



Pennsylvania Department of Environmental Protection

2 Public Square  
Wilkes-Barre, PA 18711-0790  
May 2, 2000

Northeast Regional Office

570-826-2511  
Fax 570-830-3017

Resorts USA, Inc.  
P.O. Box 447  
Bushkill, PA 18324

Attention: Mr. John Briggs

Re: Operations Permit  
Public Water Supply Permit No. 2450134  
Resorts USA, Inc.  
(Fernwood Water System)  
Middle Smithfield Township, Monroe County

Dear Mr. Briggs:

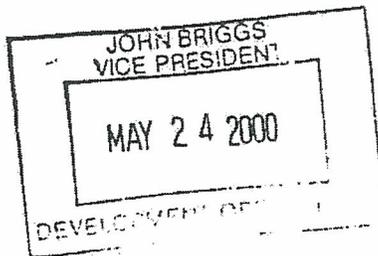
Subject permit is enclosed.

Please study the permit carefully and direct any questions to the Technical Services Section of this office, at 570-826-2511.

Sincerely,

Lawrence A. Pawlush  
Program Manager  
Water Supply Management Program

Enclosures: Permit No. 2450134







Commonwealth of Pennsylvania  
Department of Environmental Protection  
Division of Water Use Planning  
PO Box 8555  
Harrisburg, PA 17105-8555

ACT 220 WATER WITHDRAWAL AND USE  
SUB FACILITY (INDIVIDUAL SOURCE) REPORT  
PUBLIC WATER SUPPLIES

1. REPORT YEAR 2006

Log Date (DEP use only)  
/ /

REPORTER (required)

2. Source Name

Well #3

3. Name of Public Water Supply

Fernwood Community Water System

Identification Numbers

Please fill in assigned DEP numbers from withdrawal registration.

4. WUDS\_SFID

39776

5. WUDS\_PFIID

18640

A SEPARATE REGISTRATION FORM MUST BE COMPLETED FOR EACH SOURCE OF WATER

MEASURING/METERING OF WATER (for withdrawal or interconnection)

If there are changes in testing or meter information from what was registered or previously reported, please complete metering information on separate Revision Form.

6. Measurement Method

Estimated  Calculated  Metered

7. Estimated or Calculated Method AWWA C 701 +/- 5%

8. Meter-Last Date Tested

11 / 17 / 2006

9. Tested By:

Meter Pro Services Inc.

WITHDRAWALS OR HAULED (TRUCKED) WATER FOR REPORT YEAR

| 10. | Total Gallons | Days | Total Gallons | Days |
|-----|---------------|------|---------------|------|
| Jan | , , 640, 000  | 22   | , 1, 680, 700 | 20   |
| Feb | , , 637, 100  | 8    | , 1, 581, 700 | 22   |
| Mar | , 1, 042, 400 | 11   | , 3, 695, 000 | 30   |
| Apr | , , 546, 300  | 7    | , , 845, 200  | 8    |
| May | , , 260, 100  | 8    | , 1, 519, 600 | 18   |
| Jun | , 1, 675, 100 | 24   | , , 363, 200  | 8    |

11. Total Gallons for the Year (Required)

, 14, 486, 400

12. Total Days for the Year (Required)

186



25. Double Counted

- Yes - surface or groundwater sources could be double counted
- No - surface or groundwater source is not double counted

Double Counted - For public water supply surface and groundwater sources

For new facilities or changes to the status of previously reported surface or groundwater sources, please indicate whether the source could be considered double counted. See instructions.

False Reporting: You are submitting official information. Any false statement in this registration or map you submit to DEP is subject to civil and criminal penalties, including 18 P.S. § 4904 (unsworn falsification to authorities). If you discover that the information you submitted is incorrect, notify us immediately.

26. Person Preparing Report

I certify that the information presented on this registration form is true and correct to the best of my knowledge, information and belief.

Signature

[Handwritten signature in a box]

Date

04 / 12 / 2007

First Name

J o h n

Last Name

W B r i g g s

Title

V P R e s o r t M a i n t S e r v

Number & Street Address

P O B o x 4 4 7 R o u t e 2 0 9

City

B u s h k i l l

State

P A

Zip Code

1 8 3 6 0 - 0 4 4 7

Office Phone Number (Include Area Code) Fax Phone Number (Include Area Code)

5 7 0 - 5 8 8 - 6 6 6 1

5 7 0 - 5 8 8 - 1 5 4 7

Email Address (Please use CAPITAL Letters) Example: ALL.CAPS@EMAIL.ADDRESS

j b r i g g s @ b u s h k i l l g r o u p . c o m



Public Water Supply  
Annual Primary Facility Report

Please submit only one report  
per system

Department of Environmental Protection  
Bureau of Watershed Management  
PO Box 8555  
Harrisburg PA 17105-8555

Log Date (DEP use only)  
[ ][ ] / [ ][ ] / [ ][ ][ ][ ]

1. WUDS\_PFIID [1][8][6][4][0]

2. REPORT FOR CALENDAR YEAR JAN 1 TO DEC 31, [2][0][0][6]

3. TOTAL WATER WITHDRAWAL - including purchased water [ ][ ][ ] , [6][9] , [1][6][4] , [2][0][0] Gallons Per Year

4. AVERAGE DAILY WATER WITHDRAWAL - including purchased water [ ][ ][ ] , [1][8][9] , [4][9][1] Gallons Per Day

5. PEAK DAY WATER WITHDRAWAL FOR REPORT YEAR Date [0][4] / [1][6] / [2][0][0][6] Gallons Per Day

6. MINIMUM DAY WATER WITHDRAWAL FOR YEAR Date [0][3] / [0][6] / [2][0][0][6] Gallons Per Day

7. PWSID [2][4][5][0][1][3][4] 8. Population Served [ ][ ][ ] , [ ][ ][ ]

9. Check here if the name or address below involves a change

10. Company Name  
F e r w o o d C m n t y W a t e r S y s  
Address Line 1  
P O B o x 4 4 7 R o u t e 2 0 9  
Address Line 2  
City  
B u s h k i l l  
State  
P A Zip Code 1 8 3 2 4 - 0 4 4 7

11. Check here if there has been a change from previous reports

**12. Ownership - check one**

- Authority
- Authority (Municipality operates)
- Municipal
- Investor - PUC
- Other
- Institution - Military
- Institution - Health
- Institution - Recreation
- Institution - Education
- Apartment
- Association
- Mobile Home Park
- Institution - Correction

**13. AVERAGE DAILY WATER DISTRIBUTION - MUST BE COMPLETED!**

| TYPE                    | METERED CONNECTIONS   |  | UNMETERED CONNECTIONS   |   |
|-------------------------|---|--|---|---|
|                         | NUMBER 1  | WATER USE (GPD) 2  | NUMBER 1  | WATER USE (GPD) 2   |
| Domestic                | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/>   | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/>        | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> |
| Commercial              | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> 3 | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> 214, <input type="text"/> <input type="text"/> 148 | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> |
| Industrial              | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/>   | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/>  | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> |
| Institutional           | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/>   | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/>  | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> |
| Bulk Sales to other PWS | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/>   | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/>  | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> |
| Other 3                 | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/>   | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/>  | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> |
| Water Losses 4          | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/>   | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/>  | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> |
| <b>14. TOTALS</b>       | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> 3 | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> 214, <input type="text"/> <input type="text"/> 148 | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> | <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> , <input type="text"/> <input type="text"/> |

1. The Total Number of Metered and Nonmetered Connections by Type should equal the Total under the Present Number of Connections Served.
2. Total Average Daily Water Use (GPD) for Metered and Nonmetered Connections should equal Average Daily Water Use on Page 1.
3. Explain "Other" connections

4. Water Losses include both real and apparent losses (Leakage, Fire, etc....) The difference between the water withdrawn and the water used by customers.









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Department of Environmental Protection  
Division of Water Use Planning  
PO Box 8555  
Harrisburg, PA 17105-8555

ACT 220 WATER WITHDRAWAL AND USE  
SUB FACILITY (INDIVIDUAL SOURCE) REPORT  
PUBLIC WATER SUPPLIES

1. REPORT YEAR 2006

Log Date (DEP use only)  
[ ] / [ ] / [ ] [ ] [ ] [ ]

REPORTER (required)

2. Source Name

Well # 6

3. Name of Public Water Supply

Fernwood Community Water Systems

Identification Numbers

Please fill in assigned DEP numbers from withdrawal registration.

4. WUDS\_SFID

42419

5. WUDS\_PFIID

18640

A SEPARATE REGISTRATION FORM MUST BE COMPLETED FOR EACH SOURCE OF WATER

MEASURING/METERING OF WATER (for withdrawal or interconnection)

If there are changes in testing or meter information from what was registered or previously reported, please complete metering information on separate Revision Form.

6. Measurement Method

Estimated  Calculated  Metered

7. Estimated or Calculated Method

AWWA C 701 +/- 5%

8. Meter-Last Date Tested

11 / 17 / 2006

9. Tested By:

Meter Pro Services Inc.

WITHDRAWALS OR HAULED (TRUCKED) WATER FOR REPORT YEAR

| 10. | Total Gallons                                | Days  | Total Gallons | Days   |    |
|-----|--|-------|---------------|--|----|
| Jan | [ ][ ][ ] , [ ][ ][ ] , [ ][ ][ ] , [ ][ ] 0 | [ ] 0 | Jul           | [ ][ ][ ] , [ ][ ][ ] , 566 , 800 0          | 18 |
| Feb | [ ][ ][ ] , [ ][ ][ ] , [ ][ ][ ] , [ ][ ] 0 | [ ] 0 | Aug           | [ ][ ][ ] , [ ][ ][ ] , [ ][ ][ ] , [ ][ ] 0 | 0  |
| Mar | [ ][ ][ ] , [ ][ ][ ] , [ ][ ][ ] , [ ][ ] 0 | [ ] 0 | Sep           | [ ][ ][ ] , [ ][ ][ ] , [ ][ ][ ] , [ ][ ] 0 | 0  |
| Apr | [ ][ ][ ] , [ ][ ][ ] , [ ][ ][ ] , [ ][ ] 0 | [ ] 0 | Oct           | [ ][ ][ ] , [ ][ ][ ] , 125 , 200 0          | 2  |
| May | [ ][ ][ ] , [ ][ ][ ] , [ ][ ][ ] , [ ][ ] 0 | [ ] 0 | Nov           | [ ][ ][ ] , [ ][ ][ ] , 296 , 000 0          | 11 |
| Jun | [ ][ ][ ] , [ ][ ][ ] , [ ][ ][ ] , 100 0    | [ ] 1 | Dec           | [ ][ ][ ] , [ ][ ][ ] , 104 , 700 0          | 8  |

11. Total Gallons for the Year (Required)

[ ][ ][ ] , [ ][ ][ ] 1 , 092 , 800 0

12. Total Days for the Year (Required)

[ ] 40



25. Double Counted

- Yes - surface or groundwater sources could be double counted
- No - surface or groundwater source is not double counted

Double Counted - For public water supply surface and groundwater sources

For new facilities or changes to the status of previously reported surface or groundwater sources, please indicate whether the source could be considered double counted. See instructions.

False Reporting: You are submitting official information. Any false statement in this registration or map you submit to DEP is subject to civil and criminal penalties, including 18 P.S. § 4904 (unsworn falsification to authorities). If you discover that the information you submitted is incorrect, notify us immediately.

