

Appendix K: Consistency Documentation





Herbert, Rowland & Grubic, Inc.
501 Allendale Road, Suite 203
King of Prussia, PA 19406
484.460.7050
www.hrg-inc.com

October 29, 2024

Re: Eastern Pike County Regional Act 537 Plan

Dear Agencies:

The Eastern Pike County Regional Act 537 Plan for Milford Borough, Westfall Township, and Matamoras Borough addresses the wastewater disposal needs of these municipalities. Through an evaluation of existing on-lot disposal systems, soil suitability, and commercial needs and growth, needs areas in the planning region were identified. Structural alternatives for providing improved sewage facilities to these areas were evaluated on the basis of environmental soundness, cost-effectiveness, and structural feasibility. Alternatives Exhibit Nos. 1B, 3B, and 4B have been selected. These alternative exhibits involve extending public sewer service to these need areas and connecting to the existing Municipal Authority of the Township of Westfall (MATW) WWTP in Westfall Township. The proposed sewer extensions are proposed over existing roads and previously developed land. The MATW WWTP has sufficient hydraulic and organic capacity for these recommended structural alternatives. The draft receipt from the PNDI Conversation indicated Potential Impacts and further review is required by the PA Game Commission, PA Department of Conservation and Natural Resources, PA Fish and Boat Commission, and U.S. Fish and Wildlife Service. A Planning Area Map as well as a PDF with a collection of Planning Area Maps in relation to physical features have been uploaded. In addition, the selected alternative exhibits have been uploaded to the PNDI Conservation Explorer Portal. While an original PNDI submission was made in 2022, the documents from 2024 represent the current Plan.

If necessary, the Eastern Pike County Regional Act 537 Plan can be viewed/downloaded in its entirety at: <https://hr3.box.com/s/jkzsinea5feq0osv2a2uz28v64cseflq>

Please contact me if you have any questions.

Sincerely,

Herbert, Rowland & Grubic, Inc.

A handwritten signature in blue ink that reads "Matthew Roberts".

Matthew Roberts, E.I.T.
Staff Engineer II

MNR

003054.0448

P:\0030\003054_0448\Admin\CLEARANCES\PNDI\2024.10.29 Project Description.docx

1. PROJECT INFORMATION

Project Name: **Eastern Pike County Regional Act 537 Plan**

Date of Review: **9/4/2024 02:26:36 PM**

Project Category: **Waste Transfer, Treatment, and Disposal, Liquid waste/Effluent, Sewage module/Act 537 plan**

Project Area: **1,020.50 acres**

County(s): **Pike**

Township/Municipality(s): **MATAMORAS; MILFORD; MILFORD TOWNSHIP; WESTFALL TOWNSHIP**

ZIP Code:

Quadrangle Name(s): **MILFORD; PORT JERVIS NORTH; PORT JERVIS SOUTH**

Watersheds HUC 8: **Middle Delaware-Mongaup-Brodhead**

Watersheds HUC 12: **Sawkill Creek; Shimers Brook-Delaware River; Shingle Kill-Delaware River**

