

Docket No. CP17-28-000
OEP/DG2E/Gas 4
2017 Expansion Project
Eastern Shore Response to
Chester County Planning Commission Comments dated June 7, 2017

2. There are multiple properties throughout the Chester County portion of the 2017 Expansion Project area which contain preservation easements on them. Eastern Shore Natural Gas Company should be aware that there are multiple parcels within 1/2 mile or less of proposed construction in Franklin, Highland, Londonderry, New London, Penn, and West Sadsbury that are protected open space preserved by municipal, land trust, or agricultural preservation easements. Additional open space is located within Homeowner Association properties. Coordination with the appropriate agencies, municipalities, and land trusts/conservancies should occur.

Response: Pursuant to Pennsylvania Act 14, 71 P.S. §510-5 (Cooperation With Municipalities), Eastern Shore notified and has coordinated with the townships impacted by the Project which include the following: Londonderry Township, New London Township, Penn Township, West Sadsbury and Franklin Township. On June 16, 2017, Eastern Shore submitted the notification letters and signed receipts in its response to Mr. Paul Lagasse. 20170616-5171.

3. The EA makes multiple references to the ways in which the pipe will be installed, either via open cut/trench or through directional drilling or boring, but does not make it clear as to which method will be used in which instances or properties. In other EAs and EIS's this information has been provided, in addition to the issue of having staging areas for piping, drill rigs, etc. mapped out and established in easement/right-of-way documentation.

Response: Eastern Shore provided the Chester County Planning Commission draft construction plans clearly detail the method of pipeline installation, staging areas and temporary workspace. Eastern Shore will provide both the Chester County Planning Commission and the Chester County Water Resources Authority with final construction plans.

4. The EA indicates that this project generally follows the existing right-of-way held by ESNG, however, it implies that there were additional properties impacted through this project. Please indicate how many and in which municipalities these properties are located.

Response: Eastern Shore will require additional permanent easement and temporary workspace (TWS) in the following municipalities:

Docket No. CP17-28-000
 OEP/DG2E/Gas 4
 2017 Expansion Project
 Eastern Shore Response to
 Chester County Planning Commission Comments dated June 7, 2017

Total Parcels	Township	TWS (Square Feet)
10	West Sadsbury	193,633
16	Highland	146,657
13	Londonderry	300,936
34	Penn	352,896
14	New London	66,342
17	Franklin	51,960

Total Parcels	Township	New PE (Square Feet)
5	West Sadsbury	30,893
11	Highland	20,380
2	Londonderry	59,644
13	Penn	17,115
6	New London	2,989
1	Franklin	754

TWS will be used for construction activities and staging areas. These areas will be fully restored and returned to the landowner.

- The Chester County Planning Commission maintains an online map that includes proposed developments from 2012-present. While the impacted municipalities are primarily rural in nature, please visit our plan review interactive map at <http://www.chescoplanning.org/planreview/Maps.cfm>. Once there, you can view subdivision and land development proposals from 2012-present, as well as associated review letters, in the event that there are land development proposals that may have begun more recently than ESNG's latest surveying. We recommend contacting the municipalities for specific development information.

Response: As a standard practice, Eastern Shore considers the cumulative impacts of the Project and other projects or actions within a one (1) - mile radius. Eastern Shore appreciates this information and has reviewed the interactive map.

- The Planning Commission supports the use of site-specific HDD crossing plans where this is determined to be feasible and appropriate. The Planning Commission would also request that these plans be filed with the municipalities as well as the Chester County Department of Emergency Services.

Response: Eastern Shore will provide final construction plans accordingly.

- Page 9. Construction Procedures. The Planning Commission requests that we be given the contact information for the Environmental Inspector for use by county

Docket No. CP17-28-000
OEP/DG2E/Gas 4
2017 Expansion Project
Eastern Shore Response to
Chester County Planning Commission Comments dated June 7, 2017

departments, such as the Conservation District, Facilities, Health Department, and Water Resources Authority, as well as to assist with notification to ESNG if there are issues or concerns on behalf of residents.

