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MVP Pipeline FEIS Comments - FERC Docket Nos.: CP16-10-000 and CP16-13-000

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The following comments are in regards to the proposed Mountain Valley Project (MVP) impacts on the resources and values of the Jefferson National Forest and the Appalachian National Scenic Trail (ANST).

I. Introduction and Background

BLM Record of Decision Intent: The FEIS states that, “the BLM, COE, and FS may adopt and use the EIS when they consider the issuance of a Right-of-Way Grant to Mountain Valley for the portion of the MVP that would cross federal lands. Further, the FS may use the EIS when it considers amendments to its Land and Resource Management Plan for the Jefferson National Forest to allow the MVP to cross federal lands. The BLM is soliciting comments specific to impacts to COE and FS federal lands for consideration in its Record of Decision. If you wish to submit written comments to the BLM, they must be submitted within thirty (30) calendar days from the date that the EPA publishes the *Notice of Availability of the Environmental Impact Statement for the Proposed Mountain Valley Project and Equitrans Expansion Project* in the Federal Register....”

NST Planning Handbook: National Scenic Trail planning considerations are addressed in a planning handbook that I provided to the Forest Service as comments on the MVP DEIS on December 12, 2016 (SOPA project #50038). A copy of the current version of this National Scenic Trail Planning Handbook is available online at:

http://www.nstrail.org/management/nst_planning_handbook.pdf .

Key discussions in this planning handbook include: (1) nature and purposes, (2) BLM planning processes, (3) Forest Service planning policies, and (4) NEPA considerations. The following discussions supplement the handbook considerations.

NEPA Considerations: Important NEPA process considerations are described in a CEQ document titled, “Major Cases Interpreting the National Environmental Policy Act.” Many of the cases are relevant to the MVP FEIS, including the need to take a hard look at alternatives and to address cumulative impacts.

https://ceq.doe.gov/docs/laws-regulations/Major_NEPA_Cases.pdf

National Scenic Trail Nature and Purposes: To understand the impacts of the MVP to the ANST, it is important to understand the *nature and purposes* of this National Scenic Trail (National Trails System Act (NTSA), Section 7(c)).

The National Park Service, the administrating agency for the ANST, provides the following vision: “The Appalachian Trail is a way, continuous from Katahdin in Maine to Springer Mountain in Georgia, for travel on foot through the wild, scenic, wooded, pastoral, and culturally significant landscapes of the Appalachian Mountains. It is a means of sojourning among these lands, such that the visitors may experience them by their own unaided efforts. The

Trail is preserved for the conservation, public use, enjoyment, and appreciation of the nationally significant scenic, historic, natural and cultural quality of the areas through which the trail passes. Purposeful in direction and concept, favoring the heights of land, and located for minimum reliance on construction for protecting the resource, the body of the Trail is provided by the lands it traverses, and its soul is the living stewardship of the volunteers and workers of the Appalachian Trail community...”

The following significance statements have been identified by the National Park Service for the ANST, which contribute to defining the nature and purposes of this National Scenic Trail:

- “Traversing 14 states through wildlands and communities, the more than 2,100-mile world-renowned hiking trail and its extensive protected landscape protects the most readily accessible, long-distance footpath in the United States. The Appalachian National Scenic Trail offers healthy outdoor opportunities for self-reliant foot travel through wild, scenic, natural, and culturally and historically significant lands. It provides a range of experiences for people of all ages and abilities to seek enjoyment, inspiration, learning, challenge, adventure, volunteer stewardship, and self-fulfillment, either in solitude or with others...”
- The north-south corridor of the Trail, traversing the highest and lowest elevations and myriad microclimates of the ancient Appalachian Mountains, helps protect one of the richest assemblages of temperate zone species in the world and anchors the headwaters of critical watersheds that sustain more than 10% of the population of the United States...
- The Trail offers opportunities to view stunning scenery in proximity to the most populated areas of the United States. Within the boundaries of the protected trail corridor, visitors may see native wildlife and flowers, rustic cultural features, seasonal variations, and dynamic weather patterns in environments such as southern balds, pastoral lands, diverse forests, wetlands, rugged outcrops, and mountainous alpine areas.
- Traversing the height of land, Trail visitors are afforded sweeping views of vast landscapes extending beyond the Trail corridor and are exposed to the splendid range of landforms and history along the Appalachian Mountains. Enjoyment of far-reaching views and deep starry nights are dependent on clean air and clear skies.
- The Trail corridor passes through eight separate ecoregions, linking extensive forest landscapes and an extraordinary variety of aquatic and terrestrial habitats over a distance of more than 2,100 miles. The Trail unifies understanding, management, and protection of representative natural resources at a scale that no other single entity can provide, while offering visitors the chance to see, hear, and feel nature all around them.”

