

1. PROJECT INFORMATION

See 4/6/2023 Response Letter, #9.d.iv. for explanation

Project Name: **RPL D11-5-1a-4**
Date of Review: **4/5/2023 12:43:46 AM**
Project Category: **Development, New commercial/industrial development (store, gas station, factory)**
Project Area: **812.53 acres**
County(s): **Northampton**
Township/Municipality(s): **UPPER MT BETHEL TOWNSHIP**
ZIP Code:
Quadrangle Name(s): **PORTLAND**
Watersheds HUC 8: **Middle Delaware-Musconetcong**
Watersheds HUC 12: **Allegheny Creek-Delaware River**
Decimal Degrees: **40.901765, -75.093541**
Degrees Minutes Seconds: **40° 54' 6.3528" N, 75° 5' 36.7482" W**



2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	Conservation Measure	No Further Review Required, See Agency Comments
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
U.S. Fish and Wildlife Service	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

RPL D11-5-1a-4

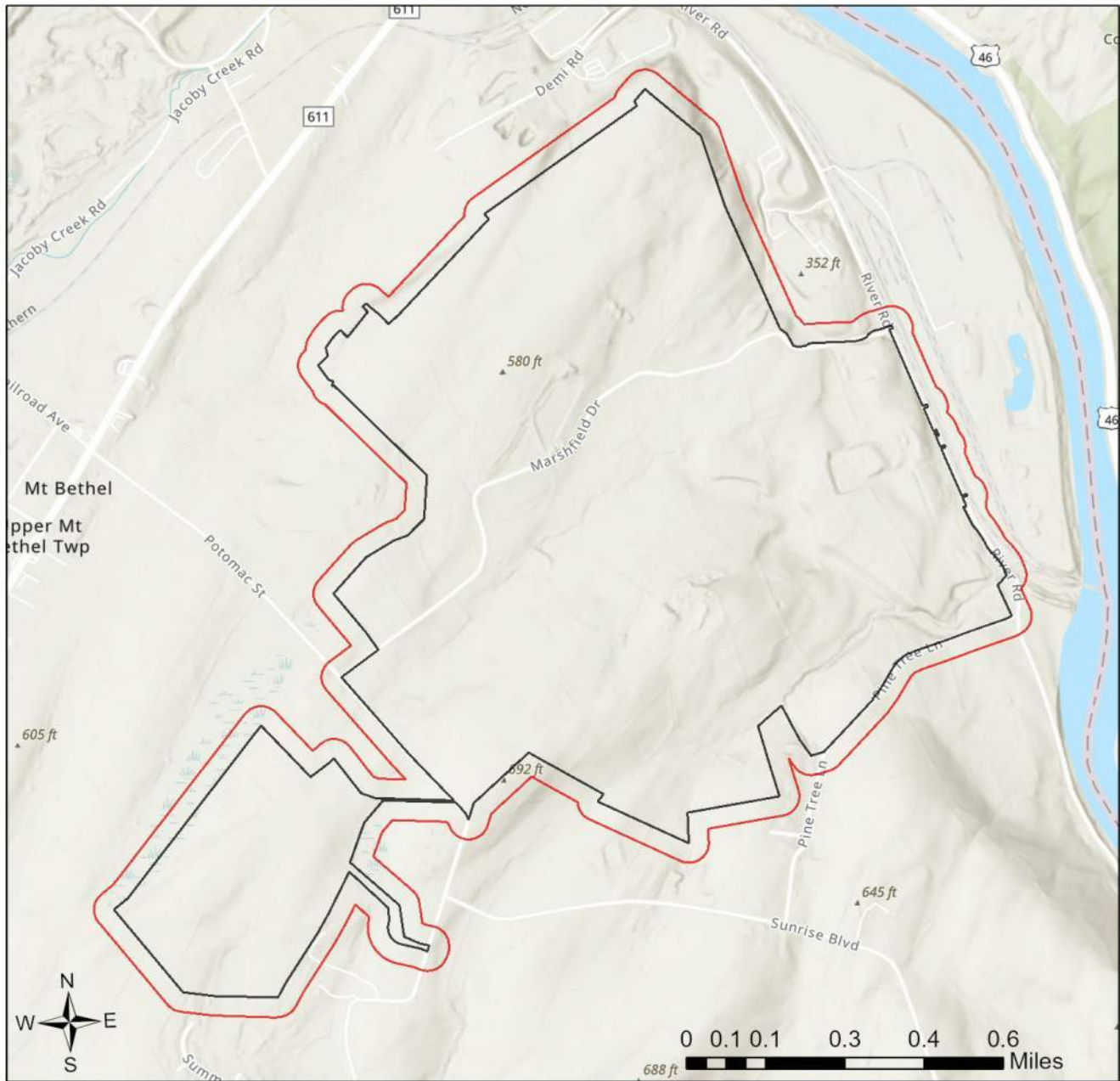




-  Buffered Project Boundary
-  Project Boundary



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

RPL D11-5-1a-4



-  Buffered Project Boundary
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RESPONSE TO QUESTION(S) ASKED

Q1: Which of the following closest describes the proposed project?

Your answer is: A well or other groundwater extraction (e.g., groundwater pumping to facilitate mining, pump-and-treat operation) is proposed as part of this project, or in order to support some aspect of the project, and more than 1000 gallons per day will be extracted.

Q2: Describe how wastewater (effluent) will be handled (select one). For the purpose of this question, wastewater/effluent does not include stormwater runoff. If the project involves solely the renewal or modification of an existing discharge permit (e.g., NPDES permit), select from options 3, 4, 5, or 6 below.

Your answer is: Some or all wastewater/effluent from this project/activity will be discharged on land (e.g., via spray irrigation, drip irrigation, on-lot septic, drain field, leach field), and the discharge will exceed 1000 gallons/day.

Q3: Accurately describe what is known about wetland presence in the project area or on the land parcel. "Project" includes all features of the project (including buildings, roads, utility lines, outfall and intake structures, wells, stormwater retention/detention basins, parking lots, driveways, lawns, etc.), as well as all associated impacts (e.g., temporary staging areas, work areas, temporary road crossings, areas subject to grading or clearing, etc.). Include all areas that will be permanently or temporarily affected -- either directly or indirectly -- by any type of disturbance (e.g., land clearing, grading, tree removal, flooding, etc.). Land parcel = the lot(s) on which some type of project(s) or activity(s) are proposed to occur.

Your answer is: The specific project area (that is, project layout or "footprint") has not yet been identified, but the land parcel on which the project will occur has been investigated by someone qualified to identify and delineate wetlands (holding a natural resource degree or equivalent work experience), and wetlands were located.

Q4: Accurately describe what is known about wetland presence in the project area or on the land parcel by selecting ONE of the following. "Project" includes all features of the project (including buildings, roads, utility lines, outfall and intake structures, wells, stormwater retention/detention basins, parking lots, driveways, lawns, etc.), as well as all associated impacts (e.g., temporary staging areas, work areas, temporary road crossings, areas subject to grading or clearing, etc.). Include all areas that will be permanently or temporarily affected -- either directly or indirectly -- by any type of disturbance (e.g., land clearing, grading, tree removal, flooding, etc.). Land parcel = the lot(s) on which some type of project(s) or activity(s) are proposed to occur.

Your answer is: The specific project area (that is, project layout or "footprint") has not yet been identified, but the land parcel on which the project will occur has been investigated by someone qualified to identify and delineate wetlands (holding a natural resource degree or equivalent work experience), and wetlands were located.

Q5: The proposed project is in the range of the Indiana bat. Describe how the project will affect bat habitat (forests, woodlots and trees) and indicate what measures will be taken in consideration of this. Round acreages up to the nearest acre (e.g., 0.2 acres = 1 acre).

Your answer is: The project will affect more than 200 acres of forests, woodlots and trees.

Q6: Aquatic habitat (stream, river, lake, pond, etc.) is located on or adjacent to the subject property and project activities (including discharge) may occur within 300 feet of these habitats?

