



US Army Corps
of Engineers®
Wilmington District

Mountain Valley Pipeline - Southgate Alamance and Rockingham Counties, NC (Regulatory)

- Project proposes to install 73 miles of natural gas pipeline from Pittsylvania County, Virginia and terminating in Alamance County, North Carolina. Approximately 47 miles of the project would be constructed in North Carolina.
- Project transects 2 USACE Districts and 2 USACE Divisions. Norfolk (NAO) is the lead District for USACE.
- The Federal Energy Regulatory Commission (FERC) is the lead federal agency, and we are a cooperating agency.

CONGRESSIONAL DISTRICTS: NC 10, 13

DATE: 01 APRIL 2022

1. **PURPOSE:**

To provide information regarding the proposed construction of 73 miles of natural gas pipeline from Pittsylvania County, Virginia and terminating in Alamance County, North Carolina. In NC, the project would involve the construction of approximately 47 miles of 24- and 16-inch pipeline through Alamance and Rockingham Counties, North Carolina.

2. **BACKGROUND:**

- a. On May 4, 2018, representatives from the project proponent, along with their environmental consultants, met with USACE, Wilmington District (SAW), NC Division of Water Resources (NCDWR), US Fish and Wildlife Service (USFWS), and NC Wildlife Resources Commission (NCWRC), to discuss general aspects of the proposed project, including pipeline size, length, and timing. The project proponent was advised that based upon the minimal amount of information provided, that the Corps is unable to make a final decision as to the permit type for project authorization.
- b. On May 15, 2018, the Federal Energy Regulatory Commission (FERC) granted the project proponent's request to use their Pre-Filing Process and assigned Docket No. PF18-4-000 to the project.
- c. g. On June 25, 26, and 28, 2018, the project proponent hosted open house meetings for the general public to introduce and discuss the proposed project.
- d. On June 27, 2018, several representatives from the project proponent and the FERC met with SAW to generally discuss the FERC process as it would apply to the proposed project.

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- e. On July 27, 2018, SAW received a Preliminary Jurisdictional Determination request from the project proponent.
- f. On August 1, 2018, the FERC submitted a Notice of Intent to prepare an Environmental Impact Statement (EIS) for the proposed project.
- g. On August 20, 21, and 23, 2018, the FERC hosted scoping meetings for the general public to take public comments about the proposed project.
- h. On September 5, 10, and 25, 2018, SAW conducted site visits to field review their delineation of potential waters of the US on accessible properties.
- i. On November 6, 2018, the project proponent filed a formal application with the FERC requesting authorization to construct the project.
- j. On November 19, 2018, the FERC determined that the project qualified as a Major Infrastructure Project pursuant to the MOU implementing One Federal Decision under Executive Order 13807.
- k. On November 30, 2018, SAW received a Pre-Construction Notice (PCN) and attachments for the proposed project. NAO received a permit application at the same time for their portion of the project.
- l. On December 4, 2018, the FERC asked via email if SAW and NAO plan to evaluate the project using the NWP process or as a Standard Permit; SAW and NAO informed them that we had not made that decision at this point as it would be pre-decisional. If authorized via NWPs, the NEPA documentation would be satisfied, and our responsibilities to coordinate with FERC per the One Federal Decision process would be limited to assisting the FERC with accurate information concerning waters of the US to be presented in the EIS.
- m. On December 21, 2018, NAO sent a request for additional information to the applicant with a 30-day suspense date.
- n. December 28, 2018, SAW sent a request for additional information to the applicant with a 30-day suspense date.
- o. On January 10, 2019, SAW and NAO participated in a teleconference with Jim Haggerty (Regulatory Program Manager, NAD), agreeing that NAD will be the lead MSC, and NAO will be the lead district for this project.
- p. NCDWR determined they would evaluate this project through their Individual Water Quality Certification (WQC) process.

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- q. On January 17, 2019, the applicant responded to SAW's request for additional information. The applicant requested additional time to provide the requested information, primarily because final proposed route information was not available until the 3rd quarter 2019 and ESA Section 7 and NHPA Section 106 consultations will not be complete until the 4th quarter 2019.
- r. On August 9, 2019, SAW received an updated PCN from applicant.
- s. On September 5, 2019, SAW requested additional information from the applicant with a 30-day suspense date.
- t. On September 13, 2019, the applicant responded to SAW's request for additional information. The applicant requested additional time to provide the requested information, primarily because final proposed route information was not at that time and ESA Section 7 and NHPA Section 106 consultations would not be complete until the 1st quarter 2020.
- u. On February 14, 2020, Final EIS completed by FERC.
- v. On March 19, 2020, USFWS issued Letter of Concurrence to FERC.
- w. On May 19, 2020, Section 106 Programmatic Agreement executed.
- x. On June 18, 2020, FERC issued the Order Issuing Certificate for the project.
- y. On August 11, 2020, NCDWR denied the applicant's Individual 401 WQC and Buffer Authorization.
- z. On January 11, 2021, the applicant notified SAW and NAO that they would not submit a complete PCN or other permit application prior to June 2021.
- aa. On January 15, 2021, SAW withdrew the applicant's PCN (submitted August 9, 2019) based on applicant estimate for PCN submittal and impending NWP re-issuance.

3. **CURRENT STATUS:**

There are linkages between the Mountain Valley Pipeline - Southgate project (NAO and SAW) and the Mountain Valley Pipeline "Mainline" project (NAO, LRH and LRP). However, discussions in January 2021 comprising all involved Regulatory Chiefs support the two projects each being separate based upon the information presented by the applicant. Further, we are aware that the applicant is considering other permitting options under Section 404 of the Clean Water Act, including possibly pursuing a Standard Permit for MVP Southgate rather than NWP 12 verifications.

Based on correspondence from Mountain Valley Pipeline on January 20, 2022, SAW awaits the applicant's submittal of a complete PCN/application by May 31, 2022. Upon

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submittal of a complete PCN, the Corps anticipates reaching a permit decision within 60-days. If instead a complete Standard Permit application is submitted, the Corps anticipates reaching a permit decision within 120 days. Further, SAW and NAO continue to work with the FERC to meet the requirements of One Federal Decision, where the One Federal Decision Dashboard Environmental Review and Permitting status is currently “Paused.”