



## Pennsylvania Fish & Boat Commission

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**Division of Environmental Services**  
Resource Extraction Section  
595 E Rolling Ridge Dr.  
Bellefonte, PA 16823

February 16, 2022

**IN REPLY REFER TO**  
SIR# 55023

Energy Transfer  
Nicholas J. Bryan  
101 W. Third St.  
3rd Floor  
Williamsport, Pennsylvania 17701

**RE: Species Impact Review (SIR) – Rare, Candidate, Threatened and Endangered Species**  
**PNDI Search No. 741959\_1**  
**Marsh Creek Lake Restoration**  
**CHESTER County: Upper Uwchlan Township**

Dear Nicholas J. Bryan:

This responds to your updated inquiry about a Pennsylvania Natural Diversity Inventory (PNDI) Internet Database search that resulted in a potential conflict with the Northern Red-bellied Cooter (*Pseudemys rubriventris*, Threatened). Previous correspondence from this office dated December 23, 2021, requested additional information related to Avoidance and Conservation Measures for the proposed sediment removal project within Marsh Creek Lake. In response, a document prepared by DuBois & Associates entitled “Northern Red-bellied Cooter Conservation Plan – Marsh Creek Reservoir Restoration Project, February 10, 2022” was submitted for Commission review and approval. The document provides details related to the preconstruction clearance survey, construction avoidance measures and habitat improvement plans to avoid, minimize and mitigate for impacts to the species during project implementation as requested in our previous correspondence.

### **Northern Red-bellied Cooter (*Pseudemys rubriventris*, PA threatened)**

Based on the submitted Conservation Plan, the following Avoidance, Minimization and Mitigation Measures are proposed:

- **6.1 Habitat Protection Buffer:** In order to reduce impacts to critical over wintering habitat, a 50' x 700' area along the northwest shoreline will be excluded from sediment removal;
- **6.2 Active Season:** All in-water work with the exception of the preconstruction clearance survey, will be conducted between April 15 to October 15 during the species' active season;
- **6.3 Qualified Biologist Oversight:** A qualified biologist will be on-site during in-water work;

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*To protect, conserve and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities.*

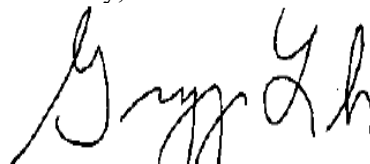
- **6.4 Clearance Survey:** A preconstruction clearance survey will occur to remove and exclude individuals from the project area;
- **6.5 Turbidity Curtain:** An exclusion barrier will be installed to prevent captured turtles from reentering the project area;
- **6.6 Upland Areas:** Exclusion fencing will be installed to prevent turtles from attempting to nest in the upland areas slated for use in dewatering operations;
- **6.7 Nesting Habitat Construction:** Creation of additional nesting habitat will occur to mitigate for impacts to the species;
- **6.8 Basking Structure Construction:** Additional Basking structures will be installed to mitigate for impacts to the species.

As details related to the Nesting Habitat Construction are developed, please submit plans to both the Commission and the Department of Conservation and Natural Resources for comment and approval. Lastly, once the project schedule is finalized, please provide it along with contact information for on-site personnel that will be available to coordinate site visits with Commission staff during construction.

We concur with the actions outlined in the Conservation Plan and provided that all measures are implemented as proposed, we do not foresee significant impact to the **Northern Red-bellied Cooter** (*Pseudemys rubriventris*). This response represents the most up-to-date summary of the PNDI data and our files and is valid for two (2) years from the date of this letter. An absence of recorded species information does not necessarily imply species absence. Our data files and the PNDI system are continuously being updated with species occurrence information. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered, and consultation shall be re-initiated.

**If you have any questions regarding this review, please contact Gregory Lech ([glech@pa.gov](mailto:glech@pa.gov)) and Jordan Allison ([jorallison@pa.gov](mailto:jorallison@pa.gov)) and refer to the SIR # 55023.** Thank you for your cooperation and attention to this important matter of species conservation and habitat protection.

Sincerely,



Gregory Lech  
Resource Extraction Section

GPL/dn