

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**APPLICATION OF PENNSYLVANIA :  
ELECTRIC COMPANY FOR APPROVAL :  
TO LOCATE AND CONSTRUCT THE :  
BEDFORD NORTH-CENTRAL CITY :  
WEST 115 KILOVOLT TRANSMISSION :  
LINE PROJECT IN CENTRAL CITY :  
BOROUGH AND SHADE TOWNSHIP, :  
SOMERSET COUNTY, AND NAPIER, :  
EAST ST. CLAIR, AND BEDFORD :  
TOWNSHIPS, BEDFORD COUNTY, :  
PENNSYLVANIA :**

**Docket No. A-2016-2565296**

**ADDITIONAL REBUTTAL TESTIMONY OF**

**BARRY A. BAKER**

**ON BEHALF OF**

**PENNSYLVANIA ELECTRIC COMPANY**

**STATEMENT NO. 3-R**

**Re: Rebuttal Testimony Concerning Pennsylvania Natural Diversity Inventory (“PNDI”)**

**Dated: May 5, 2017**



- 1 • System Architecture Design for GIS (ESRI).

2 I have been employed by AECOM for the last eleven years in the roles previously  
3 discussed. In these positions I have been responsible for siting studies both as a Project  
4 Manager and as a technical lead for transmission line siting as well as new power  
5 development throughout the northeast region of the U.S., including: PA, NJ, MD, NY, CT,  
6 OH, IL, VA, DE, and MA. I also manage the Pennsylvania Area Impact Assessment &  
7 Permitting Department where I am responsible for a team of biologists, ecologists, and GIS  
8 specialists. Additionally, I am an AECOM Technical Lead designated for supporting and  
9 developing major transmission opportunities on the U.S. East Coast with a focus in the  
10 northeast. Prior to joining AECOM, I held GIS and environmental development positions  
11 for other environmental and government consultants.

12  
13 **Q. On whose behalf are you providing this testimony?**

14 A. I am providing this testimony on behalf of Penelec and its successor, MAIT, for approval  
15 to locate and construct the Bedford North-Central City West 115 kV Transmission Line  
16 (“Project”).

17  
18 **Q. What is your role on the Project?**

19 A. I serve as AECOM’s Project Manager on behalf of Penelec and MAIT for the siting and  
20 permitting components of the Bedford North - Central City West transmission line. My  
21 responsibilities on the Project began in July 2014 and have involved oversight of the  
22 AECOM routing efforts that identified six potential routes, including five alternative routes

1 (Routes 1, 3, 4, 5, and 6) and the Proposed Route (Route 2) and that is presented for  
2 Commission approval. I oversee the scientists, biologists, planners, cultural resource  
3 specialists, Geographic Information Systems (“GIS”) analysts, and other technical  
4 specialists that have helped define the routes considered for the proposed transmission line.  
5 I also attend numerous teleconferences that take place concerning project-related routing,  
6 permitting, and public outreach efforts.

7 For project environmental consultation, I reviewed and helped coordinate the initial  
8 agency consultation and survey efforts on behalf of Penelec. These include submission of  
9 a Pennsylvania Natural Diversity Inventory (“PNDI”) large project review to the U.S. Fish  
10 and Wildlife Service (“USFWS”), Pennsylvania Department of Conservation and Natural  
11 Resources (“DCNR”), Pennsylvania Game Commission (“PGC”), and Pennsylvania Fish  
12 and Boat Commission (“PFBC”); and wetland delineation activities along the Proposed  
13 Route right-of-way.

14  
15 **Q. What is the purpose of your testimony?**

16 A. The purpose of additional rebuttal testimony is to respond to the written testimony  
17 submitted by witness Laura L. Jackson whose testimony concerned the possible habitat of  
18 the Allegheny Woodrat. I will describe the permitting process that the Company has  
19 followed with respect to several regulatory agencies for threatened or endangered species.

20  
21 **Q. Have you sponsored previous written testimony on behalf of the Applicant in this**  
22 **proceeding?**

1 A: Yes. On behalf of Penelec, now MAIT, I have sponsored direct testimony as Statement  
2 No. 3 and sponsored rebuttal testimony as Statement No. 3-R.

