

REQUIREMENT E  
PASPGP-5 REPORTING CRITERIA CHECKLIST



<u>DEP USE ONLY</u>	
<input type="checkbox"/>	Non-Reporting
<input type="checkbox"/>	Reporting

### PASPGP-5 REPORTING CRITERIA CHECKLIST

The following questionnaire must be completed (instructions on pages 1-6) and submitted as part of all DEP Chapter 105 applications / registrations to determine the appropriate Federal Pennsylvania State Programmatic General Permit-5 (PASPGP-5) review procedure. **Incomplete submissions, including lack of certification signature, will be returned.**

Applicant / Project Name: Birdsboro Power, LLC

County(s): Berks

#### SECTION A: ELIGIBILITY DETERMINATION

- YES  NO  1. Does the proposed work associated with the Single and Complete Project temporarily and/or permanently impact greater than 1.0 acre of waters and/or wetlands, and/or result in the loss of greater than 1,000 linear feet of stream channel(s)?
- YES  NO  2. Is any of the proposed work located waterward of the ordinary high water mark (OHWM) of any of the ineligible waterbodies identified in the instructions?
- YES  NO  3. Has any portion of the proposed work been denied a DEP Chapter 105 Permit, a State Water Quality Certification as required under Section 401 of the Clean Water Act, or a Coastal Zone Consistency Determination?
- YES  NO  4. Does the proposed work result in the diversion of more than 10,000 gallons per day of surface water or groundwater into or out of the Great Lakes Basin (Lake Erie Watershed)?

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#### SECTION B: REPORTING ACTIVITY DETERMINATION

- YES  NO  1. Does proposed work associated with a Single and Complete Project, including any attendant features, permanently and/or temporarily impact greater than 0.5 acre of waters of the United States, including jurisdictional wetlands?
- YES  NO  2a. Does the application/registration include any proposed Single and Complete Projects permanently impacting greater than 250 linear feet of streams, rivers, or other watercourses (excluding wetlands)?
- YES  NO  2b. Is the Single and Complete Project for stream bank stabilization, rehabilitation, protection and/or enhancement and propose impacts of greater than 500 linear feet of stream channel(s)?
- YES  NO  2c. Does the Single and Complete Project qualify for DEP GP1 for Fish and Enhancement Structures?
- YES  NO  2d. Is the project covered by a programmatic state water quality certification issued by - that is conditioned upon receiving approval by- the Environmental Review Committee?
- YES  NO  3. Does the application/registration include any Single and Complete Projects that propose the permanent conversion of greater than 0.10 acre of forested and/or shrub-scrub wetlands in association with a regulated activity?
- YES  NO  4. If the application/registration is for a utility line, do any of the single and complete projects in waters of the United States, including jurisdictional wetlands, exceed 500 linear feet (excluding overhead lines)?
- YES  NO  5. Is this application/registration to place a buried utility line in waters and/or wetlands in a manner that the utility line will run parallel to or along a stream bed?

**SECTION B: REPORTING ACTIVITY DETERMINATION (CONT)**

YES  NO  6. Is your application/registration associated with a Single and Complete Project whereby a previous Department of the Army authorization has been issued through an Individual Permit, a Nationwide Permit, or a PASPGP processed by the Corps as a Category III/Reporting Activity? **If YES, please complete the following table.**

Authorization Type	Authorization Number	Date (mm/dd/yyyy)	Federal Permitted Impacts	
			Wetlands	Waters

- YES  NO  7a. Is your proposed project located in waterways occupied by Federally listed, proposed, or candidate mussels or fish, or in waters of the United States within 300 feet of these listed waterways? *See instructions for list of waterways.*
- YES  NO  7b. If 7a is yes, have you received documented clearance from the USFWS, or a Section 7 of the Endangered Species Act (ESA) “no effect” determination from the Corps? Documented clearance from the USFWS could include PNDI language stating “NO KNOWN IMPACT”; or, if in a USFWS letter the language must indicate “no effect” or “the project or activity will not affect Federally listed species.”
- YES  NO  8a. Does your project propose impacts to Federally regulated wetlands in a county that requires bog turtle screening procedures? *See instructions for list of counties.*
- YES  NO  8b. If 8a is YES, have you received documented clearance from the USFWS, or a Section 7 ESA “no effects” determination from the Corps? Documented clearance from the USFWS could include PNDI language stating “NO KNOWN IMPACT”; or, if in a USFWS letter the language must indicate “no effect” or “the project or activity will not affect Federally listed species.”
- YES  NO  9a. Does your completed Pennsylvania Natural Diversity Inventory (PNDI) search receipt identify a potential conflict(s) for a Federally listed species?
- YES  NO  9b. If YES for 9a, have you received additional documented Section 7 ESA clearance, or do you agree, through signing of the PNDI receipt, to comply with all avoidance measures identified on the PNDI receipt associated with Federally listed species for the proposed work?
- YES  NO  10. Is the proposed work associated with maintenance dredging of a reservoir’s design storage capacity, including the removal of accumulated sediments? This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act (DSEA), 32 P.S. § 693.1, et seq., and the rules and regulations promulgated there under in the PA Bulletin (codified at 25 PA. Code, Chapter 105, § 105.131(c)).
- YES  NO  11a. If the DEP Chapter 105 application/registration requires submittal of a Cultural Resources Notification Form as part of the application/registration, have you included the response letter from the State Historic Preservation Officer (SHPO), i.e., Pennsylvania Historic and Museum Commission (PHMC) with your application/registration?
- YES  NO  11b. Has the PHMC determined that archaeological or other cultural resources are believed to exist within the permit area?
- YES  NO  11c. If yes for 11b, have you received follow-up documented clearance from PHMC, or a Section 106 “no effect” determination from the Corps?
- YES  NO  12a. Does the proposed work occur in a component of the National Wild and Scenic River System or in a river officially designated by Congress as a “Study River” for possible inclusion in the System? *See instructions for listing.*
- YES  NO  12b. If yes for 12a, have you received a written determination from the Federal agency with direct management responsibility for such river that the proposed activity will not adversely affect any Wild and Scenic River including study rivers?
- YES  NO  13. Does the proposed project require the preparation of an Environmental Impact Statement?
- YES  NO  14. Does the proposed regulated activity or area of indirect impact (secondary impact) extend across state boundaries (i.e., the work is not wholly located within the Commonwealth of Pennsylvania)?

**SECTION B: REPORTING ACTIVITY DETERMINATION (CONT)**

- YES  NO  15. Is the proposed work authorized pursuant to DEP Chapter 105 permits in conjunction with coal and non-coal mining permits issued by the DEP District Mining Offices (Bureau of Mining and Reclamation), including activities authorized pursuant to Chapter 105 Waiver 4 [25 Pa. Code §105.12(a)(4)] and GP-101 and GP-102]?
- YES  NO  16. Is the proposed work associated with the construction of a Mitigation Bank or In Lieu Fee site developed to meet the requirements of the Corps and EPA April 10, 2008 Compensatory Mitigation for Losses of Aquatic Resources: Final Rule?
- YES  NO  17. Will the proposed work alter, use, build upon, attempt to possess, or that may harm or impair any existing or proposed Corps Civil Works project, and any Corps-owned or managed property?
- YES  NO  18a. Does the Single and Complete Project involve the construction or expansion of a residential, commercial or institutional subdivision or development?
- YES  NO  18b. Does greater than 0.25 acre of wetland(s) exist within the property boundary that are not proposed to be directly impacted as part of this application/registration? **If YES, provide wetland acreage: 1.58 acres.**
- YES  NO  18c. Are you proposing to protect the wetland area(s) through a deed restriction or conservation easement that follows the Corps' Model Protective Covenant?
- YES  NO  19. Does the proposed work temporarily impact waters and/or wetlands that will exist for more than 1 year?
- YES  NO  20. Do you have any other pending applications/registrations with the DEP or Corps that are necessary for this total proposed project to function and meet its intended purpose? **If YES, provide following information.**

