



February 18, 2021

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

Re: Water Obstruction and Encroachment Permit (WOEP) Issuance
FM-100 Project

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

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

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

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

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

Dear Mr. Lybrook:

Enclosed are your copies of your State Water Obstruction and Encroachment Permits (WOEPs). Please review these permits so that you are aware of the extent of authorization and the applicable conditions.

In addition to the above-referenced permit authorizations, the permittee has additional responsibilities:

- 1. The WOEPs are not effective until a copy of the Acknowledgment of Appraisal of Permit Conditions, signed by you, is received by the Department. Any work conducted prior to the Department's receipt of the signed Acknowledgment of Appraisal of Permit Conditions is a violation of the Dam Safety and Encroachments Act and the Clean Streams Law, and you may be subject to fines and penalties.** The Department will provide you with an acknowledgement letter upon receipt of all fully signed Acknowledgement of Appraisal of Permit Conditions.

2. A copy of the Permits, Acknowledgment of Appraisal of Permit Conditions, the Erosion and Sediment Control plans, this Issuance Letter, and any other applicable State and Federal authorizations, must be maintained on site during construction and available at the work site for inspection upon request by any officer or agent of the Department or any other Federal, State, County or Municipal agency.
3. Completion Reports must be submitted to this office within 30 days of completion of the approved project. Each Completion Report form must be signed by you and the supervising engineer indicating that the work has been completed as approved.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Natural Gas Act, 15 U.S.C. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 within the time prescribed in the law. Important legal rights are at stake, so you should show this document to a lawyer at once.

If you have additional questions, please contact David Bolig at 484-250-5828 or dbolig@pa.gov.

Sincerely,



Domenic Rocco, P.E.
Director
Regional Permit Coordination Office

Attachments: WOEPs
Acknowledgement of Appraisal of Permit Conditions
Completion Forms

cc: Mott MacDonald, LLC (by email)
U.S. Army Corps of Engineers, Baltimore and Pittsburgh Districts (by email)
PA Fish & Boat Commission, Division of Environmental Services (by email)
Northcentral Regional ARD (by email)
Northwest Regional ARD (by email)
Northcentral Regional Waterways and Wetlands (by email)
Northwest Regional Waterways and Wetlands (by email)
Cameron County Conservation District (by email)
Clearfield County Conservation District (by email)
Elk County Conservation District (by email)
McKean County Conservation District (by email)
Potter County Conservation District (by email)
Borough of Driftwood (by email)

Gibson Township (by email)
Lumber Township (by email)
Huston Township (by email)
Lawrence Township (by email)
Benezette Township (by email)
Jay Township (by email)
Keating Township (by email)
Liberty Township (by email)
Norwich Township (by email)
Sergeant Township (by email)
Allegany Township (by email)
Clara Township (by email)
Hebron Township (by email)
Pleasant Valley Township (by email)
Portage Township (by email)
Roulette Township (by email)
Wharton Township (by email)

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGIONAL PERMIT COORDINATION OFFICE**

WATER OBSTRUCTION AND ENCROACHMENT PERMIT

The Department of Environmental Protection ("Department"), established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§510.1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. §§693.1 et seq.) known as the "Dam Safety and Encroachments Act"; Act of October 4, 1978, P.L. 851, (32 P.S. §§679.101 et seq.) known as the "Flood Plain Management Act"; Act of June 22, 1937, P.L. 1987, (35 P.S. §§691.1 et seq.), known as "The Clean Streams Law"; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers the Department to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

**National Fuel Gas Supply Corporation
1100 State Street, Erie, PA 16512**

giving its consent to:

remove or abandon existing water obstructions and encroachments associated with the Cameron County portion of the FM100 Project. The Cameron County portion consists of abandonment in place of approximately 18.8 miles of 12-inch pipeline and removal of approximately 0.3 miles of 12-inch pipeline and above-ground ancillary facilities. The proposed project impacts in Cameron County include a total of 0.026 acres of permanent impacts and 0.158 acres of temporary impacts to Boyer Run (CWF), Unnamed Tributaries (UNT) to Boyer Run (CWF), Colbert Hollow (EV), Driftwood Branch Sinnemahoning Creek (EV), UNT to Driftwood Branch Sinnemahoning Creek (EV), Johnson Run (EV), UNT to Johnson Run (EV), UNT to Berge Run (EV), UNT to Lick Island Run (EV), Little Dent Run (HQ-CWF), Mix Run (HQ-CWF), UNT to Mix Run (HQ-CWF), UNT to Grove Run (HQ-CWF), UNT to Miller Run (HQ-CWF), and Bennett Branch Sinnemahoning Creek (WWF); 0.104 acres of permanent impacts and 2.013 acres of temporary impacts to floodways; 0.039 acres of permanent impacts to PEM and PSS wetlands and 0.191 acres of temporary impacts to PEM and PSS wetlands. 0.008 acres of the permanent wetland impacts are to exceptional value (EV) wetlands.

There are no impacts within Cameron County that require mitigation. All impacts associated with the abandonment activities in Cameron County will be restored to pre-construction conditions.

The Cameron County portion begins at the Elk County line (Latitude: 41.323250°, Longitude: -78.249556°) and ends at the Potter County line (Latitude: 41.515417°,

Longitude: -78.095556°) in Gibson, Grove, and Lumber Townships and Driftwood Borough.

