

## IV

### AGENCY CORRESPONDENCE

- A. *USACE JD – June 30, 2014*
- B. *USACE NW12 Request Received – June 17, 2014*
- C. *ODNR Natural Heritage Database – March 7, 2014*
- D. *USFWS T&E Species – February 26, 2014*
- E. *OEPA Pre-application Meeting – May 12, 2014*



luliucci, Danielle &lt;diuliucci@gfnet.com&gt;

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**RE: Pre-Application call follow-up (UNCLASSIFIED)**

1 message

**Bintrim, Tyler J LRP** <tyler.j.bintrim@usace.army.mil>

Mon, Jun 30, 2014 at 1:33 PM

To: "Corder, Margaret" &lt;Maggie.Corder@epa.ohio.gov&gt;, Cyrille Whitson &lt;cwhitson@gfnet.com&gt;, "luliucci, Danielle" &lt;diuliucci@gfnet.com&gt;

Classification: UNCLASSIFIED

Caveats: NONE

Maggie and Danielle,

With reference to the Buckeye Compressor station project I would be a little hesitant using an ILF as the mitigation plan just in case the ILF doesn't get up and running during the timeframe you're thinking it will. The Nature Conservancy has not been approved yet. As for a Jurisdictional Determination the Corps will be utilizing a Preliminary JD and assuming jurisdiction over all aquatic resources delineated. We will not be issuing a formal JD letter. Please let me know if this statement does not suffice for a JD.

Thanks,

Tyler J. Bintrim  
Regulatory Project Manager  
U.S. Army Corps of Engineers Pittsburgh District  
Federal Building, 20th Floor  
1000 Liberty Avenue  
Pittsburgh, PA 15222

[www.lrp.usace.army.mil](http://www.lrp.usace.army.mil)

P: 412-395-7115

-----Original Message-----

From: Corder, Margaret [mailto:[Maggie.Corder@epa.ohio.gov](mailto:Maggie.Corder@epa.ohio.gov)]

Sent: Wednesday, June 25, 2014 12:26 PM

To: Cyrille Whitson; luliucci, Danielle

Cc: Bintrim, Tyler J LRP

Subject: [EXTERNAL] Pre-Application call follow-up

Cy and Danielle,

TNC In-Lieu Fee Contact

Devin Schenk ([dschenk@TNC.ORG](mailto:dschenk@TNC.ORG)) at The Nature Conservancy has been addressing questions concerning In-Lieu Fee programming.



DEPARTMENT OF THE ARMY  
PITTSBURGH DISTRICT, CORPS OF ENGINEERS  
WILLIAM S. MOORHEAD FEDERAL BUILDING  
1000 LIBERTY AVENUE  
PITTSBURGH, PA 15222-4186

June 17, 2014

Jillian Arnold  
Gannett Fleming, Inc.  
207 Senate Avenue  
Camp Hill, Pennsylvania 17011  
[jarnold@gfnet.com](mailto:jarnold@gfnet.com)

Dewey Chalos  
Mountain Gathering, LLC  
810 Houston Street  
Fort Worth, Texas 76102  
[Dewey\\_Chalos@xtoenergy.com](mailto:Dewey_Chalos@xtoenergy.com)

**Tyler Bintrim, Regulatory Specialist**

We received your request on June 16, 2014 and your project, Mountain Gathering, LLC, Buckeye Compressor Station to Monroe North Meter Site Natural Gas Pipeline, Route 2, York & Switzerland Twps., Belmont and Monroe Counties, Ohio, has been assigned to **Tyler Bintrim** on the date of this letter. **Ty** can be contacted at (412) 395-7115 or via e-mail at:

[Tyler.J.Bintrim@usace.army.mil](mailto:Tyler.J.Bintrim@usace.army.mil)

Your Corps of Engineers **File Number is 2014-459**. Please contact **Ty** with any questions and reference this file number in all correspondence with our office concerning this site.

Sincerely,

**/signed/**

Nancy Mullen  
Chief, North Section, Regulatory Branch  
Pittsburgh District USACE



# Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

**Office of Real Estate**  
Paul R. Baldrige, Chief  
2045 Morse Road – Bldg. E-2  
Columbus, OH 43229  
Phone: (614) 265-6649  
Fax: (614) 267-4764

March 7, 2014

Jillian Arnold  
Gannett Fleming Inc.  
207 Senate Avenue  
Camp Hill, Pennsylvania 17011

**Re:** 14-090; Mountain Gathering, LLC - Buckeye Compressor Station to Monroe North Meter

**Project:** The project involves the construction of a 16-inch underground pipeline between the proposed Buckeye Compressor Station and existing Monroe North Meter Site within a 70-foot wide right-of-way.