Decimal Degrees: **41.349362, -74.741994**

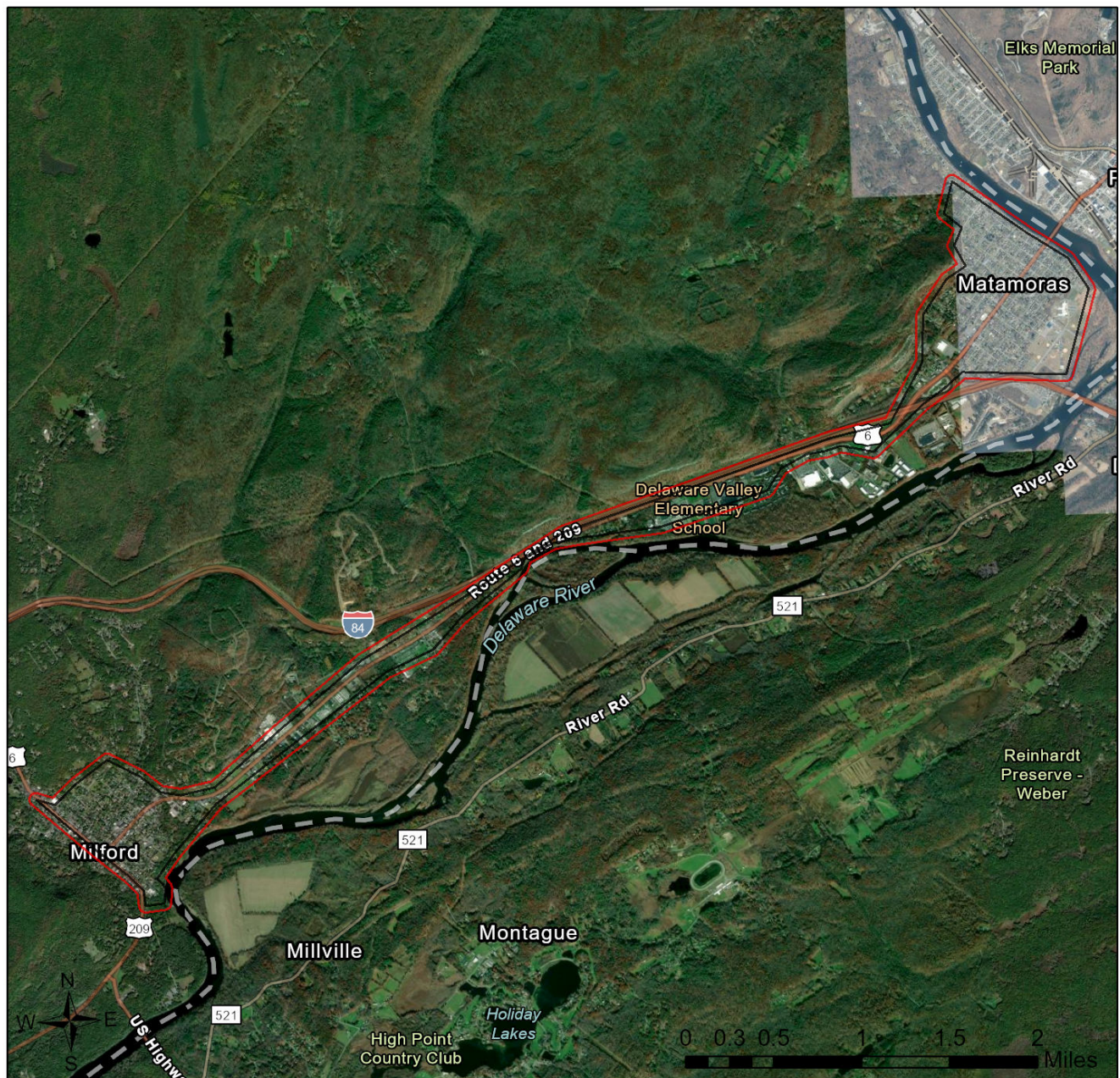
Degrees Minutes Seconds: **41° 20' 57.7034" N, 74° 44' 31.1799" W**



2. SEARCH RESULTS

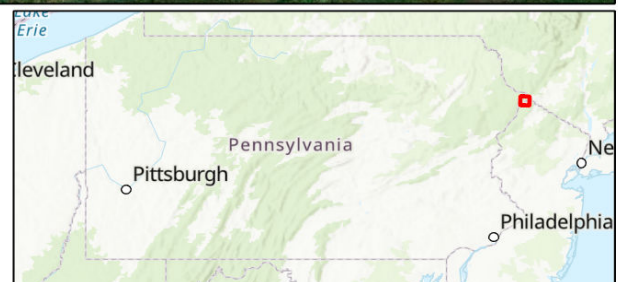
Agency	Results	Response
PA Game Commission	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Department of Conservation and Natural Resources	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Fish and Boat Commission	Potential Impact	FURTHER REVIEW IS REQUIRED, See 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.

