

August 5, 2017

To: Reviewing Officer Tony Tooke  
Regional Forester  
USDA Forest Service  
1720 Peachtree Street  
Atlanta, GA 30309

From: Greg Warren  
Golden, Colorado

Subject: Mountain Valley Pipeline Plan Amendment  
[objections-southern-regional-office@fs.fed.us](mailto:objections-southern-regional-office@fs.fed.us)

**Objection to the Draft Record of Decision, Mountain Valley Project,  
Land and Resource Management Plan Amendment,  
Jefferson National Forest**

I. Introduction and Background .....	3
A. Forest Service Record of Decision Intent .....	3
B. NST Planning Handbook .....	3
C. NEPA Considerations .....	3
D. National Scenic Trail Nature and Purposes .....	4
E. Bureau of Land Management National Trail Policy .....	5
F. Forest Service Policy .....	6
G. Objection Concerns after DEIS Comment Period .....	8
II. MVP FEIS Issues and Relief Sought .....	9
A. Purpose and Need.....	9
B. Range of Alternatives.....	10
C. FS Adopting the FERC EIS .....	10
D. Role of the National Park Service.....	11
E. Agency Concurrence .....	12
F. Columbia Gas of Virginia Pipelines Peters Mountain Variation.....	13
G. Alternative Crossing Methods for the Appalachian National Scenic Trail .....	13
H. Alternative Crossing Locations for the Appalachian National Scenic Trail.....	13

I. State Route (SR) 635-ANST Variation .....	14
J. American Electric Power (AEP) - ANST Variation .....	14
K. ANST Affected Environment .....	15
L. Visual Resources .....	16
M. Jefferson National Forest Plan .....	18
N. Land Use Impacts on the Jefferson National Forest .....	18
O. Forest Plan Amendments for Scenery and ROS .....	19
P. Visual Impacts on the Jefferson National Forest.....	19
Q. Cumulative Impacts .....	20
IV. Jefferson National Forest Draft ROD Issues and Relief Sought .....	21
A. Adoption of FERC FEIS .....	22
B. Purpose and Need and Proposed Action .....	22
C. Nature of this Decision.....	23
D. Change from DEIS - ANST.....	24
E. Decision and Rationale for the Decision - ANST .....	25
F. Decision and Rationale for the Decision – Scenery Integrity.....	25
G. Decision Rationale .....	26
H. Best Available Scientific Information.....	26
I. Purpose of the Amendment .....	27
J. Compliance with the Rule’s Procedural Provisions - ANST .....	27
K. Compliance with Substantive Provisions.....	28
L. Planning Rule Requirements - ANST .....	28
M. Planning Rule Requirements - Scenery.....	29
N. Plan Amendment Alternatives Considered in Detail .....	30
O. Findings Required by Other Laws - NFMA .....	30
P. Findings Required by Other Laws - NEPA .....	31
Q. Findings Required by Other Laws - NTSA .....	31
V. Summary Statement and Relief Sought .....	32

This is Notice of Objection filed pursuant to Title 36 CFR Part 218 regarding the Mountain Valley Project Forest Plan Amendment for the Jefferson National Forest (82 FR 29539).

Name of the project being objected to, the name and title of the responsible official, and the name of the National Forest on which the project is located: Joby P. Timm, Forest Supervisor, Jefferson National Forest, 5162 Valleypointe Parkway, Roanoke, VA 24019.

## I. Introduction and Background

**A. Forest Service 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....” Adopting the FERC FEIS is optional for the Forest Service.

**B. NST Planning Handbook:** National Scenic Trail (NST) planning considerations are addressed in a NST planning handbook that I provided on December 12, 2016, to Karen Overcash (kovercash@fs.fed.us) as MVP DEIS comments (SOPA project #50038). These comments are included with this submittal as **Attachment A**. This document is included in this Objection for the ease of reference, but is not required to be attached as described in 36 CFR 218.8(b)(4):

*Comments previously provided to the Forest Service by the objector during public involvement opportunities for the proposed project where written comments were requested by the responsible official.*

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](http://www.nstrail.org/management/nst_planning_handbook.pdf) .

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

**C. NEPA Considerations:** Fundamental 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. This document is found online at:

[https://ceq.doe.gov/docs/laws-regulations/Major\\_NEPA\\_Cases.pdf](https://ceq.doe.gov/docs/laws-regulations/Major_NEPA_Cases.pdf)

**D. National Scenic Trail Nature and Purposes:** To understand the impacts of the MVP to the Appalachian National Scenic Trail (ANST), it is important to understand the *nature and purposes* of this National Scenic Trail (National Trails System Act (NTSA), Section 7(c); 16 U.S.C. 1246(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.”

“Uses permitted on national scenic and historic trails are limited to those that will not substantially interfere with the nature and purposes of each trail. (16 USC 1246(c)). Other uses are permitted or prohibited based on NPS Management Policies 2006....” (NPS Director Order #45 part 3.6)

An operational nature and purposes vision for the ANST that is based on legislative history 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.” (See NST Planning Handbook, Chapter II)

**E. 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 presents important definitions from this BLM directive that provide context for many of the discussions in this objection:

- 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.
- National Trail 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.
- National Trail 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).

**F. Forest Service Policy:** The Forest Service planning directives provide specific National Trail and other 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....

## **G. Objection Concerns after DEIS Comment Period**

Comments that I submitted to FERC and the Forest Service on the DEIS continue to be valid, while new information that is related to the proposed action caused new process and resource impact issues and concerns. This new information reinforces the need for the reviewing officer to take a close look at the basis for the decisions to be made in the ROD and reinforces the breath of objection concerns that arose during and after designated opportunities for comment. The following is a partial list of information related to planning and decision processes for this project that brought forth issues after a designated commenting period:

- *Department of Interior Comments on the DEIS*, December 22, 2016.
- FR Notice: The U.S. Department of Agriculture is amending regulations pertaining to the National Forest System Land Management Planning—effective January 17, 2017.
- *ANST Bare Earth Viewshed Simulations, January 2017*, Transmitted on February 17, 2017.
- *Forest Service Comments on the Plan of Development*. Correspondence April 27, 2017
- *Forest Service Guidance for Completion of the Revised Visual Impact Analysis*. Correspondence May 2, 2017



- *Follow-Up to Conversation on the Mountain Valley Pipeline Project*, Robert Krumenaker, Acting Associate Regional Director, National Park Service. Correspondence May 9, 2017
- *FR Notice; updating information*. Forest Service MVP Federal Register Notice, June 5, 2017 (82 FR 25761)
- *Mountain Valley Project and Equitrans Expansion Project Final Environmental Impact Statement*, June 23, 2017 (82 FR 29539)
- *Comments on the Final EIS for the Proposed Mountain Valley Pipeline Project*, Michaela Noble, Director, Office of Environmental Policy and Compliance, USDI, July 28, 2017. [Note that this correspondence is dated after the FEIS was released and describes that analyses are still ongoing.]

