

From: [Lennon, Tiernan](#)
To: [Jennifer Stanhope](#)
Subject: Re: MVP letter
Date: Thursday, August 3, 2017 12:14:56 PM

Please cc Barb on that, thanks!

On Thu, Aug 3, 2017 at 12:07 PM, Jennifer Stanhope <jennifer_stanhope@fws.gov> wrote:

Thanks.

How do you want us to loop the acting supervisor in? Is it Liz or Barb today/tomorrow?

From: Lennon, Tiernan [mailto:tiernan_lennon@fws.gov]
Sent: Thursday, August 03, 2017 11:48 AM
To: Jennifer Stanhope
Subject: Re: MVP letter

Those edits are fine with me. Thanks for putting this together.

On Thu, Aug 3, 2017 at 11:17 AM, Jennifer Stanhope <jennifer_stanhope@fws.gov> wrote:

Hi Tiernan,

I made some additional edits to your paragraph based on our usual template language we use for negative surveys, etc and to follow Cindy's style of writing (in anticipation of what she usually edits).

Are you ok with them? Please edit/revise/accept what you are ok with. Sorry for the many edits!

Jen

--

Jennifer Stanhope

Fish and Wildlife Biologist

U.S. Fish and Wildlife Service

Virginia Field Office

6669 Short Lane

Gloucester, VA 23061

804-824-2408

<https://www.fws.gov/northeast/virginiafield/>

--

Tiernan Lennon

Fish and Wildlife Biologist

West Virginia Field Office

U.S. Fish and Wildlife Service

694 Beverly Pike

Elkins, WV 26241

304-636-6586 Ext. 12

Fax: 304-636-7824

Tiernan_Lennon@fws.gov

--

Tiernan Lennon

Fish and Wildlife Biologist

West Virginia Field Office

U.S. Fish and Wildlife Service

694 Beverly Pike
Elkins, WV 26241
304-636-6586 Ext. 12
Fax: 304-636-7824
Tiernan_Lennon@fws.gov



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Virginia Field Office
6669 Short Lane
Gloucester, VA 23061



Ms. Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, DC 20426

Attn: Paul Friedman, Project Manager

Re: Mountain Valley Pipeline LLC,
Docket Number CP16-10, Project
#05E2VA00-2016-F-0880 and
#05E2WV00-2015-F-0046

Commented [1]: Or should it be James Martin, who is the Branch Chief that signed the cover letter to the BA

Dear Ms. Bose:

This letter acknowledges the U.S. Fish and Wildlife Service's (Service) July 10, 2017 receipt of your July 10, 2017 letter requesting initiation of formal Section 7 consultation under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended. The referenced action involves construction and operation of about 303.5 miles of new 42-inch-diameter natural gas pipeline and associated facilities in Wetzel, Harrison, Doddridge, Lewis, Braxton, Webster, Nicholas, Greenbrier, Fayette, Summers, and Monroe Counties, West Virginia and Giles, Craig, Montgomery, Roanoke, Franklin, and Pittsylvania Counties, Virginia. The following federally listed endangered/threatened species are likely to be adversely affected by the proposed action.

Species Common Name	Species Scientific Name	Species Status
Indiana bat	<i>Myotis sodalis</i>	endangered
Roanoke logperch	<i>Percina rex</i>	endangered
Northern long-eared bat	<i>Myotis septentrionalis</i>	threatened
Small whorled pogonia	<i>Isotria medeoloides</i>	threatened
Virginia spiraea	<i>Spiraea virginiana</i>	threatened

The Service does not concur with your determination of may affect, likely to adversely affect for the federally listed endangered shale barren rock cress (*Arabis serotina*) and running buffalo clover (*Trifolium stoloniferum*). The Service received additional survey information for shale barren rock cress and running buffalo clover [on July 24, 2017 and August 2, 2017, respectively from the applicant, Mountain Valley Pipeline, LLC. A GIS file of the 2 remaining](#)

areas that have not been surveyed for shale barren rockcress were provided in According to the additional information received on a July 24, 2017 email. We have reviewed these areas and determined that, there are two remaining locations that have not been surveyed for shale barren rock cress. These two 2 locations do not fall within areas identified as known habitat, or likely suitable habitat, for shale barren rockcress based on our recent occurrence data and habitat modeling. We have also reviewed the August 2, 2017 letter regarding field surveys for rare plants along the proposed Mountain Valley Pipeline in Virginia and West Virginia. This survey, conducted by an approved surveyor on June 28, 2017, found suitable habitat for the running buffalo clover, but no plants were identified during the field survey. Based on the additional information, it is the Service's opinion that shale barren rockcress and running buffalo clover do not currently occur at the project site and therefore, the proposed action is not likely to adversely affect these species. Additionally, all areas that have been identified as potentially suitable habitat for running buffalo clover have been surveyed and no plants were found, as described in the August 2, 2017 letter. Therefore, the Service has determined that the proposed action is not likely to adversely affect the shale barren rock cress and running buffalo clover.

Formatted: Font color: Auto

All information required to initiate consultation was either included with your letter or is otherwise accessible for our consideration and reference.

Section 7 implementing regulations (50 CFR 402.14) provide the Service up to 90 days to conclude formal consultation and an additional 45 days to prepare our biological opinion, unless we mutually agree to an extension. Therefore, we expect to provide the biological opinion on or before November 22, 2017.

As a reminder, the Endangered Species Act requires that after initiation of formal consultation, the Federal action agency shall make no irreversible or irretrievable commitment of resources that limits future options. This practice ensures agency actions do not preclude the formulation or implementation of avoidance and minimization measures or development of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species or destroying or modifying their critical habitat.

If you have any questions, please contact Jennifer Stanhope of this office at (804) 824-2408 or via email at Jennifer_Stanhope@fws.gov.

Sincerely,

Cindy Schulz
Field Supervisor
Virginia Ecological Services

Ms. Bose

Page 3

cc: USFWS WVFO, Elkins, WV (Attn: John Schmidt)
WVDNR, Elkins, WV (Attn: Cliff Brown)
VDGIF, Richmond, VA (Attn: Ernie Aschenbach)
VDNH, Richmond, VA (Attn: Rene Hypes)