An operational nature and purposes vision for the ANST could be described as: “The nature and purposes of the ANST is to provide for high-quality scenic, primitive hiking opportunities and to conserve natural, historic, and cultural resources along the corridor.”

Bureau of Land Management National Trail Policy: The Bureau of Land Management has established policy direction in directive MS-6280 for National Landscape Conservation Areas, including providing direction for the proper management of National Trails. The following are important definitions from this BLM directive that provide context to the discussions in this submittal:

- **National Scenic Trail.** A continuous, long-distance trail located on the ground by the land-managing agency along the congressionally designated route, in coordination with the trail administering agency. A National Scenic Trail provides maximum compatible outdoor recreation opportunity and conservation and enjoyment of the nationally significant scenic, historic, natural, and cultural resources, qualities, values, and associated settings and the primary use or uses of the areas through which such trails may pass. National Scenic Trails represent desert, marsh, grassland, mountain, canyon, river, forest, and other areas, as well as landforms that exhibit significant characteristics of the physiographic regions of the Nation. National Scenic Trails include the tread, or the trail path, and the trail setting which is included within the National Trail Management Corridor. National Scenic Trails may contain water sources or structures which are designed to support and provide for the safety of travelers along the trail.
- **National Trail Associated Settings.** The geographic extent of the resources, qualities, and values or landscape elements within the surrounding environment that influence the trail experience and contribute to resource protection. Settings associated with a National Scenic or Historic Trail include scenic, historic, cultural, recreation, natural (including biological, geological, and scientific), and other landscape elements (see resources, qualities, and values).
- **National Trail Management Corridor.** Allocation established through the land use planning process, pursuant to Section 202 of Federal Land Policy and Management Act and Section 7(a)(2) of the National Trails System Act (“rights-of-way”) for a public land area of sufficient width within which to encompass National Trail resources, qualities, values, and associated settings and the primary use or uses that are present or to be restored.
- **National Trail Right(s)-of-Way.** Term used in Section 7(a)(2) of the National Trails System Act to describe the corridor selected by the National Trail administering agency in the trailwide Comprehensive Plan and which includes the area of land that is of sufficient width to encompass National Trail resources, qualities, values, and associated settings. The National Trail Right-of-Way, in the context of the National Trails System Act, differs from a Federal Land Policy and Management Act (FLPMA) Title V right-of-way, which is a grant issued pursuant to FLPMA authorities. It becomes a key consideration in establishing the National Trail Management Corridor in a Resource Management Plan.
- **Nature and Purposes.** The term used to describe the character, characteristics, and congressional intent for a designated National Trail, including the resources, qualities,

values, and associated settings of the areas through which such trails may pass; the primary use or uses of a National Trail; and activities promoting the preservation of, public access to, travel within, and enjoyment and appreciation of National Trails.

- Resources, Qualities, and Values. The significant scenic, historic, cultural, recreation, natural (including biological, geological, and scientific), and other landscape areas through which such trails may pass as identified in the National Trails System Act.
- Substantial Interference. Determination that an activity or use affects (hinders or obstructs) the nature and purposes of a designated National Trail (see nature and purposes).

BLM Policy describes that, “Environmental Consequences of Planning Decisions on Designated National Trails and the Approved Resource Management Plan – For each alternative, the analysis of environmental consequences shall address how the land use planning decisions will achieve: (1) The nature and purposes of the National Trail. (2) National Trail resources, qualities, values, and associated settings. (3) National Trail primary use or uses. (4) The National Trail from the cumulative or trailwide perspective... The Record of Decision that accompanies the approved plan shall describe the planning decisions for the National Trail and the National Trail Management Corridor” (MS-6280 4.3). This direction is specific to a BLM Resource Management Plan; however, the guidance is germane to the BLM MVP rights-of-way permitting decision where BLM and other agencies need to describe how the pipeline decision protects the ANST nature and purposes and does not allow for actions that substantially interfere with ANST values (nature and purposes).

