

Mountain Valley Pipeline Project

Docket No. CP16-10-000

Attachment DR4 RTE 5

VDGIF Correspondence

Valerie Clarkston

From: ProjectReview (DGIF) <ProjectReview@dgif.virginia.gov>
Sent: Thursday, April 02, 2015 11:50 AM
To: Pinder, Mike (DGIF); Valerie Clarkston
Cc: ProjectReview (DGIF); Cason, Gladys (DGIF)
Subject: ESSLog 35246; Mountain Valley Pipeline Project extending from Wetzel County, West Virginia to Pittsylvania County, VA

Importance: High

Mike:

Quick follow-up to let you know...

I just got off the phone with Valerie Clarkston of ESI (T&E species consultant for this project) who has been trying to reach you to discuss aquatic surveys for listed fish known from the project area. I will let you provide species-specific guidance about surveys and qualified biologists, as appropriate. Species known from region include:

- Federal Endangered state Endangered (FESE) Roanoke logperch
- State Threatened (ST) orangefin madtom
- Federal Species of Concern (FC) roughhead shiner (DGIF has no protective recommendation for non-listed species)
- Collection concern (CC) candy darter (DGIF has no protective recommendation for non-listed species)

My preliminary guidance is , DGIF generally recommends (the proponent), assume presence of the species (we typically do not recommend surveys for presence/absence) and (1) avoid instream work or (2) minimize impact by implementing best construction practices; for projects requiring instream work where listed fish [species ____] or designated Threatened and Endangered (T&E) species waters known from project area:

- Avoid all instream work;
- Stage all work from the top of bank/existing roadway (no machines instream), if practicable;
- DGIF will consider alternative methodologies for instream work, as appropriate (e.g., directional drilling, recommend frac-out plan, etc.)
- If instream work becomes necessary, ensure all instream work adhere to a Time of Year Restriction (TOYR=no instream work during that time of any given year) protective of [species], as appropriate.
 - See DGIF website for DGIF Time of Year Restriction recommendations (table):
<http://www.dgif.virginia.gov/environmental-programs/environmental-services-section.asp>
- If instream work becomes necessary, performing all instream work in the dry within cofferdams (ins some cases turbidity curtains or other protective measures may be recommended);
- Having a qualified biologist present to remove all fish from cofferdam areas, prior to dewatering (same recommendation if listed mussels are known from the area...)
 - repeat above, as needed of over-topping/flooding of cofferdam area occurs;
- Provided cofferdams are installed and removed outside the TOYR for [species], work within the cofferdam can be performed throughout the year;
- Strict adherence to E&S controls, during all land disturbance;
- We also recommend the proponent contact the USFWS regarding all federally listed species.

DGIF may possibly recommend habitat assessment/survey when a listed species has the potential to be present/known from the project area (e.g., instream work in a headwater tributary near confluence with designated T&E species water,

etc.). In general, this typically consists of photo documentation of stream characteristics and narrative. After DGIF reviews the habitat assessment, a survey may be recommended, as appropriate. DGIF may request a site visit.

Please keep me posted if you 2 coordinate to discuss...

Thanks.

Ernie Aschenbach
Environmental Services Biologist
Virginia Dept. of Game and Inland Fisheries
P.O. Box 11104
4010 West Broad Street
Richmond, VA 23230
Phone: (804) 367-2733
FAX: (804) 367-2427
Email: Ernie.Aschenbach@dgif.virginia.gov



TELEPHONE / PERSONAL CONVERSATION REPORT

PROJECT NAME:	Mountain Valley Pipeline Project
MVP TEAM CALLER:	Valerie Clarkston
CONVERSATION WITH:	Mike Pinder
AGENCY:	Virginia Department of Game & Inland Fisheries
EMAIL ADDRESS:	Mike.Pinder@dgif.virginia.gov
PHONE NUMBER:	540-961-8387
SUBJECT:	Fish Impacts
DATE AND TIME:	4/8/2015 at 9:50 AM

SUMMARY OF CONVERSATION:

Mike was returning Valerie's email regarding potential impacts to fish species along MVP's project route. He indicated he would not likely provide a formal review until the project's final route be determined. However, he did offer the following general comments:

Mike emphasized that for streams with known T/E species:

- Assume presence and do not recommend surveys
- Prefer complete avoidance of the stream
- VDGIF recommendations will be dependent on what type of construction method is proposed
- If avoidance is not possible, then VDGIF typically requests
 - Project must follow Time of Year Restrictions
 - Enforce strong erosion and sediment controls
 - VDGIF request that a qualified biologist be on-site during stream crossings
 - Depending on the stream, VDGIF sometimes prefers trenching over HDD because trenching is a faster method and could possibly have less of an impact than the long, drawn-out process of HDDing.
 - For all federal T/E waters, VDGIF defers to USFWS

Mike mentioned that for streams with suitable habitat for T/E fish but few to no document occurrence are known, VDGIF typically recommends that surveys for species be completed. Mike indicated that smaller streams or tributaries leading to larger streams with known occurrences need to be carefully monitored during construction. He commented that he has seen things fall apart at the seams on other projects that cross small streams but fail to maintain strong erosion and sediment controls. For such small and seemingly benign streams, Mike suggested MVP take the following steps:

- Go beyond the minimum requirements with regards to erosion and sediment controls
- Install extra sediment fencing or, in areas where flash flooding may occur, use chain-link fence to hold straw bales in place
- Always consider the worst case scenario and prepare for it



- Always use Time of Year Restrictions; keep in mind that many streams lead into Roanoke logperch waters and their TOYR is from March to July

Mike requested that MVP give serious thought to how or if they plan to rebuild stream banks following construction of the pipeline. If trees are to be removed and the ROW to be maintained free of trees, he suggested planting shrub-like vegetation along the bank to provide stability. He also requested that MVP not use herbicide or other chemicals when performing maintenance operations in the vicinity of streams.

Valerie asked about the status of the Candy Darter and what, if any, regulations should be followed. Mike replied that the candy darter is not currently listed and is only considered a species of concern in VA. However, this species last stronghold is in VA and it is being petitioned to be listed. Mike is aware that MVP is crossing Big Stony Creek where numerous occurrences of candy darters have been documented. Mike said the farther down the stream you cross is better because the species is more common upstream. Avoidance of the stream is not necessary at this point in time, but Mike did request that MVP follow the TOYR for the species.

Contact Signature: _____

Daniel Judy

From: Casey Swecker
Sent: Friday, June 05, 2015 11:50 AM
To: Megan Neylon
Cc: Sean.Sparks@tetrattech.com; Taina Pankiewicz; Daniel Judy
Subject: FW: ESSLog 35246; RE: Fish Study Plan for Mountain Valley Pipeline Project

Hi Megan,

Just received a response from VDGIF regarding fish habitat assessment/survey study plan along MVP.

The response from Mr. Pinder is vague, therefore I am following up to get some additional clarification as to whether he is referring to just those streams identified in the study plan associated with where the Roanoke logperch could occur, or all streams along the entire project?

This is the standard procedure in known Roanoke logperch streams – to remove all fish from the workspace.

However, in the event he is referring to every stream crossing in VA with fish, we would likely want to talk and discuss our options.

I will forward on any additional information/clarification as soon as I receive it.

Thanks,
Casey

From: ProjectReview (DGIF) [mailto:ProjectReview@dgif.virginia.gov]
Sent: Friday, June 05, 2015 9:40 AM
To: Casey Swecker; Pinder, Mike (DGIF)
Cc: ProjectReview (DGIF)
Subject: ESSLog 35246; RE: Fish Study Plan for Mountain Valley Pipeline Project

Please see recommendation from Mike Pinder, DGIF Region 3 Aquatic Biologist.

Thanks.

Ernie Aschenbach
Environmental Services Biologist
Virginia Dept. of Game and Inland Fisheries
Phone: (804) 367-2733
Email: Ernie.Aschenbach@dgif.virginia.gov

We moved! Our new address is:

Physical
7870 Villa Park Dr, Suite 400
Henrico, VA 23228

Mailing
P O Box 90778
Henrico, VA 23228

From: Pinder, Mike (DGIF)
Sent: Thursday, June 04, 2015 1:23 PM
To: Aschenbach, Ernie (DGIF)
Subject: RE: Fish Study Plan for Mountain Valley Pipeline Project

Ernie,

Any stream crossing that exposes the stream bottom will require removing all fish and moving them to suitable habitat within the same stream.