## II. MVP FEIS Issues and Relief Sought

The following are statements of the issues and/or the parts of the project to which the objection applies and concise statements explaining the objection and suggesting how the FEIS may be improved.

Comment Title	Chapter Reference	Section Reference
<b>Statement of Issues and Relief Sought to Improve the Decision</b>		
<b>A. Purpose and Need</b>	<b>1.2 and 1.3</b>	<b>Pages 1-8 through 1-11</b>
<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><b>Issue:</b> 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. The purpose and need does not support the need to address the project in terms of providing for multiple use and designated areas protection on the Jefferson National Forest. The FEIS failed to address guidance provided on the DEIS in the NST Planning Handbook.</p> <p><b>Relief Sought to Improve the Decision:</b> The Forest Service or FERC should prepare a 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 adds, in part, the following elements:</p>		

- 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.

**Violation of law, regulation or policy:** 40 CFR 1502.13

**Connection with Comments:** Purpose and Need is discussed in the NST Planning Handbook, Chapter V, Section B that was submitted as comments on the DEIS.

**B. Range of Alternatives**

**1.3.2.1**

**Page 1-14**

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.”

**Issue:** To be consistent with NEPA requirements, the discussion should give equal treatment to all reasonable alternatives.

**Relief Sought to Improve the Decision:** Rigorously explore and objectively evaluate all alternatives.

**Violation of law, regulation or policy:** 40 CFR 1502.14

**Connection with Comments:** Range of alternatives is discussed in the NST Planning Handbook, Chapter V, Section C that was submitted as comments on the DEIS.

**C. FS Adopting the FERC EIS**

**1.3.2.1**

**Page 1-15**

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.”

**Issue:** The FERC FEIS fails to reflect 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)).

**Relief Sought to Improve the Decision:** The Forest Service must take a hard look at the MVP proposal and reasonable alternatives in a Supplemental DEIS that is specific to the Jefferson National Forest.

**Violation of law, regulation or policy:** 16 U.S.C. 1244(f), 16 U.S.C. 1246(c), and FSH 1909.12 24.43

**Connection with Comments:** Forest Service planning is discussed in the NST Planning Handbook, Chapter III, Sections D and H that was submitted as comments on the DEIS.

**D. Role of the National Park Service**

**1.3.2.1**

**Page 1-15 through 1-16**

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.”

**Issues:** The description is incomplete. To clarify roles and responsibilities the description should have noted the following:

- 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 [NPS] 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 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 Department of Interior Filing on December 22, 2016, states that, “The NPS is charged under the National Trails System Act (NTSA) with administration of the entire ANST and utilizes authorities applicable to both the national park system and national trails system in carrying out our administrative and management responsibilities.... In accordance with 40 CFR Part 1502.9(a), the NPS requests preparation and circulation of a supplemental draft EIS that adequately analyzes ANST impacts and alternatives. Our conclusion is that a revised or supplemental DEIS should be provided along with an appropriate comment period so that the first DEIS, all subsequently released, and yet to be created and released information can be gathered and analyzed in one document. Only then will the extent of environmental impacts be known and disclosed, and alternatives that might avoid, minimize or mitigate these impacts be fully analyzed. This is certainly the case when trying to assess impacts to the ANST.”

The NPS has a degree of authority within the entire ANST 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.

**Relief Sought to Improve the Decision:** Do not amend the Jefferson National Forest Plan ANST direction to facilitate the MVP project without the concurrence of the National Park Service.

**Violation of law, regulation or policy:** 16 U.S.C 1246(c)

**Connection with Comments:** Comments on the DEIS stated, “The National Park Service is the responsible administering agency for the ANST and therefore must concur with the required substantial interference determination for this project (16 U.S.C. 1246(c)).” The National Trails System Act is discussed in the NST Planning Handbook, Chapter IV, Section B that was submitted as comments on the DEIS.

**E. Agency Concurrence**

**1.3.2.3**

**Page 1-20**

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.”

**Issue:** To be in compliance with NTSA, Section 7(c), the National Park Service must concur with the proposed action.

**Relief Sought to Improve the Decision:** Do not amend the Jefferson National Forest Plan ANST direction to facilitate the MVP project without the concurrence of the National Park Service.

**Violation of law, regulation or policy:** 16 U.S.C 1246(c)

**Connection with Comments:** Comments on the DEIS stated, “The National Park Service is the responsible administering agency for the ANST and therefore must concur with the required substantial interference determination for this project (16 U.S.C. 1246(c)).” The National Trails System Act is discussed in the NST Planning Handbook, Chapter IV, Section B that was submitted as comments on the DEIS.

<b>F. Columbia Gas of Virginia Pipelines Peters Mountain Variation</b>	<b>3.5.1.5</b>	<b>Page 3-51</b>
<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><b>Issue:</b> The effects determination is based on only very general evaluations. The roadless and semi-primitive areas criteria screens are valid. However, missing are criteria to address (1) visual quality from important observation points, travelways, and throughout the ANST MA, and (2) effects on the overall nature and purposes of the ANST.</p> <p><b>Relief Sought to Improve the Decision:</b> The Forest Service needs to take a hard look at the MVP proposal and all reasonable alternatives in a Supplemental DEIS that is specific to the Jefferson National Forest.</p> <p><b>Violation of law, regulation or policy:</b> 16 U.S.C. 1246(c), 40 CFR 1502.14, and 40 CFR 1502.16</p> <p><b>Connection with Comments:</b> The NEPA considerations are discussed in the NST Planning Handbook, Chapter V, Sections C and D that was submitted as comments on the DEIS.</p>		
<b>G. Alternative Crossing Methods for the Appalachian National Scenic Trail</b>	<b>3.5.1.6</b>	<b>Page 3-51</b>
<p><b>Issue:</b> 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> <p><b>Relief Sought to Improve the Decision:</b> The Forest Service needs to take a hard look at the MVP proposal and all reasonable alternatives in a Supplemental DEIS that is specific to the Jefferson National Forest.</p> <p><b>Violation of law, regulation or policy:</b> 40 CFR 1502.14</p> <p><b>Connection with Comments:</b> NEPA considerations are discussed in the NST Planning Handbook, Chapter V, Sections C and D that was submitted as comments on the DEIS.</p>		
<b>H. Alternative Crossing Locations for the Appalachian National Scenic Trail</b>	<b>3.5.1.6</b>	<b>Page 3-52</b>
<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</p>		

