

From: [Stanhope, Jennifer](#)
To: [Sumalee Hoskin](#); [Tiernan Lennon](#)
Subject: MVP: from FS
Date: Friday, April 7, 2017 4:29:52 PM
Attachments: [image001.png](#)
[image004.png](#)
[image002.png](#)
[image003.png](#)
[Comment Form MVPs BA_04072017](#)

Sumalee and Tiernan,

FYI. Draft comments from FS so far on MVP BA.

Jen

----- Forwarded message -----

From: **Kirk, Dawn -FS** <dkirk@fs.fed.us>
Date: Fri, Apr 7, 2017 at 3:54 PM
Subject: RE: question on spiny mussel in Craig Creek
To: "Stanhope, Jennifer" <jennifer_stanhope@fws.gov>

Oh, OK. Thanks. Here is what we have in our comment form so far. Did you get the sediment analysis?



Dawn Kirk
Forest Fisheries Biologist
Forest Service

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Caring for the land and serving people

From: Stanhope, Jennifer [mailto:jennifer_stanhope@fws.gov]
Sent: Friday, April 07, 2017 3:47 PM
To: Kirk, Dawn -FS <dkirk@fs.fed.us>
Subject: Re: question on spiny mussel in Craig Creek

Hi Dawn,

I am planning to review the MVP BA next week, but so glad you are reviewing it too! The closest known occurrence is approx. 21 km downstream of pipeline (this is a quick estimate of distance I determined in ArcGIS, so it is rough), recorded in 1987, so it is fairly old, but that area in general has not really been surveyed since then.

Hope this helps,

Jen

On Fri, Apr 7, 2017 at 2:59 PM, Kirk, Dawn -FS <dkirk@fs.fed.us> wrote:

Hey Jen- I am reviewing MVP BA and I recalled you saying VDNH found a James spiny mussel closer than the 15.8 miles that they reference. Am I remembering this correctly?

Thanks!



Dawn Kirk
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[http://www.fws.gov/
Northeastvirginiafield](http://www.fws.gov/Northeastvirginiafield)

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COMMENTS ON DOCUMENTS CONCERNING BA

MOUNTAIN VALLEY PIPELINE PROJECT

Page #	Section #	Comment	Name
BA 4.14	156	The BA says: In addition, agriculture contributes to these declines as populations often occur in areas that cannot be plowed or in which it is not economically feasible (Wagenius 2004). Plowing destroys the large single taproot. Comment: This section is confusing, rewrite to be accurate and clear.	Huber
BA 6.5.13	253	BA says: Small Whorled Pogonia No cumulative impacts are anticipated for this species since it does not exist within the Action Area. Comment: Since SWP can remain dormant for many years it is not possible to say it does not occur in the Action Area. Presence has to be assumed.	Huber
BA 7.12	265	BA says: 7.12 Shale Barren Rock Cress The Project will not directly or indirectly impact known-occupied habitats of running buffalo clover. Comment: Correct this statement since it refers to RBC in the shale barren rock cress determination of effect.	Huber
		Comment: The USFWS is proposing the federal listing of yellow lance as threatened under the Endangered Species Act. Include this information in the BE and include the yellow lance as a Proposed Threatened species in the BA.	Huber

4	1.2	Under consultation section, the document states that USFWS issued a letter on Sept 29, 2016 concerning the capture and subsequent range expansion of gray bat in West Virginia. This represents new information. The letter was not found in Appendix A.	C. Croy
3.1.3.2	66-68	Good literature review of potential effects of noise on wildlife with emphasis on bats and bees.	C. Croy
4.1.1	83	A new county in the piedmont/coastal plain of Virginia has been documented for breeding Indiana bats. Contact Dr. Mark Ford, USGS, for more information	C. Croy
4.9	126-139	Excellent literature review and write-up of rusty patched bumble bee. The detail and thoroughness of write-up is appreciated.	C. Croy
4.9.3.1	133	Historical counties listed by USFWS lead field office sent 9/15/2016 to the GW/Jeff list Monroe county, WV, as well as Putnam, Clay, Cabell, Lincoln, Greenbrier, Boone, Raleigh, Mingo, Summers, and Mercer counties as being part of the historical range, though the year of the records are not listed. Can share information upon request.	C. Croy
5.9	229-233	Good effects analysis for rusty-patched bumble bee. An additional potential benefit (5.9.3.2.2) is a landscape level connectivity corridor that provides and connects all three required habitat features (when including adjacent forested habitat) based on the lifecycle needs of this species.	C. Croy
3.1.4.2	73	“one commonly used impact threshold is one in which the metric of impact is increased by 10 percent or more (USEPA 2003)..” Comment: The commonly used threshold of 10% may be a valid assumption for reaches meeting water quality standards or do not contain sensitive aquatic biota. However, in downstream areas where TES aquatic species are present, it is important to further evaluate cumulative impacts less than 10 percent increase in sediment load, particularly if construction may coincide with low flow conditions. For example – Stony	Kirk

		Creek with the presence of Candy Darter and Craig Creek with several TES species, including the James spinymussel. The USFS is bound by NEPA to analyze connected actions (CEQ Sec. 1508.25 (a), (b), and (c)). The actions proposed in the watershed beyond the crossing of the JNF are part of the same decision and facilitated by the crossing of public lands; therefore, they are by definition connected actions [CEQ Sec. 1508.25 (a)1(iii)] and must be analyzed to determine any and all direct, indirect, and cumulative impacts of the proposed action. This means that actions taken on private property that may affect these species must be analyzed and considered in the same analysis by the same methods in order that the USFS can make an informed decision about the possibility that their actions or their consequences could adversely affect species. See additional FS comments on the Hydrological Analysis of Sedimentation.	
5.6	224	“By adherence to aforementioned standards, a 0.47-kilometer (0.29-mile) stream reach of Craig Creek is anticipated to experience sediment load increases in excess of 10 percent above baseline.” The commonly used threshold of 10% may be a valid assumption for reaches meeting water quality standards or do not contain sensitive aquatic biota. However, in downstream areas where TES aquatic species are present, it is important to further evaluate cumulative impacts less than 10 percent increase in sediment load, particularly if construction may coincide with low flow conditions. For example – Stony Creek with the presence of Candy Darter and Craig Creek with several TES species, including the James spinymussel. IN addition, Section 2.3.5 in the hydrological analysis clearly demonstrates the wide variety of effectiveness, even citing as low as 10% (EPA 1993). Yet the assumption chosen for the practice factor is very high. $p=0.21$ such that containment is 79%. Since many of the literature citations are laboratory based and proper installation is widely understood in the industry to be a limiting factor for effectiveness in the field, I believe this is a vast overestimate of containment. It is more	Kirk

		appropriate to err on the side of the worst case scenario, rather than the best case (equal to or less than 48% containment). As such, for this section (and similar sections) in BAK, erosion containment is likely over-estimated and sedimentation underestimated.	
7.6.5	261	“Collectively, a May Affect–Not Likely to Adversely Affect determination is appropriate for James spiny mussel. The nearest known or potential population of James spiny mussel occurs outside of the Action Area in Craig Creek.” See above comments on James spiny mussel occurrence and potential sedimentation.	Kirk
2.6.3	54	The USFWS is proposing the federal listing of yellow lance as threatened under the Endangered Species Act as of 4/5/2017. Include this information and the yellow lance as a Proposed Threatened species in the BA. IN addition, the Atlantic pigtoe, green floater, and candy darter were petitioned for listing in April 2010, the FWS determined listing may be warranted, and initiated status reviews which may overlap with this project.	Kirk

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