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July 31, 2017

Ms. Vicki Craft
U.S. Bureau of Land Management
Southeastern States District
273 Market Street
Flowood, MS 39232

RE: Comments on impacts occurring on federal lands analyzed in the Final Environmental Impact Statement for the Mountain Valley Project.

Dear Ms. Craft:

The Nature Conservancy, appreciates the opportunity to provide comment on the Final Environmental Impact Statement (FEIS) that has been prepared for the Mountain Valley Pipeline (MVP).

The mission of The Nature Conservancy is to conserve the lands and waters on which all life depends. The Conservancy is a leading conservation organization working in all 50 states and more than 35 countries. We have helped conserve nearly 15 million acres of land in the United States and more than 118 million acres with local partner organizations globally.

The proposed route of the MVP crosses through the Central Appalachian Whole System Project, which is an area of deep investment for the Conservancy. Within this region, The Conservancy has worked with public agencies, corporations, private landowners, and local communities to undertake land protection, management, and restoration actions across public and private lands. We have worked with others to develop and implement strategies to protect the best, large, intact habitats that will continue to support a diversity of species, in the face of a changing landscape and a changing climate.

On December 22, 2016, the Conservancy submitted comments on the Draft Environmental Impact Statement (DEIS) addressing issues raised in the scoping letter we filed with the Federal Energy Regulatory Commission (FERC) on June 16, 2015. Many of these issues were not fully addressed in the DEIS and therefore we recommended that these remaining, significant issues be addressed in a Supplemental DEIS.

In our scoping comments, The Conservancy requested that FERC observe the full mitigation hierarchy by first seeking to avoid impacts, then minimize impacts, then finally requiring or recommending compensation for remaining unavoidable impacts. In our June 2015 scoping comments, the Conservancy specifically requested that MVP avoid impacts to Critical Habitats for conservation. In that letter we described Critical Habitats as designated areas with high biodiversity value, consistent with the definitions of Critical Habitats as outlined in the [International Finance Corporation Performance Standard 6: Biodiversity Conservation and Sustainable](#)

[Management of Living Natural Resources](#). For the Central Appalachians, these habitats include very large and diverse patches of intact forest, ecologically significant cave and karst systems, and rare, threatened and endangered species known to occur in less than 10 locations globally. We made these datasets publicly available in the hope they would be used in siting decisions and impact assessment.

We find that this project will cause impacts to old-growth forest within a very large and diverse patch of contiguous forests, and we believe that these impacts cannot practically be compensated for. We base this conclusion on the following information presented in the FEIS and FERC's Conclusions:

- In section **4.5.2.2 Forest Fragmentation and Edge Effects on Wildlife** of the FEIS, FERC states that “in Virginia, the MVP would permanently impact about 350 acres of contiguous interior forest classified as General to Outstanding quality.”
- In section **4.4.1.2 Interior Forest** FERC reports that “In Virginia, interior forests were assessed by Mountain Valley using data from the VADCR’s Virginia Natural Landscape Assessment (VaNLA) project (VADCR-DNH, 2007). The VaNLA project ranks areas with at least 100 acres of interior forest and the associated forest fragments as Ecological Core Areas (ECA) into the five categories of Outstanding (C1), Very High (C2), High (C3), Moderate (C4), and General (C5). Figure 4.4.1-3 from the FEIS (Attachment 1) illustrates the ECA that the MVP would pass through in Virginia. Of these, VA Cores 01, 02, 04 and 05 are on the Jefferson National Forest (JNF).
- Notably, VA Core 04 – ranked Outstanding – includes an area assigned to Management Prescription 6C (*Old Growth Communities Associated with Disturbance*) in the JNF Land and Resource Management Plan (LRMP). The LRMP states that this management prescription is allocated to approximately 30,200 acres (4%) across the Jefferson National Forest, and that “Management of these areas emphasizes protection, restoration, and management of old growth forests and their associated wildlife, botanical, recreational, scientific, educational, cultural, and spiritual values.
- In Section **4.4.1.2 Interior Forest** of the FEIS FERC further reports:

“Within the 50-foot-wide operational pipeline easement within the Jefferson National Forest, about 28 acres of forests cleared during construction would be permanently converted to herbaceous grassland, including about 12.4 acres of old growth forest. Areas outside of the 50-foot-wide permanent right-of-way would be allowed to naturally revegetate; converting old growth and mature forest to an early successional condition. The result would be the conversion of 336 acres of interior forest to forest edge habitat in Jefferson National Forest based on the extension of forest edge an estimated 300 feet on either side of the MVP right-of-way.

Based on the assessment by the FS, existing species are unlikely to regenerate in the cleared areas since adequate advanced oak reproduction is lacking. While stump sprouting potential may be adequate in some areas that may not be graded such as wetland and waterbody buffers, the FS anticipates that the grading along the entire upland construction right-of-way would be quite heavy and would result in removal of most, if not all, stumps to an extent that seriously reduces or eliminates stump sprouting potential. These areas would likely be regenerated with light seeded species such as red maple, various pine species, and/or yellow poplar, depending upon site quality. Therefore, the FS expects a shift in forest stand composition on 79.1 acres away from the current oak dominated community in all areas outside of the 50-foot-wide permanent right-of-way.”

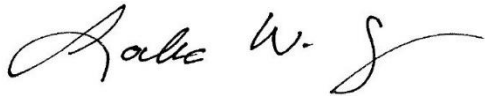
- In the FEIS Conclusions and Recommendations, sub-section **5.1.5 Vegetation** FERC states: “we conclude that the projects would not have significant adverse impacts on grasslands and shrublands. However, in considering the total acres of forest affected, the quality and use of forest for wildlife habitat, and the time required for full restoration in temporary workspaces, we conclude that the projects would have significant impacts on forest.”

The Conservancy concurs with the finding from FERC that impacts to interior forests from this project would be significant, including permanent habitat fragmentation and conversion away from the old growth oak forest that is already relatively rare within the forest boundary, and even less common beyond it. Further, the Conservancy believes that in its impacts to old-growth forests within a VDCR delineated core of outstanding ecological integrity, the project would create impacts that cannot practically be compensated for, and therefore these impacts should be avoided.

Despite its finding that the impacts to interior forest are significant, FERC does not make any recommendations regarding mitigation for these significant impacts. We believe that BLM, however, can and should require mitigation as a condition if it decides to grant a right-of-way for the project under the Mineral Leasing Act. The condition should include measures to avoid and minimize the amount and significance of the proposed Project’s impacts to irreplaceable habitats, and to compensate for impacts that have not been avoided.

Thank you for the opportunity to provide comments to BLM on this important issue. If you have any questions about these comments, please contact Judy Dunscomb, Senior Conservation Scientist at jdunscomb@tnc.org or (434) 951-0573.

Sincerely,



Locke Ogens
Virginia State Director

Cc: Thomas Minney, West Virginia State Director
Dr. Elizabeth Gray, Mid-Atlantic Division Director
Nels Johnson, North American Energy Program Director
Campbell Moore, Central Appalachians Whole System Project Director