construction. The crossing and potential visual impacts on the ANST are discussed in more detail in section 4.8.”

**Issue:** The assessment is limited to the ANST tread or path and fails to assess the impacts to the ANST Management Area and the National Trail corridor rights-of-way (16 U.S.C. 1246(a)(2)). The partial assessment does not address important resources, values, and qualities of the ANST. The curtailed assessment does not address 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 the ANST.

**Relief Sought to Improve the Decision:** The Forest Service needs to take a hard look at the MVP proposal and all reasonable alternatives in a Supplemental DEIS that is specific to the Jefferson National Forest.

**Violation of law, regulation or policy:** Policy directs that, “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... The Responsible Official shall include plan components that provide for the nature and purposes of national scenic and historic trails in the plan area...” (FSH 1909.12 - 24.3).

**Connection with Comments:** Planning requirements are discussed in the NST Planning Handbook, Chapter III, Sections D, E, G, and H, that was submitted as comments on the DEIS.

<b>I. State Route (SR) 635-ANST Variation</b>	<b>3.5.1.6</b>	<b>Page 3-52</b>
<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><b>Issue:</b> 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> <p><b>Relief Sought to Improve the Decision:</b> The Forest Service or FERC should take a hard look at this alternative in a Supplemental DEIS to address issues with amending the Forest Plan.</p> <p><b>Violation of law, regulation or policy:</b> 40 CFR 1502.14</p> <p><b>Connection with Comments:</b> NEPA considerations are discussed in the NST Planning Handbook, Chapter V, Sections C and D that was submitted as comments on the DEIS.</p>		
<b>J. American Electric Power (AEP) - ANST Variation</b>	<b>3.5.1.6</b>	<b>Page 3-55</b>
<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</p>		



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.”

**Issue:** The summary effects statement fails to mention that this route **may not** substantially interfere with the nature and purposes of the ANST. If true, this route would have a significant environmental advantage over the proposed route. Advantages of this alternative variation may be that the Forest Plan would not need to be amended for the ANST prescription area, the route would not cross an USFS Inventoried Roadless area, the route would avoid impacts to the Peters Mountain Wilderness, the route would impact the Forest at a point of existing impact, and may not require other amendments to the FLRMP. This alternative should receive significant independent consideration by the Forest Service.

**Relief Sought to Improve the Decision:** The Forest Service should take a “hard look” at this alternative in a Supplemental DEIS that addresses issues with amending the Forest Plan.

**Violation of law, regulation or policy:** 16 U.S.C. 1246(c), 40 CFR 1502.14, and 40 CFR 1502.16

**Connection with Comments:** The National Trails System Act is discussed in the NST Planning Handbook, Chapter V, Sections C and D that was submitted as comments on the DEIS. NEPA considerations are discussed in the NST Planning Handbook, Chapter V, Sections C and D that was submitted as comments on the DEIS.

<b>K. ANST Affected Environment</b>	<b>4.8.1.6</b>	<b>Page 4-278</b>
<p>The FEIS states, “More than 325 miles of the ANST is located within the GW-Jeff in central and southwest Virginia. The GW-Jeff 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.”</p>		
<p><b>Issue:</b> The existing Forest Plan direction that emphasizes managing primarily the ANST 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 to be used to provide for only the perception of naturalness along the travel path.</p>		
<p>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</p>		

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).

**Relief Sought to Improve the Decision:** The above considerations would dictate that a viewshed analysis (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. 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).

**Violation of law, regulation or policy:** 36 CFR 219.3, 40 CFR 1502.15, and 40 CFR 1502.24

**Connection with Comments:** The National Trails System Act is discussed in the NST Planning Handbook, Chapter III, Section E and Chapter V, Section D, that was submitted as comments on the DEIS. NEPA considerations are discussed in the NST Planning Handbook, Chapter V, Sections C and D that was submitted as comments on the DEIS.

**L. 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.”

**Issue:** 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 Manage 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)

**Relief Sought to Improve the Decision:** The above considerations would dictate that a viewshed analysis (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. An ANST Forest Plan amendment is needed to establish plan components that further protect the nature and purposes of the ANST (FSH 1909.12 24.43).

**Violation of law, regulation or policy:** 36 CFR 219.3, 40 CFR 1502.15,N and 40 CFR 1502.24

**Connection with Comments:** Visual resources is discussed in the NST Planning Handbook, Chapter III, Section E and Chapter V, Section D, that was submitted as comments on the DEIS.

<b>M. Jefferson National Forest Plan</b>	<b>4.8.1.11</b>	<b>Page 4-300</b>
<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><b>Issue:</b> 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. However, 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). 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> <p><b>Relief Sought to Improve the Decision:</b> Any Forest Plan amendment must be developed consistent with the National Trail guidance in FSH 1909.12 24.43.</p> <p><b>Violation of law, regulation or policy:</b> FSH 1909.12 24.43</p> <p><b>Connection with Comments:</b> Planning that is related to the National Trails System Act is discussed in the NST Planning Handbook, Chapter III, Section E, G, and H that was submitted as comments on the DEIS.</p>		
<b>N. Land Use Impacts on the Jefferson National Forest</b>	<b>4.8.2.6</b>	<b>4-326</b>
<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><b>Issue:</b> 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 an assessment of site-specific impacts since an amendment may lead to the BLM approving the pipeline rights-of-way and the Forest Service issuing a special use permit. The</p>		

MVP proposal with the identified Forest Plan amendments would result in a substantial interference with the nature and purposes of the ANST.

