

No. \_\_\_\_\_

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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DEFENDERS OF WILDLIFE, SIERRA CLUB, and VIRGINIA WILDERNESS  
COMMITTEE,  
*Petitioners,*

v.

UNITED STATES FISH AND WILDLIFE SERVICE, an agency of the U.S.  
Department of Interior, JIM KURTH, in his official capacity as Acting Director,  
PAUL PHIFER, in his official capacity as Assistant Regional Director, Ecological  
Services, Responsible Official,  
*Respondents.*

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**JOINT PETITION FOR REVIEW**

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Pursuant to the Administrative Procedure Act, 5 U.S.C. § 702, Section 19(d)(1) of the Natural Gas Act, 15 U.S.C. § 717r(d)(1), and Federal Rule of Appellate Procedure 15(a), Defenders of Wildlife, Sierra Club and the Virginia Wilderness Committee petition this Court for review of the United States Fish and Wildlife Service's Biological Opinion and Incidental Take Statement, dated September 11, 2018, for the Atlantic Coast Pipeline and Supply Header Project. In accordance with Local Rule 15(b), a copy of the Biological Opinion and Incidental Take Statement is attached hereto as Exhibit A.

In accordance with Rule 15(c) of the Federal Rules of Civil Procedure, parties that may have been admitted to participate in the underlying procedure have been served with a copy of this Petition. Pursuant to Local Rule 15(b), a list of Respondents is attached.

DATED: September 19, 2018

Respectfully submitted,

/s/ Austin D. Gerken, Jr. \_\_\_\_\_

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*Counsel for Petitioners*

## **LIST OF RESPONDENTS**

Pursuant to Local Rule 15(b), Petitioners hereby provide a list of Respondents, specifically identifying the Respondents' names and the addresses where Respondents may be served with copies of the Petition:

Jim Kurth  
Acting Director  
United States Fish and Wildlife Service  
1849 C Street NW  
Room 3358  
Washington, District of Columbia 20240-0001

Paul Phifer  
Assistant Regional Director  
Ecological Services  
United States Fish and Wildlife Service  
300 Westgate Center Drive  
Hadley, MA 01035-9589

Hon. Ryan Zinke  
Secretary  
U.S. Department of Interior  
1849 C Street, N.W  
Washington DC 20240

## CERTIFICATE OF SERVICE

In accordance with Federal Rules of Appellate Procedure 15(c)(1) & (2), the undersigned hereby certifies that a true copy of this Petition for Review was served via U.S. Certified mail on each of the following entities that may have been admitted to participate in the agency proceedings :

Atlantic Coast Pipeline, LLC  
c/o C.T. Corporation System  
Registered Agent  
4701 Cox Rd, Ste 285  
Glen Allen, VA 23060

Dominion Energy Transmission, Inc.  
c/o C.T. Corporation System  
Registered Agent  
4701 Cox Rd., Ste 285  
Glen Allen, VA 23060

Matthew R. Bley  
Director  
Gas Transmission Certificates  
Dominion Transmission, Inc.  
701 E. Cary Street  
Richmond, VA 23219

Margaret H. Peters  
Assistant General Counsel  
Dominion Resources Services, Inc.  
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*Counsel for Atlantic Coast Pipeline,  
LLC and Dominion Energy  
Transmission, Inc.*

The following Respondents were served via First Class Mail, postage prepaid.

Jim Kurth  
Acting Director  
United States Fish and Wildlife Service  
1849 C Street NW  
Room 3358  
Washington, DC 20240-0001

Paul Phifer  
Assistant Regional Director  
Ecological Services  
United States Fish and Wildlife Service  
300 Westgate Center Drive  
Hadley, MA 01035-9589

Hon. Ryan Zinke  
Secretary  
U.S. Department of Interior  
1849 C Street, N.W  
Washington DC 20240

Hon. Jeff Sessions  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Avi Kupfer  
United States Department of Justice  
Environment and Natural Resources  
Division  
P.O. Box 7415  
Washington, D.C. 20044

This is the 19th day of September, 2018.

/s/ Austin D. Gerken, Jr.  
Austin D. Gerken, Jr.