

Floodplain Development Permit

Doddridge County, WV Floodplain Management

This permit gives approval for the development/ project listed that impacts the FEMA-designated floodplain and/or floodway of Doddridge County, WV, pursuant to the rules and regulations established by all applicable Federal, State and local laws and ordinances, including the Doddridge County Floodplain Ordinance. This permit must be posted at the site of work as to be clearly visible, and must remain posted during entirety of development.

Permit: #17-445
MOSA-S031 PIPELINE

Date Approved: February 6, 2017

Expires: February 6, 2018

Issued to: Keystone Consultants, INC.
EQM Gathering OPCO, LLC

POC: Chad Alberth 304-816-3165 (ext100)
Alex Daquila 412-694-5378

Company Address: 1000 Technology Drive, Suite 1330, Fairmont, WV 26554
555 Southpointe Blvd., Suite 200, Canonsburg, PA 15317

Project Address: Right Fork Arnolds Creek

Firm:

Lat/Long:39.2581N, -80.8111W

Purpose of development: MOSA-S031 PIPELINE PROJECT

Issued by: George C. Eidel, CFM, OEM Director/Doddridge County FPM (or designee)

Date: February 6, 2017

For additional information regarding this permit, please contact
Doddridge County Floodplain Manager at 304.873.2631, or via email at
doddridgecountyfpm@gmail.com
118 East Court Street; West Union, WV 26456

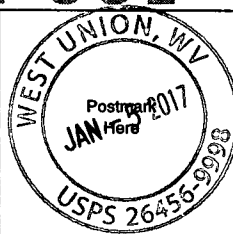
7014 0150 0001 7356 8553

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 3.49
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.86
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.74



Sent To 17-445
 Street, Apt. No., or PO Box No. _____
 City, State, ZIP+4 _____

PS Form 3800, August 2006 See Reverse for Instructions

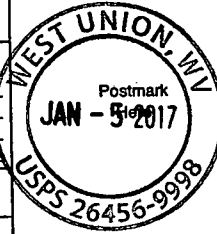
7015 0640 0000 2641 9393

U.S. Postal Service™
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Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.80
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____



Postage	\$.49
Total Postage and Fees	\$ 6.74

Sent To _____
 Street and Apt. No., or PO Box No. _____
 City, State, ZIP+4* _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

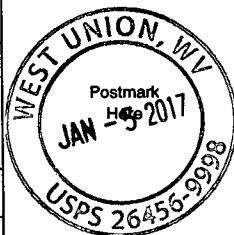
7015 3430 0001 1569 6897

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.80
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____



Postage	\$.49
Total Postage and Fees	\$ 6.74

Sent To 17-445
 Street and Apt. No., or PO Box No. _____
 City, State, ZIP+4* _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

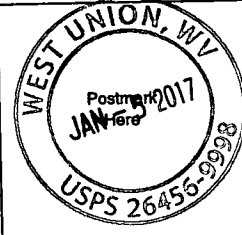
7014 0150 0000 7356 8553

U.S. Postal Service™
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For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.49
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.80
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.74



Sent To 17-445
 Street, Apt. No., or PO Box No. _____
 City, State, ZIP+4 _____

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Angela D. Pratt Addressee

B. Received by (Printed Name) *Angela D. Pratt* C. Date of Delivery *1/9/17*

Address different from item 1? Yes
or delivery address below: No

Michael R. Britton & Angela D. Pratt
138 Cascara Road
Salem, WV 26426



9590 9402 1888 6104 9699 96

2. Article Number (Transfer from service label)

17-445

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
John W. Bee

B. Received by (Printed Name) *John W. Bee*

C. Date of Delivery *1-14-17*

address different from item 1? Yes
 or delivery address below: No

John William Bee
 1563 Arnolds Creek Road
 West Union, WV 26456

17-445



9590 9402 1601 5362 0145 57

2. Article Number (Transfer from service label)

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) *Mike Cordell*

C. Date of Delivery

address different from item 1? Yes
 or delivery address below: No

Britton, Michael Ray & Pamela S. (Surv)
 1 First American Way
 Westlake, TX 76262

17-445



9590 9402 1888 6104 9699 72

2. Article Number (Transfer from service label)

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

PS Form 3811, July 2015 PSN 7530-02-000-9053

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) *P. Sue Britton*

C. Date of Delivery *1-7-17*

address different from item 1? Yes
 or delivery address below: No

Britton, Michael Ray & Pamela S. (Surv)
 1960 Arnolds Creek Road
 West Union, WV 26456

10-445



9590 9402 1888 6104 9699 89

2. Article Number (Transfer from service label)

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Donald R. Perine
 Supplement Needs Trust (Life) ETAL
 703 West Beaver Street
 Zelienople, PA 16063



9590 9402 1888 6104 9700 08

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Michael Mignone

Agent

Addressee

B. Received by (Printed Name)

MICHAEL MIGNONELLI

C. Date of Delivery

1/9/17

Address different from item 1? Yes
 or delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

USPS TRACKING#



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 1888 6104 9700 08

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

George Eidel
Doddridge County OEM/CFM
108 Court St. Ste 1
West Union, WV 26456



KEYSTONE
CONSULTANTS, INC.

Keystone Consultants, Inc.
32 East Main Street
Carnegie, PA 15106

PNC BANK, NA
8-9/430

16827

1/3/2017

PAY TO THE ORDER OF Doddridge County Sheriff's Tax Office \$ **1,835.00

One Thousand Eight Hundred Thirty-Five and 00/100***** DOLLARS

PROTECTED AGAINST FRAUD

Doddridge County Sheriff's Tax Office

COPY

Jan K. Jain

MEMO
Floodplain Permit

⑈016827⑈ ⑆043000096⑆ 0009672743⑈

Keystone Consultants, Inc.

16827

Doddridge County Sheriff's Tax Office

1/3/2017

EQM - MOSA S031 Pipeline
Floodplain Permit

1,835.00

#17-445

COPY

EQM Gathering, OPCO, INC

Cash in Bank - PNB Floodplain Permit

1,835.00

Doddridge County, West Virginia

RECEIPT NO: 8323

DATE: 2017/01/09

FROM: KEYSTONE CONSULTANTS INC AMOUNT: \$ 1,835.00

ONE THOUSAND EIGHT HUNDRED THIRTY FIVE DOLLARS AND 00 CENTS

FOR: #17-445 EQM GATHERING OPCO, INC

00000016827 FP-BUILDING PERMITS

020-318

TOTAL: \$1,835.00

MICHAEL HEADLEY

SHERIFF & TREASURER

MEC

CLERK

Customer Copy

Keystone Consultants, Inc.

16827

Doddridge County Sheriff's Tax Office

1/3/2017

EQM - MOSA S031 Pipeline
Floodplain Permit

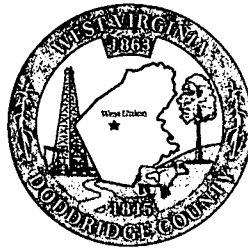
1,835.00

#17-445

EQM Gathering OPCO, INC.

Cash in Bank - PNB Floodplain Permit

1,835.00



Doddridge County Floodplain Permits

(Week of January 16, 2017)

Please take notice that on the **5th day of January, 2017, Keystone Consultants INC., on behalf EQM Gathering OPCO, LLC** filed an application for a Floodplain Permit **#17-445** to develop land located at or about **39.2581N, -80.8111W, Right Fork Arnolds Creek**. The Application is on file with the Clerk of the County Court and may be inspected or copied during regular business hours. Any interested persons who desire to comment shall present the same in writing by **February 6, 2017** (20 calendar days after the announcement at the regularly scheduled Doddridge County Commission Meeting) delivered to the Clerk of the County Court at 108 Court Street Ste. 1, West Union, WV 26456. **This project is MOSA-S031 PIPELINE PROJECT**

THE HERALD RECORD

177 Main Street

West Union, WV 26456

Phone (304) 873-1600

INVOICE

10668

TO *EOM Gathering Alex. Daquila*
555 Southpoint Blvd Suite 300
Cannonsburg PA 15317

DATE	<i>2-28-17</i>
CUSTOMER ORDER NO	
SALESPERSON	

Please Use Customer Number _____

DATES	DESCRIPTION	PRICE	AMOUNT
	<i>Legal Advertising</i>	\$	
	<i>Public Notice</i>		
	<i>Permit # WV 0115924</i>		
<i>2-28-17</i>	<i>630 word space - 1.15 per word -</i>	<i>72.45</i>	
	TOTAL	\$	<i>72 45</i>

Thank You!

State of West Virginia
 Department of Environmental Protection
 Division of Water and Waste Management
PUBLIC NOTICE
 WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S PUBLIC INFORMATION OFFICE, 601 57th STREET SE, CHARLESTON, WEST VIRGINIA 25304-2345
 TELEPHONE (304) 926-6440
 APPLICATION FOR COVERAGE UNDER THE GENERAL WEST VIRGINIA WATER POLLUTION CONTROL PERMIT NO. WV0115924
 Public Notice No.: SM-10-2017
 Public Notice Date: February 28, 2017
 Paper: The Herald Record
 The following has applied for coverage under the General WV Water Pollution Control Permit No. WV0115924 for this facility or activity:
 Appl. No.: WVR310791
 Applicant: EQM GATHERING OPCO, LLC
 555 SOUTHPOINTE BLVD
 STE 200
 CANONSBURG, WV 25317
 Location: GREENWOOD, DODDRIDGE COUNTY
 Latitude: 39 15 02 Longitude: 80 56 10
 Receiving Stream:
 North Fork/Hughes River/Hughes River/Little Kanawha River
 Activity:
 This application is for the discharge of stormwater associated with installation of 8.47 miles of 20 inch steel gas pipeline, and will disturb approximately 165 acres of land during its construction.
 Business conducted:
 Industrial
 Implementation:
 N/A
 On the basis of review of the application the "Water Pollution Control Act (Chapter 22, Article 11-8(a))" and the "West Virginia Legislative Rules," the State of West Virginia will act on the above application.
 Any interested person may submit written comments on the site registration permit application and may request a public hearing by addressing such to the Director of the Division of Water and Waste Management within 30 days of the date of the public notice. Such comments or requests should be addressed to:
 Director, Division of Water and Management, DEP
 ATTN: Sharon Mullins, Permitting Section
 601 57th Street SE
 Charleston, WV 25304-2345
 The public comment period begins February 28, 2017 and ends March 30, 2017.
 Comments received within this period will be considered prior to acting on the permit application. Correspondence should include the name, address and the telephone number of the writer and a concise statement of the nature of the issues raised. The Director shall hold a public hearing whenever a finding is made, on the basis of requests, that there is a significant degree of public interest on issues relevant to the site registration permit application and this facility's coverage under the General Permit. Interested persons may contact the Public Information Office to obtain further information.
 The application may be inspected, by appointment, at the Division of Water and Waste Management Public Information Office, at 601 57th Street SE, Charleston, WV, between 8:00 a.m. and 4:00 p.m. on business days. Copies of the application and the General Permit and Fact Sheet may be obtained from the Division at a nominal cost. Individuals requiring Telecommunication Device (TDD) may contact our agency by calling (304) 926-6493. Calls must be made 8:30 a.m. to 3:30 p.m. Monday through Friday.

STATE OF WEST VIRGINIA,
 COUNTY OF DODDRIDGE, TO WIT
 I, Virginia Nicholson, Editor of THE
 HERALD RECORD, a certified weekly
 newspaper published regularly in
 Doddridge County West Virginia, Do
 Hereby Certify Upon Oath that the
 Accompanying Legal Notice Entitled:

..... Public Notice
 # SM-10-2017
 Permit # WV 0115924

was published in said paper for ... 1

successive weeks beginning with the issue
 of ... February 28th ... 2017 and ending

with the issue of 2017 and

that said notice contains ... 630

WORD SPACE AT ... 115 ... cents per word and

amounts to the sum of \$... 72.45

FOR FIRST PUBLICATION, SECOND
 PUBLICATION IS 75% OF THE FIRST
 PUBLICATION

\$
 and each publication thereafter

\$... 72.45 ... TOTAL
 EDITOR

..... Virginia Nicholson

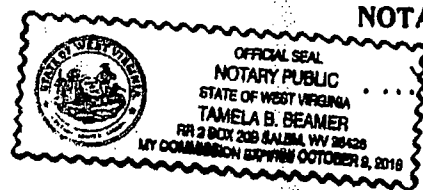
SWORN TO AND SUBSCRIBED

BEFORE ME THIS THE ... 2nd ... DAY

OF ... March ... 2017

NOTARY PUBLIC

..... Pamela B. Beamer



Keystone Consultants, Inc.

The Herald Record

Legal Advertising for Permit #WV0115924
EQM Gathering - MOSA-S031

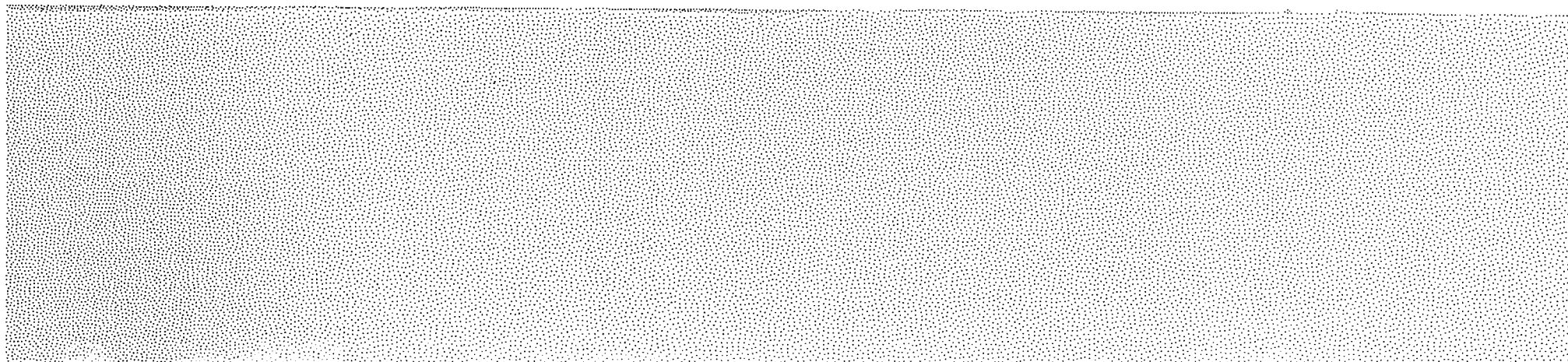
3/9/2017

17014

72.45

Cash in Bank - PNB

72.45



Page 1 of 2

**RITCHIE COUNTY
DEVELOPMENT PERMIT APPLICATION
Floodplain Management Program**

Date of Application: 12/22/2016

Permit# 010517

Application Information

Name: EQM Gathering OPCO, LLC Mailing Address: 555 Southpointe Blvd, Suite 200
City: Canonsburg State: PA Phone: (412)-684-5378

Contractor Information & License Number (if applicable) WV License #: WV027892 City License# _____

Name: Karmil Tyres Contracting Mailing Address: 2803 Frame Road
City: Elkview State: WV Phone: (304)-885-8187

Property Address: Right Fork Cabin Run (CR 10/2) Cost of Improvement: \$7,783,600.00
(Provide directions if no address below) (Provide Documentation)

Approximately 1.72 miles south of the intersection with US 50.

Type of Structure: (Check All That Apply)
 Residential
 Excavation/Fill Activities
 Other (Explain) Pipeline Installation
 Demolition
 Commercial/Industrial
 Garage/Detached Structure

Description of Work To Be Completed:
See project description on attached cover letter.

Signature 

APPLICANT WILL PROVIDE ONE COPY OF PLANS AND SPECIFICATIONS OF THE PROPOSED CONSTRUCTION.

FOR USE BY FLOOD PLAIN MANAGER

IS THE PROPERTY IN FLOOD ZONE (CIRCLE WHICH APPLIES) A AE IN FLOODWAY X

IS ADDITIONAL INFORMATION REQUIRED? (FIRMette attached) Y N

ARE OTHER FEDERAL, STATE, OR LOCAL PERMITS REQUIRED? Y N

ARE OTHER CITY REGULATIONS APPLICABLE? Y N

IS THIS A SUBSTANTIAL IMPROVEMENT? Y N

IS THERE A NON-CONVERSION AGREEMENT Y N

IS THERE PROPER FLOOD VENTING IN THE FOUNDATION? Y N

SITE PLANS ATTACHED? Y N

ELEVATION CERTIFICATE REQUIRED/ATTACHED? Y N

ESTIMATED COST OF DEVELOPMENT/ IMPROVEMENT \$ PAGE 1

FREEBOARD REQUIRED? Y N HOW MUCH? 1ft 2ft

- EXEMPTION CERTIFICATE ISSUED
- PERMIT APPLICATION APPROVED
- PERMIT APPLICATION REJECTED

SPECIAL INSTRUCTIONS BY THE FLOODPLAIN MANAGER.

This permit was approved and will be on file.
All projects in Ritchie Co. will follow the Ritchie Co.
Floodplain ordinance and will need to have permission
from the landowners, and all Federal, State and
Local permitting that is required. JCS 1/5/17

Jan Clifton
 FLOOD PLAIN MANAGER

1/5/17
 DATE

RECEIPT DATE 1-11-17 No. 082318

RECEIVED FROM EQM Catering, LLC \$ 10.00

_____ DOLLARS

FOR RENT
 FOR Bldg Permit - Flood Plain

ACCOUNT	
PAYMENT	<u>10.00</u>
BAL. DUE	

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM _____ TO _____

BY E. S. S.

Permit # 0400

RITCHIE COUNTY BUILDING PERMIT APPLICATION
(304)643-2164 Ext. 240

Please print following information clearly:

Property owner (s) _____

Current address/property location Right Fork Cabin Run 10/2

Approximately 1.22 miles from Rt. 50

Phone number 412 694-5378

Type of Project: New Structure Remodel existing building (Do not include re-roofing, insulation, windows, general repair and maintenance)

Mobile home/manufactured home

Work done by owner

Work done by contractor---Name: Kermit H. Yee Contractor License # 11027892

Signature of Applicant _____

Date 1-11-17

New E-911 Address _____

Physical Location _____

Latitude _____ Longitude _____

Signature of Addressing Authority _____

Date _____

*****FOR ASSESSOR'S OFFICE USE ONLY*****

C1012 DISTRICT _____ MAP/PARCEL NUMBER _____

APPROVED _____ DISAPPROVED _____

SIGNATURE OF PERMIT OFFICER [Signature]

DATE _____ PERMIT FEE \$10.00

BUILDING PERMIT

COUNTY OF RITCHIE

Permit Number 0400

Issued to EQM Gathering OPCO, LLC

For Excavation, Fill Activities- Other
(Type of Building or Work)

Location Right Fork Cabin Run 10/2

Date Issued 1-11-17

Building Permit Officer EVA Shreves

By: _____

This placard shall be conspicuously displayed until work is completed!



Permit# 17-445

Project Name: MOSA-S031 Pipeline

Permittees Name: EQM Gatheing
OPCO, LLC

Doddridge County, WV

Floodplain Development Permit Application

This document is to be used for projects that impact/potentially impact the FEMA---designated floodplain and/or floodway of Doddridge County, WV pursuant to the rules and regulations established by all applicable Federal, State and local laws and ordinances, including the Doddridge County Floodplain Ordinance.

SECTION 1: GENERAL PROVISIONS (APPLICANT TO READ AND SIGN)

1. No work may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until a Certificate of Compliance is issued.
5. The permit will expire if no work is commenced within six months of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state, and federal requirements.
7. Applicant hereby gives consent to the Floodplain Administrator/Manager or his/her representative to make inspections to verify compliance.
8. I THE APPLICANT CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

APPLICANT'S SIGNATURE

DATE

12/28/2010



1000 Technology Drive, Suite 1330, Fairmont, WV 26554 | P: 304-816-3165 | F: 681-443-3964

December 22, 2016

Doddridge County Floodplain Coordinator
108 Court Street, Suite 1
West Union, WV 26456

Re: MOSA-S031 Pipeline
Doddridge County, West Virginia

Dear Mr. Eidel:

Please find for your review the following information related to the EQM Gathering OPCO, LLC, MOSA-S031 Pipeline Project in Doddridge County, West Virginia.

I. General Information

- a. **Project Name:** MOSA-S031 Pipeline
- b. **Project Contact Person:**
Chad Alberth
1000 Technology Drive, Suite 1330
Fairmont, WV 26554
304-816-3165 ext. 100
calberth@keystoneconsultants.net
- c. **Project Address:**
Oxford Road (CR 21)
West Union, WV
Approximately 0.18 miles south of the intersection with Old US 50 (CR 50/30)
Coordinates (WVNAD83 – North)
Ritchie/ Doddridge Line: N 39.254283° W -80.901789°
End of Proposed Pipeline: N 39.257828° W -80.806953°
- d. **Project Location:** See attached USGS Topographic and Aerial Maps
- e. **Project Description:** EQM is proposing to install approximately 8.47 miles (44,697 linear feet) of 20" steel gas pipeline in Ritchie and Doddridge Counties, West Virginia. 6.12 miles (32,272 linear feet) of the project will take place in Doddridge County. The proposed pipeline project will have a right-of-way/limit of disturbance of 100 linear feet total width, centered on the proposed pipeline. Included within the limit of disturbance will be various additional workspaces and access roads ranging from established gravel roads to roads that will need constructed for access to the proposed construction right-of-way. The proposed construction activity will take place in woodlands, agricultural fields and through established oil and gas facilities. Twelve streams (S22, S23, S27, S30, S32, S35, SA, S37, S39, S40, S41 and S46) will be crossed by the proposed pipeline, fourteen streams (S17, S19, S21, S24, S26, S29, S34, S52-A, S52-B, S53, S54, S55, S57 and S58) will be crossed by the proposed access roads and five wetlands (W-A, W-B, W-C, W-D and W-5) will be crossed for proposed right-of-way

access. The total area of wetlands to be disturbed for each wetland is as follows: (W-A) 0.04 ac, (W-B) 0.003 ac, (W-C) 0.007 ac, (W-D) 0.01 ac and (W-5) 0.002 ac. The length of bank to be worked at S17 (unnamed tributary to Leason Run) will be 6.25 feet bank to bank. The length of bank to be worked at S19 (unnamed tributary to Leason Run) will be 6.51 feet bank to bank. The length of bank to be worked at S21 (unnamed tributary to Leason Run) will be 6.05 feet bank to bank. The length of bank to be worked at S22 (unnamed tributary to Claylick Run) will be 6.37 feet bank to bank. The length of bank to be worked at S23 (unnamed tributary to Claylick Run) will be 13.31 feet bank to bank. The length of bank to be worked at S24 (unnamed tributary to Claylick Run) will be 6.71 feet bank to bank. The length of bank to be worked at S276 (unnamed tributary to Claylick Run) will be 2.91 feet bank to bank. The length of bank to be worked at S27 (unnamed tributary to Claylick Run) will be 7.70 feet bank to bank. The length of bank to be worked at S29 (unnamed tributary to Claylick Run) will be 4.15 feet bank to bank. The length of bank to be worked at S30 (unnamed tributary to Claylick Run) will be 5.70 feet bank to bank. The length of bank to be worked at S32 (unnamed tributary to Claylick Run) will be 4.95 feet bank to bank. The length of bank to be worked at S34 (unnamed tributary to Claylick Run) will be 2.15 feet bank to bank. The length of bank to be worked at S35 (unnamed tributary to Claylick Run) will be 3.95 feet bank to bank. The length of bank to be worked at SA (unnamed tributary to Claylick Run) will be 4.25 feet bank to bank. The length of bank to be worked at S37 (Middle Run) will be 12.75 feet bank to bank. The length of bank to be worked at S39 (unnamed tributary to Right Fork Arnolds Creek) will be 4.36 feet bank to bank. The length of bank to be worked at S40 (unnamed tributary to Right Fork Arnolds Creek) will be 4.35 feet bank to bank. The length of bank to be worked at S41 (unnamed tributary to Right Fork Arnolds Creek) will be 6.75 feet bank to bank. The length of bank to be worked at S46 (Right Fork) will be 21.10 feet bank to bank. The length of bank to be worked at S52-A (Claylick Run) will be 12.21 feet bank to bank. The length of bank to be worked at S52-B (Claylick Run) will be 13.25 feet bank to bank. The length of bank to be worked at S53 (unnamed tributary to Claylick Run) will be 2.15 feet bank to bank. The length of bank to be worked at S54 (unnamed tributary to Middle Run) will be 4.15 feet bank to bank. The length of bank to be worked at S55 (Arnold Creek) will be 23.15 feet bank to bank. The length of bank to be worked at S57 (unnamed tributary to Claylick Run) will be 4.25 feet bank to bank. The length of bank to be worked at S58 (Left Fork Arnold Creek) will be 21.56 feet bank to bank. The total limit of disturbance for the project is approximately 146 acres. Approximately 103.13 acres of the total limit of disturbance will take place in Doddridge County. All disturbance will be returned to approximate existing grade, seeded and mulched after the completion of the pipeline installation.

The proposed project is located within the FEMA floodplain at the pipeline crossing of S46-Right Fork Arnold Creek, the temporary construction crossing of S58-Left Fork Arnold Creek and the existing bridge crossing of S55-Arnold Creek. Approximately 425 linear feet of the floodplain (4.01 AC) will be disturbed by the proposed pipeline construction.

- f. **Date of Construction:** Construction will begin upon approval of all permits. Project completion will be within six months of approval.

Should you have any questions or comments, please do not hesitate to contact me at 304-816-3165x100.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Alberth". The signature is stylized with a large, looped "C" and "A".

Chad Alberth, P.E.
Client Services Manager
Keystone Consultants, Inc.

**Doddridge County Commercial/Industrial
Floodplain Development Permit Application**

Applicant Information:

Please provide all pertinent data.

Applicant Information		
Responsible Company Name: EQM Gathering OPCO, LLC		
Corporate Mailing Address: 555 Southpointe Blvd., Suite 200		
City: Canonsburg, PA	State: PA	Zip: 15317
Corporate Point of Contact (POC): Alex Daquila		
Corporate POC Title: Environmental Coordinator		
Corporate POC Primary Phone: 412-694-5378		
Corporate POC Primary Email: adaquila@eqt.com		
Corporate FEIN:	Corporate DUNS:	
Corporate Website:		
Local Mailing Address:		
City:	State:	Zip:
Local Project Manager (PM):		
Local PM Primary Phone:		
Local PM Secondary Phone:		
Local PM Primary Email:		
Person Filing Application:		
Applicant Title:		
Applicant Primary Phone:		
Applicant Secondary Phone:		
Applicant Primary Email:		

Doddridge County Commercial/Industrial
Floodplain Development Permit Application

Proposed Development:

Please check all elements of the proposed project that apply.

DESCRIPTION OF WORK (CHECK ALL APPLICABLE BOXES)

A. STRUCTURAL DEVELOPMENT

<u>ACTIVITY</u>	<u>STRUCTURAL TYPE</u>
<input type="checkbox"/> New Structure	<input type="checkbox"/> Residential (1 – 4 Family)
<input type="checkbox"/> Addition	<input type="checkbox"/> Residential (more than 4 Family)
<input type="checkbox"/> Alteration	<input type="checkbox"/> Non-residential (floodproofing)
<input type="checkbox"/> Relocation	<input type="checkbox"/> Combined Use (res. & com.)
<input type="checkbox"/> Demolition	<input type="checkbox"/> Replacement
<input type="checkbox"/> Manufactured/Mobil Home	

B. OTHER DEVELOPMENT ACTIVITIES:

- Fill Mining Drilling Pipelining
- Grading
- Excavation (except for STRUCTURAL DEVELOPMENT checked above)
- Watercourse Alteration (including dredging and channel modification)
- Drainage Improvements (including culvert work)
- Road, Street, or Bridge Construction
- Subdivision (including new expansion)
- Individual Water or Sewer System
- Other (please specify)

**Doddridge County Commercial/Industrial
Floodplain Development Permit Application**

Development Site/Property Information:

Please provide physical description of the site/property, along with pertinent ownership (surface and mineral rights) data as applicable. Attach appropriate maps from the WV Flood Tool showing location of proposed development. Use additional copies of this page if development spans multiple property boundaries. Designate each property by number (i.e. Property 1 of 1, Property 2 of 7, etc.)

Property Designation: 1 of 4

Site/Property Information:		
Legal Description: Arnolds Creek 31.61 AC		
Physical Address/911 Address: 1563 Arnolds Creek Road, West Union, WV, 26456		
Decimal Latitude/Longitude: 39.258256, 80.811		
DMS Latitude/Longitude: 39d 15' 29.72", 80d 48' 9.60"		
District: 08	Map: 19	Parcel: 3
Land Book Description:		
Deed Book Reference: Deed Book 303/ Page 173		
Tax Map Reference:		
Existing Buildings/Use of Property: Farm		

Floodplain Location Data: (to be completed by Floodplain Manager or designee)			
Community:	Number:	Panel:	Suffix:
Location (Lat/Long):		Approximate Elevation:	
		Estimated BFE:	
Is the development in the floodway?		Is the development in the floodplain?	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No Zone: _____	
Notes:			

**Doddridge County Commercial/Industrial
Floodplain Development Permit Application**

Development Site/Property Information:

Please provide physical description of the site/property, along with pertinent ownership (surface and mineral rights) data as applicable. Attach appropriate maps from the WV Flood Tool showing location of proposed development. Use additional copies of this page if development spans multiple property boundaries. Designate each property by number (i.e. Property 1 of 1, Property 2 of 7, etc.)

Property Designation: 2 of 4

Site/Property Information:		
Legal Description: Right Hand Fork of Arnolds Creek 9.47 AC		
Physical Address/911 Address: 1563 Arnolds Creek Road, West Union, WV, 26456		
Decimal Latitude/Longitude: 39.258231, 80.810858		
DMS Latitude/Longitude: 39d 15' 29.63", 80d 48' 39.09"		
District: 08	Map: 19	Parcel: 3.1
Land Book Description:		
Deed Book Reference: Deed Book 304/ Page 702		
Tax Map Reference:		
Existing Buildings/Use of Property: Farm		

Floodplain Location Data: (to be completed by Floodplain Manager or designee)			
Community:	Number:	Panel:	Suffix:
Location (Lat/Long):		Approximate Elevation:	
		Estimated BFE:	
Is the development in the floodway?		Is the development in the floodplain?	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No Zone: _____	
Notes:			

**Doddridge County Commercial/Industrial
Floodplain Development Permit Application**

Development Site/Property Information:

Please provide physical description of the site/property, along with pertinent ownership (surface and mineral rights) data as applicable. Attach appropriate maps from the WV Flood Tool showing location of proposed development. Use additional copies of this page if development spans multiple property boundaries. Designate each property by number (i.e. Property 1 of 1, Property 2 of 7, etc.)

Property Designation: 3 of 4

Site/Property Information:		
Legal Description: R Hand Fork Arnolds Creek 4 AC		
Physical Address/911 Address: 703 W. Beaver St., Zelianople, PA, 16063		
Decimal Latitude/Longitude: 39.258106, 80.810822		
DMS Latitude/Longitude: 39d 15' 29.18", 80d 48' 38.96"		
District: 08	Map: 19	Parcel: 9
Land Book Description:		
Deed Book Reference: Will Book 86/ Page 167		
Tax Map Reference:		
Existing Buildings/Use of Property: Farm		

Floodplain Location Data: (to be completed by Floodplain Manager or designee)			
Community:	Number:	Panel:	Suffix:
Location (Lat/Long):		Approximate Elevation:	
		Estimated BFE:	
Is the development in the floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No		Is the development in the floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No Zone: _____	
Notes:			

**Doddridge County Commercial/Industrial
Floodplain Development Permit Application**

Development Site/Property Information:

Please provide physical description of the site/property, along with pertinent ownership (surface and mineral rights) data as applicable. Attach appropriate maps from the WV Flood Tool showing location of proposed development. Use additional copies of this page if development spans multiple property boundaries. Designate each property by number (i.e. Property 1 of 1, Property 2 of 7, etc.)

