NRCS Brodhead Tributaries
Canadensis, Pennsylvania
PA-464

Appendix A: Consultations, Comments, and Responses

Comments received and the associated responses on the Draft Watershed Project Plan will be included in the Final Watershed Project Plan.

INDEX

NHPA Consultation – Pages A2-A17
- **PASHPO**
- **Tribal**

Agency Consultation – Pages A18-A48
- **USFWS (Section 7 and Section 12)**
- **USACE**

State Consultation – Pages A49-A108
- **General copy of consultation solicitation letter**
  - **Consultation solicitation letter recipients**
  - **Copy of Tribal letters**
- **Determination of Effect Letter - PASHPO**
- **Determination of Effect Letter - Tribes**
- **PA-DEP Dam Safety meeting minutes**
- **PNDI**

General Invitation to Scoping Meeting – Page A109-118
- **Copy of Tribal letters**

General Invitation to Alternatives Meeting – Page A119-A128
- **Copy of Tribal letters**

April 10, 2025

Andrea MacDonald, Deputy State Historic Preservation Officer
PA Historical and Museum Commission
Commonwealth Keystone Building, Second Floor
400 North Street
Harrisburg, PA 17120

Deputy State Historic Preservation Officer MacDonald,

The Pennsylvania Natural Resources Conservation Service (NRCS), pursuant to the National Environmental Policy Act (NEPA), is finalizing a Supplemental Watershed Plan-Environmental Assessment (Plan-EA). In accordance with 54 U.S.C. 306108 and its implementing regulations 36 C.F.R. 800, NRCS seeks your government's review and comment on the proposed rehabilitation of the Leavitt Branch Dam (PA-463) and Goose Pond Dam (PA-464). The area of potential effect is located within Barrett Township, Monroe County Pennsylvania and reflected on the USGS Skytop, PA 7.5 Minute topographic map (2023).

In August 2024, a *Solicitation of Comment for Proposed Improvement* (enclosed) that detailed the intended scope of the undertaking was sent to consulting Tribes via USPS. However, as we were not seeking Environmental Review, your office was not provided a copy. NRCS regrets the error and has included a carbon copy of the information sent to the Tribes.

NRCS has completed a Phase 1 archaeological investigation and preliminary design plans (enclosed). The design reflects NRCS' preferred alternative and will be included in the Plan-EA. The report, "*PHASE 1 ARCHAEOLOGICAL INVESTIGATION: Brodhead Tributaries Watershed. Leavitt Branch Dam (PA-463) Goose Pond Dam (PA-464)*" reached the following conclusions:

> *If dam rehabilitation efforts are limited to areas which have previously been impacted, and the potential Top of Dam (TOD) pool area is not increased, then archaeological testing of previously impacted areas within Leavitt Branch AOF and Goose Pond AOF is not recommended. Alternatively, if rehabilitation efforts result in the increase of the potential TOD pool area, previously undisturbed areas with high archaeological potential are at risk of becoming inundated and therefore archaeological testing would be recommended in those areas potentially impacted by floodwater inundation.*

NRCS' preferred alternative does not increase the TOD pool area and work will be performed using extant roads and areas disturbed during original construction (Appendix 1 & 2 of the archaeological report). The staging areas have not yet been determined. When identified, and excluding highly disturbed ground i.e. paved parking lots, NRCS will continue consultation.

Therefore, NRCS has determined that the undertaking will have *No Effect to Historic Properties*. We seek your concurrence.

For Section 106 questions, comment, or concerns, please contact Christopher.Plount@usda.gov 717-237-2228. Please direct NEPA, engineering, and design questions to Mark.Buckwalter@usda.gov 717-237-2245.

Denise Coleman
State Conservationist

enclosure(s)

Pennsylvania State Historic Preservation Office
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

April 16, 2025

Sent Via PA-SHARE

RE: ER Project # 2025PR01978.001, Dam Rehabilitation of PA464 and PA463 in Monroe County, US Department of Agriculture, Barrett Township, Monroe County

Dear Submitter,

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
More Information Requested - New Attachment

Please provide more information on why the dams were built. Was it constructed for the purposes of creating a reservoir of water; to provide water to power a mill or other operation; for irrigation; or to create recreational opportunities? Are there any additional features associated with the function of the dam that remain, such as mills, mill races, foundations, overflow channels, ponds, or reservoirs? Include any development history on the dam and the associated features, indicating what has been removed or altered over time. Include photographs of any of the features that were not documented in the previous submission, ideally keyed to a current aerial site plan. We will use this information to assess the potential for the dam to be considered a historic property. Please submit the requested materials to the PA SHPO through PA-SHARE using the link under SHPO Requests More Information on the Response screen.

For questions concerning above ground resources, please contact Sara-Ladd Manley at samanley@pa.gov.

Archaeological Resources
More Information Requested - New Survey

Please use this request to data enter the results of the Phase I archaeological survey submitted as part of this project initiation. Please submit the requested materials to the PA SHPO through PA-SHARE using the link under SHPO Requests More Information on the Response screen.

For questions concerning archaeological resources, please contact Sara-Ladd Manley at

samanley@pa.gov.

Sincerely,

Barbara Frederick
Environmental Review Division Manager

April 17, 2025

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

ER Project 2025PR01978

Dear Director Lowery,

In response to your request dated April 16 2025, NRCS is pleased to respond with the following:

1. *Please provide more information on why the dams were built. Was it constructed for the purposes of creating a reservoir of water; to provide water to power a mill or other operation; for irrigation; or to create recreational opportunities?*
    a. Both the Goose Pond and Leavitt Branch dams were built to serve as flood control. No mills, irrigation, or other operations were/are associated with the earthen structures. They were constructed as, and are currently operated, as "dry dams" that retain flood pools only during periods of extensive rainfall. Please see section 5 of the Phase 1 report for in depth discussion.
2. *Are there any additional features associated with the function of the dam that remain, such as mills, mill races, foundations, overflow channels, ponds, or reservoirs?*
    a. The Leavitt Branch Dam is comprised of an earthen dam structure with a principal spillway riser with waters from the Leavitt Branch exiting the dam on its southern side. The dam's pool area is bounded on each side—east and west—with steep wooded natural embankments provided by the mountainous topography of the region. The crest of the dam was constructed in a NW–SE orientation. An auxiliary spillway wraps around the north and west portions of the dam, connecting from the dam's pool area, and exiting into the Levitt Branch on the dam's south side (Photos 7–9). Large-scale soil disturbances were noted around the dam's structural components. A terraced borrow area was noted immediately adjacent to the auxiliary spillway's northernmost boundary. A mounded earthen body, forming part of the dam's abutment contact, was noted immediately adjacent to the dam's structure on the south side along the east bank of the Leavitt Branch Creek. Restricted Access to the dam is provided by a gravel access road with a locked gate near the western end of Valerie Ln. Please see section 2 of the Phase 1 Report for extensive discussion.
    b. The Goose Pond Dam is comprised of an earthen dam structure and a principal spillway riser with waters from the Goose Pond exiting the dam on its southern side. The crest of the dam was constructed in WNW–ESE orientation with the western portion of the crest changing its angle toward the northwest. An auxiliary spillway was constructed on the dam's eastern side allowing waters from the dam's pool area to drain into the Goose Pond along its eastern bank. Portions of an earlier dam structure (destroyed) were

noted within the dam's pool area. The earlier, and now defunct dam was of concrete design and spanned approximately 220 feet crossing Goose Pond. The present dam's pool area is bound by steep slopes of mountainous terrain to the west, with more subdued sloping terrain to the east. A survey of the dam's potential TOD pool area noted pooling waters have the potential to extend into a flat expanse of forested area comprising portions of Goose Pond's floodplain. Please see section 2 of the Phase 1 Report for extensive discussion.

3. *Include photographs of any of the features that were not documented in the previous submission, ideally keyed to a current aerial site plan.*
    a. There are extensive photographs within the Phase 1 Report but they are of the same nature as the ones submitted. These include the principal spillway outlet, impounded water body (photographed after heavy rainfall) and an early dam structure (destroyed/submerged) that was discovered within Goose Pond. If your office desires, that image can be uploaded separately into PASHARE. We have included the image as an enclosure for ease of review.

Your office's request for uploading the Phase 1 Report has been completed. For questions, comment, or concerns, please contact Christopher.Plount@usda.gov or 717-237-2228.

Christopher A. Plount
Archaeologist-State Cultural Resources Specialist

Southwest-facing view of early dam concrete structure constructed across Goose Pond (18N 480141 4561868). The early dam was documented having been constructed as early as the late 1930s

Pennsylvania State Historic Preservation Office
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

April 28, 2025

Sent Via PA-SHARE

RE: ER Project # 2025PR01978.003, Dam Rehabilitation of PA464 and PA463 in Monroe County, US Department of Agriculture, Barrett Township, Monroe County

Dear Submitter,

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
No Above Ground Concerns - Environmental Review - No Effect - Above Ground

Based on the information received and available within our files, it is our opinion that the proposed project will have No Effect on above ground historic properties, including historic buildings, districts, structures, and/or objects, should they exist. Should the scope of the project change and/or should you be made aware of historic property concerns, you will need to reinitiate consultation with our office using PA-SHARE.

For questions concerning above ground resources, please contact John Gardosik at jgardosik@pa.gov.

Sincerely,

Barbara Frederick
Environmental Review Division Manager

Pennsylvania State Historic Preservation Office
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

May 16, 2025

Sent Via PA-SHARE

RE: ER Project # 2025PR01978.002, Dam Rehabilitation of PA464 and PA463 in Monroe County, US Department of Agriculture, Barrett Township, Monroe County

Dear Submitter,

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.

Archaeological Resources
No Archaeological Concerns - Environmental Review - No Effect - Archaeological

Based on the information received and available in our files, in our opinion, the proposed project should have No Effect on archaeological resources. Should the scope of the project be amended to include additional ground-disturbing activity and/or should you be made aware of historic property concerns regarding archaeological resources, you will need to reinitiate consultation with our office using PA-SHARE.

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

Sincerely,

Barbara Frederick
Environmental Review Division Manager

EASTERN SHAWNEE
CULTURAL PRESERVATION DEPARTMENT
70500 East 128 Road, Wyandotte, OK 74370

November 1, 2024
USDA Pennsylvania State Office
359 East Park Drive Suite 4
Harrisburg, PA 17111-2747

RE: ***brodhead Tributaries Watershed plan, Monroe County, PA***

Dear Mr. Buckwalter,

The Eastern Shawnee Tribe has received your letter regarding the above referenced project(s) within Monroe County, PA. The Eastern Shawnee Tribe is committed to protecting sites important to Tribal Heritage, Culture and Religion. Furthermore, the Tribe is particularly concerned with historical sites that may contain but not limited to the burial(s) of human remains and associated funerary objects.

As described in your correspondence, and upon research of our database(s) and files, we find our people occupied these areas historically and/or prehistorically. However, the project proposes **NO Adverse Effect** or endangerment to known sites of interest to the Eastern Shawnee Tribe. Please continue project as planned. However, should this project inadvertently discover an archeological site or object(s) we request that you immediately contact the Eastern Shawnee Tribe, as well as the appropriate state agencies (within 24 hours). We also ask that all ground disturbing activity stop until the Tribe and State agencies are consulted. Please note that any future changes to this project will require additional consultation.

In accordance with the NHPA of 1966 (16 U.S.C. § 470-470w-6), federally funded, licensed, or permitted undertakings that are subject to the Section 106 review process must determine effects to significant historic properties. As clarified in Section 101(d)(6)(A-B), historic properties may have religious and/or cultural significance to Indian Tribes. Section 106 of NHPA requires Federal agencies to consider the effects of their actions on all significant historic properties (36 CFR Part 800) as does the National Environmental Policy Act of 1969 (43 U.S.C. § 4321-4347 and 40 CFR § 1501.7(a). This letter evidences NHPA and NEPA historic properties compliance pertaining to consultation with this Tribe regarding the referenced proposed projects.

Thank you, for contacting the Eastern Shawnee Tribe, we appreciate your cooperation. Should you have any further questions or comments please contact our Office.
Sincerely,

Lora Nuckolls

Lora Nuckolls, Tribal Historic Preservation Officer (THPO)
Eastern Shawnee Tribe of Oklahoma
(918) 238-5151 Ext:1840
THPO@estoo.net

Ms. Paden,

Confirming receipt of your email- Thank you for your response regarding the Brodhead Tributaries Watershed Plan, confirming there is no known historic properties that will be negatively impacted by the project. If discoveries are made from now until the dams begin/complete rehabilitation construction activities, we will be sure to resume consultation immediately and pause any onsite activities.

Thanks,

Mark Buckwalter, PE

Civil Engineer | USDA-NRCS

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

O: 717-237-2245 | C: 717-239-9253

From: Laserfiche Notification <donotreply@laserfiche.com>
Sent: Thursday, October 31, 2024 5:17 PM
To: Buckwalter, Mark - FPAC-NRCS, PA <mark.buckwalter@usda.gov>
Subject: [External Email]Section 106 Consultation - Brodhead Tributaries Watershed Plan

> You don't often get email from donotreply@laserfiche.com. 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

This email is in response to Brodhead Tributaries Watershed Plan.

The Shawnee Tribe's Tribal Historic Preservation Department concurs that no known historic properties will be negatively impacted by this project. However, there is still potential for the discovery of unknown resources.

We have no issues or concerns at this time. Please continue with the project as planned, but in the event archaeological materials are encountered during construction, use, or maintenance of this location, please re-notify us at that time as we would like to resume immediate consultation under such a circumstance.

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

April 10, 2025

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

Governor Johnson,

The Pennsylvania Natural Resources Conservation Service (NRCS), pursuant to the National Environmental Policy Act (NEPA), is finalizing a Supplemental Watershed Plan-Environmental Assessment (Plan-EA). In accordance with 54 U.S.C. 306108 and its implementing regulations 36 C.F.R. 800, NRCS seeks your government's review and comment on the proposed rehabilitation of the Leavitt Branch Dam (PA-463) and Goose Pond Dam (PA-464). The area of potential effect is located within Barrett Township, Monroe County Pennsylvania and reflected on the USGS Skytop, PA 7.5 Minute topographic map (2023).

In August 2024, a *Solicitation of Comment for Proposed Improvement* (enclosed) that detailed the intended scope of the undertaking was sent via USPS. Since then, NRCS has completed a Phase 1 archaeological investigation and preliminary design plans (enclosed). The design reflects NRCS' preferred alternative.

The report, "*PHASE 1 ARCHAEOLOGICAL INVESTIGATION: Brodhead Tributaries Watershed. Leavitt Branch Dam (PA-463) Goose Pond Dam (PA-464)*" reached the following conclusions:

> *If dam rehabilitation efforts are limited to areas which have previously been impacted, and the potential Top of Dam (TOD) pool area is not increased, then archaeological testing of previously impacted areas within Leavitt Branch AOF and Goose Pond AOF is not recommended. Alternatively, if rehabilitation efforts result in the increase of the potential TOD pool area, previously undisturbed areas with high archaeological potential are at risk of becoming inundated and therefore archaeological testing would be recommended in those areas potentially impacted by floodwater inundation.*

NRCS' preferred alternative does not increase the TOD pool area and work will be performed using extant roads and areas disturbed during original construction (Appendix 1 & 2 of the

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

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archaeological report). The staging areas have not yet been determined. When identified, and excluding highly disturbed ground i.e. paved parking lots, NRCS will continue consultation.

Therefore, NRCS has determined that the undertaking will have *No Effect to Historic Properties*. We seek your concurrence.

For Section 106 questions, comment, or concerns, please contact Christopher.Plount@usda.gov 717-237-2228. Please direct engineering and design question to Mark.Buckwalter@usda.gov 717-237-2245.

Denise Coleman
State Conservationist

enclosure(s)

cc: President, Delaware Nation
Tribal Historic Preservation Officer, Delaware Nation
Chief, Delaware Tribe of Indians
Tribal Historic Preservation Officer, Delaware Tribe of Indians
Chief, Onondaga Nation
Tribal Historic Preservation Officer, Onondaga Nation
Chief, Seneca-Cayuga Nation
Tribal Historic Preservation Officer, Seneca-Cayuga Nation
President, Stockbridge-Munsee Community
Tribal Historic Preservation Officer, Stockbridge-Munsee Community
Tribal Historic Preservation Officer. Absentee-Shawnee Tribe of Indians of Oklahoma

Plount, Christopher - FPAC-NRCS, PA

From: thpo <thpo@mohican-nsn.gov>
Sent: Tuesday, April 29, 2025 2:30 PM
To: Plount, Christopher - FPAC-NRCS, PA
Subject: [External Email]RE: Monroe County Pennsylvania Dam Rehabilitations

You don't often get email from thpo@mohican-nsn.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

Dear Christopher,

Thank you for the notice regarding the proposed improvements to Leavitt Branch (PA- 463), Goose Pond Dam (PA-464) of the Brodhead Tributaries; Supplemental Watershed Plan / Environmental Assessment, Monroe County, Pennsylvania.

The Stockbridge-Munsee Tribal Historic Preservation Office concurs with the finding of "*No Effect to Historic Properties*" and has no issue with the project moving forward with the following standard stipulations:

- If previously undocumented archaeological resources are encountered, please contact me promptly and follow the Inadvertent Discovery Policy on the Stockbridge-Munsee Community website: https://www.mohican.com/mt-content/uploads/2022/09/smc-inadvertent-discovery-policy.pdf.
- Please give due attention to the incidental or routine movement of heavy machinery both inside and outside the stated area of potential effects (APE) that may cause unintended or inadvertent impacts to cultural resources.
- Should the proposed work be altered to expand beyond the current scope of work and/or APE, we ask to be notified.

Regards,
Jeff

Jeffrey C Bendremer Ph.D., RPA
Tribal Historic Preservation Officer
Stockbridge-Munsee Community
Tribal Historic Preservation Extension Office
86 Spring St.
Williamstown, MA 01267
413-884-6029 (o)
715-881-2254 (c)

www.mohican.com

From: Jody Hartwig <jody.hartwig@mohican-nsn.gov>
Sent: Wednesday, April 23, 2025 10:16 AM
To: thpo <thpo@mohican-nsn.gov>
Subject: Monroe County Pennsylvania Dam Rehabilitations

The document was rather large, so I had to scan the document in 2 parts.

Thank you,

Jody Hartwig, M.B.A.
Tribal Council Secretary
N8476 Moh He Con Nuck Road
PO Box 70
Bowler, WI 54416
(715) 793-4387 (P)
(715) 793-1307 (F)
jody.hartwig@mohican-nsn.gov

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pennsylvania Ecological Services Field Office
110 Radnor Road Suite 101
State College, PA 16801-7987
Phone: (814) 234-4090 Fax: (814) 234-0748

In Reply Refer To: 08/14/2024 11:51:06 UTC
Project code: 2024-0037868
Project Name: BRODHEAD TRIBUTARIES PA-463/464

Federal Nexus: yes
Federal Action Agency (if applicable): County of Monroe

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for 'BRODHEAD TRIBUTARIES PA-463/464'

Dear Mark Buckwalter:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on August 14, 2024, for 'BRODHEAD TRIBUTARIES PA-463/464' (here forward, Project). This project has been assigned Project Code 2024-0037868 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (DKey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis completed by the Service, your project has reached the determination of "May Affect, Not Likely to Adversely Affect" for the northern long-eared bat. **Note that this applies only to the northern long-eared bat and not to any other species or critical habitat, if any, that may be affected by your project.** Unless the

Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that consultation on the Action is complete and no further action is necessary unless either of the following occurs:

- new information reveals effects of the action that may affect the northern long-eared bat in a manner or to an extent not previously considered; or,
- the identified action is subsequently modified in a manner that causes an effect to the northern long-eared bat that was not considered when completing the determination key.