If this work authorized by this permit is not completed on or before **December 31, 2025**, this permit, if not previously revoked or specifically extended by the Department in writing, shall become void without further notification.

This permit is issued in response to an application filed with the Department of Environmental Protection on **November 21, 2019**, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed with and made a part of the application on **February 5, February 24, September 18, and December 21, 2020**, subject to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, the Clean Streams Law, the Administrative Code, the rules and regulations promulgated thereunder and the following conditions and restrictions:

1. The permittee shall sign the Acknowledgement of Appraisal of Permit Conditions thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of this permit. The permittee shall return a signed copy of the Acknowledgement of Appraisal of Permit Conditions to the Department. Unless the Acknowledgement of Appraisal of Permit Conditions form is completed and filed with the Department, this permit is void.
2. **Work may not commence until a signed copy of the Acknowledgement of Appraisal of Permit Conditions is received by the Department.** Any work authorized by this permit conducted prior to the Department's receipt of a signed copy of the Acknowledgement of Appraisal of Permit Conditions is a violation of the Dam Safety and Encroachments Act and the Clean Streams Law, and you may be subject to fines and penalties pursuant to those Acts.
3. The Department, in issuing this permit, has relied on the information and data which the permittee has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the Department may, in addition, institute appropriate legal proceedings.
4. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary.
5. The work shall at all times be subject to supervision and inspection by representatives of the Department, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans,

profiles, and specifications as may be considered necessary. The Department further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be subserved thereby.

6. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of the Department and terms and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of the Department shall require the prior written approval and permit of the Department.
7. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by the Department.
8. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction.
9. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of the Department, the structure or work shall cause unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice remove or alter the structures, work or obstructions caused thereby, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as the Department may require. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration.
10. The permittee shall notify the Department, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction.
11. If construction work has not been completed within the time specified in this permit and the time limit specified in this permit has not been extended in writing by the Department or if this permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that the Department may prescribe, remove all or any portion of the work as the Department requires and restore the watercourse and floodplain to their former condition.
12. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of the work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with the Department in writing, on a form provided by the Department, a statement signed by the permittee and an individual responsible for the supervision or conduct of the work acknowledging and accepting the general and special conditions contained in this permit. Unless the acknowledgment and acceptance have been filed, this permit is void. A copy of this permit and the acknowledgment shall be available at the work site for inspection upon request by

an officer or agent of the Department or another Federal, State, County or Municipal Agency.

13. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles and specifications.
14. This permit may not be transferred without prior written approval from the Department, such approval being considered upon receipt of the properly executed "Application for Transfer of Permit" form.
15. If and when the permittee desires to discontinue use or abandon the activity authorized herein, the permittee must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by the Department.
16. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 595 East Rolling Ridge Drive, Bellefonte, PA 16823-9685, telephone 814.359.5250.
17. Permittee shall implement and monitor an Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102 so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water.
18. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Northcentral Regional Office:

595 East Rolling Ridge Drive
Bellefonte, PA 16823
Telephone: (814) 359-5250
19. The project site shall at all times be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Cameron County Conservation District, 74 East 3rd Street, Emporium PA 15834, 814-486-2244.
20. **SPECIAL CONDITIONS:** The permittee shall be responsible for compliance with each of the following special conditions. Please direct any notifications, requests for approval, or post-issuance documents to the Regional Permit Coordination Office at telephone 717.722.5987, email RA-EPREGIONALPERMIT@pa.gov.

Water Supplies:

- A. If the project results in a pollution event or other adverse impact to any public or private water supplies, the permittee shall immediately notify the Department and the potentially affected public or private water supplies of the pollution event.
- B. In the event that the permittee's work related to this authorization causes adverse impacts to a public or private water supply source, the permittee shall address the restoration or replacement of the impacted water supply and mitigate and/or remediate any pollution resulting from the project in accordance with applicable legal requirements.
- C. At least 72 hours in advance of beginning construction activities, the permittee shall notify all water users with downstream surface water intakes within one mile downstream, including but not limited to, drinking water users, industrial, and commercial users that may be impacted by turbidity or water quality changes.
- D. The permittee shall notify such downstream water users immediately of any pollution event or incident at its site that may endanger downstream users. The permittee shall also immediately implement its approved contingency plan to prevent further adverse impacts and remediate all adverse impacts as a result of the pollution event or incident.
- E. If a public or private drinking water source not previously identified by the permittee is discovered by the permittee during construction, the permittee shall immediately notify the Department of the identified water source and shall notify that source of the permittee's construction activities.

Historic, Cultural, or Archaeological Resources:

- F. The permittee and its agents shall visually inspect for historic, cultural, and archaeological resources that may be encountered during construction of the project and shall immediately cease earth disturbance activities in the vicinity of the archaeological artifacts upon encountering such potential artifacts.
- G. If potential historic, cultural, or archaeological resources are discovered, the permittee shall immediately notify the Pennsylvania Historical and Museum Commission (PHMC) at P.O. Box 1026, Harrisburg, PA 17120-1026, telephone 717.783.8947, and shall concurrently notify the Department.