I encourage the BLM to accept the agency’s National Trails Directive MS-6280 as relevant policy. As demonstrated in the above definitions, the directive provides direction that will help the BLM determine if National Trail values are protected by the proposed action.

Forest Service Policy: The Forest Service planning directives provide specific National Trail direction in FSH 1909.12:

- FSH 1909.12 – Section 14 of the planning handbook describes Designated areas are specific areas or features within the plan area that have been given a permanent designation to maintain its unique special character or purpose.
- FSH 1909.12 – Section 23.23a addresses recreation resources. At the forest scale, sustainable recreation is derived through the integrated planning process and emerges as the resultant set of desired recreation opportunity spectrum classes. Each setting provides opportunities to engage in activities (motorized, nonmotorized, developed, or dispersed on land, water, and in the air) that result in different experiences and outcomes... Must include desired conditions for sustainable recreation using mapped desired recreation opportunity spectrum classes. This mapping may be based on management areas, geographic areas, designated areas, independent overlay mapping, or any combination of these approaches. Should include specific standards or guidelines where restrictions are

needed to ensure the achievement or movement toward the desired recreation opportunity spectrum classes.

- FSH 1909.12 – Section 23.23f is concerned with scenery, aesthetic values, viewsheds and geologic features. (The framework for scenery management is described in Landscape Aesthetics – A Handbook for Scenery Management. Viewsheds are specific elements to be considered because they describe areas seen from certain view locations such as trails (and, implicitly, from national scenic trails). The plan should contain standards or guidelines as needed to avoid or mitigate undesirable effects incompatible with desired scenery conditions. ...
- FSH 1909.12 - 24.43 – National Scenic and Historic Trails
 1. “When developing plan components for national scenic and historic trails:
 - a. The Interdisciplinary Team should review the assessment for relevant information about existing national scenic and historic trails in the plan area, including established rights-of-way pursuant to 16 U.S.C 1246(a)(2) and direction contained in comprehensive plans (CPs) pursuant to 16 U.S.C. 1244(e) or 1244(f)...
 - b. The Interdisciplinary Team shall identify Congressionally designated national scenic and historic trails and plan components must provide for the management of rights-of-ways (16 U.S.C 1246(a)(2)) consistent with applicable laws, regulations, and Executive Orders...
 - c. The Interdisciplinary Team shall use the national scenic and historic trails rights-of-way maps required by 16 U.S.C. 1246(a)(2) to map the location of the trails...
 - e. Plan components must be compatible with the objectives and practices identified in the comprehensive plan for the management of the national scenic and historic trail. The objectives and practices include the identification of resources to be preserved and the trail’s carrying capacity.
 - f. The Responsible Official shall include plan components that provide for the nature and purposes of national scenic and historic trails in the plan area. In doing so, the Responsible Official should take into consideration other aspects of the plan related to the trail such as access, cultural and historic resources, recreational settings, scenic character, and valid existing rights.
 2. The plan must include plan components including standards or guidelines for a designated area as described in section 24.2 of this Handbook. To meet this requirement the plan:
 - a. Should include desired conditions that describe the national scenic and historic trail and the recreational, scenic, historic, and other resource values for which the trail was designated.

- b. May include objectives for national scenic and historic trails where existing conditions (settings, opportunities, scenic character, cultural and other resources values) are different from desired conditions. These objectives can identify intended activities to improve national scenic and historic trail conditions, mitigate or enhance associated resource values, create or improve connections with communities and visitors, or other desired and measureable outcomes that will improve the national scenic and historic trail experience.
- c. May include standards or guidelines to place limits or conditions on projects or activities to protect the trail and associated resource values.
- d. May include suitability plan components to limit or prevent incompatible uses and activities....

II. MVP FEIS Observations and Findings

The following are select observations, findings, and recommendations that are specific to the Jefferson National Forest and the Appalachian National Scenic Trail.