Property Designation: 4 of 4

Site/Property Information:		
Legal Description: Arnolds Creek 136.56 AC		
Physical Address/911 Address: 138 Cascara Rd, Salem, WV 26426		
Decimal Latitude/Longitude: 39.258203, 80.8109611		
DMS Latitude/Longitude: 39d 15' 29.53", 80d 48' 39.46"		
District: 08	Map: 19	Parcel: 15
Land Book Description:		
Deed Book Reference: Will Book 37/ Page 267		
Tax Map Reference:		
Existing Buildings/Use of Property: Farm		

Floodplain Location Data: (to be completed by Floodplain Manager or designee)			
Community:	Number:	Panel:	Suffix:
Location (Lat/Long):		Approximate Elevation:	
		Estimated BFE:	
Is the development in the floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No		Is the development in the floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No Zone: _____	
Notes:			

Doddridge County Commercial/Industrial
Floodplain Development Permit Application

Property Owner Data:

Please provide data on current site/property landowner(s), both surface and mineral rights (as applicable). Use additional copies of this page as needed. Designate each page in relation to each property listed above.

Property Designation: <u> 1 </u> of <u> 4 </u>
--

Property Owner Data:		
Name of Primary Owner (PO): Bee, John William (08-19-3)		
PO Address: 1563 Arnolds Creek Road		
City: West Union	State: WV	Zip: 26456
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email:		

Surface Rights Owner Data:		
Name of Primary Owner (PO):		
PO Address:		
City:	State:	Zip:
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email:		

Mineral Rights Owner Data: (As Applicable)		
Name of Primary Owner (PO):		
PO Address:		
City:	State:	Zip:
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email:		

Doddridge County Commercial/Industrial
Floodplain Development Permit Application

Property Owner Data:

Please provide data on current site/property landowner(s), both surface and mineral rights (as applicable). Use additional copies of this page as needed. Designate each page in relation to each property listed above.

Property Designation: 2 of 4

Property Owner Data:		
Name of Primary Owner (PO): Bee, John William (08-19-3.1)		
PO Address: 1563 Arnolds Creek Road		
City: West Union	State: WV	Zip: 26456
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email:		

Surface Rights Owner Data:		
Name of Primary Owner (PO):		
PO Address:		
City:	State:	Zip:
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email:		

Mineral Rights Owner Data: (As Applicable)		
Name of Primary Owner (PO):		
PO Address:		
City:	State:	Zip:
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email:		

Adjacent and/or Affected Landowners Data

Please provide data for all adjacent and/or affected surface owners (both up and down stream) whose property may be impacted by proposed development as demonstrated by a floodplain study or survey. Use additional copies of this page as needed.

Adjacent Property Owner Data: Upstream		
Name of Primary Owner (PO): Bee, John William		
Physical Address: 1563 Arnolds Creek Road (08-19-3.2)		
City: West Union	State: WV	Zip: 26456
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email: 7015 0640 0000 2641 9193		

Adjacent Property Owner Data: Upstream		
Name of Primary Owner (PO): Bee, John William		
Physical Address: 1563 Arnolds Creek Road (08-19-3.3)		
City: West Union	State: WV	Zip: 26456
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email:		

Adjacent Property Owner Data: Downstream		
Name of Primary Owner (PO): Britton, Michael Ray & Pamela S. (SURV)		
Physical Address: 1960 Arnolds Creek Road (08-19-15.2)		
City: West Union	State: WV	Zip: 26456
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email: 7015 3430 0001 1569 6807		

Adjacent Property Owner Data: Downstream		
Name of Primary Owner (PO): Britton, Michael R. & Pamela S. (SURV)		
Physical Address: 1 First American Way (08-19-15.1)		
City: Westlake	State: TX	Zip: 76262
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email: 7015 3430 0001 1569 6791		

Doddridge County Commercial/Industrial
Floodplain Development Permit Application

Property Owner Data:

Please provide data on current site/property landowner(s), both surface and mineral rights (as applicable). Use additional copies of this page as needed. Designate each page in relation to each property listed above.

Property Designation: 3 of 4

Property Owner Data:		
Name of Primary Owner (PO): Perine, Donald R. II Supplement Needs Trust (LIFE) ETAL		
PO Address: 703 W. Beaver St. (08-19-9)		
City: Zelienople	State: PA	Zip: 16063
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email: 7014 0150 0001 7356 8853		

Surface Rights Owner Data:		
Name of Primary Owner (PO):		
PO Address:		
City:	State:	Zip:
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email:		

Mineral Rights Owner Data: (As Applicable)		
Name of Primary Owner (PO):		
PO Address:		
City:	State:	Zip:
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email:		

Doddridge County Commercial/Industrial
Floodplain Development Permit Application

Property Owner Data:

Please provide data on current site/property landowner(s), both surface and mineral rights (as applicable). Use additional copies of this page as needed. Designate each page in relation to each property listed above.

Property Designation: <u> 4 </u> of <u> 4 </u>
--

Property Owner Data:		
Name of Primary Owner (PO): Britton, Michael R. & Angela D. Pratt		
PO Address: 138 Cascara Rd.		
City: Salem	State: WV	Zip: 26426
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email: <u> 7014 0150 0001 7356 8846 </u>		

Surface Rights Owner Data:		
Name of Primary Owner (PO):		
PO Address:		
City:	State:	Zip:
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email:		

Mineral Rights Owner Data: (As Applicable)		
Name of Primary Owner (PO):		
PO Address:		
City:	State:	Zip:
PO Primary Phone:		
PO Secondary Phone:		
PO Primary Email:		

Doddridge County Commercial/Industrial
Floodplain Development Permit Application

Contractor Data:

Please provide all pertinent data for contractors and sub-contractors that may be participating in this project. Use additional copies of this page as needed. Designate each page in relation to each property listed above.

Property Designation: 1 of 1

Contractor/Sub-Contractor (C/SC) Information:		
C/SC Company Name: Kermit Tyree Contracting		
C/SC WV License Number: WV027892		
C/SC FEIN:	C/SC DUNS:	
Local C/SC Point of Contact (POC):		
Local C/SC POC Title:		
C/SC Mailing Address: 2803 Frame Road		
City: Elkview	State: WV	Zip Code: 25071
Local C/SC Office Phone: 304-965-6197		
Local C/SC POC Phone:		
Local C/SC POC E-Mail:		

Engineer Firm Information:		
Engineer Firm Name: Keystone Consultants, Inc.		
Engineer WV License Number: 21848		
Engineer Firm FEIN: 25-1669880	Engineer Firm DUNS:	
Engineer Firm Primary Point of Contact (POC): Chad E. Alberth		
Engineer Firm Primary POC Title: Client Services Manager		
Engineer Firm Mailing Address: 1000 Technology Drive, Suite 1330		
City: Fairmont	State: WV	Zip Code: 26554
Engineer Firm Office Phone: 304-816-3265		
Engineer Firm Primary POC Phone: 304-816-3265 ext. 100		
Engineer Firm Primary POC E-Mail: calberth@keystoneconsultants.net		

Site Plan

A Site Plan is an accurate and detailed map of the proposed development for this project. It shows the size, shape, location and special features of the project property, and the size and location of any development planned to the property, especially as that development will impact the floodplain and/or floodway. Site plans show what currently exists on the project property, and any changes or improvements you are proposing to make. **A certified and licensed engineering firm should complete site plans.**

A SITE PLAN MUST CONTAIN THE FOLLOWING INFORMATION:

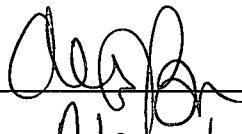
1. Legal description of the parcel, north arrow and scale
2. All property lines and their dimensions
3. Names of adjacent roads, location of driveways
4. Location of sloughs, tributaries, streams, rivers, wetlands, ponds, and lakes, with setbacks indicated, and including FEMA floodplain data based on most updated FIRM.
5. Location, size, shape of all buildings, existing and proposed, with elevation of lowest floor indicated.
6. Location and dimensions of existing or proposed on-site sewage systems.
7. Location of all propane tanks, fuel tanks or other liquid storage tanks whether above ground or below ground level.
8. Location and dimensions of any proposed pipeline placement(s) into floodplain/floodway.
9. Location and dimensions of any roadway development into floodplain/floodway. *(Includes initial development access roads)*
10. Location and dimensions of any bridge and/or culvert development into floodplain/floodway.
11. Location and dimensions of any storage yard or facility into the floodplain/floodway.
12. Location of any existing utilities and/or proposed utility placement and/or displacement.
13. Location, dimensions and depth of any existing or proposed fill on site.
14. A survey showing the **existing ground elevations** of at least location on the building site. **ELEVATION NOTE:** All vertical datum will reference either NGVD 29 or NAVD 88. Assumed datum will not be acceptable unless the property is located in an area where vertical datum has not been published. For those areas where vertical datum has not been established, a site plan with contours, elevations using assumed datum, high water marks and existing water levels of sloughs, rivers, lakes or streams and proposed lowest floor elevation.

Applicant

Please read print name, sign and date below:

- I certify that I am authorized to submit this application for the primary project developer.
- I certify that the information included in this application is to the best of my knowledge true and complete.
- I certify that all required Federal, State, and local permits required by law and/or ordinance for the above described development of this project have been properly attained, are current and valid, and must be presented with this application before a Doddridge County Floodplain Permit may be issued.
- I understand that if in the course of the development project additional permits become required that were not needed during the initial proposal, the primary developer must notify the Doddridge County Floodplain Manager within 48 hours of such need, and that a "Stop Work" order may be issued for all project work directly impacting the floodplain or floodway, until such time the required additional permits are acquired.
- I understand that once the floodplain permit is submitted, the application will be entered into official public record at the next regularly scheduled Doddridge County Commission meeting after the date of submittal.
- I understand that from the date of submittal of the fully completed permit application, the Doddridge County Floodplain Manager has ninety (90) days to make a determination to either grant or deny said permit application. During this approval period, the Doddridge County Floodplain Manager may, at his or her discretion, conduct a review and/or additional study of provided documentation by means of an independent engineering firm. All costs associated with said review and/or study must be reimbursed to the County before issuance of approved permit.
- I understand that during the approval period, the Doddridge County Floodplain Manager or designee may at his or her discretion conduct site visits and document conditions of proposed development pursuant to the permit application.
- I understand that once the Floodplain Permit is granted, the permit will be entered into official public record at the next scheduled Doddridge County Commission meeting after the date of issuance. Appeals to the permit may be made no later than twenty (20) days after said issuance. If a valid appeal is submitted, as determined by the Doddridge County Floodplain Manager, a "Stop Work" order will be issued for all project development directly involving the floodplain or floodway. A public hearing by the Doddridge County Appeals Board will be scheduled no less than ten (10) days after the next regularly scheduled Doddridge County Commission meeting.
- I understand that all decisions of the Doddridge County Appeals Board shall be final.
- **I understand issuance of a Floodplain Permit authorizes me to proceed with construction as proposed. A Certificate of Compliance is required upon substantial completion of the project.**
- In signing this application, the primary developer hereby grants the Doddridge County Floodplain Manager or designee the right to enter onto the above--described location to inspect the development work proposed, in progress, and/or completed.
- I understand that if I do not follow exactly the site--plan submitted and approved by this permit that a "Stop Work" order may be issued by the Wirt County Floodplain Manager and that I must stop all construction immediately until discrepancies of actual work vs. proposed work is resolved.

Applicant Signature: _____

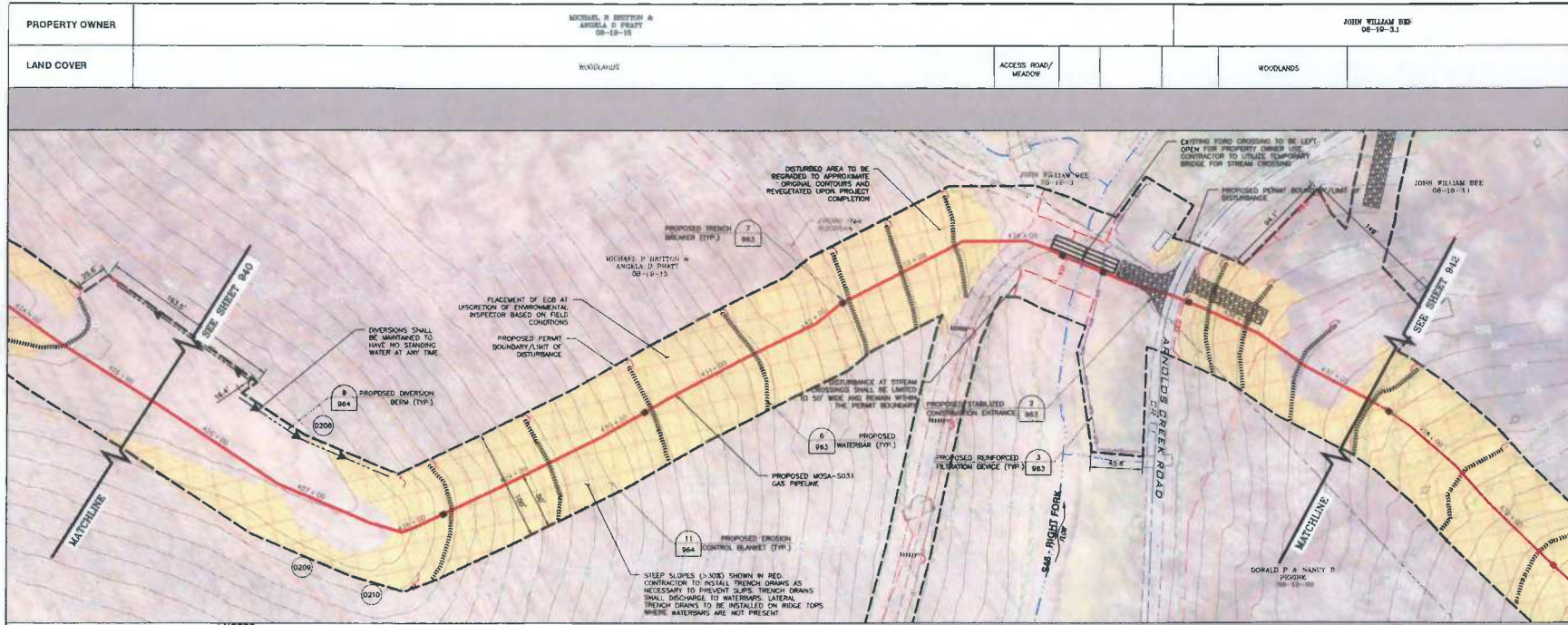


Date: _____

12/28/2016

Applicant Printed Name: _____

Alexander J. Bonazzoli



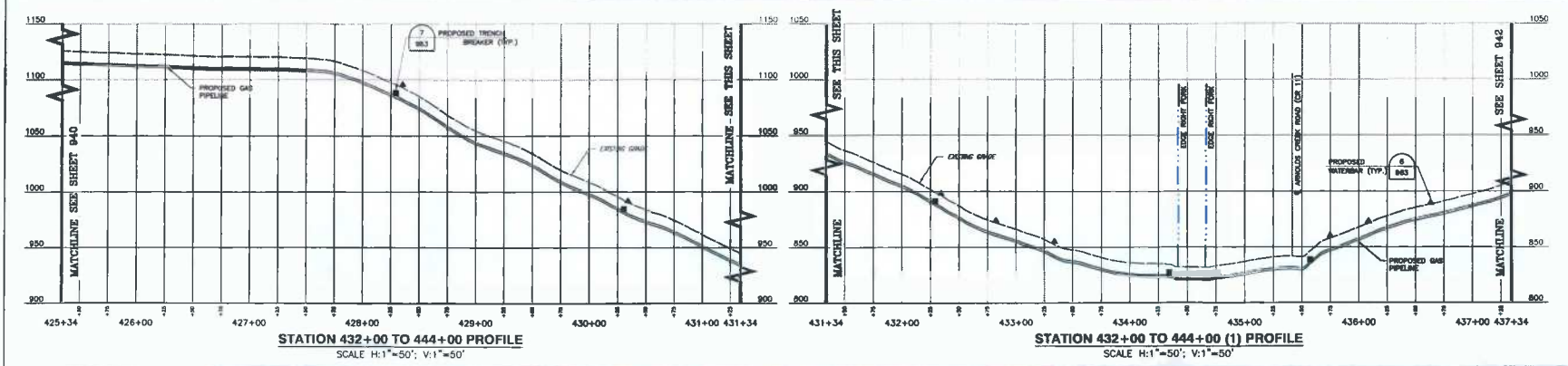
REFERENCE:
 1. USGS 7.5 MIN TOPOGRAPHIC QUADRANGLE PENNSYLVANIA, WV, DATED 1961, PHOTOGRAPHED 0 1976, PHOTOGRAPHED 1987, WEST UNION, WV, DATED 1981, PHOTOGRAPHED 1978, PHOTOGRAPHED 1987, POPLAR, WV, DATED 1964, PHOTOGRAPHED 1978, OXFORD, WV, DATED 1964, PHOTOGRAPHED 1978.

- LEGEND:**
- EXISTING PROPERTY LINE
 - EXISTING INDEX CONTOUR
 - EXISTING INTERMEDIATE CONTOUR
 - EXISTING PAVED ROADWAY
 - EXISTING UNPAVED DRIVEWAY
 - EXISTING PAVED DRIVEWAY
 - EXISTING FENCE
 - EXISTING NATURAL GAS PIPELINE
 - EXISTING WATERBODY AND STREAM
 - EXISTING WETLAND
 - 100 YEAR FEMA FLOOD WAY
 - EXISTING DITCH
 - EXISTING SOIL TYPE
 - EXISTING TREELINE
 - EXISTING BUILDING
 - EXISTING POST (WOOD, METAL)
 - EXISTING GATE
 - PROPOSED GAS PIPELINE
 - PROPOSED UNPAVED ROAD (GRAVEL/DIRT)
 - PROPOSED LIMIT OF DISTURBANCE/PERMIT BOUNDARY
 - PROPOSED REDUCED LIMIT OF DISTURBANCE

PLAN VIEW
 SCALE: 1" = 50'
 0' 50' 100' 150'

NOTES:
 1. EXISTING UTILITIES SHOWN HAVE NOT BEEN FIELD LOCATED AND ARE FOR REFERENCE ONLY.
 2. FENCE INFORMATION PROVIDED BY EQM GATHERING OPCO, LLC.
 3. AERIAL MAPPING AND CONTOUR INFORMATION PROVIDED BY OTHERS.
 4. FIELD INVESTIGATION OF THE SITE WAS COMPLETED IN AUGUST THROUGH OCTOBER 2016.
 5. NO WORK OUTSIDE THE LIMIT OF DISTURBANCE SHOWN ON THE PLAN IS AUTHORIZED.

DRAFT



- PROPOSED 12" COMPOST FILTER SOCK
- PROPOSED 16" COMPOST FILTER SOCK
- PROPOSED REINFORCED FILTRATION DEVICE (RFD)
- PROPOSED SUPER SALT FENCE
- PROPOSED TRENCH BREAKER
- PROPOSED WATERBAR W/ FILTER SOCK OUTLET
- PROPOSED TEMPORARY WATERBAR W/ FILTER SOCK OUTLET
- PROPOSED TEMPORARY DIVERSION BERM (TDB)
- PROPOSED TDB ID LABEL
- PROPOSED WOOD MAT
- PROPOSED EROSION CONTROL BLANKET (ECB)
- EXISTING STEEP SLOPES (>30%)
- STABILIZED CONSTRUCTION ENTRANCE
- PROPOSED ORANGE CONSTRUCTION FENCE
- POTENTIAL ROOT TREE
- PROPOSED METHANOL INJECTION TAP

PROFILE VIEW
 SCALE: 1" = 50'
 0' 50' 100' 150'

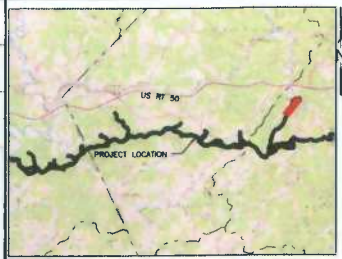
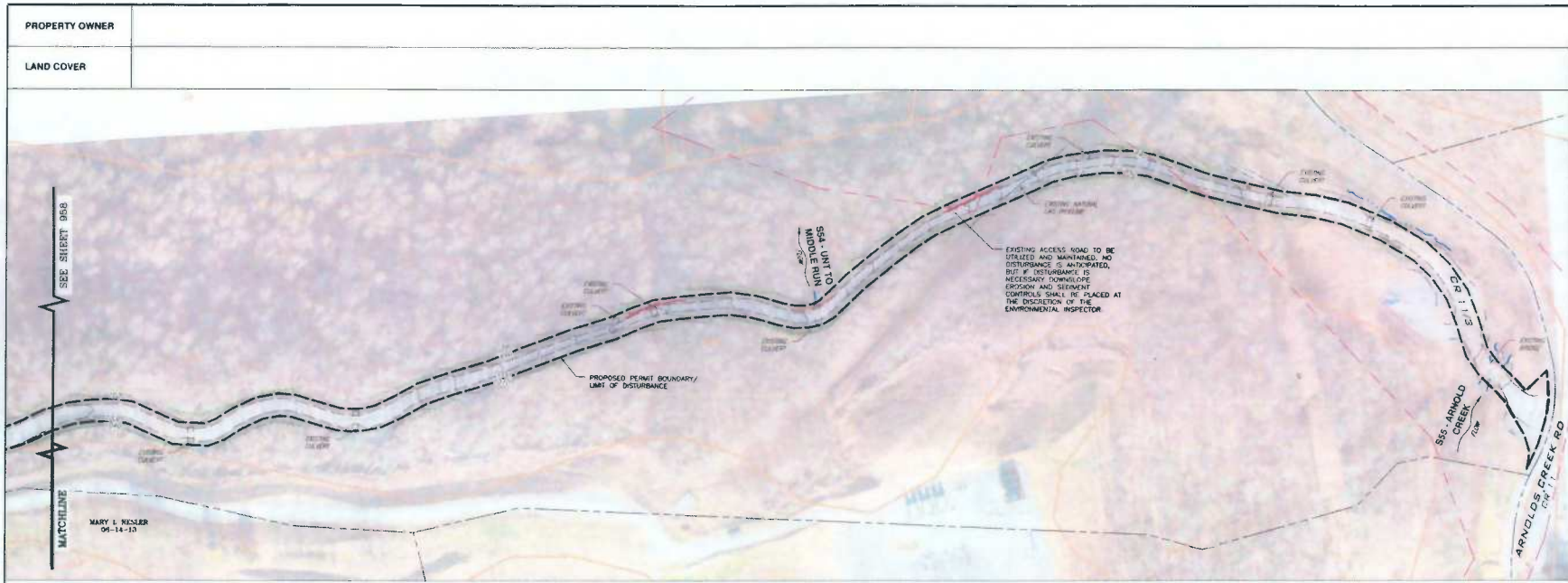
NO	REVISION	DATE	DRAWN	CHKD	NO	REVISION	DATE	DRAWN	CHKD

KEYSTONE CONSULTANTS, INC.
 1000 TECHNOLOGY DR., SUITE 1330
 FAIRMONT, WV 28554
 304-816-3165
 681-443-3964 Fax

DRAWN: CPW & BCH **DATE:** 11/28/16
CHECKED: BLB **DATE:** 11/29/16
APPROVED: CJA **DATE:** 12/01/16
SCALE: H: 1" = 50' V: 1" = 50'
CLIENT: EQM GATHERING OPCO, LLC
 555 SOUTHPOINTE BLVD, SUITE 200
 CANONSBURG, PA 15317

MOSA-S031 PIPELINE
 EROSION & SEDIMENT CONTROL AND SITE RESTORATION PLAN
 BOODRIDGE AND RITCHIE COUNTIES
 WEST VIRGINIA

EQM GATHERING OPCO, L.L.C.
 DRAWING NUMBER: 941
 REVISION:



REFERENCE:
 1. USGS 7.5 MIN TOPOGRAPHIC QUADRANGLE PENNSYLVANIA, WV, DATED 1981, PHOTOGRAPHIC D 1978, PHOTOINSPECTED 1987, WEST UNION, WV, DATED 1981, PHOTOREVISED 1976, PHOTOINSPECTED 1987, FULLMAN, WV, DATED 1984, PHOTOREVISED 1978, OXFORD, WV, DATED 1984, PHOTOINSPECTED 1976.

LEGEND:

- EXISTING PROPERTY LINE
- EXISTING INDEX CONTOUR
- EXISTING INTERMEDIATE CONTOUR
- EXISTING PAVED ROADWAY
- EXISTING UNPAVED DRIVEWAY
- EXISTING PAVED DRIVEWAY
- EXISTING FENCE
- EXISTING NATURAL GAS PIPELINE
- EXISTING WATERBODY AND STREAM
- EXISTING WETLAND
- 100 YEAR FEMA FLOOD WAY
- EXISTING DITCH
- EXISTING SOIL TYPE
- EXISTING TREELINE
- EXISTING BUILDING
- EXISTING POST (WOOD, METAL)
- EXISTING GATE
- PROPOSED GAS PIPELINE
- PROPOSED UNPAVED ROAD (GRAVEL/DIRT)
- PROPOSED LIMIT OF DISTURBANCE/PERMIT BOUNDARY
- PROPOSED REDUCED LIMIT OF DISTURBANCE
- 12" PROPOSED 12" COMPOST FILTER SOCK
- 18" PROPOSED 18" COMPOST FILTER SOCK
- PROPOSED REINFORCED FILTRATION DEVICE (RFD)
- PROPOSED SUPER SILT FENCE
- PROPOSED TRENCH BREAKER
- PROPOSED WATERBAR W/ FILTER SOCK OUTLET
- PROPOSED TEMPORARY WATERBAR W/ FILTER SOCK OUTLET
- PROPOSED TEMPORARY DIVERSION BERM (TDB)
- PROPOSED TDB OUTLET
- PROPOSED TDB LABEL
- PROPOSED WOOD MAT
- PROPOSED EROSION CONTROL BLANKET (ECB)
- EXISTING STEEP SLOPES (>30%)
- STABILIZED CONSTRUCTION ENTRANCE
- PROPOSED ORANGE CONSTRUCTION FENCE
- POTENTIAL ROOT TREE
- PROPOSED METHANOL PARAFFIN TAP



PLAN VIEW
 SCALE: 1" = 100'
 0' 100' 200' 300'

NOTES:
 1. EXISTING UTILITIES SHOWN HAVE NOT BEEN FIELD LOCATED AND ARE FOR REFERENCE ONLY.
 2. PARCEL INFORMATION PROVIDED BY EQM GATHERING OPCO, LLC.
 3. AERIAL MAPPING AND CONTOUR INFORMATION PROVIDED BY OTHERS.
 4. FIELD INVESTIGATION OF THE SITE WAS COMPLETED IN AUGUST AND SEPTEMBER 2018.
 5. NO WORK OUTSIDE THE LIMIT OF DISTURBANCE SHOWN ON THE PLAN IS AUTHORIZED.

NO	REVISION	DATE	DRAWN	CHKD	NO	REVISION	DATE	DRAWN	CHKD

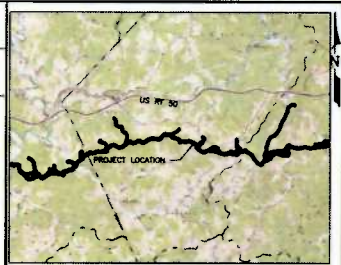
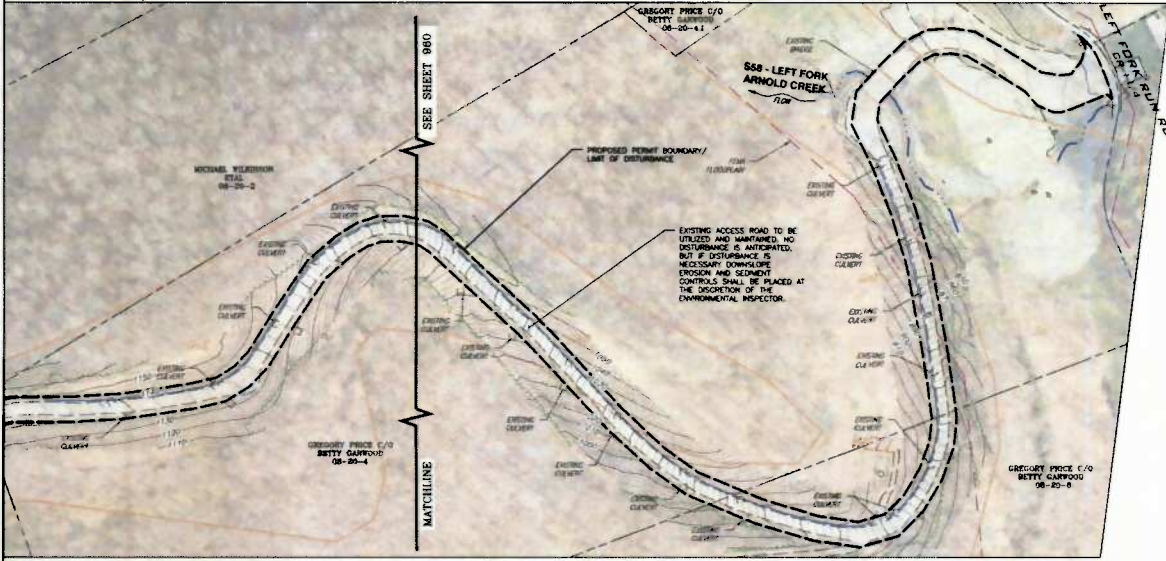
KEYSTONE CONSULTANTS, INC.
 1000 TECHNOLOGY DR, SUITE 1330
 FAIRMONT, WV 26554
 304-816-3165
 681-443-3964 Fax

DRAWN: AWR DATE: 11/28/18
 CHECKED: BLA DATE: 11/28/18
 APPROVED: SAA DATE: 12/01/18
 SCALE: 1" = 100' SHEET: 12 OF 20
 CLIENT: EQM GATHERING OPCO, LLC
 555 SOUTHPIQUETTE BLVD, SUITE 200
 CANONSBURG, PA 15317

MOSA-S031 PIPELINE
 EROSION & SEDIMENT CONTROL AND SITE
 RESTORATION ACCESS ROAD PLAN

EQM GATHERING OPCO, LLC
 DRAWING NUMBER: 959
 REVISION:

PROPERTY OWNER	
LAND COVER	



REFERENCE:

1. USGS 7.5 MIN. TOPOGRAPHIC QUADRANGLE PENNINGTON, WV, DATED 1961, PHOTOGRAPHED 0 1878, PHOTOINSPECTED 1987, WEST UNION, WV, DATED 1981, PHOTOINDEXED 1978, PHOTOINSPECTED 1987, PULLMAN, WV, DATED 1964, PHOTOINDEXED 1978, OSTFORD, WV, DATED 1964, PHOTOINSPECTED 1978.