Your answer is: Yes

Q7: Is tree removal, tree cutting or forest clearing of 40 acres or more necessary to implement all aspects of this project?

Your answer is: Yes

Q8: Select the statement below that accurately describes where the proposed project and project-associated activities will occur. "Project" includes all features of the project (including buildings, roads, utility lines, outfall and intake structures, wells, stormwater retention/detention basins, parking lots, driveways, lawns, etc.), as well as all associated impacts (e.g., temporary staging areas, work areas, temporary road crossings, areas subject to grading or clearing, etc.).

Your answer is: Some project activities will or might occur in a waterway (river, creek, stream, tributary) or waterbody

(lake, pond), or on the banks of a waterway or waterbody.

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for two years** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

PA Game Commission

RESPONSE:

Conservation Measure: Potential impacts to state and federally listed species which are under the jurisdiction of both the Pennsylvania Game Commission (PGC) and the U.S. Fish and Wildlife Service may occur as a result of this project. As a result, the PGC defers comments on potential impacts to federally listed species to the U.S. Fish and Wildlife Service. No further coordination with the Pennsylvania Game Commission is required at this time.

PA Department of Conservation and Natural Resources

RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Fish and Boat Commission

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

PFBC Species: (Note: The Pennsylvania Conservation Explorer tool is a primary screening tool, and a desktop review may reveal more or fewer species than what is listed below.)

Scientific Name	Common Name	Current Status
Sensitive Species**		Endangered
Sensitive Species**		Endangered
Sensitive Species**		Endangered
Sensitive Species**		Endangered
Sensitive Species**		Threatened

U.S. Fish and Wildlife Service

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or being susceptible to decline as a result of visitation.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, upload* or email the following information to the agency(s) (see AGENCY CONTACT INFORMATION). Instructions for uploading project materials can be found [here](#). This option provides the applicant with the convenience of sending project materials to a single location accessible to all three state agencies (but not USFWS).

*If information was requested by USFWS, applicants must email, or mail, project information to IR1_ESPenn@fws.gov to initiate a review. USFWS will not accept uploaded project materials.

Check-list of Minimum Materials to be submitted:

___ Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.

___ A map with the project boundary and/or a basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

In addition to the materials listed above, USFWS REQUIRES the following

___ **SIGNED** copy of a Final Project Environmental Review Receipt

The inclusion of the following information may expedite the review process.

___ Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

___ Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams.

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. Two review options are available to permit applicants for handling PNDI coordination in conjunction with DEP's permit review process involving either T&E Species or species of special concern. Under sequential review, the permit applicant performs a PNDI screening and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with its application, both a PNDI receipt and/or a clearance letter from the jurisdictional agency if the PNDI Receipt shows a Potential Impact to a species or the applicant chooses to obtain letters directly from the jurisdictional agencies. Under concurrent review, DEP, where feasible, will allow technical review of the permit to occur concurrently with the T&E species consultation with the jurisdictional agency. The applicant must still supply a copy of the PNDI Receipt with its permit application. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. The applicant and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <https://conservationexplorer.dcnr.pa.gov/content/resources>.

5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

6. AGENCY CONTACT INFORMATION

PA Department of Conservation and Natural Resources

Bureau of Forestry, Ecological Services Section
400 Market Street, PO Box 8552
Harrisburg, PA 17105-8552
Email: RA-HeritageReview@pa.gov

PA Fish and Boat Commission

Division of Environmental Services
595 E. Rolling Ridge Dr., Bellefonte, PA 16823
Email: RA-FBPACENOTIFY@pa.gov

U.S. Fish and Wildlife Service

Pennsylvania Field Office
Endangered Species Section
110 Radnor Rd; Suite 101
State College, PA 16801
Email: IR1_ESPenn@fws.gov
NO Faxes Please

PA Game Commission

Bureau of Wildlife Management
Division of Environmental Review
2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Email: RA-PGC_PNDI@pa.gov
NO Faxes Please

7. PROJECT CONTACT INFORMATION

Name: Steve Walsh, P.E.
Company/Business Name: Dynamic Engineering Consultants, PC
Address: 95 Highland Avenue, Suite 170
City, State, Zip: Bethlehem, PA 18017
Phone: (610) 598-4400 Fax: ()
Email: swalsh@dynamiccec.com

8. CERTIFICATION

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.



applicant/project proponent signature

4/5/2023

date

1. PROJECT INFORMATION

Project Name: **RPL Revised Project Map**

Date of Review: **7/20/2021 04:21:37 PM**

Project Category: **Development, New commercial/industrial development (store, gas station, factory)**

Project Area: **758.54 acres**

County(s): **Northampton**

Township/Municipality(s): **UPPER MT BETHEL TOWNSHIP**

ZIP Code:

Quadrangle Name(s): **PORTLAND**

Watersheds HUC 8: **Middle Delaware-Musconetcong**

Watersheds HUC 12: **Allegheny Creek-Delaware River**

Decimal Degrees: **40.903479, -75.091918**

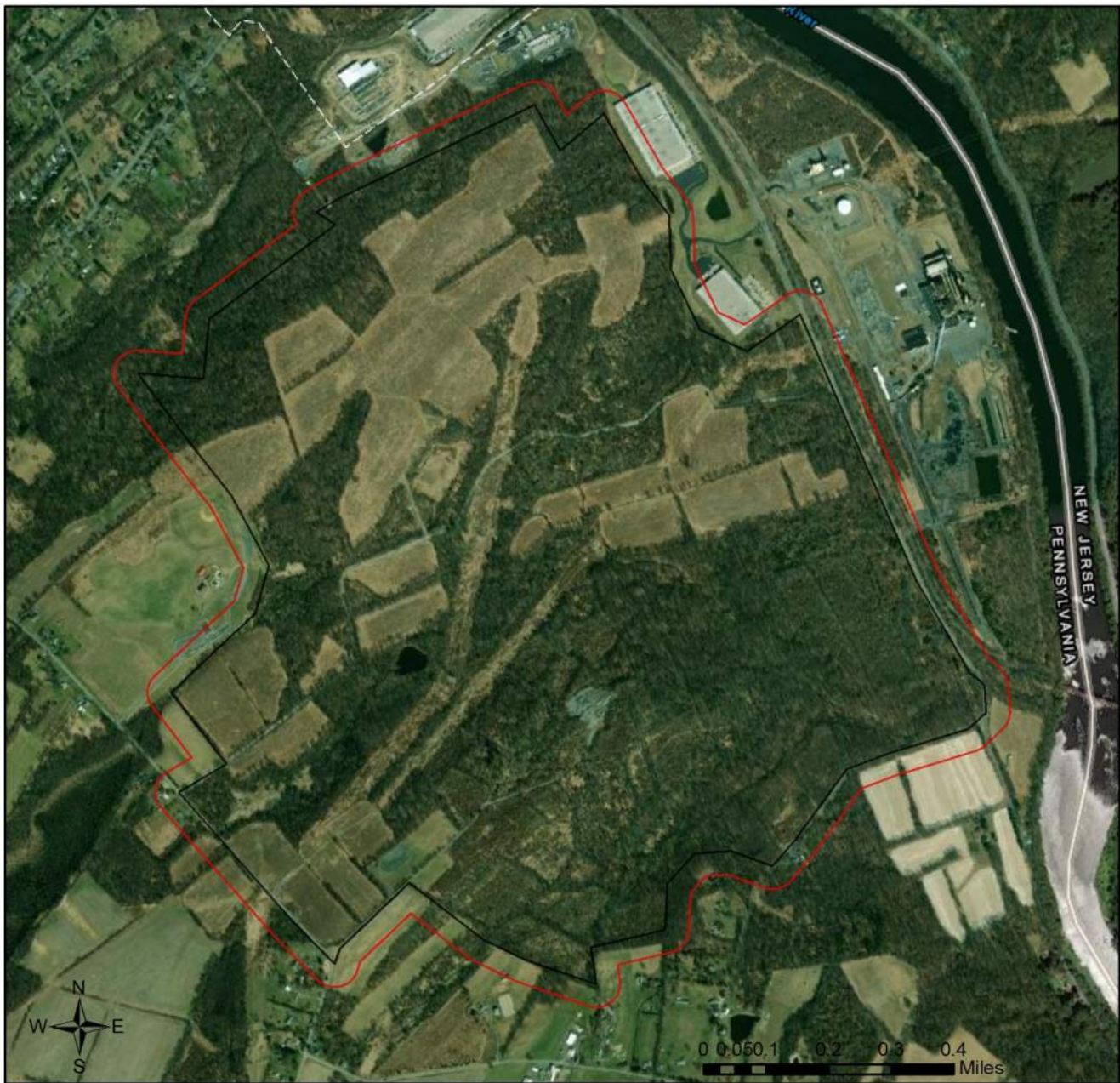
Degrees Minutes Seconds: **40° 54' 12.5252" N, 75° 5' 30.9033" W**