Comment Title	Chapter Reference	Section Reference
Purpose and Need	1.2 and 1.3	Pages 1-8 through 1-11
<p>The FEIS preamble states that, “the FS may use the EIS when it considers amendments to its Land and Resource Management Plan for the Jefferson National Forest to allow the MVP to cross federal lands.”</p> <p>The MVP EIS purpose and need description may meet programmatic requirements of 40 CFR 1502.13 for the proposed MVP actions on non-Federal lands, but does not support the purpose and need to amend the Jefferson National Forest Plan. The purpose and scope of the MVP EIS further addresses the purposes of preparing the EIS, but fails to address the requirements of providing for integrated resource management on National Forest System lands. Again, the purpose and need does not support the need to address the project in terms of providing for multiple use and designated areas on the Jefferson National Forest.</p> <p>The Forest Service or FERC should prepare a site-specific Supplemental DEIS to address the MVP proposed action and alternatives in the context of providing for an integrated Forest Plan with a purpose and need description that includes, in part, the following elements:</p> <ul style="list-style-type: none"> • Assures the production and protection of high quality water for National Forest resources and downstream water users; • Maintains or restores long-term ecosystem health and integrity; • Contributes to the economic and social needs of people, cultures and communities; • Meets the objectives and requirements of federal laws, regulations, and policies including the National Trails System Act. 		

Range of Alternatives	1.3.2.1	Page 1-14
<p>The FEIS describes, “The MVP pipeline route would cross about 3.5 miles of the Jefferson National Forest in Monroe County, West Virginia and Giles and Montgomery Counties, Virginia.”</p> <p>To be consistent with NEPA requirements, the discussion should give equal treatment to all reasonable alternatives. Rigorously explore and objectively evaluate all reasonable alternatives.</p>		
FS Adopting the FERC EIS	1.3.2.1	Page 1-15
<p>The FEIS states, “The FS intends to adopt this EIS in its assessment of potential amendments to its LRMP that would then make the MVP pipeline a conforming use of the Jefferson National Forest LRMP (additional detail is in section 4.8 of this EIS). The FS would issue its own ROD for these amendments to its LRMP using the analysis from this EIS. This would be a separate action from the issuance of the ROD for the Right-of-Way Grant issued by the BLM for crossing the Jefferson National Forest. The LRMP amendments proposed are in accordance to 36 CFR 219 (2012 version) regulations.”</p> <p>The FERC FEIS is programmatic in nature and fails to address the planning and analysis requirements of the National Forest Management Act as implemented through direction in FSH 1909.12 24.43 and the comprehensive planning requirements of the National Trails System Act (Section 5(e) and 7(c)).</p>		
Role of the National Park Service	1.3.2.1	Page 1-15 through 1-16
<p>The FEIS states, “This federal law designates the entire 2,190-mile ANST as a National Scenic Trail; designates the National Park Service (NPS) as the lead federal agency for the administration of the entire ANST; recognizes the rights of the other federal and state public land managers whose lands are crossed by the ANST; and requires the consistent cooperative management of the unique ANST resource by the NPS; working formally with the non-profit Appalachian Trail Conservancy (ATC), with ATC affiliated local clubs, and with all the public land managing agencies that the ANST traverses – notably and specifically, the FS.”</p> <p>The description is incomplete. To clarify roles and responsibilities the description should have noted the following:</p> <ul style="list-style-type: none"> • NTSA, Section 5 assigns the administrative responsibility of the ANST to the Department of Interior as further delegated to the NPS. • NTSA, Section 5(f) requires the development of a comprehensive plan by the responsible Secretary [Interior] in consultation with affected agencies. Comprehensive planning, selecting the rights-of-way, and defining the nature and purposes is critical to establishing and protecting a National Scenic Trail. • NTSA, Section 7(a) describes that the National Trail administrating agency [Interior] may transfer NTSA responsibilities to another agency by agreement. The Department of Interior is responsible for selecting the rights-of-way. The NPS selected the rights-of-way on October 9, 1971. The official ANST travel path is located within this rights-of-way where the MVP is proposed to cross. • NTSA, Section 7(c) describes that, “other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail.” The plain language of the Act 		