Eastern Pike County Regional Act 537 Plan

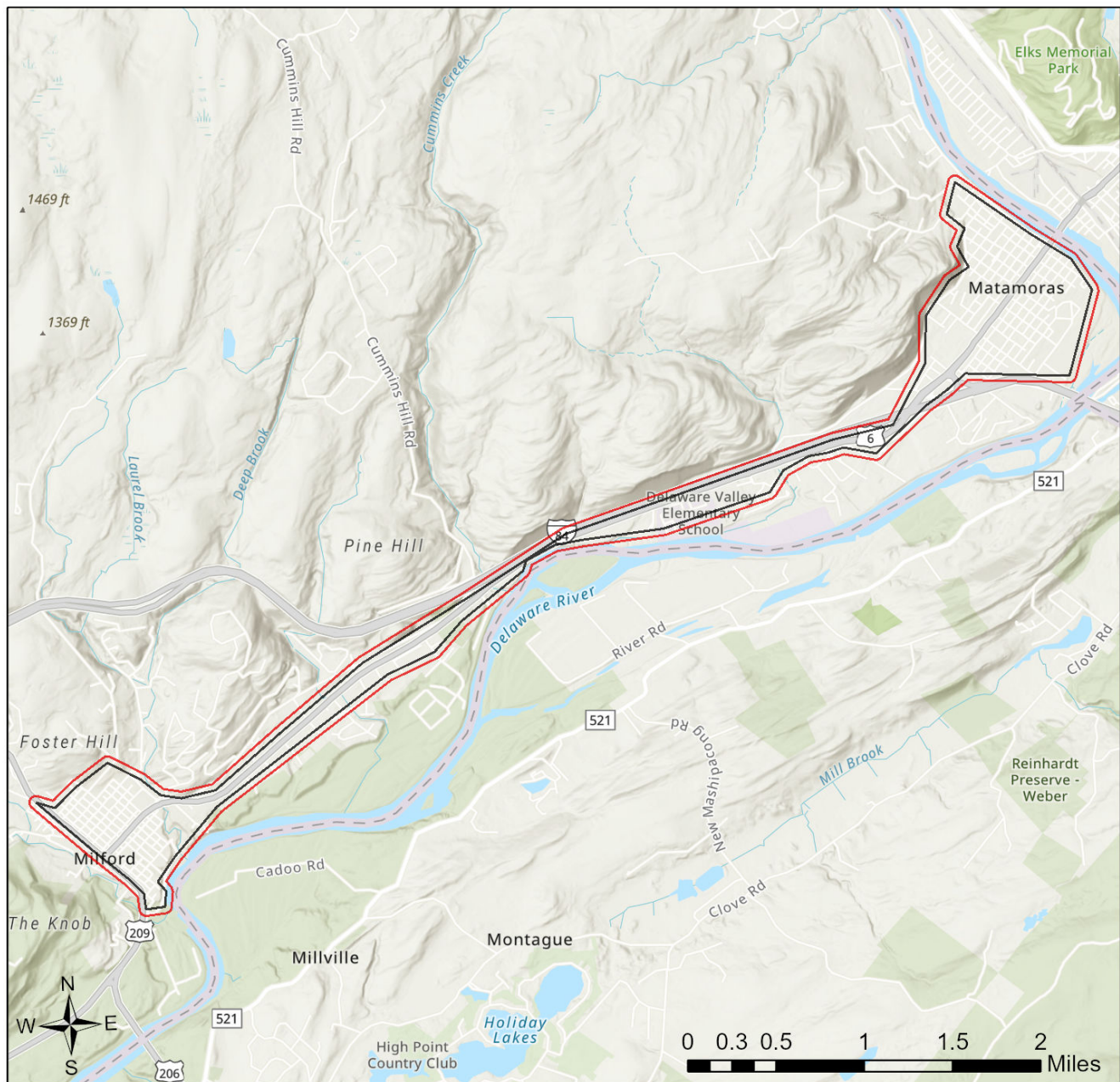


-  Buffered Project Boundary
-  Project Boundary



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

Eastern Pike County Regional Act 537 Plan



- 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

RESPONSE TO QUESTION(S) ASKED

Q1: Will the project require permanent alteration or removal of natural vegetation, soils, water (streams, ponds, vernal pools, etc.)?

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:

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).

