



December 24, 2019

National Fuel Gas Supply Corporation
c/o Mr. Wayne Graham
1100 State Street
Erie, PA 16512

Re: Incompleteness Notification
FM 100 Project
Water Obstruction & Encroachment Permits

DEP Application No. E1283219-001; APS ID No. 1007394; AUTH ID No. 1298296
Gibson Township, Grove Township, Lumber Township & Driftwood Borough;
Cameron County

DEP Application No. E1783219-001; APS ID No. 1007462; AUTH ID No. 1298427
Huston Township & Lawrence Township; Clearfield County

DEP Application No. E1883219-002; APS ID No. 1007481; AUTH ID No. 1298465
Leidy Township; Clinton County

DEP Application No. E2483219-001; APS ID No. 1007488; AUTH ID No. 1298479
Benezette Township & Jay Township; Elk County

DEP Application No. E4283219-001; APS ID No. 1007797; AUTH ID No. 1299051
Liberty Township, Norwich Township & Sergeant Township; McKean County

DEP Application No. E5383219-001; APS ID No. 1007801; AUTH ID No. 1299057
Allegany Township, Clara Township, Hebron Township, Pleasant Valley Township,
Portage Township, Roulette Township & Wharton Township; Potter County

Dear Mr. Graham:

The Department of Environmental Protection (DEP) has reviewed the above referenced application packages and has determined them to be incomplete. The following list specifies the items missing from the submissions which must be included in your resubmittal of your applications and/or the submission of additional information. **Chapter 105 Dam Safety and Waterway Management regulations** includes information that will aid you in responding to some of the items listed below. The items are based on applicable laws and regulations, and the guidance sets forth DEP's preferred means of satisfying the applicable regulatory requirements.

Items Missing from Submission

1. Please provide copies of the municipal and county return receipts. [25 Pa Code §105.13a(a)]
2. A screening of the Pennsylvania Natural Diversity Inventory (PNDI) has revealed potential conflicts with ecological resources of special concern. Please provide a copy of a letter from the referenced agency, indicating that the conflict is resolved. [25 Pa Code §105.13(e)(1)(x)]
3. Please complete the Pennsylvania State Programmatic General Permit-5 (PASPGP-5) Review Checklist. [25 Pa Code §105.13a]
4. Please provide a detailed project description. This should include all impacts (stream, wetland, floodway, etc.) associated with the project within each county. [25 Pa Code §105.13(e)(1)(iii)]
5. Please provide a registered professional engineer's seal and signed certification, in accordance with §105.13(j) which shall read as follows:

“I (name) do hereby certify pursuant to the penalties of 18 Pa. C.S.A. Sec. 4904 to the best of my knowledge, information and belief, that the information contained in the accompanying plans, specifications and reports has been prepared in accordance with accepted engineering practice, is true and correct, and is in conformance with Chapter 105 of the rules and regulations of the Department of Environmental Protection.”
6. Please provide copies of the PA Riverine Condition Level 2 Rapid Assessment area mapping and data sheets (E.A. Form Instructions, Module S2 D.1.iii. DEP Document No. 3150-PM-BWEW0017 Rev. 6/2017). [25 Pa Code §105.15(c)]
7. Please provide copies of the PA Wetland Condition Level 2 Rapid Assessment area mapping, data sheets, worksheets, and stressor checklists (E.A. Form Instructions, Module S2 D.2.v. DEP Document No. 3150-PM-BWEW0017 Rev. 6/2017). [25 Pa Code §105.15(c)]
8. The application fee for the Cameron County application should include the Permanent Disturbance acreage. The application fee should be \$5,750.00. Therefore, the amount of the check you submitted is incorrect. Please submit an additional check in the amount of \$4,000.00, payable to the Commonwealth of Pennsylvania. [25 Pa Code §105.13(c)(2)]

As stipulated in 25 Pa. Code §105.13a of DEP's Chapter 105 Rules and Regulations (regarding Complete applications) information requested by this office must be received within sixty (60) calendar days from the date of this letter, on or before **February 24, 2020** or DEP will consider the application to be withdrawn by the applicant and no further action will be taken on the application. Fees are not refunded when an application/registration is considered to be withdrawn.

You may request a time extension, in writing, before **February 24, 2020** to respond to the 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).

Please be advised that the Joint Permit Application is considered as an application for a license to occupy the submerged lands of the Commonwealth. Section 15 of the Dam Safety and Encroachments Act requires that no permit may be issued for any project in any navigable lake or river or stream declared a public highway unless an easement, right-of-way or license has been first obtained. Information from your permit package needs to be provided to this office in order to prepare the agreement. Please see the attached package for instructions on the information that is required for the Submerged Lands License Agreement (SLLA) for Potato Creek and the Allegheny River in McKean County and for Fishing Creek in Potter County.

