



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Jeffrey Klinefelter
Mountain Valley Pipeline, LLC

Published: April 30, 2025
Expires: May 30, 2025

**Wilmington District
Permit Application No. NAO-2018-1574 (VMRC 25-0752)
SAW-2018-00887**

TO WHOM IT MAY CONCERN: The purpose of this notice is to advise the public that the following request associated with Mountain Valley Pipeline – South Gate project has been submitted for a Department of the Army (DA) permit under the provisions of, Section 404 of the Clean Water Act. In Executive Order (EO) 14156 the President declared a national emergency under the National Emergencies Act (50 U.S.C. 1621) based upon the finding that the United States' insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation's economy, national security, and foreign policy. The U.S. Army Corps of Engineers (Corps), Wilmington District has found that this permit request meets the terms of EO 14156 and is therefore subject to special emergency permitting procedures to address an energy supply situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures. The Wilmington District will implement the special processing procedures approved by South Atlantic Division in accordance with 33 CFR § 325.2(e)(4), however the applicant has requested that, where practical, the project review be completed under standard permitting procedures.

**APPLICANT: Jeffrey Klinefelter
Mountain Valley Pipeline, LLC
2200 Energy Drive
Canonsburg, PA 15317**

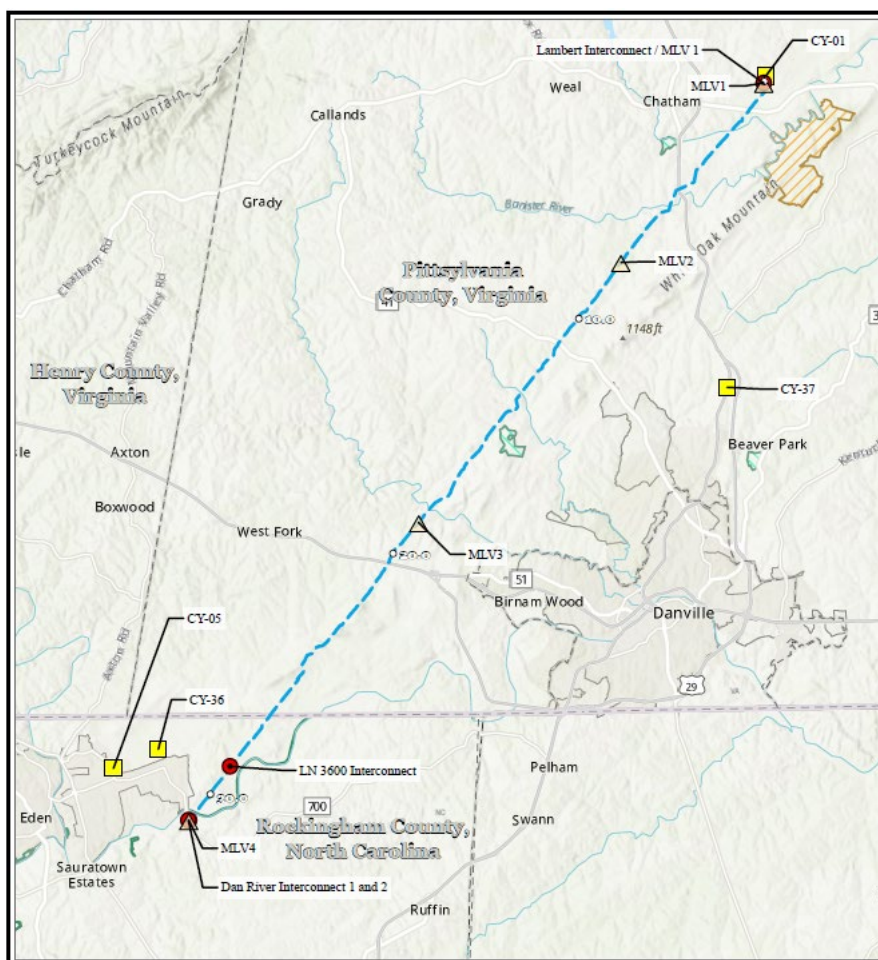
**AGENT: Lori Ferry
Burns & McDonnell Engineering Company, Inc.
1431 Opus Place
Downers Grove, IL 60515**

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Dan River and its tributaries. The project area as depicted on the map below starts at the proposed Lambert Interconnect in Pittsylvania County, Virginia (36.830743° N, 79.344083° W.), and ends at the proposed delivery interconnect points Dan River Interconnect #1 and Dan River Interconnect #2 in Rockingham County, North

Carolina (36.491436°N, -79.682773°W). The proposed project crosses two (2) Corps Regulatory District boundaries including the Norfolk District and the Wilmington District.

Approximately 26.1 miles of the pipeline and 10.8 miles of access roads are sited within the Corps Norfolk District. Proposed activities subject to Section 404 regulation within the Norfolk District's regulatory boundary would occur within streams and wetlands within watersheds of the Dan River and Banister River.

Approximately 5.2 miles of the pipeline and 4.5 miles of access roads are sited within the Corps Wilmington District. Proposed activities subject to Section 404 regulation within the Wilmington District's regulatory boundary would occur within streams and wetlands within watersheds of the Dan River.



PROPOSED WORK and PURPOSE: The applicant requests authorization from the Norfolk District and the Wilmington District to construct 31.3 miles of 30-inch diameter natural gas pipeline to transport natural gas from an interconnection point with the Mountain Valley Pipeline in Pittsylvania County, Virginia to an interconnection point with the East Tennessee Natural Gas, LLC system (East Tennessee) in Rockingham North Carolina, and then to two new delivery points in Rockingham County, North Carolina.

