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Regional Director, Midwest Region

Attn: Lisa Mandell

U.S. Fish and Wildlife Service Ecological Services

5600 American Blvd. West, Suite 990

Bloomington, MN 55437-1458

Email: permitsR3ES@fws.gov

Dear Ms. Mandell:

On behalf of the Virginia Chapter of Sierra Club, I wish to submit the following comments on the the NiSource Gas Transmission and Storage (“NiSource”) draft multi-species habitat conservation plan (“HCP”) and the U.S. Fish & Wildlife Service (“Service”) draft environmental impact statement (“EIS”). These comments are submitted in addition to comments submitted by Earthjustice on our behalf, submitted in a separate letter.

Virginia Threatened & Endangered species.

The HCP proposal is inadequate. Numerous Virginia threatened and endangered species are not covered by the HCP proposal. These include, but are not limited to, the Roanoke logperch, spotfin chub, rough pigtoe, northeastern bulrush, shale barren rockcress, smooth coneflower, swamp-pink, Virginia sneezeweed, and Virginia spiraea. (NiSource MSHCP Covered Lands in the George Washington and Jefferson National Forest – USF&WS Map; George Washington & Jefferson National Forests Threatened & Endangered Species list; see also <http://www.natureserve.org/explorer/> , http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5297846.pdf p. F-7 & 8; GWNF Forest Plan Revision preferred alternative maps at http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5297899.pdf and http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5297900.pdf, and additional

maps, Forest Plan documents, and associated materials on the Jefferson and George Washington National Forests at <http://www.fs.usda.gov/land/gwj/landmanagement>)

Virginia sneezeweed and swamp-pink are federally threatened plants. One or more species of these plants occur within the Maple Flats, Love Run Pond, and Big Levels special biological areas of the Pedlar Ranger District (George Washington National Forest), in or near the proposed NiSource HCP corridor and the nearby Mt. Joy Pond Natural Area Preserve, also in or near the proposed NiSource HCP corridor. (Virginia Division of Natural Heritage (VDNH) Natural Heritage Technical Report Rpt 91-1 (1991), pp. 24-25; 67-71; NiSource MSHCP Covered Lands in the George Washington and Jefferson National Forest – USF&WS Map ; http://www.dcr.virginia.gov/natural_heritage/natural_area_preserves/mountjoy.shtml; ; see also http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5297846.pdf p. F-7 & 8; GWNF Forest Plan Revision preferred alternative maps at http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5297899.pdf and http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5297900.pdf, and additional maps, Forest Plan documents, and associated materials on the Jefferson and George Washington National Forests at <http://www.fs.usda.gov/land/gwj/landmanagement>))

Shale barren rockcress (endangered plant) occurs primarily in shale barrens throughout this part of the Appalachians and may be at risk. (See for example, VDNH Tech. Natural Heritage Rpt. 99-2 (1999))

There is at least one known northeastern bulrush (endangered plant) population within a few miles of a segment of the pipeline in the James River District (GWNF Other populations may exist in southern Alleghany County, or elsewhere in portion of the Ridge and Valley within the proposed NiSource HCP corridor. (VDNH Natural Heritage Technical Report 00-10 (2000), p. 74 & map; NiSource MSHCP Covered Lands in the George Washington and Jefferson National Forest – USF&WS Map). All populations should be identified. Possible impacts to northeastern bulrush in this area and other areas should be fully explored.

At least eleven species on the GWNF are undergoing studies to determine whether they will be listed as threatened or endangered species under the Endangered Species Act under a July 12, '11 settlement agreement between the Center for Biological Diversity and the US Fish and Wildlife Service, approved Sept. 9, '11. See http://www.biologicaldiversity.org/programs/biodiversity/species_agreement/index.html . These species include the roughhead shiner, brook floater, orange-fin madtom, yellow lance, Atlantic pigtoe, green floater, Avernus cave beetle, crossroads cave beetle, South Branch Valley millipede, and Tennessee pondweed. These species have been proposed for listed under the ESA and may warrant, or may soon warrant, higher priority than current priorities.

Also, there is a possibility of wood turtle occurrences in the Lee Ranger District and surrounding Shenandoah Valley portion of the proposed NiSource HCP corridor. The wood turtle was listed as one of the top 10 species in danger of extinction in the Endangered Species Coalition publication [Without a Net - Top Ten Wildlife, Fish and Plants in Need of Endangered Species Act Protection](http://www.stopextinction.org/top10/withoutanet.html) , <http://www.stopextinction.org/top10/withoutanet.html> . The wood turtle is

found in Alexandria (City) (51510)*, Arlington (51013)*, Clarke (51043), Fairfax (51059), Frederick (51069), Loudoun (51107), Page (51139), Rockingham (51165), Shenandoah (51171), Warren (51187), Virginia.