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 have questions about the identified incompleteness items, please contact Michael Luciani at 570-309-5255 or mluciani@pa.gov and refer to the project referenced above to discuss your concerns or to schedule a meeting. You may also follow your applications through the review process, please visit 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 & Pittsburgh Districts
PA Fish & Boat Commission, Division of Environmental Services
Cameron County Conservation District
Clearfield County Conservation District
Clinton County Conservation District
Elk County Conservation District
McKean County Conservation District
Potter County Conservation District
Gibson Township
Grove Township

Lumber Township
Driftwood Borough
Huston Township
Lawrence Township
Leidy Township
Benezette Township
Jay Township
Liberty Township
Norwich Township
Sergeant Township
Allegany Township
Clara Township
Hebron Township
Pleasant Valley Township
Portage Township
Roulette Township
Wharton Township

So You Need A Submerged Lands License Agreement (SLLA)

In order to process a Submerged Land License Agreement there is information and maps that the Department needs to prepare to submit to Harrisburg. This information and maps are going to be used to prepare a legal document and it needs to be accurate and have sufficient quality to be adequate for this purpose.

Much of the information and maps are basic and can be found in the forms submitted, however, that is not always the case.

In order to help streamline the SLLA process we need the following information:

1. A location map (8.5 X 11) using a topographic map with the project location noted. This also needs to include the latitude and longitude of the project. It is also recommended that a copy of an aerial or satellite photograph be included with the package. This will provide us with existing conditions and helps verify that the latitude and longitude are correct.
2. A “Facilities Area” drawing. This is a more detailed drawing/sketch that shows the proposed encroachment and any other area that would be restricted (i.e. mooring area) by the project. This is the area that will be licensed under the SLLA. It should be noted for some types of structures (i.e. utility crossings) where there is a right-of-way the width of the facility will be the width of the right-of-way. The drawings either need to be to scale or have ALL dimensions noted. **It is crucial that this drawing indicate the property boundaries (or Rights-of-Ways in the case of applicants who do not own the property). We need to ensure that proposed structures do NOT project onto properties where the applicant neither owns nor has the Right to be.**
3. We need general information for the agreement itself. The next page outlines the information needed to prepare the legal documents. Essentially the red and/or highlighted information must be provided.

Package Contents

Page

2. Page 2 is the information that is needed to process the SLLA.
3. Page 3 contains some of the more common configurations that you’ll see for SLLAs.
4. Pages 4 – 9 are examples of the drawings that we have to submit to Harrisburg in order for them to prepare the legal documents. We do not expect the applicants to prepare them, but they illustrate the level of detail that is needed. Again, the drawings have to be to scale or all dimensions must be labeled. The more detail that is provided the smoother the agreement process will flow.

Incomplete submissions will delay execution of the SLLA agreement and hence any

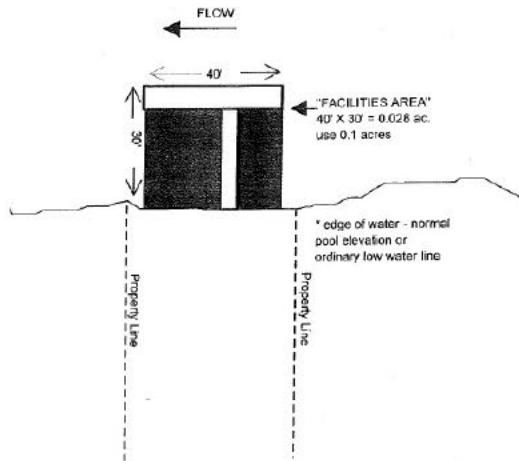
permit-related permit activity. Permits may NOT be issued nor General Permits acknowledged before execution of the SLLA.