Temporary Road Crossings:

- H. All temporary road crossings of streams and wetlands must meet all of the following conditions:
 - 1. The permittee shall restore and stabilize all temporary crossing sites immediately after termination of its permitted use.

2. Road and causeway embankments shall only consist of clean rock material to prevent stream channel sedimentation during placement, removal, and periods of overtopping.
3. Bridges must be structurally stable and shall be single span from top of bank to top of bank, unless approved in writing by the Department.
4. Approach roads to temporary road crossings shall utilize original grades. However, clean rock material or gravel to a depth of six inches above original grade can be utilized for approaches, as necessary.
5. The waterway opening of the temporary road crossings shall be kept open and functioning at all times by maintaining the crossings free of debris and other obstructions.
6. The permittee shall promptly repair any damage resulting from increased backwater caused by a temporary road crossing. When warranted, in advance of major storms, the permittee shall remove temporary road crossings in the event of high waters to prevent increased backwater.
7. All wetland crossing sites shall be stabilized by appropriate means, including, but not limited to, using removable, temporary mats, pads, or other similar devices to ensure minimization of impact on the ecology of the wetland.
8. Temporary embankments for roads across wetlands shall be installed with piping or other conveyance measures to maintain the hydrology of the wetland.
9. Access roads should not approach the stream channel directly downslope but should traverse the slope obliquely to prevent high velocity road drainage flows from directly entering the stream channel. Road drainage shall include proper erosion and sediment control Best Management Practices.
10. The permittee shall remove all or any portion of a temporary road crossing upon written notification to the permittee from the Department in the event the project is causing an adverse impact on public health, safety, or the environment or in any other manner violates the requirements of the Pennsylvania Clean Streams Law, 25 Pa. Code Chapter 105, or both.

Site Field Verification, Restoration, and Monitoring:

- I. All wetlands within the project area shall be accurately field-delineated and appropriately flagged prior to the start of construction activities and shall remain field-delineated until earth disturbance activities are completed, and the site has been stabilized. An acceptable means of field-identification of wetlands includes, but not limited to, the use of an orange construction safety fence and/or flags.
- J. The permittee shall prepare and maintain a detailed record of pre-construction and post-construction conditions of each stream and wetland crossing, which shall include sufficient

photographs. The permittee shall submit this documentation to the Department within ninety (90) days after completion of work under the respective permit.

- K. Excess fill from disturbed areas and construction activities shall be located outside of the floodway, floodplain, or other bodies of water. The permittee is responsible for stabilizing any excess materials spoiled onsite or offsite, whether the permittee owns the site or others own the site.
- L. Wetland excavation shall include the segregation of the soil horizons, unless written approval is received from the Department. Soil horizons shall be replaced to match pre-construction conditions. In areas where bore pits are proposed in or adjacent to wetlands, or if a restrictive layer, including but not limited to clay or fragipans, is encountered during the trench excavation, the permittee shall have knowledgeable personnel with appropriate technical expertise on-site to oversee backfilling of the trench and installation of trench plugs, to ensure that wetland hydrology is maintained.
- M. Backfilled trenches shall not create the formation of a permanent ridge in a streambed or wetland.
- N. Rock riprap shall only be used in the stream bed when written approval is received from the Department.
- O. The permittee shall restore all disturbed wetland areas to original contours and replant with indigenous wetland vegetation in accordance with the restoration plans as presented in the permit application upon completion of final earthmoving activities.
- P. Wetland disturbances shall be minimized and stabilized within four (4) calendar days of final earthmoving activities.
- Q. Streambank disturbance shall be minimized and stabilized with indigenous vegetation immediately upon completion of final earthmoving activities.
- R. For a period of up to five (5) years, the permittee shall monitor the stream and wetlands in the project area. Monitoring reports shall be submitted to the Department in the spring (May 15) and fall (November 15) for the first two (2) calendar years following construction and annually (November 15) for three (3) years thereafter.
 - 1. All monitoring reports shall contain information describing the wetland sites at the time of inspection, documented indicators of wetland hydrology, hydric soils, an inventory of the plant species and percent aerial coverage, and photographs of the wetland sites with plans showing the location and orientation of each of the photographs. The monitoring reports shall demonstrate that the existing wetlands on-site are maintaining pre-construction wetland conditions and delineated acreages. If the wetlands on-site are not maintaining pre-construction wetland conditions and delineated acreages, a written plan shall be submitted to correct any deficiencies identified during the monitoring phase.

2. Monitoring may be terminated or extended by the Department upon written request by the permittee.

Threatened and Endangered Species Protection:

- S. Prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the permittee shall conduct a current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact is identified, provide the avoidance and mitigation plan to the Department prior to initiating such maintenance work and shall implement, and adhere to all avoidance measures outlined in such clearance(s).
- T. The permittee shall comply with and implement all Avoidance Measures, Conservation Measures, Adaptive Management Practices, and other recommendations identified by the jurisdictional resource agencies for the protection of any federal and state threatened or endangered species or species of special concern, including:
 1. The permittee shall implement avoidance measures and habitat creation in accordance with all Pennsylvania Fish and Boat Commission (PFBC) approvals for the *Crotalus horridus* (Timber Rattlesnake). This includes no tree clearing within potential critical habitat between April 15th and October 15th.

