

To: U.S. Fish and Wildlife Service, Director Steven A. Williams
1849 C Street, NW
Washington, DC 20240

U.S. Fish and Wildlife Service, West Virginia Field Office (Attn: John E. Schmidt)
694 Beverly Pike
Elkins WV 26241

U.S. Fish and Wildlife Service, Virginia Field Office (Attn: Cindy Shultz)
6669 Short Lane
Gloucester VA, 23061

WV Division of Natural Resources, Director Robert A. Fala
Building 74, 324 Fourth Avenue
South Charleston, WV 25303

WV Division of Natural Resources – Elkins Operation Center
PO Box 67
Elkins, WV 26241

VA Department of Game and Inland Fisheries
VA State Headquarters, Director Robert Duncan
7870 Villa Park Drive, Suite 400 (Villa Park 3)
Henrico, VA 23228

VA Department of Game and Inland Fisheries
Region 3 Field Office, Assistant Bureau Director Ron Southwick
1796 Highway Sixteen
Marion, VA 24354

VA Department of Game and Inland Fisheries
Region 2 Field Office, Assistant Bureau Director Cale Godfrey
1132 Thomas Jefferson Road
Forest, VA 24551

From: (b) (6) Landowner and concerned citizen
(b) (6) (Monroe County WV)

Date: Feb. 26, 2016

Received
Received
~~MAR 1 2015~~
MAR 1 2016
Virginia Field Office
Virginia Field Office

To Whom It May Concern:

I am writing this letter to address what I perceive to be a lack of action to adequately protect the many rare and endangered species of plants and animals that are currently being threatened by the Mountain Valley Pipeline (FERC Docket CP16-10-000) and other "Frack" natural gas pipelines coming out of WV into VA through some of the highest concentrations of endangered and threatened plants and animals in the Eastern US (see page 4).

I am also very concerned about the water quality that is threatened by these pipelines. The Mountain Valley Pipeline proposes to cross the head water area for both the James and New River Water Basins. This is some of the nation's highest quality springs and water recharge area.

Many people in the two Virginia areas have been expressing their concerns for months, but outside of the National Forest Office in Roanoke VA, other agencies seem to me to be disengaged.

An example of this is the letter submitted in March and April from the respective field offices, which I have attached. I have marked them as part of my submission to FERC in the Scoping Period for the MVP, Docket PF15-3-000 and again in the comment period this past fall for MVP application, Docket CP16-10-000.

I also have great concerns that MVP, LLC is not doing the adequate studies as prescribed by law. In a letter sent to me when I requested information from the surveys conducted on my farm—January 2015 through October 2015—they admitted that they were not conducting surveys that I believe are required by law. That letter is also attached.

I believe that MVP would cross the buffer areas set up around the Greenville Saltpeter Cave Complex in Monroe County, WV and the Tawny's Cave in Giles County, VA without a second thought about the damage to the endangered bat species there. These buffer zones were set up to protect these bats and should be honored. Hopefully the USF&W, the WV DNR, and the VA Dept of Game and Inland Fisheries will take this issue seriously.

Another area in Monroe County, WV that merits further study is an area called the Narrows of Hans Creek. This unique, unspoiled area is home to a diverse ecosystem and could very easily have endangered species contained between the canyon walls. This area has never been professionally explored or thoroughly studied, although I have been in contact with WVDNR about this area for the past year and have been documenting the uniqueness to them and FERC with limited results.

In an attempt to keep this brief, I request that USF&W and the respective wildlife protection agencies in each state meet with citizens along the pipeline routes to discuss their issues and concerns. I know the agencies are meeting with the industry, but citizens should be afforded the same opportunity to discuss these very important issues and be able to voice their concerns.

There should be separate meetings held all along the pipelines routes, especially with the citizens of Monroe County, WV and Giles/ Craig Counties in VA due to the high number of endangered species as well as Eagle and other Migratory Bird routes in the area especially along Peters Mountain—the longest unspoiled and undisturbed mountain in the central Appalachians. (See the maps on page 4.)

Sincerely,

(b) (6)

CC: Paul J. Harmon, Plant Biologist, WV DNR
Richard Bailey, Ornithologist, WV DNR
Craig Stihler, Bat Biologist, WV DNR
Tiernon Lennon, Biologist, USF&W, Elkins WV
Jennifer Adams, USFS, Roanoke VA

See Attached Letters from US Fish and Wildlife Service, that I included as Attachment 2 in my comments to the FERC in my June Scoping Comments. (I apologize that Page 3 of the second letter was submitted multiple times in my electronic submission.)

