



May 11, 2021

National Fuel Gas Supply Corporation
c/o Daniel Young
1100 State Street
Erie, PA 16501

Re: Technical Deficiency Notification
Water Obstruction & Encroachment Permits
2021 FM120 Insertion Project

DEP Application No. GP114283221-002
APS ID No. 1030893; AUTH ID No. 1340439
Sergeant Township, McKean County

DEP Application No. GP112483221-002
APS ID No. 1030876; AUTH ID No. 1340415
City of Mary's & Jones Township, Elk County

DEP Application No. GP111283221-002
APS ID No. 1030888, AUTH ID No. 1340433
Shippen Township, Cameron County

Dear Mr. Young:

The Department of Environmental Protection (DEP) has reviewed the above-referenced application and has identified the following technical deficiencies. **Chapter 105 Dam Safety and Waterway Management regulations** include information that will aid you in responding to some of the deficiencies listed below. The deficiencies are based on applicable laws and regulations, and the guidance sets forth the DEP's established means of satisfying the applicable regulatory and statutory requirements.

Technical Deficiencies

1. **All Counties:** Please list all PAFBC Naturally Producing Wild Trout Streams and associated Exceptional Value (EV) Wetlands that will be impacted by this Project on the ARIT. [25 Pa. Code §105.14(b)(5), 105.449]
2. **All Counties:** Please provide a statement in the narrative reflecting the linear length in feet of the proposed pipeline insertion for each respective county. [25 Pa. Code §105.13(e), 105.449]
3. **All Counties:** North Fork Straight Creek is listed as an intermittent stream. This appears to be a perennial stream. Please either provide evidence that the stream is

intermittent or correct all tables in the permit applications to reflect this change. [25 Pa. Code §105.449]

4. **All Counties:** Section 6 of the permit application states that NFG has proposed to permit the entire 50-foot ROW as well as the components depicted in the proposed construction LOD in case additional locations for insertions are required during installation due to unforeseen circumstances to minimize delays during construction. Please note that any change in construction that may impact aquatic resources requires notification and prior written approval from the Department. Please update the narrative to reflect this process. [25 Pa. Code §105.449]
5. **All Counties:** Section 6 also states that if an unforeseen circumstance arises causing in-stream work to be deemed necessary, a dam and pump bypass will be put in place. Please note that any change in construction will require prior notification and approval from the Department. Please update the narrative to reflect this process. [25 Pa. Code §105.449]
6. **All Counties:** Please consolidate the wetland crossing details on the E&S Plans. The primary section for Wetland Crossings is on E&S Sheet 31; however, the timber mat detail Figure 3.7 for wetland crossings is on the previous Sheet. Also, the associated E&S BMP Phasing Detail is in a separate section on Sheet 30 and it is not clearly labeled to indicate it is for the phasing of resource crossings. [25 Pa. Code §105.449]
7. **All Counties:** A detail depicting wetland excavation to construct a Bell Hole is missing from the E&S details. Please provide a construction detail for this activity to include required soil segregation for wetland excavation and where the excavated soil will be stockpiled. [25 Pa. Code §105.449]
8. **All Counties:** Please provide adequate provisions for shut-off in the event of a pipe break or rupture. [25 Pa. Code §105.301(9)]
9. **All Counties:** Throughout the application, it indicates 3 feet of cover will be maintained between the top of the pipe and resource bottom. Please clarify if the pipe crossing of resources has been evaluated and if any pipe exposure exists. If there is pipe exposure a detail needs to be provided to indicate how the cover will be established. [25 Pa. Code §105.302(4)]
10. **All Counties:** The Project as proposed will take place in State Game Lands 14 and 293 and State Forest Lands within Elk State Forest District. Per response from DCNR (BOF) concerning PNDI receipt 709549 (Final_1), it was requested that an invasive species survey be conducted pre-project in an email dated November 9, 2020. Please provide the DCNR clearance letter. [25 Pa. Code §105.449]

McKean County

1. In a review of an April 2015 Google Earth Pro aerial imagery and eMapPA, Wetland #07 appears to be hydrologically connected to a UNT to Straight Creek (HQ-CWF-WT). Either provide documentation that that this wetland is hydrologically isolated or update all tables in the permit applications to reflect that the wetland is an exceptional value wetland. [25 Pa. Code §105.17(1),(iii), 105.449]
2. In recalculating the temporary body of water impacts proposed, it appears that the total acreage is 3.27 acres and not 2.7 acres. Please re-evaluate the impacts. Additional fees may be required to compensate for the impact change. [25 Pa. Code §105.21(a)(1), 105.449]

Elk County

1. Wetland WPA-BJM-006 is not depicted correctly throughout the application. In the GP11 application on sheet GP-11-14, Wetland 11 is labeled as WPA-BJM-006. Please revise. [25 Pa. Code §105.21(a)(1), 105.449]