SCALE IN FEET

0 500 1000

- LEGEND:
- EXISTING PROPERTY LINE
 - - - - EXISTING ARCEY CONTOUR
 - - - - EXISTING INTERMEDIATE CONTOUR
 - EXISTING PAVED ROADWAY
 - - - - EXISTING UNPAVED DRIVEWAY
 - - - - EXISTING PAVED DRIVEWAY
 - EXISTING FENCE
 - EXISTING NATURAL GAS PIPELINE
 - EXISTING WATERBODY AND STREAM
 - EXISTING WETLAND
 - 100 YEAR FEMA FLOOD HWY
 - EXISTING DITCH
 - EXISTING SOIL TYPE
 - EXISTING TREELINE
 - EXISTING BUILDING
 - EXISTING POST (WOOD, METAL)
 - EXISTING GATE
 - PROPOSED GAS PIPELINE
 - PROPOSED UNPAVED ROAD (GRAVEL/DIRT)
 - PROPOSED LIMIT OF DISTURBANCE/PERMIT BOUNDARY
 - PROPOSED REDUCED LIMIT OF DISTURBANCE
 - 12" COMPOST FILTER SOCK
 - 18" COMPOST FILTER SOCK
 - PROPOSED REINFORCED FILTRATION DEVICE (RFD)
 - PROPOSED SUPER SALT FENCE
 - PROPOSED TRENCH BREAKER
 - PROPOSED WATERBAR W/ FILTER SOCK OUTLET
 - PROPOSED TEMPORARY WATERBAR W/ FILTER SOCK OUTLET
 - PROPOSED TEMPORARY DIVERSION BERM (TDB)
 - PROPOSED TDB OUTLET
 - PROPOSED TDB W LABEL
 - PROPOSED WOOD MAT
 - PROPOSED EROSION CONTROL BLANKET (ECB)
 - EXISTING STEEP SLOPES (>30%)
 - STABILIZED CONSTRUCTION ENTRANCE
 - PROPOSED ORANGE CONSTRUCTION FENCE
 - POTENTIAL ROOST TREE
 - PROPOSED METHANOL INJECTION TAP

PLAN VIEW

SCALE: 1" = 100'

0' 100' 200' 300'

- NOTES:
- EXISTING UTILITIES SHOWN HAVE NOT BEEN FIELD LOCATED AND ARE FOR REFERENCE ONLY.
 - PARCEL INFORMATION PROVIDED BY EQM GATHERING OPCO, LLC.
 - AERIAL MAPPING AND CONTOUR INFORMATION PROVIDED BY OTHERS.
 - FIELD INVESTIGATION OF THE SITE WAS COMPLETED IN AUGUST AND SEPTEMBER 2018.
 - NO WORK OUTSIDE THE LIMIT OF DISTURBANCE SHOWN ON THE PLAN IS AUTHORIZED.

NO	REVISION	DATE	DRAWN	CHKD	NO	REVISION	DATE	DRAWN	CHKD

KEYSTONE
CONSULTANTS, INC.

1000 TECHNOLOGY DR.
SUITE 1330
FAIRMONT, WV 26554
304-816-3165
681-443-3964 Fax

DESIGNED: AVE DATE: 11/28/18
CHECKED: BUE DATE: 11/28/18
APPROVED: CEA DATE: 12/01/18
SCALE: 1" = 100' SHEET: 84 OF 90
CLIENT: EQM GATHERING OPCO, LLC
555 SOUTHPOINTE BLVD, SUITE 200
CANONSBURG, PA 15317

MOSA-S031 PIPELINE
EROSION & SEDIMENT CONTROL AND SITE
RESTORATION ACCESS ROAD PLAN

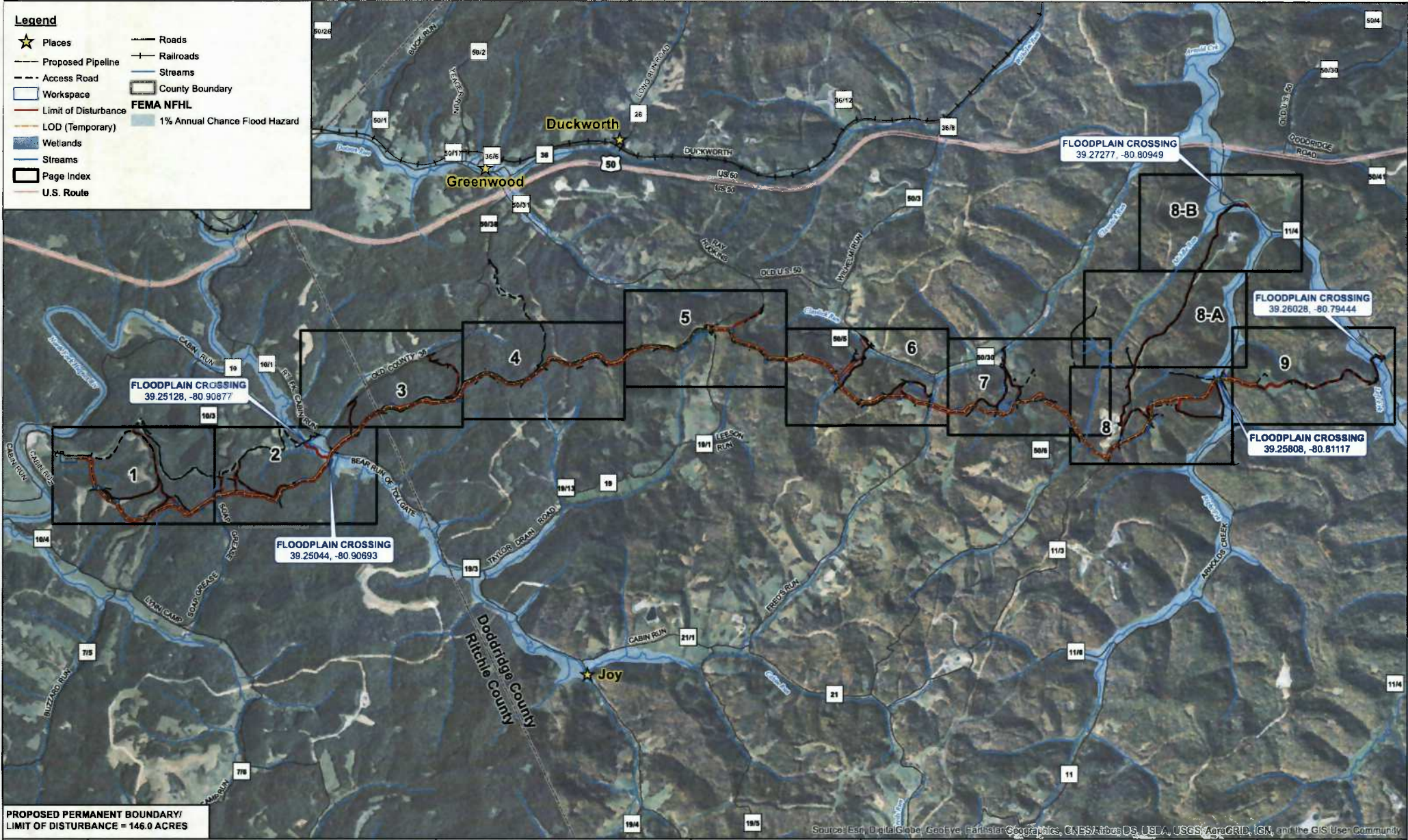
WODDRIDGE AND RITCHIE COUNTIES WEST VIRGINIA

EQM GATHERING OPCO, LLC

DRAWING NUMBER 961 REVISION


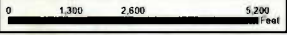
Legend

- ★ Places
- Roads
- Proposed Pipeline
- - - Access Road
- Workspace
- Limit of Disturbance
- LOD (Temporary)
- Wetlands
- Streams
- Page Index
- U.S. Route
- Railroads
- Streams
- County Boundary
- FEMA NFHL
- 1% Annual Chance Flood Hazard



PROPOSED PERMANENT BOUNDARY/
LIMIT OF DISTURBANCE = 146.0 ACRES

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



 1 inch = 2,600 feet

Prepared By:

www.keystoneconsultants.net 412-278-2100

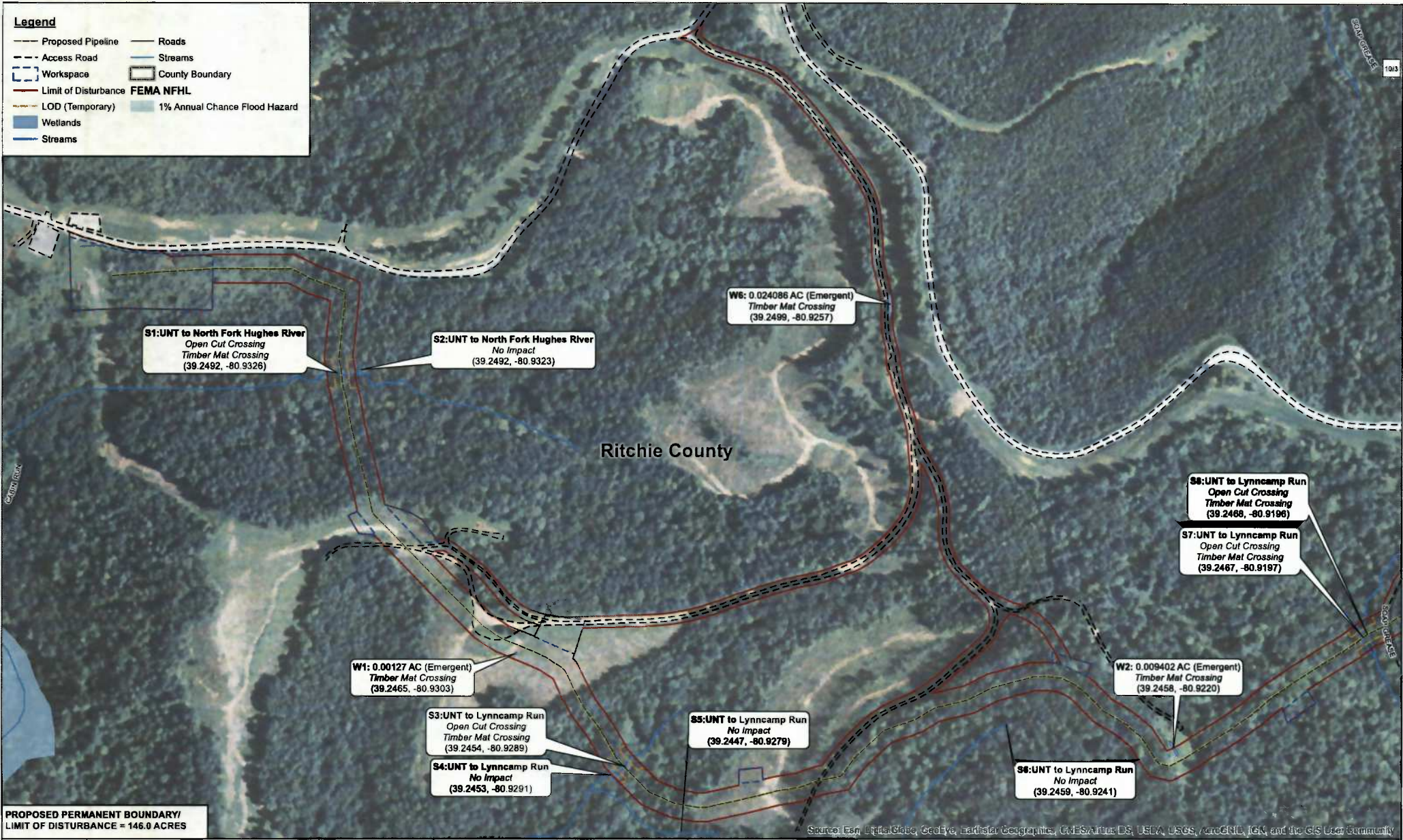
**EQM GATHERING
OPCO, LLC**

**MOSAS031 PIPELINE
Floodplain Map**
 Ritchie and Doddridge Counties, West Virginia

OVERVIEW
 9

Legend

- Proposed Pipeline
- Access Road
- Workspace
- Limit of Disturbance
- LOD (Temporary)
- Wetlands
- Streams
- Roads
- Streams
- County Boundary
- FEMA NFHL
- 1% Annual Chance Flood Hazard



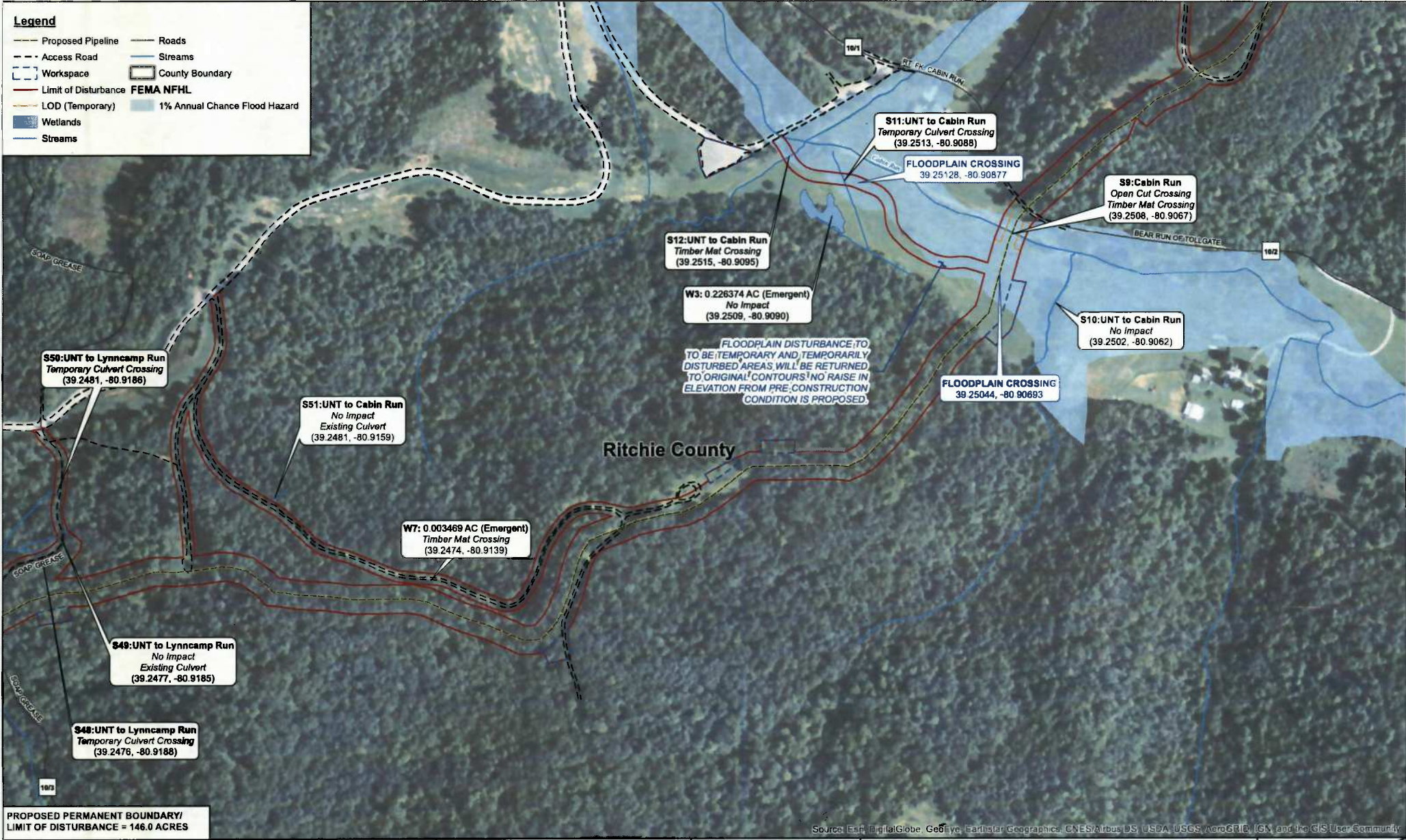
PROPOSED PERMANENT BOUNDARY/
LIMIT OF DISTURBANCE = 146.0 ACRES

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

	 <p>1 inch = 300 feet</p>	<p>Prepared By:</p> <p style="text-align: center;">KEYSTONE CONSULTANTS, LLC</p> <p>www.keystoneconsultants.net 412-278-2100</p>	<p>EQM GATHERING OPCO, LLC</p>	<p>MOSAS031 PIPELINE Floodplain Map</p> <p>Ritchie and Doddridge Counties, West Virginia</p>	<p>1</p> <p>9</p>
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Legend

- Proposed Pipeline
- Access Road
- Workspace
- Limit of Disturbance
- LOD (Temporary)
- Wetlands
- Roads
- Streams
- County Boundary
- FEMA NFHL
- 1% Annual Chance Flood Hazard



PROPOSED PERMANENT BOUNDARY/
LIMIT OF DISTURBANCE = 146.0 ACRES

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

	<p>1 inch = 300 feet</p>	<p>Prepared By:</p> <p>www.keystoneconsultants.net 412-278-2100</p>	<p>EQM GATHERING OPCO, LLC</p>	<p>MOSAS031 PIPELINE Floodplain Map</p> <p>Ritchie and Doddridge Counties, West Virginia</p>	<p>2</p> <hr style="width: 50%; margin: 0 auto;"/> <p>9</p>
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Legend

- Proposed Pipeline
- Access Road
- Workspace
- Limit of Disturbance
- Streams
- Roads
- Streams
- County Boundary
- FEMA NFHL**
- 1% Annual Chance Flood Hazard



**PROPOSED PERMANENT BOUNDARY/
LIMIT OF DISTURBANCE = 146.0 ACRES**

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

	<p>1 inch = 300 feet</p>	<p>Prepared By:</p> <p style="text-align: center;">KEYSTONE CONSULTANTS, INC.</p> <p style="text-align: center;">www.keystoneconsultants.net 412-278-2100</p>	<p>EQM GATHERING OPCO, LLC</p>	<p>MOSAS031 PIPELINE Floodplain Map</p> <p>Ritchie and Doddridge Counties, West Virginia</p>	<p>3</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>9</p>
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- Legend**
- Proposed Pipeline
 - Access Road
 - ▭ Workspace
 - Limit of Disturbance
 - ▭ Wetlands
 - ▭ Streams
 - ▭ Roads
 - ▭ Streams
 - ▭ County Boundary



Doddridge County

W-B: 0.003194 AC (Emergent)
Open Cut Crossing
Timber Mat Crossing
(39.2577, -80.8899)

W-D: 0.014505 AC (Emergent)
Open Cut Crossing
Timber Mat Crossing
(39.2570, -80.8881)

W-C: 0.007107 AC (Emergent)
Open Cut Crossing
Timber Mat Crossing
(39.2571, -80.8884)

W-A: 0.044511 AC (Emergent)
Timber Mat Crossing
(39.2571, -80.8920)

S-C: UNT to Cabin Run
No Impact
(39.2574, -80.8851)

**PROPOSED PERMANENT BOUNDARY/
LIMIT OF DISTURBANCE = 146.0 ACRES**

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

		1 inch = 300 feet	Prepared By: www.keystoneconsultants.net 412-278-2100	EQM GATHERING OPCO, LLC	MOSAS031 PIPELINE Floodplain Map Ritchie and Doddridge Counties, West Virginia	4 9
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Legend

- Proposed Pipeline
- Access Road
- Workspace
- Limit of Disturbance
- Streams
- Roads
- Streams
- County Boundary



S19:UNT to Leason Run
Timber Mat Crossing
(39.2613, -80.8676)

S21:UNT to Leason Run
Timber Mat Crossing
(39.2614, -80.8666)

S18:UNT to Leason Run
No Impact
(39.2609, -80.8675)

S17:UNT to Leason Run
Timber Mat Crossing
(39.2607, -80.8682)

S15:UNT to Leason Run
No Impact
(39.2599, -80.8689)

S20:UNT to Leason Run
No Impact
(39.2611, -80.8669)

S13:UNT to Leason Run
No Impact
(39.2598, -80.8717)

S16:UNT to Leason Run
No Impact
(39.2601, -80.8687)

S14:UNT to Leason Run
No Impact
(39.2597, -80.8708)

Doddridge County

Prepared By:



www.keystoneconsultants.net 412-278-2100

**EQM GATHERING
OPCO, LLC**

**MOSAS031 PIPELINE
Floodplain Map**

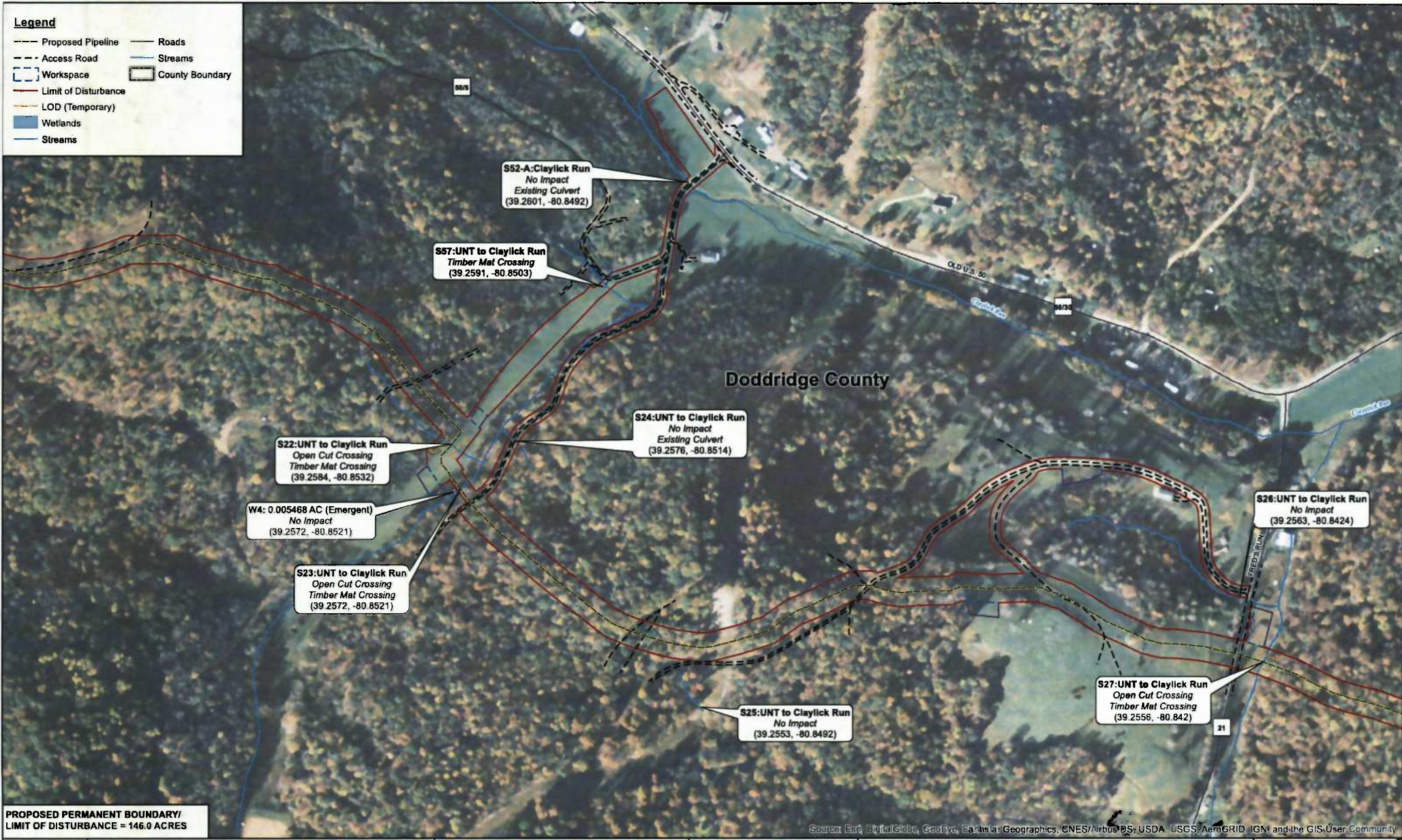
Ritchie and Doddridge Counties, West Virginia

5

9



Legend

- Proposed Pipeline
- Access Road
- Workspace
- Limit of Disturbance
- LOD (Temporary)
- Wetlands
- Streams
- Roads
- Streams
- County Boundary



**PROPOSED PERMANENT BOUNDARY/
LIMIT OF DISTURBANCE = 146.0 ACRES**

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



 1 inch = 300 feet

Prepared By:

www.keystoneconsultants.net 412-278-2100

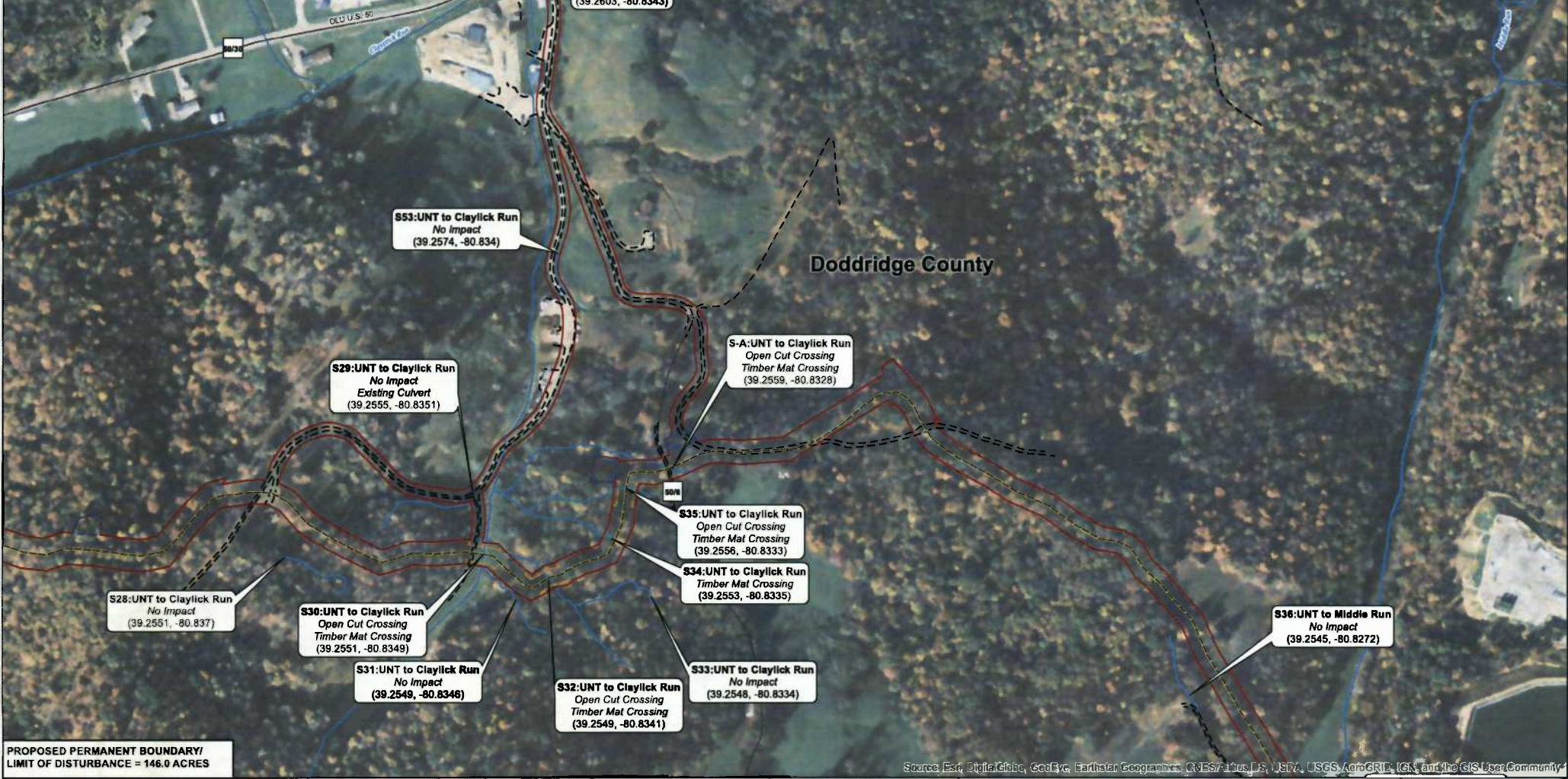
**EQM GATHERING
OPCO, LLC**


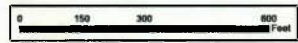
**MOSAS031 PIPELINE
Floodplain Map**
 Ritchie and Doddridge Counties, West Virginia

6
 9

Legend

- Proposed Pipeline
- - - Access Road
- ▭ Workspace
- Roads
- Streams
- ▭ County Boundary
- Limit of Disturbance
- LOD (Temporary)
- Streams





 1 inch = 300 feet

Prepared By:


 www.keystoneconsultants.net 412-278-2100

**EQM GATHERING
OPCO, LLC**

**MOSAS031 PIPELINE
Floodplain Map**

Ritchie and Doddridge Counties, West Virginia

7

9

- Legend**
- - - Access Road
 - Roads
 - Limit of Disturbance
 - Streams
 - Streams
 - County Boundary
 - FEMA NFHL
 - 1% Annual Chance Flood Hazard



**PROPOSED PERMANENT BOUNDARY/
LIMIT OF DISTURBANCE = 146.0 ACRES**

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

	<p>1 inch = 300 feet</p>	<p>Prepared By:</p> <p>KEYSTONE CONSULTANTS, INC.</p> <p>www.keystoneconsultants.net 412-278-2100</p>	<p>EQM GATHERING OPCO, LLC</p>	<p>MOSAS031 PIPELINE Floodplain Map</p> <p>Ritchie and Doddridge Counties, West Virginia</p>	<p>8-A</p> <p>9</p>
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Legend

- Access Road
- Roads
- Limit of Disturbance
- Streams
- Streams
- County Boundary
- FEMA NFHL**
- 1% Annual Chance Flood Hazard



**PROPOSED PERMANENT BOUNDARY/
LIMIT OF DISTURBANCE = 146.0 ACRES**

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

1 inch = 300 feet

Prepared By:

KEYSTONE
CONSULTANTS, INC.

www.keystoneconsultants.net 412-278-2100

**EQM GATHERING
OPCO, LLC**

**MOSAS031 PIPELINE
Floodplain Map**

Ritchie and Doddridge Counties, West Virginia

8-B

9

Legend

- Proposed Pipeline
- - - Access Road
- Roads
- Streams
- Limit of Disturbance
- Streams
- County Boundary
- FEMA NFHL
- 1% Annual Chance Flood Hazard



PROPOSED PERMANENT BOUNDARY/
LIMIT OF DISTURBANCE = 146.0 ACRES

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

	<p>1 inch = 300 feet</p>	<p>Prepared By:</p> <p style="text-align: center;">KEYSTONE CONSULTANTS, LLC</p> <p>www.keystoneconsultants.net 412-278-2100</p>	<p>EQM GATHERING OPCO, LLC</p>	<p>MOSAS031 PIPELINE Floodplain Map</p> <p>Ritchie and Doddridge Counties, West Virginia</p>	<p>9</p>
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Color Photographs



Photo 1. View of Plot A facing east (08/25/2016)



Photo 2. View of Plot B facing north (08/25/2016)

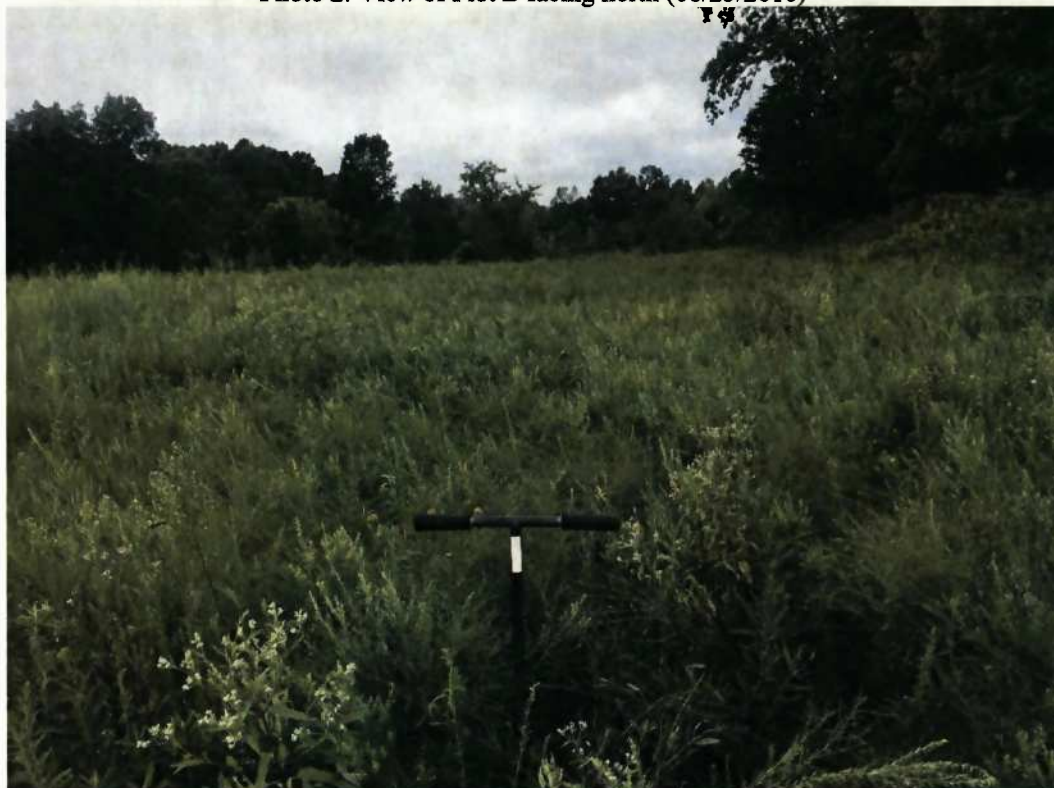


Photo 3. View of Plot C facing west (08/25/2016)



