



Transcontinental Gas Pipe Line Company, LLC
2800 Post Oak Boulevard (77056)
P.O. Box 1396
Houston, Texas 77251-1396
713/215-2000

September 1, 2022

Rebecca Dunlap
Aquatic Biologist Supervisor
PADEP Regional Permit Coordination Office
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

**RE: REGIONAL ENERGY ACCESS EXPANSION PROJECT;
SUPPLEMENTAL DATA – UNITED STATES FISH AND WILDLIFE SERVICE CLEARANCE
LETTER – AUGUST 31, 2022**

Dear Ms. Dunlap;

Transcontinental Gas Pipe Line Company, LLC (Transco) received the clearance letter for the Regional Energy Access Expansion Project from the United States Fish and Wildlife Service (USFWS) on August 31, 2022. A copy of this letter is included for your use. This letter is intended to supplement the following applications that are still under review:

Erosion and Sediment Control Permit:
Application No. ESG830021002-00

Water Obstruction and Encroachment Applications:
Application No. E4583221-002
Application No. E4083221-006

It is our hope that the information as provided will allow you to complete your review in accordance with your regulations and issue the requested Permits. If you require any additional information that will facilitate your review, please do not hesitate to contact Karen Olson at (713) 215-4232 or at Karen.Olson@williams.com, or Josh Henry at (412) 787-4277 or at Josh.Henry@williams.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Dean". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joseph Dean
Manager, Environmental Health and Safety



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Pennsylvania Field Office
110 Radnor Road, Suite 101
State College, Pennsylvania 16801-4850

August 31, 2022

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., NE
Washington, DC 20426

Re: USFWS Project #2022-0043217 (formally 2020-0592)
PNDI Receipt # 702499

Dear Secretary Bose:

Thank you for your letter of March 30, 2022, requesting concurrence regarding the effect of the proposed Transcontinental Gas Pipe Line Company, LLC (Transco) Regional Energy Access Expansion Project (the Project), on federally listed endangered, threatened and proposed species in Pennsylvania and New Jersey. You concluded that the proposed Project may affect, but is not likely to adversely affect two federally listed endangered species, the Indiana bat (*Myotis sodalis*) and northeastern bulrush (*Scirpus ancistrochaetus*), and two species listed as threatened, the northern long-eared bat (*Myotis septentrionalis*) and bog turtle (*Glyptemys muhlenbergii*). The following comments are provided pursuant to the Endangered Species Act (Act) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) to ensure the protection of endangered and threatened species and pertain to portions of the Project that are in Pennsylvania.

On June 3, 2022, the Service's Pennsylvania Field Office received all pertinent information from Transco in order to initiate informal section 7 consultation and begin assessing the Project. After further discussions with Transco, we also received an updated restrictions table on August 19, 2022. A complete project description is available in the draft Environmental Impact Statement¹. The portion of the Project in Pennsylvania involves construction and operation of 22.3 miles of 30-inch-diameter pipeline loop in Luzerne County, Pennsylvania (Regional Energy Lateral (REL)); installation of 13.8 miles of 42-inch-diameter pipeline loop in Monroe County, Pennsylvania (Effort Loop); two wetland mitigation sites, located in Northampton and Luzerne Counties, Pennsylvania; and installation or modification of compressor stations in Luzerne and York Counties, Pennsylvania. The project also includes installation of ancillary facilities such as mainline valves, communication facilities, and pig launchers and receivers, and various

¹ <https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents> - last accessed August 15, 2022

temporary access roads and staging areas to support construction activities, and to establish new permanent access roads to support operation of new facilities.

Northeastern bulrush

Mallory Gilbert, a qualified northeastern bulrush surveyor, conducted a presence/absence survey for this species in August 2020. According to the October 2020 survey report, no northeastern bulrush were found in the wetlands that appeared to have suitable habitat for this species in, or adjacent to, the Project area. Based on our review of this report, we concur with your determination that implementation of the proposed project may affect, but is not likely to adversely affect this species.

Bog turtle

To assess potential effects of the proposed project on bog turtles and their habitat, Robert Bull, a qualified bog turtle surveyor, conducted Phase 1 bog turtle habitat assessments between April and July 2020 following the methods described under “*Bog Turtle Habitat Survey*” (Phase 1 survey) of the *Guidelines for Bog Turtle Surveys* (revised April 29, 2020)². According to the August 2020 survey report, of 14 wetlands surveyed, one (referred to as “Wetland BT-1”) appeared to have the combination of habitat characteristics of areas occupied by bog turtles. However, because this wetland is in a relatively urban setting, shows evidence of disturbance such as stormwater runoff, and is not located in close proximity to other known bog turtle sites, it is not likely to support bog turtles. Therefore, we concur with your determination that the Project may affect, but is not likely to adversely affect the bog turtle.

