



July 17, 2015

John Taucher
PA Game Commission
Bureau of Wildlife Habitat Management
Division of Environmental Planning & Habitat Protection
2001 Elmerton Avenue
Harrisburg, PA 17110

**Subject: PGC ID Number: 201312180001
Request for a No Impact Determination
Sunoco Pipeline, L.P. - Pennsylvania Pipeline Project (Previously Part of
the Mariner East 2 Pipeline Project)**

Dear Mr. Taucher:

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) formerly part of the Mariner East 2 Pipeline Project (ME2). On behalf of SPLP, Tetra Tech is requesting a no impact determination from the Pennsylvania Game Commission (PGC) for the PPP.

A Large Project Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Request including a large project form, project description, and preliminary project USGS topographic mapping was initially provided to the PGC under the preliminary project name "Mariner East 2 Pipeline - Trans-Pennsylvania" on December 12, 2013. We received a response letter dated March 14, 2014 from PGC. That letter is included for reference as Attachment 1. The Mariner East 2 Project was originally going to encompass all of the project activities within the state of Pennsylvania (PA). After field activities began, the project was split into two separate and independent projects; the Ohio Pipeline Project (OPP) and the PPP. Initially, a 20-inch diameter pipeline would be installed within a 50-foot-wide right-of-way (ROW) from Houston, PA to Marcus Hook, PA (306 miles) and a second, up to 20-inch diameter pipeline, would be installed in the same ROW. The second line is proposed to be installed from SPLP's Delmont Station, Westmoreland County, Pennsylvania to the Marcus Hook facility, paralleling the initial line for approximately 255 miles. (Attachment 2).

PGC indicated that the following species or resources of concern were located within the vicinity of the Mariner East 2 Project: bald eagle (*Haliaeetus leucocephalus*), Indiana bat (*Myotis sodalis*), Allegheny woodrat (*Neotoma magister*), Eastern small-footed bat (*Myotis leibii*), Northern Harrier (*Circus cyaneus*), Northern long-eared bat (*Myotis septentrionalis*), silver-haired bat (*Lasionycteris noctivagans*), bald eagle (*Haliaeetus leucocephalus*), potential bat hibernacula, and wetlands located within the requested review area along the Little Conemaugh River, the Raystown Branch Juniata River, Marsh Creek, and Middle Creek.

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PGC has removed the bald eagle from the state-listed threatened and endangered species list. Tetra Tech has directly coordinated with the US Fish and Wildlife Service (USFWS) regarding the bald eagle and will work within the framework of the USFWS's National Bald Eagle Management Guidelines.

The PPP does cross the Little Conemaugh River, the Raystown Branch Juniata River, Marsh Creek, and Middle Creek areas. SPLP has maintained an avoidance and minimization strategy for the entire Project to reduce or avoid impacts to wetlands. Therefore, impacts to these resources would be minimized to the maximum extent practical. PGC mentions that portions of the ME2 are located within State Game Lands. Sunoco is coordinating with PGC Land Management for areas of this project that cross State Game Lands. All appropriate license agreements will be obtained for public land crossing and conditions of those agreements followed.

PGC provided the location of a Northern Harrier Restriction Area (Attachment 3) and requested all site preparation, construction, reclamation, and future maintenance mowing be avoided between April 15 and August 31 to minimize potential impacts to Northern harriers and their habitat during the breeding and nesting season. Additionally, a seed mix was requested to be used post construction to ensure the establishment of beneficial herbaceous habitat for grassland species. The area to be disturbed is only a small portion, approximately 12.65 acres, of the restriction area, and other than roadways crosses all privately held lands. The majority of the areas crossed are currently pasture or agriculture and the land owner has control over what is planted. Mowing would occur on an as needed basis and be limited to where the line passes through forested habitats. SPLP feels that given the limited and temporary disturbance of construction, current land use of the area, and the nature of the easement agreements, that commitment to a seed mix restoration requirement is not practical. Also given the limited and temporary duration of construction and operational maintenance that will occur in this area, construction and mowing during the recommended restriction periods would also not adversely impact the species.