Mike

From: Casey Swecker [<mailto:CSwecker@envsi.com>]
Sent: Thursday, June 04, 2015 11:39 AM
To: Aschenbach, Ernie (DGIF); Pinder, Mike (DGIF); troy_andersen@fws.gov
Cc: John Spaeth; Watson, Brian (DGIF)
Subject: Fish Study Plan for Mountain Valley Pipeline Project

Gentleman,

Please find the attached study plan associated with ESI's survey and habitat study plan for all fishes along the proposed Mountain Valley Pipeline Project in Virginia.

The level of survey effort identified within this plan is based on review of agency correspondence letters as described in Section 2.0 of the attached document. We appreciate any edits, recommendations, and comments to the attached study plan to obtain concurrence that the level of effort fulfills all regulatory obligations associated with rare, threatened, and endangered fish species for the Project in Virginia.

We request concurrence that only fish species identified within the attached document necessitate habitat assessment/survey attention and no other species (i.e., Candy Darter, etc.) require additional consideration.

Hard copy of the attached study plan has been mailed to VDGIF (Mr. Aschenbach's attention). If you would like a hard copy, please let me know and I will get it mailed out to you today.

If you have any questions, please don't hesitate to contact me by email, or on my cell 304.633.5808

Thanks,



Casey Swecker

Senior Project Manager

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TELEPHONE / PERSONAL CONVERSATION REPORT

PROJECT NAME:	Mountain Valley Pipeline Project
MVP TEAM CALLER:	Casey Swecker
CONVERSATION WITH:	Mike Pinder
AGENCY:	VDGIF
EMAIL ADDRESS:	Mike.Pinder@dgif.virginia.gov
PHONE NUMBER:	540-961-8387
SUBJECT:	Fish Study Plan Comments
DATE AND TIME:	6/15/2015 – 3:54 p.m.

SUMMARY OF CONVERSATION:

Call in reference to recommendation from Mr. Mike Pinder, DGIF Region 3 Aquatic Biologist provided via email dated 6/5/15 (ESSLog 35246 RE: Fish Study Plan for Mountain Valley Pipeline Project).

Mr. Pinder indicated “Any stream crossing that exposes the stream bottom will require removing all fish and moving them to suitable habitat within the same stream.

Call was made to determine if this recommendation was in reference to only those streams being assessed for Roanoke Logperch or all streams in VA. Mr. Pinder indicated “all perennial streams in VA where fish occupy the pipeline crossing”.

Mr. Pinder indicated a habitat assessment could be completed prior to construction in streams transitioning from intermittent to perennial to determine if fish are present. If fish are absent, relocations are not necessary.

Methods recommended for survey/relocation where fish are present: Use block seine nets at upstream and downstream crossing extent. Once established, multiple pass depletion method using seines until no fish are collected within two consecutive passes. Then use electrofishing equipment to capture any remaining fishes. All fish removed from the construction zone are relocated downstream (approx. 50ft). Any remaining observable stranded fish as result of water drawdown should be collected and relocated as well.

Contact Signature: ___Casey D. Swecker_(6/16/2015)_____

Valerie Clarkston

From: Pinder, Mike (DGIF) <Mike.Pinder@dgif.virginia.gov>
Sent: Monday, October 26, 2015 9:29 AM
To: Valerie Clarkston
Subject: RE: TOYR for Candy Darters?

Probably not on it but I would give it from March 15 to June 30.

From: Valerie Clarkston [<mailto:VClarkston@envsi.com>]
Sent: Tuesday, October 13, 2015 6:31 PM
To: Pinder, Mike (DGIF)
Subject: TOYR for Candy Darters?

Hi Mike,

What is DGIF's time of year restriction for in-stream work for candy darters? I cannot find it within DGIF Time of Year Restrictions table.

Thanks!

Valerie



Valerie Clarkston

Scientist

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