Photo 4. View of Plot D facing northeast (08/25/2016)



Photo 5. View of Plot E facing northwest (08/25/2016)



Photo 6. View of Plot F facing east (10/25/2016)



Photo 7. View of Plot G facing northwest (08/25/2016)



Photo 8. View of Plot H facing north (08/25/2016)



Photo 9. View of Plot I facing northeast (08/26/2016)



Photo 10. View of Plot J facing southeast (08/26/2016)



Photo 11. View of Plot K facing west (08/26/2016)



Photo 12. View of Plot L facing north (08/26/2016)



Photo 13. View of Plot M facing northeast (08/26/2016)



Photo 14. View of Plot N facing east (09/26/2016)



Photo 15. View of Plot O facing east (09/26/2016)



Photo 16. View of Plot P facing west (09/26/2016)



Photo 17. View of Plot Q facing southwest (09/26/2016)



Photo 18. View of Plot R facing northeast (09/26/2016)



Photo 19. View of Plot S facing southwest (09/26/2016)



Photo 19. View of Plot T facing east (09/26/2016)



Photo 20. View of Plot U facing north (10/03/2016)



Photo 21. View of W1 facing east (08/25/2016)



Photo 22. View of W2 facing north (08/25/2016)



Photo 23. View of W3 facing southeast (08/25/2016)



Photo 24. View of W4 facing northwest (08/26/2016)



Photo 25. View of W5 facing northeast (09/26/2016)



Photo 26. View of W6 facing northwest (10/03/2016)



Photo 27. View of W7 facing west (10/03/2016)



Photo 28. View of S1 facing southwest downstream (08/25/2016)



Photo 29. View of S2 facing south downstream (08/25/2016)



Photo 30. View of S3 facing southwest downstream (10/25/2016)



Photo 31. View of S4 facing north downstream (08/25/2016)



Photo 32. View of S5 facing east upstream (10/25/2016)



Photo 33. View of S6 facing southwest downstream (08/25/2016)



Photo 34. View of S7 facing northwest upstream (08/25/2016)



Photo 35. View of S8 facing south downstream (08/25/2016)



Photo 36. View of S9 facing west upstream (08/25/2016)



Photo 37. View of S10 facing north downstream (08/25/2016)



Photo 38. View of S11 facing east upstream (08/25/2016)



Photo 39. View of S12 facing southwest upstream (08/25/2016)



Photo 40. View of S13 facing south downstream (08/26/2016)



Photo 41. View of S14 facing south downstream (08/26/2016)



Photo 42. View of S15 facing south/southeast downstream (08/26/2016)



Photo 43. View of S16 facing south/southeast downstream (08/26/2016)



Photo 44. View of S17 facing northwest upstream (08/26/2016)



Photo 45. View of S18 facing southeast downstream (08/26/2016)



Photo 46. View of S19 facing south/southeast downstream (08/26/2016)



Photo 47. View of S20 facing north/northwest upstream (08/26/2016)



Photo 48. View of S21 facing south downstream (08/26/2016)



Photo 49. View of S22 facing south/southeast downstream (08/26/2016)



Photo 50. View of S23 facing north/northeast downstream at proposed pipeline crossing (08/26/2016)



Photo 51. View of S23 facing north/northeast downstream at existing access road crossing (08/26/2016)



3

Photo 52. View of S24 facing east upstream (08/26/2016)



Photo 53. View of S25 facing south/southeast downstream (08/26/2016)



Photo 54. View of S26 facing east downstream (09/26/2016)



Photo 55. View of S27 facing south upstream (09/26/2016)



Photo 56. View of S28 facing east downstream (09/26/2016)



Photo 57. View of S29 facing north/northeast downstream (09/26/2016)



Photo 58. View of S30 facing north downstream (09/26/2016)



Photo 59. View of S31 facing north/northwest downstream (09/26/2016)



Photo 60. View of S32 facing north/northwest downstream (09/26/2016)



Photo 61. View of S33 facing northeast upstream (09/26/2016)



Photo 62. View of S34 facing east upstream (09/26/2016)



Photo 63. View of S35 facing west downstream (09/26/2016)



Photo 64. View of S36 facing south downstream (09/26/2016)



Photo 65. View of S37 facing north downstream (09/26/2016)



Photo 66. View of S38 facing north/northwest downstream (09/26/2016)



Photo 67. View of S39 facing southeast downstream (09/26/2016)



Photo 68. View of S40 facing south/southeast downstream (09/26/2016)



Photo 69. View of S41 facing south/southwest downstream (09/26/2016)



Photo 70. View of S42 facing west/southwest downstream (09/26/2016)



Photo 71. View of S43 facing northwest upstream (09/26/2016)



Photo 72. View of S44 facing north/northwest upstream (09/26/2016)



Photo 73. View of S45 facing south downstream (09/26/2016)



Photo 74. View of S46 facing north downstream (09/26/2016)



Photo 75. View of S47 facing west upstream (09/26/2016)



Photo 76. View of S48 facing northwest downstream (10/03/2016)



Photo 77. View of S49 facing west downstream (10/03/2016)



Photo 78. View of S50 facing west downstream (10/03/2016)



Photo 79. View of S51 facing north downstream (10/03/2016)



Photo 80. View of S52A at existing access road crossing facing northwest upstream (10/03/2016)

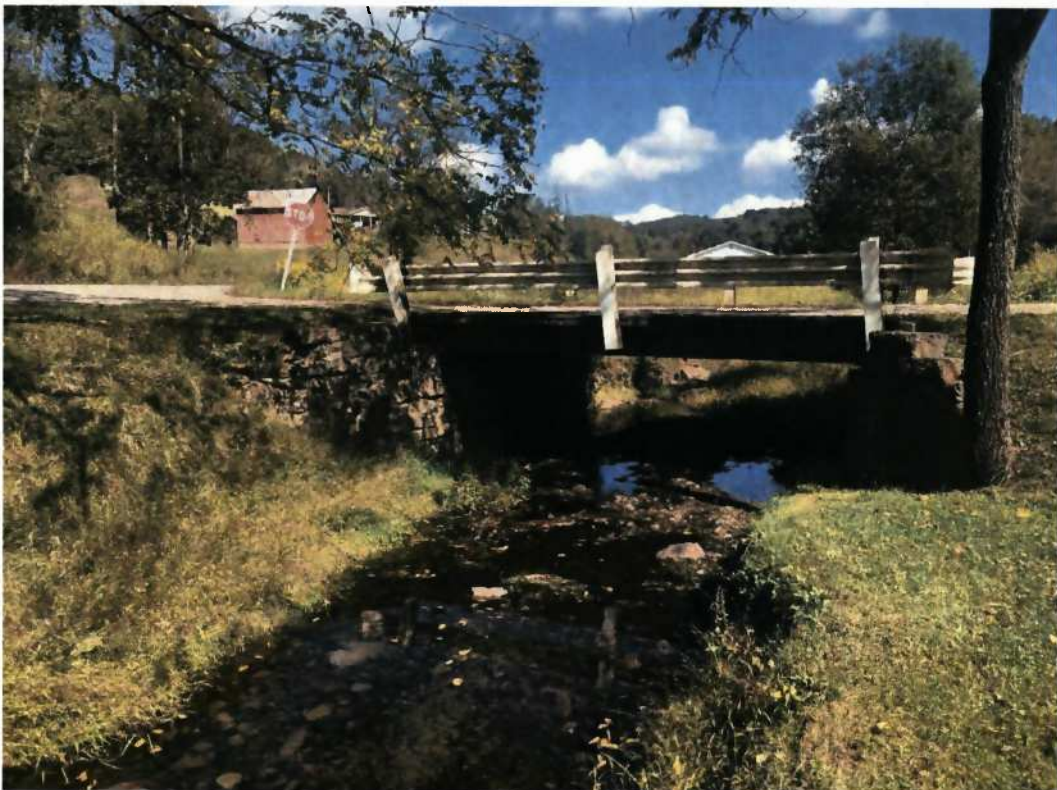


Photo 81. View of S52B at existing access road facing east downstream (10/03/2016)



Photo 82. View of S53 facing east upstream (10/03/2016)



Photo 83. View of S54 facing west downstream (10/03/2016)



Photo 84. View of S55 at existing access road facing southeast downstream (10/03/2016)



Photo 85. View of S56 facing southeast downstream (10/03/2016)



Photo 86. View of S57 facing southeast downstream (09/26/2016)



Photo 87. View of S58 facing southeast downstream (09/26/2016)



Photo 88. View of S-A facing west upstream (09/26/2016)



Photo 89. View of Plot AA facing south (08/25/2016)



Photo 90. View of Plot BB facing north (08/25/2016)



Photo 91. View of Plot CC facing east (08/25/2016)



Photo 92. View of Plot DD facing north (08/25/2016)



Photo 93. View of Plot EE facing north (08/25/2016)



Photo 94. View of W-A facing south (08/25/2016)



Photo 95. View of W-B facing southeast (08/25/2016)



1000 Technology Drive, Suite 1330, Fairmont, WV 26554 | P: 304-816-3165 | F: 681-443-3964

December 22, 2016

Doddridge County Floodplain Coordinator
108 Court Street, Suite 1
West Union, WV 26456

Re: MOSA-S031 Pipeline
Doddridge County, West Virginia

Dear Mr. Eidel:

Please find for your review the following information related to the EQM Gathering OPCO, LLC, MOSA-S031 Pipeline Project in Doddridge County, West Virginia.

I. General Information

- a. **Project Name:** MOSA-S031 Pipeline
- b. **Project Contact Person:**
Chad Alberth
1000 Technology Drive, Suite 1330
Fairmont, WV 26554
304-816-3165 ext. 100
calberth@keystoneconsultants.net
- c. **Project Address:**
Oxford Road (CR 21)
West Union, WV
Approximately 0.18 miles south of the intersection with Old US 50 (CR 50/30)
Coordinates (WVNAD83 – North)
Ritchie/ Doddridge Line: N 39.254283° W -80.901789°
End of Proposed Pipeline: N 39.257828° W -80.806953°
- d. **Project Location:** See attached USGS Topographic and Aerial Maps
- e. **Project Description:** EQM is proposing to install approximately 8.47 miles (44,697 linear feet) of 20" steel gas pipeline in Ritchie and Doddridge Counties, West Virginia. 6.12 miles (32,272 linear feet) of the project will take place in Doddridge County. The proposed pipeline project will have a right-of-way/limit of disturbance of 100 linear feet total width, centered on the proposed pipeline. Included within the limit of disturbance will be various additional workspaces and access roads ranging from established gravel roads to roads that will need constructed for access to the proposed construction right-of-way. The proposed construction activity will take place in woodlands, agricultural fields and through established oil and gas facilities. Twelve streams (S22, S23, S27, S30, S32, S35, SA, S37, S39, S40, S41 and S46) will be crossed by the proposed pipeline, fourteen streams (S17, S19, S21, S24, S26, S29, S34, S52-A, S52-B, S53, S54, S55, S57 and S58) will be crossed by the proposed access roads and five wetlands (W-A, W-B, W-C, W-D and W-5) will be crossed for proposed right-of-way

access. The total area of wetlands to be disturbed for each wetland is as follows: (W-A) 0.04 ac, (W-B) 0.003 ac, (W-C) 0.007 ac, (W-D) 0.01 ac and (W-5) 0.002 ac. The length of bank to be worked at S17 (unnamed tributary to Leason Run) will be 6.25 feet bank to bank. The length of bank to be worked at S19 (unnamed tributary to Leason Run) will be 6.51 feet bank to bank. The length of bank to be worked at S21 (unnamed tributary to Leason Run) will be 6.05 feet bank to bank. The length of bank to be worked at S22 (unnamed tributary to Claylick Run) will be 6.37 feet bank to bank. The length of bank to be worked at S23 (unnamed tributary to Claylick Run) will be 13.31 feet bank to bank. The length of bank to be worked at S24 (unnamed tributary to Claylick Run) will be 6.71 feet bank to bank. The length of bank to be worked at S276 (unnamed tributary to Claylick Run) will be 2.91 feet bank to bank. The length of bank to be worked at S27 (unnamed tributary to Claylick Run) will be 7.70 feet bank to bank. The length of bank to be worked at S29 (unnamed tributary to Claylick Run) will be 4.15 feet bank to bank. The length of bank to be worked at S30 (unnamed tributary to Claylick Run) will be 5.70 feet bank to bank. The length of bank to be worked at S32 (unnamed tributary to Claylick Run) will be 4.95 feet bank to bank. The length of bank to be worked at S34 (unnamed tributary to Claylick Run) will be 2.15 feet bank to bank. The length of bank to be worked at S35 (unnamed tributary to Claylick Run) will be 3.95 feet bank to bank. The length of bank to be worked at SA (unnamed tributary to Claylick Run) will be 4.25 feet bank to bank. The length of bank to be worked at S37 (Middle Run) will be 12.75 feet bank to bank. The length of bank to be worked at S39 (unnamed tributary to Right Fork Arnolds Creek) will be 4.36 feet bank to bank. The length of bank to be worked at S40 (unnamed tributary to Right Fork Arnolds Creek) will be 4.35 feet bank to bank. The length of bank to be worked at S41 (unnamed tributary to Right Fork Arnolds Creek) will be 6.75 feet bank to bank. The length of bank to be worked at S46 (Right Fork) will be 21.10 feet bank to bank. The length of bank to be worked at S52-A (Claylick Run) will be 12.21 feet bank to bank. The length of bank to be worked at S52-B (Claylick Run) will be 13.25 feet bank to bank. The length of bank to be worked at S53 (unnamed tributary to Claylick Run) will be 2.15 feet bank to bank. The length of bank to be worked at S54 (unnamed tributary to Middle Run) will be 4.15 feet bank to bank. The length of bank to be worked at S55 (Arnold Creek) will be 23.15 feet bank to bank. The length of bank to be worked at S57 (unnamed tributary to Claylick Run) will be 4.25 feet bank to bank. The length of bank to be worked at S58 (Left Fork Arnold Creek) will be 21.56 feet bank to bank. The total limit of disturbance for the project is approximately 146 acres. Approximately 103.13 acres of the total limit of disturbance will take place in Doddridge County. All disturbance will be returned to approximate existing grade, seeded and mulched after the completion of the pipeline installation.

The proposed project is located within the FEMA floodplain at the pipeline crossing of S46-Right Fork Arnold Creek, the temporary construction crossing of S58-Left Fork Arnold Creek and the existing bridge crossing of S55-Arnold Creek. Approximately 425 linear feet of the floodplain (4.01 AC) will be disturbed by the proposed pipeline construction.

- f. **Date of Construction:** Construction will begin upon approval of all permits. Project completion will be within six months of approval.

Should you have any questions or comments, please do not hesitate to contact me at 304-816-3165x100.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Alberth". The signature is written in a cursive style with a large initial "C" and "A".

Chad Alberth, P.E.
Client Services Manager
Keystone Consultants, Inc.



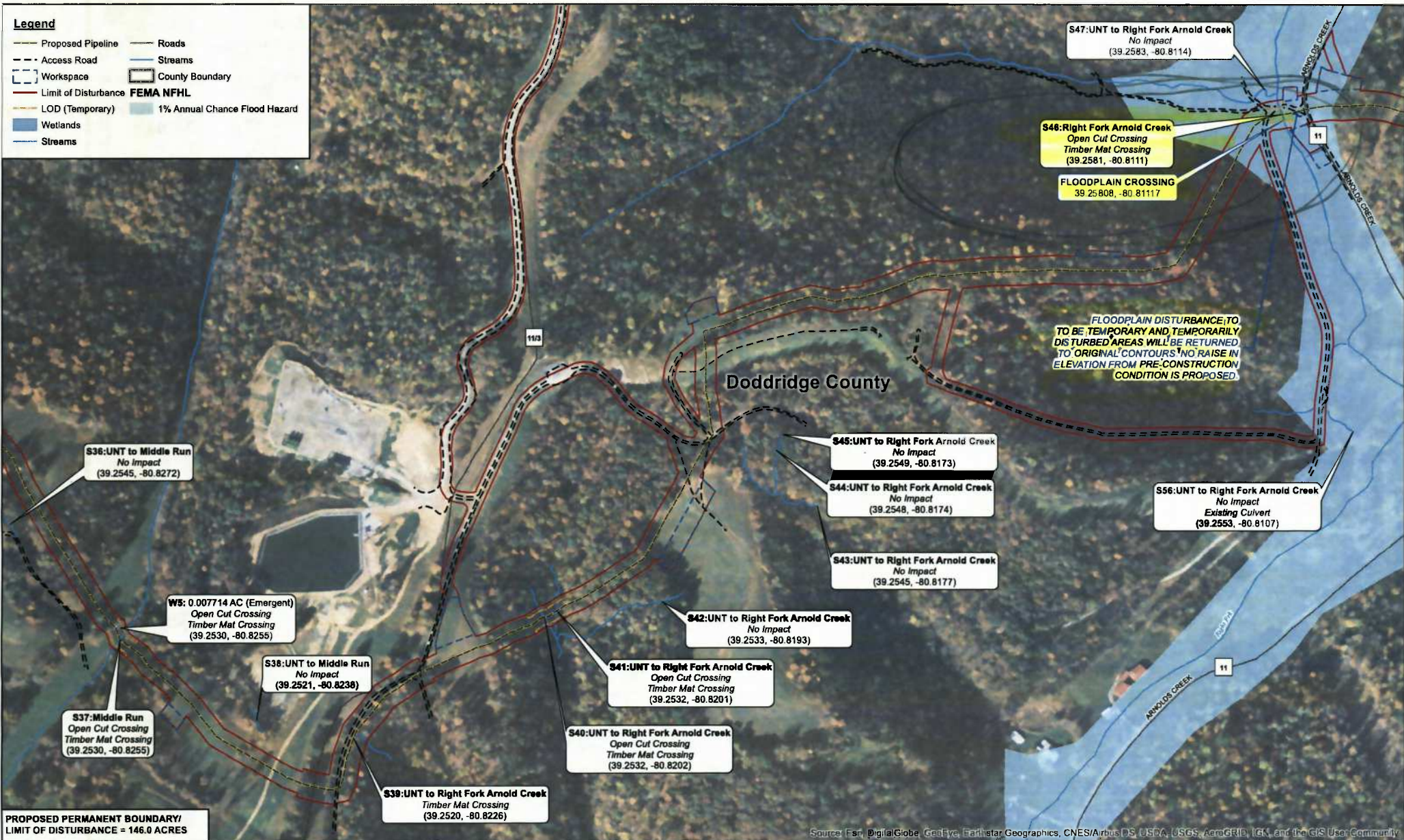
Photo 96. View of W-C facing east (08/25/2016)






Photo 97. View of W-D facing south (08/25/2016)

Legend

- Proposed Pipeline
- Access Road
- Workspace
- Limit of Disturbance
- LOD (Temporary)
- Wetlands
- Streams
- Roads
- Streams
- County Boundary
- FEMA NFHL
- 1% Annual Chance Flood Hazard



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

	 <p>1 inch = 300 feet</p>	<p>Prepared By:</p>  <p>www.keystoneconsultants.net 412-278-2100</p>	<p>EQM GATHERING OPCO, LLC</p>	<p>MOSAS031 PIPELINE Floodplain Map</p> <p>Ritchie and Doddridge Counties, West Virginia</p>	<p>8</p>
					9



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

March 13, 2017

Regulatory Division
Energy Resource Branch
LRH-2017-00059-LKR-North Fork Hughes River

**PRELIMINARY JURISDICTIONAL DETERMINATION AND
NATIONWIDE PERMIT NO. 12 VERIFICATION**

Alex Daquila
EQM Gathering OPCO, LLC
555 Southpointe Boulevard, Suite 200
Canonsburg, Pennsylvania 15317

Dear Mr. Daquila:

I refer to the Pre-Construction Notification (PCN) received in this office on March 3, 2017 concerning the proposal to discharge dredged and/or fill material into approximately 250 linear feet of twenty-six (26) streams and 0.0995 acre of nine (9) wetlands in association with the MOSA-S031 Pipelines project. The proposed project is located in Ritchie and Doddridge Counties, West Virginia. The coordinates for the approximate center of the project area are: 39.25007N, -80.9354W. The North Fork of the Hughes River is an indirect tributary to the Little Kanawha River, a traditional navigable water (TNW) of the United States. Your PCN has been assigned the following file number: LRH-2017-00059-LKR-North Fork Hughes River. Please reference this number on all future correspondence related to this project.

The United States Army Corps of Engineers' (Corps) authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (Section 404) requires a Department of the Army (DA) permit be obtained prior to discharging dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires a DA permit be obtained for any work in, on, over or under a navigable water.

Based on the information provided and other information available to us, this office has determined approximately 7,441 linear feet of sixty-two (62) streams and 0.488 acre of eleven (11) wetlands are located within the project site and may be waters of the United States in accordance with the Regulatory Guidance Letter for Jurisdictional Determinations (JDs) issued by the Corps on October 31, 2016 (Regulatory Guidance Letter No. 16-01). As indicated in the guidance, this Preliminary JD is non-binding and cannot be appealed (33 CFR 331.2) and only provides a written indication that waters of the United States, including wetlands, may be present on-site.

You have declined to exercise the option to obtain an approved JD in this instance and at this time. However, for the purposes of the determination of impacts, compensatory mitigation, and other resource protection measures for activities which require authorization from this office, the aquatic resources referenced above will be evaluated as if they are waters of the United States.

Enclosed please find two copies of the preliminary JD form. If you agree with the findings of this preliminary JD and understand your options regarding the same, please sign and date one copy of the form and return it to this office within 30 days of receipt of this letter. You should submit the signed copy to the following address:

U.S. Army Corps of Engineers
Huntington District
Attn: Energy Resource Branch
502 Eighth Street
Huntington, West Virginia 25701.

The proposed project, as described in the submitted information, has been reviewed in accordance with Section 404 and Section 10. Based on your description of the proposed work, and other information available to us, it has been determined that this project will not involve activities subject to the requirements of Section 10. However, this project will include the discharge of dredged or fill material into waters of the United States subject to the requirements of Section 404.

In the submitted PCN materials received in this office on March 3, 2017 you have requested a DA authorization for the temporary discharge of dredged and/or fill material into approximately 0.0995 acre of nine (9) wetlands (W1, W2, W5, W6, W7, W-A, W-B, W-C and W-D) and 250 linear feet of twenty-six (26) streams (S1, S3, S7, S8, S9, S11, S12, S17, S19, S22, S23, S27, S30, S32, S34, S35, S37, S39, S40, S41, S46, S47, S48, S50, S57 and S-A), at thirty-five (35) separate and distant project locations, in association with the MOSA-S031 Pipelines project. The project will involve installation of 8.47 miles of pipelines.

Based on the information provided and additional data available to us, it has been determined the proposed discharge of dredged and/or fill material into waters of the United States associated with the proposed project meets the criteria for Nationwide Permit Number (NWP) No. 12 under the February 21, 2012, Federal Register, Issuance of NWPs (77 FR 10184) provided you comply with all terms and conditions of the enclosed material, the enclosed special conditions, and the 401 Water Quality Certification (WQC) issued by the Ohio Environmental Protection Agency (Ohio EPA) on March 30, 2012. Please be aware this NWP verification does not obviate the requirement to obtain any state or local assent required by law for the activities.

This verification is valid until the expiration date of the NWP, unless the NWP authorization is modified, suspended, or revoked. The verification will remain valid if the NWP authorization is reissued without modification or the activity complies with any subsequent modification of the NWP authorization. All of the existing NWPs are scheduled to be modified, reissued, or revoked on March 18, 2017. Prior to this date, it is not necessary to contact this office for re-verification of your project unless the plans for the proposed activity are modified. Furthermore, if you commence or under contract to commence this activity before March 18, 2017, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

Enclosed is a copy of the NWPs and the 401 WQC to be kept at the project site during construction. You shall supply a copy of these documents to your project engineer responsible for construction activities.

Upon completion of the work, the enclosed certification must be signed and returned to this office. If you have any questions concerning the above, please contact Rachel Klug of the Energy Resource Branch at 304-399-5858, by mail at the above address, or by email at: rachel.a.klug@usace.army.mil.

Sincerely,

SPAGNA.T
ERESA.D.
229740519
Teresa D. Spagna
Chief, North Branch

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Enclosures

**SPECIAL CONDITIONS FOR THE
NATIONWIDE PERMIT NO. 12 VERIFICATION FOR
MOSA-S031 Pipeline Project
LRH-2017-00059-LKR-North Fork Hughes River**

1 of 2

1. Enclosed is a copy of Nationwide Permit 12, which will be kept at the site during construction. A copy of the nationwide permit verification, special conditions, and the submitted construction plans must be kept at the site during construction. The permittee will supply a copy of these documents to their project engineer responsible for construction activities.
2. Upon completion of the activity authorized by this nationwide permit verification, the enclosed certification must be signed and returned to this office along with as-built drawings showing the location and configuration, as well as all pertinent dimensions and elevations of the activity authorized under this nationwide permit verification.
3. Construction activities will be performed during low flow conditions to the greatest extent practicable. Additionally, appropriate site specific best management practices for sediment and erosion control will be fully implemented during construction activities at the site.
4. No area for which grading has been completed will be unseeded or unmulched for longer than 14 days. All disturbed areas will be seeded and/or revegetated with native species and approved seed mixes (where practicable) after completion of construction activities for stabilization and to help preclude the establishment of non-native invasive species
5. Should new information regarding the scope and/or impacts of the project become available that was not submitted to this office during our review of the proposal, the permittee will submit written information concerning proposed modification(s) to this office for review and evaluation, as soon as practicable.
6. In the event any previously unknown historic or archaeological sites or human remains are uncovered while accomplishing the activity authorized by this nationwide permit authorization, the permittee must cease all work in waters of the United States immediately and contact local, state and county law enforcement offices (only contact law enforcement on findings of human remains), the Corps at 304-399-5210 and West Virginia Historic Preservation Office at 304-558-0220. The Corps will initiate the Federal, state and tribal coordination required to comply with the National Historic Preservation Act and applicable state and local laws and regulations. Federally recognized tribes are afforded a government-to-government status as sovereign nations and consultation is required under Executive Order 13175 and 36 CFR Part 800.

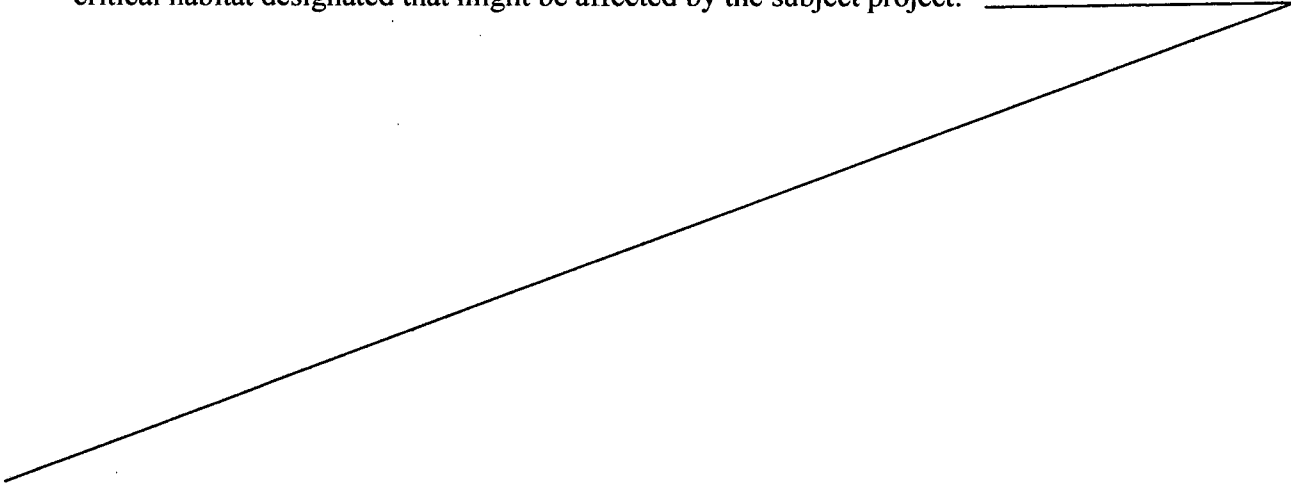
**SPECIAL CONDITIONS FOR THE
NATIONWIDE PERMIT NO. 12 VERIFICATION FOR
MOSA-S031 Pipeline Project
LRH-2017-00059-LKR-North Fork Hughes River**

2 of 2

7. The permittee must adhere to guidance outlined in the enclosed U.S. Fish and Wildlife Service technical assistance letter dated March 7, 2017. The letter states the following measures must be implemented:

- Clear trees (all trees greater than 5" DBH) during the bats' hibernation period (between November 15 and March 31);
- Avoid cutting potential roost trees;
- Minimize limits of disturbance;
- Erosion and sedimentation best management practices: compost filter sock, super silt fence, erosion control blanket, seeding and mulching of disturbed areas for stabilization, reinforced filtration device, trench breaker;
- Pollution control plan;
- Erect artificial roosting structures on a 1:1 ratio for each potential primary roost tree that is lost during project development (1 structure); and
- Erect artificial roosting structures on a 1:1 ratio to replace potential secondary roost trees that are lost during project development (4 structures).

8. Section 7 obligations under Endangered Species Act must be reconsidered if new information reveals impacts of the project that may affect federally listed species or critical habitat in a manner not previously considered, the proposed project is subsequently modified to include activities which were not considered during Section 7 consultation with the United States Fish and Wildlife Service, or new species are listed or critical habitat designated that might be affected by the subject project.



RD-E-RAK

Permit Number LRH-2017-00059-LKR-North Fork Hughes River;
MOSA-S031 Pipeline

Name of Permittee: Alex Daquila
EQM Gathering OPCO, LLC
555 Southpointe Boulevard, Suite 200
Canonsburg, Pennsylvania 15317

Date of Issuance: 3/13/2017

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Huntington District
U.S. Army Corps of Engineers
502 8th Street
Huntington, West Virginia 25701-2070
Attn: RD-E (LRH-2017-00059-Klug)

Please note that your permitted activity is subject to a compliance inspection by an United States Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Issuance Date: March 19, 2012.
Expiration Date: March 18, 2017

NWP # 12

NATIONWIDE PERMITS FOR THE STATE OF WEST VIRGINIA

CORPS OF ENGINEERS REGULATORY PROGRAM ISSUANCE OF NATIONWIDE PERMITS

On February 21, 2012, the Corps of Engineers published, in the Federal Register, the final rule for the administration of its nationwide permit program regulations under the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and the Marine Protection, Research and Sanctuaries Act. The rule became effective on March 19, 2012.