26. Person Preparing Report

I certify that the information presented on this registration form is true and correct to the best of my knowledge, information and belief.

Signature

*[Handwritten Signature]*

Date

04 / 12 / 2007

First Name

J o h n

Last Name

W B r i g g s

Title

V P R e s o r t M a i n t S e r v

Number & Street Address

P O B o x 4 4 7 R o u t e 2 0 9

City

B u s h k i l l

State

P A

Zip Code

1 8 3 6 0 - 0 4 4 7

Office Phone Number (Include Area Code) Fax Phone Number (Include Area Code)

5 7 0 - 5 8 8 - 6 6 6 1 5 7 0 - 5 8 8 - 1 5 4 7

Email Address (Please use CAPITAL Letters) Example: ALL.CAPS@EMAIL.ADDRESS

j b r i g g s @ b u s h k i l l g r o u p . c o m

8922580228

3920-FM-WM0288 12/2005



Commonwealth of Pennsylvania  
Department of Environmental Protection  
Division of Water Use Planning  
PO Box 8555  
Harrisburg, PA 17105-8555

ACT 220 WATER WITHDRAWAL AND USE  
SUB FACILITY (INDIVIDUAL SOURCE) REPORT  
PUBLIC WATER SUPPLIES

1. REPORT YEAR 2006

Log Date (DEP use only)  
/ /

REPORTER (required)

2. Source Name

Well #9

3. Name of Public Water Supply

Fernwood Community Water System

Identification Numbers

Please fill in assigned DEP numbers from withdrawal registration.

4. WUDS\_SFID

42421

5. WUDS\_PPID

18640

A SEPARATE REGISTRATION FORM MUST BE COMPLETED FOR EACH SOURCE OF WATER

MEASURING/METERING OF WATER (for withdrawal or interconnection)

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6. Measurement Method

Estimated Calculated  Metered

7. Estimated or Calculated Method

AWWA C 701 +/- 5%

8. Meter-Last Date Tested

11 / 17 / 2006

9. Tested By:

Meter Pro Services Inc

WITHDRAWALS OR HAULED (TRUCKED) WATER FOR REPORT YEAR

| 10. | Total Gallons | Days | Total Gallons | Days |
|-----|---------------|------|---------------|------|
| Jan | 4,838,000     | 31   | 4,931,000     | 31   |
| Feb | 4,662,000     | 28   | 6,125,000     | 31   |
| Mar | 4,094,000     | 31   | 1,391,000     | 30   |
| Apr | 5,734,000     | 30   | 5,038,000     | 31   |
| May | 5,207,000     | 31   | 3,414,000     | 30   |
| Jun | 3,111,000     | 30   | 5,040,000     | 31   |

11. Total Gallons for the Year (Required)

53,585,000

12. Total Days for the Year (Required)

365



25. Double Counted

- Yes - surface or groundwater sources could be double counted
- No - surface or groundwater source is not double counted

Double Counted - For public water supply surface and groundwater sources

For new facilities or changes to the status of previously reported surface or groundwater sources, please indicate whether the source could be considered double counted. See instructions.

False Reporting: You are submitting official information. Any false statement in this registration or map you submit to DEP is subject to civil and criminal penalties, including 18 P.S. § 4904 (unsworn falsification to authorities). If you discover that the information you submitted is incorrect, notify us immediately.

26. Person Preparing Report

I certify that the information presented on this registration form is true and correct to the best of my knowledge, information and belief.

Signature

[Handwritten signature in a box]

Date

04 / 12 / 2007

First Name

J o h n

Last Name

W B r i g g s

Title

V P R e s o r t M a i n t S e r v

Number & Street Address

P O B o x 4 4 7 R o u t e 2 0 9

City

B u s h k i l l

State

P A

Zip Code

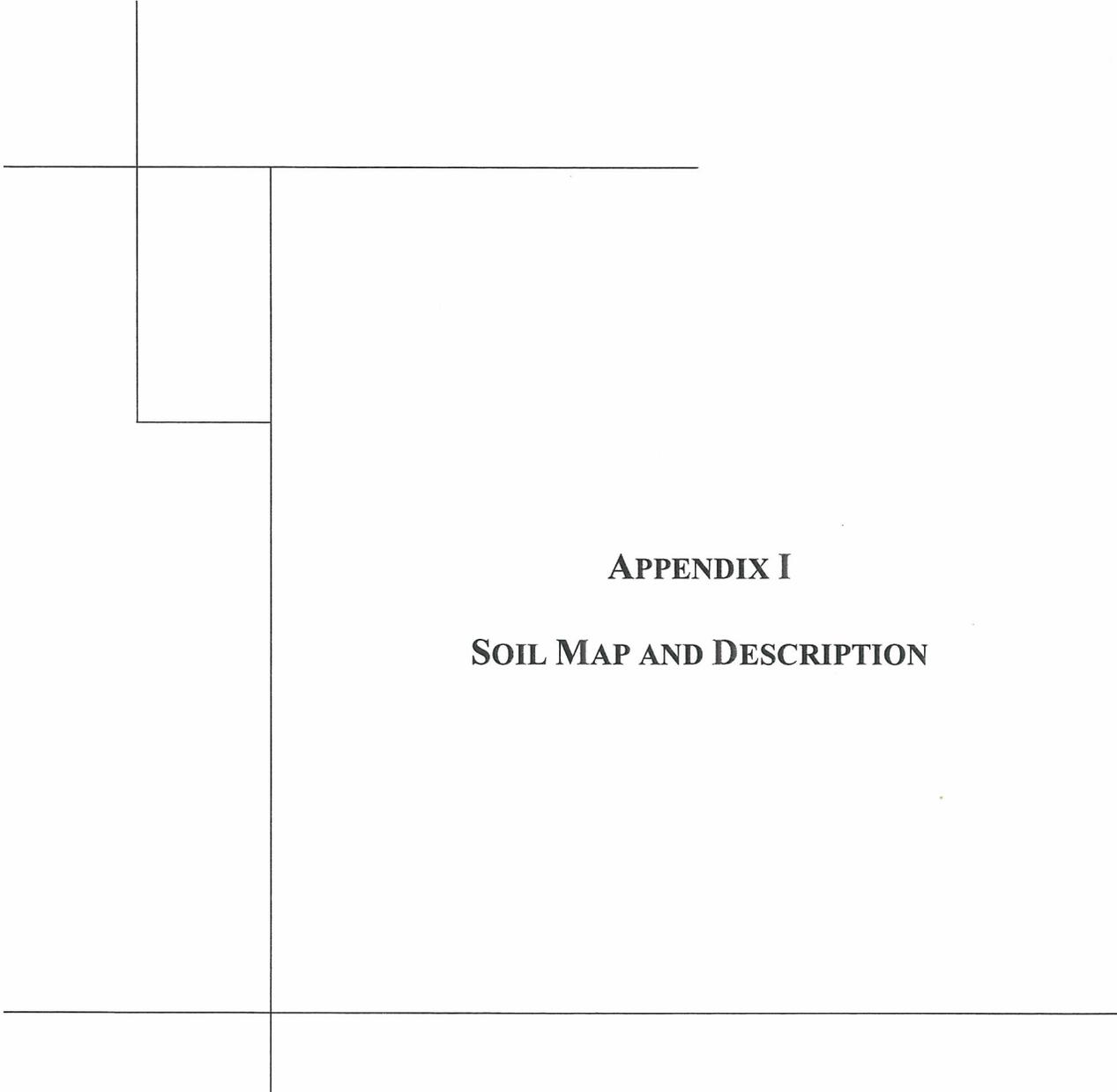
1 8 3 6 0 - 0 4 4 7

Office Phone Number (Include Area Code) Fax Phone Number (Include Area Code)

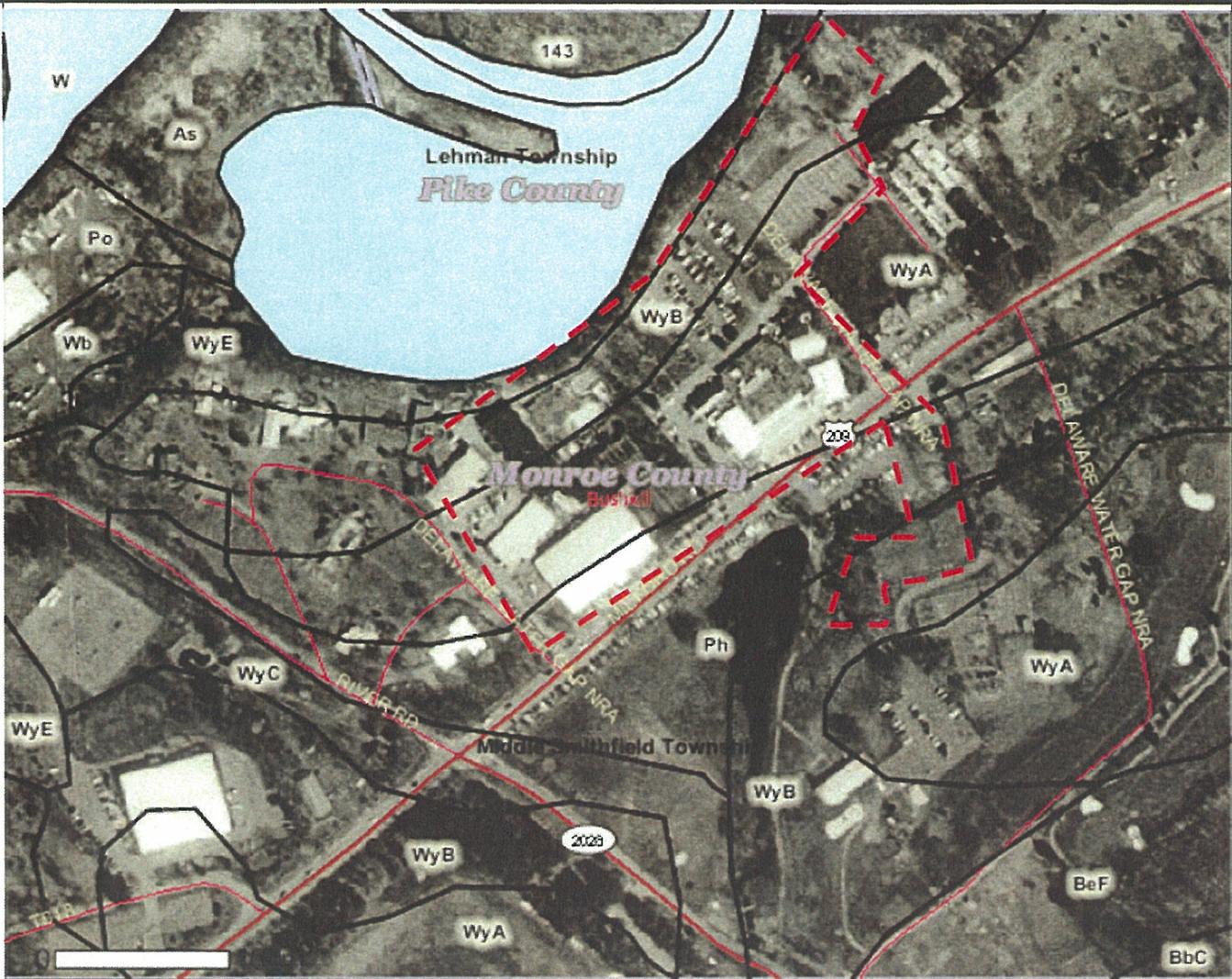
5 7 0 - 5 8 8 - 6 6 6 1 5 7 0 - 5 8 8 - 1 5 4 7