**Relief Sought to Improve the Decision:** Amend the Forest Plan to address the requirements of FSH 1909.12 24.43 to protect the nature and purposes of the ANST.

**Violation of law, regulation or policy:** 16 U.S.C. 1246(c)

**Connection with Comments:** Planning that is related to the National Trails System Act is discussed in the NST Planning Handbook, Chapter III, Section E, G, and H that was submitted as comments on the DEIS.

<b>O. Forest Plan Amendments for Scenery and ROS</b>	<b>4.8.3.6</b>	<b>Page 4-333</b>
--	----------------	-------------------

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.”

**Issue:** Allowing for degradation of Scenic Integrity for 5 years could substantially interfere with the nature and purposes of the ANST and would be inconsistent with the National Trails System Act if that was the case.

**Relief Sought to Improve the Decision:** Amend the Forest Plan to address the requirements of FSH 1909.12 24.43 to protect the nature and purposes of the ANST.

**Violation of law, regulation or policy:** 16 U.S.C. 1246(c)

**Connection with Comments:** Planning that is related to the National Trails System Act is discussed in the NST Planning Handbook, Chapter III, Section E, G, and H that was submitted as comments on the DEIS. New visual quality related information was made available on May 2, 2017.

<b>P. Visual Impacts on the Jefferson National Forest</b>	<b>4.8.3.6</b>	<b>Pages 4-340 through 4-341</b>
---	----------------	----------------------------------

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.”

**Issue:** The described impacts are inconsistent with providing for the Scenery Management System HIGH scenic integrity. In addition, the proposed location of the Peters Mountain MVP crossing would be inconsistent with the Forest Plan ANST standard that states, “All management activities will meet or exceed a Scenic Integrity Objective of High.”

**Relief Sought to Improve the Decision:** Amend the Forest Plan to address the requirements of FSH 1909.12 24.43 to protect the nature and purposes of the ANST.

**Violation of law, regulation or policy:** 16 U.S.C. 1246(c).

**Connection with Comments:** Planning that is related to the National Trails System Act is discussed in the NST Planning Handbook, Chapter III, Sections E, G, and H, that was submitted as comments on the DEIS. New visual quality related information was made available on May 2, 2017.

**Q. 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... 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.”

**Issue:** 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 adjacent 2014 Columbia Gas of Virginia pipeline.

**Relief Sought to Improve the Decision:** 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. Address cumulative impacts as required by 40 CFR 1502.16 and 40 CFR 1508.7. Amend the Forest Plan to address the requirements of FSH 1909.12 24.43 to protect the nature and purposes of the ANST.

**Violation of law, regulation or policy:** FSH 1909.12 24.43, 40 CFR 1502.16, and 40 CFR 1508.7

**Connection with Comments:** NEPA considerations as related to the National Trails System Act is discussed in the NST Planning Handbook, Chapter V, Section D, that was submitted as comments on the DEIS.

## **IV. Jefferson National Forest Draft ROD Issues and Relief Sought**

The Federal Register Notice of the availability of the Final EIS for this project states the following (82 FR 29539):

“The FS's purpose and need for the proposed action is to consider issuing a concurrence to the BLM for the Right-of-Way Grant and to evaluate an amendment to the Land and Resource Management Plan (LRMP) for the Jefferson National Forest that would make provision for the MVP pipeline's construction and operation. The FS amendment to the Jefferson National Forest LRMP is analyzed in the EIS.

The BLM may adopt and use the final EIS when considering the issuance of a Right-of-Way Grant to Mountain Valley for the portion of the MVP that would cross federal lands; with the concurrence of the FS and COE. Further, the FS may use the final EIS when it considers amending its LRMP for the proposed MVP crossing of the Jefferson National Forest. Although the cooperating agencies provided input to the conclusions and recommendations presented in the final EIS, the agencies will present their own conclusions and recommendations in their respective Records of Decision (ROD) for the projects.

The MVP may be implemented across National Forest System (NFS) land if the BLM grants the rights-of-way for the MVP pipeline to cross the Jefferson National Forest and the FS amends the Jefferson National Forest LRMP (Forest Plan). The Forest Supervisor of the George Washington and Jefferson National Forests has adopted the environmental analysis conducted by FERC (in accordance with 40 CFR 1506.3(a) and (c)) to support his decision to amend the Jefferson National Forest LRMP. He has determined that five parts of the Jefferson National Forest LRMP, where 11 standards would be modified by a Forest Plan amendment (section 4.8 of the final EIS), meet the substantive requirements of the FS planning regulations (36 CFR part 219); and can be implemented without impairing the long-term productivity of NFS lands. With the amended LRMP, the MVP would be consistent with the Forest Plan. The draft decision is based on a review of the environmental analysis disclosed in the final EIS, the project record, Mountain Valley's proposed Plan of Development, comments from the public, partners, and other agencies, and a consideration of the 36 CFR part 219 requirements for amending a Forest Plan.”

The following are statements of the issues and/or the parts of the project to which the objection applies and concise statements explaining the objection and suggesting how the proposed plan decision may be improved.

## Statement of Issues and Relief Sought to Improve the Decision

### A. Adoption of FERC FEIS

Page 3

The Draft ROD states, “This draft record of decision (ROD) documents my decision and rationale which is based on the Final Environmental Impact Statement (FEIS) prepared by the Federal Energy Regulatory Commission (FERC) for the Mountain Valley Project and Equitrans Expansion Project. I have adopted the environmental analysis conducted by FERC (in accordance with 40 CFR 1506 (a) and (c)) to support my decision. My decision is based on the preferred alternative as displayed in the FEIS (FEIS, Section 2). The decision documents my approval (with rationale) of a five part, project-specific Forest Plan amendment to the Jefferson National Forest’s Revised Land and Resource Management Plan (USDA Forest Service 2004), hereafter referred to as the “LRMP”, “Forest Plan,” or “Plan”. See the “Changes from DEIS to FEIS” section of this ROD for details on the modifications made to the proposed Forest Plan amendment since the DEIS was made available for comment.”

**Issue:** As described throughout this objection, the FEIS does not meet the standard for an “adequate statement” under CEQ regulations.