Response: Eastern Shore will provide this information to the county departments.

8. Page 11. Construction Procedures. The discussion indicates that the construction of the pipeline would require a construction right-of-way width of 100 feet, 35 of which will be permanent. The text on page 11 indicates that within 20 days of completion of the backfilling of trenches, everything is removed from the site, and it is graded and restored. Please be specific as to whether this is the point where the construction right-of-way reverts back to the landowner's control and if there are restrictions on the land in that workspace for a period of time beyond that initial 20-day construction window.

Response: Eastern Shore will follow FERC's *Upland Erosion Control Revegetation, and Maintenance Plan*. Cleanup operations will commence immediately following backfill operations. Complete final grading, topsoil replacement, and installation of permanent erosion control structures will occur within 20 days after backfilling the trench and within 10 days in residential areas. If seasonal or other weather conditions prevent compliance with these time frames, Eastern Shore will maintain temporary erosion controls (i.e., temporary slope breakers, sediment barriers, and mulch) until conditions allow completion of cleanup.

Eastern Shore will partner with landowners to restore all lawn areas and landscaping immediately following clean-up operations. Once revegetation is successful, the land will revert back to the landowner. Eastern Shore will conduct follow-up inspections of all disturbed areas, as necessary, to determine the success of revegetation and address landowner concerns. At a minimum, Eastern Shore will conduct inspections after the first and second growing seasons.

Landowners will be restricted from building structures within the permanent right-of-ways. Eastern Shore will conduct routine vegetation mowing or clearing over the full width of the permanent right-of-way in uplands not more frequently than every three (3) – years. However, to facilitate periodic corrosion/leak surveys, a corridor not exceeding 10 feet in width centered on the pipeline may be cleared at a frequency necessary to maintain the 10-foot

Docket No. CP17-28-000
OEP/DG2E/Gas 4
2017 Expansion Project
Eastern Shore Response to
Chester County Planning Commission Comments dated June 7, 2017

corridor in an herbaceous state. In no case shall routine vegetation mowing or clearing occur during the migratory bird nesting season between April 15 and August 1 of any year unless specifically approved in writing by the responsible land management agency or the U.S. Fish and Wildlife Service.

9. Page 12. Agricultural Land. It is our understanding that the US Department of Transportation requires a minimum of 3 feet of soil cover over the pipeline. Please indicate if ESNG intends to bury the line at the minimum recommendation. As the text, and our records, indicates, there are multiple properties that are in active agricultural use. The Planning Commission would recommend burying the line lower in the ground, to decrease the potential for inadvertent contact with the pipeline.

Response: Eastern Shore proposes to install the pipeline with a minimum of four (4) – feet of soil cover. This depth of installation is shown on the draft construction plans provided to the County and is discussed in section 1.3.1 of Resource Report 1.

10. Page 13. Residential and Commercial Properties. The Planning Commission commends Eastern Shore Natural Gas for attempting to leave mature trees and landscaping within the construction work area when it does not interfere with installation techniques or present safety issues.

Response: Eastern Shore appreciates the comment and will continue its efforts to leave trees and other vegetation in its natural state where possible.

11. Page 13. Residential and Commercial Properties. The text indicates that landowners would be notified at least three business days prior to the start of construction, unless otherwise set forth in the easement negotiation. The Planning Commission would also request that emergency personnel and school districts be provided information that may involve transportation routes being altered or delayed.

Response: Eastern Shore will notify emergency personnel and school districts at the same time it notifies landowners.

12. Page 14. Waterbodies. The 2017 Expansion Project proposes multiple crossings in Chester County. The text indicates that all crossings will occur using a "dry-ditch"

Docket No. CP17-28-000
OEP/DG2E/Gas 4
2017 Expansion Project
Eastern Shore Response to
Chester County Planning Commission Comments dated June 7, 2017

crossing method, then later indicates that crossing could occur by other methods. ESNG should coordinate with Pennsylvania Department of Environmental Protection, Chester County Conservation District and the Chester County Water Resources Authority, for the crossings of streams to ensure compliance with water quality standards and regulations. This coordination would be consistent with Landscapes2 Policy NR 3.6, which states: "Protect and enhance state-designated sensitive aquatic habitats."

