



Pennsylvania Fish & Boat Commission

Division of Environmental Services

Natural Gas Section
450 Robinson Lane
Bellefonte, PA 16823

September 2, 2016

IN REPLY REFER TO
SIR# 42243

Ecology and Environment, Inc.
Greg Netti
368 Pleasant View Drive
Lancaster, New York 14086

**RE: Species Impact Review (SIR) – Rare, Candidate, Threatened and Endangered Species
Atlantic Sunrise Expansion Project Update
CPL South Alternatives 22 and 24D**

Dear Greg Netti:

This responds to your recent correspondence submitted to the Pennsylvania Fish and Boat Commission (PFBC) related to the Atlantic Sunrise Expansion Project (Project) in regards to a Pennsylvania Natural Diversity Inventory (PNDI) threatened and endangered species impact review of species under the jurisdiction of the PFBC.

On August 25, 2016 representatives of the Project submitted two alternatives, by e-mail, for consideration, that extend beyond the PFBC's previous Project review area.

CPL Alternative 22 – Lancaster County:

An element occurrence of a rare, candidate, threatened, or endangered species under our jurisdiction is known from the vicinity of the proposed project. However, given the nature of the proposed project, the immediate location, or the current status of the nearby element occurrence(s), no adverse impacts are expected to the species of special concern.

CPL Alternative 24D – Columbia County:

Except for occasional transient species, rare, candidate, threatened or endangered species under our jurisdiction are not known to exist in the vicinity of the project area. Therefore, no biological assessment or further consultation regarding rare species is needed with the Commission. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

Our Mission:

www.fish.state.pa.us

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

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 Heather A. Smiles at 814-359-5194 and refer to the SIR # 42243. Thank you for your cooperation and attention to this important matter of species conservation and habitat protection.

Sincerely,

A handwritten signature in dark ink that reads "Heather Smiles". The signature is written in a cursive, flowing style.

Heather A. Smiles, Chief
Natural Gas Section

HAS/dn



Pennsylvania Fish & Boat Commission

Division of Environmental Services
Natural Gas Section
450 Robinson Lane
Bellefonte, PA 16823

May 31, 2016

IN REPLY REFER TO
SIR# 42243

Ecology and Environment, Inc.
Greg Netti
368 Pleasant View Drive
Lancaster, New York 14086

**RE: Species Impact Review (SIR) – Rare, Candidate, Threatened and Endangered Species
Atlantic Sunrise Project
2016 Timber Rattlesnake Survey Report – May 2016**

Dear Greg Netti:

This responds to your recent correspondence related to the Atlantic Sunrise Project in regards to a Pennsylvania Natural Diversity Inventory (PNDI) threatened and endangered species impact review. On May 16, 2016, we received the *Timber Rattlesnake (Crotalus horridus) Phase I Habitat Assessment and Phase II Presence/Absence Report* dated May 2016, prepared by WHM Consulting, Inc., for our review.

In 2016 you conducted a Timber Rattlesnake (*Crotalus horridus*) presence/absence survey (Phase 2) for the above-referenced project at two remaining areas not previously accessible to survey. These two areas included a small portion of CPL South - Survey Area 5 and Area 6, as described in our January 28, 2016 response letter to you. According to the resulting report, no species of concern were found and the site likely is not occupied by the Timber Rattlesnake (*Crotalus horridus*). I concur with the results of this evaluation; therefore, I do not foresee the proposed project resulting in adverse impacts to the Timber Rattlesnake (*Crotalus horridus*) at those two project areas.

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.

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Heather A. Smiles, Chief
Natural Gas Section

HAS/dn



Pennsylvania Fish & Boat Commission

Division of Environmental Services

Natural Gas Section
450 Robinson Lane
Bellefonte, PA 16823

January 28, 2016

IN REPLY REFER TO
SIR# 42243

Ecology and Environment, Inc.
Greg Netti
368 Pleasant View Drive
Lancaster, New York 14086

**RE: Species Impact Review (SIR) – Rare, Candidate, Threatened and Endangered Species
PNDI Search No.
Atlantic Sunrise Project**

Dear Greg Netti:

This responds to your recent correspondence related to the Atlantic Sunrise Project in regards to a Pennsylvania Natural Diversity Inventory (PNDI) threatened and endangered species impact review. On January 11, 2016, an updated *Timber Rattlesnake (Crotalus horridus) Phase I Habitat Assessment and Phase II Denning Presence/Absence Report*, prepared by WHM Consulting, Inc., was submitted to our office for review.

