

Appendix A - Consultations, Comments and Responses

Consultation Letters - Tribes

Consultation Letters - Agencies

Scoping Meeting Invitation Letters

Alternatives Meeting Invitation Letters

Consultation - Pennsylvania Natural Diversity

Inventory (PNDI) - Draft

Consultation - Information for Planning and

Consultation (IPAC) - Draft

Programmatic Agreement Development

Consultation Letters

Tribes

The following letter, inviting formal consultation, was also mailed to the people listed below. Duplicate letters to these people are saved in the administrative file and not included here.

- John Raymond Johnson, Governor, Absentee-Shawnee Tribe of Indians
- Tribal Historic Preservation Officer, Absentee-Shawnee Tribe of Indians
- Glenna J. Wallace, Chief, Eastern Shawnee Tribe of Oklahoma
- Tribal Historic Preservation Officer, Eastern Shawnee Tribe of Oklahoma
- Benjamin Joseph Barnes, Chief, Shawnee Tribe
- Tribal Historic Preservation Officer, Shawnee Tribe
- Brad KillsCrow, Chief, Delaware Tribe of Indians
- Tribal Historic Preservation Officer, Delaware Tribe of Indians
- Deborah Dotson, President, Delaware Nation
- Tribal Historic Preservation Officer, Delaware Nation



February 14, 2025

Andrea Lowery
State Historic Preservation Officer
Commonwealth Keystone Building, Second Floor
400 North Street
Harrisburg, PA 17120-0093

Dear Director Lowery,

The Pennsylvania Natural Resources Conservation Service (NRCS), in cooperation with RJH Consultants and the Lancaster County Conservation District, is considering a programmatic approach to reducing the amount of nutrient-laden legacy sediment from the Chiques Creek Watershed from entering the Chesapeake Bay. The undertaking is intended to provide financial assistance to multiple landowners within the watershed to address this specific environmental concern.

More than a century of mill dam use collected legacy sediments upstream of the structures. The collected sediment disconnected the natural stream channel from the historic floodplain and created artificial alluvial terraces high above the base flow elevation. In the 21st century, the mill dams have breached or been removed. This allows the stored nutrients and silts to flow downstream creating negative environmental and economic impacts to multiple water bodies including the Chesapeake Bay.

A preliminary investigation consisting of soil coring and a Phase 1A Archaeological Investigation Report have been completed. The area of potential effect will be determined by landowner voluntary participation making defined boundaries impossible prior to application approval. Therefore, NRCS desires compliance with 54 U.S.C. §306108 through a phased approach programmatic agreement. Accordingly, NRCS presents for your review and comment:

- *Phase 1A Cultural Resources Assessment- Chiques Creek Watershed Project Lancaster County, Pennsylvania*
- PROGRAMMATIC AGREEMENT BETWEEN THE U. S. DEPARTMENT OF AGRICULTURE, PENNSYLVANIA NATURAL RESOURCES CONSERVATION SERVICE AND THE PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER, REGARDING A PHASED APPROACH TO COMPLIANCE WITH THE NATIONAL HISTORIC PRESERVATION ACT WITHIN THE CHIQUES CREEK WATERSHED LOCATED WITHIN THE EXTERIOR BOUNDARIES OF LANCASTER COUNTY, PENNSYLVANIA (draft)

For questions, comment, or concerns, please contact Christopher.Plount@usda.gov or 717-237-2228.



Denise Coleman
State Conservationist

Enclosure(s)

cc: John Raymond Johnson, Governor, Absentee-Shawnee Tribe of Indians
Tribal Historic Preservation Officer, Absentee-Shawnee Tribe of Indians
Glenna J. Wallace, Chief, Eastern Shawnee Tribe of Oklahoma
Tribal Historic Preservation Officer, Eastern Shawnee Tribe of Oklahoma
Benjamin Joseph Barnes, Chief, Shawnee Tribe
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Tribal Historic Preservation Officer, Delaware Tribe of Indians
Deborah Dotson, President, Delaware Nation
Tribal Historic Preservation Officer, Delaware Nation

Consultation Letters

Agencies



February 14, 2025

Sonja Jahrsdoerfer, Project Leader/Supervisor
U.S. Fish & Wildlife Service, Pennsylvania Field Office
110 Radnor Rd, Suite 101
State College, PA 16801

RE: Formal request for Consultation and Comments for Proposed Programmatic Land Treatment Project to Address Water Quality Concerns from Legacy Sediment in the Chiques Creek Watershed of Lancaster County, Pennsylvania

Dear Ms. Jahrsdoerfer,

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA), **Endangered Species Act (ESA) Section 7** consultation related to threatened and endangered species, and regulations at 7 CFR 650 and 7 CFR 622, specifically 622.4 reference, as part of Public Law 83-566, Section 12, the U.S. Department of Agriculture-Natural Resources Conservation Service (NRCS) is formally requesting your agency to provide input and/or consultation related to the above referenced sections. Under **Public Law 83-566, Section 12**, requires NRCS to notify USFWS to make surveys and investigations and prepare a report, as they deem appropriate, with recommendations concerning the conservation and development of wildlife resources and participate, under arrangements satisfactory to the NRCS, in the preparation of a plan for works of improvement that is acceptable to the NRCS.

The Lancaster County Conservation District, the Lancaster County Board of Commissioners are partnering with the NRCS regarding the proposed programmatic offering of land treatment conservation practices to address water quality concerns associated with legacy sediment in stream corridors of the Chiques Creek Watershed in Lancaster County, Pennsylvania (Figure 1).

This action is being funded by the NRCS. Per the National Environmental Policy Act (NEPA) of 1969, a Supplemental Watershed Plan-Environmental Assessment (Plan-EA) is being prepared to evaluate environmental, cultural, economic, and public interest concerns associated with this proposed project. In accordance with NEPA, 54USC§306108, and 36CFR§800.3, pertinent federal, state, Sovereign Tribal Governments, and local agencies are being consulted during the Plan-EA process to solicit comments and concerns on the impacts of the Proposed Action(s).

The Plan-EA will evaluate two alternatives:

- Future without Federal Investment or No Action Alternative
- Alternative 1 – Programmatic funding to install land treatment practices on non-federally-owned stream corridors in Lancaster County, PA.

The preferred alternative is Alternative 1.

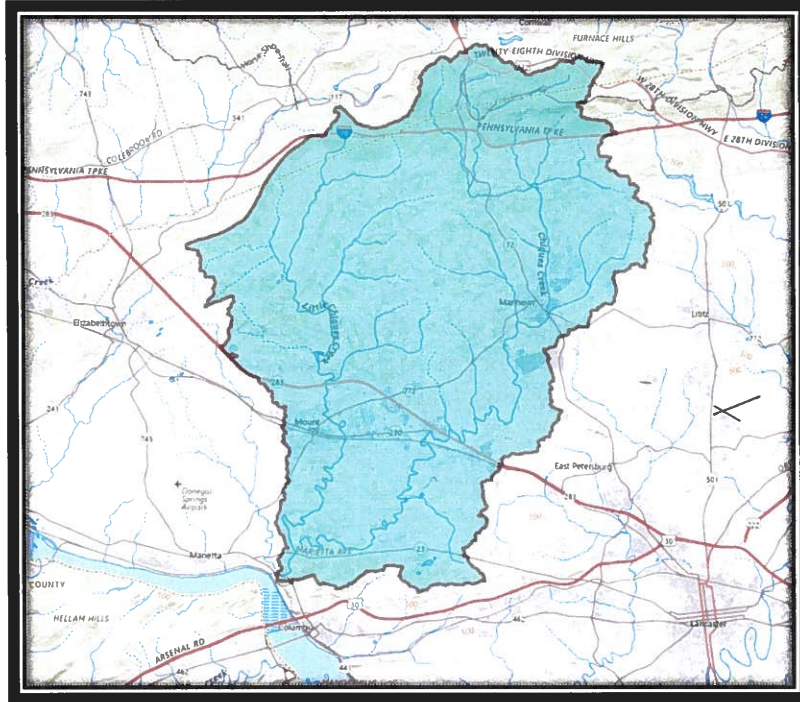


Figure 1. Programmatic Project Area, Chiques Creek Watershed, Lancaster County, PA

PROPOSED ACTIONS

The project is proposed to address water quality concerns associated with nutrient-laden legacy sediment erosion and transport within the Chiques Creek Watershed in Lancaster County, Pennsylvania. The proposed action would achieve this objective by funding Land Treatment Contracts to install conservation practice systems on individual reaches of stream corridor.

The proposed action is needed because streambank erosion of legacy sediment within the Chiques Creek Watershed contributes an estimated 35 million pounds per year of nutrient-laden sediment load to downstream water bodies, including the Lower Susquehanna River and Chesapeake Bay. Degraded stream banks are ubiquitous in the project area, and legacy sediment terraces within the floodplain are routinely eroding. The sediments can contain high concentrations of nutrients, such as nitrogen and phosphorous, that adversely impact the health of aquatic ecosystems. Structural land treatment projects in the stream corridor would either remove a portion of legacy sediment terrace from the floodplain or stabilize the stream corridor to reduce sediment erosion volumes.

The proposed action is also necessary because structural land treatment projects are often cost-prohibitive to the project sponsors and applicant landowners. The proposed action would authorize funding for an NRCS cost-share program to address water resource concerns from legacy sediment in the project area.

As the proposed project is based on accepted applicant location, the exact site and measures for implementation have not yet been identified. The measures that would be considered for installation include legacy sediment removal and site restoration, reforestation and rewilding of riparian buffers, stabilization of legacy sediment in place, and removal of mill dams and disposal of impounded sediments. A combination of these measures may be installed on a single project site.

Applicants would be required to install one or more primary conservation practice(s), Table 1. Supporting, secondary conservation practices (Table 2) can be installed with a primary conservation practice if they are needed to complete a system. Whether a stand-alone conservation practice or a collective of conservation practices, projects approved under the Preferred Alternative would function as a conservation system to address water quality in the Chiques Creek Watershed.

Table 1. Primary Conservation Practices under the Preferred Alternative

Name	NRCS Practice Code¹
Riparian Herbaceous Cover	390
Riparian Forest Buffer	391
Stream Habitat Improvement and Management	395
Aquatic Organism Passage	396
Obstruction Removal	500
Streambank and Shoreline Protection	580
Channel Bed Stabilization	584
Wetland Restoration	657
Wetland Creation	658
Wetland Enhancement	659

¹ Conservation practices standards and specifications can be found in the NRCS Field Office Technical Guide, <https://efotg.sc.egov.usda.gov/#/state/PA/documents/section=4&folder=-3>

Table 2. Secondary Conservation Practices under the Preferred Alternative

Name	NRCS Practice Code ¹	Name	NRCS Practice Code ¹
Clearing and Snagging	326	Heavy Use Area Protection	561
Conservation Cover	327	Trails and Walkways	575
Critical Area Planting	342	Stream Crossing	578
Dike	356	Open Channel	582
Diversion	362	Structure for Water Control	587
Fence	382	Terrace	600
Grade Stabilization Structure	410	Tree/Shrub Establishment	612
Grassed Waterway	412	Watering Facility	614
Wildlife Habitat Planting	420	Underground Outlet	620
Lined Waterway or Outlet	468	Water Well	642
Mulching	484	Wetland Wildlife Habitat Management	644
Livestock Pipeline	516	Structures for Wildlife	649
Pumping Plant	533		

¹ Conservation practices standards and specifications can be found in the NRCS Field Office Technical Guide, <https://efotg.sc.egov.usda.gov/#/state/PA/documents/section=4&folder=-3>

Each accepted project would be installed in general accordance with applicable federal, state, and local laws and regulations and site-specific permitting. Compliance with NEPA would be documented through preparation of an onsite environmental evaluation (EE) using Form NRCS-CPA-52. This would ensure that an assessment for the effect of the proposed project on applicable resource concerns is properly documented.

