

December 15, 2017

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Re: Atlantic Coast Pipeline, LLC & Dominion Energy Transmission, Inc.
Atlantic Coast Pipeline & Supply Header Project
Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000
Request for Limited Notice to Proceed**

Dear Secretary Bose:

By Order dated October 13, 2017, the Federal Energy Regulatory Commission (Commission or FERC) authorized Atlantic Coast Pipeline, LLC (Atlantic) and Dominion Energy Transmission, Inc.¹ (DETI) to construct and operate certain facilities that comprise the Atlantic Coast Pipeline and Supply Header Projects (Projects). *Atlantic Coast Pipeline, LLC & Dominion Energy Transmission, Inc.* 161 FERC ¶ 61,042 (the “Order”).

As required under Environmental Condition No. 6 of the Order, Atlantic and DETI submitted its Implementation Plan (IP) on October 17, 2017 (FERC Accession Number: 20171018-5002), and filed supplemental information on November 3 and December 1, 2017 (FERC Accession Numbers: 20171103-5142 and 20171201-5302, respectively). DETI hereby requests written authorization from the Director of the Office of Energy Projects (OEP) for a limited Notice to Proceed for felling of upland trees via non-mechanized methods in the certificated workspace; specifically excluding any certificated workspace located on National Forest Service lands.

Atlantic and DETI propose to fell upland trees and vegetation at or above ground level, using methods that will not rut soils or damage root systems. The contractors will not be allowed to use mechanized clearing methods or heavy equipment when tree felling. Trees and vegetation will not be felled within or into delineated wetlands and waterbodies. Mats and bridges will not be used; waterbodies and wetlands will be crossed on foot. Felled trees will be left in place until all applicable permits and approvals and FERC’s issuance of a separate notice to proceed to begin earth disturbing activities are received. The felling of trees will not occur on lands for which easements have not been obtained or for which additional state or local permits are required for such activity.

Before this activity can commence, consultation with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act must be completed and a Programmatic Agreement (PA) must be executed to conclude the consultation process required under Section 106 of the National Historic Preservation Act. The USFWS completed the Section 7 process with the issuance of the Biological Opinion (BO) on October 16, 2017 (FERC Accession Number: 20171103-3008). Execution of the Section 106 PA is expected mid December 2017.

In order to comply with the conservation measures outlined in the BO for the Northern long-eared bat, Atlantic and DETI must fell trees located within the workspace required for construction of the

¹ On May 12, 2017, Dominion Transmission, Inc. changed its name to Dominion Energy Transmission, Inc.

proposed Projects between November 15 and March 31 in West Virginia and Pennsylvania, and between November 16 and March 31 in Virginia and North Carolina.

Atlantic and DETI will avoid culturally sensitive areas as detailed within the Section 106 PA during the course of performing any activity associated with the Projects. Each of these areas, as well as markings depicting “no access”, will be identified.

The proposed felling of trees and vegetation at or above the ground surface via non-mechanized methods, which does not substantially disturb the root system, does not require a U.S. Army Corps of Engineers (USACE) permit pursuant to Section 404 of the Clean Water Act (CWA), as this activity will not involve substantial earth disturbance or the placement of dredged or fill material in wetlands or waterbodies. The USACE confirmed that these requested activities are not regulated under Section 404 of the CWA, as they do not involve a discharge of dredged and/or fill material. The USACE confirmations are provided in Attachment A.

Likewise, tree felling in this manner is not regulated under State Water Quality Certifications (WQC) under Section 401 of the CWA. The North Carolina Department of Environmental Quality has not yet issued its 401 WQC but confirmed that these requested activities are not regulated under Section 401 of the CWA. This confirmation is also provided in Attachment A. While not applicable to this activity, the Pennsylvania Department of Environmental Protection issued its 401 WQC on November 21, 2017, the West Virginia Department of Environmental Protection waived its 401 WQC requirements on December 6, 2017. The Virginia State Water Control Board approved its final 401 WQC on December 12, 2017, which certification will become effective upon the satisfaction of certain conditions specified therein, and confirmed in writing that the requested activities are not regulated under Section 401 of the CWA. See Attachment A.

Accordingly, Atlantic and DETI respectfully request **immediate authorization** upon execution of the Section 106 PA in order to comply with the time-of-year restrictions contained in the BO and the Projects’ schedules. Atlantic and DETI understand that this Notice to Proceed would be limited to the specific activities listed in this request.

If you have any questions, please contact me at 866-319-3382.

Respectfully submitted,

/s/ *Matthew R. Bley*

Matthew R. Bley
Director Gas Transmission Certificates

cc: Mr. Kevin Bowman, FERC

encl(s)/