3

4 **Q. Are you sponsoring any exhibits in your additional rebuttal testimony?**

5

6 A. Yes, I am sponsoring two additional exhibits. "Exhibit BAB-10" is a letter dated May 2,  
7 2017, from the PGC, concerning an update to the PNDI review process. "Exhibit BAB-  
8 11" is a letter dated April 17, 2015, from the PGC and is the initial response of the PGC  
9 concerning the PNDI process.

10

11 **Q. Are you involved in the permitting process for the proposed transmission line of**  
12 **Penelec now MAIT?**

13 A. Yes, AECOM has developed and submitted specific permit applications for the Project  
14 related to erosion and sedimentation control and water obstructions or encroachments.

15

16 **Q. Could you define the term "Endangered Species"?**

17 A. "Endangered Species" is defined in Section 102 of the Pennsylvania Game and Wildlife  
18 Code (34 Pa.C.S. Section 102), which governs the PGC. It states:

19 **"Endangered species"** All species and subspecies of wildlife which have been declared  
20 by: (1) the Secretary of the United States Department of the Interior to be threatened with  
21 extinction and appear on the Endangered Species List or the Native Endangered Species  
22 List published in the Federal Register; or (2) the director to be threatened with extinction

1 and appear on the Pennsylvania Endangered Species List published in the Pennsylvania  
2 Bulletin.

3  
4 **Q. Could you define the term “Threatened Species”?**

5 A. Section 102 defines the term as follows:

6 **“Threatened species”** All species and subspecies of wildlife which have been declared  
7 by: (1) the Secretary of the United States Department of the Interior to be in such small  
8 numbers throughout their range that they may become endangered if their environment  
9 worsens and appear on a Threatened Species List published in the Federal Register; or  
10 (2) the director to be in such small numbers throughout their range that they may become  
11 endangered if their environment worsens and appear on the Pennsylvania Threatened  
12 Species List published in the Pennsylvania Bulletin.

13  
14 **Q. Is the Allegheny Woodrat listed by the PGC as a threatened species or an endangered  
15 species?**

16 A. The Allegheny Woodrat is listed as a “threatened” species by the PGC. It is not listed as  
17 “endangered.”

18  
19 **Q. Please describe the permitting process followed by the Company insofar as it relates  
20 to Threatened or Endangered species?**

21 A. The process starts with the PNDI review to identify any potential Threatened or  
22 Endangered species within the Project area. This review was completed in April 2015 and

1 a request for coordination was sent to four agencies - DCNR, PFBC, PGC, and USFWS.  
2 Responses from DCNR and USFWS indicated the potential for Project impacts to specific  
3 plant or bat species respectively. The PFBC and PGC, which has responsibility for the  
4 Allegheny Woodrat, responded that the Project would not have any impact on species  
5 under their jurisdiction and that no further coordination is necessary.

6 During 2015 and 2016, AECOM conducted the plant surveys required by DCNR, which  
7 concluded that the plant species in review are not located in the Project area. DCNR  
8 reviewed the survey report and agreed with the findings. A clearance letter from DCNR  
9 was issued in February 2017.

10 USFWS has indicated known presence of the federally endangered Indiana bat in the  
11 Project area. Coordination with USFWS will be required regarding minimization and  
12 possible mitigation measures following upcoming habitat assessments.

13 These PNDI response letters and agency clearance letters have been included in the permit  
14 applications that were provided to the state and federal regulatory agencies, specifically the  
15 Pennsylvania Department of Environmental Protection (PADEP) and the U.S. Army Corps  
16 of Engineers (USACE), and will be part of the compliance review conducted by these  
17 agencies.

18  
19 **Q. What is the status of PNDI and its updating?**

20 A. Since the original PNDI responses expire after 2-years, AECOM has requested and  
21 obtained updated PNDI response letters from the various agencies. The updated PGC  
22 response letter, dated May 2, 2017, does not note any conflicts with the Allegheny Woodrat

1 or its habitat. Additionally, the prior PGC response letter, dated April 17, 2015, did not  
2 note any conflicts with the Allegheny Woodrat or its habitat.