Best Management Practices and Mitigation Efforts

Best management practices at all sites such as erosion control devices, the placement of mats, or similar care through sensitive resources, low impact construction techniques, restoration, and the prevention of the establishment of invasive species will be administered pre- and post-construction. During construction sequencing, sediment and erosion controls, silt fences, and/or straw bales, or similar would be employed to avoid impacts to water quality. Disturbed areas would be regraded and vegetated with an appropriate native seed mix and trees will be replanted to help reestablish the site after construction. If there are adverse wetland impacts, appropriate mitigation would be required.

A NPDES permit would likely be required for the anticipated projects due to the amount of disturbed area.

Wildlife and Plants

During review of project proposals, the NRCS would complete site specific reviews for endangered and threatened species using the Pennsylvania Natural Diversity Inventory (PNDI). As warranted, a species survey by a qualified biologist or botanist would be required to inform project siting and design. Projects would be expected to avoid or minimize potential adverse effects on sensitive natural resources by design (e.g., minimum buffer zone requirements). Should potential exist for a project to affect an endangered or threatened species or their suitable habitat, the NRCS would consult with the USFWS on federally listed

species, and with the Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission, or PA DCNR for potential effects on state-listed species. In such cases, the consultation process would determine the necessary steps for a project to proceed in compliance with applicable laws and regulations.

With the prerequisite site planning, survey, and assessment required of cost-share applicants, and the NRCS' continued compliance with Section 7 of the ESA, projects may affect, but would not be likely to adversely affect, endangered and threatened species or their suitable habitat. In the long-term, localized improvements to water quality could benefit such species or improve the quality of their habitat.

Therefore, no direct impacts to special status animal species are anticipated to occur because of the project work.

Cultural Resources

The NRCS is pursuing entering into a programmatic agreement with the Pennsylvania Historic Preservation Office regarding the phased approach to compliance with Section 106 of the NHPA (36 CFR § 800.4(b)(2)) for each project site. This will be done in consultation with the Advisory Council on Historic Preservation, Absentee-Shawnee Tribe of Indians of Oklahoma, Delaware Tribe of Indians, the Delaware Nation, the Eastern Shawnee Tribe of Oklahoma, and the Shawnee Tribe. Pursuant to 36 CFR Part 800.14(b), in considering a proposal for cost-share assistance, the NRCS would administer a site-specific project review under Section 106 of the NHPA. Section 106 consultations would be carried out for each individually proposed project site.

Information and data collected from this solicitation will be included in the Plan-EA which will be finalized next year. Please forward concerns/comments to Heather Smeltz, PE (Assistant State Conservationist for Water Resources), no later than 30 days from the receipt of this letter, so that they can be included in the Supplemental Watershed Plan and Environmental Assessment. If we do not hear anything from you by this date, we will assume you have no objections to or comments on the project.

If you have any questions, please contact Heather Smeltz via email at heather.smeltz@usda.gov. We look forward to your response.

Sincerely,



Denise Coleman
State Conservationist

Enclosure

PNDI # N/AUSFWS Project # 2025-0056793

U.S. FISH AND WILDLIFE SERVICE
110 Radnor Road, Suite 101, State College, PA 16801

This responds to your inquiry about a PNDI Internet Database search that resulted in a potential conflict with a federally listed, proposed or candidate species.

PROJECT LOCATION INFORMATIONCounty: Lancaster

Township: _____

USFWS COMMENTS ☒ EMAILED ☐ MAILEDTo: Heather Smeltz**MISC INFORMATION**Date received by FWS: 2/14/2025Email: heather.smeltz@usda.govAffiliation: USDA-NRCS**SPECIFIC PROJECT:** Chiques Creek Watershed Water Quality From Legacy Sediment Programmatic Land Treatment**FISH AND WILDLIFE SERVICE COMMENT(s):**☐ **NO EFFECT**

Except for occasional transient species, no federally listed, proposed or candidate species under our jurisdiction are known or likely to exist in the project area. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

☒ **NOT LIKELY TO ADVERSELY AFFECT**

The federally listed bog turtle, Indiana bat, northern long-eared bat _____ occurs or may occur in or near the project area. However, based on our review of the information provided, including the project description and location (individual projects will be submitted through PNDI to determine if avoidance measures are required to avoid adverse effects to the aforementioned species _____),

no adverse effects to this species are likely to occur. If there is any change in the location, scale, scope, layout or design of the project, further consultation or coordination with the Service will be necessary.

The above determination is valid for two years from the date of this letter. In addition, this response relates only to federally listed, proposed, and candidate species under our jurisdiction, based on an office review of the proposed project's location and anticipated impacts. No field inspection of the project area has been conducted by this office. *Please reference the above PNDI # and USFWS Project # in any future correspondence regarding this project.*

This review was conducted by the biologist listed below. He/she can be contacted at 814-206-(Extension).

☐ Pamela Shellenberger (x7459)
☐ Monica Mestre (x7462)☒ Nicole Ranalli (x7455)
☐ Jennifer Kagel (x7451)☐ Richard Novak (x7477)
☐ Sze Wing Yu (x7461)

SIGNATURE: **ROBERT
ANDERSON**

Digitally signed by ROBERT
ANDERSON
Date: 2025.02.21 14:35:25
-05'00'

Supervisor, Pennsylvania Field Office

The following letter, inviting formal consultation on the preferred alternative, was also mailed to the people/agencies listed below. Duplicate letters to these people are saved in the administrative file and not included in Appendix A.

- Thomas Ford, Bureau Director, Bureau of Recreation and Conservation, PA Department of Conservation and Natural Resources
- Lee McDonnel, Acting Director, Chesapeake Bay Program Office, USEPA Region 3
- Tessa Nolan, Regional Environmental Officer, FEMA Region III
- Carrie Selsburg Robinson, Director, Office of Habitat Conservation, National Marine Fisheries Service, NOAA Fisheries
- Russell Redding, Secretary, PA Department of Agriculture
- Dominic Rocco, Director, Bureau of Waterways Engineering and Wetlands, PA Department of Environmental Protection
- Jeff Hartranft, Chief, Environmental & Geological Services Section, PA Department of Environmental Protection
- Jill Whitcomb, Director, Chesapeake Bay Office, PA Department of Environmental Protection
- Bill Brown, Chief, TMDL Section, Division of Water Quality, PA Department of Environmental Protection
- Jamie Eberl, Chief, MS4 Section, Division of NPDES Permitting, PA Department of Environmental Protection
- Andrew D. Dehoff, Executive Director, Susquehanna River Basin Commission
- Francis Pera, Commander, US Army Corps of Engineers Baltimore District
- Michael Danko, Chief, Pennsylvania Section, Baltimore District, US Army Corps of Engineers Baltimore District



February 14, 2025

Thomas Ford, Bureau Director
Bureau of Recreation and Conservation, PA DCNR
Rachel Carson State Office Building
400 Market Street, 5th Floor
Harrisburg, PA 17101

RE: Request for Consultation and Comments for Proposed Programmatic Land Treatment Project to Address Water Quality Concerns from Legacy Sediment in the Chiques Creek Watershed of Lancaster County, Pennsylvania

Dear Mr. Ford,

The Lancaster County Conservation District, the Lancaster County Board of Commissioners and the United States Department of Agriculture—Natural Resources Conservation Service (NRCS) hereby request concerns and/or comments regarding the proposed programmatic offering of land treatment conservation practices to address water quality concerns associated with legacy sediment in stream corridors of the Chiques Creek Watershed in Lancaster County, Pennsylvania (Figure 1).

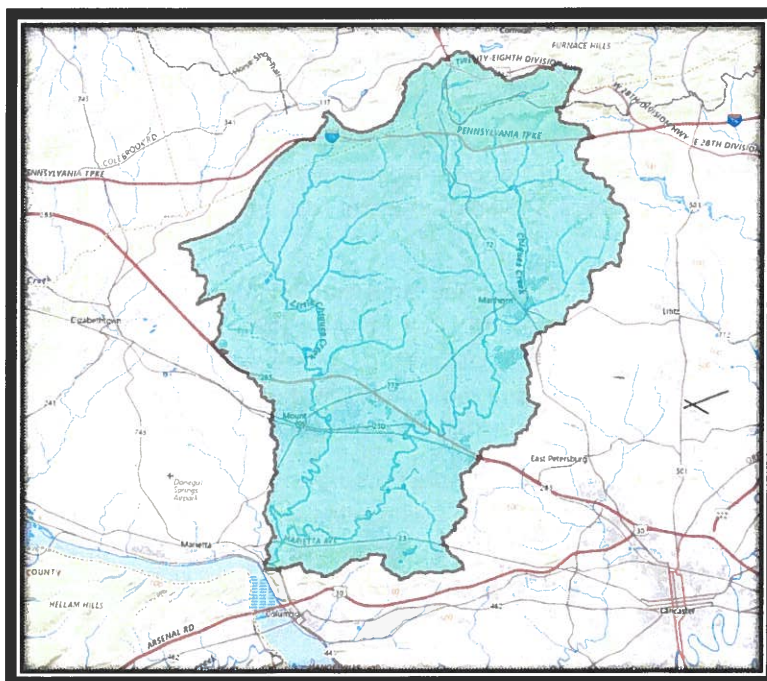


Figure 1. Programmatic Project Area, Chiques Creek Watershed, Lancaster County, PA

Natural Resources Conservation Service
359 East Park Drive, Suite 2
Harrisburg, Pa 17111
Voice: (717) 237-2214| Fax: (855) 813-2861

Helping People Help the Land

USDA is an equal opportunity provider, employer, and lender.

This action is being funded by the NRCS. Per the National Environmental Policy Act (NEPA) of 1969, a Supplemental Watershed Plan-Environmental Assessment (Plan-EA) is being prepared to evaluate environmental, cultural, economic, and public interest concerns associated with this proposed project. In accordance with NEPA, 54USC§306108, and 36CFR§800.3, pertinent federal, state, Sovereign Tribal Governments, and local agencies are being consulted during the Plan-EA process to solicit comments and concerns on the impacts of the Proposed Action(s).

The Plan-EA will evaluate two alternatives:

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The preferred alternative is Alternative 1.

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The project is proposed to address water quality concerns associated with nutrient-laden legacy sediment erosion and transport within the Chiques Creek Watershed in Lancaster County, Pennsylvania. The proposed action would achieve this objective by funding Land Treatment Contracts to install conservation practice systems on individual reaches of stream corridor.

The proposed action is needed because streambank erosion of legacy sediment within the Chiques Creek Watershed contributes an estimated 35 million pounds per year of nutrient-laden sediment load to downstream water bodies, including the Lower Susquehanna River and Chesapeake Bay. Degraded stream banks are ubiquitous in the project area, and legacy sediment terraces within the floodplain are routinely eroding. The sediments can contain high concentrations of nutrients, such as nitrogen and phosphorous, that adversely impact the health of aquatic ecosystems. Structural land treatment projects in the stream corridor would either remove a portion of legacy sediment terrace from the floodplain or stabilize the stream corridor to reduce sediment erosion volumes.