In the letter from Coates Field Services (for MVP) they said that they were not looking for karst on my property even though they observed and flagged a sinkhole into which water was running—within or very near the AWS area and about 100 ft from the pipeline proposed corridor. There are a number of concerns about their process raised by this letter.

Finally attached is another map from the USGS showing Seismic Zones. THE MVP crosses the Giles Seismic zone and that alone poses an extreme danger to endangered species if there were an earthquake—which will happen at some point. In my scoping comments I attached a more detailed map showing the MVP route crossing this zone in Monroe County, WV, and in Giles and Craig Counties, VA (see page 4).

Distribution of Federally Listed Threatened and Endangered Species and Proposed Species in West Virginia^{1, 2}

U.S. Fish and Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, WV 26241

Modified 8/6/2012

0 25 50 Miles

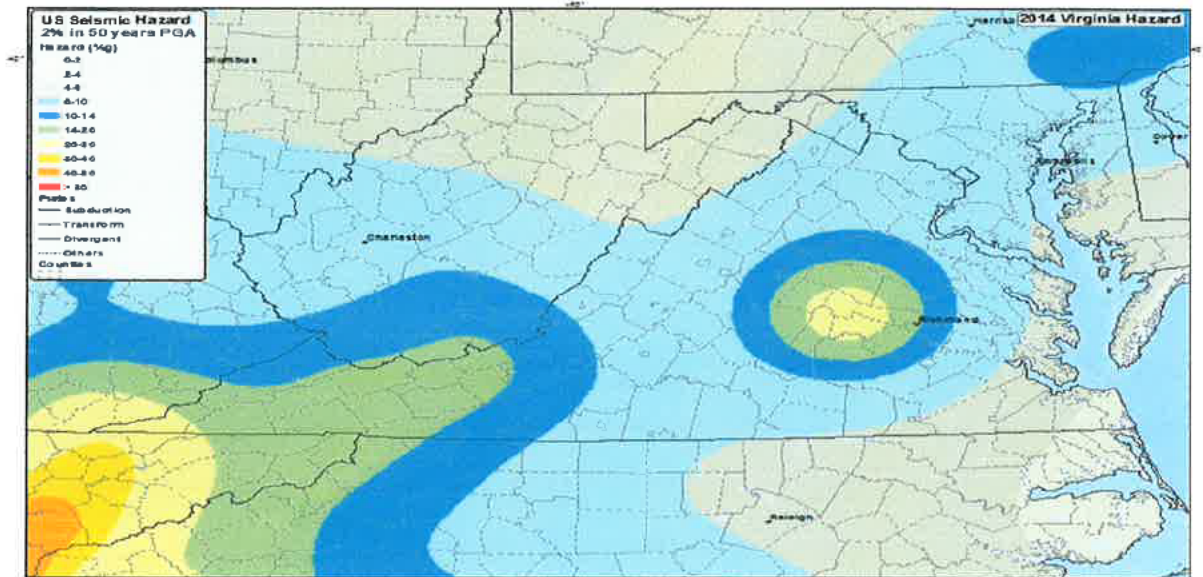
Habitat buffers around known occurrences of other federally listed species²

Waterways supporting federally listed aquatic species

1. All forested areas in West Virginia are considered potential summer habitat for the endangered Indiana bat. Please contact this office regarding any projects anywhere in the state that will require clearing of 17 acres or more of forest.

2. Includes nest sites of bald eagles, which are not listed under the Endangered Species Act. However they continue to receive federal protection under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

Virginia - 2014 Seismic Hazard Map





Part of my comment to The FERC
Docket PF-15-3-200
United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241

June 15th
2015



April 23, 2015

Ms. Valerie Clarkston
Environmental Solutions & Innovations, Inc.
4525 Este Avenue
Cincinnati, Ohio 45232

Re: EQT Corporation and NextEra Energy, Inc., Mountain Valley Pipeline Project, Braxton, Doddridge, Fayette, Greenbrier, Harrison, Lewis, Monroe, Nicholas, Summers, Upshur, Webster, and Wetzel Counties, West Virginia

Dear Ms. Clarkston:

This responds to your request of October 13, 2014, for information regarding the potential occurrence of federally listed endangered and threatened species and their designated critical habitats. Mountain Valley Pipeline, LLC (MVP), a joint venture of EQT Production (EQT) and a subsidiary of NextEra Energy, Inc., proposes to construct the Mountain Valley Pipeline Project through portions of Braxton, Doddridge, Fayette, Greenbrier, Harrison, Lewis, Monroe, Nicholas, Summers, Upshur, Webster, and Wetzel counties, West Virginia and Craig, Franklin, Giles, Montgomery, Pittsylvania and Roanoke counties, Virginia. MVP has identified multiple potential routes, but the final alignment will be approximately 300 miles. The total length of all potential routes is approximately 386.93 miles (216.98 miles in West Virginia and 169.95 miles in Virginia). These comments are provided pursuant to the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668c, as amended), and the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712).

