



September 30, 2015

Pamela Shellenberger
U.S. Fish and Wildlife Service
110 Radnor Rd; Suite 101
State College, PA 16801

**Subject: Request for Effects Determination Concurrence
Sunoco Pipeline, L.P. - Ohio Pipeline Project Washington County, PA
(Formerly part of the Mariner East 2 Pipeline Project - Project #2014-
0200)**

Dear Ms. Shellenberger:

Tetra Tech, Inc. (Tetra Tech) has been retained by Sunoco Pipeline, L.P. (SPLP) to conduct environmental field surveys and permitting services for the proposed Pennsylvania Pipeline Project (PPP) formerly part of the Mariner East 2 Pipeline Project (ME2). On behalf of SPLP, Tetra Tech is requesting effects determination concurrence from the U.S. Fish and Wildlife Service (Service)-Pennsylvania Field Office for the PPP.

On December 12, 2013 a Large Project Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Request including a large project form, project description, and preliminary project USGS topographic mapping was provided to the USFWS under the preliminary project name "Mariner East 2 Pipeline - Trans-Pennsylvania". The Mariner East 2 Project was described as traversing the state of Pennsylvania. However, after field activities began, the project was split into two separate and independent projects; the PPP and the Ohio Pipeline Project (OPP) (Attachment 1). The PPP involves the phased installation of approximately 561 miles of two parallel pipelines within a 306-mile, 50-foot-wide right-of-way (ROW) from Houston, Washington County, Pennsylvania to SPLP's Marcus Hook facility in Delaware County, Pennsylvania with the purpose of interconnecting with existing SPLP Mariner East pipelines. Initially, a 20-inch diameter pipeline would be installed within the ROW from Houston to Marcus Hook (306 miles) and a second, up to 20-inch diameter pipeline, would be installed in the same ROW. The second line is proposed to be installed from SPLP's Delmont Station, Westmoreland County, Pennsylvania to the Marcus Hook facility, paralleling the initial line for approximately 255 miles.

We received a response to our December 12, 2013 request for information dated March 19, 2014 from the Service and it is included as Attachment 2. The Service response identified the Indiana bat, northern long-eared bat, and bog turtle ESA species of concern and a number of follow-up conversations were held by phone for further clarification. One of those follow-up conversations on April 1, 2015, indicated that the northeastern bulrush was an additional species of concern. In response to USFWS survey requirements, qualified Biologists surveyed for Indiana and northern long-eared bats, bog turtle, and northeastern bulrush in appropriate locations along PPP. Bog turtles will be addressed in a separate submittal package.

As a result of these correspondences with the Service, mist-net surveys were implemented by Apogee Environmental and Archeological, Inc. (Apogee) in accordance with *Range-Wide*

Indiana Bat Summer Survey Guidelines and survey conditions listed under the Pennsylvania Game Commission (PGC) Special Use Permit. Surveys were conducted within 294, 1-km blocks along most of the PPP alignment in Pennsylvania and began in May 2014 and continued during the netting season through August 2015. Results of the 2014 surveys have been provided to USFWS, but are included in Attachment 3. This attachment also includes mapping of survey areas as a supplement. Additional surveys were completed during the 2015 netting season and survey results and locations are also provided in Attachment 3.

Per the Service, 100 of these survey blocks are within two known Indiana bat swarming habitat protection radii (Layton Fire Clay Mine swarming habitat radius in Allegheny and Westmoreland counties and Hart Mine swarming habitat radius in Cambria, Blair, and Huntingdon counties). Therefore mist-netting surveys were not completed in these areas due to the known habitat status. An additional 12 square km blocks were not surveyed due to a lack of tree cover within the entire block. Similarly, an additional 65 blocks occurring within a recently constructed SPLP project called Mariner East 1 were not surveyed due construction being restricted primarily to the same limits of disturbance (LOD) requiring minimal additional tree clearing and previous correspondence from the USFWS that directed concerns primarily to the swarming areas. No Indiana bats were captured during the mist net surveys, however, thirty-two (32) northern-long eared bats were captured. In addition, mine portal searches and netting of appropriate features were conducted. Mine portal and cave field location surveys began in August 2014 and were completed in September 2014 with netting surveys of appropriate features being completed in October 2014. No bats were captured during the mine portal survey efforts.