PGC 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**		Threatened

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
Sensitive Species**		Special Concern Species*	Special Concern Species*	Flowers June and July; fleshy, spiney, flattened stems year-round

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
<i>Alasmidonta undulata</i>	Triangle Floater	Special Concern Species*
<i>Alasmidonta varicosa</i>	Brook Floater	Special Concern Species*
<i>Utterbackiana implicata</i>	Alewite Floater	Special Concern Species*

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: Matthew Roberts, EIT
Company/Business Name: HRG, Inc.
Address: 501 Allendale Road, Suite 203
City, State, Zip: King of Prussia, PA 19406
Phone: (484) 460-7050 Fax: ()
Email: mroberts@hrg-inc.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

10/29/2024
date



PENNSYLVANIA GAME COMMISSION

BUREAU OF WILDLIFE MANAGEMENT

2001 ELMERTON AVENUE HARRISBURG, PA 17110-9797 | (717) 787-5529

December 16, 2024

Matthew Roberts
HRG, Inc.
501 Allendale Road
Suite 203
King of Prussia, Pennsylvania 19406
mroberts@hrg-inc.com

Re: Eastern Pike County Regional Act 537 Plan
PNDI Receipt File: *project_receipt_eastern_pike_county_regio_767410_FINAL_2.pdf*
Matamoras and Milford Boroughs, and Milford and Westfall Townships, Pike County, Pennsylvania

Dear Matthew Roberts,

Thank you for submitting the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt File *project_receipt_eastern_pike_county_regio_767410_FINAL_2.pdf* for review. The Pennsylvania Game Commission (PGC) screened this project for potential impacts to species and resources of concern under PGC responsibility, which includes birds and mammals only.

No Impact Anticipated – PNDI Species

PNDI records indicate species or resources of concern are located within the vicinity of the project. However, based on the information you submitted concerning the nature of the project, the immediate location, and our detailed resource information, the PGC has determined that no impact is likely. Therefore, no further PNDI coordination with the PGC will be necessary for this project at this time.

This response represents the most up-to-date summary of the PNDI data files and is valid for two (2) years from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

Should the proposed work continue beyond the period covered by this letter, please resubmit the project to this agency as an “Update” (including an updated PNDI receipt, project narrative and accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for two additional years.

This finding applies to impacts to birds and mammals only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure that the U.S. Fish and Wildlife Service, the PA Department of Conservation and Natural Resources, and/or the PA Fish and Boat

Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at www.naturalheritage.state.pa.us.

Sincerely,



Amber Nolder
Wildlife Biologist
Bureau of Wildlife Management
Phone: 717-787-4250, Extension 73410
Fax: 717-787-6957
E-mail: anolder@pa.gov

A PNHP Partner



ADN/adn



January 21, 2025

IN REPLY REFER TO

SIR# 56747

HRG, Inc.
Matthew Roberts
501 Allendale Road
King of Prussia, Pennsylvania 19406

**RE: Species Impact Review (SIR) – Rare, Candidate, Threatened and Endangered Species
PNDI Search No. 767410_2
Eastern Pike County Regional Act 537 Plan
Matamoras Borough, Milford Borough, Milford Township, Westfall Township: PIKE County**

Dear Matthew Roberts:

This responds to your inquiry about a Pennsylvania Natural Diversity Inventory (PNDI) Internet Database search “potential conflict” or a threatened and endangered species impact review. These projects are screened for potential conflicts with rare, candidate, threatened or endangered species under Pennsylvania Fish and Boat Commission jurisdiction (fish, reptiles, amphibians, aquatic invertebrates only) using the Pennsylvania Natural Diversity Inventory (PNDI) database and our own files. These species of special concern are listed under the Endangered Species Act of 1973, the Wild Resource Conservation Act, and the Pennsylvania Fish and Boat Code (Chapter 75), or the Wildlife Code.

An element occurrence of a rare, candidate, threatened, or endangered species under our jurisdiction is known from the vicinity of the proposed project. However, given the nature of the proposed project, the immediate location, or the current status of the nearby element occurrence(s), no adverse impacts are expected to the species of special concern.

