

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:

OEP/DG2E/Gas Branch 4
Atlantic Coast Pipeline, LLC
Atlantic Coast Pipeline Project
Dominion Energy Transmission, Inc.
Docket Nos. CP15-554-000 and
CP15-554-001

May 16, 2018

Mr. Matthew R. Bley
Director, Gas Transmission Certificates
Dominion Energy Transmission, Inc.
707 East Main Street
Richmond, VA 23219

Re: Incidental Take Statement Vacatur

Dear Mr. Bley:

On May 15, 2018, the U.S. Court of Appeals for the Fourth Circuit issued an order vacating the U.S. Fish and Wildlife Service's (FWS) Incidental Take Statement included within the FWS' October 17, 2017 biological opinion for the Atlantic Coast Pipeline Project. The Court indicated it would more fully explain its reasoning in a forthcoming opinion. As a result, Atlantic Coast Pipeline, LLC (Atlantic) has informed Commission staff that it will not proceed with construction in any areas where such activities may affect listed species covered by the FWS' Incidental Take Statement for the project. Atlantic should, within 5 days, file documentation that specifically identifies by milepost/stationing the habitat areas that will be avoided with respect to each of the listed species, and confirms the company's commitment to avoid construction in these areas. If you have any questions, please contact me at 202-502-6173.

Sincerely,

David Swearingen
Chief, Gas Branch 4
Division of Gas – Environment
and Engineering

cc: Public File, Docket Nos. CP15-554-000 and CP15-554-001