4</sup>	HUC 8	Impact Type	Temporary Impact (linear ft)	Permanent Impact (linear ft)	Temporary Impact Area (square feet) <sup>5</sup>	Permanent Impact Area (square feet) <sup>5</sup>	Temporary Fill (cubic yard) <sup>6</sup>	Permanent Fill (cubic yard) <sup>7</sup>	Figure
S-OO2	UNT to Little Cherrystone Creek	Pittsylvania	36.828831	-79.353849	Intermittent	RPW	-	03010105	Pipeline ROW	78	-	392	-	144	-	4-784
S-EF26	Little Cherrystone Creek	Pittsylvania	36.828207	-79.349814	Perennial	RPW	Orangefin madtom	03010105	Timber Mat Crossing	20	-	401	-	44	-	4-784

**Notes:**

- 1 - For identified streams without a NHD (National Hydrography Dataset) name, the identified stream was given the name, "Unidentified Tributary (UNT)", of the first named receiving waterbody
- 2 - In decimal degrees
- 3 - RPW = Relatively Permanent Waters  
- NRPW = Non-Relatively Permanent Waters  
- TNW = Traditional Navigable Waters
- 4 - See Section 1.9.2 and Section 4.2 for more information
- 5 - Impact square feet are rounded to the nearest whole number.
- 6 - Temporary fill discharge into waters of the U.S. Cubic yards rounded to the nearest whole number.
- 7 - Permanent fill associated with the construction of Permanent access road and facilities. Cubic yards rounded to the nearest whole number.

**Table B-2. Virginia Wetland Impacts  
Individual Permit Application  
Mountain Valley Pipeline Project**

Wetland ID*	County	USACE District	Latitude <sup>1</sup>	Longitude <sup>1</sup>	Cowardin Class <sup>2</sup>	USACE Water Type <sup>3</sup>	HUC 8	Impact Type	Temporary Impacts (square feet) <sup>4</sup>	Permanent Conversion Impacts (square feet) <sup>4</sup>	Permanent Fill Impacts (square feet) <sup>4</sup>	Temporary Fill (cubic yards) <sup>5</sup>	Permanent Fill (cubic yards) <sup>6</sup>	Figure
W-Z11	Giles	Norfolk	37.346591	-80.641713	PEM	NRPWW	05050002	Pipeline ROW	1141	-	-	423	-	4-543
W-Z3	Giles	Norfolk	37.342244	-80.620612	PSS	RPWWD	05050002	Timber Mat Crossing	-	592	-	66	-	4-545
W-CD12	Giles	Norfolk	37.318644	-80.441717	PEM	RPWWD	05050002	Pipeline ROW	906	-	-	335	-	4-577
W-MM10	Giles	Norfolk	37.298219	-80.480617	PEM	RPWWD	05050002	Temporary Access Road	1106	-	-	123	-	4-569
W-RR1b	Giles	Norfolk	37.296670	-80.494042	PEM	RPWWD	05050002	Timber Mat Crossing	244	-	-	27	-	4-567
W-IJ46-PEM	Montgomery	Norfolk	37.296153	-80.367508	PEM	RPWWD	03010101	Pipeline ROW	1281	-	-	474	-	4-591
W-AD4	Montgomery	Norfolk	37.286984	-80.330124	PEM	RPWWD	03010101	Temporary Access Road	301	-	-	33	-	4-596
W-NN6	Montgomery	Norfolk	37.268174	-80.316468	PEM	RPWWN	03010101	Timber Mat Crossing	362	-	-	40	-	4-603
W-F9-PFO	Montgomery	Norfolk	37.258109	-80.285892	PFO	RPWWD	03010101	Pipeline ROW	-	736	-	82	-	4-609
W-C12-PEM	Montgomery	Norfolk	37.257265	-80.281667	PEM	RPWWD	03010101	Pipeline ROW	8999	-	-	3,333	-	4-609
W-C12	Montgomery	Norfolk	37.257192	-80.281649	PFO	RPWWD	03010101	Pipeline ROW	-	2278	-	253	-	4-609
W-C11	Montgomery	Norfolk	37.257107	-80.281351	PSS	RPWWD	03010101	Pipeline ROW	-	2008	-	223	-	4-609
W-C6	Montgomery	Norfolk	37.255860	-80.275715	PEM	NRPWW	03010101	Timber Mat Crossing	605	-	-	67	-	4-610
W-C5	Montgomery	Norfolk	37.255606	-80.274237	PEM	NRPWW	03010101	Pipeline ROW	1978	-	-	732	-	4-610
W-AB7	Montgomery	Norfolk	37.231426	-80.198615	PEM	RPWWD	03010101	Timber Mat Crossing	174	-	-	19	-	4-631
W-KL58	Montgomery	Norfolk	37.229183	-80.203106	PEM	RPWWD	03010101	Permanent Access Road	-	-	1707	-	190	4-631
W-EF5-PFO	Montgomery	Norfolk	37.210948	-80.193359	PFO	RPWWD	03010101	Pipeline ROW	-	3711	-	1,374	-	4-635
W-EF18	Roanoke	Norfolk	37.179449	-80.140665	PSS	RPWWD	03010101	Temporary Access Road	-	227	-	25	-	4-647
W-EF17	Roanoke	Norfolk	37.179402	-80.140600	PFO	RPWWD	03010101	Temporary Access Road	-	976	-	108	-	4-647
W-IJ94-PEM	Roanoke	Norfolk	37.170092	-80.138294	PEM	RPWWD	03010101	Timber Mat Crossing	880	-	-	98	-	4-649
W-IJ96-PEM	Roanoke	Norfolk	37.169461	-80.130376	PEM	RPWWD	03010101	Permanent Access Road	-	-	579	-	63	4-650
W-IJ96-PEM	Roanoke	Norfolk	37.169461	-80.130376	PEM	RPWWD	03010101	Permanent Access Road	122	-	-	14	-	4-650
W-IJ97	Roanoke	Norfolk	37.169197	-80.129448	PEM	RPWWD	03010101	Permanent Access Road	-	-	22	-	2	4-650
W-IJ95-PSS	Roanoke	Norfolk	37.169068	-80.138278	PSS	RPWWD	03010101	Timber Mat Crossing	-	1106	-	123	-	4-649
W-IJ102	Roanoke	Norfolk	37.168289	-80.138375	PFO	RPWWD	03010101	Timber Mat Crossing	-	436	-	48	-	4-649
W-KL17	Roanoke	Norfolk	37.160152	-80.134774	PSS	RPWWD	03010101	Pipeline ROW	-	1895	-	702	-	4-651
W-EF42	Roanoke	Norfolk	37.157611	-80.133722	PEM	RPWWD	03010101	Pipeline ROW	362	-	-	40	-	4-652
W-HS02	Roanoke	Norfolk	37.157427	-80.133413	PEM	RPWWD	03010101	Pipeline ROW	12602	-	-	4,668	-	4-652
W-AB6-PEM-2	Roanoke	Norfolk	37.156825	-80.131998	PEM	RPWWD	03010101	Pipeline ROW	14248	-	-	5,277	-	4-652
W-AB6-PFO-1	Roanoke	Norfolk	37.156713	-80.131681	PFO	RPWWD	03010101	Pipeline ROW	-	2692	-	997	-	4-652
W-AB6-PEM-1	Roanoke	Norfolk	37.156170	-80.130794	PEM	RPWWD	03010101	Pipeline ROW	2818	-	-	1,044	-	4-652
W-AB6-PSS	Roanoke	Norfolk	37.156034	-80.130603	PSS	RPWWD	03010101	Pipeline ROW	-	266	-	30	-	4-652
W-AB5	Roanoke	Norfolk	37.155840	-80.130227	PFO	RPWWN	03010101	Pipeline ROW	-	183	-	20	-	4-652
W-AB3-PEM-2	Roanoke	Norfolk	37.155664	-80.129569	PEM	RPWWD	03010101	Pipeline ROW	6739	-	-	2,495	-	4-652
W-EF46	Roanoke	Norfolk	37.154575	-80.129122	PSS	RPWWD	03010101	Timber Mat Crossing	-	2971	-	330	-	4-652
W-KL48-PSS-1	Roanoke	Norfolk	37.152292	-80.130022	PSS	RPWWD	03010101	Pipeline ROW	-	1978	-	733	-	4-653
W-KL48-PEM	Roanoke	Norfolk	37.151965	-80.130049	PEM	RPWWD	03010101	Pipeline ROW	274	-	-	31	-	4-653
W-KL48-PSS-2	Roanoke	Norfolk	37.150926	-80.131271	PSS	RPWWD	03010101	Pipeline ROW	-	1150	-	128	-	4-653
W-KL50	Roanoke	Norfolk	37.150728	-80.131537	PEM	RPWWN	03010101	Pipeline ROW	1777	-	-	658	-	4-653
W-KL49	Roanoke	Norfolk	37.150297	-80.132193	PEM	RPWWN	03010101	Timber Mat Crossing	662	-	-	74	-	4-653
W-KL51-PEM	Roanoke	Norfolk	37.150006	-80.132403	PEM	RPWWD	03010101	Timber Mat Crossing	274	-	-	30	-	4-653
W-KL51-PSS	Roanoke	Norfolk	37.149975	-80.132476	PSS	RPWWD	03010101	Timber Mat Crossing	-	348	-	39	-	4-653
W-MN7-PEM	Roanoke	Norfolk	37.148328	-80.133901	PEM	RPWWD	03010101	Timber Mat Crossing	505	-	-	56	-	4-653
W-EF44	Roanoke	Norfolk	37.142977	-80.138322	PEM	RPWWD	03010101	Timber Mat Crossing	370	-	-	41	-	4-654
W-IJ36	Roanoke	Norfolk	37.138922	-80.139845	PSS	RPWWD	03010101	Timber Mat Crossing	-	5388	-	599	-	4-655
W-Z7	Roanoke	Norfolk	37.136601	-80.128216	PSS	RPWWD	03010101	Temporary Access Road	-	13	-	1	-	4-657
W-Z6	Roanoke	Norfolk	37.136466	-80.128238	PFO	RPWWD	03010101	Temporary Access Road	-	122	-	14	-	4-657
W-IJ62	Roanoke	Norfolk	37.135529	-80.134044	PEM	RPWWD	03010101	Temporary Access Road	4	-	-	1	-	4-656
W-Y2	Roanoke	Norfolk	37.134284	-80.137448	PEM	RPWWD	03010101	Timber Mat Crossing	823	-	-	91	-	4-656
W-IJ10	Roanoke	Norfolk	37.132561	-80.131744	PEM	RPWWD	03010101	Permanent Access Road	87	-	-	10	-	4-656
W-Q11	Roanoke	Norfolk	37.132470	-80.131638	PEM	RPWWD	03010101	Permanent Access Road	566	-	-	63	-	4-656
W-KL1	Roanoke	Norfolk	37.132456	-80.131463	PEM	RPWWN	03010101	Permanent Access Road	78	-	-	9	-	4-656
W-B25-PEM-4	Roanoke	Norfolk	37.128942	-80.133774	PEM	RPWWD	03010101	Timber Mat Crossing	405	-	-	45	-	4-659
W-B25-PEM-1	Roanoke	Norfolk	37.128645	-80.133283	PEM	RPWWD	03010101	Pipeline ROW	8425	-	-	3,120	-	4-659
W-B24-PSS	Roanoke	Norfolk	37.128540	-80.130794	PSS	RPWWD	03010101	Pipeline ROW	-	7131	-	2,641	-	4-659
W-B24-PEM	Roanoke	Norfolk	37.128530	-80.131060	PEM	RPWWD	03010101	Pipeline ROW	4491	-	-	1,663	-	4-659
W-B25-PSS-2	Roanoke	Norfolk	37.128527	-80.132335	PSS	RPWWD	03010101	Timber Mat Crossing	-	3615	-	402	-	4-659
W-B25-PEM-1	Roanoke	Norfolk	37.128449	-80.132802	PEM	RPWWD	03010101	Timber Mat Crossing	610	-	-	68	-	4-659
W-B25-PEM-2	Roanoke	Norfolk	37.128436	-80.132646	PEM	RPWWD	03010101	Timber Mat Crossing	209	-	-	78	-	4-659
W-ST2-PEM	Franklin	Norfolk	37.125329	-80.121460	PEM	RPWWD	03010101	Pipeline ROW	4975	-	-	1,842	-	4-661
W-RR4	Franklin	Norfolk	37.125117	-80.113530	PEM	RPWWD	03010101	Permanent Access Road	941	-	-	105	-	4-662
W-RR3	Franklin	Norfolk	37.124214	-80.114746	PEM	RPWWD	03010101	Permanent Access Road	83	-	-	9	-	4-662
W-KL41	Franklin	Norfolk	37.123851	-80.115802	PEM	RPWWD	03010101	Permanent Access Road	998	-	-	111	-	4-661

**Table B-2. Virginia Wetland Impacts  
Individual Permit Application  
Mountain Valley Pipeline Project**

Wetland ID*	County	USACE District	Latitude <sup>1</sup>	Longitude <sup>1</sup>	Cowardin Class <sup>2</sup>	USACE Water Type <sup>3</sup>	HUC 8	Impact Type	Temporary Impacts (square feet) <sup>4</sup>	Permanent Conversion Impacts (square feet) <sup>4</sup>	Permanent Fill Impacts (square feet) <sup>4</sup>	Temporary Fill (cubic yards) <sup>5</sup>	Permanent Fill (cubic yards) <sup>6</sup>	Figure
W-D4	Franklin	Norfolk	37.122629	-80.076102	PEM	RPWWN	03010101	Permanent Access Road	135	-	-	15	-	4-667
W-D4	Franklin	Norfolk	37.122625	-80.076071	PEM	RPWWN	03010101	Permanent Access Road	-	-	39	-	4	4-667
W-D7-PEM	Franklin	Norfolk	37.121559	-80.085750	PEM	RPWWD	03010101	Pipeline ROW	693	-	-	77	-	4-666
W-EF3	Franklin	Norfolk	37.117734	-80.095992	PEM	RPWWD	03010101	Permanent Access Road	1154	-	-	128	-	4-665
W-IJ1	Franklin	Norfolk	37.092927	-80.027568	PEM	RPWWD	03010101	Pipeline ROW	1812	-	-	671	-	4-677
W-IJ2-PSS	Franklin	Norfolk	37.092645	-80.027176	PSS	RPWWD	03010101	Pipeline ROW	-	348	-	129	-	4-677
W-IJ2-PEM	Franklin	Norfolk	37.092596	-80.027214	PEM	RPWWD	03010101	Pipeline ROW	732	-	-	271	-	4-677
W-GH2	Franklin	Norfolk	37.092404	-79.983182	PSS	RPWWD	03010101	Timber Mat Crossing	-	566	-	63	-	4-684
W-I18	Franklin	Norfolk	37.091357	-79.992006	PEM	RPWWD	03010101	Timber Mat Crossing	383	-	-	43	-	4-683
W-IJ6	Franklin	Norfolk	37.089156	-80.005036	PEM	RPWWD	03010101	Timber Mat Crossing	200	-	-	22	-	4-681
W-E7	Franklin	Norfolk	37.084557	-79.947595	PEM	RPWWD	03010101	Pipeline ROW	10986	-	-	4,068	-	4-690
W-E8	Franklin	Norfolk	37.082843	-79.946100	PEM	RPWWD	03010101	Pipeline ROW	3010	-	-	1,114	-	4-690
W-EF51	Franklin	Norfolk	37.064781	-79.874460	PEM	RPWWD	03010101	Pipeline ROW	579	-	-	64	-	4-705
W-KL43b	Franklin	Norfolk	37.059608	-79.840707	PEM	RPWWD	03010101	Pipeline ROW	17	-	-	2	-	4-710
W-CD6	Franklin	Norfolk	37.057586	-79.915232	PEM	RPWWN	03010101	Timber Mat Crossing	4069	-	-	452	-	4-698
W-CD5	Franklin	Norfolk	37.055438	-79.910624	PFO	RPWWN	03010101	Pipeline ROW	-	4948	-	1,833	-	4-698
W-EF48	Franklin	Norfolk	37.052142	-79.886197	PEM	RPWWD	03010101	Timber Mat Crossing	348	-	-	39	-	4-702
W-CD1	Franklin	Norfolk	37.047767	-79.897568	PFO	RPWWD	03010101	Pipeline ROW	-	4818	-	1,785	-	4-701
W-DD1	Franklin	Norfolk	37.031961	-79.788589	PEM	RPWWN	03010101	Pipeline ROW	3541	-	-	1,312	-	4-720
W-A12-PFO	Franklin	Norfolk	37.031754	-79.788099	PFO	RPWWD	03010101	Pipeline ROW	-	174	-	19	-	4-720
W-A12-PEM	Franklin	Norfolk	37.031643	-79.788111	PEM	RPWWD	03010101	Pipeline ROW	2836	-	-	1,050	-	4-720
W-GH16	Franklin	Norfolk	37.028394	-79.773243	PFO	RPWWD	03010101	Timber Mat Crossing	-	2862	-	318	-	4-722
W-H17	Franklin	Norfolk	36.989390	-79.722090	PFO	RPWWD	03010101	Timber Mat Crossing	-	1607	-	179	-	4-730
W-H11	Franklin	Norfolk	36.988077	-79.702803	PEM	RPWWD	03010101	Pipeline ROW	2039	-	-	755	-	4-734
W-H16	Franklin	Norfolk	36.988073	-79.714967	PEM	RPWWD	03010101	Timber Mat Crossing	1011	-	-	112	-	4-731
W-H14	Franklin	Norfolk	36.988069	-79.711841	PEM	RPWWD	03010101	Timber Mat Crossing	266	-	-	30	-	4-732
W-A8	Franklin	Norfolk	36.987947	-79.700844	PEM	RPWWD	03010101	Pipeline ROW	671	-	-	75	-	4-734
W-H15	Franklin	Norfolk	36.987938	-79.714829	PSS	RPWWD	03010101	Timber Mat Crossing	-	309	-	35	-	4-731
W-H9	Franklin	Norfolk	36.978536	-79.682057	PEM	RPWWN	03010101	Timber Mat Crossing	370	-	-	41	-	4-736
W-H6	Franklin	Norfolk	36.972189	-79.663042	PEM	RPWWD	03010101	Pipeline ROW	248	-	-	28	-	4-741
W-D3	Pittsylvania	Norfolk	36.965318	-79.598760	PFO	RPWWN	03010101	Timber Mat Crossing	-	1241	-	138	-	4-748
W-MM17	Franklin	Norfolk	36.964731	-79.617067	PEM	RPWWD	03010101	Pipeline ROW	296	-	-	110	-	4-746
W-B5	Pittsylvania	Norfolk	36.959293	-79.586201	PEM	RPWWN	03010101	Pipeline ROW	209	-	-	23	-	4-751
W-B4-PSS	Pittsylvania	Norfolk	36.957884	-79.583666	PSS	RPWWD	03010101	Pipeline ROW	-	205	-	23	-	4-751
W-C1	Pittsylvania	Norfolk	36.929954	-79.526831	PEM	RPWWN	03010101	Timber Mat Crossing	793	-	-	88	-	4-758
W-H5	Pittsylvania	Norfolk	36.924983	-79.517159	PEM	RPWWD	03010101	Pipeline ROW	9004	-	-	3,335	-	4-759
W-B3	Pittsylvania	Norfolk	36.916508	-79.492360	PEM	RPWWN	03010101	Timber Mat Crossing	57	-	-	6	-	4-762
W-CC2-PEM	Pittsylvania	Norfolk	36.905418	-79.471566	PEM	RPWWD	03010105	Timber Mat Crossing	1185	-	-	132	-	4-765
W-MM5	Pittsylvania	Norfolk	36.903012	-79.468192	PSS	RPWWD	03010105	Timber Mat Crossing	-	1699	-	189	-	4-766
W-MM9	Pittsylvania	Norfolk	36.894087	-79.446110	PEM	RPWWN	03010105	Timber Mat Crossing	470	-	-	52	-	4-769
W-MM8-PEM	Pittsylvania	Norfolk	36.894034	-79.445486	PEM	RPWWN	03010105	Pipeline ROW	2409	-	-	893	-	4-769
W-MM8-PFO	Pittsylvania	Norfolk	36.893930	-79.445461	PFO	RPWWN	03010105	Pipeline ROW	-	1834	-	679	-	4-769
W-Q2	Pittsylvania	Norfolk	36.884674	-79.428607	PFO	RPWWD	03010105	Pipeline ROW	-	16422	-	6,082	-	4-771
W-Q1	Pittsylvania	Norfolk	36.883985	-79.427305	PEM	RPWWD	03010105	Pipeline ROW	636	-	-	236	-	4-771
W-G2	Pittsylvania	Norfolk	36.851816	-79.385930	PEM	RPWWD	03010105	Timber Mat Crossing	1507	-	-	167	-	4-779
W-H1	Pittsylvania	Norfolk	36.836097	-79.360895	PEM	RPWWN	03010105	Pipeline ROW	479	-	-	53	-	4-782
W-EF6	Pittsylvania	Norfolk	36.835004	-79.339128	PFO	RPWWD	03010105	Pipeline ROW	-	2905	-	323	-	4-786
W-H2	Pittsylvania	Norfolk	36.834817	-79.360479	PEM	RPWWD	03010105	Pipeline ROW	34791	-	-	12,886	-	4-782
W-IJ21	Pittsylvania	Norfolk	36.834623	-79.338527	PFO	RPWWN	03010105	Timber Mat Crossing	-	462	-	51	-	4-786
W-H3	Pittsylvania	Norfolk	36.833741	-79.360081	PEM	RPWWN	03010105	Pipeline ROW	2217	-	-	821	-	4-783

**Table B-2. Virginia Wetland Impacts  
Individual Permit Application  
Mountain Valley Pipeline Project**

Wetland ID*	County	USACE District	Latitude <sup>1</sup>	Longitude <sup>1</sup>	Cowardin Class <sup>2</sup>	USACE Water Type <sup>3</sup>	HUC 8	Impact Type	Temporary Impacts (square feet) <sup>4</sup>	Permanent Conversion Impacts (square feet) <sup>4</sup>	Permanent Fill Impacts (square feet) <sup>4</sup>	Temporary Fill (cubic yards) <sup>5</sup>	Permanent Fill (cubic yards) <sup>6</sup>	Figure
W-MM3	Pittsylvania	Norfolk	36.830361	-79.356631	PSS	RPWWD	03010105	Pipeline ROW	-	1481	-	548	-	4-783
W-IJ22-PEM	Pittsylvania	Norfolk	36.827780	-79.350264	PEM	RPWWD	03010105	Timber Mat Crossing	1699	-	-	189	-	4-784
W-IJ22-PFO	Pittsylvania	Norfolk	36.827748	-79.350295	PFO	RPWWD	03010105	Timber Mat Crossing	-	3419	-	380	-	4-784

Notes:

- 1 - In decimal degrees.
- 2 - PEM = Palustrine Emergent  
- PSS = Palustrine Scrub-Shrub  
- PFO = Palustrine Forested
- 3 - RPWWD = Wetlands directly abutting Relatively Permanent Waters (RPWs) that flow directly or indirectly into Traditional Navigable Waterways (TNWs)  
- RPWWN = Wetlands adjacent but not directly abutting RPWs that flow directly or indirectly into TNWs  
- NRPWW = Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- 4 - Construction of access roads will not result in impacts to tidal wetlands or wetlands adjacent to tidal waters. Construction, maintenance, or expansion of substation facilities will not result in discharges to non-tidal wetlands adjacent to tidal waters of the United States.
- 5 - Temporary fill discharge into waters of the U.S.
- 6 - Permanent fill associated with the construction of permanent access road and facilities

**Table B-3. Virginia Stream Impacts Summary  
Individual Permit Application  
Mountain Valley Pipeline Project**

<b>Cowardin Class</b>	<b>Temporary Impact (linear ft)</b>	<b>Permanent Impact (linear ft)</b>	<b>Temporary Fill (cubic yards)</b>	<b>Permanent Fill (cubic yards)</b>
Ephemeral	3,966	45	6,274	35
Intermittent	6,383	0	10,478	0
Perennial	6,941	65	30,327	55
<b>Norfolk District Total</b>	<b>17,290</b>	<b>110</b>	<b>47,079</b>	<b>90</b>



**Table B-4. Virginia Wetland Impacts Summary  
Individual Permit Application  
Mountain Valley Pipeline Project**

<b>Cowardin Class</b>	<b>Temporary Impacts (acres)</b>	<b>Permanent Conversion Impacts (acres)</b>	<b>Permanent Fill Impacts (acres)</b>	<b>Temporary Fill (cubic yards)</b>	<b>Permanent Fill (cubic yards)</b>
PEM	172,277	0	2,347	56,707	259
PSS	0	33,296	0	7,029	0
PFO	0	51,826	0	14,683	0
<b>Norfolk District Total</b>	<b>172,277</b>	<b>85,122</b>	<b>2,347</b>	<b>78,419</b>	<b>259</b>

## **ATTACHMENT B-1 VWP Regulatory Checklist**

**MOUNTAIN VALLEY PIPELINE**

**EXHIBIT B-1**

**REGULATORY SUBMISSION CHECKLIST**

		<b>Material Location / Notes</b>
1	Previous actions related to the proposed work (e.g. pre-application meetings, site visits, previous permits or applications)	IP Application, Section 1.2
2	The applicant's legal name, contact person (and title), mailing address, telephone number, fax number, email address and SCC ID	Attachment F, JPA Form
3	The authorized agent's name, contact person, mailing address, telephone number, fax number, email address and SCC ID	Attachment F, JPA Form
4	Project name and proposed project schedule	IP Application, Sections 1.0 and 1.10
5	The following information for the project site location:	-
	(A) The physical street address, nearest street, or nearest route number; city or county; zip code; and if applicable, parcel number of the site or sites.	IP Application, Sections 1.6 & 1.8
	(B) Name of the impacted water body or water bodies, or receiving waters, as applicable, at the site or sites.	Attachment B, Tables B-1 and B-2
	(C) Latitude and longitude to the nearest second at the center of the site or sites.	IP Application, Section 1.8; Table 2; Table 3
	(D) The fourth order subbasin for the site or sites.	Table 2, Table 3, Table 7
	(E) A detailed map depicting the location of the site or sites, including the project boundary and existing preservation areas on the site or sites.	Figures 5 and B-1
6	(A) Narrative description of project purpose, and a description of the proposed activity in surface waters	IP Application, Section 2 & Section 1.3
	(B) Narrative describing utility crossing construction method.	IP Application, Section 1.3.1 and Section 5.1.1
	(C) Narrative describing road crossing construction method.	IP Application, Section 1.3.2
7	An alternatives analysis for the proposed project employing measures taken during project design and development to first avoid and then minimize impacts.	IP Application, Sections 3.0 & 5.0
8	(A) A narrative description of all impacts proposed to surface waters, including the type of activity to be conducted in surface waters and any physical alteration to surface waters.	IP Application, Section 4.1
	(B) Tabular summary of impacts to waters of the U.S.	Attachment B, Tables B-1 and B-2
9	Copy of the jurisdictional determination from the U.S. Army Corps of Engineers (USACE) and State Waters determination (including any IWOMEV waivers)	IP Application, Section 1.1 and Attachment B, IWOMEV Waiver
10	A delineation map that depicts the geographic area or areas of all surface water boundaries delineated in accordance with USACE and DEQ regulations.	IP Application, Figure 4 and Figure 5
11	(A) Overall drawing showing all impact locations.	IP Application, Figures 2 & 5
	(B) Plan view drawing or drawings of the project site sufficient to assess the project.	IP Application, Figure 4
	(C) Cross-sectional and profile drawings of each proposed impact are.	Attachment H
12	A longitudinal profile of the pipe or culvert position and stream bed thalweg, or spot elevations of the stream thalweg at the beginning and end of the pipe or culvert, extending to a minimum of 10 feet beyond the limits of the proposed impact.	Attachment H

13	(A) An assessment of potential impacts to federal and state listed threatened or endangered species, including any correspondence or documentation from federal or state resource agencies addressing potential impacts to listed species.	IP Application, Section 4.3.7
14	A compensatory mitigation plan to achieve no net loss of wetland acreage and functions or stream functions and water quality benefits. Any compensatory mitigation plan proposing the purchase of mitigation bank or in-lieu fee program credits shall include the number and type of credits proposed to be purchased and documentation from the approved bank or in-lieu fee program sponsor of the availability of credits at the time of application.	IP Application, Section 5.3 and Attachment M
15	A written description and a graphical depiction identifying all upland areas including buffers, wetlands, open water, other surface waters, and compensatory mitigation areas located within the proposed project boundary, that are under a deed restriction, conservation easement, restrictive covenant, or other land use protective instrument (i.e., protected areas).	Figure B-1
16	Include signed signature page from the Joint Permit Application document.	Attachment F, JPA Form
17	Pay permit application fee once notified (due prior to issuance of draft permit)	--
18	Include project cost information	Attachment F, JPA Form
19	Property owner information (name, address, contact information) for public notice.	Attachment B-5
20	Adjacent property owner and riparian property owner information (name, address, contact information).	Attachment B-5
21	An assessment of potential impacts to historical resources, including any correspondence or documentation from federal or state resource agencies addressing potential impacts to listed	IP Application, Section 1.9.3
22	A "frac-out" contingency plan must be provided for any crossings utilizing the directional drill method to address potential frac-outs or related spills associated with any directional drilling activities.	N/A

