



December 4, 2020

National Fuel Gas Supply Corporation
c/o Mr. Jake Lybrook - Environmental Compliance Coordinator
1100 State Street
Erie, PA 16512

Re: Second Technical Deficiency Notification
Water Obstruction & Encroachment Permits
FM100 Project

DEP Application No. E1283219-001 (Cameron County)
APS ID No. 1007394; AUTH ID No. 1298296

DEP Application No. E1783219-001 (Clearfield County)
APS ID No. 1007462; AUTH ID No. 1298427

DEP Application No. E2483219-001 (Elk County)
APS ID No. 1007488; AUTH ID No. 1298479

DEP Application No. E428329-001 (McKean County)
APS ID No. 1007797; AUTH ID No. 1299051

DEP Application No. E5383219-001 (Potter County)
APS ID No. 1997801; AUTH ID No. 1299057

Dear Mr. Lybrook:

The Department of Environmental Protection (DEP) has reviewed your response to the July 10, 2020 Technical Deficiency Notification, received on September 18, 2020, for the above referenced application and has identified the following continuing technical deficiencies. **Chapter 105 Dam Safety and Waterway Management regulations** includes 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

All Counties

1. Regarding the proposed wetland mitigation acreage discussed in the Mitigation Plan (Appendix Q and Section 4 of JPA Narrative), due to the wetland classifications that remain incorrect, the appropriate mitigation ratios have not been

applied and thus, the proposed mitigation acreage is not correct. Specifically, Wetlands 007b, 009b, 031, 034, 035-1, and 091 should be classified as Exceptional Value (not Other) based on their contiguous connection with other EV wetlands and/or their hydrologic connection to a stream supporting the natural reproduction of trout. Please revise the mitigation plan and associated application documents to reflect the correct wetland classifications and wetland mitigation acreage. [25. Pa. Code §§105.17(1), 105.20a and 105.21(a)(1)]

2. The Pennsylvania Natural Diversity Inventory (PNDI) receipts for search ID's 716781, 716782, and 716784 were submitted in DRAFT format. Please submit the final PNDI receipts. Please also verify that a habitat assessment for the Timber Rattlesnake was conducted in these areas. [25. Pa. Code §105.15(c)]
3. The U.S. Fish and Wildlife Service (USFWS) response letter dated November 6, 2019 states that "If the Action (FM100 Project) is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key." Please submit updated correspondence from USFWS verifying that the project remains in compliance with the 4(d) rule. [25. Pa. Code §105.15(c)]
4. Appendix G (Table 2.3-1: Waterbodies Crossed by the Project) does not appear to have been updated with the streams along the abandonment line, nor the newly delineated streams from recent surveys. In addition, stream names and/or classifications still contain errors (Streams 037, 068, 070, 112-114, 196) and waterbody names and classifications are not shown for the ditches that receive perennial or intermittent flow. Please ensure that this table is consistent with the ARIT tables for the respective counties and that all stream names and classifications are correct. [25. Pa. Code §§105.15(c) and 105.21(a)(1)]
5. There are several wetland classifications that are incorrect in Appendix H (Table 2.4-1: Wetlands Located within Project Work Areas). Several wetlands should be classified as Exceptional Value (not Other) based on their contiguous connection with other EV wetlands and/or their hydrologic connection to a stream supporting the natural reproduction of trout (some examples are Wetlands 007b, 008, 009, 009b, 012b, 023, 025, 031, 034, 035-1, 035a, 065, 091, 091a, 112, 114, 125, 134, 134a, 136a). Please revise this table and any associated documents to reflect the correct wetland classifications. [25. Pa. Code §§105.15(c), 105.17(1) and 105.21(a)(1)]
6. Regarding the riparian restoration plan provided in Appendix Q, please provide justification for selecting primarily flood intolerant shrubs and small trees for riparian zone plantings. [25. Pa. Code §105.15(c)]
7. The response to Q11.AC in the first technical deficiency letter states where there are differences between the E&S plans and the ESCAMP that "agency-published documents take precedence". Please clarify what is meant by "agency". If "agency" is intended to mean DEP, please change the reference accordingly. Also,

the final sentence in the response states “In all cases National Fuel will implement the standard that provides the most stringent protection to property and the environment”. This could create confusion if there are instances where “agency published documents” do not call for the most stringent protection. Please verify that there are no potential conflicts and revise the response accordingly. [25. Pa. Code §105.21(a)(1)]

8. The response to Q27.AC in the first technical deficiency letter states that HDD and IR Contingency Plan, Attachment 2.E-1, has been included in Appendix J of the JPA EA. However, in Attachment 2.E-1, the Allegheny River Crossing Figure 2 and the Portage Creek Crossing Figure 2 are missing some needed features. Please provide a revised version of the figures and include the location of the ground surface, water surfaces, surface features and geologic features etc. [25 Pa. Code §105.21(a)(1)]
9. Please review the Modernization sheet numbering and revise accordingly. For example, Index sheet 1 shows WSS-MCK-ML-011, but the sheet is labeled WSS-MCK-ML-011A; Index sheet 3 shows WSS-MCK-ML-044, but the sheet is labeled WSS-MCK-ML-044A; Index sheet 1 shows two sheets numbered WSS-MCK-AR-011; sheet WSS-MCK-AR-025.1 does not appear to be shown on an Index sheet; Index sheet 3 shows WSS-MCK-AR-048.1, but the sheet is labeled WSS-MCK-AR-048; Index sheets 7 and 8 show WSS-POT-AR-001.1 through WSS-POT-AR-001.8, but these sheets are all labeled WSS-POT-AR-001. [25 Pa. Code §105.21(a)(1)]
10. There are work areas that will only be accessed by foot traffic. Please label these areas on the appropriate Chapter 105 drawings. Also, please provide more information regarding the crossing shown on sheet WSS-CAM-AB-002.1. Label the waterbody crossed by the RR Access Road and verify if that crossing will be via foot traffic only. [25 Pa. Code §105.21(a)(1)]