15-Day Review Period

As indicated above, the Service will notify you within 15 calendar days if we determine that this proposed Action does not meet the criteria for a “may affect, not likely to adversely affect” (NLAA) determination for the northern long-eared bat. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the identified Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that we did not anticipate when developing the key. In such cases, the identified Ecological Services Field Office may request additional information to verify the effects determination reached through the Northern Long-eared Bat DKey.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Indiana Bat *Myotis sodalis* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Northeastern Bulrush *Scirpus ancistrochaetus* Endangered

You may coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

If you have any questions regarding this letter or need further assistance, please contact the Pennsylvania Ecological Services Field Office and reference Project Code 2024-0037868 associated with this Project.

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

BRODHEAD TRIBUTARIES PA-463/464

2. Description

The following description was provided for the project 'BRODHEAD TRIBUTARIES PA-463/464':

> The project includes development of a Supplemental Watershed Plan No. 3 to address regulatory deficiencies identified at each of the two (2) Brodhead Tributary Site Dams (PA-463 & PA-464) to bring the dams into compliance with applicable United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and Pennsylvania Department of Environmental Protection (PADEP) – Dam Safety criteria and performance standards.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@41.20200495,-75.24186071150362,14z

DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

   Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

   No

2. The action area does not overlap with an area for which U.S. Fish and Wildlife Service currently has data to support the presumption that the northern long-eared bat is present. Are you aware of other data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

   Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed NLEB acoustic detections. Data on captures, roost tree use, and acoustic detections should post-date the year when white-nose syndrome was detected in the relevant state. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

   No

3. Does any component of the action involve construction or operation of wind turbines?

   Note: For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

   No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

   Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

   No

6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

   Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

   No

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

   No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

   No

9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the effects of any activities that would not occur but for the proposed action.

   If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

   Note: Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of Effects of the Action can be found here: https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions

   No

10. [Semantic] Is the action area located within 0.5 miles of a known northern long-eared bat hibernaculum?

    Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

    Automatically answered
    No

11. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

    No

12. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

    Yes

13. Have you received written confirmation from the local Ecological Services Field Office that the talus rock crevices in the action area are not likely to contain hibernating northern long-eared bats and/or that the proposed action would not affect those habitat types or northern long-eared bats that may use them? If so, upload the field office confirmation and continue with the key.

    No

14. Will the proposed action result in the cutting or other means of knocking down, bringing down, or trimming of any trees suitable for northern long-eared bat roosting?

    Note: Suitable northern long-eared bat roost trees are live trees and/or snags ≥3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities.

    Yes

PROJECT QUESTIONNAIRE

Will all project activities by completed by November 30, 2024?

No

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the inactive (hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas

14.2

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

14.2

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the active (non-hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas

0

Will all potential northern long-eared bat (NLEB) roost trees (trees ≥3 inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select ‘Yes’ if the cumulative extent of those areas meets or exceeds 0.1 acre.

Yes

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

14.2

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter ‘0’ if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

7.8

Will any snags (standing dead trees) ≥3 inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

IPAC USER CONTACT INFORMATION

Agency: Department of Agriculture
Name: Mark Buckwalter
Address: 359 East Park Drive
City: Harrisburg
State: PA
Zip: 17111
Email mark.buckwalter@usda.gov
Phone: 7172372245

LEAD AGENCY CONTACT INFORMATION

Lead Agency: County of Monroe

From: Buckwalter, Mark - FPAC-NRCS, PA
To: Ranalli, Nicole A
Subject: RE: [EXTERNAL] RE: 2024-0037868 Leavitt Branch PA 464 and Brodhead Tributaries PA-463/464
Date: Monday, March 24, 2025 1:58:00 PM
Attachments: image001.png

Nicole,

Acknowledged. Thank you!

Thanks,
Mark

Mark G. Buckwalter, PE
Civil/Ag Engineer
PA-NRCS

USDA U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service
359 East Park Drive, Suite 2, Harrisburg, PA 17111
p: (717) 237-2245 | c: (717) 239-9253

From: Ranalli, Nicole A <nicole_ranalli@fws.gov>
Sent: Monday, March 17, 2025 3:52 PM
To: Buckwalter, Mark - FPAC-NRCS, PA <mark.buckwalter@usda.gov>
Subject: Re: [EXTERNAL] RE: 2024-0037868 Leavitt Branch PA 464 and Brodhead Tributaries PA-463/464

Mark,
Thank you for reaching out concerning the proposed project. The Service does not want to complete any additional surveys, investigations, or make any recommendations as to the project beyond site/project specific consultation according to Section 7 of the ESA.

Thank you for your time,
Nicole

Nicole Ranalli (she/her)
Endangered Species Biologist
U.S. Fish & Wildlife Service
Pennsylvania Field Office
110 Radnor Rd; Suite 101

State College, PA 16801
814 206-7455
nicole_ranalli@fws.gov

FWS VALUES
STEWARDSHIP – INTEGRITY – RESPECT – COLLABORATION – INNOVATION

From: Buckwalter, Mark - FPAC-NRCS, PA <mark.buckwalter@usda.gov>
Sent: Friday, March 14, 2025 1:43 PM
To: Ranalli, Nicole A <nicole_ranalli@fws.gov>
Subject: [EXTERNAL] RE: 2024-0037868 Leavitt Branch PA 464 and Brodhead Tributaries PA-463/464

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Nicole,

I am reaching back out regarding the subject project. Attached the original consultation letter that was mailed out... I am being asked to confirm that you understand that we were also asking for consultation in accordance with Section 12 of Pub. L. 83-566 since NRCS is investigating the development of a water resources project. The intent is to determine if USFWS intends to make surveys, investigations, or recommendations concerning the conservation and development of wildlife resources; or otherwise participate in preparing the plan for works of improvement for this project.

Heather Smeltz, my coworker, had shared email correspondence that she had with you in December 2024 regarding Section 12 consultation on another project. In that email, she had explained the reasoning behind the additional consultation request.

Please let me know if you have any questions.

Thanks,
Mark

Mark G. Buckwalter, PE
Civil/Ag Engineer
PA-NRCS

USDA U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
359 East Park Drive, Suite 2, Harrisburg, PA 17111
p: (717) 237-2245 | c: (717) 239-9253

From: Ranalli, Nicole A <nicole_ranalli@fws.gov>
Sent: Tuesday, September 17, 2024 4:01 PM
To: Buckwalter, Mark - FPAC-NRCS, PA <mark.buckwalter@usda.gov>
Subject: 2024-0037868 Leavitt Branch PA 464 and Brodhead Tributaries PA-463/464

Mark,
Your project is within the range of the northern long-eared bat, Indiana bat, and proposed tricolored bat, but is not within known habitat for these species. Therefore, we concur that the minimal tree removal associated with your project is not likely to adversely affect these species.

As stated in your submission, your project is also within the range of northeastern bulrush. However, there are no records in the vicinity of your project, and you state that there are no rare species within the project area. Therefore, adverse effects to northeastern bulrush are unlikely. Please note that the Service published a proposal to remove the northeastern bulrush from the Endangered Species List on July 30, 2024. The public is invited to comment on the proposal for 60 day period.

Your project involves up to 20.3 acres of tree removal. You can minimize your risk of take to migratory birds by choosing to remove trees when birds are unlikely to be nesting (tree removal recommended between September 1 and March 31).

Your project is within the range of monarch butterfly. in 2020, the Service determined that listing the monarch butterfly (Danaus plexippusas) threatened or endangered under the Act is warranted but precluded by higher priority listing actions (for more information, please see: https://www.fws.gov/media/monarch-butterfly-species-status-assessment-ssa-report. With this finding, the monarch became a candidate species under the Act and its status will be reviewed annually.

Candidate species receive no statutory protections under the Act but the Service encourages cooperative conservation efforts because they are, by definition, species that

warrant protection. We recommend you assess the project to ensure you are following the best practices in relation to monarch conservation. BMPs for monarchs are available here: https://monarchjointventure.org/mjvprograms/science/roadside-habitat-for-monarchs/best-management-practices-resources. Lastly, for more information on candidate species, please see: https://www.fws.gov/sites/default/files/documents/Candidate-Species.pdf.

Please let me know if you have any questions,
Nicole

Nicole Ranalli (she/her)
Endangered Species Biologist
U.S. Fish & Wildlife Service
Pennsylvania Field Office
110 Radnor Rd; Suite 101
State College, PA 16801
814 206-7455
nicole_ranalli@fws.gov

FWS VALUES
STEWARDSHIP – INTEGRITY – RESPECT – COLLABORATION – INNOVATION

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pennsylvania Ecological Services Field Office
110 Radnor Road Suite 101
State College, PA 16801-7987
Phone: (814) 234-4090 Fax: (814) 234-0748

In Reply Refer To: 05/29/2024 22:13:37 UTC
Project Code: 2024-0037868
Project Name: BRODHEAD TRIBUTARIES PA-463

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Pennsylvania Ecological Services Field Office
110 Radnor Road Suite 101
State College, PA 16801-7987
(814) 234-4090

PROJECT SUMMARY

Project Code: 2024-0037868
Project Name: BRODHEAD TRIBUTARIES PA-463
Project Type: Dam - Maintenance/Modification
Project Description: The project includes development of a Supplemental Watershed Plan No. 3 to address regulatory deficiencies identified at each of the two (2) Brodhead Tributary Site Dams (PA-463 & PA-464) to bring the dams into compliance with applicable United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and Pennsylvania Department of Environmental Protection (PADEP) – Dam Safety criteria and performance standards.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@41.20200495,-75.24186071150362,14z

Counties: Monroe County, Pennsylvania

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. 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.

MAMMALS

NAME	STATUS
Indiana Bat *Myotis sodalis* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: ▪ This species only needs to be considered if the project includes wind turbine operations. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

FLOWERING PLANTS

NAME	STATUS
Northeastern Bulrush *Scirpus ancistrochaetus* Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6715	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act[1] and the Migratory Bird Treaty Act[2].

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats[3], should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

---

1. The Bald and Golden Eagle Protection Act of 1940.
2. The Migratory Birds Treaty Act of 1918.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to Bald Eagle Nesting and Sensitivity to Human Activity

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.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* 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 Aug 31
Golden Eagle *Aquila chrysaetos* 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.

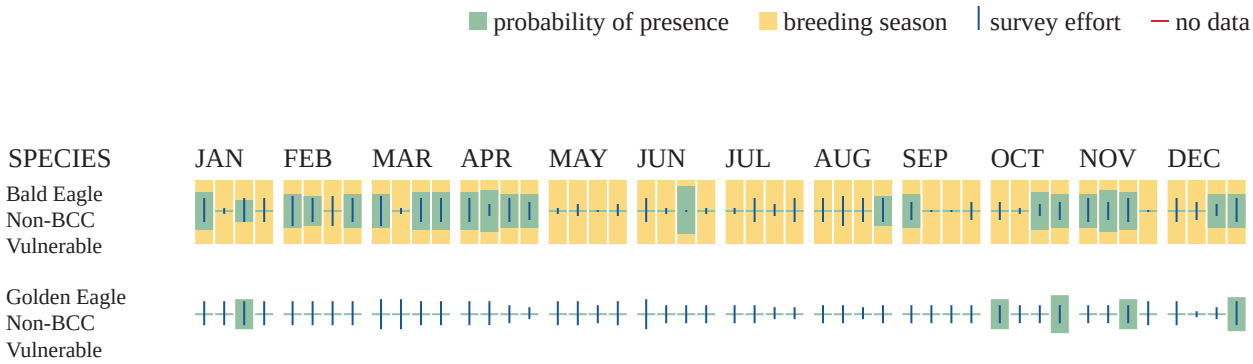
Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)
Vertical black lines; 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.



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 conservation 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

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats[3] should follow appropriate regulations and consider

implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

---

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

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.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* 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 Aug 31
Black-billed Cuckoo *Coccyzus erythropthalmus* 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
Black-capped Chickadee *Poecile atricapillus practicus* 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/10645	Breeds Apr 10 to Jul 31
Bobolink *Dolichonyx oryzivorus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9454	Breeds May 20 to Jul 31
Canada Warbler *Cardellina canadensis* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9643	Breeds May 20 to Aug 10
Cerulean Warbler *Setophaga cerulea* 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 27 to Jul 20
Chimney Swift *Chaetura pelagica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25

NAME	BREEDING SEASON
Eastern Whip-poor-will *Antrostomus vociferus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10678	Breeds May 1 to Aug 20
Golden Eagle *Aquila chrysaetos* 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
Golden-winged Warbler *Vermivora chrysoptera* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8745	Breeds May 1 to Jul 20
Northern Saw-whet Owl *Aegolius acadicus* 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/9101	Breeds Mar 1 to Jul 31
Prairie Warbler *Setophaga discolor* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9513	Breeds May 1 to Jul 31
Rusty Blackbird *Euphagus carolinus* 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/9478	Breeds elsewhere
Wood Thrush *Hylocichla mustelina* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9431	Breeds May 10 to Aug 31

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 (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

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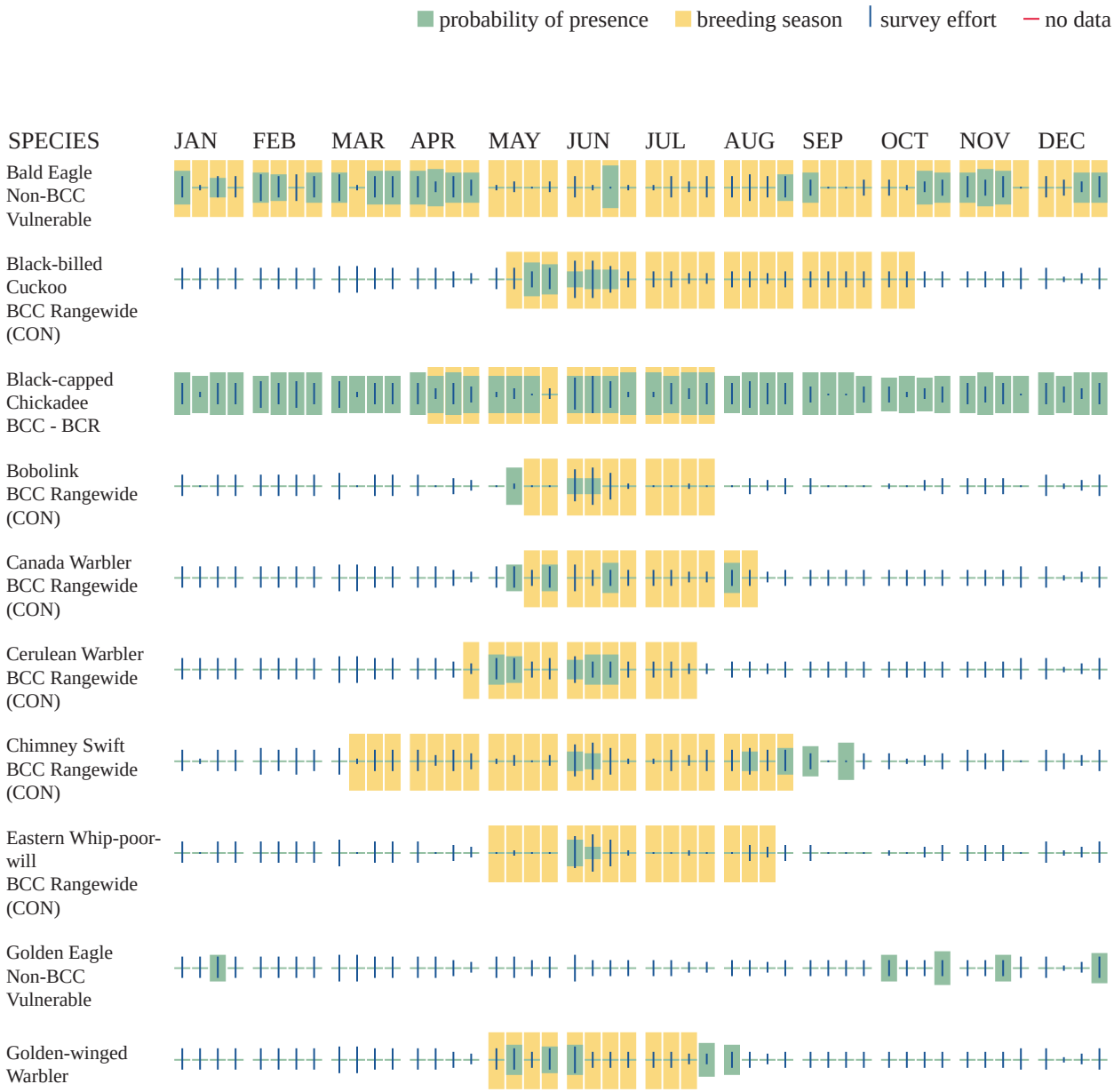
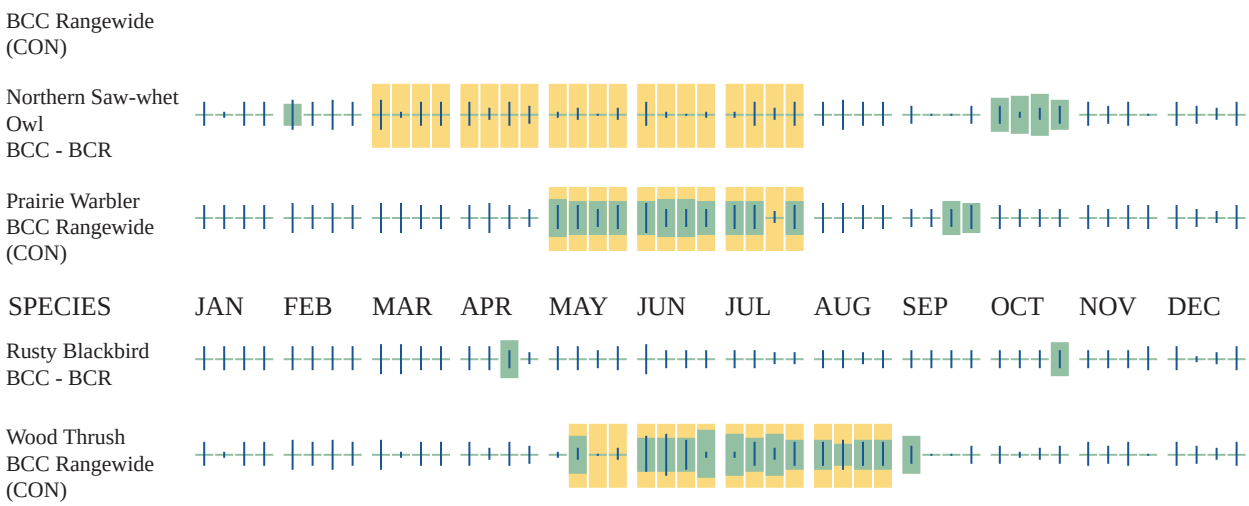
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (–)
A week is marked as having no data if there were no survey events for that week.