2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	Conservation Measure	No Further Review Required, See Agency Comments
PA Department of Conservation and Natural Resources	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Fish and Boat Commission	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
U.S. Fish and Wildlife Service	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

RPL Revised Project Map

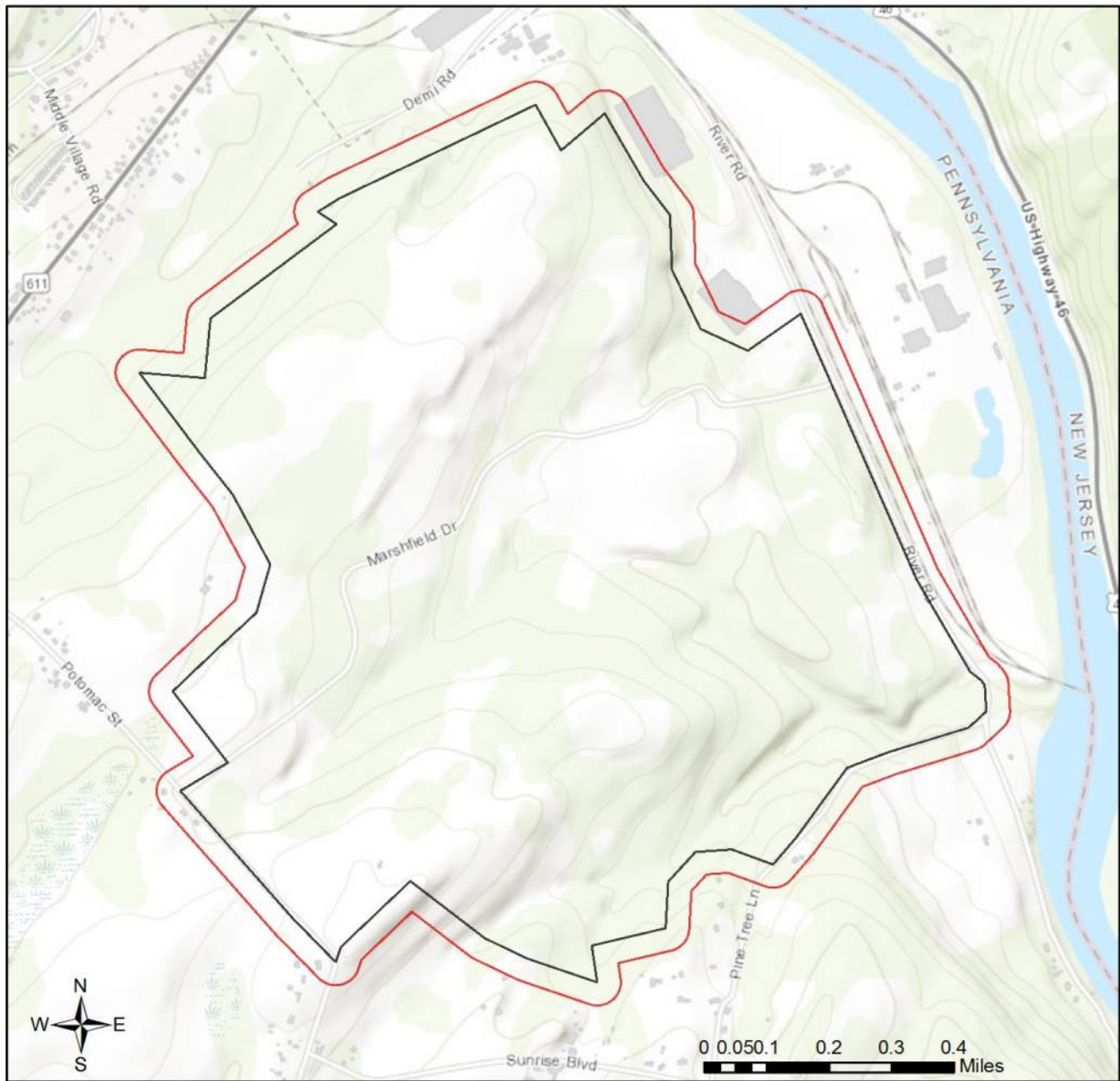


- Project Boundary
- Buffered Project Boundary



Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China

RPL Revised Project Map



- Project Boundary
- Buffered Project Boundary

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



RESPONSE TO QUESTION(S) ASKED

Q1: Which of the following closest describes the proposed project?

Your answer is: A well or other groundwater extraction (e.g., groundwater pumping to facilitate mining, pump-and-treat operation) is proposed as part of this project, or in order to support some aspect of the project, and more than 1000 gallons per day will be extracted.

Q2: Are there any perennial or intermittent waterways (rivers, streams, creeks, tributaries) in or near the project area, or on the land parcel?

Your answer is: Yes

Q3: Describe how wastewater (effluent) will be handled (select one). For the purpose of this question, wastewater/effluent does not include stormwater runoff. If the project involves solely the renewal or modification of an existing discharge permit (e.g., NPDES permit), select from options 3, 4, 5, or 6 below.

Your answer is: Some or all wastewater/effluent from this project/activity will be discharged on land (e.g., via spray irrigation, drip irrigation, on-lot septic, drain field, leach field), and the discharge will exceed 1000 gallons/day.

Q4: Accurately describe what is known about wetland presence in the project area or on the land parcel. "Project" includes all features of the project (including buildings, roads, utility lines, outfall and intake structures, wells, stormwater retention/detention basins, parking lots, driveways, lawns, etc.), as well as all associated impacts (e.g., temporary staging areas, work areas, temporary road crossings, areas subject to grading or clearing, etc.). Include all areas that will be permanently or temporarily affected -- either directly or indirectly -- by any type of disturbance (e.g., land clearing, grading, tree removal, flooding, etc.). Land parcel = the lot(s) on which some type of project(s) or activity(s) are proposed to occur.

Your answer is: Someone qualified to identify and delineate wetlands has investigated the site, and determined that wetlands ARE located in or within 300 feet of the project area. (A written report from the wetland specialist, and detailed project maps should document this.)

Q5: Accurately describe what is known about wetland presence in the project area or on the land parcel by selecting ONE of the following. "Project" includes all features of the project (including buildings, roads, utility lines, outfall and intake structures, wells, stormwater retention/detention basins, parking lots, driveways, lawns, etc.), as well as all associated impacts (e.g., temporary staging areas, work areas, temporary road crossings, areas subject to grading or clearing, etc.). Include all areas that will be permanently or temporarily affected -- either directly or indirectly -- by any type of disturbance (e.g., land clearing, grading, tree removal, flooding, etc.). Land parcel = the lot(s) on which some type of project(s) or activity(s) are proposed to occur.

Your answer is: Someone qualified to identify and delineate wetlands has investigated the site, and determined that wetlands ARE located in or within 300 feet of the project area. (A written report from the wetland specialist, and detailed project maps should document this.)

Q6: The proposed project is in the range of the Indiana bat. Describe how the project will affect bat habitat (forests, woodlots and trees) and indicate what measures will be taken in consideration of this. Round acreages up to the nearest acre (e.g., 0.2 acres = 1 acre).

