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Subject: WVDNR comments Mountain Valley Pipeline Migratory Bird Conservation Plan mitigation
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Attachments: [Migratory bird plan comments MVP 10 May 2017.pdf](#)

Megan

Please find attached comments of WVDNR, Wildlife Resources Section regarding mitigation and the revised MVP Migratory Bird Conservation Plan

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10 May 2017, Comments of West Virginia Division of Natural Resources, Wildlife Resources Section regarding mitigation to be included in the revised MVP Migratory Bird Conservation Plan

The Wildlife Resources Section has completed an assessment of impacts to core forest habitat categories greater than 500 acres and 250-500 acres utilizing the West Virginia state forest fragmentation data produced by the Natural Resource Analysis Center at West Virginia University. Permanent and temporary impacts to core forest habitats and models for habitat recovery were calculated using Visual HEA software. The resulting output for “replacement habitat size” resulted in the following ratios: 2.5:1 ratio for impacts to 50 foot wide permanent rights-of-way and 1.8:1 for the additional 75 foot temporary construction rights-of-way. A 300 foot buffer on each side of the rights-of-way was assessed a 0.5:1 ratio. Visual HEA model calculations were not completed for new access roads, workspace and additional temporary workspace.

An additional assessment for forest cores less than 250 acres and perforated cores was prorated at 50%, resulting in ratios of 1.25:1, 0.9:1 and 0.25:1 for permanent, temporary and buffer impacts respectively.

Mitigation and compensation for any state-owned or managed lands will be determined separately for each property.

Mountain Valley Pipeline has identified metrics representing various ecosystem services provided by forest environments. These metrics include: Habitat quality relative to a forested baseline, support of biodiversity (interior forest dwelling species / migratory songbirds), runoff/sedimentation control services, carbon sequestration, recreational use and aesthetic value. Mountain Valley has proposed restoration procedures to compensate for some of the unavoidable impacts to core forest habitat including the use of native seed mixes and select bare root seedling plantings. WVDNR recommends an adaptive management plan that includes invasive species management, including integrated vegetation management, and a 10 year monitoring period based on supplemental planting success criteria to include any necessary replanting or provisions for additional mitigation. Restoration should include replacement of lost habitats, not substitution of habitats. As such, replacement of impacted forested habitats could only occur in the temporary construction rights-of-way.

Based on review of habitat assessment, contributed comments on process and analysis and updated data for evaluating impacts mitigation estimates may be adjusted accordingly.

We anticipate developing a cooperative Memorandum of Agreement (MOA) including expectations, target species or habitats and any other conditions for mitigation. Mitigation could be in the form of habitat restoration, mitigation funds and acquisition of property and/or conservation easements.

The Director of the Division of Natural Resources has the authority and responsibility under State Code §20-2-1, §20-2-3, §20-1-7 and §20-1-18 for ownership and protection of all wildlife, including resident and migratory birds; and to acquire for the State, in the name of the Division of Natural Resources, property, gifts and contributions, bequests, or devises of money for purposes specified in Chapter 20 of State Code.