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Wildlife and Plants

During review of project proposals, the NRCS would complete site specific reviews for endangered and threatened species using the Pennsylvania Natural Diversity Inventory (PNDI). As warranted, a species survey by a qualified biologist or botanist would be required to inform project siting and design. Projects would be expected to avoid or minimize potential adverse effects on sensitive natural resources by design (e.g., minimum buffer zone requirements). Should potential exist for a project to affect an endangered or threatened species or their suitable habitat, the NRCS would consult with the USFWS on federally listed species, and with the Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission, or PA DCNR for potential effects on state-listed species. In such cases, the consultation process would determine the necessary steps for a project to proceed in compliance with applicable laws and regulations.

With the prerequisite site planning, survey, and assessment required of cost-share applicants, and the NRCS' continued compliance with Section 7 of the ESA, projects may affect, but would not be likely to adversely affect, endangered and threatened species or their suitable habitat. In the long-term, localized improvements to water quality could benefit such species or improve the quality of their habitat.

Therefore, no direct impacts to special status animal species are anticipated to occur because of the project work.

Cultural Resources

The NRCS is pursuing entering into a programmatic agreement with the Pennsylvania Historic Preservation Office regarding the phased approach to compliance with Section 106 of the NHPA (36 CFR § 800.4(b)(2)) for each project site. This will be done in consultation with the Advisory Council on Historic Preservation, Absentee-Shawnee Tribe of Indians of Oklahoma, Delaware Tribe of Indians, the Delaware Nation, the Eastern Shawnee Tribe of Oklahoma, and the Shawnee Tribe. Pursuant to 36 CFR Part 800.14(b), in considering a proposal for cost-share assistance, the NRCS would administer a site-specific project review under Section 106 of the NHPA. Section 106 consultations would be carried out for each individually proposed project site.

Information and data collected from this solicitation will be included in the Plan-EA which will be finalized next year. Please forward concerns/comments to Heather Smeltz, PE (Assistant State Conservationist for Water Resources), no later than 30 days from the receipt of this letter, so that they can be included in the Supplemental Watershed Plan and Environmental Assessment. If we do not hear anything from you by this date, we will assume you have no objections to or comments on the project.

If you have any questions, please contact Heather Smeltz via email at heather.smeltz@usda.gov. We look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Denise Coleman". The signature is fluid and cursive, with a large loop at the end.

Denise Coleman
State Conservationist

Enclosure

Federal Interagency Comment Form

APPLICANT: USDA- NRCS

APPL. NUMBER: N/A

Commenting Agency: NOAA Fisheries - HESD

Project Manager: Denise Coleman
State Conservationist, USDA - NRCS
359 East Park Drive, Suite 2
Harrisburg, PA 17111

Waterway/Location: Chiques Creek Watershed, Lancaster County, Pennsylvania

Activity: Restoration activities in the watershed include legacy sediment removal, stream buffer plantings, removal of derelict impoundments, and stabilization of legacy sediments, including stream bank stabilization.

ESSENTIAL FISH HABITAT (EFH)

Project is proposed upstream of EFH

ESSENTIAL FISH HABITAT CONSERVATION RECOMMENDATIONS N/A

FISH AND WILDLIFE COORDINATION ACT COMMENTS

Pursuant to the Fish and Wildlife Coordination Act, we recommend that the following measures be incorporated into projects plans to the maximum extent practicable:

- (1) Avoid activities that generate significant turbidity in anadromous fish spawning habitat during the spring migratory season (March 15 to June 15).

ENDANGERED SPECIES ACT

Threatened or endangered species under the jurisdiction of NMFS may be present in the project area. The federal action agency is responsible for determining whether the proposed action may affect listed species. If you determine that the proposed action may affect a listed species, you should submit your determination of effects, along with justification and a request for concurrence to the attention of the Section 7 Coordinator, NMFS, Greater Atlantic Regional Fisheries Office, Protected Resources Division, 55 Great Republic Drive, Gloucester, MA 01930 or nmfs.gar.esa.section7@noaa.gov.

OTHER

1. Note barrier removal prioritization presented on the Chesapeake Fish Passage Prioritization Tool - see: <https://www.maps.tnc.org/chesfpp/#/explore>

SIGNATURE:  DATE: 03/18/2025

Smeltz, Heather - FPAC-NRCS, PA

From: Jonathan Watson - NOAA Federal <jonathan.watson@noaa.gov>
Sent: Wednesday, March 19, 2025 9:24 AM
To: Smeltz, Heather - FPAC-NRCS, PA
Subject: Re: [External Email]NMFS-HESD Response: Chiques Creek (Lancaster Co.) Programmatic Land Treatment Project

Categories: _Chiques PL-566

Thanks for the response, Heather. Many of the barriers in that watershed will score somewhat lower, since they are upstream of three dams (Conowingo, Holtwood, Safe Harbor). We are working closely with the hydropower operators to improve passage for native migratory fish upstream of these barriers. We appreciate your attention to their potential occurrence downstream of your project(s). Let me know if you have any questions.

Best,

Jonathan

On Wed, Mar 19, 2025 at 6:53 AM Smeltz, Heather - FPAC-NRCS, PA <heather.smeltz@usda.gov> wrote:

Jonathan,

Thank you very much for your response. I was unaware of the Nature Conservancy's Chesapeake Fish Passage Prioritization tool. This could be helpful in developing ranking criteria for project funding.

I also appreciate the recommendation and explanation of preventing significant amounts of turbidity during key anadromous fish spawning time periods. We will take that under advisement as we move forward with potential projects.

Thanks,

~ Heather

Heather L. Smeltz, PE#

Assistant State Conservationist for Water Resources#

#



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service#

From: Jonathan Watson - NOAA Federal <jonathan.watson@noaa.gov>
Sent: Tuesday, March 18, 2025 1:18 PM
To: Smeltz, Heather - FPAC-NRCS, PA <heather.smeltz@usda.gov>
Cc: Karen Greene - NOAA Federal <karen.greene@noaa.gov>; Coleman, Denise - FPAC-NRCS, PA <denise.coleman@usda.gov>; Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>
Subject: [External Email]NMFS-HESD Response: Chiques Creek (Lancaster Co.) Programmatic Land Treatment Project

You don't often get email from jonathan.watson@noaa.gov. [Learn why this is important](#)

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Hi Heather,

Our headquarters office received your letter (attached), dated February 14, 2025, for the "Proposed Programmatic Land Treatment Project to Address Water Quality Concerns from Legacy Sediment in the Chiques Creek Watershed of Lancaster County, Pennsylvania." That letter was forwarded to our Greater Atlantic Regional Field Office (GARFO) on March 3, 2025.

Our GARFO [Habitat and Ecosystem Services Division](#) is responsible for consultations pursuant to the Magnuson Stevens Fishery Conservation and Management Act (MSA) as well as the Fish and Wildlife Coordination Act (FWCA). The following comments are intended to address our obligations under those statutes. Please also note that our GARFO [Protected Resources Division](#) is responsible for consultations under Section 7 of the Endangered Species Act. The federal action agency is responsible for determining the need to consult under the ESA and their website provides additional guidance related to that process.

The project area does not contain designated Essential Fish Habitat, therefore no consultation is necessary under the MSA. However, the Susquehanna River has historically supported significant populations of migratory fishes, including American shad *Alosa sapidissima*, alewife *A. pseudoharengus*, and blueback herring *A. aestivalis*. We are actively working with other agencies through the [Susquehanna River Anadromous Fish Restoration Cooperative](#) with a goal of maximizing access to historical spawning grounds for these anadromous species. Specifically, reaches of the mainstem Susquehanna River upstream of the Safe Harbor and York Haven dams is suitable spawning habitat for American shad, which are transported to these areas each spring. Currently, anadromous

fish are stocked at Columbia/Wrightsville, which is immediately downstream from the confluence of Chiques Creek and the mainstem Susquehanna River. We anticipate that the majority of the spawning activity occurs in the mainstem Susquehanna River, but may extend into the lower reaches of Chiques Creek, extending no further upstream than existing impassable barriers (e.g., [Newcomer/Hill Dam](#)). For that reason, we have recommended that, to the extent practicable, activities that generate significant turbidity (e.g., stream bank excavation, barrier removal) not occur during the spring spawning season for these species. This measure will help to ensure that the mainstem Susquehanna and confluence with Chiques Creek remains suitable spawning habitat during this sensitive life history stage for migratory fishes. The majority of spawning activity is concentrated around the end of April to mid- May, but can extend several weeks before/after this window. Therefore, our recommendation has been targeted to apply to the period extending from March 15 to June 15. This period is targeted to minimize turbidity-related impacts during the extent of the spawning window for these species.

Finally, please note that several barriers in Chiques Creek have been prioritized for removal in the [Chesapeake Fish Passage Prioritization Tool](#) and we appreciate efforts to remove high-priority barriers (i.e., tiers 1-5) that have benefits beyond what is described in your letter.

We appreciate your attention to our comments as you evaluate the potential impacts of this program. Should you have any questions, please contact me (978-675-2180; jonathan.watson@noaa.gov) in our Annapolis, MD field office.

Best,

Jonathan

--

Jonathan Watson

Marine Habitat Resource Specialist, [GARFO HESD](#)

NOAA Fisheries | U.S. Department of Commerce

Office: (978) 675-2180

www.fisheries.noaa.gov



Smeltz, Heather - FPAC-NRCS, PA

From: Edenbo, Vallie <vedenbo@pa.gov>
Sent: Tuesday, March 4, 2025 11:30 AM
To: Smeltz, Heather - FPAC-NRCS, PA
Cc: Ford, Thomas P; Yeich, Lori; Stark, Teddi
Subject: Chiques Creek Watershed Legacy Sediment Project
Attachments: Outlook-Department.png

Categories: _Chiques PL-566

Heather,
I am writing in response to the letter from USDA NRCS which was addressed to Thomas Ford, Bureau Director, on February 14, 2025.

There are no Pennsylvania Scenic Rivers designated within the Chiques Creek Watershed, Lancaster County, PA. Therefore, a formal review is not required from our Rivers Program.

DCNR's Bureau of Recreation and Conservation Rivers Program supports the Primary Conservation Practices outlined in Table 1 of your proposal and NRCS efforts to Address Water Quality Concerns from Legacy Sediment in the Chiques Creek Watershed. In collaboration with the Bureau of Forestry, we can provide technical and financial assistance with Riparian Forest Buffers.

thank you,
Vallie Edenbo

cc: Tom Ford, Bureau Director
cc: Lori Yeich, Regional Manager
cc: Teddi Stark, Bureau of Forestry, Community and Watershed Forestry Program

Vallie Edenbo (she/her) | Rivers Program Specialist

Bureau of Recreation and Conservation

Department of Conservation and Natural Resources
400 Market St, 5th Floor, Harrisburg, PA 17101-2301
Phone: 717-783-4736

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.dcnr.pa.gov%2F&data=05%7C02%7Cheather.smeltz%40usda.gov%7C29a98cec4ef0408d007e08dd5b39c552%7Ced5b36e701ee4ebc867ee03cfa0d4697%7C1%7C0%7C638767025866405724%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMilSlkFOljoiTWFpbGlldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=BfYZ95au2bxhAGWJ0H1Td2iEIVXxTsCu2P1wPuhFgk%3D&reserved=0><https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.dcnr.pa.gov%2F&data=05%7C02%7Cheather.smeltz%40usda.gov%7C29a98cec4ef0408d007e08dd5b39c552%7Ced5b36e701ee4ebc867ee03cfa0d4697%7C1%7C0%7C638767025866425944%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMilSlkFOljoiTWFpbGlldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=BfYZ95au2bxhAGWJ0H1Td2iEIVXxTsCu2P1wPuhFgk%3D&reserved=0>

Scoping Meeting **Invitation Letters**

The following letter, inviting attendees to the Scoping Meetings, was also mailed to the people listed below. Duplicate letters to these people are saved in the administrative file and not included in Appendix A.