### Nationwide Permit General Conditions

#### Conditions 1-32 Listed Below:

1	<b>Navigation</b> - no activity may cause more than minimal adverse effects	IP Application, Section 4.4.10
2	<b>Aquatic Life Movements</b> - no activity may substantially disrupt life cycle movements. All crossings should allow low flows.	IP Application, Section 4.2.7
3	<b>Spawning Areas</b> - Activities that result in the physical destruction of an important spawning area are not authorized	IP Application, Section 4.2.8
4	<b>Migratory Bird Breeding Areas</b> - Must be avoided to the maximum extent practicable	IP Application, Section 4.3.9
5	<b>Shellfish Beds</b> - No activity may occur in areas of concentrated shellfish populations	IP Application, Section 4.3.8
6	<b>Suitable Material</b> - Material used for construction or discharged must be free from toxic pollutants in toxic amounts	IP Application, Section 4.3.22
7	<b>Water Supply Intakes:</b> No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.	IP Application, Section 4.1.4
8	<b>Adverse Effects From Impoundments</b> - Must be minimized to the maximum extent practicable	IP Application, Section 4.4.24
9	<b>Management of Water Flows</b> - Activities must be constructed to withstand expected high flows, and to the maximum extent practicable, maintain the preconstruction course, condition, capacity and location of open waters	IP Application, Section 4.3.4
10	<b>Fills within 100-year floodplains</b> - Activity must comply with applicable FEMA requirements	IP Application, Section 4.4.8
11	<b>Equipment</b> - Heavy equipment in wetlands or mudflats must be placed on mats, must minimize soil disturbance	IP Application, Sections 5.2.2 & 5.2.7
12	<b>Soil Erosion and Sediment controls</b> - Must be used and maintained in effective operating condition, work within WOTUS during periods of low or no-flow whenever possible	IP Application, Section 4.4.13

13	<b>Removal of Temporary Fills</b> - Must return to pre-construction elevations and revegetated as appropriate	IP Application, Section 4.3.1
14	<b>Proper Maintenance</b> - Of any authorized structure or fill	IP Application, Section 5.2.10
15	<b>Single and Complete Project</b> - The same NWP cannot be used more than once for the same single and complete project	N/A
16	<b>Wild and Scenic Rivers</b> - The appropriate federal agency with direct management responsibility for such a river must provide in writing that the proposed activity will not adversely affect the designation or study status	IP Application, Section 4.2.1
17	<b>Tribal Rights</b> - NWP activity cannot cause more than minimal adverse effects	No tribal lands crossed by Project
18	<b>Endangered Species</b> - No activity is authorized that is likely to directly or indirectly jeopardize the coexistence of a T&E species (see regs for full condition)	IP Application, Section 4.3.7
19	<b>Migratory birds and Bald and Golden Eagles</b> - Must ensure the project complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act	IP Application, Section 4.3.9
20	<b>Historic Properties</b> - If the DE determines the activity may have potential to cause effects to properties listed or eligible for listing in the NRHP the activity is not authorized until the requirement of Section 106 has been satisfied.	IP Application, Section 1.9.3
21	<b>Discovery of Previously Unknown Remains and Artifacts</b> - If discovered you must immediately notify the DE	IP Application, Section 1.9.3
22	<b>Designated Critical Resource Waters</b> - Discharges of dredged or fill material are not authorized by NWP #12 for any activity within or directly affecting, critical resource waters, including wetlands adjacent to such waters	IP Application, Section 4.2.11
23	<b>Mitigation:</b> to ensure that adverse effects on the aquatic environment are minimal:	--
a	The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).	IP Application, Section 5.3 and Attachment M
b	Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.	IP Application, Section 5.3 and Attachment M
c	Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.	IP Application, Section 5.3 and Attachment M
d	For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.	IP Application, Section 5.3 and Attachment M

e	Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.	IP Application, Section 5.3 and Attachment M
f	Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.	--
f (1)	The Applicant is responsible for proposing an appropriate compensatory mitigation option, if necessary. For the NWP, the preferred compensatory mitigation mechanism is mitigation bank credits or in-lieu fee program credits. However, if these aren't available, the district engineer may approve permittee responsible mitigation.	IP Application, Section 5.3 and Attachment M
f (2)	The amount of compensatory mitigation must be sufficient to ensure the authorized activity results in no more than minimal individual and cumulative adverse environmental effects.	IP Application, Section 5.3 and Attachment M
f (3)	Aquatic resource restoration should be the first permittee-responsible mitigation considered.	N/A
f (4)	If permittee-responsible mitigation is the proposed option, a mitigation plan must be submitted to address the applicable requirements of 33 CFR 332.4(c)(2) through (14). The plan must be approved by the district engineer before work begins in WOTUS.	N/A
f (5)	If mitigation bank credits or in-lieu fee credits are proposed, the mitigation plan only needs to address the baseline conditions at the impact site and number of credits to be provided.	IP Application, Section 5.3 and Attachment M
f (6)	Compensatory mitigation requirements (e.g. resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.	IP Application, Section 5.3 and Attachment M
g	Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.	IP Application, Section 5.3 and Attachment M
h	Applicants may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.	IP Application, Section 5.3 and Attachment M
i	Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.	IP Application, Section 5.3 and Attachment M
24	<b>Safety of Impoundment Structures</b> - The DE may require that the design be independently reviewed by qualified persons to ensure safety	IP Application, Section 4.4.24

25	<b>Water Quality</b> - The DE or state may require additional water quality management measures	IP Application, Section 4.4.13
26	<b>Coastal Zone Management</b> - The DE or state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements	IP Application, Section 4.4.21
27	<b>Regional and Case by Case Conditions</b> - The activity must comply with any regional conditions, and any case specific conditions	See below.
28	<b>Use of Multiple NWPs</b> - The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss authorized by the NWPs does not exceed the acreage limit of the NWP	N/A
29	<b>Transfer of NWP Verifications</b> - Must send signed letter to Corps district office (see condition for signature language)	N/A
30	<b>Compliance Certification</b> - The Permittee must sign and send to the Corps the Certificate of Completion within 30-days of completion of the activity	N/A
31	<b>Activities Affecting Structures or Works Built by the U.S.</b> - The Corps must issue 408 permission before the NWP will be authorized	IP Application, Section 1.9.5
32	<b>Pre-Construction Notification</b> - See full list of conditions in Federal Register	N/A
<b>2017 &amp; Proposed 2020 NWP Regional Conditions Applicable to Multiple NWPs</b>		
1	<b>Conditions for Waters Containing Submerged Aquatic Vegetation (SAV) Beds:</b> A pre-construction notification (PCN) is required if work will occur in areas that contain submerged aquatic vegetation (SAVs).	IP Application, Section 4.2.9
2	<b>Conditions for Anadromous Fish Use Areas:</b> A check for anadromous fish areas must be conducted.	IP Application, Section 4.2.6
3	<b>Conditions for Designated Critical Resource Waters, which include National Estuarine Research Reserves:</b> NWP 12 cannot be used to authorize the discharge of dredged or fill material in the Chesapeake Bay National Estuarine Research Reserve in Virginia.	IP Application, Section 4.2.11
4	<b>Conditions for Federally Listed Species and Designated Critical Habitat:</b> Notification for <u>ALL</u> NWPs will be required for any project that "may affect" a federally listed threatened or endangered species or designated critical habitat - the USFWS IPaC system can be used to identify these species/critical habitat.  <b>Conditions for Waters with Federally Listed Endangered or Threatened Species, Waters Federally Designated as Critical Habitat, and One-mile Upstream (including tributaries) of Any Such Waters: Any work proposed in critical habitat requires a PCN</b>	IP Application, Section 4.3.7
5	<b>Conditions for Designated Trout Waters:</b> Notification and prior written approval is required for work in Class V and VI waters. A TOYR is recommended for any in-stream work for Classes I-IV.	IP Application, Section 4.2.4
6	<b>Conditions Regarding Invasive Species:</b> Invasive/Alien plants cannot be used for re-vegetation.	Refer to Sec 2.18.2 of Annual Stds & Specs
7	<b>Conditions Pertaining to Countersinking of Pipes and Culverts in Nontidal Waters:</b> All pipes and culverts placed in streams will be countersunk at both inlet and outlet ends - see regional conditions for specific requirements.	IP Application, Section 4.2.7
8	<b>Conditions for the Repair of Pipes:</b> A PCN is required if the existing pipe is not countersunk.	Noted
9	<b>Condition for Impacts Required a Mitigation Plan:</b> A mitigation plan is required when the permanent loss of wetlands exceeds 1/10 acre and/or 300 linear feet of waters of the U.S.	IP Application, Section 5.3 and Attachment M
10	<b>Condition for Temporary Impacts:</b> All temporary impacts must be restored to their pre-construction contours within 12 months of commencing construction. Impacts that will not be restored within 12 months will be considered permanent, unless otherwise approved by the COE and may require mitigation. <b>This applies to streams and wetlands</b>	IP Application, Section 5.2.7
11	<b>Condition for Transportation Projects Funded in Part or in Total by State or Federal Funds:</b> When a PCN is required, compensatory mitigation is required for all wetland impacts.	N/A

12	<b>Condition for Projects Requiring Coordination Under Section 408:</b> The Secretary of the Army must determine whether to grant permission to alter a U.S. Army Corps of Engineers civil works project.	IP Application, Section 1.9.5
<b>2017 and Proposed 2020 NWP Norfolk District Regional Conditions Specific to NWP 1</b>		
1	<b>Access roads may not result in more than 1/3 acre of impacts to waters of the United States.</b>	IP Application Tables 2 & 3
2	A PCN is required for discharges associated with the construction of utility line substations that result in the permanent loss of greater than 5,000 square feet of waters of the United States.	IP Application Tables 2 & 3
3	For utility activities requiring a PCN the prospective permittee shall provide the following information:	
a	A map of the entire utility corridor including a delineation of all wetlands and waters of the United States within the corridor. Aquatic resource information shall be submitted using the Cowardin Classification System mapping conventions (e.g. PFO, PEM, POW, etc.).	Figure 2, Figure 5
b	An alternatives analysis, which specifically addresses the following:	IP Application, Section 3
i	Avoids and minimize impacts to the maximum extent practicable. Directional drilling should be reviewed as an option - however, the use of directional drilling in karst areas may not be recommended.	IP Application, Sections 3 & 5
ii	Avoid fragmenting large tracts of forested wetlands by routing utility lines outside of forested tracts or on the edges of forested tracts.	IP Application, Sections 3 & 5
iii	Minimizing clearing of wetlands - grubbing shall be limited to the permanent easement for underground utility lines. Outside of the permanent easement, wetland vegetation shall be removed at or above the ground surface unless written justification is provided and the impacts are reviewed and approved by the Corps.	IP Application, Sections 3 & 5
iv	Overhead utility lines - allow natural succession to restore and maintain the corridor in scrub-shrub wetlands except for a minimum corridor needed for access, to the maximum extent practicable.	N/A
v	Buried utility lines - allow natural succession to restore the area to tree and scrub/shrub except for a 20-foot wide access corridor, to the maximum extent practicable.	IP Application, Section 5
c	Compensatory mitigation may be required for permanent conversion of wetlands within the utility line corridor.	IP Application, Section 5.3 and Attachment M
4	For all submerged utility lines across navigable waters of the United States, a location map and cross-sectional view showing the utility line crossing from bank to bank is required. In addition, the location and depth of any Federal Navigation Channels shall be shown in relation to the proposed utility line. In general, all utility lines shall be buried at least six (6) feet below the authorized bottom depth of Federal Navigation Channel and at least three (3) feet below the bottom depth in all subaqueous areas. When circumstances prevent the placement of at least three feet of cover over the line (outside of the Federal Navigation Channel), then written justification and an alternative method must be provided with the notification and the deviation must be reviewed and approved by the Corps. Section 408 permission may be required. See #10 under Regional Conditions that are applicable to multiple NWPs.	Attachment H
5	Excavated material shall be placed on an approved upland site. However, when this is not feasible, temporary stockpiling is hereby authorized provided that:	Refer to Sec 4.1 of Annual Stds & Specs
a	All excavated material stockpiled in a vegetated wetland area is placed on filter cloth or some semi-permeable surface. The material will be stabilized to prevent reentry into the waterway.	Refer to Sec 4.1 of Annual Stds & Specs
b	Excavated material must be put back into the trench to the original contour and all excess excavated material must be completely removed from the wetlands within 30 days. Permission must be granted by the District Commander (or authorized representatives) if the material will be stockpiled longer than 30 days.	Refer to Sec 4.1 of Annual Stds & Specs



6	When open-cut trenching in designated anadromous fish use areas or hydrostatic testing of a pipeline involving water withdrawals from tidal waters are proposed, the Corps will coordinate with the NOAA Fisheries Service and/or the Virginia Department of Game and Inland Fisheries. Written verification from this office must be received before performing the proposed work.	IP Application, Sections 4.2.6 & 4.4.13
7	<b>Aerial Transmission Lines Crossing Navigable Waters:</b>	N/A
a	See the Regional Conditions for the minimum clearance required table - confirm these minimum clearances will be adhered to.	N/A
b	Clearances for communication lines, stream gaging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless otherwise specifically authorized by the District Engineer.	N/A
c	Corps of Engineer regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both this regional condition and ER 1110-2-4401 apply, the greater minimum clearance is required.	N/A
8	For utility lines landing in Virginia, from the Outer Continental Coast (OCS), the applicant shall submit documentation that verifies consultation and a determination that there is no objection, or no objection with specific conditions to the proposed cable corridor, from the beach mean high tide line, out to the limit of OCS.	N/A
9	For utility line projects completed by horizontal directional drilling or other boring methods, a plan to address the prevention, containment, and cleanup of sediment or other materials caused by inadvertent returns of drilling fluids to waters of the U.S. through sub-soil fissures or fractures needs to be included with the PCN (if a PCN is required). If an inadvertent return of drilling fluids to waters of the U.S. occurs, and the remediation requires work within waters of the U.S., then the applicant must notify the Corps immediately and submit a remediation plan as soon as possible, regardless of whether a PCN was required.	Attachment H
10	When an intake is proposed in designated anadromous fish waters, the following design parameters will be incorporated as permit conditions to protect the sensitive life stages of anadromous fish: a. Screening over the mouth of the intake with mesh size that does not exceed 1mm; b. Intake velocities that do not exceed 0.25 feet per second; c. Intake must be positioned such that an unimpeded flow of water parallel to the screen surface occurs along the entire surface of the screen to take advantage of sweeping velocity.	N/A; see IP Application Section 4.2.6
	<b>2017 Section 401 Water Quality Certification for NWP #12 - Conditional Provided that:</b>	--
1	Confirm the activities are not associated with a surface water withdrawal or the transport of non-potable raw surface water, except for the purpose of hydrostatic testing and when the associated discharges are authorized by a VPDES permit, if required.	IP Application, Section 4.1.4
2	Compensatory mitigation - must meet the requirements in the Code of Virginia, Section 62.1-44.15:23 A through C	IP Application, Section 5.3 and Attachment M
3	Temporary diversions of surface water associated with "pump arounds" during the construction of utility crossings are specifically allowed.	Noted
	<b>Proposed 2020 General Section 401 Water Quality Certification for NWP #12</b>	--
1	For activities that are proposed to occur only in state waters, as defined in § 62.1-44.3 of the Code of Virginia, application shall be made to DEQ in accordance with State Water Control Law and Virginia Administrative Code 9VAC25-210 et seq. for a permit(s) need determination. If this situation applies to the project, the determination will be based on cumulative impacts in all state surface waters, except where the activities are excluded from permitting in accordance with 9VAC25-31-40, 9VAC25-210-60, 9VAC25-210-310, and Chapter 3 of Title 62.1 of the Code of Virginia.	No activities proposed to impact state waters not subject to USACE jurisdiction or previously issued IWOMEV waiver

2	For activities in mitigation sites that are perpetually protected (e.g., under a deed restriction, conservation easement, restrictive covenant, or other land use protective instrument), application shall be made to DEQ in accordance with State Water Control Law and Virginia Administrative Code 9VAC25-210 et seq. for a permit(s) need determination. If this situation applies to the project, the determination will be based on cumulative impacts in all state surface waters, except where the activities are excluded from permitting in accordance with 9VAC25-31-40, 9VAC25-210-60, 9VAC25-210-310, and Chapter 3 of Title 62.1 of the Code of Virginia.	Figure 2, Figure 5
3	Activities shall not violate Virginia water quality standards.	Attachment B
4	Activities conducted in state surface waters shall not cause or contribute to a significant impairment of state fish and wildlife resources, including but not limited to: 1) documented spawning habitat or a migratory pathways for anadromous fish; 2) trout waters in specified locations of Virginia, as provided by the Virginia State Water Control Board's Water Quality Standards 9VAC25-260-370 et seq. and 9VAC25-260-390 et seq.; 3) state-listed threatened or endangered species or designated critical habitat; and 4) areas that contain submerged aquatic vegetation (SAV). Time-of-year restrictions (TOYRs) may be required, as recommended by the Virginia Department of Wildlife Resources, Virginia Department of Conservation and Recreation, the Virginia Marine Resources Commission, or other interested and affected agencies. Screening or agency coordination by the applicant must be conducted using the Virginia Department of Wildlife Resources (VDWR) Information System at <a href="https://vafwis.dgif.virginia.gov/fwis/">https://vafwis.dgif.virginia.gov/fwis/</a> , and the Virginia Institute of Marine Science's SAV website at <a href="http://mobjack.vims.edu/sav/savwabmap/">http://mobjack.vims.edu/sav/savwabmap/</a> , or by contacting all applicable resource agencies directly. No activities shall result in a taking of threatened or endangered species, unless otherwise authorized by the laws and regulations of the Commonwealth of Virginia. No activity may substantially disrupt the movement of aquatic life indigenous to the water body, including those species that normally migrate through the area.	IP Application, Section 4.2
5	Plant species listed in the most current Virginia Department of Conservation and Recreation's (DCR) Virginia Invasive Plant Species List shall not be used for re-vegetation. The list of invasive plants in Virginia is found at: <a href="http://www.dcr.virginia.gov/natural-heritage/invspdpdflist">http://www.dcr.virginia.gov/natural-heritage/invspdpdflist</a> . DCR recommends the use of regional native species for re-vegetation as identified in the DCR Native Plants for Conservation, Restoration and Landscaping brochures for the coastal, piedmont and mountain regions <a href="http://www.dcr.virginia.gov/natural-heritage/nativeplants#brochure">http://www.dcr.virginia.gov/natural-heritage/nativeplants#brochure</a> . See also DCR's native plant finder at <a href="https://www.dcr.virginia.gov/natural-heritage/native-plants-finder">https://www.dcr.virginia.gov/natural-heritage/native-plants-finder</a> .	Refer to Sec 2.18.2 of Annual Stds & Specs
6	Stormwater management facilities, as defined in 9VAC25-870-10, shall not be placed in a perennial stream bed or perennial stream channel or in a wetland, as defined in 9VAC25-210-10.	N/A
7	Compensatory mitigation for unavoidable permanent impacts, including the conversion of forested wetlands, that are greater than one-tenth of an acre of wetlands or greater than 300 linear feet of stream bed or stream channel as defined by 9VAC25-210-10 shall be provided in accordance with Section 62.1-44.15:23 A through C of the Code of Virginia, as applicable to the project activities and Virginia Water Protection Permit Program regulations.	IP Application, Section 5.3 and Attachment M
a	Stream bed impacts shall be determined by utilizing a stream impact assessment methodology acceptable to the Department of Environmental Quality.	N/A
b	The mitigation shall be sufficient to achieve no net loss of existing wetland acreage and functions or stream functions and water quality benefits. In the absence of same river watershed alternatives in Hydrologic Unit Codes (HUC) 02040303 and 02040304, single family dwellings or locality projects may use compensatory mitigation in HUC 02080102, 02080108, 02080110, or 02080111 in Virginia.	IP Application, Section 5.3 and Attachment M
c	All nonimpacted surface waters and compensatory mitigation areas within 50 feet of authorized activities and within the project or right-of-way limits shall be clearly flagged or marked for the life of the construction activity at that location to preclude unauthorized disturbances to these surface waters and compensatory mitigation areas during construction. The permittee shall notify contractors that no activities are to occur in these marked surface waters.	IP Application, Section 5.2.4
8	The following information, as applicable, shall be submitted to the DEQ office having responsibility over the project location:	--

a	When required, any pre-construction notification (PCN) materials or information.	USACE application provided to DEQ
b	All jurisdictional determination information provided to the Corps and issued from the Corps, such as maps, forms, photos, correspondence, confirmations, etc. Delineation of state surface waters on the entire project site is strongly encouraged prior to submitting an application to expedite state permit processing, if required.	IP Application, Section 1.1 and Attachment B, IWOMEV Waiver
c	Proof of coverage under one or more NATIONWIDE PERMITS, unless the activities are excluded from permitting under the Virginia Water Protection Permit Program.	N/A
9	Activities shall include measures to prevent spills of fuels or lubricants into state waters. Any fish kills or spills of fuels or oils shall be reported to DEQ immediately upon discovery. If DEQ cannot be reached, the spill or fish kill shall be reported to the Virginia Department of Emergency Management (VDEM) at 1-800-468-8892 or the National Response Center (NRC) at 1-800-424-8802. Any spill of oil as defined in § 62.1-44.34:14 of the Code of Virginia that is less than 25 gallons, and that reaches or is expected to reach land only, is not reportable if recorded per § 62.1-44.34:19.2 of the Code of Virginia and if properly cleaned up. If unauthorized impacts have occurred, the permittee shall notify DEQ within 24 hours of discovery.	Refer to Secs 2.9 & 4.1 of Annual Stds & Specs
10	Activities shall be executed in a manner so as to minimize adverse impacts on instream beneficial uses as defined in § 62.1-10 (b) of the Code of Virginia.	IP Application, Section 5
11	All fill material shall be clean and free of contaminants in toxic concentrations or amounts in accordance with all applicable laws and regulations.	IP Application, Section 4.3.20
12	Erosion and sedimentation controls shall be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, or for mining activities, the standards issued by the Virginia Department of Mines, Minerals and Energy that are effective as those in the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992.	Refer to Sec 1.0 of Annual Stds & Specs
a	These controls shall be placed prior to clearing and grading and maintained in good working order to minimize impacts to state waters. These controls shall remain in place until the area is stabilized and shall then be removed.	Refer to Sec 2.13 of Annual Stds & Specs
b	Exposed slopes and streambanks shall be stabilized immediately upon completion of work in each permitted impact area. All denuded areas shall be properly stabilized.	IP Application, Section 1.3.1
13	Temporary disturbances to surface waters during construction shall be avoided and minimized to the maximum extent practicable.	IP Application, Section 5
a	All temporarily disturbed wetland areas shall be restored to preexisting conditions within 30 days of completing work at each respective temporary impact area, which shall include reestablishing preconstruction elevations and contours with topsoil from the impact area where practicable and planting or seeding with appropriate wetland vegetation according to cover type (i.e., emergent, scrub shrub, or forested). The permittee shall take all appropriate measures to promote and maintain revegetation of temporarily disturbed wetland areas with wetland vegetation through the second year post-disturbance. All temporarily impacted stream beds and streambanks shall be restored to their preconstruction elevations and contours with topsoil from the impact area where practicable within 30 days following the construction at that stream segment. Streambanks shall be seeded or planted with the same vegetation cover type originally present, including any necessary supplemental erosion control grasses. Invasive species identified on the Department of Conservation and Recreation's Virginia Invasive Plant Species List shall not be used without prior approval from the Department of Environmental Quality.	IP Application, Section 5.2.8

b	Materials (including fill, construction debris, and excavated and woody materials) temporarily stockpiled in wetlands, and heavy equipment in temporarily impacted wetland areas shall be placed on mats, geotextile fabric, or other suitable material; shall be immediately stabilized to prevent entry into state waters; shall be managed such that leachate does not enter state waters; and shall be completely removed within 30 days following completion of that construction activity. Disturbed areas shall be returned to preconstruction elevations and contours with topsoil from the impact area where practicable; restored within 30 days following removal of the stockpile; and restored with the same vegetation cover type originally present, including any necessary supplemental erosion control grasses. Invasive species identified on the Department of Conservation and Recreation's Virginia Invasive Plant Species List shall not be used to the maximum extent practicable or without prior approval from the Department of Environmental Quality.	IP Application, Section 5.2.8
c	All construction, construction access (e.g., cofferdams, sheet piling, and causeways) and demolition activities associated with the project shall be accomplished in a manner that minimizes construction or waste materials from entering surface waters to the maximum extent practicable.	IP Application, Section 5.1.1.1.2
14	If stream channelization or relocation is required, all work in surface waters shall be done in the dry, unless otherwise authorized by the Department of Environmental Quality, and all flows shall be diverted around the channelization or relocation area until the new channel is stabilized. This work shall be accomplished by leaving a plug at the inlet and outlet ends of the new channel during excavation. Once the new channel has been stabilized, flow shall be routed into the new channel by first removing the downstream plug and then the upstream plug. The rerouted stream flow must be fully established before construction activities in the old stream bed can begin.	N/A
<b>Proposed 2020 Section 401 Water Quality Certification Specific to NWP #12</b>		
1	For activities involving certain natural gas transmission pipelines, as detailed in § 62.1-44.15:20 and Article 2.6 of Title 62.1 of the Code of Virginia, application shall be made to DEQ in accordance with State Water Control Law and Virginia Administrative Code 9VAC25-210 et seq. for a permit(s) need determination. If this situation applies to the project, the determination will be based on cumulative impacts in all state surface waters, except where the activities are excluded from permitting in accordance with 9VAC25-31-40, 9VAC25-210-60, 9VAC25-210-310, and Chapter 3 of Title 62.1 of the Code of Virginia.	Application submitted
2	Activities conducted under NATIONWIDE PERMIT 12 shall comply with the conditions of any Virginia Pollutant Discharge Elimination System (VPDES) permit issued for the facility.	Refer to Sec I.B of DEQ-approved Stormwater Pollution Prevention Plans
3	Regional conditions applicable to NATIONWIDE PERMIT 12 shall also include pipelines, pipeline activities, pipeline rights-of-way, pipeline corridors, easements for pipelines, buried pipelines, submerged pipelines, pipeline crossings, and pipeline projects, except in the following situations:	Referenced conditions apply to all Project activities in VA
a	Natural succession to restore tree and scrub/shrub vegetation above a buried pipeline or within a 20-foot wide access corridor straddling a buried pipeline.	IP Application, Section 5.2.10
b	Specific requirements for pipelines that would differ from utility lines buried in Federal Navigation Channels.	IP Application, Section 1.9.5
<b>2017 Approved NWP 12 (NAO-2017-0898/#2016-0305) Special Conditions</b>		
1	The Permittee shall submit to the Corps all compensatory mitigation credit purchase bills of sale prior to any wetland impacts. Please submit documentation to todd.m.miller@usace.army.mil	IP Application, Section 5.3
2	The Permittee shall ensure that all waters and wetlands are flagged in the field prior to any construction to prevent accidental impact to resources not necessary for construction.	IP Application, Section 5.2.4
3	The Permittee shall remove all temporary Stream construction entrances immediately upon project completion.	Noted
4	The Permittee shall replace to pre-project contours, stabilized, and re-seeded all stream banks, riparian areas, and wetlands disturbed as a result of this project immediately upon project completion at each crossing.	IP Application, Section 5.2.9

5	The Permittee shall ensure that any properties unavailable for wetland survey prior to application submittal shall be reviewed and submitted to the Corps for incorporation in to our records for the delineation.	Completed
6	The Permittee shall submit to the Corps for additional permit consideration, any adjustments to impacts based on information gained from updated wetland delineations or construction/plan alteration.	Included in this application
7	Upon completion of the project the Permittee shall submit to the Corps As built plans.	Noted
8	The construction limit of disturbance within Waters of the US shall be limited to 75 feet. This limitation shall be carried out 50 feet on either side of the Waters of the US to limit impacts to the aquatic resource.	IP Application, Section 5.1.3
9	One month after the authorized work is completed, and again at the end of the first full growing season (no later than October 31) after the authorized work has been completed the Permittee shall inspect all authorized stream and wetland crossings sites that have been temporarily impacted in order to verify that excess fill material has been removed and that the site has been restored to pre-existing contidtions and contours. These monitoing events shall be summarised in a single report containing: a. A statement of whether all excess fill has been removed. b. A description of the status of vegetative growth in the impacted wetlands/stream	Noted