Seasonal Restrictions:

- U. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **trout stocked streams** and their tributaries between March 1 and June 15 without the prior written approval from the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.
- V. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **Class A wild trout fishery streams** and their tributaries between October 1 and April 1 without the prior written approval of the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.
- W. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **other wild trout streams** or their tributaries between October 1 and December 31 without the prior written approval of the Pennsylvania Fish and Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.

Miscellaneous:

- X. Pollution of any waterway with harmful chemicals, fuels, oils, greases, bituminous material, acid, or other harmful or polluting materials, is prohibited.

- Y. This Permit does not convey any real property rights or interests or authorization to trespass on privately-owned riparian land. By accepting this Permit, the permittee certifies that he/she holds title, easement, right, or other real interest in the riparian land. Any dispute over property ownership and/or right of legal access is solely a matter for private litigation.
- Z. Riprap and stone used throughout the project, including the construction of causeways and coffer dams, shall be free of fines and silts, or other non-erodible material.
- AA. All temporary water withdrawal intake structures and all appurtenant works shall be removed from the watercourse, body of water, floodway, and floodplains as prescribed within the permit application. Deviations from the approved permit application shall require prior written approval from the Department.
- BB. Any french drains installed as part of temporary de-watering for construction activities shall be removed or otherwise rendered inoperable prior to final site restoration.
- CC. Water pumped from any construction area shall be directed through a sediment trap, basin, or a filter bag discharging into an appropriate vegetated filter area to prevent a discharge of sediment into any waters of the Commonwealth.
- DD. Open Trench Crossings: The permittee shall construct open trench pipeline crossings in dry conditions by constructing during periods of no water flow and/or by installing stream flow bypass systems (flumed or pumped) through the affected area.
 - 1. Each crossing shall be conducted in an uninterrupted process in the shortest period of time possible. Impacts to waters of the Commonwealth shall be avoided, to the extent practicable, and if not practicable, then minimized in accordance with the permittee's approved plans.
 - 2. The permittee may cross dry channels, dry swales, and dry intermittent streams without the use of stream flow bypass systems if the channel has no flow and the stream crossing and stabilization can be completed in dry conditions and within twenty-four (24) hours, unless approved in writing by the Department. Standby sandbag dams and pumps shall be located on-site and installed in the event of precipitation resulting in channel flow.
 - 3. The permittee shall implement procedures that take into account the weather forecast and current conditions prior to commencing stream crossing installations to ensure that weather and stream conditions will not result in a pollution event. Such procedures could include a sign-off sheet documenting that the Environmental Inspector, Foreman, and any other responsible individual agree that the crossing can be constructed during that specific time.
 - 4. Bypass systems must stay in use until streambeds and banks are adequately stabilized. Downstream flow must be maintained during the construction.
- EE. This Permit authorizes only those impacts to waters of the Commonwealth that were specifically described in the permit application(s) and revisions. Any additional impacts to waters of the Commonwealth from water obstruction or encroachment activities including, but

not limited to, temporary access roads, lay-down areas, staging areas, or temporary work spaces, that have not been specifically identified in the permit application are not authorized. Any proposed changes regarding the specific impacts will require a permit amendment.

- FF. No deviation in the construction methodology or project design shown on the approved drawings is authorized unless approved through an amendment of this Permit by the Department in writing. If the specific resource crossing has pre-approved primary, secondary, or tertiary methods, the permittee shall send a written notification to the Department and the respective county conservation district prior to the change.
- GG. This Permit does not relieve the permittee of the obligation of complying with all Federal, interstate compact, State laws, regulations and standards, and local ordinances applicable to the construction, operation or maintenance of the water obstruction or encroachment.
- HH. The permittee shall follow the measures specified in the Preparedness, Prevention, and Contingency Plan during construction. The permittee shall maintain a copy of the Preparedness, Prevention, and Contingency Plan on-site at all times during construction, train all staff to use and implement this plan, and have this plan available to provide at the request of any Department inspector.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Domenic Rocco, P.E.
Director
Regional Permit Coordination Office

02/18/2021
Issue Date

ACKNOWLEDGMENT OF APPRISAL OF PERMIT CONDITIONS

I, _____
(Permittee name)

and _____
(Name address and telephone of individual responsible for supervision of work)

acknowledge and accept the general and special conditions of Permit No. E1283219-001, issued to

**National Fuel Gas Supply Corporation
1100 State Street, Erie, PA 16512**

which authorizes the permittee to:

remove or abandon existing water obstructions and encroachments associated with the Cameron County portion of the FM100 Project. The Cameron County portion consists of abandonment in place of approximately 18.8 miles of 12-inch pipeline and removal of approximately 0.3 miles of 12-inch pipeline and above-ground ancillary facilities. The proposed project impacts in Cameron County include a total of 0.026 acres of permanent impacts and 0.158 acres of temporary impacts to Boyer Run (CWF), Unnamed Tributaries (UNT) to Boyer Run (CWF), Colbert Hollow (EV), Driftwood Branch Sinnemahoning Creek (EV), UNT to Driftwood Branch Sinnemahoning Creek (EV), Johnson Run (EV), UNT to Johnson Run (EV), UNT to Berge Run (EV), UNT to Lick Island Run (EV), Little Dent Run (HQ-CWF), Mix Run (HQ-CWF), UNT to Mix Run (HQ-CWF), UNT to Grove Run (HQ-CWF), UNT to Miller Run (HQ-CWF), and Bennett Branch Sinnemahoning Creek (WWF); 0.104 acres of permanent impacts and 2.013 acres of temporary impacts to floodways; 0.039 acres of permanent impacts to PEM and PSS wetlands and 0.191 acres of temporary impacts to PEM and PSS wetlands. 0.008 acres of the permanent wetland impacts are to exceptional value (EV) wetlands.