This response represents the most up-to-date summary of the PNDI data and our files and is valid for two (2) years from the date of this letter. An absence of recorded species information does not necessarily imply species absence. Our data files and the PNDI system are continuously being updated with species occurrence information. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered, and consultation shall be re-initiated.

If you have any questions regarding this review, please contact Nevin Welte at 814-470-6151 or c-nwelte@pa.gov and refer to the SIR # 56747. Thank you for your cooperation and attention to this important matter of species conservation and habitat protection.

Sincerely,

A handwritten signature in black ink, reading "Christopher A. Urban". The signature is written in a cursive, flowing style.

Christopher A. Urban, Chief
Natural Diversity Section

CAU//NTW/dn

BUREAU OF FORESTRY

September 9, 2024

PNDI Number: 767410

Version: Final_2; 9/4/24

Matthew Roberts

HRG, Inc.

501 Allendale Road, Suite 203

King of Prussia, PA 19406

Email: mroberts@hrg-inc.com (hard copy will not follow)

**Re: Eastern Pike County Regional Act 537
Pike County, PA**

Dear Matthew Roberts,

Thank you for the submission of the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt Number **767410 (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

PNDI records indicate species or resources under DCNR's jurisdiction are located in the vicinity of the project. However, based on the information you submitted concerning the nature of the project, the immediate location, and our detailed resource information, DCNR has determined that no impact is likely. No further coordination with our agency is needed for this project.

Recommended Best Management Practices:

- Use a conservative approach to project design that minimizes permanent and temporary disturbances to soil and native vegetation. This will conserve habitat and limit opportunities for invasive plants.
- 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

conserve

sustain

enjoy

P.O. Box 8552, Harrisburg, PA 17015-8552 717-787-3444 (fax) 717-772-0271

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>

- Plant forest buffers where trees were historically present along streams, wetlands, and bodies of water. Buffers should be a minimum of 35 feet in width (ideally at least 100 feet in width). Where trees are not appropriate (e.g., powerline rights-of-way), buffer with native shrubs and herbaceous plants. More information about riparian buffers can be found at the following link: <https://www.dcnr.pa.gov/Conservation/Water/RiparianBuffers/Pages/default.aspx>
- Manage rights-of-way for diverse native plant communities and wildlife (e.g., monarch butterfly). In seed mixes, include wildflowers that have overlapping bloom periods and provide forage for pollinators throughout the growing season. Avoid blanket herbicide applications; instead, spot-treat undesirable tall woody vegetation and invasive weeds. Where mowing is necessary, reduce frequency to once every few years during the dormant season (i.e., after first frost in late fall and before bird nesting in early spring), leaving some refugia for overwintering wildlife.
- Monitor for invasive plants before, during, and after project activities and promptly control any identified infestations. Frequent monitoring allows for early detection and rapid response.

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 Podniesinski, Section Chief
Natural Heritage Section



Herbert, Rowland & Grubic, Inc.
501 Allendale Road, Suite 203
King of Prussia, PA 19406
484.460.7050
www.hrg-inc.com

October 29, 2024

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

Re: Eastern Pike County Regional Act 537 Plan

Dear U.S Fish and Wildlife Service:

The Eastern Pike County Regional Act 537 Plan for Milford Borough, Westfall Township, and Matamoras Borough addresses the wastewater disposal needs of these municipalities. Through an evaluation of existing on-lot disposal systems, soil suitability, and commercial needs and growth, needs areas in the planning region were identified. Structural alternatives for providing improved sewage facilities to these areas were evaluated on the basis of environmental soundness, cost-effectiveness, and structural feasibility. Alternatives Exhibit Nos. 1B, 3B, and 4B have been selected. These alternative exhibits involve extending public sewer service to these need areas and connecting to the existing Municipal Authority of the Township of Westfall (MATW) WWTP in Westfall Township. The proposed sewer extensions are proposed over existing roads and previously developed land. The MATW WWTP has sufficient hydraulic and organic capacity for these recommended structural alternatives. The draft receipt from the PNDI Conversation indicated Potential Impacts and further review is required by the U.S. Fish and Wildlife Service. A Planning Area Map as well as the signed PNDI Final Receipt have been attached to the email. In addition, the selected alternative exhibits have been attached to the email and can be found in the Plan. While an original PNDI submission was made in 2022, the documents from 2024 represent the current Plan. While there are changes in the Plan, the actual selected alternatives (sewer extension routing, etc.) is not changed.