Your answer is: The project will affect 40 to 200 acres of forests, woodlots and trees AND a survey will be conducted to determine whether Indiana bats occur in the affected area.

Q7: Aquatic habitat (stream, river, lake, pond, etc.) is located on or adjacent to the subject property and project activities (including discharge) may occur within 300 feet of these habitats?

Your answer is: Yes

Q8: Is tree removal, tree cutting or forest clearing of 40 acres or more necessary to implement all aspects of this project?

Your answer is: Yes

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for two years** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

PA Game Commission

RESPONSE:

Conservation Measure: Potential impacts to state and federally listed species which are under the jurisdiction of both the Pennsylvania Game Commission (PGC) and the U.S. Fish and Wildlife Service may occur as a result of this project. As a result, the PGC defers comments on potential impacts to federally listed species to the U.S. Fish and Wildlife Service. No further coordination with the Pennsylvania Game Commission is required at this time.

PA Department of Conservation and Natural Resources

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

DCNR Species: (Note: The Pennsylvania Conservation Explorer tool is a primary screening tool, and a desktop review may reveal more or fewer species than what is listed below. After desktop review, if a botanical survey is required by DCNR, we recommend the DCNR Botanical Survey Protocols, available here:

<https://conservationexplorer.dcnr.pa.gov/content/survey-protocols>)

Scientific Name	Common Name	Current Status	Proposed Status	Survey Window
Carex flava	Yellow Sedge	Threatened	Threatened	Fruits June - August
Carex sterilis	Sterile Sedge	Threatened	Endangered	Fruits early June - late July
Carex tetanica	A Sedge	Threatened	Threatened	Fruits late spring - early summer
Castilleja coccinea	Scarlet Indian-paintbrush	Special Concern Species*	Threatened	Flowers April - June
Eleocharis intermedia	Matted Spike-rush	Threatened	Threatened	Fruits late July - September
Eriophorum viridicarinatum	Thin-leaved Cotton-grass	Threatened	Threatened	Fruits June - mid-July
Lobelia kalmii	Brook Lobelia	Endangered	Endangered	Flowers August - early October
Panicum flexile	Wiry Witchgrass	Special Concern Species*	Threatened	Flowers August - September
Scleria verticillata	Whorled Nutrush	Endangered	Endangered	Fruits July - September
Solidago uliginosa	Bog Goldenrod	Threatened	Threatened	Flowers August - October

PA Fish and Boat Commission

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

PFBC Species: (Note: The Pennsylvania Conservation Explorer tool is a primary screening tool, and a desktop review may reveal more or fewer species than what is listed below.)

Scientific Name	Common Name	Current Status
Sensitive Species**		Endangered
Sensitive Species**		Endangered
Sensitive Species**		Endangered
Sensitive Species**		Endangered
Sensitive Species**		Threatened

U.S. Fish and Wildlife Service

RESPONSE:

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___ A map with the project boundary and/or a basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

In addition to the materials listed above, USFWS REQUIRES the following

___ **SIGNED** copy of a Final Project Environmental Review Receipt

The inclusion of the following information may expedite the review process.

___ Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

___ Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams.

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. Two review options are available to permit applicants for handling PNDI coordination in conjunction with DEP's permit review process involving either T&E Species or species of special concern. Under sequential review, the permit applicant performs a PNDI screening and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with its application, both a PNDI receipt and/or a clearance letter from the jurisdictional agency if the PNDI Receipt shows a Potential Impact to a species or the applicant chooses to obtain letters directly from the jurisdictional agencies. Under concurrent review, DEP, where feasible, will allow technical review of the permit to occur concurrently with the T&E species consultation with the jurisdictional agency. The applicant must still supply a copy of the PNDI Receipt with its permit application. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. The applicant and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <https://conservationexplorer.dcnr.pa.gov/content/resources>.



5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

6. AGENCY CONTACT INFORMATION

PA Department of Conservation and Natural Resources

Bureau of Forestry, Ecological Services Section
400 Market Street, PO Box 8552
Harrisburg, PA 17105-8552
Email: RA-HeritageReview@pa.gov

PA Fish and Boat Commission

Division of Environmental Services
595 E. Rolling Ridge Dr., Bellefonte, PA 16823
Email: RA-FBPACENOTIFY@pa.gov

U.S. Fish and Wildlife Service

Pennsylvania Field Office
Endangered Species Section
110 Radnor Rd; Suite 101
State College, PA 16801
Email: IR1_ESPenn@fws.gov
NO Faxes Please

PA Game Commission

Bureau of Wildlife Habitat Management
Division of Environmental Planning and Habitat Protection
2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Email: RA-PGC_PNDI@pa.gov
NO Faxes Please

7. PROJECT CONTACT INFORMATION

Name: Stephen Dadio, CPSS
Company/Business Name: Value Engineering, Inc.
Address: 1578 State Road
City, State, Zip: Coopersburg, PA 18036
Phone: (____) 215-435-6545 Fax: (____) _____
Email: stephen@value.engineering

8. CERTIFICATION

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.



8/31/2021

applicant/project proponent signature

date

1. PROJECT INFORMATION

Project Name: **RPL D11-5-1a-4**
Date of Review: **9/9/2021 01:47:42 PM**
Project Category: **Development, New commercial/industrial development (store, gas station, factory)**
Project Area: **96.33 acres**
County(s): **Northampton**
Township/Municipality(s): **UPPER MT BETHEL TOWNSHIP**
ZIP Code:
Quadrangle Name(s): **PORTLAND**
Watersheds HUC 8: **Middle Delaware-Musconetcong**
Watersheds HUC 12: **Allegheny Creek-Delaware River**
Decimal Degrees: **40.892752, -75.106274**
Degrees Minutes Seconds: **40° 53' 33.9063" N, 75° 6' 22.5873" W**

This is a draft receipt for information only. It has not been submitted to jurisdictional agencies for review.

2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
U.S. Fish and Wildlife Service	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

RPL D11-5-1a-4

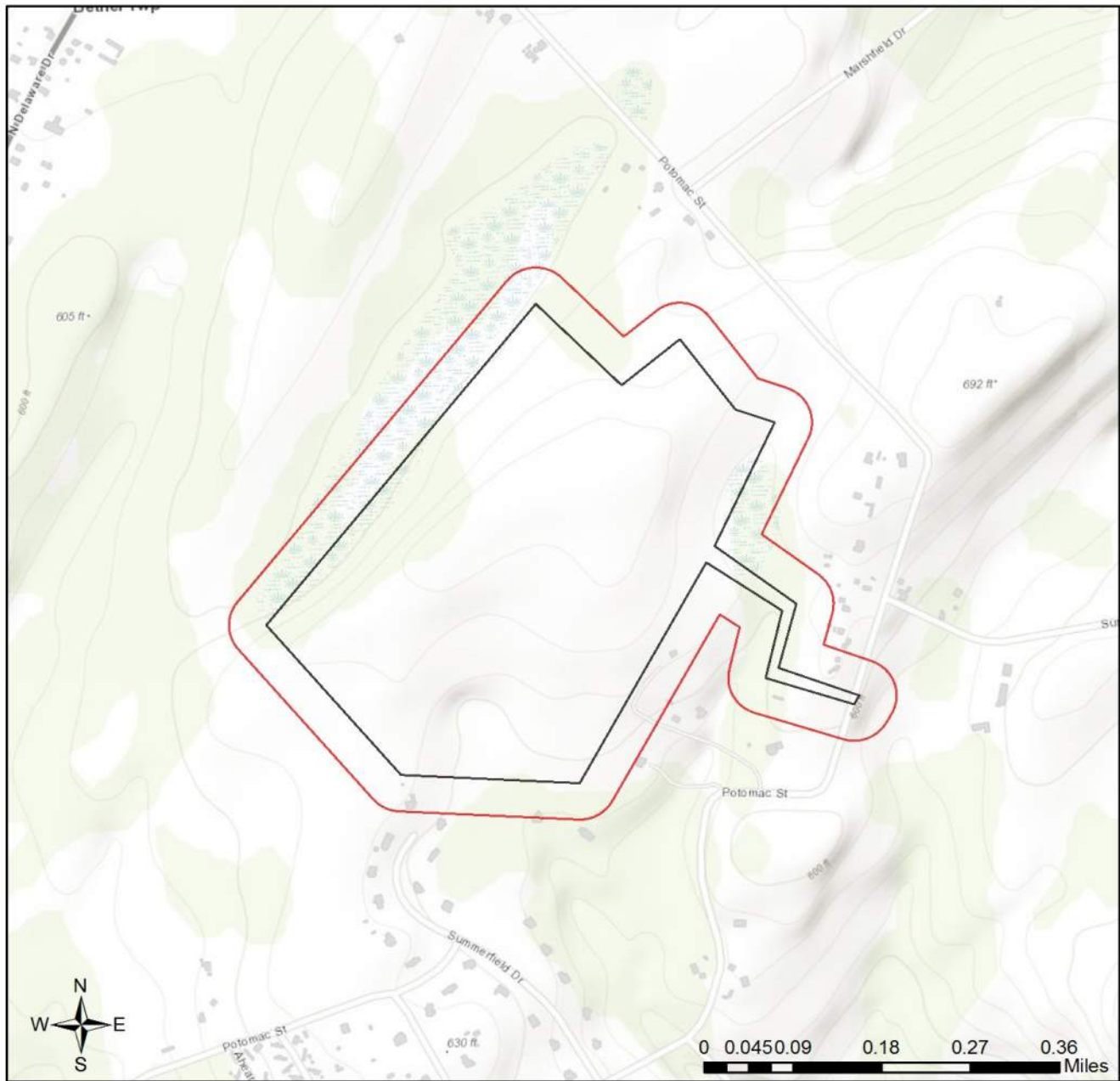


- Project Boundary
- Buffered Project Boundary



Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China

RPL D11-5-1a-4



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RESPONSE TO QUESTION(S) ASKED

Q1: Which of the following closest describes the proposed project?

Your answer is: A well or other groundwater extraction (e.g., groundwater pumping to facilitate mining, pump-and-treat operation) is proposed as part of this project, or in order to support some aspect of the project, and more than 1000 gallons per day will be extracted.

Q2: Describe how wastewater (effluent) will be handled (select one). For the purpose of this question, wastewater/effluent does not include stormwater runoff. If the project involves solely the renewal or modification of an existing discharge permit (e.g., NPDES permit), select from options 3, 4, 5, or 6 below.

Your answer is: Some or all wastewater/effluent from this project/activity will be discharged on land (e.g., via spray irrigation, drip irrigation, on-lot septic, drain field, leach field), and the discharge will exceed 1000 gallons/day.

Q3: Accurately describe what is known about wetland presence in the project area or on the land parcel by selecting ONE of the following. "Project" includes all features of the project (including buildings, roads, utility lines, outfall and intake structures, wells, stormwater retention/detention basins, parking lots, driveways, lawns, etc.), as well as all associated impacts (e.g., temporary staging areas, work areas, temporary road crossings, areas subject to grading or clearing, etc.). Include all areas that will be permanently or temporarily affected -- either directly or indirectly -- by any type of disturbance (e.g., land clearing, grading, tree removal, flooding, etc.). Land parcel = the lot(s) on which some type of project(s) or activity(s) are proposed to occur.

Your answer is: The specific project area (that is, project layout or "footprint") has not yet been identified, but the land parcel on which the project will occur has been investigated by someone qualified to identify and delineate wetlands, and wetlands were located.

Q4: The proposed project is in the range of the Indiana bat. Describe how the project will affect bat habitat (forests, woodlots and trees) and indicate what measures will be taken in consideration of this. Round acreages up to the nearest acre (e.g., 0.2 acres = 1 acre).

Your answer is: No forests, woodlots or trees will be affected by the project.

Q5: Is tree removal, tree cutting or forest clearing of 40 acres or more necessary to implement all aspects of this project?

Your answer is: No

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for two years** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

PA Game Commission

RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources

RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Fish and Boat Commission

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

PFBC Species: (Note: The Pennsylvania Conservation Explorer tool is a primary screening tool, and a desktop review may reveal more or fewer species than what is listed below.)

Scientific Name	Common Name	Current Status
Sensitive Species**		Endangered

U.S. Fish and Wildlife Service

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or being susceptible to decline as a result of visitation.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, upload* or email the following information to the agency(s) (see AGENCY CONTACT INFORMATION). Instructions for uploading project materials can be found [here](#). This option provides the applicant with the convenience of sending project materials to a single location accessible to all three state agencies (but not USFWS).

*If information was requested by USFWS, applicants must email, or mail, project information to IR1_ESPenn@fws.gov to initiate a review. USFWS will not accept uploaded project materials.

Check-list of Minimum Materials to be submitted:

___ Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.

___ A map with the project boundary and/or a basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

In addition to the materials listed above, USFWS REQUIRES the following

___ **SIGNED** copy of a Final Project Environmental Review Receipt

The inclusion of the following information may expedite the review process.

___ Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

___ Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams.

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. Two review options are available to permit applicants for handling PNDI coordination in conjunction with DEP's permit review process involving either T&E Species or species of special concern. Under sequential review, the permit applicant performs a PNDI screening and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with its application, both a PNDI receipt and/or a clearance letter from the jurisdictional agency if the PNDI Receipt shows a Potential Impact to a species or the applicant chooses to obtain letters directly from the jurisdictional agencies. Under concurrent review, DEP, where feasible, will allow technical review of the permit to occur concurrently with the T&E species consultation with the jurisdictional agency. The applicant must still supply a copy of the PNDI Receipt with its permit application. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. The applicant and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <https://conservationexplorer.dcnr.pa.gov/content/resources>.



5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.



1. PROJECT INFORMATION

Project Name: **RPL c12-8-1a**

Date of Review: **9/9/2021 02:02:12 PM**

Project Category: **Development, New commercial/industrial development (store, gas station, factory)**

Project Area: **7.08 acres**

County(s): **Northampton**

Township/Municipality(s): **UPPER MT BETHEL TOWNSHIP**

ZIP Code:

Quadrangle Name(s): **PORTLAND**

Watersheds HUC 8: **Middle Delaware-Musconetcong**

Watersheds HUC 12: **Allegheny Creek-Delaware River**

Decimal Degrees: **40.897036, -75.082705**

Degrees Minutes Seconds: **40° 53' 49.3307" N, 75° 4' 57.7383" W**

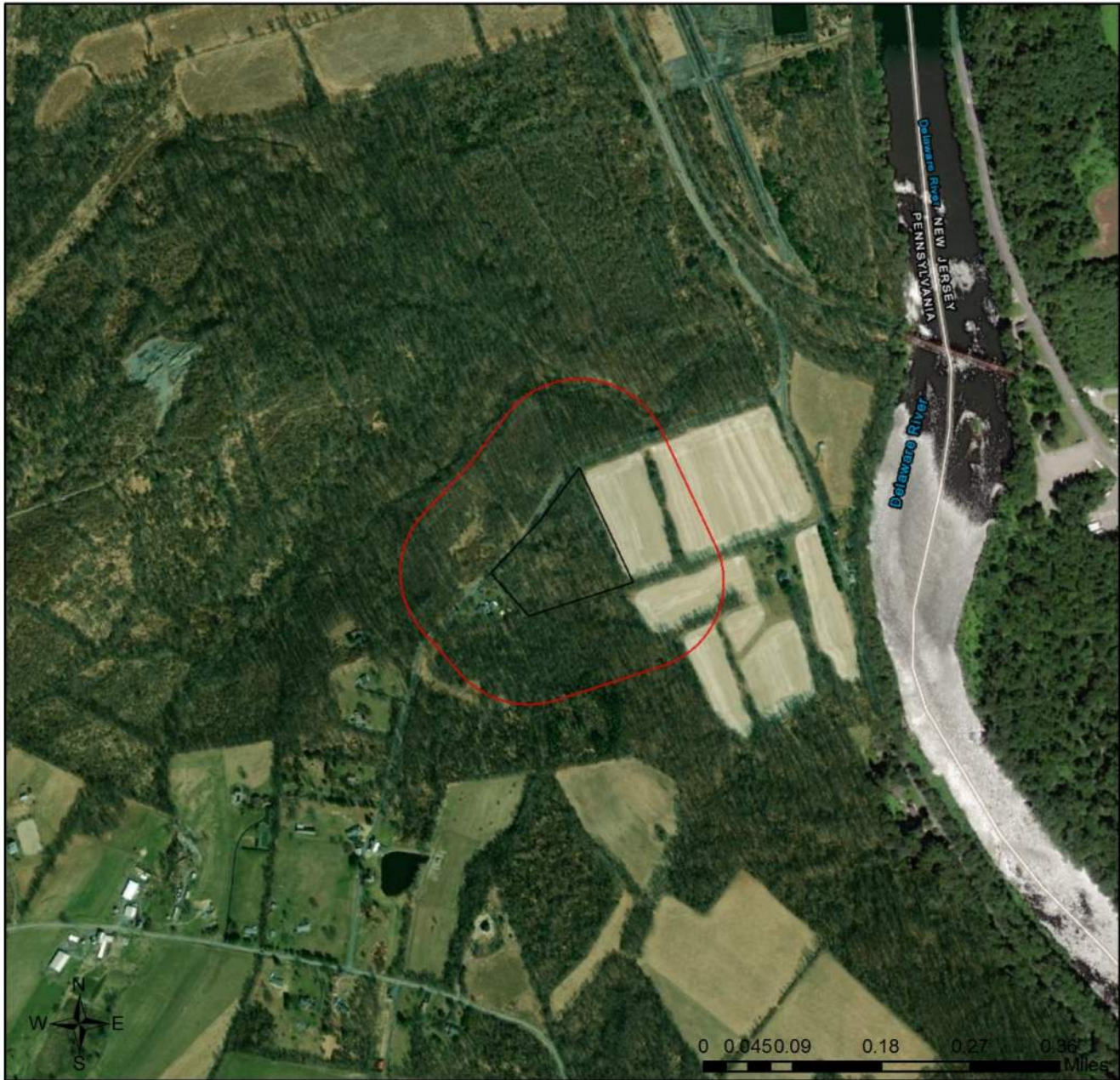
This is a draft receipt for information only. It has not been submitted to jurisdictional agencies for review.

2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
U.S. Fish and Wildlife Service	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

RPL c12-8-1a

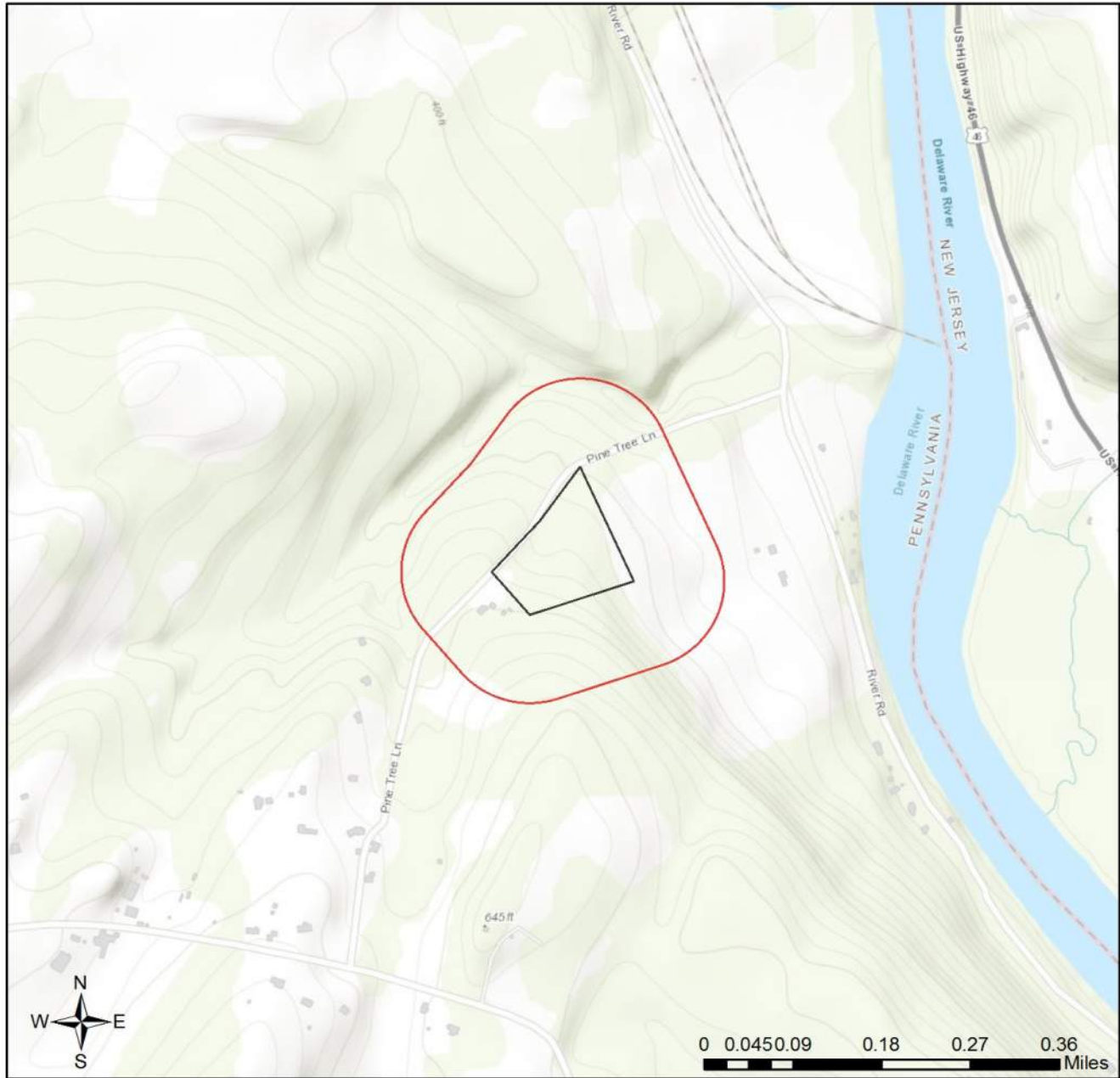


- Project Boundary
- Buffered Project Boundary



Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
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RPL c12-8-1a



- Project Boundary
- Buffered Project Boundary

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RESPONSE TO QUESTION(S) ASKED

Q1: Which of the following closest describes the proposed project?

Your answer is: A well or other groundwater extraction (e.g., groundwater pumping to facilitate mining, pump-and-treat operation) is proposed as part of this project, or in order to support some aspect of the project, and more than 1000 gallons per day will be extracted.

Q2: Describe how wastewater (effluent) will be handled (select one). For the purpose of this question, wastewater/effluent does not include stormwater runoff. If the project involves solely the renewal or modification of an existing discharge permit (e.g., NPDES permit), select from options 3, 4, 5, or 6 below.

Your answer is: Some or all wastewater/effluent from this project/activity will be discharged on land (e.g., via spray irrigation, drip irrigation, on-lot septic, drain field, leach field), and the discharge will exceed 1000 gallons/day.

Q3: Accurately describe what is known about wetland presence in the project area or on the land parcel. "Project" includes all features of the project (including buildings, roads, utility lines, outfall and intake structures, wells, stormwater retention/detention basins, parking lots, driveways, lawns, etc.), as well as all associated impacts (e.g., temporary staging areas, work areas, temporary road crossings, areas subject to grading or clearing, etc.). Include all areas that will be permanently or temporarily affected -- either directly or indirectly -- by any type of disturbance (e.g., land clearing, grading, tree removal, flooding, etc.). Land parcel = the lot(s) on which some type of project(s) or activity(s) are proposed to occur.

Your answer is: The specific project area (that is, project layout or "footprint") has not yet been identified, but the land parcel on which the project will occur has been investigated by someone qualified to identify and delineate wetlands, and wetlands were located.