There are no impacts within Cameron County that require mitigation. All impacts associated with the abandonment activities in Cameron County will be restored to pre-construction conditions.

The Cameron County portion begins at the Elk County line (Latitude: 41.323250°, Longitude: -78.249556°) and ends at the Potter County line (Latitude: 41.515417°, Longitude: -78.095556°) in Gibson, Grove, and Lumber Townships and Driftwood Borough.

(Permittee signature)

(Date)

(Signature of individual responsible
for supervision of work)

(Date)

Return To:

Department of Environmental Protection
Regional Permit Coordination Office
Rachel Carson State Office Building
P.O. Box 69206
Harrisburg, PA 17105
RA-EPREGIONALPERMIT@pa.gov

**WATER OBSTRUCTION AND ENCROACHMENT PERMIT
COMPLETION REPORT**

Project Location:

County _____

Municipality _____

I (We) hereby certify that the work authorized by the above referenced permit

was completed on _____ in accordance with the plans approved and that all
(Date)

unauthorized obstructions have been removed.

Name: _____
(Typed or printed)

Signature: _____

Title: _____

Firm: _____

Date: _____

Return To:

Department of Environmental Protection
Regional Permit Coordination Office
Rachel Carson State Office Building
P.O. Box 69206
Harrisburg, PA 17105
RA-EPREGIONALPERMIT@pa.gov

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGIONAL PERMIT COORDINATION OFFICE**

WATER OBSTRUCTION AND ENCROACHMENT PERMIT

The Department of Environmental Protection ("Department"), established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§510.1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. §§693.1 et seq.) known as the "Dam Safety and Encroachments Act"; Act of October 4, 1978, P.L. 851, (32 P.S. §§679.101 et seq.) known as the "Flood Plain Management Act"; Act of June 22, 1937, P.L. 1987, (35 P.S. §§691.1 et seq.), known as "The Clean Streams Law"; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers the Department to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

**National Fuel Gas Supply Corporation
1100 State Street, Erie, PA 16512**

giving its consent to:

remove or abandon existing water obstructions and encroachments associated with the Clearfield County portion of the FM100 Project. The Clearfield County portion consists of abandonment in place of approximately 7.1 miles of 12-inch pipeline and removal of approximately 0.2 miles of 12-inch pipeline and above-ground ancillary facilities. The proposed project impacts in Clearfield County include a total of 0.014 acres of permanent and 0.080 acres of temporary watercourse impacts to Bennett Branch Sinnemahoning Creek (CWF), UNT to Bennett Branch Sinnemahoning Creek (CWF), Lamb Hollow (CWF), UNT to Lamb Hollow (CWF), Laurel Run (HQ-CWF), UNT to Laurel Run (HQ-CWF), Saunders Run (HQ-CWF), and UNT to Little Medix Run (HQ-CWF); 0.055 acres of permanent and 1.693 acres of temporary impacts to floodways; 0.018 acres of permanent impacts to PEM and PSS wetlands and 0.196 acres of temporary impacts to PEM and PSS wetlands. 0.016 acres of the permanent wetland impacts are to exceptional value (EV) wetlands.

The permittee shall mitigate for the temporal loss of 0.071 acres of EV PSS wetlands temporarily impacted along the ROW during construction within the Cameron County portion of the project by providing 0.124 acres of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Wildcat Hollow Mitigation Site located in Hamlin Township, McKean County (Latitude: 41.718655°, Longitude: -78.558228°).

The Clearfield County portion begins near State Route 0255 in Huston Township (Latitude: 41.219783°, Longitude: -78.559056°) and ends at the Elk County line

(Latitude: 41.240361°, Longitude: -78.431528°) in Huston and Lawrence Townships.

If this work authorized by this permit is not completed on or before **December 31, 2025**, this permit, if not previously revoked or specifically extended by the Department in writing, shall become void without further notification.

This permit is issued in response to an application filed with the Department of Environmental Protection on **November 21, 2019**, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed with and made a part of the application on **February 5, February 24, September 18, and December 21, 2020**, subject to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, the Clean Streams Law, the Administrative Code, the rules and regulations promulgated thereunder and the following conditions and restrictions:

1. The permittee shall sign the Acknowledgement of Appraisal of Permit Conditions thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of this permit. The permittee shall return a signed copy of the Acknowledgement of Appraisal of Permit Conditions to the Department. Unless the Acknowledgement of Appraisal of Permit Conditions form is completed and filed with the Department, this permit is void.
2. **Work may not commence until a signed copy of the Acknowledgement of Appraisal of Permit Conditions is received by the Department.** Any work authorized by this permit conducted prior to the Department's receipt of a signed copy of the Acknowledgement of Appraisal of Permit Conditions is a violation of the Dam Safety and Encroachments Act and the Clean Streams Law, and you may be subject to fines and penalties pursuant to those Acts.
3. The Department, in issuing this permit, has relied on the information and data which the permittee has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the Department may, in addition, institute appropriate legal proceedings.
4. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary.
5. The work shall at all times be subject to supervision and inspection by representatives of the Department, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans,

profiles, and specifications as may be considered necessary. The Department further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be subserved thereby.

6. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of the Department and terms and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of the Department shall require the prior written approval and permit of the Department.
7. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by the Department.
8. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction.
9. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of the Department, the structure or work shall cause unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice remove or alter the structures, work or obstructions caused thereby, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as the Department may require. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration.
10. The permittee shall notify the Department, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction.
11. If construction work has not been completed within the time specified in this permit and the time limit specified in this permit has not been extended in writing by the Department or if this permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that the Department may prescribe, remove all or any portion of the work as the Department requires and restore the watercourse and floodplain to their former condition.
12. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of the work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with the Department in writing, on a form provided by the Department, a statement signed by the permittee and an individual responsible for the supervision or conduct of the work acknowledging and accepting the general and special conditions contained in this permit. Unless the acknowledgment and acceptance have been filed, this permit is void. A copy of this permit and the acknowledgment shall be available at the work site for inspection upon request by

an officer or agent of the Department or another Federal, State, County or Municipal Agency.

13. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles and specifications.
14. This permit may not be transferred without prior written approval from the Department, such approval being considered upon receipt of the properly executed "Application for Transfer of Permit" form.
15. If and when the permittee desires to discontinue use or abandon the activity authorized herein, the permittee must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by the Department.
16. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 595 East Rolling Ridge Drive, Bellefonte, PA 16823-9685, telephone 814.359.5250.
17. Permittee shall implement and monitor an Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102 so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water.
18. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Northcentral Regional Office:

595 East Rolling Ridge Drive
Bellefonte, PA 16823
Telephone: (814) 359-5250
19. The project site shall at all times be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the, Clearfield County Conservation District, 6395 Clearfield Woodland Highway, Suite 2, Clearfield, PA 16830.
20. **SPECIAL CONDITIONS:** The permittee shall be responsible for compliance with each of the following special conditions. Please direct any notifications, requests for approval, or post-issuance documents to the Regional Permit Coordination Office at telephone 717.722.5987, email RA-EPREGIONALPERMIT@pa.gov.

Water Supplies:

- A. If the project results in a pollution event or other adverse impact to any public or private water supplies, the permittee shall immediately notify the Department and the potentially affected public or private water supplies of the pollution event.
- B. In the event that the permittee's work related to this authorization causes adverse impacts to a public or private water supply source, the permittee shall address the restoration or replacement of the impacted water supply and mitigate and/or remediate any pollution resulting from the project in accordance with applicable legal requirements.
- C. At least 72 hours in advance of beginning construction activities, the permittee shall notify all water users with downstream surface water intakes within one mile downstream, including but not limited to, drinking water users, industrial, and commercial users that may be impacted by turbidity or water quality changes.
- D. The permittee shall notify such downstream water users immediately of any pollution event or incident at its site that may endanger downstream users. The permittee shall also immediately implement its approved contingency plan to prevent further adverse impacts and remediate all adverse impacts as a result of the pollution event or incident.
- E. If a public or private drinking water source not previously identified by the permittee is discovered by the permittee during construction, the permittee shall immediately notify the Department of the identified water source and shall notify that source of the permittee's construction activities.

Historic, Cultural, or Archaeological Resources:

- F. The permittee and its agents shall visually inspect for historic, cultural, and archaeological resources that may be encountered during construction of the project and shall immediately cease earth disturbance activities in the vicinity of the archaeological artifacts upon encountering such potential artifacts.
- G. If potential historic, cultural, or archaeological resources are discovered, the permittee shall immediately notify the Pennsylvania Historical and Museum Commission (PHMC) at P.O. Box 1026, Harrisburg, PA 17120-1026, telephone 717.783.8947, and shall concurrently notify the Department.

Temporary Road Crossings:

- H. All temporary road crossings of streams and wetlands must meet all of the following conditions:
 - 1. The permittee shall restore and stabilize all temporary crossing sites immediately after termination of its permitted use.

2. Road and causeway embankments shall only consist of clean rock material to prevent stream channel sedimentation during placement, removal, and periods of overtopping.
3. Bridges must be structurally stable and shall be single span from top of bank to top of bank, unless approved in writing by the Department.
4. Approach roads to temporary road crossings shall utilize original grades. However, clean rock material or gravel to a depth of six inches above original grade can be utilized for approaches, as necessary.
5. The waterway opening of the temporary road crossings shall be kept open and functioning at all times by maintaining the crossings free of debris and other obstructions.
6. The permittee shall promptly repair any damage resulting from increased backwater caused by a temporary road crossing. When warranted, in advance of major storms, the permittee shall remove temporary road crossings in the event of high waters to prevent increased backwater.
7. All wetland crossing sites shall be stabilized by appropriate means, including, but not limited to, using removable, temporary mats, pads, or other similar devices to ensure minimization of impact on the ecology of the wetland.
8. Temporary embankments for roads across wetlands shall be installed with piping or other conveyance measures to maintain the hydrology of the wetland.
9. Access roads should not approach the stream channel directly downslope but should traverse the slope obliquely to prevent high velocity road drainage flows from directly entering the stream channel. Road drainage shall include proper erosion and sediment control Best Management Practices.
10. The permittee shall remove all or any portion of a temporary road crossing upon written notification to the permittee from the Department in the event the project is causing an adverse impact on public health, safety, or the environment or in any other manner violates the requirements of the Pennsylvania Clean Streams Law, 25 Pa. Code Chapter 105, or both.