An integral part of the Corps' regulatory program is the concept of nationwide permits (NWPs) for minor activities. NWPs are activity specific, and are designed to relieve some of the administrative burdens associated with permit processing for both the applicant and the Federal government. The NWPs, published in the February 21, 2012, Federal Register, Issuance of Nationwide Permits (77 FR 10184), are issued by the Chief of Engineers, and are intended to apply throughout the entire United States and its territories. The Corps Districts representing West Virginia have imposed regional conditions on the NWPs that are applicable throughout the entire state. For convenience, all NWPs with the appropriate regional, general and special conditions are attached.

In response to the Federal Register Notice (77 FR 10184), the West Virginia Department of Environmental Protection (WVDEP) has issued 401 water quality certification, pending compliance with certain conditions and/or limitations, for the following NWPs: 3, 4, 5, 6, 7, 12, 13, 14, 16, 18, 19, 20, 21, 22, 25, 27, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 45, 46, 48, 49, 50 and 51.

An individual State Water Quality Certification is required for the following NWPs: 15, 17, 23, 34 and 43. Certification response is not applicable to NWPs: 1, 2, 8, 9, 10, 11, 24, 26, 28, 35, 44, 47, and 52.

Authorization for discharges covered by NWPs is denied without prejudice if: (1) the State Certification has been denied; or (2) the discharge is not in compliance with conditions imposed in the State Certification. Applicants wishing to conduct such discharges must first obtain either an individual water quality certificate or waiver from:

Director
West Virginia Department of Environmental Protection
601 57th Street
Charleston, West Virginia 25304

Some NWP's require advance notification. The notification must be made in writing as early as possible prior to commencing the proposed activity. The notification procedures are located under General Condition 31. The notification to the Corps can be made concurrently with the request for individual state certification, if required. The District Engineer may require an individual permit for any activity determined to have more than minimal adverse environmental effects, individually or cumulatively, or would be contrary to the public interest.

The NWP's provide a simplified, expeditious means of project authorization under various authorities of the Corps. We encourage prospective permit applicants to consider the advantages of nationwide permit authorization during the preliminary design of their projects. Assistance and further information regarding all aspects of the Corps regulatory program may be obtained by contacting:

HUNTINGTON DISTRICT

Name: Ginger Mullins, Chief, Regulatory Division
Address: U.S. Army Corps of Engineers, Huntington District
502 Eighth Street
Huntington, West Virginia 25701-2070
Phone: 304-399-5710

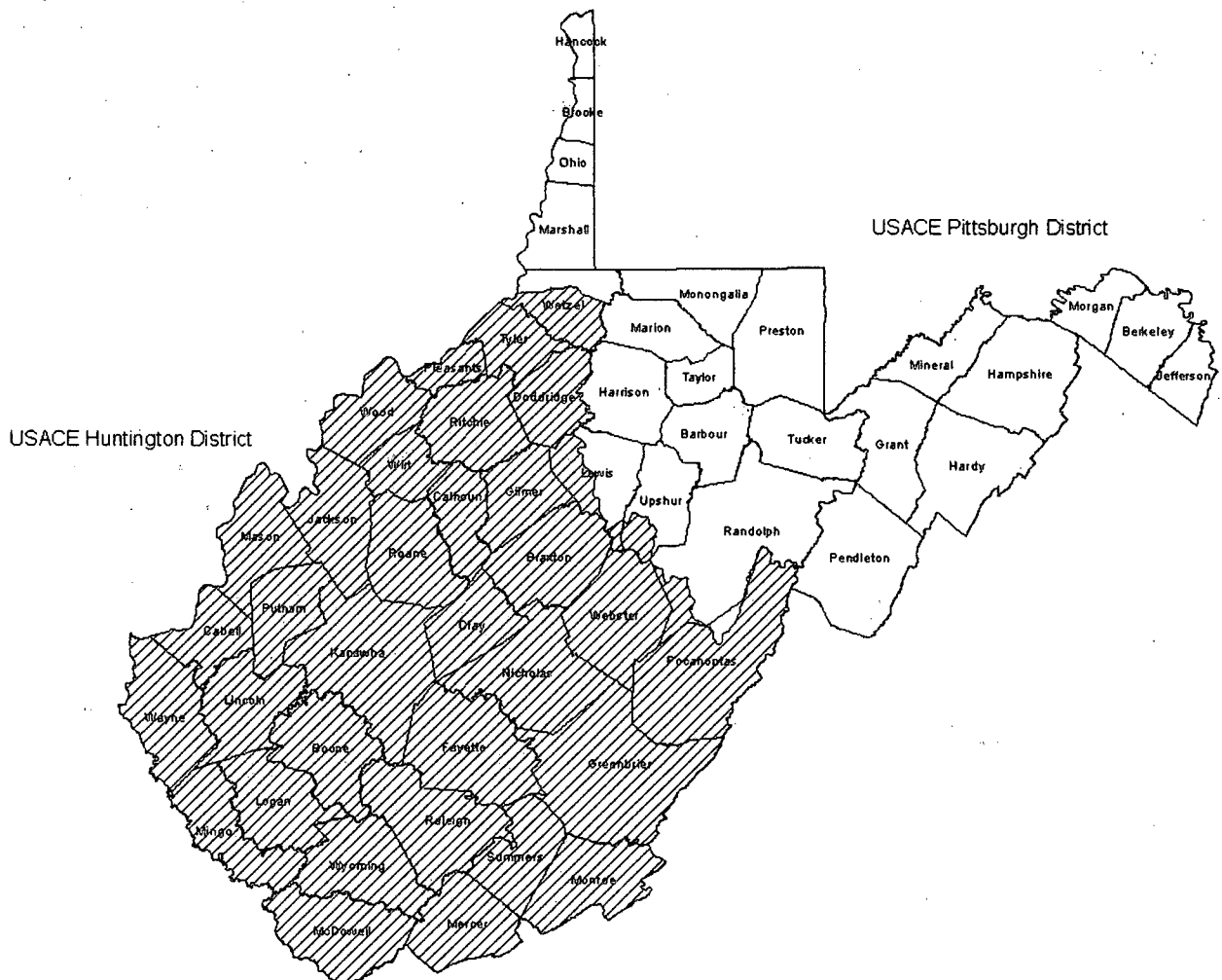
PITTSBURGH DISTRICT

Name: Scott Hans, Chief Regulatory Branch
Address: U.S. Army Corps of Engineers, Pittsburgh District
William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, Pennsylvania 15222-4186
Phone: 412-395-7154

Attached is a map showing the district boundaries for the State of West Virginia.

Ginger Mullins, Chief
Regulatory Division

Corps Districts and Navigable Streams in The State of West Virginia



Huntington District

1. Ohio River.....Total Length in State
2. Kanawha River..... Total Length
3. New River.....Total Length in State
4. Big Sandy River.....Total Length
5. Tug Fork.....58 Miles
6. Elk River.....139 Miles
7. Gauley River.....75 Miles
8. Guyandotte River.....122 Miles
9. Little Kanawha River.....130.75 Miles
10. Greenbrier River.....150.50 Miles
11. Coal River.....57.90 Miles

Pittsburgh District

1. Ohio River.....Total Length in State
12. Monongahela River.....Total Length in State
13. Tygart River.....7 Miles
14. West Fork.....74 Miles
15. Shenandoah River.....Total Length in State
16. Potomac River.....Total Length in State

A. U.S. Army Corps of Engineers Nationwide Permit #12 for Utility Line Activities in West Virginia

This nationwide permit authorizes activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Utility lines: This NWP authorizes the construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines, in all waters of the United States, provided there is no change in pre-construction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term "utility line" does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel

roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR Part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP also authorizes temporary structures, fills, and work necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met: (1) the activity involves mechanized land clearing in a forested wetland for the utility line right-of-way; (2) a section 10 permit is required; (3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet; (4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to or along a stream bed that is within that jurisdictional area; (5) discharges that result in the loss of greater than 1/10-acre of waters of the United States; (6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or (7) permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 31.) **(Sections 10 and 404)**

Note 1: Where the proposed utility line is constructed or installed in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, copies of the pre-construction notification and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 3: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

Note 4: For overhead utility lines authorized by this NWP, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

B. Specific Regional Conditions for Nationwide Permit #12:

- For those utility line projects requiring notification, a USGS topographical map shall be provided showing the overall project area identifying beginning and ending termini.
- Notification is required for utility lines not regulated by a State or Federal agency (Federal Energy Regulatory Commission, Public Service District, etc.) or to individual family residences.
- Notification is required for all work in waters of the U.S. associated with the construction of utility line substations.
- Notification is required for all work in streams (perennial, intermittent, and ephemeral) associated with the construction of foundations for overhead utility line towers, poles, and anchors.
- The maximum allowable timeframe for temporary work in waters of the U.S. is limited to one year, unless the permittee receives prior written approval from the Corps of Engineers granting a time extension.
- Notification for aerial transmission lines over Section 10 waters must include the nominal system voltage and the additional clearance above low steel for bridges, if available, or above maximum high water elevation.
- Note: All aerial crossings will have the following minimum clearances above the clearance required for bridges, or the clearances which would be required by the U.S. Coast Guard for new fixed bridges, in the vicinity of the proposed crossing. These clearances are based on the low point of the line under conditions which produce the greatest sag, taking into consideration temperature, load, wind, length or span, and type of supports as outline in the Nation Electrical Safety Code. **For any non-electrical cable, the crossing must have a minimum clearance of 20 feet above the clearance required for bridges.**

<u>NOMINAL SYSTEM VOLTAGE, KV</u>	<u>ADDITIONAL CLEARANCE, FEET</u>
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

C. West Virginia 401 Water Quality Certification Special Conditions for Nationwide Permit #12:

For activities involving a discharge, the West Virginia 401 Water Quality Certification Standard Conditions apply.

- A. Points of ingress and egress to streams for equipment shall be within the work site. Location of ingress and egress outside the immediate work area requires prior approval of

the West Virginia Department of Environmental Protection Division of Water and Waste Management with concurrence from the West Virginia Division of Natural Resources.

- B.** Certification is limited to pipelines 36 inches or less in diameter. Individual stream crossings must be completed in a continuous, progressive manner and within 72 hours under normal (normal or below stream flow) conditions. Crossings on the Ohio, Kanawha, New and Monongahela Rivers and the Little Kanawha River, below the confluence with Hughes Rivers, are exempt from the 72-hour requirements, as are stream crossings requiring blasting. Whatever the situation, all stream activities shall be conducted in a continuous, progressive manner and be completed as rapidly as possible.
- C.** Shoreline restoration will be completed and stabilized in accordance with standard condition 5. Equipment tracking in wetlands will utilize protective mats when practical. Restoration of the disturbed areas will be completed within 72 hours of the completion of pipeline installation across the watercourse.
- D.** Surface disturbance will not extend beyond the right-of-way limits. Stream crossings will be conducted as close to a right angle to the watercourse as practical and the area of disturbance will be limited to reduce in stream activity.
- E.** Dredging for backfill material is not allowed.
- F.** Submarine-type pipeline crossings must be designed and constructed to prevent flotation and the possibility of leakage or rupture and the top of pipelines must be buried a minimum of three (3) feet below the stream bottom.
- G.** Where it is apparent that small boats, inner tubes, swimmers, etc. could be using the stream in the work area, easily seen warning signs must be placed a minimum of 50 feet upstream and downstream of the stream crossings construction site to advise stream users of the potential danger.
- H.** Individual State Water Quality Certification is required for pipelines transporting hazardous materials/substances as defined by the Toxic Substances Control Act, except pipelines carrying natural gas are exempt from this condition.
- I.** Individual State Water Quality Certification is required for utility lines within wetlands that would use or consider the use of herbicides for right-of-way maintenance.
- J.** Written notification to the Director of the Division of Water and Waste Management detailing the amount of water to be withdrawn by the intake structures is required. The proposed water withdrawal notification shall include sufficient detail to allow the resource agencies to determine if the proposed water withdrawal will have minimal impacts on aquatic resources.

- K. Individual State Water Quality Certification is required for an activity impacting greater than 200 linear feet on one or more of the streams listed in West Virginia State Certification, Standard Condition 15.
- L. Individual State Water Quality Certification is required for perennial and intermittent stream impacts greater than 300 linear feet.
- M. No structure authorized by this permit shall entrain or impinge fish or any other aquatic life or impede or prevent fish movement upstream or downstream without specific written authorization from the West Virginia Department of Environmental Protection, Division of Water and Waste Management with concurrence from West Virginia Division of Natural Resources.

**D. U.S. Army Corps of Engineers Nationwide Permit General Conditions
Applicable to ALL NWP**

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR §§ 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR § 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably

culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. 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.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are

encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the

proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWP.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on

the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district

engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary 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).

(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.

(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.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) 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.

(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.

(e) 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.

(f) 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.

(g) Permittees 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.

(h) 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.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office

to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

31. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

- (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
- (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division

engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWP's 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed project;
- (3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) **Form of Pre-Construction Notification:** The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) **Agency Coordination: (1)** The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP's and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWP's, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

E. Regional General Conditions

Regional General Condition 1

Full Agency Pre-construction Notification: In an effort to expedite full agency permit review it is requested that all pre-construction notifications (PCNs) submitted for activities requesting a waiver and for those activities resulting in the loss of greater than ½ acre of waters of the United States (U.S.), include one original hard copy and five (5) additional copies of the PCN package. Applicants are encouraged to submit the five agency copies in electronic format as CDs, in order to minimize the use of paper and postage resources.

Regional General Condition 2

Pre-Construction Notification Submittals: In addition to the PCN requirements listed in NWP General Condition 31, all PCNs should include the following information:

- Graphic illustrations on 8 1/2" x 11" paper. The illustrations must clearly depict the project boundaries, including all elements and phases of the proposed project. Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map {a location map such as the U.S. Geological Survey (USGS) 7.5 Minute Series topographical map is highly encouraged}, a Plan View and a Typical Cross-Section Map. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view or cross-section). In addition, each illustration should be identified with a figure or attachment number and the project Latitude and Longitude.
- A written description of the proposed project including acreage(s) of waters of the U.S. (according to aquatic resource type) proposed to be directly or indirectly affected as a result of the proposed project, the linear footage of proposed direct and indirect stream impacts associated with the project, and cubic yards of fill proposed to be discharged.
- A description of the ways in which the project has been designed to avoid and minimize adverse impacts to waters of the U.S.
- Information concerning whether the proposed activity would affect any historic properties listed, determined to be eligible, or which they have reason to believe may be eligible, for listing on the National Register of Historic Places.
- Basic information about the general project area (encompassing a search radius of 2 miles

centered on the project area) including USGS 7.5' series topographic maps, National Register of Historic Places (NRHP) files including Historic Districts, and county atlases, histories and/or any historic USGS 15' series topographic map(s), brief description of the terrain and topography of the project area, acreage of the project area, proximity of the project area to major waterways, past land uses in the project area, and any past cultural resources studies or coordination for the project area, if available, along with photographs, keyed to mapping, showing the project area and any buildings or structures on adjacent parcels.

- The submittal of ground photographs to illustrate current conditions of the overall project site and impact site is highly encouraged.

Regional General Condition 3

Compensatory Mitigation: Compensatory mitigation will typically be required as indicated in accordance the terms and conditions of the NWP's in addition to all General and Regional conditions for projects with impacts that result in the conversion of a water of the U.S. to uplands or the conversion of one aquatic resource type to another.

Regional General Condition 4

Passage of Aquatic Life: Culverted crossings should be sized in a manner that allow the passage of aquatic life and freely pass bankfull flows. The only exception to this requirement would involve culvert placement in bedrock and/or extremely high gradient streams, in which countersinking of culverts is determined not to be practicable. In the event proposed crossings do not meet these criteria, compensatory mitigation may be required.

Regional General Condition 5

Endangered Species: Federally listed endangered species, subject to Section 7 of the Endangered Species Act, are located in nearly every county within West Virginia. As part of the PCN process, the district engineer (DE) will assume responsibility for determining project-related effects to endangered species. For projects that do not require a PCN, it is the applicant's responsibility to ensure that all elements of a proposed single and complete project comply with Section 7 of the Endangered Species Act.

Regional General Condition 6

Endangered Species Habitat: Due to the potential presence of endangered species or their habitats applicants are required to provide notification to the U.S. Fish and Wildlife Service Elkins Field Office, 694 Beverly Pike, Elkins, West Virginia 26241, for any work in the waterways listed in Appendix A. This appendix will be update as new species are listed by the U.S. Fish and Wildlife Service.

Regional General Condition 7

All PCNs involving work in the below listed waters require notification to the National Park Service and/or the Forest Service.

- New River;
- Bluestone River from the upstream boundary of Pipestem Park to Bluestone Reservoir;
- Meadow River from an area near the US 19 Bridge to its junction with the Gauley River;
- All streams within the Monongahela National Forest designated as National Wild and Scenic Study Rivers;
- All streams and other bodies of water in State and National Forests and Recreation Areas (included are streams and bodies of water located within the Spruce Knob, Seneca Rocks and Gauley River National Recreation Areas); and
- Streams and their tributaries as contained within the boundaries of the designated National Wilderness Areas or the headwaters of such rivers and their tributaries; Cranberry River, Red Creek, Laurel Fork and Otter Creek.

Regional General Condition 8

West Virginia Natural Stream Preservation Act: In accordance with the West Virginia Natural Stream Preservation Act, the following streams or rivers are protected from activities that would impound, divert or flood the body of water:

West Virginia Natural Stream Preservation Act

- Greenbrier River from its confluence with Knapps Creek to its confluence with the New River;
- Anthony Creek from its headwaters to its confluence with the Greenbrier River;
- Cranberry River from its headwaters to its confluence with the Gauley River;
- Birch River from Cora Brown Bridge in Nicholas County to its confluence with the Elk River; and
- New River from its confluence with the Greenbrier River to its confluence with the Gauley River.

Regional General Condition 9

Tier 3 Protected Waters: All PCNs involving work in Tier 3 Protected Waters (West Virginia Code of State Regulations, Requirements Governing Water Quality Standards, Title 47, Series 2) shall include prior written notification to the West Virginia Department of Environmental Protection, Division of Water and Waste Management. Tier 3 Protected Waters include, but are not limited to, all streams and rivers within the boundaries of Wilderness Areas designated by The Wilderness Act (16 U.S.C. §1131 et seq.) within the State, all Federally designated rivers under the "Wild and Scenic Rivers Act", 16 U.S.C. §1271 et seq.; all streams and other bodies of water in state parks which are high quality waters or naturally reproducing trout streams; waters in national parks and forests which are high quality waters or naturally reproducing trout

streams; waters designated under the "National Parks and Recreation Act of 1978", as amended; and pursuant to subsection 7.1 of 60CSR5, those waters whose unique character, ecological or recreational value, or pristine nature constitutes a valuable national or state resource.

Regional General Condition 10

Archeological Sites and Human Remains: In the event any archeological sites or human remains are uncovered during construction, the permittee shall cease all work immediately and contact the appropriate Corps District office, the West Virginia Division of Culture and History at 304-558-0240 and the appropriate county Sheriff's Office.

F. West Virginia Department of Environmental Protection 401 Water Quality Certification Standard Conditions Applicable to ALL NWP

The following are West Virginia's Section 401 Water Quality Certification standard and special conditions that apply to the Nationwide Permits 1-52 as published on February 21, 2012 in Part III of the *Federal Register* (77 FR 10184), by the U.S. Army Corps of Engineers. These conditions must be implemented into any activity authorized by a U.S. Army Corps of Engineers Nationwide Permit(s). The State's certification of these Nationwide Permit activities does not replace the need for the applicant proposing an activity under the Nationwide Permit Program from obtaining other applicable permits/authorizations from the West Virginia Department of Environmental Protection and/or the Division of Natural Resources. Each permittee shall, if they do not understand or are not aware of applicable Nationwide Permit conditions, contact the Corps of Engineers prior to conducting any activity authorized by a Nationwide Permit in order to be advised of applicable conditions. These 401 Water Quality Certifications, with all attendant standard conditions and special conditions, are applicable to Corps of Engineers Civil Works Projects in West Virginia.

1. The permittee will investigate for the presence of water supply intakes or other activities within 1/2 mile downstream, which may be affected by suspended solids and turbidity increases caused by work in the watercourse. The permittee will give notice to operators of any such water supply intakes and such other water quality dependent activities as necessary before beginning work in the watercourse in sufficient time to allow preparation for any change in water quality.
2. Excavation, dredging or filling in the watercourse will be done only to the extent necessary to achieve the project's purpose.
3. Spoil materials from the watercourse or onshore operations, including sludge deposits, will not be dumped in the watercourse, or deposited in wetlands or other areas where the deposit may adversely affect the surface or ground waters of the state.
4. The permittee will employ measures to prevent or control spills from fuels, lubricants or any other materials used in connection with construction and restrict them from entering the watercourse. Storage areas for chemicals, explosives, lubricants, equipment fuels,

etc., as well as equipment refueling areas, must include containment measures (e.g., liner systems, dikes, etc.) to ensure that spillage of any material will not contact surface or ground waters. Storage areas and refueling areas shall be a minimum distance of 100 feet from any surface water body. All spills shall be promptly reported to the State Center for Pollution, Toxic Chemical and Oil Spills, 1-800-642-3074.

5. Upon completion of in-stream operations all disturbances below the ordinary high water mark will be properly stabilized within 24 hours to prevent soil erosion. Where possible, stabilization shall incorporate revegetation using bioengineering as an alternative to rip rap. If rip rap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created due to its placement. Fill is to be clean, nonhazardous and of such composition that it will not adversely affect the biological, chemical or physical properties of the receiving waters. Unsuitable materials include but are not limited to : Cadmium chromium arsenate (CCA) and creosote treated lumber, car bodies, tires, large household appliances, construction debris, and asphalt. To reduce potential slope failure and/or erosion behind the material, fill containing concrete must be of such weight and size that promotes stability during expected high flows. Loose large slab placement of concrete sections from demolition projects greater than thirty-six inches in its longest dimension and tires are prohibited. Rebar or wire in concrete should not extend further than one (1) inch. All activities require the use of clean and coarse non erodible materials with 15% or less of like fines that is properly sized to withstand expected high flows.
6. Runoff from any storage areas or spills will not be allowed to enter storm sewers without acceptable removal of solids, oils and toxic compounds. Discharges from retention/detention ponds must comply with permit requirements of the National Pollutant Discharge Elimination System permit program of the West Virginia Department of Environmental Protection, Division of Water and Waste Management.
7. Land disturbances, which are integral to the completion of the permitted activity and are one (1) acre or greater in total area, must comply with the National Pollutant Discharge Elimination System or other state stormwater permit requirements as established by the West Virginia Department of Environmental Protection, Division of Water and Waste Management, if applicable. Best Management Practices for Sediment and Erosion Control, as described in the West Virginia Department of Environmental Protection's Erosion and Sediment Control Best Management Practice Manual, 2006, or similar documents prepared by the West Virginia Division of Highways may be used. These handbooks are available from the respective agency offices.
8. Concrete will not be permitted to enter the watercourse unless contained by tightly sealed forms or cells. Concrete handling equipment shall not discharge waste washwater into wetlands or watercourses at any time without adequate wastewater treatment as approved by the West Virginia Department of Environmental Protection, Division of Water and Waste Management.
9. In stream work in designated warm water streams and their adjacent tributaries during the fish spawning season, April - June and trout waters and their adjacent tributaries during

the trout water fish spawning season September 15-March 31st requires a spawning season waiver from the West Virginia Division of Natural Resources, Wildlife Resources Section. For information about specific stream designations contact DEP's Water Quality Standards Section at 304-926-0495. The Wildlife Resources Section, Trout Fisheries Program at 304-637-0245 or Warm Water fisheries Program 304-558-2771 should be contacted if a waiver is needed. In stream work may occur during the respective spawning season in ephemeral waters without a waiver if all reasonable measures are taken to minimize turbidity and sedimentation downstream associated with the proposed project.

10. Removal of well-established riparian vegetation not directly associated with the project construction is prohibited. Disturbance and removal of vegetation from project construction area is to be avoided, where possible, and minimized when necessary. Removal of vegetation shall not be allowed where stream bank stability under normal flow conditions would be compromised.
11. Operation of equipment instream is to be minimized and accomplished during low flow periods when practical. Ingress and egress for equipment shall be within the work site. Location of ingress and egress outside the immediate work area requires prior approval of the West Virginia Department of Environmental Protection, Division of Water and Waste Management in concurrence with the West Virginia Division of Natural Resources.
12. The permittee will comply with water quality standards as contained in the West Virginia Code of State Regulations, Requirements Governing Water Quality Standards, Title 47, Series 2.
13. Stream activities permitted under the Nationwide Permit Program require that a West Virginia Public Lands Corporation Right of Entry be obtained. Application for this authorization should be made to the West Virginia Division of Natural Resources, Office of Lands and Streams, Building 74, Room 200, 324 Fourth Avenue, South Charleston, West Virginia 25303, or by contacting them at 304-558-3225. Any activity within the 100-year floodplain requires approval from the appropriate Floodplain Manager. The following website provides a statewide listing of Floodplain Managers in West Virginia: www.dhsem.wv.gov/mitigation/floodplain/Pages/default.aspx
14. The deposit of dredged or fill materials in island back channels, embayments or stream mouths on Section 10 Rivers is not certified for any of the Nationwide Permits. Stream mouth is defined as the area extending 100 feet upstream and 100 feet downstream on receiving streams that are classified as a Section 10 stream.
15. This Standard Condition requires prior written authorization from the West Virginia Department of Environmental Protection, Division of Water and Waste Management for use of any of the Nationwide Permits for all work in Outstanding National Resource Waters listed within Section A below. Prior written notification to the West Virginia Department of Environmental Protection, Division of Water and Waste Management, is required for use of Nationwide Permits 3, 6, 7, 12, 13, 14, 16, 17, 18, 19, 27, 29, 33, 39, 40, 41, 42,

45, and 48 in any of the streams listed in Sections B and C as follows, except as may be provided for in the individual nationwide permit:

- A. Tier 3 Protection-- West Virginia Code of State Regulations, Requirements Governing Water Quality Standards, Title 47, Series 2. **Outstanding National Resource Waters:** Outstanding National Resource Waters include, but are not limited to, all streams and rivers within the boundaries of Wilderness Areas designated by The Wilderness Act (16 U.S.C. §1131 et seq.) within the State, all Federally designated rivers under the "Wild and Scenic Rivers Act", 16 U.S.C. §1271 et seq.; all streams and other bodies of water in state parks which are high quality waters or naturally reproducing trout streams; waters in national parks and forests which are high quality waters or naturally reproducing trout streams; waters designated under the "National Parks and Recreation Act of 1978", as amended; and pursuant to subsection 7.1 of 60CSR5, those waters whose unique character, ecological or recreational value, or pristine nature constitutes a valuable national or state resource. The listing of Tier 3 streams is located at:
http://www.dep.wv.gov/WWE/Programs/wqs/Documents/Tier%203%20Info/WV_Tier_3_Maps_20101006.pdf
- B. All naturally reproducing trout streams in the following counties; Barbour, Fayette, Grant, Greenbrier, Hampshire, Hardy, Mercer, Mineral, Monroe, Nicholas, Pendleton, Pocahontas, Preston, Raleigh, Randolph, Summers, Tucker, Upshur and Webster. For information about specific streams contact Wildlife Resource Section, Trout Fisheries Program at 304-637-0245;
- C. 'West Virginia Natural Stream Preservation Act' - The following streams or rivers are protected from activities that would impound, divert or flood the body of water: Greenbrier River from its confluence with Knapps Creek to its confluence with the New River, Anthony Creek from its headwaters to its confluence with the Greenbrier River, Cranberry River from its headwaters to its confluence with the Gauley River, Birch River from Cora Brown Bridge in Nicholas County to the confluence of the river with the Elk River, and New River from its confluence with the Greenbrier River to its confluence with the Gauley River.

16. Wetland and Stream Mitigation guidelines – The discharge of fill material into a stream or wetland is authorized based upon the following criteria:
1. One-tenth to ½ acre of wetland impact requires a Pre-Construction Notice (PCN) and plan for mitigation to be submitted to the Corps of Engineers along with the proposed plan for mitigation provided to the state for approval.
 2. The amount of fill in a wetland, wetland complex or wetland system without mitigation is not to cumulatively exceed 1/10 acre.

3. "West Virginia Stream Wetland Valuation Metric" (SWVM) will be used to assist with the determination of required mitigation. The metric is available at the Huntington and Pittsburgh Army Corps of Engineers web sites:

In all instances, mitigation for all impacts incurred through use of these Nationwide Permits must first be directed to elimination of the impacts, then minimization of the impacts and lastly through compensatory mitigation. In many cases, the environmentally preferable compensatory mitigation may be provided through approved mitigation banks or the West Virginia in-lieu fee program. Permittee responsible compensatory mitigation may be performed using the methods of: restoration, enhancement, establishment and in certain circumstances preservation. In general, the required compensatory mitigation should be located in the same watershed as the impact site, and located where it is most likely to successfully replace lost functions and services as the impacted site. However, the use of mitigation banks or in-lieu fee for in-kind replacement is not restricted to the major watershed in which the impact has occurred until such time as mitigation banks or in-lieu projects are developed in each major watershed.

When permittee responsible in-kind replacement mitigation is used it is to be accomplished at the following ratios until such time an approved functional assessment methodology is established for the state of West Virginia:

Impacts to open water wetlands are to be one (1) acre replaced for one (1) acre impacted.

Impacts to wet meadow/emergent wetlands are to be two (2) acres replaced for one (1) acre impacted.

Impacts to shrub-shrub and forested wetlands are to be three (3) acres replaced for one (1) acre impacted.

In instances where compensatory in-kind mitigation is completed 12 months prior to the impact of the resource, the replacement ratio may be reduced to as low as one (1) acre created/restored to every one (1) acre impacted.

NOTE: The ratio of created/restored wetlands to impacted wetlands not only insure no net loss, but assure the adequate replacement of the impacted wetlands functions and values at the level existing prior to the impact. For many of the more complicated type wetlands, such as scrub-scrub and forested, the values and functions cannot readily be replaced through creation. Furthermore, not all wetland creation is successful.

In certain instances, the West Virginia Department of Environmental Protection, Division of Water and Waste Management may consider the acquisition of existing wetlands. Acquisition ratios are the following:

5 to 1 for open water wetlands;
10 to 1 for wet meadow/emergent wetlands and
15 to 1 for scrub-scrub and forested wetlands

Under extenuating circumstances the director may accept lower ratios for high quality wetlands under significant threat of development.

All wetlands acquired, using the acquisition method of mitigation, will either be deeded to the West Virginia Division of Natural Resources' Public Land Corporation for management by the Wildlife Resources Section or placed under a conservation easement and be protected from disturbance by the permittee or their designee. Third party oversight of the conservation easement by a non-profit conservation organization is preferred.

Streams. Compensatory mitigation projects for stream impacts should attempt to replace lost functions. Mitigation will be determined on a case-by-case basis based on the pre and post condition stream quality and complexity of the mitigation project utilizing the SWVM worksheets. Compensatory mitigation may require protection through deed restrictions or conservation easements by the permittee or their designee.

17. Streams with Mussel populations.

A. Should native freshwater mussels be encountered during the use of any Nationwide Permit, all activity is to cease immediately and the Wildlife Resources Section, Wildlife Diversity Program is to be contacted (304-637-0245) to determine significance of the mussel population and the action to be taken.

B. The following list of streams are known to have mussel populations which are established as a protected "no take" species by the state or contain protected habitat of mussels on the Federal Endangered Species list. Applicants wishing to conduct projects in these streams are strongly encouraged to contact the Wildlife Resources Section, Wildlife Diversity Program with a detailed project description and an accurate project location. For further information please contact the Wildlife Resources Section, Wildlife Diversity program at 304-637-0245.

Applicants should also give consideration to utilizing WVDNR's Wildlife Data Base Inquiry process. This resource is designed for the applicant as an informative preplanning tool. It allows the applicant to know, in advance, if they will be encountering any federally listed endangered species (ES), state species of concern and high quality fish and wildlife habitats such as trout streams, warm water fisheries, wetlands, karst and cave habitats. This inquiry can be obtained from the: Wildlife Data Base Coordinator, PO Box 67, Elkins West Virginia 26241. Information on what to submit to receive an inquiry should be directed to data base coordinator at 304-637-0245.

