



## **VOLUME IIA**

### **APPENDIX 3D**

# ***U.S. Fish and Wildlife Meeting Notes for Migratory Bird Conservation Plan***



Telephone Conference Meeting Summary  
USFWS Regions 3 and 5  
Rover Pipeline Project – Migratory Bird Coordination  
May 13, 2015

Attendees (by phone):

Karen Herrington – USFWS  
Jeff Gosse – USFWS  
Elizabeth Rigby - USFWS  
Buffy Thomason – Rover

Discussion:

On May 13, 2015, a discussion was held via conference call with U.S. Fish and Wildlife (USFWS) and Rover Pipeline LLC (Rover) concerning migratory birds. The following is a summary of the discussion.

- Rover explained the tentative clearing schedule for the Rover Pipeline Project (Project), which is changing based on the previous April 15<sup>th</sup> meeting when it was decided that formal consultation would be necessary for Rover to have the flexibility to clear after March 31<sup>st</sup>, if the Project is not released for construction in time to clear prior to that date.
- Rover is now planning to postpone clearing along the Sherwood, CGT, and Majorsville Laterals until the fall of 2016 to avoid clearing within the roosting/nesting season. All other areas are slated for clearing early in 2016, and Rover intends to amend the Biological Evaluation and Migratory Bird Conservation Plan to reflect those changes.
- Rover was requesting guidance on how the migratory birds and Birds of Conservation Concern (BCCs) would be addressed and whether or not surveys would be of significant value.
- USFWS stated it is most concerned with the BCCs from Carroll County, Ohio (on the Mainline pipeline segment) to the east and southwest through the Supply Lateral segments, where the area is mostly contiguous forest. USFWS has had discussions with the field offices and Migratory Bird divisions for Regions 3 and 5 and has determined that tree-clearing presents the greatest impact to interior forest dwelling BCC species.
- USFWS indicated that BCC surveys could possibly reveal locations where BCCs are not present, but these areas would most likely be very limited. In addition, the majority of this area will most likely contain Indiana and northern long-eared bats, for which Rover will be surveying in all areas where clearing early in 2016 is proposed. Therefore, the BCC surveys would only be relevant in the areas that would be verified to not contain bats.
- Rover stated that at this time BCC surveys are therefore not proposed.

Rover Pipeline Project – Migratory Bird Coordination  
Meeting Summary –May 13, 2015

- USFWS is discussing with the field offices and Migratory Bird divisions the time of year when BCCs would possibly be nesting, and will request that Rover not clear trees within that window.
- A similar window is being developed for the non-volant period for bats.
- Rover is committing to mitigate for the loss of migratory birds/BCC habitat in areas that will not be addressed for bats, including areas west of Carroll County, Ohio.
- USFWS and Rover furthered discussions on a reimbursable agreement for additional USFWS personnel to be assigned to the Project.

Telephone Conference Meeting Summary  
USFWS Regions 3 and 5  
Rover Pipeline Project – Migratory Bird Coordination  
June 3, 2015

Attendees (py phone):

Jeff Gosse – USFWS  
Elizabeth Rigby - USFWS  
Deanne Endrizzi– USFWS  
Steve Lewis – USFWS  
Tom Cooper - USFWS  
Joey Mahmoud – Rover  
Buffy Thomason – Rover

Discussion:

On June 3, 2015, a discussion was held via conference call with U.S. Fish and Wildlife (USFWS) and Rover Pipeline LLC (Rover) concerning migratory birds. The following is a summary of the discussion.

- Rover recapped the previous discussion on May 13, 2015 concerning migratory birds, which had concluded with USFWS planning to further discuss the dates of the proposed restricted clearing window for migratory birds.
- USFWS reiterated that the field offices were focused on the Birds of Conservation Concern (BCCs) with respect to the clearing dates, specifically the cerulean warbler near the beginning of the nesting season and the wood thrush near the end. USFWS took the position that clearing with regard to BCCs should not occur between May 15 and August 15.
- Rover explained that the construction schedule could be significantly impacted by the proposed restricted clearing window, with lost time during the summer possibly pushing Rover into winter construction and potentially jeopardizing the in-service date.
- Both parties noted that the issue may be of no consequence if Rover is released for construction early enough, but that FERC cannot fully commit to a schedule for issuance of a certificate or a Notice to Proceed. After some discussion, it was resolved that the issue would be tabled until the issuance of the Draft Environmental Impact Study whereby the parties can get an idea of how FERC is progressing and make a better educated guess about the schedule for the rest of the FERC process.