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 conservation 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

WETLANDS

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.

FRESHWATER POND

- PUSC
- PUBHh

RIVERINE

- R3UBH
- R5UBH

- R4SBC

FRESHWATER FORESTED/SHRUB WETLAND

- PFO1E

Regulatory Branch

SUBJECT: Standard Letter
NAP-2024-00663-106
Leavitt Branch Dam Rehabilitation Project MO
Central coordinates: 40.812907, -75.2462880
SENT VIA MAIL: USDA

Mr. Mark Buckwalter
Natural Resources Conservation Service
359 East Park Drive
Suite 2
Harrisburg, Pennsylvania 17111

Dear Mr. Buckwalter:

It has come to the attention of this office that the Monroe County Commissioners, Monroe County Conservation District, and the USDA-Natural Resource Conservation Service are proposing work that may be within waters and/or wetlands under the jurisdiction of the U.S. Army Corps of Engineers.

Please be advised that the Corps has federal regulatory authority over waters of the United States, including wetlands. Accordingly, work contemplated in the areas of federal jurisdiction may require the prior approval of this office. You are also advised that the performance of work in areas subject to federal jurisdiction in the absence of Corps authorization may be a violation of federal law.

It is suggested that you contact this office to request a jurisdictional determination and to arrange an on-site inspection of the property to determine the extent of federally jurisdictional boundaries and federal permit requirements.

Do not construe this letter as a finding of federal jurisdiction on your property. The purpose of this letter is to advise you of the possibility of such jurisdiction and that you should contact this office for a site-specific jurisdictional determination for your project.

Contact me by email at Jessica.L.VanWinkle@usace.army.mil or by phone at (570) 702-9119 if there are any questions concerning this request. Thank you for your cooperation in this matter.

Regards,

Glenn R. Weitknecht
Chief, Application Section II

From: Van Winkle, Jessica L CIV (USA)
To: Buckwalter, Mark - FPAC-NRCS, PA
Subject: RE: Comments for Leavitt Branch and Goose Pond Dam
Date: Monday, April 21, 2025 1:10:24 PM

Hey Mark!

Sorry for the delay in getting back to you. I am in California helping with the wildfire clean up and it is a bit hectic lol!

Yes, I received your e-mail and voicemail, we are all good on my end.

Thank you and hope you have a good day!

-Jessica

From: Buckwalter, Mark - FPAC-NRCS, PA <mark.buckwalter@usda.gov>
Sent: Friday, April 18, 2025 11:32 AM
To: Van Winkle, Jessica L CIV (USA) <Jessica.L.VanWinkle@usace.army.mil>
Subject: [Non-DoD Source] RE: Comments for Leavitt Branch and Goose Pond Dam
Importance: High

Hi Jessica,

I am following up on a voicemail I had left you on April 10th to see if you could provide a response to the email I sent on March 3rd related to the coordination letters you had provided September 30th. This is regarding the subject dams that we are completing a supplemental watershed Plan-EA for.

If you could please provide email confirm that the 3/12 email was received and the response provide is acceptable.

Thank you, I really appreciate it! Feel free to give me a call to discuss, if you have any questions.

Thanks,
Mark

Mark G. Buckwalter, P.E.
Civil/Ag Engineer
PA-NRCS

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
359 East Park Drive, Suite 2, Harrisburg, PA 17111
p: (717) 237-2245 | c: (717) 239-9253

From: Buckwalter, Mark - FPAC-NRCS, PA
Sent: Wednesday, March 12, 2025 12:49 PM
To: Van Winkle, Jessica L CIV (USA) <Jessica.L.VanWinkle@usace.army.mil>
Subject: RE: Comments for Leavitt Branch and Goose Pond Dam

Hi Jessica,

I am closing the loop regarding your email and letters you provided concerning Leavitt Branch and Goose Pond dams. I was able to speak with Dave Caplan per your guidance. I spoke with him in November and then following up with him again via a phone call last week, 3/4/2025. During our initial discussion in November, we discussed the projects and potential wetland impacts. He reviewed the Jurisdictional Determination (JD) and permitting process with me, and we discussed whether it is appropriate to do a JD now or wait until the projects move into design phase. The NRCS preference is to hold off on the JD during this phase, and have it completed if/when the dams would move into the design phase. The design will fine tune the amount of land disturbance and what impacts construction will have on existing wetlands. Avoiding and/or minimizing wetland impacts will be a large consideration during design, since any disturbance will likely require mitigation.

Last week, I confirmed with Dave that we would contact your office during the design phase to review the wetland impacts and request an on-site jurisdictional determination at that time. For the planning environment document, we are going to include mitigation costs for the wetlands identified as being permanently or temporarily impacted, so that those costs and worst-case impacts are accounted for.

If you have any questions for me in the meantime, please feel free to reach out.

Thanks,
Mark

Mark G. Buckwalter, PE
Civil/Ag Engineer
PA-NRCS

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
359 East Park Drive, Suite 2, Harrisburg, PA 17111
p: (717) 237-2245 | c: (717) 239-9253

From: Van Winkle, Jessica L CIV (USA) <Jessica.L.VanWinkle@usace.army.mil>
Sent: Wednesday, October 16, 2024 1:24 PM
To: Buckwalter, Mark - FPAC-NRCS, PA <mark.buckwalter@usda.gov>
Subject: RE: Comments for Leavitt Branch and Goose Pond Dam

Hello Mark,

Sorry about missing your call yesterday. I am giving you Dave Caplan's phone number from our office. He can point you in the right direction with the permitting for the dams. He will be in today until 4 and is off the next two days so wouldn't be available until next week if not today.

His cell is (215)-605-7029

If you need anything else from me, please let me know.

Thank you!

-Jessica

From: Buckwalter, Mark - FPAC-NRCS, PA <mark.buckwalter@usda.gov>
Sent: Tuesday, October 15, 2024 3:30 PM
To: Van Winkle, Jessica L CIV (USA) <Jessica.L.VanWinkle@usace.army.mil>
Subject: [Non-DoD Source] RE: Comments for Leavitt Branch and Goose Pond Dam

Hello Jessica,

I just tried calling and it said your voicemail has not been setup yet. If you wouldn't mind giving me a call to discuss the response letters you provided. I wanted to discuss the JD evaluation of the Dams, and when would be the best time in the rehab process to do that. The best time to catch me tomorrow would be between 10-12am, or after 2pm. Or anytime Thursday before noon.

Thanks,

Mark Buckwalter, PE
Civil Engineer | USDA-NRCS
359 East Park Drive, Suite 2, Harrisburg, PA 17111
O: 717-237-2245 | C: 717-239-9253

From: Van Winkle, Jessica L CIV (USA) <Jessica.L.VanWinkle@usace.army.mil>
Sent: Monday, September 30, 2024 10:44 AM
To: Buckwalter, Mark - FPAC-NRCS, PA <mark.buckwalter@usda.gov>
Subject: Comments for Leavitt Branch and Goose Pond Dam

Hello Mark

Attached are letters from the Corps in response to your request for comments on the two above mentioned dams. If you have any questions, feel free to reach out.

Thank You and have a nice day!

Jessica Van Winkle
Biologist, Application Section II
USACE Pocono Area Field Office
253 State Route 435, Suite 4
Clifton Township, PA 18424
Cell: 570-702-9119

August 26, 2024

RE: Notification and Solicitation of Comments for Proposed Improvements to Leavitt Branch (PA-463), Goose Pond Dam (PA-464) of the Brodhead Tributaries; Supplemental Watershed Plan / Environmental Assessment
Monroe County, Pennsylvania

The Monroe County Commissioners, Monroe County Conservation District, and the United States Department of Agriculture—Natural Resources Conservation Service (NRCS) hereby solicit concerns and/or comments regarding the proposed dam rehabilitation of Leavitt Branch Dam (PA-463) and Goose Pond Dam (PA-464), of the Brodhead Tributaries, located in Monroe 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, pertinent federal, state, 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 three alternatives being considered for each dam:

Leavitt Branch Dam (PA-463)

- Future without Federal Investment or No Action Alternative (analysis of how the dam could fail if deficiencies are not addressed) – Breach of the Auxiliary Spillway due to head cutting erosion.
- Non-Structural Alternative – Decommissioning or lowering the hazard potential classification of the dam while providing flood protection by other means.
- Structural Alternative (rehabilitation of the dam) – Labyrinth Weir in the Auxiliary Spillway to increase flow capacity, with a roller compacted concrete outlet channel to a stilling basin in order to dissipate energy and limit potential for erosion.
    - A total of 14 different potential rehabilitation scenarios were considered. The least cost scenario, detailed above, was carried forward for detailed study.

The Structural (Dam Rehab) Alternative is the National Economic Efficiency (NEE) Alternative and thus, the Preferred selected by the project sponsors.

Goose pond Dam (PA-464)

- Future without Federal Investment or No Action Alternative (analysis of how the dam could fail if deficiencies are not addressed)– Breach of the dam due to an overtopping event.
- Non-Structural Alternative – Decommissioning or lowering the hazard potential classification of the dam while providing flood protection by other means.
- Structural Alternative (rehabilitation of the dam) – Raise top of dam and Auxiliary Spillway (ASW) elevation to provide additional reservoir storage capacity and control the required storm event, install a concrete broad crested weir in the ASW to increase flow capacity. Install a cutoff wall

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

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embedded in bedrock in the ASW to prevent erosion. Install a new internal drainage system on the downstream embankment. Extend and replace the Principal Spillway outlet pipe.

- A total of 18 different potential rehabilitation scenarios were considered. The least cost scenario, detailed above, was carried forward for detailed study.

The Structural (Dam Rehab) Alternative is the National Economic Efficiency (NEE) Alternative and thus, the Preferred selected by the project sponsors.

PROPOSED ACTIONS

The projects are proposed because the dams do not meet current safety and performance standards. The proposed actions include rehabilitation improvements to the dams to bring them into compliance and meet current NRCS and State safety and performance standards. Figures 2 and 3 depict the Limits of Disturbance (LODs) for the Preferred Alternatives for each dam. The attached plan sheets depict activities associated with the Preferred Alternative.

Leavitt Branch Dam (PA-463)

Leavitt Branch Dam is located on Leavitt Branch, a tributary of the Brodhead Creek in Barrett Township, Monroe County, Pennsylvania. The dam is owned by the Monroe County Commissioners and operated and maintained by the Monroe County Conservation District. The dam was originally designed and constructed by NRCS in 1976 as a high hazard dam with the single purpose of flood control. The high hazard classification is based on the risk of potential loss of human life if a dam failure occurred based on prevalence of population, bridges, roads, and buildings in the downstream inundation zone.

The LOD is the area where it is anticipated that ground disturbing activities will occur and where vegetation clearing will be conducted as necessary (see Figure 2). Rehabilitation activities involve ground disturbance by construction equipment such as backhoes, bulldozers, graders, and dump trucks. Disturbances around the dam will occur in the area of the toe of the dam, the auxiliary spillway, principal spillway, impact basin, as well as along the access road and staging area. There is a proposed staging area south of the dam with a temporary construction access road to the toe of the dam. It is estimated that a maximum of approximately 9.7 of trees will need to be cleared for construction (see Figure 2). Approximately 3.8 acres will be allowed to grow back. Rehabilitation actions will result in unavoidable permanent impacts to about 0.49 acres of freshwater wetlands. An additional 0.06 acres of freshwater wetlands are anticipated to be temporarily impacted by project work (see Figure 4).

Goose Pond Dam (PA-464)

Goose Pond Dam is located on Goose Pond Run, a tributary of the Brodhead Creek in Barrett Township, Monroe County, Pennsylvania. The dam is owned by the Monroe County Commissioners and operated and maintained by the Monroe County Conservation District. The dam was originally designed and constructed by NRCS in 1975 as a hazard dam with the single purpose of flood control. The high hazard classification is based on the risk of potential loss of human life if a dam failure occurred based on prevalence of population, bridges, roads, and buildings in the downstream inundation zone.

The LOD is the area where it is anticipated that ground disturbing activities will occur and where vegetation clearing will be conducted as necessary (see Figure 3). Rehabilitation activities involve ground disturbance by construction equipment such as backhoes, bulldozers, graders, and dump trucks.

Disturbances around the dam will occur in the area of the toe of the dam, the auxiliary spillway, principal spillway, impact basin, as well as along the access road and onsite staging area. There is a proposed staging area to the East of the dam with a temporary construction access road to the toe of the dam. It is estimated that a maximum of approximately 10.6 acres of trees will need to be cleared for construction, primarily in the onsite borrow and staging area (see Figure 3). Approximately 9.8 acres would be allowed to grow back. Rehabilitation actions will result in unavoidable permanent impacts to about 1.78 acres of freshwater wetlands. An additional 0.4 acres of freshwater wetlands are anticipated to be temporarily impacted by project work (see Figure 5).

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, such as turbidity curtains, silt fences, silt logs and/or straw bales, or similar will be employed to avoid impacts to water quality. Additional mitigation efforts include placing excavated soil material from the dam embankments in the upper areas of the auxiliary spillways and installing riprap protection along the stream channels to minimize potential erosion. 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. Wetland impacts will be addressed in compliance with Executive Order 11990, the Clean Water Act, U.S. Army Corps of Engineers regulatory guidance, and Pennsylvania Department of Environmental Protection (PADEP) regulatory requirements. Mitigation actions could also include the use of a mitigation bank, or the creation of an equivalent acreage of new wetlands within the general vicinity of the project sites, adhering to PADEP regulations.

Wildlife and Plants

Endangered and threatened species were reviewed within the Affected Environment for the two dam sites using the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) database. The IPaC database identified two federally endangered mammals, the northern long-eared bat (*Myotis septentrionalis*) and the Indiana bat (*Myotis sodalis*), as well as the proposed endangered species, tricolored bat (*Perimyotis subflavus*). The review also indicated the presence of one candidate endangered insect species, monarch butterfly (*Danaus plexippus)*. In addition to these, an endangered plant species, the northeastern bulrush (*Scirpus ancistrochaetus)* was identified by the IPaC. The USFWS IPaC lists no critical habitats within the Affected Environment of the two dam sites. No rare, threatened, or endangered species or significant natural communities were observed during the course of field work. No potential bat roost trees were observed. Neither dam site is mapped as core habitat; both are dominated by frequently-mowed land.

Migratory birds listed under the Migratory Bird Treaty Act that could potentially utilize the project area include: wood thrush (*Hylocichla mustelina*), black-capped chickadee (*Poecile atricapillus*), bobolink (*Dolichonyx oryzivorus*), black-billed cuckoo (*Coccyzus erythropthalmus*), Canada warbler (*Cardellina canadensis*), cerulean warbler (*Setophaga cerulea*), prairie warbler (*Setophaga discolor*), golden-winged warbler (*Vermivora chrysoptera*), northern saw-whet owl (*Aegolius acadicus*), rusty blackbird (*Euphagus carolinus*), chimney swift (*Chaetura pelagica*), and eastern whip-poor-will (*Antrostomus vociferous*). (USFWS IPaC). Migratory birds foraging habitat may be temporarily impacted during construction work. However, there is similar suitable habitat in the immediate vicinity that could be used during construction and therefore impacts to these migratory bird species are considered negligible. There is potential

presence of the bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*). Bald eagles have been observed in areas around the dams, but there is no know nests at the dams or flood pools.

A PNDI review of the approximate affected environment was conducted on June 14, 2024 and further desktop review with the Pennsylvania Natural Heritage Program (PNHP) Conservation Explorer tool was conducted. The following are preliminary agency results of the PNDI search and results of the desktop review. A formal PNDI report has not been received yet and the following results will be updated as necessary upon receipt.

- PA Game Commission - lists no Threatened and Endangered Species or Species of Special Concern.

- PA Fish & Boat Commission - indicates no Threatened and Endangered Species. The PNDI search results indicate the project may be located in the occupied range of the timber rattlesnake (*Crotalus horridus*) and provides recommendations for avoiding disturbance of critical habitat and minimizing risks during construction. However, based on the PA Conservation Explorer, the timber rattlesnake Dutch Hill habitat is located west of the affected environment.

- PA DCNR - indicates the presence of a threatened plant, white twisted-stalk (*Streptopus amplexifolius*). However, based on the PA Conservation Explorer, it appears the plant is located outside of the affected environment.

- USFWS - indicates no impacts to federally listed or proposed species are anticipated.

Information and data collected from this solicitation will be included in the Plan-EA which is anticipated to be completed end of the 2024 calendar year. Please forward concerns/comments to Mark Buckwalter, PE (Civil Engineer), no later than 30 days from the date 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 do not have any concerns or comments on the project.

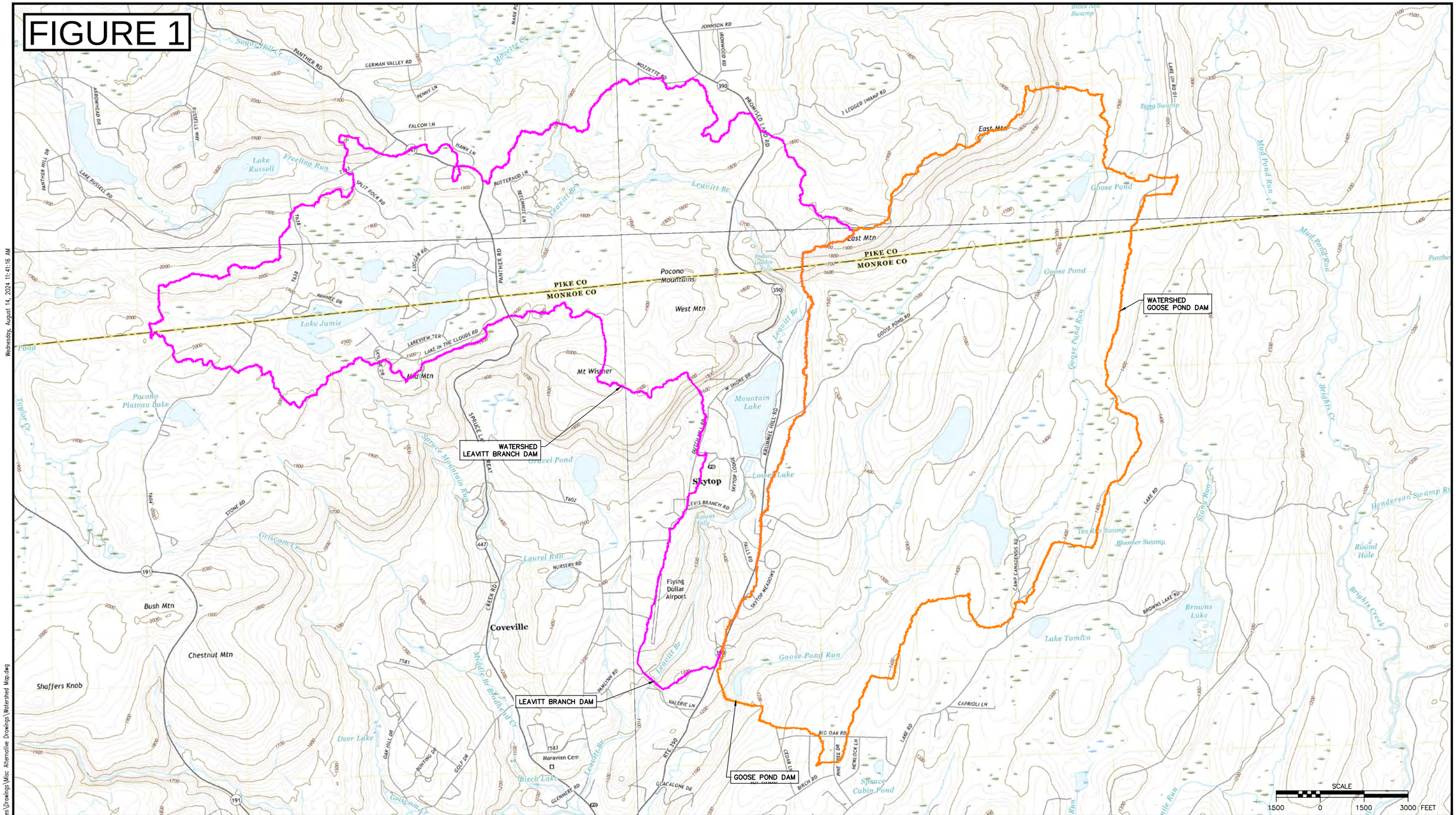
If you have any questions, please contact Mark Buckwalter via email at mark.buckwalter@usda.gov. We look forward to your response.