HUNTINGTON DISTRICT

	James River Drainage
J-1	Potts Creek
J-1-E	South Fork Potts Creek
J-3	Cove Creek
	Big Sandy River Drainage
BS	Big Sandy River
BST	Tug Fork River
	Kanawha River Drainage
K	Kanawha River
K-1	Crooked Creek
K-12	Thirteenmile Creek
K-14	Sixteenmile Creek
K-21	Buffalo Creek
K-22	Hurricane Creek
K-22-F	Mill Creek (Tackett Branch ?)
K-24	Little Hurricane Creek
K-26	Guano Creek
KC	Coal River
KC-10	Little Coal River
KE	Elk River
KE-23	Big Sandy Creek
KE-23-N	Granny Creek
KE-23-Q-.5	Hollywood Trace Fork
KE-31	King Shoals Run
KE-37	Laurel Creek
KE-74	Strange Creek
KE-76	Birch River
KE-9	Little Sandy Creek
KN	New River
KN-51	Indian Creek
KNB	Bluestone River
KNG	Greenbrier River
KNG-18	Wolf Creek
KNG-22	Muddy Creek
KNG-22-B	Mill Creek
KNG-23	Second Creek
KNG-53	Knapp Creek
KNG-61	Clover Creek (Cloverlick Creek)
KNG-66	Sitlington Creek
KNG-68	Deer Creek
KNG-79	West Fork Greenbrier River
KP	Pocatalico River

KP-17	Pocatalico Creek (Left Fork)
KP-17-B	Middle Fork Pocatalico Creek
KP-33-E	Cox Fork
KP-39	Big Lick
KP-41	Rush Creek
KP-45	Cranes Nest Run
	Little Kanawha River Drainage
LK	Little Kanawha River
LK- 86	Sand Fork
LK-11	Slate Creek
LK-23	Tucker Creek
LK-25	Reedy Creek
LK-25-?	Left Fork Reedy Creek
LK-25-R	Middle Fork Reedy Creek
LK-31	Spring Creek
LK-31-AA	Right Fork Spring Creek
LK-31-Z	Left Fork Spring Creek
LK-39	Straight Creek
LK-40	Leading Creek
LK-45	Yellow Creek
LK-53	Pine Creek
LK-66	Tanner Creek
LK-72	Cedar Creek
LK-75	Leading Creek
LK-75-K	Cove Creek
LK-75-N	Fink Creek
LK-86	Sand Fork
LK-94	Oil Creek
LK-95	Saltlick Creek
LKH	Hughes River
LKH-10	North Fork Hughes River
LKH-10-C	Gillespie Run
LKH-10-G	Devilhole Creek
LKH-10-J	Addis Run
LKH-10-R	Bonds Creek
LKH-4	Goose Creek
LKH-9	South Fork Hughes River
LKH-9-AA	Middle Fork South Fork Hughes River
LKH-9-J	Indian Creek
LKH-9-M	Leatherbark Creek
LKH-9-R	Spruce Creek
LKH-9-W	Slab Creek
LKH-9-X	Bone Creek
LKH-9-Y	Otterslide Creek
LKS	Steer Creek

LKS-10	Left Fork Steer Creek
LKS-9	Right Fork Steer Creek
LKW	West Fork Little Kanawha River
LKW-15	Henry's Fork
LKW-15-F	Laurel Run
LKW-15-J	Beech Fork
LKW-31	Left Fork West Fork Little Kanawha River

Guyandotte River Drainage

OG	Guyandotte River
OG	Barboursville Lake
OG-14	Charley's Creek
OG-24	TwOMile Creek
OGM	Mud River
OGM-12-A	Kilgore Creek
OGM-20	Trace Fork
OGM-22	Buffalo Creek
OGM-25	Middle Fork Mud River
OGM-33	Big Laurel Creek

Middle Island Creek Drainage

OMI	Middle Island Creek
OMI-4	McKim Creek
OMI-9	Sugar Creek
OMI-21	Sancho Creek
OMI-23	Point Pleasant Creek
OMI-23-A	Pursley Creek
OMI-23-B	Elk Fork
OMI-29	Indian Creek
OMI-30	McElroy Creek
OMI-40	Arnold Creek
OMI-43	Bluestone Creek
OMI-46	Meathouse Fork
OMI-46-E	Toms Fork
OMI-46-J	Indian Fork
OMI-47	Buckeye Creek
OMI-46-E	Toms Fork
OMI-46-J	Indian Fork
OMI-47	Buckeye Creek

Ohio River Direct Drainage

O	Ohio River
O-2	Twelvepole Creek
O-2-H	Beech Fork
O-2-P	West Fork Twelvepole Creek
O-2-Q	East Fork Twelvepole Creek
O-9	Guyan Creek
O-30-A	Tombleson Run embayment

O-31	Little Mill Creek
O-32	Mill Creek
O-32-D	Cow run
O-32-H	Parchment Creek
O-32-L-7	Grasslick Creek
O-32-L-8	Bear Fork
O-32-M	Elk Fork
O-32-N	Little Mill Creek
O-36	Sandy Creek
O-36-D	Crooked Fork
O-36-J	Left Fork Sandy Creek
O-36-J-5	Nesselroad Run
O-38	Little Sandy Creek
O-43-D	Little Pond Creek
O-44	Lee Creek
O-44-A	South Fork Lee Creek
O-44-B	North Fork Lee Creek

PITTSBURGH DISTRICT

Ohio River Direct Drainage

	Ohio River
O-57	French Creek
O-69	Fishing Creek
O-69-N	South Fork Fishing Creek
O-69-O	North Fork Fishing Creek
O-77	Fish Creek
O-77-J	Valley Run
O-77-O	WV Fork Fish Creek
O-77-O-8	Long Drain Creek
O-88	Wheeling Creek
O-88-D-2	Middle Wheeling Creek
O-88-L	Turkey Run
O-88-O	Enlow Fork
O-88-O-?	Dunkard Fork
O-92	Buffalo Creek

Cheat River Drainage

M	Monongahela River
M-1	Dunkard Creek
M-1-?	Blacks Run
M-1-C	Days Run
M-1-E	Miracle Run
M-1-E-?	Right Branch Miracle Run
M-1-F	WV Fk Dunkard
M-1-F-6	North Fork WV Fork Dunkard Creek

M-1-F-6-A	Camp Run
M-1-F-7	South Fork WV Fork Dunkard Creek
MT	Tygart Valley River
MW	West Fork River
MW-13	Tenmile Creek upstream of Little Tenmile
MW-13-I-4	Jacob's Fork
MW-13-I-4	Salem Fork
MW-2	Booths Creek
MW-21	Elk Creek
MW-21-G	Brushy Fork of Elk Creek
MW-21-M	Gnatty Creek
MW-29	Isaacs Creek
MW-31	Hackers Creek
MW-31-C	Jesse Run
MW-32	Kincheloe Creek
MW-36	Freemans Creek
MW-36-D	Right Fork Freemans Creek
MW-38	Stonecoal Creek
MW-55	Right Fork West Fork River
MC-60-D	Blackwater River
MC-60-D-10	Sand Run
MC-60-D-8-	
A ?	Glade Run
MC-60-K-16	West Fork Glady
P	Potomac River Drainage
P-4-M	Mill Creek
P-6	Back Creek
P-9	Sleepy Creek
PC	Cacapon River
PC-24	Lost River
PC-7	North River
PNB-4	Patterson Creek
PNB-4-EE	North Fork Patterson Creek (below dam near mouth)
PSB	South Branch Potomac River
PSB-21	South Fork South Branch

18. Isolated Wetlands.

In some cases, the Corps of Engineers may determine that an activity will not impact waters of the United States because the water is an isolated wetland, and therefore does not require a 404 permit. However, under West Virginia State code (§§22-11-3(23)) isolated wetlands are designated waters of the State. Accordingly, any applicant proposing to impact an isolated wetland must contact the West Virginia Department of Environmental Protection, Division of Water and Waste Management to obtain all necessary approvals for activities impacting any isolated wetlands.

APPENDIX A

Streams with potential presence of Federally listed threatened and endangered species or their habitat

HUNTINGTON DISTRICT:

1. Big Sandy Creek; Kanawha County: Snuffbox.
2. Bluestone River; Mercer and Summers counties (Bluestone Gorge to slackwater of Bluestone Reservoir): Virginia spiraea.
3. Cedar Creek; Braxton and Gilmer counties: Snuffbox.
4. Cove Creek; Monroe County: James spinymussel.
5. Elk River; Braxton, Clay, and Kanawha counties (Sutton Dam to slackwater below Coonskin Park), including the lower one-half mile reaches of its tributaries Birch River, Blue Creek, and Laurel Creek: Clubshell, Pink mucket pearlymussel, Northern riffleshell, Rayed bean, and Snuffbox. The Elk River also contains the Diamond darter (candidate).
6. Fishing Creek; Wetzel County: Snuffbox.
7. Gauley River; Fayette and Nicholas counties (Summersville Dam to Swiss): Virginia spiraea.
8. Greenbrier River; Greenbrier and Pocahontas counties: Virginia spiraea.
9. Henry Fork; Calhoun and Roane counties: Snuffbox.
10. Hughes River; Ritchie and Wirt counties, including the lower one-half mile reach of its tributary Goose Creek: Snuffbox.
11. Kanawha River; Fayette, Kanawha, Mason, and Putnam counties: Fanshell, Pink mucket pearlymussel, Sheepnose, Spectaclecase, and Tubercled-blossum pearlymussel.
12. Leading Creek; Gilmer and Lewis counties, including the lower one-half mile reach of its tributary Fink Creek: Snuffbox.
13. Little Kanawha River; Braxton, Calhoun, Gilmer, Wirt, and Wood counties, including the lower one-half mile reaches of its tributaries Leading Creek (Calhoun Co., different stream than 5.d. above), Pine Creek, Sand Fork, Slate Creek, Straight Creek, Tanner Creek, Tucker Creek, and Walker Creek: Snuffbox.

14. Marsh Fork River including Dingess Branch and Millers Camp Branch and associated palustrine emergent and scrub-shrub wetlands; Raleigh County: Virginia spiraea.
15. McElroy Creek; Doddridge and Tyler counties: Snuffbox.
16. Meadow River; Fayette, Greenbrier, and Nicholas counties: Virginia spiraea.
17. Meathouse Fork of Middle Island Creek; Doddridge County, including the lower one-half mile reaches of its tributary Toms Fork: Clubshell and Snuffbox.
18. Middle Island Creek; Doddridge, Pleasants, and Tyler counties, including the lower one-half mile reaches of its tributaries Arnold Creek, Bluestone Creek, Buckeye Creek, Indian Creek, McKim Creek, Point Pleasant Creek, and Sancho Creek: Clubshell, Rayed bean, and Snuffbox.
19. New River (Lower); Fayette County (Route 19 to Gauley Bridge): Virginia spiraea.
20. North Fork Hughes River; Ritchie and Wirt counties, including the lower one-half mile reaches of its tributaries Addis Run, Bonds Creek, Devilhole Creek, and Gillespie Run: Snuffbox.
21. Ohio River; Cabell, Jackson, Mason Pleasants, Tyler, Wetzel, and Wood counties: Fanshell, Pink mucket pearlymussel, Sheepnose, and Snuffbox.
22. Potts Creek and South Fork of Potts Creek; Monroe County: James spinymussel.
23. Reedy Creek; Roane and Wirt counties: Snuffbox.
24. South Fork Hughes River; Doddridge, Ritchie, and Wirt counties, including the lower one-half mile reaches of its tributaries Bone Creek, Indian Creek, Leatherbark Creek, Otterslide Creek, Slab Creek, and Spruce Creek: Clubshell and Snuffbox.
25. Spring Creek; Roane and Wirt counties: Snuffbox.
26. Steer Creek; Calhoun and Gilmer counties: Snuffbox.
27. Sugar Creek; Pleasants County: Snuffbox.
28. West Fork Little Kanawha River; Calhoun, Roane, and Wirt counties: Snuffbox.

PITTSBURGH DISTRICT

29. Back Creek; Berkeley County: Harperella.
30. Cacapon River; Morgan County: Harperella.

31. Dunkard Creek; Monongalia County: Snuffbox.
32. Fish Creek; Marshall County: Snuffbox.
33. Hackers Creek (of the West Fork River); Harrison and Lewis counties: Clubshell and Snuffbox.
34. Potomac River; Morgan County (from the mouth of the Cacapon River to the mouth of Sleepy Creek): Harperella.
35. Sleepy Creek; Morgan County: Harperella.
36. West Fork River; Harrison, Lewis, and Marion counties: Snuffbox.
37. Streams, springs, and wetlands connected to the groundwater system including caves, areas near sinkholes, and other groundwater/surface interfaces, from the Potomac River west to Opequon Creek, especially in the Rippon and Leetown Areas, and the Evitts Run Watershed; Jefferson and Berkeley counties: Madison Cave isopod.
38. Wetlands; Berkeley and Hardy counties: Northeastern bulrush.

Updated 7/13/12

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (PJD): March 9, 2017

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

Alex Daquila
EQM Gathering OPCO, LLC
555 Southpointe Boulevard, Suite 200
Canonsburg, Pennsylvania 15317

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:
LRH-2017-00059-LKR-North Fork Hughes River JD

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

State: West Virginia
County: Ritchie
City: Pullman
Coordinates of site: 39.25007° N, 80.93546° W
Name of nearest waterbody: North Fork Hughes River

Identify (estimate) amount of waters in the Area of Interest (AOI):

Non-wetland waters: 7,441 linear feet
Cowardin Class: riverine
Stream Flow: perennial, intermittent
Wetlands: 0.488 acre
Cowardin Class: PEM

See Table 1 and 2 for specific details regarding on-site waters.

Name of any water bodies on the site that have been identified as Section 10 waters:
None

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: March 9, 2017
 Field Determination. Date:

1. The United States Army Corps of Engineers (Corps) believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary jurisdictional determination (JD) is hereby advised of his or her option to request and obtain an approved JD for that site.

Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "*may be*" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Keystone Consultants, Inc. submitted the following:

1) December 21, 2016 entitled, *MOSA-S031 Pipeline*

Data sheets prepared/submitted by or on behalf of the applicant/consultant:
Data sheets in original and revised report.

- Office concurs with data sheets/delineation report.
 Office does not concur with data sheets/delineation report.

- Data sheets prepared by the Corps:
 Corps navigable waters' study:
 U.S. Geological Survey Hydrologic Atlas:
 USGS NHD data.
 USGS 8 and 12 digit HUC maps.
 U.S. Geological Survey map(s). WV-PENNSBORO 1:24K Quad
 USDA Natural Resources Conservation Service Soil Survey.
 National wetlands inventory map(s). Cite name:
 State/Local wetland inventory map(s):
 FEMA/FIRM maps:
 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
 Photographs: Aerial (Name & Date): December 21, 2016 report
or Other (Name & Date): December 21, 2016 report
 Previous determination(s). File no. and date of response letter:

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

KLUG.RACHEL
A.1525520893

Digitally signed by
KLUG.RACHEL.A.1525520893
DN: c=US, o=U.S. Government,
ou=DoD, ou=PKJ, ou=USA,
cn=KLUG.RACHEL.A.1525520893
Date: 2017.03.13 11:33:29 -04'00'

Rachel Klug
Regulatory Student Trainee
Energy Resource Branch

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining the
signature is impracticable)

**Table 1. Stream Channels Identified within the
MOSA-S031 Pipeline Area of Interest
LRH-2017-00059-LKR- North Fork Hughes River**

Waters ID	Latitude (°N)	Longitude (°W)	Flow Regime	Linear Feet (lf) of Stream within the AOI	Class of Aquatic Resource
S1	39.24920000	-80.93260000	Intermittent	102.37	Non - section 10 - non- wetland
S2	39.24920000	-80.93230000	Intermittent	33.21	Non - section 10 - non- wetland
S3	39.24540000	-80.92890000	Intermittent	114.56	Non - section 10 - non- wetland
S4	39.24530000	-80.92910000	Intermittent	31.13	Non - section 10 - non- wetland
S5	39.24470000	-80.92790000	Intermittent	503.25	Non - section 10 - non- wetland
S6	39.24590000	-80.92410000	Intermittent	236.08	Non - section 10 - non- wetland
S7	39.24670000	-80.91970000	Intermittent	101.79	Non - section 10 - non- wetland
S8	39.24680000	-80.91960000	Intermittent	103.41	Non - section 10 - non- wetland
S9	39.25080000	-80.90670000	Perennial	100	Non - section 10 - non- wetland
S10	39.25020000	-80.90620000	Intermittent	461.87	Non - section 10 - non- wetland
S11	39.25130000	-80.90880000	Intermittent	505	Non - section 10 - non- wetland
S12	39.25150000	-80.90950000	Intermittent	38.87	Non - section 10 - non- wetland
S13	39.25980000	-80.87170000	Intermittent	138.31	Non - section 10 - non- wetland
S14	39.25970000	-80.87080000	Intermittent	154.35	Non - section 10 - non- wetland
S15	39.25990000	-80.86890000	Intermittent	181.7	Non - section 10 - non- wetland

Waters ID	Latitude (°N)	Longitude (°W)	Flow Regime	Linear Feet (lf) of Stream within the AOI	Class of Aquatic Resource
S16	39.26010000	-80.86870000	Intermittent	134.98	Non - section 10 - non-wetland
S17	39.26070000	-80.86820000	Intermittent	54.15	Non - section 10 - non-wetland
S18	39.26090000	-80.86750000	Intermittent	158.09	Non - section 10 - non-wetland
S19	39.26130000	-80.86760000	Intermittent	42.14	Non - section 10 - non-wetland
S20	39.26110000	-80.86690000	Intermittent	126.99	Non - section 10 - non-wetland
S21	39.26140000	-80.86660000	Intermittent	10.79	Non - section 10 - non-wetland
S22	39.25840000	-80.85320000	Intermittent	103.25	Non - section 10 - non-wetland
S23	39.25720000	-80.85210000	Intermittent	104.44	Non - section 10 - non-wetland
S24	39.25760000	-80.85140000	Intermittent	45.93	Non - section 10 - non-wetland
S25	39.25530000	-80.84920000	Intermittent	149.37	Non - section 10 - non-wetland
S26	39.25630000	-80.84240000	Intermittent	25.03	Non - section 10 - non-wetland
S27	39.25560000	-80.84200000	Intermittent	101.16	Non - section 10 - non-wetland
S28	39.25510000	-80.83700000	Intermittent	138.72	Non - section 10 - non-wetland
S29	39.25550000	-80.83510000	Intermittent	38.67	Non - section 10 - non-wetland
S30	39.25510000	-80.83490000	Perennial	102.23	Non - section 10 - non-wetland
S31	39.25490000	-80.83460000	Intermittent	171.8	Non - section 10 - non-wetland
S32	39.25490000	-80.83410000	Intermittent	100.05	Non - section 10 - non-

Waters ID	Latitude (°N)	Longitude (°W)	Flow Regime	Linear Feet (lf) of Stream within the AOI	Class of Aquatic Resource
					wetland
S33	39.25480000	-80.83340000	Intermittent	175.53	Non - section 10 - non-wetland
S34	39.25530000	-80.83350000	Intermittent	40.13	Non - section 10 - non-wetland
S35	39.25560000	-80.83330000	Intermittent	102.76	Non - section 10 - non-wetland
S36	39.25450000	-80.82720000	Intermittent	77.38	Non - section 10 - non-wetland
S37	39.25300000	-80.82550000	Perennial	101.63	Non - section 10 - non-wetland
S38	39.25210000	-80.82380000	Intermittent	106.2	Non - section 10 - non-wetland
S39	39.25200000	-80.82260000	Intermittent	53.07	Non - section 10 - non-wetland
S40	39.25320000	-80.82020000	Intermittent	102.82	Non - section 10 - non-wetland
S41	39.25320000	-80.82010000	Intermittent	126.06	Non - section 10 - non-wetland
S42	39.25330000	-80.81930000	Intermittent	490.59	Non - section 10 - non-wetland
S43	39.25450000	-80.81770000	Intermittent	230.75	Non - section 10 - non-wetland
S44	39.25480000	-80.81740000	Intermittent	211.96	Non - section 10 - non-wetland
S45	39.25490000	-80.81730000	Intermittent	19.02	Non - section 10 - non-wetland
S46	39.25810000	-80.81110000	Perennial	100.01	Non - section 10 - non-wetland
S47	39.25830000	-80.81140000	Intermittent	49.6	Non - section 10 - non-wetland
S48	39.24670000	-80.91880000	Intermittent	175.53	Non - section 10 - non-wetland

Waters ID	Latitude (°N)	Longitude (°W)	Flow Regime	Linear Feet (lf) of Stream within the AOI	Class of Aquatic Resource
S49	39.24770000	-80.91850000	Intermittent	85.62	Non - section 10 - non-wetland
S50	39.24810000	-80.91860000	Intermittent	28	Non - section 10 - non-wetland
S51	39.24810000	-80.91590000	Intermittent	5.74	Non - section 10 - non-wetland
S52-A	39.26010000	-80.84920000	Perennial	38.48	Non - section 10 - non-wetland
S52-B	39.26030000	-80.83430000	Perennial	42.6	Non - section 10 - non-wetland
S53	39.25740000	-80.83400000	Intermittent	211.85	Non - section 10 - non-wetland
S54	39.27020000	-80.81160000	Intermittent	23.6	Non - section 10 - non-wetland
S55	39.27270000	-80.80870000	Perennial	39.97	Non - section 10 - non-wetland
S56	39.25530000	-80.81070000	Intermittent	41.74	Non - section 10 - non-wetland
S57	39.25910000	-80.85030000	Intermittent	44.48	Non - section 10 - non-wetland
S58	39.26000000	-80.79460000	Perennial	43.27	Non - section 10 - non-wetland
S-A	39.25590000	-80.83280000	Intermittent	217.12	Non - section 10 - non-wetland
S-B	39.25510000	-80.89450000	Intermittent	75	Non - section 10 - non-wetland
S-C	39.25740000	-80.88510000	Intermittent	75	Non - section 10 - non-wetland
Stream Total (lf)				7440.83	

**Table 2. Wetlands Identified within the
MOSA-S031 Pipeline Area of Interest
LRH-2017-00059-LKR-North Fork Hughes River**

Waters ID	Latitude (°N)	Longitude (°W)	Flow Regime	Acres (ac) of Stream within the AOI	Class of Aquatic Resource
W1	39.24650000	-80.93030000	PEM	0.01	Non - section 10 -wetland
W2	39.24580000	-80.92200000	PEM	0.09	Non - section 10 -wetland
W3	39.25090000	-80.90900000	PEM	0.22	Non - section 10 -wetland
W4	39.25720000	-80.85210000	PEM	0.0005	Non - section 10 -wetland
W5	39.25300000	-80.82550000	PEM	0.08	Non - section 10 -wetland
W6	39.24990000	-80.92570000	PEM	0.02	Non - section 10 -wetland
W7	39.24740000	-80.91390000	PEM	0.003	Non - section 10 -wetland
W-A	39.25710000	-80.89200000	PEM	0.04	Non - section 10 -wetland
W-B	39.25770000	-80.88990000	PEM	0.003	Non - section 10 -wetland
W-C	39.25710000	-80.88840000	PEM	0.007	Non - section 10 -wetland
W-D	39.25700000	-80.88810000	PEM	0.01	Non - section 10 -wetland
Wetland Total (ac)				0.488	



United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241



March 7, 2017

Stephanie Frazier
EQT Corporation
625 Liberty Avenue, Suite 1700
Pittsburgh, Pennsylvania 15222

Re: EQM Gathering OPCO, LLC – MOSAS031 Pipeline Project, Ritchie and Doddridge Counties, West Virginia (FWS File # 2017-I-0362)

Dear Ms. Frazier:

This responds to your request of December 27, 2016, for information regarding the potential occurrence of federally listed threatened and endangered species and their designated critical habitats. EQM Gathering OPCO, LLC (EQM) proposes to install approximately 8.5 miles of new gas pipeline, associated access roads, and work spaces, in Ritchie and Doddridge Counties, West Virginia. EQM proposes to clear approximately 86.3 forested acres for project construction and operation. This project has been assigned FWS File # 2017-I-0362 and all future correspondence should clearly reference this FWS File #. These comments are provided pursuant to the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA).

The U.S. Fish and Wildlife Service (Service) has determined that two federally endangered species and one threatened species may occur within the area, and may be affected by the construction and operation of the project. They are the endangered Indiana bat (*Myotis sodalis*), and snuffbox mussel (*Epioblasma triquetra*), and the threatened northern long-eared bat (*Myotis septentrionalis*) (NLEB).

Federally Listed Bats

The Service has determined that the NLEB is within the range of the proposed project, and may be affected by the proposed construction and operation of this project. Any take of NLEB occurring in conjunction with these activities that complies with the conservation measures (as outlined in the 4(d) rule), as necessary, is exempted from section 9 prohibitions by the 4(d) rule and does not require site specific incidental take authorization. Note that the 4(d) rule does not exempt take that may occur as a result of adverse effects to hibernacula and that no conservation measures are required as part of the 4(d) rule unless the proposed project (1) involves tree removal within 0.25 miles of known NLEB hibernacula; or (2) cuts or destroys known, occupied maternity roost trees or any other trees within a 150-foot radius around known, occupied maternity tree during the pup season (June 1 to July 31). This proposed project is not located

within any of these radii around known hibernacula or roost trees and will not affect any known NLEB hibernacula, therefore any take of NLEB associated with this project is exempted under the 4(d) rule and no conservation measures are required.

The Service has received your Indiana Bat Conservation Plan dated December 27, 2016. The following comments and recommendations serve as technical assistance towards fulfilling the requirements for consultation under section 7 of the ESA.

This plan was developed because you have chosen to assume that the federally listed Indiana bat is present within your project area. Habitat assessments were conducted within the proposed project area in September and October 2016. The results of the habitat assessment for the proposed project are as follows:

1. An estimated 86.3 acres of forest would be cleared for the project, which leaves an estimated 2,095.5 acres or 76.1 percent of forested habitat within the ¼ - mile buffer area after project clearing has been completed. The total number of acres in the buffer area is 2,752.6.
2. 21 potential bat roost tree were identified within the project area and 6 will be avoided during project construction.
3. No portals or caves were observed within the project area.

In the Indiana Bat Conservation Plan, the project proponent stated their commitment to the avoidance, minimization, and conservation measures listed on the attached summary sheet.

These measures are designed to address the potential direct and indirect effects that may occur as a result of the project, and will ensure that no Indiana bats will be directly killed by the removal of trees, and that roosting and foraging habitat will remain within the project area after project construction. Based on the commitment to implement these measures, the Service does not anticipate that this project is likely to adversely affect the Indiana bat.

However, based on the information provided in Appendix D of the IBCP, EQM has removed/proposes to remove approximately 198 acres of forested habitat within the project area between 2012 and 2020. The removal of habitat associated with the construction of these EQM projects could result in cumulative effects to the Indiana bat. Because EQM is proposing to remove a large amount of habitat, the Service highly recommends that any future projects proposed within this ¼-mile buffer conduct mist net surveys to determine if this area is currently occupied by the Indiana bat. If EQM decides to continue to assume presence in this area, instead of conducting presence/probable absence surveys, they will need to develop a biological assessment and evaluate their cumulative impacts so that the Service can determine if adverse effects to this species are likely to occur.

The Service recommends that EQM perform mist net surveys, on any future projects proposed within this ¼-mile buffer because mist netting offers the opportunity to collect more site specific data for the Indiana bat (e.g., radio-track bats, identify roost trees, and conduct emergence counts). To avoid insufficient or inadequate surveys, a survey plan (that follows the the Range-wide Indiana Bat Summer Survey Guidelines) should be submitted to the West Virginia Field Office for concurrence prior to conducting the survey. Mist net surveys may be conducted

between June 1 and August 15. Mist surveys should be conducted by someone who has experience in identifying Indiana bats and who holds a current, valid collection permit from the West Virginia Division of Natural Resources (WVDNR). The WVDNR may be contacted at the Elkins Operation Center, P.O. Box 67, Ward Road, Elkins, West Virginia, 26241; phone (304) 637-0245. A List of Surveyors Qualified to Conduct Indiana Bat Surveys in West Virginia is also enclosed.

Freshwater Mussels

The project occurs within a ¼ mile of the North Fork Hughes River, which provides habitat for the snuffbox mussel, a species listed as endangered under the ESA. Freshwater mussels feed by filtering food particles from the water column. Juvenile and adult freshwater mussels have been documented to feed on detritus, diatoms, phytoplankton, and zooplankton. Freshwater mussels rely on fish to complete their life histories. When mussel larvae (glochidia) are released into the water by adult females, they must attach themselves within a few days to an appropriate fish host, which they then parasitize for a short time while developing into juvenile mussels. The loss of many historic populations and the continuing degradation of current populations are due to the impacts of impoundments, navigation projects, water quality degradation from agricultural and industrial wastes, deforestation and other forms of habitat alteration, including gravel and sand dredging. Impacts that directly affect the species also include reduction or elimination of fish hosts.

Freshwater mussels play a key role in the health of aquatic environments by helping to maintain water quality, cycle nutrients, stabilize substrates, remove suspended sediments, and create habitat complexity (Anderson and Kreeger, 2012). Mussels remove suspended particulates from water by filter-feeding, which involves straining water over gills to remove microscopic food particles. Filter-feeding makes mussels very sensitive to excessive sedimentation caused by runoff from streambank and upland activities. Excessive sedimentation into a stream reduces suitable habitat for mussels and can smother them, causing death. Excessive suspended sediments can also impair feeding processes of mussels, leading to acute short-term or chronic long-term stress. Both excessive sedimentation and excessive suspended sediments can lead to reduced populations of mussels and therefore reduced benefits to the ecosystem (Anderson and Kreeger, 2010; Box and Mossa, 1999; Ellis, 1931; Ellis, 1936; Houp, 1993).

Due to the proximity of the project to the North Fork Hughes River, the project could cause increased sedimentation that could adversely affect mussels. In correspondence dated January December 27, 2016, EQM stated their commitment to the erosion and sedimentation best management practices listed on the attached summary sheet. These best management practices will help minimize adverse effects of sedimentation and erosion to waterways that provide habitat to federally listed mussels near the action area. In addition, the project proponent will comply with the requirements set forth in the West Virginia Department of Environmental Protection's 2006 Best Management Protection Manual and the 2012 Erosion and Sediment Control Field Oil and Gas Manual. Based on the commitment to implement these measures, the Service does not anticipate that this project is likely to adversely affect the snuffbox mussel.

Conclusion

This letter provides technical assistance only and does not serve as a completed section 7 consultation document. If there is a federal nexus for the project (e.g., federal funding provided,

Ms. Stephanie Frazier
March 7, 2017

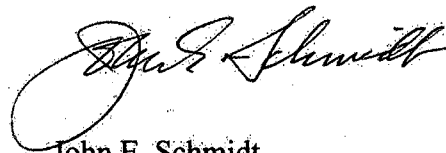
4

federal permits required to construct), no tree clearing or any project construction activities on any portion of the parcel should occur until consultation under section 7 of the ESA, between the Service and the federal action agency, is completed. Section 7 consultation is not complete until the federal action agency submits a determination of effects to this office, the Service concurs with the federal action agency's determination, and the federal action agency agrees to incorporate all the proposed conservation measures as mandatory conditions for any permit decision rendered for this project. All measures must be implemented as proposed. If there is no federal nexus associated with this project, then no further coordination with this office is required.

Should project plans change or amendments be proposed that we have not considered in your proposed action, or if additional information on listed and proposed species becomes available, or if new species become listed or critical habitat is designated, this determination may be reconsidered.