SUBMERGED LAND LICENSE AGREEMENT SUBMITTAL INFORMATION

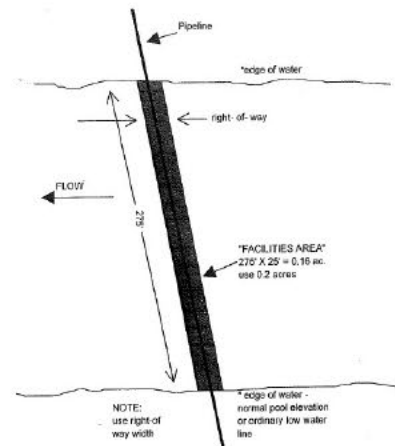
1. GP# - **GP050014000 or JPA # 00-**
2. **Legal Name of Client:** - should be application and/ or GIF - need to make sure if LLC, it is written as LLC or LP or Inc. (Company) etc.– **State of Incorporation NAME OF STATE, PA, DE, TX, MD, etc.**
Example – NAME OF COMPANY, INC., LLC., OR LP, OR LLLP
3. **Principal place of business** – verified (sometimes the address is not a principle place of business – but a field office) should be application and/or GIF
Street Address, City, State & Zip Employer ID# - 22-222-2222
4. **Client's contact person & contact info.**– **phone number & email address** – **should be on application or GIF**
Contact person's name – PHONE NUMBER & EMAIL ADDRESS
5. **Company's Preferred Address for reoccurring Invoicing/billing of the annual SLLA fee:** - As many companies have field/district offices which may not be permanent please provide **a permanent address where the reoccurring billing should be sent to for invoicing to the Company/ Client / Individual, for payment.** Normally this is a Lands Office/Real Estate Section of the Company, Main Headquarters, or other
6. **Consultant's name & contact info, phone number & email address - Should be on application or GIF**
CONSULTANT'S NAME – PHONE NUMBER & EMAIL ADDRESS
7. If the permit is in **conjunction with a Penndot Project** (construction of bridge – **utilities are crossing/ relocating**) – please INDICATE. **This IS / IS NOT in conjunction with a PennDOT Project**
8. **County (Counties) and Municipality (ties) projects, encroachments or crossings are located in.**
County name(s) and Municipality(ties)
9. **Agreement type – Commercial / Public Service Line /Private recreational dock/ boat launching ramps**
Commercial -Examples: Gas Company extract gas, sends in pipeline for processing at company plant, water intake structures for extraction of gas, etc., Marinas, Docks/barges-mooring areas for companies, etc.
Public Service Line – Distribution of Natural Gas, Electric, water, cable – fiber optic (phone) etc., is service directly to the customers/public/business, etc. A public utility is a business that furnishes an everyday necessity to the public at large. Public utilities provide water, electricity, natural gas, telephone service, and other essentials. Utilities may be publicly or privately owned, but most are operated as private businesses. Typically a public utility has a **Monopoly** on the service it provides
Private Recreational Dock/Boat Launching Ramps (GP2) (JPA) Supply documentation of ownership-deed.
10. **Locational Mapping of the Facilities** showing the **"FACILITIES AREA"** tagged on the map, with **Coordinates Example Lats & Longs: latitude 39° 53' 45.34" N, longitude -80° 13' 1.14" W" PLEASE ATTACH MAP WITH TEXT BOX TAGGED WITH INFORMATION AS STATE ABOVE- COLOR MAPS ARE ACCEPTABLE & PREFERRED, Monochromatic is accepted.**
11. **Project drawing** with dimensions L x W = total sq.ft =0.1 acres, (commercial) or linear ft (public service line)
SHOWING PROJECT AREA (outlined) WITH LENGTH & WIDTH = TOTAL SQ. FT FOR TOTAL TENTH OF ACRES OR TOTAL LINEAR FEET. ATTACH DRAWING WITH INSERT TEXT BOX TAGGED AS STATE ABOVE- COLOR DRAWINGS ARE ACCEPTABLE & PREFERRED, Monochromatic is accepted.
12. **Description** – of project area /encroachment , such as: **EXAMPLE**
For Joint Permit Application (JPA) or General Permit (GP) No. GP050014000 OR E00-000 , to replace and maintain a 24-inch natural gas liquid pipeline to transport natural gas liquids from its Compressor Station to its Regulating Station, open cut crossing under the NAME OF WATERWAYS RIVER, CREEK ETC. (latitude 39° 53' 45.34" N, longitude -80° 13' 1.14" W), in NAME of Municipality(ties) Township, NAME of County

Please provide the information in the **highlighted/red** font.

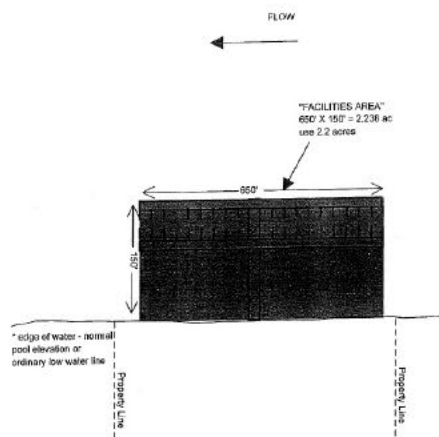
PRIVATE BOAT DOCK



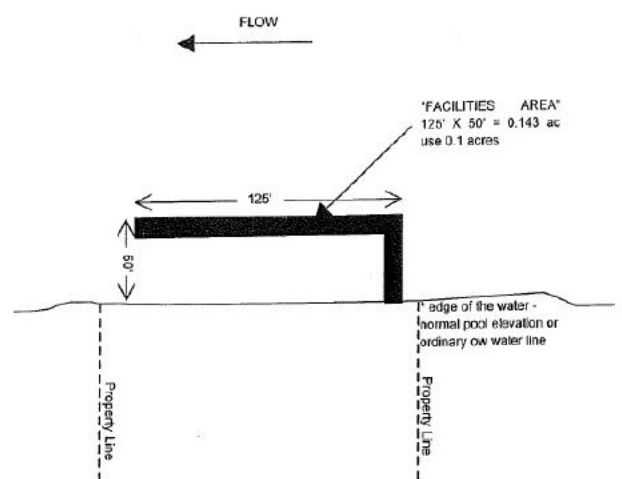
PIPELINE CROSSING (NON-PUBLIC SERVICE LINES) USE COMMERCIAL SLLA



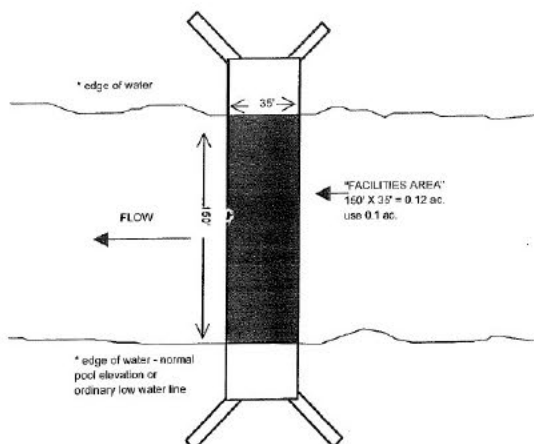
BOAT DOCKING FACILITY (MARINA)



