

Attachment 6
PNDI and Agency Coordination Status (11/11/16)

SPLP has corresponded with the state and federal agencies administering protected threatened/endorsed species under a large project PNDI information request (Table 1). Specifically, large Project PNDI packages were submitted to the Pennsylvania Department of Conservation and Natural Resources (PADCNR), Game Commission (PGC), and Fish and Boat Commission (PAFBC), as well as the United States Fish and Wildlife Service (USFWS) on December 11, 2013 for the proposed Pennsylvania Pipeline Project (Project) under the previous name of Mariner East 2 (Tab 6A). A 1,500-foot buffer area was applied to the Project to ensure adequate coverage for shifts in the Project's limit-of-disturbance. Upon receipt of the agencies' initial responses (Tab 6B), species-specific survey plans were developed and implemented in accordance with agency requests or additional agency coordination was completed as necessary to clarify the requests and/or identify project changes. In most cases the direct impact will be avoided, however if the agency requires any pre-construction, in-construction, or post-construction stipulations of reaching a no-impact determination then those were outlined with in species- or group of species-specific conservation plans. These conservations plans along with the conditions of each final determination letter or letters will be implemented by the SPLP to ensure sensitive species are avoided, protected, and the potential for harm is minimized.

Table 1: PNDI Agency Coordination Summary

Agency	Initial Large Project PNDI Submittal	Initial Large Project PNDI Response	Additional Coordination	Project Meetings
PA DCNR	11-Dec-13	30-Jan-14	Reroutes 13-Mar-14, 4-Nov-15	16-Apr-15
PGC	11-Dec-13	14-Mar-14	Sep-2015, 15-Jan-2016	23-Apr-15
PAFBC	11-Dec-13	27-Jan-14; 21-May-14	11-Mar-15, Oct-2015	4-Mar-15
USFWS	11-Dec-13	19-Mar-14	1-Apr-14, 9-Apr-14, 22-Apr-14, 6-May-2014, 28-May-14, 5-Aug-14, Oct-2015, 26-Jan-16, 29-Feb-16, 26-Apr-16	29-Apr-14, 26-Jan-16, 6-Apr-16

The following provides a brief summary of the various actions taken to satisfy agency requirements regarding species of concern identified along the proposed Project. In addition, Table 2 presents the locations and survey/reporting status for the species identified by each agency.

PA DCNR

The PA DCNR response dated January 30, 2014, identified Areas of Concern (AOCs) for various plants along the 1,500 foot buffer requested review area along the project's facilities

and provided ArcGIS shapefiles of these AOCs. An additional inquiry was sent to PA DCNR regarding some potential reroutes on the Project and additional AOCs were provided in another response letter received on March 13, 2014. A meeting was held with PA DCNR on April 16, 2015 to discuss the previous year's survey results, project changes, and planned upcoming surveys.

Based on the habitat requirements and phenology of the various species identified, teams of qualified botanists have surveyed the AOCs with project intersects and have documented/recorded the presence or absence of target species for each area. Surveys were started in April 2014 and were complete in August 2015 evaluating all the species identified in the AOCs provided. Following the completion of field surveys, the results were presented to the DCNR in a November 4, 2015 request for effects determination that included a supporting survey report and conservation plan. Project changes were evaluated for intersection with AOCs and if not surveyed previously, the AOC was surveyed accordingly.

SPLP received a no impact determination response letter from the PA DCNR on January 15, 2016 for species and resources of concern under PA DCNR's responsibility, which includes plants, terrestrial invertebrates, natural communities, and geologic features. The PA DCNR determination letter included measures such as placing fencing around sensitive populations, sod-excavation and replacement, monitoring by a botanist, and monitoring reports for *Actaea podocarpa* and *Antennaria virginica*. These measures are included within the DCNR accepted Conservation Plan for Identified Species [Plants] of Special Concern that is included this Attachment 6 of the Joint Application for Permit.

PGC

The PGC response identified the Indiana bat, Allegheny woodrat, Eastern small-footed bat, Northern harrier, Northern long-eared bat, silver-haired bat, and bald eagle as species of concern in the Project area. PGC also indicated that the Project may cross potential bat hibernacula. The PGC deferred comments/coordination to the USFWS on the Indiana bat and bald eagle, and later deferred comments on the Northern long-eared bat to the USFWS when the species was listed as Federally Threatened in May 2015. The response letter also included mapping of proposed survey areas for the Allegheny woodrat and Eastern small-footed bat and an area with restrictions due to the potential presence of the Northern harrier and its habitat. No activities were required for the bald eagle.