The U.S. Fish and Wildlife Service (Service) has determined that 7 federally listed endangered species and 3 federally listed threatened species, respectively, are known to occur within the West Virginia portion of the proposed project area, and may be affected by the construction and operation of the proposed project. These are the endangered Indiana bat (*Myotis sodalis*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*), clubshell mussel (*Pleurobema clava*), snuffbox mussel (*Epioblasma triquetra*), James spinymussel (*Pleurobema collina*), shale barren rock cress (*Arabis serotina*), running buffalo clover (*Triofolium stoloniferum*), and the

Note - other plants + Animal not mentioned here
are numerous - please read my comments
i.e. Bentley's coralroot, Allegheny woodrat, candy darter
several bat species, flying squirrels, etc. etc.

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threatened northern long-eared bat (*Myotis septentrionalis*), small whorled pogonia (*Isotria medeoloides*), and Virginia spiraea (*Spiraea virginiana*). Information to avoid impacts to these species is provided below.

Endangered and Threatened Bats

Known and potential habitat for Indiana and northern long-eared bats occurs within the proposed project alignment. The proposed alignment passes through potential summer habitat for Indiana and northern long-eared bats in Lewis, Braxton, and Summers Counties. In addition, it passes through summer capture, maternity, and hibernacula known-use areas in portions of Doddridge, Fayette, Greenbrier, Harrison, Monroe, Nicholas, Webster, and Wetzel counties.

MVP has decided to perform summer habitat surveys for portions of the alignment that lie outside of known-use areas. An Indiana Bat/Northern Long-Eared Bat Conservation Plan (plan guidelines attached) will need to be completed for sections of the proposed alignment that fall within known-use areas.

Exist in Monroe Co.
The presence of caves and mine portals, and their use by bats, must also be addressed. Suitable winter habitat (hibernacula) for Indiana bats and northern long-eared bats include underground caves and cave-like structures (e.g. abandoned or active mines, railroad tunnels). There may be other landscape features being used by northern long-eared bats during the winter that have yet to be documented. Generally, both species hibernate between November 15 and March 31, use caves and areas near caves for fall-swarming activity, and male Indiana bats have been known to use caves and portals as summer roosts. Virginia big-eared bats use caves or mine portals during any time of the year. Mine portals used by this species are known to occur in Fayette County.

The proposed pipeline should be surveyed for caves and mine portals. This survey can be performed by mining engineers, other field personnel, or biologists with experience identifying caves or mines. The survey should include a review of topographic, mining, karst occurrence, and environmental resources information maps; as well as actual field reviews of the entire proposed project area. For linear projects (e.g., transmission lines, natural gas pipelines, highways, and access roads), the field survey should include lands buffering the disturbance footprint of the proposed linear project, extending to 0.6 mile (1 km) on each side of the outer edges of the footprint.

Any caves and portals found should be evaluated for characteristics that may indicate potential use by bats. A Phase I Cave/Mine Portal Survey Data Sheet should be completed for each opening found. This data sheet is enclosed and results should be compared against the criteria listed in the Draft Protocol for Assessing Abandoned Mines/Caves for Bat Use. The data obtained from the survey should be provided to the Service for review and agreement before any federal permits are issued for this project and before a final decision on any alignment is made.

Note Numerous caves in the ^{Monroe Co.} area have these bats, especially near Greenville, Johnson's Cross Roads and Pater's Mountain Region of Monroe Co. W.V.

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Any caves and portals determined not to exhibit potential habitat for bats, based upon the criteria referenced above, will not require any further assessments for the presence of federally listed bat species. If caves and/or portals at the proposed site appear to have suitable bat habitat characteristics, mist net surveys or trapping may be recommended. Guidelines for conducting these surveys are provided in the Draft Protocol for Assessing Abandoned Mines/Caves for Bat Use. However, due to concerns about the potential for mist netting and trapping at caves or portals to exacerbate the spread of white nose syndrome, please contact this office for the most current recommendations and protocols prior to conducting these activities. The results of any surveys should be provided to this office for review and agreement before any federal permits are issued for this project and before a final decision on any alignment is made. If federally listed bats are found using caves or portals in the project area, further consultation will be necessary.

It should be noted that adverse impacts to caves or mine portals that are used by endangered bat species may result in violation of section 9 of the ESA. Caves may also contain other sensitive species, and activities that may adversely affect cave passages and openings should generally be avoided to the maximum extent practicable.

