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COMMISSION

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FEDERAL ENERGY
REGULATORY COMMISSION

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

RE: Request for modification to time-of-year restrictions for tree felling for Atlantic Coast Pipeline and Supply Header Projects, Docket Nos. CP15-554-000, CP15-554-001, and CP15-555-000.

Dear Secretary Bose,

The Virginia Society of Ornithology (VSO) conservation committee would like to express its support for your denial of a two month extension of the tree-felling period for the Atlantic Coast Pipeline. We hope this denial will be upheld and similar requests will also be denied in the future. As an organization comprised of both professionals and citizens with decades of ornithological experience, we do not believe that extending tree felling into bird breeding season complies with the mitigation goals identified in the Final EIS. We must also acknowledge that a majority of the bird species that would be impacted by the proposed tree removal extension are those subject to conventions of the Migratory Bird Treaty Act.

The VSO counts among its members and Board of Directors many of the most knowledgeable ornithologists in Virginia. In view of that, even we could not guarantee that our members would be able to locate a majority of the nests imperiled by two additional months of tree felling and the incidental habitat disturbance that would be associated with this practice. Breeding birds conceal their nests as well as possible, making it easy even for seasoned observers to overlook them. In addition to those species which are arboreal nesters, there are a significant number of species that nest on or near the ground. These, therefore, would be directly disturbed by the ingress and egress of tree removal personnel and equipment, and would likely lose breeding habitat through this incidental damage. There is little reason to believe that Dominion's specialists surveying the route of the Atlantic Coast Pipeline (ACP) would be able to reliably complete the first step, nest identification and identification, required to minimize impacts during this time period.

Providing a buffer of trees around any nest site that was identified has been proposed as a mitigation approach. We believe this proposal is impractical, even if the nests were identified. The species that will be nesting during this period range great distances when foraging for their

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young. By eliminating neighboring trees and, by coincidence, disturbing adjacent vegetation, and the food resources they harbor, would necessitate nesting birds to forage greater distances to feed their young or simply not have enough food to sustain them. That could make nest failure just as possible as if the nest itself had been destroyed. It is highly unlikely that the ACP project could provide a reasonable buffer for each nest, even assuming it could identify the species involved. The VSO is currently documenting the breeding status of the more than 200 species of birds known to breed in Virginia and, in so doing, identifying the habitats necessary to protect them for the future.

Protections for birds' nests also presupposes that successful breeding behavior could take place while tree removal around and/or near the nest sites occurs. Birds, as with all species, have particular environmental needs when breeding. The noise and disruption presented by cutting down trees and the coincidental damage to other vegetation in the vicinity of breeding birds creates untenable circumstances for successful reproduction.

The species of primary concern include those that are undergoing population declines and have therefore been listed as being of Greatest Conservation Need by the Virginia Department of Game and Inland Fisheries most recent Wildlife Action Plan. In total there are at least ten species of Greatest Conservation Need in the region of the pipeline that would be nesting by May 15. Among these are four listed as either Tier II or III (Very High or High degree of conservation need) - Black-billed cuckoo (II), Cerulean Warbler (II), Kentucky Warbler (III), and Yellow-billed Cuckoo (III).

In summary, we cannot justify any scenario of extended tree felling that would provide equal or greater security for migratory birds or other protected species which are dependent on these forested habitats, in comparison with the original March 15 deadline. Extending tree felling into the heart of the breeding season for many of our most imperiled breeding species runs counter to Dominion Energy's stated commitment to minimizing environmental impacts. Please continue to support the original intent of the mitigation plan.

Thank you for your consideration,

Virginia Society of Ornithology Conservation Committee

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