Response: EA Page 45. Table 10 - Waterbodies Crossed by the 2017 Expansion Project indicates the method of crossing. Eastern Shore is coordinating with the PA DEP pursuant to Pennsylvania Code, Title 25, Chapter 105 (Dam Safety and Waterway Management) and Clean Water Act Section 401 Water Quality Certification; the U.S. Army Corps of Engineers pursuant to the Section 404 permitting process; the Chester County Conservation District pursuant to Sediment and Stormwater Plan Review and Approval; and with the Chester County Water Resources Authority.

13. Page 17. Additional Temporary Workspaces. The EA/EIS states that there are additional or alternative areas that could be identified in the future, due to changes in site-specific construction requirements. The Planning Commission requests to be included in updated information in the Chester County portion of the project.

Page 19. Pipe Storage/Contractor Yards. The EA/EIS indicates that ESNG has not identified any proposed pipe storage/contractor yards for use during the construction of the 2017 Expansion Project. However, the text indicates the ESNG would locate these yards within the construction right-of-way. If HDD is utilized for segments, these staging areas may be larger than the existing ROW and temporary workspaces. Other Operators working in Chester County have identified these areas on projects in the past. Providing a general idea of where these might be located would be helpful for the impacted residents along the ROW to know that they may have a stock pile of piping and rigging near their properties for several weeks.

Response: Eastern Shore will provide final construction plans that will include the location of permanent and temporary workspace as well as the location of any proposed pipe storage/contractor yards. The location of proposed staging areas are detailed in Table 3 of the EA (page 20) and are depicted in the draft construction plans provided to the County.

Docket No. CP17-28-000
OEP/DG2E/Gas 4
2017 Expansion Project
Eastern Shore Response to
Chester County Planning Commission Comments dated June 7, 2017

14. Page 27. Table 5. Notifications, Permits, Consultations, and Approvals for the 2017 Expansion Project. The text indicates that ESNG anticipates submitting permit application information to the Chester County Conservation District in April 2017. According to the Conservation District, an "Adequate" letter was issued on May 23, 2017 regarding the ESCGP-2 Permit for the Parkesburg Loop, the permit application package for the ESCGP-2 was resubmitted on May 23, 2017 for review, and the Jennersville Loop permit package was received for review on May 17, 2017. Please update the table, and indicate how these changes potentially impact the construction timeline.

Response: Eastern Shore will update Table 5 accordingly when it files the monthly update of Table 1.6-1.

15. Page 33. Soils. The text indicates that the slopes on the Parkesburg and Jennersville Loops range from 0-25% and on the Fair Hill Loop from 0- 45%. Failure to protect steep slopes would be inconsistent with Landscapes2 Policies NR 1.2, which states: "Protect, enhance, and restore wooded or vegetated steep slopes to protect soil stability and reduce flooding" and NR 3.11, which states: "Encourage implementation of strategies that reduce or eliminate soil erosion to conserve soil resources and reduce in-stream siltation and pollutants."

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).

16. Page 37. Public and Private Water Supply Wells and Surface Water Intakes. While the text indicates that there are no public wells present within 0.5 mile of the proposed project, there are private wells listed on page 40 that are located within 150 feet of the area of the proposed construction, including several actually within the construction work area. What remedies will be provided to homeowners if there are damages or impacts to these wells? If inspections were held prior to and are planned after construction, to ensure that there has been no damage to these wells, the rate of water flow, the water quality, etc., please include the information in an appendix for reference and/or submit a copy of inspections to the Chester County Health Department to keep on file.