No tree clearing on any portion of the project area should occur until consultation under section 7 of the ESA, between the Service and the Federal Energy Regulatory Commission (FERC), is completed. The Service needs to review the results of the habitat evaluations, mist net surveys, and the proposed conservation plan before making a determination on bat species.

Freshwater Mussels

The project proposes to cross Leading Creek and the Little Kanawha River, which support clubshell and snuffbox mussels, and to cross the South Fork of Potts Creek, which supports the James spinymussel.

The Service highly recommends that MVP select the route that does not cross the South Fork of Potts Creek. The South Fork of Potts Creek is a highly sensitive stream containing the only known population of the federally endangered James spinymussel in the state. This watershed should be avoided in its entirety if at all possible. If it cannot be avoided then justification for selecting that route needs to be provided and efforts to minimize impacts must be developed.

The Service highly recommends crossing Leading Creek and the Little Kanawha River via Horizontal Directional Drill methods (HDD) to avoid impacts to federally listed mussels. If open trench crossings are proposed, the Service will need explanation as to why an HDD crossing of these streams is infeasible as outlined in an HDD feasibility analysis that should be completed by an engineer.

If the South Fork of Potts Creek cannot be avoided and HDD cannot be used on Leading Creek and the Little Kanawha River, then additional coordination with our office will be needed and mussel surveys will need to be completed for the proposed crossing locations.

Impacts to Mussel mentioned here
would be devastating if corridor were
in this area.

Ms. Valerie Clarkston
April 23, 2015

The Service is also concerned that construction activities for the proposed project could result in erosion, surface run-off, or subsequent introduction of sediment and/or pollutants into Leading Creek, the Little Kanawha River, and the South Fork of Potts Creek, potentially impacting the mussels, their habitat, and fish-host species. Therefore, the Service recommends the following measures be taken to address potential erosion and sedimentation issues at these locations: (1) Construct and install sediment barriers, catch basins, or implement other available methods to ensure that erosion and sedimentation resulting from construction of this project are minimized to the extent practicable; (2) Implement additional Best Management Practices to avoid any indirect impacts to the mussels downstream of the proposed project. These include minimizing vegetation-clearing, mulching and seeding disturbed areas immediately after completing each incremental stage of construction or within one day of a stop in operations, and revegetating any disturbed areas with native, non-invasive plant species; (3) Immediately notify this office if any deviations from the submitted project plans are anticipated, or if any significant erosion-control or sedimentation problems occur during construction of the project.

Plants

Potentially suitable habitat for running buffalo clover occurs within the proposed project alignment in Fayette, Greenbrier and Webster counties. Running buffalo clover occurs in mesic habitats of partial to filtered sunlight, where there is a prolonged pattern of moderate periodic disturbance, such as mowing, trampling, or grazing. It is most often found in regions underlain with limestone or other calcareous bedrock. In West Virginia, running buffalo clover seems to prefer old logging roads, off-road vehicle (ORV) trails, hawthorne thickets, grazed woodlands, jeep trails, railroad grades, game trails, and old fields succeeding to mesic woodlands. The Service recommends that surveys for running buffalo clover be completed along the proposed pipeline alignment prior to any construction. This plant occurs in Monroe Co. WV.

Potentially suitable habitat for Virginia spiraea occurs along the Greenbrier, Gauley, Meadow River, Marsh Fork River, and the New River. Virginia spiraea is found along scoured banks of high-gradient streams or on meander scrolls, point bars, natural levees, and braided features of lower stream reaches. We recommend that surveys for Virginia spiraea be conducted where the proposed alignment crosses the Greenbrier, Gauley, and Meadow Rivers. This plant is in Monroe Co. WV.

Populations of the small whorled pogonia are known to occur in Greenbrier County. This species prefers to grow in upland mixed deciduous forest containing little to no understory clutter. We recommend that surveys for small whorled pogonia be completed in areas of Greenbrier County where suitable habitat is present. Most likely in Monroe Co. WV

I have good evidence of that.
Potentially suitable habitat for shale barren rock cress occurs in Greenbrier County. This plant occurs only in West Virginia and Virginia and is found on mid-Appalachian shale barrens of the Ridge and Valley Province of the Appalachian Mountains. The Service recommends that surveys for small whorled pogonia be completed in areas of Greenbrier County where suitable habitat is present.

Recently, believed to be in - Narrows of this Creek
Narrows of Hans Creek and Peters Mountain
area of Monroe Co. WV

Monroe Co. WV
Craig County VA
Gilks Co. Va.