**ATTACHMENT B-2**  
**DEQ Staff Presentation at Aug. 21, 2018 SWCB Meeting**

# **Report to the State Water Control Board**

## **Additional Public Comments Sufficiency of Nationwide Permit 12**

**Melanie D. Davenport, Director  
Water Permitting Division  
August 21, 2018**

# State Water Control Board Directive

- Interested persons may submit crossing-specific technical information on:
  - Sufficiency of NWP12 permit for MVP and ACP
  - Sufficiency of NWP12 general and regional conditions
  - Sufficiency of §401 water quality certification of NWP12 for specific stream crossings for MVP and ACP
- DEQ will evaluate the comments and submit a summary to the Board



# State Water Control Board Directive

- No further action by the Board is required
- After review of the summary, the Board may consider further actions, consistent with its regulatory authority, at its discretion without additional public comment on whether further action is warranted

# General Overview

- Public Comment Period: April 30, 2018 to June 15, 2018 at 11:59 pm
- Public Comments Received during comment period – Electronic mail, Letters, Postcards:
  - Atlantic Coast Pipeline (ACP): 10,218
  - Mountain Valley Pipeline (MVP): 2,543
- Comments made available to the Board and posted to DEQ's public web site on July 25, 2018

# Comments on Atlantic Coast Pipeline

- NWP12 Inadequate: 2,079
  - Most-mentioned topics:
    - trout / fish / mussels / aquatic species
    - water quality standards / Tier III waters
    - water supply
    - recreational use / business use
    - erosion / sedimentation / land slides / steep slopes
- NWP 12 Sufficient: 8,069
  - Most-mentioned topics:
    - NWP12 is protective
    - Operational safety/leak detection system
    - Jobs/economy
    - need

# Comments on Mountain Valley Pipeline

- NWP 12 Inadequate: 2,503
  - Most-mentioned topics:
    - trout / fish / mussels / aquatic species
    - water quality standards / Tier III waters
    - water supply
    - recreational use / business use
    - erosion / sedimentation / land slides / steep slopes
- NWP 12 Sufficient: 17
  - Most-mentioned topic: NWP12 is protective

# Comments Within Scope of Board Directive

- Number of comments within scope of Board directive (i.e., crossing specific technical information)
  - ACP: 32
  - MVP: 327 (304 of these from 1 commenter)
- Majority of these comments focused on erosion and sediment control issues

# Comments Out of Scope of Board Directive

- Majority of comments reiterated topics from the upland 401 water quality certification process:
  - Private property rights / eminent domain / negative impact to property values
  - Hydraulic fracking vs. other energy generation sources
  - Preference for renewable energy
  - Impacts to rural and forest view sheds
  - No demonstrated need for project and no demonstrated demand for natural gas
  - Threat of explosions once in operation
  - Greenhouse gas emissions
  - Permanent impacts to aquatic species and water quality
  - No consideration of cumulative impacts
  - Increased economic development and job creation
  - Safety of pipeline transportation vs. other methods of transporting natural gas
  - Thoroughness of FERC and Corps evaluations

# Example of comments

- Majority of comments made general statements – did not provide technical information for a specific crossing

*“open trenching will cause release of sediments to streams”*

*“using open trench methods will not permanently impact streams”*

# Example of comments

- Horizontal directional drilling (HDD) under streams lacks geotechnical studies supporting this method as the best choice
- Inadvertent return of water and/or spoils management measures are inadequate



# Example of comments

- Questions/comments about federal/state approval processes, roles, and responsibilities regarding regulated project activities

Examples:

- Definition of wetland, delineation of wetlands, how wetland resources are regulated by the Corps and DEQ
- Not all surface water crossings were identified
- State law requirements for minimum design criteria re: erosion & sediment / stormwater controls, and roles of various programs regulating these controls

# Example of comments

- Expectations of no impacts to the environment

Examples:

- Measures should prevent all releases of soil/material, withstand all weather events, completely avoid any ground disturbance in specific geographic areas
- Sedimentation is a permanent impact, not temporary

# Example of comments

- Comments regarding aquatic species protection

## Examples:

- No time-of-year restrictions were applied at certain crossings, (i.e., trout waters)
- Other agencies may have already considered need for restrictions

# Example of comments

- Disagreement with federal & state law and regulations regarding regulation of natural gas projects

Examples:

- NWP12 does not adequately consider cumulative impacts
- There are more impacts occurring than should be allowed by the single and complete crossing structure

# Example of comments

- Inclusion of topics not regulated by Section 404 or VWP permitting

## Examples:

- Social justice (impacts on economically-disadvantaged communities)
- Economic drivers (creation of jobs)
- Legal issues (eminent domain)

# Additional Presentations by Staff

## Comparison of VWP Permit and NWP12:

- Of 46 regional and general conditions in the Corps' NWP12, only 2 differ from the VWP Permit Program
- Both MVP and ACP voluntarily offered to address these 2 provisions
- The Corps incorporated these 2 provisions as conditions to the NWP12 permits.
- For linear projects (all roads and all types of utility projects), both DEQ and the Corps have substantially identical permitting requirements.
- State Law Section 62.1-44.15:21.D.2 – No Board action on an individual or general permit for facilities and activities of utilities and public service companies regulated by FERC shall alter the siting determination made through FERC approval

# Additional Presentations by Staff

- Overview of Erosion & Sediment Control Requirements for Wetland and Stream Crossing
- Construction related crossings
- Pipe installation within streambed

# Additional Presentations by Staff

- Examples of existing pipeline rights of way and stream crossing.



# Conclusions

- Majority of comments did not provide any specific, technical information on why Nationwide Permit 12 is not sufficiently protective at crossing-specific locations
- No new, crossing-specific information supports conclusion that NWP12 is not protective of any specific wetland and/or stream
- Majority of comments reiterated issues brought up in the upland 401 water quality certification process



June 15, 2018

By Email (NWP12InfoOnMVP@deq.virginia.gov) and Hand Delivery

Ms. Ann Regn  
Director, Public Information and Outreach  
Virginia Department of Environmental Quality  
1111 East Main Street  
Richmond, Virginia 23218

**Re: Mountain Valley Pipeline's Response to the "State Water Control Board Request for Technical Information on Specific Wetland and/or Stream Crossings"**

Dear Ms. Regn:

Mountain Valley Pipeline (MVP) submits these technical comments to the Virginia Department of Environmental Quality (DEQ) relating to each stream and wetland crossing for the Project in response to the public notice issued on April 30, 2018, titled "State Water Control Board Request for Technical Information on Specific Wetland and/or Stream Crossings." These comments explain how the Nationwide Permit 12 (NWP 12) authorization issued to MVP on December 26, 2017 addresses all relevant water quality concerns associated with each individual Project stream and wetland crossing and detail how the permit's requirements were applied specifically in each instance.

The NWP 12 authorization for this Project—operating in conjunction with all other federal, state, and local approvals—reflects and reinforces the finding in the Board's April 2017 Clean Water Act (CWA) § 401 Certification that there is reasonable assurance that NWP 12 is protective of water quality the Commonwealth's streams and wetlands. The notion advanced by some Project opponents that an additional and duplicative review of the Project's stream and wetland crossings is necessary at this late hour is a groundless attempt to halt active construction of a Project that has met all federal and state requirements for approval.

These comments present a detailed summary of the review process and environmentally protective requirements that have been applied by the Corps and DEQ to each stream and wetland crossing as a "complete and independent project" under NWP 12. This discussion is accompanied by an Appendix covering every stream and wetland impacted by the Project and detailing how these criteria were applied to each. Additionally, to provide much-needed perspective, these comments review other development and infrastructure projects in the Commonwealth with substantially greater stream and wetland impacts that have been reviewed, approved, and constructed under the same permitting program (albeit with less overall scrutiny than this Project).

**I. HUNDREDS OF CONSTRUCTION, DEVELOPMENT, AND INFRASTRUCTURE PROJECTS AUTHORIZED UNDER THE SAME (OR LESSER) PERMITTING REQUIREMENTS EACH YEAR IN THE COMMONWEALTH EVIDENCE THAT THE NWP REQUIREMENTS ARE SUFFICIENT**

Hundreds of construction and infrastructure projects are successfully completed each year in the Commonwealth under NWPs and/or Virginia Water Protection (VWP) general permits. The Corps and DEQ have an abundance of experience regulating projects large and small under these permits and are well aware of the how their requirements and conditions function in practice to minimize impacts to streams and wetlands. The question raised in the public notice is whether those conditions also are sufficient for the stream and wetland crossings for this Project. To supplement the crossing-specific comments in this letter, this section reviews the Project's stream and wetland impacts cumulatively in comparison to other projects that are covered by the same permits.

Following sound mitigation principles and the Corps' 404(b) Guidelines, MVP applied a rigorous route selection refinement process to ensure that the project would avoid stream and wetland impacts to the maximum extent practicable. As a result, MVP's total stream and wetland impacts are modest in comparison to many other projects constructed in Virginia in recent years. Throughout the 103 miles of the Project's pipeline right-of-way in Virginia, in addition to miles of temporary and permanent access roads, those stream and wetland impact totals have been minimized to the following.<sup>1</sup>

MVP's Total Stream and Wetland Impacts

Total permanent stream impact: 478 linear feet  
Total permanent wetland impact (loss): 0.02 acres  
Total wetland conversion impact: 4.21 acres  
Total temporary stream impact: 28,677 linear feet  
Total temporary wetland impact: 4.77 acres

MVP submitted requests to the Corps and DEQ for information on other projects authorized by NWP 12 and/or VWP general permits to provide a basis of comparison for the Project's impacts. The data received from the Corps and DEQ demonstrate that the size and scope of MVP's aquatic impacts are minimal compared to the hundreds of other projects in Virginia regulated under the NWP and the VWP programs every year.

Thousands of projects in Virginia have been permitted and constructed under the Corps' NWP program in the past five years (2013-2017). Not including MVP or the Atlantic Coast Pipeline, the number of "single and complete" projects are as follows.

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<sup>1</sup> Data summarized here is from DEQ public notice website, except the total wetland conversion impact. A minor technical correction was made by MVP and approved by the Corps on January 23, 2018. That correction resulted a minor increase in authorized wetland conversion impacts from 4.19 to 4.21 acres.

Projects Utilizing NWPs in Virginia (2013–2017)

NWP 12: 1,371  
All NWPs: 4,780

Hundreds of the projects permitted under NWP 12 involved the installation of buried utilities across streams and wetlands, including water lines, sanitary sewers, broadband cables, and natural gas distribution and transmission lines. The NWP program is a mature regulatory program with proven capability and protectiveness.

DEQ's database provided even more information that is useful for putting MVP's total stream and wetland impacts in perspective. DEQ's database did not include projects that obtained VWP general permit coverage by rule because they qualified for coverage under an NWP that had a preexisting 401 certifications from the Board.<sup>2</sup> Thus, the total number of projects covered under NWPs and VWP general permits in Virginia is substantially higher than is reflected in the DEQ data discussed in this section. Nevertheless, even among DEQ's subset of projects in the database, it is evident that MVP represents a tiny percentage of the total stream and wetland impacts authorized by NWP and VWP general permits each year.

Projects Utilizing VWP General Permits (2013–May 2018)

Total VWP General Permits: 1,344  
Total Permanent Wetland Impacts: 721 acres  
Total Permanent Stream Impacts: 274,467 linear feet

Only 508 of the projects in DEQ's database were linear projects like MVP that have dispersed stream and wetland crossings with only a fraction of their total impacts in each affected watershed. The vast majority of the projects are non-linear, meaning their aquatic impacts generally will be concentrated within a single watershed. Furthermore, many of these projects have total stream and wetland impacts that individually exceed those of the MVP Project.

Projects Utilizing VWP General Permits  
with Permanent Impacts *Greater than MVP*

705 (wetland impacts)  
142 (stream impacts)

None of the projects with permanent impacts comparable to or greater than MVP were subjected to the same degree of searching scrutiny applied to MVP, and yet they all received authorization under the NWP and VWP permit programs.<sup>3</sup> Most of them have been constructed without incident.

Credit must be given to the Corps, and its counterparts in DEQ's VWP program, for developing and overseeing the complementary NWP and VWP permit programs so that they function efficiently, effectively, and largely unnoticed. The inescapable conclusion is that the NWP

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<sup>2</sup> 9 VAC 25-210-130(J).

<sup>3</sup> The data received from the Corps did not allow MVP to identify the total and individual stream and wetland impacts.

program (including the Board's CWA § 401 Certifications and VWP requirements) has proven to be more than capable of protecting the Commonwealth's streams and wetlands for thousands of projects of all types. As detailed in the following section and the stream- and wetland-crossing specific Appendix, MVP has satisfied all of the requirements for authorization under NWP 12, and, by extension, coverage under a VWP general permit. That fact, supported by experience from thousands of projects, is conclusive evidence that the requirements applicable to the Project through NWP 12 are sufficient to protect streams and wetlands. It also buttresses the Board's April 2017 CWA § 401 Certification finding that NWP 12's conditions provide reasonable assurance that projects such as MVP will be constructed in a manner that is protective of the Commonwealth's water quality standards.

## **II. EACH OF THE PROJECT'S STREAM AND WETLAND IMPACTS IS A "SINGLE AND COMPLETE PROJECT" THAT MUST COMPLY WITH DOZENS OF WATER QUALITY PROTECTION REQUIREMENTS**

NWP 12 authorization for a linear project is not a blanket approval for the collective impacts of the entire project. Rather, each stream and wetland impact at a separate and distinct location is considered a "single and complete project."<sup>4</sup> As single and complete projects, each stream and wetland impact is independently addressed by the Corps for compliance with each requirement of the permit.<sup>5</sup> The list of requirements is extensive. Each of the Project's crossings is subject to over 50 requirements related to the minimization of aquatic impacts and/or the protection of water quality. These requirements are found in:

- NWP General Conditions;
- NWP 12 Conditions;
- Norfolk District Regional General Conditions;
- Norfolk District Regional NWP 12 Conditions;
- Board's Conditional CWA § 401 Certification of NWP 12; and
- Special Conditions imposed in the NWP verification letter.

Furthermore, NWP General Condition 12 requires appropriate erosion and sediment controls, which was satisfied in this case by DEQ's approval of the Project Specific Standards and Specifications (PSS&S) and DEQ's site-specific review and approval of the erosion and sediment control and stormwater management measures to be employed for each crossing. Thus, each stream and wetland crossed by the Project was reviewed by the Corps and DEQ for compliance with a bevy of requirements developed to ensure that water quality is protected.

The review requirements and conditions applicable to each of the Project's stream and wetland crossings are summarized in this section below. An analysis of each stream and wetland crossed by the Project is provided in the Appendix to demonstrate how each crossing subject to the NWP 12 authorization satisfies all of the water protection conditions made applicable through the permit.

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<sup>4</sup> 82 Fed. Reg. 1860, 1986 (NWP 12 Note 2), 1999 (NWP General Condition 15) (Jan. 6, 2017).

<sup>5</sup> *Id.* at 2004–05.

## **A. District Engineer's Decision**

The Corps' NWP's prescribe the determinations made as part of verifying that the Project is authorized under NWP 12.<sup>6</sup> Having made these determinations, the Corps issued a verification letter issued to MVP on December 26, 2017. Congress committed this determination to the Corps of Engineers<sup>7</sup> and the District Engineer's judgment is entitled to deference.

### **1. Corps' Determination that Adverse Impacts Are Minimal**

The District Engineer "determine[s] whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects."<sup>8</sup> For linear projects like MVP, this determination includes "an evaluation of the individual crossings of waters of the United States."<sup>9</sup> The adverse environmental effects analysis considers water quality, including impacts the aquatic resource functions, degree and duration of loss, and the "importance of the aquatic resource functions to the region (e.g., watershed and ecoregion)."<sup>10</sup>

### **2. Corps' Determination that the Activity Is In the Public Interest**

The District Engineer determines that authorizing the activity is not "contrary to the public interest."<sup>11</sup> As with the minimal adverse impact determination, this determination includes individual stream crossings and the cumulative effects of the project.<sup>12</sup>

### **3. Corps' Determination that Each Crossing Satisfies All "Terms and Conditions" of the NWP's**

As noted above, the NWP's further specify that the District Engineer determine that the Project's crossings "individually satisfy the terms and conditions of the NWP(s)."<sup>13</sup>

## **B. NWP General Conditions (GC)**

The NWP's include 32 General Conditions that all projects must satisfy.<sup>14</sup> Nineteen of those conditions are relevant to this Project and related to the protection of water quality.

### **1. GC 2: Disruption of Aquatic Life Movement Must Be Minimized**

GC 2 prohibits activities that "may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody."<sup>15</sup> It further specifies that waterbody crossings must be construed to "maintain low flows to sustain the movement of those aquatic

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<sup>6</sup> 82 Fed. Reg. at 2004.

<sup>7</sup> 33 U.S.C. § 1344(e).

<sup>8</sup> 82 Fed. Reg. at 2004.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 2005.

<sup>11</sup> 82 Fed. Reg. at 2004-05.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* (emphasis added).

<sup>14</sup> *Id.* at 1998-2004.

<sup>15</sup> *Id.* at 1998.

species” through the use of bridges, depressed culverts, bottomless culverts, or other appropriately designed and constructed means.

**2. GC 3: Construction in Spawning Areas Must Be Avoided**

GC 3 requires that aquatic life spawning areas be avoided during spawning season to the maximum extent practicable and prohibits activities that “that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area.”<sup>16</sup>

**3. GC 6: Materials Used for Construction Must Be Suitable and Non-Toxic**

GC 6 prohibits the use of any unsuitable or toxic construction materials in streams and wetlands.<sup>17</sup>

**4. GC 7: Crossings May Not Be in Proximity to Public Water Supply Intakes**

NWPs generally may not be used to authorize any crossings in the “proximity of a public water supply intake.”<sup>18</sup> In its latest reissuance of the NWPs, the Corps considered and rejected comments suggesting that utility projects seeking coverage under NWP 12 be prohibited in the water source protection areas or same watersheds as public water supply intakes. Instead, the Corps emphasized that the District Engineer must review NWP 12 applications closely for compliance with this condition and exercise expert discretion to restrict or limit such activities when appropriate.<sup>19</sup>

**5. GC 9: Water Flows Must Be Properly Managed**

GC 9 prescribes that the pre-construction course, condition, and capacity of open waters be maintained to the maximum extent practicable and that crossing activities may “not restrict or impede the passage of normal or high flows.”<sup>20</sup>

**6. GC 10: Activity Must Comply with Floodplain Management Standards**

GC 10 mandates that any fill activity within a 100-year floodplain comply with applicable floodplain management requirements.<sup>21</sup>

**7. GC 11: Use of Heavy Equipment in Wetlands Must Minimize Soil Disturbance**

GC 11 prescribes that appropriate measures be taken for any heavy equipment that will operate in wetlands.<sup>22</sup> Equipment must employ suitable measures to minimize wetland soil disturbance, such

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<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 1998–99.

<sup>18</sup> *Id.* at 1999.

<sup>19</sup> *Id.* at 1949.

<sup>20</sup> *Id.* at 1999.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

as placing equipment on mats.

#### **8. GC 12: Appropriate Erosion and Sediment Controls Must Be Used**

Construction activities authorized by NWP's must employ appropriate erosion and sediment controls.<sup>23</sup> GC 12 also mandates that disturbed areas must be stabilized as soon as practicable. As will be discussed further below, this condition was satisfied primarily through DEQ's review and approval of the Project's plans for each stream and wetland crossing.

#### **9. GC 13: Temporary Fills Must Be Removed and Areas Restored**

GC 13 requires that all temporary fills must be completely removed, that affected areas returned to pre-construction elevations, and that the area be appropriately revegetated.

#### **10. GC 14: Authorized Structures and Fills Must Be Properly Maintained**

GC 14 provides that any structure or fill placed in a waterbody under an NWP authorization must be properly maintained "to ensure public safety and compliance with applicable NWP general conditions."<sup>24</sup> The Corps clarified that for natural gas pipelines that are not under its direct regulatory authority, this condition is intended to work in conjunction with other regulatory requirements imposed by the Federal Energy Regulatory Commission (FERC) and the Pipelines and Hazardous Materials Safety Administration within their respective authorities.<sup>25</sup>

#### **11. GC 15: Each Crossing Must Be a Single and Complete Project**

GC 15 requires that each activity authorized by the NWP (i.e., each crossing) be a single and complete project.<sup>26</sup>

#### **12. GC 16: Adverse Impacts to Wild and Scenic Rivers Must Be Avoided**

Pursuant to GC 16, activities authorized by an NWP may not adversely affect any Wild and Scenic River designation or study status.<sup>27</sup> The Project crosses no such waters.

#### **13. GC 18: Endangered Species Act Consultation Is Required If Project "May Affect" Any Listed Species**

GC 18 mandates that the U.S. Fish and Wildlife Service (or National Marine Fisheries Service, as appropriate) be consulted if the proposed activity "may affect" a federally listed threatened or endangered species or its critical habitat.<sup>28</sup> "No activity is authorized under any NWP which 'may affect' a listed species or critical habitat, unless ESA section 7 consultation addressing the effects

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Corps, Decision Document, Nationwide Permit 12, at 7-8 (Dec. 21, 2016).

<sup>26</sup> 82 Fed. Reg. at 1999; *see also* 33 C.F.R. § 330.2(i).

<sup>27</sup> 82 Fed. Reg. at 1999.

<sup>28</sup> *Id.*; *see also* Regional General Conditions 4 and 5.



of the proposed activity has been completed.”<sup>29</sup> Section 7 consultation for the Project was completed on November 21, 2017 and resulted in a number of conditions, including time-of-year restrictions on instream work, to protect listed species.<sup>30</sup>

**14. GC 22: Critical Resource Waters Must Be Avoided**

NWP 12 may not be used to impact any waterbody (or its adjacent wetland) that has been designated as a critical resource water.<sup>31</sup> The Project crosses no such waters.

**15. GC 23: Adverse Aquatic Impacts Must Be Appropriately Mitigated**

GC 23 outlines the mitigation requirements for projects authorized under NWPs.<sup>32</sup> Onsite project activities for each individual crossing must be designed to avoid and minimize both permanent and temporary adverse effects to waters to the maximum extent practicable. The District Engineer determines what mitigation measures, including compensatory mitigation, will be required to ensure that the “individual and cumulative adverse environmental effects are no more than minimal.”<sup>33</sup> As discussed below, MVP submitted, and the Corps approved, a Compensatory Mitigation Plan for the Project.

**16. GC 25: CWA § 401 Water Quality Certification Must Be Obtained or Waived**

Under GC 25 (and 33 U.S.C. § 1341(a)), the Corps may not issue an NWP authorization unless the State has issued or waived CWA § 401 certification.<sup>34</sup> The Board issued a conditional certification for NWP 12 on April 7, 2017.<sup>35</sup>

**17. GC 27: All Regional Conditions and CWA § 401 Certification Conditions Must Be Adhered To**

GC 27 mandates that projects comply with all Regional Conditions and conditions imposed by a State in a CWA § 401 certification.<sup>36</sup> Relevant conditions are addressed in these comments.

**18. GC 30: Applicant Must Certification Compliance with All Permit Conditions and Mitigation Requirements**

Pursuant to GC 30, MVP must submit a certification to the Corps upon completion of the Project verifying that it has complied with all applicable permit conditions for its stream and wetland crossings and obtained all necessary mitigation.<sup>37</sup>

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<sup>29</sup> 82 Fed. Reg. at 1999.

<sup>30</sup> Waters subject to these restrictions are identified in the Appendix.

<sup>31</sup> *Id.* at 2001.

<sup>32</sup> *Id.*; *see also* Regional General Condition 10.

<sup>33</sup> 82 Fed. Reg. at 2001.

<sup>34</sup> *Id.* at 2002.

<sup>35</sup> A State may not unilaterally withdraw or modify a certification after it has been issued. 33 C.F.R. § 330.4(c)(7); *see also* Corps Reg. Guid. Ltr. 87-03.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

**19. GC 32: Applicant Must Provide Pre-Construction Notification With Detailed Information on Project, Aquatic Impacts, and Mitigation**

For projects, like MVP, that trigger a pre-construction notification requirement, GC 32 outlines a lengthy list of information that must be submitted to the Corps for review.<sup>38</sup> Under this condition, detailed information on the project location, aquatic resource impacts, and proposed mitigation must be submitted to allow the Corps to make the necessary determinations. This information was included in the Joint Permit Application MVP submitted to the Corps, DEQ, and VMRC.

**C. NWP 12 Permit Conditions**

NWP 12 imposes additional conditions that apply to each stream and wetland crossing. The conditions applicable to this Project and relevant to water quality protection are as follows.

**1. Wetland Loss Cannot Exceed 0.5 Acre**

NWP 12 cannot be used if any single wetland crossing will result in a loss greater than 0.5 acre.<sup>39</sup> For comparison, the total area of wetland loss for all of the Project's crossings in Virginia is less than 0.02 acre.<sup>40</sup>

**2. Pre-Construction Contours in Waters Must Be Restored**

NWP 12 states, "There must be no change in pre-construction contours of waters of the United States."<sup>41</sup> This means that the contours of all streambeds must be restored to their pre-construction conditions.

**3. Temporarily Sidecast Material During Trench Excavation Must Be Protected from Loss**

This condition requires that any material that is temporarily sidecast into waters during trench excavation must be protected so that the material is not dispersed by flowing water or other forces.<sup>42</sup> The use of dry-ditch waterbody crossing methods by MVP means that temporarily sidecast materials will not be exposed to flowing water or other erosive forces.

**4. Wetland Topsoil Should Be Replaced During Trench Backfilling**

Wetland topsoil removed for trench excavation should be replaced when the trench is backfilled.<sup>43</sup>

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<sup>38</sup> *Id.* at 2003. The Norfolk District's Regional Conditions and the Joint Permit Application require additional information beyond what GC 32 requires.

<sup>39</sup> *Id.* at 1985.

<sup>40</sup> Refer to "Field Wetland Impacts Jurisdictional" and "Wetland Impacts" tables in DEQ's Public Notice.

<sup>41</sup> 82 Fed. Reg. at 1985.

<sup>42</sup> *Id.*; *see also* NWP 12 Regional Condition 3.b.ii and MVP's approved Project Specific Standards and Specifications (PSS&S).

<sup>43</sup> 82 Fed. Reg. at 1985. MVP's procedures for segregating and replacing topsoil in wetlands and other sensitive areas are outlined in Section 2.4.1 of the PSS&S.

#### **5. Trench May Not Create a French Drain Effect**

NWP 12 requires that the trench be constructed in a manner that does not create a “french drain effect” that could dewater streams and wetlands.<sup>44</sup>

#### **6. Stream Banks and Exposed Slopes Must Be Stabilized**

NWP 12 requires, “Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.”<sup>45</sup>

#### **7. Access Road Widths Must Be Minimized**

Any access roads that cross streams or wetlands must be no larger than the “minimum width necessary.”<sup>46</sup>

#### **8. Appropriate Measures Must Be Taken to Maintain Normal Downstream Surface Flows and Avoid Flooding**

To minimize impacts, projects must be constructed using appropriate measures to maintain normal downstream surface flows and avoid flooding.<sup>47</sup> For temporary road surfaces (e.g., geotextile fabric or gravel roads) at grade, the road surface must be “as near as possible to pre-construction contours and elevations.” Access roads above existing grade must be bridged or culverted. For trenching activities, cofferdams or other measures must be employed to maintain downstream flow around the site.

#### **9. Temporary Access Roads Must Be Removed and Restored**

All temporary access roads through streams or wetlands must be removed and the area restored upon completion of project construction.<sup>48</sup>

### **D. Norfolk District Regional Conditions (RGC)**

The Corps’ Norfolk District imposes numerous additional conditions on projects that utilize NWPs within the district’s jurisdiction.<sup>49</sup> More than a dozen of those conditions are applicable to the Project and relevant to the protection of water quality.

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<sup>44</sup> 82 Fed. Reg. at 1985. MVP’s use of trench plugs and other measures to prevent this effect is addressed in Section 5.1 of the PSS&S.

<sup>45</sup> 82 Fed. Reg. at 1985. Stream bank and slope stabilization are further addressed in Section 5.1 of the PSS&S.

<sup>46</sup> 82 Fed. Reg. at 1986.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* (NWP 12 Note 4).

<sup>49</sup> See Norfolk District Regional Conditions for the 2017 Nationwide Permits (NWPs) Applicable in Virginia (Including Northern Virginia Military Installations within Baltimore District’s Area of Responsibility).

