

**Dominion Energy Transmission, Inc.**  
707 East Main Street, Richmond, VA 23219



March 15, 2018

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

**Re: Atlantic Coast Pipeline, LLC & Dominion Energy Transmission, Inc.  
Atlantic Coast Pipeline & Supply Header Projects  
Docket Nos. CP15-554-000, CP15-554-001, & CP15-555-000**

Dear Secretary Bose:

By Order dated October 13, 2017, the Federal Energy Regulatory Commission (Commission or FERC) authorized Atlantic Coast Pipeline, LLC (Atlantic) and Dominion Energy Transmission, Inc.<sup>1</sup> (DETI) to construct and operate certain facilities that comprise the Atlantic Coast Pipeline and Supply Header Projects (ACP and SHP; “Projects” collectively). *Atlantic Coast Pipeline, LLC & Dominion Energy Transmission, Inc.* 161 FERC ¶ 61,042 (the “Order”).

As required under Environmental Condition No. 1 of the Order, Atlantic and DETI hereby request a modification to the time-of-year restrictions for tree felling as detailed below. This is requested for all project activities for which a notice to proceed already has been granted by FERC. This is not requested for U.S. Forest Service lands at this time.

### **Background and Request**

Atlantic and DETI adopted recommended time-of-year restrictions to protect both migratory birds and threatened and endangered species that are listed pursuant to the Endangered Species Act (“ESA”). Specifically, those ESA-related time-of-year restrictions are intended to avoid impacts to endangered Indiana bats and threatened Northern long-eared bats. The purpose and effect of those time-of-year restrictions are discussed in greater detail in Atlantic and DETI’s September 2017 *Migratory Bird Plan* and in the U.S. Fish and Wildlife Service’s (the “Service”) October 16, 2017 Biological Opinion (“BO”). Within the *Migratory Bird Plan*, Atlantic and DETI committed not to conduct tree felling during the period of April 1 – August 31 in West Virginia and North Carolina and March 15 – August 31 in Virginia. Further, Atlantic and DETI committed not to conduct tree felling during the following periods, as provided in their *Timber Removal Plan*:

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<sup>1</sup> On May 12, 2017, Dominion Transmission, Inc. changed its name to Dominion Energy Transmission, Inc.

- West Virginia:
  - Migratory Birds: April 1 – August 31
  - Indiana Bats: April 1 to November 15
  - Northern Long Eared Bats: June 1 – July 31 within 150 feet of occupied maternity roost trees
- Virginia:
  - Migratory Birds: March 15 – August 31
  - Indiana Bats: April 1 – November 15 if the site is within 5 miles of known hibernacula; April 15 – September 15 if the site is not within 5 miles of known hibernacula
  - Northern Long Eared Bats: June 1 – July 31 within 150 feet of occupied maternity roost trees
- North Carolina:
  - Migratory Birds: April 1 – August 31
  - Indiana Bats: April 1 – November 15
  - Northern Long Eared Bats: June 1 – July 31 within 150 feet of occupied maternity roost trees<sup>2</sup>

In all states, at all times, Atlantic and DETI have committed not to fell trees within a quarter mile of known Northern long-eared bat hibernacula, except with explicit authorization of the Service.<sup>3</sup>

The time-of-year restrictions for different species overlap in places, but in effect, within the *Timber Removal Plan* Atlantic and DETI previously committed not to conduct tree felling in West Virginia and North Carolina between April 1 and November 15. In Virginia, Atlantic and DETI committed within the *Timber Removal Plan* not to conduct tree felling between March 15 and September 15, with an additional prohibition on felling trees that are within five miles of known Indiana bat hibernacula through November 15. The time-of-year restrictions for the Indiana and Northern Long Eared Bats included within the *Timber Removal Plan* were more restrictive than the windows established within the BO, which were specifically applied to limited areas of the project determined to be critical habitat.

Despite their best efforts, it now appears that Atlantic and DETI will be unable to complete the scheduled tree felling in each of those states before the existing time-of-year restrictions go into effect. **Therefore, Atlantic and DETI seek approval to continue tree felling until May 15, 2018, except in U.S. Forest Service lands and in areas where Indiana bats are present or where tree felling would be within five miles of known Indiana bat hibernacula, within a quarter mile of known Northern long-eared bat hibernacula, or within 150 feet of occupied Northern long-eared bat maternity roosts.** The approval sought adheres to the requirements and limitations detailed within the BO for ESA related time of year restrictions, and as such, Atlantic and DETI are not requesting consultation with the Service.

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<sup>2</sup> See Atlantic Coast Pipeline, LLC, Atlantic Coast Pipeline & Dominion Energy Transmission, Inc., Supply Header Project, *Timber Removal Plan*, at 6 (rev. 2 Sept. 2017). DETI made similar commitments to abide by certain time-of-year restrictions on tree felling in Pennsylvania as well. DETI is not seeking to modify those commitments in Pennsylvania.

<sup>3</sup> *Id.*

## **Justification**

This modification to the time-of-year restrictions for tree felling is requested as tree felling for the 2018 construction season has begun but is not yet completed. Tree felling crews are mobilized and landowners of properties for which Atlantic and DETI have obtained access have been notified of impending tree felling on their properties. Completing the tree felling within one season also limits the amount and frequency of disturbance in the general area, benefiting landowners. Finally, failure to complete the tree felling will affect the 2018 construction season.<sup>4</sup>

## **Equal or greater level of environmental protection**

The modification provides an equal or greater level of environmental protection than the original measure due to increased site-specific surveillance.

Specifically, Atlantic would have a qualified biological monitor survey the construction workspace ahead of tree felling to determine if migratory bird nests are present. The survey area would include the construction right-of-way and the FERC approved construction workspaces. Surveys would be conducted a maximum of two weeks prior to felling. If inhabited nests are located, a protective buffer would be delineated. The buffer area would be avoided to prevent destruction or disturbance until the nest is no longer active. A proposed updated *Timber Removal Plan* and *Migratory Bird Plan* reflecting the changes discussed herein and other technical corrections are attached as Attachments A and B, respectively.

The requested changes to the time-of-year restrictions can be made without reinitiating formal consultation under the ESA because they do not change the time-of-year restrictions considered in the BO. The Service concluded in that BO that the ACP and SHP were “not likely to jeopardize the continued existence of” any of the listed species considered therein, including the Indiana and Northern long-eared bat.<sup>5</sup> The Service based its conclusion in part on Atlantic and DETI’s commitment to tree-felling time-of-year restrictions for Indiana bats which are narrower than those ultimately adopted in the *Timber Removal Plan*, and which Atlantic and DETI do not propose to alter.<sup>6</sup> Because Atlantic and DETI are not requesting any change to the Indiana bat time-of-year restrictions that were considered in completing the BO and are not requesting any change to the Northern long-eared bat restrictions at all, the proposed

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<sup>4</sup> Approval of this request is consistent with previous FERC actions. *See e.g.*: Pauite 2018 Expansion Project Environmental Assessment (CP17-471) (approved construction during the avian breeding season, pending implementation of additional protective measures (e.g., nest surveys, buffers, and avoidance)); Blue Mountain Delivery Line Environmental Assessment (CP18-14) (approved construction during the nesting season, pending implementation of additional protective measures (e.g., nest surveys and avoidance)); Columbia Gas Transmission WB Xpress Project Environmental Assessment (CP16-38) (approved in-stream work during the restricted period if a site-specific waiver was obtained from the applicable state agency); and Dominion Transmission Inc., New Market Project Implementation Plan (CP14-497) (approved tree felling outside the tree felling season for the endangered northern long-eared bat).

<sup>5</sup> Letter from Cindy Schulz, Field Supervisor, U.S. Fish and Wildlife Service, Virginia Field Office, to Kimberly Bose, Secretary, Federal Energy Regulatory Commission, “Biological Opinion,” at 48-50 (Oct. 16, 2017).

<sup>6</sup> *See id.* at 33-36.

modification of the broader restrictions contained in the *Timber Removal Plan* is “not likely to adversely affect” those bat species, or their critical habitat.<sup>7</sup> As a result, reinitiation of formal consultation between FERC and the Service pursuant to Section 7 of the ESA is not required to approve the requested modifications.

The requested changes to the time-of-year restrictions are also consistent with the Migratory Bird Treaty Act (“MBTA”). Atlantic and DETI have committed to implement significant mitigation measures that will minimize impacts to migratory birds and migratory bird nesting habitat. Additionally, Solicitor’s Opinion M-37050, issued by the Principal Deputy Solicitor of the Department of the Interior, establishes that the MBTA does not prohibit the incidental take of migratory birds.<sup>8</sup> Finally, Atlantic and DETI’s tree felling activities, during the requested extension into the migratory bird nesting season, will minimize impact to migratory birds by implementing the increased site-specific surveillance proposed by DETI and Atlantic, along with the existing FERC-approved plans and procedures.

For the reasons discussed above, we request that FERC approve Atlantic and DETI’s request to continue tree felling until May 15, 2018 as identified in the *Timber Removal Plan and the Migratory Bird Plan*, except in U.S. Forest Service lands and in areas where Indiana bats are present or where tree felling would be within five miles of known Indiana bat hibernacula, within a quarter mile of known Northern long-eared bat hibernacula, or within 150 feet of occupied Northern long-eared bat maternity roosts.

If you have any questions, please contact me at 866-319-3382.

Respectfully submitted,

/s/ [Matthew R. Bley](#)

Matthew R. Bley  
Director Gas Transmission Certificates

cc: Kevin Bowman, FERC  
Aurelia Skipwith, Deputy Assistant Secretary for Fish, Wildlife, and Parks, U.S.  
Department of the Interior  
Paul Phifer, Assistant Regional Director, U.S. Fish and Wildlife Service

encl(s)/

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<sup>7</sup> 50 C.F.R. § 402.13. The ACP and SHP do not cross any designated Indiana bat critical habitat. “Biological Opinion,” at 13. No critical habitat has been designated for the Northern long-eared bat. *Id.*

<sup>8</sup> Memorandum M-37050 from the Principal Deputy Solicitor of the Department of the Interior, to the Secretary of the Interior et al., “The Migratory Bird Treaty Act Does Not Prohibit Incidental Take,” at 2 (Dec. 22, 2017).



**ATLANTIC COAST PIPELINE, LLC  
ATLANTIC COAST PIPELINE**

**And**

**DOMINION ENERGY TRANSMISSION, INC.  
SUPPLY HEADER PROJECT**

**ATTACHMENT A  
UPDATED TIMBER REMOVAL PLAN**



**ATLANTIC COAST PIPELINE, LLC**  
**ATLANTIC COAST PIPELINE**  
**Docket Nos. CP15-554-000**  
**CP15-554-001**

**and**



**DOMINION ENERGY**  
**TRANSMISSION, INC.**  
**SUPPLY HEADER PROJECT**  
**Docket No. CP15-555-000**

## **Timber Removal Plan**

*Rev. 3*

**Prepared by**



**March 2018**

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**LIST OF ACRONYMS AND ABBREVIATIONS**

ACP	Atlantic Coast Pipeline
Atlantic	Atlantic Coast Pipeline, LLC
ATWS	additional temporary workspace
COM Plan	Construction, Operation, and Maintenance Plan
DETI	Dominion Energy Transmission, Inc.
EI	Environmental Inspector
FS	Forest Service
GWNF	George Washington National Forest
HDD	horizontal directional drill
LRMP	Land and Resource Management Plan
MNF	Monongahela National Forest
NFS	National Forest System
NPS	National Park Service
Plan	Upland Erosion Control, Revegetation, and Maintenance Plan
Procedures	Wetland and Waterbody Construction and Mitigation Procedures
Projects	Atlantic Coast Pipeline and Supply Header Projects
SHP	Supply Header Project

## 1.0 INTRODUCTION

Atlantic Coast Pipeline, LLC (Atlantic) – a company formed by four major energy companies – Dominion Energy; Duke Energy Corporation; Piedmont Natural Gas Co., Inc.; and Southern Company Gas – proposes to construct and operate approximately 600 miles of natural gas transmission pipelines and associated aboveground facilities in West Virginia, Virginia, and North Carolina. This Project, referred to as the Atlantic Coast Pipeline (ACP), will deliver up to 1.5 million dekatherms per day of natural gas from supply areas in the Appalachian region to demand areas in Virginia and North Carolina. Atlantic has contracted with Dominion Energy Transmission, Inc. (DETI), a subsidiary of Dominion Energy, to construct and operate the ACP on behalf of Atlantic.

In conjunction with the ACP, DETI proposes to construct and operate approximately 37.5 miles of pipeline loop and modify existing compression facilities in Pennsylvania and West Virginia. This Project, referred to as the Supply Header Project (SHP), will enable DETI to provide firm transportation service to various customers, including Atlantic.

The ACP pipeline will be built along 17 spreads, 10 of which began timber removal in January 2018 and 7 of which are scheduled to begin timber removal in September 2018. Timber removal for the SHP began in January 2018, except for a short segment in Westmoreland County, Pennsylvania, which is scheduled to commence in September 2018. It is anticipated that all facilities will be placed in service by the fourth quarter of 2019. Key milestone dates for the construction schedule are summarized in Table 1-1.

TABLE 1.1				
Construction Schedule by Spread for the Atlantic Coast Pipeline and Supply Header Project <sup>a</sup>				
Spread	Approximate Mileposts	Counties/Cities and States/Commonwealths	Begin Construction	Finish Construction <sup>d</sup>
<b>ATLANTIC COAST PIPELINE</b>				
<b>Initial Construction Activities</b>				
Initial Site Preparation (2018 spreads)	By spread	See below	January 2018	1Q 2018
Tree Clearing (2018 spreads) <sup>b, c</sup>	By spread	See below	January 2018	1Q 2018
Initial Site Preparation (2019 spreads)	By spread	See below	September 2018	1Q 2019
Tree Clearing (2019 spreads) <sup>b, c</sup>	By spread	See below	September 2018	1Q 2019
<b>Construction of Pipeline</b>				
Spread 1-1 (AP-1)	0.0–17.3	Harrison, and Lewis Counties, WV	April 2018	4Q 2019
Spread 1-2 (AP-1)	17.3-31.7	Lewis and Upshur Counties, WV	April 2019	4Q 2019
Spread 2-1 (AP-1) <sup>f</sup>	31.7-47.4	Upshur and Randolph Counties, WV	April 2018	4Q 2018
Spread 2-2 (AP-1) <sup>f</sup>	47.4-56.1	Randolph County, WV	April 2019	4Q 2018
Spread 2A (AP-1) <sup>f</sup>	56.1-69.3	Randolph County, WV	April 2018	4Q 2018
Spread 3 (AP-1)	69.3-79.2	Randolph and Pocahontas Counties, WV	April 2019	4Q 2019
Spread 3A (AP-1) <sup>f</sup>	79.2-91.5	Pocahontas County, WV and Highland County, VA	April 2018	4Q 2018
Spread 4 (AP-1)	91.5-103.1	Highland and Bath Counties, VA	April 2019	4Q 2019
Spread 4A (AP-1) <sup>f</sup>	103.1-126.1	Bath and Augusta Counties, VA	April 2018	4Q 2018
Spread 5 (AP-1) <sup>g</sup>	126.1-157.2	Augusta and Nelson Counties, VA	February 2019	4Q 2019
	159.5-183.2			
Spread 5A (AP-1)	157.2-159.5	Augusta and Nelson Counties, VA	April 2018	4Q 2018

## Timber Removal Plan

TABLE 1.1 (continued)				
Construction Schedule by Spread for the Atlantic Coast Pipeline and Supply Header Project <sup>a</sup>				
Spread	Approximate Mileposts	Counties/Cities and States/Commonwealths	Begin Construction	Finish Construction <sup>d</sup>
Spread 6 (AP-1) <sup>g</sup>	183.2-239.8	Nelson, Buckingham, Cumberland, Prince Edward, and Nottoway Counties, VA	April 2018	4Q 2018
Spread 7 (AP-1)	239.8-300.1	Nottoway, Dinwiddie, Brunswick, and Greenville Counties, VA, and Northampton County, NC	February 2019	4Q 2019
Spread 8 (AP-2)	0.0-61.6	Northampton, Halifax, and Nash Counties, NC	April 2018	4Q 2018
Spread 9 (AP-2)	61.6-125.1	Nash, Wilson, Johnston, Sampson, and Cumberland Counties, NC	February 2019	4Q 2019
Spread 10 (AP-2)	125.1-183.0	Cumberland and Robeson Counties, NC	April 2018	4Q 2018
Spread 11 (AP-3)	0.0-29.2 39.3-60.6 66.4-78.5 82.2-82.7	Northampton County, NC, Greenville and Southampton Counties, VA, and the Cities of Suffolk and Chesapeake, VA	February 2019	4Q 2019
Spread 11A	29.2-39.3	Southampton, Suffolk	April 2018	4Q 2018
Spread 11B	60.6-66.4	Suffolk	April 2018	4Q 2018
Spread 11C	78.5-82.2	Chesapeake	April 2018	4Q 2018
Spread 12 (AP-4; AP-5) <sup>e</sup>	0.0-0.4; 0.0-1.0	Brunswick County, VA; Greenville County, VA	April 2018	4Q 2018
<b>Construction of Compressor Stations</b>				
Compressor Station 1	7.6	Lewis County, WV	March 2018	4Q 2019
Compressor Station 2	191.5	Buckingham County, VA	April 2018	4Q 2019
Compressor Station 3	300.1	Northampton County, NC	March 2018	4Q 2019
<b>Construction of Metering and Regulating Stations</b>				
Kincheloe	7.6	Lewis County, WV	March 2018	4Q 2019
Long Run	47.2	Randolph County, WV	April 2018	4Q 2019
Woods Corner	191.5	Buckingham County, VA	April 2018	4Q 2019
Smithfield	92.7	Johnston County, NC	March 2018	3Q 2019
Fayetteville	132.9	Johnston County, NC	December 2018	3Q 2019
Pembroke	183.0	Robeson County, NC	June 2018	3Q 2019
Elizabeth River	83.0	City of Chesapeake, VA	November 2018	3Q 2019
Brunswick	0.4	Brunswick County, VA	March 2018	3Q 2019
Greenville	1.1	Greenville County, VA	July 2018	3Q 2019
<b>SUPPLY HEADER PROJECT</b>				
<b>Initial Construction Activities</b>				
Initial Site Preparation (Spread 13)	By spread	See below	January 2018	1Q 2018
Tree Clearing (Spread 13) <sup>b, c</sup>	By spread	See below	January 2018	1Q 2018
Initial Site Preparation (Spread 14)	By spread	See below	November 2018	1Q 2019
Tree Clearing (Spread 14) <sup>b, c</sup>	By spread	See below	November 2018	1Q 2019
<b>Construction of Pipeline Spreads</b>				
Spread 13 (TL-635)	0.0-33.6	Wetzel, Doddridge, Tyler, and Harrison Counties, WV	April 2018	4Q 2019
Spread 14 (TL-636)	0.0-3.9	Westmoreland County, PA	November 2018	4Q 2019
<b>Construction of Compressor Station Modifications</b>				
JB Tonkin	0.0	Westmoreland County, PA	February 2018	3Q 2019
Crayne	NA	Greene County, PA	April 2018	3Q 2019
Burch Ridge	NA	Marshall County, WV	April 2019	4Q 2019
Mockingbird Hill	33.6	Wetzel County, WV	February 2018	3Q 2019

TABLE 1.1 (continued)				
Construction Schedule by Spread for the Atlantic Coast Pipeline and Supply Header Project <sup>a</sup>				
Spread	Approximate Mileposts	Counties/Cities and States/Commonwealths	Begin Construction	Finish Construction <sup>d</sup>
<b>M&amp;R Stations</b>				
CNX	NA	Lewis County, WV	January 2019	4Q 2019
<b>Abandonment of Gathering Compressor Units</b>				
Hastings	NA	Wetzel County, WV	January 2019	4Q 2019
<sup>a</sup>	The number and timing of the construction spreads are subject to change dependent upon construction and permit requirements.			
<sup>b</sup>	The start of tree removal is dependent upon the results of the environmental surveys and agency consultations.			
<sup>c</sup>	Including tree removal for aboveground facilities, access roads, and contractor yards. Tree clearing for construction spreads 1-1, 1-2, 3, 4, Blue Ridge Parkway HDD, and James River HDD will take place in 2018.			
<sup>d</sup>	The finish construction date refers to the end of mechanical construction; additional restoration and post construction activity is expected to occur in the Project area beyond the timeframe reflected here. 1Q = first quarter; 2Q = second quarter; 3Q = third quarter; 4Q = fourth quarter.			
<sup>e</sup>	Spread 12 will be completed with spread 11 and is counted as one spread.			
<sup>f</sup>	Hydrostatic test and remaining cleanup will be completed by the 3Q of 2019.			
<sup>g</sup>	Blue Ridge Parkway and James River HDDs will be constructed in 2018.			

## 2.0 PURPOSE

The Projects cross numerous wooded areas, some of which contain merchantable timber. The purpose of this *Timber Removal Plan* is to describe how timber removal activities will be conducted and to identify measures for reducing impacts and stabilizing areas where timber is removed. This plan augments the other construction, restoration, and mitigation plans prepared for the Projects. All applicable provisions of other plans apply to timber removal activities (e.g., the equipment refueling procedures described in the *Spill Prevention, Control, and Countermeasures Plan*).

## 3.0 TRAINING

Prior to the start of construction, Atlantic and DETI will conduct environmental training for Company and Contractor <sup>1</sup> personnel. The training program will focus on the Federal Energy Regulatory Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* (Plan) and *Wetland and Waterbody Construction and Mitigation Procedures* (Procedures); other construction, restoration, and mitigation plans, including this *Timber Removal Plan*; and applicable permit conditions. The training program will highlight requirements or issues that are unique to the construction spread, as appropriate. In addition, Atlantic and DETI will provide large-group training sessions before each work crew commences construction with periodic follow-up training for groups of newly assigned personnel.

## 4.0 JURISDICTIONS

The ACP crosses forested public lands under the jurisdiction of the U.S. Department of Agriculture's Forest Service (FS), National Park Service (NPS), State of West Virginia, and Commonwealth of Virginia, as well as private timbered areas, including commercial tree plantations in West Virginia, Virginia, and North Carolina. The SHP crosses forested public

<sup>1</sup> Contractor refers to the company or companies retained by Atlantic/DETI or another contractor to construct the proposed facilities.

lands under the jurisdiction of the State of West Virginia as well as private timbered areas, including commercial tree plantations in West Virginia and Pennsylvania.

Timber removal on the Monongahela National Forest (MNF) in West Virginia and George Washington National Forest (GWNF) in Virginia is addressed in a *Construction, Operations, and Maintenance Plan* (COM Plan). The COM Plan has been written to conform to the standards and guidelines contained within the Land and Resource Management Plans (LRMPs) of both National Forests. Where a particular Project activity may not be able to conform to particular standards and guidelines, for example logging on steep slopes, a project-specific Forest Plan Amendment may be required from the FS before that activity can be authorized.

The ACP will cross under the Appalachian National Scenic Trail (ANST) on NFS lands administered by the GWNF. Atlantic is planning to cross the ANST, as well as the nearby Blue Ridge Parkway corridor on NPS land, with a single Horizontal Directional Drill (HDD), eliminating the need to clear trees at these sensitive crossing locations.

The ACP also will cross non-commercial forested lands on the Seneca State Forest, which is managed by the West Virginia Division of Forestry; and the James River Wildlife Management Area, which is managed by the Virginia Department of Game and Inland Fisheries. The SHP will cross non-commercial forested lands on the Lewis Wetzel Wildlife Management Area, which is managed by the West Virginia Department of Natural Resources.

## 5.0 COMPENSATION

Timber owners along the ACP and SHP pipeline routes will be fairly compensated for financial impacts associated with construction and operation of the Projects, including damages caused by construction and removal of timber from the permanent easement and temporary construction workspace. On private lands, Atlantic and DETI will appraise merchantable timber in accordance with landowner agreements. On the Federal and State/Commonwealth lands crossed by the Projects, hire independent, third-party timber specialists to cruise, mark, and conduct timber cruises according to the specifications of the land management agencies. The timber specialists will evaluate forested properties to determine tree species, composition, and diameter and provide a current market value estimate for merchantable timber on the property. Landowners or land management agencies will be compensated for the loss of merchantable timber. Typically, Atlantic and DETI will purchase and take ownership of the timber, unless another agreement is reached with the landowner or land management agency.

Timber located on NFS lands will be paid for and disposed of through the use of Forest Service Timber Sale Contract forms, as determined by the FS's Timber Sale Contracting Officer. Atlantic will reimburse the FS based on that valuation by executing the proffered FS timber contract and paying for merchantable timber, prior to any cutting taking place on NFS lands.

### Permanent Easement

On private lands, Atlantic and DETI will seek to obtain permanent easements from landowners along the pipeline routes. The easements will grant Atlantic and DETI the right to install, operate, and maintain the pipelines. The landowner will retain ownership of the property



and receive a one-time payment as compensation for the permanent easement. Standard easement conditions will allow Atlantic and DETI to remove trees within the permanent easement because tree root systems could damage the pipeline or its coating and because trees can hinder aerial inspection of the right-of-way.<sup>2</sup> The permanent easement will be maintained in an herbaceous state in accordance with the Plan and Procedures and applicable permit requirements.

### **Temporary Workspace**

The temporary workspace is adjacent to the permanent easement. Timber owners will be compensated for the use of temporary workspace as well as the removal of merchantable timber from these areas. Trees will be allowed to grow in temporary workspace areas following installation of the pipeline.

### **Restoration**

When construction is complete, the permanent easement and the temporary workspace areas will be restored in accordance with the Plan and Procedures, agency requirements, and landowner stipulations. During restoration, Atlantic and DETI will give special attention to current or planned road systems for future timbering activities. Following restoration, the temporary workspace will be allowed to revert to preconstruction uses. The permanent pipeline easement will be maintained in an herbaceous state.

## **6.0 TIMBER CRUISE AND EXTRACTION PLANS**

Timber cruises, where required, will be conducted prior to construction to determine timber volumes, values, and species composition. Atlantic and DETI and their timber specialists will conduct cruises in accordance with industry standards on private lands is required by landowner agreements and in accordance with land management agency specifications on public lands. For NFS lands, Atlantic will prepare Timber Extraction Plans in consultation with the FS after timber cruises are complete. The Timber Extraction Plans for FS lands will identify:

- the timber volume to be cleared;
- tree sizes;
- log grades;
- the dollar value of the timber;
- the logging system(s) to be used for each harvest segment;
- yarding methods and landing locations and decks;
- the locations of landings and decks not previously identified; and
- the roads that will be used to haul logs.

<sup>2</sup> This does not apply to areas crossed by HDD. Tree clearing/vegetation maintenance will not be required within the permanent easement in areas crossed by HDD.

## 7.0 TIME OF YEAR RESTRICTIONS

Based on agency consultations to date, bat-related timing restrictions for tree clearing by State/Commonwealth are as follows:

- West Virginia:
  - Indiana Bats: April 1 to November 15 within identified occupied habitat
  - Northern Long Eared Bats: June 1 – July 31 within 150 feet of occupied maternity roost trees
- Virginia:
  - Indiana Bats: April 1 – November 15 if the site is within 5 miles of known hibernacula
  - Northern Long Eared Bats: June 1 – July 31 within 150 feet of occupied maternity roost trees
- North Carolina:
  - Indiana Bats: April 1 – November 15 within identified occupied habitat
  - Northern Long Eared Bats: June 1 – July 31 within 150 feet of occupied maternity roost trees
- Pennsylvania:
  - Indiana Bats: April 1 – November 15 within identified occupied habitat
  - Northern Long Eared Bats: June 1 – July 31 within 150 feet of occupied maternity roost trees

Tree clearing is prohibited within 0.25 mile of known Northern Long Eared Bat hibernacula unless authorized by the U.S. Fish and Wildlife Service.

Atlantic and DETI planned to complete pre-clearing outside of the agency-advised nesting season for migratory birds (April 1 – August 31 for West Virginia and North Carolina, and March 15 to August 31 for Virginia). While a substantial amount of pre-clearing activities have been completed for the spreads planned for 2018 construction, Atlantic was unable to complete some felling activities outside of the agency-recommended migratory bird restriction periods due to access restrictions, delays in permit receipt, implementation of exclusion areas in FERC's Limited Notice to Proceed with tree felling (e.g., wetland and stream buffers), and condemnation parcels.

Where additional pre-clearing is required to support 2018 pipeline construction within previously inaccessible areas, Atlantic and DETI have requested an extension to the migratory bird restriction window until May 15 to continue clearing in all three states. To minimize impacts that could result from this activity, Atlantic and DETI propose the following conservation measures:

- Nesting bird surveys will be completed directly ahead of each pre-clearing crew by bird monitors hired by Atlantic and DETI as a good-faith effort to minimize the risk of impacts to nesting birds during vegetation clearing;

- Nesting surveys will be completed no more than 14 days in advance of vegetation clearing;
- Where occupied migratory bird nests (eggs or young present within the nest) are documented, the tree or shrub containing the nest plus a 10-foot radius buffer around the nest will not be cut to protect the nest tree, the nest itself, and vegetation in the immediate vicinity of the nest; and
- Where occupied nests are identified and any undisturbed buffers remain, Atlantic and DETI will monitor the nest activity and cut the vegetation once the fledglings have left the nest.

Atlantic and DETI will continue to fell vegetation within the FERC-approved workspace until May 15<sup>th</sup>.

In addition to the monitoring noted above, for tree felling activities occurring between January 1 and March 31, Environmental Inspectors will inspect the construction right-of-way for raptor nests prior to clearing, and will call a qualified biologist to confirm nest activity if a nest is found, since many raptors begin nesting during this period. If any active raptor nests are identified, a 100-foot no-activity buffer will be implemented until the nest is no longer active (FWS, 2017).

## **8.0 TIMBER REMOVAL METHODS**

Atlantic and DETI may employ three timber-clearing methods for the Projects: hand cutting; mechanical harvesting; and high line yarder logging. Helicopter logging is not anticipated, but could be used in steep mountainous areas. All four methods are described below.

### **8.1 Hand Cutting**

Trees may be cut and felled by workers using chainsaws. Trees felled by chain saw will be collected and removed from the rights-of-way as described in Section 8.2 below.

### **8.2 Mechanical Harvesting**

Wherever possible, mechanical harvesting will be employed. “Feller bunchers,” which are mechanized tree harvesters that can cut and gather several trees at once, will be used to cut trees on slopes with up to 50 percent grade. The feller bunchers will pile felled trees, allowing them to be transported (yarded) to larger collection areas (landings) by “skidders” or “forwarders,” which are other specialized machines for moving trees. Skidders drag logs, while forwarders carry logs clear of the ground. Log cranes and logging shovels will load trucks, feed grinders, handle stumps, place environmental mats, build bridges, and aid in the overall safe handling of materials and rigging on the landing and in the woods.

### **8.3 Yarder Logging**

Cable yarding systems remove felled timber with the use of cables and blocks using a tower (the “yarder”) and an anchor line. Yarding systems may drag logs up or down hill, or in the case of skyline systems, lift the logs either partially or entirely above the ground. Skyline

logging will be implemented in some areas because of steep terrain, limited access, and the alignment of the route. Alignment is critical in all cable systems. Where there are slight changes in alignment, skyline yarder logging can be effectively used.

Yarder work using a skyline system could be used in some places on the rights-of-way. This system requires a tailhold, which is the point of anchorage of the skyline. In many cases, a right-of-way alignment does not lend itself to be "in line" for a good tailhold. Loggers typically seek permission to place their tailhold outside the cutting area to create better alignment. Consequently, the tailhold is typically placed off the construction area and on an opposing slope. The tailhold could also be a tree that is rigged off the main cutting area. Atlantic and DETI will seek extra workspace authorization, if necessary, to locate tailholds beyond the construction rights-of-way.

Yarders will be used to assist excavators, skidders, stump grinders, and dozers to remove brush and stumps on the rights-of-way. With long cable capabilities and good rigging, many machines can be aided by a yarder using stump holds, blocks, and "dead men" to safely hold or lower machines on a steep hill.

A yoder is a combination yarder/loader that can accomplish many of the same tasks as a yarding system on a smaller scale. Yoders can fill the gap for log removal in areas where alignment problems pose major inefficiencies for big yarders. These smaller yarding machines can effectively remove logs in tight, steep areas, such as those encountered in parts of the Appalachian Range.

#### **8.4 Helicopter Logging**

Helicopter logging is typically employed in remote areas with rough terrain. Timber is generally felled by hand cutters with chain saws. One advantage of helicopter logging is the ability to safely remove timber on remote slopes where no roads exist. Flying logs to existing roadway systems creates less soil disturbance and requires fewer person-hours on the hills. Logs are flown to the nearest timber landing for truck transport to a mill.

During log transportation, helicopter flight paths typically will be along the pipeline rights-of-way. The helicopter can also provide ambulance service, if needed, as well as help with fire patrol and the delivery of equipment and crew to the field.

### **9.0 PLANNED TIMBER REMOVAL OPERATIONS**

#### **9.1 General Requirements**

The Projects cross diverse landscapes, including forestlands of varied states of growth and maturity. Consequently, it is expected that timber of marketable and unmarketable quality will be cut as clearing is conducted along the pipeline rights-of-way and in other construction areas.

A detailed civil survey will be conducted, before timber removal activities begin, to delineate and flag the limits of approved work areas (i.e., the construction rights-of-way, temporary and additional temporary workspace (ATWS), aboveground facility sites and

associated workspace, staging areas, and contractor yards). The locations of approved access roads will be flagged and marked with signs.

Riparian and wetland areas will be clearly labeled in the field. Other areas/sensitive features will be flagged prior to clearing (e.g., existing snags or large diameter trees on the edge of the construction rights-of-way to be saved or protected for green recruitment or habitat/shade trees). Applicable erosion and sediment control measures will be installed in accordance with the Plan and Procedures to prevent unnecessary disturbance during initial clearing. Additionally, temporary bridges will be installed at waterbody crossings along the rights-of-way in accordance with the Plan and Procedures.

Timber will be felled from construction areas using the method best suited to terrain, permit conditions, and topography. Felled timber that is merchantable will be moved to a loading area for trucking to nearby mills, unless approved by the landowner or land management agency to be left along the edge of the rights-of-way. Non-merchantable timber will be burned, chipped, hauled off-site, or salvaged for use during restoration activities. After it is cut, non-merchantable timber that will be salvaged for restoration will be flagged, quantified, labeled, and placed along the edge of the construction rights-of-way or at the nearest staging area.

Slash, chips, and debris will be managed in accordance with applicable Federal, State/Commonwealth, and local laws and regulations. To the extent consistent with such requirements, slash will be ground up and used as mulch on the rights-of-way, hauled to an approved disposal site, or burned.<sup>3</sup> Stumps will be cut as close to the ground as possible and left in place, except over the trench line or where grading is necessary to create a safe and level work surface. The tops of the stumps will be ground flush to or below grade within the majority of the rights-of-way. All stumps excavated from the trench line that cannot be ground to mulch onsite will be placed along the edge of the construction rights-of-way or in temporary extra workspaces. Stumps will be hauled from the extra workspaces to an approved disposal site, used on the rights-of-way for restoration purposes, burned, or disposed of according to land managing agency or landowner specifications.

The timber removal Contractors will typically use conventional clearing methods where slopes are less than 30 percent using track and rubber-tired equipment. In areas where slopes are greater than 30 percent, a combination of "high line clearing" with yarders and yoders or winching via bulldozers and backhoes will typically be used. Where the rights-of-way do not allow this method to be implemented, logging by helicopter may be used as an alternative.

During construction, Atlantic's and DETI's Environmental Inspectors (EIs)<sup>4</sup> will monitor compliance with the environmental requirements and permit conditions for the Projects. The EIs will be responsible for monitoring compliance with this *Timber Removal Plan*.

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<sup>3</sup> Burning would be done in accordance with all laws and permitting requirements.

<sup>4</sup> The role and responsibilities of an EI are defined in the Federal Energy Regulatory Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan*.

## 9.2 Access Roads and Storage Areas

Approved access roads and ATWS for timber removal activities will be depicted on the ACP and SHP alignment sheets and flagged or otherwise marked in the field.

## 10.0 MITIGATION MEASURES

### 10.1 General Mitigation Measures

Atlantic and DETI will implement several additional measures to reduce or minimize impacts associated with timber removal activities, including the following:

- After timber removal, temporary erosion control devices will be installed, inspected, and maintained in accordance with the Plan and Procedures and/or *Winter Construction Plan* depending on season and soil conditions.
- Debris entering a waterbody as a result of felling and yarding of timber will be removed as soon as practical and will be placed outside the 100-year floodplain where feasible.
- Logs and slash will not be yarded across perennial streams unless fully suspended (i.e., logs will not be dragged across waterbodies). Logs and slash may be hauled by truck over temporary bridges across waterbodies.
- During logging/clearing operations, the direction of log or slash movement will be conducted to minimize sediment delivery to waterbodies.
- Logs firmly embedded in the bed or bank of waterbodies that are in place prior to felling and yarding of timber will not be disturbed unless they prevent fluming, damming, or trenching operations.
- Landings for clearing operations will not be located in wetlands or riparian areas, and, where feasible, logs yarded out of wetlands or riparian areas will be skidded with at least one end suspended from the ground to minimize soil disturbance.
- Timber cleared from the pipeline rights-of-way or other work areas that will be used for in-stream or upland wildlife habitat diversity structures will be stored on the edge of the rights-of-way or in temporary workspace areas for use during restoration.
- Prior to clearing operations, EIs will flag existing snags on the edges of the construction rights-of-way or ATWS, where feasible, to save from clearing. These snags will be saved as mitigation to benefit primary and secondary cavity nesting birds, mammals, reptiles, and amphibians.
- Other large diameter trees on the edge of the construction rights-of-way and ATWS areas will be flagged to save/protect as green recruitment or habitat/shade trees, where feasible.

Where ground skidding is used, the following measures will be implemented to minimize soil disturbance:

- Low ground weight (pressure) vehicles will be used, where feasible.
- The removal of soil duff layers will be avoided to maintain a cushion between the soil, logs, and logging equipment.
- Designed skid trails will be used to restrict detrimental soil disturbance (e.g., compaction and displacement) to a smaller area of the rights-of-way over the pipeline trenching area.

## **10.2 Measures for National Forest System Lands**

On National Forest System lands, additional measures will be implemented in accordance with the COM Plan. If a general mitigation measure described above is more stringent than a COM Plan requirement, the more stringent measure will be applied. The COM Plan has been written to ensure conformance with the respective LRMPs for the MNF and GWNF, except where noted (certain standards and guidelines are under consideration for Project-specific LRMP amendments).

**ATLANTIC COAST PIPELINE, LLC  
ATLANTIC COAST PIPELINE**

**And**

**DOMINION ENERGY TRANSMISSION, INC.  
SUPPLY HEADER PROJECT**

**ATTACHMENT B  
UPDATED MIGRATORY BIRD PLAN**





**ATLANTIC COAST PIPELINE, LLC**  
**ATLANTIC COAST PIPELINE**  
**Docket Nos. CP15-554-000 &**  
**CP15-554-001**

**and**

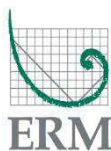


**DOMINION ENERGY**  
**TRANSMISSION, INC.**  
**SUPPLY HEADER PROJECT**  
**Docket No. CP15-555-000**

## **Migratory Bird Plan**

*Updated, Rev. 6*

**Prepared by**



**March 2018**

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**LIST OF ACRONYMS AND ABBREVIATIONS**

ACP	Atlantic Coast Pipeline
Atlantic	Atlantic Coast Pipeline, LLC
AT	Appalachian Trail
ATWS	Additional Temporary Workspace
BCC	Birds of Conservation Concern
BCR	Bird Conservation Region
BGEPA	Bald and Golden Eagle Protection Act
BRP	Blue Ridge Parkway
CCB	Center for Conservation Biology
COM Plan	Construction, Operations, and Maintenance Plan
DTI	Dominion Transmission, Inc.
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FERC	Federal Energy Regulatory Commission
FWS	U.S. Fish and Wildlife Service
GAP	National GAP Analysis Program
GWNF	George Washington National Forest
HDD	Horizontal Directional Drill
HEA	Habitat Equivalency Analysis
IBA	Important Bird Area
IPaC	Information, Planning, and Conservation System
MBTA	Migratory Bird Treaty Act
MOU	Memorandum of Understanding
MNF	Monongahela National Forest
M&R	Metering and Regulating
NBEMG	National Bald Eagle Management Guidelines
NCDENR	North Carolina Department of Environment and Natural Resources
NCWRC	North Carolina Wildlife Resources Commission
NHI	Natural Heritage Inventory
PNDI	Pennsylvania Natural Diversity Inventory Project
Plan	Upland Erosion Control, Revegetation, and Maintenance Plan
Procedures	Wetland and Waterbody Construction and Mitigation Procedures
Projects	Atlantic Coast Pipeline and Supply Header Project
SHP	Supply Header Project
SPCC	Spill Prevention, Control, and Countermeasures
USACE	U.S. Army Corps of Engineers
USFS	U.S. Forest Service
USGS	U.S. Geological Survey
VDCR	Virginia Department of Conservation and Recreation
VDGIF	Virginia Department of Game and Inland Fisheries
WVDNR	West Virginia Division of Natural Resources

## 1.0 INTRODUCTION

Atlantic Coast Pipeline, LLC (Atlantic) is a company formed by four major U.S. energy companies – Dominion Energy, Inc. (Dominion; NYSE: D), Duke Energy Corporation (Duke Energy; NYSE: DUK), Piedmont Natural Gas Co., Inc. (Piedmont; NYSE: PNY), and Southern Company Gas (NYSE: AGL).<sup>1</sup> The company was created to develop, own, and operate the proposed Atlantic Coast Pipeline (ACP), an approximately 600-mile-long, interstate natural gas transmission pipeline system designed to meet growing energy needs in Virginia and North Carolina. Atlantic has contracted with Dominion Energy Transmission, Inc. (DETI), a subsidiary of Dominion, to permit, build, and operate the ACP on behalf of Atlantic.