Discovered
in Monroe
County in 1975

on Ridges of Peters and Potts Mountain

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Surveys for these species must be done during time periods when species are visible on the landscape, as listed in the attached Survey Periods for West Virginia's Federally Listed Plant Species. A list of approved Threatened and Endangered Plant Surveyors is also attached.

A survey report that summarizes the results of these surveys should be submitted to the Service for review and agreement before any federal permits are issued for this project and before a final decision on any alignment is made. If any federally listed species are found these populations should be avoided, and further coordination with this office will be required to develop measures that will avoid and minimize any potential impacts to these plants.

Bald and Golden Eagles

Bald and golden eagles receive Federal protection under the BGEPA and the MBTA. They are listed by the Service as Birds of Conservation Concern in the Appalachian Mountains Bird Conservation Region, within which the proposed project occurs.

The BGEPA provides for the protection of bald eagles and golden eagles by prohibiting, except under certain specified conditions, the taking, possession, and commerce of such birds. BGEPA prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald and golden eagles, including their parts, nests, or eggs. The BGEPA defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb." BGEPA provides civil and criminal penalties for persons who violate the law or regulations.

Under 50 Code of Federal Regulations (CFR) § 22.3, disturb is defined as "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available: 1) injury to an eagle; 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior; or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." The BGEPA's definition of disturb also addresses effects associated with human induced alterations at the site of a previously used nest during a time when eagles are not present. Upon an eagle's return, if such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death or nest abandonment, then this would constitute disturbance.

The Service recommends performing an assessment as to how this proposed project may affect bald and golden eagles. Although there are no known nests within 10 miles of the proposed right-of-way, additional surveys will need to be completed for bald eagles, which have been sighted more frequently in the area in recent years and are known to nest and migrate through West Virginia. Based on personal communications with Dr. Todd Katzner of West Virginia University, golden eagles are known to use the area for migration and winter habitat. Dr. Katzner and his team have tracked eagles through this area with radio telemetry. The results of these surveys will

Bald Eagle Habitat and Nest(s) occur
in Central Monroe Co. WV and waterville
area of Monroe Co. WV.

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assist us in developing recommendations to avoid and minimize, to the extent practicable, effects to bald and golden eagles. Our goal is to work with project proponents to develop measures which avoid the need for eagle permits.

The Service recommends evaluating the project area for potential impacts to eagle habitat (i.e., bald eagle nests, bald and golden eagle roosts). If bald eagles are found during this assessment, please refer to the National Bald Eagle Management Guidelines which can be viewed at the following link:

<http://www.fws.gov/northeast/ecologicalservices/pdf/NationalBaldEagleManagementGuidelines.pdf>

Migratory Birds

The MBTA implements protection of all native migratory game and non-game birds with exceptions for the control of species that cause damage to agricultural or other interests. According to 50 CFR § 10.12, a migratory bird means any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in the Service's regulations, or which is a mutation or a hybrid of any such species, including any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof. In total, 836 bird species are protected by the MBTA. For a complete list of birds protected by the MBTA visit this link <http://www.fws.gov/migratorybirds/regulationspolicies/mbta/MBTANDX.HTML>.

The MBTA prohibits the take of any migratory bird, part, nest, egg or product. Take, as defined in the MBTA, includes by any means or in any manner any attempt at hunting, pursuing, wounding, killing, possessing, or transporting any migratory bird, nest, egg, or part thereof.

The MBTA does not explicitly include provisions for permits to authorize incidental take of migratory birds. While it is not possible to absolve individuals or companies from MBTA or the BGEPA liability, the Service's Office of Law Enforcement focuses its resources on investigating and prosecuting those who take migratory birds without identifying and implementing reasonable and effective measures to avoid take. The Service will regard a company's coordination and communication with the Service, as appropriate means of identifying and implementing reasonable and effective measures to avoid the take of species protected under the MBTA and BGEPA.

As such, the potential exists for avian mortality from habitat destruction and alteration within the project boundaries. Site-specific factors that should be considered in project siting to avoid and minimize risks to birds include avian abundance; the quality, quantity and type of habitat; geographic location; type and extent of bird use (e.g. breeding, foraging, migrating, etc.); and landscape features. We recommend minimization of land and vegetation disturbance during project design and construction and that all new activities be constrained to previously disturbed areas wherever possible (e.g., road and utility line rights-of-way, agricultural fields, previously mined areas, etc.).

numerous migratory, some which may
be very rare are in the Greenbrier
Summers and Monroe County area.