**Location:** The project is located in York and Switzerland Townships, Belmont and Monroe Counties, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

**Fish and Wildlife:** The Division of Wildlife (DOW) has the following comments.

The DOW recommends that impacts to wetlands and other water resources be avoided and minimized to the fullest extent possible, and that best management practices be utilized to minimize erosion and sedimentation.

The project is within the range of the Indiana bat (*Myotis sodalis*), a state and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees: Shagbark hickory (*Carya ovata*), Shellbark hickory (*Carya laciniosa*), Bitternut hickory (*Carya cordiformis*), Black ash (*Fraxinus nigra*), Green ash (*Fraxinus pennsylvanica*), White ash (*Fraxinus americana*), Shingle oak (*Quercus imbricaria*), Northern red oak (*Quercus rubra*), Slippery elm (*Ulmus rubra*), American elm (*Ulmus americana*), Eastern cottonwood (*Populus deltoides*), Silver maple (*Acer saccharinum*), Sassafras (*Sassafras albidum*), Post oak (*Quercus stellata*), and White oak (*Quercus alba*). Indiana bat habitat consists of suitable trees that include dead and dying trees with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. If suitable trees occur within the project area, these

trees should be conserved. If suitable habitat occurs on the project area and trees must be cut, cutting must occur between October 1 and March 31. If suitable trees must be cut during the summer months, a net survey must be conducted between June 15 and July 31, prior to cutting. Net surveys shall incorporate either two net sites per square kilometer of project area with each net site containing a minimum of two nets used for two consecutive nights, or one net site per kilometer of stream within the project limits with each net site containing a minimum of two nets used for two consecutive nights. If no tree removal is proposed, the project is not likely to impact this species.

The project is within the range of the eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*), a state endangered species and a federal species of concern. This long-lived, entirely aquatic salamander inhabits perennial streams with large flat rocks. In-water work in hellbender streams can reduce availability of large cover rocks and can destroy hellbender nests and/or kill adults and juveniles. The contribution of additional sediment to hellbender streams can smother large cover rocks and gravel/cobble substrate (used by juveniles), making them unsuitable for refuge and nesting. Projects that contribute to altered flow regimes (e.g., by increasing areas of impervious surfaces or modifying the floodplain) can also adversely affect hellbender habitat. Due to the location, and that there is no in-water work planned in a perennial stream of sufficient size, this project is not likely to impact this species.

The project is within the range of the black bear (*Ursus americanus*), a state endangered species, and the bobcat (*Lynx rufus*), a state threatened species. Due to the mobility of these species, this project is not likely to impact these species.

The ODNR Natural Heritage Database has no records for rare or endangered species at this project site. We are unaware of any unique ecological sites, geologic features, animal assemblages, scenic rivers, state wildlife areas, nature preserves, parks or forests, national wildlife refuges or other protected natural areas within the project area. Our inventory program does not provide a complete survey of Ohio wildlife, and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area.

Due to the potential of impacts to federally listed species, as well as to state listed species, we recommend that this project be coordinated with the US Fish & Wildlife Service.

ODNR appreciates the opportunity to provide these comments. Please contact John Kessler at (614) 265-6621 if you have questions about these comments or need additional information.

John Kessler  
ODNR Office of Real Estate  
2045 Morse Road, Building E-2  
Columbus, Ohio 43229-6693  
John.Kessler@dnr.state.oh.us

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## Buckeye Compressor Station to Monroe North Meter Site (Discharge Alternate)

1 message

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Ohio, FW3 <ohio@fws.gov>  
To: Jillian Arnold <jarnold@gfnet.com>

Wed, Feb 26, 2014 at 1:44 PM

03E15000-2014-TA-0792

Dear Ms. Arnold,

We have received your recent correspondence requesting information about the subject proposal. There are no Federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. The following comments and recommendations will assist you in fulfilling the requirements for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA).

The Service recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat (e.g., forests, streams, wetlands). Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the Corps of Engineers should be contacted to determine whether a Clean Water Act section 404 permit is required. Best management practices should be used to minimize erosion, especially on slopes. All disturbed areas should be mulched and revegetated with native plant species. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

**ENDANGERED SPECIES COMMENTS:** All projects in the State of Ohio lie within the range of the northern long-eared bat (*Myotis septentrionalis*), a species that is currently proposed for listing as federally endangered. Recently white-nose syndrome (WNS), a novel fungal pathogen, has caused serious declines in the northern long-eared bat population in the northeastern U.S. WNS has also been documented in Ohio, but the full extent of the impacts from WNS in Ohio are not yet known.