<p>indicates that the NPS, as delegated from the Secretary of Interior, may allow [permit] the MVP to be constructed and maintained if the development does not substantially interfere with the nature and purposes of the ANST. The primary analysis area should include lands within the selected rights-of-way.</p>		
<p>The NPS has a degree of authority within the entire AT rights-of-way due to the NPS responsibility to select the rights-of-way and address comprehensive planning for the ANST. The Jefferson NF lands within the rights-of-way has an overlay of management regimes: (1) the NPS has certain responsibilities associated with the NTSA and (2) the FS has responsibilities to implement the NFMA, while being constrained by other laws including the NTSA. The NPS does not have authority or jurisdiction to issue a pipeline permit, but the agency does have the responsibility to determine if the project would substantial interfere with the ANST nature and purposes.</p>		
Agency Concurrence	1.3.2.3	Page 1-20
<p>The FEIS states, “The BLM will consider whether to issue a Right-of-Way Grant that provides terms and conditions for construction and operation of the MVP on federal lands in accordance with 43 CFR 2880 and relevant BLM manual and handbook direction. For example, the BLM would seek to ensure that any grant protects the natural resources associated with federal lands and adjacent lands and prevents unnecessary or undue degradation to public lands. In making a decision whether to issue a Right-of-way Grant for the MVP, the BLM would consider several factors including this EIS, conformance with the FS LRMP, and impacts on resources and programs. Following adoption of this EIS and receipt of concurrence from the FS and COE, the BLM would issue a ROD that documents the decision whether to grant, grant with conditions, or deny the Temporary Use Permit and the Right-of-Way Grant to Mountain Valley.”</p> <p>To be in compliance with NTSA, Section 7(c), the National Park Service must concur with the proposed action.</p>		
Columbia Gas of Virginia Pipelines Peters Mountain Variation	3.5.1.5	Page 3-51
<p>The FEIS states, “The proposed route would cross more FS-designated inventoried roadless and semi-primitive areas, and affect more acres of interior forest than the alternative. [For] these reasons, we conclude that the CGV Peters Mountain Variation alternative does not offer a significant environmental advantage when compared to the corresponding proposed route.”</p> <p>The effects determination is based on programmatic evaluations. The roadless and semi-primitive areas criteria screens are valid. However, missing are criteria to address (1) visual quality from important observation points and travelways and (2) potential effects on the nature and purposes of the ANST.</p>		
Alternative Crossing Methods for the Appalachian National Scenic Trail	3.5.1.6	Page 3-51
<p>The assessment only dealt with the MVP preferred alternative without equal treatment of other alternatives and route variations. This limited assessment approach is inconsistent with NEPA requirements.</p>		

Alternative Crossing Locations for the Appalachian National Scenic Trail	3.5.1.6	Page 3-52
<p>The FEIS states, “The MVP pipeline would cross the ANST at the crest of Peters Mountain at an area that is predominantly forested. Mountain Valley intends to cross under the ANST using a 600-foot-long horizontal bore. This would allow for a 300-foot-wide forested buffer on each side of the trail. The bore pits would be moved downslope from the trail (a vertical drop of 70 to 90 feet on each side). This buffer of undisturbed forest on either side of the trail would prevent direct impacts on the surface of the trail itself and would substantially reduce visual impacts on users of the ANST. This construction technique would result in noise that may be audible to hikers but these impacts would vary based on the presence of hikers at the time of construction. The crossing and potential visual impacts on the ANST are discussed in more detail in section 4.8.”</p> <p>The assessment is limited to the ANST tread or path and fails to assess the impacts to the National Trail corridor. The proposal does not address important resources, values, and qualities, including the degradation of the Forest Plan established Semi-Primitive setting of the ANST Management Area. The MVP proposal if implemented would result in a substantial interference to the nature and purposes of ANST.</p>		
State Route (SR) 635-ANST Variation	3.5.1.6	Page 3-52
<p>The FEIS states, “The variation would also collocate the ANST crossing with an existing corridor.” Could the MVP route have minor adjustments to decrease effects on the ANST resources, values, and qualities?</p> <p>The Forest Service or FERC should take a hard look at this alternative in a Supplemental DEIS to address site-specific issues with amending the Forest Plan.</p>		
American Electric Power (AEP) - ANST Variation	3.5.1.6	Page 3-55
<p>The FEIS states, “The AEP-ANST Variation offers a crossing of the ANST collocated with an existing utility right-of-way, and overall the variation would be collocated with an existing corridor for 1.8 miles. The AEP-ANST Variation would affect less FS-designated roadless areas and semi-primitive areas, 2 less residences, 65 acres less of interior forest, and about 0.5-mile less of karst terrain. However, the proposed route would be 3.2 miles shorter than the corresponding segment of the proposed route, disturbing about 49 less acres during construction, would cross 1 less mile of the Jefferson National Forest, cross 10 less parcels, 0.7-mile less forest, 16 less perennial waterbodies, and less shallow bedrock, side slopes, and less areas with landslide potential. For these reasons, we conclude that the AEP-ANST Variation alternative does not offer a significant environmental advantage when compared to the corresponding proposed route.”</p> <p>The summary effects statement fails to mention that this route may not substantial interfere with the nature and purposes of the ANST. If true, this route would have a significant environmental advantage over the proposed route.</p> <p>The Forest Service should take a “hard look” at this alternative in a Supplemental DEIS that addresses site-specific issues with amending the Forest Plan.</p>		