In addition, a wetland mitigation site in Northampton County is in the range of the bog turtle. The Service concurred by letter of October 6, 2021, that this species appears to be absent and that the proposed wetland mitigation is not likely to adversely affect the bog turtle.

Northern long-eared bat and Indiana bat

Approximately 285.64 (203.23 acres associated with the REL and 82.41 acres associated with the Effort Loop) acres of tree removal are associated with the Project. Land-clearing, especially of forested areas, may adversely affect Indiana bats and northern long-eared bats by killing, injuring, or disturbing roosting bats, and by removing or reducing the quality of foraging and roosting habitat. In order to assess the effect of proposed forest clearing on the Indiana bat and northern long-eared bat on any bat maternity colonies present Transco completed acoustic bat surveys (i.e., microphones were deployed to record bat calls during the summer maternity season). To assess the effect of the project on bat hibernacula and supporting habitat, surveys were completed to locate potential hibernacula entrances and evaluate if coal mines in proximity to the Project may support bats. Chris Sanders, a Service recognized qualified bat surveyor, conducted these surveys in accordance with Service-approved survey guidance, and provided various reports documenting the results.

² <https://ipac.ecosphere.fws.gov/guideline/survey/population/182/office/52410.pdf>

Maternity colony surveys

Fifty sites along the 30-inch-diameter pipeline loop in Luzerne County, referred to as the 'REL' portion of the Project were surveyed and 22 sites along the 13.8 miles of 42-inch-diameter Effort Loop in Monroe County were surveyed for bat (acoustic) calls in accordance with the Service's *Range-wide Indiana Bat and Northern Long-eared Bat Survey Guidance*³. The survey report concluded probable presence for the northern long-eared bat at three survey sites along the REL and Effort Loop but probable absence of Indiana bats from both the REL and Effort Loop. The survey reports also indicated probable presence for eight other bat species along the REL and Effort Loop, including two species of Federal concern, the little brown bat (*Myotis lucifugus*) and tricolored bat (*Perimyotis subflavus*). Total tree clearing proposed within 3 miles of the northern long-eared bat detection areas along the REL and Effort Loop comprise a small percentage of the available forested habitat (0.42 % and 0.23 %, respectively). However, loss of roost trees within the roosting area of a northern long-eared bat colony can fragment or break up the colony and reduce fitness of colony members.

To avoid directly killing or harming roosting northern long-eared bats within 3 miles of a summer acoustic detection location (Effort Loops Sites 7 and 8 and REL Sites 6, 12, and Bald Mt Alt Site 2), Transco proposes the following restriction/avoidance measure outlined in their August 19, 2022, *Bat Restrictions Summary Table*.

- Within 3 miles of summer acoustic detection locations (Effort Sites 7 and 8 and REL Sites 6, 12, and Bald Mt Alt Site 2), felling of all trees or dead snags greater than 3 inches in diameter at breast height that need to be harvested to facilitate the project (including any access roads or off right-of-way work spaces) will occur between November 16 and March 31 to avoid impacting bats roosting within the project area.

Based on the small percentage of suitable roosting habitat available that will be removed, and the linear nature of the pipeline, we do not expect colony fragmentation or other indirect adverse effects to occur as a result of forest habitat loss.

Hibernacula surveys

White-nose syndrome (WNS) is a devastating fungal disease that has killed large numbers of hibernating bats in eastern North America. Pd (*Pseudogymnoascus destructans*), the fungus causing the disease, has been detected throughout the range of the Indiana bat and northern long-eared bat in Pennsylvania. Known hibernating populations of Indiana bats and northern long-eared bats in Pennsylvania in the past decade have been severely reduced by WNS and many hibernacula have no bats remaining or single digit population numbers.