**Relief Sought to Improve the Decision:** The Forest Service must take a hard look at the MVP proposal and all reasonable alternatives in a Supplemental DEIS that is specific to the Jefferson National Forest.

**Violation of law, regulation or policy:** 40 CFR 1506 (a) and (c))

**Connection with Comments or New Information:** NEPA as related to the National Trails System Act is discussed in the NST Planning Handbook, Chapter V, that was submitted as comments on the DEIS. NEPA deficiencies are addressed in agency filings that occurred after the DEIS comment period and issuance of the FEIS.

### B. Purpose and Need and Proposed Action

Page 4 - 5

The Draft ROD states, “The proposed action by the Forest Service is to amend 11 standards in the Forest Plan. It is needed because we must meet our statutory obligations as a cooperating agency in processing applications for natural gas pipelines involving Federal land under provisions Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. § 181) and Section 313 of the Energy Policy Act of 2005.

The proposed Forest Plan amendment is needed as part of the proposed action because the MVP Project cannot meet several Forest Plan standards that are worded in a manner that precludes alternate means to protect soil, water, riparian, old growth, recreational and visual resources. Forest Plan 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 National Forest Management Act (NFMA) requires that proposed projects, including third-party proposals subject to permits or rights-of-way (ROW) grants, be consistent with the LRMP (or Forest Plan) of the administrative unit where the project would occur. When a project is not consistent with the Forest Plan where the project would occur, the FS has the

following options: (1) modify the proposed project to make it consistent with the Forest Plan; (2) reject the proposal; (3) amend the Forest Plan so that the project would be consistent with the plan as amended; or (4) amend the Forest Plan simultaneously with the approval of the project so the project would be consistent with the plan as amended. The fourth option may be limited to apply only to the project (36 CFR 219.15(c)). The amendment would have to be approved before the FS can issue a letter of concurrence to the BLM.”

**Issue:** The description of purpose and need is overstated in regards to the requirements for being a cooperating agency and meeting the requirements of The Mineral Leasing Act and Energy Policy Act. Rights-of-way through any Federal lands may be granted, but not the expense of providing for integrated resource management of NFS lands and protecting National Scenic Trail values.

Providing for the MVP project is not mandatory and does not mandate that exemptions to Forest Plan standards be provided to the applicant. Projects must be rejected if the action would result in a substantial interference to the nature and purposes of the ANST.

**Relief Sought to Improve the Decision:** The Forest Service or FERC should prepare a 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:

- 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.

**Violation of law, regulation or policy:** 40 CFR 1502.13

**Connection with Comments or New Information:** NEPA deficiencies are addressed in agency filings that occurred after the DEIS comment period. In addition, Purpose and Need is discussed in the NST Planning Handbook, Chapter V, Section B that was submitted as comments on the DEIS.

### **C. Nature of this Decision**

**Page 5 - 6**

The Draft ROD states, “The decision to be made by the Forest Service is whether to amend the Jefferson National Forest’s Forest Plan specifically for this project. I determined that the scope of the FEIS analysis and this decision is limited to considering the project-specific plan amendment related to construction and operation of MVP. “Project-specific plan amendment” means the amendment is applicable to just MVP and not to future projects. My decision on whether to amend the Forest Plan must be prepared according to Forest Service NEPA procedures (36 CFR 219.14(a)).

My decision will include a determination of whether the proposed amendment is directly related to the substantive requirements (36 CFR 219.8 through 219.11) of the Forest Service’s planning regulation. The substantive requirements address sustainability, diversity of plant and



animal communities, multiple use, and timber requirements. A forest plan amendment is “directly related” to a substantive requirement if it has one or more of the following relationships to a substantive requirement: the purpose for the amendment, there would be a beneficial effect of the amendment, there would be a substantial adverse effect of the amendment, or there would be a substantial lessening of plan protections by the amendment. Recent amendment of the planning rule provides that if a proposed amendment is determined to be “directly related” to a substantive rule requirement, the responsible official must apply that requirement within the scope and scale of the proposed amendment and, if necessary, make adjustments to the proposed amendment to meet the requirement (36 CFR 219.13 (b)(5) and (6); 81 FR 90738 (Dec. 15, 2016).”

**Issue:** NFMA envisioned that the 2004 Forest Plan would be revised by 2019. The approval of the Plan amendments is intended to lead to a decision by the BLM to approve a pipeline right-of-way that will result in the encumbrance NFS lands for the 50-year utility life of the pipeline infrastructure. Revised Forest Plans over the next 50 years would be limited due to the physical presence of a pipeline and would be controlled by the provisions of a revised plan and not by a commitment made in a MVP project decision that approved the proposed action. A project-specific amendment for this project has ramifications that go well beyond the direct and immediate effects of the proposed action. Long-term effects of the proposed action should be discussed as part of describing the nature of this decision.

The proposed amendments are directly related to substantive requirements as found in 36 CFR 219.8 through 219.11). The amendments would have a substantial adverse effect on the nature and purposes of the ANST. The existing Forest Plan standard and guidelines do not adequately protect the ANST values and the proposed amendment would weaken the ANST management direction further.

**Relief Sought to Improve the Decision:** Restate the following sentence to, “Project-specific plan amendment” means the amendment is applicable to just MVP and not to future projects *unless the Plan is again amended or revised.*” Related to the ANST, new information found in FSH 1909.12 part 24 should lead the JNF to amend the Forest Plan to address the appropriate protection of ANST values (nature and purposes).

**Violation of law, regulation or policy:** 36 CFR 219.10, FSH 1909.12 24.43, and 40 CFR 1502.9.

**Connection with Comments or New Information:** NEPA deficiencies are addressed in agency filings that occurred after the DEIS comment period.

**D. Change from DEIS - ANST**

**Page 6 - 7**

The Draft ROD states, “For the Appalachian National Scenic Trail Corridor the plan has the standard 4A-020 that states: “All management activities will meet or exceed a Scenic Integrity Objective of High.” The Draft EIS and the October 14, 2016 Federal Register Notice of Availability stated this standard may need to be amended. However, a further review of this standard has determined that the proposed pipeline project can be made consistent with this standard and an amendment to this standard will not be needed.