Email Address (Please use CAPITAL Letters) Example: ALL.CAPS@EMAIL.ADDRESS

j b r i g g s @ b u s h k i l l g r o u p . c o m



**APPENDIX I**  
**SOIL MAP AND DESCRIPTION**



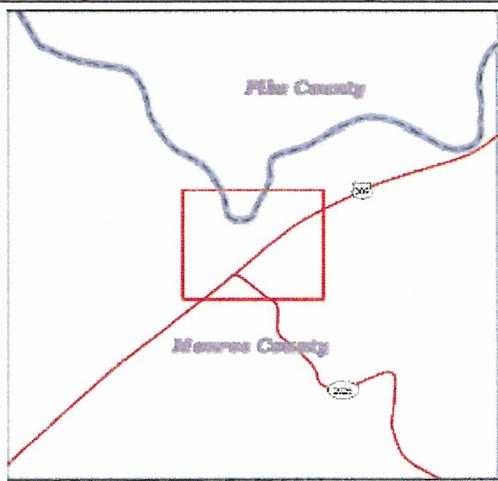
- Soils
- Roads
- Interstate
- US Route
- State Route
- Local Roads
- Access Ramps
- Other
- Water
- Counties
- Townships Text
- Boroughs

**Fernwood Hotel & Casino**  
Soil Map

Map Scale 1:3506, 1 inch = 292 feet  
Created by SoilMap, 5/14/2007 1:22:29 PM

The information on SoilMap is provided 'as is' and the User assumes the entire risk as to its quality and performance. Soil maps are subject to change and may be copied without permission. Enlarging the maps may cause misunderstanding of the detail of mapping. Help in using soil surveys is available from the local office of the NRCS.





**APPENDIX I**

**Soil Map & Descriptions**

Fernwood Hotel & Casino  
Middle Smithfield Township,  
Monroe County, PA



104 Rt. 611, Suite 1  
Bartonsville, PA 18321  
(570) 629-7140  
www.hrg-inc.com

DESIGN  
EJW

DRAWN  
EJW

SCALE  
N/A

PROJECT  
2773.065

SHEET:  
**1**

OF:  
**1**

DATE:  
**June 2007**

## Component Text

Monroe County, Pennsylvania

Map unit: Ph - Philo silt loam

Component: Philo

Text kind/Category: SOI5 description

*THE PHILO SERIES CONSISTS OF DEEP OR VERY DEEP, MODERATELY WELL DRAINED SOILS ON FLOODPLAINS. THEY FORMED IN RECENT ALLUVIAL MATERIAL. TYPICALLY THESE SOILS HAVE A DARK BROWN SILT LOAM SURFACE LAYER 6 INCHES THICK. THE SILT LOAM SUBSOIL FROM 6 TO 22 INCHES IS DARK YELLOWISH BROWN AND BROWN. THE SUBSTRATUM FROM 22 TO 32 INCHES IS GRAY SILT LOAM FROM 32 TO 42 INCHES IS GRAY AND STRONG BROWN LOAM, AND FROM 42 TO 60 INCHES IS STRATIFIED SAND AND GRAVEL.*

Map unit: WyA - Wyoming gravelly sandy loam, 0 to 3 percent slopes

Component: Wyoming

Text kind/Category: SOI5 description

*THE WYOMING SERIES CONSISTS OF DEEP, SOMEWHAT EXCESSIVELY DRAINED SOILS ON TERRACES, MORAINES, KAMES, ESKERS AND VALLEY TRAINS. THEY FORMED IN WATER SORTED SAND AND GRAVEL DERIVED FROM RED AND GRAY SANDSTONE, SILTSTONE, AND SHALE. TYPICALLY THESE SOILS HAVE A DARK BROWN GRAVELLY SANDY LOAM SURFACE LAYER ABOUT 7 INCHES THICK. THE SUBSOIL BETWEEN 7 AND 25 INCHES IS DARK BROWN VERY FRIABLE VERY GRAVELLY SANDY LOAM. THE SUBSTRATUM FROM 25 TO 60 INCHES IS BROWN VERY GRAVELLY LOAMY COARSE SAND. SLOPES RANGE FROM 0 TO 70 PERCENT.*

Map unit: WyB - Wyoming gravelly sandy loam, 3 to 8 percent slopes

Component: Wyoming

Text kind/Category: SOI5 description

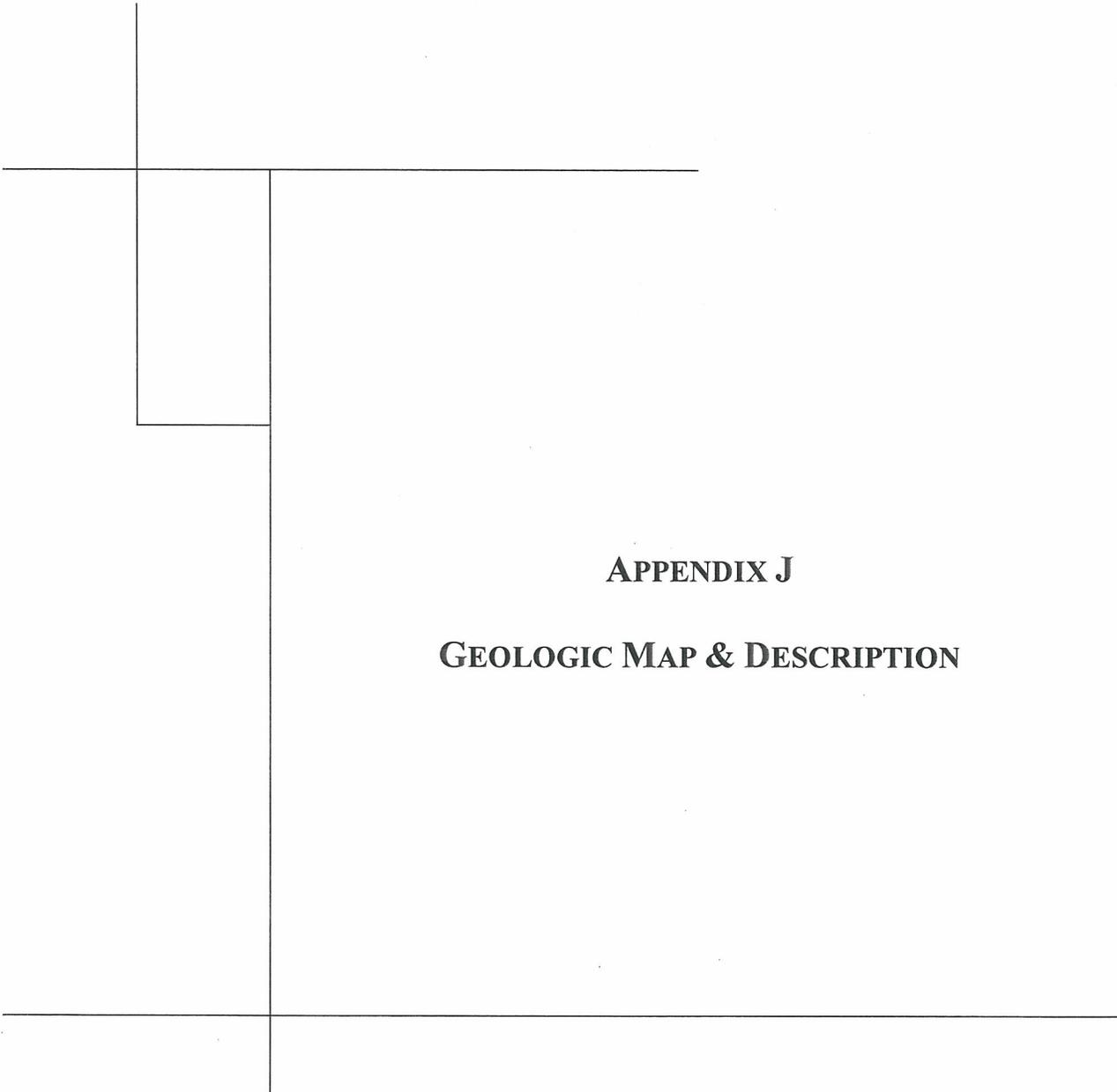
*THE WYOMING SERIES CONSISTS OF DEEP, SOMEWHAT EXCESSIVELY DRAINED SOILS ON TERRACES, MORAINES, KAMES, ESKERS AND VALLEY TRAINS. THEY FORMED IN WATER SORTED SAND AND GRAVEL DERIVED FROM RED AND GRAY SANDSTONE, SILTSTONE, AND SHALE. TYPICALLY THESE SOILS HAVE A DARK BROWN GRAVELLY SANDY LOAM SURFACE LAYER ABOUT 7 INCHES THICK. THE SUBSOIL BETWEEN 7 AND 25 INCHES IS DARK BROWN VERY FRIABLE VERY GRAVELLY SANDY LOAM. THE SUBSTRATUM FROM 25 TO 60 INCHES IS BROWN VERY GRAVELLY LOAMY COARSE SAND. SLOPES RANGE FROM 0 TO 70 PERCENT.*

Map unit: WyE - Wyoming gravelly sandy loam, 25 to 70 percent slopes

Component: Wyoming

Text kind/Category: SOI5 description

*THE WYOMING SERIES CONSISTS OF DEEP, SOMEWHAT EXCESSIVELY DRAINED SOILS ON TERRACES, MORAINES, KAMES, ESKERS AND VALLEY TRAINS. THEY FORMED IN WATER SORTED SAND AND GRAVEL DERIVED FROM RED AND GRAY SANDSTONE, SILTSTONE, AND SHALE. TYPICALLY THESE SOILS HAVE A DARK BROWN GRAVELLY SANDY LOAM SURFACE LAYER ABOUT 7 INCHES THICK. THE SUBSOIL BETWEEN 7 AND 25 INCHES IS DARK BROWN VERY FRIABLE VERY GRAVELLY SANDY LOAM. THE SUBSTRATUM FROM 25 TO 60 INCHES IS BROWN VERY GRAVELLY LOAMY COARSE SAND. SLOPES RANGE FROM 0 TO 70 PERCENT.*



**APPENDIX J**  
**GEOLOGIC MAP & DESCRIPTION**



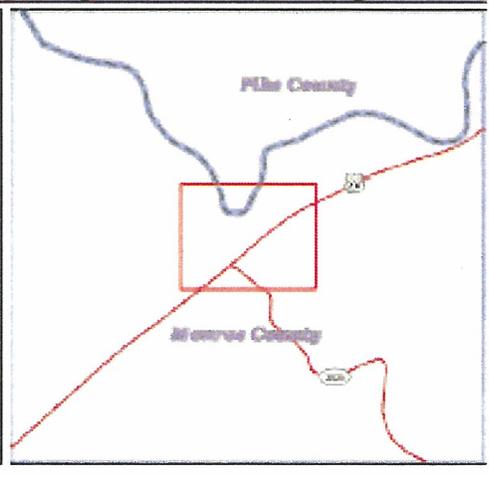
- Soils
- Roads
- Interstate
- US Route
- State Route
- Local Roads
- Access Ramps
- Other
- Water
- Counties
- Townships Text
- Boroughs
- Geology Text
- Geology

**Fernwood Hotel & Casino**  
 Geologic Map

Map Scale 1:3506, 1 inch = 292 feet  
 Created by SoilMap, 5/14/2007 1:25:11 PM

The information on SoilMap is provided 'as is' and the User assumes the entire risk as to its quality and performance. Soil maps are subject to change and may be copied without permission. Enlarging the maps may cause misunderstanding of the detail of mapping. Help in using soil surveys is available from the local office of the NRCS.





