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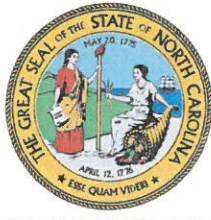
Governor

MICHAEL S. REGAN

Secretary

LINDA CULPEPPER

Director



NORTH CAROLINA
Environmental Quality

June 3, 2019

DWR # 20181638 v1
Alamance & Rockingham Counties

CERTIFIED MAIL: 7017 2680 0000 2219 4025
RETURN RECEIPT REQUESTED

Mountain Valley LLC
Attn: Mr. Matthew Raffenberg
700 Universe Blvd
Juno Beach, FL 33408

Subject: DENIAL of 401 Water Quality Certification and Jordan Lake Riparian Buffer Authorization Application
MVP Southgate

Dear Mr. Raffenberg:

On November 30, 2018, the Division of Water Resources (Division) received your application, requesting a 401 Certification and Buffer Authorization from the Division for the subject project. On January 10, 2019, the Division requested additional information on the project and received a partial response to that request on February 12, 2019. On March 25, 2019, the Division returned your application as incomplete.

Your response to the Division on February 12, as well as your recent response to the U.S. Army Corps of Engineers, stated *"Mountain Valley is currently completing route evaluations and will be providing updated impact tables at a later date"* and *"Mountain Valley will provide final plan and profile view for all proposed permanent fills of aquatic resources in North Carolina...once all surveys have been completed and Project design is finalized"*.

On March 15, 2019, the Federal Energy Regulatory Commission (FERC) provided notice of the schedule for environmental review of the subject project. In the notice, FERC states that the draft EIS will be issued in July 2019. Based on the response provided to the Division and follow up phone conversations with MVP contacts, the updated impact tables, final plan and profile views for proposed impacts will not be available until after July 2019.

The Division's March 25th letter is hereby rescinded and, in accordance with 15A NCAC 02H .0507(e) and 15A NCAC 02B .0267, your application for a 401 Water Quality Certification and Jordan Lake Riparian Buffer Authorization is hereby denied. Once a Draft EIS has been issued and a preferred route is identified by FERC, you may reapply to the Division.

This decision can be contested as provided in General Statute 150B by filing a written petition for an administrative hearing to the Office of Administrative Hearings (OAH) within sixty (60) calendar days.



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617
919.707.9000

A petition form may be obtained from the OAH at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000 for information. A petition is considered filed when the original and one (1) copy along with any applicable OAH filing fee is received in the OAH during normal office hours (Monday through Friday between 8:00am and 5:00pm, excluding official State holidays). The petition may be faxed to the OAH at (919) 431-3100, provided the original and one copy of the petition along with any applicable OAH filing fee is received by the OAH within five (5) business days following the faxed transmission.

Mailing address for the OAH:

If sending via US Postal Service:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

If sending via delivery service (UPS, FedEx, etc):

Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609-6285

One (1) copy of the petition must also be served to DEQ:

William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

Please be aware that you have no authorization under Section 401 of the Clean Water Act or the Jordan Lake Riparian Buffer Rules for this activity and any work done within waters of the State or riparian buffers may be a violation of North Carolina General Statutes and Administrative Code.

Please contact Karen Higgins at 919-791-4252 or karen.higgins@ncdenr.gov, or Sue Homewood at 336-776-9693 or sue.homewood@ncdenr.gov if you have any questions or concerns.

Sincerely,



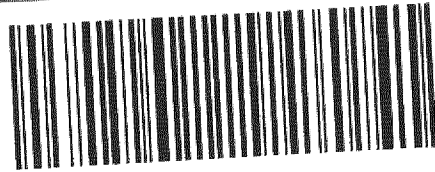
Linda Culpepper, Director
Division of Water Resources

cc: Alex Miller, MVP Southgate (via email)
Heather Patti, TRC Environmental Corp (via email)
Kevin Martin, S&EC (via email)
David Bailey, Raleigh Regulatory Field Office (via email)
Todd Bowers, EPA (via email)
DWR WSRO 401 files

7017 2680 0000 2219 4025

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions