



United States Department of the Interior



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

June 1, 2021

Brad Schaeffer
Tetra Tech, Inc.
301 Ellicott Street
Buffalo, NY 14203

RE: USFWS Project #2021-0037
PNDI Receipt # 728453

Dear Mr. Schaeffer:

This responds to your letter, which was received by this office on March 26, 2021 and which provided the U.S. Fish and Wildlife Service (Service) information about federally listed and proposed endangered and threatened species within the area affected by the proposed Sunoco Pipeline LP (SPLP) Mariner East II Pennsylvania Pipeline – modification to crossing method project located in Upper Uwchlan Township, Chester County, Pennsylvania. The proposed project is within the known range of the bog turtle (*Clemmys muhlenbergii*), a species that is federally listed as threatened. 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.

In a letter of December 7, 2020, our office approved Geophysical Testing associated with Horizontal Directional Drill (HDD) S3-0290. However, you are now proposing to change the installation method associated with S3-0290 and are seeking approvals from the Department of Environmental Protection (DEP). The modification is to convert the entire length of the HDD to a conventional open trench/open cut. Based on input from the DEP, SPLP investigated several alternatives that would not use the previous inadvertent return location located in wetland WL-H17 as an unconventional pressure relief point and is proposing to convert the entire length of the HDD to conventional open trench construction across upland areas and regulated resources.

The new installation plan will involve use of the open cut construction method across WL-H17 and dry open cut construction method across streams S-H10 and S-H11 and their associated floodways. To minimize impacts to WL-H17, the typical 75-foot-wide limit of disturbance (LOD) has been reduced to 50 feet across the entire 200-foot length of the S-H10/S-H11/WL-H17 stream and wetland complex. In addition, impacts to the palustrine forested (PFO) portion of WL-H17 have been avoided with siting of the construction workspace. This has limited the impacts to 0.180 acre of the palustrine emergent (PEM) portion of the WL-H17.

You indicated that approximately 51 feet of stream S-H10 and 31 feet of stream S-H11 flow across the proposed LOD. These streams flow through WL-H17 and all three resources will be crossed simultaneously via the open cut construction method. Prior to trenching, approved dam and pump bypasses would be installed at the stream crossings to convey flow across the workspace and outlet downstream within the permitted LOD, such that work would be conducted in a dry stream channel. After the stream bypasses are in place, the trench will be excavated, and the pipe will be installed through the streams and wetland in a single crossing event. In addition, timber mats and bridges will be placed within the travel lane where the wetland and streams are crossed to avoid soil compaction, allow for trench excavation, segregate the wetland topsoil and stream substrate material, and stockpile excavated materials in adjacent upland areas. Once the pipe and appropriate trench plugs are installed, the trench will be backfilled, and disturbed areas restored to preexisting elevations and revegetated. All work will be conducted in accordance with all applicable prior approvals, conditions, and requirements, as well as any plans and commitments presented within this modification application. The requested modification will not result in any loss or conversion of wetland habitat or water quality/quantity, and the localized resource impacts are considered minor and temporary.

Phase 1 surveys were conducted in 2014 at WL-H17, the wetland that is being impacted by the open trench installation, and adjacent wetlands (C48, C47, C46 and C 44). All of these wetlands were determined to contain potential bog turtle habitat. Therefore, Phase 2 surveys occurred in all of these wetlands in 2014. The Phase 2 surveys concluded probable absence, except for wetland C44, in which our office determined to be hydrologically connected to a known bog turtle site (which was discovered by Skelly and Loy in the early 2000s).

Although 7 years have lapsed since Phase 2 surveys have commenced at these wetlands, due to the low population density at the wetland which is connected to C44, and the inferred absence of bog turtles in all of the other wetlands from the 2014 phase 2 surveys, we conclude that open trench installation is not likely to adversely affect the bog turtle.

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.

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 814-234-4090.

Sincerely,

Mark Roberts

For Sonja Jahrsdoerfer
Project Leader

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