Sincerely,

Denise Coleman
State Conservationist

Attachments: Figures on the Brodhead Tributaries Watershed Rehabilitation Project

FIGURE 1



NOTES / REVISIONS

ISSUED FOR	DATE	REV.	REVISION DESCRIPTION	MADE BY	CHKD BY	DATE
		4				
		3				
		2				
		1				

SEAL:

DDK Engineering-JV

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PROJECT NUMBER: 172719-33	DRAWN BY: MMS
FILE NAME: Watershed Map.dwg	CHECKED BY: MJG
	DATE: 8/13/2024
	DATE: --

BRODHEAD TRIBUTARIES WATERSHED

MONROE COUNTY, PENNSYLVANIA

FIGURE 1
WATERSHED MAP

A53

SCALE: AS SHOWN | DRAWING NO. 1 | REV 0

R:\2017\172719-33 - Brodhead Tributaries\Drawings\Misc Alternative Drawings\Watershed Map.dwg

Wednesday, August 14, 2024 11:41:16 AM

FIGURE 2

Date
Designed JMS 3/2024
Drawn JMS 3/2024
Checked
Approved

BRODHEAD TRIBUTARIES FLOOD PROTECTION PROJECT
LEAVITT BRANCH DAM & GOOSE POND DAM
MONROE COUNTY, PENNSYLVANIA
LEAVITT BRANCH DAM
FIGURE 2

DDK Engineering-JV

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Project No. 172719-33
Drawing No. 2
Sheet 2 of 3
A54

R:\2017\172719-33 - Brodhead Tributaries\Drawings\Misc Alternative Drawings\Leavitt - Option 12 Required Easements.dwg
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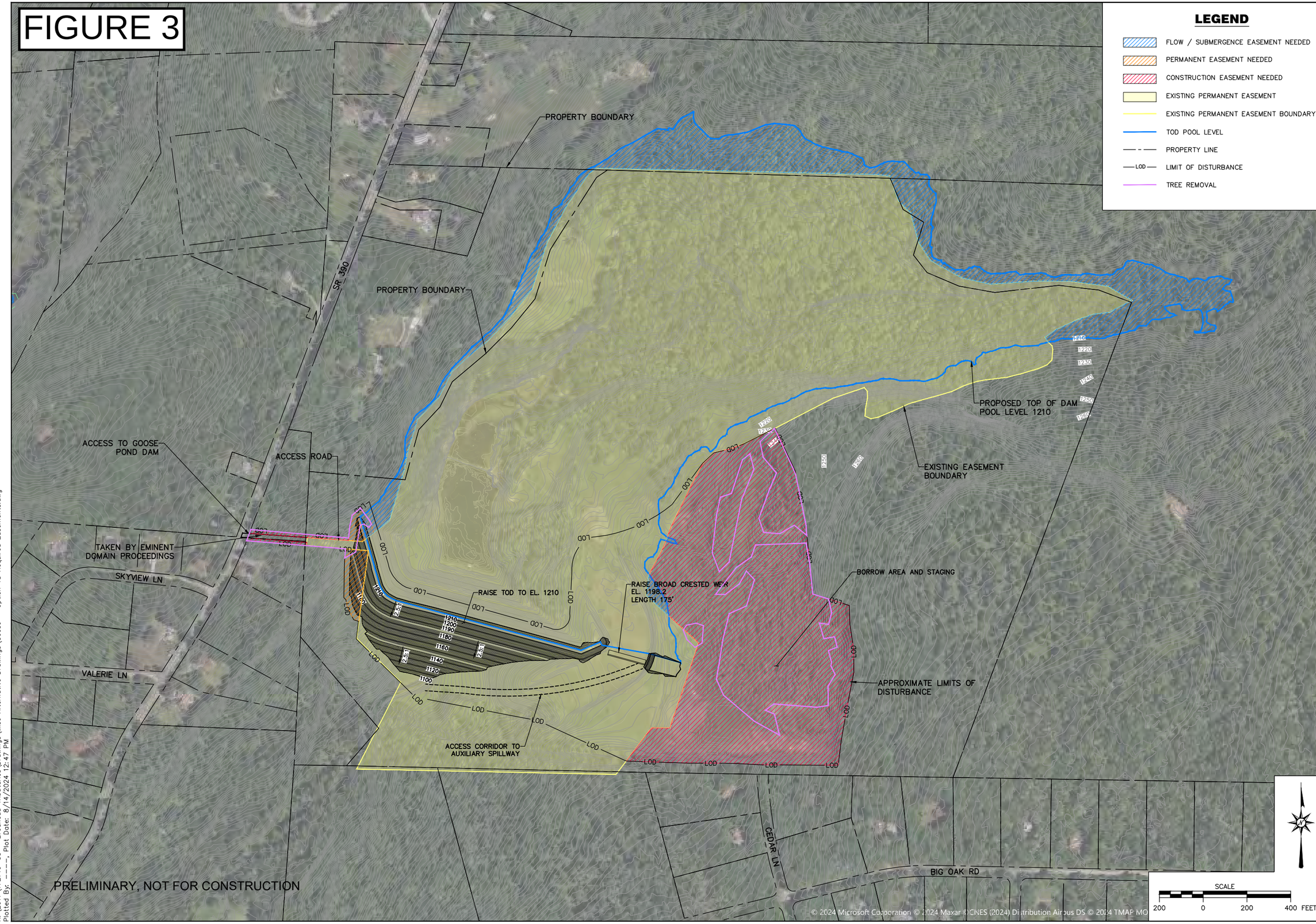
FIGURE 3



Date
Designed MMS 3/2024
Drawn MMS 3/2024
Checked
Approved

BRODHEAD TRIBUTARIES FLOOD PROTECTION PROJECT
LEAVITT BRANCH DAM & GOOSE POND DAM
MONROE COUNTY, PENNSYLVANIA
GOOSE POND DAM
FIGURE 3

DDK Engineering-JV

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Project No. 172719-33
Drawing No. 3
A55
Sheet 3 of 3

R:\2017\172719-33 - Brodhead Tributaries\Drawings\Misc Alternative Drawings\Goose - Option 18 Required Easements.dwg
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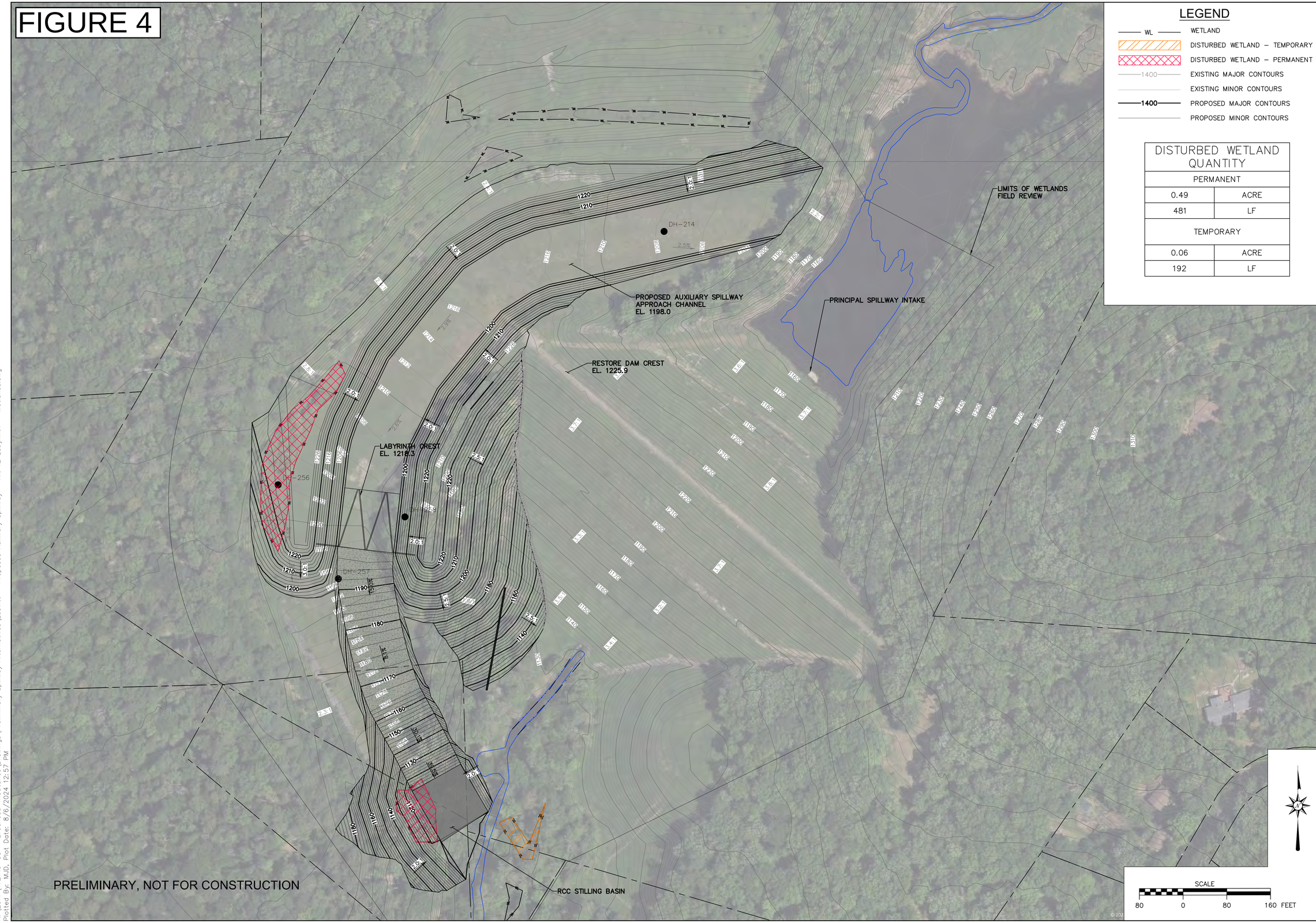
FIGURE 4



LEGEND

- WL — WETLAND
- DISTURBED WETLAND – TEMPORARY
- DISTURBED WETLAND – PERMANENT
- 1400 — EXISTING MAJOR CONTOURS
- EXISTING MINOR CONTOURS
- 1400 — PROPOSED MAJOR CONTOURS
- PROPOSED MINOR CONTOURS

DISTURBED WETLAND QUANTITY	
PERMANENT	
0.49	ACRE
481	LF
TEMPORARY	
0.06	ACRE
192	LF

Date
Designed MMS 08/2024
Drawn MMS 08/2024
Checked
Approved

BRODHEAD TRIBUTARIES FLOOD PROTECTION PROJECT
LEAVITT BRANCH DAM & GOOSE POND DAM
MONROE COUNTY, PENNSYLVANIA

LEAVITT BRANCH DAM - PREFERRED ALTERNATIVE
WETLANDS DISTRUBANCE MAP

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Project No. 172719-33

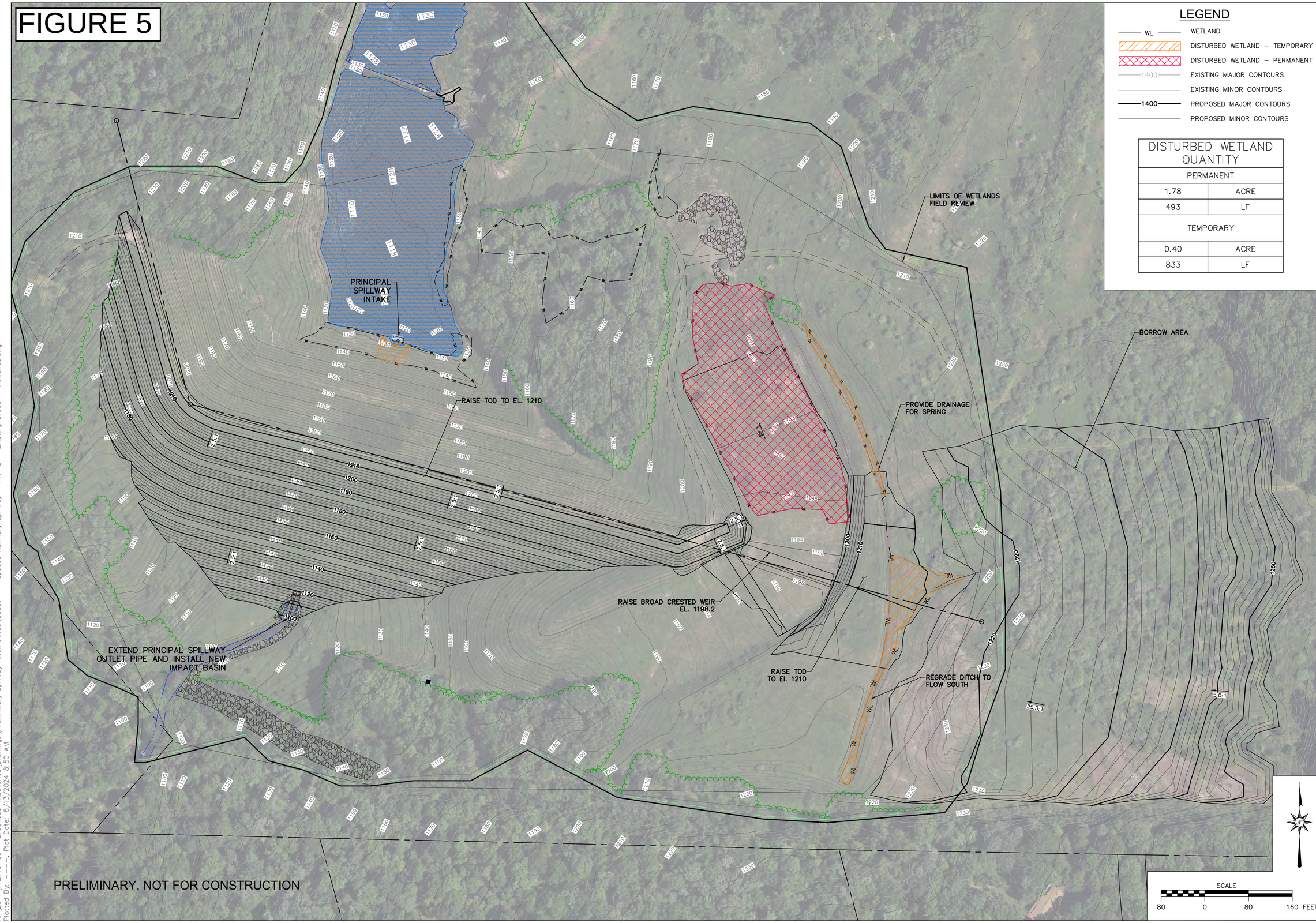
Drawing No. 2

Sheet 2 of 2

A56

R:\2017\172719-33 – Brodhead Tributaries\Drawings\Preliminary Spillway Alternatives\Leavitt – Proposed Auxiliary Spillway – Alt 12 Labyrinth – Wetlands.dwg
Plotted By: MJD, Plot Date: 8/6/2024 12:57 PM

FIGURE 5



LEGEND

- WL — WETLAND
- DISTURBED WETLAND – TEMPORARY
- DISTURBED WETLAND – PERMANENT
- 1400 — EXISTING MAJOR CONTOURS
- EXISTING MINOR CONTOURS
- 1400 — PROPOSED MAJOR CONTOURS
- PROPOSED MINOR CONTOURS