- Josh Parsons, Commissioner, County of Lancaster
- Ray D'Agostino, Commissioner, County of Lancaster
- John Trescot, Commissioner, County of Lancaster
- Lawrence George, Chief Clerk, County of Lancaster
- Scott Standish, Planning Commission Executive Director, County of Lancaster
- Dan Scully, Department of Emergency Services Interim Director, County of Lancaster
- Christopher Thompson, District Manager, Lancaster County Conservation District
- Matthew Kofroth, Watershed Specialist, Lancaster County Conservation District
- Daniel Heller, District Board, Lancaster County Conservation District
- Kandis Boyd, Director, Chesapeake Bay Program Office, Chesapeake Bay Program Office, USEPA Region 3
- Kelly Shenk, Agricultural Lead, Chesapeake Bay Program Office, USEPA Region 3
- Tessa Nolan, Regional Environmental Officer, FEMA Region III
- Carrie Selsburg Robinson, Director, Office of Habitat Conservation, National Marine Fisheries Service, NOAA Fisheries
- Deputy Area Director, Northeastern Area Office, USDA Forest Service
- Kay Briggs, Branch Chief, Northern Appalachian Research Branch, USGS
- Makeda Okolo, Director, Office of Legislative and Intergovernmental Affairs, NOAA
- Tammy Zimmerman, Chief, New Cumberland Office for Hydrologic Networks and Investigations, Pennsylvania Water Science Center, USGS
- Curtis Schreffler, Associate Director for Research and Scientific Investigations, Pennsylvania Water Science Center, USGS
- Hilary Dozier, Hydrologist, Pennsylvania Water Science Center, USGS
- Sonja Jahrsdoerfer, Project Leader/Supervisor, U.S. Fish & Wildlife Service, Pennsylvania Field Office
- Dan Meuser, Representative, United States House of Representatives
- Lloyd Smucker, Representative, United States House of Representatives (PA District 11)
- Pat Toomey, Senator, United States Senate
- Robert P. Casey, Jr., Senator, United States Senate
- Estee Pinchasin, Commander, US Army Corps of Engineers Baltimore District

- Michael Danko, Chief, Pennsylvania Section, Baltimore District, US Army Corps of Engineers Baltimore District
- Heidi Secord, State Executive Director, USDA Farm Service Agency
- Bob Morgan, State Director, USDA Rural Development
- Ronda Ney, Assistant, Borough of Marietta
- Mark Pugliese, Borough Manager, Borough of Mount Joy
- Cody Rhoads, Borough Manager, Cornwall Borough
- Jeff Butler, Township Manager, East Donegal Township
- Cindy Schweitzer, Township Manager/Secretary, East Hempfield Township
- Loren Miller, Township Administrator, Elizabeth Township
- Jim Fisher, Borough Manager, Manheim Borough
- Justin Evans, Manager/Zoning Officer, Mount Joy Township
- Mark Heister, Township Manager and Secretary, Penn Township
- Lowell Fry, Board of Supervisors, Rapho Township
- Jamie Yiengst, Manager, South Lebanon Township
- John Eberly, Township Manager, South Londonderry Township
- Russell Gible, Chairman, Board of Supervisors, West Cornwall Township
- Andrew Stern, Township Manager, West Hempfield Township
- Water Resources Advisory Committee, , c/o Mark Matlock, Compacts and Commissions Office
- Rodney Nesmith, Regional Director, DEP South-central Regional Office
- Aneca Atkinson, Deputy Secretary, Office of Water Programs, PA Department of Environmental Protection
- Patrick McDonnell, Secretary, PA Department of Environmental Protection
- Steve Davidheiser, Engineering Manager, PADEP, Bureau of Waterways Engineering and Wetlands
- Jeff Hartranft, Chief, Environmental & Geological Services Section, Pennsylvania Department of Environmental Protection
- Jill Whitcomb, Director, Chesapeake Bay Office, Pennsylvania Department of Environmental Protection
- Bill Brown, Chief, TMDL Section, Division of Water Quality, Pennsylvania Department of Environmental Protection
- Jamie Eberl, Chief, MS4 Section, Division of NPDES Permitting, Pennsylvania Department of Environmental Protection
- Special Deputy Secretary, Water Resources Planning, PA Department of Environmental Protection

-
- Jessie Thomas-Blate, Director, River Restoration, and MER Manager, American Rivers, Mid-Atlantic Office
 - Brandon McBride, Executive Director, Appalachian Regional Commission
 - Suzanne Biemiller, Executive Director, Audubon Mid-Atlantic
 - Steve Gergley, President, Chiques Creek Watershed Alliance
 - Pete MacGaffin, Senior Vice President, Duck Unlimited Pennsylvania
 - Dorothy Merritts, Ph.D., Harry W. & Mary B. Huffnagle Professor of Geosciences, Franklin & Marshall College
 - Patrick Fleming, Ph.D., Assistant Professor of Economics and Public Policy, Franklin & Marshall College
 - Robert Walter, Ph. D., Professor of Geosciences, Franklin & Marshall College
 - Allyson Gibson, Lancaster Clean Water Partners
 - Brenda Shambaugh, Executive Director, PA Association of Conservation Districts, Inc.
 - Tali MacArthur, PATU Program Director, PA Council of Trout Unlimited
 - Kristen Koch, Program Manager, Penn State Agriculture and Environment Center
 - Andrew D. Dehoff, Executive Director, Susquehanna River Basin Commission
 - Joseph Sweeney, Executive Director, Water Science Institute
 - Stephen Wacker, District Forester, Bureau of Forestry - District 17
 - Thomas Ford, Bureau Director, Bureau of Recreation and Conservation, PADCNR
 - Pennsylvania Fish and Boat Commission, Division of Environmental Services
 - Brenda Rios, Southeast Regional Office Director, Governor's Southeast Regional Office
 - Thomas Yablonski, Secretary of Intergovernmental Affairs, Office of Intergovernmental Affairs, Office of the Governor
 - Russell Redding, Secretary, PA Department of Agriculture
 - Mindy Fee, Representative, PA Representative (District 37)
 - Brett Miller, Representative, PA Representative (District 41)
 - David Hickernell, Representative, PA Representative (District 98)
 - Ryan Aument, Senator, PA Senator (District 36)
 - Davis William, Maintenance Manager, PennDOT (District 8-7)
 - Chris Strickler, Supervisor, Pennsylvania Department of Agriculture - Region 6
 - David (Randy) Padfield, Director, Pennsylvania Emergency Management Agency
 - Timothy Schaeffer, Executive Director, Pennsylvania Fish and Boat Commission
 - Bryan Burhans, Executive Director, Pennsylvania Game Commission
 - Pete Sussenbach, Director, Southeast Region, Pennsylvania Game Commission

- Andrea Lowery, PHMC Executive Director/State Historic Preservation Officer, Pennsylvania Historical and Museum Commission, State Historic Preservation Office
- Harry Campbell, Director of Science Policy and Advocacy, Pennsylvania Office Chesapeake Bay Foundation
- Janet Sweeney, Vice President, Pennsylvania Organization for Watersheds and Rivers, Inc.
- Karl Brown, Executive Secretary, Pennsylvania State Conservation Commission
- Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians of Oklahoma
- Clint Halftown, Cayuga Nation
- Katelyn Lucas, THPO, Delaware Nation, Oklahoma
- Susan Bachor, Historic Preservation Representative, Delaware Tribe of Indians
- Paul Barton, THPO, Eastern Shawnee Tribe of Oklahoma
- William Tarrant, Cultural Director, Seneca-Cayuga Nation
- Tonya Tipton, THPO, Shawnee Tribe



June 30, 2022

Kristen Koch, Program Manager
Penn State Agriculture and Environment Center
107 Church Hall, 77 West Harrisburg Pike
Middletown, PA 17057

RE: Invitation to Agency Scoping Meeting for Chiques Creek Watershed Project Plan – Programmatic Environmental Assessment (Plan-EA), Lancaster County, PA

Dear Ms. Koch,

The United States Department of Agriculture National Resources Conservation Service (NRCS) and its partners, Lancaster County Commissioners and Lancaster County Conservation District, are developing a Chiques Creek Watershed Project Plan.

The purpose of the plan is to reduce nutrient-laden sediment loads from the Chiques Creek watershed entering the Susquehanna River and Chesapeake Bay. As presented in the Chiques Creek Watershed Alternative Restoration Plan (Susquehanna River Basin Commission, 2019), the primary source of sediment in Chiques Creek is streambank erosion of legacy sediment. The focus of the project will be to stabilize or remove legacy sediment. Using mapping and data analysis tools, a preliminary list of 30 sites with high potential for riparian zone sediment reduction practices has been developed. The next step is to prioritize up to 10 potential sites for more detailed analysis. This analysis will be to determine the best potential treatment method for the legacy sediment which may include:

- Scour/remove the legacy sediment & site restoration (wetlands or riparian forested corridors),
- Stabilize the legacy sediment in place,
- Reforest/install riparian buffers,
- Mill dam removal (for sites with historic mill dams), or
- Others that may be identified through the study.

The results of the analysis will be used to determine whether NRCS should offer financial assistance to implement projects through the PL83-566 Watershed Protection and Flood Prevention Program.

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 CFR Parts 1500-1508 require an evaluation of potential environmental impacts associated with federal projects and actions with input from the public.

You are invited to attend a scoping meeting where your input is requested. The meeting will provide a forum to learn about the project, ask questions, and address concerns. Specifically, participants will be asked to provide input on proposed metrics for identification of the 10 sites for further study and potential hurdles to project success.

Scoping Meeting: Wednesday, July 27, 2022

Time: 1:00 PM

Location: Rapho Township Building, 971 N. Colebrook Road, Manheim, PA 17545

Appropriate COVID-19 precautions will be in effect. Please plan to wear a mask unless you have health conditions that prevent you from doing so. Social distancing will also be practiced to the greatest extent possible.

If you prefer to not attend the public meeting in person, a virtual and/or dial-in option can be provided by contacting Heather Smeltz, Civil Engineer, at 717.237.2214 or heather.smeltz@usda.gov by July 25, 2022.

Written comments can be submitted to Heather Smeltz at USDA-NRCS, 359 East Park Drive, Suite 2, Harrisburg, PA 17111 starting July 20, 2022, through August 26, 2022.

Thank you,

A handwritten signature in cursive script, appearing to read "Denise Coleman".

Denise Coleman
State Conservationist

Alternatives Meeting **Invitation Letters**

The following letter, inviting attendees to the Alternatives Presentation Meeting, was also mailed to the people listed below. Duplicate letters to these people are saved in the administrative file and not included in Appendix A.