**APPENDIX J**

**Geologic Map**

Fernwood Hotel & Casino  
 Middle Smithfield Township,  
 Monroe County, PA



104 Rt. 611, Suite 1  
 Bartonsville, PA 18321  
 (570) 629-7140  
 www.hrg-inc.com

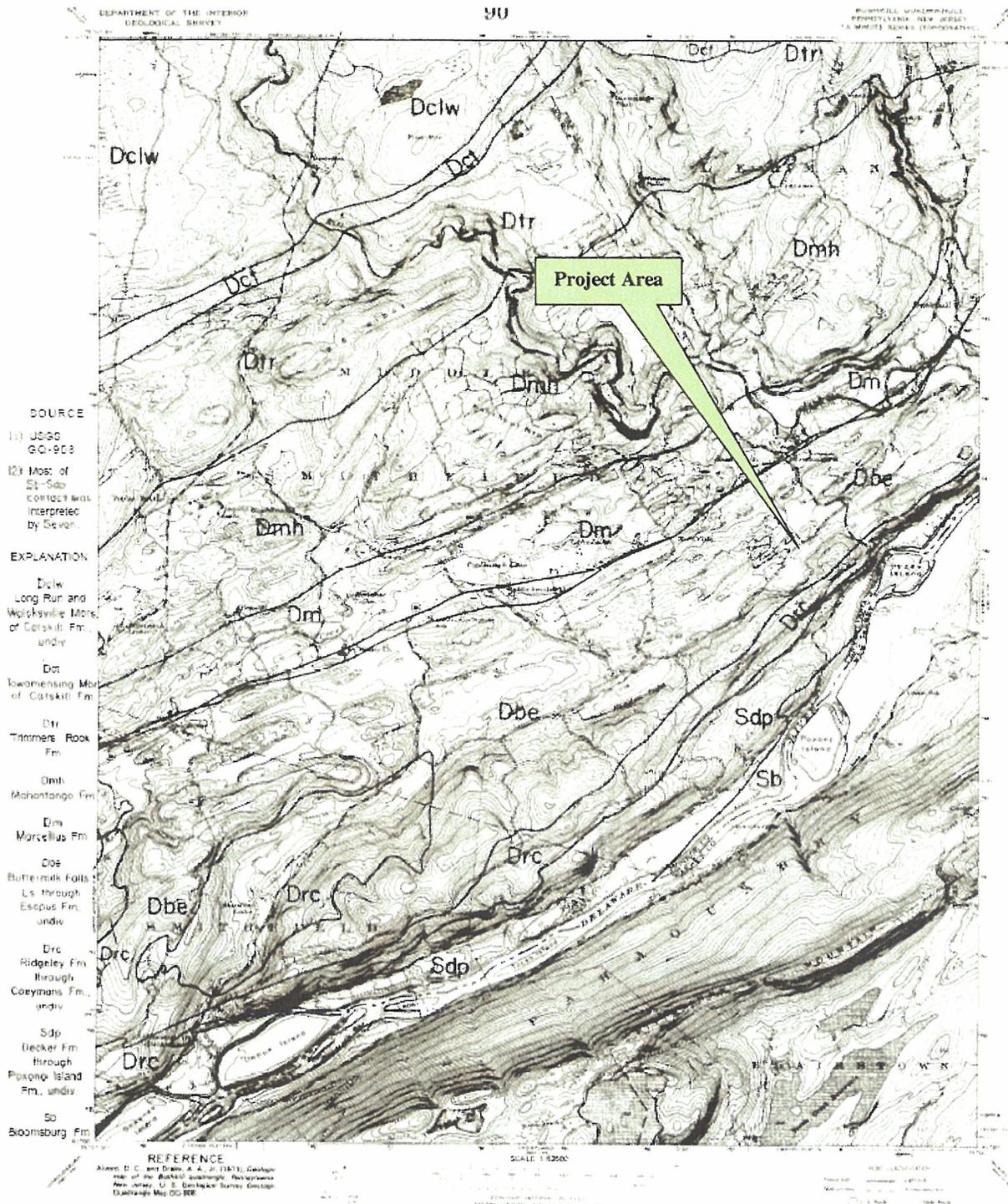
DESIGN  
 EJW

DRAWN  
 EJW

SCALE  
 N/A

PROJECT  
 2773.065

SHEET: **1** OF: **2** DATE: **June 2007**



**APPENDIX J**

**Geologic Map**

Fernwood Hotel & Casino  
Middle Smithfield Township,  
Monroe County, PA



104 Rt. 611, Suite 1  
Bartonsville, PA 18321  
(570) 629-7140  
www.hrg-inc.com

DESIGN  
EJW

DRAWN  
EJW

SCALE  
N/A

PROJECT  
2773.065

SHEET:  
2

OF:  
2

DATE:  
June 2007

## EXPLANATION OF GEOLOGIC UNITS

The descriptions are modified from Berg, T. M., Geyer, A. R., Edmunds, W. E., and others, compilers, 1980, *Geologic map of Pennsylvania*, Pennsylvania Geological Survey, 4th ser., Map 1. Please note that some geologic units are described under more than one geographic heading because their geologic character, lithologies, and/or subunits vary regionally.

The units are generally listed in stratigraphic order from youngest to oldest; laterally equivalent units are generally listed in geographic order from west to east.

### DEVONIAN

#### CENTRAL AND EASTERN PENNSYLVANIA

#### MIDDLE AND LOWER

**MAP SYMBOL:** Dm

**NAME:** Marcellus Formation

**GEOLOGIC DESCRIPTION:** Black shale; sparse marine fauna and siderite concretions. Contains local limestone ("Purcell") member. Tioga bentonite included at base in eastern Pennsylvania.

**APPENDIX K**

**PA NATURAL DIVERSITY INVENTORY  
SEARCH RECEIPT**

PNDI # 20070518072248 USFWS Project # 2007-1725

**U.S. FISH AND WILDLIFE SERVICE**  
315 South Allen Street, Suite 322, State College, PA 16801

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

**PROJECT LOCATION INFORMATION**

County: monroe  
Township: Middle Smithfield

**MISC INFORMATION (FWS internal tracking)**

Date received by FWS: 5-21-07  
 ACTIVE  ARCHIVE

**USFWS COMMENTS**  FAXED  MAILED

To: Edward Wernkeiser

Fax #: 570-629-7190  
Affiliation: HR6.

**SPECIFIC PROJECT:** Fernwood Hotel & Casino Renovations & redevelopment

**FISH AND WILDLIFE SERVICE COMMENT(s):**

↓ **KNOWN OR POTENTIAL SPECIES OCCURRENCE IN PROJECT AREA**

The following federally listed, proposed or candidate species occur/may occur in or near the project area:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> bald eagle            | <input type="checkbox"/> clubshell / northern riffleshell | <input type="checkbox"/> e. massasauga rattlesnake |
| <input type="checkbox"/> Indiana bat           | <input type="checkbox"/> dwarf wedgemussel                | <input type="checkbox"/> small whorled pogonia     |
| <input checked="" type="checkbox"/> bog turtle | <input type="checkbox"/> rayed bean mussel                | <input type="checkbox"/> northeastern bulrush      |
|  | <input type="checkbox"/> sheepsnose mussel                |  |

therefore, further consultation or coordination with the Service is necessary prior to permit issuance or project approval (see below).

\_\_\_\_\_ A bog turtle habitat survey (Phase 1 survey\*\*\*) of \_\_\_\_\_ should be conducted in accordance with the Service's *Guidelines for Bog Turtle Surveys*. Survey results should be submitted to the Service for review and concurrence.  
( \_\_\_\_\_ should wetlands occur on site)

\*\*\* Due to the skill required to correctly identify potential bog turtle habitat, we recommend that the Phase 1 survey be done by a qualified surveyor (see enclosed list). Survey results should be submitted to the Service for review and concurrence. If the Phase 1 survey is done by someone who is not on this list, it is likely that a site visit by a Fish and Wildlife Service biologist will be necessary to verify their findings. Due to the limited availability of staff from this office, such a visit may not be possible for some time. Use of a qualified surveyor will expedite our review of the survey results.

PNDI # 20070518092248

USFWS Project # 2007-1725

Based on a review of the project information, including the size of the project area and the anticipated minor effects on forested habitat, the Service has determined that the proposed project is not likely to adversely affect the Indiana bat if the following recommendations are implemented. Removal of trees and forested areas within the project area could result in the direct take of roosting Indiana bats, which could be injured or killed when trees are cut; therefore, tree-cutting activities should be carried out from November 16 to March 31, during which time bats are hibernating. If any tree-cutting is necessary from April 1 to November 15, trees greater than or equal to 5 inches diameter breast height (d.b.h.) should not be cut or physically disturbed (e.g., while harvesting any adjacent trees) in order to avoid killing or injuring roosting Indiana bats. If these recommendations cannot be implemented, further consultation with the Service will be necessary.

**↓ ADDITIONAL PROJECT INFORMATION OR EVALUATION NEEDED**

Please send the following information, and please include the USFWS Project # and PNDI #.

- site plans and a detailed project description
- information about the presence, size and location of wetlands \_\_\_\_\_  
(from someone qualified to identify and delineate wetlands)
- wetland delineation report
- color photographs (mailed or emailed) of the project area showing the areas that may be directly or indirectly affected, particularly photos of wetlands and streams
- information about 1) the type and quantity of habitat(s) that will be affected, including: wetland, stream, forest, old field, agricultural (the habitats of concern are underlined); and 2) the extent of direct and indirect effects the proposed project may have on these habitat types
- an 8 1/2" x 11" copy a USGS map with the project location marked or outlined as indicated on the PNDI receipt

**PLEASE CONTACT THIS OFFICE TO ARRANGE FOR A MEETING OR SITE VISIT.**

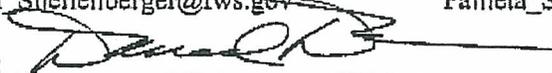
This determination is valid for two years from the date of this letter. In addition, this response relates only to federally listed, proposed, and candidate species under our jurisdiction, based on an office review of the proposed project's location and anticipated impacts. No field inspection of the project area has been conducted by this office. Consequently, comments on this form are not to be construed as addressing other Service concerns under the Fish and Wildlife Coordination Act or other authorities.

This initial review was conducted by the biologist listed below. He/she can be contacted at 814-234-4090.

If additional information was requested, please mail it to the above address, to the attention of the following biologist, who will be your primary point-of-contact for this project.