**1. RGC 6: District Engineer Review and Time-of-Year Restrictions for Work in Designated Trout Waters**

RGC 6 refers to the time-of-year restrictions recommended by the Virginia Department of Game and Inland Fisheries for crossings of trout waters.<sup>50</sup>

**2. RGC 7: Invasive Plant Species May Not Be Used for Revegetation**

RGC 7 prohibits the use of any plant species identified as invasive by the Virginia Department of Conservation and Recreation (DCR) for revegetation activities. MVP's revegetation seed mixes use native species and have been developed in consultation with the Wildlife Habitat Council, U.S. Fish and Wildlife Service, U.S. Forest Service, DCR, and DEQ.

**3. RGC 8: Culverts in Streams Must Be Countersunk**

RGC 8 includes detailed specifications for the construction and replacement of culverts in streams and other waters. Of particular relevance, new culverts must be countersunk below the natural stream bottom to benefit aquatic organisms in the stream.

**4. RGC 10: Mitigation Plan Must Be Submitted**

RGC 10 provides that a mitigation plan must be submitted if any of the "single and complete projects" will result in the loss of more than 0.10 acre of wetlands or 300 linear feet of streams. Although none of the Project's stream or wetland crossings exceeds these thresholds, MVP submitted a comprehensive Compensatory Mitigation Plan to the Corps to address stream and wetland impacts.<sup>51</sup>

**5. RGC 11: Temporary Impacts Must Be Restored**

Supplementing General Condition 13, RGC 11 outlines additional measures that must be taken to restore temporary impacts. Such impacts must be restored within 12 months, natural contours must be restored, and wetland soils must be loosened and revegetated. Note that this requirement is largely superseded by Special Condition 4, which requires "immediate" restoration.

**E. Norfolk District Regional Conditions for NWP 12 (RC12)**

The Corps' Norfolk District also imposes additional relevant conditions on the use of NWP 12 that are applicable to the Project.

**1. Access Road Impacts Must Be Less Than 1/3 Acre**

Further lowering the general half-acre impact restriction on NWP 12, RC12.1 provides that no

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<sup>50</sup> Section 5.1 of the PSS&S and the FERC Certificate also refer to time-of-year restrictions for trout streams and other waterbody types.

<sup>51</sup> The Corps accepted MVP's proposed Compensatory Mitigation Plan. It is referenced in Special Condition 1 in the NWP 12 authorization letter.

access road may impact greater than one-third acre of waters.

## **2. Delineation and Classification of all Waters Within the Corridor**

RC12.3.a requires an applicant to provide a map of the entire corridor that includes a delineation of all streams and wetlands. The Cowardin classification of each water also must be provided.

## **3. Alternatives Analysis Required for All Crossings**

Although normally required only for individual CWA § 404 permit applications, RC12.3.b requires applicants for NWP 12 coverage in the Norfolk District to submit a detailed alternatives analysis covering each proposed crossing. Among other things, the analysis must demonstrate that wetland impacts have been avoided to the maximum extent practicable. MVP's alternatives analysis was submitted to the Corps in September 2017.

## **4. Crossings Must Be Direct or Perpendicular to Streams**

RC12.3.b.i mandates that utility crossings of streams must be direct and reasonably perpendicular to the stream to minimize impacts.

## **5. Wetland Grading and Grubbing Must Be Minimized**

Absent express approval from the Corps, RC12.3.b.iii restricts grubbing in wetlands to a project's permanent easement. In temporary construction easement areas, wetland vegetation must be cut at or above the ground surface to allow more rapid restoration.

## **6. Compensatory Mitigation for Permanent Wetland Conversions**

Consistent with the requirements of VWP program, RC12.3.b.vi provides that the District Engineer may require compensatory mitigation for permanent conversion of wetland types (e.g., forested to emergent) within the utility corridor. MVP's Compensatory Mitigation Plan includes mitigation for conversion impacts.

## **7. Minimum Pipeline Burial Depths Under Waterbodies**

RC12.4 specifies that the depth of pipelines buried under waters generally must be at least six feet below Federal Navigation Channels and three feet below other subaqueous areas.

## **8. Temporarily Stockpiled Excavated Material Must Be Managed and Stored Appropriately**

RC12.5 outlines several requirements for the management of excavated material during construction in streams and wetlands. Whenever possible, the material must be placed in upland areas. If excavated material must be stockpiled within a wetland area, it must be placed on a semi-permeable surface (e.g., filter cloth or timber mat) and stabilized to prevent soil loss to the waterway. The material must be backfilled into the trench to restore it to the original contour and

any excess material must be removed from the wetland.

### **9. Required Measures to Protect Anadromous Fish**

RC12.6 imposes a consultation requirement and time-of-year restrictions for any work in designated anadromous fish areas. The Project does not affect any such areas.

### **10. Inadvertent Return Plan Required for Horizontal Directional Drills**

RC12.9 requires an applicant to develop a plan to prevent, contain, and clean up any sediment or other materials released by inadvertent returns from horizontal directional drills. MVP will perform only one such crossing in Virginia (Pigg River). A plan has been developed and submitted to the appropriate agencies (FERC, Corps, DEQ).

## **F. Board NWP 12 CWA § 401 Certification Findings and Conditions**

On April 7, 2017, the Board issued a conditional CWA § 401 Certification finding that the requirements of NWP 12 provide reasonable assurance that water quality will be protected for stream and wetland crossings that comply with the permit's requirements (as detailed in this comment letter). The Board's conditional Certification includes one relevant finding and two additional conditions related to water quality.

### **1. Finding that NWP Conditions Meet the Requirements of the VWP Regulations**

The CWA § 401 Certification included an affirmative statement that the Board determined that the conditions for the certified permits, including NWP 12, meet all of the requirements of the Board's VWP regulation. This finding evidences that the conditions imposed through the NWP General Conditions, NWP 12 conditions, and Norfolk Regional Conditions are no less stringent than the requirements that would apply to each stream and wetland crossing under the VWP regulations.

### **2. Activity May Not Be Associated with a Surface Water Withdrawal or Transport of Non-Potable Raw Surface Water**

The Board's conditional certification of NWP 12 excludes any activities that are associated with surface water withdrawals or the transportation of non-potable raw surface water. Although the condition does not apply to withdrawals for hydrostatic testing, MVP committed to obtaining all of its water for hydrostatic testing and other purposes from municipal water supplies to avoid instream impacts associated with large-volume withdrawals.

### **3. Compensatory Mitigation Must Be Consistent with the Virginia Code**

The Board's second condition for NWP 12 is that "any compensatory mitigation meets the requirements in the Code of Virginia, Section 62.1-44.15:23 A through C."

## **G. MVP NWP 12 Verification Letter Special Conditions (SC)**

The Corps' December 26, 2017 verification letter to MVP includes nine Special Conditions, most of which are relevant to the protection of water quality.

### **1. SC 1: Must Submit Compensatory Mitigation Documentation to Corps**

As discussed previously, MVP submitted, and the Corps approved, a Compensatory Mitigation Plan for stream and wetland impacts. SC 1 requires MVP to provide purchase bills of sale for its compensatory mitigation credit purchases prior to any impacts.

### **2. SC 2: Waterbodies Must Be Flagged in Field**

SC 2 requires MVP to "ensure that all waters and wetlands are flagged in the field prior to any construction to prevent accidental impact to resources not necessary for construction."

### **3. SC 3: Temporary Stream Construction Entrances Must Be Removed**

SC 3 requires MVP to remove all temporary stream construction entrances "immediately upon completion of the project."

### **4. SC 4: Stream Banks, Riparian Areas, and Wetlands Must Be Restored**

SC 4 provides that all stream banks, riparian areas, and wetlands disturbed by the Project must be restored to pre-construction contours, stabilized, and re-seeded "immediately upon project completion at each crossing." This requirement supersedes Regional Condition 12, which requires that such restoration activities occur within 12 months.

### **5. SC 7: As-Built Plans Must Be Provided to Corps**

SC 7 requires that MVP submit as-built plans to the Corps upon completion of the Project, which will facilitate the Corps' evaluation of MVP's compliance with the authorized impacts.

### **6. SC 8: Limits of Disturbance in Waters Restricted to 75' Wide**

Mirroring Condition 2.b of the Board's December 8, 2017 Water Quality Certification for MVP, SC 8 requires that the construction limits of disturbance (i.e., the construction right-of-way) width be reduced from 125' to 75' for all stream and wetland crossings. In order to "limit impacts to the aquatic resource," this condition mandates that the narrowed right-of-way extend 50' on both sides of all crossings.

### **7. SC 9: Post-Construction Inspection and Report Required**

SC 9 imposes post-construction monitoring and reporting requirements for each stream and wetland crossing. Inspections must be performed one month after the authorized work is completed and again at the end of the first full growing season. The inspection must verify that all excess fill has been removed and that pre-construction conditions and contours have been restored, as well

as assess the status of vegetative growth in the impacted areas. Inspection reports must be filed with the Corps.

## **8. Compliance with Virginia Marine Resources Commission Permit Requirement**

The Corps' verification was conditioned on MVP obtaining any required permits from the Virginia Marine Resources Commission (VMRC). Eighteen of the largest streams crossed by the Project in Virginia are within VMRC's concurrent jurisdiction. VMRC conducted its own independent review of those 18 crossings and issued a permit to MVP on January 25, 2018.

### **H. Board/DEQ-Imposed Conditions Made Applicable through General Condition 12**

As discussed above, NWP General Condition 12 requires that appropriate erosion and sediment control measures be employed for any stream or wetland crossing authorized under an NWP. In a memorandum provided to the Board for its December 7, 2017 meeting, DEQ stated:

To qualify for coverage under Nationwide Permit 12 (NWP 12), the pipeline developers must comply with numerous General Conditions applicable to each nationwide permit including General Condition 12. This condition requires that appropriate soil erosion and sediment controls be used during the construction. General Condition 12 ties in the requirements and practices of the VESC program and regulations. Each stream crossing during the construction phase is subject to both federal and state oversight.<sup>52</sup>

There are a number of stream- and wetland-specific requirements imposed by the Board's regulations or DEQ approvals, and made applicable through General Condition 12, that further bolster the protectiveness of NWP 12 for this Project.

### **1. DEQ Review and Approval of the Project's Erosion and Sediment Control and Stormwater Management Plans**

DEQ required that MVP submit site-specific erosion and sediment control and stormwater management plans documenting the best management practices that would be employed for every square foot of the Project's limits of disturbance—and that includes every stream and wetland crossing. As the Board was informed at its April 12, 2018 meeting, this monumental and unprecedented plan review process entailed more than 4,500 hours of review by DEQ's engineering contractor and over 2,000 hours of DEQ staff time. Through this process, DEQ conducted a thorough review of the measures that would be employed by MVP at every stream and wetland crossing, before, during, and after construction, to minimize erosion and sedimentation impacts.

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<sup>52</sup> DEQ, Memorandum on Proposed 401 Water Quality Certification, Mountain Valley Pipeline, LLC, Certification No. 17-001, Att. A: Basis for Determination, at A-14 (Nov. 9, 2017).



## **2. DEQ Review and Approval of Stream Crossing Methods and Specifications**

DEQ reviewed and approved the methods and specifications MVP will use for all stream and wetland crossings.<sup>53</sup> Except for a few streams that will be bored due to specific conditions, all stream crossings will be constructed using dry-ditch open cut methods to minimize the potential for downstream sedimentation and turbidity.

## **3. Time-of-Year Restrictions on Instream Work to Protect Trout and other Sensitive Species**

MVP's Project Specific Standards and Specifications (PSS&S), which were approved by DEQ in June 2017, outline the time-of-year restrictions that MVP will adhere to for all instream work in coldwater and warmwater fisheries; natural and stockable trout streams; and streams containing sensitive species (i.e., Roanoke Logperch, Orange-fin madtom, Atlantic pigtoe, James Spiny mussel, Green floater, and Yellow lampmussel).<sup>54</sup>

## **4. Crossings to Be Made During Low Flow Conditions**

To minimize aquatic impacts, the PSS&S provide that stream and wetland crossings will be conducted during low flow conditions wherever feasible.<sup>55</sup>

## **5. Crossings Will Be Treated as Separate Construction Entities to Be Completed by Specialized Crews**

To ensure that stream and wetlands crossings are completed properly, they will be treated as separate construction entities to be constructed by specialized crews.<sup>56</sup>

## **6. Crossings to Be Completed as Quickly as Possible**

To minimize the duration of stream and wetland disturbance, crossings will be completed as quickly as possible.<sup>57</sup> This means that once grubbing and grading commence, all steps of the process will proceed on consecutive days until construction is complete and the crossing area is restored.

## **7. Crossing of Streams and Wetlands with Heavy Equipment Will Be Minimized**

The PSS&S outline various measures that will be employed to minimize impacts from heavy equipment crossing of streams and wetlands, including restrictions on the type and number of crossings that may be made and mandatory use of equipment bridges.<sup>58</sup>

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<sup>53</sup> PSS&S §§ 5.1, 5.2

<sup>54</sup> *Id.* § 5.1

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

**8. Equipment Operating in Wetlands Will Be Placed on Mats to Minimize Soil Disturbance and Compaction**

When heavy equipment must operate in wetlands to complete pipeline crossings, the equipment will be placed on mats and other suitable methods may be employed to minimize soil disturbance and compaction.<sup>59</sup>

**9. Streambed Substrate and Wetland Topsoil to Be Replaced**

During excavation of the pipeline trench, the top one foot of wetland topsoil (unless saturated) or streambed substrate will be segregated and stockpiled separately from the remainder of the trench excavation material to be replaced after construction.<sup>60</sup> This measure will provide a native seedbank and substrate to facilitate restoration.

**10. Staging Areas Will Be Located Outside of Buffer Areas**

Construction staging areas for stream and wetland areas will be located outside of buffer areas.<sup>61</sup> Likewise, no refueling (except 5-gallon cans needed to refuel water pumps), hazardous materials storage, or equipment maintenance or parking will be permitted within 100' of a stream or wetland.

**11. Spoil Piles to Be Protected from Soil Loss in Waterbodies**

All spoil piles for stream and wetland crossings will be placed at least 10' from the edge of streams or wetlands, with sediment barriers placed between the piles and the waterbody.<sup>62</sup>

**12. Pipeline Will Employ Pipe Weights as Necessary to Ensure Negative Buoyancy**

Where the pipeline is installed beneath streams and wetlands, pipe weights (e.g., saddle bags filled with clean gravel or other suitable material) will be used as necessary to ensure that the pipe has negative buoyancy.<sup>63</sup>

**13. Trench Breakers Will Be Used to Avoid Stream and Wetland Dewatering**

Consistent with NWP 12's prohibition on the creation of a "french drain effect" by the pipeline trench, trench breakers/plugs (e.g., concrete-filled sacks) will be installed at waterbody crossings.<sup>64</sup> These features also serve the purpose of preventing accumulated stormwater from flowing through the trench into streams and wetlands.

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<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

#### **14. Enhanced Measures to Be Employed in TMDL Waters**

In waters with total maximum daily loads (TMDLs) for relevant pollutants of concerns (e.g., sediment, nutrients), the Project will employ a suite of additional protective measures.<sup>65</sup> These measures include identification of the impaired waterbody in the applicable Stormwater Pollution Prevention Plan to facilitate additional measures as needed, increased soil stabilization measures for disturbed areas, restrictions on the use fertilizers, and increased BMP inspection frequency.<sup>66</sup>

#### **15. Sediment Barriers Will Remain at Edge of Streams until the Streambanks Successfully Revegetate**

To minimize short-term post-construction sediment increases, temporary sediment barriers will be maintained at the edge of streams until the streambanks have successfully revegetated.<sup>67</sup>

#### **16. Contingency Plan Must Be Developed in Consultation with DEQ for Any Horizontal Directional Drill Crossings**

Similar to NC12.9, a plan must be developed in consultation with DEQ for any stream that will be crossed by means of horizontal directional drilling.<sup>68</sup> Only one waterbody in Virginia, the Pigg River, will be crossed with this method.

### **III. PROJECT IMPACTS WERE SUBJECTED TO MULTIPLE CUMULATIVE IMPACTS REVIEWS**

In addition to the individual crossing-specific analyses discussed above, several relevant cumulative impacts reviews were conducted.

#### **A. Corps Conducted a Cumulative Impact Review for NWP 12**

The Corps reissued NWP 12 in January 2017. The permit was developed for and intended to be suitable for use for the construction of interstate natural gas transmission pipelines regulated by the Federal Energy Regulatory Commission. This was expressly acknowledged in the permit's Decision Document and considered in its environmental impacts analysis.<sup>69</sup> In that analysis, the Corps reviewed the various requirements that would apply to projects seeking coverage under the permit. Those requirements include preconstruction notification and information submission requirements for larger projects; standard and regional permit conditions designed to minimize impacts and ensure compliance with the 404(b) Guidelines; CWA § 401 certifications reviews and resulting state-imposed requirements to ensure compliance with water quality standards; and the judgment and discretion of District Engineers to impose additional requirements where they are necessary. In consideration of these safeguards, the Corps concluded that issuing NWP 12 is in the public interest and that "the activities authorized by this NWP will result in no more than minimal

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<sup>65</sup> *Id.* §§ 2.0, 4.5, 5.1.

<sup>66</sup> Subsequent to the approval of the PSS&S, MVP elected to utilize the BMP inspection frequency for TMDL waters for all parts of the Project.

<sup>67</sup> PSS&S § 5.1

<sup>68</sup> *Id.* § 5.2.1

<sup>69</sup> Corps, Decision Document, Nationwide Permit 12 at 7-8 (Dec. 21, 2016).

individual and cumulative adverse effects on the aquatic environment.”<sup>70</sup>

**B. FERC Conducted a Cumulative Impact Review for the Project in the Final Environmental Impact Statement**

In accordance with the National Environmental Policy Act, FERC conducted a cumulative impacts analysis for the Project which is summarized in the Final Environmental Impact Statement issued in June 2017. FERC concluded that the cumulative impacts of the Project on surface waters, after consideration of avoidance, minimization, and mitigation measures, “would not be significant.”<sup>71</sup> As a cooperating agency,<sup>72</sup> the Norfolk District is entitled to rely on the findings in the Final Environmental Impact Statement.<sup>73</sup>

**C. The Corps Norfolk District Conducted a Cumulative Impact Review for the NWP 12 Verification Issued to MVP**

“In reviewing the PCN [pre-construction notice] for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects.”<sup>74</sup> For linear projects in particular, the Corps must consider each stream and wetland crossing individually, “as well as the cumulative effects caused by all of the crossings authorized by the NWP.”<sup>75</sup> The Corps’ expert determination that MVP’s application complied with this (and all other permit) requirements is entitled to deference.

**IV. MVP’S NWP 12 AUTHORIZATION IS PROTECTIVE OF EACH AND EVERY STREAM AND WETLAND CROSSED BY THE PROJECT AND ALL OF THEM CUMULATIVELY**

There should be no serious question that the NWP 12 verification issued to MVP is sufficiently protective of Virginia’s streams and wetlands. Nor is there reason to doubt the Board’s reasonable assurance finding in the April 2017 CWA § 401 Certification that the Commonwealth’s water quality standards will be maintained. As the review of those requirements Section II above demonstrates, they leave no stone unturned with respect to potential adverse effects that could come within the purview of CWA § 404 or the VWP permit programs. MVP’s NWP 12 authorization included numerous conditions to ensure each crossing will be conducted in a manner that:

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<sup>70</sup> *Id.* at 79.

<sup>71</sup> FERC, Mountain Valley Project and Equitrans Expansion Project Final Environmental Impact Statement, at 5-16 (June 2017).

<sup>72</sup> *Id.* at 1-16.

<sup>73</sup> 40 C.F.R. § 1506.3.

<sup>74</sup> 82 Fed. Reg. at 2004 (emphasis added).

<sup>75</sup> *Id.* at 2004–05.

- *Protects aquatic life, including threatened/endangered species (e.g., Roanoke logperch);*<sup>76</sup>
- *Controls erosion and sedimentation other downstream impacts;*<sup>77</sup>
- *Prescribes safe equipment and material usage and storage practices;*<sup>78</sup>
- *Minimizes the footprint of the impact;*<sup>79</sup>
- *Preserves instream flows and wetland hydrology during and after construction;*<sup>80</sup>
- *Prevents potential flooding impacts;*<sup>81</sup>
- *Avoids impacts to public water supplies;*<sup>82</sup>
- *Facilitates the expeditious and successful restoration of impacted areas;*<sup>83</sup>
- *Compensates for unavoidable impacts;*<sup>84</sup> and
- *Provides for oversight and compliance verification.*<sup>85</sup>

To summarize, there unquestionably is reasonable assurance that the Project's NWP 12 authorization is protective of water quality. First, the Corps verified that each stream and wetland crossing meets all of the applicable requirements—and this review was supplemented by the crossing-specific review conducted by DEQ for the erosion and sediment and stormwater management measures to be employed for every stream and wetland impact. The manner in which those requirements apply to every Project stream and wetland crossing is detailed in the Appendix. Second, the Corps review process entailed an adverse effects determination for each crossing individually, as well as for all of them cumulatively. These determinations are within the Corps' expert judgment and there is no reason to question them. Indeed, the Board “raised no specific areas of concern and provided no technical information that NWP 12 was insufficient” when it voted to authorize this public comment period.<sup>86</sup> Third, the Corps and DEQ have ample experience overseeing the NWP and comparable VWP permit programs for thousands of projects around the Commonwealth with impacts that collectively—and in many cases individually—dwarf MVP. The example set by those projects provides conclusive proof that the NWP permit requirements are sufficiently protective of stream and wetland resources.

Any suggestion that the multiple layers of crossing-specific and cumulative reviews—or the dozens of relevant NWP 12 conditions discussed in the previous sections—are insufficient for the Project to proceed is groundless. There is no potential adverse impact that this NWP 12 authorization process left unreviewed or unaddressed. There is no provision of the Board's VWP regulations that has not been fulfilled, as evidenced by the fact the Board certified that the NWP 12 conditions (including the Regional Conditions) meet the requirements of the VWP regulations. There is no theoretical “stream-by-stream” review that could be conducted that would not be duplicative of the work that has already been done by the Corps, DEQ, FERC, VMRC, and the public (through multiple rounds of public hearing and comment). In sum, there is no technical

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<sup>76</sup> E.g., GC 2-3, GC 18, RGC 6.

<sup>77</sup> E.g., GC 12, PSS&S (applicable via GC 12)).

<sup>78</sup> E.g., GC 11, RC12.5, SC 2, PSS&S (applicable via GC 12).

<sup>79</sup> E.g., GC 23, NWP 12, RC12.3.b, SC 8.

<sup>80</sup> E.g., GC 2, NWP 12, PSS&S (applicable via GC 12).

<sup>81</sup> E.g., GC 9-10.

<sup>82</sup> E.g., GC 7, 401 Certification Condition 1.

<sup>83</sup> E.g., NWP 12, RGC 7, RGC 11, SC 4.

<sup>84</sup> E.g., GC 23, RGC 10, RC12.3.b.vi.

<sup>85</sup> E.g., GC 30, SC 1, SC 7.

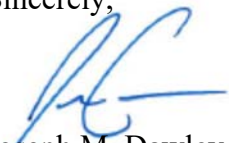
<sup>86</sup> <http://www.deq.virginia.gov/PipelineUpdates.aspx#PublicComment>.

June 15, 2018

Page 21

justification for impeaching the sufficiency of the requirements applied to each of the Project's stream and wetland crossings through NWP 12 or, for that matter, for questioning the Board's CWA § 401 Certification of NWP 12 as it applies to this Project.

Sincerely,

  
pp Joseph M. Dawley, P.E.  
Deputy General Counsel  
EQT Corporation  
625 Liberty Avenue  
Pittsburgh, PA 15222  
412.553.5700

**ATTACHMENT B-3**  
**Transcript of Aug. 21, 2018 SWCB Meeting (Excerpt)**

**In The Matter Of:**

*In Re:*

*Moutain Valley Pipeline/Atlantic Coast Pipeline Reports*

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*State Water Control Board Meeting  
August 21, 2018*

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**ZAHN**  
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Page 1

1 VIRGINIA:  
 2 STATE WATER CONTROL BOARD  
 3 In re:  
 4 MOUTAIN VALLEY )  
 4 PIPELINE/ATLANTIC COAST )  
 5 PIPELINE REPORTS )  
 6 )  
 7 )  
 8 )  
 9 )  
 10 STATE WATER CONTROL BOARD MEETING  
 11 RICHMOND, VIRGINIA  
 12 TUESDAY, AUGUST 21, 2018  
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Page 2

1 Appearances:  
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 3 Robert Dunn, Chair  
 4 G. Nissa Dean  
 4 Timothy G. Hayes  
 5 Roberta Kellam  
 5 Lou Ann Wallace  
 6 Robert H. Wayland, III  
 6 Heather Wood, Vice-Chair  
 7 David C. Grandis, Assistant Attorney General  
 8 David K. Paylor, Director of DEQ  
 8 Cindy Berndt, DEQ, Director of Regulatory Affairs  
 9  
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Page 3

1 The proceedings were taken by Deanna A.  
 2 Arend, Registered Professional Reporter, a Notary  
 3 Public for the Commonwealth of Virginia at large,  
 4 commencing at 12:32 p.m., on August 21, 2018, at the  
 5 House Committee Room, First Floor, Pocahontas Building,  
 6 900 East Main Street, Richmond, Virginia.  
 7  
 8 P-R-O-C-E-E-D-I-N-G-S  
 9 MR. DUNN: I know there were some people  
 10 who were not allowed to talk earlier --  
 11 (Interruption)  
 12 MR. DUNN: As I started to say, I know  
 13 there were some people who were upset that we did not  
 14 allow people to talk before we adjourned for lunch, but  
 15 if you look at the agenda, it clearly states that none  
 16 of the items related to the pipeline would start before  
 17 12:30. Assuming that there were going to be people  
 18 coming for that part of the agenda, we did not want to  
 19 have things go on and they would miss it, so we are  
 20 sticking to what was printed out in the agenda and sent  
 21 out and so this will now start after 12:30.  
 22 I want to remind you that this is a --  
 23 this is a meeting of the Board. Conduct that  
 24 interferes with the orderly and effective public  
 25 meeting or interference with the right of other members

Page 4

1 of the public to speak to the Board is prohibited. I  
 2 would like to ask you to not shout out, not snap your  
 3 fingers and other things that have been done in  
 4 previous meetings, because we'd like to hear all of the  
 5 speakers and not be disruptive. I have asked the State  
 6 Police to escort those who continue to disrupt this  
 7 meeting out of the building.  
 8 Okay. We're ready for the first item on  
 9 the agenda.  
 10  
 11 MS. DAVENPORT: Mr. Chairman and Members  
 12 of the Board -- I need my presentation, sorry.  
 13  
 14 MR. DUNN: While she's looking for her  
 15 presentation, I want to remind the Board members our  
 16 next future meetings are on September 20th and December  
 17 13th.  
 18 MS. DAVENPORT: Different technology. I  
 19 apologize. Mr. Chairman and Members of the Board, I  
 20 have two reports to make to you this afternoon. And in  
 21 the first report, which is DEQ's report to you on the  
 22 additional public comments that we received in regard  
 23 to sufficiency of Nationwide Permit 12, I have several  
 24 parts of that report that will be delivered by staff,  
 25 so I'm kind of the overview.

Page 5

1 So I would like to start out reminding  
 2 you what your directive was at the April 21st, 2018  
 3 meeting. You directed that interested persons may  
 4 submit crossing-specific technical information on three  
 5 items. The sufficiency of Nationwide Permit 12 related  
 6 to both Mountain Valley Pipeline and Atlantic Coast  
 7 Pipeline. Two, the sufficiency of Nationwide Permit 12  
 8 and the general and regional conditions contained in  
 9 it. And, three, the sufficiency of the Section 401  
 10 water quality certification that the Board issued  
 11 regarding Nationwide Permit 12 for specific stream  
 12 crossings for both Mountain Valley Pipeline and  
 13 Atlantic Coast Pipeline.

14 You also directed that DEQ evaluate the  
 15 comments and submit a summary to the Board.

16 In your directive back in April, you also  
 17 noted that no further action by the Board is required,  
 18 and that after review of the summary, the Board may  
 19 consider further actions, consistent with its  
 20 regulatory authority, at its discretion without  
 21 additional public comment on whether future action is  
 22 warranted.

23 So, general overview, the public comment  
 24 period ran from April 30th, 2018 through June 15th of  
 25 2018, and it closed at midnight on the evening of

Page 6

1 June 15th. We received public comments via electronic  
 2 mail, letters and postcards. And we received comments  
 3 on the Atlantic Coast Pipeline, slightly over 10,000  
 4 comments, 10,218. And on the Mountain Valley Pipeline  
 5 we received a little over 2500, 2,543. The comments  
 6 were made available to the Board and posted to our  
 7 public Website on July 25th of this year.