The Eastern Pike County Regional Act 537 Plan can be viewed/downloaded in its entirety at:
<https://hr3g3.box.com/s/jkzsinea5feq0osv2a2uz28v64cseflq>

Please contact me if you have any questions.

Sincerely,

Herbert, Rowland & Grubic, Inc.

A handwritten signature in blue ink that reads "Matthew Roberts".

Matthew Roberts, E.I.T.
Staff Engineer II
MNR
003054.0448

P:\0030\003054_0448\Admin\CLEARANCES\PNDI\2024.10.29 Project Description.docx

PNDI # _____ USFWS Project # _____

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: _____

Township: _____

USFWS COMMENTS EMAILED MAILED

To: _____

MISC INFORMATION

Date received by FWS: _____

Email: _____

Affiliation: _____

SPECIFIC PROJECT: _____

FISH AND WILDLIFE SERVICE COMMENT(s):

_____ ***NO EFFECT***

Except for occasional transient species, no federally listed, proposed or candidate species under our jurisdiction are known or likely to exist in the project area. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

_____ ***NOT LIKELY TO ADVERSELY AFFECT***

The federally listed _____ 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. *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 814-206-(Extension).

_____ Pamela Shellenberger (x7459)

_____ Monica Mestre (x7462)

_____ Nicole Ranalli (x7455)

_____ Jennifer Kagel (x7451)

_____ Richard Novak (x7477)

_____ Sze Wing Yu (x7461)

SIGNATURE:

Supervisor, Pennsylvania Field Office



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pennsylvania Field Office
110 Radnor Road, Suite 101
State College, Pennsylvania 16801-4850



November 18, 2022

Matthew Roberts
HRG, Inc.
501 Allendale Road, Suite 203
King of Prussia, PA 19406

RE: USFWS Project #2022-0080686
PNDI Review #767410_FINAL_1

Dear Matthew Roberts,

This responds to your letter from August 30, 2022, regarding further review by the U.S. Fish and Wildlife Service for potential impacts within the area affected by the proposed Eastern Pike County Regional Act 537 Plan project located in Matamoras, Milford, Milford Township, and Westfall Township of Pike County, Pennsylvania. This project is within the range of the endangered dwarf wedgemussel (*Alasmidonta heterodon*) and in the vicinity of at least 6 bald eagle (*Haliaeetus leucocephalus*) nests. 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.

Based on a review of the project information, including email correspondence from November 3, 2022, we have determined that the effects of the project are not likely to adversely affect the dwarf wedgemussel. In your correspondence, you committed to putting in place the Mussel Avoidance Measures emailed to you on October 24, 2022, to minimize erosion, sedimentation, and pollution during project construction. The measures are also listed below.

Water Quality and Pollution Prevention

- Transfer fuel and maintain vehicles within a containment site with adequate buffering (berms, vegetation, etc.) from receiving waters.
- Place staging areas for construction vehicles and equipment on appropriate work pads located at least 150 feet away from receiving waters.
- Inspect all construction vehicles and equipment used near waterways daily to identify and control possible leakage of toxic materials, including fuels, lubricants, etc. If a leakage is found, contain and remove the fluids immediately in accordance with applicable regulations, and repair the equipment prior to further use.

- Store all potential toxic substances such as fuels, paints, solvents, lubricants, etc. within a containment area with adequate buffering (berms, vegetation, distance, etc.) from streams.
- Report unpermitted discharges to waterways to the PennDOT District Environmental Unit immediately upon discovery.
- Stockpile accumulated debris and construction waste away from watercourses.
- Remove loose debris and road surface material piles from the work site promptly to eliminate possible scattering by rain or wind.