- Jessie Thomas-Blate, Director, River Restoration, and MER Manager, American Rivers, Mid-Atlantic Office
- Brandon McBride, Executive Director, Appalachian Regional Commission
- Suzanne Biemiller, Executive Director, Audubon Mid-Atlantic
- Ronda Ney, Assistant, Borough of Marietta
- Mark Pugliese, Borough Manager, Borough of Mount Joy
- District Forester, Bureau of Forestry - District 17
- Bureau Director, Bureau of Recreation and Conservation, PA DCNR
- Water Resources Advisory Committee , , c/o Mark Matlock, Compacts and Commissions Office
- Martha Shimkin, Director, Chesapeake Bay Program Office, Chesapeake Bay Program Office, USEPA Region 3
- Kelly Shenk, Agricultural Lead, Chesapeake Bay Program Office, USEPA Region 3
- Chiques Creek Watershed Alliance
- Cody Rhoads, Borough Manager, Cornwall Borough
- Josh Parsons, Chairman, County of Lancaster
- Ray D'Agostino, Vice-Chairman, County of Lancaster
- Alice Yoder, Commissioner, County of Lancaster
- Lawrence George, Chief Clerk, County of Lancaster
- Scott Standish, Planning Commission Executive Director, County of Lancaster
- Brian Pasquale, Department of Emergency Management, County of Lancaster
- Scott Williamson, Program Manager, Waterways and Wetlands Program, DEP South-Central Regional Office
- Pennsylvania Fish and Boat Commission, Division of Environmental Services
- Pete MacGaffin, Senior Vice President, Region 6, Duck Unlimited Pennsylvania
- Jeff Butler, Township Manager, East Donegal Township
- Cindy Schweitzer, Township Manager/Secretary, East Hempfield Township
- Loren Miller, Township Administrator, Elizabeth Township
- Tessa Nolan, Regional Environmental Officer, FEMA Region III
- Dorothy Merritts, Ph.D., Harry W. & Mary B. Huffnagle Professor of Geosciences, Franklin & Marshall College
- Patrick Fleming, Ph.D., Assistant Professor of Economics and Public Policy, Franklin & Marshall College

-
- Robert Walter, Ph. D., Professor of Geosciences, Franklin & Marshall College
 - Richard Heaney, Southeast Regional Office Director, Governor's Southeast Regional Office
 - Allyson Gibson, Executive Director, Lancaster Clean Water Partners
 - John Cox, Senior Advisor, Lancaster Clean Water Partners
 - Christopher Thompson, District Manager, Lancaster County Conservation District
 - Matthew Kofroth, Assistant District Manager, Lancaster County Conservation District
 - Sonia Wasco, District Board, Lancaster County Conservation District
 - Jim Fisher, Borough Manager, Manheim Borough
 - Justin Evans, Manager/Zoning Officer, Mount Joy Township
 - Carrie Selsburg Robinson, Director, Office of Habitat Conservation, National Marine Fisheries Service, NOAA Fisheries
 - Branch Chief, Northern Appalachian Research Branch, USGS
 - Danie Bendesky, Director of Intergovernmental Affairs, Office of Intergovernmental Affairs, Office of the Governor
 - Makeda Okolo, Director, Office of Legislative and Intergovernmental Affairs, NOAA
 - Bevin Buchheister, Deputy Secretary, Office of Water Programs, Office of Water Programs, PA Department of Environmental Protection
 - Brenda Shambaugh, Executive Director, PA Association of Conservation Districts, Inc.
 - Rachel Kester, PATU Program Director, PA Council of Trout Unlimited
 - Russell Redding, Secretary, PA Department of Agriculture
 - Jessica Shirley, Acting Secretary, PA Department of Environmental Protection
 - Mindy Fee, Representative, PA Representative (District 37)
 - Brett Miller, Representative, PA Representative (District 41)
 - Tom Jones, Representative, PA Representative (District 98)
 - Ryan Aument, Senator, PA Senator (District 36)
 - Shane Erdman, Civil Engineering Manager, PADEP, Bureau of Waterways Engineering and Wetlands
 - Kristen Koch, Program Manager, Penn State Agriculture and Environment Center
 - Mark Heister, Township Manager and Secretary, Penn Township
 - Maintenance Manager, PennDOT (District 8-7)
 - Pennsylvania Department of Agriculture - Region 6
 - Jeff Hartranft, Chief, Environmental & Geological Services Section, Pennsylvania Department of Environmental Protection

-
- Jill Whitcomb, Director, Chesapeake Bay Office, Pennsylvania Department of Environmental Protection
 - Bill Brown, Chief, TMDL Section, Division of Water Quality, Pennsylvania Department of Environmental Protection
 - Jamie Eberl, Chief, MS4 Section, Division of NPDES Permitting, Pennsylvania Department of Environmental Protection
 - David (Randy) Padfield, Director, Pennsylvania Emergency Management Agency
 - Timothy Schaeffer, Executive Director, Pennsylvania Fish and Boat Commission
 - Stephen Smith, Executive Director, Pennsylvania Game Commission
 - Director, Southeast Region, Pennsylvania Game Commission
 - Harry Campbell, Director of Science Policy and Advocacy, Pennsylvania Office Chesapeake Bay Foundation
 - Janet Sweeney, Vice President, Pennsylvania Organization for Watersheds and Rivers, Inc.
 - Doug Wolfgang, Bureau Director, Pennsylvania State Conservation Commission
 - Tammy Zimmerman, Chief, New Cumberland Office for Hydrologic Networks and Investigations, Pennsylvania Water Science Center, USGS
 - Curtis Schreffler, Associate Director for Research and Scientific Investigations, Pennsylvania Water Science Center, USGS
 - Hilary Dozier, Hydrologist, Pennsylvania Water Science Center, USGS
 - Randall Wenger, Board of Supervisors, Rapho Township
 - Regional Forester, Region 9, USDA Forest Service
 - Jamie Yiengst, Manager, South Lebanon Township
 - John Eberly, Township Manager, South Londonderry Township
 - Andrew D. Dehoff, Executive Director, Susquehanna River Basin Commission
 - Su Fanok, Director of Freshwater Conservation, The Nature Conservancy
 - Sonja Jahrsdoerfer, Project Leader/Supervisor, U.S. Fish & Wildlife Service, Pennsylvania Field Office
 - Lloyd Smucker, Representative, United States House of Representatives (PA District 11)
 - Dan Meuser, Representative, United States House of Representatives (PA District 9)
 - John Fetterman, Senator, United States Senate
 - Robert P. Casey, Jr., Senator, United States Senate
 - Estee Pinchasin, Commander, US Army Corps of Engineers Baltimore District
 - Michael Danko, Chief, Pennsylvania Section, Baltimore District, US Army Corps of Engineers Baltimore District
 - Heidi Secord, State Executive Director, USDA Farm Service Agency

- Bob Morgan, State Director, USDA Rural Development
- Joseph Sweeney, Executive Director, Water Science Institute
- Russell Gible, Chairman, Board of Supervisors, West Cornwall Township
- Andrew Stern, Township Manager, West Hempfield Township
- John Johnson, Governor, Absentee-Shawnee Tribe of Indians of Oklahoma
- Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians of Oklahoma
- Deborah Dotson, President, Delaware Nation, Oklahoma
- Katelyn Lucas, THPO, Delaware Nation, Oklahoma
- Brad Killscrow, Chief, Delaware Tribe of Indians
- Susan Bachor, Historic Preservation Representative, Delaware Tribe of Indians
- Glenna Wallace, Chief, Eastern Shawnee Tribe of Oklahoma
- Lora Nuckolls, THPO/Director of Culture Preservation Programs, Eastern Shawnee Tribe of Oklahoma
- Benjamin Barnes, Chief, Shawnee Tribe
- Tonya Tipton, THPO, Shawnee Tribe
- Andrea Lowery, PHMC Executive Director/State Historic Preservation Officer, Pennsylvania Historical and Museum Commission, State Historic Preservation Office



May 29, 2024

Jessie Thomas-Blate, Director, River Restoration, and MER Manager
American Rivers, Mid-Atlantic Office
1101 14th Street, NW, Suite 1400
Washington, DC 20005

RE: Invitation to Alternatives Meeting for Chiques Creek Watershed Project Plan – Programmatic Environmental Assessment (Plan-EA), Lancaster County, PA

Dear Ms. Thomas-Blate,

The United States Department of Agriculture National Resources Conservation Service (NRCS) and its partners, Lancaster County Commissioners and Lancaster County Conservation District, are developing a Chiques Creek Watershed Project Plan.

The purpose of the project is to reduce nutrient-laden sediment loads from the Chiques Creek watershed entering the Susquehanna River and Chesapeake Bay. As presented in the Chiques Creek Watershed Alternative Restoration Plan (Susquehanna River Basin Commission, 2019), the primary source of sediment in Chiques Creek is streambank erosion of legacy sediment. The focus of the project will be to stabilize or remove legacy sediment. More information can be found on the project website at <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/pennsylvania/chiques-creek-watershed-legacy-sediment>.

On July 27, 2022, the USDA-NRCS hosted a public scoping meeting to provide information and obtain public input regarding program objectives, the planning process, and the roles and responsibilities of program participants. Using input received during that meeting, the program participants have identified and evaluated alternatives to implement the program within the Chiques Creek watershed of Lancaster County.

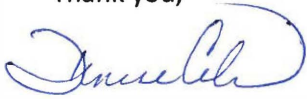
You are cordially invited to attend a public meeting where we will provide additional information, identify alternatives under consideration, and discuss the preliminary findings of the Plan-EA. The meeting will be held on **Thursday, July 18, 2024, from 6:00 to 8:00 pm**, at the:

Mount Joy Township Building
8853 Elizabethtown Road
Elizabethtown, PA 17022

We welcome your continued participation in the planning process, as well as your input with respect to our program alternatives or initial findings of the Plan-EA.

For those who prefer to participate virtually, a meeting invitation is available. Please contact Heather Smeltz, PE, at heather.smeltz@usda.gov or (717) 237-2214, prior to July 12th for details.

Thank you,



Denise Coleman
State Conservationist

Smeltz, Heather - FPAC-NRCS, PA

From: Senator John Fetterman <john@fetterman.senate.gov>
Sent: Wednesday, April 16, 2025 10:20 AM
To: Smeltz, Heather - FPAC-NRCS, PA
Subject: Reply from Senator John Fetterman

Categories: _Chiques PL-566

JOHN FETTERMAN
PENNSYLVANIA

United States Senate
WASHINGTON, DC 20510
<https://www.fetterman.senate.gov>

COMMITTEES:
AGRICULTURE, NUTRITION, AND FORESTRY
BANKING, HOUSING, AND URBAN AFFAIRS
ENVIRONMENT AND PUBLIC WORKS
SPECIAL COMMITTEE ON AGING

April 16, 2025

Ms. Denise Coleman
7 North Wilkes Barre Boulevard, Suite 406
Wilkes Barre, PA 18702-5241

Dear Ms. Coleman:

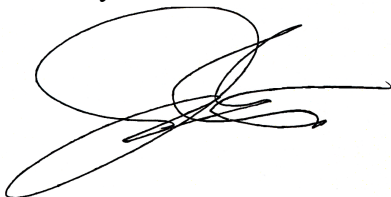
Thank you for reaching out to my office. I appreciate hearing from you.

I believe that Pennsylvanians deserve a strong voice in Washington, so hearing from constituents like you about the issues you care about is essential to my work. I'm here in D.C. fighting for solutions that deliver real results for Pennsylvanians and every corner of our commonwealth. As long as I'm your senator, that's what I'll always do.

Whether you're reaching out to comment on legislation, schedule a meeting with me or a member of my staff, or request help navigating a federal agency, my office is here to support you. I encourage you to head over to <https://www.fetterman.senate.gov/contact/>, where you can find the best way to contact me with your request.

Please don't hesitate to reach out in the future about other issues of importance to you. You are always welcome to contact my Washington, D.C., office by calling (202) 224-4254. I look forward to hearing from you.