DISTURBED WETLAND QUANTITY	
PERMANENT	
1.78	ACRE
493	LF
TEMPORARY	
0.40	ACRE
833	LF

Date
Designed MMS 08/2024
Drawn MMS 08/2024
Checked
Approved

BRODHEAD TRIBUTARIES FLOOD PROTECTION PROJECT
LEAVITT BRANCH DAM & GOOSE POND DAM
MONROE COUNTY, PENNSYLVANIA

GOOSE POND DAM - PREFERRED ALTERNATIVE
WETLANDS DISTRUBANCE MAP

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Project No. 172719-33

Drawing No. 1

Sheet 1 of 2

A57

R:\2017\172719-33 - Brodhead Tributaries\Drawings\Preliminary Spillway Alternatives\Goose - Proposed Auxiliary Spillway - Alt 18 - Existing Broad - Wetlands.dwg
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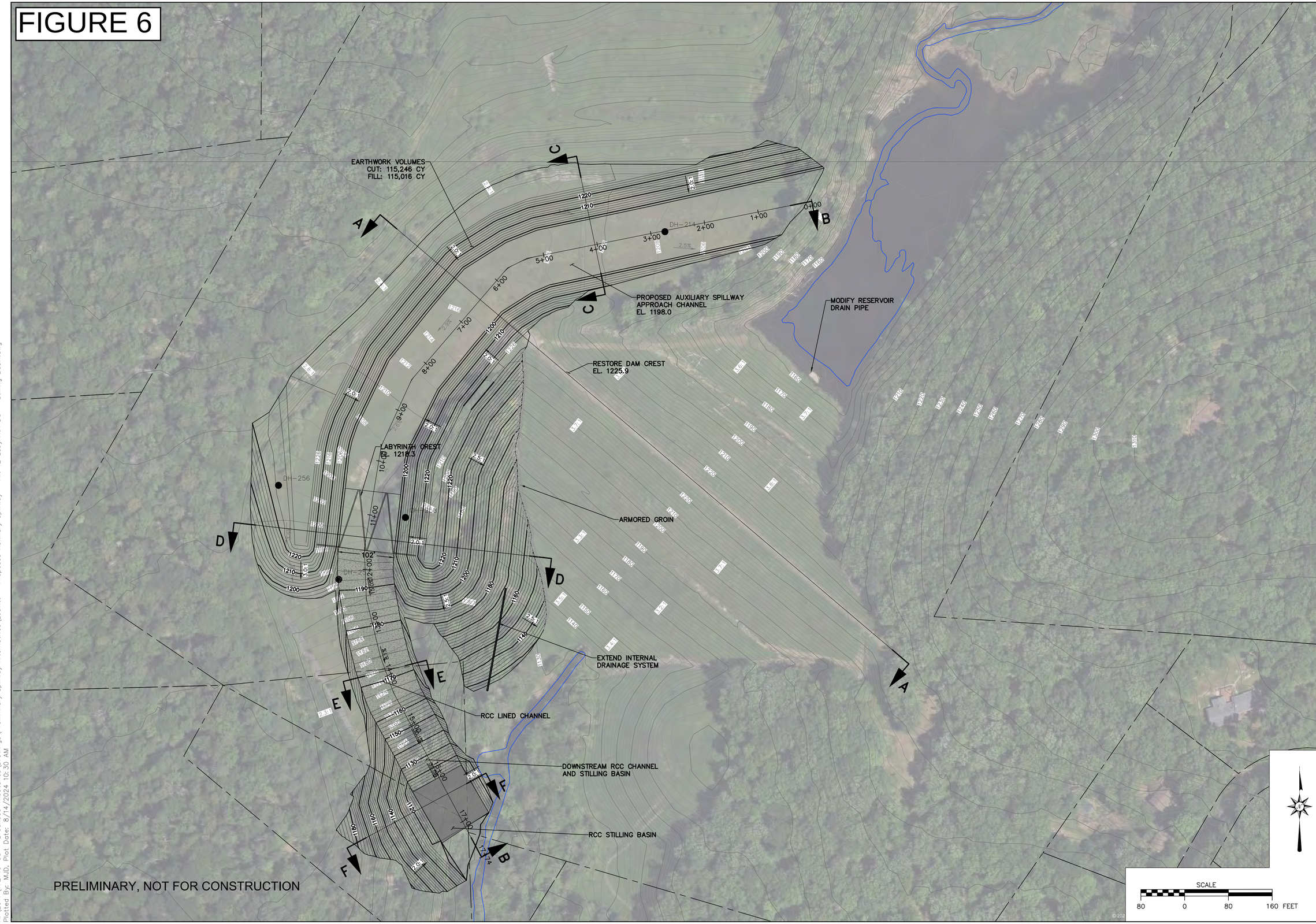
FIGURE 6



PRELIMINARY, NOT FOR CONSTRUCTION

R:\2017\172719-33 - Brodhead Tributaries\Drawings\Preliminary Spillway Alternatives\Leavitt - Proposed Auxiliary Spillway - Alt 12 Labyrinth DS - Stilling Basin.dwg
Plotted By: MJD, Plot Date: 8/14/2024 10:30 AM

		Date
Designed	MMS	06/2024
Drawn	MMS	06/2024
Checked		
Approved		

BRODHEAD TRIBUTARIES FLOOD PROTECTION PROJECT
LEAVITT BRANCH DAM & GOOSE POND DAM
MONROE COUNTY, PENNSYLVANIA

LEAVITT BRANCH DAM

PREFERRED DESIGN OPTION 12

DDK Engineering-JV

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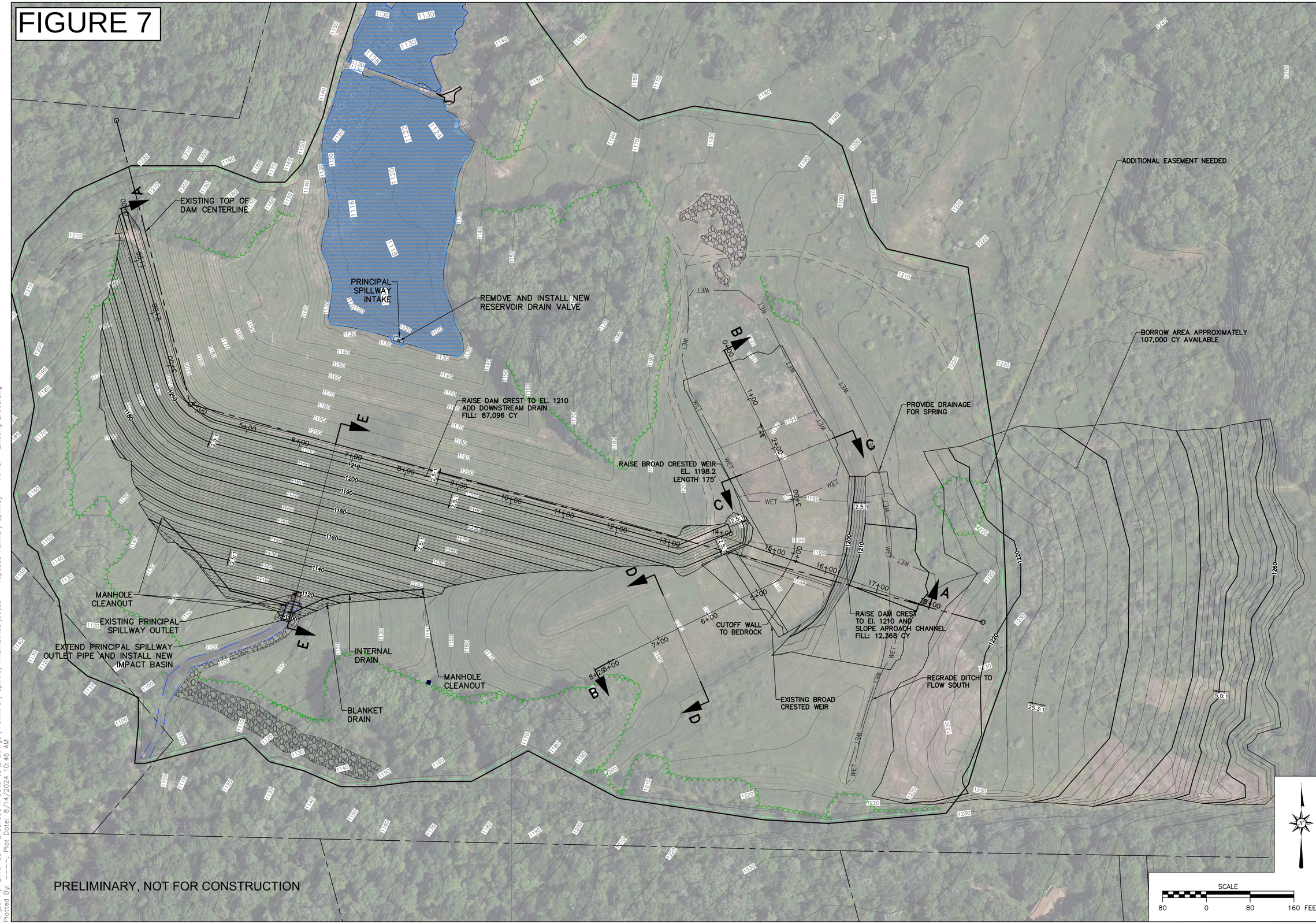
Project No. 172719-33

Drawing No. 37

Sheet 1 of 4

A58

FIGURE 7



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Plotted By: ----, Plot Date: 8/14/2024 10:46 AM

		Date
Designed	MMS	06/2024
Drawn	MMS	06/2024
Checked		
Approved		

BRODHEAD TRIBUTARIES FLOOD PROTECTION PROJECT
LEAVITT BRANCH DAM & GOOSE POND DAM
MONROE COUNTY, PENNSYLVANIA

GOOSE POND DAM

PREFFERED DESIGN OPTION 18

DDK Engineering-JV

United States Department of Agriculture
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Project No. 172719-33

Drawing No. 41

Sheet 1 of 4

A59

	First Name	Title	Agency/Org
	Kirk	Chief, Division of Dam Safety	PA Department of Environmental Protection
	Randy	Director	PA Emergency Management Agency
	Glenn	Chief, Application Section II	U.S. Army Corps of Engineers, Philadelphia District, Regulatory Branch
	Sonja	Project Leader/Supervisor	U.S. Fish and Wildlife Service, PA Field Office
Tribes			
	John R.	Governor	Absentee-Shawnee Tribe of Indians of Oklahoma
	Deborah	President	Delaware Nation, Oklahoma
	Brad	Chief	Delaware Tribe of Indians
	Glenna	Chief	Eastern Shawnee Tribe of Oklahoma
	Sidney	Chief	Onondaga Nation
	Charles	Chief	Seneca-Cayuga Nation
	Ben	Chief	Shawnee Tribe
	Shannon	President	Stockbridge-Munsee Community

August 26, 2024

Ben Barnes, Chief
Shawnee Tribe
P.O. Box 189
Miami, OK 74355

RE: Notification and Solicitation of Comments for Proposed Improvements to Leavitt Branch (PA-463), Goose Pond Dam (PA-464) of the Brodhead Tributaries; Supplemental Watershed Plan / Environmental Assessment
Monroe County, Pennsylvania

The Monroe County Commissioners, Monroe County Conservation District, and the United States Department of Agriculture—Natural Resources Conservation Service (NRCS) hereby solicit concerns and/or comments regarding the proposed dam rehabilitation of Leavitt Branch Dam (PA-463) and Goose Pond Dam (PA-464), of the Brodhead Tributaries, located in Monroe 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, pertinent federal, state, 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 three alternatives being considered for each dam:

Leavitt Branch Dam (PA-463)

- Future without Federal Investment or No Action Alternative (analysis of how the dam could fail if deficiencies are not addressed) – Breach of the Auxiliary Spillway due to head cutting erosion.
- Non-Structural Alternative – Decommissioning or lowering the hazard potential classification of the dam while providing flood protection by other means.
- Structural Alternative (rehabilitation of the dam) – Labyrinth Weir in the Auxiliary Spillway to increase flow capacity, with a roller compacted concrete outlet channel to a stilling basin in order to dissipate energy and limit potential for erosion.
    - A total of 14 different potential rehabilitation scenarios were considered. The least cost scenario, detailed above, was carried forward for detailed study.

The Structural (Dam Rehab) Alternative is the National Economic Efficiency (NEE) Alternative and thus, the Preferred selected by the project sponsors.

Goose pond Dam (PA-464)

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- Non-Structural Alternative – Decommissioning or lowering the hazard potential classification of the dam while providing flood protection by other means.
- Structural Alternative (rehabilitation of the dam) – Raise top of dam and Auxiliary Spillway (ASW) elevation to provide additional reservoir storage capacity and control the required storm event, install a concrete broad crested weir in the ASW to increase flow capacity. Install a cutoff wall embedded in bedrock in the ASW to prevent erosion. Install a new internal drainage system on the downstream embankment. Extend and replace the Principal Spillway outlet pipe.
    - A total of 18 different potential rehabilitation scenarios were considered. The least cost scenario, detailed above, was carried forward for detailed study.

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Leavitt Branch Dam (PA-463)

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The LOD is the area where it is anticipated that ground disturbing activities will occur and where vegetation clearing will be conducted as necessary (see Figure 2). Rehabilitation activities involve ground disturbance by construction equipment such as backhoes, bulldozers, graders, and dump trucks. Disturbances around the dam will occur in the area of the toe of the dam, the auxiliary spillway, principal spillway, impact basin, as well as along the access road and staging area. There is a proposed staging area south of the dam with a temporary construction access road to the toe of the dam. It is estimated that a maximum of approximately 9.7 of trees will need to be cleared for construction (see Figure 2). Approximately 3.8 acres will be allowed to grow back. Rehabilitation actions will result in unavoidable permanent impacts to about 0.49 acres of freshwater wetlands. An additional 0.06 acres of freshwater wetlands are anticipated to be temporarily impacted by project work (see Figure 4).

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Endangered and threatened species were reviewed within the Affected Environment for the two dam sites using the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) database. The IPaC database identified two federally endangered mammals, the northern long-eared bat (*Myotis septentrionalis*) and the Indiana bat (*Myotis sodalis*), as well as the proposed endangered species, tricolored bat (*Perimyotis subflavus*). The review also indicated the presence of one candidate endangered insect species, monarch butterfly (*Danaus plexippus)*. In addition to these, an endangered plant species, the northeastern bulrush (*Scirpus ancistrochaetus)* was identified by the IPaC. The USFWS IPaC lists no critical habitats within the Affected Environment of the two dam sites. No rare, threatened, or endangered species or significant natural communities were observed during the course of field work. No potential bat roost trees were observed. Neither dam site is mapped as core habitat; both are dominated by frequently-mowed land.

Migratory birds listed under the Migratory Bird Treaty Act that could potentially utilize the project area include: wood thrush (*Hylocichla mustelina*), black-capped chickadee (*Poecile atricapillus*), bobolink (*Dolichonyx oryzivorus*), black-billed cuckoo (*Coccyzus erythropthalmus*), Canada warbler (*Cardellina*

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Denise Coleman
State Conservationist

Attachments: Figures on the Brodhead Tributaries Watershed Rehabilitation Project

August 26, 2024

Charles Diebold, Chief
Seneca-Cayuga Nation
P.O. Box 452220
Grove, OK 74344

RE: Notification and Solicitation of Comments for Proposed Improvements to Leavitt Branch (PA-463), Goose Pond Dam (PA-464) of the Brodhead Tributaries; Supplemental Watershed Plan / Environmental Assessment
Monroe County, Pennsylvania

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Attachments: Figures on the Brodhead Tributaries Watershed Rehabilitation Project

August 26, 2024

Deborah Dotson, President
Delaware Nation, Oklahoma
P.O. Box 825
Anadarko, OK 73005

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August 26, 2024

Sidney Hill, Chief
Onondaga Nation
4040 Route 11
Newdrow, NY 13120

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The Structural (Dam Rehab) Alternative is the National Economic Efficiency (NEE) Alternative and thus, the Preferred selected by the project sponsors.

Goose pond Dam (PA-464)

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- Non-Structural Alternative – Decommissioning or lowering the hazard potential classification of the dam while providing flood protection by other means.
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Migratory birds listed under the Migratory Bird Treaty Act that could potentially utilize the project area include: wood thrush (*Hylocichla mustelina*), black-capped chickadee (*Poecile atricapillus*), bobolink (*Dolichonyx oryzivorus*), black-billed cuckoo (*Coccyzus erythropthalmus*), Canada warbler (*Cardellina*

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Information and data collected from this solicitation will be included in the Plan-EA which is anticipated to be completed end of the 2024 calendar year. Please forward concerns/comments to Mark Buckwalter, PE (Civil Engineer), no later than 30 days from the date 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 do not have any concerns or comments on the project.

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Sincerely,

Denise Coleman
State Conservationist

Attachments: Figures on the Brodhead Tributaries Watershed Rehabilitation Project

August 26, 2024

Shannon Holsey, President
Stockbridge-Munsee Community
N8476 Mo He Con Nuck Road
Bowler, WI 54416

RE: Notification and Solicitation of Comments for Proposed Improvements to Leavitt Branch (PA-463), Goose Pond Dam (PA-464) of the Brodhead Tributaries; Supplemental Watershed Plan / Environmental Assessment
Monroe County, Pennsylvania

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Attachments: Figures on the Brodhead Tributaries Watershed Rehabilitation Project

August 26, 2024

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

RE: Notification and Solicitation of Comments for Proposed Improvements to Leavitt Branch (PA-463), Goose Pond Dam (PA-464) of the Brodhead Tributaries; Supplemental Watershed Plan / Environmental Assessment
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Brad KillsCrow, Chief
Delaware Tribe of Indians
5100 Tuxedo Blvd.
Bartlesville, OK 74006

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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, pertinent federal, state, 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 three alternatives being considered for each dam:

Leavitt Branch Dam (PA-463)

- Future without Federal Investment or No Action Alternative (analysis of how the dam could fail if deficiencies are not addressed) – Breach of the Auxiliary Spillway due to head cutting erosion.
- Non-Structural Alternative – Decommissioning or lowering the hazard potential classification of the dam while providing flood protection by other means.
- Structural Alternative (rehabilitation of the dam) – Labyrinth Weir in the Auxiliary Spillway to increase flow capacity, with a roller compacted concrete outlet channel to a stilling basin in order to dissipate energy and limit potential for erosion.
    - A total of 14 different potential rehabilitation scenarios were considered. The least cost scenario, detailed above, was carried forward for detailed study.

The Structural (Dam Rehab) Alternative is the National Economic Efficiency (NEE) Alternative and thus, the Preferred selected by the project sponsors.

Goose pond Dam (PA-464)

- Future without Federal Investment or No Action Alternative (analysis of how the dam could fail if deficiencies are not addressed)– Breach of the dam due to an overtopping event.

- Non-Structural Alternative – Decommissioning or lowering the hazard potential classification of the dam while providing flood protection by other means.
- Structural Alternative (rehabilitation of the dam) – Raise top of dam and Auxiliary Spillway (ASW) elevation to provide additional reservoir storage capacity and control the required storm event, install a concrete broad crested weir in the ASW to increase flow capacity. Install a cutoff wall embedded in bedrock in the ASW to prevent erosion. Install a new internal drainage system on the downstream embankment. Extend and replace the Principal Spillway outlet pipe.
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PROPOSED ACTIONS

The projects are proposed because the dams do not meet current safety and performance standards. The proposed actions include rehabilitation improvements to the dams to bring them into compliance and meet current NRCS and State safety and performance standards. Figures 2 and 3 depict the Limits of Disturbance (LODs) for the Preferred Alternatives for each dam. The attached plan sheets depict activities associated with the Preferred Alternative.

Leavitt Branch Dam (PA-463)

Leavitt Branch Dam is located on Leavitt Branch, a tributary of the Brodhead Creek in Barrett Township, Monroe County, Pennsylvania. The dam is owned by the Monroe County Commissioners and operated and maintained by the Monroe County Conservation District. The dam was originally designed and constructed by NRCS in 1976 as a high hazard dam with the single purpose of flood control. The high hazard classification is based on the risk of potential loss of human life if a dam failure occurred based on prevalence of population, bridges, roads, and buildings in the downstream inundation zone.

The LOD is the area where it is anticipated that ground disturbing activities will occur and where vegetation clearing will be conducted as necessary (see Figure 2). Rehabilitation activities involve ground disturbance by construction equipment such as backhoes, bulldozers, graders, and dump trucks. Disturbances around the dam will occur in the area of the toe of the dam, the auxiliary spillway, principal spillway, impact basin, as well as along the access road and staging area. There is a proposed staging area south of the dam with a temporary construction access road to the toe of the dam. It is estimated that a maximum of approximately 9.7 of trees will need to be cleared for construction (see Figure 2). Approximately 3.8 acres will be allowed to grow back. Rehabilitation actions will result in unavoidable permanent impacts to about 0.49 acres of freshwater wetlands. An additional 0.06 acres of freshwater wetlands are anticipated to be temporarily impacted by project work (see Figure 4).

Goose Pond Dam (PA-464)

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classification is based on the risk of potential loss of human life if a dam failure occurred based on prevalence of population, bridges, roads, and buildings in the downstream inundation zone.