In response to the PGC's survey requirements, a team of experienced biologists surveyed the requested areas for the Allegheny woodrat and Eastern small-footed bat: survey areas for these two species often overlapped due to similar habitat preferences. Surveys were started in June 2014 and were completed in April 2015. Survey results were submitted to PGC in July 2015. Surveys for the bat species started in May 2014 and were completed in June 2015. Mine portal and cave field location surveys began in August 2014 and were completed in September 2014. Bat netting surveys of appropriate features began and were completed in October 2014. These survey results were provided in a report submitted to the PGC and dated September 2015.

PGC requested conservation plans be submitted for Allegheny woodrat and Eastern small-footed bat to outline conservation and mitigation measures for these species. These plans were submitted to PGC on January 15, 2016. In a letter dated June 8, 2016 the PGC approved these mitigation plans. These measures are included within the PGC letter and accepted Allegheny woodrat and Eastern small-footed bat conservation plans that are included in Attachment 6 this Attachment 6 of the Joint Application for Permit.

PAFBC

The PAFBC response dated January 27, 2014, identified the timber rattlesnake, freshwater mussels, fish, Eastern redbelly turtle, and bog turtle as species of concern in the Project areas. The PAFBC deferred comments on the bog turtle to the USFWS in the response letter. The response letter included coordinates of survey areas for the timber rattlesnake and also provided specific water bodies of concern for the mussels and fish species. PAFBC also provided direction for areas to survey for the Eastern redbelly turtle in Chester and Delaware counties which included large, deep streams, rivers, ponds, lakes and wetlands. An additional letter was received on May 21, 2014 that included some additional survey areas for the timber rattlesnake. Additional coordination included a meeting held with PAFBC on March 4, 2015 to discuss initial survey results and planned upcoming surveys. An additional email requesting additional surveys regarding timber rattlesnake surveys was received on March 11, 2015.

In response to all of the PAFBC's survey requirements, a team of experienced biologists surveyed the requested areas for the timber rattlesnake beginning in May 2014. Surveys were completed in early July 2015. The results were presented to the PAFBC in a survey report and species protections out-lined within a Timber Rattlesnake Conservation Plan submitted in August 2015.

A team of experienced biologists surveyed appropriate areas in Chester and Delaware County for Eastern redbelly turtle habitat. Following the completion of field surveys, the results were presented to the PAFBC in a Report submitted in October 2015.

SPLP received two no impact determination response letters from the PAFBC, one on September 22, 2015 regarding the timber rattlesnake and one on October 26, 2015 for freshwater mussels, fish, and Eastern redbelly turtle. The PAFBC determination letters included measures such as fencing, time of year restrictions, preconstruction surveys, and biological monitoring. These measures are included within the PAFBC letter and accepted Timber Rattlesnake Conservation Plan provide in this Attachment 6 of the Joint Application for Permit.

USFWS

The USFWS response dated March 19, 2014, identified the Indiana bat, Northern long-eared bat, bog turtle, and migratory birds as species of concern and a number of follow-up conversations were held by phone for further clarification. The Northeastern bulrush was identified as an additional species of concern on April 1, 2014, and a field meeting occurred

on April 29, 2014, to review some wetland areas to determine suitability for bog turtle habitat and the need for Phase II surveys.

In response to the USFWS's identification of the species of concern and the known survey requirements, surveys for the Indiana bat, Northern long-eared bat, bog turtle, and Northeastern bulrush were initiated within suitable or potentially suitable habitats within and adjacent to the Project areas. Indiana and Northern long-eared bat surveys began in May 2014 and continued during the netting season through June 2015. These survey results were provided in a Report submitted to the USFWS in October 2015. Mine portal and cave field location surveys began in August 2014 and were completed in September 2014. Bat netting surveys of appropriate features began and were completed in October 2014. These survey results were provided in the Report submitted in October 2015. A *Myotis* Conservation Plan that outlined SPLP's commitments to avoidance of impacts on these species was also submitted in October 2015 for Indiana and Northern long-eared bats.

Bog turtle surveys began in December 2013 and were completed in August 2015. These survey results were provided in a Report submitted in October 2015. A Bog Turtle Conservation Plan that outlined SPLP's commitments to avoidance of impacts on this species was also submitted in October 2015. Northeastern bulrush surveys began in August 2014 and were completed in August 2015. These survey results were provided in a report submitted to the USFWS in October 2015. A Northeastern Bulrush Conservation Plan that outlined SPLP's commitments to avoidance of impacts on this species was also submitted in October 2015.

