



PITT-04-16-036
April 26, 2016
Project Number 112IC05958

Pamela Shellenberger
U.S. Fish and Wildlife Service
110 Radnor Rd; Suite 101
State College, PA 16801

**Subject: Revised *Myotis* Conservation Plan and Additional Bulrush Requests
Sunoco Pipeline, L.P. - Pennsylvania Pipeline Project Multiple Counties
USFWS Project #2014-0200**

Dear Ms. Shellenberger:

Tetra Tech, Inc. (Tetra Tech) has been retained by Sunoco Pipeline, L.P. (SPLP) to conduct environmental field surveys and permitting services for the proposed Pennsylvania Pipeline Project (PPP or Project). On behalf of SPLP, Tetra Tech is providing a revised *Myotis* Conservation Plan and additional supporting information for the northeastern bulrush to the U.S. Fish and Wildlife Service (USFWS or Service)-Pennsylvania Field Office in response to comments received from the Service during a January 26, 2016 meeting.

Through discussions with the Service, SPLP will avoid take of Indiana and northern long-eared bats through the use of the attached, revised *Myotis* Conservation Plan, which also outlines how SPLP will offset habitat impacts for the Indiana bat. A summary of the results of the mist-net surveys and mine portal surveys are also provided within the Plan. To summarize, as a standard practice for avoiding impacts to these bat species, SPLP will conduct tree clearing between November 15 and March 31 within the two known Indiana bat swarming habitat protection radii and between June 1 and July 31 within the 150 foot protection radius of a single northern long-eared bat roost tree location.

Through several design iterations SPLP has minimized tree clearing as much as operationally possible, however some areas will need to be cleared to allow safe installation and operation. Within the 0.25-mile buffer of the Project's limit of disturbance (LOD) and within the Hartman Mine swarming habitat, there are approximately 8,600 acres of forested area. Within the LOD and within the known Hartman Mine swarming habitat radius there are approximately 258 acres of the 8,600 forested area that will need to be cleared. As a habitat impact off-set measure, a payment to the Indiana Bat Conservation Fund (IBCF) will be remitted for the tree acreage that needs to be cleared within the Hartman Mine swarming habitat radius in Cambria, Blair, and Huntingdon counties. In summary, the approximate tree clearing area within the swarming area radius in Cambria, Blair, and Huntingdon counties are 42, 125, and 91 acres, respectively. SPLP has deposited an initial amount of \$702,187 and will be making a second deposit of \$300,632 to the IBCF. The total deposit amount will be \$1,002,819. The attached *Myotis* Conservation Plan includes the Calculation Sheet for Indiana Bat Habitat Compensation that outlines these amounts. The second check payable to the Indiana Bat Conservation Fund (Acct #710621004) will be submitted upon the Service's approval of the attached *Myotis* Conservation Plan to the First Commonwealth Bank – Trust Division. Proof of the deposit will then be sent to the USFWS and PADEP.

SPLP has also committed to performing emergence surveys at 66 potential roost trees on USACE lands (i.e., Raystown Lake Recreation Area) where trees could not be cleared between November 15 and March 31 due to the land acquisition process. The data for these trees was previously submitted to the Service in a December 2015 Report from Apogee Environmental and Archaeology titled, "*A Myotis Bat Summer and Winter Habitat Assessment for the Pennsylvania Pipeline Project in Huntingdon, Indiana, and Westmoreland Counties, Pennsylvania*". This report was updated in April 2016 to include the applicability of completing emergence surveys for bats at the potential roost trees identified in the report and the updated report is provided as Appendix C of the attached *Myotis* Conservation Plan. These emergence surveys will be completed prior to tree clearing to prevent the incidental take of Indiana within these areas.

Tetra Tech

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The Service identified the Northeastern bulrush as potentially occurring within the Project area in Cambria, Blair, Huntington, Juniata, and Perry Counties. Consultation with USFWS determined that field surveys should focus on wetlands, waterbodies, and vernal pools within the Project area at 1,300 feet elevation or higher as suitable habitat. Northeastern bulrush surveys by Service approved biologists began in August 2014 and were completed in August 2015. The surveys were completed by Tetra Tech, PA Soil & Rock, and Skelly and Loy. Survey Reports for these activities have been previously provided to the Service.

Field surveys identified 231 total potential northeastern bulrush habitat areas (e.g. vernal pools, wetlands, floodplain depressions) within 46 Study Areas. Field surveys of these potential bulrush habitat areas identified two confirmed northeastern bulrush populations, one in Cambria County and one in Blair County. The Cambria Co. population is located within the proposed LOD, approximately 75-ft from an existing access road. The Blair Co. population is located approximately 340-ft from the edge of the proposed LOD.

As outlined in the previously submitted September 2015 Northeastern Bulrush Conservation Plan for the PPP, SPLP has taken measures to ensure no direct impacts occur to these identified populations. SPLP anticipates that a Project re-route shifting the proposed LOD from 125 feet within the population to 340 feet away will avoid potential impacts to the Blair Co. population. Impacts to the Cambria Co. population will be avoided with the use of the Horizontal Directional Drill installation method, along with exclusion fencing, signage, compliance inspection, and implementation of an inadvertent return contingency plan. In response to a comment from the Service, SPLP has updated the Inadvertent Return Contingency Plan (Attachment 2) to list the USFWS as a contact should an inadvertent return occur during the HDD in Cambria County. In response to an additional comment from the Service, a memo prepared by Skelly and Loy, Inc. indicating that the wetland supporting the population of northeastern bulrush in Blair County has no direct connectivity to Wetland L70 that will be open cut is included as Attachment 3.

Based on the information provide herein, the attached survey reports and conservation plans, and what is known about the presence and/or potential presence of these ESA listed species in the vicinity of the project areas, it is Tetra Tech's conclusion that the PPP is not likely to adversely affect the Indiana bat, northern long-eared bat, or northeastern bulrush. We request, on behalf of SPLP, the Service's concurrence with this determination to satisfy Federal and State permit requirements.

Thank you for your assistance in this matter and we look forward to your review and concurrence. If you have any questions regarding this request, please feel free to contact me at 412.921.8167 or preston.smith@tetratech.com.

Sincerely,



Preston R. Smith
Manager, Wetlands and Ecological Services

Attachments:

- Myotis* Conservation Plan
- Revised Inadvertent Return Contingency Plan
- Memo: Connectivity of Wetland L70 to Blair County Northeastern Bulrush Population

- CC: Brian Scofield, USFWS (cover letter only)
Chris Embry, Sunoco Logistics
Monica Styles, Sunoco Logistics
Matt Gordon, Sunoco Logistics
Brad Schaeffer, Tetra Tech
Sandy Lare, Tetra Tech
Gary Mowad, GMEC (cover letter only)
File 112IC05957

ATTACHMENT 1

***Myotis* Conservation Plan**

ATTACHMENT 2

Revised Inadvertent Contingency Plan

ATTACHMENT 3

**Memo: Connectivity of Wetland L70 to Blair County
Northeastern Bulrush Population**