Response: Eastern Shore's standard practice is to offer pre-and post-construction testing for any private well where there is the potential for damage

Docket No. CP17-28-000
OEP/DG2E/Gas 4
2017 Expansion Project
Eastern Shore Response to
Chester County Planning Commission Comments dated June 7, 2017

to occur. With the well-owner's permission, Eastern Shore will conduct pre- and post-construction testing of well yield and water quality for all private wells within 10 feet of the construction work areas. If it is determined that a well is impacted from the construction of the proposed facilities, Eastern Shore will coordinate the appropriate level of repair and ensure a temporary source of water is provided until the damaged well is restored to its original capacity.

17. Page 45. Table 10 - Waterbodies Crossed by the 2017 Expansion Project. The table indicates the method of crossing, including HDD in several places. These areas are likely to require larger staging areas for workspace than the dry-ditch method proposed for other crossings. The Planning Commission requests that ESNG establish where these staging areas will be located and provide this information to residents that may be impacted.

Response: The location of proposed staging areas, including staging areas associated with HDD operations, are detailed in Table 3 of the EA (page 20).

18. Page 49. Impaired Waterbody Crossings. The text lists the watersheds involved in the 2017 Expansion Project, including the Big Elk Creek. The Big Elk Creek is part of the Chesapeake Bay Watershed which the EPA has developed a TMDL for. For more information on complying with the TMDL and the Pennsylvania Watershed Implementation Plan, please visit <https://www.epa.gov/chesapeake-bay-tmdl>. ESNG should coordinate with the PA DEP and the Chester County Water Resources Authority to ensure compliance with the TMDL requirements. Failure to meet the requirements of the TMDL would be inconsistent with the Chester County Stormwater Management Plan (referenced in Comment #18) and Landscapes2 Policy NR 3.15, "Support initiatives to improve water quality for the Delaware Estuary/Bay, Chesapeake Bay, and Christina River Basin."

Response: The watersheds impacted during construction are identified within the materials submitted to the Chester County Conservation District for review and approval under the ESCGP-2 Permit and the proposed construction practices are consistent with the requirements for protecting high quality watershed streams.

19. Page 42. Hydrostatic Testing. The text indicates that Eastern Shore would utilize public water, sourced by the Chester Water Authority, and upon completion of the

Docket No. CP17-28-000
OEP/DG2E/Gas 4
2017 Expansion Project
Eastern Shore Response to
Chester County Planning Commission Comments dated June 7, 2017

test, would discharge water onto vegetated upland areas to reduce the potential for erosion and the release of sediment into sensitive resources. Further, the text indicates that testing water is being utilized from the Octorara Creek (via Chester Water Authority) as well as municipal sources. If water from the Octorara is discharged in areas outside of the watershed, the discharge would be inconsistent with Watersheds (An Integrated Water Resources Plan/or Chester County, PA and Its Watersheds) Objective 6-8, which states: "Plan water supply and wastewater sources and facilities that seek to maintain the natural watershed water balance of each sub basin."

Additionally, please be aware that Chester County has developed a county- wide Act 167 Stormwater Management Plan that was adopted by the Chester County Board of Commissioners and approved by Pennsylvania Department of Environmental Protection in July of 2013. Since that time, Franklin, Highland, Londonderry, New London, Penn, and West Sadsbury townships have updated minimum standards in their ordinances, in December 2013, December 2013, June 2014, January 2014, December 2013, and March 2014 respectively. The Act 167 Plan can be found here: <http://www.chesco.org/water> and select "Stormwater Management" from the side banner.

Response: Eastern Shore obtained PAG-10 National Pollutant Discharge Elimination System (NPDES) General Permits (PAG100041 and PAG100042) from the PA DEP, to authorize discharge of the hydrostatic test water for the portions of the 2017 Expansion Project located within Chester County. Additionally, Eastern Shore obtained authorization for the Project from the Delaware River Basin Commission (DRBC) under Docket No. D-2016-007-1. Eastern Shore will adhere to the conditions specified within the DRBC Docket and the PAG-10 permits regarding the discharge of hydrostatic test water.