The public was notified of the change to the proposed Forest Plan amendment through a “Notice of Updated Information concerning the Mountain Valley Pipeline Project and Equitrans Expansion Project and the Associated Forest Service Land and Resource Management Plan Amendments” that was published in the *Federal Register* on June 5, 2017 (82 FR 25761). The notice also informed the public that a change to the administrative review procedures was applicable (also see the “Administrative Review/Objections” section).

**Issue:** The analysis did not recognize that Standard 4A-020 is applicable to the landscape as viewed from someone wandering throughout the extent of the ANST Management Area and not just on the ANST travel path.

**Relief Sought to Improve the Decision:** Approve only those actions that are consistent with ANST MA Standard 4A-020.

**Violation of law, regulation or policy:** 36 CFR 219.15

**Connection with Comments or New Information:** This new information, which was brought forward in the June 5, 2017, FR Notice. In addition, scenery is discussed in the NST Planning Handbook, Chapter III, Section E and Chapter IV, Section D, that was submitted as comments on the DEIS.

**E. Decision and Rationale for the Decision - ANST**

**Page 10**

The Draft ROD states, “Standard 4A-028: Locate new public utilities and rights-of-way in areas of this management prescription area where major impacts already exist, **with the exception of the Mountain Valley Pipeline right-of-way**. Limit linear utilities and rights-of-way to a single crossing of the prescription area, per project. / The amendment allows the Mountain Valley Pipeline to be exempt from Management Prescription Area Standard 4A-028 and cross beneath the Appalachian National Scenic Trail (ANST) in Giles County, Virginia.”

**Issue:** The existing plan components contributes to providing for the ANST desired Semi-Primitive Non-Motorized setting conditions. Removing the plan component that allows for 50-year permitted area within the ANST rights-of-way and Management Area, would result in a substantial interference to the nature and purposes of the ANST.

**Relief Sought to Improve the Decision:** Retain this standard to protect the ANST corridor.

**Violation of law, regulation or policy:** 16 U.S.C. 1246(c) and FSH 1909.12 24.43

**Connection with Comments or New Information:** The amendments approach is addressed in agency filings that occurred after the DEIS comment period. In addition, Land Management Planning is addressed in the NST Planning Handbook, Chapter III, Section H.

**F. Decision and Rationale for the Decision – Scenery Integrity**

**Page 10**

The Draft ROD states, “Standard FW-184: The Forest Scenic Integrity Objectives (SIOs) Maps govern all new projects (including special uses), **with the exception of the Mountain Valley Pipeline right-of-way**. MVP shall attain the existing SIOs within five years after completion of the construction phase of the project, to allow for vegetation growth. Assigned SIOs are consistent with Recreation Opportunity Spectrum management direction. Existing

conditions may not currently meet the assigned SIO. / The amendment allows construction of the Mountain Valley Pipeline to deviate for a short-term period from the Scenic Integrity Objectives (SIOs) established in Standard FW-184. With the implementation of revegetation and restoration measures in the POD, SIO's are expected to be restored within 5 years after construction.”

**Issue:** Standard FW-184 helps ensure that new projects will not degrade visual quality along the ANST. Exempting the standard for the MVP may lead to the degradation of ANST values.

**Relief Sought to Improve the Decision:** Retain this standard to protect the ANST corridor.

**Violation of law, regulation or policy:** 16 U.S.C. 1246(c) and FSH 1909.12 24.43

**Connection with Comments or New Information:** The amendments approach is addressed in agency filings that occurred after the DEIS comment period. In addition, Land Management Planning is addressed in the NST Planning Handbook, Chapter III, Section H.

#### **G. Decision Rationale**

**Page 11**

The Draft ROD states, “Based on the analysis provided by FERC in the FEIS I have decided to amend the Jefferson National Forest LRMP because the decision:

- Meets the requirements of the Forest Service planning regulations (36 CFR Part 219)...
- Is consistent with other Federal Policy.

**Issue:** The proposed amendment does not provide for the appropriate management of other designated areas or recommended designated areas in the plan area...as implemented through the direction in FSH 1909.12 24.43.

**Relief Sought to Improve the Decision:** Prepare a Supplemental DEIS that is specific to the Jefferson National Forest to address the MVP proposed action and alternatives.

**Violation of law, regulation or policy:** FSH 1909.12 24.43

**Connection with Comments or New Information:** Land Management Planning is addressed in the NST Planning Handbook, Chapter III, Section H.

#### **H. Best Available Scientific Information**

**Pages 12 -13**

The Draft ROD states, “To address potential impacts to the Appalachian National Scenic Trail, FS specialists (landscape architects) utilized the Forest Service Scenery Management System (USDA FS 1995) to review the inventory and classification of scenic classes in areas of the Jefferson National Forest affected by the MVP Project. MVP prepared a landscape-scale Visual Impact Analysis (VIA) to assess the foreground, middleground, and a portion of the background distance zones. Our specialists worked with the MVP contractor to identify key observation points (KOP) and the analysis utilized several software tools to create accurate visual simulations. In assessing the visual impacts, MVP (and at the direction of FS and BLM specialists) utilized the BLM’s 1986 “Manual H-8410-1- Visual Resources Inventory” and the BLM’s “Manual H-8431- Visual Resource Contrast Rating” (BLM 1986)... Comments on the DEIS that voiced concerns related to the scenery impacts to the Appalachian National Scenic Trail resulted in the development of several additional visual simulations from new key

observation points and additional visual simulations, including leaf off simulations, which reduces the screening provided by vegetation.”

**Issue:** Scenic analyses should follow only the Scenery Management System guidance and descriptors where applied to NFS lands.

**Relief Sought to Improve the Decision:** Restate the FEIS effects disclosures in a SDEIS following SMS terminology.

**Violation of law, regulation or policy:** 40 CFR 1502.16 and 40 CFR 1502.24.

**Connection with Comments or New Information:** The scenic integrity assessments occurred after the DEIS comment period.

**I. Purpose of the Amendment**

**Page 14**

The Draft ROD states, “The purpose of the amendment is to meet the requirement of FS regulations that projects authorized on National Forest System lands must be consistent with the LRMP. The amendment is needed because the MVP Project cannot achieve several Forest Plan standards that are intended to protect soil, water, riparian, visual, old growth and recreational resources.”

**Issue:** The amendments allow for a project that degrades natural resource values and substantially interferes with the nature and purpose of the ANST.