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We offer the following additional recommendations to avoid and minimize impacts to migratory birds within and around the project area:

1. Due to the difficulty in assessing the entire project site for all bird nests, we recommend that the clearing of natural or semi-natural habitats (e.g., forests, woodlots, reverting fields, fencerows, shrubby areas) be carried out between September 1 and March 31, which is outside the nesting season for most native bird species. Without undertaking specific analysis of breeding species and their respective nesting seasons on the project site, implementation of this seasonal restriction will avoid direct take of most breeding birds, their nests, and their young (i.e., eggs, hatchlings).
2. To conserve area-sensitive species, avoid fragmenting large, contiguous tracts of wildlife habitat, especially if habitat cannot be fully restored after construction. Maintain contiguous habitat corridors to facilitate dispersal. Where practicable, concentrate construction activities, infrastructure, and man-made structures (e.g., roads, parking lots, staging areas) on lands already altered or cultivated, and away from areas of intact and healthy native habitats. If not convenient, site construction activities and structures in fragmented or degraded habitats over relatively intact areas.
3. To reduce habitat fragmentation, co-locate roads, lay down areas, staging areas, and other infrastructure in or immediately adjacent to already-disturbed areas (e.g., existing roads, pipelines, agricultural fields). Where this is not possible, minimize roads and other infrastructure. To minimize habitat loss and fragmentation, cluster development features (e.g., lay down areas, staging areas, roads) where possible rather than distributing infrastructure broadly across the landscape.

Summary

When the additional information regarding listed species as requested above is provided, the Service will be able to provide further information on our determination of effects to Service trust resources. If you have any questions regarding this letter, please contact Tiernan Lennon of my staff at (304) 636-6586, Ext. 12, or tiernan_lennon@fws.gov, or at the letterhead address.

Sincerely,



John E. Schmidt
Field Supervisor

I believe that
the WV Division
of the WV Division
of the US Fish and
Game Service has not
done an adequate job of identifying
critical habitat and even some species

(b) (6)

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Enclosures
Phase I Cave/Mine Portal Survey Data Sheet
Draft Protocol for Assessing Abandoned Mines/Caves for Bat Use
T&E Plant Surveyors
Survey Periods for West Virginia's Federally Listed Plant Species

Bentley's Coralroot - first discovered
in Monroe County WV, know to
exist in only 5 counties, Monroe Co
WV and Greenbrier in WV, Craig, Giles,
and one other in Va - these 4 counties
are in pipeline corridors, these
plants are approximate to corridors



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Virginia Field Office
6669 Short Lane
Gloucester, VA 23061

April 3, 2015

Ms. Valerie Clarkston
Environmental Solutions & Innovations, Inc.
4525 Este Avenue
Cincinnati, OH 45232

Re: Mountain Valley Pipeline, Virginia
Segments

Dear Ms. Clarkston:

The U.S. Fish and Wildlife Service (Service) has reviewed the project package for the referenced project. Mountain Valley Pipeline plans to construct a 42-inch diameter natural gas pipeline to allow producers and end-users a direct route to transport new gas supplies. The project will extend from the existing Equitrans transmission system near Mobley in Wetzel County, WV to Transcontinental Gas Pipeline Company's Zone 5 compressor station 165 in Pittsylvania County, VA. In Virginia, the pipeline is expected to cross Craig, Franklin, Giles, Montgomery, Pittsylvania, and Roanoke Counties. The following comments are provided under provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended, Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c, 54 Stat. 250), as amended, and Migratory Bird Treaty Act of 1940 (16 U.S.C. 703-712, 40 Stat. 755).

Our recommendations are based on the route alignment provided on March 6, 2015. Once the action area of the project is finalized, an additional review that includes all attendant facilities, staging areas, etc. will be necessary. Action area refers to all areas directly or indirectly affected by the proposed action and not only the immediate area involved in the action.

Migratory birds are a Federal trust resource and are protected under the Migratory Bird Treaty Act. The project package did not include information on proposed impacts to migratory birds and their habitats. The Service will provide additional comments upon receipt of a plan that identifies and addresses impacts to migratory birds.

We recommend a detailed habitat assessment be conducted for the federally listed and proposed species below within the specified areas of potential habitat. An approved surveyor can conduct these habitat assessments in the action area to identify suitable habitat and survey for the species

if suitable habitat is identified. Surveys are not needed if the approved surveyor determines that no suitable habitat is present.

A table of optimal survey times for plants can be found on our website at:

http://www.fws.gov/northeast/virginiafield/pdf/endspecies/MISC/20120125_VIRGINIA_survey_time_frame_for_plants.pdf.

A list of qualified surveyors can be found on our website at:

<http://www.fws.gov/northeast/virginiafield/pdf/endspecies/surveyors.html>. This list does not include all individuals qualified or authorized to survey for these species. If you select someone not on the pre-approved surveyor list, provide the proposed surveyor's qualifications and proposed survey design to this office for review and approval prior to initiating the survey. Send copies of all habitat assessments and/or survey results to this office.