The FEIS states, “More than 325 miles of the ANST is located within the GWJeff in central and southwest Virginia. The GWJeff manages the ANST, both the footpath itself and the adjacent lands mapped as the foreground visual area using the Scenery Management System, to protect the ANST experience; to preserve and strengthen the role of volunteers and volunteer organizations; to provide opportunities for high quality recreational experiences; and to provide for the conservation and enjoyment of the nationally significant scenic, historic, natural, and cultural qualities of the land through which the ANST passes.”

The existing Forest Plan direction that emphasizes managing primarily the footpath and the foreground visual area is inadequate to protect the ANST resources, qualities, values, and associated settings. This is especially true if vegetation screening is used by itself to provide for the perception of naturalness along the travel path.

Vegetative screening is inappropriate for many areas of potential significant visual impact given that the USFS actively manages these as scenic open areas: “Management activities needed to preserve or create vistas and desirable open areas are a high priority.” Forest Plan standards describe, “Maintain open areas, old field habitats, and vistas that enhance the scenic qualities of the Appalachian Trail” and “Restore, enhance, or mimic historic fire regimes.”

Recreation Opportunity Spectrum: A SPNM ROS Class – “Natural setting may have subtle modifications that would be noticed but not draw the attention of an observer wandering through the area.” The Forest Plan established a Semi-Primitive Non-Motorized desired condition for the Appalachian National Scenic Trail Management Area: “Management of the Appalachian Trail setting will either be consistent with or complement the semi-primitive non-motorized Recreation Opportunity Spectrum class.” MVP pipeline impacts are inconsistent with this established SPNM ROS direction.

In landscapes where vegetation health issues exist, it may be best to assume that vegetation is ephemeral and may disappear due to factors such as insects, disease and fire. In those areas visual analysis should not consider current vegetation in establishing distance zones or the trail corridor. Another consideration is that the, “middleground is usually the predominant distance zone at which national forest landscapes are seen, except for regions of flat lands or tall, dense vegetation. At this distance, people can distinguish individual tree-forms, large boulders, flower fields, small openings in the forest, and small rock outcrops. Tree-forms typically stand out vividly in silhouetted situations. Form, texture, and color remain dominant, and pattern is important. Texture is often made up of repetitive tree-forms. In steeper topography, a middleground landscape perspective is similar to an aerial one. Because the viewer is able to see human activities from this perspective in context with the overall landscape, a middleground landscape having steep topography is often the most critical of all distance zones for scenery management” (Landscape Aesthetics Handbook, page 4-12).

The above considerations would dictate that a viewshed analyze (and disclosures) utilize the existing Bare Earth Viewshed simulations and not rely on vegetation screening to assess and disclose the potential effects of the MVP on the ANST corridor. The proposed Forest Plan amendment to exempt the MVP pipeline from existing ANST standards would result in a

substantial interference to the nature and purposes of this National Scenic Trail. An ANST Forest Plan amendment is needed to establish plan components that protect the nature and purposes of the ANST (FSH 1909.12 24.43).

Visual Resources

4.8.1.10

4-295

The FEIS states, “Changes in the scenery of the National Forest can have significant impacts when viewed from travelways (roads, trails, rivers, [and] railroads), observation points, residential areas, and population centers. The FS developed the Scenery Management System (SMS) for inventorying and classifying scenery, and establishing standards called Scenery Integrity Objectives (SIO). The Jefferson National Forest LRMP (Forest Plan) includes SIO that vary by management prescription (Rx) and by the inventoried Scenic Classes within those Rx areas. Meeting SIO is stated in terms of the degree to which the existing landscape character and scenic integrity remain intact, or the degree to which the proposed management activity is expected to create visible deviations in the landscape character... To achieve the High SIO, landscapes exist where the valued landscape character appears intact, natural and unaltered even though disturbances may be present. These deviations remain unnoticed to the casual observer because they have been designed to repeat attributes of form, line, color, texture, pattern, and scale found in the valued scenery.”