Through discussions with the Service, SPLP has decided to avoid take of Indiana and northern long-eared bats through the use of a *Myotis* Conservation Plan (Attachment 4), which also outlines how SPLP will offset habitat impacts for the Indiana bat. A summary of the results of the mist-net survey and mine portal surveys are also provided in this Plan. To summarize, as a standard practice for avoiding impacts to these bat species, SPLP will conduct tree clearing between November 15 and March 31 within the two known Indiana bat swarming habitat protection radii and between October 1 and March 31 within the protection radius of northern long-eared bat capture locations (1.5 miles centered on a roost tree for a tracked capture tracked or 3 miles centered on the capture location for non-tracked captures). This commitment is outlined within the attached *Myotis* Conservation Plan (Attachment 4). In addition, SPLP through the design of the project has minimized tree clearing as much as operationally possible. Within the project LOD and within the known Hartman Mine swarming habitat radius there are approximately 243 acres of forested area. Within the 0.25-mile buffer of the LOD and within the Hartman Mine swarming habitat, there are approximately 5,000 acres of forested area.

As a habitat impact off-set measure, a payment to the Indiana Bat Conservation Fund (IBCF) will be remitted for the tree acreage located within the Hartman Mine swarming habitat radius in Cambria, Blair, and Huntingdon counties that would need to be cleared as a result of the Project. The *Myotis* Conservation Plan (Attachment 4) includes the Calculation Sheet for Indiana Bat Habitat Compensation. In summary, the approximate tree clearing area within the swarming area radius in Cambria, Blair, and Huntingdon counties are 18, 128, and 97 acres, respectively. The multiplier for a P2 swarming area is 1.5. However, due to the co-location of the majority of the project and a larger portion of the impacted acreage occurring within temporary workspaces that will be allowed to re-vegetate and will not be included in any maintenance or operation plans, a multiplier of 1.0 was used. The total deposit amount will be \$667,187. A check payable to the Indiana Bat Conservation Fund (Acct #710621004) will be sent at a later date to First Commonwealth Bank – Trust Division. Proof of the deposit will then be sent to the USFWS and PADEP.

The Service identified the Northeastern bulrush as potentially occurring within the Project area in Cambria, Blair, Huntingdon, Juniata, and Perry Counties. Consultation with USFWS

determined that field surveys should focus on wetlands, waterbodies, and vernal pools within the Project area at 1,300 feet elevation or higher as suitable habitat. Northeastern bulrush surveys by Service approved biologists began in August 2014 and were completed in August 2015. The surveys were completed by Tetra Tech, PA Soil & Rock, and Skelly and Loy. Survey Reports for these activities are provided in Attachment 5.

Field surveys identified 231 total potential northeastern bulrush habitat areas (e.g. vernal pools, wetlands, floodplain depressions) within 46 Study Areas. Field surveys of these potential bulrush habitat areas identified two confirmed Northeastern bulrush populations, one in Cambria County and one in Blair County. The Cambria Co. population is located within the proposed LOD, approximately 75-ft from an existing access road. The Blair Co. population is located outside of the proposed LOD, approximately 340-ft from the edge of the proposed LOD. As outlined in the Northeastern Bulrush Conservation Plan (Attachment 6), SPLP has taken measures to ensure no direct impacts occur to these identified populations. SPLP anticipates that a Project re-route shifting the proposed LOD from 125 feet within the population to 340 feet away will avoid potential impacts to the Blair Co. population. SPLP anticipates that impacts to the Cambria Co. population will be avoided with the use of an HDD, along with exclusion fencing, signage, compliance inspection, and implementation of an inadvertent return contingency plan.

Based on the information provide herein, the attached survey reports and conservation plans, and what is known about the presence and/or potential presence of ESA listed species in the vicinity of the project areas, it is Tetra Tech's conclusion that the PPP is not likely to adversely affect the Indiana bat, northern long-eared bat, or northeastern bulrush. We request, on behalf of SPLP, the Service's concurrence with this determination to satisfy Federal and State permit requirements.

Thank you for your assistance in this matter and we look forward to your review and concurrence. If you have any questions regarding this request, please feel free to contact me at 412.921.8167 or preston.smith@tetrattech.com.

Sincerely,

Preston R. Smith
Manager, Wetlands and Ecological Services

Attachments:

- PPP Project Overview Map (Attachment 1)
- USFWS Pennsylvania Field Office Response Letter (Attachment 2)
- Bat Survey Reports (Attachment 3)
- Myotis* Conservation Plan (Attachment 4)
- Northeastern Bulrush Survey Reports (Attachment 5)
- Northeastern Bulrush Conservation Plan (Attachment 6)

CC: Chris Embry, Sunoco Logistics;
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Brad Schaeffer, Tetra Tech;
Sandy Lare, Tetra Tech;
File 112IC05958