Sincerely,



John Fetterman
United States Senator

Consultation
Pennsylvania Natural
Diversity Inventory (PNDI)
(DRAFT)

1. PROJECT INFORMATION

Project Name: **Chiques Creek Legacy Sediment Program**

Date of Review: **6/6/2025 04:34:05 PM**

Project Category: **In-stream / Riverine Activities and Projects, Other**

Project Area: **76,297.88 acres**

County(s): **Lancaster; Lebanon**

Watersheds HUC 8: **Lower Susquehanna; Lower Susquehanna-Swatara**

Watersheds HUC 12: **Cabin Creek-Susquehanna River; Conewago Creek; Conoy Creek; Donegal Creek; Hammer Creek; Hartman Run-Susquehanna River; Lititz Run; Little Chickies Creek; Lower Chickies Creek; Millers Run-Little Conestoga Creek; Snitz Creek-Quittapahilla Creek; Upper Chickies Creek; West Branch Little Conestoga Creek-Little Conestoga Creek**

Decimal Degrees: **40.160152, -76.452142**

Degrees Minutes Seconds: **40° 9' 36.5465" N, 76° 27' 7.7106" W**

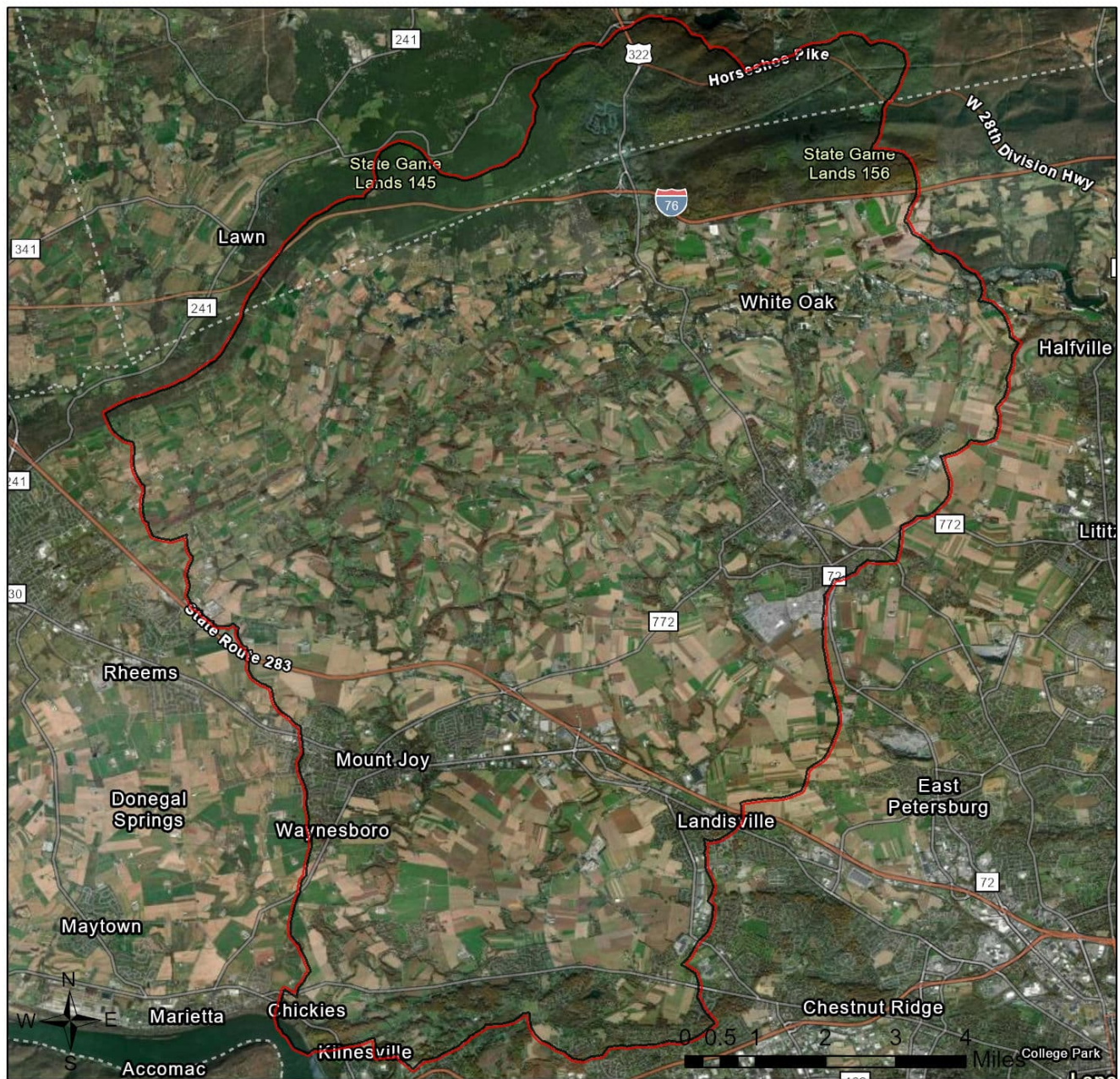
This is a draft receipt for information only. It has not been submitted to jurisdictional agencies for review.

2. SEARCH RESULTS - LARGE PROJECT

Agency	Results	Response
PA Game Commission	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Department of Conservation and Natural Resources	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
PA Fish and Boat Commission	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
U.S. Fish and Wildlife Service	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response

Large Project. The project area is greater than 10 miles and/or 5,165 acres and therefore is categorized as a Large Project, and is not analyzed by the PNDI tool. Coordination is therefore required with the four jurisdictional agencies to determine if potential impacts to threatened and endangered and/or special concern species and resources within the project area. Please see the DEP Information section of the receipt if a PA Department of Environmental Protection Permit is required.

Chiques Creek Legacy Sediment Program

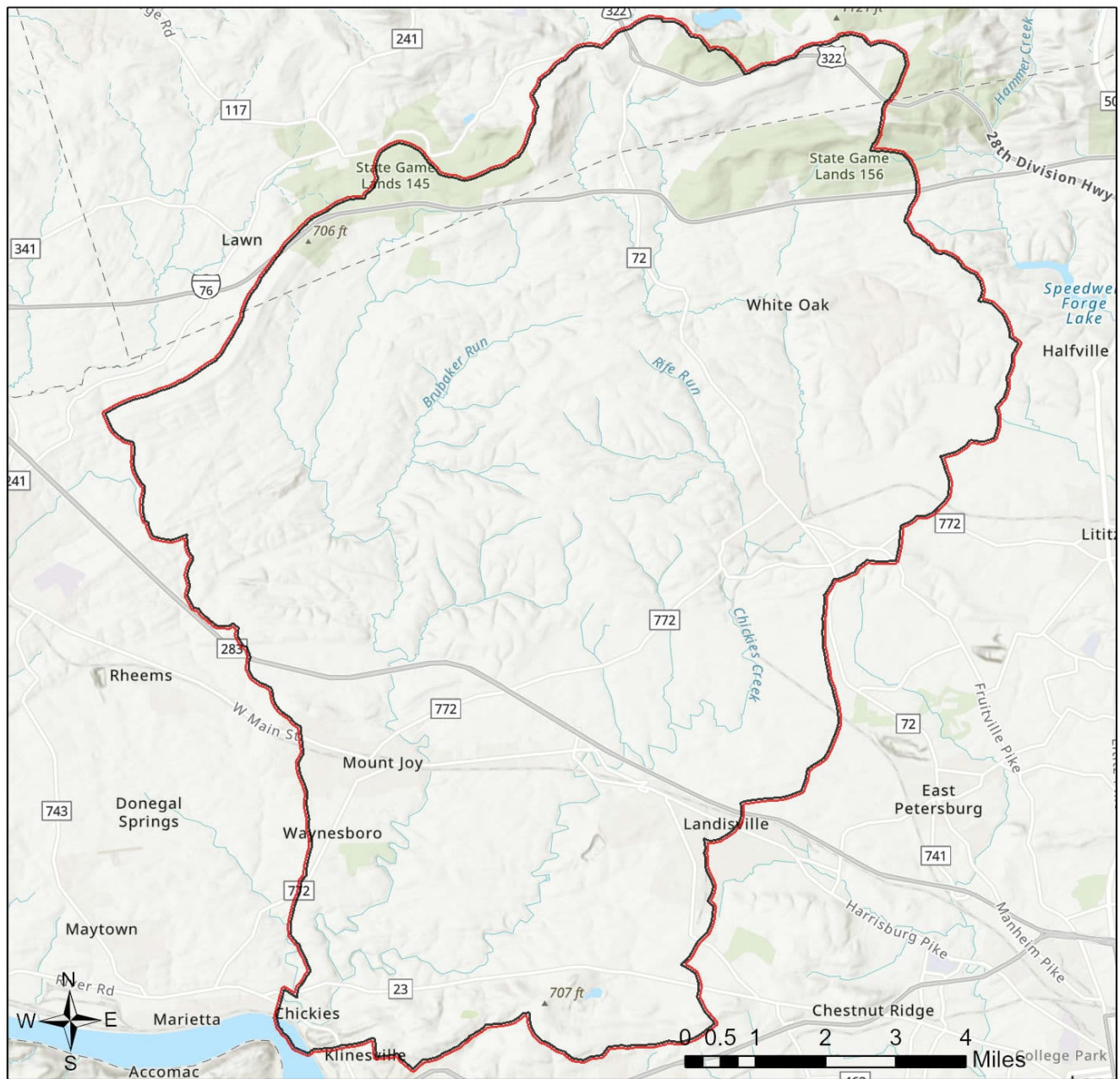


- Buffered Project Boundary
- Project Boundary



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Chiques Creek Legacy Sediment Program



- Buffered Project Boundary
- Project Boundary



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community
Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA,

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for two years** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

PA Game Commission

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

PA Department of Conservation and Natural Resources

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

PA Fish and Boat Commission

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

U.S. Fish and Wildlife Service

RESPONSE:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, upload* or email the following information to the agency(s) (see AGENCY CONTACT INFORMATION). Instructions for uploading project materials can be found [here](#). This option provides the applicant with the convenience of sending project materials to a single location accessible to all three state agencies (but not USFWS).

*If information was requested by USFWS, applicants must email, or mail, project information to IR1_ESPenn@fws.gov to initiate a review. USFWS will not accept uploaded project materials.

Check-list of Minimum Materials to be submitted:

____ Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.

____ A map with the project boundary and/or a basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

In addition to the materials listed above, USFWS REQUIRES the following

____ **SIGNED** copy of a Final Project Environmental Review Receipt

The inclusion of the following information may expedite the review process.

____ Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

____ Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams.

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. Two review options are available to permit applicants for handling PNDI coordination in conjunction with DEP's permit review process involving either T&E Species or species of special concern. Under sequential review, the permit applicant performs a PNDI screening and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with its application, both a PNDI receipt and/or a clearance letter from the jurisdictional agency if the PNDI Receipt shows a Potential Impact to a species or the applicant chooses to obtain letters directly from the jurisdictional agencies. Under concurrent review, DEP, where feasible, will allow technical review of the permit to occur concurrently with the T&E species consultation with the jurisdictional agency. The applicant must still supply a copy of the PNDI Receipt with its permit application. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. The applicant and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <https://conservationexplorer.dcnr.pa.gov/content/resources>.

5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.



