



United States Department of the Interior



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

March 19, 2021

Sara Holmes
NV5
1315 Walnut Street, Suite 900
Philadelphia, PA 19107

RE: USFWS Project #2017-1465
PNDI Review #multiple

Dear Ms. Holmes:

This responds to several transmittals from you, particularly those of November 24, 2020, December 18, 2020, January 11 and 25, 2021, February 19, 2021, and March 1, 2021, which provided the U.S. Fish and Wildlife Service (Service) with a revised project description, and a request for updated information regarding the Adelphia Gateway project located in Northampton, Bucks, Montgomery, Chester, and Delaware Counties, Pennsylvania and New Castle County, Delaware. The project is within the known range of the federally threatened bog turtle (*Clemmys muhlenbergii*), endangered Indiana bat (*Myotis sodalis*), and threatened northern long-eared bat (*Myotis septentrionalis*). 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 and the Migratory Bird Treaty Act (MBTA, 16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755, as amended) to ensure the protection of migratory bird species.

Endangered Species Act

In our letters of May 7, 2019, and September 10, 2019, to you, and also to Danny Laffon of the Federal Energy Regulatory Commission (FERC) on August 25, 2020, we concurred that the proposed project may affect but was not likely to adversely affect bog turtles and Indiana bats. FERC determined that they would utilize the intra-Service consultation for the final 4(d) rule programmatic consultation to consider any potential incidental take of northern long-eared bat.

Your March 1, 2021, correspondence summarized changes proposed at 12 locations along the project alignment. Proposed changes from the original design at 11 locations (French Creek Blowdown Assembly Valve (BAV), Schuylkill River BAV, Chester Creek BAV, Cromby BAV, Marcus Hook Compressor Station, Mainline Valve #2, Quakertown Compressor Station, Skippack Tap Valve, Transco Meter Station, Tilghman Lateral) do not alter the Endangered

Species Act effect determination from that considered in our August 25, 2020, letter of concurrence to FERC. One site, referred to as “Chester Creek BAV” has potential bog turtle habitat in proximity to the limit of disturbance; however, no direct wetland disturbance is proposed. The revised limit of disturbance area now proposed does not alter the species effect determinations as described in our letter of May 7, 2019. This includes implementation of either a time-of-year restriction or a pre-construction survey to avoid the risk of take of bog turtles at this site. FERC should confirm that the changes proposed do not alter the determination based on the programmatic conclusion completed for the northern long-eared bat they completed on-line (see <https://www.fws.gov/Midwest/Endangered/mammals/nleb/index.html>).

Migratory Bird Treaty Act

The mission of the Service is to work with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. Migratory bird conservation remains an integral part of our mission. The Service works with any partner that is interested in reducing impacts to migratory birds and their habitats. We continue to develop best management practices (BMPs) to protect migratory birds and their habitats in partnership with any industry, Federal, State, and Tribal entity as interest dictates.

The potential exists for bird mortality from habitat destruction and alteration within the project boundaries. Site-specific factors can be considered in project siting to avoid and minimize the risk to birds include bird abundance; the quality, quantity and type of habitat; geographic location; type and extent of bird use (*e.g.* breeding, foraging, migrating, etc.); and landscape features. We provide the following general conservation recommendations that may avoid and minimize impacts to migratory birds within and around the project area.

1. Where disturbance is necessary, clear natural or semi-natural habitats (*e.g.*, forests, woodlots, reverting fields, shrubby areas) and perform maintenance activities (*e.g.*, mowing) between September 1 and March 31, which is outside the nesting season for most native bird species. Without undertaking specific analysis of breeding species and their respective nesting seasons on the project site, implementation of this seasonal restriction will avoid take of most breeding birds, their nests, and their young (*i.e.*, eggs, hatchlings, fledglings).
2. Minimize land and vegetation disturbance during project design and construction. To reduce habitat fragmentation, co-locate roads, fences, lay down areas, staging areas, and other infrastructure in or immediately adjacent to already-disturbed areas (*e.g.*, existing roads, pipelines, agricultural fields) and cluster development features (*e.g.*, buildings, roads) as opposed to distributing them throughout land parcels. Where this is not possible, minimize roads, fences, and other infrastructure.
3. Avoid permanent habitat alterations in areas where birds are highly concentrated. Examples of high concentration areas for birds are wetlands, State or Federal refuges, Audubon Important Bird Areas (*i.e.*, Rothrock State Forest), private duck clubs, staging areas, rookeries, leks, roosts, and riparian areas. Avoid establishing sizable structures

along known bird migration pathways or known daily movement flyways (e.g., between roosting and feeding areas).

4. To conserve area-sensitive species, avoid fragmenting large, contiguous tracts of wildlife habitat, especially if habitat cannot be fully restored after construction. Maintain contiguous habitat corridors to facilitate wildlife dispersal. Where practicable, concentrate construction activities, infrastructure, and man-made structures (e.g., buildings, cell towers, roads, parking lots) on lands already altered or cultivated, and away from areas of intact and healthy native habitats. If not feasible, select fragmented or degraded habitats over relatively intact areas.
5. Develop a habitat restoration plan that avoids or minimizes negative impacts to birds, and that creates functional habitat for a variety of bird species. Use only plant species that are native to the local area for revegetation of the project area.

Please be aware that because these are general guidelines, some of them may not be applicable to the current project development or they may have already been considered in the project design.

This response relates only to resources under our jurisdiction and is valid for 2 years from the date of this letter. If the proposed project has not been fully implemented prior to this, an additional review by this office will be necessary.

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 Robert Anderson of my staff at 814-206-7447.

Sincerely,



Sonja Jahrsdoerfer
Project Leader

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