Tim Sullivan

From: Siani, Jennifer
Sent: Wednesday, April 16, 2014 3:48 PM
To: Tim Sullivan
Subject: Constitution pipeline

Follow Up Flag: Follow up
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Hi Tim,
I reviewed the Draft Upland Forest Management Plan and I have the following general comments. If you have questions, let me know!

1. When discussing smaller habitat blocks on page 8, I recommend finding published findings to support the conclusions drawn. For instance, how do you know that the habitat blocks will be large enough for scarlet tanagers to maintain viable populations?

2. Several Important Bird Areas will be impacted by the pipeline placement yet only one, the Mill Stream IBA, is discussed. It is unclear why this one is highlighted over the others.

3. The document makes many references to the Breeding Bird Atlas for Pennsylvania and New York but I could not find these in the references list. Please provide them. It specifically calls out the 2005 Breeding Bird Atlas on page 9, but the Second Atlas of Breeding Bird Atlas in PA was published in 2013 and the one from NY was published in 2008 Therefore, there may be more current data available than what is being used.

4. It is unclear why a forest block size of 35 acres was chosen. I recognize that the number itself is 10% of 350 acres of forest but what was the basis for choosing 10%? I understand that the 350 acres block size came from Robbins et al.'s study from 1989.

5. While direct effects are discussed, a discussion of indirect effects is lacking. and should receive attention. In addition, the plan states that impacts will be temporary during construction activities, however, since not all of the vegetation clearing occurs during the breeding season, this statement becomes untrue. Destroying nests during this time will result in death for eggs, chicks, and possibly fledglings who cannot escape yet.

6. There is a statement on page 14 that states "...clearing activities are not anticipated to take place within the typical nesting periods....unless otherwise approved by the applicable federal and state regulatory agencies." The Service cannot approve vegetation clearing during the migratory bird breeding season as this could be construed as approval of take of birds, nests, eggs, or parts of these items. The same applies to routine vegetation maintenance.

7. Temporarily disturbed areas will revegetate via natural succession rather than through plantings by Constitution. Is it possible to do plantings of native seed mixes and to perform invasive species control in nearby areas prior to revegetation to enhance the probability of success?

8. The Plan states that active nests will be buffered from construction activities. What is the likelihood that bird nests will be discovered in the project area and the likelihood that Constitution will be able to work around them? Recently, a pipeline had a Canada goose lay eggs in a nest on the pipeline right of way. The Service does not have permits for active nest removal, thus activity had to stop within that area.

9. remove the word "standard" on the third bullet on page 15. To my knowledge, there is no industry standard that says construction workspace within interior forests is 110 feet. That is simply the distance that Constitution is using as a standard for this particular project.

10. Specific seed mixes are being used to promote early successsional species. Please be sure to use seed mixes that are native to Pennsylvania and New York. Also, while consultation with non-governmental organizations is encouraged, please be aware that turkeys are not protected under the Migratory Bird Treaty Act because they are a game bird, and habitat restoration should not be geared toward creating turkey habitat. I also encourage planting tree islands within the early successional habitat to create diversity. Many bird species will use these islands to advertise themselves to potential mates and defend their territory during the breeding season.

11. Under bald eagles, there is no mention of permits. If blasting or other disruptive activities occur, a disturbance permit may be necessary.

12. What was the basis used for the planting densities (i.e.,1210 individual trees per acre within upland forest)?

13. I would encourage pursuing the idea of off-site habitat restoration in addition to the 218 acres of upland forest areas on site or in lieu of the on site work.

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