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Pennsylvania Fish & Boat Commission

**Division of Environmental Services
Natural Diversity Section**

450 Robinson Lane
Bellefonte, PA 16823-9620
(814) 359-5237 Fax: (814) 359-5175

December 21, 2009

IN REPLY REFER TO
SIR #33062

WILLIAM BOHNER
ARRO CONSULTING
649 NORTH LEWIS ROAD
SUITE 100
LIMERICK, PA 19468

**Re: Species Impact Review – Rare, Candidate, Threatened and Endangered Species
PNDI No. 20091130219107
AMITY TOWNSHIP ACT 537
ARRO #7026.00
AMITY Township, BERKS County, Pennsylvania**


Dear Mr. BOHNER:

The staff of the Natural Diversity Section reviewed your recent correspondence. Based on records maintained in the Pennsylvania Natural Diversity Inventory (PNDI) database and our own files, the state threatened red-bellied turtle (*Pseudemys rubriventris*) is known from the vicinity of the project site.

According to the description of the project area, the entire area is previously disturbed by activities of the existing wastewater treatment facility, and it is separated from the river and potential red-bellied turtle access by a chain link fence that surrounds the property. Therefore, I conclude that the project site habitat is not suitable for red-bellied turtles and I do not foresee the proposed project resulting in adverse impacts to the red-bellied turtle or any other rare or protected species under Pennsylvania Fish and Boat Commission jurisdiction.

Note that this office performed no field inspection of the project area. Consequently, comments in this letter are not meant to address other issues or concerns that might arise concerning matters under Pennsylvania Fish and Boat Commission jurisdiction or that of other authorities. Thank you for your cooperation and attention to this matter of threatened and endangered species conservation.

Sincerely,


Christopher Urban, Chief
Natural Diversity Division

RECEIVED
DEC 23 2009

ARRO

CAU/KDG/mr

Our Mission:

www.fish.state.pa.us

To protect, conserve and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities.

December 2, 2009

Tina Walther
Pennsylvania Fish and Boat Commission
Natural Diversity Section
Division of Environmental Services
450 Robinson Lane
Bellefonte, PA 16823-9620

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Limerick Office
649 North Lewis Road
Suite 100
Limerick, PA 19468
T 610.495.0303
F 610.495.5855

RE: Amity Township;
Act 537 Plan; PNDI Review
ARRO # 7026.00

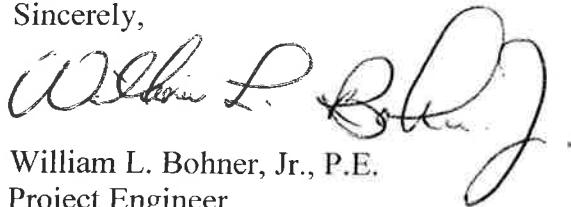
Dear Ms. Walther:

On behalf of Amity Township (Township), Berks County, PA, we are assisting with the preparation of an Act 537 Plan Update to establish the planning requirements necessary to meet the future wastewater needs of the Township. The planning focus is on the need for upgrades to the Township's wastewater treatment plant.

Enclosed, for your review, is the PNDI search form and the Boyertown 7.5 Minute Quadrangle identifying the planned project location. The total projected area is approximately 10 acres and the actual area to be disturbed, for the purposes of upgrading the Township's wastewater treatment plant, is approximately 2 to 3 acres. Refer to the enclosed project narrative.

Please review this documentation and provide us with comments or concerns that you may have at your earliest convenience. If you have any questions, please do not hesitate to call me at 610-495-2102.

Sincerely,


William L. Bohner, Jr., P.E.
Project Engineer

WLB:car

Enclosure

1. PROJECT INFORMATION

Project Name: **Amity Township WWTP Upgrade**

Date of review: 11/30/2009 3:44:46 PM

Project Category: **Waste Transfer, Treatment, and Disposal, Liquid waste/Effluent, Sewage module/Act 537 plan**