X Pamela Shellenberger (x 241)  
Pamela\_Shellenberger@fws.gov

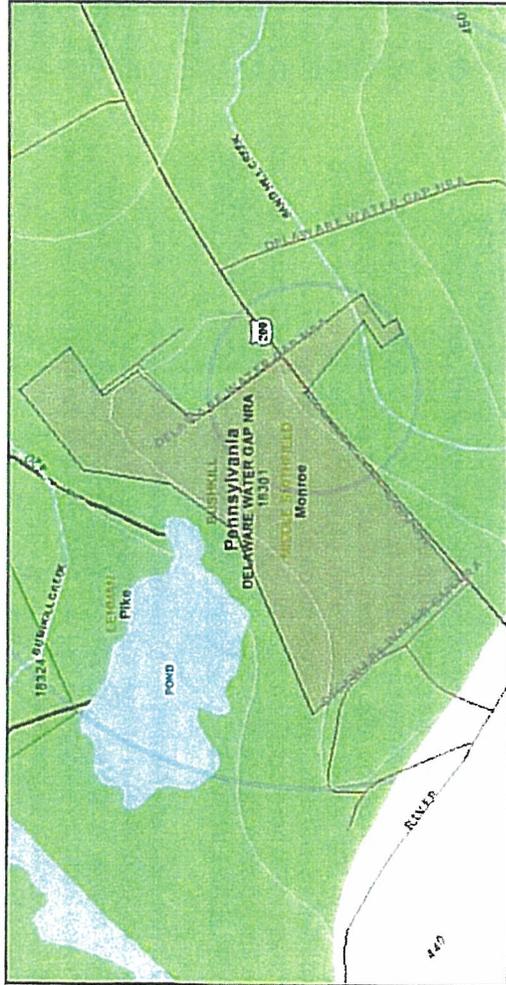
X Pamela Shellenberger (x 241)  
Pamela\_Shellenberger@fws.gov

SIGNATURE:  DATE: 6-1-07  
~~Assistant Supervisor / Supervisor~~  
Pennsylvania Field Office

## PNDI Project Environmental Review Receipt

Project Search ID: 20070518092248  
Project Name: Fernwood Hotel & Casino  
Date: 5/18/2007 11:28:11 AM

### Project Location



Project Name: Fernwood Hotel & Casino  
 On Behalf Of: Private Individual  
 Project Search ID: 20070518092248  
 Date: 5/18/2007 11:24:42 AM  
 # of Potential Impacts: 2  
 Jurisdictional Agency:  
 US Fish and Wildlife Service,  
 Pennsylvania Fish and Boat Commission  
 Project Category: Recreation, Resorts, Lodges, Hunt Clubs  
 Project Location  
 Decimal Degrees: 41.07969 N, -75.02842 W  
 Degrees Minutes Seconds: 41° 4' 46.9" N, 75° 1' 42.4" W  
 Lambert: 819662.40005277, 771702.34208305 ft  
 ZIP Code: 18301  
 County: Monroe  
 Township/Municipality: MIDDLE SMITHFIELD  
 USGS 7.5 Minute Quadrangle ID: 525  
 Quadrangle Name: BUSHKILL  
 Project Area: 11.4 acres

### Location Accuracy

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Receipt is solely responsible for the project location and thus the correctness of the Project Review Receipt content.

## 2 Potential Impacts

Under the Following Agencies' Jurisdiction:  
US Fish and Wildlife Service,  
Pennsylvania Fish and Boat Commission

### Pennsylvania State Programmatic General Permit (PASPGP)

Please 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, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill and York) are required by DEP to comply with the bog turtle habitat screening requirements of the PASPGP.

APPLICANT INITIALS:

Page 1 of 5

### PNDI Project Environmental Review Receipt

Project Search ID: 20070518092248  
Project Name: Fernwood Hotel & Casino  
Date: 5/18/2007 11:28:11 AM

Pennsylvania Natural Diversity Inventory (PNDI) records indicate there are potential impacts on special concern species and resources within the project area. If the project is pursued, the jurisdictional agency/agencies indicated require that the instructions below regarding potential impacts and/or avoidance measures be followed in their entirety.

**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: **4. Someone qualified to identify and delineate wetlands has investigated the site, and determined that wetlands ARE located in or within 300 feet of the project area. (A written report from the wetland specialist, and detailed project maps should document this.)**

Please initial here signifying that you have provided the most accurate answer to the question as possible: **EJW**  
Wetland delineation was completed on Oct. 28, 2005.

**Q2:** Are there any perennial or intermittent waterways (rivers, streams, creeks, tributaries) in or near the project area, or on the land parcel?

Your answer is: **1. Yes Bushkill Creek & Sand Hill Creek**

Please initial here signifying that you have provided the most accurate answer to the question as possible: **EJW**

**Q3:** Describe how wastewater (effluent) will be handled (select one). For the purpose of this question, wastewater/effluent does not include stormwater

runoff. If the project involves solely the renewal or modification of an existing discharge permit (e.g., NPDES permit), select from options 3, 4, 5, or 6 below.

Your answer is: **2. All wastewater/effluent from this project/activity will be routed to an existing municipal wastewater treatment plant.**

Please initial here signifying that you have provided the most accurate answer to the question as possible: **EJW** - Middle Susquehanna Sewer Authority

**Q4:** Will the entire project occur within an existing building, parking lot, driveway, road, street, or maintained (periodically mowed) lawn?

Your answer is: **1. Yes**

Please initial here signifying that you have provided the most accurate answer to the question as possible: **EJW** - All areas included in the project have been previously developed and are part of the existing re-surf operation.

**Q5:** Which of the following best describes the proposed project?

Your answer is: **1. No groundwater extraction (e.g., water supply well, well for irrigation, groundwater pumping to facilitate mining, pump-and-treat operation) is proposed in order to implement or support this project.**

Please initial here signifying that you have provided the most accurate answer to the question as possible: **EJW** - The facility was a PA DEP Water System Permit Number.

**APPLICANT INITIALS:** **EJW** - related to ground water extraction is related to protect completion - current ops -

#### AVOIDANCE AND CONSERVATION MEASURES

Pennsylvania Natural Diversity Inventory records indicate there are potential impacts on special concern species and resources within the project area. One or more of these potential impacts may be resolved by following required Avoidance Measures. An Avoidance Measure is an action to be taken or a guideline to be followed during the completion of the project. The intent of an Avoidance Measure is to minimize the impact of the project on ecological resources. Avoidance measures, where indicated, are required by DEP and the jurisdictional agencies in order to avoid further consultation regarding this

**APPLICANT INITIALS:** **EJW**

### PNDI Project Environmental Review Receipt

Project Search ID: 20070518092248  
Project Name: Fernwood Hotel & Casino  
Date: 5/18/2007 11:28:11 AM

potential impact.

If the applicant initials this receipt certifying that the avoidance measure will be taken, no contact with the jurisdictional agency is required for that potential impact to be considered resolved.

If the applicant cannot certify that the avoidance measure can be carried out, the applicant is required by the jurisdictional agency/agencies to contact the agency/agencies. The contact information for each agency is located at the end of the receipt.

Conservation measures are activities recommended by the jurisdictional agencies. Conservation measures are encouraged but not required and may be pursued at the discretion of the DEP program based on their knowledge of the project and site. It is not necessary to initial this receipt for conservation measures.

Listed below are Avoidance Measures and/or Conservation Measures generated by this proposed project.

#### Pennsylvania Fish and Boat Commission, US Fish and Wildlife Service :

Avoidance Measure: Do not conduct this project/activity within 50 feet of any streams, rivers, creeks, or tributaries. This includes both perennial and intermittent waterways.

To certify that you will carry out the Avoidance Measure listed PLEASE INITIAL HERE : *(You do not need to initial for Conservation Measures) We are unable to certify this Avoidance Measure. We will be within 50 feet of the South Hill Creek.*

If there are potential impacts listed in the following section, the applicant is required by the jurisdictional agencies to contact each of the listed agencies, regardless of the listed Avoidance and/or Conservation Measures.

These determinations were based on the project-specific information you

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 information you provided does not accurately reflect this project, or if project plans change, DEP and the jurisdictional agencies require that another PNDI review be conducted.

**This response represents the most up-to-date summary of the PNDI data files and is good for one(1) year from the date of this PNDI Project Environmental Review Receipt.**

#### 1 potential impact

The Applicant should MAIL a copy of this Project Environmental Review Receipt, a cover letter with project narrative, acreage to be impacted, how construction/maintenance activity is to be accomplished, township/municipality and county where project is located, and a USGS 7.5 minute quadrangle with project boundary and quad name marked on the map.

US Fish and Wildlife Service.  
Endangered Species Biologist  
315 South Allen Street, Suite 322.  
State College, PA 16801

#### 1 potential impact

The Applicant should MAIL/FAX a copy of this Project Environmental Review Receipt, a cover letter with project narrative, acreage to be impacted, how construction/maintenance activity is to be accomplished, township/municipality and county where project is located, and a USGS 7.5 minute quadrangle with project boundary and quad name marked on the map.

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

## PNDI Project Environmental Review Receipt

Project Search ID: 20070518092248  
Project Name: Fernwood Hotel & Casino  
Date: 5/18/2007 11:28:11 AM

web site after changes to the terms have been posted, the user has agreed to accept such changes.

This review is based on the project information that was entered. The jurisdictional agencies and DEP require that the review be redone if the project area, location, or the type of project changes. If additional information on species of special concern becomes available, this review may be reconsidered by the jurisdictional agency.

### PRIVACY and SECURITY

This web site operates on a Commonwealth of Pennsylvania computer system. It maintains a record of each environmental review search result as well as contact information for the project applicant. These records are maintained for internal tracking purposes. Information collected in this application will be made available only to the jurisdictional agencies and to the Department of Environmental Protection, except if required for law enforcement purposes see paragraph below.

This system is monitored to ensure proper operation, to verify the functioning of applicable security features, and for other like purposes. Anyone using this system consents to such monitoring and is advised that if such monitoring reveals evidence of possible criminal activity, system personnel may provide the evidence to law enforcement officials. See Terms of Use.

**In order for this project to be considered for subsequent review, a signed and initialed copy of this receipt is required by the agency or agencies indicated. DEP requires that a signed and initialed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted in applications for permits requiring PNDI review. See DEP PNDI policy at [www.naturalheritage.state.pa.us](http://www.naturalheritage.state.pa.us) or visit the following websites for further information.**

Please mail only one (1) copy of the project review request. Do not email the project information. Allow 30 days for completion of the project review from the date of PFBC receipt of the project review request.

### DISCLAIMER

The PNDI environmental review website is a preliminary environmental screening tool. It is not a substitute for information obtained from a field survey of the project area conducted by a biologist. Such surveys may reveal previously undocumented populations of species of special concern. In addition, the PNDI only contains information about species occurrences that have actually been reported to the Pennsylvania Natural Heritage Program.

### TERMS OF USE

Upon signing into the PNDI environmental review website, and as a condition of using it, you agreed to certain terms of use. These are as follows:

The web site is intended solely for the purpose of screening projects for potential impacts on resources of special concern in accordance with the instructions provided on the web site. Use of the web site for any other purpose or in any other way is prohibited and subject to criminal prosecution under federal and state law, including but not limited to the following: Computer Fraud and Abuse Act of 1986, as amended, 18 U.S.C. A§ 1030; Pennsylvania Crimes Code, A§ 4911 (tampering with public records or information), A§ 7611 (unlawful use of computer and other computer crimes), A§ 7612 (disruption of service), A§ 7613 (computer theft), A§ 7614 (unlawful duplication), and A§ 7615 (computer trespass).

