

From: [Taina Pankiewicz](#)
To: [Sarah Nystrom](#)
Cc: [Troy Andersen](#); [Neylon, Megan \(MNeylon@eqt.com\)](#); [Smith, Kimberly](#)
Subject: RE: 3 MVP questions
Date: Monday, April 04, 2016 12:32:09 PM

Hi Sarah,

I've been trying to get ahold of you this morning via phone without much luck. My biologist hits the air in a half hour and we would really love to know if you have a preferred altitude for these surveys? Please and thank you,

Taina

From: Taina Pankiewicz
Sent: Friday, April 01, 2016 10:26 AM
To: 'Sarah Nystrom'
Cc: 'Troy Andersen'; Neylon, Megan (MNeylon@eqt.com); 'Smith, Kimberly'
Subject: RE: 3 MVP questions

Hi Sarah,

I just left you another voicemail (sorry). I'm not sure if you are in the office today or not? I am (somewhat desperately) trying to get a hold of you. We are in the field working on conducting the eagle surveys as you requested and really would like some more guidance on how you want them done, as indicated in my email below.

Probably the two most pressing issues at this instant are:

- When we see goldens, do you just want a dot on a map? What other info do you want to accompany it?
- We are conducting the flyover on Monday – what altitude do you deem acceptable for this effort?

Thank you,

Taina

From: Taina Pankiewicz
Sent: Wednesday, March 30, 2016 2:16 PM
To: 'Smith, Kimberly'
Cc: Troy Andersen; Sarah Nystrom; Neylon, Megan (MNeylon@eqt.com)
Subject: RE: 3 MVP questions

Hi Kim,

Sorry it's taken me a few days to get back to you; we have been scrambling to get some folks out in the field to address your concerns and are actually starting on field activities today. That said, I wanted to take some time to further our discussion and understanding on this topic.

- In regards to sharing the MBTA plan with TNC, I believe that EQT may already

be in coordination with them about this. MVP is fine with the plan being shared as long as they will sign a confidentiality agreement in advance.

- We will update the MBTA to plan to address the items you outlined below as well as all specific requirements identified in the National Bald Eagle Management Guidelines.
- We will update the title of the document.
- Due to restrictions in land access, MVP is unable to conduct ground surveys 0.5 miles from the MVP right-of-way. While we can conduct some focused ground surveys in selected areas (i.e., perhaps around major waterbody crossings?) and we will also conduct a fly over along the length of the project in Virginia, **this week**, to determine if there are any bald eagle nests within 0.5 miles of the project. Do you have any specific guidance regarding the altitude at which you would like the flight conducted and/or the number of passes you believe are appropriate to cover the approximately 1 mile wide swath? On other projects in the past, we have typically done two passes, with a bit of extra "circling" near large waterbody crossings. Do you believe this meets the needs of the project?
- We will re-conduct fly overs in late 2017 to re-check and confirm that no bald eagles have moved into the project area prior to the start of construction in VA.
- MVP has not yet determined if blasting will occur on JNF. We have conducted fairly extensive ground surveys for multiple taxa within JNF and none of our biologists have seen any eagles to date. JNF will be included in the flyover.
- We will coordinate with Todd Katzner and Trish Miller immediately to identify where golden eagles have previously been document in the project vicinity. Can you provide me contact info for these individuals? Beyond those specific areas, can we limit the ground searches in some other way? Perhaps by targeting appropriate habitat areas? Most of Franklin and Pittsylvania counties are agricultural or developed and therefor our biologists feel the probability of finding eagles in these areas is quite small. If we do see golden eagles, what are the ramifications to the project since the species does not actually nest here?"

Also, in regards to a MEETING, I have talked with the Elkins Field Office and as it stands now, Barb is in a meeting in the morning, but is available in the afternoon. Would say, from 1 – 3 pm on the 8th work for your office? Also, WHERE will we be meeting? Liz said that her and Barb are the only folks in her office likely to attend and it seems like more folks from your office will be attending so she suggested that having it in Virginia may make the most sense, and then she will just call in. What are your thoughts on this?

Thank you!

Taina

From: Smith, Kimberly [mailto:kimberly_smith@fws.gov]
Sent: Thursday, March 24, 2016 2:28 PM
To: Taina Pankiewicz
Cc: Troy Andersen; Sarah Nystrom

Subject: Re: 3 MVP questions

We have reviewed the eagle sections of the Migratory Bird Habitat Conservation Plan as requested so that surveys may proceed in a timely manner. We are currently reviewing the Plan and will provide substantive comments on the entirety of the plan at a later date. The Nature Conservancy is currently working with us to address migratory birds and associated impacts from tree clearing and we would like to share the Plan with them. Please let us know if that is acceptable.