Project Area: 9.7 acres

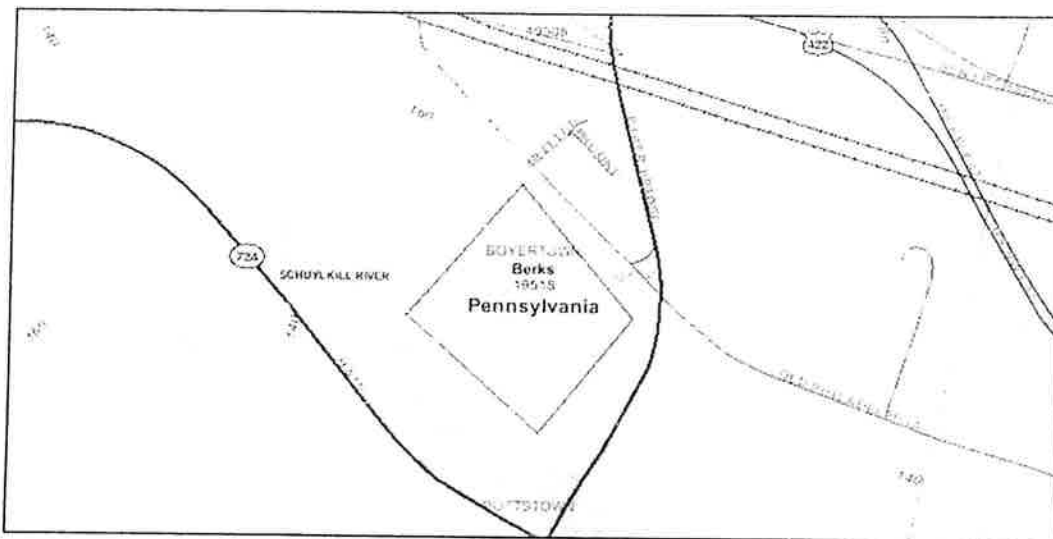
County: **Berks Township/Municipality: Amity**

Quadrangle Name: **BOYERTOWN**

ZIP Code: **19518**

Decimal Degrees: **40.25167 N, --75.72399 W**

Degrees Minutes Seconds: **40° 15' 6" N, -75° 43' 26.4" W**



2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

Note that regardless of PNDI search results, projects requiring a Chapter 105 DEP individual permit or GP 5, 6, 7, 8, 9 or 11 in certain counties (Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill and York) must comply with the bog turtle habitat screening requirements of the PASPGP.

RESPONSE TO QUESTION(S) ASKED

Q1: Accurately describe what is known about wetland presence in the project area or on the land parcel.

"Project" includes all features of the project (including buildings, roads, utility lines, outfall and intake structures, wells, stormwater retention/detention basins, parking lots, driveways, lawns, etc.), as well as all associated impacts (e.g., temporary staging areas, work areas, temporary road crossings, areas subject to grading or clearing, etc.). Include all areas that will be permanently or temporarily affected -- either directly or indirectly -- by any type of disturbance (e.g., land clearing, grading, tree removal, flooding, etc.). Land parcel = the lot(s) on which some type of project(s) or activity(s) are proposed to occur .

Your answer is: **2. The project area (or land parcel) has not been investigated by someone qualified to identify and delineate wetlands, or it is currently unknown if the project or project activities will affect wetlands.**

Q2: Aquatic habitat (stream, river, lake, pond, etc.) is located on or adjacent to the subject property and project activities (including discharge) may occur within 300 feet of these habitats

Your answer is: **1. 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 one year** (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.

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

PA Fish and Boat Commission

PFBC Species:**Scientific Name:** Sensitive Species****Common Name:****Current Status:** Threatened**Proposed Status:** Special Concern Species*

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

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.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, send the following information to the agency(s) seeking this information (see AGENCY CONTACT INFORMATION).

Check-list of Minimum Materials to be submitted:

- SIGNED** copy of this Project Environmental Review Receipt
- Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.
- Project location information (name of USGS Quadrangle, Township/Municipality, and County)
- USGS 7.5-minute Quadrangle with project boundary clearly indicated, and quad name on the map

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

- A basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)
- Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)
- Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams
- The DEP permit(s) required for this project

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. For cases where a "Potential Impact" to threatened and endangered species has been identified before the application has been submitted to DEP, the application should not be submitted until the impact has been resolved. For cases where "Potential Impact" to special concern species and resources has been identified before the application has been submitted, the application should be submitted to DEP along with the PNDI receipt, a completed PNDI form and a USGS 7.5 minute quadrangle map with the project boundaries delineated on the map. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. DEP and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <http://www.naturalheritage.state.pa.us>.

Amity Township Act 537 Plan
Planned WWTP Upgrades

Project Information:

USGS Quadrangle – Boyertown
Municipality – Amity Township
County – Berks
Site Area – Approximately 10 Acres
Earth Disturbance Area – Approximately 2 to 3 acres

Project Narrative:

This project consists of upgrading the Amity Township WWTP through the construction of new treatment structures or addition to existing treatment structures on the Township's existing WWTP site. It is planned that no construction will take place outside the bounds of the fenced-in treatment plant property. All locations within the site have been previously disturbed as part of past construction projects.