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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, such as turbidity curtains, silt fences, silt logs and/or straw bales, or similar will be employed to avoid impacts to water quality. Additional mitigation efforts include placing excavated soil material from the dam embankments in the upper areas of the auxiliary spillways and installing riprap protection along the stream channels to minimize potential erosion. 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. Wetland impacts will be addressed in compliance with Executive Order 11990, the Clean Water Act, U.S. Army Corps of Engineers regulatory guidance, and Pennsylvania Department of Environmental Protection (PADEP) regulatory requirements. Mitigation actions could also include the use of a mitigation bank, or the creation of an equivalent acreage of new wetlands within the general vicinity of the project sites, adhering to PADEP regulations.

Wildlife and Plants

Endangered and threatened species were reviewed within the Affected Environment for the two dam sites using the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) database. The IPaC database identified two federally endangered mammals, the northern long-eared bat (*Myotis septentrionalis*) and the Indiana bat (*Myotis sodalis*), as well as the proposed endangered species, tricolored bat (*Perimyotis subflavus*). The review also indicated the presence of one candidate endangered insect species, monarch butterfly (*Danaus plexippus)*. In addition to these, an endangered plant species, the northeastern bulrush (*Scirpus ancistrochaetus)* was identified by the IPaC. The USFWS IPaC lists no critical habitats within the Affected Environment of the two dam sites. No rare, threatened, or endangered species or significant natural communities were observed during the course of field work. No potential bat roost trees were observed. Neither dam site is mapped as core habitat; both are dominated by frequently-mowed land.

Migratory birds listed under the Migratory Bird Treaty Act that could potentially utilize the project area include: wood thrush (*Hylocichla mustelina*), black-capped chickadee (*Poecile atricapillus*), bobolink (*Dolichonyx oryzivorus*), black-billed cuckoo (*Coccyzus erythropthalmus*), Canada warbler (*Cardellina*

canadensis), cerulean warbler (*Setophaga cerulea*), prairie warbler (*Setophaga discolor*), golden-winged warbler (*Vermivora chrysoptera*), northern saw-whet owl (*Aegolius acadicus*), rusty blackbird (*Euphagus carolinus*), chimney swift (*Chaetura pelagica*), and eastern whip-poor-will (*Antrostomus vociferous*). (USFWS IPaC). Migratory birds foraging habitat may be temporarily impacted during construction work. However, there is similar suitable habitat in the immediate vicinity that could be used during construction and therefore impacts to these migratory bird species are considered negligible. There is potential presence of the bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*). Bald eagles have been observed in areas around the dams, but there is no know nests at the dams or flood pools.

A PNDI review of the approximate affected environment was conducted on June 14, 2024 and further desktop review with the Pennsylvania Natural Heritage Program (PNHP) Conservation Explorer tool was conducted. The following are preliminary agency results of the PNDI search and results of the desktop review. A formal PNDI report has not been received yet and the following results will be updated as necessary upon receipt.

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Information and data collected from this solicitation will be included in the Plan-EA which is anticipated to be completed end of the 2024 calendar year. Please forward concerns/comments to Mark Buckwalter, PE (Civil Engineer), no later than 30 days from the date 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 do not have any concerns or comments on the project.

If you have any questions, please contact Mark Buckwalter via email at mark.buckwalter@usda.gov. We look forward to your response.

Sincerely,

Denise Coleman
State Conservationist

Attachments: Figures on the Brodhead Tributaries Watershed Rehabilitation Project

August 26, 2024

Glenna Wallace, Chief
Eastern Shawnee Tribe of Oklahoma
P.O. Box 350
Seneca, MO 64865

RE: Notification and Solicitation of Comments for Proposed Improvements to Leavitt Branch (PA-463), Goose Pond Dam (PA-464) of the Brodhead Tributaries; Supplemental Watershed Plan / Environmental Assessment
Monroe County, Pennsylvania

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Sincerely,

Denise Coleman
State Conservationist

Attachments: Figures on the Brodhead Tributaries Watershed Rehabilitation Project

April 10, 2025

Andrea MacDonald, Deputy State Historic Preservation Officer
PA Historical and Museum Commission
Commonwealth Keystone Building, Second Floor
400 North Street
Harrisburg, PA 17120

Deputy State Historic Preservation Officer MacDonald,

The Pennsylvania Natural Resources Conservation Service (NRCS), pursuant to the National Environmental Policy Act (NEPA), is finalizing a Supplemental Watershed Plan-Environmental Assessment (Plan-EA). In accordance with 54 U.S.C. 306108 and its implementing regulations 36 C.F.R. 800, NRCS seeks your government's review and comment on the proposed rehabilitation of the Leavitt Branch Dam (PA-463) and Goose Pond Dam (PA-464). The area of potential effect is located within Barrett Township, Monroe County Pennsylvania and reflected on the USGS Skytop, PA 7.5 Minute topographic map (2023).

In August 2024, a *Solicitation of Comment for Proposed Improvement* (enclosed) that detailed the intended scope of the undertaking was sent to consulting Tribes via USPS. However, as we were not seeking Environmental Review, your office was not provided a copy. NRCS regrets the error and has included a carbon copy of the information sent to the Tribes.

NRCS has completed a Phase 1 archaeological investigation and preliminary design plans (enclosed). The design reflects NRCS' preferred alternative and will be included in the Plan-EA. The report, "*PHASE 1 ARCHAEOLOGICAL INVESTIGATION: Brodhead Tributaries Watershed. Leavitt Branch Dam (PA-463) Goose Pond Dam (PA-464)*" reached the following conclusions:

> *If dam rehabilitation efforts are limited to areas which have previously been impacted, and the potential Top of Dam (TOD) pool area is not increased, then archaeological testing of previously impacted areas within Leavitt Branch AOF and Goose Pond AOF is not recommended. Alternatively, if rehabilitation efforts result in the increase of the potential TOD pool area, previously undisturbed areas with high archaeological potential are at risk of becoming inundated and therefore archaeological testing would be recommended in those areas potentially impacted by floodwater inundation.*

NRCS' preferred alternative does not increase the TOD pool area and work will be performed using extant roads and areas disturbed during original construction (Appendix 1 & 2 of the archaeological report). The staging areas have not yet been determined. When identified, and excluding highly disturbed ground i.e. paved parking lots, NRCS will continue consultation.

Therefore, NRCS has determined that the undertaking will have *No Effect to Historic Properties.* We seek your concurrence.

For Section 106 questions, comment, or concerns, please contact Christopher.Plount@usda.gov 717-237-2228. Please direct NEPA, engineering, and design questions to Mark.Buckwalter@usda.gov 717-237-2245.

Denise Coleman
State Conservationist

enclosure(s)

April 10, 2025

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

Governor Johnson,

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

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Denise Coleman
State Conservationist

enclosure(s)

cc: President, Delaware Nation
Tribal Historic Preservation Officer, Delaware Nation
Chief, Delaware Tribe of Indians
Tribal Historic Preservation Officer, Delaware Tribe of Indians
Chief, Onondaga Nation
Tribal Historic Preservation Officer, Onondaga Nation
Chief, Seneca-Cayuga Nation
Tribal Historic Preservation Officer, Seneca-Cayuga Nation
President, Stockbridge-Munsee Community
Tribal Historic Preservation Officer, Stockbridge-Munsee Community
Tribal Historic Preservation Officer. Absentee-Shawnee Tribe of Indians of Oklahoma

4/13/2023 Teams meeting with DEP at 3:30

Attendees:

- Mark Buckwalter (NRCS)
- Bob Shusko & Mike Glumac (DDK)
- Curtis Brown & Saufi Othman (PA DEP Dam Safety)

This meeting was set up to discuss questions NRCS (Mark Buckwalter) sent DEP via email on 3/24/2023. The questions were regarding conditions of upstream high hazard dams within the Leavitt Branch watershed. Curtis Brown provided an email response prior to the meeting. The original email and Curtis's responses are below. The following are notable meeting minutes.

1. For Skytops rehab, the H&H analysis did not consider overtopping of upstream dams.
2. Skytop Dam is a water supply for the ski-slope. This is an additional reason why the dam will likely never be decommissioned.
3. Lake in the Clouds (LC) and Lake Jamie (LJ) are part of a Property Owners Association (POA). Curtis noted that POA dams are typically not decommissioned because of the recreation element and probable loss of property value.
4. LC and LJ are in relatively good condition with only minor issues.
5. LC and LJ are likely not to be rehabbed in the next 20 years but will need to be within 50 years or so.
6. DEP's H&H for LJ does not show it to breach. The modeling shows an additional flow release of 1000cfs. Bob S. thought he remembered seeing a side channel in the as-builts that might be related to that flow. Bob was going to investigate this a little further.
7. DEP will allow ACB's for over topping protection of a dam, only if overtopping height is 4' or less. The 4' maximum is primarily due to the maximum height of the flume testing.
8. Curtis noted he is not sold on ACB's for overtopping. He thinks DEP will look back years from now and say they never should have been used. He thinks they are more of a temporary fix. He also noted that ACB's are not as cost effective as they originally were.
9. How should existing ACB overtopping protection at Skytop be modeled?
    a. Curtis suggested modeling the ACB's on Skytop through the Sites program. A high erodibility factor could be used to model the ACB's. Bob thought that could be done but wasn't sure if NRCS would accept it.
    b. An alternative method discussed was to consider the dam stable up to 2' of overtopping. The ACB's sustaining 2' of overtopping before breaching was suggested by Karl Visser and Hong Wang out of Ft. Worth.
10. Acronyms from Curtis's email
    a. SDF-Stability Design Flood
    b. PMF-Probable Maximum Flood
    c. SC=Spillway Capacity
    d. OT=Overtopping
    e. OLD=H&H based on <u>old</u> PMF. Not updated with new PMF.
11. The breach analyses performed by DDK are much different than the breach analyses performed by the DEP as DDK assumes the breach to occur when the pool level is equal to the dam's crest level. It was discussed that this assumption likely results in greater flows than those calculated by the DEP.

CURTIS BROWN RESPONSE EMAIL FROM 4/13/2023

PA NRCS is working through a rehabilitation plan for Leavitt Branch and Goose Pond Dams in the Brodhead tributaries watershed in Monroe County. Within the Leavitt Branch Dam watershed there are 3 upstream High Hazard dams in series, Skytop Dam (45-071), Lake in the Clouds (D52-125), and Lake Jamie (D45-220). Our A&E firm has analyzed the watershed and finds that each dam overtops during the PMP storm event. For upstream dams in series, NRCS planning guidelines require H&H to be analyzed as follows-

- Consider upstream Dams that overtop as breached if they do not have overtopping protection.
    - 45-071, Skytop Dam has overtopping protection SDF = 100% PMF – SC 21% SDF (OT)
    - 52-125, Lake in the Clouds – No overtopping protection – SDF = 50% PMF – SC = 92% SDF (OLD)
    - 45-220, Lake Jaime – No overtopping protection – SDF = 65% PMF – SC = 100% SDF (OLD)
    - DEP requires Dams to be considered breach at the peak of overtopping. 30 min breach development, breach width is equal to 3 times the dam height plus 1:1 slopes.
- Consider the potential for the removal of an upper dam during the service life of the lower dam being rehabbed.
    - This requirement is beyond dam safety requirements.

Based on the timing of the Breach Hydrographs, the A&E firms H&H analysis is actually showing the decommissioning/removal of Lake Jamie and Lake in the Clouds to result in higher flows at Leavitt Branch Dam than if they were to breach. May be true if peak inflow is different than peal outflow. Timing issue. With that said, I wanted to reach out to see if you could provide any information on the conditions for those 2 dams? Overall, both dams are relatively maintained with minor issues. No substantial rehab is being planned at this time. If not rehabbed, what do you think their condition will be in 50-100 years? As with all dams, they will likely need rehabbed in the 50-100 year window. Will they still be in place 50 years from now? Probably, this is up to the owner. Would you have any inclination if the dam owner's would rehab their dam if required to? They are all POA's therefore I would say yes. We seldom see POA remove dams and lose recreation, property values, etc.

Heather Smeltz and I were in your office at the start of this rehab planning process to scan information to provide the A&E firm for their H&H analysis. We saw Skytop dam was rehabbed with ACB overtopping protection in 2010. Since that one was recently rehabbed, we were planning to consider that it will be in place 50+ years from now. Do you know how Lake in the Clouds and Lake Jamie were analyzed when developing H&H for the Skytop's rehab? We have a 2008 model that includes skytop, lake jamie and lake in the clouds. See attached.

Jaime does not breach but it was modeled with an extra 1000 cfs using a pump card. I am unsure why? The dam did overtop by 0.12 during the PMF with the pump.

Lake in the clouds did not breach and was overtopped by 1.98 feet.

Skyptop was modeled to overtop by 3.55 feet.

SCS Dam was also included and overtopped by 2.42 feet during the PMF.

If it would be easier, we could set up a call to talk through this. I was looking for similar information that your team provided on Alford Pond Dam in Susquehanna County which we had a meeting about last week. All in all we want to make sure we are considering all possible options, H&H wise, for the rehab of Leavitt Branch. Let me know if you have any follow-up questions.

Curtis N. Brown, P.E. | Chief

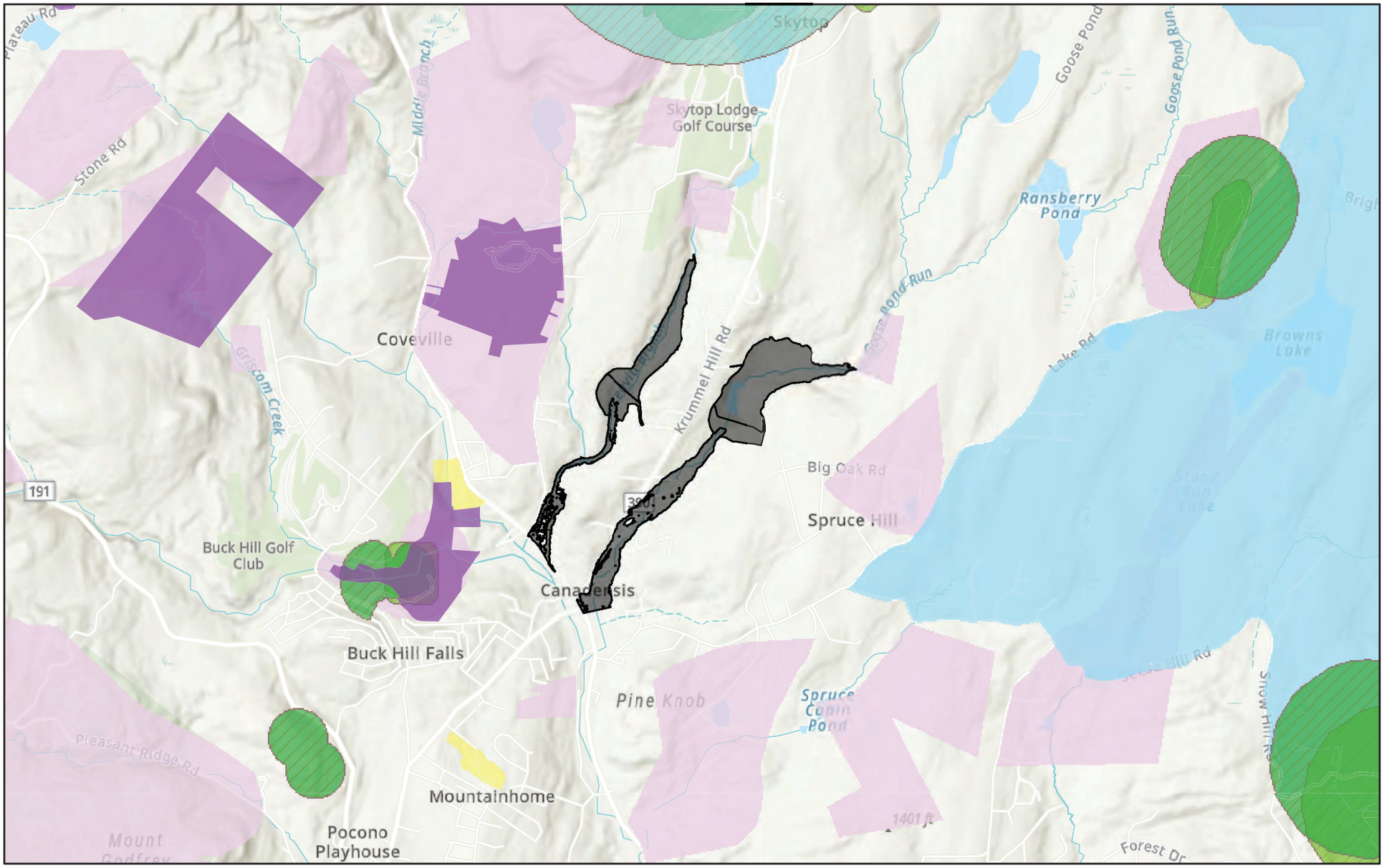
Construction, Inspection and Monitoring Section

Division of Dam Safety

Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street | Harrisburg PA 17101
Phone: 717.783.7917 | Fax: 717.772.0409

www.dep.pa.gov

Brodhead Tributary EA



June 14, 2024

A100

- Local Parks
- id_conservation_easements
- Natural Heritage Areas: Core Habitat
- IBA
- Combined State Agency Species
- DCNR Species of Special Concern
- DCNR Threatened and Endangered Species
- PFBC Species of Special Concern
- PFBC Threatened and Endangered Species