- James spinymussel (*Pleurobema collina*): federally listed endangered. We have reviewed the study plan entitled, "Freshwater mussel (Unionidae) site assessments, surveys, and relocations for the proposed Mountain Valley Pipeline in Virginia." Because this species has been documented in Craig, Johns, Little Oregon, and Dicks Creeks in Virginia, presence/absence surveys are not necessary in these streams. Habitat assessments are necessary for other perennial streams in the Craig Creek watershed in Craig County. We recommend that alternative routes be developed that avoid this watershed due to its importance to the conservation and recovery of this species. Formal consultation pursuant to the Endangered Species Act between the Service and Federal Energy Regulatory Commission is likely if this route or other routes in this watershed are pursued. Any relocation of federally listed mussels must be authorized by the Service prior to relocation. This species also occurs in South Fork Potts Creek in West Virginia and coordination with Service's West Virginia Field Office is necessary (see contact information below).
- Roanoke logperch (*Percina rex*): federally listed endangered. Because this species has been documented in the Pigg, Roanoke, and North Fork Roanoke Rivers, presence/absence surveys are not necessary in these rivers. Habitat assessments are necessary for other perennial streams in the Roanoke River watershed in Montgomery, Roanoke, Franklin, and Pittsylvania Counties.
- Northeastern bulrush (*Scirpus aristrochaetus*): federally listed endangered. Potential habitat occurs in Craig and Giles Counties between points -80.237, 37.416 and -80.246, 37.42; -80.284, 37.387 and -80.287, 37.392; and -80.688, 37.392 and -80.693, 37.402.
- Smooth coneflower (*Echinacea laevigata*): federally listed endangered. Potential habitat occurs in Roanoke and Montgomery Counties between points -80.364, 37.275 and -80.329, 37.268; 80.242, 37.319 and -80.243, 37.316; -80.21, 37.246 and -80.202, 37.242; and 80.198, 37.229 and 80.197, 37.227.

Same issue
is in
Monroe Co WV →

Same issue
is in
Greenbrier
County WV →

reports of this plant
in Monroe Co. WV
has been made

- Mitchell's satyr butterfly (*Neonympha mitchellii mitchellii*): federally listed endangered. Potential habitat occurs in Franklin and Montgomery Counties.

• Bats

- Surveys for potential hibernacula including cave openings and cave-like structures (e.g., abandoned or active mines, railroad tunnels) should be conducted following the guidance on page B3 of the Northern Long-Eared Bat Interim Conference and Planning Guidance within the action area of the proposed pipeline route. This guidance is available at: <http://www.fws.gov/Midwest/endangered/mammals/nleba/pdf/NLEBInterimGuidance6Jan2014.pdf>.

In areas where tree removal will occur, surveys should be conducted by an approved surveyor following the most recent version of the Range-wide Indiana Bat Summer Survey Guidelines (available at:

<http://www.fws.gov/northeast/virginiafield/endangered/about.html>) for the following species in the areas specified below within suitable habitat.

- Indiana bat (*Myotis sodalis*): federally listed endangered. Potential habitat occurs in Giles, Montgomery, Roanoke, and Craig Counties.
- Northern long-eared bat (*Myotis septentrionalis*) (NLEB): federally proposed endangered (effective May 2, 2015 this species will be federally listed threatened with an interim 4(d) rule). Potential habitat occurs in Franklin, Giles, Montgomery, Pittsylvania, Roanoke, and Craig Counties.
- The proposed route intersects with Tawneys Cave in Giles County, a known hibernaculum for Indiana and Northern long-eared bats. We recommend a minimum 5 mile buffer from the known hibernaculum opening and any mapped passages.

Specific comments on the revised study plan dated March 6, 2015:

- Page 4 – Per page B5 of the NLEB Interim Conference and Planning Guidance, revise the description as follows, “a field survey, where access can be obtained, of all land within one-half mile of the edge of the project footprint and documentation (i.e., literature search) of all known caves and abandoned mine portals within 3 miles of the outside edge of the project footprint should be conducted.”
- Page 5 – Per page B6 of the NLEB Interim Conference and Planning Guidance, if you plan to conduct spring portal/cave surveys they must be conducted between April 1 and April 21 and prior to any tree clearing. A minimum of three nights of sampling per week for three weeks (i.e., 9

Most if
not all
of these
species
→
Occur in
Monroe, Greenbrier
Greenbrier and
Summers Co.
WV.