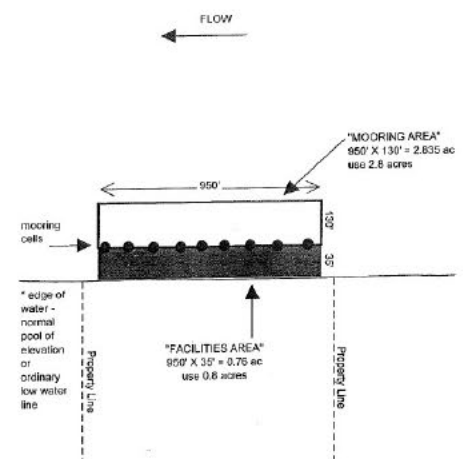
BOAT DOCKING FACILITIES



BRIDGE



BARGE DOCKING AND MOORING AREAS



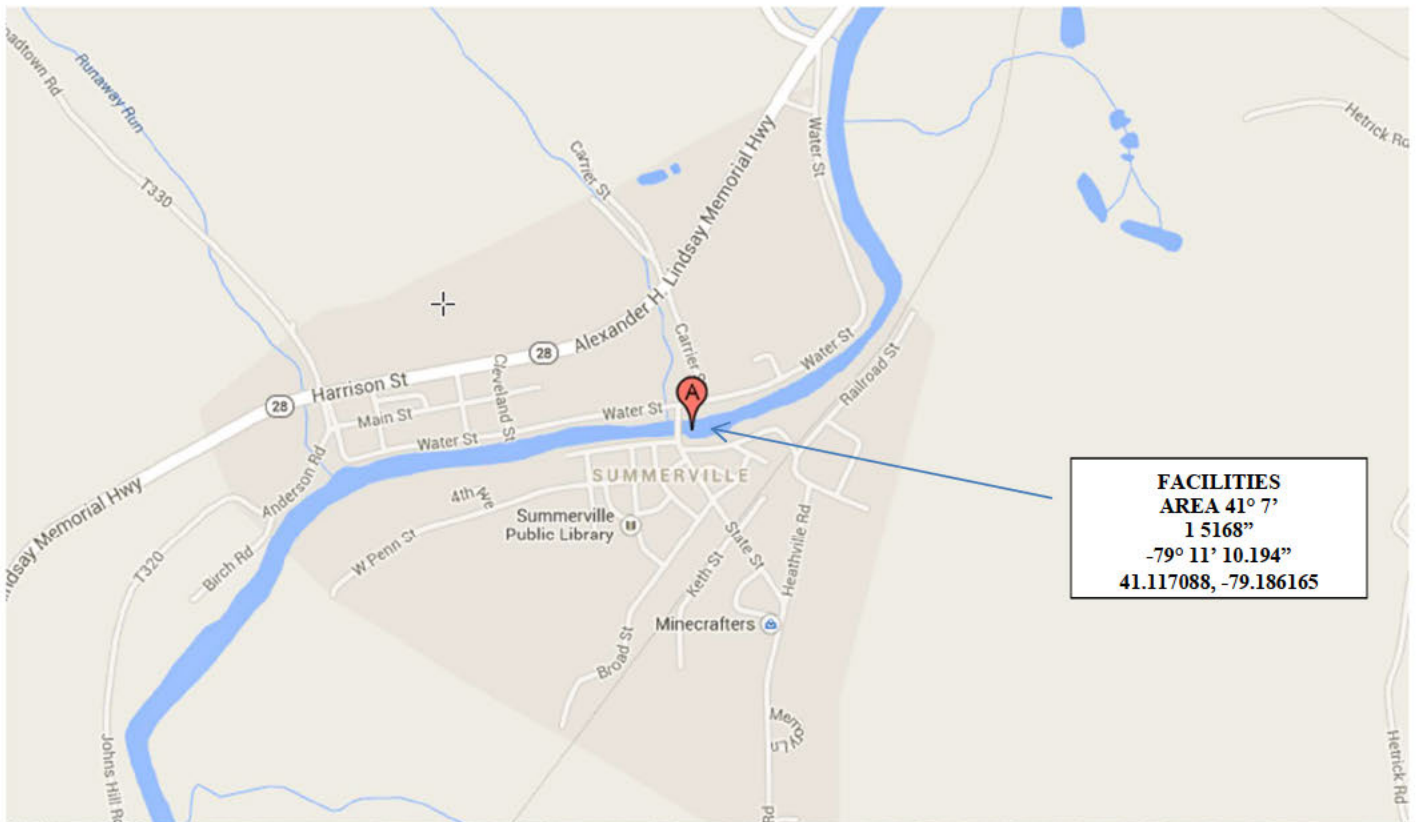
Aerial or Satellite Photograph

(This will provide us with existing conditions and helps verify that the latitude and longitude are correct.)



