



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
110 Radnor Road, Suite 101
State College, Pennsylvania 16801-4850

April 16, 2021

Scott E. Bush
GHD Services Inc.
410 Eagleview Boulevard, Suite 110
Exton, Pennsylvania 19341

RE: USFWS Project #2021-0210
PNDI Receipt #719029

Dear Mr. Bush:

Thank you for your letter of March 1, 2021, which provided the U.S. Fish and Wildlife Service (Service) with additional information regarding the Stokes Property residential development project, located in Westtown Township, Chester County, Pennsylvania. The proposed project is within the known range of the federally listed, threatened, bog turtle (*Clemmys muhlenbergii*). The project is also within the range of the bald eagle (*Haliaeetus leucocephalus*), as species protected under the Bald and Golden Eagle Protection Act. 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, and the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended; 16 U.S.C. 668-668d) to ensure the protection of eagles.

Keystone Custom Homes propose to construct a residential development on a 66-acre parcel. The project includes 68 single-family structures, roadways, driveways, and associated stormwater management facilities. One existing single-family dwelling occupies one lot; it will remain as Lot #62. Project proponents have designed the housing lots to be laid out in two clusters that will be connected by a roadway. We previously commented on this project by letter dated February 1, 2021.

Bog turtle

To determine the potential effects of the proposed project on bog turtles and their habitat, you (a recognized qualified bog turtle surveyor) conducted a Phase 1 bog turtle habitat assessment on November 25, 2020. According to the report, three wetlands extend to within 300 feet of the proposed limit of disturbance. Following the methods described under "*Bog Turtle Habitat Survey*" (Phase 1 survey) of the *Guidelines for Bog Turtle Surveys* (revised April 2020), you

determined that the wetland referred to as "Wetland 1" has the combination of soils, vegetation, and hydrology typical of habitat occupied by bog turtles. We concur with this habitat determination, and note that, in fact, this habitat is hydrologically connected to occupied bog turtle habitat.

The project site and Wetland 1 are located within a watershed that supports bog turtles. Efforts should be made to avoid any direct or indirect impacts to those wetlands (see *Bog Turtle Conservation Zones*¹). Avoidance of direct and indirect effects means no disturbance to or encroachment into the wetlands (e.g., filling, ditching or draining) for any project-associated features or activities. Adverse effects may also be anticipated to occur when lot lines include portions of the wetland; when an adequate upland buffer is not designated around the wetland (see *Bog Turtle Conservation Zones*); or when roads, stormwater/sedimentation basins, impervious surfaces, or wells affect the hydrology of the wetland.

We note that project proponents have made a concerted effort to locate both clusters of houses away from the occupied bog turtle habitat. In addition, site engineers have incorporated a retaining wall near the sanitary sewer pump station to minimize encroachment into the buffer area surrounding Wetland 1. However, due to the steep slope contours of the site, and the requirement for infiltrative stormwater management, it appears that the storm water management infiltration gallery will extend into the buffer around Wetland 1. Based on the information provided, a minimum of 180 feet of buffered area will be maintained from Wetland 1 near the stormwater management basin. As this buffer is smaller than our recommended 300 feet, we recommend that the project proponents ensure that the sedimentation basin functions properly and is maintained regularly. All other project components are located over 300 feet from Wetland 1 and 50 feet from all watercourses. Therefore, based on this information, and in light of the planned avoidance measures, we conclude that the effects of the proposed project are likely to be insignificant and discountable.

This determination is valid for 2 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.

Bald eagle

As stated in our February 2021, letter bald eagles (*Haliaeetus leucocephalus*) are known to nest in the vicinity of the project area, with one nest being located within 0.5 mile of the project site. Again, we recommend that you evaluate the project type, size, location and layout in light of the *National Bald Eagle Management Guidelines* to determine whether or not 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, as well as additional eagle information, are available at the following link: <http://www.fws.gov/northeast/EcologicalServices/eagle.html>. To assist you in making a decision

¹ A description of the bog turtle conservation zones can be found at https://www.fws.gov/northeast/pafo/pdf/BT_Conservation_Zones.pdf

regarding impacts to bald eagles, a screening form can be found at this website link:
https://www.fws.gov/northeast/pafo/bald_eagle_map.html.

If you have additional questions regarding eagle permits, please contact Thomas Wittig; Service Regional Bald and Golden Eagle Coordinator at 413-253-8577 or Thomas.Wittig@fws.gov.

This response relates only to endangered and threatened species and bald eagles 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.

To avoid potential delays in reviewing your project, please use the above-referenced USFWS project tracking number in any future correspondence regarding this project.

Please contact Jennifer Kagel of my staff at Jennifer.Kagel@fws.gov if you have any questions or require further assistance regarding this matter.

Sincerely,



Sonja Jahrsdoerfer
Project Leader