Same issue
at Greenville
Sa Hpetar Cave
and Laurel CK
Cave in WV
(Monroe Co)

nights of sampling) is required at each suitable entrance as determined by the Phase 1 Habitat Assessment. Your study plan proposes two evenings of sampling. Fall portal/cave surveys can be conducted rather than spring surveys. Per page B5 of the NLEB Guidance, surveys must be conducted between September 1 and October 31 and prior to any tree clearing. A minimum of two nights of sampling is required at each suitable entrance as determined by the Phase 1 Habitat Assessment.

- Page 5 - Per page B6 of the NLEB Interim Conference and Planning Guidance, harp traps and/or mist nets should be monitored for captured bats on 10-minute intervals. Your study plan states "traps are checked at least once per hour or continuously if the catch rate is greater than 25 bats per hour." Change your plan to reflect the NLEB Interim Guidance.
- Address and incorporate comments the Service provided on November 26, 2014 on the study plan dated November 3, 2014. Specifically comments: SH10, SH11, SH12, and SH13.

To assist us in analyzing effects to federally listed and proposed species from the proposed action, provide the following information to this office:

- For proposed stream crossings where federally listed species are present, provide us an analysis that outlines all alternatives considered for that crossing, how the determination was made that the selected alternative was the least environmentally damaging, an analysis of effects to the stream anticipated due to the pipeline approaches to each side of the stream, and the proposed schedule/timing of the crossing. If boring or drilling is proposed, provide a best professional opinion on the likelihood that drilling fluids will escape through the bedrock to the stream.

To avoid and minimize impacts to federally listed and proposed species, incorporate the following conservation measures into the proposed project:

- To address impacts to summer bat habitat (see Appendix D of the NLEB Interim Conference and Planning Guidance): leave dead or dying trees standing (if not a safety hazard), maintain or improve forest patches and forested connections (e.g., hedgerows, riparian corridors) between patches, clearly demarcate trees to be protected vs. cut to help ensure contractors do not accidentally remove more trees than anticipated, avoid/minimize tree clearing that fragments large forested areas or tree lined corridors (e.g., route linear features along the edge of a woodlot instead of through the middle).

We recommend that you contact Liz Stout (West Virginia Field Office) at 304-636-6586 or elizabeth_stout@fws.gov to coordinate the portions of the project in West Virginia.

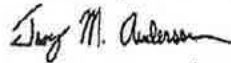
Ms. Clarkston

Page 3

Once the action area of the project is finalized, an additional review that includes all attendant facilities, staging areas, etc. will be necessary. If habitat assessments and/or surveys determine that suitable habitat for listed or proposed species are present, this office will work with you to ensure that the project avoids or minimizes adverse impact to listed species and their habitats.

If you have any questions, please contact Kim Smith at (804) 824-2410 or via email at kimberly_smith@fws.gov.

Sincerely,



FOR Cindy Schulz
Field Supervisor
Virginia Ecological Services

cc: FERC, Washington, D.C. (Attn: Paul Friedman)
Service, Elkins, WV (Attn: Liz Stout)
VDCR-DNH, Richmond, VA (Attn: Rene Hypes)
VDGIF, Richmond, VA (Attn: Amy Ewing)

Thank you for your attention
to these issues

(b) (6)

COATES FIELD SERVICE, INC.
REPRESENTING EQT/MVP
97 CAMBRIDGE PLACE
BRIDGEPORT, WV 26330

TELEPHONE: (304) 626-7945

November 16, 2015

(b) (6)

SENT VIA CERTIFIED MAIL RRR# 9407 1118 9956 3503 0753 39
RE: Letter to Coates Field Service, Inc., representing Mountain Valley Pipeline, LLC
Tax Maps: 05-19-8, 05-19-9, & 05-19-10 County: Monroe State: West Virginia
Tract Numbers: WV-MO-012.150, WV-MO-012.155, & WV-MO-012.160

(b) (6)

We received your letter dated November 2nd, 2015 and also the September 29th, 2015 letter. I want you to know that we take your requests seriously and have been working to obtain the information you requested. Although not in writing, we have attempted to contact you several times in the intervening time and have been unsuccessful.

We have submitted your request to the MVP personnel who are authorized to compile and release the information as you requested. The information we received in response is attached to this letter as "Attachment A".

If you have any further questions, I encourage you to please contact Sean Jenkins at (423) 845-0681 or Martin Lloyd (919) 696-8681 who is located at the project field office: 97 Cambridge Pl., Bridgeport, WV 26330. Both gentlemen will be familiar with your property and be able to answer any questions you have or if not find the answer.

Regards,



Mike Robinson
Project Manager
Coates Field Service, Inc.
Representing EQT

CC: Ziegler & Ziegler, L.C., ATTN: Anna Ziegler
110 James Street, Hinton, WV 25951