1:58,757

0 0.38 0.75 1.5 mi

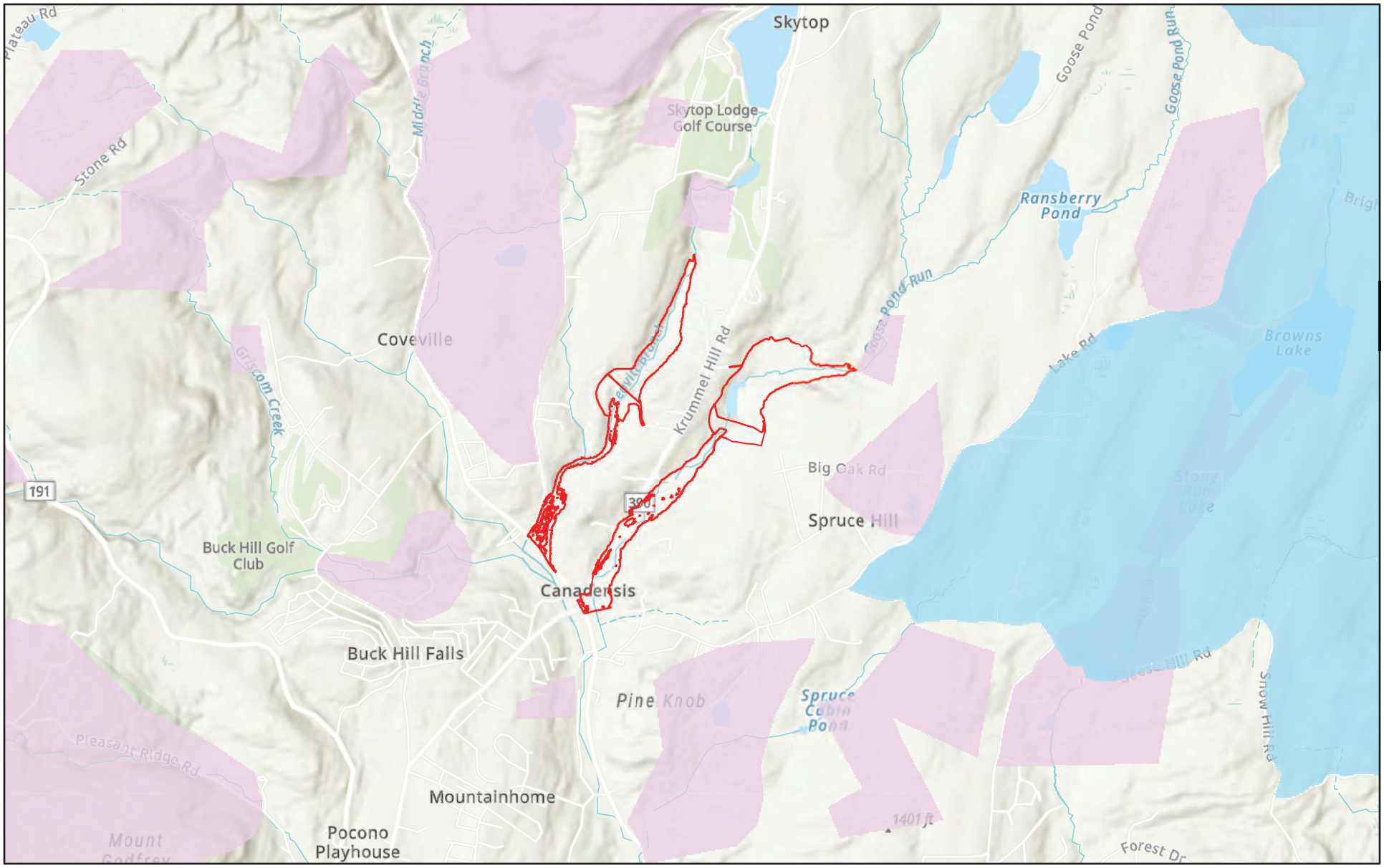
0 0.5 1 2 km

Pennsylvania Natural Heritage Program, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA,

A94

DDK

Brodhead Affect Environment



May 23, 2024

Natural Heritage Areas: Core Habitat

IBA

1:58,757

0 0.38 0.75 1.5 mi

0 0.5 1 2 km

Pennsylvania Natural Heritage Program, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA,

ARutledge

1. PROJECT INFORMATION

Project Name: **Brodhead Tributaries Dam Rehabilitations**
Date of Review: **6/14/2024 02:50:00 PM**
Project Category: **In-stream / Riverine Activities and Projects, Dam or Lock, Maintenance or modification**
Project Area: **359.58 acres**
County(s): **Monroe**
Township/Municipality(s): **BARRETT TOWNSHIP**
ZIP Code:
Quadrangle Name(s): **BUCK HILL FALLS; SKYTOP**
Watersheds HUC 8: **Middle Delaware-Mongaup-Brodhead**
Watersheds HUC 12: **Upper Broadhead Creek**
Decimal Degrees: **41.200267, -75.245468**
Degrees Minutes Seconds: **41° 12' 0.9625" N, 75° 14' 43.6832" W**

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

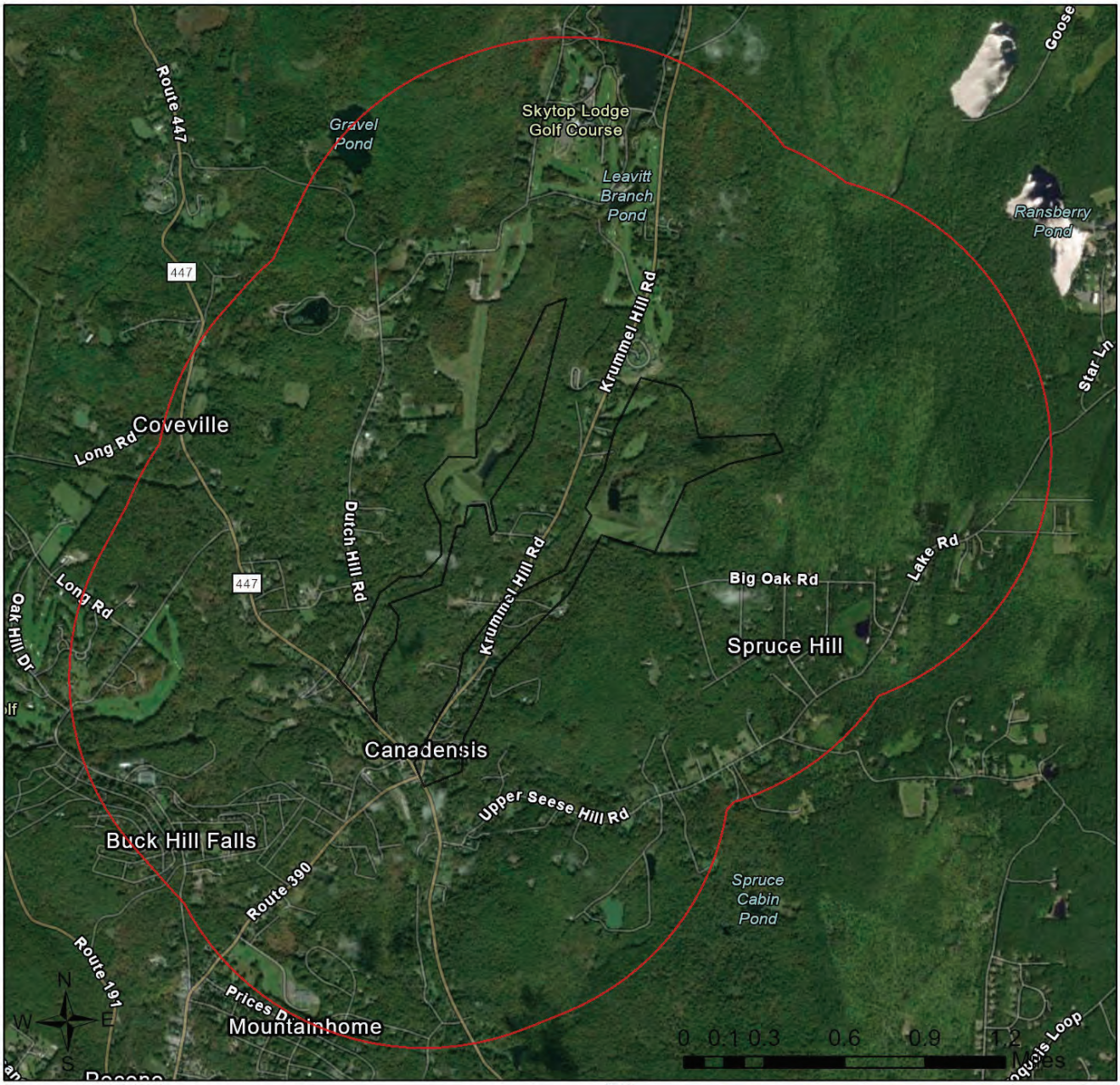
2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	**Conservation Measure**	**No Further Review Required, See Agency Comments**
PA Fish and Boat Commission	**Conservation Measure**	**No Further Review Required, See Agency Comments**
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

Pennsylvania Natural Diversity Inventory (PNDI) records indicate that while threatened and endangered and/or special concern species and resources are in the project vicinity and that recommended Conservation Measures should be implemented in their entirety to avoid and minimize impacts to these species, no further coordination is required with the jurisdictional agencies. If a DEP permit is required for this project, DEP has the discretion to incorporate one or more Conservation Measures into its permit. This response does not reflect potential agency concerns regarding potential impacts to other ecological resources, such as wetlands.

NOT FOR PRACTICAL USE
DRAFT

Brodhead Tributaries Dam Rehabilitations

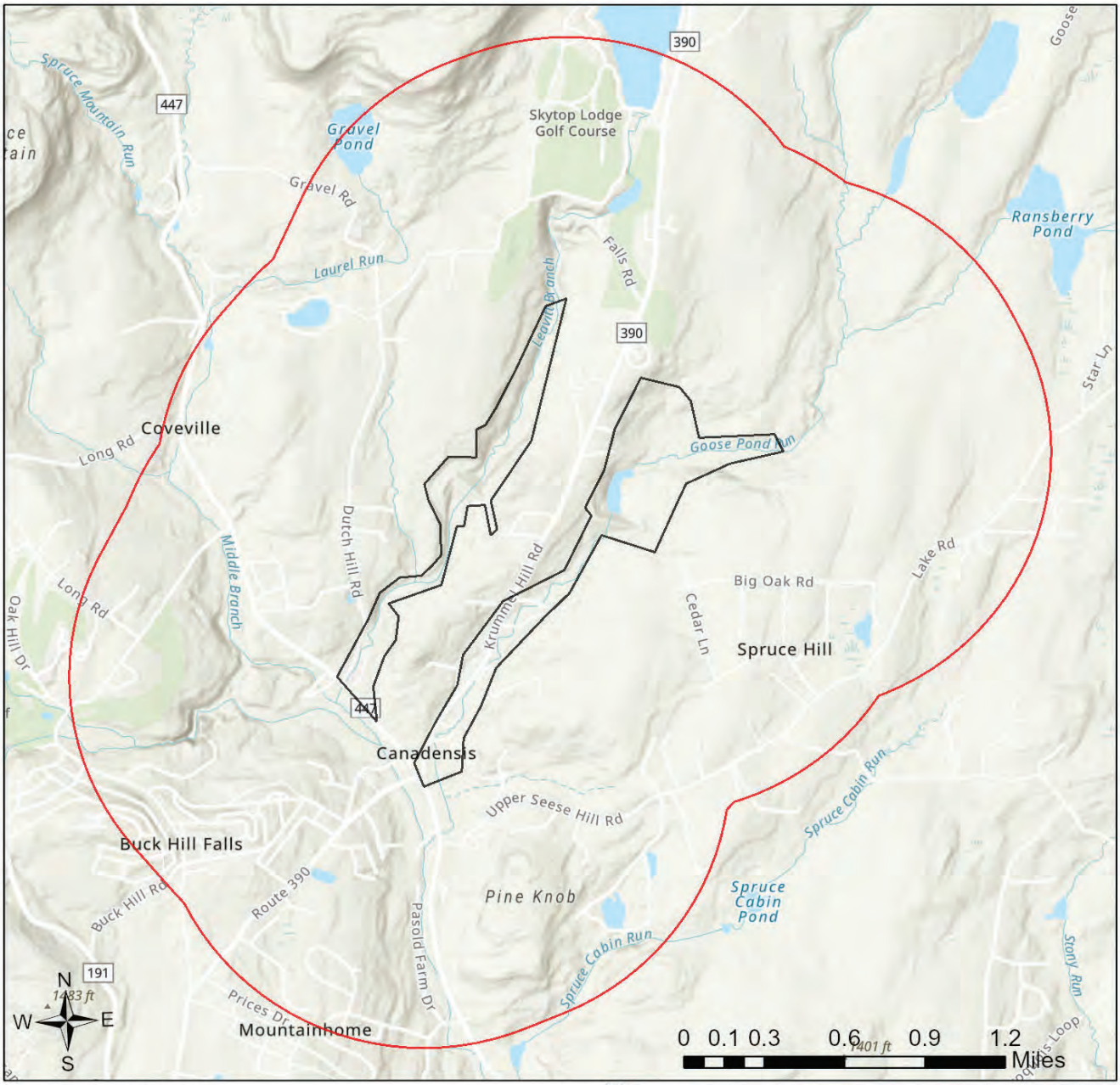


Buffered Project Boundary

Project Boundary

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

Brodhead Tributaries Dam Rehabilitations



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RESPONSE TO QUESTION(S) ASKED

Q1: Will any and all on-land (non-aquatic) disturbance occur in or on an existing building, parking lot, driveway, road, road shoulder, street, runway, paved area, railroad bed, maintained (periodically mown) lawn, crop agriculture field or maintained orchard?
Your answer is: Yes

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 jursidictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

PA Game Commission
RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources
RESPONSE:

Conservation Measure: Please avoid the introduction of invasive species in order to protect the integrity of nearby plant species of special concern. Voluntary cleaning of equipment/vehicles, using clean fill and mulch, and avoiding planting invasive species (http://www.dcnr.pa.gov/Conservation/WildPlants/InvasivePlants/Pages/default.aspx) will help to conserve sensitive plant habitats.

DCNR Species: (Note: The Pennsylvania Conservation Explorer tool is a primary screening tool, and a desktop review may reveal more or fewer species than what is listed below. After desktop review, if a botanical survey is required by DCNR, we recommend the DCNR Botanical Survey Protocols, available here: https://conservationexplorer.dcnr.pa.gov/content/survey-protocols)

Scientific Name	Common Name	Current Status	Proposed Status	Survey Window
Streptopus amplexifolius	White Twisted-stalk	Threatened	Endangered	Flowers May - June

PA Fish and Boat Commission
RESPONSE:

Conservation Measure: Projects conducted in the occupied range of the timber rattlesnake (*Crotalus horridus*) have a high risk of encountering this species during construction.
1) Workers responsible for implementing this project should be advised that timber rattlesnakes may be encountered and that avoidance is the best means of minimizing risks to personal safety. It is suggested that safety protocols be implemented for timber rattlesnake encounters and workers should be advised that the timber rattlesnake is a state protected species and is not to be harmed. Killing of timber rattlesnakes is prohibited by the Commission pursuant to 58 Pa. Code Section 79.6.
2) We recommend that a timber rattlesnake habitat assessment be conducted in the project area by a qualified timber rattlesnake surveyor in order to assist project planners in avoiding disturbance of critical habitat. A list of qualified surveyors and habitat assessment protocol can be found here.
• See https://www.fishandboat.com/Conservation/Reptiles-Amphibians/Pages/Timbe... for a list of Qualified Timber Rattlesnake Surveyors
• See https://www.fishandboat.com/Conservation/Reptiles-Amphibians/Pages/Timbe... for the Timber Rattlesnake Habitat Protocol
3) If potential den (over-wintering) habitat is located during the habitat assessment, we recommend that the project be modified to avoid direct impacts to this irreplaceable habitat, or a Timber Rattlesnake Presence-Absence Survey of potential den (over-wintering) habitat be conducted in the habitats that are currently slated for direct disturbance to determine the presence or absence of rattlesnake hibernacula in the project area. Survey reports should be sent to PFBC for review and consultation. This information is necessary to allow PFBC to formulate recommendations to avoid adverse impacts to this species of special concern.
• See https://www.fishandboat.com/Conservation/Reptiles-Amphibians/Pages/Timbe... for the Timber Rattlesnake Presence-Absence Survey Protocol
4) If potential or occupied gestation habitat is located during the habitat assessment and cannot be avoided by the proposed development, we recommend that this habitat be replaced using our habitat creation guidelines.
• See https://www.fishandboat.com/Conservation/Reptiles-Amphibians/Pages/Timbe... for the PFBC Gestation Habitat Creation Guidelines
5) Tree clearing and timbering within potential timber rattlesnake critical habitats (135°-275° aspect, >10% slope) should be conducted from October 16 to April 14 in order to avoid encounters with timber rattlesnakes.
6) For the safety of workers and snakes, the Commission recommends that a PFBC permitted timber rattlesnake biologist who has the proper skills to handle this venomous species be on-site prior to and during construction, between April 15 and October 15, to inspect and clear the area (including staging areas and access roads) of timber rattlesnakes and to capture and remove any rattlesnakes that may interfere with work activities.
See https://www.fishandboat.com/Conservation/Reptiles-Amphibians/Pages/Timbe... for the Monitoring Guidelines
7) If concerns arise during construction over high numbers of snake encounters or habitat alteration, please contact the PFBC at 814-359-5237 for consultation with our biologists.

PFBC Species: (Note: The Pennsylvania Conservation Explorer tool is a primary screening tool, and a desktop review may reveal more or fewer species than what is listed below.)

Scientific Name	Common Name	Current Status
Sensitive Species**		Special Concern Species*

U.S. Fish and Wildlife Service
RESPONSE:

No impacts to **federally** listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq. is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.
** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or being susceptible to decline as a result of visitation.

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.

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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.

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NOT FOR ACTUAL USE

March 14, 2022

Greg Christine, Chief Clerk
Monroe County Commissioners
One Quaker Plaza, Room 201
Stroudsburg, PA 18360

Re: Invitation to a Scoping Meeting for the Brodhead Tributaries PA-463 and PA-464

Dear Chief Clerk Christine,

The USDA-Natural Resources Conservation Service (USDA-NRCS) has received a request from Monroe County, Pennsylvania to develop dam rehabilitation plans for the Brodhead Tributaries PA-463 and PA-464 (the Leavitt Branch and Goose Pond Dams), located in the Brodhead Creek Watershed in Barrett Township, Monroe County, Pennsylvania. Yearly inspections performed by both PA Department of Environmental Protection (PADEP), Division of Dam Safety and Monroe County's professional engineer ensure that the dams are safe and well maintained. However, several items have been identified that do not meet current design code.

One of the initial steps in developing the rehabilitation plan for these two dams is preparation of a Watershed Plan – Environmental Assessment (Plan-EA). The Plan-EA evaluates various alternatives, including rehabilitation and decommissioning among others, and determines the best alternative for the flood detention structures that meet current State Dam Safety and NRCS design standards.

You are invited to attend a Public/Agency Scoping Meeting, scheduled for Thursday, April 21, 2022 at 2:00PM or 6:00PM, at the Monroe County Public Safety Center (100 Gypsum Rd, Suite 101, Stroudsburg, PA 18360). The purpose of this meeting is to obtain resource information and concerns associated with the rehabilitation of the watershed resources early in the planning process. Topics will include public participation, project objectives, an outline of the planning process and the role of technical entities, participating agencies, and non-governmental organizations (NGOs). Please note that masks will be optional for those in attendance.

For those who prefer to participate virtually, a meeting invitation will be made available. For this information, or any other comments or questions, please contact Mark Buckwalter, PE, at mark.buckwalter@usda.gov or (717) 237-2245 by April 19, 2022 for remote participation details.

Thank you in advance for your cooperation and assistance with this project.

Sincerely,

Denise Coleman
State Conservationist

April 5, 2022

Public Meetings for two Brodhead Tributaries Dam Rehabilitation Projects Set for April 21, 2022

(Harrisburg, PA - Insert Date of Release) – USDA-Natural Resources Conservation Service (NRCS), the Monroe County Board of Commissioners, and the Monroe County Conservation District are co-sponsoring two Public Scoping Meetings to discuss the **proposed rehabilitation of 2 dams located on the Brodhead Tributaries in Monroe County, Pennsylvania.**

The meetings will be held at the Monroe County Public Safety Center at 100 Gypsum Road, Stroudsburg, PA. An afternoon meeting will be held at 2:00 PM for agencies, organizations, watershed associations, etc. but is also open to the public. The evening meeting will be held at 6:00 PM for the general public.