A meeting was held with USFWS on January 26, 2016 to discuss the Project and the three conservation plans; *Myotis* Conservation Plan, Northeastern Bulrush Conservation Plan, and Bog Turtle Conservation Plan. A response letter was received from USFWS dated February 16, 2016. Based on the discussion during the meeting and the response letter, a revised Bog Turtle Conservation Plan was submitted to the USFWS on February 29, 2016, and a revised *Myotis* Conservation Plan and additional information regarding the Northeastern bulrush was provided in a correspondence from Tetra Tech to the USFWS dated April 26, 2016. An additional and final revision of the Bog Turtle Conservation Plan was sent to the USFWS dated April 2016. This revision was based on a PADEP/USFWS /PAFBC/United States Army Corps of Engineers field meeting held on April 6, 2016, to finalize the bog turtle determinations and the conservation plan. The April 2016 plan concluded that the Project would only directly cross three wetland areas considered to be occupied habitat and that two of these areas would be crossed with using an HDD and the other a directional bore. These and adjacent occupied habitats would be protected through implementation of the crossing technology, a timing restriction, and implementation of a bog turtle specialist monitoring program. In a letter dated June 24, 2016, the USFWS concluded that with implementation of the conservation measures listed within the letter and in the SPLP's April 2016 Bog Turtle Conservation Plan, the Project is not likely to adversely affect the bog turtle.

Recently, SPLP has reopened some discussions regarding a timing restriction placed on two bog turtle occupied wetlands crossed by a single HDD in Lancaster County. That consultation is complete and the USFWS has revised its June 24, 2016 letter within a final project determination letter dated October 31, 2016. The October 31, 2016 correspondence

removed the timing restriction on the single bog turtle HDD and continued to conclude that the Project is not likely to adversely affect the bog turtle. The USFWS's June 24 and October 31, 2016 letters and April Bog Turtle Conservation Plan are provided within Attachment 6 of the Project's Chapter 105 Joint Application for Permit.

The USFWS's final October 31, 2016 determination concluded that with implementation of the measures of the June 24, 2016 letter and the April 2016 Myotis Conservation Plan, the effects of the Project on the Indiana bat are insignificant and discountable. In regards to the northern long-eared bat, the letter also concluded that incidental take that might result from tree removal is not prohibited, and no further consultation regarding the northern long-eared bat is necessary.

The USFWS's final October 31, 2016 determination concluded that with a successful HDD under a northeastern bulrush population, the Project is not likely to adversely affect the identified northeastern bulrush populations. The USFWS requested an update of their contact information to the provided Inadvertent Return Contingency plan which has been done as part of an overall revision to the plan.

Table 2: PNDI Agency Determination Summary

Agency	Species	Location	Survey Status	Initial Impact Request Submittal	Conservation Plan	Clearance Received
USFWS	Indiana bat/ Northern long-eared bat	Mist netting from Delmont, Westmoreland County to Twin Oaks, Delaware County	Completed	Submitted October 2015	Yes, Final.	October 31, 2016
		Mine Portals and Cave surveys and netting of select areas reviewed via PASDA data and Geology (Washington County to Delaware County)	Completed			
	Bog turtle	Cumberland, York, Dauphin, Lancaster, Berks, Delaware, Chester	Completed	Submitted October 2015	Yes, Final.	October 31, 2016
	Northeastern bulrush	Cambria, Blair, Juniata, Perry, Huntington	Completed	Submitted October 2015	Yes, Final.	October 31, 2016
PGC	Indiana bat/ Northern long-eared bat	Defer to USFWS	NA	NA	NA	NA
	Allegheny woodrat	Indiana, Cambria, Blair, Huntington, Juniata, Perry, Cumberland	Completed	Submitted July 2015	Yes, Final	June 8, 2016
	Eastern small-footed bat	Cambria, Blair, Huntington, Perry	Completed	Submitted July 2015	Yes, Final	June 8, 2016
	Northern Harrier	Cumberland	NA	NA	NA, no impact expected	June 8, 2016

	Silver-haired bat	Pennsylvania Statewide (with other bat surveys)	Completed	Submitted September 2015	Not required, recommendation in June 8, 2016 letter	June 8, 2016
PA FBC	Bog turtle	Defer to USFWS	NA	NA	NA	NA
	Eastern redbelly turtle	Chester, Delaware County (large streams, rivers, large ponds, lakes, standing water wetlands)	Completed	Submitted October 2015	NA, conditions within October 26, 2015	October 26, 2015
	Timber rattlesnake	Indiana, Cambria, Blair, Huntington, Juniata, Perry, Cumberland	Completed	Submitted August 2015	Yes, Final	September 22, 2015
	Mussels	Huntington (Aughwick Creek), Juniata (Tuscarora Creek), Cumberland (Conodoguinet Creek)	Not needed due to HDD/Bore	NA	Not required, no impact	October 26, 2015
	Fish	Washington/Allegheny (Monongahela River), Cambria (Little Conemaugh River)	Not needed due to HDD/Bore	NA	Not required, no impact	October 26, 2015
PA DCNR	RTE Plants	Indiana, Cambria, Huntington, Blair	Completed	Submitted November 2015	Yes, Final	January 15, 2016

USFWS = US Fish and Wildlife Service

PGC = PA Game Commission

PA FBC = PA Fish and Boat Commission