Q4: Accurately describe what is known about wetland presence in the project area or on the land parcel by selecting ONE of the following. "Project" includes all features of the project (including buildings, roads, utility lines, outfall and intake structures, wells, stormwater retention/detention basins, parking lots, driveways, lawns, etc.), as well as all associated impacts (e.g., temporary staging areas, work areas, temporary road crossings, areas subject to grading or clearing, etc.). Include all areas that will be permanently or temporarily affected -- either directly or indirectly -- by any type of disturbance (e.g., land clearing, grading, tree removal, flooding, etc.). Land parcel = the lot(s) on which some type of project(s) or activity(s) are proposed to occur.

Your answer is: The specific project area (that is, project layout or "footprint") has not yet been identified, but the land parcel on which the project will occur has been investigated by someone qualified to identify and delineate wetlands, and wetlands were located.

Q5: The proposed project is in the range of the Indiana bat. Describe how the project will affect bat habitat (forests, woodlots and trees) and indicate what measures will be taken in consideration of this. Round acreages up to the nearest acre (e.g., 0.2 acres = 1 acre).

Your answer is: The project will affect 1 to 39 acres of forests, woodlots and trees.

Q6: Aquatic habitat (stream, river, lake, pond, etc.) is located on or adjacent to the subject property and project activities (including discharge) may occur within 300 feet of these habitats?

Your answer is: Unknown

Q7: Is tree removal, tree cutting or forest clearing of 40 acres or more necessary to implement all aspects of this project?

Your answer is: No

Q8: Select the statement below that accurately describes where the proposed project and project-associated activities will occur. "Project" includes all features of the project (including buildings, roads, utility lines, outfall and intake structures, wells, stormwater retention/detention basins, parking lots, driveways, lawns, etc.), as well as all associated impacts (e.g., temporary staging areas, work areas, temporary road crossings, areas subject to grading or clearing, etc.).

Your answer is: This project and all project activities will occur at least 100 feet from all waterways and waterbodies

(rivers, creeks, streams, tributaries, lakes, ponds).

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for two years** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

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RESPONSE:

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PA Department of Conservation and Natural Resources

RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Fish and Boat Commission

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

PFBC Species: (Note: The Pennsylvania Conservation Explorer tool is a primary screening tool, and a desktop review may reveal more or fewer species than what is listed below.)

Scientific Name	Common Name	Current Status
Sensitive Species**		Endangered
Sensitive Species**		Endangered
Sensitive Species**		Endangered
Sensitive Species**		Endangered
Sensitive Species**		Threatened

U.S. Fish and Wildlife Service

RESPONSE:

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* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or being susceptible to decline as a result of visitation.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

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Check-list of Minimum Materials to be submitted:

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___ A map with the project boundary and/or a basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

In addition to the materials listed above, USFWS REQUIRES the following

___ **SIGNED** copy of a Final Project Environmental Review Receipt

The inclusion of the following information may expedite the review process.

___ Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

___ Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams.

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. Two review options are available to permit applicants for handling PNDI coordination in conjunction with DEP's permit review process involving either T&E Species or species of special concern. Under sequential review, the permit applicant performs a PNDI screening and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with its application, both a PNDI receipt and/or a clearance letter from the jurisdictional agency if the PNDI Receipt shows a Potential Impact to a species or the applicant chooses to obtain letters directly from the jurisdictional agencies. Under concurrent review, DEP, where feasible, will allow technical review of the permit to occur concurrently with the T&E species consultation with the jurisdictional agency. The applicant must still supply a copy of the PNDI Receipt with its permit application. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. The applicant and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <https://conservationexplorer.dcnr.pa.gov/content/resources>.

5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.



August 11, 2021

PNDI Number: 724934
Version: Final_2; 7/20/21

Stephen Dadio
Value Engineering
513 Buttonwood Street
Perkasie, PA 18944
Email: stephen@value.engineering (hard copy will not follow)

Re: RPL Revised Project Map
Upper Mt. Bethel Township, Northampton County, PA

Dear Mr. Dadio,

Thank you for the submission of the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt Number **724934 (Final_2)** for review. PA Department of Conservation and Natural Resources screened this project for potential impacts to species and resources under DCNR's responsibility, which includes plants, terrestrial invertebrates, natural communities, and geologic features only.

No Impact Anticipated with Conservation Measure

PNDI records indicate species or resources under DCNR's jurisdiction are located in the vicinity of the project. This project site is located just east of the Mt. Bethel fen complex and many associated listed plant populations. As such it is requested that measures are taken to minimize the impact of this development on the hydrology of these fens, and thus the sensitive plant populations. These measures include implementing runoff/rain management systems and use of permeable pavement in sections of the development with high runoff potential.

In addition, it is recommended that any wetland habitat on the property is avoided and suitable buffered from development activities, and that measures are taken to minimize the introduction and spread of invasive species to the project area. These measures are outlined below.

With compliance to these conservation measures, DCNR has determined that no impact is likely. No further coordination with our agency is needed for this project.

Recommended Actions:

- Clean boot treads, tools, construction equipment, and vehicles thoroughly (especially the undercarriage and wheels) before they are brought on site. This will remove invasive plant seeds and invasive earthworms/cocoons that may have been picked up at other worksites.
- Use clean project materials (e.g., weed-free straw) or materials native to the worksite to avoid introducing invasive species from contaminated sources.
- Revegetate or cover disturbed soil and stockpiles quickly to discourage the germination of invasive plants. Implement proper erosion control practices to stabilize soil and reduce runoff.
- Do not use seed mixes that include invasive species. More information about invasive plants in Pennsylvania can be found at the following link: <http://www.dcnr.pa.gov/Conservation/WildPlants/InvasivePlants/Pages/default.aspx>

- Use habitat appropriate seed mixes. For example, use a riparian seed mix when reseeding along a waterway. The *Bureau of Forestry Planting & Seeding Guidelines* can be found at the following link for recommendations: http://www.docs.dcnr.pa.gov/cs/groups/public/documents/document/dcnr_20031083.pdf
- Use native plants for landscaping, revegetation, and stormwater management. Do not use nonnative invasive species. Reduce the area of lawn and impermeable surfaces to the fullest extent practicable in favor of native gardens or habitat restoration (e.g., forest, meadow, wetland, etc.). More information about lawn conversion can be found at the following link: <https://www.dcnr.pa.gov/Conservation/Water/LawnConversion/Pages/default.aspx>

This response represents the most up-to-date review of the PNDI data files and is valid for two (2) years only. If project plans change or more information on listed or proposed species becomes available, our determination may be reconsidered. Should the proposed work continue beyond the period covered by this letter and a permit has not been acquired, please resubmit the project to this agency as an “Update” (including an updated PNDI receipt, project narrative, description of project changes and accurate map). As a reminder, this finding applies to potential impacts under DCNR’s jurisdiction only. Visit the PNHP website for directions on contacting the Commonwealth’s other resource agencies for environmental review.

Should you have any questions or concerns, please contact Alexander Dogonniuck, Ecological Information Specialist, by phone (717-783-3913) or via email (c-adogonni@pa.gov).

Sincerely



Greg Podnieszinski, Section Chief
Natural Heritage Section



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
110 Radnor Road, Suite 101
State College, Pennsylvania 16801-4850

November 4, 2021

Stephen Dadio
Value Engineering, Inc.
1578 State Road
Coopersburg, PA 18036

RE: USFWS Project #2020-1190
PNDI Receipt #724934

Dear Mr. Dadio:

This responds to your letter of July 15, 2020, with supplemental biological information received by the U.S. Fish and Wildlife Service (Service) on October 5, 2020 and March 3, 2021, requesting information about federally listed and proposed endangered and threatened species within the area affected by the proposed River Pointe Logistics Center in Upper Mt. Bethel and Portland Townships, Northampton County, Pennsylvania. The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to ensure the protection of endangered and threatened species.