In addition, DETI proposes to construct and operate approximately 37.5 miles of pipeline loop and modify existing compression facilities in Pennsylvania and West Virginia. This Project referred to as the Supply Header Project (SHP) will enable DETI to provide firm transportation service of up to 1.5 million dekatherms per day (MMDth/d) to various customers, including Atlantic. Atlantic will be a Foundation Shipper in the SHP, and will utilize the SHP capacity to allow its shippers access to natural gas supplies from various DETI receipt points for further delivery to points along the ACP. By providing its customers access to an affordable and stable source of natural gas, the SHP also satisfies the same purpose and need as the ACP by increasing the reliability and security of natural gas supplies in Virginia and North Carolina. In this Migratory Bird Plan, ACP and SHP are collectively referred to as the Project(s).

## 2.0 PURPOSE AND REGULATORY BACKGROUND

Atlantic and DETI prepared this *Migratory Bird Plan* to describe measures they have implemented or will implement to avoid, minimize, and mitigate potential impacts on migratory birds, including bald and golden eagles, consistent with the Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act (BGEPA).

### 2.1 Migratory Bird Treaty Act

The MBTA protects migratory birds and most bird species native to the United States, including bald and golden eagles. Under the MBTA, it is illegal to pursue; hunt; take; capture; kill; attempt to take, capture, or kill; possess; offer for sale; and export, import, or transport birds, their parts (e.g., feathers), and active nests (and the eggs or young within). Unlike the federal Endangered Species Act (ESA), the MBTA does not include harassment or destruction of habitat in its list of prohibitions or within its definition of take.

While the MBTA has no provision for allowing an otherwise unauthorized take of migratory birds, the U.S. Fish and Wildlife Service (FWS) has recognized that some birds may be unintentionally taken even if all reasonable measures to avoid take are implemented. The FWS carries out its mission to protect migratory birds through investigations and enforcement; by fostering relationships with individuals, companies, other agencies, and industries that have

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<sup>1</sup> On August 24, 2015, Southern Company and AGL Resources announced that the boards of directors of both companies approved a definitive merger agreement. Pursuant to the agreement, AGL Resources will become a new wholly owned subsidiary of Southern Company. The companies announced completion of this transaction on July 1, 2016.

taken effective steps to minimize their impacts on migratory birds; and by encouraging others to enact such programs.

Executive Order 13186 (January 2001) was established to increase interagency coordination and ensure that the environmental impacts of federal agency actions are properly evaluated for impacts on migratory birds, with emphasis on species of concern, priority habitats, and key risk factors. The MBTA prohibition most germane to pipeline construction, operation, and maintenance is the killing of an individual bird or egg through destruction of an active nest. Consistent with Executive Order 13186, the FWS has entered into Memoranda of Understanding (MOUs) with the Federal Energy Regulatory Commission (FERC), the U.S. Forest Service (USFS), and the National Park Service that include commitments to avoid or minimize impacts on migratory birds and promote conservation. This *Migratory Bird Plan* is consistent with the MOUs and reflects the commitments made by Atlantic and DETI to implement appropriate steps to avoid and minimize the potential for unintentional take of migratory birds during construction and operation of the proposed Projects.

## **2.2 Bald and Golden Eagle Protection Act**

Beyond the MBTA, the BGEPA provides additional protection to bald and golden eagles. The BGEPA prohibits the take, possession, sale, purchase, barter, offer to sell, purchase, or barter, transport, export or import, of a bald or golden eagle, alive or dead, including a part, nest, or egg, unless allowed by permit. “Take” under this act is defined as “to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, or molest or disturb.” “Disturb” is defined as “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.” If a proposed project or action occurs in an area where nesting, feeding, or roosting eagles occur, the proponent often needs to implement special conservation measures to comply with the BGEPA. FWS guidance on complying with the BGEPA for bald eagles is found in the *National Bald Eagle Management Guidelines* (FWS, 2007). The FWS does not currently have similar guidance for the golden eagle.

## **3.0 MIGRATORY BIRDS POTENTIALLY UTILIZING THE PROJECT AREAS**

### **3.1 Species**

A variety of migratory bird species could be present seasonally along the proposed pipeline route. The Projects will be located in the Atlantic Flyway, which is a major migratory route for birds during both Spring and Fall. A variety of migratory bird species, including both songbirds and raptors, use vegetation communities like those identified along the proposed pipeline route as part of their migratory route. Productive riparian, wetland, and coastal habitats are typically important for migratory birds in the Atlantic Flyway. Bird species that are predominantly associated with migratory patterns in the ACP and SHP Project areas include wood thrush, canvasback, American black duck, mallard, ruby-throated hummingbird, white-eyed vireo, summer tanager, hooded warbler, broad-winged hawk, common tern, black-throated blue warbler, and cerulean warbler (National Audubon Society, 2014; Ducks Unlimited, 2014).

Within Virginia and West Virginia there are birds that inhabit high elevation habitats, such as the magnolia warbler and golden-crowned kinglet (Virginia Department of Conservation and Recreation (VDCR), 2015; Pocahontas County, West Virginia Bird List). In addition to migrating through the Project areas, many species nest in the variety of habitats found along the Project routes. In addition to migratory and nesting habitats, the project area also provides important wintering habitat for bird species, such as golden eagles, evening grosbeaks, and common redpolls (MNF, undated).

Although the MBTA provides protection for all migratory birds and their nests, it is standard practice as noted in Executive Order 13186 and the MOU between the FERC and FWS to use the Birds of Conservation Concern (BCC) list when evaluating the potential impact of a project on migratory birds. This list identifies “species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing” under the ESA (FWS, 2008).

The United States is divided into Bird Conservation Regions (BCR), each of which has a list of birds present or possibly present within the region that are considered BCC (North American Bird Conservation Initiative, 2013). The ACP crosses BCR 28 - Appalachian Mountains, BCR 29 - Piedmont, and BCR 27 - Southern Coastal Plain; the SHP crosses BCR 28 (see Figure 3.1-1). The BCC birds potentially found in the ACP and SHP Project areas based on these BCRs (as identified through a FWS Information, Planning, and Conservation System (IPaC) review) are listed in Attachment A.

### **3.1.1 Nests**

Atlantic and DETI conducted a desktop review for raptor nests per the Virginia FWS Field Office Project Review Guidance, steps 6a and 6b (FWS, 2014a) as well as surveys for certain migratory bird species. Atlantic and DETI reviewed the Center for Conservation Biology’s (CCB) Virginia Mapping Portal for known eagle and osprey nests (CCB, 2015). In addition, Atlantic and DETI also reviewed the North Carolina and West Virginia Natural Heritage Inventory (NHI) data for known rookeries in the Project area. Aerial surveys for raptor stick nests conducted in 2015 and 2016, and incidental observations during pedestrian surveys for other resources, also identified a number of raptor stick nests and rookeries in the ACP Project area. Those nests are shown in the maps in Attachment B, and detailed in Table 3.1.1-1. No raptor stick nests or rookeries were identified in the SHP Project area during aerial surveys or in the Pennsylvania and West Virginia Natural Heritage Program review. Surveys for passerine migratory birds (aside from loggerhead shrike and golden winged-warbler, see Section 3.1.1) were not conducted due to the temporary nature of these nest sites; unlike raptors which use stick nests, passerines typically do not reliably return to the exact same location to nest year after year.

### **3.1.2 Rookeries**

Atlantic and DETI also reviewed the NHI databases of the North Carolina Wildlife Resources Commission (NCWRC), Pennsylvania Department of Conservation and Natural Resources, and West Virginia Division of Natural Resources and the CCB Virginia Mapping Portal for colonial waterbird rookeries (hereafter referred to as rookeries) in the Project area. Atlantic and DETI conducted aerial surveys for rookeries in 2015 and 2016 along the ACP and

SHP Project routes. Rookeries identified by survey or from NHI and CCB data are shown in the maps in Attachment B, and detailed in Table 3.1.1-1.



## Migratory Bird Plan

TABLE 3.1.1-1								
Migratory Bird Nests in the ACP Project Area <sup>a</sup>								
Segment, Near Milepost	Construction Spread <sup>b</sup>	Construction Felling Time Period	Construction Activities Time Period for Spread	Species <sup>c</sup>	Unique ID	Distance from Nearest Project Workspace or Access Road (feet)	Workspace or Access Road Within Recommended Buffer	Conservation Measures
AP-1								
3.7	1-1	January 2018	April 2018- 4Q 2018	Unknown raptor stick nest	STICK-UNO-02	1,370	No	NA
10.3	1-1	January 2018	April 2018- 4Q 2018	Rookery	ROOK-01	740	Workspace, Access Road	The rookery is on the other side of an approximately 100 foot tall, heavily vegetated ridge. The rookery is about 0.2 mile from the workspace, so noise may travel to the rookery, however, there are other human related noises including roads and houses surrounding the rookery. Construction activities are not likely visible from the rookery. Atlantic and DETI will minimize the number of personnel and vehicle traffic within the buffer to that required to construct this portion of the pipeline safely and as quickly as possible within the recommended buffer. Once construction is complete, vehicle travel will be restricted in the buffer during the recommended no activity window (no activity from Apr. 1 through Aug. 15, when rookery is actively used); signs will be placed on the right-of-way to indicate that vehicles cannot use the right-of-way as a travel corridor if the rookery is actively being used. The WV DNR agreed with these measures, and will be notified before construction begins within the buffer.
10.5	1-1	January 2018	April 2018- 4Q 2018	Red-tailed hawk	RTHA-ACT-01	2,470	No	NA
12.4	1-1	January 2018	April 2018- 4Q 2018	Unknown raptor stick nest	STICK-UNO-04	270	No	Pedestrian surveys conducted in December 2016 did not identify a nest in this area; no restrictions due to distance to nest.
13.1	1-1	January 2018	April 2018- 4Q 2018	Unknown raptor stick nest	STICK-UNO-01	1,620	No	NA
13.3	1-1	January 2018	April 2018- 4Q 2018	Unknown raptor stick nest	STICK-UNO-03	420	No	NA
21.8	1-2	September 2018	April 2019- 4Q 2019	Unknown raptor stick nest	STICK-UNO-05	1,300	No	NA
22.5	1-2	September 2018	April 2019- 4Q 2019	Unknown raptor stick nest	STICK-UNO-06	260	No	NA
23.3	1-2	September 2018	April 2019- 4Q 2019	Unknown raptor stick nest	STICK-UNO-09	2,600	No	NA
24.4	1-2	September 2018	April 2019- 4Q 2019	Unknown raptor stick nest	STICK-UNO-07	2,220	No	NA
25.9	1-2	September 2018	April 2019- 4Q 2019	Red-tailed hawk	RTHA-ACT-03	3,120	No	NA
26.7	1-2	September 2018	April 2019- 4Q 2019	Red-tailed hawk	RTHA-ACT-04	2,310	No	NA

## Migratory Bird Plan

TABLE 3.1.1-1								
Migratory Bird Nests in the ACP Project Area <sup>a</sup>								
Segment, Near Milepost	Construction Spread <sup>b</sup>	Construction Felling Time Period	Construction Activities Time Period for Spread	Species <sup>c</sup>	Unique ID	Distance from Nearest Project Workspace or Access Road (feet)	Workspace or Access Road Within Recommended Buffer	Conservation Measures
27.7	1-2	September 2018	April 2019-4Q 2019	Red-tailed hawk	RTHA-ACT-02	90	Access Road	The Project access road is a road to an industrial site; since project activities on this road are not likely to vary from existing activities, suggest no activity restriction on this road.
28.7	1-2	September 2018	April 2019-4Q 2019	Unknown raptor stick nest	STICK-UNO-08	2,640	No	NA
65.3	2A	January 2018	April 2018-4Q 2018	Unknown raptor stick nest	STICK-UNK-02	520	No	NA
68.4	2A	January 2018	April 2018-4Q 2018	Unknown raptor stick nest	STICK-UNO-22	1,500	No	NA
83.3	3A	January 2018	April 2018-4Q 2018	Unknown raptor stick nest	STICK-UNO-18	3,910	No	NA; on MNF lands
83.5	3A	January 2018	April 2018-4Q 2018	Unknown raptor stick nest	STICK-UNO-17	4,060	No	NA; on MNF lands
83.6	3A	January 2018	April 2018-4Q 2018	Unknown raptor stick nest	STICK-UNO-16	4,420	No	NA; on MNF lands
87.8	3A	January 2018	April 2018-4Q 2018	Unknown raptor stick nest	STICK-UNO-14	900	No	NA
91.7	4	September 2018	April 2019-4Q 2019	Red-tailed hawk	RTHA-ACT-05	520	No	NA
92.7	4	September 2018	April 2019-4Q 2019	Bald eagle	BAEA-ACT-04	3,740	No	NA
94.5	4	September 2018	April 2019-4Q 2019	Unknown raptor stick nest	STICK-UNO-15	0	Access Road	Nest is at the edge of an existing road/trail proposed for use as a project access road. Tree with nest will be removed before it becomes active (approximately February through August). A qualified biologist will confirm the nest is inactive before the tree is removed.
124.0	4A	January 2018	April 2018-4Q 2018	Red-tailed hawk	RTHA-ACT-07	890	No	NA
126.7	5	September 2018	February 2019-4Q 2019	Unknown raptor stick nest	STICK-UNO-19	3,000	No	NA
131.2	5	September 2018	February 2019-4Q 2019	Red-tailed hawk	RTHA-ACT-08	95	Workspace	Nest is approximately 95 feet from project workspace. Workspace within no-activity buffer will be fenced off if construction activities are occurring if nest is active (approximately February through August).
140.2	5	September 2018	February 2019-4Q 2019	Unknown raptor stick nest	STICK-UKN-01	2,420	No	NA
147.8	5	September 2018	February 2019-4Q 2019	Bald eagle	BAEA-ACT-05	1,790	Workspace (trench blasting)	Blasting activities may occur within 0.5 mile of nest. Atlantic and DETI have received an eagle disturbance permit.
150.0	5	September 2018	February 2019-4Q 2019	Red-tailed hawk	RTHA-ACT-06	3,310	No	NA

## Migratory Bird Plan

TABLE 3.1.1-1								
Migratory Bird Nests in the ACP Project Area <sup>a</sup>								
Segment, Near Milepost	Construction Spread <sup>b</sup>	Construction Felling Time Period	Construction Activities Time Period for Spread	Species <sup>c</sup>	Unique ID	Distance from Nearest Project Workspace or Access Road (feet)	Workspace or Access Road Within Recommended Buffer	Conservation Measures
155.0	5	September 2018	February 2019-4Q 2019	Unknown raptor stick nest	STICK-UNK-03	250	No	NA. On GWNF land.
160.4	5	September 2018	February 2019-4Q 2019	Unknown raptor stick nest	STICK-UNO-20	2,730	No	NA
168.9	5	September 2018	February 2019-4Q 2019	Unknown raptor stick nest	HNEA002	0	Workspace	Nest is within temporary construction workspace, approximately 70 feet from the project centerline. Tree with nest will be removed during tree clearing for the project before it becomes active (approximately February through August). A qualified biologist will confirm the nest is inactive before the tree is removed.
200.3	6	January 2018	February 2018-4Q 2018	Unknown raptor stick nest	STICK-UNO-10	1,440	No	NA
203.5	6	January 2018	February 2018-4Q 2018	Unknown raptor stick nest	STICK-UNO-11	3,800	No	NA
218.4	6	January 2018	February 2018-4Q 2018	Great horned owl	GHOW-ACT-01	60	Workspace, Access Road	The nest is approximately 60 feet from the edge of the project workspace. The nest is in a limb of a tree about 15 feet aboveground. The nest will be removed during tree clearing for the project before it becomes active (approximately December through August). A qualified biologist will confirm the nest is inactive before the tree is removed.
223.3	6	January 2018	February 2018-4Q 2018	Unknown raptor stick nest	STICK-UNO-12a	720	No	NA
244.1	7	September 2018	February 2019-4Q 2019	Bald eagle	BAEA-ACT-01	370	Workspace	Atlantic and DETI have received an eagle permit for potential disturbance of nest. Also, blasting activities may occur within 0.5 mile of nest.
266.7	7	September 2018	February 2019-4Q 2019	Unknown raptor stick nest	STICK-UNO-12	630	No	NA
278.0	7	September 2018	February 2019-4Q 2019	Bald eagle	BAEA-ACT-02	3,370	No	NA
AP-2 10.5	8	January 2018	February 2018-4Q 2018	Bald eagle	NA	1,570	No	NA
10.9	8	January 2018	February 2018-4Q 2018	Bald eagle	NA	3,925	No	NA
14.0	8	January 2018	February 2018-4Q 2018	Bald eagle	BE-1	9,130	No	NA

## Migratory Bird Plan

TABLE 3.1.1-1

### Migratory Bird Nests in the ACP Project Area <sup>a</sup>

Segment, Near Milepost	Construction Spread <sup>b</sup>	Construction Felling Time Period	Construction Activities Time Period for Spread	Species <sup>c</sup>	Unique ID	Distance from Nearest Project Workspace or Access Road (feet)	Workspace or Access Road Within Recommended Buffer	Conservation Measures
31.8	8	January 2018	February 2018-4Q 2018	Rookery	WBC 01	470	Workspace	The vegetation buffer overlaps the workspace; however it overlaps in an agricultural field. The workspace does not impact the vegetation the rookery is located in; no need to reduce workspace footprint. Time of year restriction buffer will not be necessary north of highway 481 due to existing highway corridor; recommend allowing construction activities in agricultural area at southern end of restriction buffer (north of project milepost 31.45 and south of project milepost 32.15 construction activities would be allowed). Construction will begin within the buffer prior to birds returning to the rookery (assumed February); if the birds return while construction activities are occurring, they are not expected to be disturbed by those construction activities continuing. If construction activities do not begin prior to birds returning to the rookery, the time of year restriction will be adhered to between the highway and agricultural fields to the south (between project mileposts 31.45 and 32.15). NC WRC approved of these conservation measures.
48.0	8	January 2018	February 2018-4Q 2018	Rookery	WBC 02	860	Workspace	The vegetation buffer does not overlap the workspace; no change to workspace needed. Time of year restriction buffer would not be necessary south of Reges Store Road (project milepost 48.38), due to existing traffic and housing developments in the area. Construction will begin within the buffer prior to birds returning to the rookery (assumed February); if the birds return while construction activities are occurring, they are not expected to be disturbed by those construction activities continuing. If construction activities do not begin prior to birds returning to the rookery, the time of year restriction will be adhered to north of Reges Store to the northern boundary of the buffer near project milepost 47.5. NC WRC approved of these conservation measures.
52.7	8	January 2018	February 2018-4Q 2018	Rookery	WBC 03	4,880	No	NA

## Migratory Bird Plan

TABLE 3.1.1-1

### Migratory Bird Nests in the ACP Project Area <sup>a</sup>

Segment, Near Milepost	Construction Spread <sup>b</sup>	Construction Felling Time Period	Construction Activities Time Period for Spread	Species <sup>c</sup>	Unique ID	Distance from Nearest Project Workspace or Access Road (feet)	Workspace or Access Road Within Recommended Buffer	Conservation Measures
55.8	8	January 2018	February 2018-4Q 2018	Rookery	WBC 04	1,270	Workspace, Access Road	The vegetation buffer does not overlap the workspace; no change to workspace needed. Due to existing human disturbance and agricultural areas, time of year restrictions are not necessary between project mileposts 55.35 and 55.70. Construction will begin within the buffer prior to birds returning to the rookery (assumed February); if the birds return while construction activities are occurring, they are not expected to be disturbed by those construction activities continuing. If construction activities do not begin prior to birds returning to the rookery, the time of year restriction will be adhered to between project mileposts 55.70 and 56.20. NC WRC approved of these conservation measures.
62.6	9	September 2018	February 2019-4Q 2019	Rookery	WBC 05	2,050	Workspace	Due to the distance of the rookery to the right-of-way (0.4) mile, thick vegetation between the rookery and right-of-way, and agricultural area in the workspace where the time of year restriction would apply, the time of year restriction is not necessary to protect the rookery from disturbance. NC WRC approved this conservation measure.
66.9	9	September 2018	February 2019-4Q 2019	Rookery	WBC 06	2,960	No	NA
70.5	9	September 2018	February 2019-4Q 2019	Rookery	WBC 07	2,060	Workspace	Public road and houses are between the right-of-way and rookery, within 0.5 mile restriction area. Due to other human activities between right-of-way and rookery, no restrictions will be implemented. NC WRC approved this measure.
73.2	9	September 2018	February 2019-4Q 2019	Bald eagle	BE 3	1,480	No	NA
74.2	9	September 2018	February 2019-4Q 2019	Rookery	WBC 08	2,610	Access Road	Edge of restriction buffer reaches project access road; road is an existing public road. No restrictions due to current activity on road. NC WRC approved of this measure.

## Migratory Bird Plan

TABLE 3.1.1-1

### Migratory Bird Nests in the ACP Project Area <sup>a</sup>

Segment, Near Milepost	Construction Spread <sup>b</sup>	Construction Felling Time Period	Construction Activities Time Period for Spread	Species <sup>c</sup>	Unique ID	Distance from Nearest Project Workspace or Access Road (feet)	Workspace or Access Road Within Recommended Buffer	Conservation Measures
106.6	9	September 2018	February 2019-4Q 2019	Rookery	WBC 09	300	Workspace, Access Road	Workspace falls within 500-foot vegetation clearing restriction. Portion of vegetation clearing restriction area is in area previously cleared; therefore vegetation clearing restriction would not apply in this area. There would be impacts to a portion of the vegetation within 500 feet of the rookery. The current route avoids inundated wetlands to the east and west which would cause a constructability issue if the route were shifted outside of the buffer. In addition, if the route were shifted, there would be more impacts on wetland resources. The time of year restriction (no activity from Feb. 15 through July 31, when rookery is actively used) will be adhered to for mainline construction. Access road improvements (including widening of the road and adding gravel) may occur during the recommended time of year restriction; however the road is an existing road in a mostly agricultural landscape approximately 0.32 mile (1,600 feet) from the rookery. NC WRC approved of these measures.
110.2	9	September 2018	February 2019-4Q 2019	Rookery	WBC 10	3,550	No	NA
117.2	9	September 2018	February 2019-4Q 2019	Rookery	WBC 11	2,540	Workspace	Workspace falls at edge of 0.5 mile buffer; significant vegetation lies between workspace and rookery. No restrictions due to distance from rookery. NC WRC approved of this measure.
122.2	9	September 2018	February 2019-4Q 2019	Bald eagle	BE 4	1,740	No	NA
123.5	9	September 2018	February 2019-4Q 2019	Rookery	WBC 12	1,040	Workspace	Vegetation buffer does not overlap workspace; no change to workspace needed. Construction will begin within the buffer prior to birds returning to the rookery (assumed February); if the birds return while construction activities are occurring, they are not expected to be disturbed by those construction activities continuing. If construction activities do not begin prior to birds returning to the rookery, the time of year restriction will be adhered to. NC WRC approved of these conservation measures.

## Migratory Bird Plan

TABLE 3.1.1-1								
Migratory Bird Nests in the ACP Project Area <sup>a</sup>								
Segment, Near Milepost	Construction Spread <sup>b</sup>	Construction Felling Time Period	Construction Activities Time Period for Spread	Species <sup>c</sup>	Unique ID	Distance from Nearest Project Workspace or Access Road (feet)	Workspace or Access Road Within Recommended Buffer	Conservation Measures
124.5	9	September 2018	February 2019-4Q 2019	Rookery	WBC 15	2,340	Workspace	Highway 95 is between right-of-way and rookery, within 0.5 mile restriction area. Due to other human activities between right-of-way and rookery, no restrictions on activities will be implemented. NC WRC approved of this measure.
144.0	10	January 2018	February 2018-4Q 2018	Rookery	WBC 13	8,510	No	NA
167.4	10	January 2018	February 2018-4Q 2018	Rookery	WBC 14	6,460	No	NA
AP-3 12.8	11	September 2018	February 2019-4Q 2019	Rookery	NHI Rookery	860	Workspace	Public road is between right-of-way and rookery, within 0.5 mile restriction area. The rookery was not identified as active during 2016 surveys; therefore, may no longer be actively used. Pedestrian surveys were conducted on May 9, 2017, and no evidence of a rookery or bird use was found in the indicated area. No time of year restrictions will be implemented in this location. VDGIF approved of this measure.
13.1	11	September 2018	February 2019-4Q 2019	Rookery	CCB Rookery	1,050	Workspace	Railroad is between right-of-way and rookery, within 0.5 mile restriction area. Due to other human activities between right-of-way and rookery, no restrictions on activities are recommended. The rookery was not identified as active during 2016 surveys; therefore, may no longer be actively used. Pedestrian surveys were conducted on May 9, 2017, and no evidence of a rookery or bird use was found in the indicated area. No time of year restrictions will be implemented in this location. VDGIF approved of this measure.
24.8	11	September 2018	February 2019-4Q 2019	Bald eagle	BAEA-ACT-03	6,180	No	NA
32.1	11A	January 2018	February 2018-4Q 2018	Rookery	CCB Rookery	3,030	No	NA, The rookery was not identified as active during 2016 surveys, therefore, may no longer be actively used.

## Migratory Bird Plan

TABLE 3.1.1-1								
Migratory Bird Nests in the ACP Project Area <sup>a</sup>								
Segment, Near Milepost	Construction Spread <sup>b</sup>	Construction Felling Time Period	Construction Activities Time Period for Spread	Species <sup>c</sup>	Unique ID	Distance from Nearest Project Workspace or Access Road (feet)	Workspace or Access Road Within Recommended Buffer	Conservation Measures
38.5	11A	January 2018	February 2018-4Q 2018	Rookery	CCB Rookery	100	Workspace, Access Road	<p>Rookery was not identified as active during 2016 surveys. Pedestrian surveys were conducted on May 9, 2017, and bird activity was identified at this rookery: there were 17 occupied great blue heron nests within 10 trees. The rookery is located on the Blackwater River which is planned as an HDD crossing. Workspace at both ends of the drill and an access road to the drill workspace falls within the recommended 0.5 mile no activity buffer (approximately February 15 through June 15). The rookery is approximately 0.2 miles from the workspace on either side of the river. The workspace is unable to be reduced in size or shifted outside of the buffer due to the drill design and requirements. In order to maintain schedule and in-service date for the project, due to the length of time for the HDD and a contingency built in for delays, the active rookery period is not able to be avoided. In order to minimize impacts on the rookery, Atlantic will implement the following conservation measures:</p> <ul style="list-style-type: none"> <li>• Signs will be placed at the edge of the workspace to eliminate risk of vehicle or personnel travel beyond the workspace and closer to the rookery;</li> <li>• Use mufflers on drill equipment to reduce noise levels; and</li> <li>• Lights used at night will be downshielded and directed away from the rookery.</li> </ul> <p>VDGIF approved of this measure.</p>
45.4	11	September 2018	February 2019-4Q 2019	Unknown raptor stick nest	STICK-UNK-04	3,270	No	NA
46.5	11	September 2018	February 2019-4Q 2019	Unknown raptor stick nest	STICK-UNK-05	2,900	No	NA
48.6	11	September 2018	February 2019-4Q 2019	Unknown raptor stick nest	STICK-UNK-06	3,620	No	NA
64.1	11B	January 2018	February 2018-4Q 2018	Osprey	CCB Osprey Nest	1,830	No	NA
64.3	11B	January 2018	February 2018-4Q 2018	Bald eagle	BAEA-UNO-01	4,730	No	NA



## Migratory Bird Plan

TABLE 3.1.1-1 Migratory Bird Nests in the ACP Project Area <sup>a</sup>								
Segment, Near Milepost	Construction Spread <sup>b</sup>	Construction Felling Time Period	Construction Activities Time Period for Spread	Species <sup>c</sup>	Unique ID	Distance from Nearest Project Workspace or Access Road (feet)	Workspace or Access Road Within Recommended Buffer	Conservation Measures
64.4	11B	January 2018	February 2018-4Q 2018	Osprey	CCB Osprey Nest	1,430	No	NA
64.6	11B	January 2018	February 2018-4Q 2018	Rookery	ROOK-ACT-02	1,950	Workspace	Portion of HDD workspace and access road on east side of Nansemond River falls within recommended buffer. Due to distance of rookery to workspace edge (0.45 mile), time of year restriction will not be implemented. Drilling is necessary to avoid impacts on other biological resources potentially found in the Nansemond River, and the workspace is unable to be reduced in size or shifted outside of the buffer due to the drill design and requirements. Virginia Department of Game and Inland Fisheries agreed with the current project footprint and activities near the rookery.
64.7	11B	January 2018	February 2018-4Q 2018	Bald eagle	BAEA-ACT-08	3,520	No	NA
68.3	11	September 2018	February 2019-4Q 2019	Unknown raptor stick nest	STICK-UNK-07	320	No	NA
69.2	11	September 2018	February 2019-4Q 2019	Bald eagle roost	CCB Bald Eagle Roost	5,048	No	NA
76.5	11	September 2018	February 2019-4Q 2019	Bald eagle	BAEA-ACT-06 (BAEA-ACT-06A)	420 320	Workspace	Atlantic and DETI have received an eagle permit for potential disturbance of nest. During pedestrian surveys in December 2016, no evidence of an eagle nest was found. During surveys on March 23, 2017 a bald eagle pair was seen on a nest approximately 540 feet southeast of the original nest location. The nest is now approximately 320 feet from the project workspace.
80.4	11C	January 2018	February 2018-4Q 2018	Osprey	CCB Osprey Nest	2,440	No	NA
80.7	11C	January 2018	February 2018-4Q 2018	Bald eagle	BAEA-ACT-07	5,370	No	NA
81.5	11C	January 2018	February 2018-4Q 2018	Osprey	CCB Osprey Nest	1,110	No	NA
82.6	11	September 2018	February 2019-4Q 2019	Osprey	CCB Osprey Nest	50	Workspace	Nest is in artificial structure in parking lot of industrial site. No restrictions recommended.
<sup>a</sup> Data from 2015 and 2016 surveys for the Projects, State agency NHI data, and Virginia CCB database. <sup>b</sup> Construction schedule by spread is provided in table 7.2.1-2. <sup>c</sup> Unknown stick nests do not have potential to be bald eagle nests, as confirmed by avian biologists while in the field based on nest characteristics.								



### **3.1.3 Bald and Golden Eagles**

Bald and golden eagles are protected under the BGEPA. Bald eagles could occur in both the ACP and SHP Project areas. Bald eagles are known to occur year round in areas with suitable habitat along the ACP and SHP Project areas; bald eagles nest in late winter into the summer and roost in the winter. Golden eagles are not known to nest in Virginia, West Virginia, North Carolina, or Pennsylvania; however, they migrate along Appalachian Mountain ridgelines in Spring and Fall in Virginia and West Virginia and are known to use Winter habitat on Appalachian Mountain ridges and valleys (West Virginia Division of Natural Resources (WVDNR), 2014; Virginia Department of Game and Inland Fisheries (VDGIF), 2014a; Katzner et al, 2012). Golden eagles are rare migrants and winter visitors in North Carolina (Carolina Bird Club, undated).

Atlantic and DETI consulted with the West Virginia Field Office of the FWS, WVDNR, Virginia Field Office of the FWS, VDGIF, North Carolina Field Office of the FWS, North Carolina Department of Environment and Natural Resources (NCDENR), NCWRC, and the Pennsylvania Department of Conservation and Natural Resources to obtain location information on known bald eagle nests in the vicinity of the Projects.

In Virginia, Atlantic and DETI followed the project review process and guidelines outlined in the “Management of Bald Eagle Nests, Concentration Areas, and Communal Roosts in Virginia: A Guide for Landowners,” issued by the VDGIF in 2012; and the Virginia Field Office of the FWS “Endangered Species: Project Reviews in Virginia Step 6a – Eagle Nests” (FWS, 2014a). This process involves reviewing online nest data to determine if known active or historic nests are located in the vicinity of a project. Atlantic and DETI reviewed data from the Virginia NHI and the CCB Virginia Eagle Nest Locator (CCB, 2015; VDGIF, 2014b).

Atlantic and DETI also reviewed data from the North Carolina NHI for bald eagle nest information.

DETI used the Pennsylvania Natural Diversity Inventory Project (PNDI) Environmental Review online system to review locational data for species, including eagle nests. Based on the receipt from the PNDI, no bald eagle nests are known to occur in the vicinity of the proposed SHP facilities in Pennsylvania.

Atlantic and DETI conducted aerial surveys for bald eagle nests and golden eagle winter roosting locations in 2015 and 2016. Nest locations are shown in the maps in Attachment B, and detailed in Table 3.1.1-1. Seven observations of golden eagles were made in Randolph County, West Virginia and Highland and Bath Counties, Virginia during surveys in 2016.

### **3.1.4 Other Avian Species**

Atlantic and DETI have also conducted surveys for a number of other state or USFS listed avian species. Details and results of those surveys are included in Table 3.1.4-1. Regional Forester’s Sensitive Species (RFSS) birds are addressed in the Biological Evaluation developed for the Project.

TABLE 3.1.4-1			
Avian Surveys Conducted for the ACP and SHP Projects			
Species	Listing Status <sup>a</sup>	Location of Surveys	Results of Survey
Golden-winged Warbler	MNF RFSS, WV SGCN	West Virginia: MNF, Seneca State Forest, Kumbrow State Forest	Two singing males observed during survey in Pocahontas County on adjacent private lands.
Northern Goshawk	MNF RFSS, WV SGCN	West Virginia: MNF, Seneca State Forest, Kumbrow State Forest	No northern goshawks observed during survey.
Northern Saw-whet Owl	GWNF LR	GWNF	No northern saw-whet owls observed during survey.
Loggerhead Shrike	VA State Threatened, GWNF OAR	Augusta County, VA	No loggerhead shrikes or sign observed during survey. Plant survey crew observed one loggerhead shrike approximately 0.75 mile from the GWNF.
Red-cockaded woodpecker	Federally endangered	City of Suffolk, VA; Johnston, Robeson, and Wilson Counties, NC	No active cavities or observances of red-cockaded woodpecker during surveys.
<sup>a</sup> MNF – Monongahela National Forest GWNF – George Washington National Forest RFSS – Regional Forester’s Sensitive Species LR – Locally Rare OAR – Occurrence Analysis Results species SGCN – Species of Greatest Conservation Need			

### 3.2 Habitat

The ACP Project area crosses cultivated cropland, pasture land, tree plantation/harvested forest, upland forest/woodland, developed land, open land, and wetlands. The SHP Project area crosses cultivated cropland, pasture land, tree plantation/harvested forest, upland forest/woodland, and wetlands. The predominant vegetation community crossed by the Projects is mixed forest, including coniferous forests, deciduous forests, mixed forests, deciduous savanna and glades, and floodplain and riparian forests. These communities are used by migratory birds for nesting, foraging, and migrating.

Important Bird Areas (IBAs) are sites identified by the National Audubon Society that provide essential habitat for one or more species of birds (see Figure 3.1-1). These areas can support breeding, wintering, or migrating birds; can be publicly or privately owned; and may or may not be protected (National Audubon Society, 2014). As shown in Table 3.2-1, the proposed ACP facilities cross nine Important Bird Areas in West Virginia, Virginia and North Carolina and the proposed SHP facilities cross one Important Bird Area in West Virginia.

## Migratory Bird Plan

TABLE 3.2-1			
Important Bird Areas Occurring in the Vicinity of the Atlantic Coast Pipeline and Supply Header Projects			
Important Bird Area	Project Component	Milepost	Description of Habitats
<b>WEST VIRGINIA</b>			
Southern Allegheny Plateau Forest Block Complex	ACP AP-1	MP 0.0 to 3.9	Identified through the forest block analysis conducted by the Eastern Forest Project of the National Audubon Society in 2013. Eastern forests in Atlantic flyway.
Lewis Wetzel Wildlife Management Area	SHP TL-635	MP 23.5 to 29.4	Dry deciduous and moist deciduous forest. These “cove forests” tend to have high species richness.
Allegheny Mountains Forest Block Complex	ACP AP-1	MP 60.0 to 84.0	Identified through the forest block analysis conducted by the Eastern Forest Project of the National Audubon Society in 2013. Eastern forests in Atlantic flyway.
<b>VIRGINIA</b>			
Allegheny Highlands	ACP AP-1	MP 84.0 to 97.2	Successional habitat, pasturelands, grassy fields, shrubby edges, mixed hardwood forests. The area is an important migratory pathway for Neotropical migrants.
Upper Blue Ridge Mountains	ACP AP-1	MP 152.1 to 161.8	Rocky outcrops, dry ridges, cove forests, diverse forest communities, and mature deciduous forests. The area is a significant Fall raptor flyway and stopover habitat for migrating passerines.
Central Piedmont	ACP AP-1	MP 164.0 to 209.4	Early to mid-successional grasslands and scrub/shrub habitats, hardwood, mixed, and pine forests, and fallow fields.
Virginia Piedmont Forest Block Complex	ACP AP-1	211.1 to 212.5 217.7 to 217.9 220 to 220.5 220.6 to 223.5 233.6 234.6 to 235.3 237 to 237.7 238 to 241.8 248.4 to 248.9 250.2 to 251 251.7 to 253.5 258.2 to 259 259.6 to 266.3 239 to 269.7 270.4 to 276.6 289 to 289.1	Identified through the forest block analysis conducted by the Eastern Forest Project of the National Audubon Society in 2013. Eastern forests in Atlantic flyway.
Great Dismal Swamp	ACP AP-3	MP 66.3 to 76.1	Forested wetlands, cypress-tupelo habitat, and Atlantic white-cedar forest. The area is a significant stopover habitat for migrating passerines in the Spring and Fall.
<b>NORTH CAROLINA</b>			
Roanoke River Bottomlands	ACP AP-2	MP 9.2 to 10.2 and MP 11.1 to 11.9	Bottomland hardwood forest, and bald cypress and water tupelo habitats. The area supports several colonies of wading birds and breeding ducks. Neotropical migrants are known to breed in the Important Bird Area.
Upper Neuse River Bottomlands	ACP AP-2	MP 97.1 to 101.5	Bottomland hardwood forest, cypress-tupelo-gum swamp forest, pine forest, mixed hardwood forest, and grassland.
Source: National Audubon Society, 2014.			

## **4.0 POTENTIAL IMPACTS ON MIGRATORY BIRDS**

### **4.1 Nesting Migratory Birds and Rookeries**

Potential impacts on nesting migratory bird species include direct impacts on nesting birds; noise generated during construction which could disturb nesting birds; habitat fragmentation; and loss of wooded habitat, including temporary and permanent removal of vegetation which could cause nesting species to relocate to other suitable habitat if available and not already occupied. Such habitat may be suboptimal. Suboptimal habitat will likely have a more simplified habitat structure, which will contain fewer secure nesting locations, increased predator success, and decreased food availability. There will also likely be increased conspecific and interspecific competition for resources in these areas. There is potential for a reduction or complete loss of breeding success for the breeding season, as well as reduced fitness levels and increased predation rates for adults, nestlings, and juveniles in the suboptimal habitat to which they are relegated during the disturbance caused by pipeline construction activities.

The clearing phase of construction has the greatest potential for such impacts if conducted during the nesting season. Construction in agricultural and other open areas is likely to have the least impacts as nesting densities are typically lower in areas with a regular disturbance regime, and disturbance of nesting and wintering habitat will only be temporary. Impacts on migratory bird species requiring contiguous forested patches are of primary concern because nesting densities tend to be higher in these habitats. Habitat for shrubland species is often created by clearing events (e.g., fires), so impacts in these areas are expected to be less than in forested lands. However, several BCC and RFSS species are dependent on grasslands and other open areas for breeding (i.e. blue-winged warbler, prairie warbler, vesper sparrow, Henslow's sparrow, loggerhead shrike, sedge wren, Bewick's wren, willow flycatcher) and wintering (i.e. loggerhead shrike, American kestrel, short-eared owl, yellow rail). Short-term negative impacts to these species during the course of pipeline construction are expected. Some bird species, including some BCC species (such as loggerheads shrike, Bewick's wren, and yellow-bellied sapsucker) that use edge, open or shrubland habitats may benefit from the habitat conditions created by the proposed Projects in the maintained right-of-way, provided that the area is restored and maintained in a manner that mimics or is comparable with the natural disturbance regime of the region and vegetative species present.

Noise from horizontal directional drill (HDD) activities could disturb birds in habitats adjacent to the workspace. The HDD equipment sound levels were projected to the NSAs from sound level measurements of actual operating HDD equipment at sites in Arlington, VA. Based upon these sound level measurements, the total Leq (equivalent continuous noise level) source sound levels of the HDD equipment are 89 dBA at 50 feet (sound power level of 121 dBA) at the entry point and 76 dBA at 50 feet (sound power level of 108 dBA) at the exit point. Noise from the construction equipment at HDD locations may cause birds to avoid the area near HDDs during their construction. Construction activities at HDDs may occur 24 hours a day until complete, disturbing feeding, nesting, or resting birds.