The PNHP reserves the right at any time and without notice to modify or suspend the web site and to terminate or restrict access to it.

The terms of use may be revised from time to time. By continuing to use the

Page 4 of 5      APPLICANT INITIALS: EJW

### PNDI Project Environmental Review Receipt

Project Search ID: 20070518092248  
Project Name: Fernwood Hotel & Casino  
Date: 5/18/2007 11:28:11 AM

- Regional Offices  
[Http://www.dep.state.pa.us/dep/deputate/fieldsops/map.pdf](http://www.dep.state.pa.us/dep/deputate/fieldsops/map.pdf)
- District Mining Operations  
[Http://www.dep.state.pa.us/dep/deputate/minres/Districts/homepage/Default.htm](http://www.dep.state.pa.us/dep/deputate/minres/Districts/homepage/Default.htm)
- Oil and Gas Management  
[Http://www.dep.state.pa.us/dep/deputate/minres/OILGAS/CustomerNeeds.htm](http://www.dep.state.pa.us/dep/deputate/minres/OILGAS/CustomerNeeds.htm)

Print this Project Review Receipt using your Internet browser's print function and keep it as a record of your search.

Signature: Edward Wierkheiser  
Date: MAY 18, 2007

Project applicant on whose behalf this search was conducted:

**APPLICANT**

Contact Name: MR. JOHN BRIGGS  
Address: Bushkill Group, Inc. P.O. Box 447  
City, State, Zip: Bushkill, PA 18324  
Phone: 1-800-446-0229  
Email: jbriggs@bushkillgroup.com

### PERSON CONDUCTING SEARCH (if not applicant)

Contact Name: EDWARD WIERKHEISER  
Address: HREG, INC.  
104 ROUTE 601, SUITE 1  
City, State, Zip: BARTSVILLE, PA 18321  
Phone: (570) 629-7140  
Email: ewierkheiser@hrg-inc.com

The following contact information is for the agencies involved in this Pennsylvania Natural Diversity Inventory environmental review process. Please read this entire receipt carefully as it contains instructions for how to contact these agencies for further review of this particular project.

- US Fish and Wildlife Service.  
Endangered Species Biologist  
315 South Allen Street, Suite 322.  
State College, PA 16801
- Natural Diversity Section  
Pennsylvania Fish and Boat Commission  
Division of Environmental Services  
450 Robinson Lane  
Bellefonte, PA 16823

Page 5 of 5      APPLICANT INITIALS: EJW



Commonwealth of Pennsylvania  
Pennsylvania Fish and Boat Commission  
Division of Environmental Services  
450 Robinson Lane  
Bellefonte, PA 16823  
814-359-5147  
March 10, 2003

IN REPLY REFER TO  
SIR #11215

Herbert, Rowland & Grubic, Inc.  
Jeffrey J. Swartz, E.I.T.  
1273 North Ninth Street  
Stroudsburg, PA 18360

**RE: Species Impact Review (SIR) - Rare, Candidate, Threatened and Endangered Species  
Resorts USA  
Phase 1, 2, 3  
Middle Smithfield Township, Monroe County, Pennsylvania**

Dear Mr. Swartz:

I have reviewed the map accompanying your recent correspondence, which concerns the above-referenced project. Based on records maintained in the Pennsylvania Natural Diversity Inventory (PNDI) database and our own files, the state endangered and federally listed threatened bog turtle (*Clemmys muhlenbergii*) is known from the vicinity of the proposed project site. Kathy Derge of my staff visited the site on March 3, 2003 and determined that given the nature of the Phase 1 proposals, no adverse impacts are expected from Phase 1 to the species of special concern.

It was unclear from your letter whether the project areas for Phase 2 and 3 had been previously reviewed by this office or if you were requesting our review on those projects. Ms. Derge observed some wetlands in the off-site vicinity to Resorts USA that contained potential bog turtle habitat. She did not have the opportunity to evaluate the project areas specifically. Based on the proximity of your proposed project to known bog turtle habitat, there may also be suitable bog turtle habitat on the proposed project site. Therefore, *if* there will be *any* direct (e.g., filling; earth disturbance) or indirect (e.g., runoff) impacts to any wetlands within or adjacent to the Phase 2 or 3 project areas, we request that a habitat suitability assessment (Phase 1 survey) for bog turtles be conducted by a qualified herpetologist. A list of qualified surveyors is enclosed for your convenience. Bog turtle habitat surveys are to be conducted in accordance with the methods outlined in the enclosed "*Guidelines for Bog Turtle Surveys*."

Upon completion of the Phase 1 bog turtle survey, the herpetologist is to send a report documenting the survey results to this office (Nongame and Endangered Species Unit) for our review and comment. The report should include the following information: descriptions of the wetland vegetation, soils, and hydrology on the site; color photographs and maps of suitable habitat; and a list of all herpetofauna observed during the survey. If any bog turtles are observed during the survey, their location(s) should be mapped, and they should be photographed, aged, sexed, and measured. Following our review of the habitat survey, an additional biological survey to determine bog turtle presence (Phase 2) may be required. Due to the federal status of the bog turtle,

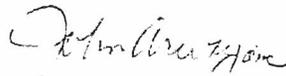
SIR #11215  
March 10, 2003  
Page 2

future correspondence should also be directed to the Endangered Species Biologist of the U.S. Fish and Wildlife Service at their field office in State College, Pennsylvania.

**However, if there will be no direct or indirect impacts to wetlands from the proposed project, then I do not foresee any adverse impacts to the bog turtle or any other rare or protected species under Pennsylvania Fish & Boat Commission jurisdiction.** Please note that the Pennsylvania Fish & Boat Commission conducts Species Impact Reviews only for reptiles, amphibians, fishes and aquatic invertebrates. Reviews concerning other natural resources should be directed to the appropriate agencies.

If you have any questions regarding this response, please contact Kathy Derge of my staff (814-359-5186) and refer to the SIR tracking number listed above. Thank you in advance for your cooperation, and attention to this matter of nongame species conservation and habitat protection.

Sincerely,



John Arway, Chief  
Division of Environmental Services

KLD:dmc

Enclosure (1)

c: C. Urban, USFWS

**U.S. FISH AND WILDLIFE SERVICE  
"POTENTIAL CONFLICT" RESPONSE FORM**

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

**PNDI SEARCH INFORMATION**

PNDI Search Number: N102552  
 Date of PNDI search: 7/16/02  
 Date received by FWS: 1/20/03  
 Search performed by: John Wolf  
 Agency: Monroe CLD  
 Fax number: 570-476-4046

**PROJECT LOCATION INFORMATION**

County: Monroe  
 Quad: Bushkill PA  
 Lat/Long: 41.07302 / 75.03117

**PROJECT NAME/DESCRIPTION:**

Resorts USA Inc - Fernwood

**FISH AND WILDLIFE SERVICE COMMENT(S):**

**NO EFFECT** No Wetlands

Except for occasional transient species, no federally listed, proposed or candidate species under our jurisdiction are known to exist in the project area. Therefore, no biological assessment or further consultation under the Endangered Species Act is required with the Service. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

**KNOWN OR POTENTIAL SPECIES OCCURRENCE IN PROJECT AREA**

The following federally listed, proposed or candidate species occur/may occur in the project area:

- |                                      |   |  |
|--------------------------------------|---|--|
| <input type="checkbox"/> bald eagle  | <input type="checkbox"/> e. massasauga rattlesnake        | <input type="checkbox"/> small-whorled pogonia |
| <input type="checkbox"/> Indiana bat | <input type="checkbox"/> clubshell / northern riffleshell | <input type="checkbox"/> northeastern bulrush  |
| <input type="checkbox"/> bog turtle  | <input type="checkbox"/> dwarf wedgemussel                |  |

therefore, further consultation or coordination with the Service is necessary prior to permit issuance or project approval (see below).

..... A survey for the species listed above should be conducted at the appropriate time of year by a qualified biologist. The survey protocol and a list of qualified surveyors are attached. Survey results should be submitted to the Service for review and concurrence.

..... A survey for the species listed above should be conducted at the appropriate time of year by a qualified biologist. A proposed survey protocol should be submitted to the Service for review and approval. Survey results should then be submitted to the Service for review and concurrence.

PNDI Number: N 102552

----- A bog turtle habitat survey (Phase 1 survey) of the \_\_\_\_\_ should be conducted in accordance with the Service's *Guidelines for Bog Turtle Surveys*. Survey results should be submitted to the Service for review and concurrence.

----- Based on a review of the project information, including the size of the project area and the anticipated minor effects on forested habitat, the Service has determined that the proposed project is not likely to adversely affect the Indiana bat if the following recommendations are implemented. Removal of trees and forested areas within the project area could result in the direct take of roosting Indiana bats, which could be injured or killed when trees are cut; therefore, tree-cutting activities should be carried out from November 16 to March 31, during which time bats are hibernating. If any tree-cutting is necessary from April 1 to November 15, trees greater than or equal to 5 inches diameter breast height (d.b.h.) should not be cut or physically disturbed (e.g., while harvesting any adjacent trees) in order to avoid killing or injuring roosting Indiana bats. If these recommendations cannot be implemented, further consultation with the Service will be necessary.

----- **ADDITIONAL PROJECT INFORMATION OR EVALUATION NEEDED**

Please send the following information (and please reference your PNDI Search Number):

- site plans and detailed project description
- wetland delineation report
- photographs* of the project area showing the *habitat(s)* that may be directly or indirectly affected
- information about 1) the type and quantity of *habitat(s)* that will be affected (e.g., wetland, stream, forest, old field, agricultural); and 2) the extent of *direct and indirect effects* the proposed project may have on these habitat types.

----- **PLEASE CONTACT THIS OFFICE TO ARRANGE FOR A MEETING OR SITE VISIT.**

This determination is valid for two years from the date of this letter. In addition, this response relates only to federally listed, proposed, and candidate species under our jurisdiction, based on an office review of the proposed project's location and anticipated impacts. No field inspection of the project area has been conducted by this office. Consequently, comments on this form are not to be construed as addressing other Service concerns under the Fish and Wildlife Coordination Act or other authorities.

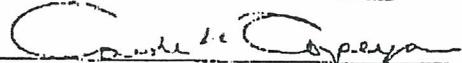
This initial review was conducted by the biologist listed below. He/she can be contacted at 814-234-4090.

----- Michael Schmaus (x 241)  
 ----- Bonnie Dershem (x 234)  
 ----- Robert Anderson (x 228)  
 ----- Chris Urban (x 242)

If additional information was requested, please mail it to - U.S. Fish and Wildlife Service, 315 South Allen Street, Suite 322, State College, PA 16801, to the attention of the biologist listed below. He/she will be your primary point-of-contact for this project.

-----  Michael Schmaus (x 241)  
 -----  Bonnie Dershem (x 234)  
 -----  Robert Anderson (x 228)  
 -----  Chris Urban (x 242)

SIGNATURE: \_\_\_\_\_

  
 Chief, Branch of Endangered Species  
 Pennsylvania Field Office

DATE: \_\_\_\_\_

2/20/03

January 30, 2003

Endangered Species Biologist  
U.S. Fish and Wildlife Services  
315 South Allen Street, Suite 322  
State College, Pennsylvania 16801

Fax: 814-234-0748

**Re: PNDI Search Numbers: N102552  
Expansion of coverage under NPDES Permit  
Number PAS10S009-1-R  
Resorts USA, Inc.  
Middle Smithfield Township, Monroe County, PA**

To Whom It May Concern:

The above-referenced PNDI Search Number was performed July 16, 2002 by the MCCD for the proposed expansion of the coverage area of an existing NPDES Permit (PAS10S009-1-R) for Resorts USA.