3  
4 **Q. In the event that the Pennsylvania Game Commission was to list the Allegheny**  
5 **Woodrat in its PNDI updated response to the Company, what would be the normal**  
6 **expected response of Penelec/MAIT?**

7 A. If the PNDI response had specified a potential conflict with the Allegheny Woodrat or its  
8 habitat (which it has not), this would indicate the potential need to complete habitat  
9 assessments. These assessments would be conducted by qualified personnel, to determine  
10 if the Project could impact these areas. If habitat is identified, then the first measure would  
11 be to determine means of avoiding the habitat, such as rerouting access roads or adjusting  
12 work pad areas. If avoidance measures do not address all of the potential impact areas and  
13 the Project did result in some habitat impacts, then discussion with PGC regarding  
14 mitigation measures would need to be held. Mitigation options may involve impact fees to  
15 be submitted to PGC to help preserve/create habitat areas or possibly the development of  
16 a habitat mitigation site in the Project area. Mitigation specifics would be provided by  
17 PGC.

18  
19 **Q. When we use the term “Allegheny Front” what are we referring to?**

20 A. The Allegheny Front is an abrupt mountain escarpment that separates the Allegheny  
21 Plateau region in the west from the Ridge and Valley region to the east. The Allegheny  
22 Front is a distinct geologic feature of that extends from West Virginia into central



1 Pennsylvania. In Pennsylvania, the Allegheny Front extends north from the Maryland  
2 border to past Altoona and generally forms the boundary between waters flowing west to  
3 the Ohio River and waters flowing east to the Susquehanna River. In the Project area, the  
4 Allegheny Front also roughly follows the boundary between Somerset County and Bedford  
5 County.

6 **Q. Does this complete your additional rebuttal testimony?**  
7

8 A. Yes, it does. However, I would like to reserve the right to supplement my testimony if  
9 anything changes with respect to the status of the application.



# COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA GAME COMMISSION

2001 Elmerton Avenue  
Harrisburg, PA 17110-9797

Wildlife Habitat Management  
717-787-6818

May 2, 2017

PGC ID Number: 201704120401

Mr. David Yezuita  
AECOM  
625 West Ridge Pike, St E-100  
Conshohocken, Pennsylvania 19428  
[david.yezuita@aecom.com](mailto:david.yezuita@aecom.com)

Re: Penelec– First Energy Services Corporation – Bedford North-Central City West 115 kV Line  
State Game Lands No. 228  
PNDI Manual Project Submission  
Bedford, Shade and Napier Townships, Bedford and Somerset Counties, Pennsylvania

Dear Mr. Yezuita,

Thank you for submitting your Pennsylvania Natural Diversity Inventory (PNDI) Large Project Environmental Review request. The Pennsylvania Game Commission (PGC) screened this project for potential impacts to species and resources of concern under PGC responsibility, which includes birds and mammals only.

### Potential Impact Anticipated

PNDI records indicate species or resources of concern are located in the vicinity of the project. The PGC has received and thoroughly reviewed the information that you provided to this office, as well as PNDI data, and has determined that potential impacts to the following endangered species may be associated with your project:

Scientific Name	Common Name	PA Status	Federal Status
<i>Myotis sodalis</i>	Indiana Bat	ENDANGERED	ENDANGERED

### Next Steps

***Indiana Bats***: Indiana bats are a federally listed endangered species under the jurisdiction of the U.S. Fish and Wildlife Service. As a result, our agency defers comments on potential impacts to Indiana bats to the U.S. Fish and Wildlife Service.

Additionally, it appears that portions of the proposed project are located on **State Game Lands No. 228**. Please contact the PGC's Southwest Regional Office at 724-238-9523 to discuss and coordinate the project on State Game Lands.