Construction activities at other times of the year could impact migratory and wintering birds, but habitat may be available in areas immediately adjacent to the construction areas. Construction activities and noise are expected to temporarily displace migratory and wintering

birds from the immediate construction areas. Possible negative impacts to migratory and wintering birds displaced by construction activities include reduced fitness, increased predation, lengthened migration routes, lower survival rates through the migratory and wintering seasons, and vehicle collisions causing injury or mortality with increased access road traffic.

Potential impacts on known nests and rookeries within the ACP Project area are detailed in Table 3.1.1-1; there were no migratory bird nests identified in the SHP Project area during surveys.

## **4.2 Bald and Golden Eagles**

It is possible that construction, operation, and maintenance of the Projects could result in impacts on eagles. Potential impacts on nesting eagles could include direct impacts on individuals; noise generated during construction and operation of facilities, which could disturb nesting birds, if present; and removal of vegetation, which could cause individuals to relocate to other suitable habitat.

In addition to potential impacts on nesting eagles, bald and golden eagles could roost in the Winter near the ACP and SHP Project areas. Bald and golden eagles may also migrate through the areas crossed by the Projects. Impacts on roosting and migrating birds include loss of wooded habitat; temporary removal of vegetation, which could cause species to relocate to other suitable habitat; and noise generated during construction, which could disturb birds, if present.

A bald eagle nest (nest ID BAEA-ACT-06) was identified within the proposed workspace in the City of Chesapeake, Virginia during aerial surveys (shown on map in Attachment B, page B-47). During pedestrian surveys in December 2016, no evidence of an eagle nest was found. During surveys on March 23, 2017 a bald eagle pair was seen on a nest approximately 540 feet southeast of the original nest location (BAEA-ACT-06A). The nest is approximately 320 feet from the project workspace. Atlantic will not construct within the buffer of the nest location when the nest is active, from approximately December 15 through July 15. Construction activities may disturb birds if they are on or near the nest, and clearing activities for the workspace may modify the habitat around the nest. Atlantic applied for a permit from the FWS for potential disturbance of the eagle on March 10, 2017, and provided an updated permit application to reflect the nest location change to FWS April 17, 2017. Atlantic received a Short-term Eagle Incidental Take Permit from the FWS on October 16, 2017.

A second bald eagle nest (nest ID BAEA-ACT-01) falls within the recommended 660 foot buffer in Nottoway County, Virginia (FWS, 2007) and within the recommended 330 foot no vegetation clearing buffer (shown on map in Attachment B, page B-21) and within 0.5 mile of potential blasting activities. Construction activities may disturb birds if they are on or near the nest, and clearing activities for the workspace may modify the habitat around the nest. Atlantic will not construct within the buffer of the nest location when the nest is active, from approximately December 15 through July 15. Atlantic applied for a permit from the FWS for potential disturbance of the eagle on March 10, 2017, and provided an updated permit application to FWS April 17, 2017. Atlantic received a Short-term Eagle Incidental Take Permit from the FWS on October 16, 2017.

A third bald eagle nest (nest ID BAEA-ACT-05) falls within 0.5 mile of potential blasting activities in Augusta County, Virginia. Blasting activities may disturb eagles if the nest is active at the time of the activity. Atlantic applied for a permit from the FWS for potential disturbance of the eagle on March 10, 2017, and provided an updated permit application to FWS April 17, 2017. Atlantic received a Short-term Eagle Incidental Take Permit from the FWS on October 16, 2017.

No eagle nests were identified within 660 feet of the Projects in Pennsylvania, West Virginia, or North Carolina.

#### **4.3 Fragmentation and Edge Effects**

Effects on most non-forested upland and wetland habitats disturbed by construction will be temporary, and these areas are expected to recover quickly once construction and restoration is completed. Similarly, impacts on scrub/shrub and emergent wetland habitats will be relatively short-term. Because of the linear nature of the Projects, temporary impacts in these habitats will be minimized by the presence of similar habitat communities adjacent to the right-of-way. Additionally, non-forested plant communities can be replanted with similar species which reach maturity relatively quickly compared to forested areas. Neighboring areas will allow birds to disperse sufficiently to continue to utilize similar habitats. The temporary effects on these habitats should have little or no significant impact on their importance to birds, and no changes to local populations are anticipated.

In the temporary right-of-way, upland and wetland forested areas will be impacted to a greater extent than non-forested vegetation types due to the time requirement for the conversion of earlier successional stages to mature woodlands. In the permanent, maintained easement, there will be a permanent conversion of forested land to scrub/shrub and/or non-woody herbaceous species. Impacts on forest dwelling species include temporary and permanent habitat loss, fragmentation of habitat, and the addition of edge-type habitat. Locally, species composition could change as habitats are converted post-construction from forested to scrub/shrub or herbaceous, and edges are created along the new pipeline corridors.

Fragmentation refers to the breaking up of contiguous areas of vegetation communities into smaller patches. Fragment size plays a crucial role in landscape function and many ecosystem interactions, including the distribution of plants and animals, fire regime, vegetation structure, and wildlife habitat. Reducing the size of contiguous patches of suitable habitat can indirectly reduce the effectiveness of that habitat for individual species beyond the removal of habitat. Some species require large, un-fragmented blocks of habitat, and fragmentation can lead to reduced habitat quality. Fragmentation has been shown to be a primary factor in the decline of neotropical migrant birds and can negatively impact habitat specialist species, while having a positive or neutral effect on habitat generalist species (Graham, 2002).

An important impact of fragmentation, aside from breaking up blocks of vegetation, is an increase in edge effects. Edge effects result when two different vegetation types are adjacent to each other. Edge effects can encompass a multitude of impacts including: an alteration in nutrient flows/cycling; an increase in the rate of invasion by invasive species and pathogens; a lowering of the carrying capacity of a habitat patch; and disruptions in meta-population



dynamics (Saunders et al., 1991). Invasive species may displace native wildlife by altering sheltering habitats and food sources such as plant communities and insect populations, respectively (Graham, 2002). While creation of edges can negatively impact bird species that require interior habitat, there are some bird species that benefit from creation of edge habitats.

Edge effects tend to be more pronounced with increasing differences in the two adjacent habitat types (e.g., mature forest adjacent to grassland). The creation of edges in forests influences microclimatic factors such as temperature, wind, humidity, and light, and could lead to a change in plant species composition within the adjacent uncut or un-manipulated habitat, or increase the rate of invasion by invasive species and forest pathogens (Murcia, 1995). Compared to the interior of a forest, areas near edges receive more direct solar radiation during the day, lose more long-wave radiation at night, have lower humidity, and have less protection from wind. Increased sunlight and wind can desiccate vegetation by increasing evapotranspiration, affect which plant species survive (typically favoring shade-intolerant species), and dry out soil. Edge effects are typically more pronounced in forest and woodland vegetation communities than shrub-steppe or grassland communities due to the greater typical vegetation height and structural complexity in forested ecosystems.

The ACP will cause permanent fragmentation and edge effects only in forested areas, since the vegetation type in non-forested areas will not be modified permanently. The edge effect on forested habitat in temporary workspace and Additional Temporary Workspace (ATWS) could last several decades; in the maintained pipeline easement, the impact on forested habitat will be permanent. In areas where the proposed pipeline corridors are adjacent to existing right-of-way, clearing will result in moving an existing edge outward, rather than creating newly fragmented forested habitat.

Habitat fragmentation can result in increased predation and can alter use of these forests, in particular by habitat specialist species, such as the magnolia warbler and cerulean warbler (Graham, 2002). Edge habitats often have different microclimates than interior forests; drier and warmer conditions occur due to lack of shade and more solar radiation. This can alter the insect community, affecting the type or amount of food available to a forest interior species. In addition, brown-headed cowbirds are brood parasites who lay their eggs in nests of other host species, usually at the host brood's expense. Brown-headed cowbirds are commonly found in edge habitats like those created by utility corridors. Most open land and edge species have some strategies to counter cowbirds, but interior forest birds do not (Olcott, 2006). Cowbirds can reduce reproductive success for interior forest bird species utilizing edge habitats or smaller forest fragments for nesting (Graham, 2002).

Utility corridors can create a barrier to wildlife movement for some species and a travel corridor for other species (Graham, 2002). Corridor widths and vegetative characteristics can have varying effects on different species. Abrupt vegetation transitions often cause the greatest barriers, while a forest to shrub to grassland transition can have minimal to no effect on transiting species (Graham, 2002). They also can create connections between habitats where invasive species such as cowbirds or avian predators can travel to gain access into other habitats more easily (Askins, 1994). Common predators found using utility corridors in forested landscapes include avian predators, such as hawks and owls, as well as mammalian predators, such as opossums and raccoons.

#### **4.4 Important Bird Areas**

Impacts on IBAs include temporary and permanent impacts on potential migratory bird habitat. Because of the linear nature of the Projects, temporary impacts in these habitats will be minimized by the presence of similar habitat communities adjacent to the right-of-way. Additionally, non-forested plant communities can be replanted with similar species which reach maturity relatively quickly compared to forested areas. Neighboring areas will allow birds to disperse sufficiently to continue to utilize similar habitats. The temporary effects on these habitats should have little or no significant impact on their importance to birds, and no changes to local populations are anticipated.

In the temporary right-of-way, upland and wetland forested areas will be impacted to a greater extent than non-forested vegetation types due to the time requirement for the conversion of earlier successional stages to mature woodlands. In the permanent, maintained easement, there will be a permanent conversion of forested land to scrub/shrub and/or non-woody herbaceous species. Impacts on forest dwelling species include temporary and permanent habitat loss, fragmentation of habitat, and the addition of edge-type habitat. Locally, species composition could change as habitats are converted post-construction from forested to scrub/shrub or herbaceous and edges are created along the new pipeline corridors.

#### **4.5 Birds of Conservation Concern**

Forty-seven BCCs may occur in the ACP and SHP Project areas. As described above, impacts are expected on habitats that may be used by these birds for nesting, feeding, and wintering. Direct impacts on nesting and winter-roosting eagles, and wading birds are not anticipated. Overall habitat impacts are expected to be temporary as suitable habitat is available in areas adjacent to the right-of-way which these birds can utilize during construction activities. Indirect effects of construction to breeding birds of conservation concern using areas adjacent to the pipeline corridor, temporary workspaces, and access roads, while temporary, can be substantial. Increased human activity and construction and maintenance activities would increase noise levels and create vibrations in the area near construction. Potential indirect impacts attributed to individual bird relocations or avoidance of the forest adjacent to the construction area could include increased intra- and inter-specific competition in other suitable habitat, territory abandonment in areas bordering the active construction corridor, decreased adult fitness, decreased breeding activity, and a lower survivorship of adults. There could also be loss of eggs and nestlings through nest abandonment and decreased feeding activity by disturbed adults.

#### **4.6 Communication Towers**

Atlantic and DETI plan to construct 11 new communication towers in order to facilitate system communications during operation of the ACP. These new towers will be within existing workspaces, so have been included in previous surveys. Migratory birds are known to collide with towers during migration; they can be confused and disoriented by lighting or fly directly into the tower during nighttime migrations. In addition, birds will often build nests on tower structures which could be impacted by operational or maintenance activities, if they occur when the nest is active (FWS, 2016).

## 5.0 ACTIONS TAKEN TO AVOID AND MINIMIZE IMPACTS

The Projects will comply with the MBTA and BGEPA through implementation of conservation measures to avoid or minimize impacts. This section describes conservation measures Atlantic and DETI will implement during planning, construction, and post-construction to avoid or minimize potential impacts on migratory birds. Atlantic and DETI, in accordance with FWS recommendations, have implemented and will continue to implement measures such as utilizing routing as a tool to avoid impacts on discrete habitats and environmental features used as nesting areas by migratory birds; clearing outside of the nesting season, where possible and implementing activity buffers around active nests for certain species; and limiting the width of the construction and permanent corridor to the minimum needed to safely build and maintain the pipeline.

### 5.1 Measures Implemented During Project Planning

#### 5.1.1 Agency Recommendations

In correspondence with Atlantic, the West Virginia FWS (in a letter dated December 9, 2014 (FWS, 2014b)) provided the following recommendations to reduce impacts on migratory birds and their habitats:

- Clear natural or semi-natural habitats (e.g., forests, woodlots, reverting fields, fencerows, and shrubby areas) between September 1 and March 31, which is outside the nesting season for most native bird species.
- Avoid fragmenting large, contiguous tracts of wildlife habitat, where feasible, especially in circumstances where habitat cannot be fully restored after construction. Maintain contiguous habitat corridors, where possible, to facilitate dispersal. Where practicable, concentrate construction activities, infrastructure, and man-made structures (e.g., roads, parking lots, and staging areas) on lands already cultivated, and away from areas of intact and healthy native habitats.
- To reduce habitat fragmentation, co-locate roads, lay down areas, staging areas, and other infrastructure in or immediately adjacent to already disturbed areas (e.g., existing roads, pipelines, and agricultural fields). Where this is not possible, minimize roads and other infrastructure. To minimize habitat loss and fragmentation, cluster development features (e.g., lay down areas, staging areas, and roads) where possible rather than distributing infrastructure broadly across the landscape.

The Pennsylvania FWS office provided recommended practices for conserving migratory birds:

- Where disturbance is necessary, clear natural or semi-natural habitats (e.g., forests, woodlots, reverting fields, shrubby areas) and perform maintenance activities (e.g., mowing) between September 1 and March 31, which is outside the

nesting season for most native bird species. Without undertaking specific analysis of breeding species and their respective nesting seasons on the project site, implementation of this seasonal restriction will avoid take of most breeding birds, their nests, and their young (*i.e.*, eggs, hatchlings, fledglings).

- Minimize land and vegetation disturbance during project design and construction. To reduce habitat fragmentation, co-locate roads, fences, lay down areas, staging areas, and other infrastructure in or immediately adjacent to already-disturbed areas (e.g., existing roads, pipelines, agricultural fields) and cluster development features (e.g., buildings, roads) as opposed to distributing them throughout land parcels. Where this is not possible, minimize roads, fences, and other infrastructure.
- Avoid permanent habitat alterations in areas where birds are highly concentrated. Examples of high concentration areas for birds are wetlands, State or Federal refuges, Audubon Important Bird Areas, private duck clubs, staging areas, rookeries, leks, roosts, and riparian areas. Avoid establishing sizable structures along known bird migration pathways or known daily movement flyways (e.g., between roosting and feeding areas).
- To conserve area-sensitive species, avoid fragmenting large, contiguous tracts of wildlife habitat, especially if habitat cannot be fully restored after construction. Maintain contiguous habitat corridors to facilitate wildlife dispersal. Where practicable, concentrate construction activities, infrastructure, and man-made structures (e.g., buildings, cell towers, roads, parking lots) on lands already altered or cultivated, and away from areas of intact and healthy native habitats. If not feasible, select fragmented or degraded habitats over relatively intact areas.
- Develop a habitat restoration plan for the proposed site that avoids or minimizes negative impacts to birds, and that creates functional habitat for a variety of bird species. Use only plant species that are native to the local area for revegetation of the project area.

During a conference call on May 5, 2016, the West Virginia, Virginia, and North Carolina FWS recommended additional avoidance, minimization, and mitigation measures for migratory birds, which have been incorporated into this Migratory Bird Plan in the sections below.

### 5.1.2 Routing

Atlantic and DETI utilized routing as a tool to avoid impacts on discrete habitats and environmental features used as nesting areas by migratory birds. Specifically, Atlantic and DETI have identified and evaluated alternative route segments to optimally design and locate the proposed facilities in a manner that minimizes the environmental footprint while adhering to the purpose and need of the Projects. The route review process consists of an assessment of technical and economic feasibility; constructability; impacts on environmental resources; and

coordination with federal and commonwealth/state agencies and other stakeholders to identify and, where feasible, avoid sensitive habitats or resources.

Atlantic and DETI have implemented route adjustments and optimization in conjunction with agency and stakeholder consultations. Many of the routing decisions made to date have avoided or minimized impacts on environmentally sensitive features, cultural resources, or historic areas and/or have improved safety and constructability. For example, reroutes or alternatives have been identified that minimize, shorten, or avoid wetland or waterbody crossings, avoid sensitive lands such as conservation easements, avoid known sensitive habitats, minimize crossings of state/commonwealth and federal lands, and minimize forest clearing. These implemented routing decisions will reduce impacts on migratory birds as these areas are commonly used for nesting, foraging, and as stopover habitat when migrating.

### **5.1.3 Right-of-Way Configuration**

Where feasible, Atlantic and DETI have collocated facilities with existing pipeline facilities, electric transmission lines, transportation corridors, or recently disturbed areas to minimize habitat fragmentation and impacts on environmental resources. For the ACP, the proposed mainline pipelines (AP-1 and AP-2) will be collocated with existing rights of way for approximately 48.0 miles of the combined length of these pipelines (9 percent). The proposed AP-3 lateral will be collocated with existing rights of way for approximately 30.0 miles of the total length of the buried route (36 percent). No section of the AP-4 and AP-5 lateral will be collocated with existing facilities. For the SHP, the proposed pipeline loops will be collocated with existing linear facility rights of way for approximately 11.5 miles of the combined length of the buried routes (31 percent).

In consultation with state and federal agencies, Atlantic and DETI will utilize site-specific construction and installation methods (e.g., utilizing a horizontal directional drill) to further reduce impacts in sensitive areas.

In accordance with the FERC's *Wetland and Waterbody Construction and Mitigation Procedures* (Procedures), clearing for construction along each of the proposed pipelines will be limited to a 75-foot wide construction right-of-way in wetlands, which will minimize impacts on wetland vegetation. Additional temporary workspaces will be located in upland areas a minimum of 50 feet from wetland and waterbody edges. Atlantic has proposed 18 variances from this standard. These actions will minimize impacts on migratory birds that utilize wetland and riparian habitats.

The size and location of workspaces have been adjusted to avoid or minimize impacts on sensitive and high quality upland habitats. Atlantic and DETI continue to work with agencies to determine how best to avoid or minimize impacts to migratory birds and their habitats through optimized design.

### **5.1.4 Eagle Permit**

Atlantic and DETI submitted applications for non-purposeful eagle take permits for potential disturbance of the previously identified bald eagle nest in the City of Chesapeake near project milepost 76.5 on AP-3, the bald eagle nest in Nottoway County, Virginia near project

milepost 244.1 on AP-1, and the bald eagle nest in Augusta County, Virginia near project milepost 147.8 on AP-1 on March 10, 2017 to the Region 5 Migratory Bird Permit Office. Updated information on bald eagle nest BAEA-ACT-06A was provided to the FWS Migratory Bird Permit Office on April 17, 2017. Atlantic received a Short-term Eagle Incidental Take Permit from the FWS on October 16, 2017.

## **5.2 Measures to Be Implemented During Construction**

Atlantic and DETI will implement measures to avoid and minimize impacts on migratory birds during construction, such as clearing outside of the nesting season, where possible, and implementing activity buffers around active nests for certain species, as outlined in Table 3.1.1-1. Implementation of the required construction and operational practices for FERC-regulated projects, as described in the FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan* (Plan) and the Procedures, will reduce the potential for impacts on migratory birds. Collectively, the Plan and Procedures identify accepted standards and best management practices for minimizing impacts on environmental resources and restoring disturbed areas to pre-construction conditions. Moreover, mitigation required for wetland impacts under Section 404 of the Clean Water Act, particularly mitigation for the conversion of forested wetlands to other cover types, will provide benefits for birds that utilize forested wetland habitats.

### **5.2.1 Seasonal Timing Restrictions**

There is limited potential for take during migration and wintering seasons; at these times, birds can move out of the area and away from construction activities. As a result, take of, or direct impacts on, migratory birds are not expected for those portions of the Projects for which construction occurs during these seasonal periods. Subject to receipt of the required permits and regulatory approvals, Atlantic and DETI anticipated that vegetation pre-clearing (tree felling and mowing) would commence on November 16, 2017 for 2018 construction spreads and is planning to commence pre-clearing on September 1, 2018 for 2019 construction spreads (in areas without restrictions for federally listed bat species). Pre-clearing will be completed prior to the start of the migratory bird nesting seasons for each state as described in Table 5.2.1-2, to the maximum extent practicable. Some clearing will occur for 2018 spreads during the nesting season due to delays in permit receipt, implementation of exclusion areas in FERC's Limited Notice to Proceed with tree felling (e.g., wetland and stream buffers), and condemnation parcels. The ACP pipelines will be built along 17 spreads with construction pre-clearing (removal of vegetation from the right-of-way, grading, trenching, etc.) occurring over an approximate 2-year period which began in January 2018. See Table 5.2.1-1 for the specific construction schedule by spread. The SHP pipelines will be built along two spreads with initial vegetation pre-clearing (tree felling and mowing) which began in January 2018 and construction planning to occur through two construction seasons, beginning in April 2018. Atlantic and DETI anticipate that all facilities for the Projects will be placed in service by the fourth quarter of 2019, in order to meet the needs of project customers. Based on Atlantic's current assumptions for the project schedule, key milestone dates for the construction schedule are summarized in Table 5.2.1-1 (see Table 5.2.1-1). Vegetation clearing was planned to occur outside of the general migratory bird nesting season prescribed by the FWS (see Table 5.2.1-2), avoiding impacts on nesting birds; however,

some limited areas on ACP and SHP will be cleared during the active nesting season. As described in Table 3.1.1-1, agency recommended activity and vegetation clearing restrictions will be implemented for other known migratory bird nests (eagles, raptors, and rookeries). Atlantic and DETI have consulted with appropriate state agencies and the FWS regarding locations where the recommended buffers cannot be adhered to, in order to develop appropriate conservation measures for those identified raptor nest or rookery locations, as listed in Table 3.1.1-1.

In addition, Atlantic and DETI have designed the Projects, including by employing the measures described in Section 5.1.3 above, in order to minimize potential impacts to bird species, and will employ the additional mitigation and conservation measures described in Section 5.2.3 below during construction in order to further minimize potential effects.

#### **5.2.1.1 Variance to Seasonal Timing Restrictions**

Atlantic and DETI planned to complete pre-clearing outside of the agency-advised nesting season for migratory birds. While a substantial amount of pre-clearing activities have been completed for the spreads planned for 2018 construction, Atlantic was unable to complete some felling activities outside of the agency-recommended migratory bird restriction periods due to access restrictions, delays in permit receipt, implementation of exclusion areas in FERC's Limited Notice to Proceed with tree felling (e.g., wetland and stream buffers), and condemnation parcels.

Where additional pre-clearing is required to support 2018 pipeline construction within previously inaccessible areas, Atlantic and DETI have requested an extension to the migratory bird restriction window until May 15 to continue clearing in all three states. To minimize impacts that could result from this activity, Atlantic and DETI propose the following conservation measures:

- Nesting bird surveys will be completed directly ahead of each pre-clearing crew by bird monitors hired by Atlantic and DETI as a good-faith effort to minimize the risk of impacts to nesting birds during vegetation clearing;
- Nesting surveys will be completed no more than 14 days in advance of vegetation clearing;
- Where occupied migratory bird nests (eggs or young present within the nest) are documented, the tree or shrub containing the nest plus a 10-foot radius buffer around the nest will not be cut to protect the nest tree, the nest itself, and vegetation in the immediate vicinity of the nest; and
- Where occupied nests are identified and any undisturbed buffers remain, Atlantic and DETI will monitor the nest activity and cut the vegetation once the fledglings have left the nest.

Atlantic and DETI will continue to clear vegetation within the FERC-approved workspace until May 15<sup>th</sup>.

TABLE 5.2.1-1				
Construction Schedule by Spread for the Atlantic Coast Pipeline and Supply Header Project <sup>a</sup>				
Spread	Approximate Mileposts	Counties/Cities and States/Commonwealths	Begin Construction	Finish Construction <sup>d</sup>
<b>ATLANTIC COAST PIPELINE</b>				
<b>Initial Construction Activities</b>				
Initial Site Preparation (2018 spreads)	By spread	See below	January 2018	1Q 2018
Tree Clearing (2018 spreads) <sup>b, c</sup>	By spread	See below	January 2018	1Q 2018
Initial Site Preparation (2019 spreads)	By spread	See below	September 2018	1Q 2019
Tree Clearing (2019 spreads) <sup>b, c</sup>	By spread	See below	September 2018	1Q 2019
<b>Construction of Pipeline</b>				
Spread 1-1 (AP-1)	0.0–17.3	Harrison, and Lewis Counties, WV	April 2018	4Q 2018
Spread 1-2 (AP-1)	17.3-31.7	Lewis and Upshur Counties, WV	April 2019	4Q 2019
Spread 2-1 (AP-1) <sup>f</sup>	31.7-47.4	Upshur and Randolph Counties, WV	April 2018	4Q 2018
Spread 2-2 (AP-1) <sup>f</sup>	47.4-56.1	Randolph County, WV	April 2018	4Q 2018
Spread 2A (AP-1) <sup>f</sup>	56.1-69.3	Randolph County, WV	April 2018	4Q 2018
Spread 3 (AP-1)	69.3-79.2	Randolph and Pocahontas Counties, WV	April 2019	4Q 2019
Spread 3A (AP-1) <sup>f</sup>	79.2-91.5	Pocahontas County, WV and Highland County, VA	April 2018	4Q 2018
Spread 4 (AP-1)	91.5-103.1	Highland, Bath, and Augusta Counties, VA	April 2019	4Q 2019
Spread 4A (AP-1) <sup>f</sup>	103.1-126.1	Bath and Augusta Counties, VA	April 2018	4Q 2018
Spread 5 (AP-1) <sup>g</sup>	126.1-157.2 159.5-183.2	Augusta and Nelson Counties, VA	February 2019	4Q 2019
Spread 5A (AP-1)	157.2-159.5	Augusta and Nelson Counties, VA	April 2018	4Q 2018
Spread 6 (AP-1) <sup>g</sup>	183.2-239.8	Nelson, Buckingham, Cumberland, Prince Edward, and Nottoway Counties, VA	April 2018	4Q 2018
Spread 7 (AP-1)	239.8-300.1	Nottoway, Dinwiddie, Brunswick, and Greenville Counties, VA, and Northampton County, NC	February 2019	4Q 2019
Spread 8 (AP-2)	0.0–61.6	Northampton, Halifax, and Nash Counties, NC	April 2018	4Q 2018
Spread 9 (AP-2)	61.6–125.1	Nash, Wilson, Johnston, Sampson, and Cumberland Counties, NC	February 2019	4Q 2019
Spread 10 (AP-2)	125.1–183.0	Cumberland and Robeson Counties, NC	April 2018	4Q 2018
Spread 11 (AP-3)	0.0–29.2 39.3-60.6 66.4-78.5 82.2-82.7	Northampton County, NC, Southampton Counties, VA, and the Cities of Suffolk and Chesapeake, VA	April 2019	4Q 2019
Spread 11A	29.2-39.3	Southampton, Suffolk	April 2018	4Q 2018
Spread 11B	60.6-66.4	Suffolk	April 2018	4Q 2018
Spread 11C	78.5-82.2	Chesapeake	April 2018	4Q 2018
Spread 12 (AP-4; AP-5) <sup>e</sup>	0.0–0.4; 0.0-1.0	Brunswick County, VA; Greenville County, VA	April 2018	4Q 2018
<b>Construction of Compressor Stations</b>				
Compressor Station 1	7.6	Lewis County, WV	March 2018	4Q 2019
Compressor Station 2	191.5	Buckingham County, VA	April 2018	4Q 2019
Compressor Station 3	300.1	Northampton County, NC	March 2018	4Q 2019
<b>Construction of Metering and Regulating Stations</b>				
Kincheloe	7.6	Lewis County, WV	March 2018	4Q 2019
Long Run	47.2	Randolph County, WV	April 2018	4Q 2019
Woods Corner	191.5	Buckingham County, VA	April 2018	4Q 2019



TABLE 5.2.1-1				
Construction Schedule by Spread for the Atlantic Coast Pipeline and Supply Header Project <sup>a</sup>				
Spread	Approximate Mileposts	Counties/Cities and States/Commonwealths	Begin Construction	Finish Construction <sup>d</sup>
Smithfield	92.7	Johnston County, NC	March 2018	3Q 2019
Fayetteville	132.9	Johnston County, NC	December 2018	3Q 2019
Pembroke	183.0	Robeson County, NC	June 2018	3Q 2019
Elizabeth River	83.0	City of Chesapeake, VA	November 2018	3Q 2019
Brunswick	0.4	Brunswick County, VA	March 2018	3Q 2019
Greenville	1.1	Greenville County, VA	July 2018	3Q 2019
<b>SUPPLY HEADER PROJECT</b>				
<b>Initial Construction Activities</b>				
Initial Site Preparation (Spread 13)	By spread	See below	January 2018	1Q 2018
Tree Clearing (Spread 13) <sup>b, c</sup>	By spread	See below	January 2018	1Q 2018
Initial Site Preparation (Spread 14)	By spread	See below	November 2018	1Q 2019
Tree Clearing (Spread 14) <sup>b, c</sup>	By spread	See below	September 2018	1Q 2019
<b>Construction of Pipeline Spreads</b>				
Spread 13 (TL-635)	0.0–33.6	Wetzel, Doddridge, Tyler, and Harrison Counties, WV	April 2018	4Q 2019
Spread 14 (TL-636)	0.0–3.9	Westmoreland County, PA	November 2018	4Q 2019
<b>Construction of Compressor Station Modifications</b>				
JB Tonkin	0.0	Westmoreland County, PA	February 2018	3Q 2019
Crayne	NA	Greene County, PA	April 2018	3Q 2019
Burch Ridge	NA	Marshall County, WV	April 2019	4Q 2019
Mockingbird Hill	33.6	Wetzel County, WV	February 2018	3Q 2019
<b>M&amp;R Stations</b>				
CNX	NA	Lewis County, WV	January 2019	4Q 2019
<b>Abandonment of Gathering Compressor Units</b>				
Hastings	NA	Wetzel County, WV	January 2019	4Q 2019
<sup>a</sup>	The number and timing of the construction spreads are subject to change dependent upon construction and permit requirements.			
<sup>b</sup>	The start of tree clearing is dependent upon the results of the environmental surveys and agency consultations.			
<sup>c</sup>	Including tree clearing for aboveground facilities, access roads, and contractor yards. Tree clearing for construction spreads 1-1, 1-2, 3, 4, Blue Ridge Parkway HDD, and James River HDD will take place from January 2018 to 1Q 2018.			
<sup>d</sup>	The finish construction date refers to the end of mechanical construction; additional restoration and post construction activity is expected to occur in the Project area beyond the timeframe reflected here. 1Q = first quarter; 2Q = second quarter; 3Q = third quarter; 4Q = fourth quarter.			
<sup>e</sup>	Spread 12 will be completed with spread 11 and is counted as one spread.			
<sup>f</sup>	Hydrostatic test and remaining cleanup will be completed by Q3 of 2019.			
<sup>g</sup>	Blue Ridge Parkway and James River HDDs will be constructed in 2018.			

## Migratory Bird Plan

TABLE 5.2.1-2				
Agency Recommended Migratory Bird Buffers and Timing				
Species/Group	Recommending Agency <sup>1</sup>	Recommended Measures	Associated Restriction Dates	Source
<b>PENNSYLVANIA</b>				
Migratory birds	PAFWS	Avoid clearing vegetation during the primary nesting season for most native birds	April 1 – August 31	PAFWS Adaptive Management Practices for Conserving Migratory Birds
Raptor nests	FWS	No activity during active breeding season, within 100 feet of nest.	Active nesting period (varies by species)	FWS letter dated January 31, 2017
<b>WEST VIRGINIA</b>				
Bald eagle nests and winter roosts	WVFWs	Follow National Bald Eagle Management Guidelines (NBEMG)	See NBEMG	WVFWs Technical Assistance Letter dated December 9, 2014
Bald eagle nests	MNF	1,500 foot no activity buffer	Active eagle nests	MNF Forestwide Standards
Migratory birds	WVFWs	Avoid clearing vegetation during the primary nesting season for most native birds	April 1 – August 31	WVFWs Letter dated December 9, 2014; FWS Letter dated March 2, 2017
Raptor nests	FWS	No activity during active breeding season, within 100 feet of nest.	Active nesting period (varies by species)	FWS letter dated January 31, 2017
<b>VIRGINIA</b>				
Bald eagle nests	VAFWs	Follow VA Review process at: <a href="http://www.fws.gov/northeast/virginiafield/endangered/projectreviews_step6a.html">http://www.fws.gov/northeast/virginiafield/endangered/projectreviews_step6a.html</a> / Follow National Bald Eagle Management Guidelines	See NBEMG	VAFWs Technical Assistance Letter dated January 23, 2015
Migratory birds	VAFWs	Avoid clearing vegetation during the primary nesting season for most native birds	March 15 – August 31	Meeting with VAFWS on December 16, 2015; FWS Letter dated March 2, 2017
Loggerhead shrike	VADEQ	Avoid clearing vegetation during the nesting season for loggerhead shrikes; applies only to Highland, Bath, August Counties and Rockfish Valley in Nelson County.	April 1 – July 31	VADEQ DEIS comment letter dated April 6, 2017.
Rookeries	VDGIF	No activity during active breeding season, within 0.25 mile of edge of rookery. Avoid clearing vegetation within 500 feet of rookery.	February 1 – July 31	VADGIF Technical Assistance Letter dated June 1, 2016
Raptor nests	FWS	No activity during active breeding season, within 100 feet of nest.	Active nesting period (varies by species)	FWS letter dated January 31, 2017
<b>NORTH CAROLINA</b>				
Bald eagle nests	NCFWS	Follow National Bald Eagle Management Guidelines / Southeast Region Bald Eagle Management Guidelines and Conservation Measures at: <a href="http://www.fws.gov/southeast/es/baldeagle/">http://www.fws.gov/southeast/es/baldeagle/</a>	See NBEMG / website provided	NCFWS Technical Assistance Letter dated March 25, 2015
Rookeries	NCWRC	No activity during active breeding season, within 0.5 mile of edge of rookery. Avoid clearing vegetation within 500 feet of rookery.	February 15 – July 31	Email from G. Garrison (NCWRC) to S. Thronson (NRG), dated December 23, 2015

TABLE 5.2.1-2				
Agency Recommended Migratory Bird Buffers and Timing				
Species/Group	Recommending Agency <sup>1</sup>	Recommended Measures	Associated Restriction Dates	Source
Raptor nests	FWS	No activity during active breeding season, within 100 feet of nest.	Active nesting period (varies by species)	FWS letter dated January 31, 2017
<sup>1</sup> FWS – FWS Ecological Services Field Office MNf – Monongahela National Forest GWNf – George Washington National Forest NCWRC – North Carolina Wildlife Resources Commission VDGIF – Virginia Department of Game and Inland Fisheries VADEQ – Virginia Department of Environmental Quality				

For tree felling activities occurring between January 1 and March 31, Environmental Inspectors will inspect the construction right-of-way prior to clearing for stick nests, and will call a qualified biologist to confirm nest activity if a nest is found, since many raptors begin nesting during this period. If any active raptor nests are identified, a 100-foot no-activity buffer will be implemented until the nest is no longer active (FWS, 2017).

One unknown species raptor stick nest and three unknown stick nests were identified on the GWNF and MNF, respectively during aerial surveys. There are no RFSS species that could potentially use stick nests that have not been addressed (e.g. bald eagles and goshawk surveys were conducted), and no specific buffer distances have been identified in Forest Management Plans for BCC birds; therefore the FWS recommended buffer of 100 feet is appropriate for these nests, if identified as active.

### 5.2.2 Monitoring for Eagles

If additional bald eagle nests or occupied bald or golden eagle Winter roosting habitat are identified ahead of or during construction, Atlantic and DETI will follow the National Bald Eagle Management Guidelines for work within 660 feet of bald eagle nests, except on the Monongahela National Forest (MNF) where the MNF Forestwide Standards will be followed as described in Table 5.2.1-2. Atlantic and DETI will monitor for golden eagles ahead of winter vegetation clearing activities using a qualified avian biologist. For any tree clearing that occurs during the Winter roosting season or nesting season, a qualified biological monitor will accompany the clearing crews for work conducted in areas where golden and bald eagles are present or likely to be present in the George Washington National Forest (GWNF) or MNF and, based on 2016 surveys and CCB and other available data, in Randolph and Pocahontas Counties, West Virginia and in Highland, Bath Augusta, and Nelson Counties, Virginia. The qualified biological monitor will walk ahead of the clearing crews and search for roosting golden and bald eagles and nesting bald eagles. The biological monitor will walk a minimum of 500m (1/3 mile) ahead of the clearing and construction crews to survey for roosting bald and golden eagles (from recommendation by Fraser and Anthony in Wright and Schempf, eds. 2008, USFWS 2007). If a

roosting eagle is encountered, tree clearing would cease in the area until the eagle leaves the area of its own accord.

If a roosting eagle is located in or near the work area, the monitor will ensure that crews do not cause injury to the bird. In order to protect the bird, if necessary, the crew will leave the area and return once the bird is no longer in the area. If the eagle moves to another area, the monitor will note its new location if possible, and direct crews away from that area. The WV and VA FWS will be notified of any golden eagle activity within the Project area within 24 hours of its discovery. The Bald Eagle Management Guidelines and Forest Service standards will be followed for active bald eagle nests identified. If the recommended buffers in the Guidelines cannot be implemented, a qualified biologist will communicate with the FWS and the USFS (for nests on Forest Service property) to determine an appropriate buffer based on the work activity, visibility to nest, and stage of nesting. The GWNF, MNF, and appropriate FWS office will be contacted to discuss appropriate measures to protect the nesting eagles if the standards in the Bald Eagle Management Guidelines cannot be adhered to and to determine if an eagle disturbance permit may be necessary.

Bald eagle nests identified during aerial survey or via the CCB database within 660 feet of the project workspaces will be monitored during pre-construction to determine bird activity. The Bald Eagle Management Guidelines will be followed for active bald eagle nests and appropriate protections will be placed on other active raptor nests as described above.

### 5.2.3 Project-Level Conservation Measures

During construction, Atlantic and DETI will implement measures to avoid and minimize impacts on migratory birds, such as seasonal timing restrictions on construction activities, where possible, and activity buffers around active nests, rookeries, and other sensitive habitats for certain species. Implementation of the construction and operational practices for FERC-regulated projects (i.e., Plans and Procedures), will also reduce the potential for impacts on migratory birds, including where construction must occur during the migratory bird nesting season. Collectively, the Plan and Procedures identify industry-proven standards and best management practices for minimizing impacts on environmental resources and restoring disturbed areas to pre-construction condition in accordance with the Projects' *Restoration and Rehabilitation Plan*.

Atlantic and DETI will implement the following measures to minimize impacts on migratory birds and their habitats during construction activities.

- Minimize tree removal during construction, and remove timber in accordance with the *Timber Removal Plan*.
- Segregate topsoil and minimize mixing with subsoil, in accordance with the Plan.
- Limit vegetation clearing in wetlands to trees and shrubs, which will be cut flush with the surface of the ground and removed from the wetland.
- Limit stump removal, grading, topsoil segregation and excavation in wetlands to the area immediately over the trenchline, or where stump removal is required to ensure safe passage of equipment through the wetland. This will encourage rapid growth of native tree and shrub species through stump sprouting.

- Implement the *Spill Prevention, Control, and Countermeasures Plan* (SPCC Plan).
- Restore streambeds and banks to pre-construction contours and stabilize following construction.
- Install permanent erosion and sediment controls as described in the Plan and Procedures and the Erosion and Sediment Control Plan.
- Seed and mulch disturbed areas, as necessary and as soon as practical after construction is complete.
- Install temporary sediment barriers around disturbed areas.
- Implement site-specific erosion and sediment control methods in wetlands.
- Mitigate surface erosion of steep slopes by armoring or otherwise stabilizing surface soils using riprap, coir cloth, hydro seeding, mulching, and/or tracking.
- Implement a Geohazards Analysis Program to analyze geotechnical, hydrotechnical, and tectonic hazards to minimize risks of landslides, debris flows, subsidence, channel degradation, bank erosion, aseismic creep, ground displacement, and rupture.
- Complete in-stream construction as quickly as possible.
- Locate ATWS at least 50 feet from stream banks (with the exception of site-specific modifications requested by Atlantic and DETI and approved by the FERC), and at least 100 feet from stream banks in the GWNF and MNF.
- Install temporary erosion control devices in uplands adjacent to waterbody crossings subsequent to construction and until there is successful revegetation of the construction right-of-way.
- Implement an *Invasive Plant Species Management Plan* for the Projects. This plan describes procedures to be implemented during construction of the proposed facilities to minimize the spread of invasive plant species that could compete with listed species, their habitats, or food sources. This plan includes measures such as cleaning equipment, regular inspection of the Project areas, hand spraying for spot treatment of invasive species, segregation of topsoil to avoid spreading invasive plants, and inspection of erosion control materials.
- Employ reasonable and practicable measures to control the invasive plants within the right-of-way and to work with adjacent landowners to prevent the spread of invasive plants to adjacent lands. Implement control measures at the aboveground facility sites to prevent the spread of invasive plant species onto adjacent properties.
- Treat weed infestations that develop as a result of construction using mechanical methods (e.g., mowing), or alternative methods, as appropriate for the species and in accordance with applicable laws and regulations. The method selected will be the best available for the time, place and species as determined through consultation with the appropriate state/commonwealth or federal agency.
- Install rock barriers, gates, fences, non-drivable berms, logs, or locked gates at or near pipeline road crossings within forested areas and adjacent to waterbodies with federally listed species to restrict access by the public during operation of the facilities, at USFS road crossings within forested areas of the ACP on USFS lands, and elsewhere at the request of the private landowners. Site-specific locations and methods will be determined during easement negotiations with individual landowners and in the preparation of the COM Plan with the USFS.