http://www.natureserve.org/explorer/servlet/NatureServe?sourceTemplate=tabular_report.wmt&loadTemplate=species_RptComprehensive.wmt&selectedReport=RptComprehensive.wmt&summaryView=tabular_report.wmt&elKey=100280&paging=home&save=true&startIndex=1&nextStartIndex=1&reset=false&offPageSelectedElKey=100280&offPageSelectedElType=species&offPageYesNo=true&post_processes=&radiobutton=radiobutton&selectedIndexes=100280

Cumulative impacts to Cow Knob salamander should be assessed. Provisions of the Cow Knob salamander conservation agreement should be assessed. See <http://www.fws.gov/chesapeakebay/EndSppWeb/elements/candidates.htm>. The US F&WS should assess whether any part of the assumptions in the conservation agreement could be rendered inadequate by the proposal, and, consequently, whether the Cow Knob salamander should be listed under ESA, or whether any part of the agreement should be subsequently rewritten and strengthened to avoid listing. (See range

info http://www.natureserve.org/explorer/servlet/NatureServe?sourceTemplate=tabular_report.wmt&loadTemplate=species_RptComprehensive.wmt&selectedReport=RptComprehensive.wmt&summaryView=tabular_report.wmt&elKey=104349&paging=home&save=true&startIndex=1&nextStartIndex=1&reset=false&offPageSelectedElKey=104349&offPageSelectedElType=species&offPageYesNo=true&post_processes=&radiobutton=radiobutton&selectedIndexes=104349 ; NiSource MSHCP Covered Lands in the George Washington and Jefferson National Forest – USF&WS Map)

The Shenandoah salamander is supposedly covered by the HCP proposal ("no take"). Due to the rarity of this salamander species the adequacy of the analysis and any mitigation measures (if any) should be validated.

The Indiana bat and other T&E bats are supposedly covered by the HCP proposal. The adequacy of the analysis and any mitigation measures (if any) should be validated. White nose syndrome cumulative effects should be taken into consideration in addition to the effects of alteration of habitat.

The James spiny mussel is supposedly covered by the HCP proposal ("take"). Due to the rarity of this species the adequacy of the analysis and any mitigation measures (if any) should be validated. According to a study commissioned by the American Fisheries Society Endangered Species Committee, there are "297 native freshwater mussels [in the U.S. and Canada], of which 213 taxa (71.7%) are considered endangered, threatened, or of special concern... and only 70 (23.6%) as currently stable... Freshwater mussels (also called naiads, unionids or clams) of the families Margaritiferidae and Unionidae are worldwide in distribution but reach their greatest diversity in North America with about 297 recognized taxa... During the past 30 years, numbers both of individual and species diversity of native mussels have declined throughout the United States and Canada. Freshwater mussels (as well as other aquatic species) are imperiled disproportionately relative to terrestrial species... This alarming decline, the severity of which was not recognized until recently, is primarily the result of habitat destruction and degradation associated with adverse anthropogenic activities."

(Williams, Warren, Cummings, Harris and Neves, 1993) For example, at its peak, the James spiny mussel (*Pleurobema collina*) was distributed from a location a few miles upstream of Richmond, Va. and throughout the James River basin upstream. Since that time, its range has been reduced by approximately 90% (Clarke and Neves, 1984) The James spiny mussel now survives in a few small tributaries of the James. (Terwilliger, 1990) Mussels are highly sensitive to sedimentation and contaminants. (Intro. to mollusks section, Neves, Virginia's Endangered Species, Terwilliger, ed., 1991)

Cumulative Impacts on Important Virginia Locations

There are several significant areas in the corridor. Analysis should consider cumulative impacts to these areas and the unique values in these areas. Analysis should consider cumulative impacts of other activities/events in these areas. For example, the following areas could be impacted: Church Mountain treasure area [see attached copy of Virginia Mountain Treasures, draft, 2007]; Maple Flats, Love Run Pond, and Big Levels biological area; Mt. Joy Pond Natural Area Preserve http://www.dcr.virginia.gov/natural_heritage/natural_area_preserves/mountjoy.shtml; Special Interest Area (MA 4 at Browns Run/Short Horse Mtn); Shenandoah National Park; Southern Massanutten Mtn roadless area (near border); Short Horse Mtn treasure area (near border); Snake Run Ridge mountain treasure area/Peters Mtn North special biological area (near/on north border). [see attached copy of Virginia Mountain Treasures, draft, 2007]. Analysis should consider cumulative impacts of other activities in these areas (e.g. logging proposals including the proposed Barb Timber sale in Church Mountain [scoping notice attached], proposed wind turbines on Church Mtn., off-highway vehicle use and other impacts; cumulative impacts related to large old growth stand ~3600 acres at Peters Mtn North special biological area (VDNH Natural Heritage Technical Report 00-10 (2000), p. 74 & map; VDNH Natural Heritage Technical Report 00-07 (2000)). Cumulative impacts to other areas should be evaluated.

Sincerely yours,



Sherman Bamford
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