The purpose of your investigation was to determine whether habitat for the timber rattlesnake exists within 300 feet of the limit of disturbance (LOD) of the proposed project. Following identification of potential timber rattlesnake habitat during Phase I surveys, WHM completed Phase II presence/absence surveys of potential denning and gestation habitats identified within the study area. A review of this updated report revealed the following:

Presence/Absence Survey Results

Survey Area 4 along Central Penn Line(CPL) South – Schuylkill County

A timber rattlesnakes den was confirmed in this project area. Due to the discovery of this den, Transco has rerouted the centerline west. By doing this, there will now be a buffer approximately 80 feet wide between the den and the pipeline. During construction, there will only be approximately 40 feet between the workspace LOD and the den; therefore, if the work is to be conducted out of the active season of the timber rattlesnake, then I do not anticipate any adverse impacts to this species of special concern. **However, if work is to be conducted from April 15-October 15 in the area between Access Road SC-072 and SR 4020 Deep Creek Road on the south facing slope along Mahantango Mountain, then I recommend that you take the following precautions to safeguard workers and**

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rattlesnakes:

1. A Pennsylvania Fish and Boat Commission (PFBC) approved timber rattlesnake biologist who has the proper permits (Scientific Collector's Permit), and the proper skills to handle this venomous species will be on-site prior to and during construction.

2. The PFBC approved timber rattlesnake biologist will be on-site prior to and during construction activities, during the above time frame, to inspect and clear the area (including staging areas and access roads) of timber rattlesnakes and to capture and remove any rattlesnakes that may interfere with work activities.

3. Timber rattlesnakes observed on-site are to be measured, sexed, and the habitat characterized where the snake was found. All captured snakes should be released within close proximity (under 100 meters) of the capture site if possible. Rattlesnake captures and relocations are to be documented by photographs, habitat descriptions, in addition to being mapped and labeled accordingly. The biologist is to submit a report to this office (Natural Diversity Section) following the completion of the project documenting all of the activity and herpetofauna encountered.

4. If erosion control fabric is to be used at this site, materials that are known to reduce the risk of snake entrapment should be selected, such as loosely woven natural fiber ECM. Use of monofilament/plastic netting should be avoided.

5. Workers responsible for implementing this project should be advised that timber rattlesnakes may be encountered and that avoidance is the best means of minimizing risks to personal safety. It is suggested a procedure be implemented for timber rattlesnake encounters and workers are to be advised that the timber rattlesnake is a state protected species and is not to be harmed. Killing of timber rattlesnakes is prohibited by the Commission pursuant to 58 Pa. Code Section 79.6.

6. During the construction period, PFBC personnel may communicate with the on-site biologist and may visit the site area periodically to view the progression of the project and answer any questions or concerns that may arise. For safety purposes, PFBC personnel will register with the on-site manager upon entering the construction area.

Chapman Loop

A timber rattlesnake den and gestation habitat was confirmed in this project area. The proposed pipeline alignment and access road avoids the confirmed den habitat located north of Mile Post (MP) 187.2 and the confirmed gestation habitat located at the western end of the project. Both critical habitat areas should not be impacted by construction of the project; however, other timber rattlesnakes were observed along the Chapman Loop between MP 187 and MP 187.5 in areas of identified potential denning and gestation habitat, which is also located on the north side of the proposed pipeline, but much closer than the confirmed den habitat. PFBC would like to point out that if the new pipeline loop could be constructed on the southern side of the existing pipeline in this area, the confirmed den and other potential critical habitat areas identified could be completely avoided.

Given the documented occurrences of timber rattlesnakes along the proposed Chapman loop, a **PFBC approved timber rattlesnake biologist should also be on-site during all construction activities taking place from April 15 – October 15th.**

Remaining Areas To Be Surveyed

Area 6 of CPL South- Southern Portion

If the potential den habitat identified in this area during the Phase I survey cannot be avoided and the project adjusted, we recommend that a Phase II timber rattlesnake presence-absence survey be conducted to determine the presence or absence of rattlesnake hibernacula in the project area in the spring of 2016.

0.5 mile segment of Area 5 of CPL South

PFBC concur with your potential survey scenarios for this inaccessible parcel as detailed in your January 2016 report and we look forward to the forthcoming additional information about this area in order to render a decision on whether the pipeline project has the potential to impact timber rattlesnakes or their critical habitat in this 0.5 mile segment.

PFBC Rattlesnake Presence-Absence Survey Guidelines (revised 2-27-2015) and a list of qualified rattlesnake surveyors are enclosed for your convenience. This list is not an exhaustive list of qualified surveyors in Pennsylvania as there may be qualified surveyors who have not asked to be placed on this list. It is not mandatory that you use someone on this list.

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.

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Sincerely,



Heather A. Smiles, Chief
Natural Gas Section

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