- Coordinate with the FWS regarding blasting activities within 0.5 mile of bald eagle nests (BAEA-ACT-05 and BAEA-ACT-01 in Table 3.1.1-1).

In addition, Atlantic and DETI will implement applicable recommended measures from the FWS Nationwide Standard Conservation Measures for migratory birds as incorporated below (see:

<https://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>).

- Provide enclosed solid waste receptacles, at a minimum, at each contractor yard.
- Clearly mark all Project workspace boundaries to minimize risk of additional impacts on adjacent habitats. Clearly mark all bird restriction buffer areas on the right-of-way to restrict unauthorized access.
- Use down shielding or directional lighting at waterbody crossings that require nighttime illumination to avoid light pollution into adjacent bird habitats.
- Equipment operators will check equipment for nesting birds if equipment has sat for more than three days without use to identify any potential nesting birds on equipment during the nesting season.

#### **5.2.4 Restoration and Revegetation**

After construction is complete, Atlantic and DETI will restore the right-of-way in accordance with the Plan and Procedures, the Projects' *Restoration and Rehabilitation Plan*, and the other construction, restoration, and mitigation plans developed in consultation with other land managing agencies for the Projects. Cropland will be restored to active agricultural production, and other areas will be revegetated using methods and seed mixes appropriate to existing land uses and cover types. Atlantic and DETI have prepared and will implement an *Invasive Plant Species Management Plan* for the Projects. This plan describes procedures to be implemented during construction of the proposed facilities to minimize the spread of invasive plant species. Revegetation of disturbed areas will follow guidelines in the *Restoration and Rehabilitation Plan*, including timely restoration of disturbed areas, reseeding with the appropriate seed mixes, and the use of effective erosion control measures to minimize the duration of vegetation disturbance. Atlantic and DETI will conduct post-construction monitoring and implement remedial actions as described in the *Restoration and Rehabilitation Plan*.

#### **5.2.5 Training**

Prior to the start of construction, Atlantic and DETI will conduct environmental and safety training for Company and Contractor personnel. The training program will focus on FERC's Plan and Procedures; the Projects' Timber Removal Plan, Invasive Plant Species Management Plan, and other construction, restoration, and mitigation plans; this *Migratory Bird Plan*; and applicable permit conditions. In addition, Atlantic and DETI will provide large-group training sessions before each work crew commences construction with periodic follow-up training for groups of newly assigned personnel and as needed to emphasize specific topics.

### 5.2.6 Communication Tower Construction

Atlantic and DETI will adhere to the following FWS guidance for “Project Design and Maintenance” reviews of communication towers provided by the Raleigh Field Office (FWS, undated) and the FWS Migratory Bird Office (FWS, 2016).

- New towers have been placed in existing workspace for the Project to minimize additional impacts on habitat.
- Guy wires will not be used for new tower construction and support. New towers will be self-supporting lattice structures.
- If a new tower is more than 199 feet tall, low intensity lighting will be used to meet Federal Aviation Administration (FAA) requirements. All towers greater than 199 feet will have aviation lighting per FAA requirements. Only white or red strobe lights will be used at night, and these will be the minimum number, minimum intensity, and minimum number of flashes per minute allowable by the FAA.
- New towers are more than 2,500 feet from known active wood stork or other wading bird rookeries.
- The Project specific *Invasive Plant Species Management Plan* also applies at new communication tower sites.
- Security lighting for associated facilities, equipment, and infrastructure will be motion- or heat-sensitive, down-shielded, and of a minimum intensity to reduce nighttime bird attraction and eliminate constant nighttime illumination while still allowing safe nighttime access to the site.

## 5.3 Measures to Be Implemented During Operational Activities

### 5.3.1 Pipeline Operations

Regular maintenance of vegetation in the permanent right-of-way will be conducted in accordance with the Plan and Procedures and further restricted by FERC to only include 50 feet centered on the pipeline. The Plan states: “Routine vegetation mowing or clearing over the full width of the permanent right-of-way in uplands shall not be done more frequently than every 3 years. However, to facilitate periodic corrosion/leak surveys, a corridor not exceeding 10 feet in width centered on the pipeline may be cleared at a frequency necessary to maintain the 10-foot corridor in an herbaceous state.” Routine vegetation mowing or clearing will not occur during the migratory bird nesting season. In Virginia, clearing for operations activities will occur outside the primary songbird nesting season, which runs from March 15 through August 31. In West Virginia, clearing for operations activities will occur outside the primary songbird nesting season, which runs from April 1 through August 31. In North Carolina, clearing for operations activities will occur outside the primary songbird nesting season, which runs from April 1 through August 31. In Pennsylvania, clearing for operations activities will occur outside the

primary songbird nesting season, which runs from April 1 through August 31. Where necessary and when required, DETI will use mechanical mowing or cutting along the right-of-way for normal vegetation maintenance. Atlantic and DETI will avoid in-stream or wetland impacts by going around and accessing from the other side or use of a temporary bridge if it is not possible to go around the feature.

Weed infestations that develop as a result of construction will be addressed using mechanical methods (e.g., mowing), or alternative methods, as appropriate for the species and in accordance with applicable laws and regulations. The method selected will be the best available for the time, place and species as determined through consultation with the appropriate state/commonwealth or federal agency. Aerial spraying will not be used for invasive species control along the right-of-way, but minimal hand or spot spraying may occur for invasive species. Sprays for invasive species will not occur within 25 feet of federally listed species. Atlantic and DETI will implement the Projects' *Invasive Plant Species Management Plan*.

### 5.3.2 Communication Tower Maintenance

Maintenance activities at communication tower sites will adhere to the following conservation measures developed based on guidance provided by the FWS Migratory Bird Office (FWS, 2016).

- If a migratory bird nest (e.g. osprey or bald eagle) is identified on the tower, activities will not occur during the active nesting period, unless the maintenance activities are critical. The regional FWS office will be consulted if activities must occur during when a nest on a tower is active to minimize impacts on the bird.
- Any routine vegetation clearing activities would adhere to the same restriction periods as pipeline operational maintenance activities as described in section 5.3.1.
- The Project specific *Invasive Plant Species Management Plan* also applies at new communication tower sites.

## 6.0 MITIGATION

Atlantic and DETI have worked cooperatively with federal and state agencies, as well as interested parties, from the start of the project to minimize impacts on migratory birds and their habitats. Atlantic and DETI have minimized impacts on migratory birds by planning most tree felling outside of the active nesting season for non-raptors, have avoided and minimized impacts on nesting raptors and birds on rookeries identified during multiple surveys for the Projects by agreeing to adhere to agency recommended time of year restrictions, and have minimized impacts on bald and golden eagles by implementing pre-construction surveys and monitoring as described herein. In addition, Atlantic has proposed the use of the HDD crossing technique at major river crossings, where feasible, which results in preservation of valuable riparian vegetation. Due to these measures, direct impacts on migratory birds are not expected, or will be minimized to a significant degree.



Atlantic and DETI have collocated facilities with existing pipeline facilities, electric transmission lines, transportation corridors, or recently disturbed areas to minimize habitat fragmentation and impacts on environmental resources. For the ACP, the proposed mainline pipelines (AP-1 and AP-2) will be collocated with existing rights-of-way for approximately 48.0 miles of the combined length of these pipelines (9 percent). The proposed AP-3 lateral will be collocated with existing rights-of-way for approximately 30.0 miles of the total length of the route (36 percent). For the SHP, the proposed pipeline loops will be collocated with existing linear facility rights of way for approximately 11.5 miles of the combined length of the routes (31 percent). Collocation of the Projects will minimize increased edge habitats that are created with construction of the Projects. However, some BCC birds listed in Attachment A (blue-winged warbler, olive-sided flycatcher, and yellow-bellied sapsucker) prefer edge habitat and will benefit from creation of some edge habitat along the right of way. Other species, (i.e. golden-winged warbler, loggerhead shrike, and Henslow's sparrow), would benefit from the open and successional habitat created by the right of way.

Atlantic and DETI have reduced the maintained right-of-way width from 75 to 50 feet. Atlantic and DETI have also committed to restoring the right-of-way. To maintain accessibility of the rights-of-way and accommodate pipeline integrity surveys, vegetation along the rights-of-way will be cleared periodically, and as necessary, in accordance with the Plan and Procedures (except in areas crossed by HDD where vegetation maintenance will not be required). The Plan does not allow routine vegetation maintenance clearing more frequently than every 3 years, with the exception of a 10-foot-wide corridor centered over the pipeline, which can be mowed at a frequency necessary to maintain the corridor in an herbaceous state to facilitate periodic corrosion and leak surveys. Routine vegetation mowing or clearing will not occur during the migratory bird nesting season. Outside of this area, the right-of-way will be allowed to revegetate to its pre-existing condition, and as it recovers will provide habitat for species that prefer edge habitats, transitional habitats, and grass and shrub habitats. Revegetation measures will be implemented in accordance with the Plan and Procedures or as directed by the appropriate land managing agency or landowner. Disturbed, non-cultivated work areas will be stabilized and seeded as soon as possible after final grading, weather and soil conditions permitting, subject to the recommended seeding dates for the seed mixes used to revegetate different areas along the pipelines. Seeding will stabilize the soil, improve the appearance of the area disturbed by construction, and in some cases, restore native flora.

In specific locations, Atlantic and DETI plan to replant vegetation along the construction right-of-way. For example, shallow rooted shrubs will be replanted along the outer edges of and within the permanently maintained areas of the right-of-way, except for directly over the pipeline, between MP 158.9 and 159.1 to mitigate visual impacts on the Blue Ridge Parkway. These plantings will also benefit migratory birds which utilize transitional habitats for breeding, foraging, and resting. In the MNF and GWNF, all additional temporary workspaces and the outermost portions of the construction right-of-way, including 20 feet on the working side and 13 feet on the spoil side, will be replanted with a combination of indigenous tree and shrub seedlings on USFS property per the COM Plan. The mix of tree and shrub species will be determined in consultation with the MNF and GWNF.

Atlantic and DETI will also conduct post-construction monitoring and implement remedial actions, as necessary, for successful restoration and revegetation of areas disturbed by

construction. Invasive species will be managed in accordance with the Projects' Invasive Plant Species Management Plan, which will provide improved habitats for migratory birds within the restored right of way.

In accordance with the Procedures, the width of the construction right-of-way will be limited to a maximum of 75 feet through wetlands. Additional temporary workspaces will be located in upland areas a minimum of 50 feet from the wetland edge (with the exception of site-specific modifications as requested by Atlantic and DETI and approved by the FERC or where adjacent uplands consist of cultivated or rotated cropland or other disturbed land). Impacts on these habitats are reduced by the reduction in disturbance in marsh or wetland habitats which are used by many of the BCC birds in Attachment A (i.e. American bittern, black rail, and least bittern).

Atlantic and DETI will prepare a compensatory wetland mitigation plan for impacts on each single and complete crossing of Waters of the U.S. and Waters of the State and stream buffers in North Carolina for the Projects with assistance from each of the U.S. Army Corps of Engineers (USACE) District offices. Ratios for unavoidable impacts to Waters of the U.S. and Waters of the State will be determined by the USACE and applied as necessary to calculate the amount of compensatory mitigation credits needed to compensate for both forested and shrub wetlands conversions and permanent losses of Waters of the U.S. Where available, mitigation bank credits will be utilized as a preferred option to mitigate impacts. In the event that mitigation bank credits are unavailable for purchase, or to make up the balance of credits needed, participation in an In-lieu Fee Program will be used to satisfy remaining compensatory mitigation requirements.

In addition to the compensatory mitigation required for impacts to Waters of the U.S. and North Carolina stream buffers, Atlantic has acquired 3,363 acres of property to be preserved across the project; of which 2,820 acres are forested. These properties are intended to mitigate for adverse impacts (e.g., habitat loss) occurring on state/commonwealth-owned lands and will also offset habitat fragmentation impacts resulting from the ACP.

## **7.0 IMPLEMENTATION OF CONSERVATION MEASURES**

Atlantic and DETI are committed to implementing the conservation measures discussed within the *Migratory Bird Plan* related to avoidance, minimization, and reduction of impacts on migratory birds. To ensure effective implementation, Atlantic and DETI will do the following:

- Incorporate the relevant conservation measures into construction documents issued for the Projects.
- Prior to initiating pre-clearing activities and construction, Atlantic and DETI will conduct environmental training for Company and Contractor personnel. The training program will include the measures described within this plan. In addition, Atlantic and DETI will provide large-group training sessions before each crew commences construction with periodic follow-up training for groups of newly assigned personnel and as needed to emphasize specific topics.

## **8.0 CONCLUSION**

The Projects will implement the measures described in this plan, including targeted routing, right-of-way configuration and optimization, vegetation management, specialized construction methods (e.g., horizontal directional drill), seasonal timing restrictions, no-activity buffers, restoration of disturbed areas, and mitigation measures. Based on the relatively limited extent of the proposed disturbance within the broader landscape, and with the implementation of the proposed avoidance, conservation, minimization, and mitigation measures, the Projects are not expected to result in significant long-term impacts on migratory birds.

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**ATLANTIC COAST PIPELINE, LLC  
ATLANTIC COAST PIPELINE**

**and**

**DOMINION TRANSMISSION, INC.  
SUPPLY HEADER PROJECT**

**Migratory Bird Plan**

**ATTACHMENT A  
Migratory Birds of Conservation Concern Within the  
Vicinity of the Atlantic Coast Pipeline and Supply Header Projects**

## Migratory Bird Plan

TABLE A-1							
Migratory Birds of Conservation Concern Within the Vicinity of the Atlantic Coast Pipeline and Supply Header Projects							
Common Name ( <i>Scientific name</i> )	BCR Region Listed In <sup>d</sup>	Nesting Habitat	Atlantic Coast Pipeline			Supply Header Pipeline	
			West Virginia	Virginia	North Carolina	Pennsyl- vania	West Virginia
American Bittern ( <i>Botaurus lentiginos</i> )	27	Freshwater marshes with tall vegetation.		X <sup>a</sup>	X <sup>a</sup>		
American Kestrel ( <i>Falco sparverius paulus</i> )	27	Longleaf pine sandhills.	X	X	X		X
American Oystercatcher ( <i>Haematopus palliatus</i> )	27	Beaches, dunes, marsh islands.		X <sup>b</sup>	X <sup>c</sup>		
Bachman's Sparrow ( <i>Aimophila aestivalis</i> )	27, 29	Pine forests with grassy floors.			X		
Bald Eagle ( <i>Haliaeetus leucocephalus</i> )	27, 28, 29	Forested areas adjacent to large bodies of water.	X	X	X	X	X
Bewick's Wren ( <i>Thryomanes bewickii ssp. bewickii</i> )	27, 28, 29	Brushy scrub and open woodlands.	X	X	X <sup>c</sup>		
Black-billed Cuckoo ( <i>Coccyzus erythrophthalmus</i> )	None Project crosses	Woodlands and thickets.	X	X	X <sup>c</sup>	X	X
Black-capped Chickadee ( <i>Poecile carolinensis</i> )	28	Deciduous and mixed forests, swamps, riparian areas, and open woods and parks.	X			X	X
Black Rail ( <i>Laterallus jamaicensis</i> )	27, 29	High portions of shallow freshwater marshes, wet meadows, and flooded grassy vegetation.		X <sup>b</sup>			
Black Skimmer ( <i>Rynchops niger</i> )	27	Beaches, dredge deposition islands, saltmarshes, and gravelbars.		X <sup>b</sup>	X <sup>c</sup>		
Black-throated Green Warbler ( <i>Setophaga virens</i> )	27	Transitional coniferous-deciduous forest.	X	X	X <sup>c</sup>		
Blue-winged Warbler ( <i>Vermivora cyanoptera</i> )	27, 28, 29	Forest/field edges, often near abandoned farmland and forest clearings.	X	X	X <sup>c</sup>	X	X
Brown-headed Nuthatch ( <i>Sitta pusilla</i> )	27, 29	Pine forests of comprised of longleaf and slash pines where natural fire patterns have been maintained.		X	X		
Canada Warbler ( <i>Cardellina canadensis</i> )	28	Moist forests with a well-developed shrub layer, swamps, and streamside thickets.	X	X	X <sup>c</sup>	X	
Cerulean Warbler ( <i>Setophaga cerulean</i> )	27, 28, 29	Forests with tall deciduous trees and open understory, such as wet bottomlands and dry slopes.	X	X	X	X	X
Chuck-will's-widow ( <i>Antrostomus carolinensis</i> )	27	Pine, oak-hickory, and other forests often with canopy openings.		X	X		
Fox Sparrow ( <i>Passerella iliaca</i> )	None Project crosses	Thickets and chapparral.	X <sup>a</sup>	X <sup>a</sup>	X <sup>a</sup>		X <sup>a</sup>
Golden-winged Warbler ( <i>Columbina passerine</i> )	28	Regenerating clear-cuts, wet thickets, tamarack bogs, and aspen or willow stands.	X	X	X <sup>c</sup>	X	



## Migratory Bird Plan

TABLE A-1 (cont'd)							
Migratory Birds of Conservation Concern Within the Vicinity of the Atlantic Coast Pipeline and Supply Header Project							
Common Name (Scientific name)	BCR Region Listed In	Nesting Habitat	Atlantic Coast Pipeline		Supply Header Pipeline		
			West Virginia	Virginia	North Carolina	Pennsyl- vania	West Virginia
Gull-billed Tern ( <i>Gelochelidon nilotica</i> )	27	Gravelly or sandy beaches.		X <sup>b</sup>	X <sup>c</sup>		
Henslow's Sparrow ( <i>Ammodramus henslowii</i> )	27, 28, 29	Large, flat fields with no woody plants, and with tall, dense grass.	X		X	X	X
Hudsonian Godwit ( <i>Limosa haemastica</i> )	None Project crosses	Grassy tundra.		X <sup>b</sup>			
Kentucky Warbler ( <i>Geothlypis formosa</i> )	27, 28, 29	Hardwood forests with thick understory.	X	X	X	X	X
Least Bittern ( <i>Ixobrychus exilis</i> )	27	Freshwater or brackish marshes with tall vegetation.	X	X	X	X	X
Least Tern ( <i>Sternula antillarum</i> )	27	Beaches and lakes and rivers with gravel or sand bars.		X <sup>b</sup>	X <sup>c</sup>		
Lesser Yellowlegs ( <i>Tringa flavipes</i> )	None Project crosses	Open boreal forests with shallow wetlands.		X <sup>a</sup>	X <sup>c</sup>		
Loggerhead Shrike ( <i>Lanius ludovicianus</i> )	27, 28, 29	Short grass with isolated trees or shrubs, especially pastureland.		X	X		
Louisiana Waterthrush ( <i>Parkesia motacilla</i> )	28	Breeds along gravel-bottomed streams flowing through hilly, deciduous forest.	X	X	X <sup>c</sup>	X	X
Marbled Godwit ( <i>Limosa fedoa</i> )	27	Marshes and flooded plains.		X <sup>b</sup>			
Mississippi Kite ( <i>Ictinia mississippiensis</i> )	None Project crosses	Riverine forest, and open woodland.			X		
Nelson's Sharp-tailed Sparrow ( <i>Ammodramus nelsoni</i> )	27	Freshwater marshes and wet meadows.		X <sup>a</sup>			
Northern Saw-whet Owl ( <i>Aegolius acadicus</i> )	28	Various forested habitats and most closely associated with conifer and mixed conifer/hardwood forests.	X		X <sup>c</sup>	X	X
Olive-sided Flycatcher ( <i>Contopus cooperi</i> )	28	Coniferous forests, edges and openings.	X	X	X <sup>c</sup>		
Peregrine Falcon ( <i>Falco peregrinus</i> )	27, 28, 29	Cliffs, manmade objects, such as transmission towers, silos, and bridges.	X	X	X <sup>a</sup>	X	X
Pied-billed Grebe ( <i>Podilymbus podiceps</i> )	None Project crosses	Seasonal or permanent ponds with dense stands of emergent vegetation, bays and sloughs.	X	X	X <sup>c</sup>	X	X
Prairie Warbler ( <i>Setophaga discolor</i> )	27, 28, 29	Various shrubby habitats including southern pine forest, pine and scrub oak barrens, and regenerating forest.	X	X	X	X	X
Prothonotary Warbler ( <i>Protonotaria citrea</i> )	27	Wooded swamps and other bottomland forests.		X	X		
Purple Sandpiper ( <i>Calidris maritima</i> )	None project crosses	Low tundra and gravel beaches.		X <sup>a</sup>			

## Migratory Bird Plan

TABLE A-1 (cont'd)							
Migratory Birds of Conservation Concern Within the Vicinity of the Atlantic Coast Pipeline and Supply Header Project							
Common Name (Scientific name)	BCR Region Listed In	Nesting Habitat	Atlantic Coast Pipeline		Supply Header Pipeline		
			West Virginia	Virginia	North Carolina	Pennsyl- vania	West Virginia
Red Crossbill ( <i>Loxia curvirostra</i> )	28	Mature coniferous forests.	X				
Red-headed Woodpecker ( <i>Melanerpes erythrocephalus</i> )	27, 28	Deciduous woodlands often with groves of dead or dying trees.	X	X	X <sup>c</sup>	X	X
Red Knot ( <i>Calidris canutus rufa</i> )	27	Dry tundra areas.		X <sup>a</sup>	X <sup>a</sup>		
Rusty Blackbird ( <i>Euphagus carolinus</i> )	27, 28, 29	Wet forests.	X <sup>a</sup>	X <sup>a</sup>	X <sup>a</sup>		
Saltmarsh Sparrow ( <i>Ammodramus caudacutus</i> )	27	Salt marshes.		X			
Seaside Sparrow ( <i>Ammodramus maritimus</i> )	27	Salt marshes.		X			
Sedge Wren ( <i>Cistothorus platensis</i> )	27, 28, 29	Dense tall sedges and grasses in wet meadows, hayfields, and marshes.		X <sup>a</sup>	X <sup>a</sup>		
Short-billed Dowitcher ( <i>Limnodromus griseus</i> )	27	Muskegs of taiga to timberline.		X <sup>a</sup>	X <sup>a, c</sup>		
Short-eared Owl ( <i>Asio flammeus</i> )	29	Open country, including prairies, meadows, marshes, and open woodland.	X <sup>a</sup>	X <sup>a</sup>	X <sup>a</sup>	X <sup>a</sup>	X <sup>a</sup>
Snowy Egret ( <i>Egretta thula</i> )	None Project crosses	Thick vegetation in isolated places such as dredge-spoil islands, swamps, and marshes.		X	X <sup>c</sup>		
Swainson's Warbler ( <i>Limnithlypis swainsonii</i> )	27, 28, 29	Southern forests with thick undergrowth.	X	X	X		
Whimbrel ( <i>Numenius phaeopus</i> )	27	Tundra.		X <sup>a</sup>	X <sup>a, c</sup>		
Willow Flycatcher ( <i>Empidonax traillii</i> )	None Project crosses	Moist shrubby areas near water.	X	X	X <sup>c</sup>	X	X
Wood Thrush ( <i>Hylocichla mustelina</i> )	27, 28, 29	Mature deciduous and mixed forests.	X	X	X	X	X
Worm-eating Warbler ( <i>Helmitheros vermivorum</i> )	28	Mature deciduous or mixed deciduous-coniferous forest with patches of dense understory.	X	X	X	X	X
Yellow-bellied Sapsucker ( <i>Sphyrapicus varius</i> )	28	Various forested habitats and often young forests with edge habitat, especially areas regenerating from timber harvesting.	X	X	X <sup>c</sup>		
Yellow Rail ( <i>Coturnicops noveboracensis</i> )	27	Shallow marshes and wet meadows.		X <sup>a</sup>	X <sup>a</sup>		

Migratory Bird Plan

TABLE A-1 (cont'd)							
Migratory Birds of Conservation Concern Within the Vicinity of the Atlantic Coast Pipeline and Supply Header Project							
Common Name ( <i>Scientific name</i> )	BCR Region Listed In	Nesting Habitat	Atlantic Coast Pipeline		Supply Header Pipeline		
			West Virginia	Virginia	North Carolina	Pennsyl- vania	West Virginia
<sup>a</sup>	Species does not breed in state; wintering or migrating populations only.						
<sup>b</sup>	Per a letter from the Virginia Department of Game and Inland Fisheries, these species are not likely to occur in the project area in Virginia so will not be considered in this plan.						
<sup>c</sup>	Added based on request from NC WRC in letter dated April 6, 2017. Species is not listed as BCC bird in state/region per the 2008 Birds of Conservation Concern list.						
<sup>d</sup>	The GWNF and MNF occur in BCR 28; birds listed in that BCR may occur within the forest boundaries.						
Source: IPaC July 2016; 2008 Birds of Conservation Concern.							

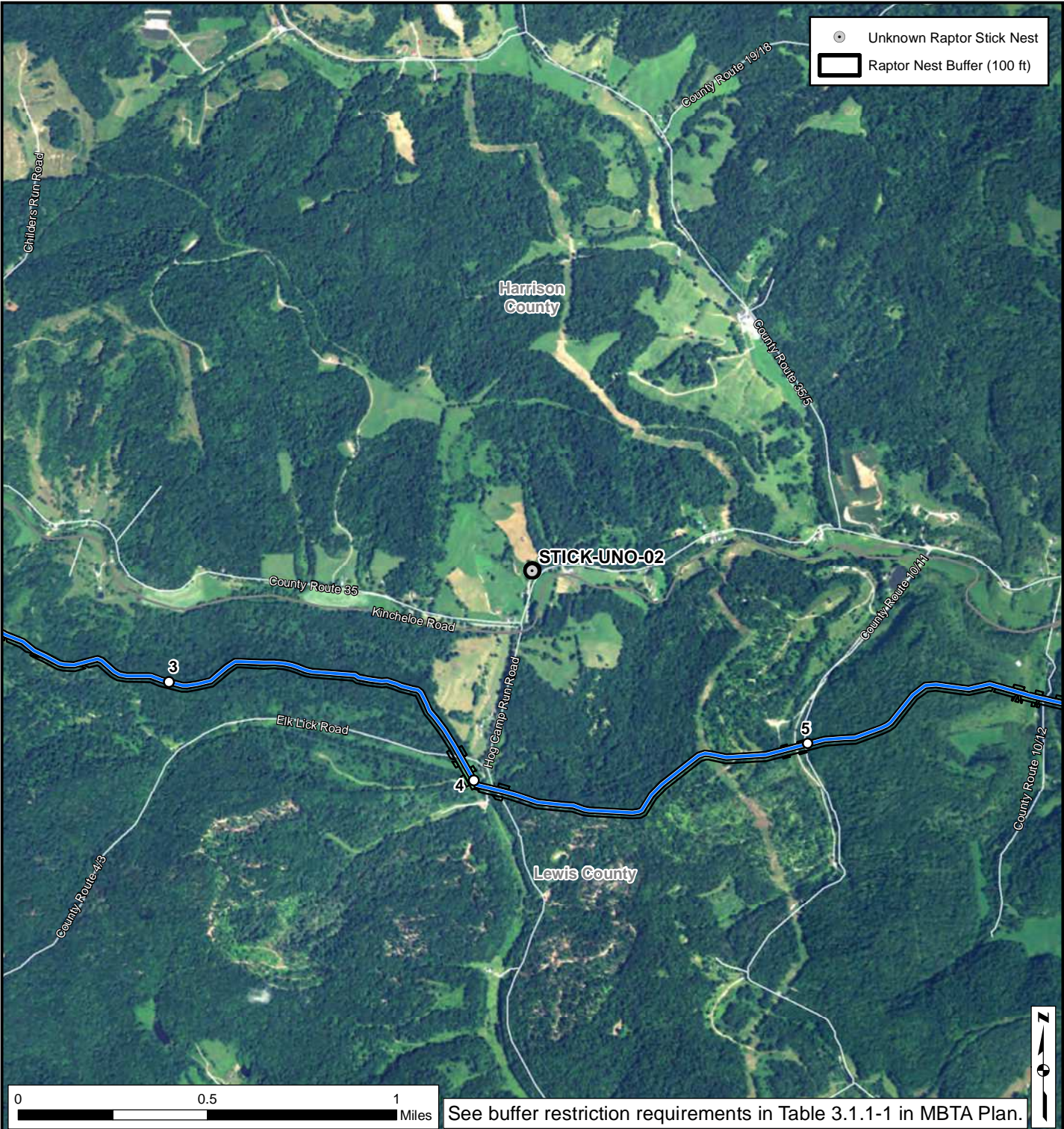
**ATLANTIC COAST PIPELINE, LLC  
ATLANTIC COAST PIPELINE**

**and**



**DOMINION TRANSMISSION, INC.  
SUPPLY HEADER PROJECT**



**Migratory Bird Plan**

**ATTACHMENT B  
Known Migratory Bird Nesting Sites**




Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August





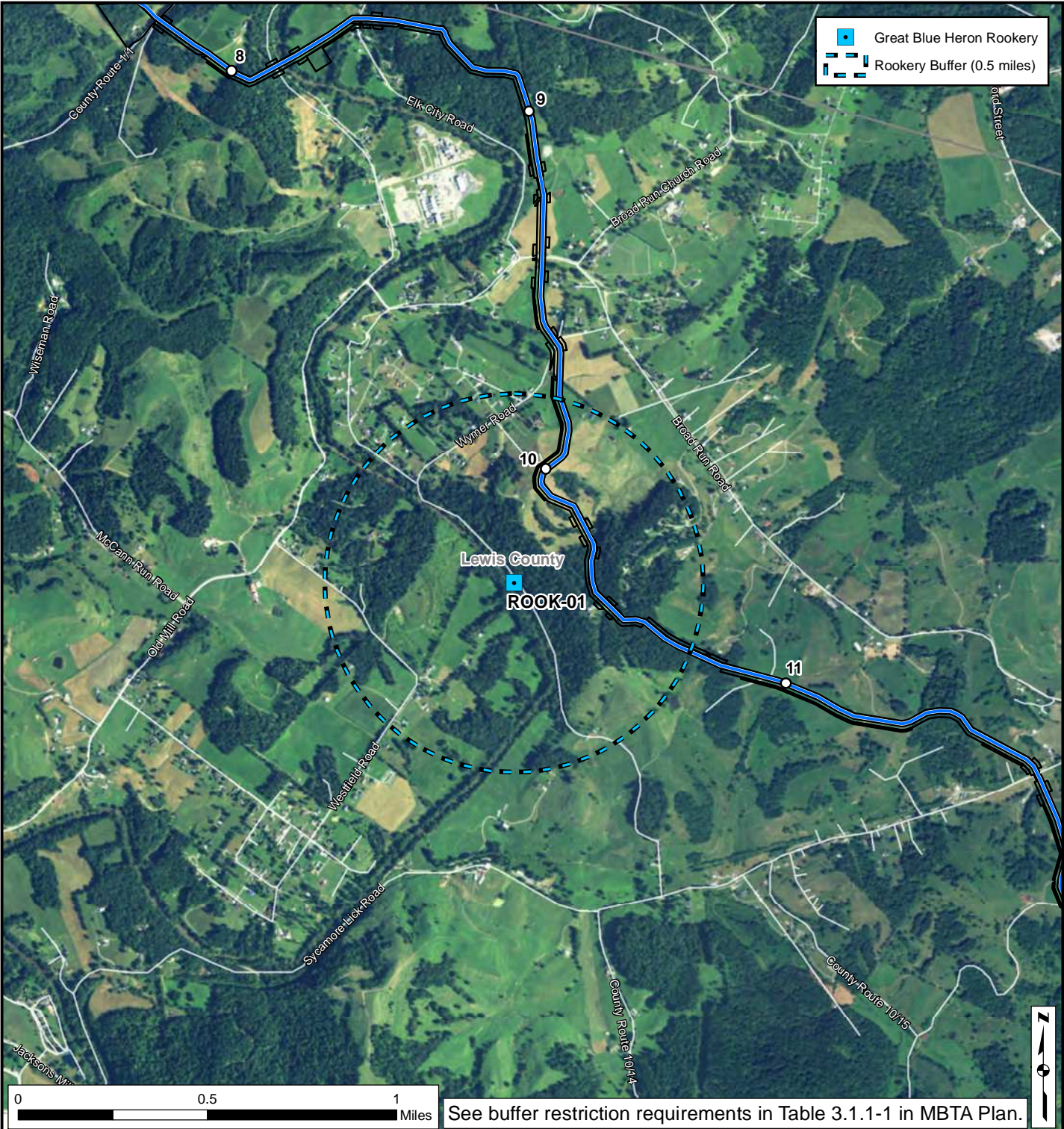
AP-1  
Construction Impact Footprint

**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Harrison County, West Virginia  
Page B-1







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*
Rookeries	0.5 mile	WV: Apr. 1 - Aug. 15 (Pending agency confirmation)



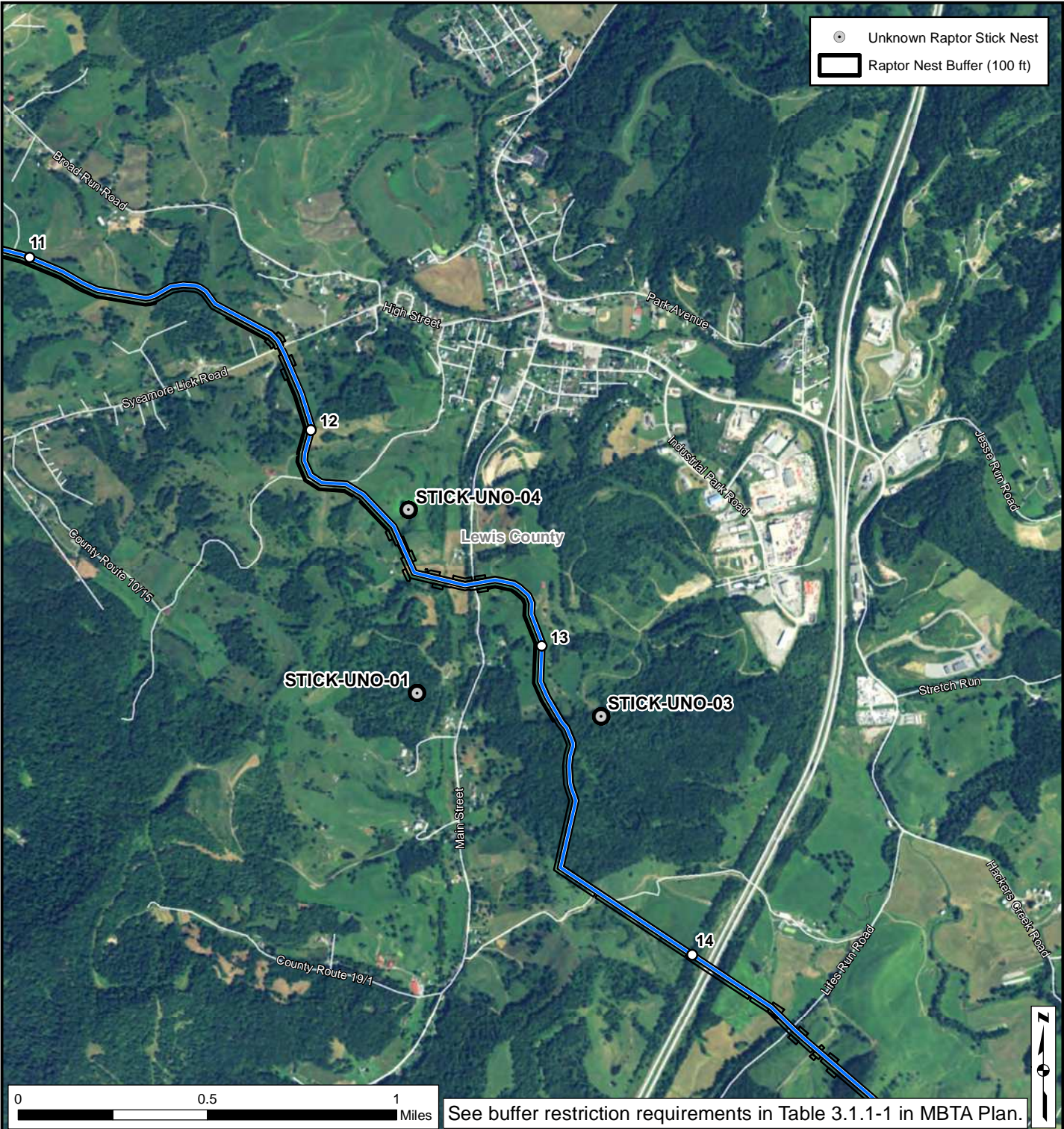
  
AP-1  
  
Construction Impact Footprint

**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Lewis County, West Virginia  
Page B-2






\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August



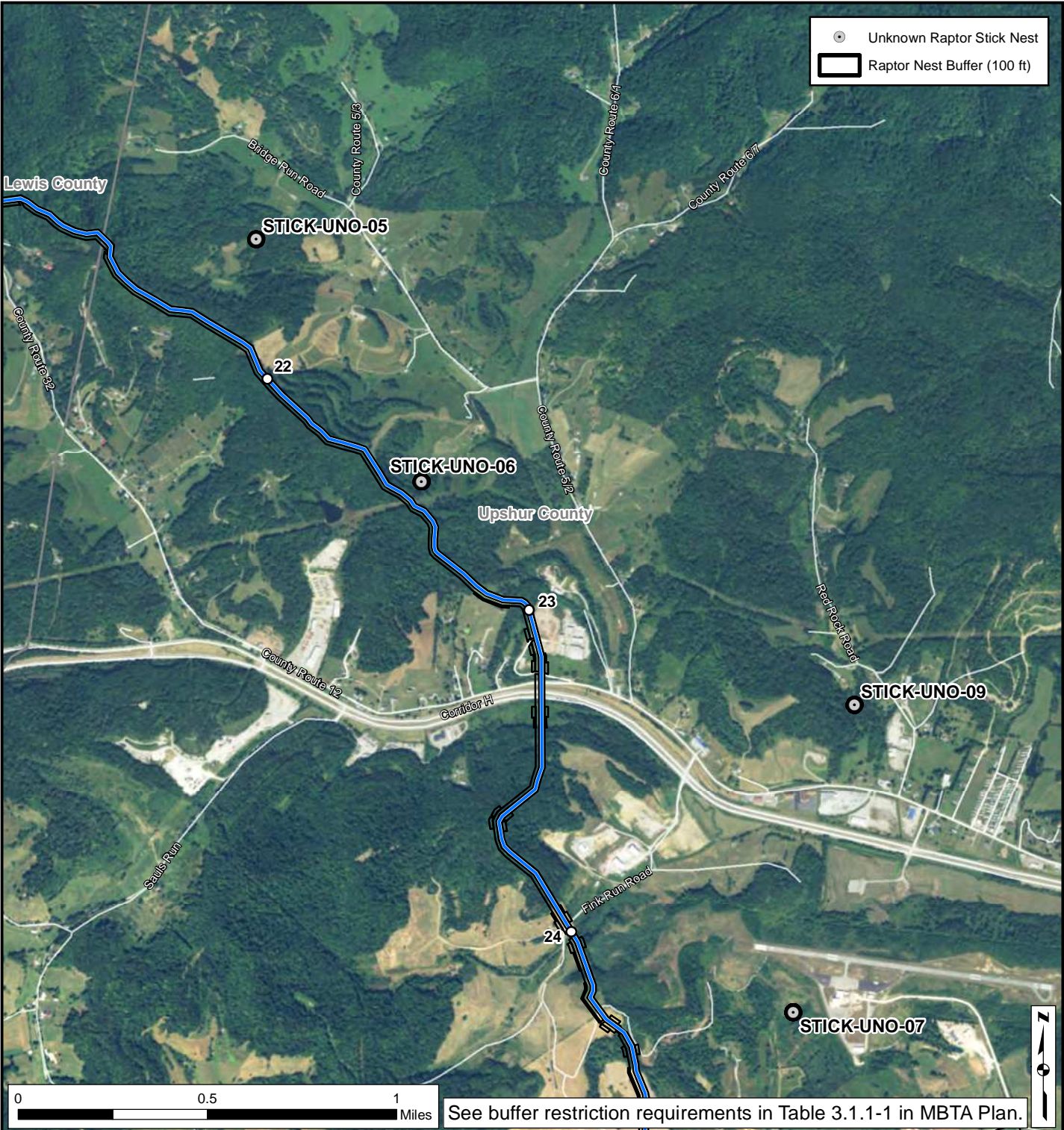


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Lewis County, West Virginia  
Page B-3







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August



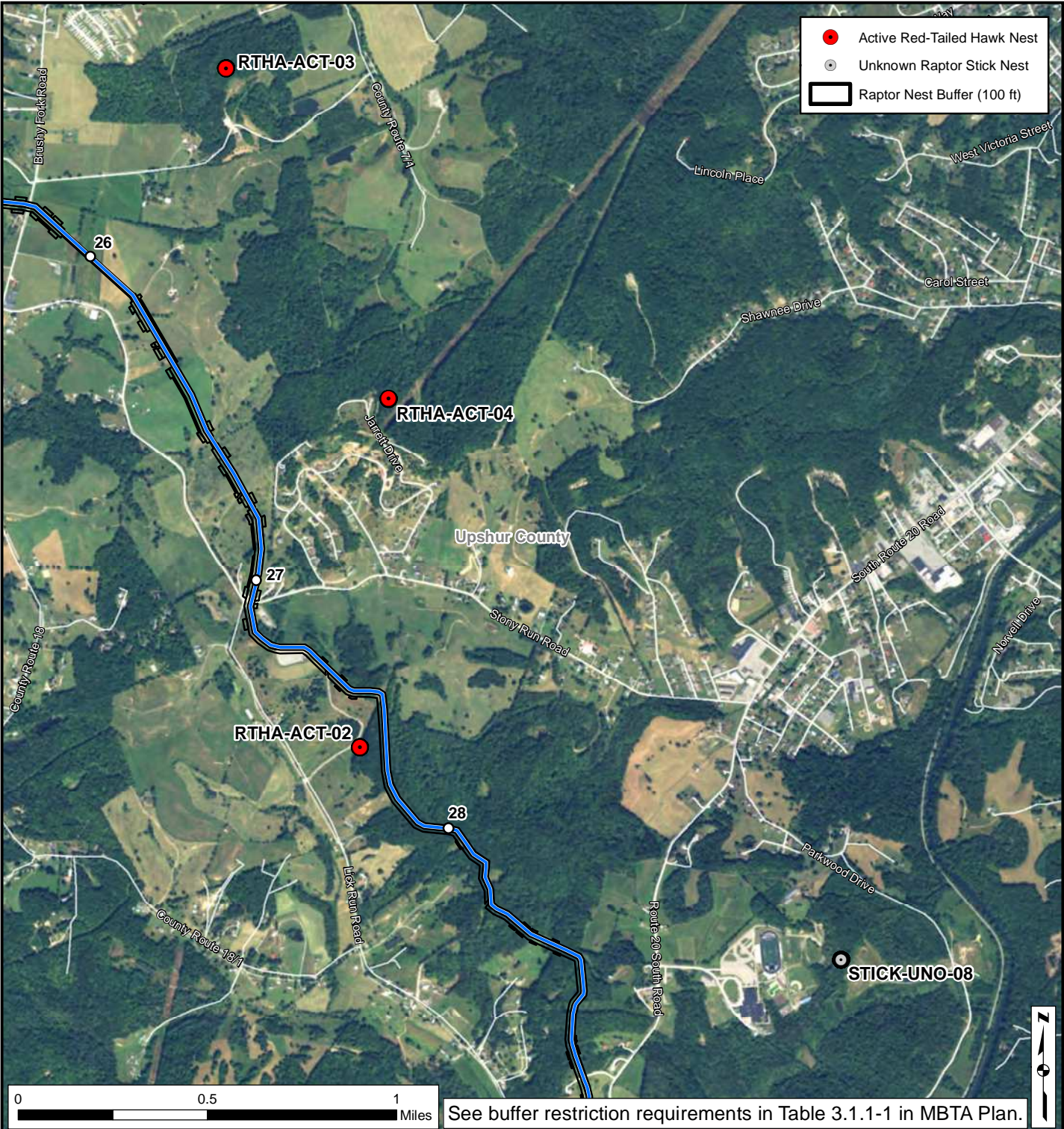


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Upshur County, West Virginia  
Page B-4







\* Times are approximate, and dependent on actual bird activity at nest or rookery.





Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	



AP-1  
Construction Impact Footprint

**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Upshur County, West Virginia  
Page B-5





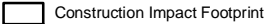

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	



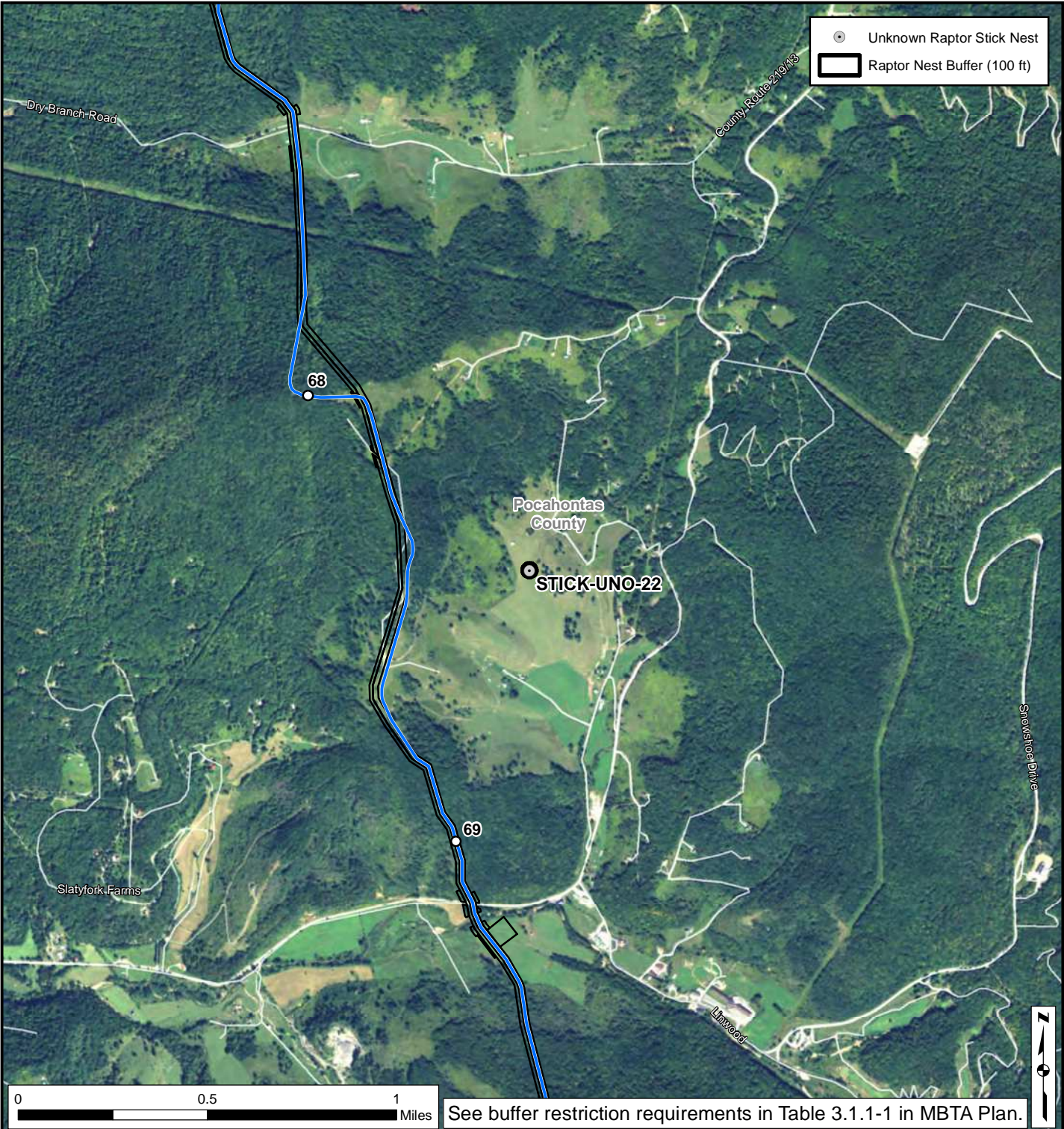


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Randolph County, West Virginia  
Page B-6





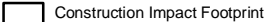

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August



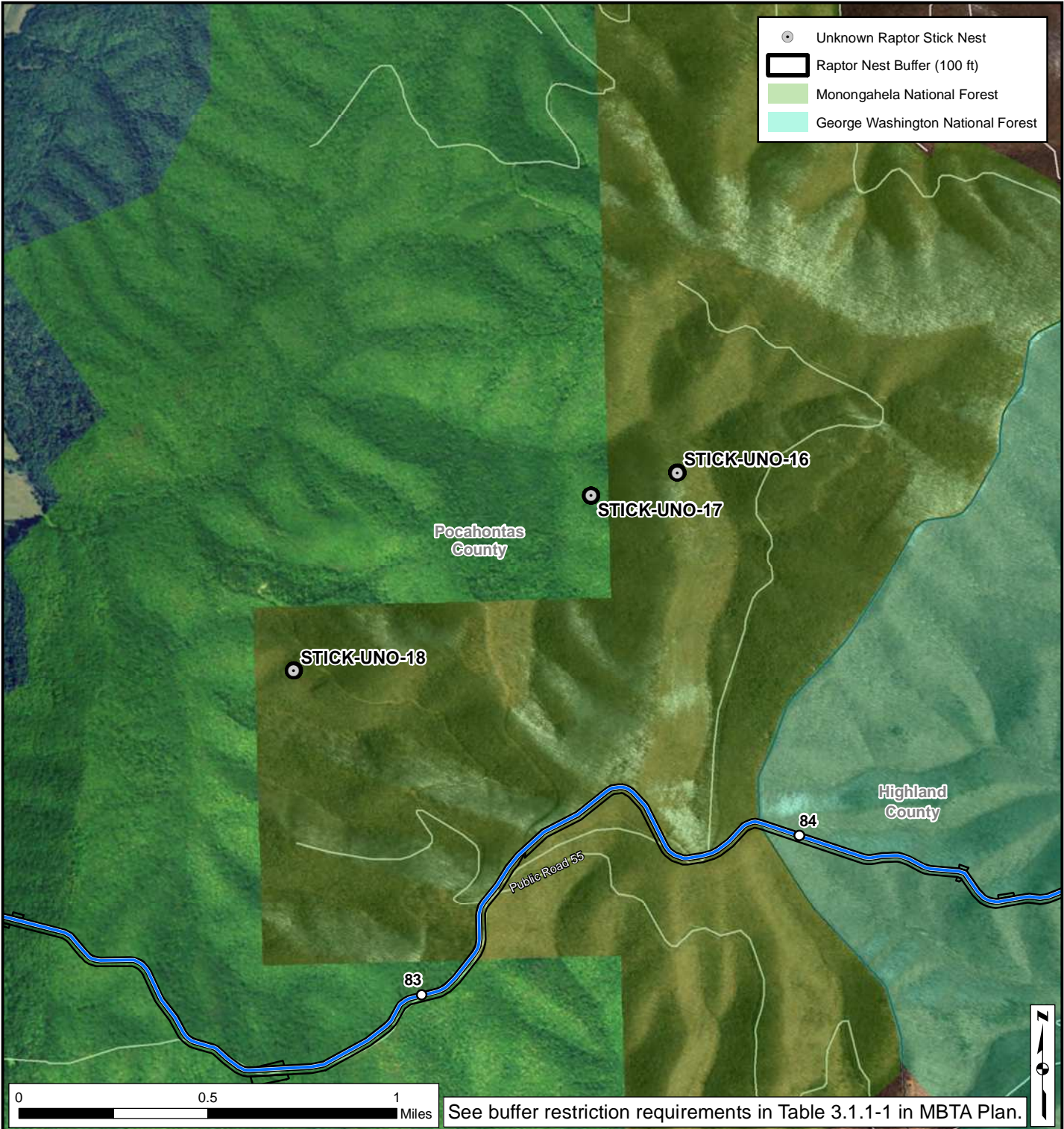


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Pocahontas County, West Virginia  
Page B-7





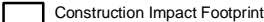

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August



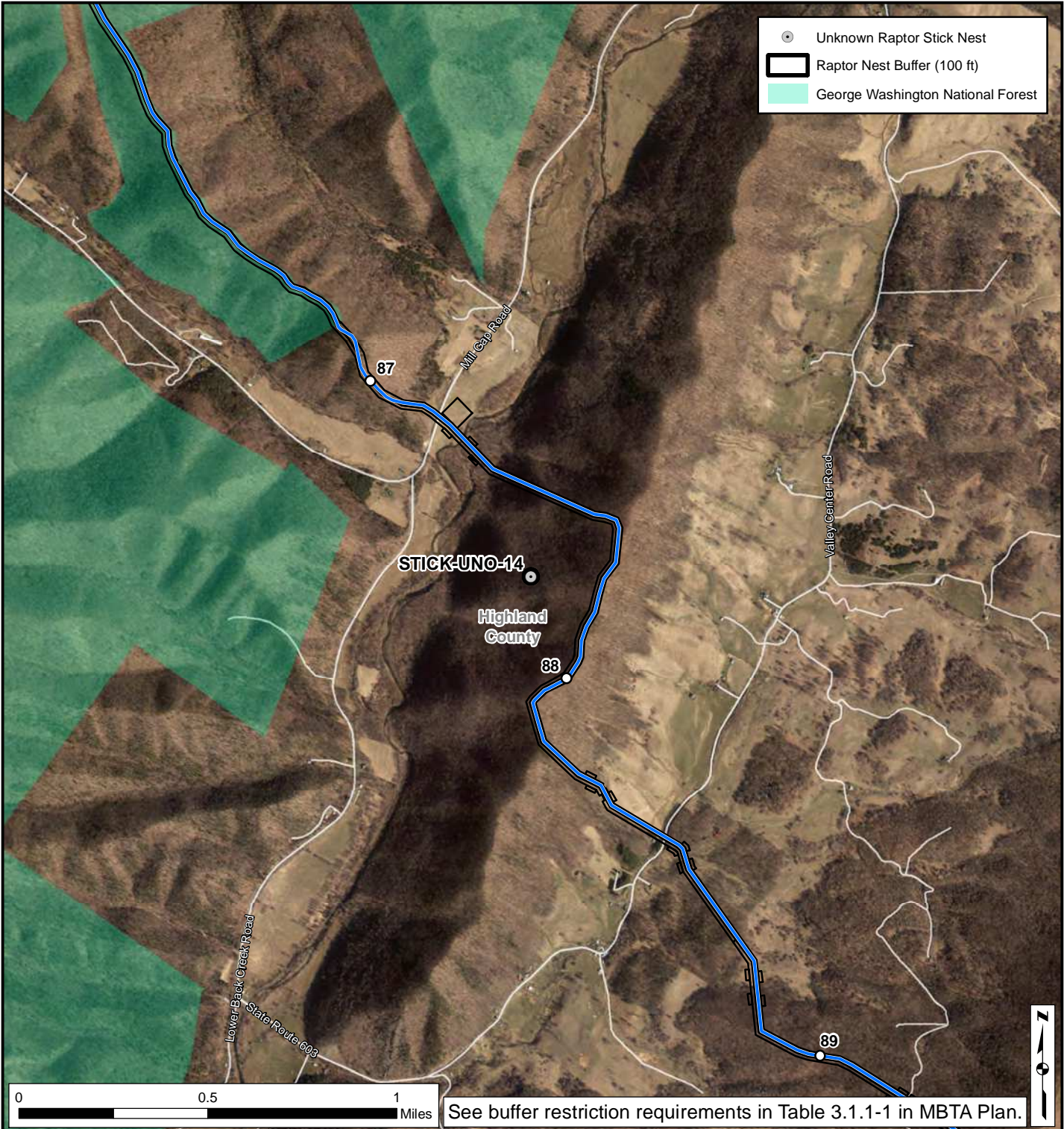


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Pocahontas County, West Virginia  
Page B-8





\* Times are approximate, and dependent on actual bird activity at nest or rookery.

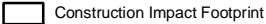






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	

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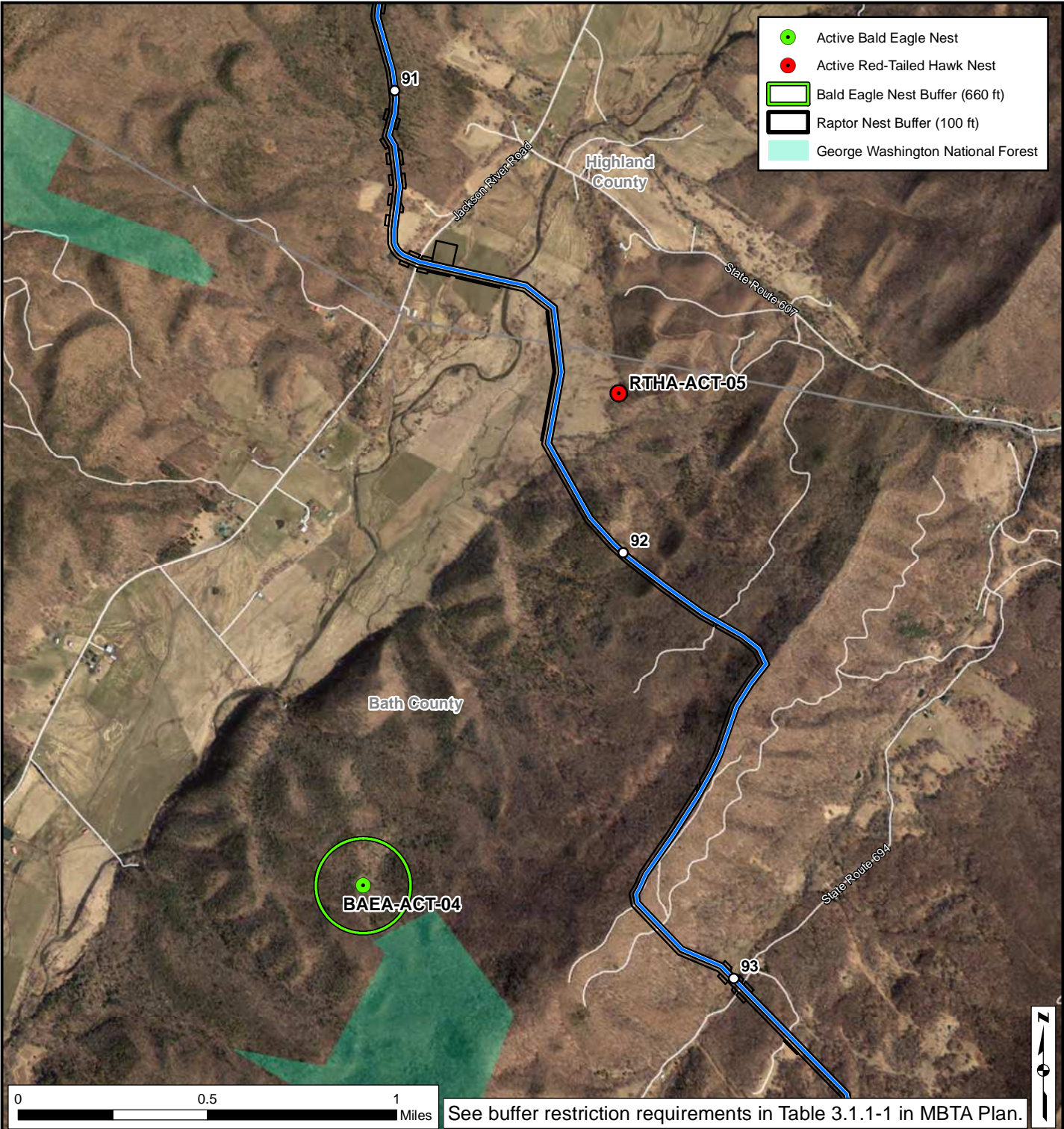


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Highland County, Virginia  
Page B-9





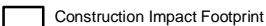

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Bald Eagle Nests	660 feet	Nov. 15 - July 15	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	



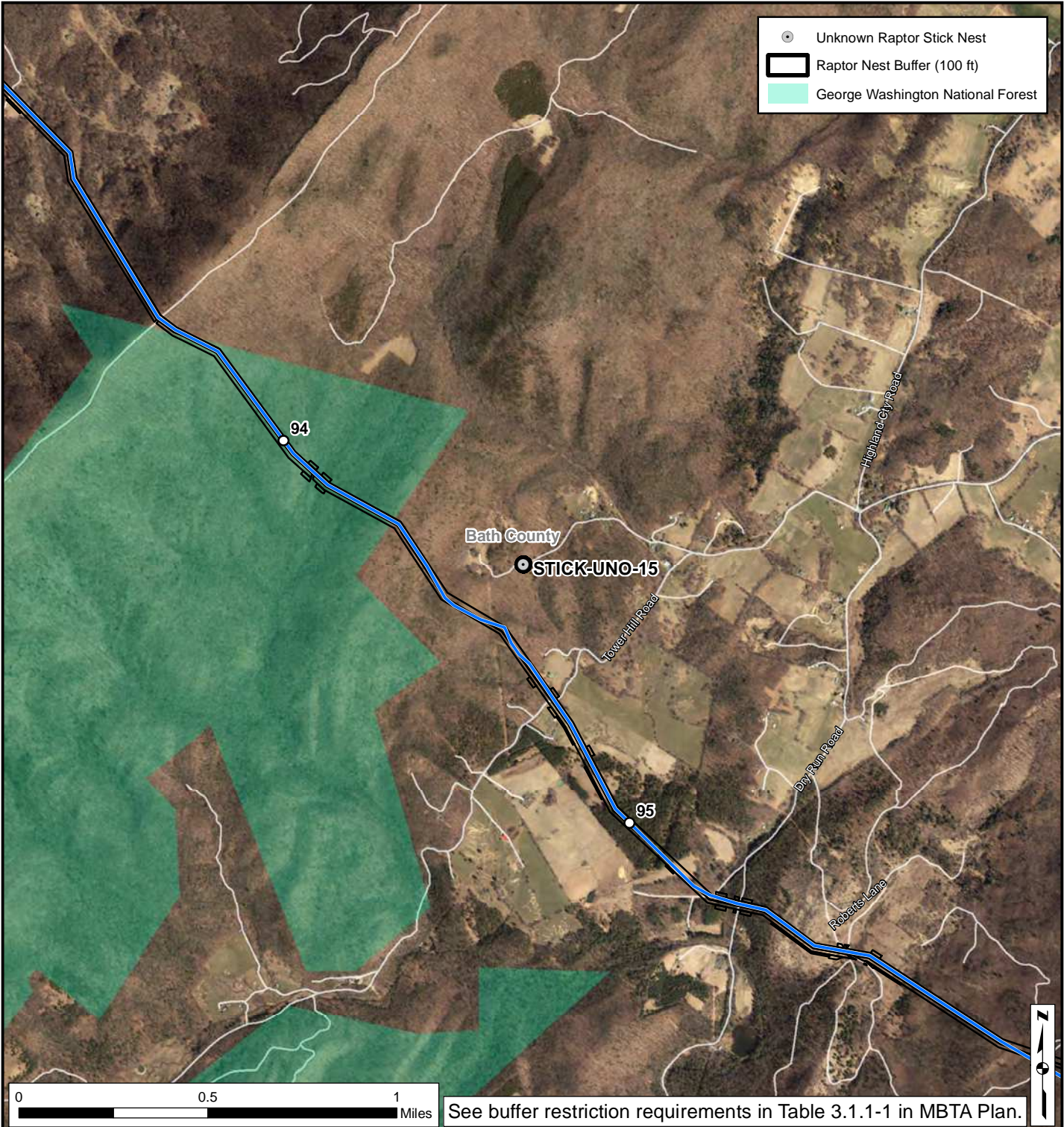


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Bath County, Virginia  
Page B-10






\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August






AP-1



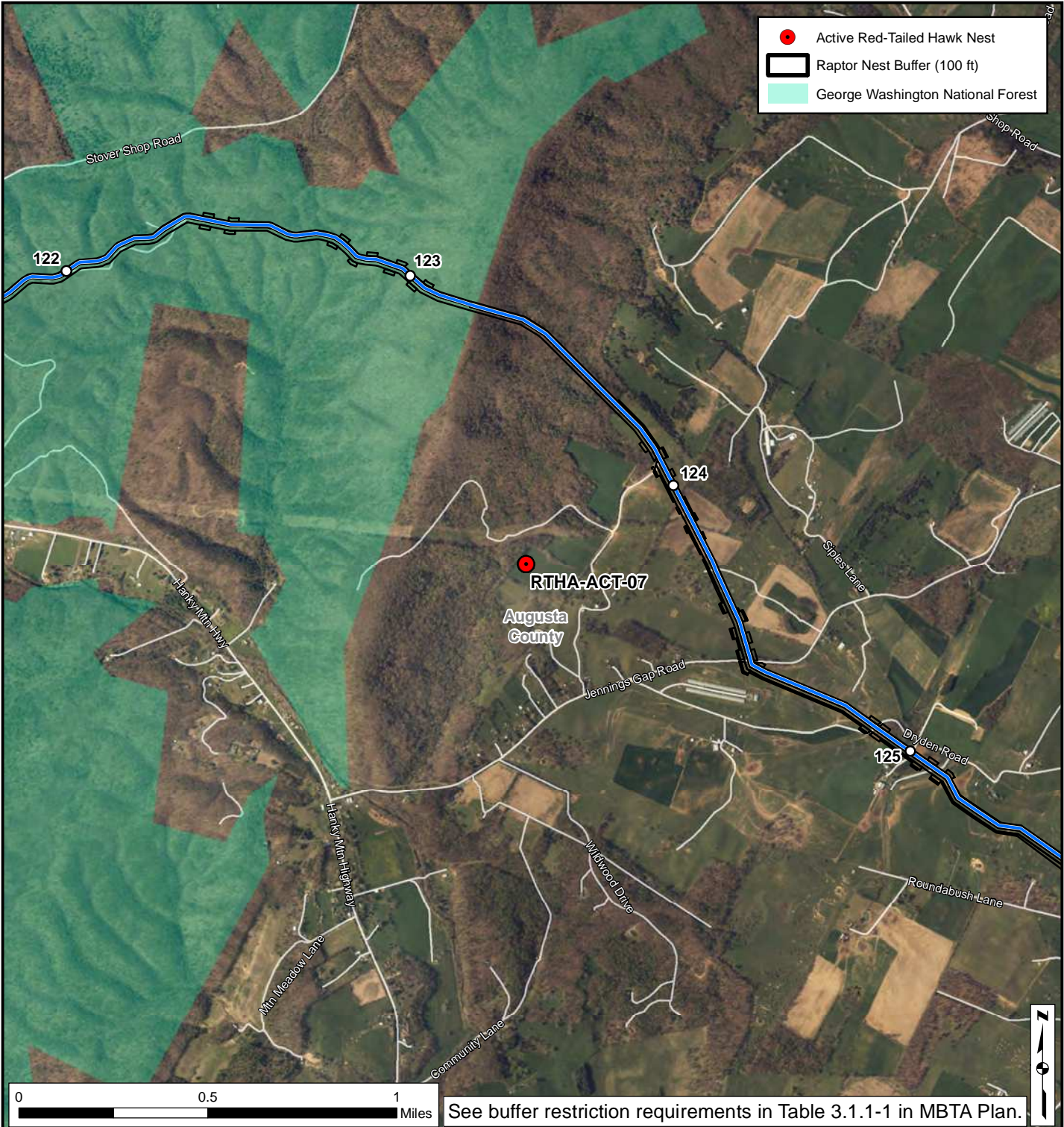
Construction Impact Footprint

**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Bath County, Virginia  
Page B-11





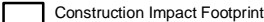

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August



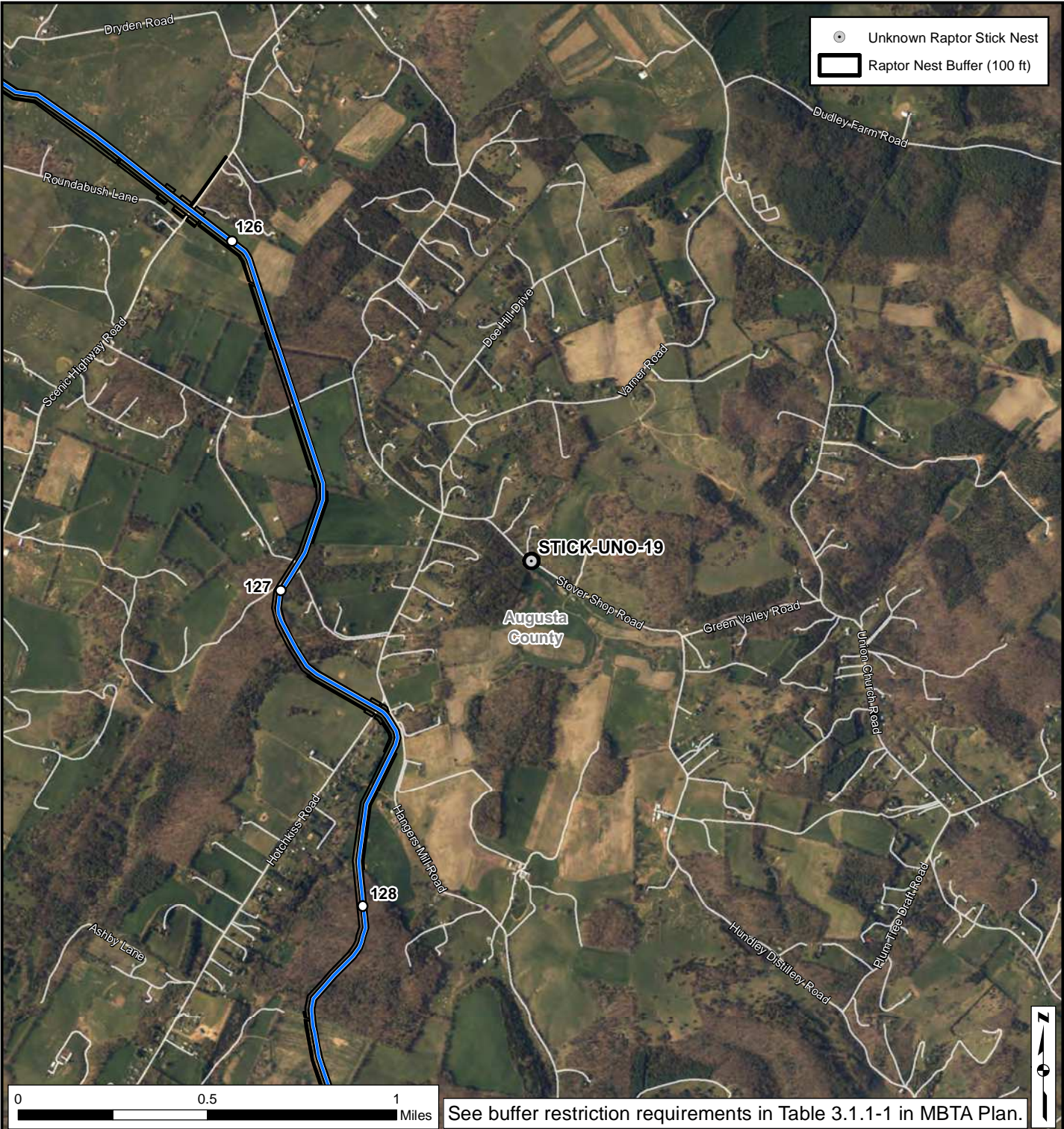


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Augusta County, Virginia  
Page B-12







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	



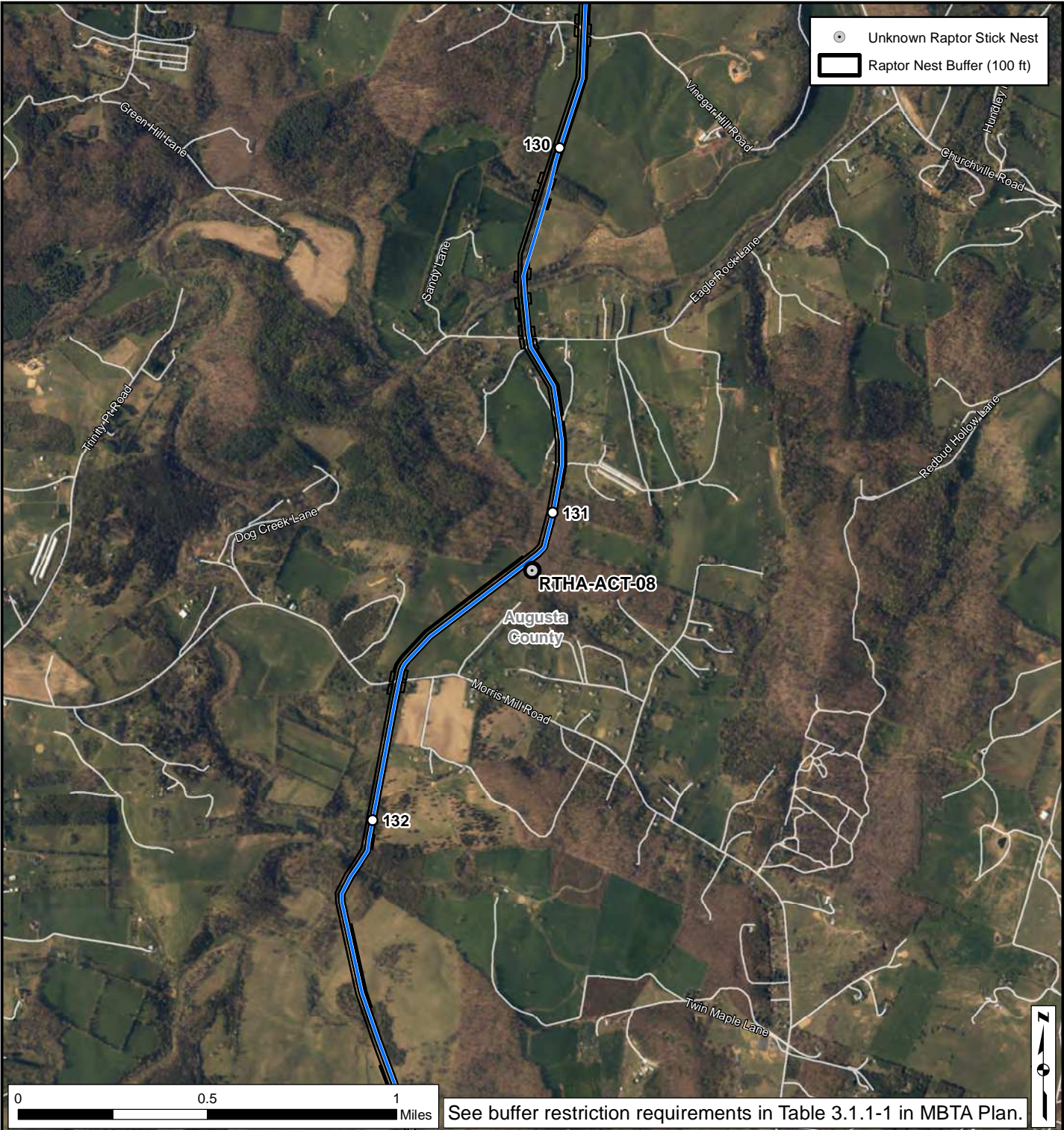


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Augusta County, Virginia  
Page B-13






\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	






AP-1



Construction Impact Footprint

**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Augusta County, Virginia  
Page B-14







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	





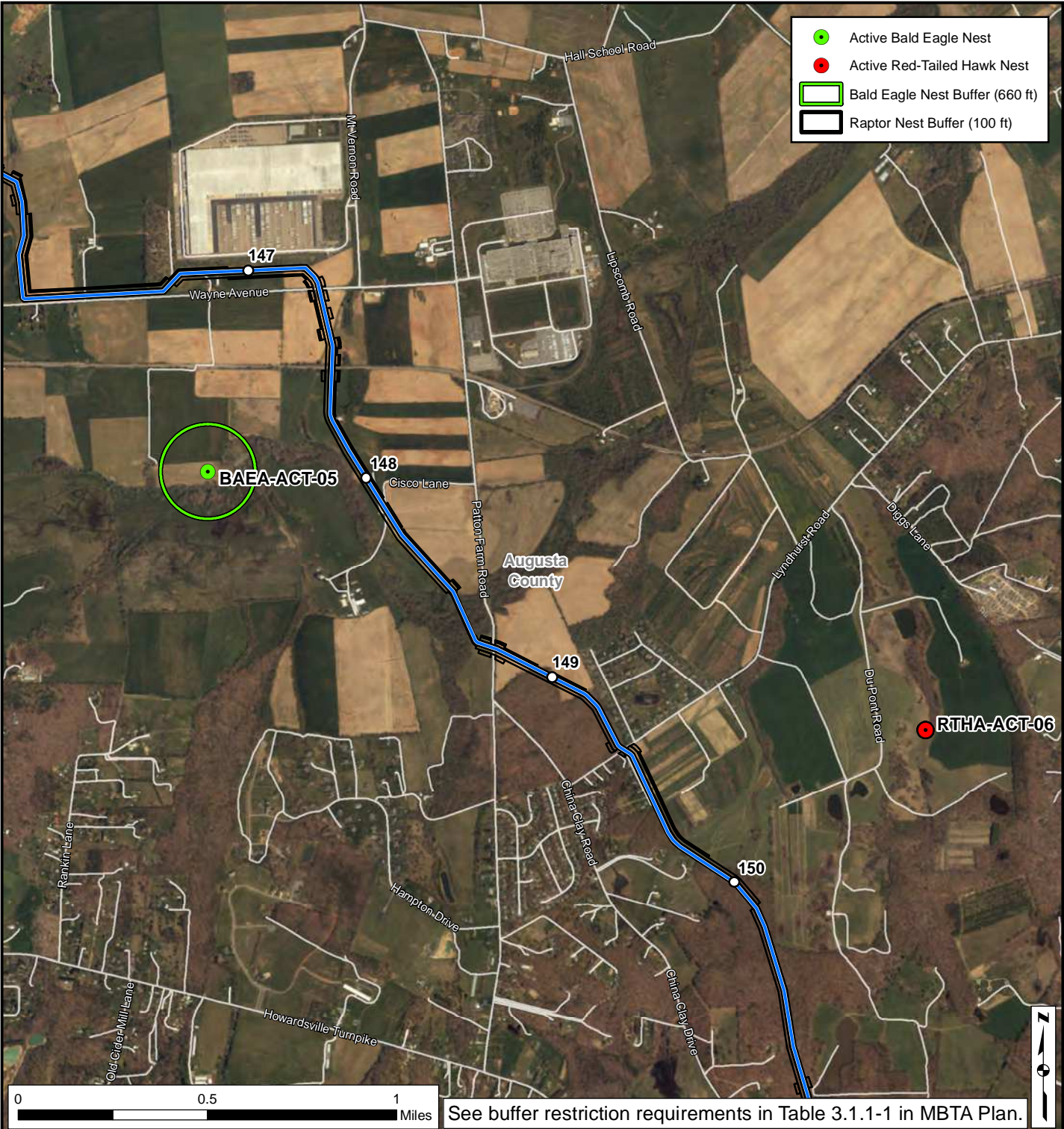
AP-1  
Construction Impact Footprint

**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Augusta County, Virginia  
Page B-15





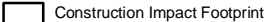

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Bald Eagle Nests	660 feet	Nov. 15 - July 15	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	



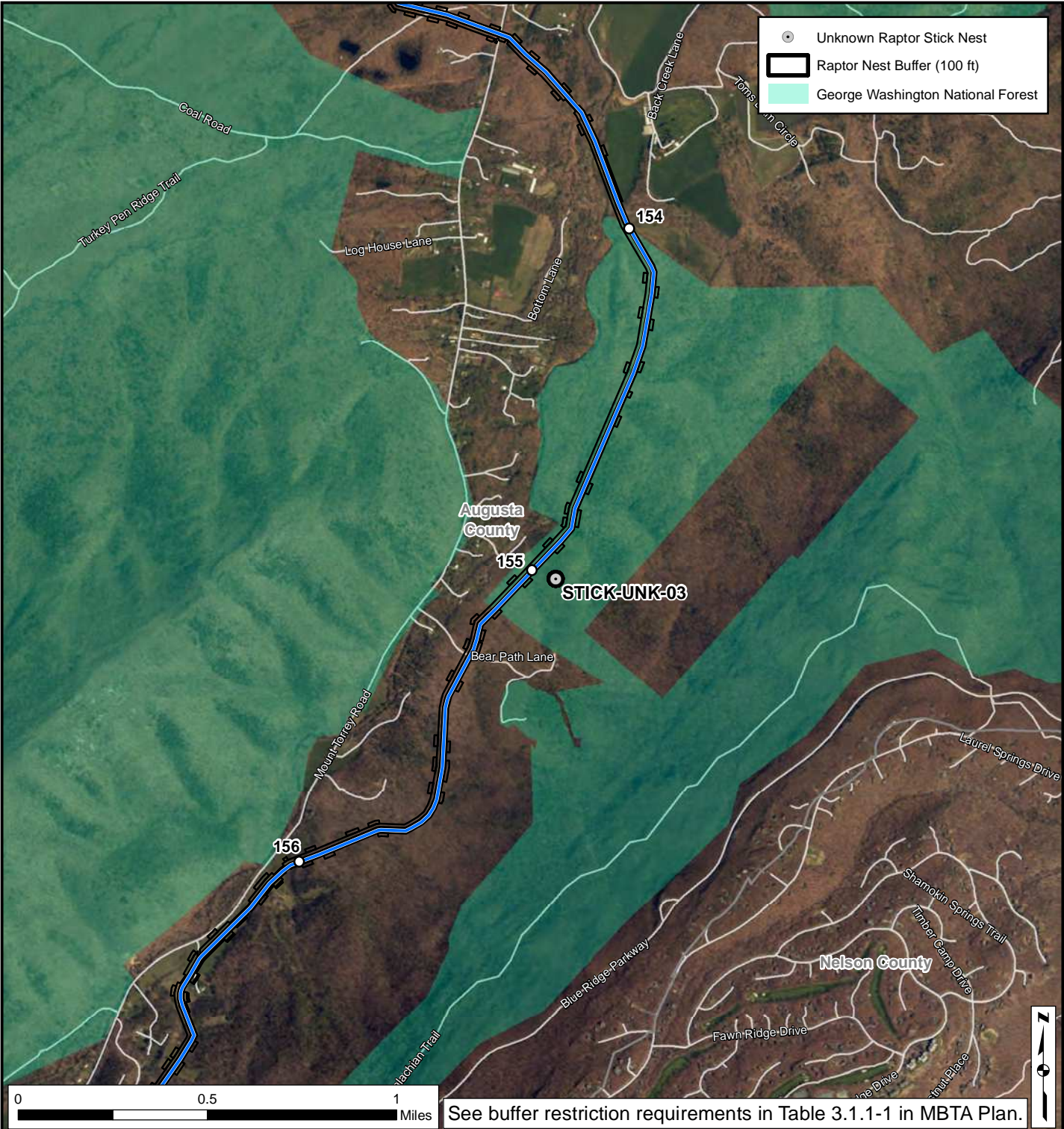


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Augusta County, Virginia  
Page B-16