If you have any questions regarding this letter, please contact Tiernan Lennon of my staff at (304) 636-6586, Ext. 12, or at the letterhead address.

Sincerely,



John E. Schmidt
Field Supervisor

Literature Cited

- Anderson, R. M. and D. A. Kreeger. 2010. Potential for impairment of freshwater mussel populations in DRBC special protection waters as a consequence of natural gas exploratory well development. Unpublished report prepared for U.S. Fish and Wildlife Service and the Partnership for the Delaware Estuary. State College, Pennsylvania.
- Box, J. M. and J. Mossa. 1999. Sediment, land use, and freshwater mussels: prospects and problems. *Journal of the North American Benthological Society*. 18:99-117.
-
- Ellis, M. M.. 1931. Some factors affecting the replacement of the commercial fresh-water mussels. U.S. Department of Commerce Bureau of Fisheries. *Fishery Circular*. 7:1-10.
- Ellis, M. M.. 1936. Erosion silt as a factor in aquatic environments. *Ecology*. 17:29-42.
- Houp, R. E.. 1993. Observations on long-term effects of sedimentation on freshwater mussels (*Molusca: Unionidae*) in the North Fork of Red River, Kentucky. *Transactions of the Kentucky Academy of Science*. 54:93-97.

Avoidance and Minimization Measures to be Applied on Project

- Seasonal tree clearing (all trees greater than 5" DBH) **REQUIRED**
- Avoid cutting potential roost trees
- Avoid high quality foraging areas
- Minimize limits of disturbance (narrowed LOD or ROW)
- Minimize impacts (clearing) around suitable swarming and summer habitat and wetland/riparian zones
- 50-foot or greater forested buffer left along both sides of streams
- Collocate project features with previously disturbed or cleared areas
- Phase tree clearing over multiple years
- Reforest disturbed areas
- Restore or enhanced riparian/wetland areas
- Strong erosion and sedimentation best management practices
- Pollution control plan in place
- Suitable habitat acreage permanently preserved within or adjacent to the project site

Conservation Measures to be Applied on Project

- Erecting artificial roosting structures on a 1:1 ratio for each potential primary roost tree that is lost during project development (a 2-year minimum monitoring plan of artificial structures) **(1 structure)**
- Erecting artificial roosting structures on a 4:1 ratio to replace potential secondary roost trees that are lost during project development (a 2-year minimum monitoring plan of artificial structures) **(4 structures)**
- Erecting artificial bark, bat boxes, or other artificial roosting structures (a 2-year minimum monitoring plan of artificial structures) (_____ structures)
- Girdling trees on a 1:1 ratio for each potential secondary roost tree that is lost during project development (_____ trees)
- Preservation of suitable Indiana bat habitat within or adjacent to the project site (_____ acres)
- Creation of watering areas, wetlands, or ponds

Erosion and Sedimentation Best Management Practice

- Compost filter sock
- Super silt fence
- Erosion control blanket
- Seeding and mulching of disturbed areas for stabilization
- Reinforced filtration device
- Trench breaker

Ms. Stephanie Frazier
March 7, 2017

7

cc:

Project File

Reader File

ES:WVFO:Tlennon:skd:3/7/2017

Filename: P:\Finalized Correspondence\Oil & Gas Pipelines\2017\2017-I-0362.doc

USACE - USFWS SLOPES Evaluation/Coordination Form

USACE File No. : LRH-2017-00059-LKR-North Fork Hughes River

1. Applicant Information: Stephanie Frazier
EQT Corporation
625 Liberty Avenue, Suite 1700
Pittsburgh, Pennsylvania 15222

2. Proposed Activity(s): The Corps of Engineers is evaluating a Department of the Army (DA) permit for proposed MOSAS031 Pipeline Project located in Ritchie and Doddridge counties, West Virginia at latitude 39.25007, longitude -80.9354. The proposed project includes installation of approximately 8.5 miles of new gas pipeline, associated access roads, and work spaces. 86.3 acres of tree clearing are proposed.

USFWS issued a technical assistance letter to the applicant dated 7 March 2017 (FWS File # 2017-I-0362).

3. Proposed Authorization Method (NWP, RGP, IP and number, if applicable):

- Nationwide Permit 12
- Regional General Permit
- Individual Permit
- Permit Modification
- Letter of Permission

4. Waterway Name: North Fork Hughes River

5. County: Ritchie and Doddridge County

6. Hydrologic Unit Code: 05030201 - Upper Ohio-Little Kanawha

7. Latitude and Longitude (NAD83): 39.25007° N, -80.9354° W

8. USGS 7.5-minute quad name: WV- Pennsboro

9. Listed species with potential to occur in proposed project area: Eastern cougar, Indiana bat, northern long eared bat, snuffbox mussel

10. Proposed discharge of dredged and/or fill into waters of the U.S.: The proposed project would result in the temporary discharge of dredged and/or fill material into approximately 250 linear feet of twenty-six (26) streams and 0.0995 acre of nine (9) wetlands.

11. USACE determination of impacts:

- Will result in no effect to: Eastern cougar,
- May affect:
- May affect, but is not likely to adversely affect: snuffbox mussel, Indiana bat, Northern long-eared bat
- Likely to adversely affect:

Northern long-eared bat: In compliance with the 4(d) rule.

12. Justification for USACE determination:

No Effect:

Eastern cougar: According to information obtained from the United States Fish and Wildlife Services (USFWS) concerning the distribution of federally listed threatened and endangered species in West Virginia, habitat for the eastern cougar exists throughout the state. However, this species may be extinct or extirpated and there have been no documented, verified occurrences in West Virginia in over 100 years. Therefore, it is the Corps determination that the proposed pipeline would have no effect on the eastern cougar.

May Affect but Not Likely to Adversely Affect:

Snuffbox mussel: Habitat includes small to medium sized creeks to larger rivers. It typically occurs in swift currents with gravel and sand, with occasional cobble and boulders. Within Ritchie and Doddridge counties, West Virginia it is considered potentially present in the following streams where preferred habitat is found: South Fork Hughes River and the lower ½ mile of these tributaries: Bone Creek, Indian Creek, Leatherbark Creek, Otterslide Creek, Slab Creek, and Spruce Creek.

Due to the proximity of the project to the North Fork Hughes River, the project could cause increased sedimentation that could adversely affect mussels. EQM plans to use erosion and sedimentation best management practices (outlined in the 7 March 2017 USFWS letter) to help minimize adverse effects of sedimentation and erosion to waterways that provide habitat to federally listed mussels near the action area. Therefore, it is the Corps determination that the proposed pipeline may affect, but is not likely to adversely affect the snuffbox mussel.

Indiana bat: The proposed project lies within the range of the Indiana bat (*Myotis sodalis*), a federally listed endangered species. Summer habitat for the Indiana bat includes live and/or dead trees with peeling (exfoliating) bark, cracks, or crevices. Indiana bats use cave or mine portals for winter hibernation between 15 November and 31 March. Indiana bat foraging habitat is generally defined as riparian, bottomland, or upland forest, as well as old fields or pastures with scattered trees. Roosting and maternity habitats consist primarily of live or dead hardwood trees which have exfoliating bark that provides space for bats to roost between the bark and the bole of the tree. Tree cavities, crevices, splits, or hollow portions of tree boles and limbs also provide roost sites. The proposed project includes approximately 86.3 acres of tree removal. The applicant will conduct tree clearing during the winter months (November 15-March 31) in order to avoid direct effects that may occur as a result of tree removal.

Therefore, given the above information, the Corps has determined the proposed pipeline project may affect, but is not likely to adversely affect the Indiana bat.

Northern long-eared bat: The proposed project lies within the range of the northern long-eared bat (*Myotis septentrionalis*), a federally-listed threatened species. Summer habitat includes a variety of habitat ranging from bark, cavities or crevices of live trees and snags to caves or mines to human made structures such as buildings, barns, etc. The northern long-eared bats are most likely not dependent on a certain species of trees for roosts; rather, certain tree species will form suitable cavities or retain bark and the bats will use them opportunistically.

As previously mentioned, the proposed project includes clearing of 86.3 acres of forested habitat. The applicant assumed the presence of Northern long-eared bats and will conduct tree clearing during the winter months (November 15-March 31) in order to avoid direct effects that may occur as a result of tree removal. Therefore, the project would be in compliance with the 4(d) rule. A special condition will be included in the letter to the applicant requiring the guidance provided to the applicant in the technical assistance letter dated 7 March 2017 by the U.S. Fish and Wildlife Service be adhered to in order to avoid and minimize the potential for adverse effects to threatened and endangered species.

13. USACE Project Manager:

KLUG.RACHELA.1

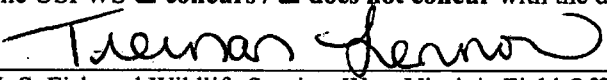
Digitally signed by KLUG.RACHELA.152520893
DN: cn=US, o=U.S. Government, ou=DOI, ou=FWS,
ou=USA, email=KLUG.RACHELA.152520893
Date: 2017.03.09 14:23:24 -0500

Signature: 525520893

Date: March 9, 2017

USFWS Response:

The USFWS concurs / does not concur with the determination(s) listed above.



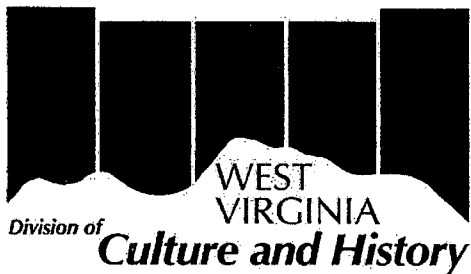
U. S. Fish and Wildlife Service, West Virginia Field Office
Biologist

3/9/17
Date



U. S. Fish and Wildlife Service, West Virginia Field Office
Field Supervisor

3/9/2017
Date



The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

January 26, 2017

Ms. Christine Davis
President
Christine Davis Consultants, Inc.
Cider Mill of Pittsburgh
560 Penn Street
Verona, Pennsylvania 15147

RE: MOSA S031 Pipeline and Access Road Doddridge County, West Virginia
FR# 17-112-DO-1

Dear Ms. Davis:

We have reviewed the above mentioned project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

According to the submitted information, Keystone Consultants, Inc. proposes to construct the MOSA S031 pipeline with associated access roads in Ritchie and Doddridge Counties, West Virginia. It is our understanding that the proposed project's Area of Potential Effects (APE) consists of 50,160 linear feet and that the right-of-way will be 100-feet in width. It is also our understanding that the proposed project will require a permit from the US Army Corps of Engineers-Huntington District (USACE). As such, the anticipated APE will consist only of terrain within 100-feet of a water body crossing. If the USACE defines the APE differently, please notify this office so we may provide further comment.

Architectural Resources:

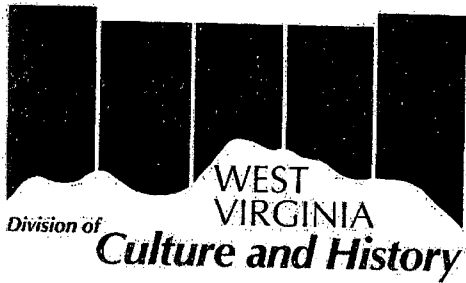
We have reviewed the submitted information. We have determined based upon the information provided that Properties 1, 4, and 5 are not eligible for the National Register of Historic Places (NRHP). Properties 2 and 3 retain integrity and could be eligible for the NRHP. Property 2 appears to be over 900 feet from the buried pipeline crossing. Property 3 is over 400 feet from the proposed buried lines which appear to be proposed in an already treeless area. It is our opinion that there will be no adverse effect to properties eligible for the NRHP. No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Ernest E. Blevins, Structural Historian, at (304) 558-0240.*

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/EEB



The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

February 1, 2017

Ms. Christine Davis
President
Christine Davis Consultants
Cider Mill of Pittsburgh
560 Penn Street
Verona, Pennsylvania 15147

RE: MOSA S031 Pipeline and Access Roads
FR#: 17-112-DO-1a

Dear Davis:

We have reviewed the submitted technical report titled, *Phase I Archaeological Survey MOSA S031 Pipeline and Access Roads Central and West Union Districts, Doddridge County, and Clay District, Ritchie County, West Virginia*, which was prepared for the above referenced project by Christine Davis Consultants. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

In a telephone conversation between Mr. Ben Hagerty of Keystone Consultants, Inc. and Katie M. Turner of my office on February 1, 2017, we were informed that the archaeological comments for the above referenced report were not included in the response letter prepared by our office dated January 26, 2017 (FR# 17-112-DO-1). We apologize for this oversight. Please find below the archaeological comments for the above referenced technical report.

Archaeological Resources:

The submitted report does not address our concerns regarding the presence of archaeological deposits within the proposed project area. The submitted information states that no archaeological sites were discovered through systematic survey of the 43 US Army Corps of Engineers Permit Areas (CPAs). However, after reviewing the submitted materials we are unable to agree with this statement. According to the report, CPAs 5, 12, 27, and 42 were not archaeologically tested due to disturbance exclusions; however, the submitted photographs for these CPAs do not clearly demonstrate these disturbances. Additionally, the report indicates that CPA 35 was not archaeologically tested due to a slope exclusion; however, the submitted photograph for CPA 35 does not, in our opinion, adequately demonstrate the slope exclusion. Therefore, we request additional photographs for each of the previously discussed CPAs. We request that multiple photographs be provided for each CPA from various directions and/or locations which clearly demonstrate the disturbance exclusions and the slope exclusion. We will provide further comment upon the receipt of the requested photographs.

February 1, 2017

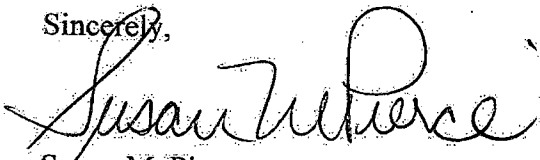
Ms. C. Davis

FR# 17-112-DO-1a

Page 2

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Katie M. Turner, Archaeologist, at (304) 558-0240.*

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Pierce". The signature is written in black ink and is positioned above the printed name and title.

Susan M. Pierce

Deputy State Historic Preservation Officer

SMP/KMT



Division of

Culture and History

The Culture Center
1900 Kanawha Blvd. E.
Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

February 6, 2017

Ms. Christine Davis
President
Christine Davis Consultants
Cider Mill of Pittsburgh
560 Penn Street
Verona, Pennsylvania 15147

RE: MOSA S031 Pipeline and Access Roads – Additional Information
FR#: 17-112-DO-2

Dear Ms. Davis:

We have reviewed the above mentioned project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Archaeological Resources:

Thank you for providing us with the requested additional information for CPAs 5, 12, 27, 35, and 42. Upon review of the submitted photographs and supplemental mapping we believe that the information successfully demonstrates the disturbance exclusions at CPAs 5, 27, 35 and 42. Additionally the submitted information demonstrates the slope exclusions at CPAs 12 and 27. In our opinion the proposed project will have no effect on intact archaeological historic properties. No further consultation is necessary regarding archaeological resources.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Katie M. Turner, Archaeologist, at (304) 558-0240.*

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/KMT °

West Virginia Division of Natural Resources

Invoice

Pay on-line at <http://wvdnr.gov/REM>

Invoice#: 26758

Comp. ID#: 6204

Bill Date: 01/05/2017

In
Acct
With

EQM Gathering OPCO, LLC
Attention: Matt Hoover
555 Southpointe Blvd., Suite 200
Canonsburg, PA 15317

AGREEMENT	INVOICE PERIOD	AMOUNT PAID	AMOUNT DUE
<u>AGREEMENT DATED 1/4/2017</u> <u>P-17-VI/09-236</u> Steel pipeline (MOSA-S031) along unnamed tribs of Leason, unnamed tribs of Claylick Run, Middle Run, Right Fork Arnolds Creek, and unnamed tribs of Right Fork Arnolds Creek, Doddridge Co., WV	For 1/4/2017 to 1/4/2027 Land and Streams/DNR	\$0.00	\$3300.00
<u>AGREEMENT DATED 1/4/2017</u> <u>LS-17-VI/09-237</u> Timber mat crossing (MOSA-S031) along unnamed tribs of Leason, an unnamed trib of Claylick Run, and unnamed tribs of Right Fork Arnolds Creek, Doddridge Co., WV	For 1/4/2017 to 1/4/2018 Land and Streams/DNR	\$0.00	\$500.00
TOTAL INVOICE:			\$3800.00
NUMBER OF AGREEMENTS:			2

Please Reference Either Invoice Number or Agreement Re: on Payment

WV Division of Natural Resources
Office of Land & Streams
324 Fourth Avenue, Room 200
South Charleston, WV 25303

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT

Brian Eid (304) 558-3225
brian.n.eid@wv.gov

West Virginia Division of Natural Resources

Invoice

Pay on-line at <http://wvdnr.gov/REM>

Invoice#: 26776

Comp. ID#: 6204

Bill Date: 01/12/2017

In
Acct
With

EQM Gathering OPCO, LLC
Attention: Matt Hoover
555 Southpointe Blvd., Suite 200
Canonsburg, PA 15317

AGREEMENT	INVOICE PERIOD	AMOUNT PAID	AMOUNT DUE
<u>AGREEMENT DATED 1/11/2017 P-17-VI/43-238</u> Pipeline (MOSA-S031) unnamed trib of the N Fk of Hughes River, unnamed tribs of Lyncamp Run, Cabin Run and unnamed tribs of same, Ritchie Co., WV	For 1/11/2017 to 1/11/2027 Land and Streams/DNR	\$0.00	\$1375.00
<u>AGREEMENT DATED 1/11/2017 LS-17-VI/43-239</u> Culvert (MOSA-S031) at four (4) separate locations along unnamed tribs of Lyncamp Run and unnamed tribs of Cabin Run, Ritchie Co., WV	For 1/11/2017 to 1/11/2018 Land and Streams/DNR	\$0.00	\$400.00
TOTAL INVOICE:			\$1775.00
NUMBER OF AGREEMENTS:			2

Please Reference Either Invoice Number or Agreement Re: on Payment

WV Division of Natural Resources
Office of Land & Streams
324 Fourth Avenue, Room 200
South Charleston, WV 25303

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT

Brian Eid (304) 558-3225
brian.n.eid@wv.gov



DIVISION OF NATURAL RESOURCES

324 Fourth Avenue, Room 200
South Charleston WV 25303-1228
TDD (304) 558-1439
TDD 1-800-354-6087
Fax (304) 558-6048
Telephone (304) 558-3225

Earl Ray Tomblin
Governor

Robert A. Fala
Director

January 4, 2017

Division of Natural Resources
LICENSE AND RIGHT OF ENTRY

Re: P-17-VI/09-236

EQM Gathering OPCO, LLC
c/o Chad Alberth
1000 Technology Drive, Suite 1330
Fairmont, WV 26554-

Dear Sir or Madam:

The Division of Natural Resources hereby grants to you for a term of ten (10) years, from the date hereof, a License and Right of Entry to construct, replace, cover, repair, operate, maintain, use and remove a twenty inch (20") steel pipeline (MOSA-S031) at twelve (12) separate locations along unnamed tributaries of Leason, unnamed tributaries of Claylick Run, Middle Run, Right Fork Arnolds Creek, and unnamed tributaries of Right Fork Arnolds Creek, West Union and Central Districts in Doddridge County, West Virginia, as shown located and highlighted in red on the map attached hereto as Exhibit A - D.

This License and Right of Entry is subject to the following terms and conditions:

High Quality Streams (HQS) as listed in the West Virginia Division of Natural Resources High Quality Stream Sixth Edition published in 2001 and for any trout streams and direct tributaries of trout streams:

- Directional boring is the only method permitted during the fish spawning season. Fish spawning season for warmwater streams runs from April 1st through June 30th. Trout spawning season runs from October 1st through April 30th.
- Other dry ditch methods (pump around, flume or cofferdam) as described in WVDEP water resources manual (published 2006) on page 3.21-4 may be used outside of spawning seasons.
- Each crossing that utilizes dry ditch methods must be completed in 2 consecutive work days.

Non-high quality stream:

- Directional boring or other dry ditch methods (pump around, flume or cofferdam) as described in WVDEP water resources manual (published 2006) on page 3.21-4 may be used at all times during fish spawning season from April 1st through June 30th. This eliminates the need for spawning season restrictions.
- Crossings using methods other than directional boring. Must be completed in 1 work day.
- Only ephemeral/intermittent streams that are dry can be trenched.

EQM Gathering OPCO, LLC

P-17-VI/09-236

Page 2

January 4, 2017

Bank Stabilization

All bank stabilization projects must begin immediately upon completion of utility line crossing and be completed within 24 hours of completion of utility line crossing.

Freshwater Mussels

Mussel surveys on streams with known US Fish and Wildlife listed or candidate endangered species will be required if directional boring is not an option. Contact Janet Clayton of the WVDNR Wildlife Diversity Program for information concerning mussels at 304-637-0245.

For further assistance, contact the appropriate WVDNR District Fisheries Biologist.
District 1 304-825-6787 District 2 304-822-3551 District 3 304-924-6211
District 4 304-256-6947 District 5 304-675-0871 District 6 304-420-4550

The issuance of this License and Right of Entry by the Division of Natural Resources does not preclude the necessity to obtain a permit from the Corps of Engineers or any other state or federal permits which may be required by law, nor does this License and Right of Entry negate the need to comply with the West Virginia Water Pollution Control Act and/or the State Environmental Quality Board's administrative regulations, applicant is also responsible for determining if the proposed activity is located within an identified flood plain and it is the applicant's responsibility for contacting the local governmental agency in charge of that program and obtaining a flood plain development permit for it. This License and Right of Entry does not grant any rights or privileges, or permission to enter upon or to cross the property of any other person, nor is permission granted to remove any material that lies upon the property of any other persons. Work should be completed in as brief a period as possible and within one year from the date of this letter. In the event you fail or refuse to comply with any of the terms or conditions herein, this License and Right of Entry will be canceled and considered null and void and the Division will reject further applications.

Your check in the amount of \$3300.00 is now due and payable to the Division of Natural Resources covering the (10) ten-year fee of this agreement. Your agreement will be effective upon receipt of your payment in full.

Sincerely,



Joe T. Scarberry, Supervisor
Office of Land and Streams

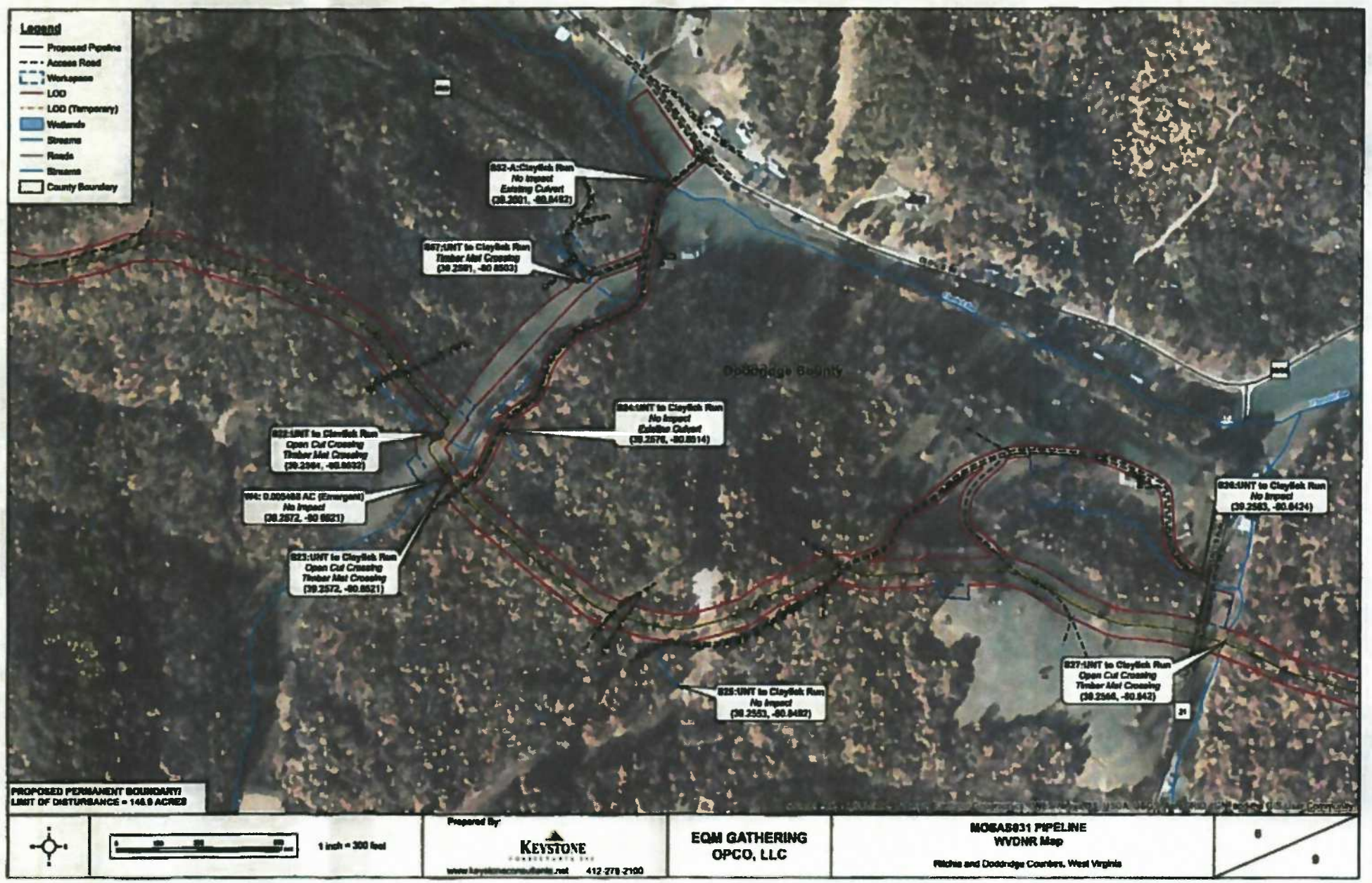
JTS:cb

attachment

pc: DNR Fish Biologist
Jeremy Bandy, Environmental Enforcement
DNR Conservation Officers



	<p>1 inch = 300 feet</p>	<p>Prepared By:</p> <p>www.keystone.com/fields.net 412-278-2100</p>	<p>EQM GATHERING OPCO, LLC</p>	<p>MOBAS031 PIPELINE WVDNR Map</p> <p>Ritchie and Doddridge Counties, West Virginia</p>	<p>5</p> <p>9</p>
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	<p>1 inch = 300 feet</p>	<p>Prepared By:</p> <p>KEYSTONE CONSULTANTS, INC.</p> <p>www.keystoneconsultants.net 412-775-2100</p>	<p>EQM GATHERING OPCO, LLC</p>	<p>MOSAS031 PIPELINE WVDNR Map</p> <p>Rainie and Doddridge Counties, West Virginia</p>	<p>7</p> <p>9</p>
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	<p>1 inch = 300 feet</p>	<p>Prepared by:</p> <p>KEYSTONE CONSULTANTS</p> <p>www.keystoneconsultants.net 412-378-2100</p>	<p>EQM GATHERING OPCO, LLC</p>	<p>MOSAB031 PIPELINE WVDNR Map</p> <p>Retrie and Doddridge Counties, West Virginia</p>	
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DIVISION OF NATURAL RESOURCES
324 Fourth Avenue, Room 200
South Charleston WV 25303-1228
TDD (304) 558-1439
TDD 1-800-354-6087
Fax (304) 558-6048
Telephone (304) 558-3225

Earl Ray Tomblin
Governor

Robert A. Fala
Director

January 11, 2017

Division of Natural Resources
LICENSE AND RIGHT OF ENTRY

Re: P-17-VI/43-238

EQM Gathering OPCO, LLC
c/o Chad Alberth
1000 Technology Drive, Suite 1330
Fairmont, WV 26554-

Dear Sir or Madam:

The Division of Natural Resources hereby grants to you for a term of ten (10) years, from the date hereof, a License and Right of Entry to construct, replace, cover, repair, operate, maintain, use and remove a twenty inch (20") steel pipeline (MOSA-S031) at five (5) separate locations along an unnamed tributary of the North Fork Hughes River, unnamed tributaries of Lynncamp Run, Cabin Run, and unnamed tributaries of Cabin Run, Clay District in Ritchie County, West Virginia, as shown located and highlighted in red on the map attached hereto as Exhibit A -B.

This License and Right of Entry is subject to the following terms and conditions:

High Quality Streams (HQS) as listed in the West Virginia Division of Natural Resources High Quality Stream Sixth Edition published in 2001 and for any trout streams and direct tributaries of trout streams:

- Directional boring is the only method permitted during the fish spawning season. Fish spawning season for warmwater streams runs from April 1st through June 30th. Trout spawning season runs from October 1st through April 30th.
- Other dry ditch methods (pump around, flume or cofferdam) as described in WVDEP water resources manual (published 2006) on page 3.21-4 may be used outside of spawning seasons.
- Each crossing that utilizes dry ditch methods must be completed in 2 consecutive work days.

Non-high quality stream:

- Directional boring or other dry ditch methods (pump around, flume or cofferdam) as described in WVDEP water resources manual (published 2006) on page 3.21-4 may be used at all times during fish spawning season from April 1st through June 30th. This eliminates the need for spawning season restrictions.
- Crossings using methods other than directional boring. Must be completed in 1 work day.
- Only ephemeral/intermittent streams that are dry can be trenched.

EQM Gathering OPCO, LLC
P-17-VI/43-238
Page 2
January 11, 2017

Bank Stabilization

All bank stabilization projects must begin immediately upon completion of utility line crossing and be completed within 24 hours of completion of utility line crossing.

Freshwater Mussels

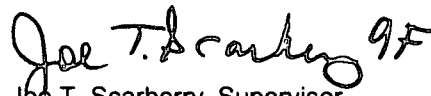
Mussel surveys on streams with known US Fish and Wildlife listed or candidate endangered species will be required if directional boring is not an option. Contact Janet Clayton of the WVDNR Wildlife Diversity Program for information concerning mussels at 304-637-0245.

For further assistance, contact the appropriate WVDNR District Fisheries Biologist.
District 1 304-825-6787 District 2 304-822-3551 District 3 304-924-6211
District 4 304-256-6947 District 5 304-675-0871 District 6 304-420-4550

The issuance of this License and Right of Entry by the Division of Natural Resources does not preclude the necessity to obtain a permit from the Corps of Engineers or any other state or federal permits which may be required by law, nor does this License and Right of Entry negate the need to comply with the West Virginia Water Pollution Control Act and/or the State Environmental Quality Board's administrative regulations, applicant is also responsible for determining if the proposed activity is located within an identified flood plain and it is the applicant's responsibility for contacting the local governmental agency in charge of that program and obtaining a flood plain development permit for it. This License and Right of Entry does not grant any rights or privileges, or permission to enter upon or to cross the property of any other person, nor is permission granted to remove any material that lies upon the property of any other persons. Work should be completed in as brief a period as possible and within one year from the date of this letter. In the event you fail or refuse to comply with any of the terms or conditions herein, this License and Right of Entry will be canceled and considered null and void and the Division will reject further applications.

Your check in the amount of \$1375.00 is now due and payable to the Division of Natural Resources covering the (10) ten-year fee of this agreement. Your agreement will be effective upon receipt of your payment in full.