Site Field Verification, Restoration, and Monitoring:

- I. All wetlands within the project area shall be accurately field-delineated and appropriately flagged prior to the start of construction activities and shall remain field-delineated until earth disturbance activities are completed, and the site has been stabilized. An acceptable means of field-identification of wetlands includes, but not limited to, the use of an orange construction safety fence and/or flags.
- J. The permittee shall prepare and maintain a detailed record of pre-construction and post-construction conditions of each stream and wetland crossing, which shall include sufficient

photographs. The permittee shall submit this documentation to the Department within ninety (90) days after completion of work under the respective permit.

- K. Excess fill from disturbed areas and construction activities shall be located outside of the floodway, floodplain, or other bodies of water. The permittee is responsible for stabilizing any excess materials spoiled onsite or offsite, whether the permittee owns the site or others own the site.
- L. Wetland excavation shall include the segregation of the soil horizons, unless written approval is received from the Department. Soil horizons shall be replaced to match pre-construction conditions. In areas where bore pits are proposed in or adjacent to wetlands, or if a restrictive layer, including but not limited to clay or fragipans, is encountered during the trench excavation, the permittee shall have knowledgeable personnel with appropriate technical expertise on-site to oversee backfilling of the trench and installation of trench plugs, to ensure that wetland hydrology is maintained.
- M. Backfilled trenches shall not create the formation of a permanent ridge in a streambed or wetland.
- N. Rock riprap shall only be used in the stream bed when written approval is received from the Department.
- O. The permittee shall restore all disturbed wetland areas to original contours and replant with indigenous wetland vegetation in accordance with the restoration plans as presented in the permit application upon completion of final earthmoving activities.
- P. Wetland disturbances shall be minimized and stabilized within four (4) calendar days of final earthmoving activities.
- Q. Streambank disturbance shall be minimized and stabilized with indigenous vegetation immediately upon completion of final earthmoving activities.
- R. For a period of up to five (5) years, the permittee shall monitor the stream and wetlands in the project area. Monitoring reports shall be submitted to the Department in the spring (May 15) and fall (November 15) for the first two (2) calendar years following construction and annually (November 15) for three (3) years thereafter.
 - 1. All monitoring reports shall contain information describing the wetland sites at the time of inspection, documented indicators of wetland hydrology, hydric soils, an inventory of the plant species and percent aerial coverage, and photographs of the wetland sites with plans showing the location and orientation of each of the photographs. The monitoring reports shall demonstrate that the existing wetlands on-site are maintaining pre-construction wetland conditions and delineated acreages. If the wetlands on-site are not maintaining pre-construction wetland conditions and delineated acreages, a written plan shall be submitted to correct any deficiencies identified during the monitoring phase.

2. Monitoring may be terminated or extended by the Department upon written request by the permittee.

Compensatory Mitigation and Monitoring:

- S. The permittee shall provide copies of the recorded deed restrictions or conservation easements for the compensatory mitigation sites to the Department within sixty (60) days after permit issuance.
- T. The following compensatory mitigation shall commence prior to or concurrently with wetland impacts requiring compensation as authorized by this permit:

The permittee shall mitigate for the temporal loss of 0.071 acres of EV PSS wetlands temporarily impacted along the ROW during construction by providing 0.124 acres of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Wildcat Hollow Mitigation Site.

- U. For at least five (5) years after the restoration activities are completed, the permittee shall monitor the compensatory mitigation sites including wetland restoration sites. Within thirty (60) days of completing the planting plan, the permittee shall submit revised plans to the Department if as-built conditions are significantly different from the original approved plans. Monitoring reports shall be submitted to the Department at a frequency of every six (6) months for the first two (2) years after mitigation site construction and annually for three (3) years thereafter.
 1. The monitoring reports shall contain information describing the success of the site at the time of inspection, an inventory of the surviving plant species and percent aerial coverage, photographs of each site with plans showing the location and orientation of each of the photographs, and a written plan to correct any deficiencies identified during the monitoring phase.
 2. If the Permittee Responsible Mitigation Site has not achieved design objectives within the monitoring period, the permittee will undertake remedial work to assure establishment of functional wetland habitats.
 3. Monitoring may be terminated or extended by the Department upon written request by the Permittee.

Threatened and Endangered Species Protection:

- V. Prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the permittee shall conduct a current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact is identified, provide the avoidance and mitigation plan to the Department prior to initiating such maintenance work and shall implement, and adhere to all avoidance measures outlined in such clearance(s).

