

PI 07-12-000



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

2001 ELMERTON AVENUE, HARRISBURG, PA 17110-9797

November 5, 2007

ORIGINAL

Mr. Kenneth F. Litfin
Hatch Acres Corporation
100 Sylvan Parkway
Amherst, NY 14228-1146

COPY

In re: PNDI Large Project Search
Dominion Transmission, Inc. Storage Factory Project
Lawrence, Farmington, Tioga, Westfield & Clymer Townships, Tioga
County, PA

Dear Mr. Litfin:

This is in response to your letter dated September 10, 2007 regarding the potential impacts of the proposed Storage Factory Project on special concern species of birds or mammals and State Game Lands.

Our office review has determined that the pipeline upgrades associated with the Sabinsville portion of your project (Clymer and Westfield Townships) should not cause any adverse impacts to any special concern species of birds or mammals recognized by the Pennsylvania Game Commission, or State Game Lands.

However, please be advised that our office and field reviews have determined that the remainder of your project, particularly in the areas of Cowanesque and Hammond Lakes, is located near a number of known osprey (*Pandion haliaetus*) and bald eagle (*Haliaeetus leucocephalus*) nest sites. As you may already be aware, both the osprey and bald eagle are listed as threatened species in Pennsylvania.

Although both ospreys and bald eagles will tend to utilize the same nest sites year after year, there is a potential for breeding pairs to abandoned established nest sites in favor of alternative locations nearby. In addition, Pennsylvania's osprey and bald eagle populations are growing, and there is an increasing potential for new breeding pairs to establish additional nest sites around Cowanesque and Hammond Lakes in the coming years. Since the construction of this project may still be years away, it will not be possible at this time to provide conclusive comments on the project's potential impact on these species. As a result, the Commission is requesting that we be given the opportunity to conduct osprey and bald eagle nesting surveys between February and July of the year prior to the calendar year that you anticipate commencing construction of the gas storage and brine processing facilities (including their associated

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pipelines). These pre-construction nesting surveys can then be used by the Commission to make a final determination as to the potential for adverse impacts to these species as a result of this project, and provide final comments concerning the measures that may be necessary to avoid or minimize those adverse impacts. Once a tentative construction schedule is identified for this project, please contact this office as soon as possible to ensure that the surveys can be completed in time to meet your anticipated schedule.

In order to reduce the potential for construction delays or last minute modifications to the plans as a result of new osprey or bald eagle nest sites being identified during the pre-construction nesting surveys, the Commission is recommending the following modifications to the current plans:

- develop alternative sources of water for the brine treatment operation to eliminate the need for an intake or pump house on Cowanesque or Hammond Lake;
- if a withdraw from Cowanesque Lake will be required, relocate the pump house proposed in the Baldwin Creek inlet as far south of the lake as possible;
- design the pump house in such a way that noises produced during the pumping operation are kept as close as possible to the existing ambient noise levels in that area.

If it is concluded that a water withdraw from either Cowanesque or Hammond Lake will be required for this project, please provide a report to this office detailing the expected frequency, duration, and volume of that withdraw. In order to consider the potential impact of the withdraw on the ospreys and bald eagles, the report should also include an analysis of how that withdraw will affect the typical water surface elevations of the lake throughout the year.

A review of SoilMap (www.soilmap.psu.edu) indicates that a number of areas of hydric soil are located in the area of the proposed brine pipelines in Farmington and Tioga Townships and along the right of way of the existing Sabinsville pipeline in Clymer Township. The presence of hydric soil suggests that wetlands may also be located in these areas. Furthermore, it is our understanding that a number of wetlands have been identified within the project boundaries, and that some of these wetlands may be impacted by the project as it is currently proposed. Please provide a copy of the wetland delineation report and more detailed plans so that a more comprehensive review of the proposed impacts to the wetlands and their associated wildlife habitat can be completed.

This determination may be reconsidered if project plans change or extend beyond the present study area, or if additional information becomes available on state-listed species, or State

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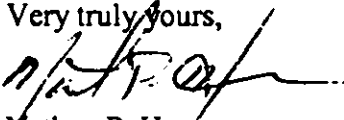
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Game Lands. Please be advised that this determination is valid for one year from the date of this letter. As a result, the Commission is recommending that you submit annual requests to this office for updated comments concerning your proposed project and any new osprey or bald eagle nest sites, as well as any other new occurrences of special concern species of birds or mammals that may be identified in this area.

If you have any questions, please feel free to contact me at (717) 783-1728.

Very truly yours,



Nathan P. Havens
Division of Environmental
Planning and Habitat Protection
Bureau of Wildlife Habitat Management

NPH/nph

cc: Tom Pluto, U.S. Army Corps of Engineers
Marty Friday, Department of Environmental Protection
David Hanobic, Federal Energy Regulatory Commission
Mixon
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