Consultation

Information for Planning and
Consultation (IPaC)
(DRAFT)

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Project information

NAME

Chiques Creek Legacy Sediment Program

LOCATION

Lancaster and Lebanon counties, Pennsylvania



DESCRIPTION

None

Local office

Pennsylvania Ecological Services Field Office

☎ (814) 234-4090

📠 (814) 234-0748

MAILING ADDRESS

110 Radnor Road Suite 101
State College, PA 16801-7987

PHYSICAL ADDRESS

110 Radnor Road
Suite 101}
State College, PA 16801-7987

<https://www.fws.gov/northeast/PAFO/index.html>

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Log in to IPaC.
2. Go to your My Projects list.
3. Click PROJECT HOME for this project.
4. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

-
1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
 2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

Reptiles

NAME	STATUS
Bog Turtle <i>Glyptemys muhlenbergii</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6962	Threatened

Clams

NAME	STATUS
Green Floater <i>Lasmigona subviridis</i> Wherever found There is proposed critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/7541	Proposed Threatened

Insects

NAME	STATUS
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Wherever found

There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/9743>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
<https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

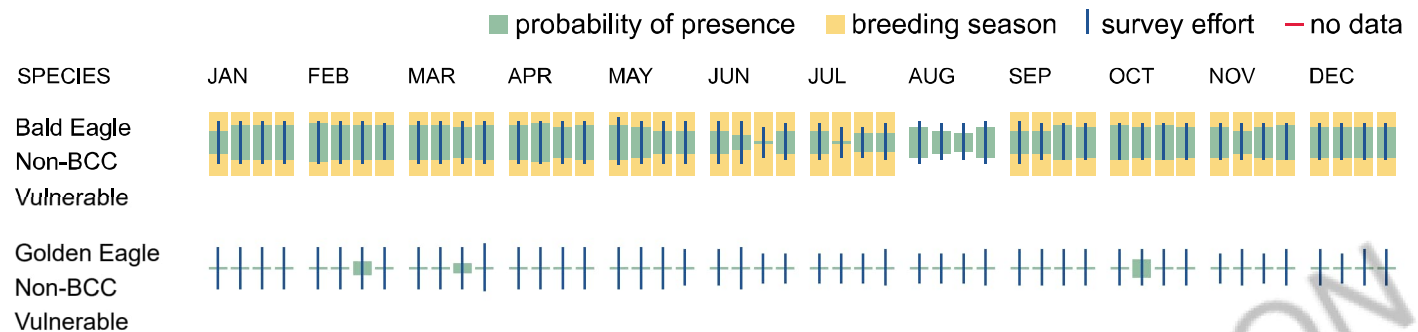
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Bald & Golden Eagles FAQs

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are an eagle ([Bald and Golden Eagle Protection Act](#) requirements may apply).

Proper interpretation and use of your eagle report

On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort line or no data line (red horizontal) means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide you in knowing when to implement avoidance and minimization measures to eliminate or reduce potential impacts from your project activities or get the appropriate permits should presence be confirmed.

How do I know if eagles are breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the [RAIL Tool](#) and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If an eagle on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Migratory birds

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service). The incidental take of migratory birds is the injury or death of birds that results from, but is not the purpose, of an activity. The Service interprets the MBTA to prohibit incidental take.

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>

- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

Measures for Proactively Minimizing Migratory Bird Impacts

Your IPaC Migratory Bird list showcases [birds of concern](#), including [Birds of Conservation Concern \(BCC\)](#), in your project location. This is not a comprehensive list of all birds found in your project area. However, you can help proactively minimize significant impacts to all birds at your project location by implementing the measures in the [Nationwide avoidance and minimization measures for birds](#) document, and any other project-specific avoidance and minimization measures suggested at the link [Measures for avoiding and minimizing impacts to birds](#) for the birds of concern on your list below.

Ensure Your Migratory Bird List is Accurate and Complete

If your project area is in a poorly surveyed area, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles document](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10

Cerulean Warbler <i>Setophaga cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 28 to Jul 20
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere
Grasshopper Sparrow <i>Ammodramus savannarum perpallidus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8329	Breeds Jun 1 to Aug 20
Kentucky Warbler <i>Geothlypis formosa</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
Prairie Warbler <i>Setophaga discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

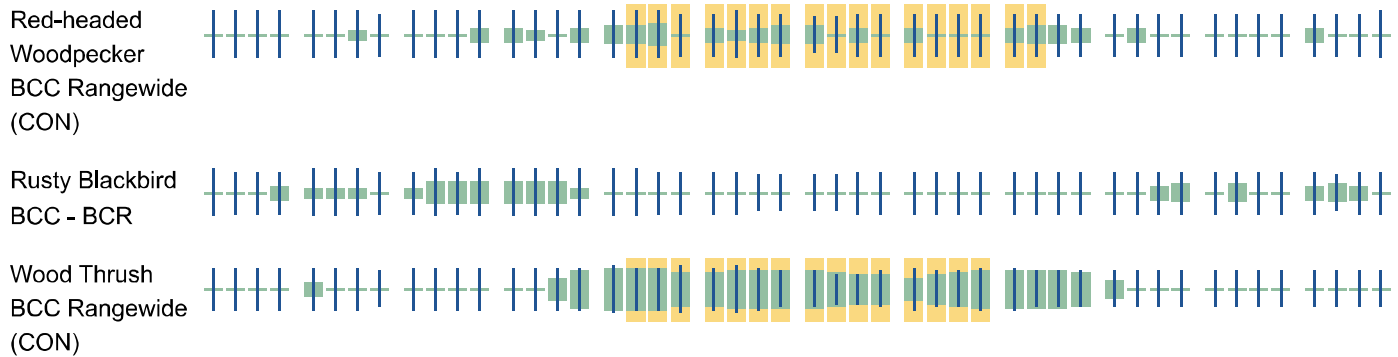
Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (I)

probability of presence breeding season survey effort no data

SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Bald Eagle Non-BCC Vulnerable	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort
Black-billed Cuckoo BCC Rangewide (CON)	survey effort	survey effort	survey effort	survey effort	survey effort, breeding season	breeding season	breeding season	breeding season	breeding season	breeding season	survey effort	survey effort
Cerulean Warbler BCC Rangewide (CON)	survey effort	survey effort	survey effort	survey effort	survey effort, breeding season	breeding season	breeding season	survey effort	survey effort	survey effort	survey effort	survey effort
Chimney Swift BCC Rangewide (CON)	survey effort	survey effort	survey effort, breeding season	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort	probability of presence, breeding season, survey effort	probability of presence, survey effort	probability of presence, survey effort	survey effort	survey effort
Golden Eagle Non-BCC Vulnerable	survey effort	survey effort	survey effort	survey effort	survey effort	survey effort	survey effort	survey effort	survey effort	survey effort	survey effort	survey effort
Grasshopper Sparrow BCC - BCR	survey effort	survey effort	survey effort	survey effort	survey effort, breeding season	breeding season	breeding season	breeding season	survey effort	survey effort	survey effort	survey effort
Kentucky Warbler BCC Rangewide (CON)	survey effort	survey effort	survey effort	survey effort, breeding season	probability of presence, breeding season, survey effort	breeding season	breeding season	breeding season	breeding season, probability of presence	probability of presence	survey effort	survey effort
Prairie Warbler BCC Rangewide (CON)	survey effort	survey effort	survey effort	survey effort, probability of presence	probability of presence, breeding season, survey effort	breeding season	breeding season	survey effort	probability of presence	probability of presence	survey effort	survey effort
Prothonotary Warbler BCC Rangewide (CON)	survey effort	survey effort	survey effort	survey effort, breeding season	probability of presence, breeding season, survey effort	breeding season	breeding season	survey effort	survey effort	survey effort	survey effort	survey effort



Migratory Bird FAQs

Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Avoidance & Minimization Measures for Birds](#) describes measures that can help avoid and minimize impacts to all birds at any location year-round. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is one of the most effective ways to minimize impacts. To see when birds are most likely to occur and breed in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location, such as those listed under the Endangered Species Act or the [Bald and Golden Eagle Protection Act](#) and those species marked as “Vulnerable”. See the FAQ “What are the levels of concern for migratory birds?” for more information on the levels of concern covered in the IPaC migratory bird species list.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) with which your project intersects. These species have been identified as warranting special attention because they are BCC species in that area, an eagle ([Bald and Golden Eagle Protection Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, and to verify survey effort when no results present, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

Why are subspecies showing up on my list?

Subspecies profiles are included on the list of species present in your project area because observations in the AKN for **the species** are being detected. If the species are present, that means that the subspecies may also be present. If a subspecies shows up on your list, you may need to rely on other resources to determine if that subspecies may be present (e.g. your local FWS field office, state surveys, your own surveys).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the [RAIL Tool](#) and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Bald and Golden Eagle Protection Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially BCC species. For more information on avoidance and minimization measures you can implement to help avoid and minimize migratory bird impacts, please see the FAQ "Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Proper interpretation and use of your migratory bird report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list does not represent all birds present in your project area. It is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide implementation of avoidance and minimization measures to eliminate or reduce potential impacts from your project activities, should presence be confirmed. To learn more about avoidance and minimization measures, visit the FAQ "Tell me about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Facilities

Wildlife refuges and fish hatcheries

Refuge and fish hatchery information is not available at this time

Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

[PEM1A](#)

[PEM1C](#)

[PEM1/FO1A](#)

[PEM1Fh](#)

[PEM1Ch](#)

[PEM1Eh](#)

[PEM1E](#)

[PEM1/FO1C](#)

[PEM1B](#)

[PEM1Ad](#)

[PEM1Fx](#)

FRESHWATER FORESTED/SHRUB WETLAND

[PFO1A](#)

[PFO1C](#)

[PFO1/EM1A](#)

[PSS1C](#)

[PFO1/SS1A](#)

[PSS1A](#)

[PSS1/EM1A](#)

FRESHWATER POND

[PUBHh](#)

[PUBHx](#)

[PUBFh](#)

[PABF](#)

[PUBFx](#)

[PUBFb](#)

[PUBF](#)

RIVERINE

[R2UBH](#)

[R5UBH](#)

[R4SBC](#)

[R3UBH](#)

[R5UBFx](#)

[R2UBHx](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters.

Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION

Programmatic

Agreement

Development

The following letter, inviting assistance in developing the programmatic agreement was also mailed to the people listed below. Duplicate letters to these people are saved in the administrative file and not included here.

- John Raymond Johnson, Governor, Absentee-Shawnee Tribe of Indians
- Tribal Historic Preservation Officer, Absentee-Shawnee Tribe of Indians
- Glenna J. Wallace, Chief, Eastern Shawnee Tribe of Oklahoma
- Tribal Historic Preservation Officer, Eastern Shawnee Tribe of Oklahoma
- Benjamin Joseph Barnes, Chief, Shawnee Tribe
- Tribal Historic Preservation Officer, Shawnee Tribe
- Brad KillsCrow, Chief, Delaware Tribe of Indians
- Tribal Historic Preservation Officer, Delaware Tribe of Indians
- Deborah Dotson, President, Delaware Nation
- Tribal Historic Preservation Officer, Delaware Nation



February 14, 2025

John Johnson, Governor
Absentee-Shawnee Tribe of Indians of Oklahoma
2025 S. Gordon Cooper Drive
Shawnee, OK 74801

Dear Governor Johnson,

The Pennsylvania Natural Resources Conservation Service (NRCS), in cooperation with RJH Consultants and the Lancaster County Conservation District, is considering a programmatic approach to reducing the amount of nutrient-laden legacy sediment from the Chiques Creek Watershed from entering the Chesapeake Bay. The undertaking is intended to provide financial assistance to multiple landowners within the watershed to address this specific environmental concern.

