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State scientists confirm more sightings of endangered bumblebee along pipeline route

By Michael Martz Richmond Times-Dispatch Aug 23, 2018



A team of scientists sighted the rusty patched bumblebees in the vicinity of a property on the Atlantic Coast Pipeline's path in Bath and Highland counties.

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State scientists have found 20 more examples of an endangered species of bumblebee near the path of the Atlantic Coast Pipeline in the Allegheny Highlands, a finding that federal energy regulators say they will consider in new consultation with the U.S. Fish and Wildlife Service.

The rusty patched bumblebee is one of five threatened or endangered species that the 4th U.S. Circuit Court of Appeals said that the Fish and Wildlife Service had failed to properly assess in its earlier opinion on the potential effect construction of the natural gas pipeline could have on their survival.

Only one bee had been identified in the "incidental take statement" vacated by the court, but the Virginia Department of Conservation confirmed on Thursday that a team of scientists had sighted 20 of the endangered bumblebees in the vicinity of a property on the pipeline's path in Bath and Highland counties.

"When you have 20 occurrences of a threatened species like that, it's exciting to our scientists," Clyde Cristman, the department's director, said in an interview.

The Fish and Wildlife Service asked the Federal Energy Regulatory Commission on Thursday to reopen formal consultation on the biological opinion in the FERC order approving the 600-mile pipeline project last fall, in part because of new information from the state conservation agency.

The new information includes records of the sightings and locations relative to the project construction area that the wildlife service said “can be properly assessed” in the renewed consultation with the commission.

Dominion Energy, lead partner on the \$5.5 billion project, called the renewed consultation between the federal agencies “a procedural step” to include new information in the biological opinion so the wildlife Service can reissue the permit that the appeals court tossed out.

“This is an encouraging step toward reinstating the incidental take statement, which we still expect the agency will do very soon. ... We don’t expect any changes to the key conclusion that the project does not jeopardize any federally protected species,” Dominion spokesman Aaron Ruby said in a statement.

But a lawyer for the environmental organization that successfully challenged the permit in the 4th Circuit said the new information provided by the state should require the federal conservation agency to reconsider its earlier conclusion that the project did not pose an existential threat to the bumblebee.

“This is a substantial number,” Patrick Hunter, attorney for the Southern Environmental Law Center, said on Thursday in response to the state’s findings. “It should cause the Fish and Wildlife Service to go back and revise its earlier analysis.”

FERC spokesman Craig Cano said federal regulation “directs that formal consultation be reinitiated if new information shows that there could be an effect on species ‘in a manner or to an extent not previously considered.’ Thus the request.”

The previous incidental take statement cited one sighting of the rusty patched bumblebee along an access road that the pipeline company plans to use for the project near Duncan Knob in Bath. Environmental groups accused the company of failing to fully survey the route for other occurrences of the bee.

“They should go out now and do the survey the right way,” Hunter said.

Earlier this month, the state conservation agency sent three scientists from its Division of Natural Heritage to investigate possible sightings of the endangered bee on the property of Bill and Lynn Limpert in Little Valley in Bath.

A wildlife photographer from Eastern Mennonite University in Harrisonburg had photographed the bee in late July on a flower in the Limperts’ backyard, next to the approved path of the pipeline.

“It was about 40 feet from our back porch,” said Bill Limpert, who has hosted an encampment on his property in opposition to the pipeline planned through an old-growth forest along a ridge on his land.