To evaluate the potential effects of the project to Indiana bats and northern long-eared bats, the qualified bat surveyor completed a survey for possible hibernation sites. Due to restrictions on handling bats in 2020 to mitigate the spread of SARS-CoV2, the Pennsylvania Game Commission (PGC) did not allow capture or handling of bats to infer species presence/absence

³ <https://www.fws.gov/library/collections/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>

during fall 2020 surveys; therefore, acoustic surveys were completed in fall 2020. Of 28 potential hibernacula acoustically surveyed from September 15, 2020, through October 31, 2020, probable Indiana bat presence was determined at a location referred to as “REL Hiber 07” and probable northern long-eared bat presence was determined in sites referred to as “REL Hiber 05”, “REL Hiber 09”, and “REL Hiber 17”. In fall 2021 when direct handling of bats was permitted by the PGC, an additional 28 potential hibernacula were surveyed using harp trapping techniques outlined in the Service’s *Range-wide Indiana Bat and Northern Long-eared Bat Survey Guidance*, and probable northern long-eared bat presence was determined at a site referred to as “REL Hiber 46”. A juvenile non-reproductive male northern long-eared bat was captured at this site.

Follow-up internal mine surveys were conducted at REL Hiber 07 on March 18, 2022, by the PGC. No bats of any species were found. This leads the Service to conclude that either this hibernacula has an extremely low number of hibernating Indiana bats such that they were unable to be visually detected, or that the positive Indiana bat acoustic recording that was captured in fall 2020 during the ‘no bat handling State restriction’ recorded an Indiana bat or another *Myotis* species passing by outside of this mine. Still, Transco is considering REL Hiber 07 an Indiana bat hibernacula for the purposes of the Project.

As proposed, construction of the REL and the Effort Loop pipelines and associated infrastructure and access will not directly disturb any hibernacula entrances (Table 1) or be close enough to cause collapse, result in erosion, or otherwise directly affect these underground habitat features. However, because mine passage may extend below the Project area, Transco reviewed historic mine maps and concluded that the subject mines are located at sufficient depth that no disturbance is expected due to pipeline construction and that no shifting, filling, collapse or alteration of microclimate in the mine passages is expected as a result of pipeline trenching and installation.

Table 1. Summary of identified northern long-eared bat (NLEB) hibernation sites and distance to Regional Energy Access Expansion (REL) Project activities.

Site Name	Distance of portal to Limits of Disturbance (feet)	Distance of portal to Pipeline (feet)
NLEB REL Hiber 5	754	870
Indiana bat REL Hiber 7	993	1,077
NLEB REL Hiber 9	352	450
NLEB REL Hiber 17	948	1,032
NLEB REL Hiber 46	129	237

Total tree clearing proposed within 5 miles of the Indiana bat hibernacula along the REL Loop would comprise a small percentage of the available forested habitat (0.46%). Similarly, total tree clearing proposed within 5 miles of the four northern long-eared bat hibernacula along the REL Loop comprise a small percentage of the available forested habitat (0.37 %). However, loss of roost trees within the spring staging and fall swarming areas of these hibernacula can adversely affect Indiana bats and northern long-eared bats. Additionally, although no direct hibernacula

disturbance is anticipated, forested habitat surrounding hibernacula entrances is used by the bats during spring staging, fall swarming and potentially by some male and non-reproductive female bats. This activity is typically centered and concentrated near the entrance(s) and is predicatively more diffuse moving outward due to the larger area when suitable forested habitat is abundant. To avoid direct adverse effects to hibernating Indiana bats and northern long-eared bats, Transco has committed to the following restrictions/avoidance measures outlined in their August 19, 2022 *Bat Restrictions Summary Table*.

Indiana bat - REL Hiber 07:

Due to the REL portion of the Project passing within 5 miles of one Indiana bat hibernacula, Transco will implement the following avoidance measures:

- No blasting will be conducted within 0.5 mile of the subsurface limits of REL Hiber 7.
- Within 5 miles of REL Hiber 7 trees will be cleared between November 16 and March 31.
- No activities will occur overtop of the mine workings associated with REL Hiber 7.

Northern long-eared bat hibernacula - REL Hiber 05, REL Hiber 09, REL Hiber 17, and REL Hiber 46:

Due to the REL portion of the Project passing within 5-miles of four northern long-eared bat hibernacula, Transco will implement the following avoidance measures:

- No blasting will be conducted within 0.5 mile of the subsurface limits of identified northern long-eared bat hibernacula.
- Within 5 miles of identified northern long-eared bat hibernacula trees will be cleared between November 16 and March 31.
- Pipeline construction activities involving ground disturbance (i.e., trenching, grading, mechanized tree felling and pipeline installation) within a 0.5-mile radius of identified northern long-eared bat hibernacula will occur between April 1 and November 15
 - In instances where the mine investigation study revealed that no impact to the mine is likely due to flooded conditions or depth of mine beneath the proposed ground disturbance activities, this time of year restriction does not apply (mileposts 9.16-9.25, 10.2-11.25, 15.75-15.95).