It does not appear that we have received a final project design as the figure entered into the Pennsylvania Natural Diversity Inventory has recently been updated as of July 20, 2021. However, as described to us, the proposed project involves the construction of an industrial complex within an 820-acre tract, consisting of 15 buildings of varying size, associated roadways, parking facilities, storage areas, utilities, and stormwater management facilities. Current land use includes a mix of woodlands and agricultural areas, and there are no structures on the property other than a few old foundations, and a utility line right-of-way.

Indiana bat and northern long-eared bat

The proposed project is within the range of the Indiana bat (*Myotis sodalis*) a species that is federally listed as endangered and the threatened northern long-eared bat (*Myotis septentrionalis*). During the spring, summer and fall, Indiana bats and northern long-eared bats roost and forage in forests and woodlots. To a lesser extent, the foraging bats also use a variety of adjacent fields, meadows, emergent wetlands, riparian corridors and shrub-lands. These habitats are necessary to support the female bats' needs for food and shelter during the critical periods of pregnancy and lactation, and to support the juvenile bats' needs for food and shelter so they can quickly grow to a healthy body condition that will sustain them during fall migration.

Because it appears that suitable habitat for both bat species occurs in the project area, and tree-cutting and land-clearing could result in the permanent or long-term loss of habitat if a maternity colony is present, to determine if either Indiana bats or northern long-eared bats are present, Anthony Silva and Bryon DuBois of DuBois Environmental, Inc. conducted Phase 2 acoustic surveys. Mr. Silva and Mr. DuBois followed the USFWS March 2020 Rangewide Indiana Bat Survey Guidelines throughout the survey process and in analysis of recordings.

Acoustic detectors were deployed at 10 locations in the project area in locations likely to be used as flyways as bats forage. Detectors recorded acoustic information for two nights, totaling 20 total detector nights. Night time air temperatures did not fall below 50°F (10°C) for the first 5 hours of each survey night, and wind speeds were not greater than 9 miles per hour. High frequency and Myotid bat calls were reported during both survey nights. The surveyors used SonoBat and Kaleidoscope software programs to analyze the acoustic recordings. The results of this survey suggest the probable absence of both Indiana bats and northern long-eared bats. Qualitative analysis of an ambiguous call suggested the presence of little brown bat (*Myotis lucifugus*). Little brown bats are listed by the Pennsylvania Game Commission as endangered and the Service considers this a species of concern¹. Based on the survey results, we agree that no maternity colonies of Indiana bats and northern long-eared bats are active in the project area.

Bog Turtle

The proposed project is also within the range of the federally threatened bog turtle (*Glyptemys muhlenbergii*). Bog turtles inhabit shallow, spring-fed fens, sphagnum bogs, swamps, marshy meadows, and pastures characterized by soft, muddy bottoms; clear, cool, slow-flowing water, often forming a network of rivulets; high humidity; and an open canopy. Bog turtles usually occur in small, discrete populations occupying suitable wetland habitat dispersed along a watershed. The occupied "intermediate successional stage" wetland habitat is usually a mosaic of micro-habitats ranging from dry pockets, to areas that are saturated with water, to areas that are periodically flooded. Some wetlands occupied by bog turtles are located in agricultural areas and are subject to grazing by livestock.

Phase 1 bog turtle habitat surveys were conducted in all wetlands in the project area by Quillyn Bickley and Michael Torocco, qualified bog turtle surveyors, of Herpetological Associates, Inc. The surveyors completed surveys in 41 wetlands on April 27, April 29, May 3, May 4, May 6, and June 4, 2020. They report that potential bog turtle habitat is found in wetlands they refer to in the report as "Wetland 1, 4, 5, 7, 8, 10, 11, 13, 14, 18, 20, 23, 30, 31, and 33." The qualified surveyors also noted that Wetland 1 is known to be occupied by bog turtles, and thus was not included in further survey effort. No species surveys were completed in Wetland 1 because the survey effort involved in the Phase 2 and Phase 3 survey methodology is not adequate to infer species absence at a known site even if the species does not happen to be relocated in a particular year.

¹ Species of concern are species that may be elevated to candidate status pending further review by the Service. Both candidate species and species of concern 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 Federal Endangered Species 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.

To further investigate the wetlands that appear to have potential habitat, Phase 2 species surveys were completed to determine if bog turtles are present. Survey events occurred between May 3, 2020 and June 8, 2020, meeting or exceeding the number of person survey hours required in Service survey guidelines. No bog turtles were detected during any of the Phase 2 surveys.

Herpetological Associates also completed Phase 3 bog turtle trapping surveys in the three wetlands that appeared to have the highest quality potential species habitat: they trapped Wetlands 13 and 18, for 21 trap days between May 24 and June 13, 2020, and Wetland 33, during 21 trap days between May 30 and June 19, 2020. No bog turtles were captured or detected during any of the Phase 3 survey efforts.

In summary, 15 wetlands in the project area were investigated for bog turtle presence, and no bog turtles were detected. Additional Phase 3 trapping survey effort in Wetlands 13, 18, and 33 also failed to detect bog turtles in these wetlands.

There are two records of a bog turtle being found in 2006, along Potomac Road in close proximity, and hydrologically connected to, Wetland 18. Although Phase 2 and Phase 3 bog turtle surveys conducted within Wetland 18 failed to locate bog turtles, this suitable habitat is the likely source of these turtles, suggesting that Wetland 18 is occupied by this species, perhaps at a low population density.

Conclusion

Based on the survey results for Indiana bat and northern long-eared bat, we conclude that other than occasional transient individuals, these species do not utilize forested areas in the project area for maternity activity. There are also no known hibernacula present. We therefore conclude that the risk of take of these species is insignificant and discountable.

Bog turtles are known to occur in Wetland 1; however, no construction is proposed within 300 feet of “Wetland 1” based on the designs depicted in the document “Appendix C,” received by our office on March 3, 2021. Therefore, we do not believe construction and operation of the industrial complex will kill or harm² bog turtles that utilize Wetland 1.

The bog turtle surveys completed in Wetland 18 are confounded by previous documentation of bog turtles in this wetland or wetland system. Construction of warehouse building 7 and the associated parking lots are in very close proximity to Wetland 18 and construction and operation of this portion of the development are likely to result in hydrological changes in Wetland 18 that may result in harm to bog turtles. In addition, a proposed emergency access road and recreational trail lie in close proximity to Wetland 18, which have the potential to increase human exposure to the area and illegal collection of bog turtles in and near the wetland.

You may be able to avoid the risk of take of bog turtles in Wetland 18 by relocation and redesign of associated parking infrastructure for building 7 to avoid alteration of hydrology and vegetation in Wetland 18 (see the following link: *Bog Turtle Conservation Zones*

² “Harm” means an act which kills or injures wildlife. Such act may include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering (50 CFR part 17.3).

<https://www.fws.gov/northeast/nyfo/es/btconszone.pdf>). We also recommend relocating the entrance of the emergency access road and recreational trail as close to 300 feet away that spatial constraints will allow from Wetland 18 to prevent additional human encounters with bog turtles. We recognize that there may be other options that would avoid adverse effects to this species and habitat. We are available to attend a site visit with you, and/or your consultant, to discuss options.

If avoidance is not possible, take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of the project and a listed species will be adversely affected, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the Act is required. Such consultation would result in a biological opinion addressing the anticipated effects of the project on the listed species, and may authorize a limited level of incidental take. If a Federal agency is not involved in the project, and federally listed species may be taken as a result of the project, then an incidental take permit pursuant to section 10(a)(1)(B) of the Act should be obtained. The Service may issue such a permit upon completion of a satisfactory habitat conservation plan for the listed species that would be taken by the project.

Please advise our office on the intended course of action and provide design updates and final plans as they become available. This response relates only to endangered and threatened species under our jurisdiction, based on an office review of the proposed project's location. No field inspection of the project area has been conducted by this office.

If you have any questions regarding this matter, please contact Richard Novak of my staff at richard_novak@fws.gov.

Sincerely,



Sonja Jahrsdoerfer
Project Leader

cc: DuBois Environmental, Inc. – DuBois
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