General Comments:

The plan does address the potential presence of golden eagles in the project area; however, there are no survey results, data collected or avoidance and minimization measures for golden eagles. These should be provided in order to accurately assess the risk to golden eagles. The current survey effort for bald eagles does not adequately address the likelihood of their presence. In order to avoid project delays due to the late discovery of a nest, we recommend additional survey effort prior to the beginning of the project.

General avoidance and minimization measures for bald and golden eagles should be included in the plan such as keeping the project site clean of garbage, ensuring that vehicles drive slowly to avoid hitting animals and creating carrion, and encouraging hunters in the area to bury or remove gut piles. These measures can decrease the likelihood that eagles will be drawn to the construction site. Winter tree clearing should be avoided in areas with high concentrations of wintering golden eagles. Measures to reduce noise should be implemented whenever possible. Blasting should be minimized and measures taken to reduce noise and vibration effects whenever possible. A qualified observer should be present whenever construction is occurring to identify the presence of bald or golden eagles and implement the appropriate avoidance and minimization measures. If a nest is discovered within 660 feet of the project, work should stop until the appropriate USFWS field office has been contacted and recommendations have been provided.

Title Page:

Habitat Conservation Plan is a term of art for the Service under Section 10 of the Endangered Species Act. To avoid confusion, we recommend that you rename the plan. Bird Conservation Strategy is a term often used with wind projects that could be applicable (usually Bird and Bat Conservation Strategy) or simply Migratory Bird Conservation Plan.

Page 1, Page 3 and throughout:

The Nov. 1, 2013 notice in the Federal Register states that 1,026 birds are listed on the MBTA.

Page 19, Section 7.5.1:

Golden eagles do not nest in the eastern United States. Surveys should be conducted to document presence or absence of wintering golden eagles in the project area from December through early March. Aerial surveys are unlikely to successfully document golden eagles because they tend to stay below tree line. Camera trap surveys have had success in identifying individual golden eagles on wintering territories. Todd Katzner and Trish Miller have data sets from golden eagles with GPS transmitters that they may be willing to provide.

Page 19, Section 7.5.1:-

Aerial surveys for bald eagle nests should be conducted during the breeding season, preferably

before leaf out. The presence of the eagles at the nest often helps to find the nest as the bright white head of the bird will stand out, particularly in conifers. It can be difficult to identify a large nest structure conclusively as an eagle nest without the birds being on territory and at the nest. Many former bald eagle nests are used by other species. Future surveys should be conducted during the breeding season, with January through March or April as targeted months.

Page 20, Section 7.5.1:-

Surveys should be conducted along the entire length of the proposed pipeline in Virginia. Surveys should be conducted for at least 0.5 mi on either side of the proposed pipeline in areas of dense forest. Surveys should be conducted for at least 1.0 mi of either side of the proposed pipeline in areas with open line of sight.

Page 20:

Limited short-term disturbance related activities can occur within 660 feet of nests that have been inactive for longer than two years; however, permanent habitat changes, such as tree clearing, should not be conducted within 330 feet of the nests. The recommendations found in the National Bald Eagle Management Guidelines should be applied to alternate nests that have not been used in the previous two years as they are more restrictive than the VDGIF guidelines.

Page 21, Section 7.7:

If blasting is occurring in Jefferson National Forest, bald eagle surveys should have been conducted for 0.5 mi on either side of the proposed route.

On Mon, Mar 21, 2016 at 10:54 AM, Taina Pankiewicz <TPankiewicz@envsi.com> wrote:
Hey Kim and Sumalee,

I have a few (relatively quick) follow up questions for you:

- 1.) Can we confirm April 7th – 8th for a meeting with you folks?
- 2.) Did you get the MBTA plan I sent last week? Did it contain what you need? Do you need more field surveys for eagles? (Leaf out is progressing daily.)
- 3.) We are working on a TOTALLY DIFFERENT project for a TOTALLY DIFFERENT client in VA where your office has given us approval to start bat hibernacula harp trapping early (this week) instead of waiting until 1 April. May we have permission to do that on this project too?

Thank you!

Taina



Taina Pankiewicz

President, COO

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