During winter, northern long-eared bats hibernate in caves and abandoned mines. Summer habitat requirements for the species are not well defined but the following are considered important:

- (1) Roosting habitat in dead or live trees and snags with cavities, peeling or exfoliating bark, split tree trunk and/or branches, which may be used as maternity roost areas;
- (2) Foraging habitat in upland and lowland woodlots and tree lined corridors;
- (3) Occasionally they may roost in structures like barns and sheds.

The proposed project is in the vicinity of one or more confirmed records of

northern long-eared bats. Should habitat exhibiting the characteristics described above be present at the proposed project site, we recommend that they, as well as surrounding trees, be saved wherever possible. Because the project will result in a small amount of forest clearing relative to the available habitat in the immediately surrounding area, habitat removal is unlikely to result in significant impacts to this species. However, because northern long-eared bat presence in the vicinity of the project has been confirmed, clearing of trees during the summer roosting season may result in direct take of individuals. Therefore, we recommend that any unavoidable tree clearing at the site occur only from October 1 through March 31. Following these seasonal tree clearing restrictions should ensure that any effects to northern long-eared bats are insignificant or discountable. Please note that, because northern long-eared bat presence has already been confirmed in the project vicinity, any additional surveys would not constitute presence/absence surveys.

All projects in the State of Ohio lie within the range of the Indiana bat (*Myotis sodalis*), a federally listed endangered species. Since first listed as endangered in 1967, their population has declined by nearly 60%. Several factors have contributed to the decline of the Indiana bat, including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forested habitat, particularly stands of large, mature trees. Fragmentation of forest habitat may also contribute to declines. During winter, Indiana bats hibernate in caves and abandoned mines. Summer habitat requirements for the species are not well defined but the following are considered important:

- (1) dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas;
- (2) live trees (such as shagbark hickory and oaks) which have exfoliating bark;
- (3) stream corridors, riparian areas, and upland woodlots which provide forage sites.

Should habitat exhibiting the characteristics described above be present at the proposed project site, we recommend that they, as well as surrounding trees, be saved wherever possible. However, if these trees cannot be avoided, they should only be cut between October 1 and March 31.

If there is a Federal nexus for the project (e.g., Federal funding provided, Federal permits required to construct), no tree clearing on any portion of the parcel should occur until consultation under section 7 of the ESA, between the Service and the Federal action agency, is completed. We recommend that the Federal action agency submit a determination of effects to this office, relative to the Indiana bat, for our review and concurrence.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, proposed, or candidate species. Should the project design change, or during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the Service should be initiated to assess any potential impacts.

These comments have been prepared under the authority of the Fish and Wildlife

Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (ESA), as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U. S. Fish and Wildlife Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document.

Sincerely,

A handwritten signature in blue ink that reads "Mary Knapp". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Mary Knapp, PhD.  
Field Supervisor



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

May 12, 2014

Jillian Arnold  
Gannett Flemming Inc.  
207 Senate Avenue, Camp Hill, PA 17011

Re: Belmont / Township / City  
Kaseta Pipeline/Buckeye Compressor Station Discharge Natural Gas Pipeline  
Pre-Application Meeting Follow-Up Letter  
Ohio EPA ID No. 144403

Dear Ms. Arnold:

Thank you for meeting with Ohio EPA on Wednesday, February 26, 2014 to discuss the Buckeye Compressor Station Discharge Natural Gas Pipeline and Kaseta Pipeline projects. The projects are located in York Township in Belmont County and Switzerland Township in Monroe County

During the pre-application meeting at the project site the applicant described the project, which includes the construction of pipeline that would result in several stream and wetland crossings. Meeting attendees also:

1. Reviewed the project layout and water resources located on the site;
2. Reviewed the application process and requirements including avoidance and minimization, alternatives analysis, processing timeframes, and the importance of submitting a complete application;
3. Conducted a site walk;
4. Discussed the location and impacts to water resources and their buffers on-site; and
5. Discussed water resource assessments including ORAM and HHEI and reviewed assessment scores.

While total proposed impacts to surface waters was not discussed during the pre-application meeting, one stream that was scored as Class III primary headwater habitat (PHWH) in the delineation report submitted to Ohio EPA was proposed to be open cut. Typically, streams classified as Class III PHWH meet the criteria of Coldwater Habitat (CWH) streams and would be regulated as streams having an existing use of CWH. Ohio EPA discussed this topic with you at the site visit and recommended you perform biological sampling to verify that existing use. If the stream does support CWH, and the applicant applies for a Nationwide Permit (NWP) from the Army Corps of Engineers, impacts to CWH streams associated with the NWP will require an individual 401 Water Quality Certification (special condition 3.a. in the 401 WQC for NWP 12) . In instances where proposed impacts minimally exceed the thresholds of the NWP a Director's