20. Page 56. Wetlands. The text indicates that the 2017 Expansion Project will cross more than twenty wetlands in Chester County, with a total of approximately one acre being impacted during construction and no impacts during operation. Failure to protect and restore these resources would be in conflict with Landscapes2 Policy NR 2.2, which states: "Protect and manage wetlands for the hydrologic and ecological functions, and identify opportunities to mitigate, restore, and create wetlands."

Response: Eastern Shore is coordinating with the PA DEP pursuant to Pennsylvania Code, Title 25, Chapter 105 (Dam Safety and Waterway Management) and the U.S. Army Corps of Engineers Section 404 permitting process regarding impacts to wetlands. Where feasible, the limit of disturbance

Docket No. CP17-28-000
OEP/DG2E/Gas 4
2017 Expansion Project
Eastern Shore Response to
Chester County Planning Commission Comments dated June 7, 2017

(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 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.

21. Page 59. Vegetation, Fisheries & Wildlife. As previously indicated, there are multiple properties throughout the Chester County portion of the 2017 Expansion Project area which contain preservation easements. Eastern Shore Natural Gas Company should be aware that there are multiple parcels within 1/2 mile or less of the proposed loops that are protected open space preserved by municipal, land trust, or agricultural preservation easements, and coordination with the appropriate agencies, municipalities, and land trusts/conservancies should occur. Coordination with Homeowner Associations should also occur where the project is located within HOA property.

Response: Eastern Shore conducted open houses during the pre-filing process and will continue to engage affected landowners throughout the construction process. Eastern Shore will ensure it continues this open communication with the HOAs that may be affected by the Project.

22. Page 88. State Listed Species. The 2017 Expansion is located in proximity to several areas designated by the PA DCNR as Core Habitat Areas and Supporting Landscapes. While it appears that there will be no long-term impact to these areas, please refer to the Pennsylvania Natural Heritage Program, managed by the Pennsylvania Department of Conservation and Natural Resources. Please see the following website for additional information:

http://www.naturalheritage.state.pa.us/CNAI_PDFs/Chester_CNHI_Update2_015.pdf.

Docket No. CP17-28-000
OEP/DG2E/Gas 4
2017 Expansion Project
Eastern Shore Response to
Chester County Planning Commission Comments dated June 7, 2017

Response: Eastern Shore contacted the PA DCNR regarding the Project, as part of the Pennsylvania Natural Diversity Inventory (PNDI) process. At the request of the PA DCNR, Eastern Shore performed various surveys for plant species of concern within the Project area. The results of these surveys were submitted to the PA DCNR for review and concurrence. After reviewing the survey results, the PA DCNR determined that no impact to species under the PA DCNR's jurisdiction is anticipated to occur as a result of the project.

23. Page 97. Table 21. Public Roadway Crossings. If Eastern Shore Natural Gas Company has coordinated with municipalities regarding emergency services, bus routes, and other municipal services (such as mail and trash), please include this information for clarity.

Response: As noted in the response to comment No. 2, Eastern Shore has contacted all municipalities and provided construction plans showing impacts to the roads. Some townships have requested meetings and additional information and Eastern Shore has responded to all requests received to date.

24. Page 101. Residential Land. The text discusses those residences that will be impacted by construction located within 50-feet or less of a structure. The recommendation listed includes that ESNG should file with the Secretary evidence of landowner concurrence. The Planning Commission recommends that this be changed to "shall." With construction, in some cases, being within 10-feet of a residential structure, it is imperative that there be concurrence regarding what is proposed to happen on these properties.

Response: Eastern Shore will submit landowner owner concurrences it obtains for residences within 10 feet of construction activity.

25. Page 115. Cultural Resources. The recommendation regarding Section 106 compliance indicates that ESNG should not begin construction until all cultural resource survey reports, avoidance/treatment plans, and comments from SHPO's are filed. The Planning Commission recommends that this wording be changed to "will not begin." Due to the importance of this region's cultural heritage, any information regarding impacts to resources needs to be completed prior to construction.