Application / Registration Number / Type	Project Name	Date of Submittal to DEP (mm/dd/yyyy)	DEP / CCD Reviewing Office	Corps Reviewing Office

- YES  NO  21. Are you proposing to do work in the Delaware River (upstream from the U.S. Route 202 Bridge in New Hope, Pennsylvania.) and/or the Lehigh River (from the mouth to Francis E. Walter Dam, located in Carbon and Luzerne County, Pennsylvania between March 15 and June 30)?
- YES  NO  22a. Does the proposed work occur in any of the waters listed in the instructions?
- YES  NO  22b. Will you comply with all of the identified conservation measures?

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**SECTION C: CERTIFICATION**

I certify that the information provided on this form is true and correct to the best of my knowledge and information. If any of the information and/or plans is found to be in error, falsified, and/or incomplete, your Chapter 105/PASPGP-5 authorization/verification may be subject to modification, suspension, or revocation in accordance with applicable regulations.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name Typed or Printed

\*\*\*\*\*

**IMPERVIOUS SURFACE DATA FOR CORPS**

- YES  NO  1a. Is your project located in the Corps of Engineers Philadelphia District (Delaware River Watershed), or in Chester, Lancaster, or York County?
- YES  NO  1b. Does your project propose impervious surfaces within waters and wetlands? **If YES, provide area of impervious surface within the footprint of waters and wetlands:** \_\_\_\_\_ square feet
- YES  NO  1c. Does any part of your project propose the removal of any impervious surfaces? **If YES, provide area of impervious surface being removed:** \_\_\_\_\_ square feet

**FOR DEP USE ONLY**

\_\_\_\_\_  
DEP / District Manager Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name Typed or Printed

\_\_\_\_\_  
Permit Number

## REQUIREMENT F BOG TURTLE HABITAT SCREENING

- The coordination packages sent to USFWS regarding Bog Turtles are included within Requirement G. The USFWS response letters indicating “No Effect” and “Not likely to Adversely Effect” determinations are included within this section and under Requirement G with their respective coordination packages.

PNDI # 20150313489746

USFWS Project # 2015-0551

**U.S. FISH AND WILDLIFE SERVICE**  
110 Radnor Road, Suite 101, State College, PA 16801

This responds to your inquiry about a PNDI Internet Database search that resulted in a potential conflict with a federally listed, proposed or candidate species.

**PROJECT LOCATION INFORMATION**

County: Berks  
Township: Birdsboro Borough

**MISC INFORMATION**

Date received by FWS: April 24, 2015  
 ACTIVE     ARCHIVE

**USFWS COMMENTS**     FAXED     MAILED

To: Martin Moucha

Fax #: 570.829.0302

Affiliation: Quad Three Group

**SPECIFIC PROJECT:** Birdsboro Power Natural Gas Combine Cycle Plant

**FISH AND WILDLIFE SERVICE COMMENT(s):**

X **NOT LIKELY TO ADVERSELY AFFECT**

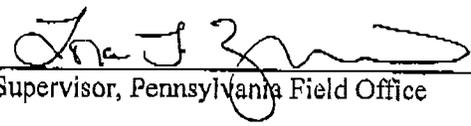
The federally listed bog turtle occurs or may occur in or near the project area. However, based on our review of the information provided, including the project description and location ( \_\_\_\_\_ ),

no adverse effects to this species are likely to occur. If there is any change in the location, scale, scope, layout or design of the project, further consultation or coordination with the Service will be necessary.

