

From: [Schmidt, John](#)
To: [Douglas, Barbara](#)
Cc: [Tiernan Lennon](#)
Subject: Re: MVP's Revised Site Specific Plan
Date: Tuesday, March 20, 2018 2:48:42 PM

Thanks for looking at this.

We will so advise FERC.

John Schmidt

John E. Schmidt
Field Supervisor
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On Tue, Mar 20, 2018 at 2:45 PM, Douglas, Barbara <barbara_douglas@fws.gov> wrote:

So just checked- this is covered on page 4-64 of the handbook. Documentation of a reinitiated consultation must be in writing, and must contain sufficient information to record the nature of the change in the action's effects and the rationale for amending analyses of anticipated incidental take or the reasonable and prudent alternatives or measures (Exhibit 4-4). Whether that means a formal letter, or an email request from the FERC Supv is up to interpretation but we need a document. It can be something as simple as -

FERC has received Mountain Valley Pipeline's (the applicant's) March XX, 2018 site-specific plan that evaluates measures to avoid adverse effects to (cave name), a known northern long-eared bat hibernacula as required under the Biological Opinion (BO) for this project dated XXX. Based on FERC's review of this document, we recommend that Option 1 (Realignment East) be selected as the preferred alternative because this option avoids potential adverse effects to the hibernacula compared to the original alternative, and has reduced maintenance and safety concerns compared to the other alternatives (and whatever else they might want to add). Therefore, FERC requests that the Service concur with this selected option and proceed with a minor amendment to the BO to address an additional 0.5 acres of tree clearing associated with this modification.

On Tue, Mar 20, 2018 at 2:29 PM, Schmidt, John <john_schmidt@fws.gov> wrote:
Formal or informal required?

John Schmidt

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

From: **Amanda Mardiney** <Amanda.Mardiney@ferc.gov>
Date: Tue, Mar 20, 2018 at 2:15 PM
Subject: Re: MVP's Revised Site Specific Plan
To: "Schmidt, John" <john_schmidt@fws.gov>, "Lennon, Tiernan" <tiernan_lennon@fws.gov>
Cc: Paul Friedman <Paul.Friedman@ferc.gov>, Lavinia Disanto <Lavinia.DiSanto@cardno.com>

Hi John and Tiernan,

Paul Friedman is out of the office until Wednesday. I am the FERC Biologist on MVP and will be acting for him in his absence. We have confirmed that we would prefer MVP to go ahead with Option 1 - (Realignment East). MVP has submitted a variance for this realignment and they have shown us that they have received landowner approval and SHPO clearance (See attached). The one clearance we are waiting for in order to approve the variance is ESA consultation. Do you need a formal letter requesting concurrence for our effect analysis and an amendment to the BO? Or is informal correspondence alright in this situation?

One question we have is do you have any other concerns for any other listed species that might be affected by this realignment besides the NLEB?

Please let me know if you need any other information.

Thank you!
-Amanda

From: Schmidt, John [mailto:john_schmidt@fws.gov]
Sent: Monday, March 19, 2018 12:30 PM
To: Paul Friedman <Paul.Friedman@ferc.gov>; Lavinia DiSanto <Lavinia.DiSanto@cardno.com>
Cc: Stahl, Megan D. <MStahl@eqt.com>; Paul Phifer <paul_phifer@fws.gov>; Tiernan Lennon <tiernan_lennon@fws.gov>; Barbara Douglas <barbara_douglas@fws.gov>
Subject: MVP's Revised Site Specific Plan

Paul and Lavinia,

The WVFO has completed review of MVP's revised site-specific plan dated March 14, 2018, for the NLEB hibernacula in Braxton County WV. Based on the information provided by the applicant in the site specific plan, the Service concurs that both Options meet the objectives outlined in the following conservation measure:

“Mountain Valley, LLC will provide a site-specific plan to the Service for review and written approval prior to initiating any construction activities within 0.5 mile of portal PS-WV3-Y-1. The site-specific plan will ensure no alteration, physical or otherwise, of the portal’s entrance or environment that will adversely affect its use by federally listed bats, including those hibernating within the portal. In the event that the Service determines the site-specific plan cannot ensure that construction activities are not likely to adversely affect federally listed bats, Mountain Valley, LLC will consider a realignment of the Project within the range of possible alternatives such that all activities are at least 0.5 mile away from portal PS-WV3-Y-1. In certain instances, conducting some activities within 0.5 mile of portal PS-WV3-Y-1 may not adversely affect federally listed bats; however, Mountain Valley, LLC will receive Service review and written approval of all activities within 0.5 mile of portal PS-WV3-Y-1 prior to initiating such activities.”

In order for the Service to issue a written concurrence on this site-

specific plan, as stated above in the conservation measure, FERC must identify which Option they would like MVP to move forward on so MVP can further evaluate appropriate design considerations and seek all necessary landowner approvals. Please be aware that if FERC selects biological **Option 1 it will require a minor amendment to the biological opinion** because an additional 0.5-acre of forested habitat removal will be necessary within 0.25-mile of the Braxton County NLEB hibernacula. We acknowledge that Option 1 may be more practicable as Option 2 has additional maintenance and safety concerns that may cause complications in the future.

To accommodate MVP's schedule, the Service requests that FERC respond to this email in a timely manner. We believe we can turn a minor amendment around within hours of FERC's response. Tlernan and I will be in the office all day today if you would like to discuss this further.

Regards,

John Schmidt

John E. Schmidt

Field Supervisor

U.S. Fish and Wildlife Service

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