Resorts USA, Inc. is proposing three projects on a contiguous tract of approximately 400 acres. The tract is currently developed with hotels, townhouses, golf course, numerous recreational facilities and associated improvements. The three projects will be completed in three phases. Phase 1 includes the relocation of parking areas. Phase 2 includes the relocation of three golf course fairways. Phase 3 includes the construction of townhouses along the three relocated golf course fairways.

Phase 1 is necessary because the Route 209 bypass project by PENNDOT will eliminate several parking areas located along the Route 209 right-of-way. Therefore, the parking must be relocated on the Resorts USA property (see location map provided). The proposed location of the relocated parking areas will be on previously developed areas within the resort. The areas for the proposed parking on the north side of Route 209 are currently developed with tennis courts, existing parking areas and access drives. A portion of this area also contains the remains of razed cottage units and abandoned parking areas. The area for the proposed parking on the south side of Route 209 is currently developed with a basketball court, existing parking area and access drive. This area also contains an existing PPL substation. The proposed parking in this area will eliminate the basketball court in order to provide additional parking for the PPL substation. PPL currently leases this portion of land from Resorts USA. No earth disturbance is proposed in any wetland or waters of the Commonwealth. Approximately 6.1 acres will be disturbed during this phase. This project area is located outside the previously permitted NPDES boundary.

Phase 2 is necessary because a portion of the existing golf course encroaches on the land which is leased to PPL. The three golf course fairways are to be located in the southwest corner of the tract (see location map). This area is mostly wooded with light undergrowth. This area also contains a large spoil area and a central water main. The area for Phase 2 is bounded by existing townhouse developments to the east and west located on the Resorts USA property, adjoining lands (owned by others) to the south, and the Sand Hill Creek to the north. No earth disturbance is proposed within any wetland or waters of the Commonwealth, with the exception of a stream crossing for a golf cart path. A Small Projects Permit application will be submitted for the proposed crossing. Approximately 11.5 acres will be disturbed during this phase. This area is covered by the current NPDES Permit Number PAS10S009-1-R (included with this letter).

Phase 3 will incorporate townhouse units along the three relocated golf course fairways. Prior to the planning of Phase 2, approximately 180 units were proposed in this area. Due to the necessity of Phase 2, the number of townhouse units proposed in this area will most likely be less than 120 units. The amount of associated improvements such as access drives and parking areas has also been significantly reduced. No earth disturbance is proposed within any wetland or waters of the Commonwealth. Approximately 20.7 acres will be disturbed during this phase. This area is covered by the current NPDES Permit Number PAS10S009-1-R (included with this letter).

We sincerely request your immediate attention to the Phase 1 project area, since this phase is near planning completion with the Middle Smithfield Supervisors, and the PENNDOT Route 209 bypass project may commence within the next nine months. We do not anticipate any species conflicts due to the current density of development within the Phase 1 area.

Please contact us if you have any additional concerns regarding the specific phases of this project or if you require further information.

Sincerely,

**Herbert, Rowland & Grubic, Inc.**



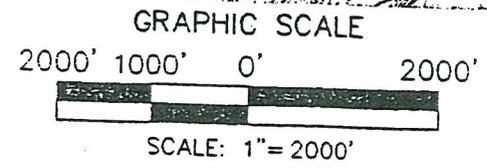
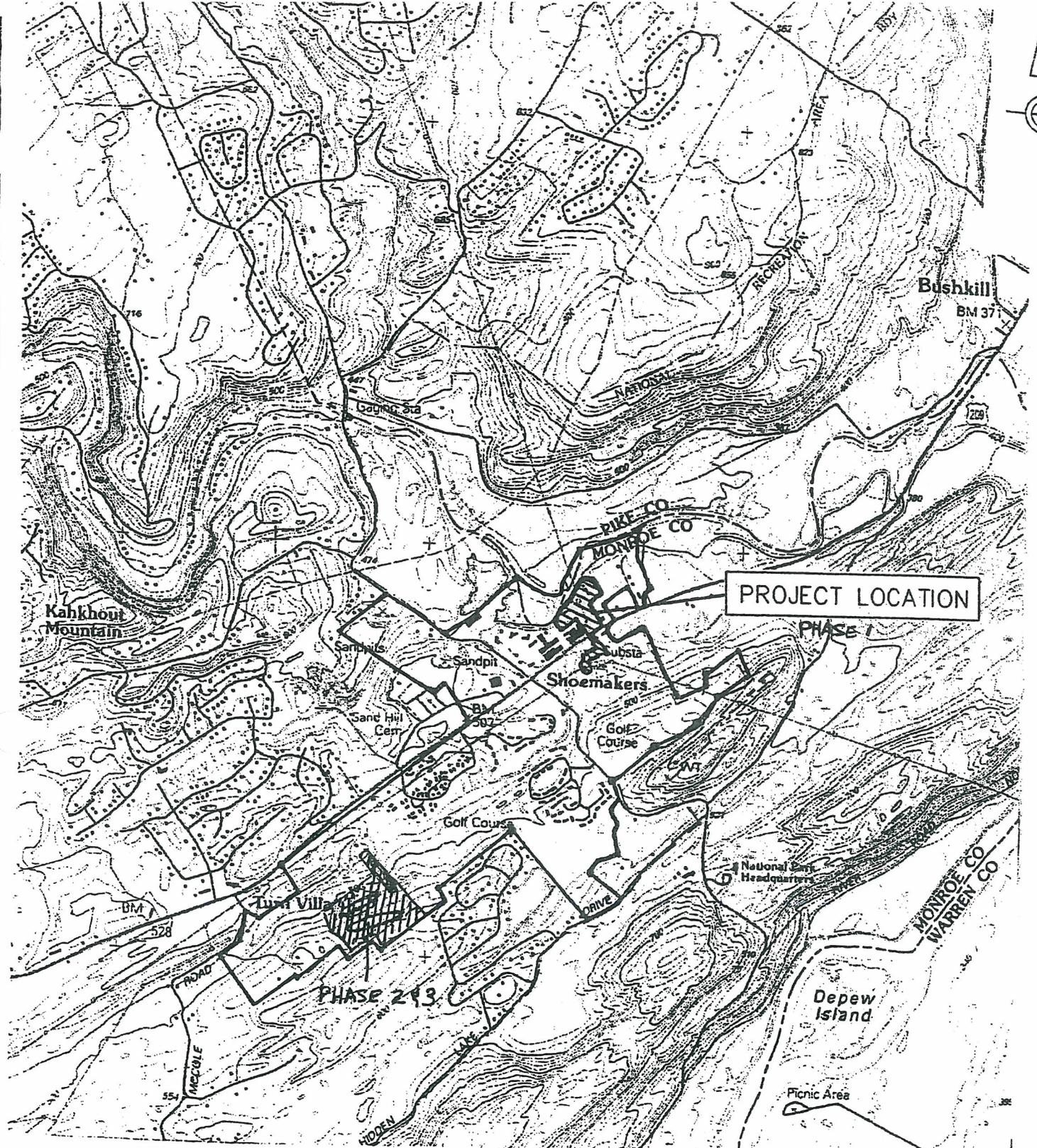
Jeffrey J. Swartz, E.I.T.

JJS

T:27/2773/003/Npdes/USFish1-29.doc

Attachments

- c: Non-Game and Endangered Species Unit (Fax: 814-359-5153)  
Jeanne Harris, Department of Conservation and Natural Resources (Fax: 717-772-0271)  
John Briggs, Vice President, Development Operations



**HARG**  
 Herbert Rowland & Grubic, Inc.  
 Engineering & Related Services  
 Harrisburg • Lancaster • State College • Gettysburg • Pittsburgh • Stroudsburg

1273 North Ninth Street  
 Stroudsburg, PA 18360  
 (570) 476-4100  
 Fax (570) 476-4046  
 Email - pocono@hrg-inc.com  
 Website - www.hrg-inc.com

**LOCATION MAP FOR PARKING  
 LOT EXPANSION PROJECT  
 RESORTS, U.S.A., INC.**

MIDDLE SMITHFIELD TOWNSHIP MONROE COUNTY PENNSYLVANIA

|                    |
|--------------------|
| PROJ. MGR - CPM    |
| DESIGN - PAM       |
| CADD - PAM         |
| CHECKED - CPM      |
| SCALE - 1" = 2000' |
| DATE - 12-10-02    |

|                  |
|------------------|
| SHEET NO.        |
| 1                |
| DRAWING NO.      |
| 1 OF 1           |
| PROJECT 2773.001 |



JUL 17 2002

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATERSHED MANAGEMENT  
BUREAU OF WATERWAYS ENGINEERING

PNDI Screening  
Reviewer 574/N102552  
Date 7-16-02  
Phone No. 570-629-3060

**SUPPLEMENT NO. 1**  
**PENNSYLVANIA NATURAL DIVERSITY INVENTORY SEARCH FORM**

This form provides site information necessary to perform a computer screening for species of special concern listed under the Endangered Species Act of 1973, the Wild Resource Conservation Act, the Pennsylvania Fish and Boat Code or the PA Game and Wildlife Code. Records regarding species of special concern are maintained by PA DCNR in a computer data base called the "Pennsylvania Natural Diversity Inventory" (PNDI). Results from this search are not intended to be a conclusive compilation of all potential special concern resources located within a proposed project site. On-site biological surveys may be recommended to provide a definitive statement on the presence or absence, or degree of natural integrity of any project site. Results of this PNDI search are valid for one year.

Please complete the information below, attach an 8 1/2" x 11" photocopy (DO NOT REDUCE) of the portion of the U.S.G.S. Quadrangle Map that identifies the project location and outlines the approximate boundaries of the project and mail to the appropriate DEP regional office or delegated County Conservation District prior to completing a Chapter 105 environmental assessment or any other DEP permit application. (SEE REVERSE SIDE FOR LIST OF OFFICES AND ADDRESSES).

NAME: Ann Wingert

ADDRESS: R.K.R. Hess Associates

112 North Courtland Street; P.O. Box 268

East Stroudsburg, PA 18301

PHONE: (570 ) 421-1550

COUNTY: Monroe

TWP./MUNICIPALITY: Middle Smithfield

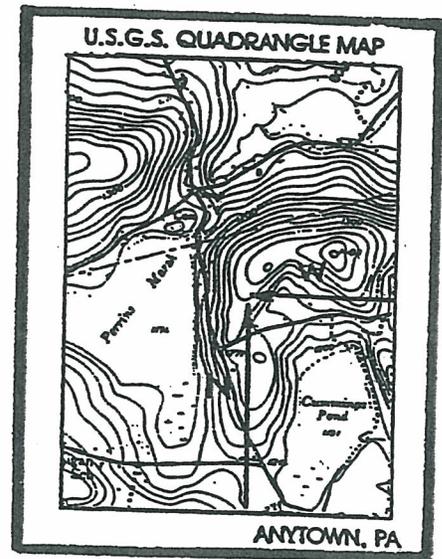
U.S.G.S. 7 1/2 Minute Quadrangle

Bushkill

PROJECT DESCRIPTION AND SIZE (Briefly describe entire area relevant to your project, including acreage.)