Erosion and Sedimentation Control

- Install key sediment control measures before construction begins.
- Install temporary silt fences around each bridge approach and around the perimeter of the disturbed area of small drainages.
- Temporarily stabilize exposed stream banks and shorelines with indigenous vegetation or riprap immediately after the work in the exposed area is completed.
- Permanently stabilize disturbed areas within 7 days of construction completion, using rapid seed and mulch, and where necessary supplemented with additional topsoil, erosion control matting, riprap or retaining walls.
- Use sediment control fences where volume of water exceeds capacity of geo-fabric silt fence.
- Locate stockpiled soil materials away from the watercourse and properly contain them by appropriate silt fencing around the entire perimeter.
- Use silt ditches with check dams adjacent to streams to intercept runoff or flow and/or to divert flow to a controlled outlet, along the project perimeter to minimize sediment loss.
- Do not clear or grub until immediately before other work is to begin. Sequence soil exposure in controlled phases, with disturbance limited to areas intended to be worked within the next 21 days.
- Restrict use of tracked and wheeled equipment to the area along the shoreline, and avoid all work below the Ordinary High Water Mark.
- Minimize sedimentation impacts by strict adherence to Erosion and Sedimentation (E&S) control plans, and by regular inspection and maintenance of all E&S measures immediately after all storms.

Minimizing Effects through Communication

- Provide notification and instruction for contractors regarding the presence of endangered or threatened species and proper implementation of avoidance and minimization measures.
- Include language providing notification and required conditions related to endangered mussels in contracts.
- Notify the Service and the Pennsylvania Fish and Boat Commission regarding spills and sedimentation events that may result in injury and/or mortality of federally listed mussels.

In your correspondence, you also stated that you will complete the Northeast Bald Eagle Project Screening Form as you get further along the project. As stated in our correspondence, bald eagles

are known to nest in the vicinity of the project area, with at least 6 nests located within a half mile of the project site. Consequently, we recommend that you evaluate the project type, size, location and layout considering the National Bald Eagle Management Guidelines to determine whether bald eagles might be disturbed as a direct or indirect result of this project. If it appears that disturbance may occur, we recommend that you consider modifying your project consistent with the Guidelines. These guidelines and directions to filling out the project screening form are available at <https://www.fws.gov/media/northeast-bald-eagle-project-screening-form>. If you have additional questions regarding eagle permits, please contact Thomas Wittig, Northeast Regional Bald and Golden Eagle Coordinator at 413-253-8577 or Thomas.Wittig@fws.gov.

This determination is valid for two 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 is recommended. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

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. Consequently, this letter is not to be construed as addressing other Service concerns under the Fish and Wildlife Coordination Act or other authorities.

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 Sze Wing Yu at 814-206-7461 or szewing_yu@fws.gov.

Sincerely,

For Sonja Jahrsdoerfer
Field Office Supervisor

Matthew Roberts
mroberts@hrg-inc.com



Pennsylvania State Historic Preservation Office

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

August 24, 2022

Matthew Roberts
HRG, Inc.
501 Allendale Road, Suite 203
King of Prussia PA 194062246

RE: ER Project # 2022PR03835.001, Eastern Pike County Regional Act 537 Plan,
Department of Environmental Protection, Milford Borough, Pike County

Dear Matthew Roberts:

Thank you for submitting information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

Above Ground Resources

No Above Ground Concerns - Environmental Review - No Effect - Above Ground

Based on the information received and available within our files, it is our opinion that the proposed project will have No Effect on above ground historic properties, including historic buildings, districts, structures, and/or objects, should they exist. Should the scope of the project change and/or should you be made aware of historic property concerns, you will need to reinstate consultation with our office using PA-SHARE.

For questions concerning above ground resources, please contact Emma Diehl at emdiehl@pa.gov.

Archaeological Resources

No Archaeological Concerns - Environmental Review - No Effect - Archaeological

Based on the information received and available in our files, in our opinion, the proposed project should have No Effect on archaeological resources. Our analysis indicates that archaeological resources are potentially located in this project area. Should the scope of the project be amended to include additional ground-disturbing activity and/or should you be made aware of historic property concerns, you will need to reinstate consultation with our office using PA-SHARE.

For questions concerning archaeological resources, please contact Emma Diehl at emdiehl@pa.gov.

Sincerely,

A handwritten signature in black ink that reads "Emma Diehl". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Emma Diehl
Environmental Review Division Manager