

*Atlantic Sunrise Project – PA DEP Chapter 105 Joint Permit Application
Transcontinental Gas Pipe Line Company, LLC
Luzerne County*

ATTACHMENT Q -1
LUZERNE COUNTY MITIGATION MASTER PLAN
(UNDER SEPARATE COVER)

Revised July 2017

Trash and Trespass

If needed, trash will be removed and any necessary measures to prevent or repair damage from vandalism and trespass impacts should be taken.

Enforcement

The Long-term Steward will be responsible for the enforcement of the conservation easement.

FPR will be the initial designated Long-term Steward charged with long-term management and maintenance responsibility once performance standards as described in the PRM Plan are attained. FPR may appoint a third-party Long-term Steward in accordance with 33 CFR 332.7(d)(1) to take over as the long-term easement holder for the PRM Site into perpetuity. At that time the new easement holder may if they wish transfer the Deed of Restrictive Covenant into a Conservation Easement. The long-term stewardship funding will transfer to the appointed long-term easement holder upon transfer of legal responsibility, to provide funding for the long-term maintenance and monitoring of the property. The appointment of such an entity will be approved by the PADEP and/or USACE.

12.0 Adaptive Management Plan

An adaptive management plan including contingency, and remedial responsibilities will be implemented in the event monitoring reveals that certain Success Criteria have not been met. In the event of a deficiency, FPR will provide notice to the PADEP and USACE. The notice will include an explanation for the deficiency and will outline specific practices and measures that will guide decisions for revising the compensatory mitigation plan if needed. An individual adaptive management plan based on project-specific performance standards is provided within the PRM Plan.

13.0 Financial Assurances

FPR will establish a performance bond to ensure that PRM Site construction is completed and all success criteria are met. A sample performance bond is provided in the PRM Plan (Appendix C: Briar Creek PRM Plan). The financial assurance mechanism will be a surety bond for the PRM Site that will cover construction, maintenance and monitoring costs associated with the PRM Site, proof that the surety bond has been executed will be provided to the agencies 60 days after approval of the joint permit. The performance bond utilized by FPR is underwritten by a Surety with a rating of A+ (A.M. Best Ratings, 2010).

Once the restoration activities (planting) at the PRM Site are completed and the as-built plans are approved by the PADEP and USACE, the bond will be reduced by 50 percent the first year the project meets its hydrologic performance standard. For each subsequent monitoring and maintenance year that demonstrates the PRM Site is meeting its hydrologic performance standard, the remaining bond will reduce by a proportional amount over the remaining monitoring years. The bond will be closed once all performance standards are met, and final sign-off on the PRM Site has been provided by the USACE and PADEP.

Long-term Stewardship Funding

Prior to construction of the Project, the Permittee will deposit funds into an escrow account to cover long-term stewardship for the PRM Site. These funds are anticipated to be sufficient to cover the full cost of long-term stewardship activities for the PRM Site. The total sum for the PRM Site escrow amount includes all expenses for long-term management and allocates funds for

invasive species management contingency funds, and is provided in the PRM Plan (Appendix C: Briar Creek PRM Plan).

14.0 References

- Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss. Technical Report Y-87-1. 207 p.
- Federal Register (2008) Compensatory Mitigation for Losses of Aquatic Resources; Final Rule. 33 CFR Parts 325 and 332. (Volume 73, Number 70). Rules and Regulations. Accessed 8/20/13.
http://water.epa.gov/lawsregs/guidance/wetlands/upload/2008_04_10_wetlands_wetlands_mitigation_final_rule_4_10_08.pdf
- United States Department of Agriculture Natural Resources Conservation Service. The PLANTS Database. National Plant Data Center. Accessed 8/20/14. <http://plants.usda.gov>.
- U.S. Army Corps of Engineers. 2011. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0), ed. J.S. Wakeley, R.W. Lichvar, C. V. Noble, and J.F. Berkowitz. ERDC/EL TR-12-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center.
- United States Army Corps of Engineers, New England District. 1993. Highway Methodology Workbook Supplement: Wetland Functions and Values – A Descriptive Approach. <http://www.nae.usace.army.mil/Portals/74/docs/regulatory/Forms/HighwaySupplement.pdf>.