Representatives from the Local Sponsors and NRCS, along with their consultants, will provide information on the dam rehabilitation program, planning activities to date for the two Brodhead Dams, describe the various rehabilitation alternatives being considered for these floodwater retarding structures, answer questions and concerns about the planned activities, and seek public input.

The Brodhead dams offer flood protection to residents of Monroe County located downstream. **Local sponsors, NRCS staff, and their consultants are** developing a plan for rehabilitating these structures so they meet current dam safety regulations and design standards. Alternatives being considered include: no action, decommissioning (dam removal), structural rehabilitation, and nonstructural measures.

The planning process is expected to be completed by late summer 2023. Federal funding has been received to assist the local sponsors in developing the plan but has not yet been secured for the design or construction of these projects.

NRCS provides reasonable accommodations to enable all persons with disabilities to participate in agency programs and activities. If you require special accommodations, please contact Mark Buckwalter by April 18, 2022. For further information on the meeting, contact Mark Buckwalter, Civil Engineer, NRCS, at (717) 237-2245 or mark.buckwalter@usda.gov.

March 14, 2022

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

Re: Invitation to a Scoping Meeting for the Brodhead Tributaries PA-463 and PA-464

Dear Governor Johnson,

The USDA-Natural Resources Conservation Service (USDA-NRCS) has received a request from Monroe County, Pennsylvania to develop dam rehabilitation plans for the Brodhead Tributaries PA-463 and PA-464 (the Leavitt Branch and Goose Pond Dams), located in the Brodhead Creek Watershed in Barrett Township, Monroe County, Pennsylvania. Yearly inspections performed by both PA Department of Environmental Protection (PADEP), Division of Dam Safety and Monroe County's professional engineer ensure that the dams are safe and well maintained. However, several items have been identified that do not meet current design code.

One of the initial steps in developing the rehabilitation plan for these two dams is preparation of a Watershed Plan – Environmental Assessment (Plan-EA). The Plan-EA evaluates various alternatives, including rehabilitation and decommissioning among others, and determines the best alternative for the flood detention structures that meet current State Dam Safety and NRCS design standards.

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For those who prefer to participate virtually, a meeting invitation will be made available. For this information, or any other comments or questions, please contact Mark Buckwalter, PE, at mark.buckwalter@usda.gov or (717) 237-2245 by April 19, 2022 for remote participation details.

Thank you in advance for your cooperation and assistance with this project.

Sincerely,

Denise Coleman
State Conservationist

March 14, 2022

Erin Thompson-Paden, Director
Delaware Nation of Oklahoma
P.O. Box 825
Anadarko, OK 73005

Re: Invitation to a Scoping Meeting for the Brodhead Tributaries PA-463 and PA-464

Dear Director Thompson-Paden,

The USDA-Natural Resources Conservation Service (USDA-NRCS) has received a request from Monroe County, Pennsylvania to develop dam rehabilitation plans for the Brodhead Tributaries PA-463 and PA-464 (the Leavitt Branch and Goose Pond Dams), located in the Brodhead Creek Watershed in Barrett Township, Monroe County, Pennsylvania. Yearly inspections performed by both PA Department of Environmental Protection (PADEP), Division of Dam Safety and Monroe County's professional engineer ensure that the dams are safe and well maintained. However, several items have been identified that do not meet current design code.

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Thank you in advance for your cooperation and assistance with this project.

Sincerely,

Denise Coleman
State Conservationist

March 14, 2022

Susan Bachor, Preservation Representative
Delaware Tribe of Indians
126 University Circle, Stroud Hall, Rm 437
East Stroudsburg, PA 18301

Re: Invitation to a Scoping Meeting for the Brodhead Tributaries PA-463 and PA-464

Dear Preservation Representative Bachor,

The USDA-Natural Resources Conservation Service (USDA-NRCS) has received a request from Monroe County, Pennsylvania to develop dam rehabilitation plans for the Brodhead Tributaries PA-463 and PA-464 (the Leavitt Branch and Goose Pond Dams), located in the Brodhead Creek Watershed in Barrett Township, Monroe County, Pennsylvania. Yearly inspections performed by both PA Department of Environmental Protection (PADEP), Division of Dam Safety and Monroe County's professional engineer ensure that the dams are safe and well maintained. However, several items have been identified that do not meet current design code.

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Thank you in advance for your cooperation and assistance with this project.

Sincerely,

Denise Coleman
State Conservationist

March 14, 2022

Paul Barton, THPO
Eastern Shawnee Tribe of Oklahoma
70500 E.128 Road
Wyandotte, OK 74370

Re: Invitation to a Scoping Meeting for the Brodhead Tributaries PA-463 and PA-464

Dear THPO Barton,

The USDA-Natural Resources Conservation Service (USDA-NRCS) has received a request from Monroe County, Pennsylvania to develop dam rehabilitation plans for the Brodhead Tributaries PA-463 and PA-464 (the Leavitt Branch and Goose Pond Dams), located in the Brodhead Creek Watershed in Barrett Township, Monroe County, Pennsylvania. Yearly inspections performed by both PA Department of Environmental Protection (PADEP), Division of Dam Safety and Monroe County's professional engineer ensure that the dams are safe and well maintained. However, several items have been identified that do not meet current design code.

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Thank you in advance for your cooperation and assistance with this project.

Sincerely,

Denise Coleman
State Conservationist

March 14, 2022

Sidney Hill, Chief
Onondaga Nation
4040 Route 11
Nedrow, NY 13120

Re: Invitation to a Scoping Meeting for the Brodhead Tributaries PA-463 and PA-464

Dear Chief Hill,

The USDA-Natural Resources Conservation Service (USDA-NRCS) has received a request from Monroe County, Pennsylvania to develop dam rehabilitation plans for the Brodhead Tributaries PA-463 and PA-464 (the Leavitt Branch and Goose Pond Dams), located in the Brodhead Creek Watershed in Barrett Township, Monroe County, Pennsylvania. Yearly inspections performed by both PA Department of Environmental Protection (PADEP), Division of Dam Safety and Monroe County's professional engineer ensure that the dams are safe and well maintained. However, several items have been identified that do not meet current design code.

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Thank you in advance for your cooperation and assistance with this project.

Sincerely,

Denise Coleman
State Conservationist

March 14, 2022

William Fisher, Chief
Seneca-Cayuga Nation
P.O. Box 453220
Grove, OK 74345

Re: Invitation to a Scoping Meeting for the Brodhead Tributaries PA-463 and PA-464

Dear Chief Fisher,

The USDA-Natural Resources Conservation Service (USDA-NRCS) has received a request from Monroe County, Pennsylvania to develop dam rehabilitation plans for the Brodhead Tributaries PA-463 and PA-464 (the Leavitt Branch and Goose Pond Dams), located in the Brodhead Creek Watershed in Barrett Township, Monroe County, Pennsylvania. Yearly inspections performed by both PA Department of Environmental Protection (PADEP), Division of Dam Safety and Monroe County's professional engineer ensure that the dams are safe and well maintained. However, several items have been identified that do not meet current design code.

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You are invited to attend a Public/Agency Scoping Meeting, scheduled for Thursday, April 21, 2022 at 2:00PM or 6:00PM, at the Monroe County Public Safety Center (100 Gypsum Rd, Suite 101, Stroudsburg, PA 18360). The purpose of this meeting is to obtain resource information and concerns associated with the rehabilitation of the watershed resources early in the planning process. Topics will include public participation, project objectives, an outline of the planning process and the role of technical entities, participating agencies, and non-governmental organizations (NGOs). Please note that masks will be optional for those in attendance.

For those who prefer to participate virtually, a meeting invitation will be made available. For this information, or any other comments or questions, please contact Mark Buckwalter, PE, at mark.buckwalter@usda.gov or (717) 237-2245 by April 19, 2022 for remote participation details.

Thank you in advance for your cooperation and assistance with this project.

Sincerely,

Denise Coleman
State Conservationist

March 14, 2022

Cassie Harper, Tribal Administrator
Shawnee Tribe
P.O. Box 189
Miami, OK 74355

Re: Invitation to a Scoping Meeting for the Brodhead Tributaries PA-463 and PA-464

Dear Tribal Administrator Harper,

The USDA-Natural Resources Conservation Service (USDA-NRCS) has received a request from Monroe County, Pennsylvania to develop dam rehabilitation plans for the Brodhead Tributaries PA-463 and PA-464 (the Leavitt Branch and Goose Pond Dams), located in the Brodhead Creek Watershed in Barrett Township, Monroe County, Pennsylvania. Yearly inspections performed by both PA Department of Environmental Protection (PADEP), Division of Dam Safety and Monroe County's professional engineer ensure that the dams are safe and well maintained. However, several items have been identified that do not meet current design code.

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Thank you in advance for your cooperation and assistance with this project.

Sincerely,

Denise Coleman
State Conservationist

March 14, 2022

Bonney Hartley, Historic Preservation Manager
Stockbridge-Munsee Community, Wisconsin
N8476 Moh-He-Con-Nuck Road
Bowler, WI 54416

Re: Invitation to a Scoping Meeting for the Brodhead Tributaries PA-463 and PA-464

Dear Historic Preservation Manager Hartley,

The USDA-Natural Resources Conservation Service (USDA-NRCS) has received a request from Monroe County, Pennsylvania to develop dam rehabilitation plans for the Brodhead Tributaries PA-463 and PA-464 (the Leavitt Branch and Goose Pond Dams), located in the Brodhead Creek Watershed in Barrett Township, Monroe County, Pennsylvania. Yearly inspections performed by both PA Department of Environmental Protection (PADEP), Division of Dam Safety and Monroe County's professional engineer ensure that the dams are safe and well maintained. However, several items have been identified that do not meet current design code.

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Thank you in advance for your cooperation and assistance with this project.

Sincerely,

Denise Coleman
State Conservationist

December 22, 2023

«First_Name» «Last_Name», «Title»
«AgencyOrg»
«Street_Address_or_PO_Box»
«City», «State» «Zip_Code»

Re: Invitation to a Public Meeting on February 8, 2024, at 6 p.m. regarding the Brodhead Tributaries Watershed Plan for Dams PA-463 (Leavitt Branch Dam) and PA-464 (Goose Pond Dam)

To Whom It May Concern,

The Monroe County Board of Commissioners and the Monroe County Conservation District are working with the USDA, Natural Resources Conservation Service (NRCS) to develop a plan for rehabilitation of two floodwater retarding structures. Dam No. PA-463 (Leavitt Branch Dam) and Dam No. PA-464 (Goose Pond Dam) are located above the town of Canadensis in Monroe County.

The purpose of this study is to determine the best alternatives for rehabilitation of these flood control structures so they will meet current NRCS and Pennsylvania safety and design standards.

This public meeting will be held onsite and also virtually using Microsoft Teams. The onsite meeting will be held at 6 p.m. at the Barrett Township Building (1200 Route 390, Cresco, PA 18326).

The purpose of the Public Meeting is to discuss the dam rehabilitation program, planning activities to date, findings, various alternatives evaluated, and the recommended alternatives to rehabilitate these flood-retarding structures. Planning officials will be present to share information, discuss questions and concerns, and seek public input into the planning process.

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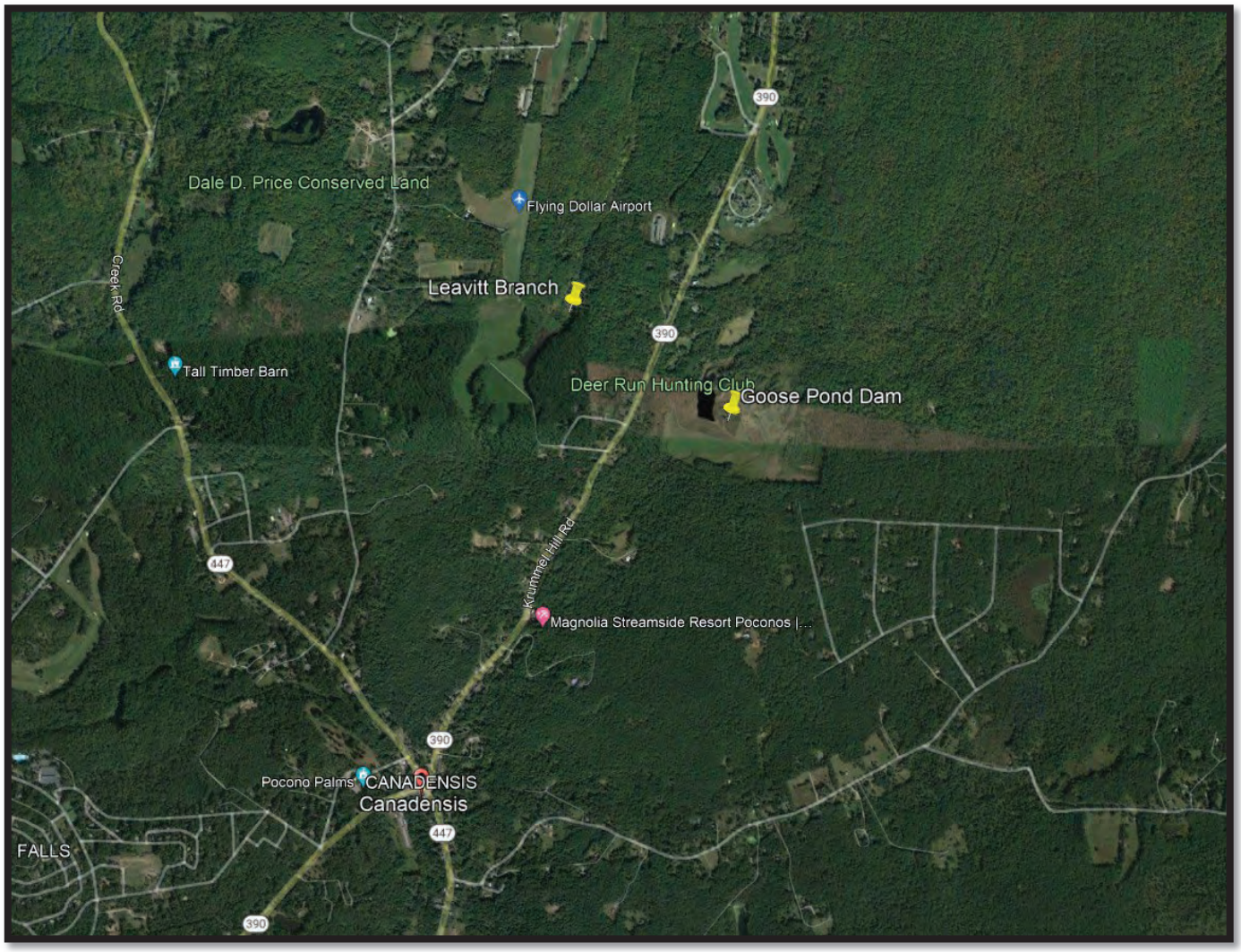
Please plan to participate in this onsite or virtual Public Meeting.

Thank you in advance for your cooperation, interest, and assistance with this dam rehabilitation project.

Sincerely,

DENISE COLEMAN
State Conservationist

Project Location



USDA
United States Department of Agriculture

December 22, 2023

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

Re: Invitation to a Public Meeting on February 8, 2024, at 6 p.m. regarding the Brodhead Tributaries Watershed Plan for Dams PA-463 (Leavitt Branch Dam) and PA-464 (Goose Pond Dam)

Dear Governor Johnson,

The Monroe County Board of Commissioners and the Monroe County Conservation District are working with the USDA, Natural Resources Conservation Service (NRCS) to develop a plan for rehabilitation of two floodwater retarding structures. Dam No. PA-463 (Leavitt Branch Dam) and Dam No. PA-464 (Goose Pond Dam) are located above the town of Canadensis in Monroe County.

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Please plan to participate in this onsite or virtual Public Meeting.

Thank you in advance for your cooperation, interest, and assistance with this dam rehabilitation project.

Sincerely,

DENISE COLEMAN
State Conservationist

Natural Resources Conservation Service
359 East Park Drive, Suite 2
Harrisburg, Pa 17111
Voice: (717) 237-2210| Fax: (855) 813-2861

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USDA
United States Department of Agriculture

December 22, 2023

Honorable Deborah Dotson
President, Delaware Nation, Oklahoma
P.O. Box 825
Anadarko, OK 73005

Re: Invitation to a Public Meeting on February 8, 2024, at 6 p.m. regarding the Brodhead Tributaries Watershed Plan for Dams PA-463 (Leavitt Branch Dam) and PA-464 (Goose Pond Dam)

Dear President Dotson,

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December 22, 2023

Honorable Brad KillsCrow
Chief, Delaware Tribe of Indians
5100 Tuxedo Blvd.
Bartlesville, OK 74006

Re: Invitation to a Public Meeting on February 8, 2024, at 6 p.m. regarding the Brodhead Tributaries Watershed Plan for Dams PA-463 (Leavitt Branch Dam) and PA-464 (Goose Pond Dam)

Dear Chief KillsCrow,

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Harrisburg, Pa 17111
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USDA
United States Department of Agriculture

December 22, 2023

Honorable Glenna Wallace
Chief, Eastern Shawnee Tribe of Oklahoma
P.O. Box 350
Seneca, MO 64865

Re: Invitation to a Public Meeting on February 8, 2024, at 6 p.m. regarding the Brodhead Tributaries Watershed Plan for Dams PA-463 (Leavitt Branch Dam) and PA-464 (Goose Pond Dam)

Dear Chief Wallace,

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DENISE COLEMAN
State Conservationist

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359 East Park Drive, Suite 2
Harrisburg, Pa 17111
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December 22, 2023

Honorable Sidney Hill
Chief, Onondaga Nation
4040 Route 11
Newdrow, NY 13120

Re: Invitation to a Public Meeting on February 8, 2024, at 6 p.m. regarding the Brodhead Tributaries Watershed Plan for Dams PA-463 (Leavitt Branch Dam) and PA-464 (Goose Pond Dam)

Dear Chief Hill,

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United States Department of Agriculture

December 22, 2023

Honorable Charles Diebold
Chief, Seneca-Cayuga Nation
P.O. Box 452220
Grove, OK 74344

Re: Invitation to a Public Meeting on February 8, 2024, at 6 p.m. regarding the Brodhead Tributaries Watershed Plan for Dams PA-463 (Leavitt Branch Dam) and PA-464 (Goose Pond Dam)

Dear Chief Diebold,

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December 22, 2023

Honorable Ben Barnes
Chief, Shawnee Tribe
P.O. Box 189
Miami, OK 74355

Re: Invitation to a Public Meeting on February 8, 2024, at 6 p.m. regarding the Brodhead Tributaries Watershed Plan for Dams PA-463 (Leavitt Branch Dam) and PA-464 (Goose Pond Dam)

Dear Chief Barnes,

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United States Department of Agriculture

December 22, 2023

Honorable Shannon Holsey
President, Stockbridge-Munsee Community
N8476 Mo He Con Nuck Road
Bowler, WI 54416

Re: Invitation to a Public Meeting on February 8, 2024, at 6 p.m. regarding the Brodhead Tributaries Watershed Plan for Dams PA-463 (Leavitt Branch Dam) and PA-464 (Goose Pond Dam)

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