STREAMNET PENNSYLVANIA, LLC

GP050014000



GP050014000

Sample – Location Drawing – Utility Line

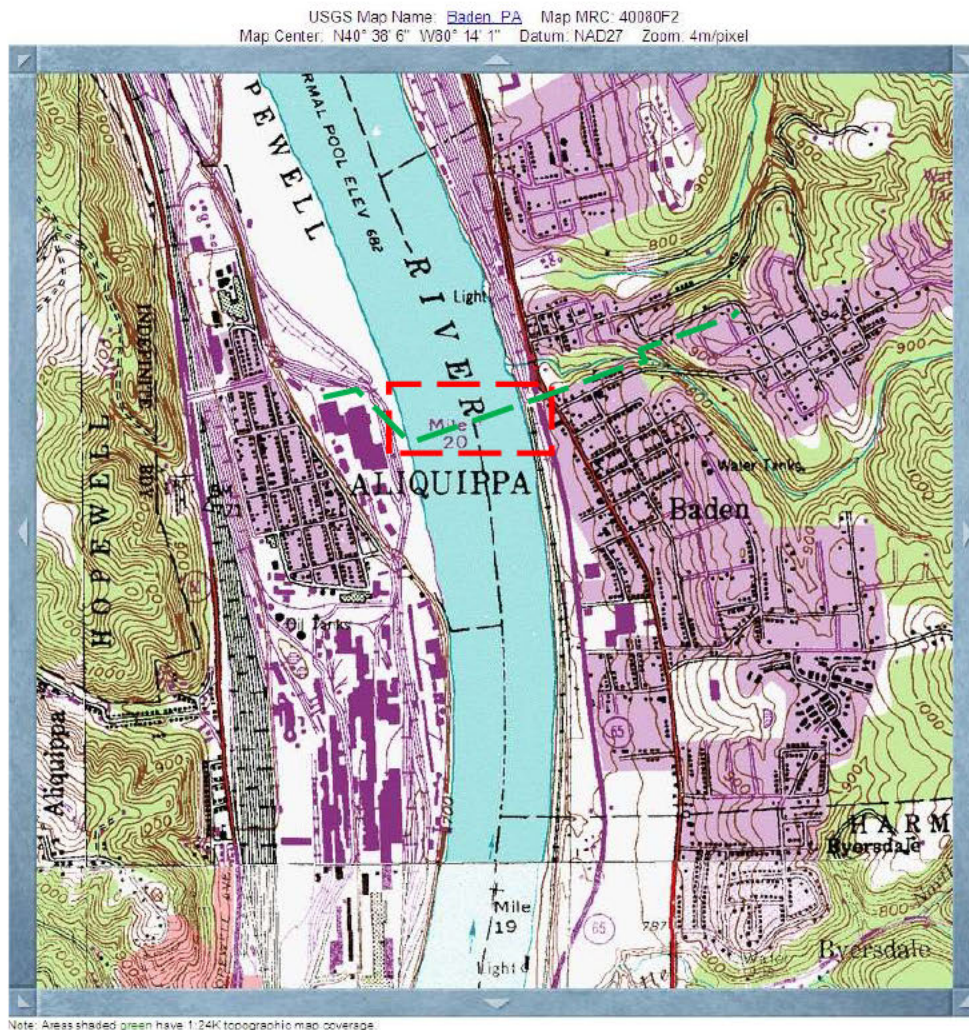
Project Name

Project/Permit Applicant Name

Municipality

County

USGS Quadrangle Name



(PaDEP Permit
No.) Facilities Area —
— 40° 40' 40"
-80° 80' 60"

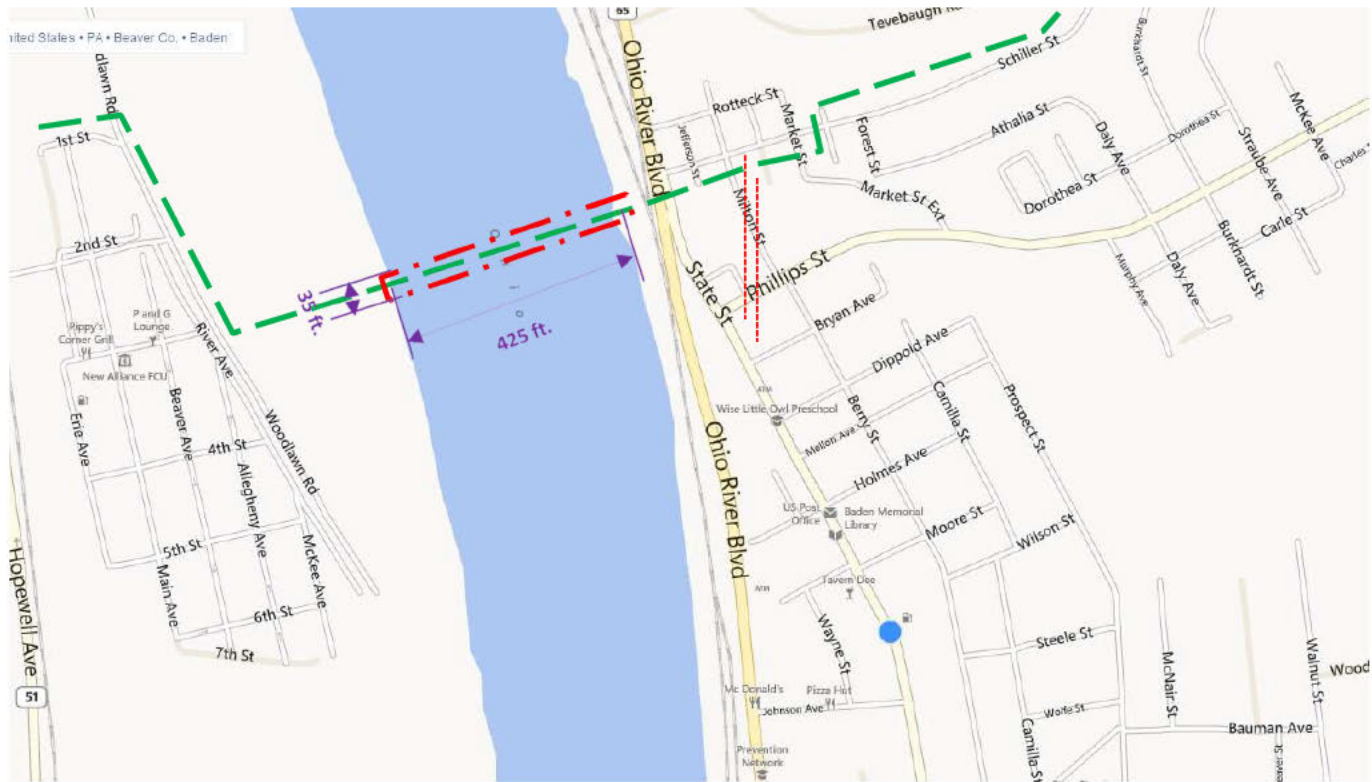
Sample – Facilities Area Drawing - Utility

Project Name

Project/Permit Applicant Name

Municipality

County



PaDEP Permit No.