More than a century of mill dam use collected legacy sediments upstream of the structures. The collected sediment disconnected the natural stream channel from the historic floodplain and created artificial alluvial terraces high above the base flow elevation. In the 21st century, the mill dams have breached or been removed. This allows the stored nutrients and silts to flow downstream creating negative environmental and economic impacts to multiple water bodies including the Chesapeake Bay.

A preliminary investigation consisting of sediment soil coring and a Phase 1A Archaeological Investigation Report have been completed. The area of potential effect will be determined by landowner voluntary participation making defined boundaries impossible prior to application approval. Therefore, NRCS desires compliance with 54 U.S.C. §306108 through a phased approach programmatic agreement and requests your government's participation as a concurring party.

NRCS presents the following for your review and comment:

- *Phase 1A Cultural Resources Assessment- Chiques Creek Watershed Project Lancaster County, Pennsylvania*
- PROGRAMMATIC AGREEMENT BETWEEN THE U. S. DEPARTMENT OF AGRICULTURE, PENNSYLVANIA NATURAL RESOURCES CONSERVATION SERVICE AND THE

PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER, REGARDING A PHASED
APPROACH TO COMPLIANCE WITH THE NATIONAL HISTORIC PRESERVATION ACT
WITHIN THE CHIQUES CREEK WATERSHED LOCATED WITHIN THE EXTERIOR
BOUNDARIES OF LANCASTER COUNTY, PENNSYLVANIA (draft)

For questions, comment, or concerns, please contact Christopher.Plount@usda.gov or 717-237-2228.



Denise Coleman
State Conservationist

Enclosure(s)

cc:

Andrea Lowery, PHMC Executive Director/State Historic Preservation Officer,
Pennsylvania Historical and Museum Commission, State Historic Preservation Office
Deborah Dotson, President, Delaware Nation, Oklahoma
Brad Killscrow, Chief, Delaware Tribe of Indians
Glenna Wallace, Chief, Eastern Shawnee Tribe of Oklahoma
Benjamin Barnes, Chief, Shawnee Tribe

cc: (email only)

Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians of Oklahoma
Katelyn Lucas, THPO, Delaware Nation, Oklahoma
Susan Bachor, Historic Preservation Representative, Delaware Tribe of Indians
Lora Nuckolls, THPO/Director of Culture Preservation Programs, Eastern Shawnee Tribe
of Oklahoma
Tonya Tipton, THPO, Shawnee Tribe

Plount, Christopher - FPAC-NRCS, PA

From: Plount, Christopher - FPAC-NRCS, PA
Sent: Friday, April 4, 2025 1:20 PM
To: Katelyn Lucas
Cc: Joanna Maurer; Smeltz, Heather - FPAC-NRCS, PA
Subject: RE: [External Email]Lancaster County Conservation District Chiques Creek Watershed
Attachments: Chiques Creek Phase IA_01172025_Rev0.pdf; PA Chiques Original Draft PA.docx; Tribe Consult Letter_Dotson.pdf; Tribe Consult Letter_Lucas.pdf; PA Chiques Draft PA_SHPO and CAP Comments.docx; Chiques Project Overview Handout.pdf

We welcome the Delaware Nation and appreciate your government's decision to participate.

It appears you have received partial information so I am forwarding entire consulting package with the original AND newly commented Programmatic Agreement. I believe the attachments will answer your questions but if there is anything that needs clarification please feel free to contact me or Ms. Smeltz (email in the CC block). I am in office M-F 6A-3P eastern.

Lastly, please provide your USPS mail address and preferred method of contact so that so that we may keep you fully informed during the consultation process.

Christopher Plount

Conservation Engineering-State Archaeologist#
NRCS Pennsylvania State Office#

#



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

359 East Park Drive

Suite 2

Harrisburg PA, 17111

(o) 717.237.2228

From: Katelyn Lucas <kucas@delawarenation-nsn.gov>
Sent: Friday, April 4, 2025 1:06 PM
To: Plount, Christopher - FPAC-NRCS, PA <Christopher.Plount@usda.gov>
Cc: Joanna Maurer <jmaurer@delawaretribe.org>
Subject: [External Email]Lancaster County Conservation District Chiques Creek Watershed

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[External Email]

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Hello,

Delaware Nation does want to be a consulting party on this project. Can you please clarify for me what the proposed work is for the Chiques Creek Watershed? (I was only forwarded scans of the letter mailed to our office in OK; I work out of our extension office in PA, so please note that we prefer email correspondence.) Please also send us a copy of the Phase IA archaeological report for our review.

Please also note that Susan Bachor no longer works for Delaware Tribe; I'm copying their new contact Joanna Maurer on this email.

Sincerely,

Katelyn Lucas
Delaware Nation Historic Preservation Officer
klucas@delawarenation-nsn.gov
405-544-8115

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This e-mail (including attachments) may be privileged and is confidential information covered by the Electronic Communications Privacy Act 18 U.S.C. 2510-2521 and any other applicable law, and is intended only for the use of the individual or entity named herein. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. Although this e-mail and any attachments are believed to be free of any virus or other defect that might affect any computer system in to which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Delaware Nation or the author hereof in any way from its use. If you have received this communication in error, please immediately notify us by return e-mail. Thank you.



Pennsylvania State Historic Preservation Office

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

March 19, 2025

Christopher Plount
USDA-NRCS-PA
359 East Park Drive
Suite 2
Harrisburg, PA 171110000

RE: ER Project # 2025PR00866.001, A PHASED APPROACH TO COMPLIANCE WITH THE NATIONAL HISTORIC PRESERVATION ACT WITHIN THE CHIQUES CREEK WATERSHED, US Department of Agriculture, West Hempfield Township, Lancaster County

Dear Christopher Plount,

Thank you for submitting information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

Above Ground Resources

Environmental Review – SHPO Sends Above Ground Comments

We are in receipt of the draft programmatic agreement and offer the following comments related to above ground resources:

- 1) The document appears to be modeled on the recently executed PA for Chester County Mushroom Composting (Agreement # 2024PR04618) and there are hold overs present in the draft:
 - Page 2: “WHEREAS, the planning undertaking . . .” There is a reference to spent mushroom composting operators.
 - Page 2, A.2: A reference is made to Spent Mushroom Composting. Please revise accordingly.
- 2) The proposed undertaking includes the removal of historic dams which we assume will be documented and evaluated for National Register eligibility as part of the project. We request the following information be provided for any dams slated for removal:
 - A written narrative including any information on reason for construction of the dam and any information on how the dam and features have been altered or removed over the years.
 - Site plan showing the current boundary of the dam and any related features.
 - Current color photographs of the dam during high and low water conditions (if available) and photographs of related features such as mill buildings and channels for water keyed with numbers to a photo location map or site plan.

- Historic and current aerial mapping comparisons to demonstrate changes over time.
- Historic and current aerials for Pennsylvania are found online at PennPilot.
- If the dam is historically associated with farming operations, please also provide photographs of the associated farm complex.

For questions concerning above ground resources, please contact Elizabeth Williams at elicarr@pa.gov.

Archaeological Resources

Environmental Review – SHPO Sends Above Ground Comments

PA SHPO has added minor comments throughout the draft agreement document. Please find that attached. We have also forwarded our comments by email. We look forward to continued consultation on this project.

For questions concerning archaeological review, please contact Justin McKeel at jusmckeel@pa.gov.

Sincerely,



Barbara Frederick
Environmental Review Division Manager

Smeltz, Heather - FPAC-NRCS, PA

From: Laserfiche Notification <donotreply@laserfiche.com>
Sent: Monday, March 17, 2025 12:44 PM
To: Smeltz, Heather - FPAC-NRCS, PA
Subject: [External Email]Section 106 Consultation - Chiques Creek Watershed Plan

Categories: Chiques PL-566

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This email is in response to Chiques Creek Watershed Plan.

The Shawnee Tribe's Tribal Historic Preservation Department has the following response to this project:

We have no issues or concerns at this time with the PA.

If you have any questions, you may contact me via email at Section106@shawnee-tribe.com

Thank you for giving us the opportunity to comment on this project



Erin Paden

TRIBAL HISTORIC PRESERVATION
SPECIALIST

Office: (918) 542-2441, x140

Email: epaden@shawnee-tribe.com

29 S Hwy 89A
Miami, OK 74354

shawnee-tribe.com

Plount, Christopher - FPAC-NRCS, PA

From: Smeltz, Heather - FPAC-NRCS, PA
Sent: Wednesday, May 7, 2025 3:02 PM
To: Plount, Christopher - FPAC-NRCS, PA
Subject: Fw: [External Email]Section 106 Consultation - Chiques Creek Watershed Plan

FYI

Thanks,
~ Heather

Heather L. Smeltz, PE
Assistant State Conservationist for Water Resources

 **U.S. DEPARTMENT OF AGRICULTURE**
Natural Resources Conservation Service
359 East Park Drive, Suite 2, Harrisburg, PA 17111
p: (717) 237-2214 | c: (717) 678-1048

From: Section106 <section106@shawnee-tribe.com>
Sent: Wednesday, May 7, 2025 12:14:29 PM
To: Smeltz, Heather - FPAC-NRCS, PA <heather.smeltz@usda.gov>
Subject: RE: [External Email]Section 106 Consultation - Chiques Creek Watershed Plan

Hi Heather,

We do not need further consultation on the PA or to be a concurring party.

Thank you,



Erin Paden
TRIBAL HISTORIC PRESERVATION
SPECIALIST
Office: (918) 542-2441, x140
Email: epaden@shawnee-tribe.com
29 S Hwy 69A
Miami, OK 74354
shawnee-tribe.com

From: Smeltz, Heather - FPAC-NRCS, PA <heather.smeltz@usda.gov>
Sent: Monday, March 17, 2025 11:51 AM
To: Section106 <section106@shawnee-tribe.com>
Cc: Plount, Christopher - FPAC-NRCS, PA <Christopher.Plount@usda.gov>
Subject: FW: [External Email]Section 106 Consultation - Chiques Creek Watershed Plan

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Hi Erin,

Thank you so much for the below message. I appreciate that there are no issues or concerns at this point. As we move forward, though, would you (or someone else from the Shawnee Tribe) be interested in further development of the PA? Would the Tribe want to be a concurring signatory on the final document?

Thanks,
~ Heather

Heather L. Smeltz, PE

Assistant State Conservationist for Water Resources



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

359 East Park Drive, Suite 2, Harrisburg, PA 17111

p: (717) 237-2214 | c: (717) 678-1048

From: Laserfiche Notification <donotreply@laserfiche.com>

Sent: Monday, March 17, 2025 12:44 PM

To: Smeltz, Heather - FPAC-NRCS, PA <heather.smeltz@usda.gov>

Subject: [External Email]Section 106 Consultation - Chiques Creek Watershed Plan

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This email is in response to Chiques Creek Watershed Plan.

The Shawnee Tribe's Tribal Historic Preservation Department has the following response to this project:

We have no issues or concerns at this time with the PA.

If you have any questions, you may contact me via email at Section106@shawnee-tribe.com

Thank you for giving us the opportunity to comment on this project



Erin Paden

TRIBAL HISTORIC PRESERVATION

SPECIALIST

Office: (918) 542-2441, x140

Email: epaden@shawnee-tribe.com

29 S Hwy 69A

Miami, OK 74354

shawnee-tribe.com

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