8 So I'm going to spend a minute talking  
 9 about some of the numbers in terms of the comments that  
 10 we received on Atlantic Coast Pipeline. We received  
 11 2,079 comments indicating that Nationwide Permit 12 is  
 12 inadequate for the activities involving stream and  
 13 wetland crossings.

14 The most-mentioned topics included  
 15 impacts and concerns regarding trout, fish, mussels and  
 16 other aquatic species; the concern regarding water  
 17 quality standards and potential impact to Tier III  
 18 waters; water supply in terms of potential impacts;  
 19 recreational use and business use of state waters, and  
 20 other comments regarding erosion, sedimentation,  
 21 landslides, slips and steep slopes.

22 We also received just over 8,000 comments  
 23 -- 8,069 -- noting that Nationwide Permit 12 is  
 24 sufficient and is protective. And the most-mentioned  
 25 comments were that Nationwide Permit 12 is protective;

Page 7

1 that there are operational safety and leak detection  
 2 systems in place. Comments on the impact on jobs and  
 3 the economy, and then comments on the need for the  
 4 pipeline.

5 When it came to Mountain Valley, we  
 6 received just over 2500 comments that Nationwide Permit  
 7 12 was not adequate. And the topics most-mentioned  
 8 were very similar, if not identical to what we heard on  
 9 Atlantic Coast Pipeline, in that there were concerns  
 10 regarding the impacts to trout, fish, mussels and other  
 11 aquatic species; water quality standards and potential  
 12 impact to Tier III waters; potential impacts to water  
 13 supply; recreational and business use of surface  
 14 waters; and then, again, concerns regarding erosion,  
 15 sedimentation, landslides, slopes and steep slope  
 16 construction.

17 The most-mentioned topic that was  
 18 included in the comments that noted Nationwide 12 is  
 19 sufficient was that it is protective.

20 So we took a look at the comments that  
 21 were within the scope of the Board directive, and that  
 22 goes back to that initial slide I opened with in terms  
 23 of they provided crossing-specific technical  
 24 information. We received 32 comments regarding the  
 25 Atlantic Coast Pipeline that fell into that, and we

Page 8

1 received 327 on Mountain Valley, but note that 304 of  
 2 those were from one commenter, so it was a series of  
 3 comments where it was kind of the same format but the  
 4 stream crossing identification and some of the  
 5 information and calculations were different.

6 The vast majority of these projects --  
 7 I'm sorry, of these comments that were within the scope  
 8 of your directive in that they were crossing-specific  
 9 technical information focused on issues related to  
 10 erosion and sedimentation control and potential  
 11 sediment impacts to state waters and wetlands.

12 For a number of the comments that were  
 13 not within the scope of your directive, they were not  
 14 targeted to specific technical information on specific  
 15 crossings, those comments were very similar to the  
 16 comments that we all received back in December when we  
 17 looked at the upland 401 water quality certification.  
 18 This is a list in summary. I'll run through them.  
 19 Concerns about private property rights, eminent domain,  
 20 negative impact to property values; the use of  
 21 hydraulic fracking versus other energy generation  
 22 sources; a preference for renewable energy; impacts to  
 23 rural and forest view sheds; that there is no  
 24 demonstrated need for the project and no demonstrated  
 25 demand for natural gas; the threat of explosions once

Page 9

1 in operation; increase in greenhouse gas emissions;  
 2 permanent impacts to aquatic species and water quality;  
 3 no consideration of cumulative impacts; increased  
 4 economic development and job creation; safety of  
 5 pipeline transportation versus other methods of  
 6 transporting natural gas; and then comments on the  
 7 thoroughness of both the evaluations conducted by the  
 8 U.S. Army Corps of Engineers and the Federal Energy  
 9 Regulatory Commission, FERC.

10 I have a couple of examples and just was  
 11 going to run through them quickly. A lot of the  
 12 comments -- the majority of the comments really were  
 13 general information and not technical information  
 14 related to a specific crossing. Just as a couple of  
 15 examples: Open trenching will cause release of  
 16 sediments to streams. Using open trench methods will  
 17 not permanently impact streams.

18 There were comments that we received  
 19 about horizontal directional drilling in terms of  
 20 lacking geotechnical studies that support the use of  
 21 it, and that inadvertent return of water and/or spoils  
 22 management measures are inadequate.

23 There were a number of questions about  
 24 the federal/state approval process, and the host of  
 25 roles and responsibilities regarding the regulated

Page 10

1 project activities. For example, there were concerns  
 2 about the definition of wetland, what's the delineation  
 3 of wetlands, how wetland resources are co-regulated by  
 4 the Corps and DEQ. There were comments that not all  
 5 surface water crossings were identified. And then  
 6 there were comments talking about minimum design  
 7 criteria that we utilized in erosion and sediment  
 8 control and stormwater controls and basically the  
 9 various roles of those programs and how they interact.

10 We had comments that talked about an  
 11 expectation of no impact to the environment. For  
 12 example, that sedimentation is a permanent impact, not  
 13 temporary; measures should prevent all releases of soil  
 14 and material, and they should withstand all weather  
 15 events and completely avoid any ground disturbance in  
 16 specific geographic areas.

17 And then there were comments regarding  
 18 aquatic species protection. No time-of-year  
 19 restrictions were applied at certain crossings. And  
 20 then comments on how other agencies played a role in  
 21 considering the need of protecting aquatic species.

22 There were some comments that expressed  
 23 disagreement with federal and state law and regulations  
 24 regarding the regulation of natural gas projects. For  
 25 example, Nationwide Permit 12 does not adequately

Page 11

1 consider cumulative impacts, and that there are more  
 2 impacts occurring than should be allowed by the single  
 3 and complete crossing structure.

4 And then there were topics that are not  
 5 regulated either by Section 404 or the Virginia Water  
 6 Protection permitting program. And those included  
 7 comments regarding social justice and impacts on  
 8 economically and disadvantaged communities, economic  
 9 drivers, creation of jobs, and then legal issues most  
 10 often highlighted, the validity of the exercise of  
 11 eminent domain by the pipeline developers.

12 So general overview of the comments, we  
 13 did provide you the Excel tables that identify the  
 14 comments and summarize them. I know it was an awful  
 15 lot of material, but we really wanted you to take a  
 16 look at it and not edit it down for you.

17 Right now I am ready to tee up three  
 18 different presentations by staff. The first thing  
 19 we're going to run through is a comparison of the  
 20 conditions and requirements of Nationwide Permit 12 as  
 21 compared to what is authorized under Virginia's  
 22 Virginia Water Protection program regulation in  
 23 summary, and then Dave Davis is going to come up here  
 24 and we'll go through the requirements side-by-side.

25 But in summary, of the 46 regional and

Page 12

1 general conditions in the Corps' Nationwide Permit 12,  
 2 only two differ from the Virginia Water Protection  
 3 permit program. And both the Atlantic Coast Pipeline  
 4 and Mountain Valley Pipeline have offered to address  
 5 those two provisions. And the Corps incorporated those  
 6 two provisions as conditions to their coverage under  
 7 Nationwide 12, and they are about mitigation. They're  
 8 not about the nuts and bolts of actually doing the  
 9 stream crossing.

10 And for linear projects -- we see an  
 11 awful lot of road construction, and so for linear  
 12 projects, whether it's a road, a pipeline, a natural  
 13 gas pipeline, a sewer pipeline expansion, both DEQ and  
 14 the Corps have substantially identical permitting  
 15 requirements.

16 I did want to make note of one provision  
 17 that's in the state law where there is no corollary at  
 18 the federal level. And it is language in the State  
 19 Water Control Board. I have provided you the citation,  
 20 62.1-44.15:21.D.2, and I have summarized what that  
 21 language says. But essentially the General Assembly  
 22 has put in state law that no Board action on an  
 23 individual or general permit for facilities and  
 24 activities of utilities and public service companies  
 25 regulated by FERC shall alter the siting determination

Page 13

1 made through FERC approval. That goes to some of the  
2 issues of avoidance and -- or possible avoidance and  
3 minimization, and that once the FERC alignment has been  
4 approved by FERC, we don't have the authority to make  
5 determinations that alter the site. And the General  
6 Assembly put that in the State Code some time ago.  
7           So with that, I am going to ask Dave  
8 Davis to come up here and go through the side-by-side  
9 comparison of Nationwide 12 permit conditions and the  
10 requirements in the Virginia Water Protection permit  
11 program. And just -- if I could just take a minute,  
12 Mr. Chairman.

13           MR. DUNN: Yes.

14           MS. DAVENPORT: If extra copies -- extra  
15 paper copies of these presentations will be in the  
16 back, and our intent is to get them uploaded to the  
17 website end of business day today.

18           MR. DUNN: Thank you.

19           MR. DAVIS: Good afternoon, Mr. Dunn and  
20 Members of the Board. Good to see you again. I'm  
21 going to take a minute and just do a side-by-side  
22 comparison for your information of the VWP permit  
23 requirements and the Nationwide 12 Permit requirements.  
24 You will see on the slides that there's a lot of words  
25 on some of them, because I have provided direct

Page 14

1 quotations out of the regulation, but I've tried to  
2 highlight keywords that focus your eyes so that you can  
3 see that in many cases there's actually a direct  
4 verbatim wording in both statutes.

5           The first thing -- the first thing is  
6 that both the VWP permit and the Corps Nationwide 12  
7 Section 404 permit apply to the same activities:  
8 Dredging or filling of surface waters and wetland.  
9           And then linear transportation and linear  
10 utility projects have substantially identical  
11 permitting requirements.

12           VWP regulation states that coverage under  
13 a general, regional or Nationwide permit promulgated by  
14 the Corps of Engineers and certified by the Water  
15 Control Board shall be deemed coverage under a VWP  
16 general permit regulation.

17           And then you saw this is on Melanie's  
18 presentation, but the state law says that no Board  
19 action can alter the siting determination once FERC has  
20 made a determination on the location.

21           This is just a summary slide to summarize  
22 the next 25 or so slides. But this is to show you that  
23 both the federal and the state permit have requirements  
24 on how to delineate wetlands, avoidance and  
25 minimization, compensation, definition of single and

Page 15

1 complete project and so forth.

2           As we go through the side-by-side  
3 comparison, I'm not going to read the details of each  
4 slide for you, but, again, you will see the  
5 highlighting, as I've tried to point out the  
6 similarities.

7           So both programs use the same joint  
8 permit, the same forms, the same information submitted.  
9 Both programs have the same or substantially the same  
10 definition of what constitutes a single and complete  
11 project.

12           Both programs have the same threshold for  
13 when compensation is required. Over a tenth of an acre  
14 of wetlands and/or over 300 linear feet of stream.  
15 Both permits require compensation for permanent impact.  
16 And there is one difference -- one of the two  
17 differences here is that the VWP permit program does  
18 have a requirement for conversion impacts. Conversion  
19 being currently forested wetlands that will be  
20 converted to emergent wetlands to the project. And as  
21 the asterisks show, both pipeline companies have  
22 voluntarily offered that they would compensate for  
23 those conversion impacts, and the Corps of Engineers  
24 incorporated that in their Nationwide 12.

25           Both programs have requirements for

Page 16

1 erosion and E&S control.

2           Both programs use the same technical  
3 criteria for identifying surface waters and streams.  
4 Those are programatic similarities.

5           Next, we're going to go line-by-line  
6 through the VWP regulation and compare that with the  
7 Nationwide 12. The biggest chunk will be the standard  
8 project conditions, and then towards the end there will  
9 be some special conditions.

10           So both programs discuss impacts to  
11 beneficial uses and the need to avoid minimizes to the  
12 practicable extent possible. They both talk about  
13 activities which cannot disrupt the movement of aquatic  
14 life or aquatic species.

15           Both programs require that flows  
16 downstream be maintained to protect those aquatic  
17 species. And they both -- they both state that there  
18 should only be a minimal adverse effect on navigation.

19           Both programs require that activities  
20 should not impede the passage of normal or expected  
21 high flows. And they also address the continuous flows  
22 of perennial streams.

23           Both programs state that the excavation,  
24 dredging and filling shall be accomplished in a manner  
25 that minimizes the disturbance and turbidity of the

Page 17

1 water.

2                   Again, maintaining normal and low-flows.

3 And, also, the construction activities are to minimize

4 the construction materials from entering surface

5 waters.

6                   Both programs require that all fill

7 material be clean and free of contaminants, and have a

8 requirement for the prevention and containment of

9 spills of lubricants and other pollutants.

10                   Both programs require that any machinery

11 or heavy equipment be placed on mats or geotechnical

12 (sic) fabric, and that any restoration activities are

13 conducted in the dry or during low-flow periods or

14 conditions.

15                   Both programs require that temporary

16 disturbances are avoided and minimized to the extent

17 practicable. And both require that all temporarily

18 disturbed wetlands are restored to preconstruction

19 conditions within 30 days of completing work in that

20 area.

21                   The next slide. This is the second of

22 the two areas where there's a difference between the

23 programs. This is the -- this is a requirement that

24 any wetland or surface water that is not proposed for

25 impact by the project to be flagged in the field so

Page 18

1 that contractors can identify those areas and stay out

2 of them. There's no companion requirement for that in

3 the Nationwide 12, but the two pipeline companies

4 voluntarily offered to do that, and that was accepted

5 by the Corps and incorporated in the Nationwide 12

6 program.

7                   The next couple of slides are special

8 conditions, and in many cases they're a reiteration of

9 the standard conditions, but these are special

10 conditions for utility projects. And, again, this says

11 that any temporary disturbances or impact shall be

12 restored to preconstruction conditions.

13                   Any materials that are stockpiled,

14 whether excavated or so forth, will be temporarily

15 sidecast, not to exceed 30 calendar days -- I'm sorry,

16 90 calendar days. Again, the language is similar in

17 the Nationwide 12 program.

18                   As with the special con -- I'm sorry, as

19 with the standard condition, there's a special

20 condition requiring compensation for conversion

21 impacts. And, again, that's when there's currently a

22 forested wetland that would be permanently converted to

23 an emergent wetland. And, as I said before, both

24 pipeline companies have voluntarily offered that.

25                   The first one here that's dealing with

Page 19

1 pipes and culverts, it must be countersunk at -- that's

2 pertaining to access roads for construction of the

3 project. And there's almost the same language across

4 both programs. And then both programs require

5 time-of-year restrictions as recommended by Game and

6 Inland Fisheries.

7                   And then just in summary, of the 46

8 regional and general conditions of the Corps'

9 Nationwide 12 program, only two of those differ from

10 the VWP permit. And both of those two differing

11 conditions have been voluntarily accepted by the two

12 pipeline companies and incorporated in the Corps of

13 Engineers Nationwide 12 permit for those.

14                   Again, as you see in the side-by-side

15 comparison, both programs have similar, or identical in

16 some cases, conditions. And that's across all linear

17 projects. They are not just natural gas pipelines, but

18 any utility project and any road.

19                   Thank you.

20                   MS. DAVENPORT: As I mentioned, a number

21 of the comments that we received that were crossing

22 specific crossed into issues of erosion and

23 sedimentation control, and what kind of protections

24 will there be for this construction activity.

25                   I think I have one -- can you go back

Page 20

1 to mine for just a second, please? I also wanted to

2 mention that we have heard from a number of folks for

3 a substantial period of time that one of the major

4 flaws in utilizing Nationwide Permit 12 is that it

5 is a blanket permit that does not provide any

6 crossing-specific review or information. That is what

7 happens when we look at our erosion and sediment

8 control plans. So I have asked staff from our E&S and

9 stormwater program -- Jaime Robb is going to do the

10 primary presentation, and then Ben Leach is here if we

11 have questions or need to get into more details. Ben

12 has been the point person for actually reviewing the

13 E&S and stormwater plans for both of these projects.

14                   So I'm going to turn the podium over to

15 Jaime, but I just wanted to point out a couple of

16 things. I've actually been in the field several times

17 since construction started, and one of the things that

18 wasn't always clear to me in terms of some of these E&S

19 controls and kind of the big picture is that we talk

20 about E&S requirements for activity in wetlands and

21 streams, but there's really two kinds of activity.

22 There are instances where these streams and wetlands

23 need to be crossed by trucks, by machinery, by the

24 equipment that's actually involved in the construction

25 of the project. And there's a set of requirements that

Page 21

1 sets out in our E&S -- and Jaime will talk about this  
2 -- that protects those resources from the trucks and  
3 equipment going across. There's a very prescribed way  
4 that you protect both those wetlands and streams.  
5 And then the second kind of activity is  
6 actually when pipe needs to be installed either through  
7 the wetland or in the streambed. So I kind of mixed  
8 those two up in my mind, so sometimes when I was  
9 looking at the plans or hearing about things, it didn't  
10 necessarily make all that much sense to me. So I just  
11 wanted to alert you that we're really talking about  
12 construction activity that crosses these resources, and  
13 then pipe installation that occurs within those  
14 resources. So with that, I'm going to turn it over to  
15 Jaime.

16 MS. ROBB: Good afternoon, Chairman Dunn,  
17 Members of the Board. I am Jaime Robb, and I manage  
18 the Office of Stormwater Management for DEQ. Our  
19 office is responsible for erosion and sediment control  
20 review and stormwater management plans. Not just for  
21 the pipeline, but for other projects that are regulated  
22 land-disturbing projects across the Commonwealth.  
23 So what Melanie's asked me to do today is  
24 put together a little bit of information regarding our  
25 erosion and sediment control review regarding

Page 22

1 specifically stream crossings, but I just want to  
2 emphasize again, you know, this particular presentation  
3 is specific to the stream crossing portion. We are  
4 reviewing the E&S requirements for the entire project  
5 itself.  
6 So under our Erosion and Sediment Control  
7 Plan review every stream crossing is reviewed. As a  
8 matter of fact, every portion of the land-disturbing  
9 activity is reviewed. This includes the route that  
10 it's going through, the type of land cover that's being  
11 disturbed, ensuring that the proper controls are being  
12 put in place. Looking at the erosion and sediment  
13 controls as a systemwide set of controls.  
14 So, for example, what happens in the  
15 uplands, making sure those controls are adequate to  
16 protect the downstream portions of the project as well.  
17 Specifically, I think it's very important to note as  
18 well that here in Virginia we don't require any work in  
19 the streams while they are wet. So that requires some  
20 level of --  
21 (Interruption)  
22 MS. ROBB: Excuse me. That requires the  
23 companies to come up with some other alternative to  
24 make sure that they are working in the dry conditions,  
25 and we'll talk a little bit about that further.

Page 23

1 Specifically, under the erosion and  
2 sediment control regulations, we have 19 standards that  
3 speak to both upland and stream crossing erosion and  
4 sediment control, and, specifically, there are three  
5 that address the stream crossings.  
6 And, additionally, I'll talk briefly  
7 about the overlap with our erosion and sediment  
8 program, as well as the Nationwide 12 program.  
9 So just getting you started, I thought  
10 I'd highlight the three erosion and sediment control  
11 minimum standards related to stream crossings. And as  
12 you can see, we've got Minimum Standard 12 that states:  
13 When work in a live watercourse is performed,  
14 precautions shall be taken to minimize encroachment,  
15 control sediment transport and stabilize the work area  
16 to the greatest extent possible during constructions.  
17 Nonerodible material shall be used for the construction  
18 of causeways and cofferdams. Earthen fill may be used  
19 for -- may be used for these structures if armored in a  
20 nonerodible cover material.  
21 And then we've got Minimum Standard 13:  
22 When live watercourses must be crossed by construction  
23 vehicles more than twice in a six-month period, a  
24 temporary vehicular crossing shall be constructed of  
25 nonerodible materials.

Page 24

1 And then Minimum Standard 15: The bed  
2 and banks of watercourses shall be stabilized  
3 immediately after work in the watercourse is completed.  
4 So as -- you just heard a presentation  
5 from Dave Davis that talked a little bit about the --  
6 or gave you a comparison of the VWP permit requirements  
7 and Nationwide 12 permit requirements. And as he  
8 mentioned, each stream crossing is considered single  
9 and complete for linear projects. The crossing of a  
10 single waterbody multiple times is considered separate.  
11 And so we are looking -- when we're reviewing those  
12 erosion and sediment control plans -- at each one of  
13 those crossings, evaluating those erosion controls  
14 specifically at that crossing. We want to make sure  
15 that stream and wetland impacts are minimized or  
16 avoided when possible, minimizing the amount of soil  
17 disturbance associated with the land-disturbing  
18 activity, and then maintaining normal downstream flows.  
19 And all of that aligns very closely with those  
20 conditions of the Nationwide 12 that you just heard  
21 about.  
22 So, again, the Nationwide 12 requires  
23 erosion and sediment controls to be maintained during  
24 construction. That's exactly what we're looking at.  
25 It requires excavated material be placed back into the

Page 25

1 trench to the original contour. So when we get these  
 2 plan sheets in, we're looking at the preconstruction  
 3 condition and the post construction condition and  
 4 ensuring that those contours -- that the land cover,  
 5 the contours, the streambeds, all of that is returned  
 6 back for these particular projects.

7 And, in addition, as they do work in  
 8 these streams, they are excavating those streambeds.  
 9 They are separating out -- segregating out the  
 10 materials, soil materials, and then replacing those  
 11 back after they finish their work in the same level of  
 12 order that it was removed that it's in the ground. And  
 13 then, of course, stabilizing the river rocks or  
 14 whatever natural stone was there to begin with. And  
 15 this helps protect that in stream scour or  
 16 sedimentation that could have occurred from that work  
 17 on the stream.

18 Additionally, we require the  
 19 preconstruction elevations and revegetation of the  
 20 site. And that plant species that are native to  
 21 Virginia -- that are not invasive -- be used for  
 22 revegetation purposes.

23 I mentioned earlier that here in Virginia  
 24 folks can't do work in the wet. They can only do work  
 25 in dry streams. And that's unique to Virginia. Some

Page 26

1 of our neighboring states don't require that, as we  
 2 understand it. So there's a variety of methods that  
 3 they can use to do that work on stream crossings. And  
 4 what we're going to look at is just some very  
 5 elementary diagrams that we've come up with on some of  
 6 those crossings.

7 Primarily, we're seeing dam and pump or  
 8 pump around crossings. We've got flume crossings. At  
 9 one point there was consideration of a coffer dam, but  
 10 I believe that that's been taken off the table. And  
 11 then, of course, there is some consideration of HDD,  
 12 horizontal directional drilling.

13 So, again, excuse the very elementary  
 14 photos, but what I wanted to do -- and we're going to  
 15 have some photos of plans later on. But I wanted to  
 16 show -- without all of the other fluff that comes on  
 17 plans that we look at -- just the crossing itself. So  
 18 you can see here that what we've got is a pump -- dam  
 19 and pump around. And the upstream side of the stream  
 20 is dammed off. And then that -- the pump is installed  
 21 and piping such that that stream water is then  
 22 literally pumped around to the other side of another  
 23 dam so that they can do the work in the dry, as  
 24 required by Virginia.

25 Another type of crossing is a flume

Page 27

1 crossing. And essentially very similar setup here, but  
 2 instead of pumping around the site, a pipe is actually  
 3 laid through the dry area of the crossing that allows  
 4 the stream to continue flowing to just the other side  
 5 of the dam. And it's important to recognize here, we  
 6 also require the energy dissipation, a mechanism that  
 7 measures to ensure once that water makes it to the  
 8 other side of the dam that it's not creating an erosion  
 9 or sedimentation problem as it's being released.

10 We have a coffer dam diagram here. Just  
 11 essentially -- this is typically for your water streams  
 12 and crossings. And they do a little bit of work --  
 13 dam-off a certain area along the stream banks and can  
 14 do some work in the dry so they pump out that water.  
 15 And then eventually make their cross to the other side.

16 And, lastly, as I mentioned, horizontal  
 17 directional drilling is a crossing method that is  
 18 proposed as part of these projects. And, essentially,  
 19 they start on one side away from the stream banks,  
 20 usually it's set back a little bit in the upland. And  
 21 they drill a pilot hole in the direction that they want  
 22 to drill and underneath the streambed. And through  
 23 time it -- they replace -- they replace that equipment  
 24 to drill out larger -- larger diameters until they get  
 25 to that size that they need for the pipe installation.

Page 28

1 Usually they start on both sides of the stream and then  
 2 meet somewhere in the middle.

3 So what we've got now is we're going to  
 4 have a few pictures of the stream crossings. And I  
 5 apologize, they're not very big, but we didn't want to  
 6 lose some of the resolution here. But here we've got  
 7 an example of a crossing in Augusta County. And just  
 8 to note, these have not been approved yet. This is  
 9 just for example purposes.

10 I'm going to ask Ben Leach, who is our  
 11 lead technical reviewer on this project to walk you  
 12 through some of the erosion and sediment control  
 13 measures that are being evaluated and looked at through  
 14 our review. Specifically, in the plans. Hopefully we  
 15 don't get too technical, but this is what we -- this is  
 16 what we do and what we look at.

17 MR. LEACH: Chairman Dunn, Members of the  
 18 Board, my name is Ben Leach. I am the technical lead  
 19 on these particular pipeline projects and overseeing  
 20 the contract work by our third-party reviewers.

21 Just to note that our stream crossings  
 22 typically -- almost all of them are pump arounds  
 23 approach. A flume could be potentially used if we see  
 24 a significant rain event coming in, but most streams  
 25 are being crossed in a manner of within 72 hours, and

Page 29

1 then being restored to post construction conditions and  
 2 stabilized. So rarely will we see a flume being  
 3 utilized for this particular project at this time, and  
 4 for both, actually, more than likely.  
 5 There are a handful -- roughly about  
 6 seven HDDs that will be potentially used during this  
 7 project. Not all of them are necessarily tied to  
 8 stream crossings themselves. For example, the Blue  
 9 Ridge Parkway for Atlantic Coast Pipeline going under  
 10 the mountain for about a mile. That is an example of  
 11 HDD, not being used for stream crossings.  
 12 In this particular example -- this is  
 13 Augusta County -- the Middle River is part of the  
 14 Shenandoah River network, you can see that it is a  
 15 coffer dam system. And this is typically what we see  
 16 on detail. And I will go into further detail and plan  
 17 review further along in these slides.  
 18 Another example that I will be going  
 19 through is in Bath County, and it demonstrates braided  
 20 streams in which it shows how E&S measures are  
 21 reviewed. And at the scale that we review them at, it  
 22 is roughly one inch equals 50 feet, typically, for the  
 23 majority of our reviews. Stream crossings are called  
 24 out in both projects at a resolution for which one can  
 25 discern what the stream crossing techniques are.

Page 30

1 And I would like to note that in the  
 2 Atlantic Coast Pipeline plans their resolution was at a  
 3 higher scale, so they were required to do far more  
 4 stream crossing details for us to discern what was  
 5 there. And that's why -- when -- you'll see the -- one  
 6 day the group plans. That particular detail will have  
 7 a significant amount of stream crossings shown.  
 8 Jaime changed the slide. Sorry. Jaime  
 9 highlighted one of the key issues here. Stream  
 10 crossings themselves and E&S measures work as a  
 11 collective system. It's not one measure that holds  
 12 back the erosion and sediment control, the  
 13 sedimentation from leaving the site. It is a series of  
 14 measures that are installed in a sequence that allow  
 15 for maximum filtration that can occur and decrease of  
 16 energy that will leave the site that cause further  
 17 damage downstream.  
 18 Our key techniques for how we approach  
 19 that is through utilization, first and foremost. Clean  
 20 water diversions. Clean water diversions, which you  
 21 can see on this particular image, are in that -- God  
 22 forbid I say it -- North Carolina blue. And that  
 23 particular element, along with the diversion dike,  
 24 which is in magenta, guides the water -- clean water --  
 25 from offsite away from the site activity itself.