Authorization may be requested to surpass these limit restrictions without the requirement of an individual 401 Water Quality Certification (general condition D.5. in the 401 WQC for the NWP's). To qualify for consideration, the applicant must provide to Ohio EPA the following information:

1. A copy of the pre-construction notification submitted to the Army Corps of Engineers including all attachments; i.e.: a copy of the nationwide permit application;
2. A copy of the provisional nationwide permit issued by the Army Corps of Engineers including all attachments and special conditions, if any;
3. A detailed description of the proposed mitigation or a copy of the mitigation plan as approved by the Army Corps of Engineers;
4. A rationale of how the applicant believes the project will minimally impact water quality; and
5. Any other documentation as may be required under this certification; i.e.: Corps' Memorandum For Record.

If you wish to proceed and it has been determined that your project will require a Section 401 Water Quality Certification, please submit the following information:

1. A complete 401 Water Quality Certification application form [http://www.epa.state.oh.us/Portals/35/401/401appl\\_fis.pdf](http://www.epa.state.oh.us/Portals/35/401/401appl_fis.pdf) ;
2. A copy of the United States Army Corps of Engineers' jurisdictional determination letter. If no jurisdictional determination is to be issued by the Corps, the public notice or notification that the project is authorized under a general permit will fulfill this requirement;
3. A specific and detailed mitigation proposal, including the location and proposed legal mechanism for protecting the property in perpetuity;
4. Applicable permit fees;
5. Site photographs;
6. Adequate documentation confirming that the applicant has requested comments from the Ohio Department of Natural Resources and the United States Fish & Wildlife Service regarding threatened and endangered species, including the presence or absence of critical habitat;
7. Descriptions, schematics, and appropriate economic information of the applicant's preferred alternative, non-degradation alternatives and minimal degradation alternatives for design and operation of the activity;
8. The applicant's investigation report of the waters of the United States in support of the 404 permit application. If no investigation report is required by the Corps, the public notice or notification that the project is to be authorized under a general permit will fulfill this requirement; and
9. A copy of the United States Army Corps of Engineers' public notice regarding the 404 permit application. If no public notice is to be issued by the Corps, notification that the project is authorized under a general permit will fulfill this requirement.

Upon further review of the proposed Captina Creek stream crossing associated with the Kaseta pipeline it has been determined that there are reclaimed surface mines on the northeast side of the stream. The applicant has indicated that horizontal directional drilling would be utilized to install the pipeline at the Captina Crossing. Horizontal directional drilling underneath of water features in areas that have previously been surface mined has been associated with inadvertent returns of bentonite slurry. Ohio EPA recommends that an emergency response plan be prepared for the possible release of bentonite slurry during the horizontal directional drilling beneath Captina Creek. I have included the Hellbender Pollution Contingency Plan for incorporation into the emergency response plan.

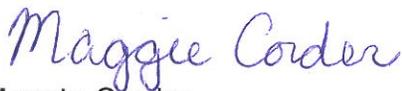
Captina Creek is a designated Exceptional Warmwater Habitat (EWH) stream. The entire length of Captina Creek is considered potential Eastern hellbender habitat. The Eastern hellbender is a state endangered species that is currently being evaluated for Federal Candidate status. Ohio EPA recommends that activities proposed with the construction of the Kasetta Pipeline should be developed to minimize indirect stream impacts (e.g. preserve wide riparian buffers; maximize permeable surfaces and storm-water retention).

For future projects that include utilizing horizontal directional drilling please refer to the Ohio Department of Natural Resources, Division of Mineral Resources' Mine Locator tool located at the following link: <http://minerals.ohiodnr.gov/abandoned-mine-land-reclamation/mine-locators> . Information pertaining to areas previously affected by surface and underground mine activities can be found at this site.

You may find a copy of Ohio EPA's rules and laws online: <http://www.epa.ohio.gov/dsw/rules/index.aspx>. Information regarding Ohio's Section 401 Program is also available online: <http://www.epa.ohio.gov/dsw/401/index.aspx>.

If you have any questions or concerns regarding these comments, please contact me at 614-644-2007, or via e-mail at [Maggie.corder@epa.ohio.gov](mailto:Maggie.corder@epa.ohio.gov).

Sincerely,



Maggie Corder  
Application Coordinator  
401WQC/IWP/Mitigation Section

ec: Nicole Marisavljevic, Department of the Army, Pittsburgh District, Corps of Engineers  
Aaron Wolfe, Ohio EPA, South East District Office, Division of Surface Water, Stormwater Coordinator  
Kimberly Brewster, Captina Creek Watershed Coordinator