

**MVP FS-FWS Coordination Agenda****Date/Time:** Monday, March 20, 2017 @ 12-1:00pm (ET)**Location:** Conference Call

|                  |                                    |                                                                               |
|------------------|------------------------------------|-------------------------------------------------------------------------------|
| <b>Attendees</b> | Bureau of Land Management (BLM)    | Alison McCartney, Miriam Liberatore, Vicki Craft                              |
|                  | US Fish and Wildlife Service (FWS) | Jennifer Stanhope, Sarah Nystron, Sumalee Hoskin                              |
|                  | Forest Service (FS)                | Carol Croy, Dawn Kirk, Fred Huber, Jennifer Adams, Jesse Overcash, Steve Croy |
|                  | Galileo Project, LLC               | Grace Ellis, Lauren Johnston                                                  |

**ACTIONS**

- **FS** and **FWS** continue review of MVP's most recent Biological Assessment (BA).
- **FS** completes its review of MVP's most recent Biological Evaluation (BE) and Sedimentation analysis.
- **Jennifer** confirms with Karen Overcash (FS) whether or not the FS needs additional biological surveys or review of the Slussers Chapel Conservation Site alternative proposed by the Virginia Department of Conservation and Recreation (VDCR).
- **Jennifer** coordinates with Karen Overcash (FS) and Ava Turnquist (FS) to update the FS's environmental effects chart as FS specialists review new MVP documents.
- **Jennifer** emails Job with FS and FWS input on mitigation.
- **Federal Energy Regulatory Commission (FERC)** finalizes the BA and initiates consultation with the FWS.
- **FWS** meets with MVP to review MVP's Habitat Equivalency Analysis (HEA).
- **BLM and FS** meet with MVP to review MVP's HEA.
- **FWS anticipates requesting an Environmental Constraints Map for MVP to help resolve potentially conflicting seasonal restriction recommendations.**

**DECISIONS/DISCUSSION POINTS**

- Carol said she wants to be sure MVP is not missing any priority birds covered under the Migratory Bird Treaty Act (MBTA). Carol also stated the FS recommends MVP have a biological monitor onsite during winter construction. In addition Carol said she wants MVP to know that **golden and bald eagles migratory birds** could be found anywhere along the route and **bald eagles** could start breeding **activities** ~~season~~ very early in the calendar year.
- Carol said the FS **and FWS** recognizes the need to evaluate and prioritize resource-based **(T&E, slope stability, soil movement concerns)** seasonal construction restrictions as several of the **recommended** restrictions are in conflict.
- Dawn noted Craig Creek is considered potential Threatened and Endangered (T&E) Species habitat for the James Spiny mussel, although the James Spiny mussel is currently located 15-20 miles downstream of the project. Jen S. expressed concern that in the draft BA MVP did not look at species occurrence for the James Spiny mussel in the Natural Heritage Database, which puts the closest occurrence of the mussel at approximately 7 kilometers from the project, **and within the original impact area from the draft sediment analysis.** Jen S. said the FWS has not yet received paper copies of the most recent BA and does not know if this information has been incorporated. Jen S. confirmed FWS is talking with MVP about this discrepancy.

- Jen S. said she needs to read through MVP's recent filings to determine if their sedimentation load assumptions and construction window make sense. Jen S. noted she thought MVP would be constraining their construction window to 8 weeks around Craig Creek, but that recent documents stated a 16-week construction window.
- Dawn and Jen S. stated they need to review MVP's sedimentation analysis before they can determine if the analysis is complete, and, if so, which alternative represents the preferred crossing for the agencies. Dawn said upon preliminary review, the FS recommends different alternatives based on which resource (i.e. biology, hydrology, geology, etc.) is being considered.
- Jen S. requested Dawn keep her in the loop re FS's sedimentation analysis. Dawn stressed she wants to be sure the sedimentation load from the different alternatives is properly assessed, and that the sedimentation analysis considers construction on private lands that would have an impact on FS lands.
- Jen S. confirmed she asked MVP to include the Candy Darter and Yellow Lance as well as other petitioned species in the BA analysis. FWS will make sure these species are adequately addressed.
- Sarah updated that the Rusty Patched Bumblebee will not be listed in Montgomery County, however FWS has stressed to proponents that pesticide use and widespread herbicide use on the right of way is of concern. Sarah said FWS prefers MVP use targeted herbicides in order to promote early successional habitat that encourages pollinator occupancy. Sarah stressed FWS does not anticipate the Rusty Patched Bumblebee returning to the MVP project area before it is complete, and as such the proponent should not have to worry about the bee becoming a regulatory species for their project, even if pollinator habitat is encouraged and develops.
- Sarah confirmed there is no need for FS to consult with FWS regarding the Rusty Patched Bumblebee.
- Steve said the bat surveys turned up evidence of a small footed bat (a FS sensitive species) but no evidence of federally listed bats. Sumalee confirmed MVP has done their due diligence with mist net bat surveys and that she believes where bats are concerned the project is in good shape. Sumalee added she will review the BA to confirm.
- Vicki recounted that BLM and FS are coordinating with the Commonwealth of Virginia on mitigation, and that MVP has now been looped into the conversations. Vicki said MVP is working on a HEA to evaluate direct and indirect impacts to federal lands, and will be scheduling a meeting with FS and BLM to review the analyses. Jesse stressed he is in favor of a landscape scale mitigation plan that substitutes affected landscape features accordingly. Jesse said he is concerned an edge effects analysis of acres is inadequate to determine impacts, especially to shellfish.
- Sarah said the FS is requesting an environmental constraints map to look for potential impacts to migratory birds due to fragmentation and early seasonal impacts. These impacts and environmental constraints will also need to be addressed for other species.
- Sarah confirmed MVP has a meeting with FWS to review the HEA. She said FWS is open to looking at edge effects and fragmentation and in assisting FS in mitigating habitat effects on FS lands.
- Sarah confirmed there is no authority for FWS to issue or enforce a permit for incidental take of certain species under the MBTA.

- Jen S. confirmed FERC has not finalized the BA to initiate formal consultation, but that FERC is currently developing a consultation timeline.
- Steve, Jesse, and Carol ~~asked~~ questioned whether there were any outstanding surveys the FS needed, especially in regard to the VDCR's Slussers Chapel alternative route.