McKean

1. It appears that the updated Wetland Condition Level 2 Rapid Assessment form for W008 was not submitted. This form indicates that no invasive species were present in the Assessment Area. However, based on the information provided in the Wetland Investigation Report, an invasive species (*Phalaris arundinacea*) was identified at the sampling location for that wetland (WD085JLM). Please review and revise the Rapid Assessment as necessary to reflect the conditions observed within the AA. [25 Pa. Code §§105.15(c) and 105.21(a)(1)]
2. It appears that the updated Wetland Condition Level 2 Rapid Assessment form for Wetlands W009, 009A, 009B, and Pond 03 was not submitted. The Longitude provided on this form appears to be incorrect. Please review and revise as necessary. [25 Pa. Code §§105.15(c) and 105.21(a)(1)]

3. It appears that the updated Wetland Condition Level 2 Rapid Assessment form for Wetland W051 was not submitted. The coordinates provided appear to be incorrect, they are the same as W049. Please review and revise as necessary. [25 Pa. Code §§105.15(c) and 105.21(a)(1)]
4. Some stream names and/or Chapter 93 classifications remain incorrect in the Aquatic Resource Impact Table (ARIT), some examples include Streams 037, 068, 070, 112-114, and 196. Please ensure that all streams in the ARIT have the appropriate name and Chapter 93 classification and revise the ARIT as necessary. [25 Pa. Code §105.21(a)(1)]
5. Wetland 126 appears to be missing from Appendix H (Table 2.4-1: Wetlands Located within Project Work Areas). Please revise this table as necessary. [25 Pa. Code §105.21(a)(1)]

Potter

1. It appears that the boundary mapping and label for Wetland 200 (represented by RW200TMM) was not included or is not visible on the revised wetland mapping (Attachment B - page 28 of 101). In addition, the wetland report does not list Wetland 200 in Table 5.2-1 (Field Delineated Wetlands within the PSA). Please provide the revised wetland mapping depicting the boundary for Wetland 200 and revise the wetland report and any associated table(s) accordingly. [25 Pa. Code §§105.15(c) and 105.21(a)(1)]
2. It appears that the Riverine Rapid Assessment form for Stream 092 was not submitted. Please either submit the assessment form or indicate where in Attachment E (specifically) Stream 092 is represented in the forms that were submitted on September 18, 2020. [25 Pa. Code §§105.15(c) and 105.21(a)(1)]

Cameron

1. The response to Q3.Cam in the first technical deficiency letter states the National Fuel has moved the cut and cap workspace that was proposed to be located near Wetland 148. However, the response to Q12.Cam states that access to the work area next to Wetland 148 (shown on sheet WSS-CAM-AB-001) will be accessed via Red Run Rd. Sheet WSS-CAM-AB-001 has not been included in the most recent submission. Please clarify. Please indicate if sheet WSS-CAM-AB-001.1 is intended to replace sheet WSS-CAM-AB-001 and label Red Run Rd on the appropriate plan sheet. [25 Pa. Code §105.18a(a)(3)]

Elk

1. The responses to Q11.EC, Q12.EC and Q13.EC indicate that Grant Trail Road has been labeled on the appropriate plan sheets. It does not appear that Grant Trail

Road has been labeled on the E&S plans. Please review the plans and label Grant Trail Road on the appropriate E&S sheets. [25 Pa. Code §105.21(a)(1)]

Clearfield

1. Some Chapter 93 classifications remain incorrect in the ARIT, some examples include Streams 182-188, and 190. Please ensure that all streams in the ARIT have the correct Chapter 93 classification and revise the ARIT as necessary. [25 Pa. Code §105.21(a)(1)]
2. On sheet WSS-CLE-AB-002, please show and label the existing bridge that crosses over Stream 180. [25 Pa. Code §105.21(a)(1)]
3. The response to Q15.CL indicates that the railroad tracks shown on sheet WSS-CLE-AB-003 will be crossed with foot traffic only, however, there is a RCE shown on this sheet. This RCE does not appear to be shown on E&S sheet 1 of 20. Please review the plans and revise accordingly. [25 Pa. Code §105.21(a)(1)]
4. The response to Q17.CL indicates that Stream 145 shown on sheet WSS-CLE-AB-004 will be crossed with foot traffic only, however, there is a RCE shown on this sheet. This RCE does not appear to be shown on E&S sheet 3 of 20. Please review the plans and revise accordingly. [25 Pa. Code §105.21(a)(1)]

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 **February 2, 2021** or DEP may consider the application to be withdrawn by the applicant.

You may request a time extension, in writing, before **February 2, 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).

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 Dave Bolig at 484.250.5828 or at dbolig@pa.gov and refer to the Application Numbers 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,



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

cc: Mott MacDonald, LLC
U.S. Army Corps of Engineers, Baltimore and Pittsburgh Districts
PA Fish & Boat Commission, Division of Environmental Services
Cameron County Conservation District
Clearfield County Conservation District
Elk County Conservation District
McKean County Conservation District
Potter County Conservation District
Borough of Driftwood
Gibson Township
Lumber Township
Huston Township
Lawrence Township
Benezette Township
Jay Township
Keating Township
Liberty Township
Norwich Township
Sergeant Township
Allegany Township
Clara Township
Hebron Township
Pleasant Valley Township
Portage Township
Roulette Township
Wharton Township