Page 31

1 Without these particular measures installed, the E&S  
 2 measures within the confines of the limits of  
 3 disturbance cannot be properly sized, engineered --  
 4 technically engineered sized for that slope extended in  
 5 the drainage area contributing to that.  
 6 So these particular elements -- divert  
 7 water away from the construction site so the only  
 8 runoff that will occur as a result of potential  
 9 sediment leak and runoff will be from the confines --  
 10 any raindrops that fall within the limits of the  
 11 disturbance, which is typically 125 feet wide.  
 12 Another technique that we are using for  
 13 this particular -- both projects are slope breakers,  
 14 and they're also known as water bars. They break up an  
 15 interval of water as they fall down the slope. They  
 16 concentrate flow into a sump, and then into a triple  
 17 stacked compost filter sock or a belted silt retention  
 18 fence, which allows for the dampening of the energy of  
 19 the water before it leaves the site.  
 20 And then these particular elements tie  
 21 into the perimeter measures, which are usually compost  
 22 filter socks and belted silt fences. We rarely, if  
 23 ever, on this particular -- both of these projects see  
 24 traditional silt fences, which are -- everyone sees are  
 25 black silt fences on most construction sites. These

Page 32

1 particular measures that are utilized -- a super silt  
 2 fence, which is literally a chain link silt fence with  
 3 a belted silt fence attached to it, allows for these  
 4 waters to pass through and not fail due to slope  
 5 conditions and so forth.  
 6 And let me highlight one thing. Our E&S  
 7 measures in Virginia are sized for the two-year,  
 8 24-hour storm event. That is what's outlined within  
 9 the CGP through EPA, and that's a legacy that carried  
 10 over into our E&S regs. And most of the rain events  
 11 that we have seen to date are exceeding those 2-year,  
 12 24-hour storm events.  
 13 (Interruption)  
 14 MR. LEACH: The steep slopes are another  
 15 concern when we're approaching any form of wetlands,  
 16 water bodies. In this particular case is a steep slope  
 17 condition. It's coming off the mountainside or hill  
 18 down into the flatness of the Middle River, and then  
 19 enters the flood plane on the opposite side.  
 20 Most slopes are in the western half of  
 21 the state. We're looking at between 30 percent and  
 22 50 percent slopes. And that's not degrees, that's  
 23 percentages. So when these E&S measures are installed,  
 24 we typically will go out and inspect them after they've  
 25 been installed and after rain events, and then, if need



Page 33

1 be, do adjustments in the field to make them more  
 2 robust as the steep slopes may be headed in a certain  
 3 way due to certain --  
 4 (Interruption)  
 5 MR. LEACH: -- soil types. And that's  
 6 what we usually do.  
 7 (Interruption)  
 8 MR. LEACH: So one thing that's unique  
 9 to --  
 10 (Interruption)  
 11 MR. DUNN: Please hold it down. No  
 12 comments. We'd like to hear the presentation.  
 13 (Interruption)  
 14 MR. LEACH: One thing that's unique with  
 15 these projects is the series and amounts of streams  
 16 that they do cross. And we took that into  
 17 consideration on how they approach the crossings.  
 18 The timber bridges are typically what you  
 19 see as the transport crossing type, and you'll see that  
 20 in each of these particular crossings. They could use  
 21 something called a Bailey's bridge, which is a more  
 22 robust standing bridge. We have yet to see one of  
 23 those installed to date, but it could be shown in  
 24 future crossings.  
 25 These particular pump arounds -- this is

Page 34

1 another example of one. What we end up doing here is  
 2 allowing for the pipe to pass through using trench  
 3 breakers sometimes -- trench plugs, sorry. Those  
 4 trench plugs allow the water to pool behind the pipe,  
 5 and then we bleed or drain them off periodically so --  
 6 in case of rain event. The key issue is you don't use  
 7 the channel, the trench itself, as a conveyance system.  
 8 You utilize it as a -- we transport it offsite or to  
 9 the edge of the right-of-way and dissipate the energy  
 10 within that.  
 11 This particular crossing is unique, along  
 12 with -- there's a couple of others where you cross one  
 13 stream, and then you'll have to cross another, and then  
 14 you'll have to cross another. And it's because the  
 15 majority of the time these -- in this particular case  
 16 we're looking at the upland area of the mountains, and  
 17 these streams are located typically at the head waters.  
 18 And you'll have intermittent streams and braided  
 19 streams constantly coming into play during our review  
 20 process.  
 21 And that's a legend in case any of you  
 22 want to review this at a later date. Keep in mind  
 23 these are draft for Atlantic Coast Pipeline example.  
 24 The next is an actual stream crossing  
 25 that occurred and is -- as of yesterday, this is a

Page 35

1 photo of the Roanoke River. I mean, the North Fork of  
 2 the Roanoke River. This is the channel. It has been  
 3 restored to a post construction condition. It will be  
 4 monitored as it settles into the environment as the  
 5 water flows. The slopes have been stabilized  
 6 immediately with matting material. And the timber  
 7 bridge, as you can see, is there to allow for crossing  
 8 to continue. If you see on the upper half of the  
 9 image, that is actually a super silt fence to add extra  
 10 protection to that slope on this particular project,  
 11 because there is a steep slope upstream up to the North  
 12 Fork of the Roanoke River.  
 13 Another thing I would like to note is  
 14 25 feet on all streams and water body crossings is a  
 15 water bar to add an extra feature of protection. Both  
 16 -- the water bar is placed temporarily for the full  
 17 stretch of 125 feet for the post construction.  
 18 Sometimes it's in the neck down area, so it's 75 feet.  
 19 And for post construction, you're looking at a 50-foot  
 20 water bar that's required as well, to add that extra  
 21 protection once the project is buttoned up and  
 22 restored.  
 23 I did forget to mention every stream  
 24 crossing is required to follow a neck down procedure.  
 25 The neck down procedure is based off of going from

Page 36

1 125 feet -- sometimes you'll see an alternate work  
 2 location or worksite, which is a bump-out, as we'll  
 3 call it. And then it necks down to 75 feet. And the  
 4 75 feet is determined by 50 feet off the centerline of  
 5 the water body crossing itself. And that's why  
 6 sometimes you get abnormal neck down shapes and sizes  
 7 during this project.  
 8 This is also another look closer up of  
 9 the North Fork Roanoke River as of yesterday. The  
 10 initial colloidal clays are layered back in. It's to  
 11 allow for the rocks to adhere to the surface of the  
 12 streambed over. Over time -- and by "time" I mean  
 13 matter of weeks -- this particular channel will show  
 14 less and less colloidal clay on the surface on the bed.  
 15 (Interruption)  
 16 MR. LEACH: This is another stream  
 17 crossing near Chaos Mountain. You can see in this  
 18 particular picture the steep slopes on either side.  
 19 The bumps that you see are actual water bar measures  
 20 that are installed. The first one shoots to the right.  
 21 The next one shoots to the left, and it goes back and  
 22 forth sometimes, or it goes all to one direction. The  
 23 blue and the green items that you see in these photos  
 24 are compost filter socks. Those particular socks two  
 25 weeks ago when I was out there are twenty-four inch in

Page 37

1 diameter. They're to allow for stabilization of the  
2 slope. The matting material is the tan color, and then  
3 you can see also the grass coming in as well.  
4       Currently, this particular stretch of the  
5 mountain is being restored to post construction's  
6 criteria, which will require returning it back to its  
7 original line and grade based off of the LiDAR  
8 topographic imagery that was created, and also  
9 restoring 75 feet of this right-of-way to brush, scrub,  
10 seed mixtures that have been vetted by DCR, along with  
11 a 50-foot centerline where the permanent right-of-way  
12 is pollinator species meadow seed mixes for this  
13 particular project.  
14       That's the bridge crossing as well. You  
15 will see it right there. That is currently still  
16 there, but they will be removing that here probably in  
17 the next week or less.  
18       This is the actual stream itself. As you  
19 can tell, they stabilized the banks, met the original  
20 line and grade of the post construction requirement.  
21 The stream is reflecting what the common  
22 characteristics of this particular stream are. The  
23 rocks are heavy, fragmented, cleaved off from rock  
24 faces many years, but this is how it will typically  
25 look on the streams once they restore it. And in some

Page 38

1 cases -- in some cases you will have streams require a  
2 live sapling or a live stake of willows, depending on  
3 which agency put forth that requirement to restore the  
4 75 -- the 25 feet or up to whatever area that's not  
5 part of the permanent right-of-way as a restorative  
6 repairing area.  
7       To give you some framework of unique  
8 conditions at the pipeline, this is one of the active  
9 trenches that was there two weeks ago when I was  
10 visiting. This particular trench is at Bent Mountain  
11 near the Blue Ridge Parkway. As you can tell, there is  
12 water standing in the trenches.  
13       (Interruption)  
14       MR. LEACH: Yes, with the pipe in it.  
15       (Interruption)  
16       MR. LEACH: Now, what I would like to  
17 highlight is you'll see periodically a small brown pipe  
18 that is there. There are three of them. Those are  
19 agricultural field drains utilized to drain the fields.  
20 That implies that the fields themselves have historic  
21 high groundwater tables. And this allows for the  
22 farmers to not create a muddy area for which their  
23 cattle work in. When the project is live and they're  
24 actively doing work, they utilize that black material  
25 off to the left to pump the water out. It's one of

Page 39

1 their dewatering facilities for pump water and --  
2       (Interruption)  
3       MR. LEACH: And it goes through a series  
4 of filtration devices that flows down into a swale that  
5 leads towards a native creek.  
6       (Interruption)  
7       MS. WOOD: Ladies and gentlemen, staff  
8 doesn't interrupt you when you're speaking so I would  
9 ask that you please --  
10       (Interruption)  
11       MR. LEACH: So I would like to highlight  
12 this particular one, because it is a wetland on the  
13 left where you see the green. That was identified and  
14 flagged as a wetland. You see the bridge crossing that  
15 wetland, and there is also further down a cattle  
16 crossing area for which the owner can still access his  
17 lower fields with his cattle. At this time the cows  
18 were not there during my visit.  
19       (Interruption)  
20       MR. LEACH: This is the example of a  
21 clean water diversion that allows for water that's  
22 up-slope. This particular area drains about  
23 seven-and-a-half, six acres, give or take, that feeds  
24 into this clean water diversion. The upper slope is a  
25 clean water diversion dike that sends the water to this

Page 40

1 particular feature and prevents it from entering the  
2 right-of-way where it can mix with soils that have been  
3 sediment latent runoff. The area is isolated. It is  
4 surrounded by riprap to allow for energy dissipation to  
5 occur.  
6       MR. DUNN: Thank you.  
7       MS. DAVENPORT: So the last presentation  
8 that will be given to you by Steve Hardwick, who works  
9 in our stream and wetlands shop with Dave Davis.  
10       I asked the question of staff, you know,  
11 we know that these -- that there's been a lot of  
12 projects that have been authorized under Nationwide 12.  
13 We know that there are numerous utility corridors  
14 underneath wetlands and streams. I asked him to figure  
15 out if he could get some pictures as to what these  
16 corridors look like post stabilization and post  
17 restoration. Believe it or not, it took Steve --  
18 because of where a lot of these are located, he really  
19 had to work hard to get access, because we couldn't  
20 just go on folks' properties to take pictures.  
21       (Interruption)  
22       MS. DAVENPORT: So I just asked him to  
23 provide a sampling of what these larger corridors  
24 looked like sometime after construction is completed,  
25 stabilization is completed and restoration is

1 completed.

2 MR. HARDWICK: Good afternoon. I'm Steve  
3 Hardwick, the VWP Coordinator --  
4 (Interruption)

5 MR. HARDWICK: Steven Hardwick, VWP  
6 Coordinator. As Melanie said, I went out, and I just  
7 tried to get examples of existing pipelines and their  
8 crossings of major rivers or streams. I tried to  
9 spread it around the state to see if I could represent  
10 some mountain streams, as well as some of the streams  
11 that are, you know, along the Piedmont and out towards  
12 the Coastal Plain.

13 The locations that I chose were based  
14 predominantly on ease of access. Given the timeframe,  
15 that was the -- that was the strategy that I was using  
16 for getting these shots.

17 This first map or illustration is just a  
18 -- it's the existing pipeline network in Virginia. And  
19 I'd just draw your attention to the two intrastate  
20 pipelines are the ones I concentrated on. So the one  
21 you see towards the top which runs from south or just  
22 to the western portion of the state that's a light  
23 brown color and goes up towards Washington is the  
24 Columbia Pipeline. And it has another section that  
25 runs down from -- West Virginia down to the

1 hill there. That's the pipeline marker. That's the  
2 floodplain of the stream you saw. And this is looking  
3 upstream and then downstream. And then this is a bit  
4 close-up, I know. This is looking right at the  
5 easement there at the edge, crossing the stream. I  
6 couldn't get the shot straight down because of the  
7 grade there.

8 Moving on. This is heading east along  
9 that same pipeline. This is at Gala, Virginia. This  
10 is the crossing of the James River. At this point --  
11 this Gala is a compressor station, so there's actually  
12 another spur running south of the road from here, but I  
13 could not access that. So here is without the  
14 pipeline. There is the pipeline, and then forward  
15 without. And then go forward and there's the actual,  
16 you know, crossing right there.

17 Next, moving east out of the James River  
18 Valley back up in the mountains, this is Mill Creek, in  
19 the Jefferson National Forest. This is along the -- I  
20 think it's the Bluegrass Trail, and that runs between  
21 220 and out to Lexington. So this illustration shows  
22 the pipeline easement road you see to the north of it  
23 here. And then the next picture provides the same shot  
24 without the pipeline illustrated. And then next, this  
25 is walking along the pipeline easement to the

1 southeastern portion of Virginia. And I've got  
2 pictures along both of those spurs of those main lines.

3 And then the Transco Pipeline is the pink  
4 pipeline that you see there. The pink line. And I  
5 also got one picture along the Southside extension that  
6 you see there, the pink one. And then I got a couple  
7 of photos up along the extension from south of Virginia  
8 out towards Washington and the northeast.

9 Forgive me if you can't see these  
10 location maps very well. This first picture shows the  
11 -- excuse me, the -- it's three crossings here that are  
12 along the Columbia Pipeline, and all three are in the  
13 Jefferson National Forest. Couldn't illustrate the  
14 pipeline, but those -- you can see those locaters, and  
15 those are the three locations.

16 So moving from west to east, the first  
17 location that I got is Roaring Run. And I accessed  
18 this along the small state road that runs up that  
19 valley. And this picture shows in yellow the existing  
20 pipeline easement crossing the stream there. This is a  
21 picture with that illustration removed just --  
22 illustration removed so you can see the -- you can  
23 actually see the easement there, the woods to the right  
24 of that picture. And then this is looking from the  
25 road up the easement, and you can see it going up the

1 northeast, and that is a shot approaching the stream.  
2 And this is actually the crossing at Mill Creek. I put  
3 a fly out on this, and I looked at this when I was  
4 there. I wasn't sure what I was looking at at first.  
5 But there is a lot of ATV trails along this easement,  
6 and they streamed along pretty nicely with this little  
7 sort of cinderblock construction there that is out in  
8 the stream there.

9 MR. WAYLAND: Excuse me, could you  
10 indicate when this pipeline was constructed?

11 MR. HARDWICK: I -- unfortunately, I was  
12 not able to get a lot of background information. I  
13 didn't contact the pipeline companies directly, but  
14 what little research I did get from public resources  
15 indicates -- and I may have to be corrected on this.  
16 But indicates the Columbia Pipeline that we're looking  
17 at, this main line that runs three crossings, I believe  
18 was installed as long ago as 1930 to 1950 perhaps.

19 (Interruption)

20 MR. HARDWICK: So that's my understanding  
21 of this branch. The 1950 action was when they ran a  
22 stem south from Gala to Roanoke, and that enabled  
23 Roanoke to come up with another pipeline that they were  
24 using at that time. Any of this is subject to more  
25 detail perhaps.

Page 45

1 (Interruption)  
 2 MR. HARDWICK: So this is just -- excuse  
 3 me, this is looking down on upstream, and the next  
 4 photo should be downstream indicating -- you see the  
 5 crossing there with the cinderblock note there.  
 6 So my next picture here is -- I switched  
 7 over to the Transco Pipeline, and this is the spur that  
 8 runs about a hundred miles along the Southside to the  
 9 upland. And the picture -- it's hard to see, but  
 10 there's -- South Boston is down in the lower left  
 11 corner, and that's Route 360 going up. And so the  
 12 location is right towards the top there off 360 and  
 13 Banister. And there is an illustration of the easement  
 14 of the pipeline shown. And next is a clear view of the  
 15 easement cut through there. And then here's on the  
 16 ground looking across the Banister southwest.  
 17 The next photo, Transco, and this is the  
 18 Transco's main line that runs to the northeast through  
 19 Virginia. So this one is down towards -- this is  
 20 Brookneal, and I believe that's towards the Staunton  
 21 River.  
 22 Next, please. There's the illustration  
 23 with it shown and without. And I will note that --  
 24 this is labeled, but this is actually crossing three  
 25 pipelines. This Transco line that runs that whole

Page 46

1 route, I believe, is -- for the most part is this  
 2 configuration. But at this crossing you have three  
 3 pipelines that run from either 30- to 36-inch diameter  
 4 pipelines. I'm not sure what the exact breakdown is.  
 5 But that is the crossing shown, and that pipeline is  
 6 indicated in the next picture. That's the actual  
 7 crossing looking up the easement. And that's a  
 8 railroad bed you're looking at there across the river  
 9 that's kind of pumped up like that.  
 10 Next. And here is -- following that same  
 11 pipeline to the northeast is the Transco crossing of  
 12 the James River. Same configuration. Next slide will  
 13 show the crossing there. If you look closer, if you  
 14 can actually get access to the photo and look at it,  
 15 over on the side of the bank you see what I believe are  
 16 -- they may be fitting stations, but it's where the  
 17 pipeline infrastructure comes above ground on either  
 18 side of the river at these crossings.  
 19 So next photo -- the next photo is --  
 20 that's across the James -- Transco crossing near  
 21 Scottsville.  
 22 Next photo is -- this is the final  
 23 crossing that I've got pictures of. This one is back  
 24 to the Columbia Gas line, different spur. This was  
 25 just northwest of Richmond in the Short Pump area. And

Page 47

1 the next slide will show that the pipeline runs -- it  
 2 comes through the subdivision along the road there and  
 3 crosses at the confluence of Broad Branch and Tuckahoe  
 4 Creek, which in this location forms an area called Big  
 5 Swamp, and the pipeline that's illustrated. And the  
 6 next will show -- and you see the easement taking off  
 7 here to the upper left corner of the picture.  
 8 And the final photograph is conditions on  
 9 the ground now, which I think due to all of the rain --  
 10 actually, probably affect the conditions in all of  
 11 these photographs. Tremendous amount of rain. And  
 12 here it's quite lush. And the streams --  
 13 (Interruption)  
 14 MR. HARDWICK: -- near the bottom edge of  
 15 the photograph, but it's predominately a swamp area.  
 16 (Interruption)  
 17 MR. DUNN: Any questions? Thank you.  
 18 MS. DAVENPORT: Mr. Chairman, Members of  
 19 the Board, that concludes staff presentation.  
 20 MR. DUNN: Questions?  
 21 MS. KELLAM: I have a question.  
 22 MR. WAYLAND: Mr. Chairman --  
 23 MR. DUNN: Roberta's got a question.  
 24 MS. KELLAM: No, I don't have "a"  
 25 question. But some of these are to other people.

Page 48

1 MS. DAVENPORT: That's fine.  
 2 MS. KELLAM: The discussion about the  
 3 design storm being 2-year, 24-hour. How many times has  
 4 that level of storm happened since the MVP started?  
 5 Can you answer that definitively?  
 6 MR. LEACH: I can't answer that.  
 7 MS. DAVENPORT: So there is -- we collect  
 8 and look at precipitation data, and a lot of times what  
 9 we'll do is kind of go back and look after-the-fact to  
 10 see what was that storm event, if it created a certain  
 11 problem. I know that the newspapers at least were  
 12 replete with information, the 14 inches we got in July  
 13 or June?  
 14 MR. LEACH: June. June.  
 15 (Interruption)  
 16 MS. DAVENPORT: Were -- were just an  
 17 extraordinary amount of rainfall.  
 18 MS. KELLAM: Well, that's not 24 hours.  
 19 That was a month.  
 20 MS. DAVENPORT: That was over the course  
 21 of a month.  
 22 MS. KELLAM: I think one of the -- one  
 23 of the -- obviously, a lot of the pictures we've seen,  
 24 et cetera -- and this bears upon the Nationwide 12,  
 25 because of, you know, the DEQ's role in the E&S part of

Page 49

1 the Nationwide 12 -- part of the permit condition for  
2 the Nationwide 12 is compliance with DEQ's E&S. And I  
3 remember when we were dealing with the stormwater  
4 management for the NPDES -- VPDES permit for CAFO, for  
5 the CAFOs, and that design was a 25-year, 24-hour storm  
6 that they had to design for. And when I looked it up  
7 under the -- who the heck is that? NOAA or USGS? It  
8 actually statistically occurs every -- once every four  
9 years. So even though it says 25-year, it really  
10 happens more often than that. And I was trying to  
11 understand with the stormwater, you know, for the  
12 erosion and sediment control, if you're doing a 2-year,  
13 24-hour storm, that would seem to happen more  
14 frequently, correct? Than every two years? It might  
15 happen several times in one year, statistically.

16 MS. DAVENPORT: I'm not -- I would think  
17 so, yes.

18 MS. KELLAM: I really wanted him to  
19 answer.

20 MS. DAVENPORT: That's fine. Well --

21 MS. KELLAM: So is that correct?

22 MR. LEACH: Yes, that is correct.

23 MS. KELLAM: So the stormwater management  
24 or the E&S program that you're using for this -- for  
25 any Nationwide 12 would only -- would -- you would

Page 50

1 approve a plan that protected rainfall that was --  
2 protected the waterpower for rainfall that was  
3 happening within a 2-year, 24-hour framework, but  
4 nothing greater than that.

5 MS. DAVENPORT: So this 2-year, 24-hour  
6 storm event and the requirement that E&S measures be  
7 designed to meet that is an existing state regulation.  
8 That's what your reg says. Under E&S, that's what you  
9 design to. And, you know, there certainly have been  
10 conversations that -- given precipitation and climatic  
11 changes, that maybe there should be a different  
12 standard. But at this moment in time, what your  
13 regulation says is you design to a 24 -- a 24-hour,  
14 2-year storm event.

15 Now, one of the things that I've heard  
16 Ben mention -- and he could probably provide more  
17 detail on this -- is because, as he mentioned, these  
18 E&S controls are a system, a lot of the things that we  
19 have in place are actually probably capturing more like  
20 a 10-year event. Is that what you said?

21 MR. LEACH: That's correct.

22 MS. ROBB: Yes.

23 (Interruption)

24 MS. DAVENPORT: But the regulatory  
25 standard is 2-year, 24-hour event.

Page 51

1 (Interruption)

2 MS. KELLAM: Well, you can go on --  
3 someone else can go on.

4 MR. DUNN: Bob, do you have a question?

5 MR. WAYLAND: Yeah. First, I want to  
6 acknowledge that -- first I want to acknowledge that  
7 Chairman Dunn and I came up to DEQ last week and had  
8 about a three-hour session with -- with Ben and Jaime  
9 and Jim Golden and Melanie to talk about the ESC review  
10 process and the details of the standards, and I found  
11 it to be very helpful. It was a more in depth  
12 presentation than what we've had an opportunity to do  
13 today. But I want to acknowledge that all of the Board  
14 members have received a lot of input from concerned  
15 citizens, a lot of it accompanied by photographs of  
16 what appear to be failing control measures along the  
17 way. And I guess I would like to know --

18 (Interruption)

19 MR. WAYLAND: Just hold off, please. I'd  
20 like to show if you can -- and I think I provided you  
21 with some of the photos that we have received, which I  
22 sent earlier to DEQ. I'd like to know if you can give  
23 us some information on the conditions at those sites  
24 today, and what, if any, follow-up action DEQ has taken  
25 to address those. And I -- you know, we've received a

Page 52

1 lot of photographs. People are holding some of them  
2 up. We've got them all. We saw them. I sent you just  
3 three or four of them, and I think I -- I think they're  
4 loaded on the computer so that you can --

5 MS. ROBB: One second.

6 MS. DAVENPORT: I'm certainly willing to  
7 do that now, but my second report to the Board is that  
8 -- all of the things you asked us to report to you on  
9 back in April, and I have a whole wealth of information  
10 in terms of complaint investigations, compliance  
11 inspections, statistics, notice of violation, and they  
12 are two separate reports, but I can certainly answer  
13 your question now if that's the way --

14 MR. WAYLAND: I'm perfectly fine with  
15 doing that when you provide the other context for  
16 current conditions and response to concerns and  
17 complaints. So that's fine.

18 MR. DUNN: Anything else?

19 MS. DEAN: You might touch on this on  
20 your second presentation, too, so -- if so, just tell  
21 me, and that's fine. For me as I have been reviewing  
22 everything, one of my big questions has been trying to  
23 understand what we're doing about in-the-field  
24 verification of a -- or definition of a temporary  
25 versus a permanent impact. And then, obviously, if we

Page 53

1 feel there are permanent impacts, I guess the question  
2 is more about what's happening. Are we calling the  
3 Army Corps to come out and verify or doing any kind of  
4 collaboration between agencies in that regard to  
5 determine a path forward if it's a notice of violation  
6 or, you know, enforcement action of some sort? Again,  
7 that might be --  
8 MS. DAVENPORT: That is addressed in the  
9 second one.  
10 MR. DUNN: Okay. Why don't we just go to  
11 your second one.  
12 MS. DAVENPORT: Well, I do have a  
13 conclusion to the first report.  
14 MR. DUNN: Okay.  
15 MS. DAVENPORT: And in conclusion, the  
16 staff has drawn, one, the majority of comments did not  
17 provide specific technical information on why  
18 Nationwide Permit 12 is not sufficiently protective at  
19 crossing-specific locations.  
20 Secondly, that no new crossing-specific  
21 information supports the conclusion that Nationwide  
22 Permit 12 is not protective of any specific wetland  
23 and/or stream and that the majority of comments  
24 reiterated the issues that were brought up in our  
25 discussions regarding the upland 401 water quality

Page 54

1 certification process.  
2 (Interruption)  
3 MR. DUNN: Anything?  
4 MR. HAYES: I would like to get the  
5 second one.  
6 MR. DUNN: Go ahead.  
7 MS. DAVENPORT: Ready for the second  
8 presentation?  
9 (Interruption)  
10 MS. DAVENPORT: So at your Board meeting  
11 on April 12th, you asked staff to report back on a  
12 number of items. You asked us to report back to you on  
13 guidance for stop work instructions, information on  
14 guide/con variances, both the process for evaluating  
15 and what variances have been approved. You asked us to  
16 discuss complaint response and coordination, and that's  
17 coordination with both the U.S. Army Corps and FERC,  
18 our communication and communication opportunities with  
19 citizens, our complaint procedures. And then in the  
20 parenthetical, I added myself our inspection framework  
21 and data and information on inspection activities,  
22 because I thought that really meshed. So really there  
23 is -- we spent time in the field both following up on  
24 complaint investigations and conducting our normal  
25 compliance inspection. So I've just merged those two

Page 55

1 together.  
2 The first thing I wanted to talk about  
3 are pipeline stop work instructions. Legislation was  
4 passed during the 19 -- 19? The 2018 General Assembly  
5 session that added Code Section 62.1.44.15:37.1 and  
6 62.1-44.15:58.1 that created this authority for the  
7 Department of Environmental Quality to issue stop work  
8 instructions.  
9 There was an emergency enactment, which  
10 meant rather than waiting until the July 1st effective  
11 date, the legislation went into effect on the date that  
12 it was signed by the Governor, which was March 10th,  
13 and DEQ issued procedures for how to -- how you would  
14 engage in issuing stop work instructions by a memo  
15 dated June 18th.  
16 There are four conditions in the statute  
17 that must be met before DEQ is authorized to issue a  
18 stop work instruction. First, it has to be  
19 construction related to a natural gas transmission  
20 pipeline where the interior diameter is greater than  
21 36 inches. And both the Atlantic Coast Pipeline and  
22 the Mountain Valley Pipeline are greater than  
23 36 inches. In fact, they are 42 inches.  
24 Pipeline construction activities need to  
25 be covered by approved annual standards and

Page 56

1 specifications. And as we have told you before, both  
2 of those pipeline developers do have approved annual  
3 standards and specifications.  
4 And then there has to be a substantial  
5 adverse impact to water quality or imminent and  
6 substantial adverse impact to water quality is likely  
7 to occur as a result of land-disturbing activities.  
8 So in our June 18th guidance we broke it  
9 into two parts. The first are considerations for stop  
10 work instruction. And then the second part is a bit  
11 more of the nuts and bolts and the details of the  
12 process for actually issuing a stop work instruction.  
13 In terms of what DEQ will consider in  
14 evaluating the appropriateness of a stop work  
15 instruction, it really is fact specific. And what the  
16 guidance tries to do is paint some broad categories  
17 that we will consider, but there is no magic one thing  
18 that may lead to it, and really the decision has to be  
19 made on a case-by-case basis. But in terms of what  
20 will be considered to meet the definition of a  
21 substantial adverse impact, the first is a discharge of  
22 sedimentation that results in significant damage to  
23 aquatic life or otherwise significantly degrades water  
24 quality. And then the companion to that are discharges  
25 containing pollutants, such as fuel, chemicals,

Page 57

1 drilling mud -- I'm sorry, there's a typo -- or  
2 construction waste, that result in significant damage  
3 to aquatic life or otherwise significantly degrade  
4 water quality. So that's that first bullet, which is  
5 when there is a substantial adverse impact.  
6       The considerations of when we may see a  
7 situation that is appearing to provide imminent -- to  
8 demonstrate an imminent and substantial adverse impact  
9 is likely, we have listed five things that we will look  
10 at. And, again, case-by-case, it's fact specific.  
11 This just gives us some direction as to the kinds of  
12 things that will alert us to whether we should consider  
13 the use of the stop work instruction. The first is a  
14 failure to construct and maintain erosion and sediment  
15 control or pollution prevention measures according to  
16 approved plans. The second is that erosion and  
17 sediment controls are not functioning and corrective  
18 action has not been proposed. A third is a failure  
19 to conduct timely self-inspections. And that  
20 self-inspection requirement applies to the holders of  
21 annual standards and specifications. Another thing we  
22 look to is failure to timely provide and/or maintain  
23 temporary or permanent stabilization, and those are  
24 requirements of our erosion and sediment control law.  
25 And then, finally, if there is a failure to implement

Page 58

1 requested corrective action within the deadlines either  
2 spelled out in the E&S regulations or if our inspection  
3 folks have given them an alternative deadline.  
4       So that's it for the considerations. So  
5 then you move on to process. And what we have said is  
6 that our stop work instruction has to identify four  
7 things. The land-disturbing activities that must stop;  
8 the geographical scope of the project that must stop;  
9 the nature of the substantial adverse impact to water  
10 quality that was observed, or we have to explain the  
11 imminent or substantial impact that is likely to occur.  
12 And then, finally, DEQ must provide corrective actions  
13 that we need to see completed and completed to approval  
14 by DEQ standards before the instruction can be lifted.  
15       The last slide is a little about  
16 governmental administrative process. But upon the  
17 issuance of a stop work instruction, the company may  
18 request a review of that by DEQ, of the Director or his  
19 designee. And that review has to have happened within  
20 48 hours of issuance of the instruction. And then  
21 within 10 days of the issuance of the instruction, DEQ  
22 must provide an opportunity for an informal  
23 fact-finding, and that's language in the Administrative  
24 Process Act, which lets somebody come in and ask for a  
25 review of the instruction. That IFF covers both the

Page 59

1 instruction and if there was immediate review by the  
2 Director. And then, finally, within 10 days of that  
3 informal fact-finding, DEQ must issue a case decision  
4 and either affirm, modify, amend or cancel the  
5 instruction. So that is our guidance for stop work  
6 instructions.  
7       The next thing you asked us to discuss  
8 were erosion and sediment control variances, both the  
9 requirements and the requests that we have received or  
10 have granted.  
11       The Erosion and Sediment Control Program  
12 regulation, as Jaime has mentioned, include 19 minimum  
13 standards that must be applied and must be addressed in  
14 the plans that are submitted to DEQ. So when Ben  
15 talked about all of these sheets and sheets of plans,  
16 those plans demonstrate compliance with the minimum  
17 standards.  
18       There is a provision in your regulation  
19 that allows for variances from minimum standards to be  
20 granted that waive or modify any of the requirements  
21 that are deemed inappropriate or too restrictive for  
22 site conditions. And variances may be granted at the  
23 time of plan submittal or during construction if  
24 conditions have been uncovered during construction that  
25 would merit a request for a variance.

