



ROVER PIPELINE
An ENERGY TRANSFER Company

June 6, 2016

Mr. John Schmidt
U.S. Fish and Wildlife Service, West Virginia Field Office
694 Beverly Pike
Elkins, WV 26241

Subject: Rover Pipeline Project
Response to Comments on Project Components in West Virginia

Dear Mr. Schmidt:

Please accept this letter in response to the letter submitted directly to the Federal Energy Regulatory Commission (FERC) by the U.S. Fish and Wildlife Service (USFWS) West Virginia Field Office (WVFO) on April 19, 2016.

The letter mentions that the WVFO had not realized the total proposed impacts from the Rover Pipeline Project (Project) prior to the Myotis Bat Conservation Plan (MBCP). Rover Pipeline LLC (Rover) would like to note that during the FERC Pre-filing period, prior to filing the FERC 7(c) application in February 2015 and in coordination with your office and the other USFWS field offices, Rover Pipeline LLC (Rover) reduced the proposed construction right-of-way for the 24-inch Majorsville and CGT laterals from a 100-foot typical width to a 75-foot typical width. Since that time, only minor reroutes have been introduced, of which your office has been aware, and the currently proposed impacts have not significantly changed since the initial filing. Rover would like to note this, as we feel that the reduction in workspace was a significant effort and demonstration of our good faith efforts to protect forested resources, including potential roost trees. Additionally, the USFWS and all of its field offices have been actively involved in the Project from its inception and have been part of the Pre-filing and now part of the actual processing of the application as a cooperating agency and such misunderstanding is confusing as well as unfair to the applicant in regards to what should be considered good faith disclosures and work between all parties involved.

In a meeting in the USFWS Columbus Field Office on May 15, 2015, the WVFO stated that if Rover could clear the portions of the project in West Virginia during the acceptable clearing windows, surveys for bats would not be required. Rover had committed to the clearing restrictions for the Majorsville, Sherwood, and CGT Laterals at that time and has maintained that plan. Therefore, Rover did not conduct bat surveys on these laterals in West Virginia or Ohio during the 2015 survey season in direct consultation and communication with your office. Therefore, it is unfortunate that the 2015 window was missed and that such an important communication was not properly conveyed from your office.

As was also discussed in the same meeting, Rover did execute and complete surveys along the proposed Burgettstown Lateral, including the portion in West Virginia, since at that time Rover was proposing to go to formal consultation to be able to clear outside of the approved clearing window for the Burgettstown Lateral and other portions of the Project.

Since that meeting, the 4(d) rule has been enacted, including the requirements for northern long-eared bat (*Myotis septentrionalis*, NLEB) that were identified in the letter, and Rover understands that surveys for NLEB are not required. The letter mentions that the proposed Project is currently within 150 feet of a known maternity roost tree for NLEB. However, in a telephone conversation on April 25, 2016, Ms. Tiernan Lennon pulled up the WVFO's threatened and endangered species buffer shapefiles, and the workspace files provided by Rover, and noted that the known NLEB roost tree buffer actually abuts the survey corridor, not the workspace corridor. Ms. Lennon confirmed that as the Project is proposed, it will not impact the known NLEB maternity roost because the Project is occurring outside of the 150-ft roost tree buffer.

Per the request from the WVFO, Rover is committing to conducting surveys for Indiana bat (*Myotis sodalis*) in areas outside of the known-use buffers, which were supplied by email on April 20, 2016. Specifically, Rover is proposing to conduct mist-net surveys, which can occur between June 1st and August 15th. Rover has coordinated with the WVFO to create an approved survey plan. Survey results will be provided to the WVFO for review and concurrence. If Indiana bats are detected, the WVFO will be notified as soon as possible.

If you have any questions or require additional information please contact me at 713-989-2844 or Buffy.Thomason@energytransfer.com or Patricia Patterson at 978-656-3540 or ppatterson@trcsolutions.com.

Sincerely,



Buffy Thomason
Environmental Project Manager
Rover Pipeline LLC