The overall proposed project would result in the permanent discharge of dredged and/or fill material into 114 linear feet (0.0093 acre) of streams, the temporary discharge into 6,417 linear feet (0.785 acre) of streams and 8.1535 acres of wetlands, and the permanent conversion of 8.8971 acres of forested and scrub-shrub wetlands to emergent wetlands.

The applicant has requested a DA authorization for the following activities within the Norfolk District:

- Temporary discharge of dredged and/or fill material into 5,695 linear feet (0.7246 acres) of streams, 5.2042 acres of palustrine emergent (PEM) wetlands and the permanent conversion of 0.9623 acre of palustrine scrub-shrub (PSS) wetlands and 5.0313 acres of palustrine-forested (PFO) wetlands.
- Permanent discharge of dredged and/or fill material into 62 linear feet (0.0055 acre) of streams. The applicant indicates there would be no permanent discharge of dredged and/or fill material into jurisdictional wetlands

The applicant has requested a DA authorization for the following activities within the Wilmington District:

- Temporary discharge of dredged and/or fill material into 722 linear feet (0.0604 acres) of streams, 2.9494 acres of palustrine emergent (PEM) wetlands and the permanent conversion of 0.3575 acre of palustrine scrub-shrub (PSS) wetlands and 2.5461 acres of palustrine-forested (PFO) wetlands.
- Permanent discharge of dredged and/or fill material into 52 linear feet (0.0038 acre) of streams. The applicant indicates there would be no permanent discharge of dredged and/or fill material into jurisdictional wetlands.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant has avoided and minimized impacts to jurisdictional resources by boring under wetlands and streams where feasible, by constructing the pipeline as close to perpendicular as possible to stream and wetland crossings, by utilizing existing access roads where possible, and by reducing the construction right of way width at stream and wetland crossing where it is practicable to do so. The applicant made multiple route modifications to avoid and minimize impacts to streams and wetlands throughout the application process with the Federal Energy Regulatory Commission.

A copy of the joint permit application for the entirety of the proposed project route can be found on the Virginia Marine Resources Commission's website at: https://webapps.mrc.virginia.gov/public/habitat/search_permits.php?id=20250752&msg=454

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: To

compensate for unavoidable impacts within the Norfolk District area of responsibility the applicant proposes to mitigate for the conversion of 0.9623 acres of palustrine scrub shrub wetlands and 5.9936 acres of palustrine forested wetlands at a 1:1 ratio by purchasing 5.99 wetland credits from either the Copper Hill Mitigation Bank or the Beaverdam Mitigation Bank. To mitigate for the impact to 62 linear feet of stream the applicant proposes to purchase 45 stream credits from either the Copper Hill Mitigation Bank or the Beaverdam Mitigation Bank.

To compensate for unavoidable impacts within the Wilmington District area of responsibility the applicant proposes to mitigate for the conversion of 0.3575 acres of palustrine scrub shrub wetlands and 2.5461 acres of palustrine forested wetlands at a 1:1 ratio by purchasing 2.9 wetland credits from North Carolina Division of Mitigation Services In-Lieu Fee Program. The applicant is not proposing to mitigate for permanent impacts to 52 linear feet of stream.

CULTURAL RESOURCES: Pursuant to 36 CFR 800.2(a)(2) the Federal Energy Regulatory Commission is the lead Federal agency responsible for compliance with Section 106 of the National Historic Preservation Act for the proposed action. Any required consultation will be completed by the Federal Energy Regulatory Commission.

ENDANGERED SPECIES: Pursuant to Section 7 of the Endangered Species Act (ESA) any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Federal Energy Regulatory Commission is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Federal Energy Regulatory Commission.

ESSENTIAL FISH HABITAT:

The Federal Energy Regulatory Commission is the lead Federal agency for Essential Fish Habitat consultation for the proposed action. Any required consultation will be completed by the Federal Energy Regulatory Commission.

There is no EFH in the Corps area of responsibility.

NAVIGATION: The proposed activity is not located in the vicinity of a federal navigation channel.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the North Carolina Division of Water Resources.

The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. Unless NCDWR is granted a time review extension, a waiver will be deemed to occur if the NCDWR fails to act on this request for certification within 180

days of the date of this public notice. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments should do so in writing, within 30 days of the issue date of the notice by emailing comments to publiccomments@deq.nc.gov with the subject line of "401 Water Quality Certification" or by mail to:

NCDWR Central Office
Attention: Stephanie Goss, 401 and Buffer Permitting Branch
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699

Or,

(Physical address): 512 North Salisbury Street, Raleigh, NC 27604

NORTH CAROLINA DIVISION OF COASTAL MANAGEMENT (NCDWM): Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been field verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to

consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PRIVACY AND CONFIDENTIALITY: Comments and information, including the identity of the submitter, submitted in response to this Public Notice may be disclosed, reproduced, and distributed at the discretion of the U.S. Army Corps of Engineers. Information that is submitted in connection with this Public Notice cannot be maintained as confidential by the U.S. Army Corps of Engineers. Submissions should not include any information that the submitter seeks to preserve as confidential.

The Norfolk District will receive written comments on the proposed work as outlined above, pertaining to both the Norfolk District and Wilmington District areas of responsibility, until **May 30, 2025**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs>. Please reference Corps project number NAO-2018-1574 for all comments on the project. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Norfolk District, Attention: Steven VanderPloeg, CENAO-WRR, 803 Front Street, Norfolk, VA 23510-1011, Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.