In Reply Refer To:
2013-I-0179

Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Re: Review of the notice of intent to prepare an environmental Assessment (EA) for the planned East Side Expansion Project by Columbia Gas Transmission, LLC (Columbia) in Gloucester County, New Jersey

Dear Secretary Bose:

The U.S. Fish and Wildlife Service (Service), New Jersey Field Office (NJFO) has reviewed your June 6, 2013 notice of intent to prepare an environmental assessment (EA) for the planned East Side Expansion Project in Chester County, Pennsylvania (Line 1278 Loop) and Gloucester County, New Jersey (Line 10345 Loop). The Service’s Pennsylvania Field Office will be providing additional comments under separate cover for project impacts that may occur in their geographic jurisdiction.

The proposed project involves “looping” approximately 7.45 miles of an existing pipeline. Columbia Gas Transmission, LLC (Columbia), proposes to install new 20-inch-diameter pipe parallel to an existing pipeline, and where feasible, along existing rights-of-way (ROW), to increase system capacity. Columbia also anticipates the installation of one mainline valve on this pipeline loop.

AUTHORITY


FEDERALLY LISTED SPECIES

Bog Turtle

The Service notes that the proposed pipeline in Gloucester County crosses wetlands that may provide potential habitat for the federally listed (threatened) bog turtle (Clemmys mühlenbergii).
Bog turtles inhabit open, unpolluted emergent and scrub/shrub wetlands such as shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures. These habitats are characterized by soft muddy bottoms, interspersed wet and dry pockets, vegetation dominated by low grasses and sedges, and a low volume of standing or slow-moving water that often forms a network of shallow pools and rivulets (Bourg 1992). Bog turtles prefer areas with ample sunlight, high evaporation rates, high humidity in the near-ground microclimate, and perennial saturation of portions of the ground. Threats to bog turtles include habitat loss from wetland alteration, development, pollution, natural vegetation succession, and illegal collection for the commercial pet trade (Bourg 1992). If present, the bog turtle could be adversely affected by wetland alteration and changes in hydrology.

In an e-mail dated April 19, 2013 to Tony DiLella (AK Environmental, LLC), the NJFO requested Phase 1-habitat surveys for the bog turtle in eight separate wetlands. The Phase 1-habitat surveys were completed and identified potential bog turtle habitat along the proposed pipeline route. Phase 2 surveys are in progress for documenting presence or probable absence of the bog turtle. After completion of Phase 2 surveys, results should be forwarded to the NJFO for review.

Swamp Pink

A historical occurrence of the federally listed (threatened) swamp pink (*Helonias bullata*) is approximately 2 miles from proposed pipeline project. Swamp pink is an obligate wetland species that occurs in a variety of palustrine forested wetlands in New Jersey, including forested wetlands bordering meandering streamlets, headwater wetlands, Atlantic white-cedar (*Chamaecyparis thyoides*) swamps, and spring seepage areas. The primary threats to swamp pink are the indirect effects of off-site activities and development, such as pollution, introduction of invasive species, and subtle changes in groundwater and surface water hydrology. Other threats to this species include direct destruction of habitat from wetland clearing, draining, and filling.

Available mapping shows forested wetland habitat along portions of the proposed project. If present, swamp pink could be adversely affected by subtle changes in surface water hydrology and sedimentation. Thus, the Service requests a swamp pink survey by a qualified biologist of any suitable palustrine forested wetland habitat along the proposed pipeline ROW. Guidance for performing swamp pink surveys was sent in a letter to Tony DiLella dated May 9, 2013. Results of the survey must be forwarded to this office for review. Please include the survey method used and the qualifications of the surveyor along with project specifications and details.

Sensitive Joint-vetch

One historical occurrence of the federally listed (threatened) sensitive joint-vetch (*Aeschynomene virginica*) is located along the proposed pipeline. Sensitive joint-vetch inhabits the intertidal zone of freshwater tidal river segments, typically in areas where sediments accumulate and extensive marshes are formed. These habitats are flooded twice daily by tidal action, and occur only along stretches of river close enough to the coast to be influenced by the tides, yet far enough upstream that river water is fresh or slightly brackish. Bare or sparsely vegetated substrate appears to be a habitat requirement for this species, which usually grows on river banks within 2 meters (6.6 feet) of the low water mark. The plant can also occur on accreting point bars and in sparsely
vegetated microhabitats of freshwater tidal marsh interiors, such as low swales and areas of muskrat (Ondatra zibethicus) eat-out. This species is typically found in areas where plant diversity is high and annual species are prevalent. Threats to the sensitive joint-vetch include: dredging and filling of marshes, dam construction, shoreline stabilization, commercial and residential development, sedimentation, impoundments, water withdrawal projects, invasive plants, introduced insect pests, pollution, recreational activities, agricultural activities, mining, timber harvest, and salt water intrusion due to sea level rise.

The NJFO requests that a qualified botanist conduct a survey for sensitive joint-vetch. The survey should occur within intertidal zones that experience daily tidal action (specifically Wetland Id# W116NJ), and when plants are flowering: July through October. The results of the survey, showing presence or absence of sensitive joint-vetch, must be forwarded to this office for review.

OTHER FISH AND WILDLIFE RESOURCES

There are no Federal wilderness areas, wildlife refuges, or designated critical habitat within close proximity of the proposed project area. The State-listed endangered Torrey's Mountain-mint (Pycnanthemum torrei) and the threatened checkered white butterfly (Pontia protodice) may occur within or in the vicinity of the project area. State-listed species are protected under the New Jersey Endangered and Nongame Species Conservation Act (NJENSCA) (N.J.S.A.2 3:2A et seq.), which carries protections under the State Land Use Regulation Program.

A review of the Service’s database indicates that vernal pools, or habitat, as defined in New Jersey’s Freshwater Wetlands Protection Act rules (FWPA rules) (N.J.A.C. 7:7A-1.4) occur on and adjacent to the proposed project area. A vernal pool, is a confined wetland depression, either natural or man-made, that holds water for at least 2 consecutive months out of the year and is devoid of a breeding fish population. Vernal pools can be found in a variety of areas, including: depressions within upland forests, seasonally flooded meadows, and abandoned gravel pits or quarries. However, vernal pools, regardless of their location and structural characteristics, normally dry out completely or draw down to shallow levels that are unsuitable for a breeding fish population. These unique habitats support a variety of species, including State-listed plants and animals, and are especially valuable to amphibians. Vernal pools are protected under FWPA rules (N.J.A.C. 7:7A-4.3(b)(16)). The Service recommends confirming whether or not there are vernal pools located on or adjacent to the proposed project. The Service also recommends coordinating with the New Jersey Division of Fish and Wildlife to protect these unique habitats.

The proposed project may impact the eastern small-footed bat (Myotis leibii), northern long-eared bat (Myotis septentrionalis), and little brown bat (Myotis lucifugus). All three bat species are being reviewed for Federal listing. A proposed listing rule for the eastern small-footed bat and the northern long-eared bat should be published in the Federal Register by September 30, 2013. A proposed listing rule for the little brown bat is anticipated in October or November 2013. If these species are proposed for listing, further coordination with the NJFO is recommended.
MIGRATORY BIRDS

The proposed project may adversely affect migratory birds. Provided below is a list of migratory birds of special concern that may or are known to occur in the vicinity of the proposed project:

Vesper Sparrow (*Pooecetes gramineus*) (endangered)
Grasshopper sparrow (*Ammodramus savannarum*) (threatened)
American kestrel (*Falco sparverius*) (threatened)
Savannah sparrow (*Passerculus sandwichensis*) (threatened)
Brown thrasher (*Toxostoma rufum*) (special concern)
Great blue heron (*Ardea herodias*) (special concern)
Eastern Meadowlark (*Sturnella magna*) (special concern)
Sharp-shinned Hawk (*Accipiter striatus*) (special concern)
Horned Lark (*Eremophila alpestris*) (threatened)

Tree cutting and/or shrub removal can adversely affect migratory birds if conducted during the nesting season. The MBTA prohibits taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. Neither the MBTA nor its implementing regulations at 50 CFR Part 21 provide for permitting of "incidental take" of migratory birds.

According to the New Jersey Division of Fish and Wildlife Guidance Manual for the Protection of Fish and Wildlife Resources dated June 2008, the appropriate timing restriction to protect nesting migratory birds from tree or shrub/scrub removal is March 15 to July 31. While nests without birds or eggs are unprotected under the MBTA, nest destruction that results in the unpermitted take of migratory birds or their eggs and unfledged chicks is illegal. We recommend implementing the aforementioned seasonal restriction to any proposed tree/shrub removal.

For further coordination on matters related to fish and wildlife resources, migratory birds, or federally-listed threatened or endangered species, please contact Jeremy Markuson at (609) 383-3938, extension 45.

Sincerely,

[Signature]

Eric Schrading
Acting Field Supervisor

cc: Pamela Shellenberger – (pamela_shellenberger@fws.gov)
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REFERENCES
