

Docket No. CP17-28-000

OEP/DG2E/Gas 4

2017 Expansion Project

Eastern Shore Response to

Chester County Water Resources Authority Comments dated June 9, 2017

1. CCWRA strongly supports all comments submitted by the Chester County Planning Commission (CCPC) (letter dated June 7, 2017) and requests all CCPC comments be addressed prior to approval by FERC.

Response: Eastern Shore submitted responses to the CCPC comments on June 16, 2017 (Accession No. 20170616-5198).

2. FEMA has updated the flood zone delineations in portions of Chester County, PA and the new final mapping will go into effect September 29, 2017. Five municipalities (Franklin, Highland, Londonderry, Penn, and West Sadsbury Townships) will be receiving revised flood zone delineations. CCWRA requests that these pending FEMA maps, or if more conservative, the current floodplain mapping be used to assess the environmental effect of the 2017 Expansion Project. These pending maps and the GIS layer are available from FEMA's Map Service Center website and are considered final, soon to be effective.

Response: Eastern Shore reviewed the pending FEMA maps and compared these maps to the current floodplain mapping. In the vicinity of the Project, the limits of the 100-year floodplain appeared to be identical between the current floodplain mapping and the pending FEMA maps. As detailed in the EA (page 31), Eastern Shore will account for potential issues in its design and installation of facilities located within the 100-year floodplain. Eastern Shore will cross waterbodies in accordance with FERC's *Wetland and Waterbody Construction and Mitigation Procedures* and work within the 100-year floodplain would take place during periods when significant precipitation is not forecasted.

3. All construction and staging area activities should be conducted to minimize any water quality impacts:
 - a. Pipeline staging and construction will occur in the Octoraro Creek and Big Elk Creek (Chesapeake Bay Basin), and the Brandywine Creek and White Clay Creek (Delaware River Basin). These watersheds have TMDLs in effect.

The tributaries of the Octoraro Creek are declared by PADEP as impaired for siltation, with the main stem also impaired for nutrients.

The tributaries of the East Branch of the Big Elk Creek are High Quality – Trout Stocking and PADEP had declared them impaired for siltation and habitat alteration.

PADEP has declared the West Branch White Clay Creek impaired for nutrients and siltation and the Christina Basin TMDL applies with municipal wasteload reduction requirements in effect.

Response: Eastern Shore will follow FERC's *Wetland and Waterbody Construction and Mitigation Procedures* and all Erosion & Sediment Control Plans reviewed and approved by the Chester County Conservation District under the Erosion and Sediment Control General Permit (ESCGP-2). The watersheds impacted during construction are identified within the materials

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submitted to the Chester County Conservation District and the proposed construction practices are consistent with the requirements for protecting high quality watershed streams.

4. CCWRA strongly supports FERC's requirement that Eastern Shore complete their consultation with the National Park Service and the U.S. Army Corps of Engineers before finalizing the construction and restoration plan for the crossing of the tributaries of White Clay Creek since it is designated a Wild and Scenic River. CCWRA requests that the result of this "consultation" allow NPS's comments on the final plan to strongly influence and guide the Jennersville Loop project to ensure the intent of the designation of the Wild and Scenic River is met.

Response: Eastern Shore began consultation with the National Park Service during the pre-filing process under Docket No. PF16-7-00 and has continued that consultation in Docket No. CP17-28-000. The U.S. Army Corps of Engineers will coordinate with the National Park Service as part of the Section 404 permitting process, which is currently ongoing.

5. CCWRA strongly supports additional short term and long term protective measures for the project areas involving steep slopes and in areas where the potential for erosion is a concern. The watersheds have impaired streams and TMDLs are in effect for sediment and nutrients.

Response: Slope protection and erosion control are provided in the documents submitted to the Chester County Conservation District for review and approval under the Erosion and Sediment Control General Permit (ESCGP-2).

6. CCWRA strongly supports the measures outlined that Eastern Shore will perform pre- and post-well yield and water quality testing for potable water wells within 150 feet of the construction area. However this monitoring distance should be significantly expanded if blasting will occur.

Response: Eastern Shore does not anticipate the need for any blasting activities and will follow FERC's Plan and Procedures to minimize potential impacts on groundwater resources. If blasting becomes necessary, Eastern Shore will prepare a Blasting Plan and expand monitoring of wells.

7. CCWRA strongly supports additional short term and long term protective measures for the project areas affecting wetlands. There are approximately 26 wetlands that will be affected in Chester County. Construction in and around a wetland will more than likely result in long term negative effects, particularly with regard to a reduction in infiltration rates and an increase in local flooding.

- a. Please provide more details on how the wetland will be restored if trenching and soil compaction occurred, and if the restoration of the wetland infiltration capacity is not possible, explain what the required mitigation measures will be.
- b. CCWRA strongly recommends that construction work in and near the wetlands should only be conducted when site conditions are most favorable to reduce the negative impacts.

Response: Eastern Shore is coordinating with the Pennsylvania Department of Environmental Protection (PA DEP) pursuant to Pennsylvania Code, Title 25, Chapter 105 (Dam Safety and Waterways Management), and the U.S. Army Corps of Engineers Section

404 permitting process regarding impacts to wetlands. Where feasible, the limit of disturbance (LOD) was adjusted to avoid impacts to wetlands. In areas where wetlands could not be avoided, Eastern Shore minimized impacts to wetlands by reducing the width of the construction workspace within wetlands. Impacts to wetlands will be further minimized by adhering to FERC's *Wetland and Waterbody Construction and Mitigation Procedures* for wetland and stream crossings. After construction, contours will be restored to their preconstruction elevations and revegetated. Except between HDD entry and exit points, mowing to maintain the vegetation in an herbaceous state is only proposed within a 10-foot corridor centered above the pipeline. This 10-foot corridor is maintained to facilitate leak prevention surveys, which are crucial for the continued maintenance and operation of the pipeline. Wetlands will be allowed to naturally revegetate outside of this mowing corridor. Furthermore, the construction and site restoration practices proposed in wetland areas are specified in the construction plans and documents provided to the Chester County Conservation District for review and approval under the Erosion and Sediment Control General Permit (ESCGP-2). The draft construction plans were provided to the Chester County Planning Commission. Through previous correspondence, Eastern Shore has agreed to provide the final construction plans to the Planning Commission prior to starting construction.

8. Please provide more details regarding the re-vegetation of disturbed areas and the efforts to control noxious weeds (Section 3.1 Vegetation, Page 67). There is no mention of the time period in which the noxious weeds and exotic plant species must be monitored and controlled. To maintain productive agricultural lands, diverse habitats and improve water quality in impaired watersheds, disturbed areas should be monitored and maintained for at least one growing season beyond the time of disturbance.

Response: Eastern Shore's prepared Post Construction Stormwater Management / Site Restoration Narratives for each of the Chester County loops and submitted them to the Chester County Conservation District for review and approval under the Erosion and Sediment Control General Permit (ESCGP-2). These documents specify inspections for successful revegetation of all disturbed areas after the first and second growing seasons. The procedures for these inspections includes looking for invasive species and noxious weeds.

9. Please provide the number and location of all sub-surface wastewater (e.g. onlot septic systems) and stormwater (e.g. residential surface and subsurface best management practices) within at least fifty feet of the proposed project areas and ensure that all these features are protected from disturbance, or if disturbance cannot be avoided, describe what measures are to be taken to be sure they are restored or replaced with equal function features.

Response: Eastern Shore has identified septic systems through landowner discussions and workspace negotiations and has revised the construction workspace in many locations to avoid these areas. Final construction plans will clearly show these areas and will be provided to the Chester County Planning Commission prior to the start of construction.

10. Tree removal should be avoided in every place possible to minimize increased flooding, terrestrial and instream erosion and sedimentation, loss of nutrient pollutant removal, stream bank erosion, and thermal stream pollution. If mature trees are replaced with shrubs and vegetation allowed to

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attain its natural height, additional post-construction stormwater runoff controls will be needed to compensate for the loss of critical runoff reduction that existing tree canopies currently provide in these TMDL watersheds. This is especially critical where tree removal will occur within the 100 foot riparian buffer on each side of a waterbody, including wetlands or where a canopy has been removed from steep slopes.

Response: Eastern Shore's standard practice is to leave trees and other vegetation in its natural state where feasible. Eastern Shore will follow measures specified in the Erosion & Sediment Control Plans reviewed and approved by the Chester County Conservation District and FERC's *Wetland and Waterbody Construction and Mitigation Procedures* with regard to riparian buffers.

11. CCWRA strongly supports the ongoing consultation with Natural Resources Conservation Service regarding conservation easements along the project area, until concurrence is achieved.

Response: Eastern Shore is continuing consultation with the Natural Resources Conservation Service regarding conservation easements.

12. CCWRA strongly supports the ongoing consultation with Pennsylvania Fish and Boat Commission regarding the bog turtles, until concurrence is achieved.

Response: Eastern Shore is continuing consultation with the Pennsylvania Fish and Boat Commission and other regulatory agencies as noted in Comment No. 4.

13. CCWRA strongly supports the ongoing consultation with the U.S. Fish and Wildlife Services Pennsylvania Field Office, until concurrence is achieved.

Response: Eastern Shore is continuing consultation with the U.S. Fish and Wildlife Services Pennsylvania Field Office as noted in Comment No. 4.

14. CCWRA supports FERC's recommendation that Eastern Shore file with the Secretary its Migratory Bird Conservation plan along with consultation with the USFWS on the plan.

Response: Eastern Shore submitted its Migratory Bird Conservation Plan to the record on May 25, 2017 (Accession Number: 20170525-5229).

15. CCWRA supports FERC's recommendation that Eastern Shore shall not begin construction activities on the Project until the FERC staff completes ESA 7 consultation with the USFWS regarding the bog turtle; and Eastern Shore has received written notification from the Director of the OEP that construction or use of mitigation may begin.

Response: Eastern Shore is continuing consultation with the USFWS regarding the bog turtle.

16. CCWRA supports FERC's recommendation that Eastern Shore must develop and implement an environmental complaint resolution procedure.

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Response: Eastern Shore will implement an environmental complaint resolution procedure and, prior to construction of the Project, Eastern Shore will mail a letter including the complaint procedures to each affected landowner.

17. CCWRA supports FERC's recommendation that Eastern Shore must develop, for review and approval, a Fugitive Dust Control Plan.

Response: Eastern Shore filed a Fugitive Dust Control Plan specifying the precautions that Eastern Shore will take to minimize fugitive dust emissions generated by construction activities. See Resource Report No. 9, Appendix 9-E. As described in that Plan, Eastern Shore will take measures to minimize fugitive dust and airborne debris from the construction activity near residences, at road crossings, and in other areas where dust and debris could pose a threat to health or property.