**Relief Sought to Improve the Decision:** Prepare a Supplemental DEIS that is specific to the Jefferson National Forest to address the MVP proposed action and all reasonable alternatives.

**Violation of law, regulation or policy:** 36 CFR 219.10 and 16 U.S.C. 1246(c)

**Connection with Comments or New Information:** Amendments are addressed in agency filings that occurred after the DEIS comment period.

**J. Compliance with the Rule’s Procedural Provisions - ANST**

**Pages 14 - 15**

The Draft ROD states, “The amendment complies with the procedural provisions of 36 CFR Part 219.13(b)) as follows: ... Section 3.5.1.6 of the FEIS describes alternatives for crossing the ANST. Each of these alternatives and variations were evaluated based on comments received from the FS and other stakeholders, indicating concerns for disruption for hikers using the trail, as well as potential visual impacts from the MVP Project both at the ANST crossing location and from more distant viewpoints. See the visual resources discussion (below) for the best available scientific information that was used to assess potential visual impacts to the Trail.”

**Issue:** The ANST visual quality and the ROS setting would be degraded if the MVP proposed action was approved resulting in a substantial interference with the nature and purposes of the ANST.

**Relief Sought to Improve the Decision:** Prepare a Supplemental DEIS that is specific to the Jefferson National Forest to address the MVP proposed action and alternatives.

**Violation of law, regulation or policy:** The amendments do not comply with the requirements of 36 CFR 219.13(b)(5), 36 CFR 219.10, 40 CFR 1502.14, 40 CFR 1502.16, and 40 CFR 1502.24.

**Connection with Comments or New Information:** Amendments are addressed in agency filings that occurred after the DEIS comment period.

**K. Compliance with Substantive Provisions**

**Pages 17 - 18**

The Draft ROD states, “The scale of the amendment is the MVP project area that includes a temporary construction zone through the Jefferson National Forest that is 3.5 miles long and 125 feet wide (approximately 83 acres, including access road use), and a permanent operational ROW that will be 3.5 miles long and 50-foot wide (approximately 42 acres, including access road use). The scope of the amendment is modification of 11 Forest Plan standards. These standards are intended to protect soil, water, riparian, visual, old growth and recreational resources. The amendment would modify these standards only for this project and, because of its protective mitigation measures, to a limited extent.”

**Issue:** The description is incomplete and should address that the proposal would encumber NFS lands for 50 years, which will affect the direction of future JNF Forest Plans. The project is not in compliance with the National Trails System Act, Section 7(c).

**Relief Sought to Improve the Decision:** Prepare a Supplemental DEIS that is specific to the Jefferson National Forest to address the MVP proposed action and alternatives.

**Violation of law, regulation or policy:** 36 CFR 219.10 and 36 CFR 219.13(b)

**Connection with Comments or New Information:** Amendments are addressed in agency filings that occurred after the DEIS comment period.

**L. Planning Rule Requirements - ANST**

**Pages 21 - 22**

The Draft ROD states, “My decision to allow a crossing at this location is based on FERC’s consideration of two route variations which crossed the ANST at points with existing impacts and their conclusion that neither of the route variations offered significant environmental advantage when compared to the corresponding proposed route...”

The AEP-ANST Variation would cross the ANST at an existing utility corridor and reduce impacts to FS roadless areas and semi-primitive areas. However, the AEP-ANST Variation would result in more overall construction disturbance; more impacts to private landowner parcels, forested land, and perennial waterbodies; and would cross more landslide prone areas...

The planning rule requirement that is relevant to this modified LRMP standard is 36 CFR 219.10(b)(1)(vi) which requires plan components to provide for appropriate management of other designated areas of the plan area. FERC’s determination that alternate routes for MVP, including routes with existing major impacts, did not offer significant environmental advantages over the proposed crossing at this location supports appropriate management of utility corridors (FEIS, Executive Summary). This demonstrates appropriate management of

the designated ANST corridor as required by 36 CFR 219.10(b)(1)(vi). Since the amendment meets the rule requirement, I do not need to make a determination as to whether the rule requirement is directly related to it.”

**Issues:** “FERC’s determination that alternate routes for MVP, including routes with existing major impacts, did not offer significant environmental advantages over the proposed crossing at this location supports appropriate management of utility corridors” is based on rationale that is inconsistent with the direction in FSH 1909.12 24.43(1)(f) that requires that the action provide for the nature and purposes of the ANST. FERC did not take a “hard look” at the AEP-ANST alternative with criteria that protected the nature and purposes of the ANST corridor. As such, the proposed action would lead to the degradation of ANST values if implemented. This **does not** demonstrates appropriate management of the designated ANST corridor as required by 36 CFR 219.10(b)(1)(vi) as implemented through FSH 1909.12 24.43.

In addition, FERC’s evaluation of MVP alternatives failed to address impacts beyond the ANST footpath. The ANST MA existing corridor prescriptions/plan-components protect scenic values and a more primitive ROS setting for a visitor that may wander throughout the extent of the Management Area and not just along the footpath. The proposed amendments would lead to degradation of ANST values and be a substantial interference to the nature and purposes of the ANST. Furthermore, the AEP-ANST would have lessened impacts to ANST vs. the proposed action and must be rigorously explored and objectively evaluated.

**Relief Sought to Improve the Decision:** Prepare a Supplemental DEIS that is specific to the Jefferson National Forest to address the MVP proposed action and all reasonable alternatives. (Guidance for establishing the ANST management area and plan components to protect the ANST resources, qualities, and values are described in the NST Planning Handbook, Chapter III, Section H.)

**Violation of law, regulation or policy:** 16 U.S.C. 1246(c), 36 CFR 219.10(b)(1)(vi), FSH 1909.12 24.43, 40 CFR 1502.9(c), 40 CFR 1502.14, 40 CFR 1502.16, and 40 CFR 1502.24.

**Connection with Comments or New Information:** Planning Rule requirements are addressed in the NST Planning Handbook, Chapter IV, Section E; and new information is found in agency filings that occurred after the DEIS comment period.

**M. Planning Rule Requirements - Scenery**

**Pages 22 - 23**

The Draft ROD states, “My decision to modify Forest plan standard FW-184 (refer to Table 1 of this decision) will allow the Forest Service a short term variance from meeting the Jefferson National Forest SIO’s for the management prescriptions crossed by the MVP project Rights of Way (ROW). The modified standard will also include wording that requires the Forest Service to ensure the MVP Project meets the existing SIO’s within 5 years after completion of the construction phase of the project...”

