

From: [Lennon, Tiernan](#)
To: [Niver, Robyn](#); [Glenn Smith](#)
Cc: [Cindy Schulz](#); [Sumalee Hoskin](#)
Subject: Re: MVP Proposed Conservation Measure
Date: Wednesday, November 8, 2017 12:21:43 PM

Robyn - I add some language to address your comment, thanks!

MVP has agreed to submit a site-specific avoidance plan to the Service for review and concurrence prior to beginning any construction activities within 0.5 mile of portal PS-WV3-Y-1. The site-specific avoidance plan will ensure that no physical or other alteration of the portal's entrance or environment that will impair its use by federally listed bats, or any federally listed bats hibernating within the portal, will occur. In the event that the Service determines the site-specific plan cannot avoid adverse effects to federally listed bats, MVP has agreed to reroute the Project so that all subactivities are at least 0.5 mile away from portal PS-WV3-Y-1. In certain site-specific situations a distance of less than 0.5 mile may be acceptable, but MVP will not begin any activities within 0.5 mile of portal PS-WV3-Y-1 until the Service provides such approval in writing.

On Wed, Nov 8, 2017 at 11:45 AM, Niver, Robyn <robyn_niver@fws.gov> wrote:

I like that it isn't just about a future review of a plan (seems a bit too up in the air) but that there is a concrete action item of rerouting if it does not avoid. I would just edit to make it clear that if the FWS does not find that the plan will avoid impacts (and not leave that decision to MVP), then rerouting will occur.

On Wed, Nov 8, 2017 at 10:30 AM, Lennon, Tiernan <tiernan_lennon@fws.gov> wrote:

Hey All - A few weeks ago I asked for your input on a conservation measure to avoid adverse effects to 60+ potential hibernacula. Since then the applicant has provided detailed information on those 60+ potential hibs and narrowed it down to 1 that maybe affected by the project. Sumalee and I have drafted the following conservation measure for that 1 hibernacula. Our goal is to send this measure to the applicant by the end of today for their consideration. If you have time we'd really appreciate your feedback, thanks!

MVP has agreed to submit a site-specific avoidance plan to the Service for review and concurrence prior to beginning any construction activities within 0.5 mile of portal PS-WV3-Y-1. The site-specific avoidance plan will ensure that no physical or other alteration of the portal's entrance or environment that will impair its use by federally listed bats, or any federally listed bats hibernating within the portal, will occur. In the event that the site-specific plan cannot avoid adverse effects to federally listed bats, MVP has agreed to reroute the Project so that all subactivities are at least 0.5 mile away from portal PS-WV3-Y-1. In certain site-specific situations a distance of less than 0.5 mile may be acceptable, but MVP will not begin any activities within 0.5 mile of portal PS-WV3-Y-1 until the Service provides such approval in writing.

If you have any questions feel free to give me a call.

On Wed, Nov 8, 2017 at 9:58 AM, Hoskin, Sumalee <sumalee_hoskin@fws.gov> wrote:

Hey Tiernan, my edits. I tried to make the language more closely mirror the 4d rule:

MVP has agreed to submit a site-specific avoidance plan to the Service for review and concurrence prior to beginning any construction activities within 0.5 mile of portal PS-WV3-Y-1. The site-specific avoidance plan will ensure that **no physical or other alteration of the portal's entrance or environment that will impair its use by federally listed bats**, or any federally listed bats hibernating within the portal, will occur. In the event that the site-specific plan cannot avoid adverse effects to federally listed bats, MVP has agreed to reroute the Project so that all subactivities are at least 0.5 mile away from portal PS-WV3-Y-1. In certain site-specific situations a distance of less than 0.5 mile may be acceptable, but MVP will not begin any activities within 0.5 mile of portal PS-WV3-Y-1 until the Service provides such approval in writing.

Sumalee Hoskin
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On Tue, Nov 7, 2017 at 4:36 PM, Lennon, Tiernan <tiernan_lennon@fws.gov> wrote:
Sumalee - I took a stab at re-writing the conservation measure Megan sent. Let me know what your thoughts are.

MVP has agreed to submit a site-specific avoidance plan to the Service for review and concurrence prior to beginning any construction activities within 0.5 mile of portal PS-WV3-Y-1. The site-specific avoidance plan will ensure that no adverse effects to the portal, or any federally listed bats hibernating within the portal, will occur. In the event that the site-specific plan cannot avoid adverse effects to federally listed bats, MVP has agreed to reroute the Project so that all subactivities are at least 0.5 mile away from portal PS-WV3-Y-1. In certain site-specific situations a distance of less than 0.5 mile may be acceptable, but MVP will not begin any activities within 0.5 mile of portal PS-WV3-Y-1 until the Service provides such approval in writing.

On Tue, Nov 7, 2017 at 8:52 AM, Stahl, Megan D. <MStahl@eqt.com> wrote:

Tiernan/Sumalee,

Here is the proposed conservation measure for the remaining portal for your review. Please let me know your thoughts.

MVP has agreed to submit to the Service for approval a site-specific plan to avoid adversely affecting federally listed bats that use portal PS-WV3-Y-1. MVP will not begin any project activities within 0.5 mile of PS-WV3-Y-1 until the Service provides such approval in writing.

Megan

Megan Stahl

Permitting Supervisor

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Our office is working on Administration priority projects and we anticipate increased project review times (≥ 60 days) and response times to phone calls and emails. Please be patient; we will address project reviews and messages as soon as we are able to.

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Robyn A. Niver
Endangered Species Biologist
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Cortland, NY 13045
607-299-0620

"Let us have faith that right makes might, and in that faith, let us to the end, dare to do our duty as we understand it." - Abraham Lincoln

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