The above determination is valid for two years from the date of this letter. In addition, this response relates only to federally listed, proposed, and candidate species under our jurisdiction, based on an office review of the proposed project's location and anticipated impacts. No field inspection of the project area has been conducted by this office. Consequently, comments on this form are not to be construed as addressing other Service concerns under the Fish and Wildlife Coordination Act or other authorities. *Please reference the above PNDI # and USFWS Project # in any future correspondence regarding this project.*

This review was conducted by the biologist listed below. He/she can be contacted at 814-234-4090.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Robert Anderson (x7447) | <input type="checkbox"/> Pamela Shellenberger (x7459) | <input checked="" type="checkbox"/> Kayla Easler (x7455) |
| <input type="checkbox"/> Jennifer Kagel (x7451)  | <input type="checkbox"/> Melinda Turner (x7449)       |  |

SIGNATURE:   
Supervisor, Pennsylvania Field Office

DATE: 5/11/15

2015-0551



Land Planning & Utilities

September 29, 2015

U.S. Fish and Wildlife Service  
Pennsylvania Field Office  
110 Radnor Rd; Suite 101  
State College, PA 16801

RE: Natural Gas Combine Cycle  
Birdsboro Power LLC  
PNDI Search ID: 20150929533277

To whom it may concern;

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

It appears there have been no changes in the project or on-site biological information; therefore, the agency's comments, as detailed in our letter of 5/11/2015 remain unchanged.

*John J. [Signature]*, Supervisor 10/6/15

Upon completing PNDI search on 101.5 acre site for 14 acre project know as Natural Gas Combine Cycle (NGCC) facility in Birdsboro Borough, Berks County, PA a "hit" for a potential impact was discovered. Quad Three Group Inc. on behave of Birdsboro Power LLC requests a further review of this project to resolve the potential impacts if it exists. This potential impact was completed and addressed by your agency on May 11, 2015 however due to Long-eared Bat addition all PNDI receipts submitted to the county have to be dated after May 6, 2015. Please see attached documentation to speed up this process.

In order to assist you in your review I have included the following:

1. Signed copy of the Project Environmental Review Receipt
2. Project Narrative with a description of the overall project
3. Project Location Information and USGS Mapping
4. Two drawings C-100 – Floodway Existing Features  
C-600 – Erosion and Sediment Control Plan
5. Color Photos keyed to basic site plan
6. Fax Transmittal from U.S. Fish and Wildlife Services

Please don't hesitate to contact me at 570 829-4200 x 314 or [mmoucha@quad3.com](mailto:mmoucha@quad3.com) if you have any questions.

Sincerely,

QUAD THREE GROUP, INC.

Martin Moucha

Cc: File

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37 North Washington St.  
Wilkes-Barre, PA 18701  
phone 670.829.4200  
fax 670.829.0302  
www.quad3.com

2016-1096

449 Eisenhower Boulevard, Suite 300  
Harrisburg, PA 17111-2302



Phone: 717-232-0593  
800-892-6532

E-mail: skellyloy@skellyloy.com  
Internet: www.skellyloy.com

Fax: 717-232-1799

November 3, 2016

Mr. Brian Scofield  
United States Fish and Wildlife Service  
Pennsylvania Field Office  
110 Radnor Road, Suite 101  
State College, Pennsylvania 16801

Ms. Kathy Gipe  
Pennsylvania Fish and Boat Commission  
Division of Environmental Services  
Natural Diversity Section  
450 Robinson Lane  
Bellefonte, Pennsylvania 16823

Mr. Kevin Rucker  
Manager, Environmental Permitting  
Dawood Engineering  
2020 Good Hope Road  
Enola, Pennsylvania 17025

Re: Birdsboro Electric Transmission Pro-  
ject, Berks County, Pennsylvania  
PNDI Environmental Review:  
606523  
USFWS Project: 2016-1096  
PFBC SIR: 46267

Dear Brian, Kathy, and Kevin:

Skelly and Loy, Inc. has prepared this report to summarize bog turtle (*Clemmys muhlenbergii*) and eastern redbelly turtle (*Pseudemys rubriventris*) habitat characterization efforts completed for the proposed Birdsboro Electric Transmission Project in Berks County, Pennsylvania.