The planning regulation requirement that is relevant to this amendment is 36 CFR 219.10(b)(1)(i) which requires the LRMP to include plan components for sustainable recreation and scenic character. With respect to meeting the planning rule requirement at §

219.10(b)(1)(i), the FS and MVP have developed additional mitigation measures that would be included in the ROW grant if it the grant is issued by BLM.”

**Issue:** The rights-of-way establishes a permanent clearing for 50 years, which will affect scenic integrity over the same period and not just 5 years. The pipeline would degrade ANST scenic values over the same 50-year period.

**Relief Sought to Improve the Decision:** Prepare a Supplemental DEIS that is specific to the Jefferson National Forest to address the MVP proposed action and alternatives.

**Violation of law, regulation or policy:** 36 CFR 219.10(b)(1)(i)

**Connection with Comments or New Information:** Amendments are addressed in agency filings that occurred after the DEIS comment period.

**N. Plan Amendment Alternatives Considered in Detail**

**Page 24**

The Draft ROD states, “With respect to this Forest Plan amendment decision, since the amendment is specific to modifying LRMP management requirements to allow for the proposed pipeline’s construction and operation, the range of alternatives was limited to the amending the plan and no action.

**Proposed Action -Plan Amendment** – The proposed action is amending the Jefferson National Forest Land and Resource Management Plan amendment so that the MVP could construct a pipeline on approximately 83 acres of lands associated with the proposed 3.5 mile pipeline corridor for the Mountain Valley Project (MVP) that would cross the Jefferson National Forest.

**No Action Alternative** - In the no action alternative the plan would not be amended and the proposed MVP Pipeline would not take.”

**Issue:** The Forest Supervisor failed to take a hard look at other reasonable alternatives, including the AEP-ANST variation.

**Relief Sought to Improve the Decision:** Prepare a Supplemental DEIS that is specific to the Jefferson National Forest to address the MVP proposed action and all reasonable alternatives.

**Violation of law, regulation or policy:** 40 CFR 1502.14 and 40 CFR 1505.2.

**Connection with Comments or New Information:** Amendments are addressed in agency filings that occurred after the DEIS comment period.

**O. Findings Required by Other Laws - NFMA**

**Page 25**

The Draft ROD states, “The discussion in this record of decision in this section, Findings Required by Other Laws and Regulations, under the “NEPA,” heading, explains that the FEIS is consistent with Forest Service NEPA procedures (§219.13 (b)(3)). The discussion in the section, “Compliance with the Rule’s Applicable Substantive Provisions” in this record of decision, explains how the substantive requirements for this amendment were met. Specifically, I concluded that the modifications to Standards FW-184, FW-248, 4A-028, and



6C-007, respecting utility corridors, the ANST, scenic integrity objectives, and old growth management, meet the relevant requirements of the rule.”

**Issue:** The FEIS failed to recognize the NTSA requirement to provide for the nature and purposes of the ANST. As such, the finding is based on incomplete information.

**Relief Sought to Improve the Decision:** Prepare a Supplemental DEIS that is specific to the Jefferson National Forest to address the MVP proposed action and alternatives.

**Violation of law, regulation or policy:** 36 CFR 219.10 and FSH 1909.12 24.43.

**Connection with Comments or New Information:** Amendments are addressed in agency filings that occurred after the DEIS comment period.

**P. Findings Required by Other Laws - NEPA**

**Pages 25 - 26**

The Draft ROD states, “Using the best available scientific information, the FEIS provides an adequate analysis and discloses the environmental effects related to modifying Forest Plan standards in order for the MVP to be consistent with the LRMP. The analysis adequately addresses agency comments and suggestions and incorporates design features and mitigation designed to reduce environmental impacts to soil, water, riparian, old growth management areas, the Appalachian National Scenic Trail and to visuals. I adopted the FEIS pursuant to 40 CFR 1506.3(c) to support my decision to amend the LRMP as outlined in this record of decision.”

**Issue:** The FERC FEIS does not meet the standards for an adequate statement under the CEQ regulations and therefore should not be adopted without supplemental analyses.

**Relief Sought to Improve the Decision:** Prepare a Supplemental DEIS that is specific to the Jefferson National Forest to address the MVP proposed action and alternatives.

**Violation of law, regulation or policy:** 40 CFR 1506.3(a).

**Connection with Comments or New Information:** Amendments are addressed in agency filings that occurred after the DEIS comment period.

**Q. Findings Required by Other Laws - NTSA**

**Pages 25 - 33**

The Draft ROD does not provide a determination that the proposed decision will not substantially interfere with the nature and purposes of the ANST.

**Issue:** National Trails System Act (P.L. 90-543, as amended) must be addressed in findings required by other laws and is not address in this Draft ROD.

**Relief Sought to Improve the Decision:** Include NTSA (16 U.S.C. 1246(c)) findings in the ROD that is associated with a Supplement FEIS.

**Violation of law, regulation or policy:** 40 CFR 1505.2.

**Connection with Comments or New Information:** The Draft ROD is new information.

## V. Summary Statement and Relief Sought

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 this objection, it would be inappropriate for the Forest Service to adopt the MVP FEIS for the purpose of approving Forest Plan amendments.

To address NEPA and Forest Plan amendment deficiencies, the Forest Service should take the following actions (general relief sought):

- Withdraw the current Draft Record of Decision or select the No Action Alternative.
- Take a hard look at the MVP proposal and all reasonable alternatives in a Supplemental DEIS that is specific to the Jefferson National Forest.
- As part of any amendment or revision process, address the substantive provisions of 36 CFR 219.10, including the associated National Trails policy direction that is found in FSH 1909.12 24.43.
- Take no action to authorize a pipeline permit unless the NPS concurs that the action would not substantially interfere with the nature and purposes of the ANST.
- In the preparation of a Supplemental DEIS, the Forest Service should conduct a site-specific analysis that could support a decision by the BLM to approve or disapprove a MVP rights-of-way.

Thank you for accepting and considering these comments.



Greg Warren

Attachment – NST Planning Handbook