Mr. David Yezuita

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May 2, 2017

**Conservation Measure(s)**

National Wetland Inventory Mapping (NWI) and/or aerial photos suggest that wetlands are located throughout the project area. The PGC is requesting that the final project avoid, or at least minimize to the greatest practical extent, any adverse impacts to these resources and their associated wildlife habitat.

This response represents the most up-to-date summary of the PNDI data files and is valid for two (2) years from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

Should the proposed work continue beyond the period covered by this letter, please resubmit the project to this agency as an "Update" (including an updated PNDI receipt, project narrative and accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for two additional years.

This finding applies to impacts to birds and mammals only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure that the U.S. Fish and Wildlife Service, the PA Department of Conservation and Natural Resources, and/or the PA Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at [www.naturalheritage.state.pa.us](http://www.naturalheritage.state.pa.us).

Sincerely,



Olivia A. Braun  
Environmental Planner  
Division of Environmental Planning & Habitat Protection  
Bureau of Wildlife Habitat Management  
Phone: 717-787-4250, Extension 3128  
Fax: 717-787-6957  
E-mail: Olbraun@pa.gov

A PNHP Partner



OAB/oab

cc: Anderson  
Myers

Mr. David Yezuita

-3-

May 2, 2017

Trusso  
Vreeland  
Tomlinson  
Brauning  
Turner  
Blass  
Librandi Mumma  
Ms. Pamela Shellenberger, U.S. Fish & Wildlife Service  
H:\OIL&GAS\_PNDI\_Reviews\Southwest Region



Division of Environmental  
Planning and Habitat  
Protection  
717-783-5957

COMMONWEALTH OF PENNSYLVANIA  
**Pennsylvania Game Commission**

2001 ELMERTON AVENUE  
HARRISBURG, PA 17110-9797

*"To manage all wild birds, mammals and their habitats  
for current and future generations."*

ADMINISTRATIVE BUREAUS:

ADMINISTRATION.....717-787-5670  
HUMAN RESOURCES.....717-787-7636  
FISCAL MANAGEMENT.....717-787-7314  
CONTRACTS AND  
PROCUREMENT.....717-787-6594  
LICENSING.....717-787-2084  
OFFICE SERVICES.....717-787-2116  
WILDLIFE MANAGEMENT.....717-787-5529  
INFORMATION & EDUCATION.....717-787-6286  
WILDLIFE PROTECTION.....717-783-6526  
WILDLIFE HABITAT  
MANAGEMENT.....717-787-6818  
REAL ESTATE DIVISION.....717-787-6568  
AUTOMATED TECHNOLOGY  
SERVICES.....717-787-4076

[www.pgc.state.pa.us](http://www.pgc.state.pa.us)

April 17, 2015

**Large Project PNDI Review**

David Yezuita  
AECOM  
625 West Ridge Pike, Suite E-100  
Conshohocken, PA 19428  
David.yezuita@aecom.com

Re: FirstEnergy – Bedford North – Central City West 115kV Project  
Bedford, Napier, & East St. Clair Townships, Bedford County, and Shade Township, Somerset  
County, PA

Dear Mr. Yezuita,

Thank you for submitting your Pennsylvania Natural Diversity Inventory (PNDI) Large Project Environmental Review request. The Pennsylvania Game Commission (PGC) screened this project for potential impacts to species and resources of concern under PGC responsibility, which includes birds and mammals only.

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Mr. Yezuita

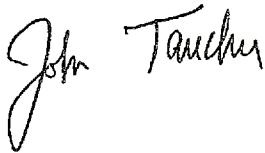
-2-

April 17, 2015

accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for two additional years.

This finding applies to impacts to birds and mammals only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure that the U.S. Fish and Wildlife Service, the PA Department of Conservation and Natural Resources, and/or the PA Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at [www.naturalheritage.state.pa.us](http://www.naturalheritage.state.pa.us).

Sincerely,



John Taucher  
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A PNHP Partner



Pennsylvania Natural Heritage Program

JWT/jwt

cc: Anderson  
Myers  
Trusso  
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Turner  
Librandi Mumma  
Ms. Pamela Shellenberger, U.S. Fish & Wildlife Service  
File