PGC noted that comments on the Indiana bat are deferred to USFWS. PGC also requested that winter tree clearing occur between November 1st and March 31st to minimize impacts to Northern long-eared bats and silver-haired bats. Tetra Tech understands that, as of May 1, 2015, PGC defers comment on the Northern long-eared bat to USFWS. Tetra Tech is coordinating with the USFWS regarding the Indiana bat and Northern long-eared bat and will submit an Indiana and Northern long-eared Bat Conservation Plan for the PPP. This coordination will ensure the project does not adversely impact these two species.

SPLP through coordination with the USFWS was provided two areas that would require tree clearing timing restrictions on the PPP due to the projects location within identified Indiana bat swarming areas (Attachment 4). Those areas are identified on maps provided in Attachment 4. In these areas the USFWS recommended tree clearing timing window of November 15 to March 31. To also provide protection to the silver-haired bat, SPLP will only clear trees in these areas between November 15 and March 31, as recommended by the PGC. That commitment will be presented on project plans and on the line list.

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Outside of the swarming areas, SPLP has initiated surveys for the Indiana bat through mist netting surveys in accordance with the 2014 and 2015 Range-Wide Indiana Bat Summer Survey Guidelines and as outlined in the 2014 and 2015 survey conditions listed under the PGC Special Use Permit issued for the Project. These mist net surveys also survey for other bat species that use similar habitats and share similar life histories, such as the silver-haired bat and Northern long-eared bat. One silver-haired bat was captured in Indiana County during these surveys and is provided on Attachment 5. PGC has been provided the location in the Bat Measurement and Capture Data Form submittal and in the *2014 Summer Mist Net and Fall Portal Survey Summary Report* (December 2014). The location is 1,300 feet from the nearest project area (Attachment 5). Surveys continued into 2015, however no additional silver-haired bats have been located and that result will be reported within the 2015 report. Based on these results, removing the timing restriction on the remainder of the project areas that occur outside the defined swarming areas in regards to the silver-haired would not result in an impact to this species.

PGC indicated that abandoned mine features were present within the project area of ME2. PA Department of Environmental Protection's (PADEP) *Abandoned Mine Land (AML) Inventory Points* database was reviewed for the potential presence of abandoned mine features within PPP. Any mine features within the project area were evaluated for potential hibernacula and assessed per the *PGC Protocol for Assessing Bat Use of Potential Hibernacula*. No potential hibernacula were identified within PPP per the previously submitted 2014 summary report. Based on this result, the PPP is not expected to impact previously undiscovered bat hibernacula.

PGC provided details on areas to be surveyed for Eastern small-footed bat and Allegheny woodrat habitat. These surveys have been completed for the areas initially provided by PGC as well as additional areas along the re-route south of Altoona. Attached for your reference is the final report (Attachment 6) which includes a summary of the survey areas and activities as well as identified Allegheny woodrat potential activity centers (PACs) and activity centers (ACs) and potential Eastern small-footed bat habitat. The majority of the identified PACs, ACs, and Eastern small-footed bat habitat areas are being avoided by the Project and many of these areas occur along an existing SPLP pipeline corridor that the PPP is following. SPLP proposes to restore any identified Allegheny woodrat ACs and identified Eastern small-footed bat habitat to preexisting conditions as much as practical to ensure safe installation and operation of the project. Therefore, impacts to these species are expected to be minor and temporary.

On behalf of SPLP, Tetra Tech would like to request the PGC review of and concurrence with our no impacts determination for the Northern harrier, silver-haired bat, small-footed bat, potential bat hibernacula, and the Allegheny woodrat. Thank you for your assistance in this matter. If you have any questions regarding this request, please feel free to contact me at 412.921.8167 or preston.smith@tetrattech.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Smith', with a long horizontal flourish extending to the right.

Preston R. Smith
Manager, Wetlands and Ecological Services Department



Attachments:

- Pennsylvania Pipeline Project Maps
- PA Game Commission PNDI Response Package
- Northern Harrier Restriction Area Figure
- Indiana Bat Swarming Areas Figure
- Silver-haired Bat Capture Location Figure
- Allegheny Woodrat and Eastern Small-Footed Bat Survey Report

CC: Chris Embry, Sunoco Logistics
Matt Gordon, Sunoco Logistics
Brad Schaffer, Tetra Tech
Sandy Lare, Tetra Tech
File 112IC05958