Birdsboro Power, LLC is planning the construction of a new 230kV electric transmission line that will originate at a newly constructed natural gas electric generation facility within the Borough of Birdsboro and travel approximately four miles to its termination at a newly constructed ring bus substation in Robeson Township. The proposed electric transmission line will contain elements of both overhead and underground pathways.

We look forward to your review of this report document. If you have any questions or comments regarding this project, please contact me at 717-574-2373.

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

On 9/14/10/21 2016, a qualified bog turtle surveyor determined that there is no potential bog turtle habitat in the project area. We concur with these survey results and conclude that implementation of the proposed project will have no effect on bog turtles.  
 Chaz Santanzi, Supervisor 10/16/16

Sincerely yours,  
  
SKELLY and LOY, Inc.  
  
*Andy M. Brookens*  
  
Andy M. Brookens  
Biologist, Regional Director of  
Natural Resources

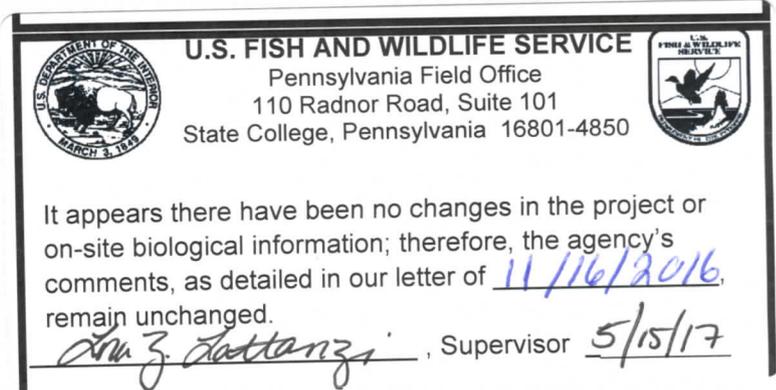
Enclosure  
cc: R16-0106.002  
File: Birdsboro Transmission Cover Letter.doc

May 08, 2017

United States Fish and Wildlife Service  
Pennsylvania Field Office  
110 Radnor Road, Suite 101  
State College, Pennsylvania 16801

Attn: Mr. Brian Scofield

Re: **Birdsboro Electric Transmission Project, Berks County, Pennsylvania**  
PNDI Environmental Review: 606523  
USFWS Project: 2016-1096



Dear Mr. Scofield:

Dawood Engineering, Inc. (Dawood) has updated project mapping (as attached) to reflect minor shifts in the transmission line alignment since the last correspondence letter sent on November 3, 2016 by Skelly and Loy. The route on the PNDI was not updated, since the changes to the route are minor and are difficult to ascertain at the PNDI scale.

Previous correspondence with your agency, dated August 8, 2016, indicated that the project was within the known range of the bog turtle (*Clemmys muhlenbergii*). Andy Brookens with Skelly and Loy, Inc. supplied a habitat characterization report to you, as mentioned above, in response to the August 8, 2016 letter, indicating that none of the wetlands within the project area were determined to support characteristic habitat conditions for the bog turtle. Your office responded on November 16, 2016, concurring with these findings and indicating no effect on bog turtles was anticipated as a result of this project. The project changes since this correspondence have resulted in no expansions of the study area or delineation of additional water resources.

Please review the attached Project Site Plan and provide updated concurrence on the "No Effect" determination as previously provided.

If you require additional information, please do not hesitate to contact me via telephone at (717) 732-8576 or email: [krucker@dawood.cc](mailto:krucker@dawood.cc).

Sincerely,



Kevin Rucker  
Environmental Permitting Manager

Attachments:  
Project Site Plan