Right-of-Way

FACILITIES AREA [Red dashed line]

389 LF X 102 LF = 14,875 sq ft

= 0.34 acres

Note: The applicant is not required to complete the drawings as shown here. The Department required, however, that both the topographic (USGS) location map and facilities area map (with scale) be provided so that these drawings may be developed and included in the Submerged Land License Agreement. For utility crossings the facilities area includes the width of any right-of-way that crosses the waters and any R/W boundary must be shown on the drawings.

Sample – Location Drawing – Dock Facility

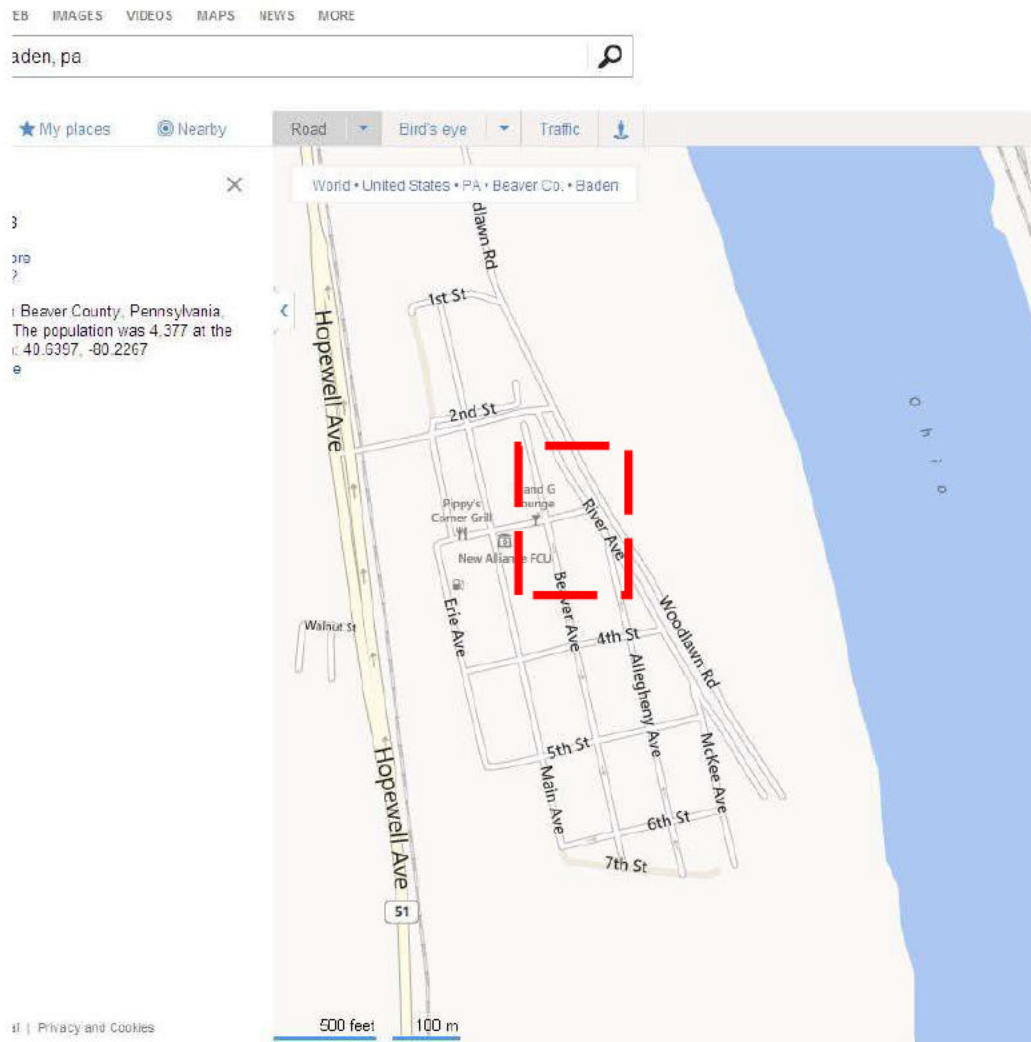
Project Name

Project/Permit Applicant Name

Municipality

County

USGS Quadrangle Name



(PaDEP Permit No.)