Page 60

1       So variance requests have to be in  
2 writing. They have to describe the nature of the  
3 request; an explanation of the design items for which a  
4 variance or exception is being requested. They have to  
5 provide the reasoning and/or evidence that the  
6 variation meets the regulatory requirements. And they  
7 also have to provide documentation to support the  
8 request.  
9       The language in the regulation tells  
10 Virginia Erosion and Sediment Control Program  
11 authorities -- in this case DEQ is that authority since  
12 this project is being constructed under annual  
13 standards and specifications. But the regulation  
14 directs us to consider requests judiciously and to  
15 think about the need of the applicant to maximize cost  
16 effectiveness and the need to protect offsite  
17 properties and resources from damage.  
18       And then, finally, any variance that's  
19 been approved has to be documented on the Erosion and  
20 Sediment Control Plan.  
21       So where are we in terms of variance  
22 requests with both of these pipeline projects? Both  
23 Atlantic Coast and Mountain Valley have requested a  
24 variance from Minimum Standard 16 of the Erosion and  
25 Sediment Control regulation. That's the only variance

Page 61

1 that either developer has submitted.  
2 MS16 limits the amount of open trench for  
3 installation of utility lines to 500 linear feet at any  
4 one time. So the Minimum Standard 16 says you can't  
5 have open trench for more than 500 feet, but you can  
6 request a variance.  
7 Historically, variances from this  
8 requirement for major oil and gas pipeline projects  
9 have been approved. And that has to do with the nature  
10 of the construction activity.  
11 So what did DEQ look at and consider in  
12 these variance requests? And let me just say, because  
13 Atlantic Coast Pipeline does not have approved E&S  
14 stormwater plans yet, there has not been a variance  
15 granted, that process of review and approval is still  
16 underway. For Mountain Valley Pipeline, they have  
17 granted the variance.  
18 So what did we look at in evaluating that  
19 variance request? We looked at the length of the  
20 project. We looked at the diameter of the pipe  
21 involved, the equipment required, the construction  
22 techniques that are utilized in the field, and we also  
23 looked at ensuring safe working conditions for the  
24 construction crews.  
25 We specifically considered a number of

Page 62

1 the construction techniques that are utilized in  
2 projects like this, such as there are multiple spreads  
3 under construction at the same time; various crews are  
4 out working on the site sort of in a train, and they've  
5 got independent responsibilities. Stringing and  
6 bending of the pipe happens out there next to the  
7 trench, and the trench needs to be ready to accommodate  
8 the pipe. And then, finally, the welding occurs in  
9 the field right next to trench, and the welding happens  
10 up to 1800 feet per day, depending on the site -- you  
11 know, depending on the construction conditions.  
12 So the open trench needs to be able to --  
13 it needs to be open enough to continue this process of  
14 stringing, bending and welding pipe without any delays  
15 or down time to facilitate implementation of the  
16 project in an efficient and safe manner. And the  
17 quicker and more efficiently the pipe is in the ground,  
18 the quicker and more efficiently the trench can be  
19 closed, the topsoil can be restored, and stabilization  
20 can be implemented.  
21 What we have proposed or what we have  
22 provided in the variance that was granted to Mountain  
23 Valley is that the amount of open trench is limited per  
24 spread, and it's directly related to the steepness of  
25 the slope. So as you'll see in the next slide, the

Page 63

1 amount of trench that can be open decreases as the  
2 steepness of the slope increases.  
3 So for Tier I conditions where the slope  
4 is zero to less than 10 percent, trench length can be  
5 open for 7,000 feet. For Tier II, which is between  
6 slope conditions of 10 to 33 percent, and it's 5,000.  
7 And then for Tier III, which is the steepest areas  
8 where it's greater than 33 percent slope, the  
9 continuous trench can't exceed 2500 feet.  
10 And then there's sort of this overall  
11 that under no condition can the total open trench  
12 length be greater than 16,000 feet per spread, because  
13 what happens is this open trench length is actually  
14 continuous trench, and as I'll talk about in a minute,  
15 there are a number of features that actually break up  
16 the continuous nature of the trench; some of which are  
17 physical considerations. And we actually require  
18 trench plugs. We require the trench to be physically  
19 plugged at intervals that I'll talk about in just a  
20 moment.  
21 So the next slide highlights those  
22 features that will be considered a break in trench  
23 length. Road crossings, because it is, obviously, a  
24 break in the trench. Stream and wetland crossings;  
25 existing utility line crossings when the slope category

Page 64

1 changed; winch hill construction, which is where the  
2 main -- the way they actually put the pipe in and  
3 manage the pipe is different because of the steepness  
4 of the slope. And then the one where I put a star is  
5 that -- it says, you know, there is a native soil plug  
6 that has to remain in place until immediately before  
7 the pipeline is installed. That's not an actual  
8 feature. That's a requirement that we have imposed.  
9 And on the next page you can see our  
10 schedule for trench breaker spacing. So what this  
11 does -- again, depending on the steepness of the slope,  
12 we are preventing that open trench from being a conduit  
13 or a flume for precipitation to just flow down in the  
14 trench area. So for conditions where there are flatter  
15 areas, lower slopes or lesser slopes, we require the  
16 plugs at 500 feet. And then once you get to the point  
17 where you have a slope greater than a hundred  
18 percent -- which is not an angle. I got very confused  
19 on how you could have a slope greater than a hundred  
20 percent. We require the plugs in the trench every  
21 50 feet, and then a plug is required as the  
22 right-of-way comes down to any water body crossing. So  
23 that's designed to alleviate that fluming activity that  
24 happens in an open trench.  
25 There are potential construction safety



Page 65

1 concerns that we considered when we looked at this  
2 variance. As I said, winch hill construction, I saw  
3 that in West Virginia, and it gave me vertigo. They  
4 literally have bulldozers winched to other equipment so  
5 they're staying flat on the face of the mountains, what  
6 happens in very, very steep conditions. And then there  
7 are some places because of the steepness where the  
8 pipeline has to be anchored, so it doesn't slip down  
9 the hill. And we want those construction activities --  
10 for the safety consideration -- to finish up as quickly  
11 as possible and move on from that site.

12 So, as I mentioned, we have granted an  
13 open trench variance for Mountain Valley. We have  
14 received a request for an open trench variance for  
15 Atlantic Coast, but it has not yet been approved.

16 Everybody, okay?  
17 (Interruption)

18 MS. DAVENPORT: The last thing you asked  
19 us to address is complaint response and coordination,  
20 and I have wordled into this with information about our  
21 ongoing compliance activities.

22 One of the first questions you  
23 specifically asked was whether we were coordinating  
24 with the Federal Energy Regulatory Commission and U.S.  
25 Army Corps of Engineers. We had a meeting in February

Page 66

1 in Lexington at VMI, as a matter of fact, where we took  
2 our pipeline compliance coordinators -- Jerome went,  
3 James went, I went, a host of us went, and we met with  
4 FERC's compliance monitors who are assigned to the  
5 Mountain Valley Pipeline project.

6 So they utilized a third-party contractor  
7 and every spread has a FERC compliance monitor, and  
8 their role is to make sure that the pipeline  
9 construction complies with all aspects of the FERC  
10 Certificate of Public Need and -- Public Necessity and  
11 Convenience.

12 I will say that there is a slightly  
13 different relationship, in my opinion, between the FERC  
14 compliance monitors and our DEQ inspection, our  
15 compliance guys and our third-party contractors, in  
16 that I got the sense that the FERC compliance monitors  
17 are there to watch what's being done, but if there are  
18 issues or concerns that are raised by citizens, they're  
19 not going to intervene or get as involved as DEQ is.  
20 And so they're out there watching everything about this  
21 project to make sure it complies with all of the  
22 requirements in the FERC certificate. There are weekly  
23 reports that are posted to the pipeline docket. We  
24 have accessed those. So that's one set of oversight,  
25 but that really is targeted to the FERC folks.

Page 67

1 We also have reached out to the folks at  
2 the Corps. We have not seen -- I couldn't speak to how  
3 much staff have run into the Corps out in the field.  
4 But if we have concerns and complaints outside of DEQ's  
5 regulatory authority, we refer those complaints,  
6 concerns, issues directly to FERC or the Corps via  
7 e-mail or telephone.

8 So when we get complaints in and it's not  
9 something that we have any authority over, we refer  
10 them on. And then we document that we have, in fact,  
11 referred that matter to another regulatory agency.

12 And then our investigations and  
13 inspections are done independently of either the FERC  
14 compliance monitors or the Army Corps of Engineer. We  
15 get out to look at the issues that we need to look at,  
16 and, as you'll see, we try and respond within 48 hours.

17 We have established a number of  
18 communication tools for folks to reach us. We have a  
19 publicly accessible web page that has a lot of  
20 background information, documents, approvals,  
21 decisions. It is updated when things happen that we  
22 think might be of interest to our citizens, whether it  
23 was the FERC stop work order or some of the recent  
24 federal court decisions. We try and keep that updated.

25 We also have two e-mail addresses where

Page 68

1 those -- anything that goes to those e-mail addresses  
2 is delivered directly to somebody in my shop or in the  
3 compliance shop to take look at it. We also have an  
4 incident hotline, which has its own phone number.  
5 (804)698-4003.

6 And then we also operate independently of  
7 pipelines. We have a Pollution Response Program  
8 database, which allows folks to report pollution  
9 incidents. And I have somebody in my shop who manages  
10 that and looks at it every day for complaints that are  
11 submitted to our PReP database that are directly  
12 related to pipelines.

13 So as I said, all of the citizen  
14 complaints that come in are logged and maintained in  
15 our Pollution Response Program database. We assign  
16 reference numbers and incident report numbers, and the  
17 information is kept in the database. And as I also  
18 mentioned, we have a designated person who gets that  
19 information into the database, coordinates with our  
20 compliance monitors, and gets the information back to  
21 the guys who are going to be in the field to say, hey,  
22 this is what you've got to look at. And those  
23 complaints are assigned, and we investigate -- initiate  
24 an investigation within 48 hours.

25 We have two full-time pipeline compliance

Page 69

1 coordinators who are DEQ employees. We have a third  
2 E&S and stormwater inspector who has been spending more  
3 and more of his time helping those guys out in the  
4 field. And Matt's actually here today if we have  
5 anymore specific questions that he can help me with.  
6         And then we also have our third-party  
7 contract support, and we have an inspector with our  
8 third-party contract that is assigned to -- one  
9 inspector that's assigned to each spread, and then we  
10 also have a floating inspector who's out there to  
11 investigate compliance.  
12         When a complaint comes in, we keep it  
13 open. We consider its status open until it's  
14 investigated and findings are reported, or the  
15 complaint's referred to another agency, such as FERC or  
16 the Corps.  
17         And then we also put on our DEQ website  
18 the complaints and the results of the investigations  
19 weekly so folks can look to see what we have done in  
20 terms of following up with their complaints.  
21         So some statistics: As of yesterday, we  
22 have logged 128 citizen complaints. We have  
23 investigated 91 complaints. And that means that 37  
24 complaints are currently open and under review.  
25         A lot of times our complaints come in

Page 70

1 with a photograph, and a photograph tells part of the  
2 story, but we really need to get out in the field, and  
3 we have to assess what led to that photograph, what led  
4 to that activity that was documented.  
5         I have to say that the vast majority of  
6 the 91 complaints that we have investigated, we have  
7 not determined that there has been instance of  
8 noncompliance. It's probably like 5 percent of the  
9 ones that we've followed up on --  
10         (Interruption)  
11         MS. DAVENPORT: Now, we also have field  
12 inspections that we conduct by DEQ. As I mentioned,  
13 with the utilization of annual standards and  
14 specifications, DEQ sits as the Virginia Erosion and  
15 Sediment Control Program authority. Under our  
16 regulations, a program authority is supposed to inspect  
17 sites where land-disturbing activity is going on once  
18 every two weeks, and we are out there every day. We  
19 are not sticking to that schedule. We are out there as  
20 often as we need to be. And for most of the guys --  
21 you know, Matt Stafford, Matt Grant and John McCutcheon  
22 are spending upwards of four days a week out on the  
23 pipeline.  
24         (Interruption)  
25         MS. DAVENPORT: We have conducted 40

Page 71

1 inspections. Of those 40 inspections, 21 we noted  
2 areas for corrective action. And, as I mentioned, the  
3 E&S regulation contemplates that we can go out there  
4 and say, Hey, this doesn't look like it was built  
5 according to the plan, according to the design, please  
6 fix it. We can identify instances where something was  
7 built in accordance with the plans, but it doesn't seem  
8 to be controlling E&S as much as we would like it to.  
9 So we say, Hey, you need to tweak this over here.  
10         Nineteen of those inspections we have  
11 seen what we needed to see in the field and have not  
12 needed to request corrective action. And then of the  
13 twenty-one where we have noted areas for corrective  
14 action, nine of them are significant. And that  
15 includes three inspections where we have identified  
16 impacts to surface waters that are off the limits of  
17 disturbance. So there have been sedimentation events  
18 into streams.  
19         I'm going to divert just a moment. We  
20 did issue a notice of violation last month to Mountain  
21 Valley that identified a number of violations at more  
22 than one site, a number of sites. And I just wanted to  
23 let you know that where they have been cited, the  
24 violation's generally clean water diversions that were  
25 on the approved plan and were not installed. And then

Page 72

1 talk about -- talked about that those are the pipes  
2 that carry rainwater from one side of the pipeline to  
3 the other without actually sending it through the  
4 disturbed land so we're not picking up additional  
5 sedimentation.  
6         There were a couple of instances where  
7 corrective actions weren't taken within the timeframes  
8 required in the annual standards and specs. There were  
9 instances where there was a release of sediment latent  
10 stormwater off the construction right-of-way. There  
11 was a couple of instances of unauthorized fill where  
12 the sediment did, in fact, end up in state waters, and  
13 there was no permit for that. There were some areas  
14 that were not stabilized where stabilization is  
15 required. And then there was some instances where the  
16 water bars were not installed as -- per the plans. And  
17 the water bars are those features that actually move  
18 water off the construction right-of-way.  
19         And another little tidbit that I came to  
20 understand from going out in the field, we utilized  
21 temporary water bars during construction, and every  
22 night those are reestablished on the whole working face  
23 in case it rains. And then once the facility -- once  
24 the project is complete, back to grade and stabilized,  
25 water bars -- permanent water bars are included in

Page 73

1 that.

2 So, Mr. Wayland, the pictures that you

3 sent me concerning Grassy Hill are actually one of the

4 sites that is the subject of the notice of violation.

5 And this notice of violation is currently being worked

6 on by enforcement and evaluated for whatever

7 appropriate enforcement response is going to be. Would

8 you like me to show the pictures? I would be happy to.

9 MR. WAYLAND: Sure. I think all of the

10 Board members previously received the pictures, and I

11 think they're probably circulated widely in the

12 concerned communities.

13 MS. DAVENPORT: Matt or Jerome, I'm going

14 to let you walk through these, because I did not get

15 out there in the field to see these firsthand.

16 MR. STAFFORD: Chairman Dunn, members of

17 the Board, I'm Matt Stafford. I work for the Office of

18 Water Compliance. I'm just taking them through these

19 photos?

20 MS. DAVENPORT: Just take them through,

21 please.

22 MR. STAFFORD: Okay. This is one

23 location at Grassy Hill. You have the compost filter

24 socks in place. I believe this is the -- is that the

25 repaired area below the -- where there was a clean

Page 74

1 water diversion that had not been put in place?

2 MR. LEACH: (Nods head.)

3 MR. STAFFORD: This area had received a

4 lot of water that -- initial control was a P1, which is

5 the white grayish colored silt fence that you see

6 there. It was modified since that time to have fabric

7 put down the embankment, riprap was put in, additional

8 compost filter socks put in along that location to hold

9 back -- hold back and filter water before releasing it

10 into the stream.

11 I believe -- and I believe that is -- I

12 believe that may be the location on the other side of

13 the road from there where -- where it's further down

14 Grassy Hill Road but at the end of that work area where

15 there is -- and, again, they added additional compost

16 filter sock, straw bales and silt fence. So that was

17 another area where water was going where additional

18 flow needed to be diverted from those areas.

19 MS. DAVENPORT: That's it.

20 MR. WAYLAND: So corrective actions were

21 taken in those locations? And do these pictures show

22 the corrective actions --

23 (Interruption)

24 MR. STAFFORD: That photo right there,

25 that is the corrective action --

Page 75

1 (Interruption)

2 MS. WOOD: Ladies and gentlemen, please

3 refrain from any outbursts. We were not able to hear

4 the response from staff.

5 (Interruption)

6 MS. WOOD: Ma'am, if you'd please -- go

7 ahead.

8 MR. STAFFORD: The actions that they did

9 in the field at the time were to install the clean

10 water diversion area, which is not pictured in any of

11 these photos, and this work that was done here at the

12 bottom like you see -- what is that, August?

13 MS. DAVENPORT: Third.

14 MR. STAFFORD: Third.

15 MS. DAVENPORT: I don't know if this was

16 submitted to us as a citizen complaint, this August 3rd

17 picture. If it was, it was assigned an investigation.

18 We have not -- as I mentioned before, it's not

19 immediacy. We have to figure out -- we have to

20 schedule it. Sometimes we have to get access. If

21 there are sites where there has been a potential impact

22 off the right-of-way, we don't -- we have to get access

23 to that property, especially the condemnation sites.

24 We have to work through a process, because the

25 construction activity is limited and access is limited

Page 76

1 to the defined right-of-way.

2 I think there is a sense that when we see

3 something, we should be able to mobilize that day and

4 go out and look at it, and that's not always the case.

5 And even if it is, we still have to come back and

6 understand what happened. We have to look at plans.

7 We have to look at field notes. We have to figure out

8 what caused the situation. And it's not the immediacy

9 that some folks would like it to be.

10 MS. KELLAM: Can I jump in and just ask a

11 question?

12 MR. WAYLAND: Yes.

13 MS. KELLAM: I think because of the scale

14 of the project, it would be helpful to understand how

15 -- how many miles of pipeline are actually being worked

16 on at once. Is there just sort of a logistic -- I'm

17 trying to understand the logistics. Do you have three

18 people? Do we have three staff; is that right?

19 MS. DAVENPORT: We have two pipeline

20 compliance coordinators, and Matt -- he really has

21 another job, but he is kind of pulled into helping us

22 on this. And then we have our third-party contractors,

23 which we -- through our contract -- require them to

24 have one person onsite on each spread for all hours of

25 construction activity. So that --

Page 77

1 MS. KELLAM: How many spreads are there?  
2 MS. DAVENPORT: There are three spreads,  
3 and the spreads range from 30 to 40 miles. Jerome?  
4 MS. KELLAM: But they're not all active  
5 at the same time? I mean, there's not 30 to 40 miles  
6 being worked on at once or --  
7 MS. DAVENPORT: The construction occurs  
8 in what I've been explained to as a train. So each  
9 spread is probably in a different state of  
10 construction. In some it could be just that the trees  
11 had been felled. In some it could be that the trees  
12 have been stumped and grubbed and the top soil has been  
13 removed. In some you can actually have a trench. In  
14 fact, there are about 20 miles -- and they were in some  
15 of the pictures that Ben showed you where pipe is in  
16 the ground, the trench has been closed, and the site is  
17 moving towards permanent stabilization. They've  
18 returned it to grade, or they are returning it to  
19 grade. So 20 percent is pretty much done. The other  
20 80 percent is in different stages of construction  
21 activity, because the crews move through sequentially.  
22 MS. KELLAM: Okay. So with -- you had  
23 this slide about the complaints and the field  
24 inspections.  
25 MS. DAVENPORT: Yes.

Page 78

1 MS. KELLAM: Are the field inspections  
2 something that you do just independently, not in  
3 response to a complaint?  
4 MS. DAVENPORT: Yes. Thank you. And I  
5 can go back to my report, and what I try -- and that  
6 was the part that I added, which is there is one set of  
7 investigations that's complaint driven, and then we  
8 have our normal course of what do we look at and what  
9 do the regulations say we're supposed to look at.  
10 So the next slide here is how we  
11 investigate a complaint. As I mentioned, we log the  
12 complaint within 48 hours, and then we go out and look  
13 and determine whether or not approved controls were  
14 installed and maintained. If approved controls are in  
15 place, we assess any impacts, if there were any, and we  
16 look at corrective action log or punch list to see what  
17 kind of changes or adjustments may have been in the  
18 field. If we determine corrective action was taken, we  
19 look to see whether they were in the 24 hours that the  
20 reg allows or if there was an extension granted and  
21 approved, and then we follow up to make sure that  
22 whatever corrective action needed to be done was, in  
23 fact, taken.  
24 Now, for the noncomplaint activity, we  
25 actually have three other types of compliance

Page 79

1 monitoring. And that is a focused field inspection, a  
2 comprehensive field inspection, and the Stormwater  
3 Pollution Prevention Plan or SWPPP inspection. And  
4 then, as I mentioned, the complaint investigations.  
5 A SWPPP inspection I think of as more the  
6 administrative paperwork where we're going to go to the  
7 construction trailers. There is one for every site --  
8 spread, rather. And that's where as holders of annual  
9 standards and specs -- and I'm just speaking about  
10 Mountain Valley now simply because that's the one  
11 that's under construction. So Mountain Valley has to  
12 keep their SWPPP updated. They have to make notations.  
13 They have to document that they are performing E&S  
14 inspections once every four days, which is a  
15 requirement. So that's kind of an administrative  
16 review is all of the paperwork.  
17 And then a focused field inspection is  
18 when we may have been out and seen something, and we  
19 want to go make sure a corrective action is taken. Or  
20 we have discovered a challenge, say, with a water bar  
21 design that's already been approved, and we know, well,  
22 they were using that same design in this area that's  
23 similar, but let's go out and make sure that they  
24 really did what needed to be done to make it effective.  
25 And then the comprehensive field

Page 80

1 inspections, they're a little challenging on a long  
2 linear project, because, typically, you would go to a  
3 residential development, and you'd be able to visit the  
4 whole site and look at all of the controls, but these  
5 are more sort of soup-to-nuts and everything that's in  
6 the plan installed where it's supposed to be.  
7 So those are the different kinds of  
8 inspections that we do.  
9 MS. DEAN: Mr. Chairman?  
10 MR. DUNN: Yes.  
11 MS. DEAN: Then can you also remind us  
12 what their self-inspection frequency is?  
13 MS. DAVENPORT: Yes. That's once every  
14 four days.  
15 MS. DEAN: And within 24 hours of a rain  
16 event?  
17 MS. DAVENPORT: Oh, yes. I'm sorry, yes,  
18 within 24 hours of a rain event. Thank you.  
19 MS. DEAN: And are they adhering to that?  
20 MS. DAVENPORT: Some of the violations  
21 that are noted in that NOV indicated that, no, they had  
22 not been adhering to that, but we are looking. Jerome  
23 Brooks, who runs our Office of Water Compliance.  
24 MR. BROOKS: Chairman Dunn and members of  
25 the Board, one point I wanted to make for Roberta -- I

Page 81

1 think she was asking -- you got maybe interrupted on  
2 how many staff are working on this project right now.  
3 You asked that question at the Board meeting in April.  
4 We have 13. We have three staff members here working  
5 on the project. We have two dedicated and one  
6 part-time. We also have an administrative assistant  
7 that handles all of the complaints that come in,  
8 coordinate that complaint and log it. We have 11  
9 contractors assigned to this project right now. They  
10 rotate out. Two per spread; one inspection and one is  
11 for investigations. And we have one staff person we  
12 intend to hire in the next few weeks to assist us in  
13 that. There will be 14 altogether.

14 MS. DAVENPORT: I think we have covered  
15 everything that's in there. The last thing I wanted to  
16 report to you on again -- and this was not in the  
17 assignment of the directive from April, but I thought  
18 it was worth reporting back to you on the status of the  
19 upland 401 water quality certification that was issued  
20 by Virginia in December of 2017.

21 A petition for review of that  
22 certification was filed with the U.S. Court of Appeals  
23 for the Fourth Circuit, and on August 1st, the Court  
24 published its opinion regarding that petition for  
25 review, and the Court concluded that Virginia's

Page 82

1 issuance of the 401 water quality certification was not  
2 arbitrary and capricious, and the petition for review  
3 is denied.

4 I have just a couple of summary comments  
5 in terms of what the Court found. And the Court found  
6 that DEQ had a sufficient basis to find reasonable  
7 assurance that the measures, restrictions and programs  
8 in place in Virginia to prevent excess sediment from  
9 entering state waters satisfied antidegradation policy.  
10 The court reviewed and considered the use of annual  
11 standards and specifications, state erosion and  
12 sediment control requirements, findings of the U.S.  
13 Environmental Protection Agency relative to the  
14 construction general permit. And the Court found there  
15 was nothing unreasonable in DEQ's interpretation of its  
16 antidegradation policy.

17 And I have provided a quote from the  
18 Court right there simply because I think it goes to the  
19 guts of some of the things we're talking about. And  
20 the Court said: Certainly it must be anticipated with  
21 large construction projects, that unanticipated  
22 problems will arise, leading at least to minor,  
23 short-term issues. Were Virginia's policy interpreted  
24 as rigidly as Petitioners suggested, no project  
25 affecting Tier 2 waters could ever be approved without

Page 83

1 an economic, slash, social development analysis.  
2 My personal favorite quote from the  
3 Court's opinion is the next one: That although  
4 Virginia's approach was unorthodox, it was not  
5 arbitrary and capricious for Virginia to analyze the  
6 impacts from activities covered by Nationwide Permit 12  
7 from upland activities related to construction.

8 And, finally, the Court concluded that  
9 together the conditions in the upland 401  
10 certification, the requirements of our Virginia Wetland  
11 Protection program, the Corps' 404 permit, the approval  
12 of annual standards and specifications altogether  
13 provide reasonable assurance that water quality  
14 standards will not be violated.