The definition presented is different than that found in the Landscape Aesthetics Handbook (AG Handbook Number 701). The Scenery Management System describes that, “HIGH scenic integrity refers to landscapes where the valued landscape character “appears” intact. Deviations may be present but must repeat the form, line, color, texture, and pattern common to the landscape character so completely and at such scale that they are not evident.” For clarity and appropriate disclosure, the FEIS should have used Scenery Management System definitions for describing effects on National Forest System lands. The Scenery Management System Handbook further describes the following:

- "Leaf-on" and "leaf-off conditions in deciduous forests will modify landscape visibility. Likewise, persistent summer fog in some coastal locations will decrease landscape visibility. As a general rule, determine landscape visibility for the most sensitive situation. (Page 4-5)
- Vegetative screening, being dynamic, is important for short-term, detailed planning. Normally, vegetative screening is inappropriate to consider in long-term, broad-scale planning, such as forest planning. (Page 4-5)
- Use topographic screen to map seen areas for long-term, broad-scale planning, such as forest planning. (Page 4-10)
- Use both topographic and vegetative screening for project planning. Use the most sensitive situation for the landscape visibility inventory, for example, any "leaf-off condition, clear air period, or season of high color contrast. (Page 4-10)
- Selection of a desired landscape character for an alternative must take into consideration ecosystem dynamics and trends. Due to the wide variety of ecosystems and possible alternative themes, there are many possibilities for changing landscape character. These possibilities should be directed towards a more complete, attractive, and sustainable expression of landscape character. (Page 5-5)

Jefferson National Forest Plan	4.8.1.11	Page 4-300
<p>The FEIS states, “Rx 4A-Appalachian National Scenic Trail Corridor lands are managed to protect the experience of users of the ANST and includes the footpath of the trail and the foreground area (up to 0.5 mile) visible from the trail in all directions. Roads, utility transmission corridors, communication facilities, or signs of mineral development activity exist or may be seen within the Rx area, although the goal is to avoid these types of facilities and land uses to the greatest extent possible and blend facilities which cannot be avoided into the landscape so that they remain visually subordinate. Activities within Rx 4A should be consistent with the semi-primitive non-motorized Recreation Opportunity Spectrum class.”</p> <p>The desired future condition for this Management Area is to provide for a semi-primitive non-motorized ROS setting. The Jefferson National Forest Desired Future Condition lacks conforming plan components to address remoteness and evidence of developments. The existing direction may contribute to providing for the desired future condition, “Standard 4A-028: Locate new public utilities and rights-of-way in areas of this management prescription area where major impacts already exist. Limit linear utilities and rights-of-way to a single crossing of the prescription area, per project” (Jefferson NF LRMP, p. 3-23). However, the latter part of this standard could lead to a substantial interference of the nature and purposes of the ANST. To be consistent with NFMA planning regulations and policy, this standard must be maintained and additional plan components be adopted through a Forest Plan amendment that provides for the nature and purposes of the ANST.</p>		
Land Use Impacts on the Jefferson National Forest	4.8.2.6	4-326
<p>The FEIS states, “The Forest Plan amendment proposed by the FS is needed because the MVP project cannot meet several Forest Plan standards that are intended to protect soil, water, riparian, visual, old growth and recreational resources. Standards are mandatory constraints on project and activity decision-making, established to help achieve or maintain desired conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements (36 CFR 219.7(e)(1)(iii)). The wording of some standards contains flexibility to allow for site-specific adaptation to meet the intent of the standard. However, the standards identified as needing to be amended do not have such flexibility.”</p> <p>Any proposed Forest Plan amendments must be adopted only after being considered in a NEPA document with a defined purpose and need that promotes integrated resource management that is consistent with the Multiple Use and Sustained Yield Act and designated area legislation including the National Trails System Act. In addition, the MVP analyzes must include a site-specific assessment of impacts. The MVP proposal with the identified Forest Plan amendments would substantially interfere with the nature and purposes of the ANST.</p>		
Forest Plan Amendments for Scenery and ROS	4.8.3.6	Page 4-333
<p>The FEIS states, “The new proposal to amend this standard would be: Standard FW-184: The Forest (SIO Maps govern all new projects including special uses), with the exception of the MVP pipeline right-of-way. MVP will meet the existing SIO within 5 years after completion of the construction phase of the project, to allow for vegetation growth. Assigned SIO are consistent with ROS management direction. Existing conditions may not currently meet the assigned SIO.”</p>		

Allowing for degradation of Scenic Integrity for 5 years would substantially interfere with the nature and purposes of the ANST and would be inconsistent with the National Trails System Act.