Facilities Area — — —

40° 40' 40"

-80° 80' 60"

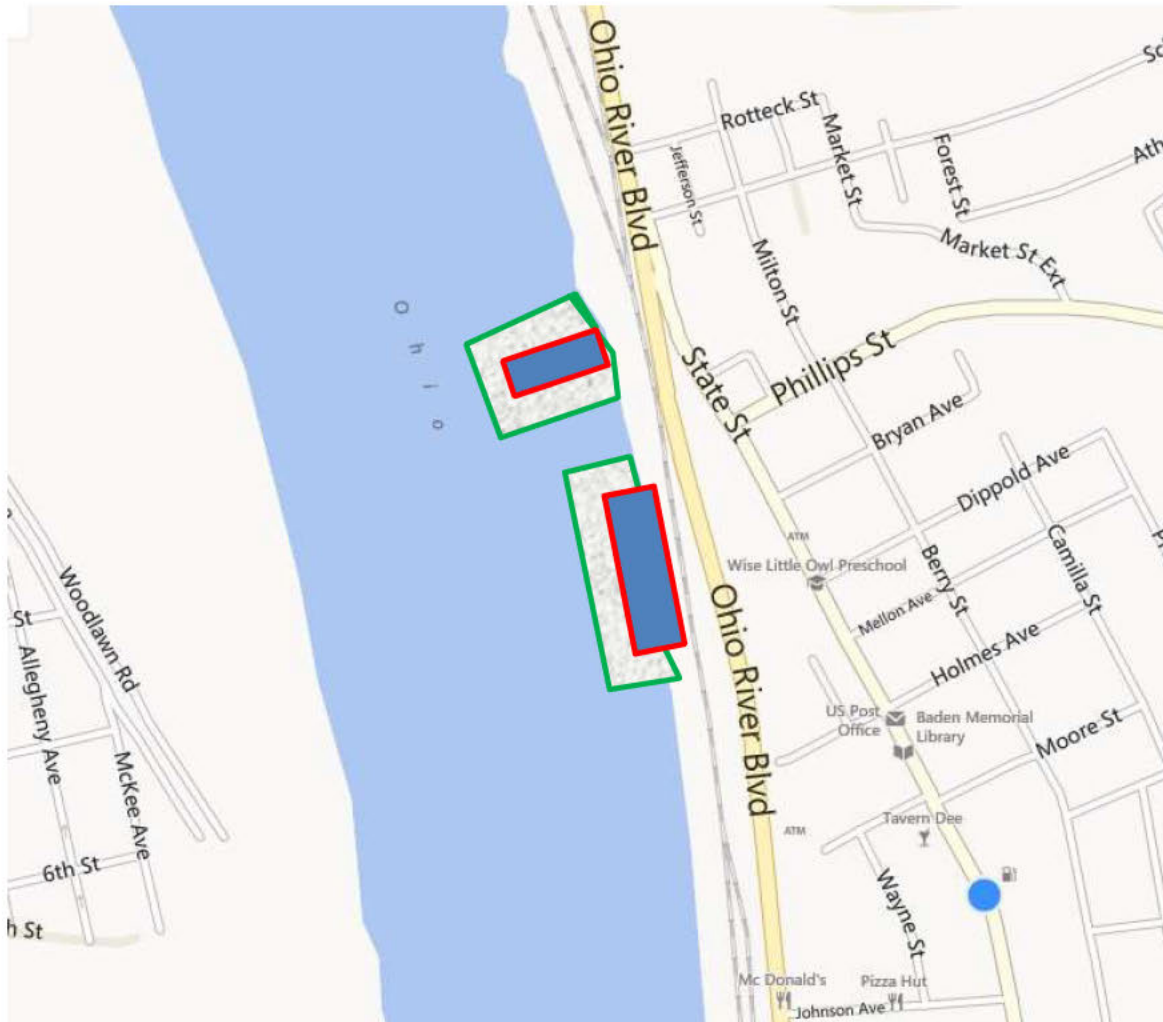
Sample – Facilities Area Drawing – Dock Facility

Project Name

Project/Permit Applicant

Name Municipality

County



Scale: 1 inch = 300 feet

PaDEP Permit No.

FACILITIES AREA 

389 LF X 102 LF = 39,678 sq ft

= 0  s

Mooring Area

389 LF X 102 LF = 39,678 sq ft

= 0.91 acres