Previously permitted Townhouse Planned Residential Development Community expanded to include all of Resorts USA, Inc property for PADOT required elimination of parking along Route 209, and future modifications of Golf Course and General Modifications to the Fernwood Resort

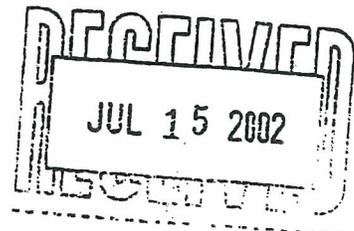
Boxed Area = 1289



North (Up) 129 13.3 inches

West (to the left) 45 4.3 inches

INDICATE PROJECT LOCATION TO THE NEAREST ONE TENTH INCH MEASURING FROM THE EDGE OF THE MAP IMAGE FROM THE LOWER RIGHT CORNER.



**FOR OFFICIAL USE ONLY**

SCREENING RESULTS - Follow the directions of the checked block.

- No potential conflicts were encountered during the PNDI inquiry. Include this form and the PNDI receipt with your Chapter 105 environmental assessment or other DEP permit application submissions.
- Potential conflicts must be resolved by contacting the natural resource agencies listed on the PNDI receipt. Please provide a copy of this form and the PNDI receipt along with a brief description of your project to the listed agency for consultation and recommendations. Include this form, the printed PNDI search results and the natural resource

# PNDI Internet Database Search Results

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PNDI Search Number: N102552

Search Results For monroecd@ptd.net

Search Performed By: John Motz On 7/16/02 11:04:11 AM

Agency/Organization: Monroe County Conservation District

Phone Number: 570-629-3060

Search Parameters: Quad - 417511; North Offset - 13.3; West Offset - 4.3; Acres - 1289

Project location center (Latitude): 41.07302

Project location center (Longitude): 75.03117

Project Type: DEP Permits/NPDES - Other

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***Print this page using your Internet browser's print function and keep it as a record of your search.***

## Instructions for DCNR Bureau of Forestry personnel only:

When instructed below to contact the PA Fish and Boat Commission, the US Fish and Wildlife Service or the PA Game Commission, Bureau of Forestry personnel should instead contact Merlin Benner, who will coordinate resolution with those agencies.

When instructed to contact Jeanne Harris, they should do so.

DEP and Conservation Districts should follow the instructions below when potential conflicts are indicated.

When details are displayed as part of the search result, the element's Scientific Name, Common Name, State Status, Proposed State Status and Number of Occurrences within the Search Area are listed.

Due to the sensitive nature of certain endangered species, species names are not displayed for species under the jurisdiction of the Pennsylvania Fish & Boat Commission and the U.S. Fish & Wildlife Service.

PNDI records indicate the following potential conflicts with ecological resources of special concern within the specified search area:

### 1 potential conflicts

The Applicant should FAX a cover letter including a project narrative, acreage to be impacted, how construction/maintenance activity is to be accomplished, township/municipality where project resides, USGS 7.5 minute quadrangle with project boundary marked, and quad name on the map to:

**Non-Game and Endangered Species Unit  
PA Fish and Boat Commission  
450 Robinson Lane  
Bellefonte, PA 16823  
FAX number: (814) 359-5153**

---

### 12 potential Plant conflicts:

CAREX DISPERMA - SOFT-LEAVED SEDGE - PR - PR (1)

CAREX LASIOCARPA - SLENDER SEDGE - PR - PR (1)  
CAREX TETANICA - A SEDGE - PT - PT (1)  
DRYOPTERIS CLINTONIANA - CLINTON'S WOOD FERN - N - PT (1)  
EPILOBIUM STRICTUM - DOWNY WILLOW-HERB - PE - PR (2)  
JUNCUS BRACHYCEPHALUS - SMALL-HEADED RUSH - PT - PT (1)  
LOBELIA KALMII - BROOK LOBELIA - PE - PE (1)  
OPUNTIA HUMIFUSA - PRICKLY-PEAR CACTUS - PR - PR (1)  
PARNASSIA GLAUCA - CAROLINA GRASS-OF-PARNASSUS - PE - PE (1)  
POA PALUDIGENA - BOG BLUEGRASS - PT - PR (1)  
POTENTILLA FRUTICOSA - SHRUBBY CINQUEFOIL - PE - PE (1)

The person conducting this search should FAX this Receipt, Supplement #1 (if applicable), USGS Topo, and project narrative to:

**Jeanne Harris**  
**Department of Conservation and Natural Resources**  
**Bureau of Forestry**  
**P.O. Box 8552**  
**Harrisburg, PA 17105-8552**  
**FAX number: (717) 772-0271**

---

Your search yielded potential conflicts with the following **Federally Listed Species of Special Concern**:

**1 potential conflicts**

The Applicant should FAX a cover letter including a copy of the PNDI Internet Database Search Results, a project narrative, acreage to be impacted, how construction/maintenance activity is to be accomplished, township/municipality where project resides, USGS 7.5 minute quadrangle with project boundary marked, and quad name on the map to:

**Endangered Species Biologist**  
**U.S. Fish and Wildlife Service**  
**315 South Allen Street, Suite 322**  
**State College, PA 16801**  
**FAX Number: (814) 234-0748**

---

PNDI is a site specific information system, which describes significant natural resources of Pennsylvania. This system includes data descriptive of plant and animal species of special concern, exemplary natural communities and unique geological features. PNDI is a cooperative project of the Department of Conservation and Natural Resources, The Nature Conservancy and the Western Pennsylvania Conservancy. This response represents the most up-to-date summary of the PNDI data files and is valid for 1 year. An absence of recorded information does not necessarily imply actual conditions on-site. A field site survey may reveal previously unreported populations.

Legal authority for Pennsylvania's biological resources resides with three administrative agencies. The handout entitled Pennsylvania Biological Resource Management Agencies, outlines which species groups are managed by these agencies. Feel free to contact our office if you have questions concerning this response or the PNDI system, and please refer to the PNDI Search Number at the top of this page in future correspondence concerning this project.

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### PA NATURAL DIVERSITY INVENTORY "POTENTIAL CONFLICT" RESPONSE FORM

**PNDI SEARCH INFO**

PNDI Search # n102552  
 Search performed by John Motz  
 Agency CCD  
 County Monroe County  
 Township Middle Smithfield Township  
 Applicant info Ann Wingert/R.K.R. Hess Associates  
 Project name Phase 2 and 3 Resorts USA, Inc.

ALSO FAXED TO JEFFREY SWARTZ,  
 HERBERT, ROWLAND, & CRUBIC, INC  
 570 976 4096

**BUREAU OF FORESTRY/PNDI COMMENT (s):**

NO IMPACT ON PLANTS OR NATURAL COMMUNITIES ANTICIPATED

The PNDI computer screening revealed hits on species of special concern. Based on the information submitted to us concerning the site we determined that there would be no impact on the species of special concern identified during the screening.

POTENTIAL PLANT OCCURRENCE OR NATURAL COMMUNITY IN PROJECT AREA

Based on our PNDI map review we determined a potential impact to species of special concern that may or may not have been identified during the screening. The following listed species may occur within the project area:

therefore, further coordination with this office is necessary to avoid potential impacts to the above species.

\_\_\_\_\_ Please provide the following project or habitat information so that a more accurate determination can be made:

\_\_\_\_\_ A survey for the species listed above should be conducted at the appropriate time of year by a qualified botanist. Note: The following land types provide habitat for the above listed species:

If the land type(s) does not exist on site, a survey will not be necessary. Please contact our office to inform us if the habitat is not present. If the habitat is present, please have the botanist contact us prior to the survey so that we can provide additional information and/or review surveyor qualifications. All PA listed species should be searched for during the site visit. Survey results should be submitted to our office for review and comment. A list of qualified surveyors can be obtained by calling our office.

**Comments:**

\*\*\*\*\*  
 Autumn E. Sabo, DCNR/BOF/PNDI, PO Box 8552, Harrisburg, PA 17105  
 fax 717-772-0271 phone 717-787-7067 [c-ausabo@state.pa.us](mailto:c-ausabo@state.pa.us)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*[Handwritten Signature]* *[Handwritten Date: Feb 11, 2003]*

May 18, 2007

U.S. Fish & Wildlife Service  
Endangered Species Biologist  
315 South Allen Street, Suite 322  
State College, Pennsylvania 16801-4850

Re: Fernwood Hotel & Casino Renovation & Redevelopment,  
PNDI Search ID – 20070518092248  
HRG Project No. 2773.065

Dear Endangered Species Biologist,

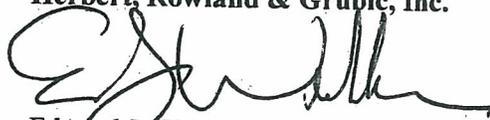
Enclosed is a copy of the above referenced PNDI receipt for the Fernwood Hotel & Casino renovation and redevelopment project. The project consists of the renovation of the existing resort Event Center and the redevelopment and addition of internal parking facilities. A previous PNDI request was made in 2003 to cover the redevelopment and addition of parking facilities to the north & south of SR 209. There were several potential impacts identified as a result of the search and additional information was submitted to the jurisdictional agencies.

The resulting responses from the jurisdictional agencies determined that the project would not have any effect on the potentially impacted species, see attached. The Fernwood Hotel & Casino Renovation and Redevelopment project consists of the same area contained in the previous PNDI search and other than the renovation of an existing building structure (Event Center) is a continuation of the previous project. However, we are unable to certify the specified Avoidance Measure (Do not conduct project/activity within 50 feet of any streams, rivers, creeks, or tributaries.) will be adhered to throughout project completion. While the project will not be conducted within 50 feet of the Bushkill Creek to the north of SR 209, it will be within 50 feet of the Sand Hill Creek to the south of SR 209.

Please review the enclosed information to determine if this project will effect any of the potential conflicts identified in the request. Please feel free to contact me if you have any questions or require additional information. I can be reached at (570) 629-7140 or e-mail [ewerkheiser@hrg-inc.com](mailto:ewerkheiser@hrg-inc.com). Thank you.

Sincerely,

Herbert, Rowland & Grubic, Inc.



Edward J. Werkheiser  
Environmental Specialist

EJW

2772.065

x:27/2773/2773065/Corres/US Fish PNDI.doc

Enclosure

c: Mr. John Briggs – Bushkill Group, Inc.  
PA Fish & Boat Commission – Natural Diversity Section

May 18, 2007

Pennsylvania Fish and Boat Commission  
Natural Diversity Section  
Division of Environmental Services  
Bellefonte, Pennsylvania 16823

Re: Fernwood Hotel & Casino Renovation & Redevelopment  
PNDI Search ID – 20070518092248  
HRG Project No. 2773.065

To Whom It May Concern:

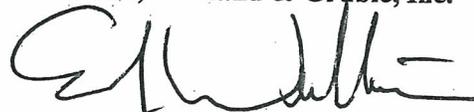
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Sincerely,

Herbert, Rowland & Grubic, Inc.



Edward J. Werkheiser  
Environmental Specialist

EJW/tj  
2773.065  
x::27/2773/2773065/Corres/PAF&B PNDI.doc

Enclosure

c: Mr. John Briggs – Bushkill Group, Inc.  
US Fish & Wildlife Service – Endangered Species Biologist