Docket No. CP17-28-000
OEP/DG2E/Gas 4
2017 Expansion Project
Eastern Shore Response to
Chester County Planning Commission Comments dated June 7, 2017

Response: Eastern Shore is consulting with the Pennsylvania State Historic Preservation Office (PA SHPO), Delaware State Historic Preservation Office (DE SHPO) and the Maryland Historical Trust (MHT) regarding Section 106 compliance. Section 106 concurrence has been received on all Delaware segments with the exception of the Summit Loop. This concurrence is anticipated to be received in June.

Eastern Shore is actively working to secure Section 106 concurrence for segments of the Project located in Pennsylvania and Maryland. Concurrence for these segments is anticipated before the end of July.

26. Page 137. Noise. The text indicates that Chester County has no noise ordinance. While the County does not have a noise ordinance, Franklin, Highland, Londonderry, New London, and West Sadsbury townships do have noise ordinances, which are listed here:

Franklin Township, Ordinance Number 2008-04 §27-1608 Performance Standards (2008)

Highland Township, Zoning Ordinance §710 Performance Standards (2005)

Londonderry Township § -

New London Township, Ordinance Number 2003-9-1 §1-1309

West Sadsbury Township, Ordinance Number 2003-9-10 (2003)

Please include their noise restrictions in this section, especially since it may have an effect on potential HDD sites.

Response: Eastern Shore has one (1) HDD in Franklin Township (Fair Hill Loop) and one (1) HDD in West Sadsbury Township (Parkesburg Loop). Eastern Shore will follow all noise ordinance regulations for both townships noted.

27. Page 155. Table 41. Projects Occurring in the Vicinity of the 2017 Expansion Project. The table includes projects that are currently active in the vicinity of the 2017 Expansion Project. The Planning Commission recommends checking this list against our plan review interactive map at <http://www.chescoplanning.org/planreview/Maps.com>, in the event that there are land development proposals that may have begun more recently than ESNG's latest surveying. ESNG should confirm with each municipality to determine the status of subdivision and land development proposals.

Docket No. CP17-28-000
OEP/DG2E/Gas 4
2017 Expansion Project
Eastern Shore Response to
Chester County Planning Commission Comments dated June 7, 2017

Response: Eastern Shore appreciates this information and has reviewed the interactive map.

28. Page 168. Conclusions & Recommendations. The text briefly discusses the use of eminent domain authority. If ESNG utilized this authority for this project, please include the number of properties, and the current status of these properties, as it may impact the construction timeline.

Response: Although Eastern Shore does not anticipate the use of eminent domain for the Project, Eastern Shore will advise the Chester County Planning Commission of any properties where the use of eminent domain was necessary.

29. Page 169. Conclusions & Recommendations. The text indicates that ESNG will file detailed alignment maps/sheets. The Planning Commission requests copies of these maps to keep on file, should inquiries arise from other departments, residents, etc.

Response: Eastern Shore will provide the Chester County Planning Commission with the final construction plans and detailed alignments.

30. Page 172. Conclusions and Recommendations. The Planning Commission supports the recommendation that Eastern Shore shall complete consultation with the National Park Service and the Army Corps of Engineers in the development of the final construction and restoration plan for the crossings of the tributaries to the White Clay Creek.

Response: Eastern Shore is currently completing consultation with the Army Corps of Engineers and National Park Service.

31. Page 172. Conclusions and Recommendations. The Planning Commission supports the recommendation that Eastern Shore shall file with the Secretary its Migratory Bird Conservation Plan and documentation of consultation with USFWS.

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

Docket No. CP17-28-000
OEP/DG2E/Gas 4
2017 Expansion Project
Eastern Shore Response to
Chester County Planning Commission Comments dated June 7, 2017

32. Page 172. Conclusions and Recommendations. The Planning Commission supports the recommendation requiring evidence of landowner concurrence with site-specific construction plans for residences within 10 feet of the proposed construction workspaces.

Response: Eastern Shore will submit landowner owner concurrences it obtains for residences within 10 feet of construction activity.