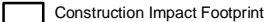

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	





**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Augusta County, Virginia  
Page B-17







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	



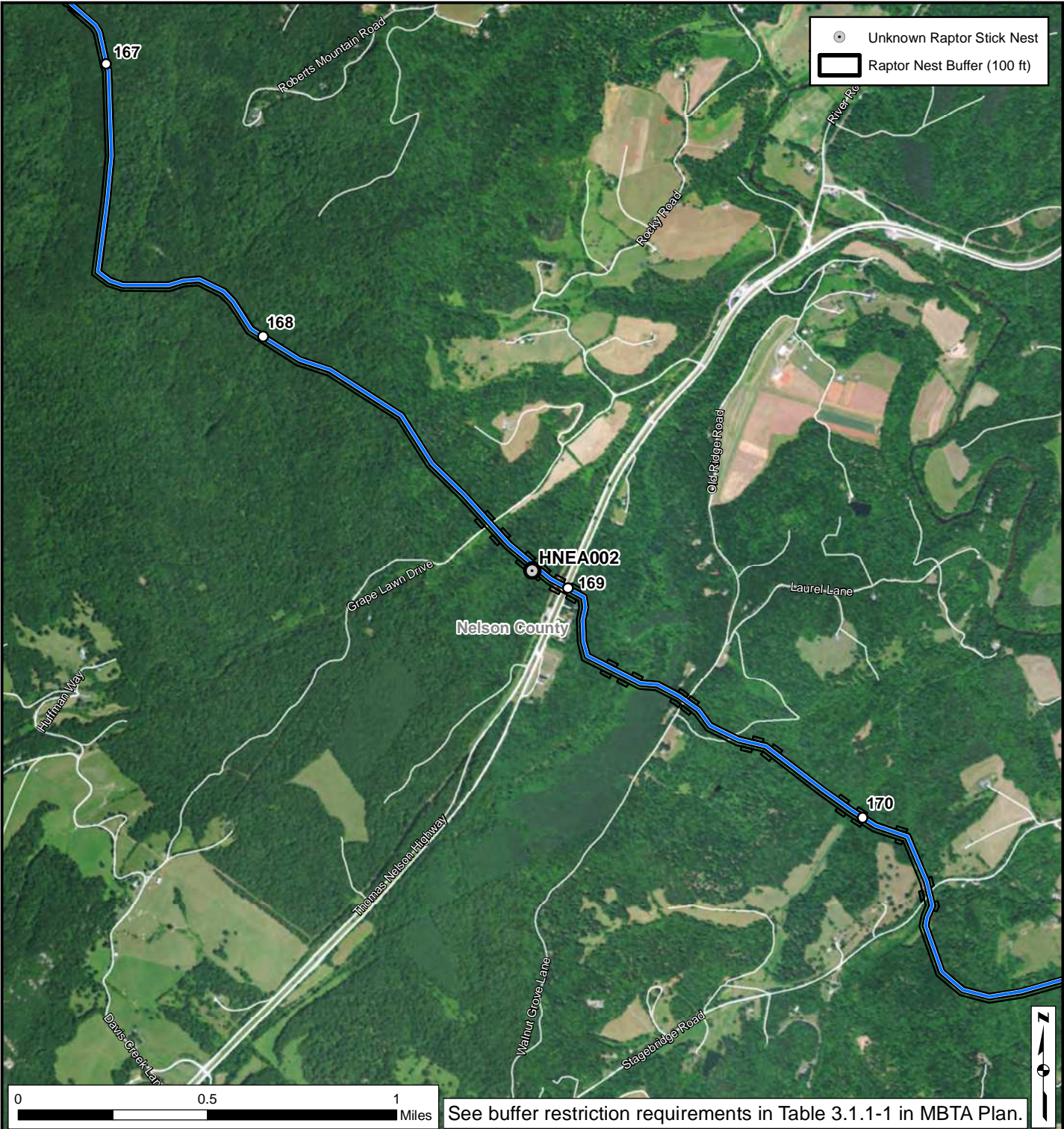


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Nelson County, Virginia  
Page B-18





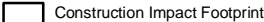

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	



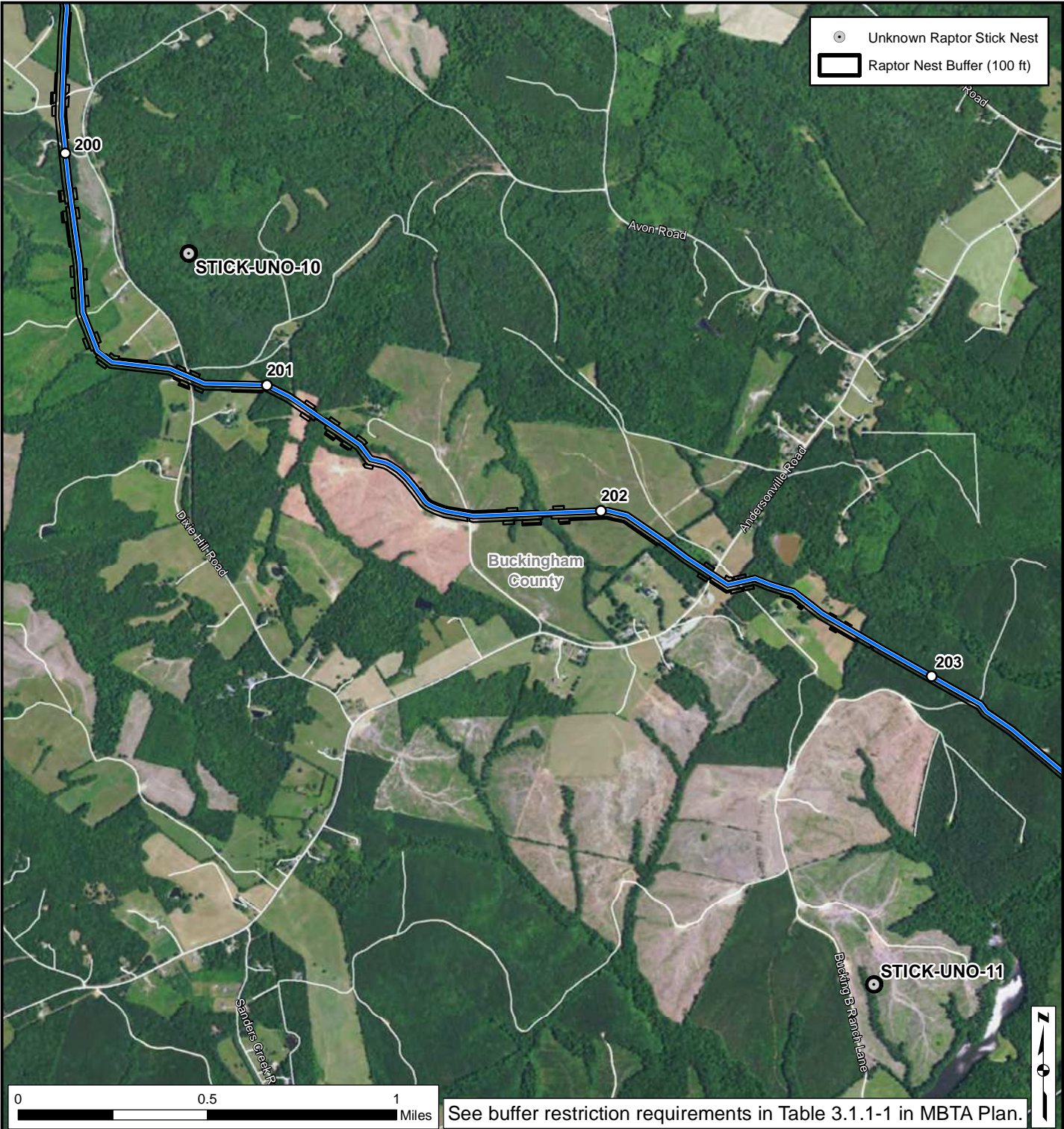


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Nelson County, Virginia  
Page B-19







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	



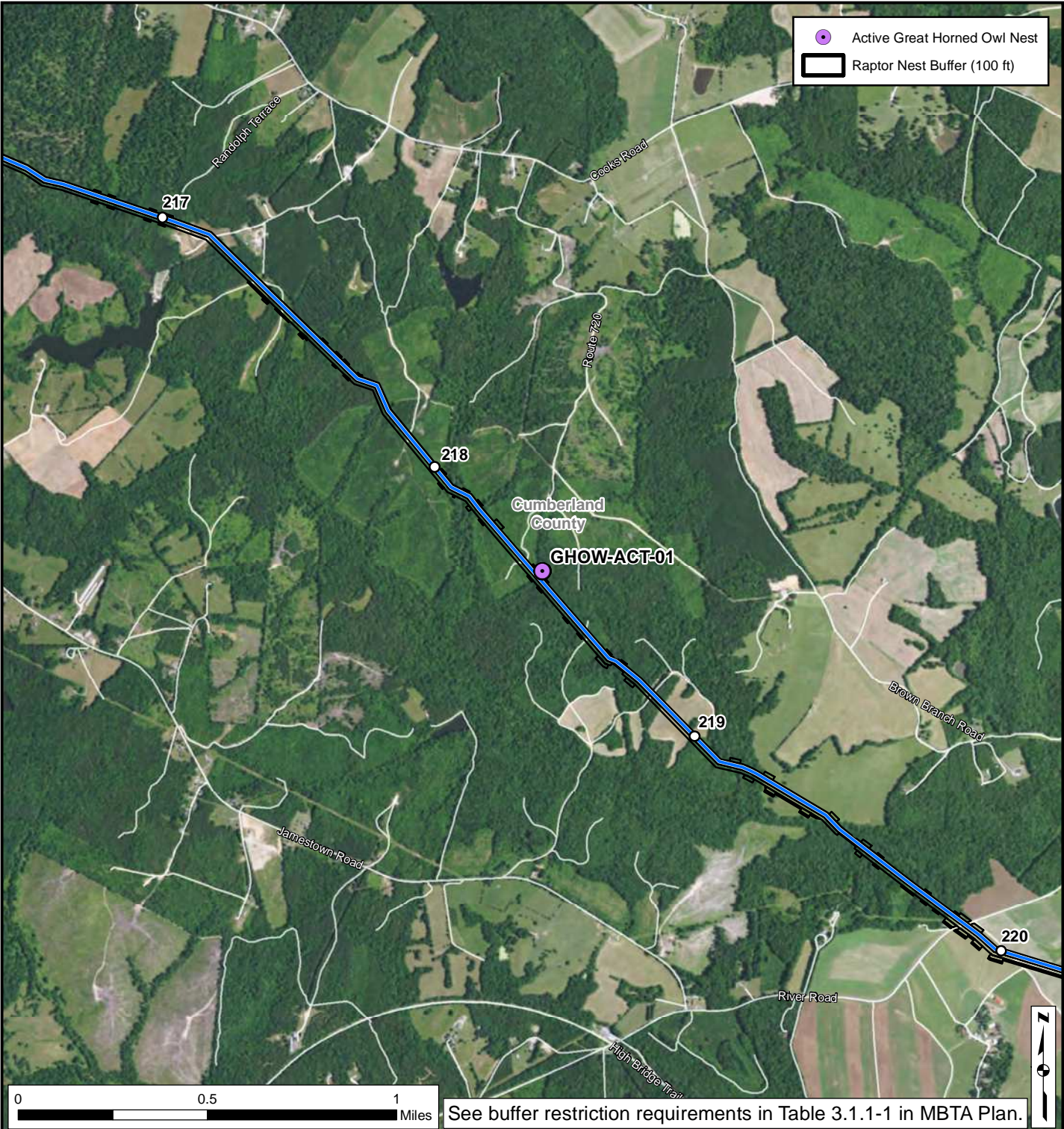


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Buckingham County, Virginia  
Page B-20







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August



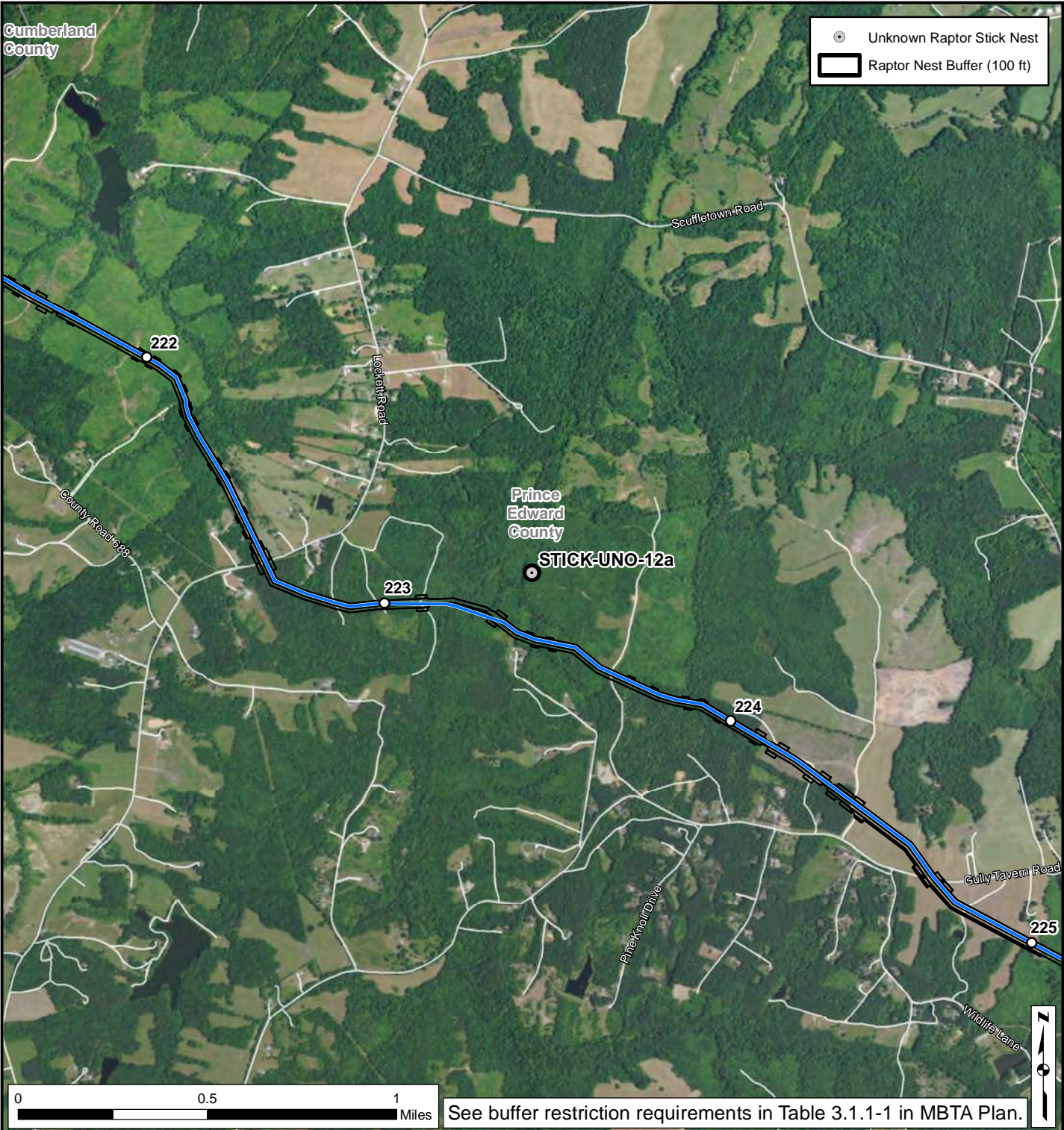
AP-1  
Construction Impact Footprint

**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Cumberland County, Virginia  
Page B-21







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August



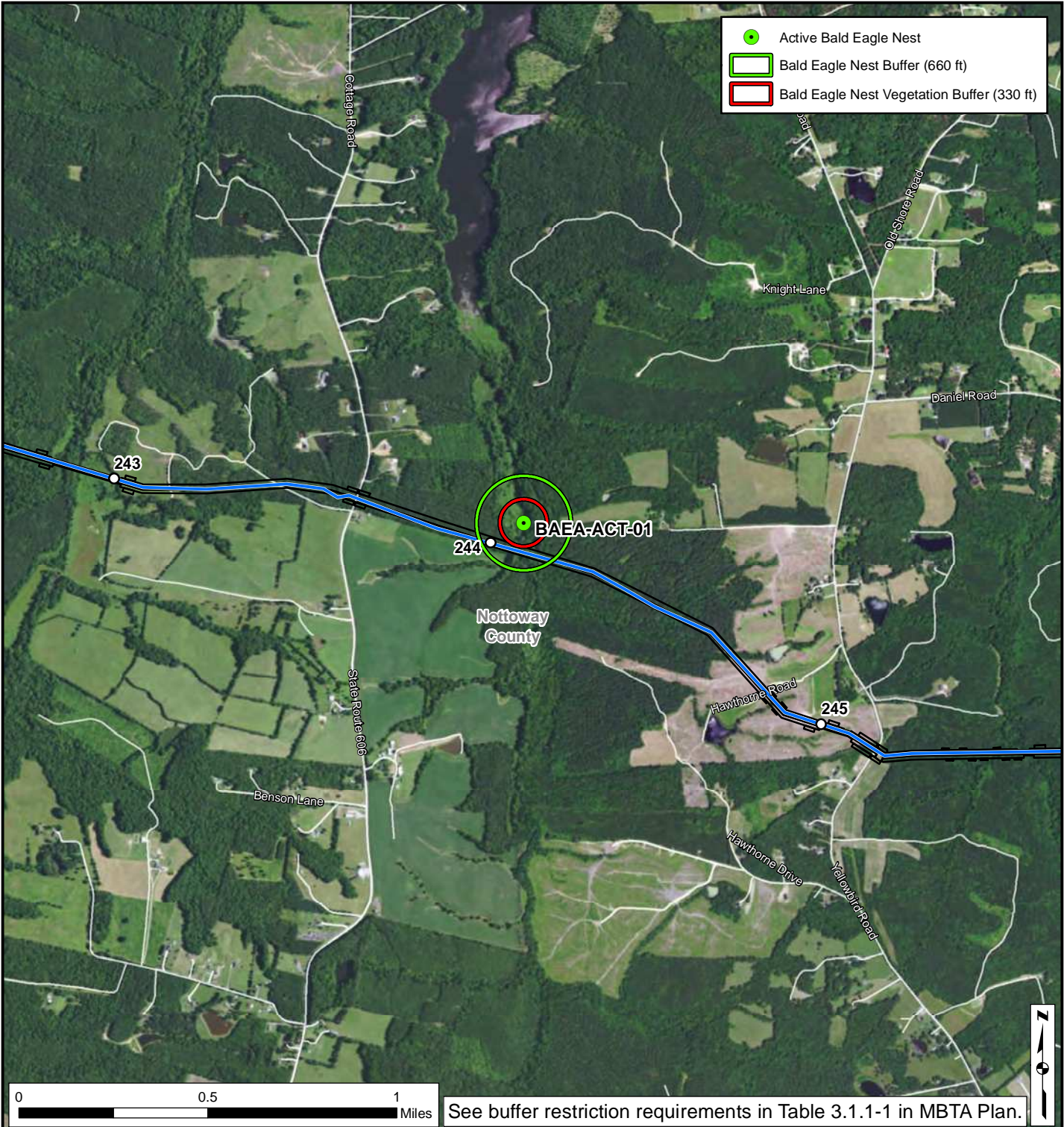


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Prince Edward County, Virginia  
Page B-22







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Bald Eagle Nests	660 feet	Nov. 15 - July 15	
Bald Eagle Nests	330 feet	All year, no vegetation clearing without eagle permit	





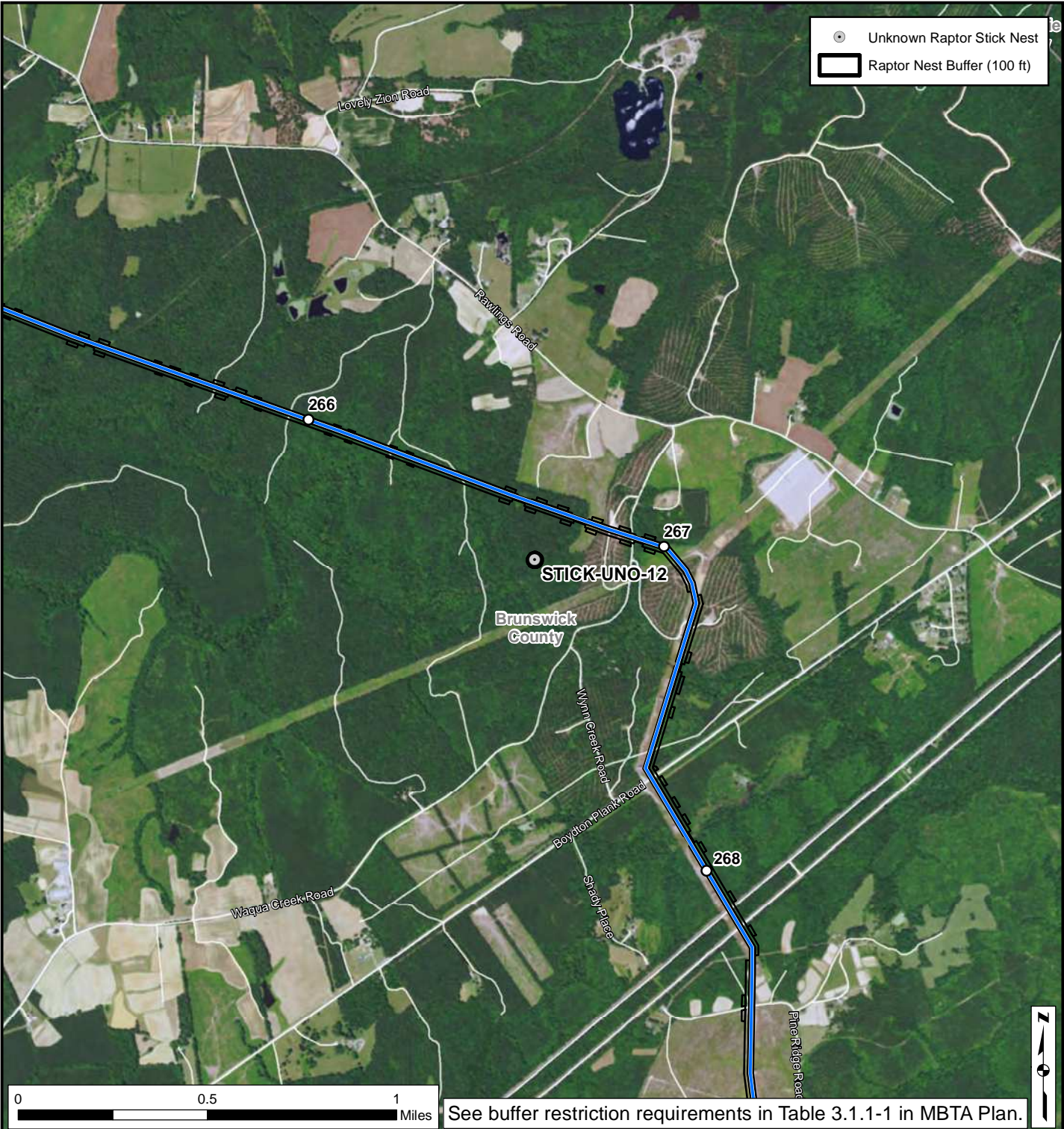
AP-1  
Construction Impact Footprint

**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Nottoway County, Virginia  
Page B-23





\* Times are approximate, and dependent on actual bird activity at nest or rookery.






See buffer restriction requirements in Table 3.1.1-1 in MBTA Plan.

Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	






AP-1



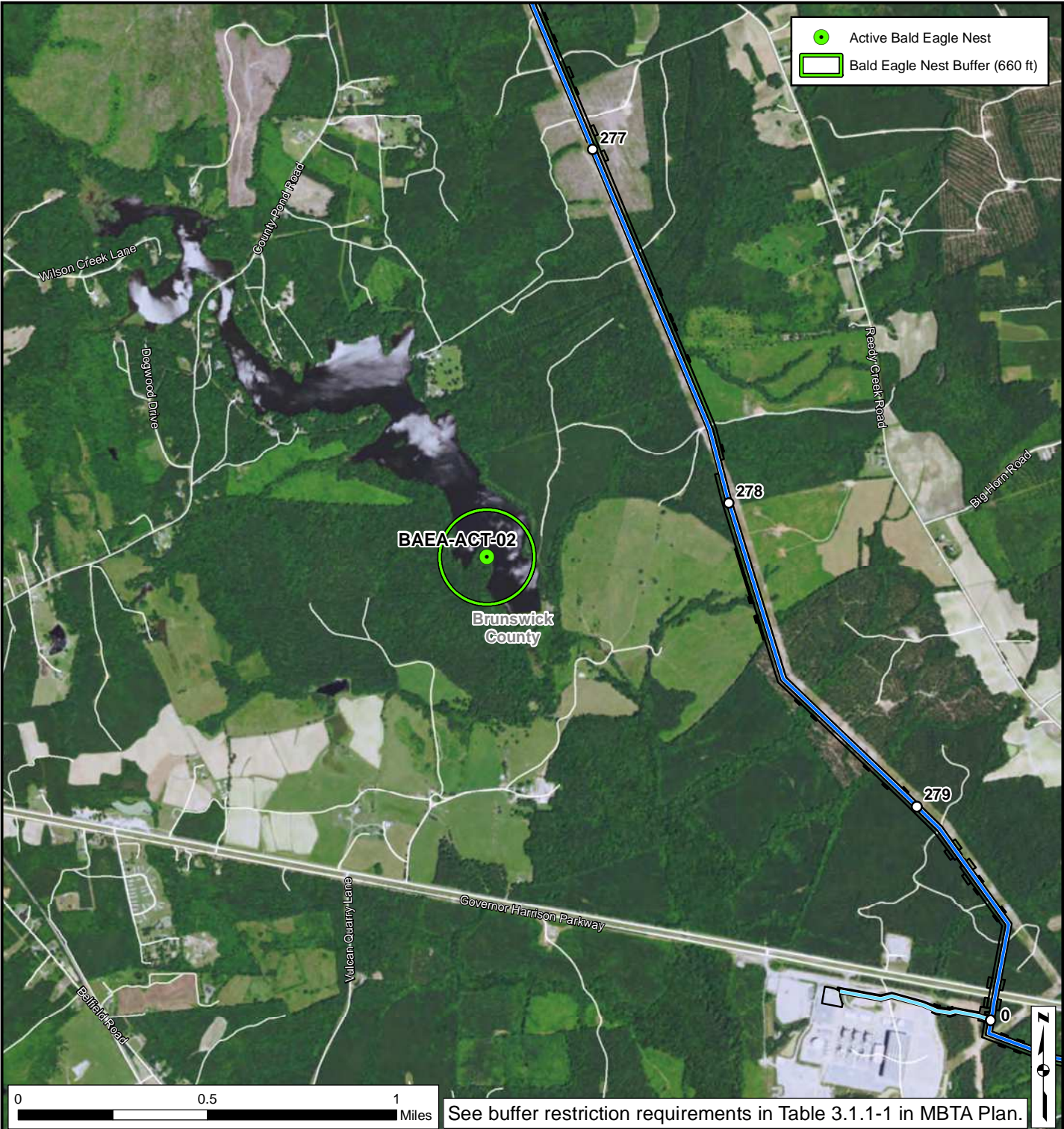
Construction Impact Footprint

**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Brunswick County, Virginia  
Page B-24





\* Times are approximate, and dependent on actual bird activity at nest or rookery.





Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Bald Eagle Nests	660 feet	Nov. 15 - July 15	




AP-1

AP-4

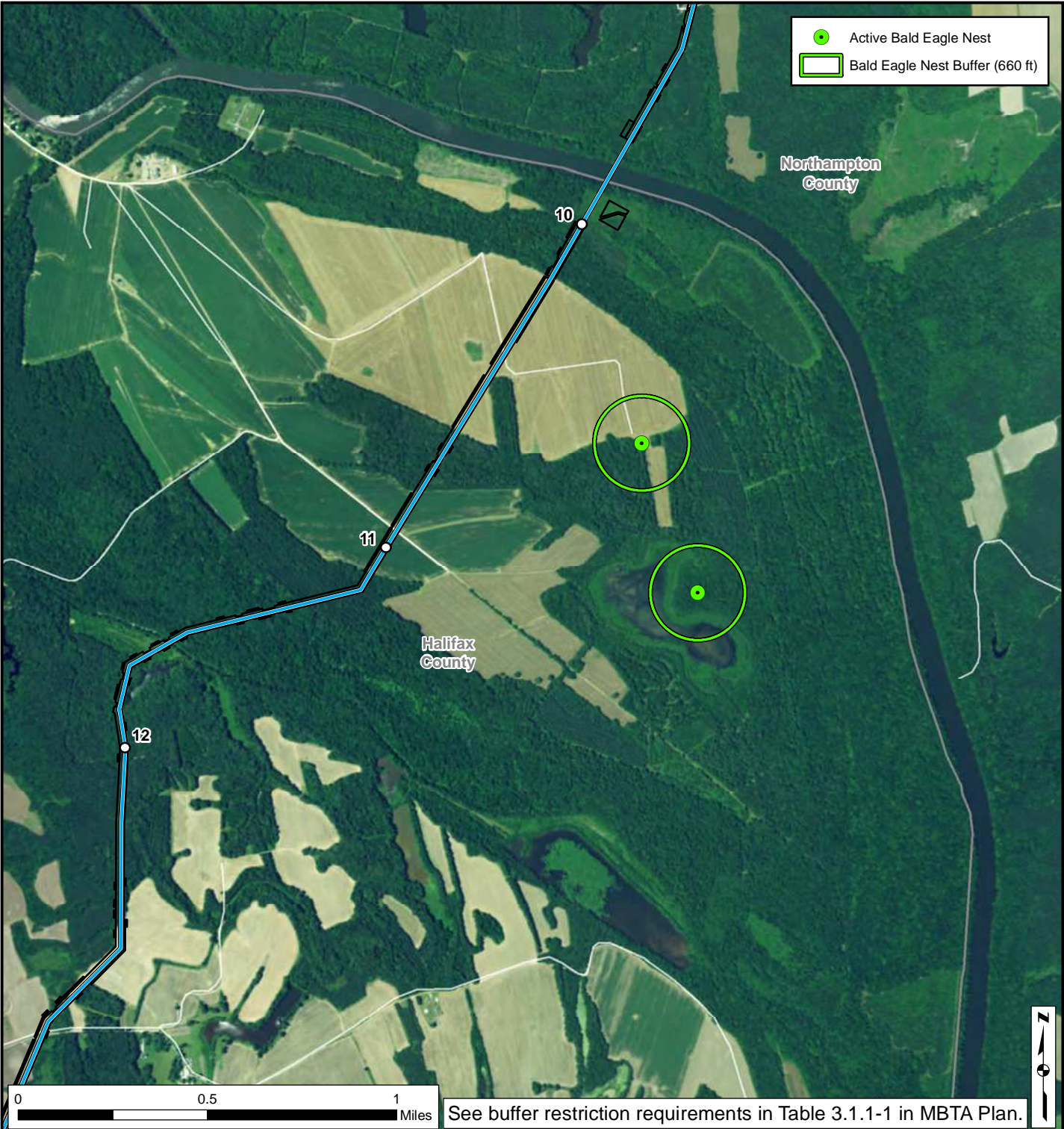
Construction Impact Footprint

Atlantic Coast Pipeline Project  
Known Migratory Bird Nesting Sites  
Brunswick County, Virginia  
Page B-25





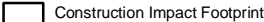

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*
Bald Eagle Nests	660 feet	Nov. 15 - July 15



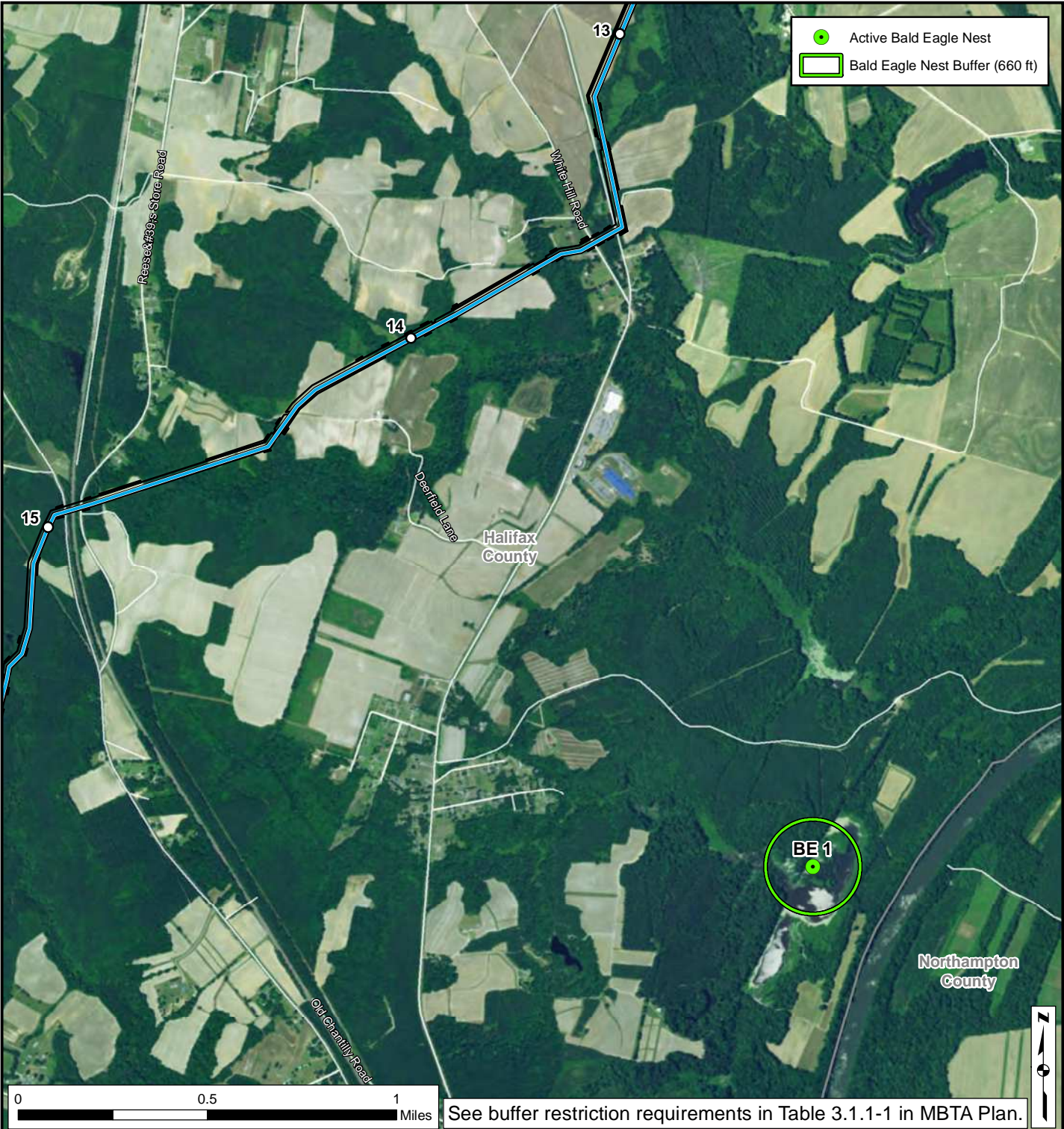


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Halifax County, North Carolina  
Page B-26







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Bald Eagle Nests	660 feet	Nov. 15 - July 15	



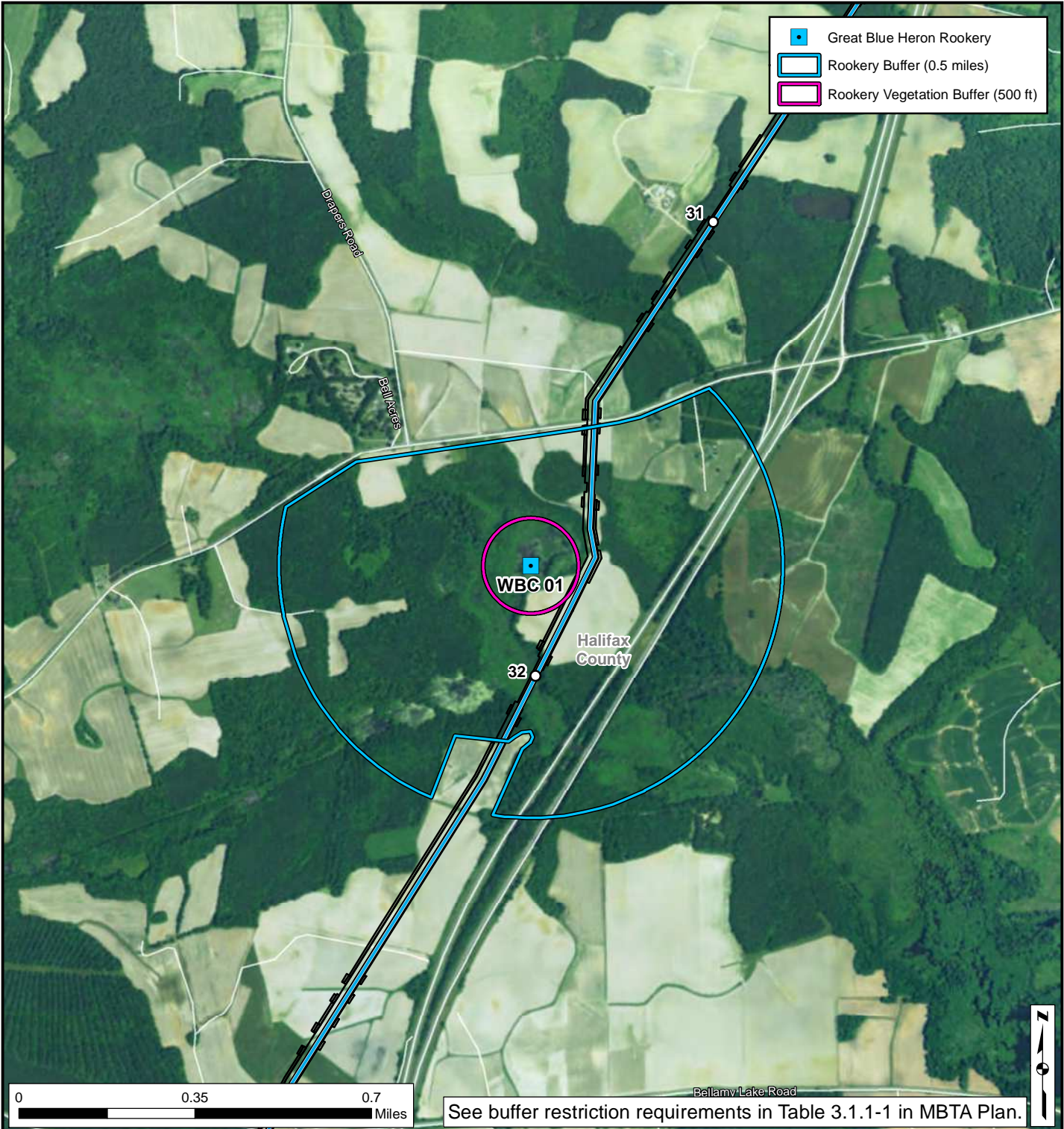


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Halifax County, North Carolina  
Page B-27





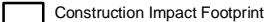

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	NC: Feb. 15 - July 31	
Rookeries	500 feet	All year, no vegetation clearing	



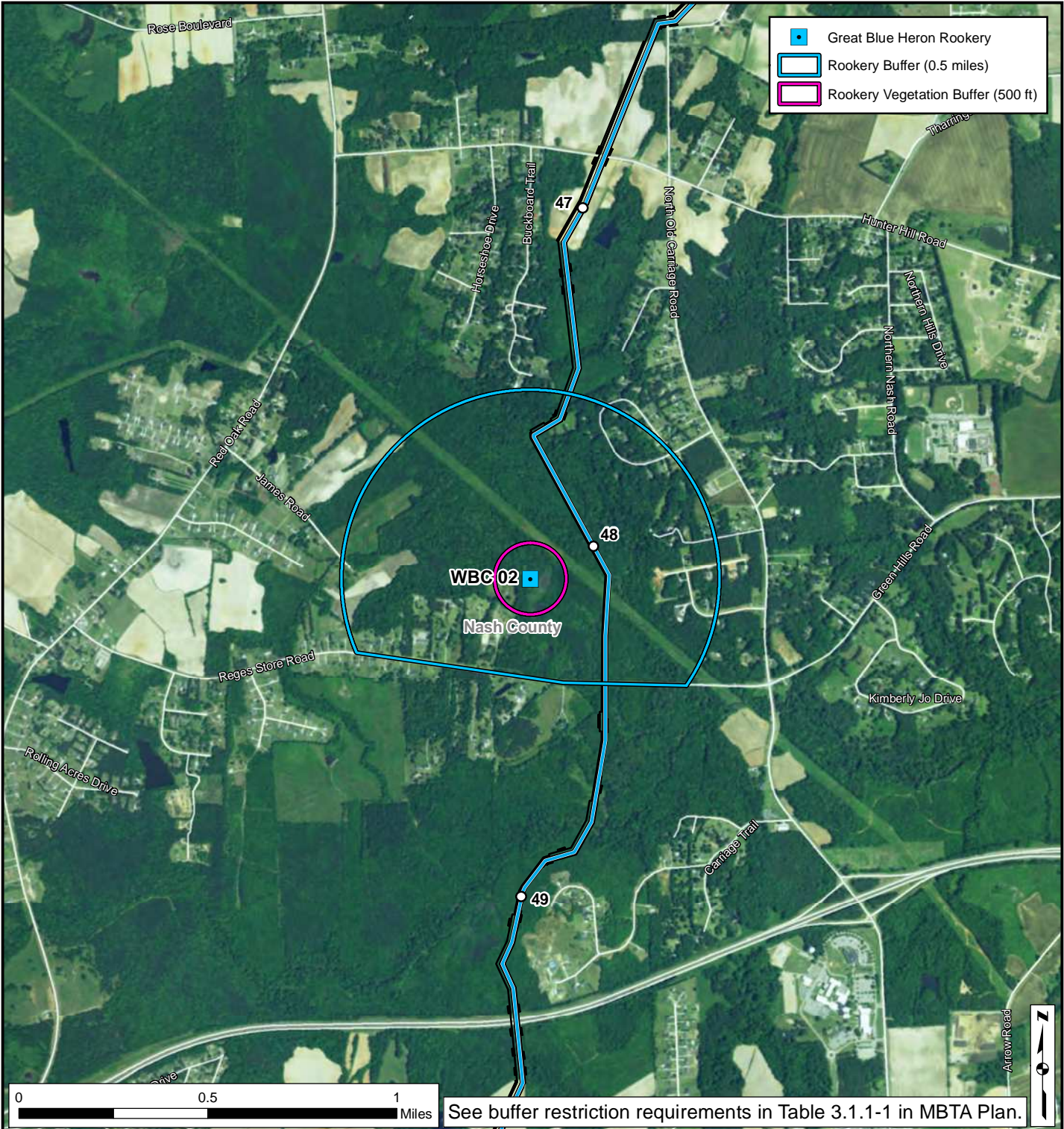


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Halifax County, North Carolina  
Page B-28







\* Times are approximate, and dependent on actual bird activity at nest or rookery.





Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	NC: Feb. 15 - July 31	
Rookeries	500 feet	All year, no vegetation clearing	




  
AP-2  
  
Construction Impact Footprint

### Atlantic Coast Pipeline Project

### Known Migratory Bird Nesting Sites

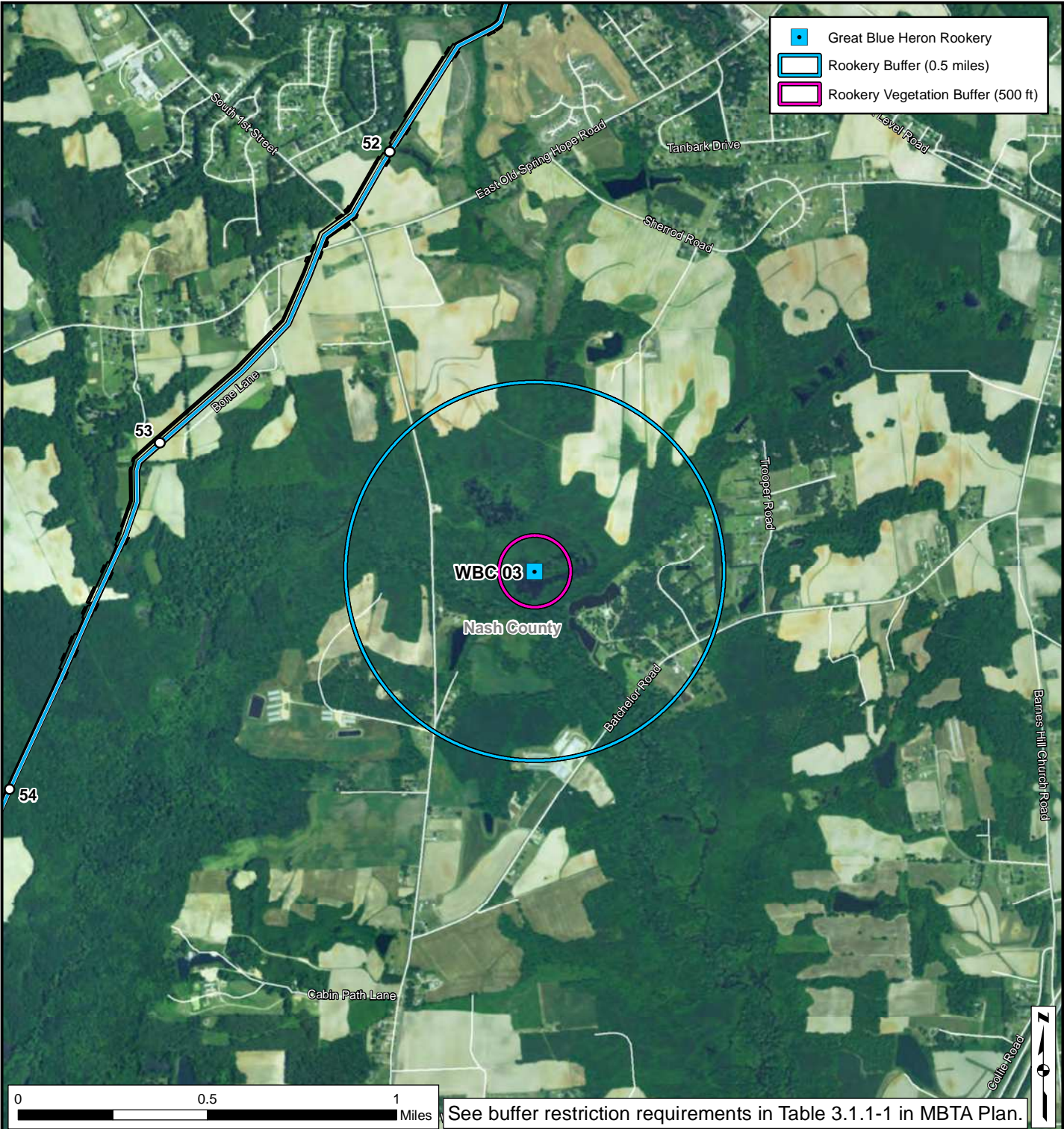
Nash County, North Carolina

Page B-29





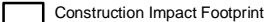

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	NC: Feb. 15 - July 31	
Rookeries	500 feet	All year, no vegetation clearing	



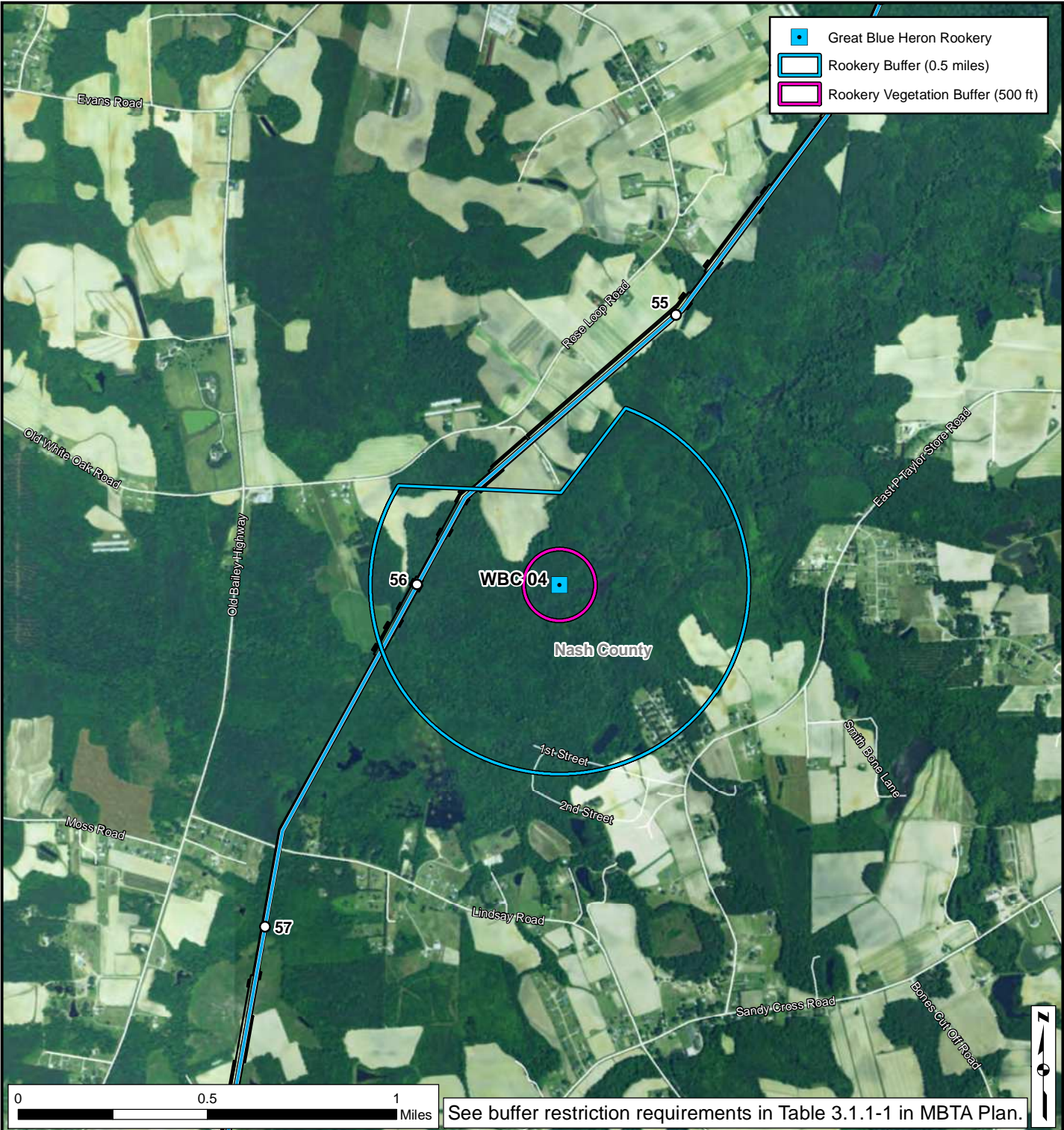


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Nash County, North Carolina  
Page B-30





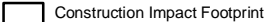

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	NC: Feb. 15 - July 31	
Rookeries	500 feet	All year, no vegetation clearing	



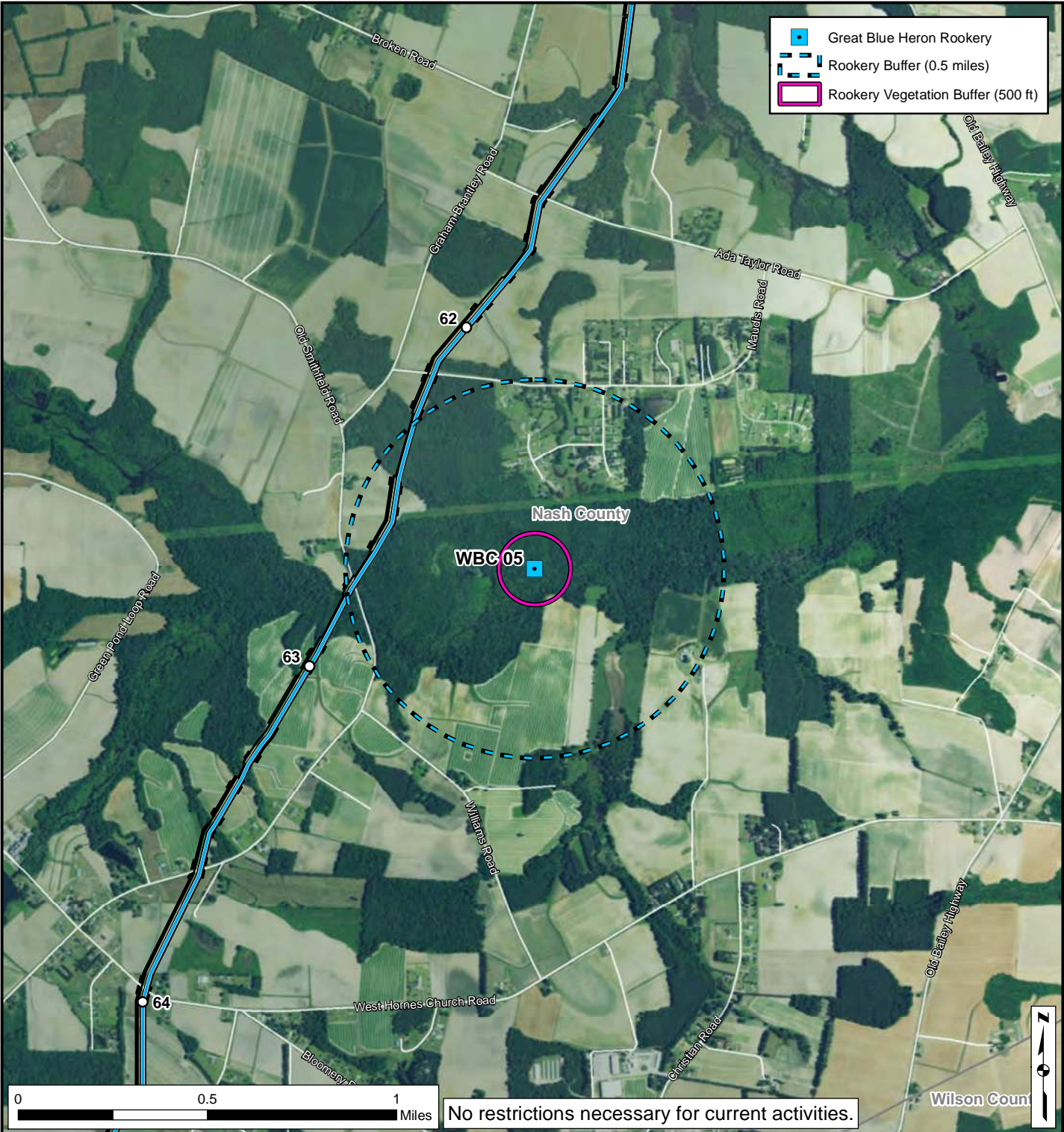


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Nash County, North Carolina  
Page B-31






\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	NC: Feb. 15 - July 31	
Rookeries	500 feet	All year, no vegetation clearing	





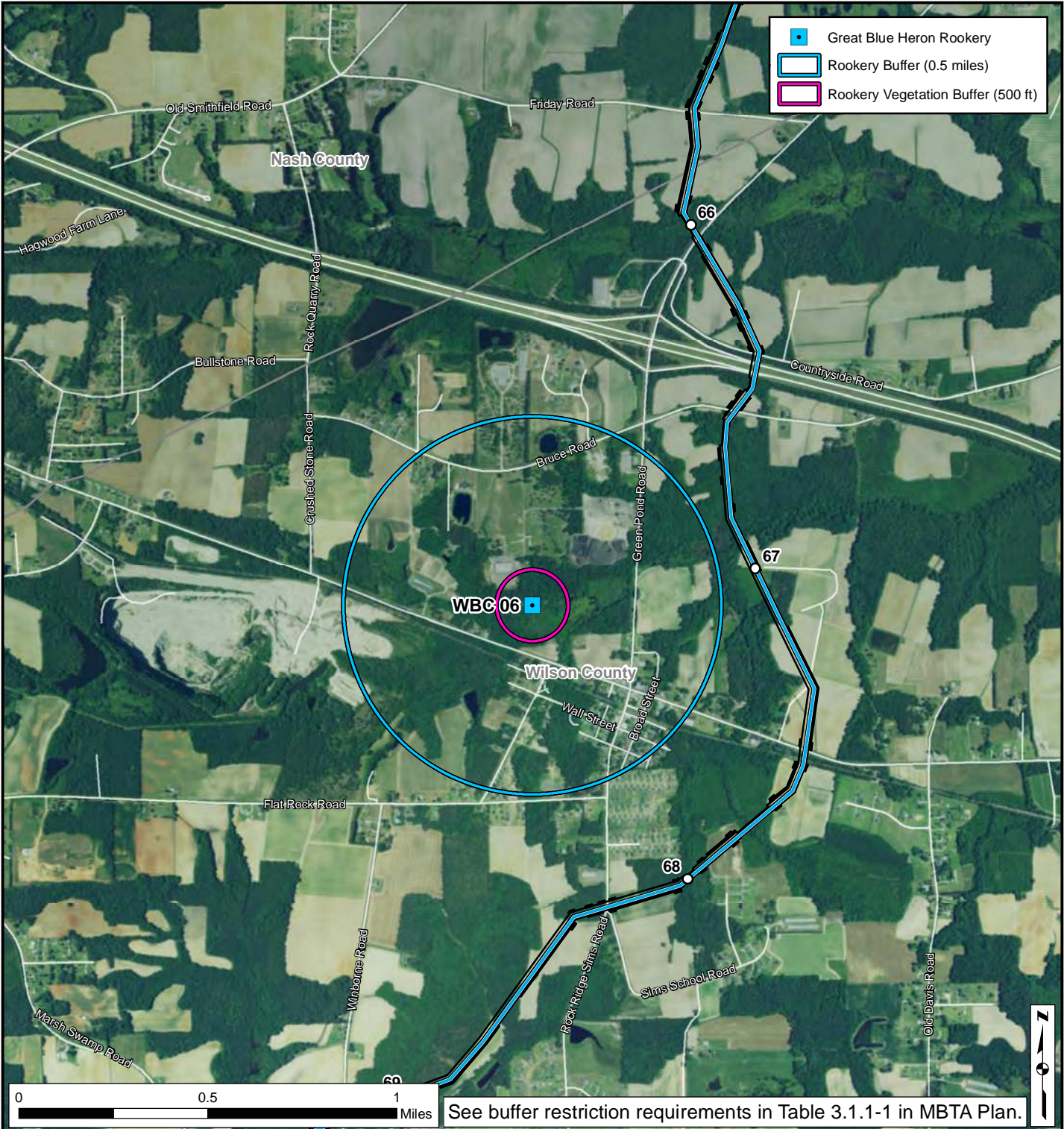
AP-2  
Construction Impact Footprint

Atlantic Coast Pipeline Project  
Known Migratory Bird Nesting Sites  
Nash County, North Carolina  
Page B-32







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	NC: Feb. 15 - July 31	
Rookeries	500 feet	All year, no vegetation clearing	



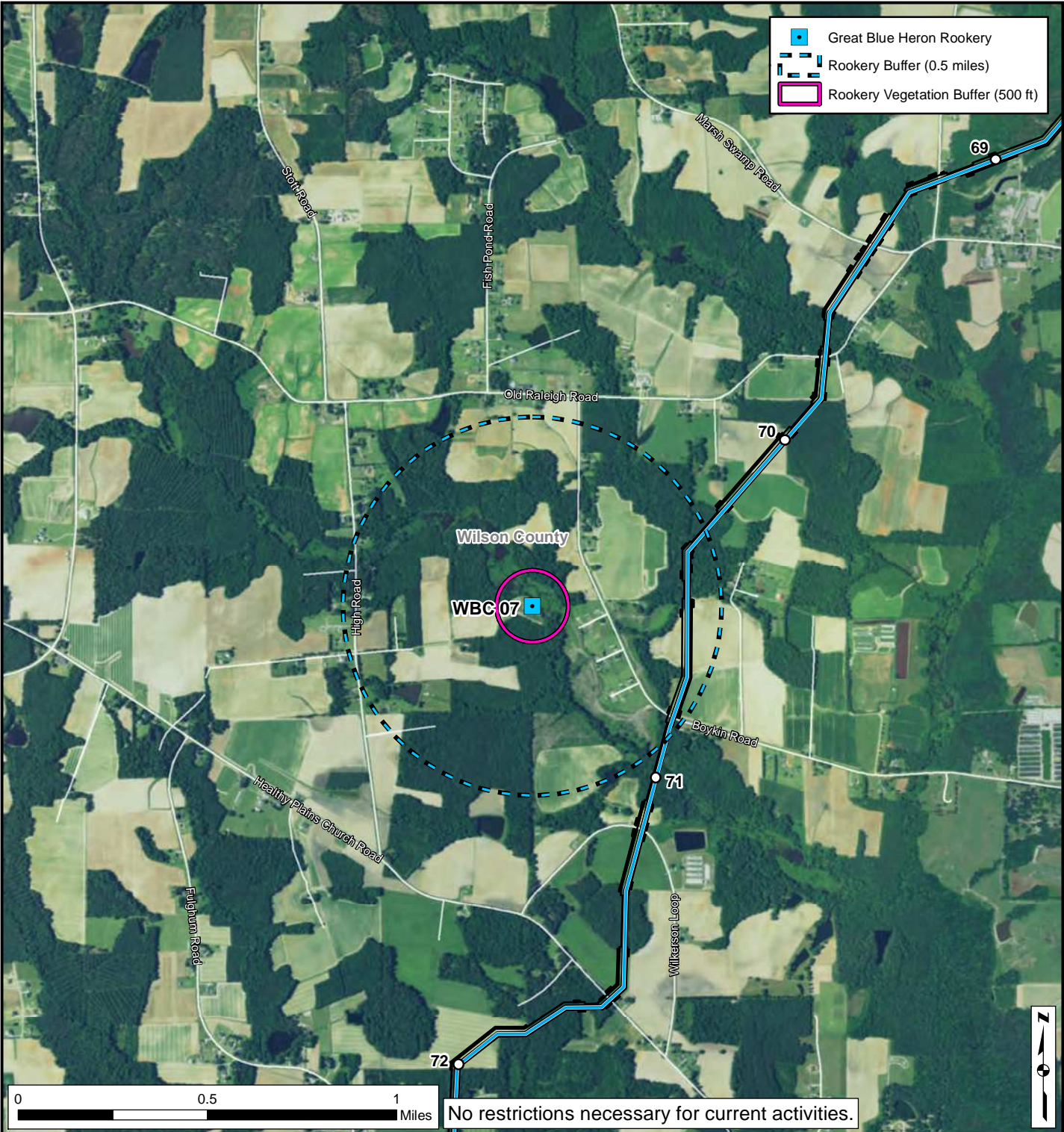


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Wilson County, North Carolina  
Page B-33






\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	NC: Feb. 15 - July 31	
Rookeries	500 feet	All year, no vegetation clearing	






AP-2



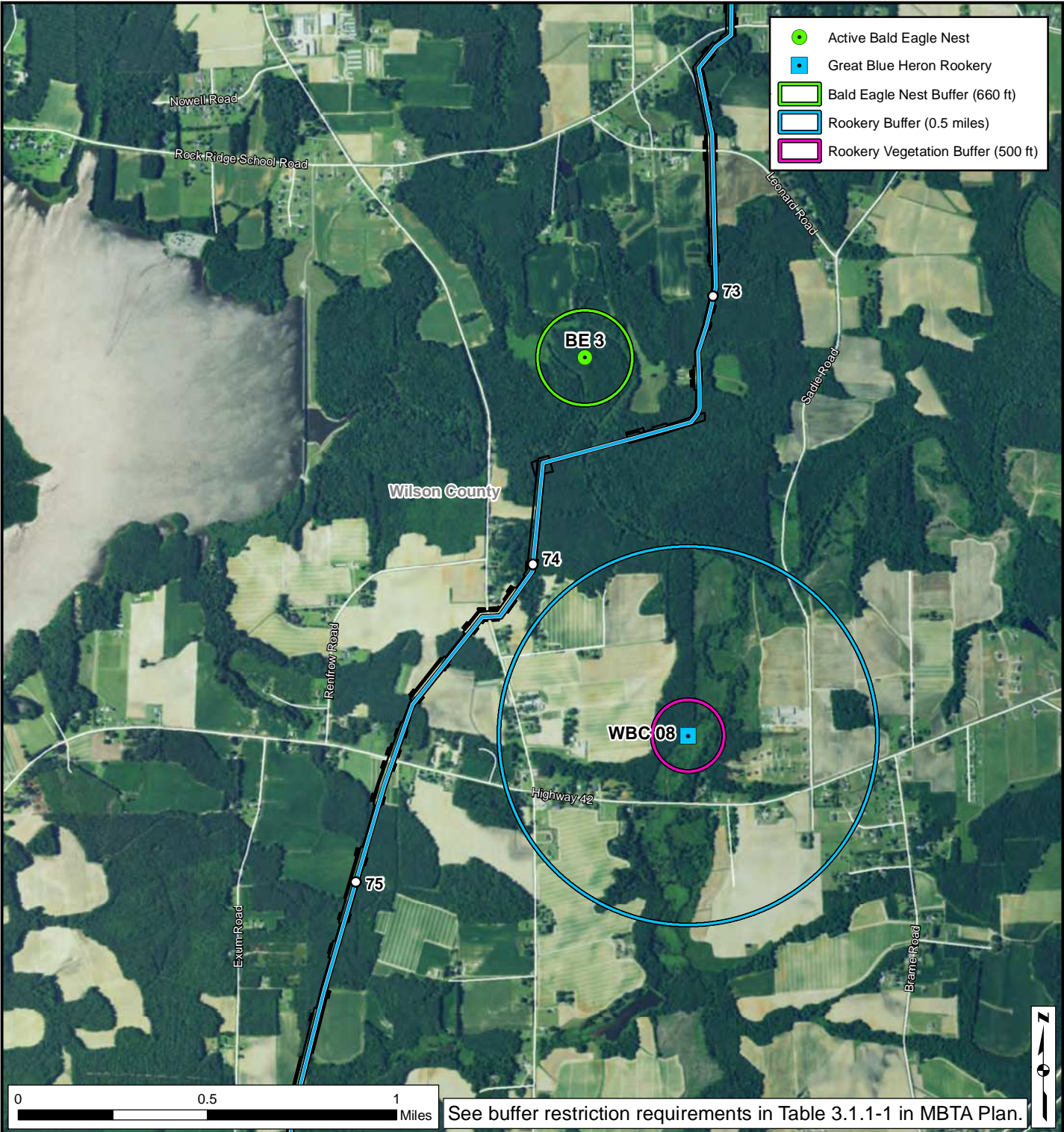
Construction Impact Footprint

**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Wilson County, North Carolina  
Page B-34





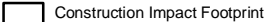
\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Bald Eagle Nests	660 feet	Nov. 15 - July 15	
Rookeries	0.5 mile	NC: Feb. 15 - July 31	
Rookeries	500 feet	All year, no vegetation clearing	





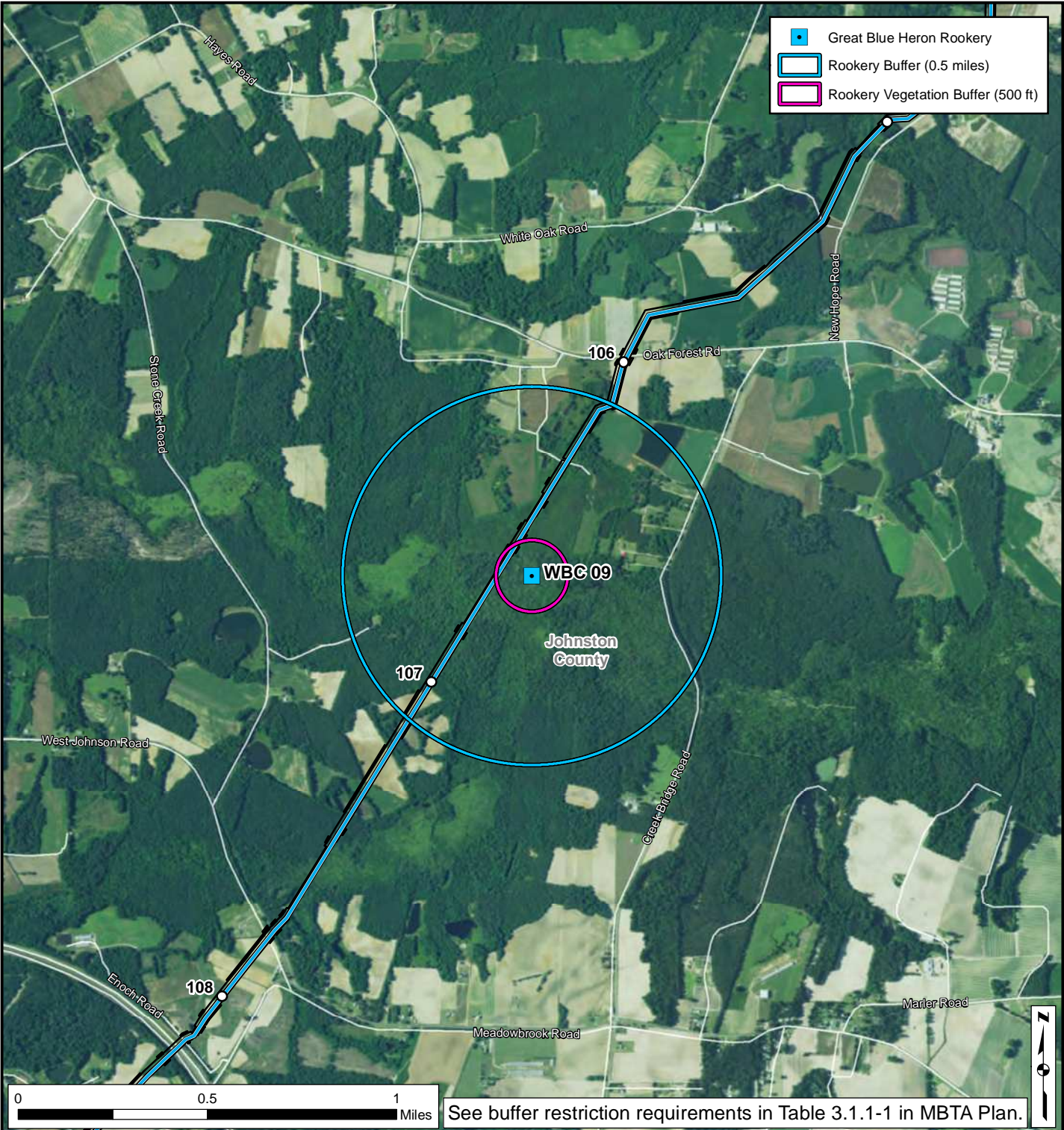
AP-2  
Construction Impact Footprint

**Atlantic Coast Pipeline Project  
Known Migratory Bird Nesting Sites**  
Wilson County, North Carolina  
Page B-35







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	NC: Feb. 15 - July 31	
Rookeries	500 feet	All year, no vegetation clearing	





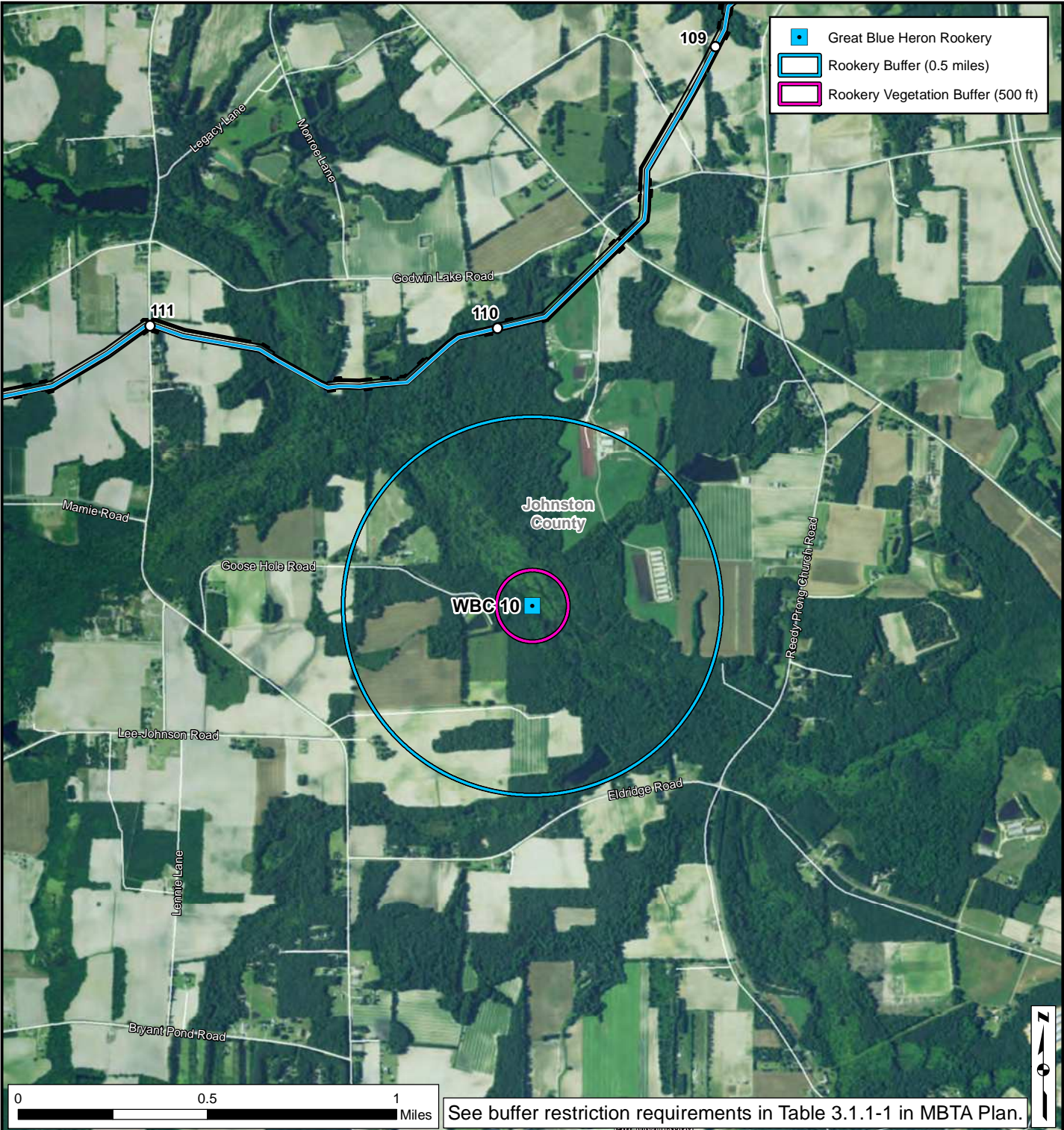
AP-2  
Construction Impact Footprint

**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Johnston County, North Carolina  
Page B-36





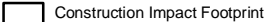

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	NC: Feb. 15 - July 31	
Rookeries	500 feet	All year, no vegetation clearing	



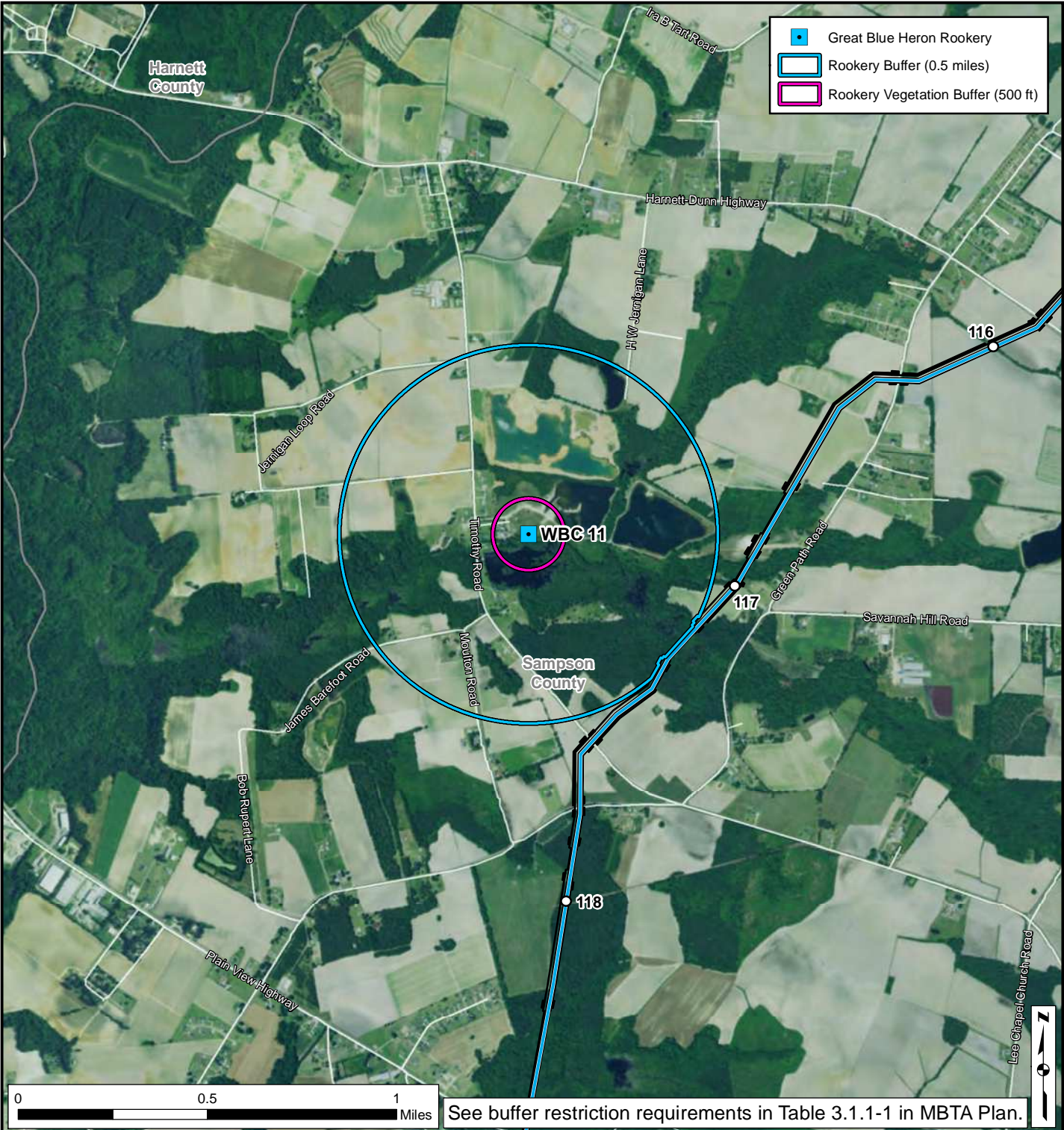


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Johnston County, North Carolina  
Page B-37



\* Times are approximate, and dependent on actual bird activity at nest or rookery.





See buffer restriction requirements in Table 3.1.1-1 in MBTA Plan.

Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	NC: Feb. 15 - July 31	
Rookeries	500 feet	All year, no vegetation clearing	



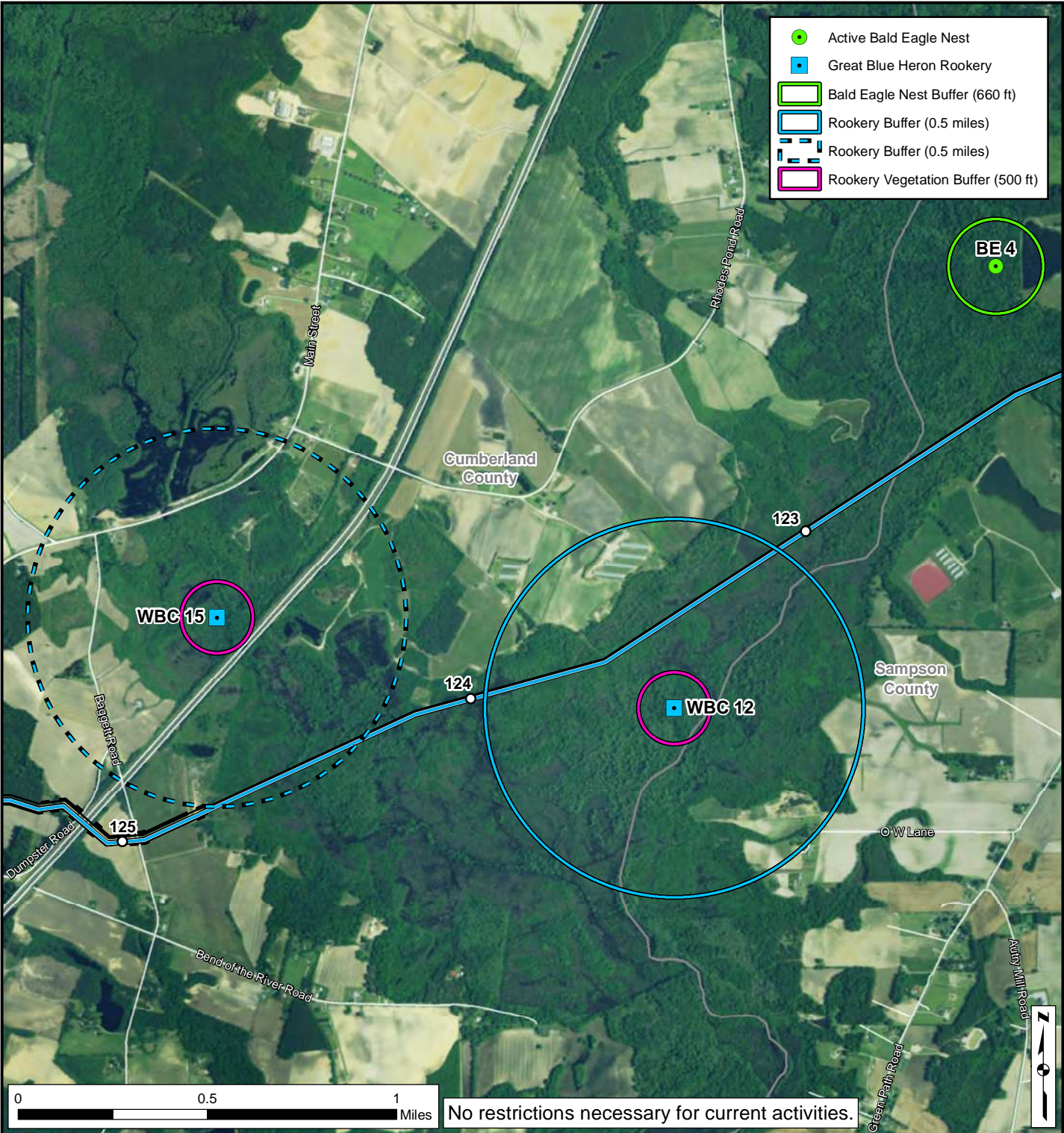
AP-2  
Construction Impact Footprint

Atlantic Coast Pipeline Project  
Known Migratory Bird Nesting Sites  
Sampson County, North Carolina  
Page B-38






\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Bald Eagle Nests	660 feet	Nov. 15 - July 15	
Rookeries	0.5 mile	NC: Feb. 15 - July 31	
Rookeries	500 feet	All year, no vegetation clearing	



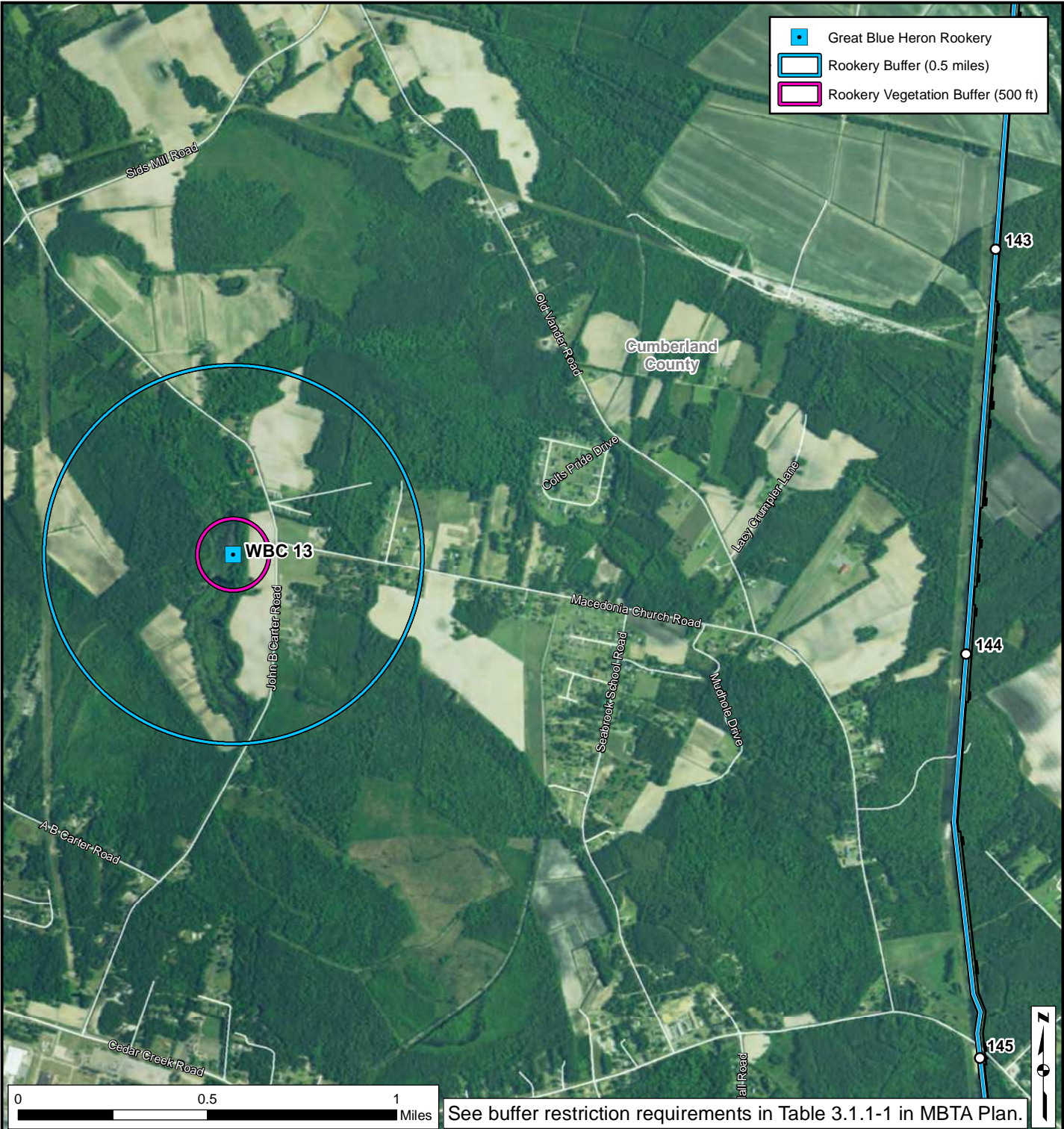


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Cumberland County, North Carolina  
Page B-39





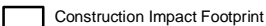

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	NC: Feb. 15 - July 31	
Rookeries	500 feet	All year, no vegetation clearing	



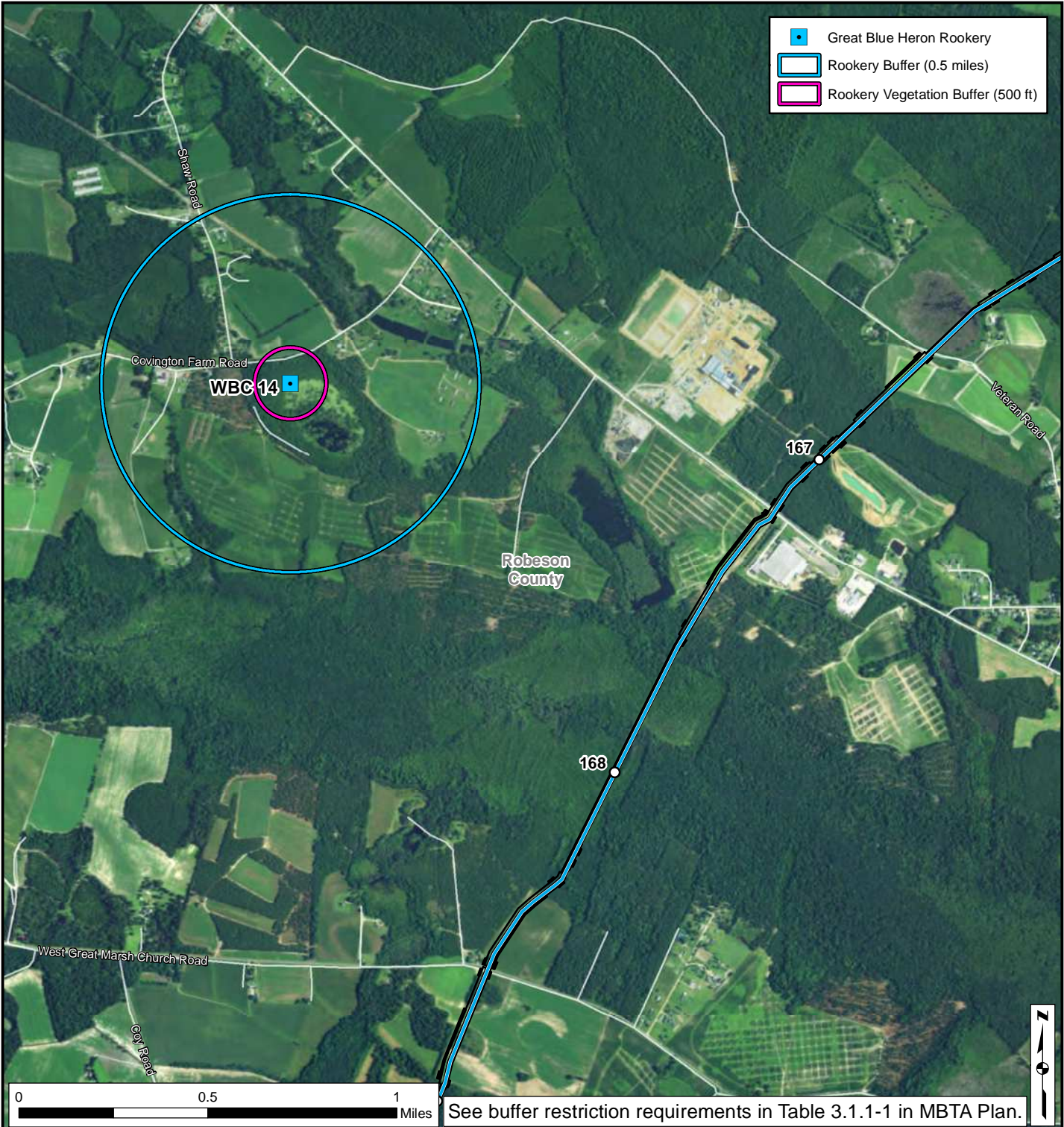


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Cumberland County, North Carolina  
Page B-40







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	NC: Feb. 15 - July 31	
Rookeries	500 feet	All year, no vegetation clearing	



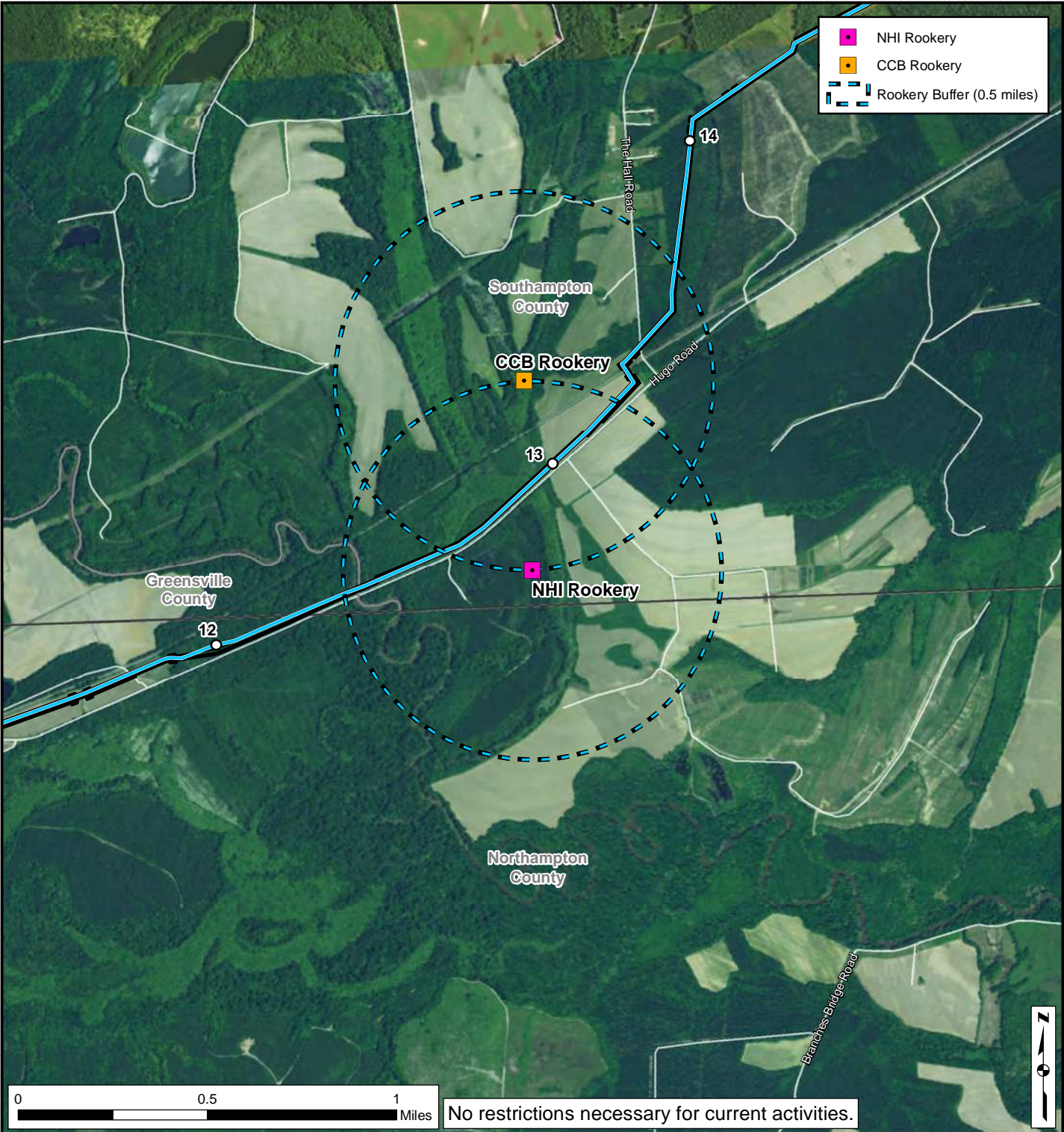


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Robeson County, North Carolina  
Page B-41





\* Times are approximate, and dependent on actual bird activity at nest or rookery.

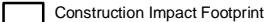






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	VA: Apr. 1 - Aug. 15	

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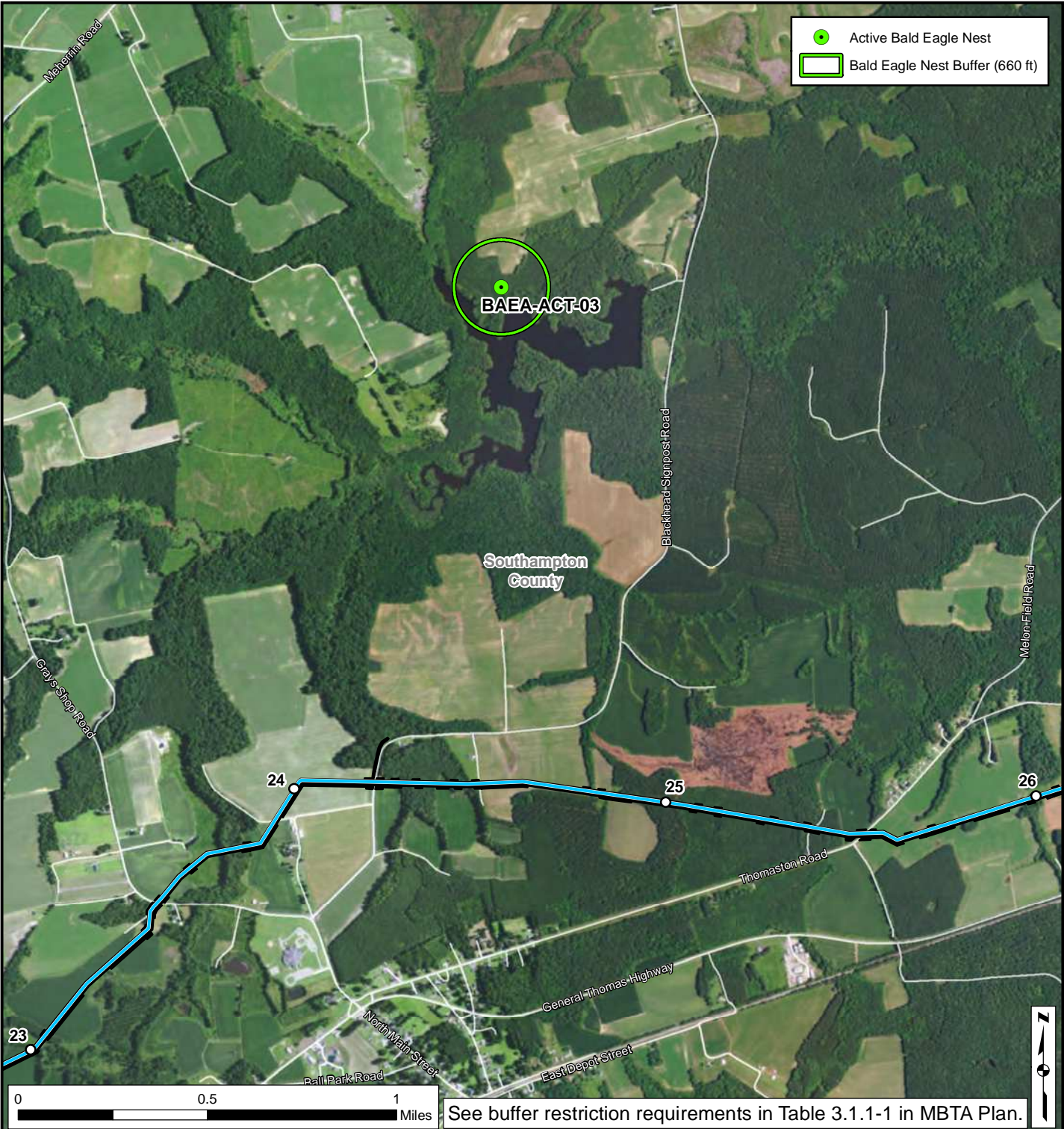


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Southampton County, Virginia  
Page B-42





\* Times are approximate, and dependent on actual bird activity at nest or rookery.







See buffer restriction requirements in Table 3.1.1-1 in MBTA Plan.

Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Bald Eagle Nests	660 feet	Nov. 15 - July 15	






AP-3



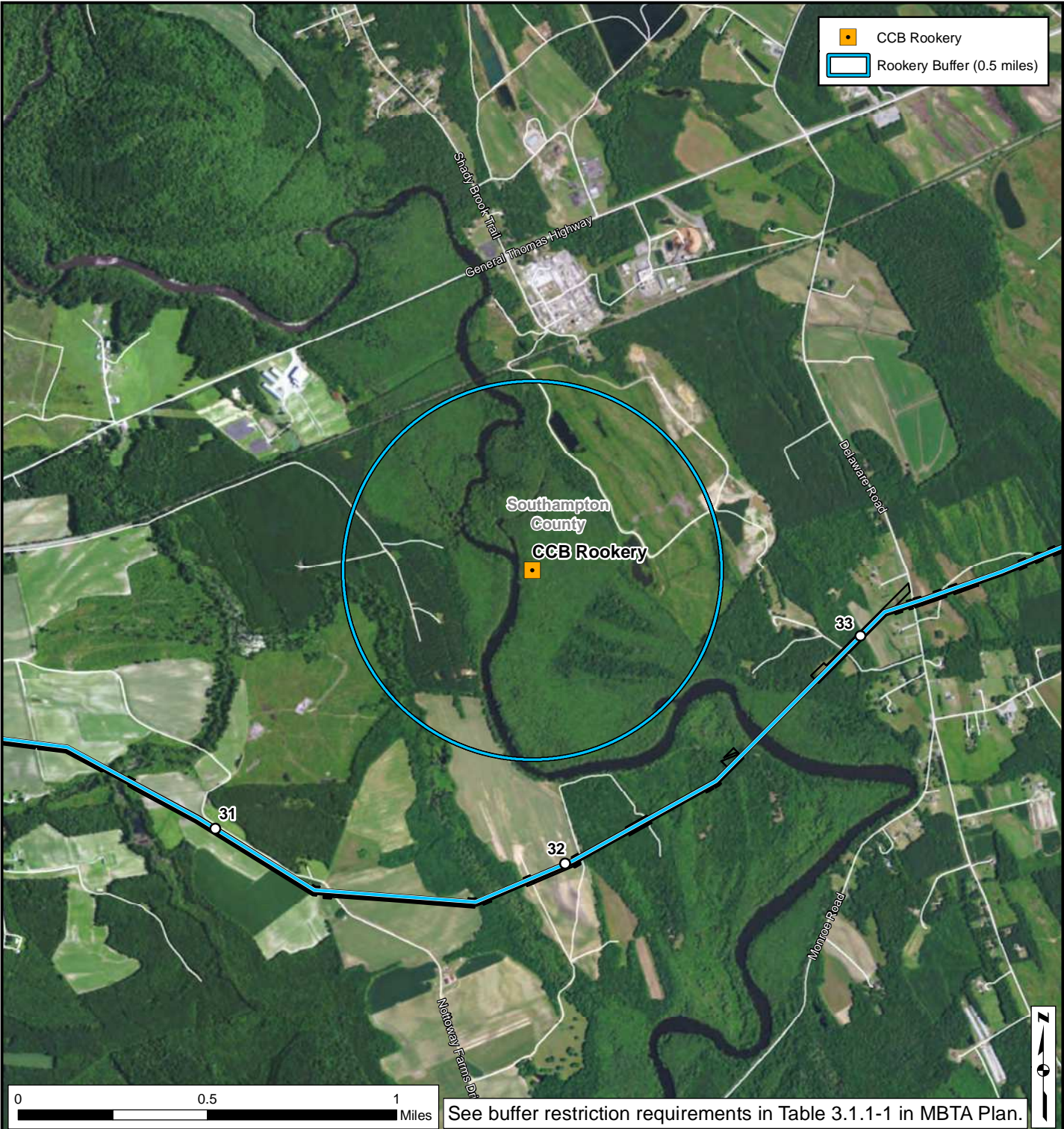
Construction Impact Footprint

**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Southampton County, Virginia  
Page B-43







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	VA: Apr. 1 - Aug. 15	





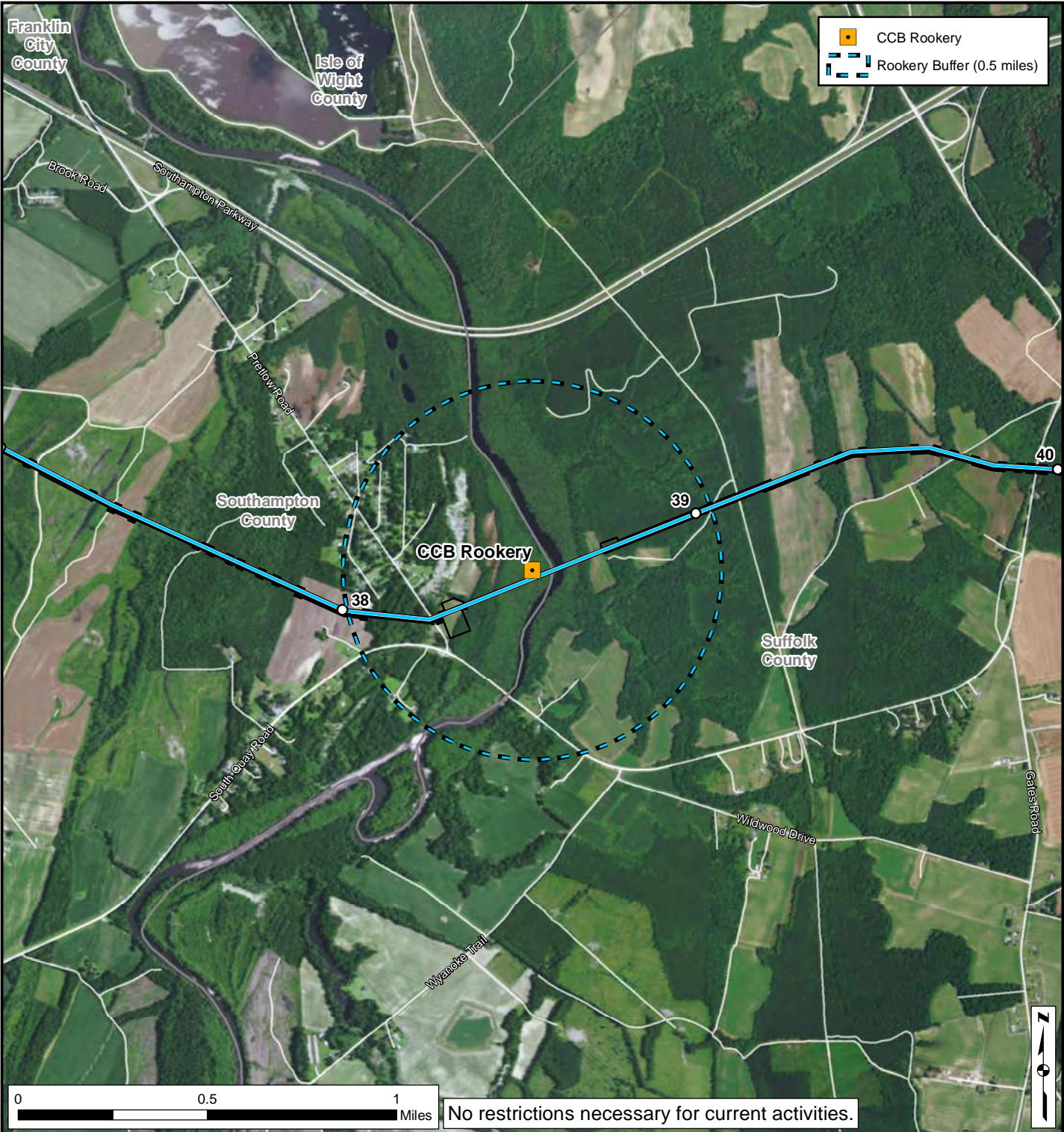
AP-3  
Construction Impact Footprint

**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Southampton County, Virginia  
Page B-44







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Rookeries	0.5 mile	VA: Apr. 1 - Aug. 15	





**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
Southampton County, Virginia  
Page B-45





\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August



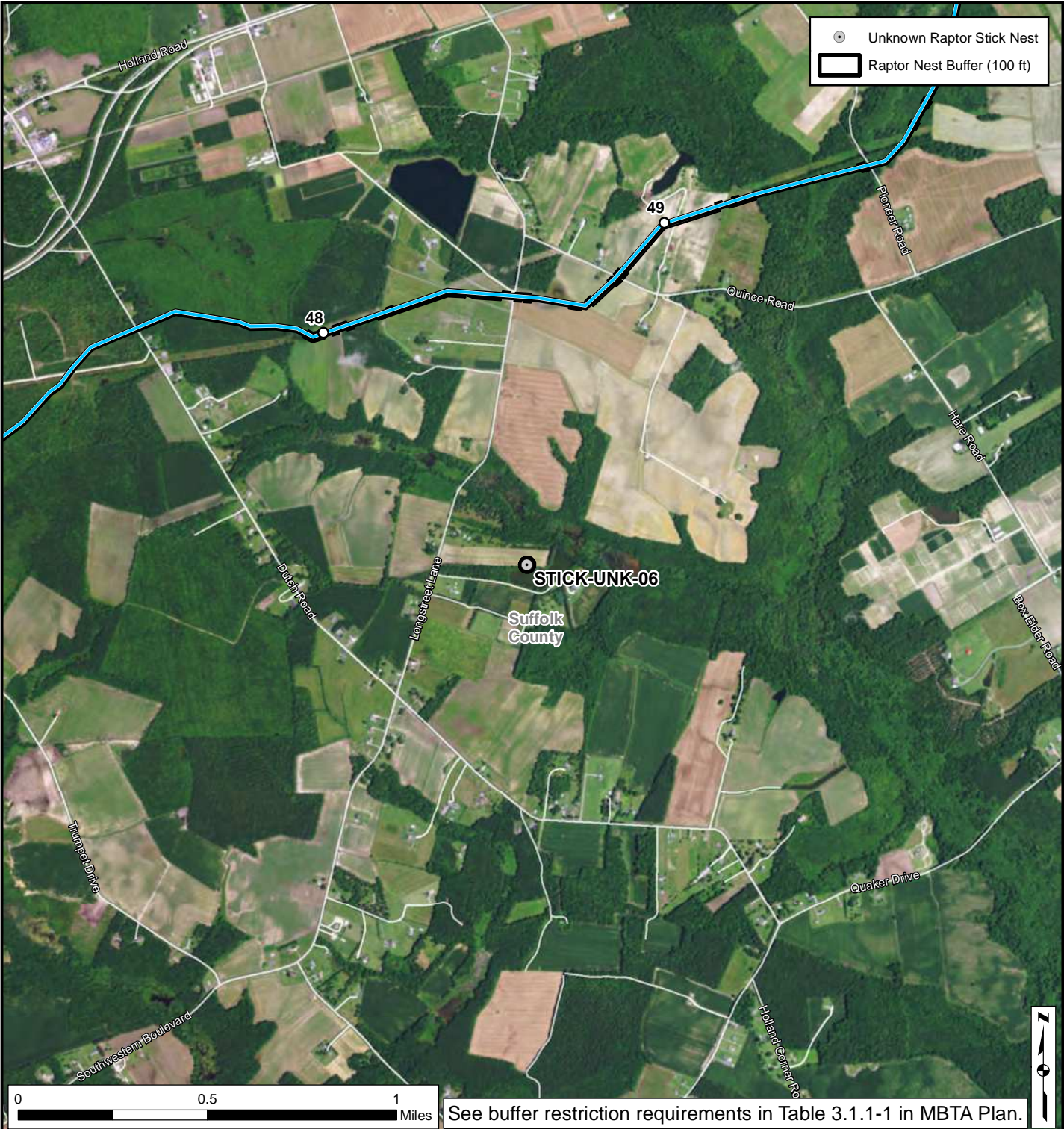


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
City of Suffolk, Virginia  
Page B-46





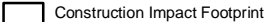

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	



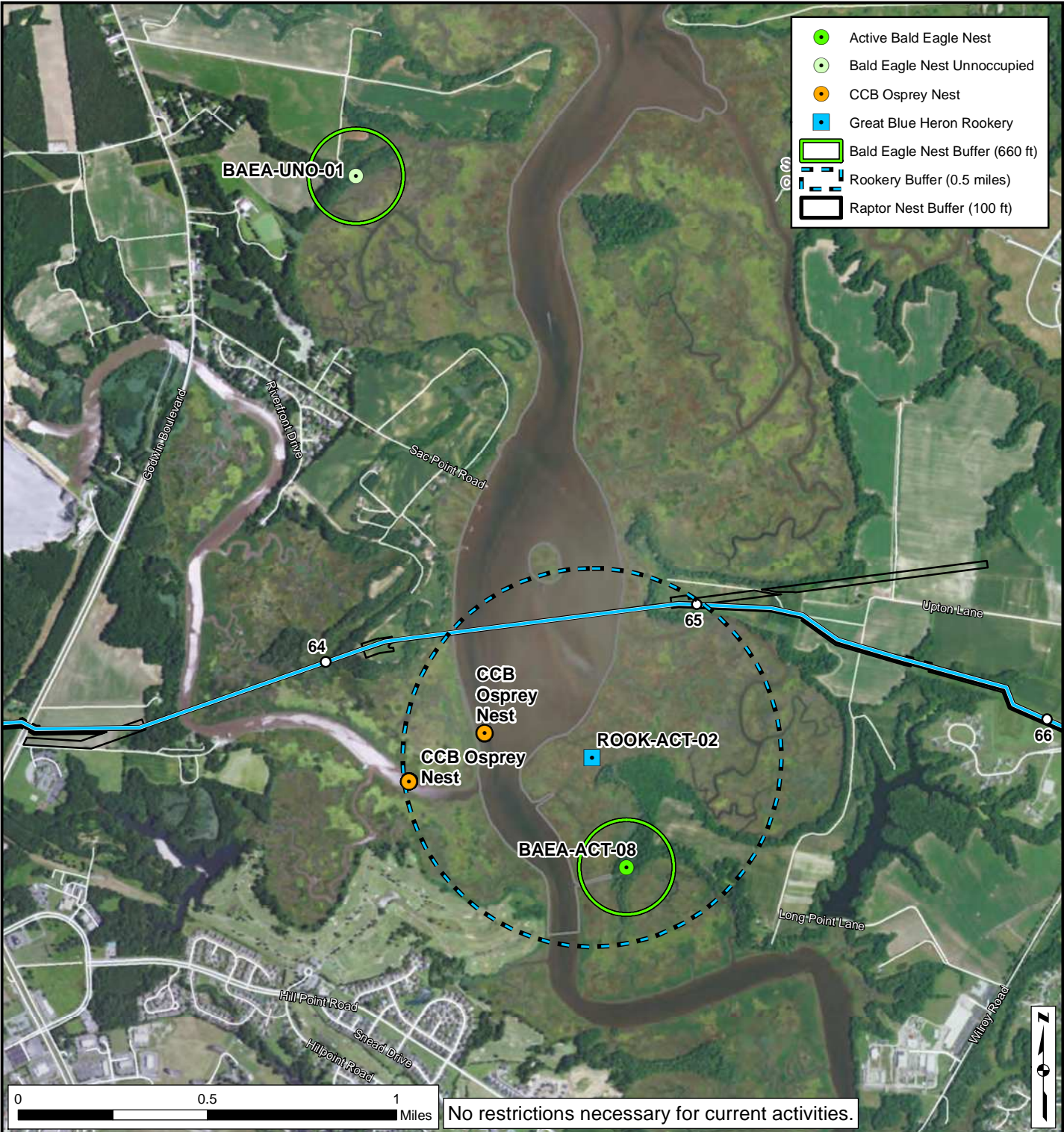


**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
City of Suffolk, Virginia  
Page B-47







\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Bald Eagle Nests	660 feet	Nov. 15 - July 15	
Rookeries	0.5 mile	VA: Apr. 1 - Aug. 15	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	





Atlantic Coast Pipeline Project  
Known Migratory Bird Nesting Sites  
City of Suffolk, Virginia  
Page B-48



\* Times are approximate, and dependent on actual bird activity at nest or rookery.

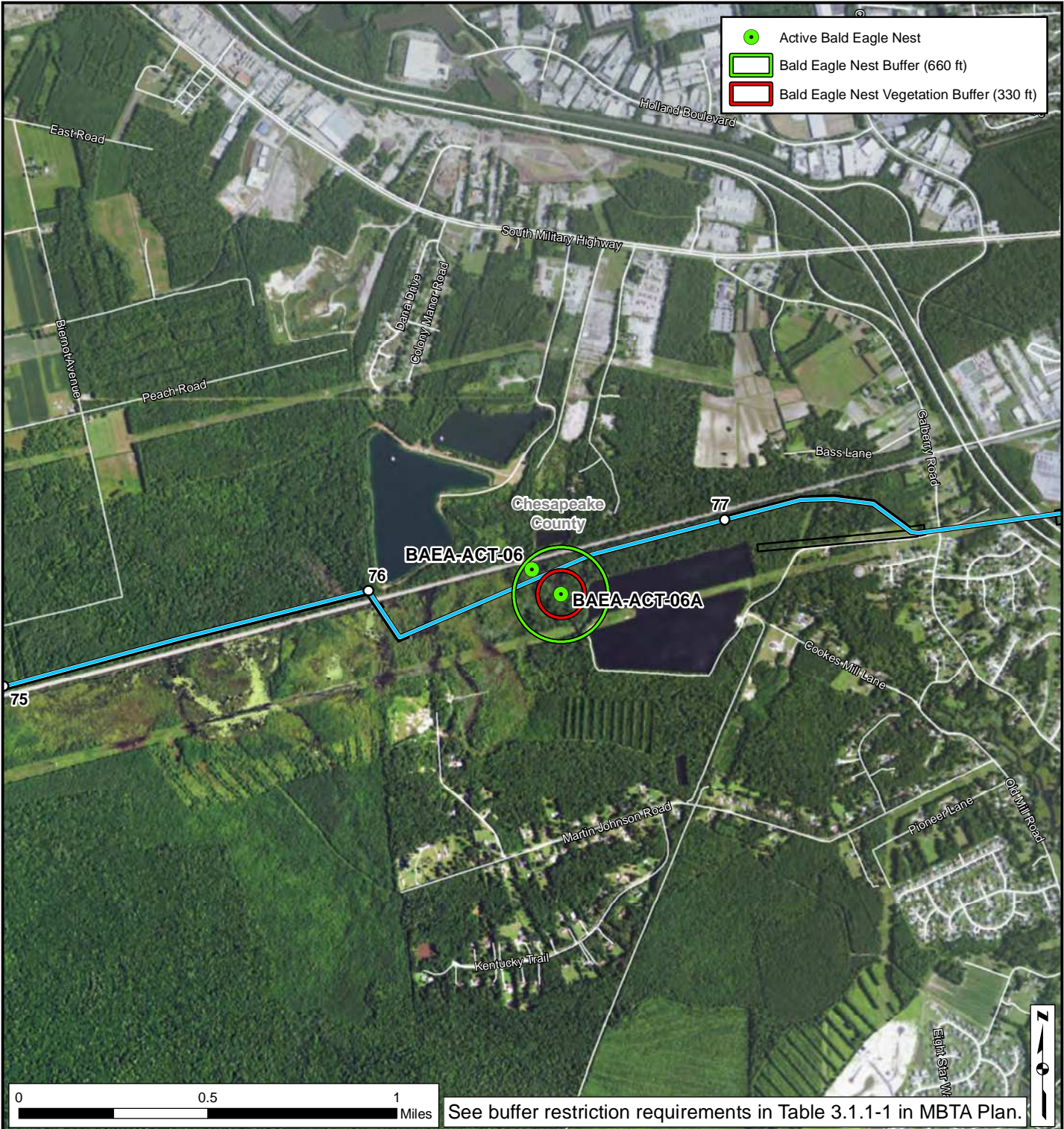




Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	



\* Times are approximate, and dependent on actual bird activity at nest or rookery.

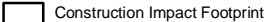





See buffer restriction requirements in Table 3.1.1-1 in MBTA Plan.

Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Bald Eagle Nests	330 feet	All year, no vegetation clearing without eagle permit	
Bald Eagle Nests	660 feet	Nov. 15 - July 15	






### Atlantic Coast Pipeline Project

### Known Migratory Bird Nesting Sites

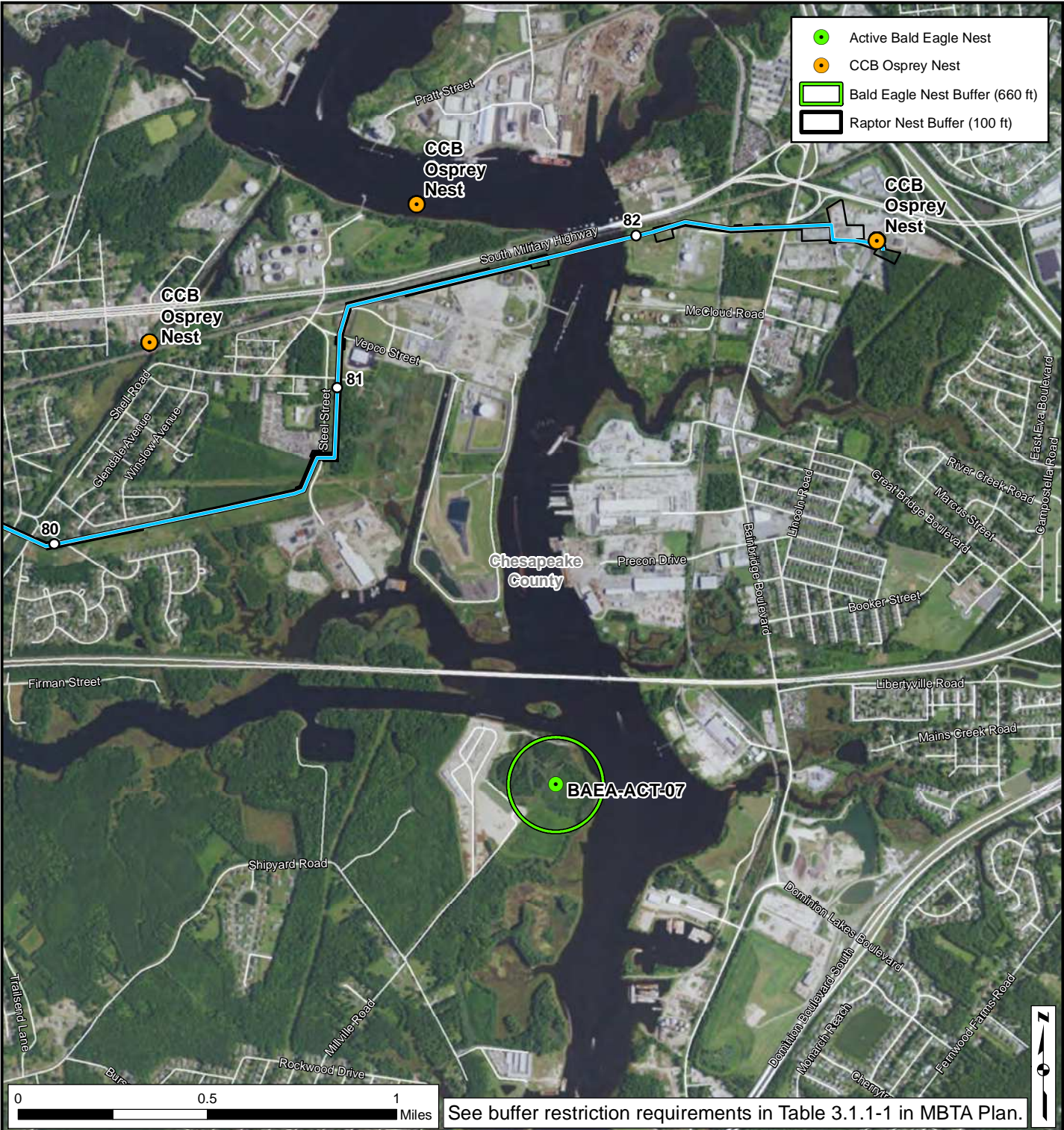
City of Chesapeake, Virginia

Page B-50





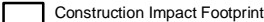

\* Times are approximate, and dependent on actual bird activity at nest or rookery.






Bird Resource	Restriction Distance	Time of Year Restriction (no activity)*	
Bald Eagle Nests	660 feet	Nov. 15 - July 15	
Non-eagle raptor nests	100 feet	Species Dependent; can start as early as January and go through August	





AP-3  
Construction Impact Footprint

**Atlantic Coast Pipeline Project**  
**Known Migratory Bird Nesting Sites**  
City of Chesapeake, Virginia  
Page B-51



\* Times are approximate, and dependent on actual bird activity at nest or rookery.



Document Content(s)

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PUBLIC\_Attachment B\_Migratory Bird Plan\_March 2018.PDF.....20-123