In summary, with the implementation of the avoidance measures detailed above, which are also included in the August 19, 2022, *Bat Restrictions Summary Table* from Transco, and considering the distance of forest removal, blasting, and construction from the known hibernaculum entrances, and the relatively small area of forest removal proposed in habitat surrounding the hibernacula, we do not anticipate that the proposed action will cause habitat or hibernacula alteration that would result in incidental take. Further, due to the small percentage of forest or roost habitat available that will be removed, the linear nature of the pipeline and the extensive area of forest habitat available in proximity to the Project, we concur with your March 30, 2022, determination that the Project may affect, but is not likely to adversely affect the Indiana bat and northern long-eared bat.

Voluntary Indiana bat and northern long-eared bat Conservation Measures:

The avoidance measures detailed above must be implemented in order to support our effects determinations. In addition, Transco is proposing to implement several voluntary conservation measures following construction of the Project to benefit these bat species and aid in WNS recovery efforts. According to their May 27, 2022, document, Transco proposes the following:

- Install, replace, or repair gates on up to six mine portals that are connected to active bat hibernacula located along the Regional Energy Lateral, pending landowner authorization.
- Coordinate with the Pennsylvania Department of Conservation and Natural Resources and the PGC to:
 - Complete bat surveys on portions of the Mocanaqua Tract within Pinchot State Forest and portions of the adjacent section of State Game Lands 224, pending landowner authorization. The surveys will include mine portal investigations, spring acoustic surveys, and fall surveys of up to 25 mine portals.
 - Install or replace gates on up to five mine portals that are connected to active bat hibernacula on the properties.

Transco will provide final reports to the Service on any of the voluntary activities that take place.

Tricolored bat and little brown bat

Tricolored bat and little brown bat are currently being evaluated by the Service to determine whether they should be proposed for listing as endangered or threatened. Species being reviewed for potential listing generally are known to be facing various threats, and have usually suffered substantial population declines and/or habitat loss. Although these species receive no regulatory protection under the Act, the Service strongly encourages Federal agencies and other planners to consider these species when planning and implementing their projects. Efforts to conserve these species now may preclude the need to list them as endangered or threatened under the Act in the future. The Service Listing Workplan⁴ indicates that a listing decision regarding the tricolored bat is expected in fiscal year 2022 and in fiscal year 2023 for the little brown bat.

As noted above, both the tricolored bat and little brown bat were documented in the REL and Effort Loop portions of the project during summer 2020 acoustic surveys, suggesting that maternity activity is supported in proximity to the Project. Avoidance measures proposed for Indiana bats and northern long-eared bats may also conserve these species, which also roost in forested areas or structures in the active season (April 1-November 15) and hibernate in caves and mines in the inactive season (November 16-March 31). If either tricolored bat or little brown bat are listed as endangered or threatened, and if ongoing Project actions may affect these species, additional consultation will be necessary.

⁴ <https://www.fws.gov/project/national-listing-workplan>

To avoid potential delays in reviewing your project, please use the above-referenced USFWS project tracking number in any future correspondence regarding this project.

If you have any questions regarding this matter, please contact Pamela Shellenberger of my staff at 814-206-7459.

Sincerely,

A handwritten signature in black ink that reads "Sonja Jahrsdoerfer". The signature is written in a cursive style with a large, prominent 'S' at the beginning.

Sonja Jahrsdoerfer
Project Leader

cc:

Joanne Wachholder (FERC)
Josh Henry (Williams/Transco)
Ryan Nelson (WHM Group)
Diane Lazinsky (DOI Boston)
Andrew Raddant (DOI Boston)
Ron Popowski (NJFO USFWS)
Becky Dunlap (PA DEP)

Email:

Joanne Wachholder (FERC): joanne.wachholder@ferc.gov

Josh Henry (Williams): josh.henry@williams.com

Ryan Nelson (WHM Group): ryann@whmgroup.com

Diane Lazinsky (DOI Boston): diane_lazinsky@ios.doi.gov

Andrew Raddant (DOI Boston): andrew_raddant@ios.doi.gov

Ron Popowski (NJFO USFWS): ron_popowski@fws.gov

Becky Dunlap (PA DEP): redunlap@pa.gov