15 That's the end of my report.

16 MS. KELLAM: All right, Melanie -- I mean  
17 Ms. Davenport, I have a question about -- and I think  
18 what -- this is sort of trying to distill the issues,  
19 and there's a little bit of overlap in between the two  
20 discussions and the Nationwide 12 -- really, I guess  
21 what -- as far as I understand to do any site specific  
22 repeal of the water quality certification would require  
23 an entire permit process to take back what we already  
24 issued. So that would be a process to repeal  
25 something, and then another process to go through

Page 84

1 individual permits for stream crossings; is that right?  
2 MS. DAVENPORT: Yes.  
3 MS. KELLAM: So it wouldn't --  
4 MR. GRANDIS: It depends on what you're  
5 contemplating with issuing individual permits for some  
6 or all of the crossings of either pipeline and -- and  
7 it's my view that under your regulations the pipeline  
8 companies currently have permit coverage due to the  
9 fact that the Board, or DEQ, has approved the Corps'  
10 Nationwide 12 Permit, and the Court has since then  
11 verified coverage under that permit. So your  
12 regulations identify the only mechanisms. So in order  
13 to issue an individual permit, you'd have to first  
14 modify or revoke the existing permit coverage, and your  
15 regulation --

16 (Interruption)  
17 MR. GRANDIS: That's the only mechanism  
18 for doing that.

19 MS. KELLAM: As I understand things,  
20 there is not a lot of -- the only difference for all  
21 practical purposes between the Nationwide 12 and the  
22 VWP is really process related to -- the Nationwide 12  
23 is a general permit so it's automatic as long as they  
24 comply with the conditions. And the VWP would be a  
25 permit process where it would put out for notice and

Page 85

1 public comment?

2 MS. DAVENPORT: We actually have -- the

3 Board has adopted by regulation a general permit under

4 the VWP program for utility crossings, so we actually

5 have a parallel general permit.

6 MS. KELLAM: So -- okay. So,

7 generally -- I guess, generally, in linear projects do

8 you use that, or do you use the Nationwide 12? Do you

9 use the state or --

10 MS. DAVENPORT: We generally use the

11 Nationwide 12, but there might be instances where there

12 is a utility crossing of a water feature that's

13 regulated under the Virginia Wetlands Program and is

14 not under the jurisdiction of the Corps. So that's

15 when we might use that individual -- I mean, I'm sorry,

16 the VWP general --

17 (Interruption)

18 MS. KELLAM: So the Army Corps of

19 Engineers, as I understand it, has a lot of experience

20 with Nationwide 12, with the stream crossings. And a

21 lot of the issues that people have raised are really

22 going to things that have occurred since our April

23 meeting, which have been a lot of discharges from sites

24 that are undergoing work right now that are already

25 being inspected by DEQ. And so there were 40

Page 86

1 inspections, and 21 of them noted areas for corrective

2 action.

3 MS. DAVENPORT: Uh-huh.

4 MS. KELLAM: So that's, like, more than

5 50 percent of the sites are not even complying with the

6 plans that are approved?

7 MS. DAVENPORT: No, because the

8 regulations allow for corrective actions to happen

9 within the 24 hours. So, in other words, there's not

10 some of those absolute demarkations that folks are

11 hoping there were. We design the plan. We go in the

12 field. It gets implemented.

13 When you talk about the kinds of things

14 that we see in the field, it might be that a water bar

15 was installed, but it wasn't installed exactly where or

16 exactly how it was defined in the plans, so our

17 inspectors will say, Hey, you put in a water bar that's

18 not correct. You have 24 hours to fix it. So that's

19 what we mean when we say the note corrective actions

20 are required.

21 MR. HAYES: Mr. Chairman, I have a

22 motion, but my understanding is we're going to be

23 hearing comment from the public.

24 MR. DUNN: Right.

25 MR. HAYES: I'd like to have my motion

Page 87

1 heard. It's 10 minutes -- roughly 10 minutes to 3:00

2 right now. I'd like to have the floor at 3:25 for the

3 motion to be considered.

4 MR. DUNN: We have just heard from DEQ

5 doing the work that we requested on getting input from

6 the public. We've got an awful lot of input from the

7 public. We have a lot of people here today that would

8 like to speak. The requirements are not necessarily

9 for public input for their report; however, I am going

10 to open up to the public forum for 30 minutes for

11 public input, and then we will continue our meeting.

12 MR. WAYLAND: Could we have -- I have

13 some additional questions of Ms. Davenport and staff.

14 Can we ask additional questions?

15 MR. DUNN: Sure.

16 MR. WAYLAND: Going back to -- well, I

17 guess two things. First of all, to Mr. Davis'

18 presentation, I was under the mistaken impression --

19 the hope that were we to rest authority from Nationwide

20 12 and establish that VWP permits would be issued -- a

21 VWP permit or permits in the case of possibly more than

22 one general permit, but my expectation was that if we

23 did that, we would have the ability to make some

24 avoidance decisions that, as it's been explained,

25 aren't really available to us because of the limitation

Page 88

1 that the General Assembly has established that we don't

2 have the ability to make a change in the right-of-way

3 of a linear project. Is that correct, Mr. Davis?

4 MR. DAVIS: Yes, sir.

5 MR. WAYLAND: So my initial hope and

6 belief that we might be able to accomplish some

7 additional protections by using Virginia's authority

8 rather than the Clean Water Act authority appears to be

9 a nullity.

10 MR. DAVIS: (Nods head.)

11 MR. WAYLAND: My question -- my

12 additional question, if I may.

13 MR. DUNN: Sure.

14 MR. WAYLAND: Going back to the imminent

15 substantial adverse impact likely slide that you did,

16 which I think was Page 6 of the presentation. The

17 second bullet is erosion and sediment controls are not

18 functioning and corrective action has not been

19 proposed. And I guess I was curious about the meaning

20 of "not functioning." Does "not functioning" mean that

21 the required control measures were installed, but

22 they've been overwhelmed by a storm greater than the

23 one that was the basis on which the requirement was

24 established? In other words, it was sized for a -- you

25 know, a two-day storm, and you got a ten-day storm.

Page 89

1 You got a flow from a significantly larger storm, and  
 2 it is not functioning. Is that covered by erosion and  
 3 sediment controls are not functioning?  
 4 MS. DAVENPORT: I actually think there's  
 5 a couple of different scenarios that could meet that  
 6 definition. Part of it is that a feature was installed  
 7 per plan, but sediment is still escaping the  
 8 construction right-of-way. So that means you have to  
 9 go back and rethink it and redesign it and correct it.  
 10 With the issue of the storm events that  
 11 exceed the design capacity, if it gets washed out, it's  
 12 not functioning, but then you still have that  
 13 requirement to come in and put it back to what it was  
 14 designed in the plan and what it's supposed to do to  
 15 achieve the controls. So it's really those two  
 16 different paths.  
 17 MR. WAYLAND: But in that second case if  
 18 you lost measure because it was blown out by the storm,  
 19 would DEQ be satisfied and would regulations require  
 20 nothing more than you put back what was there and --  
 21 MS. DAVENPORT: Yes.  
 22 MR. WAYLAND: -- was established to be  
 23 inadequate?  
 24 MS. DAVENPORT: Yes, because that's what  
 25 the minimum standard said, yes. I mean, we might also

Page 90

1 say, you know, looks like you could consider putting  
 2 some additional protections here, would you consider  
 3 adding and stacking BMPs, and we might get to the  
 4 result that way, yes.  
 5 MR. WAYLAND: And I promise this is the  
 6 last question. I think you -- I think it was indicated  
 7 that the storm event criterion for the measures was  
 8 established in a general permit requirement that  
 9 preceded our consideration of these projects; is that  
 10 right? It was imported from the -- did you say it was  
 11 imported from the construction general permit?  
 12 MR. LEACH: The origins of this  
 13 particular requirement within the E&S regulations and  
 14 statute originate from EPA and the construction general  
 15 permit. It is a practice that's standardly done  
 16 throughout the United States, and that is how they size  
 17 the storm events for erosion and sediment control  
 18 during active construction.  
 19 (Interruption)  
 20 MS. DEAN: One more clarification.  
 21 MS. DAVENPORT: Yes, ma'am.  
 22 MS. DEAN: So as you were walking us  
 23 through VWP and the similarities between that and  
 24 Nationwide 12, some of the statements were not allowing  
 25 -- or impeding passage of normal high flows,

Page 91

1 substantial turbidity not authorized, water quality  
 2 standards shall not be violated. And so in the  
 3 situation that Bob was referring to a moment ago, if  
 4 the practice is blown out due to the intensity of the  
 5 storm, is the interpretation then that there is no need  
 6 for any enforcement or mitigation or action related to  
 7 that impact to water quality because of the intensity  
 8 of the storm? I mean, because --  
 9 MS. DAVENPORT: We actually in some  
 10 situations move from what is appropriate and authorized  
 11 under E&S to what is considered a violation of the VWP  
 12 program. So, in other words, if we see significant  
 13 sedimentation in wetlands and streams offsite -- and  
 14 the NOV actually cites a number of instances where  
 15 those are out -- we've moved out from E&S and said  
 16 those are violations of the VWP program because you did  
 17 not have a permit to take that impact.  
 18 MS. DEAN: Okay.  
 19 MS. DAVENPORT: And the result is that  
 20 that sedimentation, that buildup, that has to be  
 21 removed.  
 22 MS. KELLAM: I'm sorry, that just -- this  
 23 is -- James -- Mr. Golden and I spoke yesterday, and I  
 24 was struggling with this issue that he discussed with  
 25 me about turbidity not being a water quality standard,

Page 92

1 that you don't look at -- the question, you know,  
 2 revolved around all of these pictures that we see.  
 3 There's websites and, you know, e-mails, and we've all  
 4 seen them. There's so many more than we've seen today.  
 5 But that some of these are not violations, that -- so  
 6 what I -- and I couldn't understand why -- you know, if  
 7 there is stormwater moving off the site that is causing  
 8 turbidity, you know, where you can see -- you can see  
 9 sediment in the water. You don't see it deposited yet,  
 10 but you see muddy water, why that wouldn't be a  
 11 violation. But if I can understand it correctly, the  
 12 violations come under VWP, and that's only for  
 13 sedimentation?  
 14 MS. DAVENPORT: When I talk about a  
 15 violation under the Virginia Water Protection permit,  
 16 it is a filling of surface water, which means streams  
 17 and wetlands without a permit. So if that  
 18 sedimentation caused a filling of a wetland or a  
 19 stream, we would say that was an unauthorized fill.  
 20 You did not have a permit to do that. If we see  
 21 sedimentation and turbidity in the water column, we do  
 22 not have an in-stream water quality criterion for  
 23 sediment. It's a -- and I don't know how you would  
 24 even calculate. It's not like there is a point source  
 25 and you can grab a sample of what's coming out of that

Page 93

1 actual pipe and analyze it and do the analysis.  
 2 If you've got turbidity that's moving  
 3 downstream --  
 4 (Interruption)  
 5 MS. DAVENPORT: -- and is not settling  
 6 out, it is a temporary event.  
 7 MR. WAYLAND: Can I see if I can help  
 8 Roberta a little bit? I think what Melanie has said is  
 9 if you've got the turbidity, and it's moved off -- it's  
 10 moved out of the construction site, and it's in the  
 11 stream, the turbidity is evidence of a discharge that  
 12 was not authorized, and that's a violation of the law  
 13 and regulations. It's not the same --  
 14 (Interruption)  
 15 MR. WAYLAND: I don't need any  
 16 reinforcement. I've got a place to go, and I'm not  
 17 quite there yet. It's not necessarily a violation of a  
 18 water quality standard. The water quality standard  
 19 isn't there to be violated, but it is a violation to do  
 20 a discharge without a permit.  
 21 MS. DAVENPORT: Yes, but the challenge is  
 22 there is no permit required for this construction  
 23 activity. It is exempt from Clean Water Act 402  
 24 permitting, and it's exempt from needing coverage under  
 25 the construction general permit. And even when you

Page 94

1 look at the requirements of the construction general  
 2 permit, there isn't an in-stream end-of-pipe number.  
 3 It's about employing practices, and it's about  
 4 employing inspections, and it's about being responsive  
 5 to what you see on that site to keep as much sediment  
 6 on the site as possible. It's different from a  
 7 traditional discharge permit.  
 8 MR. DUNN: Let's go to the public forum.  
 9 When Cindy calls your name, please come forward and  
 10 state your name. We've got 30 minutes.  
 11 MS. BERNDT: I do need to -- because I  
 12 did tell some people before lunch -- or during lunch  
 13 that if they came up with a plan for the usage of the  
 14 30 minutes -- it wasn't necessarily three minutes  
 15 apiece, that we would present that to you for your  
 16 consideration, but the room has to agree.  
 17 (Interruption)  
 18 MS. BERNDT: So everybody agrees that if  
 19 I call on this list of people to speak, that everybody  
 20 will be respectful, that nobody will complain when  
 21 nobody else is called to talk on pipeline? So  
 22 everybody is okay with that? Speak now or forever hold  
 23 your peace, because if you don't hold your peace, we're  
 24 going to ask you to leave. Sir?  
 25 PUBLIC SPEAKER: I can speak now? Okay.

Page 95

1 I think we need to kill this pipeline project --  
 2 (Interruption)  
 3 MS. BERNDT: No, that's not what I said.  
 4 No, are you willing to accept these speakers?  
 5 (Interruption)  
 6 MS. BERNDT: I heard a no. Do you want  
 7 to know who the 10 speakers are? The speakers would be  
 8 David Sligh, Ruby Lorie, Jason Shelton, Bill Limpert,  
 9 Charmayne Staloff, James Hargett, Ben Luckett, Tammy  
 10 Belinsky, Peggy Sanner, Kathy Chandler, and if there is  
 11 still time within the 30, Jon Sokolow, Minor Terry, and  
 12 Genesis Chapman. Is everybody okay with that for the  
 13 pipeline discussion?  
 14 (Multiple Responses)  
 15 MS. BERNDT: I don't need applause. I  
 16 just -- just a thumbs up or something. Is everybody  
 17 okay? Nobody objects?  
 18 (Multiple Responses)  
 19 MS. BERNDT: All right. So before I call  
 20 on the pipeline people, there are three individuals  
 21 that are nonpipeline. It's not going to take away from  
 22 your 30 minutes, but I would like to let them go and  
 23 then they can go, if they would like. Is that okay  
 24 with everybody?  
 25 (Multiple Responses)

Page 96

1 MS. BERNDT: No complaints, no boos. Is  
 2 that okay with the Board?  
 3 MR. WAYLAND: Yes.  
 4 MS. BERNDT: Okay. Mr. Chairman, we are  
 5 now going to start on the pipeline, and I don't know if  
 6 you all are going to divvy it up three minutes each. I  
 7 would suggest you all just start lining up. David  
 8 Sligh, Ruby Lorie, Jason Shelton and then Bill Limpert,  
 9 and I'm going to -- and Charmayne Staloff. I would  
 10 just start lining up, because I'm going to put the  
 11 clock on 30 minutes and we'll go until -- don't start  
 12 until I tell you to. I've got to get through the rest  
 13 of this list. All right. So it's David Sligh, Ruby  
 14 Lorie, Jason Shelton, Bill Limpert, Charmayne Staloff,  
 15 James Hargett, Ben Luckett, Tammy Belinsky, Peggy  
 16 Sanner, Kathy Chandler, Jon Sokolow, Minor Terry and  
 17 Genesis Chapman.  
 18 MR. DUNN: Please state your name first.  
 19 DAVID SLIGH: My name is David Sligh. I  
 20 represent Wild Virginia. I wanted to make the point  
 21 that the discussion that asserted that the difference  
 22 between the Corps of Engineers and Nationwide Permit  
 23 and the Virginia responsibility under Clean Water Act  
 24 Section 401, the assertion that this is merely  
 25 procedural is simply not true. The fact is that the



**ATTACHMENT B-4**  
**Virginia Water Protection Permit Program Property-Access**  
**Agreement**



*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

NORTHERN REGIONAL OFFICE

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Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director  
(804) 698-4000

Thomas A. Faha  
Regional Director

**Virginia Water Protection Permit Program Property-Access Agreement**

Mountain Valley Pipeline, LLC (Mountain Valley) holds easements by which they are allowed access within the Project Area. Mountain Valley hereby authorizes the Department of Environmental Quality, its employees, agents, and contractors (“Authorized Parties”) the right of entry to the Project Area to conduct inspections necessary to evaluate the application for and ensure compliance with the (“VWP Permit”).

For the purpose of this section, the time for inspection shall be deemed reasonable during regular business hours. Nothing contained herein shall make an inspection time unreasonable during an emergency.

Inspections may include but are not limited to the following activities:

1. Enter upon the Project Area, and have access to, inspect and copy any records that required as part of the VWP permit;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter, or activity for the purpose of ensuring compliance with the VWP permit or as otherwise required by law.

Easement holder understands that access to the Project Area is a requirement pursuant to 9VAC25-210-90 and the VWP Permit. The DEQ may enforce the provisions of this agreement utilizing all applicable procedures and authorities under Va. Code §§ 62.1-44.15 and 10.1-1186.

Robert J. Cooper		SVP Construction Services	02/19/2021
<b>Easement Holder Name</b>	<b>Easement Holder Signature</b>	<b>Title</b>	<b>Date</b>
<b>(Print)</b>			

## **ATTACHMENT B-5**

### **Riparian Property Owner Information**

















Property Owner Information

Owner Phone Number, Email, Fax, SCC unknown. Not included.

MAP ID	GPIN	Owner Name	Owner Street Address	County	City, State, Zip	Latitude	Longitude
736	055.03-02-13.00-0000	OBNCHAIN HORACE M	GARMAN RD	Roanoke County	SALEM, VA 24153	37.2709991	-80.12105487
737	055.03-02-12.00-0000	OBNCHAIN HORACE M	GARMAN RD	Roanoke County	SALEM, VA 24153	37.26959261	-80.12393864
738	063.03-01-04.00-0000	THOMAS LTD	CAMPBELL DR	Roanoke County	SALEM, VA 24153	37.24546002	-80.19927649
739	072.02-01-43.00-0000	COUCH JESSE D;COUCH MELANIE J	7034 SUTHERLAND CR	Roanoke County	SALEM, VA 24153	37.24255977	-80.19826533
740	072.02-01-45.00-0000	THOMAS LTD	6591 WEST MAIN ST	Roanoke County	SALEM, VA 24153	37.23942343	-80.19426914
741	072.02-01-46.00-0000	GUNTER DWIGHT A	5822 WEST RIVER RD	Roanoke County	SALEM, VA 24153	37.23481407	-80.19346359
742	082.00-01-15.00-0000	MELTON DON E	7391 COVE HOLLOW RD	Roanoke County	ELLISTON, VA 24087	37.2187106	-80.18798656
743	082.00-01-16.00-0000	MELTON DON E	COVE HOLLOW RD	Roanoke County	ELLISTON, VA 24087	37.21639826	-80.18712184
744	082.00-01-17.00-0000	EPPERLY RANDALL KEITH	7393 COVE HOLLOW RD	Roanoke County	ELLISTON, VA 24087	37.21576176	-80.18804406
745	082.00-01-37.00-0000	GRAY KATHLEEN D	7561 COVE HOLLOW RD	Roanoke County	ELLISTON, VA 24087	37.21153757	-80.18431812
746	082.00-01-38.00-0000	TEAFORD KEVIN S;TEAFORD DANA T	7487 COVE HOLLOW RD	Roanoke County	ELLISTON, VA 24087	37.20812095	-80.18221891
747	082.00-01-40.00-0000	ANDREWS ANN ELIZABETH	7485 COVE HOLLOW RD	Roanoke County	ELLISTON, VA 24087	37.20491738	-80.18596046
748	082.00-01-41.00-0000	MAXWELL MARY ANN;MAXWELL JAMES LOUIS	COVE HOLLOW RD	Roanoke County	ELLISTON, VA 24087	37.19843113	-80.17506746
749	093.00-01-44.00-0000	CRONK MARK W;CRONK ALISON G	8451 HONEYSUCKLE RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.19363428	-80.16322609
750	093.00-01-47.00-0000	EVANGEL FOURSQUARE CHURCH TRUSTEES	8301 HONEYSUCKLE RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.19149218	-80.15691433
751	093.00-01-44.00-0000	EVANGEL FOURSQUARE CHURCH TRUSTEES	8301 HONEYSUCKLE RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.19122749	-80.15829263
752	093.00-01-44.00-0000	CRONK MARK W;CRONK ALISON G	8451 HONEYSUCKLE RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.18859926	-80.1524595
753	102.00-01-01.02-0000	TERRY GRACE MINOR	POOR MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.18709462	-80.17531581
754	093.00-01-34.00-0000	CFX INC	POOR MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.18293863	-80.14646626
755	093.00-01-46.00-0000	TERRY ELIZABETH LEE	8744 HONEYSUCKLE RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.18131662	-80.16224743
756	093.00-01-34.01-0000	SCOTT JAMES T;SCOTT KAREN B	8443 POOR MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.18114103	-80.14189098
757	093.00-01-33.00-0000	CFX INC	POOR MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.18028169	-80.14758097
758	093.00-01-33.01-0000	CFX INC	POOR MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.18037135	-80.14135798
759	102.00-01-05.00-0000	SCOTT MICHAEL THOMAS	8469 POOR MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.17751335	-80.14200186
760	102.00-01-08.00-0000	TERRY JOHN COLES III	8741 POOR MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.17237369	-80.13674394
761	103.00-02-01.00-0000	TERRY HILAH PARKS	8873 POOR MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.17004096	-80.12702872
762	102.00-01-02.00-0000	TERRY FRANK H JR ETAL	8755 POOR MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.16817949	-80.14532267
763	102.00-01-11.00-0000	DUNCAN AGNES M	10450 RUSSWOOD RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.16120328	-80.14003666
764	102.00-01-12.00-0000	JONES MARTHA C ESTATE;ROLLIER MATTHE	10383 RUSSWOOD RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.15906385	-80.13583052
765	102.00-01-13.00-0000	COFFEY BRUCE M;COFFEY MARY E	10303 RUSSWOOD RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.15767859	-80.13351954
766	102.00-01-13.01-0000	LUCKI JACQUELINE J	RUSSWOOD RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.15766172	-80.13283445
767	103.00-02-43.00-0000	RIVES MARY ELLEN	10239 BOTTOM CREEK RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.15659472	-80.13090993
768	102.00-01-14.00-0000	LUCKI JACQUELINE J	10289 RUSSWOOD RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.15626764	-80.13167444
769	110.00-01-44.00-0000	TERRY ELIZABETH LEE	BOTTOM CREEK RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.15175002	-80.13388149
770	110.00-01-46.00-0000	HENRY JEROME DAVID;HENRY DORIS MARIE	10578 BOTTOM CREEK RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.14768068	-80.13872569
771	110.00-01-56.01-0000	HAMM ROBERT MATTHEW;HAMM AIMEE CHASE	10420 MILL CREEK RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.14391387	-80.13116172
772	110.00-01-56.00-0000	VEST FRED W	10434 MILL CREEK RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.14344743	-80.13384433
773	110.00-01-50.00-0000	WALDRON LOIS KING LIFE ESTATE	10800 BOTTOM CREEK RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.14317738	-80.14123339
774	110.00-01-54.00-0000	MONTUORI LENORA W	BOTTOM CREEK RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.14082205	-80.13564661
775	111.00-01-56.03-0000	CONNOR BETTY T	10538 GREEN HOLLOW DR	Roanoke County	BENT MOUNTAIN, VA 24059	37.13986165	-80.1242341
776	111.00-01-56.02-0000	CROWE KERMIT C;CROWE ALVA T	10571 GREEN HOLLOW DR	Roanoke County	BENT MOUNTAIN, VA 24059	37.13977749	-80.12636877
777	110.00-01-55.00-0000	FULTON JOHN D JR;BROKAW JANICE VANNE	GREEN HOLLOW DR	Roanoke County	BENT MOUNTAIN, VA 24059	37.13955489	-80.13816554
778	111.00-01-56.05-0000	CROWE TEDDY D;CROWE SUSAN F	10577 GREEN HOLLOW DR	Roanoke County	BENT MOUNTAIN, VA 24059	37.13955257	-80.12855773
779	111.00-01-63.00-0000	MORSE CLINTON S	GREEN HOLLOW DR	Roanoke County	BENT MOUNTAIN, VA 24059	37.13911385	-80.13121559
780	111.00-01-56.06-0000	WEHREND GREGG A;LICHLYTER LYNETTE V	10585 GREEN HOLLOW DR	Roanoke County	BENT MOUNTAIN, VA 24059	37.13760552	-80.12728174
781	111.00-01-56.00-0000	FERGUSON GEORGE ROBERT;FERGUSON DANA	10575 BENT MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.13744446	-80.12610267
782	111.00-01-62.00-0000	PHILLIPS ALEXANDER B;PHILLIPS EMILY	GREEN HOLLOW DR	Roanoke County	BENT MOUNTAIN, VA 24059	37.1373788	-80.13113148
783	111.00-01-56.01-0000	WEHREND GREGG A;LICHLYTER LYNETTE V	10573 GREEN HOLLOW DR	Roanoke County	BENT MOUNTAIN, VA 24059	37.13735548	-80.12802165
784	111.00-01-62.01-0000	CHANDLER JAMES T;CHANDLER KATHY E	GREEN HOLLOW DR	Roanoke County	BENT MOUNTAIN, VA 24059	37.136882	-80.13687411
785	111.00-01-61.03-0000	LESTER DAVID W;LESTER MICHELLE R	10660 GREEN HOLLOW DR	Roanoke County	BENT MOUNTAIN, VA 24059	37.13628554	-80.12995381
786	111.00-01-58.00-0000	ANDREWS MARTHA A	10627 BENT MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.13605109	-80.12807341
787	111.00-01-61.02-0000	LESTER MICHAEL L;LESTER TERESA A	10700 GREEN HOLLOW DR	Roanoke County	BENT MOUNTAIN, VA 24059	37.13606821	-80.13104888
788	111.00-01-61.01-0000	LESTER LONNIE L;LESTER JUDITH P	10701 BENT MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.13529068	-80.1306531
789	117.00-01-40.00-0000	CONNOR JEFFERY L	10757 GREEN HOLLOW DR	Roanoke County	BENT MOUNTAIN, VA 24059	37.13451591	-80.13479712
790	061.02-02-16.01-0000	DEPARTMENT OF THE INTERIOR	2725 MOUNTAIN VIEW RD	Roanoke County	ROANOKE, VA 24014	37.13410631	-80.11621066
791	117.00-01-39.00-0000	FRALEY JENNIFER L	10812 GREEN HOLLOW DR	Roanoke County	BENT MOUNTAIN, VA 24059	37.13383061	-80.13613339
792	111.00-01-61.00-0000	DAMERON REBECCA JANE	10721 BENT MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.13386838	-80.13181873
793	117.00-01-38.00-0000	CHANDLER JAMES T;CHANDLER KATHY E	10858 GREEN HOLLOW DR	Roanoke County	BENT MOUNTAIN, VA 24059	37.13361694	-80.13884812
794	117.00-01-41.01-0000	MONTUORI LENORA W	MONTUORI	Roanoke County	BENT MOUNTAIN, VA 24059	37.13326383	-80.13317518
795	117.00-01-41.00-0000	MONTUORI LENORA W	MONTUORI	Roanoke County	BENT MOUNTAIN, VA 24059	37.13259023	-80.13502107
796	117.00-01-41.02-0000	MONTUORI LENORA W	10773 MONTUORI	Roanoke County	BENT MOUNTAIN, VA 24059	37.13191633	-80.13339414
797	117.00-01-43.02-0000	MONTUORI LENORA W	MONTUORI	Roanoke County	BENT MOUNTAIN, VA 24059	37.13168253	-80.1371218
798	117.00-01-42.00-0000	MONTUORI LENORA W	10799 BENT MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.13111883	-80.1323509
799	117.00-01-43.00-0000	MONTUORI LENORA W	10779 MONTUORI	Roanoke County	BENT MOUNTAIN, VA 24059	37.13093969	-80.13582233
800	118.00-01-10.00-0000	UNITED STATES OF AMERICA	BENT MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.12989677	-80.12417395
801	117.00-01-45.00-0000	MONTUORI LENORA	BENT MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.12933554	-80.13239812
802	118.00-01-09.00-0000	THOMPSON HOWARD M;THOMPSON CHRISTINE	10864 BENT MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.12928642	-80.12821406
803	117.00-01-46.00-0000	MONTUORI LENORA W	11069 ROCKY RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.12891393	-80.13697628
804	118.00-01-16.00-0000	UNITED STATES OF AMERICA	BENT MOUNTAIN RD	Roanoke County	BENT MOUNTAIN, VA 24059	37.1261194	-80.12287109

Owner Phone Number, Email, Fax, SCC unknown. Not included.