Cameron County

1. Please verify the plan for the Big Run crossing. It appears the forested riparian buffer will be cut down to accommodate the expanded workspace, which would require reforestation with native tree species upon restoration. Please verify if alternative crossings were considered. A site visit revealed evidence of a legacy crossing and access road approximately 10-20 feet west of the current crossing. This crossing location will minimize wetland impact, provide more space between the crossing and the high gradient slope, allowing additional space for installation of the crossing and Bell hole #27A and their E&S controls. [25 Pa. Code §105.449]
2. Ditch 01 is listed in Table 4.2-2: Field Delineated Wetlands within the PSA and shown on Wetland & Waterbody Delineation Sheet 14 as a UNT to Big Run; however, this ditch is not on the E&S/PCSM Plan Drawings, the Site-Specific Standard Drawings, or the ARIT. Please update all documents to reflect the presence of Ditch 01 south of State Route 120 to the connection with Big Run and demonstrate that it will have appropriate protection. [25 Pa. Code §105.449]
3. A field verification conducted on 4/19/21 revealed that there are potential wetlands that may not have been identified. The approximate locations are as follows:
 - On the eastern side of SR120 near proposed Bell hole #28 within the LOD on sheet #26 of the ESCP Drawings.
 - On the south side of Beechwood Road in the center of the Pipeline ROW located at approximately 571+00 on Sheet # 25 of the ESCP Drawings.
 - On Sheet #23 of the ESCP Drawings at the following locations:
 - Within the expanded LOD for the workspace to the west of Bell hole # 23;

- On the western edge of pipeline LOD located to the north of Bell hole #23 between the temporary logging road woodchip crossing of the pipeline and Bell hole #23;
- Within the western limits of the expanded LOD at the infiltration berm.

Please provide wetland data sheets for these locations and if determined to be a wetland, please include any confirmed wetlands on the ARIT. [25 Pa. Code §105.13(e)(1)(i)(A), 105.449]

4. In the review of all drawings, it appears the Stream SPA-JJP-003 is depicted to begin directly outside of the LOD. A field visit revealed that this stream begins within the LOD. Please verify and update all Plans and Drawings to reflect this change. [25 Pa. Code §105.13(e)(1)(i)(A), 105.449]

Pursuant to 25 Pa. Code §105.13a of DEP's Chapter 105 Rules and Regulations you must submit a response fully addressing each of the significant technical deficiencies set forth above. Please note that this information must be received within sixty (60) calendar days from the date of this letter, on or before **July 10, 2021**, or DEP may consider the application to be withdrawn by the applicant.

You may request a time extension, in writing, before **July 10, 2021**, to respond to deficiencies beyond the sixty (60) calendar days. Requests for time extensions will be reviewed by DEP and considered. You will be notified in writing of the decision either to grant or deny, including a specific due date to respond if the extension is granted. Time extensions shall be in accordance with 25 Pa. Code §105.13a(b).

DEP has developed a standardized review process and processing times for all permits or other authorizations that it issues or grants. Pursuant to its Permit Review Process and Permit Decision Guarantee Policy (021-2100-001), DEP guarantees to provide permit decisions within the published time frames, provided applicants submit complete, technically adequate applications/registrations that address all applicable regulatory and statutory requirements, in the first submission. Since you did not submit a complete and/or technically adequate application, DEP's Permit Decision Guarantee is no longer applicable to your application.

If you believe that any of the stated deficiencies is not significant, instead of submitting a response to that deficiency, you have the option of asking DEP to make a decision based on the information with regard to the subject matter of that deficiency that you have already made available. If you choose this option with regard to any deficiency, you should explain and justify how your current submission satisfies that deficiency. Please keep in mind that if you fail to respond, your application may be withdrawn or denied.

Should you have any questions regarding the identified deficiencies, please contact Nicholas Rossi at 717-772-5667 or nirossi@pa.gov and refer to the Application Number referenced above to discuss your concerns or to schedule a meeting. The meeting must be scheduled within the 60-day period allotted for your reply, unless otherwise extended by DEP. You may also follow your

application through the review process via *eFACTS on the Web* at:
<http://www.ahs2.dep.state.pa.us/eFactsWeb/default.aspx>.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin S. White".

Kevin S. White, P.E.
Environmental Group Manager
Regional Permit Coordination Office

cc: GAI Consultants, Inc. (by email)
U.S. Army Corps of Engineers, Baltimore District (by email)
U.S. Army Corps of Engineers, Pittsburgh District (by email)
PA Fish & Boat Commission, Division of Environmental Services (by email)
Northcentral Regional ARD (by email)
Northcentral Regional Waterways and Wetlands (by email)
Northwest Regional ARD (by email)
Northwest Regional Waterways and Wetlands (by email)
Cameron County Conservation District (by email)
Elk County Conservation District (by email)
McKean County Conservation District (by email)
Shippen Township (by email)
City of St. Mary's (by email)
Jones Township (by email)
Sergeant Township (by email)