Sincerely,

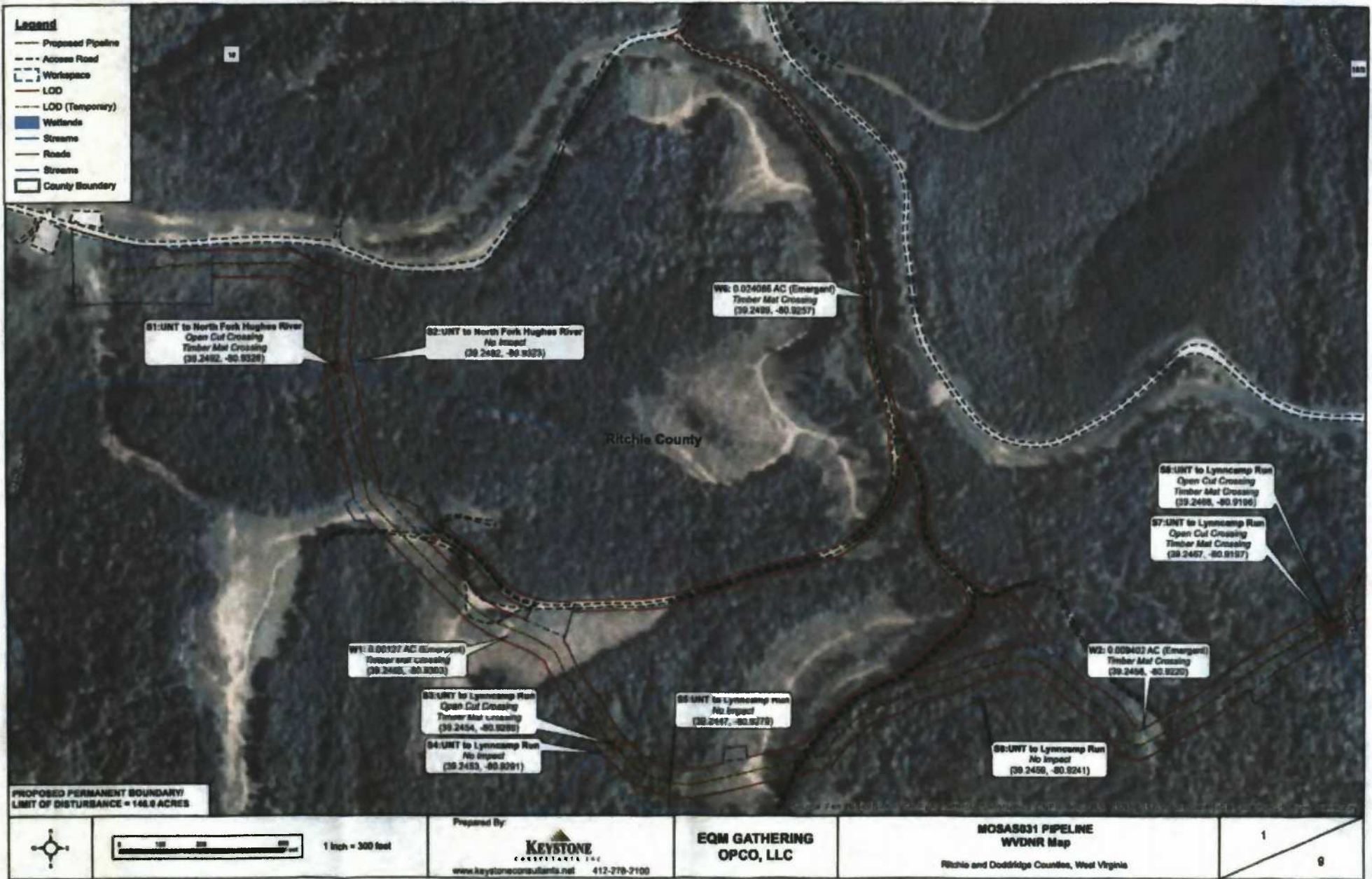


Joe T. Scarberry, Supervisor
Office of Land and Streams

JTS:cb

attachment

pc: DNR Fish Biologist
Jeremy Bandy, Environmental Enforcement
DNR Conservation Officers



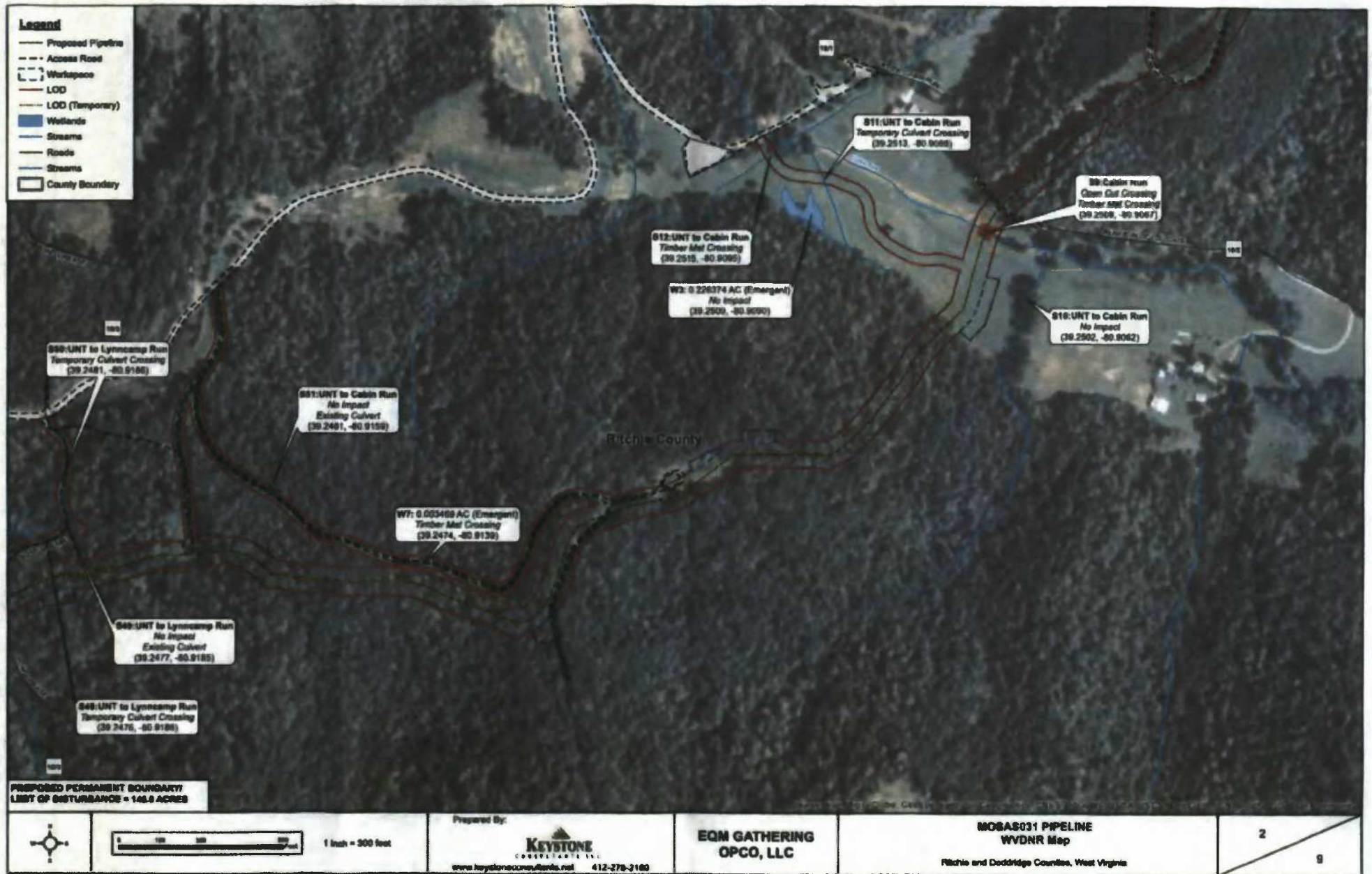


Table 2
Stream Summary Table

Stream Identification	Stream USGS Name	Impact Summary				Crossing Method	Coordinates	Permits Required
		Impact Length (ft)	OHWM Width (ft)	Impact Area (ft ²)	Cu. Yards per FL			
81	UNT to Right Fork Pacheco River	10	0.42	04.2	2.57777778 1	Open Cut/Coffer Dam- Pump Around	39.2462, -90.6323	Richie County, WVDNR, USFWS, DEP, SHPD, USACE
83	UNT to Lynchburg Run	10	2.03	20.3	0.75259259 2	Open Cut/Coffer Dam- Pump Around	39.2434, -90.6330	Richie County, WVDNR, USFWS, DEP, SHPD, USACE
87	UNT to Lynchburg Run	10	3.53	35.3	1.23076923 3	Open Cut/Coffer Dam- Pump Around	39.2437, -90.6197	Richie County, WVDNR, USFWS, DEP, SHPD, USACE
88	UNT to Lynchburg Run	10	3.73	37.3	1.33333333 4	Open Cut/Coffer Dam- Pump Around	39.2458, -90.6198	Richie County, WVDNR, USFWS, DEP, SHPD, USACE
89	Catch Run	10	14.07	140.7	5.43333333 5	Open Cut/Coffer Dam- Pump Around	39.2503, -90.6057	Richie County, WVDNR, USFWS, DEP, SHPD, USACE
911	UNT to Catox Run	10	0.03	0.3	0.24876923	Temp Culvert	39.2513, -90.6060	Richie County
912	UNT to Catox Run	10	2.01	20.1	1.97777778	Temp Culvert	39.2515, -90.6060	Richie County
917	UNT to Leason Run	N/A	1.21	N/A	0	Timber Mat	39.2507, -90.6082	Doddrige County
910	UNT to Leason Run	N/A	2.18	N/A	0	Timber Mat	39.2513, -90.6078	Doddrige County
922	UNT to Claych Run	10	2.05	20.5	0.75259259	Open Cut/Coffer Dam- Pump Around	39.2564, -90.6032	Doddrige County
923	UNT to Claych Run	10	0.72	07.2	2.11051051	Open Cut/Coffer Dam- Pump Around	39.2572, -90.6021	Doddrige County, WVDNR, USFWS, DEP, SHPD, USACE
927	UNT to Claych Run	10	3.45	34.5	1.27777778	Open Cut/Coffer Dam- Pump Around	39.2556, -90.6020	Doddrige County, WVDNR, USFWS, DEP, SHPD, USACE
930	UNT to Claych Run	10	1.2	12	0.44444444	Open Cut/Coffer Dam- Pump Around	39.2551, -90.6049	Doddrige County, WVDNR, USFWS, DEP, SHPD, USACE
932	UNT to Claych Run	10	2.05	20.5	0.98444444	Open Cut/Coffer Dam- Pump Around	39.2549, -90.6041	Doddrige County
934	UNT to Claych Run	N/A	0.80	N/A	0	Timber Mat	39.2593, -90.6035	Doddrige County
933	UNT to Claych Run	10	0.55	5.5	0.31481481	Open Cut/Coffer Dam- Pump Around	39.2556, -90.6033	Doddrige County
937	Medo Run	10	4.25	42.5	1.57407407	Open Cut/Coffer Dam- Pump Around	39.2530, -90.6265	Doddrige County, WVDNR, USFWS, DEP, SHPD, USACE
939	UNT to Right Fork Arnots Creek	N/A	1.20	N/A	0	Timber Mat	39.2520, -90.6226	Doddrige County
940	UNT to Right Fork Arnots Creek	10	1.33	13.3	0.6	Open Cut/Coffer Dam- Pump Around	39.2532, -90.6200	Doddrige County
941	UNT to Right Fork Arnots Creek	10	2.35	23.5	0.57037037	Open Cut/Coffer Dam- Pump Around	39.2532, -90.6201	Doddrige County
946	Right Fork Arnots Creek	10	17.53	173.5	6.42525252	Open Cut/Coffer Dam- Pump Around	39.2531, -90.6111	Doddrige County, WVDNR, USFWS, DEP, SHPD, USACE
947	UNT to Right Fork Arnots Creek	10	4.65	46.5	1.69310510	Open Cut/Coffer Dam- Pump Around	39.2533, -90.6114	Doddrige County, WVDNR, USFWS, DEP, SHPD, USACE
948	UNT to Lynchburg Run	10	2.95	29.5	0.79520320	Temp Culvert	39.2476, -90.6188	Richie County
950	UNT to Lynchburg Run	10	0.73	7.3	0.94814814	Temp Culvert	39.2481, -90.6188	Richie County
957	UNT to Right Fork Arnots Creek	N/A	1.07	N/A	0	Timber Mat	39.2591, -90.6003	Doddrige County
9-A	UNT to Claych Run	10	2.03	20.3	0.75259259	Open Cut/Coffer Dam- Pump Around	39.2566, -90.6032	Doddrige County

OFFICE OF LAND AND STREAMS
STREAM ACTIVITY APPLICATION

1. Name of Applicant: EQM Gathering OPCO, LLC
(Landowner)

2. Date: December 22, 2016

3. Complete mailing address of applicant: 555 Southpointe Blvd, Suite 200, Canonsburg, PA 15317

Telephone Number: 412-694-5378

Fax Number: _____

E-Mail Address: ADaquila@eqt.com

4. Name, address, telephone number, and title of applicant's authorized agent (i.e. contractor employed by landowner):

Chad Alberth/ 1000 Technology Dr, Suite 1330, Fairmont, WV 26554/ 304-816-3165/ Client Services Manager

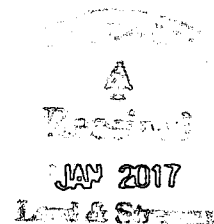
Please if you want the approval sent to the agent

5. Describe the proposed activity, its purpose and intended use after completion, type of equipment to be used in the stream, amount of material to be dredged (if any), plan for disposing of dredged materials, length of stream/bank to be worked or type and size of structure to be placed in the stream (i.e. length and width of bridge, diameter and length of culvert). **One copy of a map (topographical or detailed, hand-drawn) showing exact location of the work site (enabling Officials to locate site) must accompany this application, and all other information that may be important to this application.**

EQM is proposing to install approximately 8.47 miles (44,697 linear feet) of 20 steel gas pipeline, labeled as MOSA-S031, in Ritchie and Doddridge Counties, West Virginia. The proposed pipeline project will have a right-of-way/limits of disturbance of 75 to 100 feet total width centered on the proposed pipeline. A reduced limit of disturbance of 50 feet wide has been specified at all stream crossings to reduce impacts to natural resources. Also included within the limits of disturbance will be various additional workspaces and access roads ranging from established gravel roads to roads that will need constructed for access to the proposed construction right-of-way. The total limit of disturbance is estimated to be approximately 146 acres based on the pipeline route and temporary right-of-way, additional workspaces and portions of the access roads that were indicated as new construction.

-see attached table for resource impacts

P-17-VI/43-238



(if additional space is required, continue on a separate sheet)

6. Please the proposed use:
 Private: _____ Public: _____ Commerical: X
 (person use) (Government Agency) (Business)

7. Location where proposed activity exists or will occur.
 UNT to North Fork Hughao River UNTs to Lynncamp Run Cabin Run. UNTs to Cabin Run
 Name of Water Way (if unnamed or unknown tributary, provide the stream that is flows into)
Ritchie 03 (Clay) Pennsboro
 County District (taxable) Closest City or Town

8. Date activity is proposed to commence: On approval
 Date activity is expected to be complete: Within 6 months of approval

9. Is any portion of the activity for which authorization is sought now complete? Yes _____ No X
 (If the answer is "Yes", give reasons in Section 5 including month and year the activity was completed)


10. Below is a list of entities that may require permits. Please list all approvals or certifications required by other Government Agencies for the above-described activity:

Issuing agency: Corps of Engineers - (304) 399-5710 (412) 395-7170 (412) 395-7157	Type of approval: <u>Nationwide Permit</u>
Identification No.: <u>Pending</u>	Date of approval: <u>Pending</u>
Issuing agency: County Commission Flood Plain Coordinator	Type of approval: <u>Pending</u>
Identification No.: <u>Dev. Permit App</u>	Date of approval: <u>Pending</u>
Issuing agency: City Government (if in City Limits the County isn't needed)	Type of approval: <u>N/A</u>
Identification No.: <u>N/A</u>	Date of approval: <u>N/A</u>

11. Has any agency denied approval for the activity described herein? Yes _____ No X
 (If "Yes", explain in Section 5 and/or attach a copy of the denial)

12: If activity is a pipeline construction (that is, gas, water, or sewer) give:
 Material pipeline is made of: Steel
 Size of Pipeline: 20"
 Maximum pressure of the pipeline: 720 psi
 Please provide the appropriate line number and if a Gathering or Well Line provide the A.P.I. Well Number.
 Transmission: _____ Distribution: _____ Gathering: X Well Line: _____ A.P.I Well Number: _____

13: Application is hereby made for authorization to conduct the activities described herein. I certify that I am familiar with the information in this application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.



 Signature of Applicant or Agent

Office of Land and Streams
 Building 74, Room 200
 324 Fourth Avenue
 South Charleston, WV 25303
 Phone Number 304-558-3225
 Fax Number 304-558-6048

OLS Form 1 (08/07)



1000 Technology Drive, Suite 1330, Fairmont, WV 26554 | P: 304-816-3165 | F: 681-443-3964

December 22, 2016

Office of Land and Streams
Building 74, Room 200
324 Fourth Avenue
South Charleston, WV 25303-1228

Re: MOSA-S031 Pipeline
Doddridge County, West Virginia

Dear Sir or Madam:

Please find for your review the following information related to the EQM Gathering OPCO, LLC MOSA-S031 Pipeline Project in Ritchie and Doddridge Counties, West Virginia.

I. General Information

- a. **Project Name:** MOSA-S031 Pipeline
- b. **Project Contact Person:**
Chad Alberth
1000 Technology Drive, Suite 1330
Fairmont, WV 26554
(304) 816-3165 ext. 100
calberth@keystoneconsultants.net
- c. **Project Address:**
Oxford Road (CR 21)
West Union, WV
Approximately 0.18 miles south of the intersection with Old US 50 (CR 50/30)
Coordinates (WVNAD83 – North)
Ritchie/ Doddridge Line: N 39.254242° W -80.901978°
End of Proposed Pipeline: N 39.257828° W -80.806953°
- d. **Project Location:** See attached USGS Topographic.
- e. **Project Description:** EQM is proposing to install approximately 8.47 miles (44,697 linear feet) of 20 steel gas pipeline, labeled as MOSA-S031, in Ritchie and Doddridge Counties, West Virginia. The proposed pipeline project will have a right-of-way/limits of disturbance of 75 to 100 feet total width centered on the proposed pipeline. A reduced limit of disturbance of 50 feet wide has been specified at all stream crossings to reduce impacts to natural resources. Also included within the limits of disturbance will be various additional workspaces and access roads ranging from established gravel roads to roads that will need constructed for access to the proposed construction right-of-way. The total limit of disturbance is estimated to be approximately 146 acres based on the pipeline route and

temporary right-of-way, additional workspaces and portions of the access roads that were indicated as new construction.

- f. **Date of Construction:** Construction will begin upon approval of all permits. Project completion will be within six months of approval.

Should you have any questions or comments, please do not hesitate to contact me at 304-816-3165x100.

Sincerely,

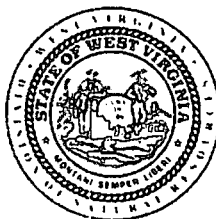


Chad Alberth, PE
Client Services Manager
Keystone Consultants, Inc.



**PROPOSED PERMANENT BOUNDARY/
LIMIT OF DISTURBANCE = 146.8 ACRES**

	<p>1 inch = 2,000 feet</p>	<p>Prepared By:</p> <p>www.keystoneconsultants.net 412-278-7100</p>	<p>EQM GATHERING OPCO, LLC</p>	<p>MOSAS031 PIPELINE WVDNR Map</p> <p>Richie and Doddridge Counties, West Virginia</p>	<p>OVERVIEW</p> <p>9</p>
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DIVISION OF NATURAL RESOURCES

324 Fourth Avenue, Room 200
South Charleston WV 25303-1228
TDD (304) 558-1439
TDD 1-800-354-6087
Fax (304) 558-6048
Telephone (304) 558-3225

Earl Ray Tomblin
Governor

Robert A. Fala
Director

January 4, 2017

Division of Natural Resources
RIGHT OF ENTRY

Re: **LS-17-VI/09-237**

EQM Gathering OPCO, LLC
c/o Chad Alberth
1000 Technology Drive, Suite 1330
Fairmont, WV 26554-

Dear Sir or Madam:

The Division of Natural Resources hereby grants to you for a period of ten (10) years from the date hereof, a Right of Entry to install, use and maintain a timber mat crossing (MOSA-S031) at five (5) separate locations along unnamed tributaries of Leason, an unnamed tributary of Claylick Run, and unnamed tributaries of Right Fork Arnolds Creek near West Union in Doddridge County, West Virginia.

This Right of Entry is subject to the following terms and conditions:

1. No in stream work during the fish-spawning season (April 1-June 30).
2. Work should be completed as quickly as possible during low flows in designated work areas only.
3. Any streambed disturbance should be restricted to the immediate area. In stream use of equipment should be kept to a minimum.
4. All shore areas disturbed by this operation must be reshaped, seeded and mulched immediately upon completion of work. The prompt establishment of vegetative cover will reduce future damage from high water levels.
5. Green concrete must not be put in the stream (highly toxic to aquatic life).
6. Guidance should be obtained from NRCS (formerly SCS) and a registered engineer for the design and construction. Must allow for passage of at least ten-year year flood flow.
7. Best management practices should be followed; measures such as hay bales must be used to reduce downstream siltation.

8. Applicant is responsible for removing debris from in and around the installation periodically to prevent stream flow obstruction.
9. Durable head walls of logs, crossties, rock, or concrete shall be constructed at both the upstream and downstream ends of crossing to prevent erosion of fill material into the stream.
10. The State's issuance of this Right-of-Entry does not provide for the applicant to work outside the requested boundaries nor does the State assume any liability for the applicant's/landowner's construction activities. By accepting this Right-of-Entry, the applicant/landowner assumes liability for any/all damages caused by this activity to both upstream and downstream landowners.

Guidelines of Best Management Practices for Sediment and Erosion Control as outlined by the Section of Water Resources, Division of Environmental Protection must be followed. Copies of those guidelines are available from the Section of Water Resources, Telephone No. (304) 926-0440.

The issuance of this Right of Entry by the Division of Natural Resources does not preclude the necessity for you to obtain a permit from the U.S. Corps of Engineers District Office, Permit Section, or any other state or federal permits which may be required by law, nor does this Right of Entry negate the need to comply with the West Virginia Water Pollution Control Act and/or the State Environmental Quality Board's administrative regulations, applicant is also responsible for determining if the proposed activity is located within an identified flood plain and it is the applicant's responsibility for contacting the local governmental agency in charge of that program and obtaining a flood plain development permit for it. This Right of Entry does not grant any rights or privileges, or permission to enter upon or to cross the property of any other person, nor is permission granted to remove any material that lies upon the property of any other persons. Work should be completed in as brief a period as possible and within one year from the date of this letter. In the event you fail or refuse to comply with any of the terms or conditions herein, this Right of Entry will be canceled and considered null and void and the Division will reject further applications.

Your payment is now due and payable in the amount of \$500.00 to the Division of Natural Resources covering the first year's annual fee of this agreement. Your agreement will be effective upon receipt of your payment in full. You must notify this office in writing when this installation has been removed.

Sincerely,



Joe Scarberry, Supervisor
Office of Land and Streams

JTS:cb

pc: DNR Fish Biologist
Jeremy Bandy, Environmental Enforcement
DNR Conservation Officers



DIVISION OF NATURAL RESOURCES
324 Fourth Avenue, Room 200
South Charleston WV 25303-1228
TDD (304) 558-1439
TDD 1-800-354-6087
Fax (304) 558-6048
Telephone (304) 558-3225

Jim Justice
Governor

Robert A. Fala
Director

January 20, 2017

Division of Natural Resources
RIGHT OF ENTRY

Re: LS-17-VI/43-239

EQM Gathering OPCO, LLC
c/o Chad Alberth
1000 Technology Drive, Suite 1330
Fairmont, WV 26554-

Dear Sir or Madam:

The Division of Natural Resources hereby grants to you for a period of ten (10) years from the date hereof, a Right of Entry for the purpose of installing and maintaining a sixteen inch by twenty-five foot (16"x25") culvert in the streambeds (MOSA-S031) at four (4) separate locations along unnamed tributaries of Lynncamp Run, and unnamed tributaries of Cabin Run near Pennsboro in Ritchie County, West Virginia.

This Right of Entry is subject to the following terms and conditions:

1. No in stream work during the fish-spawning season (April 1-June 30).
2. Work should be completed as quickly as possible during low flows in designated work areas only.
3. All shore areas disturbed by this operation must be reshaped, seeded and mulched immediately upon completion of work. The prompt establishment of vegetative cover will reduce future damage from high water levels.
4. Green concrete must not be put in the stream (highly toxic to aquatic life).
5. Guidance should be obtained from NRCS (formerly SCS) and a registered engineer for the design and construction. Must allow for passage of at least ten-year flood flow.
6. Best management practices should be followed; measures such as hay bales must be used to reduce downstream siltation.

EQM Gathering OPCO, LLC
LS-17-VI/43-239
Page 2
January 20, 2017

7. Applicant is responsible for removing debris from in and around the installation periodically to prevent stream flow obstruction.
8. Durable head walls of logs, rock, or concrete shall be constructed at both the upstream and downstream ends of crossing to prevent erosion of fill material into the stream.
9. The State's issuance of this Right-of-Entry does not provide for the applicant to work outside the requested boundaries nor does the State assume any liability for the applicant's/landowner's construction activities. By accepting this Right-of-Entry, the applicant/landowner assumes liability for any/all damages caused by this activity to both upstream and downstream landowners.

Guidelines of Best Management Practices for Sediment and Erosion Control as outlined by the Section of Water Resources, Division of Environmental Protection must be followed. Copies of those guidelines are available from the Section of Water Resources, 601 57th Street S.E., Charleston, West Virginia 25304-2345, Telephone No. (304) 926-0440.

The issuance of this Right of Entry by the Division of Natural Resources does not preclude the necessity to obtain a permit from the Corps of Engineers or any other state or federal permits which may be required by law, nor does this Right of Entry negate the need to comply with the West Virginia Water Pollution Control Act and/or the State Environmental Quality Board's administrative regulations, applicant is also responsible for determining if the proposed activity is located within an identified flood plain and it is the applicant's responsibility for contacting the local governmental agency in charge of that program and obtaining a flood plain development permit for it. This Right of Entry does not grant any rights or privileges, or permission to enter upon or to cross the property of any other person, nor is permission granted to remove any material that lies upon the property of any other persons. Work should be completed in as brief a period as possible and within one year from the date of this letter. In the event you fail or refuse to comply with any of the terms or conditions herein, this Right of Entry will be canceled and considered null and void and the Division will reject further applications.

Your payment is now due and payable in the amount of \$400.00 to the Division of Natural Resources covering the first year's annual fee of this agreement. Your agreement will be effective upon receipt of your payment in full. You must notify this office in writing when this installation has been removed.

Sincerely,



Joe T. Scarberry, Supervisor
Office of Land and Streams

JTS:cb

pc: DNR Fish Biologist
Jeremy Bandy, Environmental Enforcement
DNR Conservation Officers



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, West Virginia 25304-2345
Phone: 304-926-0495
Fax: 304-926-0496

Jim Justice, Governor
Austin Caperton, Cabinet Secretary
www.dep.wv.gov

April 05, 2017

ALEX DAQUILA
EQM GATHERING OPCO, LLC
555 SOUTHPOINTE BLVD
STE 200
CANONSBURG, WV 15317

Re: General Permit Registration No. WVR310791
MOSA-S031 Pipeline, Doddridge County, Disturbed
Acres (165)

Dear Permittee:

Attached is a copy of your completed registration form for your activity with the above assigned registration number. You are now authorized to operate under General Permit No. WV0116815. This registration form should be kept with your copy of the General Permit. You should carefully read the contents of the permit and become familiar with all requirements needed to remain in compliance with the permit.

Although you should be aware of all the terms and conditions of this permit, we wish to advise you of the following important requirements:

1. In accordance with Section G.4 of the General Permit, you have developed a complete storm water pollution prevention plan. This plan is to be retained on site and be available for review by the Director or the Director's authorized representative as of the date of your coverage by the General Permit, which is the date of this letter.
2. The erosion control measures approved by this agency for this project shall be maintained in proper condition to individually and collectively perform the functions for which they were designed. In order to ensure the efficiency and proper maintenance of these measures, the permittee shall make sufficiently frequent, periodic inspections to detect any impairment of the designed stability, capacity or environmental requirements of the approved measures. The permittee shall take immediate steps to correct any such impairment found to exist.
3. If this Stormwater Pollution Prevention Plan (SWPPP) proves to be ineffective in controlling erosion and the sediment in storm water discharges associated with industrial/construction activities, or site conditions change, the Permittee shall amend the SWPPP and install appropriate sediment and/or control devices in accordance with Section G.4.c) of this permit and the application instructions.
4. The current General Permit expires on May 13, 2018. If you wish to continue an activity regulated by this permit after the expiration date of the permit, provisions for coverage will be made during the public notice process for any new General Permit to be issued at that time.

5. Final stabilization means disturbed areas shall be covered by the appropriate permanent protection. Final stabilization includes: pavement; buildings; stable waterways (riprap, concrete, grass or pipe); a healthy, vigorous stand of perennial grass that uniformly covers at least 70 percent of the ground; stable outlet channels with velocity dissipation which directs site runoff to a natural watercourse; and any other approved structure or material.

Your annual permit fee has been assessed as \$1,500.00. You will be invoiced by this agency one month prior to the anniversary date of your original approval date. Failure to submit the annual fee within 90 days of the due date will render your permit void upon the date you are mailed a certified written notice to that effect. Please be advised that a pro-rated annual permit fee may be assessed upon the completion date and proper stabilization.

Issuance of this approval of the General Permit registration does not authorize any injury to persons or property or invasion of other private rights, or any infringement of federal, state or local law or rules.

The validity of this General Permit Registration is contingent upon payment of the applicable annual permit fee, as required by Chapter 22, Article 11, Section 10 of the Code of West Virginia.

Your efforts toward preventing the degradation of our natural resources are greatly appreciated. If you have any questions, please contact Sharon Mullins of this Division at (304) 926-0499 extension 1132 or at sharon.a.mullins@wv.gov.

Scott G. Mandirola
Director
WV DEP-Division of Water & Waste Mgt.
601 57th St SE
Charleston, WV 25304-2345
Phone: (304) 926-0495
Fax: (304) 926-0463



George Eidel <doddridgecountyfpm@gmail.com>

MOSA-S031 Pipeline Approvals

Ben Hagerty <BHagerty@keystoneconsultants.net>
To: George Eidel <doddridgecountyfpm@gmail.com>

Thu, May 11, 2017 at 1:06 PM

George,

I sent you the bulk of the MOSA-S031 permits back on March 13, 2017, as shown below. I was going through some files and realized that we did not send you the WVDEP approval. With the attached approval letter, you should have all permits associated with the MOSA-S031 Pipeline Project. Take care.

**Ben Hagerty****Civil Designer****Keystone Consultants, Inc.**

1000 Technology Dr, Suite 1330

Fairmont, WV 26554

Office: (304) 816-3165 ext. 101

Fax: (681) 443-3964

Cell: (304) 650-4473

<http://www.keystoneconsultants.net/>

From: Ben Hagerty
Sent: Monday, March 13, 2017 1:58 PM
To: 'George Eidel' <doddridgecountyfpm@gmail.com>
Cc: Chad Alberth <calberth@keystoneconsultants.net>
Subject: MOSA-S007 Pipeline Approvals

George,

I am sending you a .zip file of all agency approvals for the MOSA-S031 Pipeline. Please let us know if you are unable to open the files or if you need any additional information. Thanks.



Ben Hagerty

Civil Designer

Keystone Consultants, Inc.

1000 Technology Dr, Suite 1330

Fairmont, WV 26554

Office: (304) 816-3165 ext. 101

Fax: (681) 443-3964

Cell: (304) 650-4473

<http://www.keystoneconsultants.net/>

This email contains confidential, privileged information intended only for the addressee. If you have received this email in error, please call us immediately at 412-278-2100 and ask to speak to the message sender. Also, please email the message back to the sender at Keystone Consultants by replying to it and then deleting it. We appreciate your assistance in correcting this error.

 **WVR310791 Approval Letter.pdf**
27K