Visual Impacts on the Jefferson National Forest

4.8.3.6

Pages 4-340 through 4-341

The Forest Plan states, “A viewer at Kelly’s Knob, from a distance of 3.75-4.0 miles and looking down at the corridor on Brush Mountain, would see details in the landscape, including individual tree canopies. The permanent pipeline easement crossing the top of Brush Mountain would be visible and noticeable, but once revegetated, the permanent right-of-way would not be expected to dominate the landscape character viewed from 4 miles at Kelly’s Knob... The MVP would be noticeable to the casual observer, but would not dominate the landscape character viewed from the ANST on Sinking Creek Mountain. This would meet the Moderate SIO... The top of Brush Mountain may also be visible from points on the ANST on Pearis and Sugar Run Mountains at distances of 18-23 miles. At this distance, the pipeline corridor crossing the ridgetop would likely not be noticeable except perhaps when covered in snow. This would be a very small feature in an expansive view from those locations and therefore would not begin to dominate the landscape character. The MVP would meet the Moderate SIO if visible from those ANST locations.”

The described impacts are inconsistent with providing for Scenery Management System HIGH scenic integrity.

Cumulative Impacts

4.13

Page 4-621

The FEIS states, “None of the FERC-jurisdictional projects evaluated for the cumulative impacts analysis would be located within the Jefferson National Forest; however, the ACP is proposed to cross the George Washington National Forest in Virginia. Because the Jefferson National Forest and George Washington National Forest are administratively combined under FS management and review, the impacts on sensitive resources from the proposed pipelines on both Forests have been evaluated together. Table 4.13.2-3 provides a comparison of affected resources of both projects on FS land. It is anticipated that any adverse impacts on sensitive resources within the Jefferson National Forest or George Washington National Forest resulting from any other types of projects considered in our analysis would be regulated through project design, BMPs, and FS permitting. Therefore, we conclude that the cumulative impacts associated with the MVP and the EEP, when combined with other known or reasonably foreseeable projects in the geographic scope, would not be significant for the Jefferson National Forest.”

Cumulative impacts of other projects along the Appalachian National Scenic Trail and on the Jefferson National Forest were not adequately addressed in the MVP FEIS, including in part the impacts of the 2014 Columbia Gas of Virginia pipeline. FERC or the Forest Service must adequately address the cumulative impacts of other projects on the ANST and within and adjacent to the Jefferson National Forest in a Supplemental DEIS.

III. MVP Decision Recommendations

An agency decision to approve the MVP project without modifications would be inconsistent with the National Trails System Act, Sections 5(e) and 7(c); the NFMA requirement for providing for one integrated plan (16 U.S.C. 1604(i), and NEPA – Purpose and Need (40 CFR 1502.13); Range of alternatives (40 CFR 1502.14); Scientific integrity of the analyses (40 CFR 1502.24); and Environmental consequences (40 CFR 1502.16) including cumulative impacts (40 CFR 1508.7).

The FEIS preamble states, “The BLM, COE, and FS may adopt and use the EIS when they consider the issuance of a Right-of-Way Grant to Mountain Valley for the portion of the MVP that would cross federal lands. Further, the FS may use the EIS when it considers amendments to its Land and Resource Management Plan for the Jefferson National Forest to allow the MVP to cross federal lands.” Due to the planning deficiencies as described in these comments, it would be inappropriate for the Forest Service and BLM to adopt the MVP FEIS for the purposes of approving Forest Plan amendments and a pipeline permit.

The following recommendations are specific to the Jefferson National Forest and Appalachian National Scenic Trail:

- The BLM should recommend that the Forest Service or FERC take a hard look at the MVP proposal in a Supplemental DEIS that is specific to the Jefferson National Forest and ANST.
- The BLM should recommend that the Forest Service address the requirements of the National Trails direction in FSH 1909.12 24.43 when the Forest Plan is amended or revised.
- The BLM should take no action until the Forest Plan is amended following NEPA procedures that address the integrated resource management of National Forest System lands, including providing for the protection of ANST values.
- The BLM should take no action to issue a pipeline permit unless the NPS concurs that the action would not substantially interfere with the nature and purposes of the ANST.
- The BLM should prescribe appropriate mitigation for any permit that would be approved, including identifying off-site residual mitigation to further offset the effects of the development (BLM H-1794-1).

Thank you for accepting and considering these comments.

Greg Warren