- W. The permittee shall comply with and implement all Avoidance Measures, Conservation Measures, Adaptive Management Practices, and other recommendations identified by the jurisdictional resource agencies for the protection of any federal and state threatened or endangered species or species of special concern, including:
1. The permittee shall implement avoidance measures and habitat creation in accordance with all Pennsylvania Fish and Boat Commission (PFBC) approvals for the *Crotalus horridus* (Timber Rattlesnake). This includes no tree clearing within potential critical habitat between April 15th and October 15th.
 2. To minimize the potential for impact to state-listed Special Concern Silver-Haired Bat, all trees/dead snags greater than 5 inches in diameter at breast height (DBH) that need to be cleared and removed between November 1st and March 31st.

Seasonal Restrictions:

- X. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **trout stocked streams** and their tributaries between March 1 and June 15 without the prior written approval from the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.
- Y. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **Class A wild trout fishery streams** and their tributaries between October 1 and April 1 without the prior written approval of the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.
- Z. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **other wild trout streams** or their tributaries between October 1 and December 31 without the prior written approval of the Pennsylvania Fish and Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.

Miscellaneous:

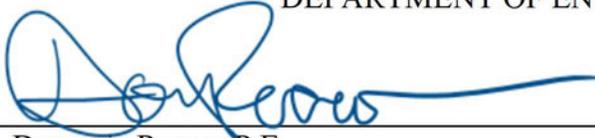
- AA. Pollution of any waterway with harmful chemicals, fuels, oils, greases, bituminous material, acid, or other harmful or polluting materials, is prohibited.
- BB. This Permit does not convey any real property rights or interests or authorization to trespass on privately-owned riparian land. By accepting this Permit, the permittee certifies that he/she holds title, easement, right, or other real interest in the riparian land. Any dispute over property ownership and/or right of legal access is solely a matter for private litigation.
- CC. Riprap and stone used throughout the project, including the construction of causeways and coffer dams, shall be free of fines and silts, or other non-erodible material.

- DD. All temporary water withdrawal intake structures and all appurtenant works shall be removed from the watercourse, body of water, floodway, and floodplains as prescribed within the permit application. Deviations from the approved permit application shall require prior written approval from the Department.
- EE. Any french drains installed as part of temporary de-watering for construction activities shall be removed or otherwise rendered inoperable prior to final site restoration.
- FF. Water pumped from any construction area shall be directed through a sediment trap, basin, or a filter bag discharging into an appropriate vegetated filter area to prevent a discharge of sediment into any waters of the Commonwealth.
- GG. Open Trench Crossings: The permittee shall construct open trench pipeline crossings in dry conditions by constructing during periods of no water flow and/or by installing stream flow bypass systems (flumed or pumped) through the affected area.
1. Each crossing shall be conducted in an uninterrupted process in the shortest period of time possible. Impacts to waters of the Commonwealth shall be avoided, to the extent practicable, and if not practicable, then minimized in accordance with the permittee's approved plans.
 2. The permittee may cross dry channels, dry swales, and dry intermittent streams without the use of stream flow bypass systems if the channel has no flow and the stream crossing and stabilization can be completed in dry conditions and within twenty-four (24) hours, unless approved in writing by the Department. Standby sandbag dams and pumps shall be located on-site and installed in the event of precipitation resulting in channel flow.
 3. The permittee shall implement procedures that take into account the weather forecast and current conditions prior to commencing stream crossing installations to ensure that weather and stream conditions will not result in a pollution event. Such procedures could include a sign-off sheet documenting that the Environmental Inspector, Foreman, and any other responsible individual agree that the crossing can be constructed during that specific time.
 4. Bypass systems must stay in use until streambeds and banks are adequately stabilized. Downstream flow must be maintained during the construction.
- HH. This Permit authorizes only those impacts to waters of the Commonwealth that were specifically described in the permit application(s) and revisions. Any additional impacts to waters of the Commonwealth from water obstruction or encroachment activities including, but not limited to, temporary access roads, lay-down areas, staging areas, or temporary work spaces, that have not been specifically identified in the permit application are not authorized. Any proposed changes regarding the specific impacts will require a permit amendment.
- II. No deviation in the construction methodology or project design shown on the approved drawings is authorized unless approved through an amendment of this Permit by the Department in writing. If the specific resource crossing has pre-approved primary, secondary,

or tertiary methods, the permittee shall send a written notification to the Department and the respective county conservation district prior to the change.

- JJ. This Permit does not relieve the permittee of the obligation of complying with all Federal, interstate compact, State laws, regulations and standards, and local ordinances applicable to the construction, operation or maintenance of the water obstruction or encroachment.
- KK. The permittee shall follow the measures specified in the Preparedness, Prevention, and Contingency Plan during construction. The permittee shall maintain a copy of the Preparedness, Prevention, and Contingency Plan on-site at all times during construction, train all staff to use and implement this plan, and have this plan available to provide at the request of any Department inspector.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Domenic Rocco, P.E.
Director
Regional Permit Coordination Office

02/18/2021
Issue Date

ACKNOWLEDGMENT OF APPRISAL OF PERMIT CONDITIONS

I, _____
(Permittee name)

and _____
(Name address and telephone of individual responsible for supervision of work)

acknowledge and accept the general and special conditions of Permit No. E1783219-001, issued to

**National Fuel Gas Supply Corporation
1100 State Street, Erie, PA 16512**

which authorizes the permittee to:

remove or abandon existing water obstructions and encroachments associated with the Clearfield County portion of the FM100 Project. The Clearfield County portion consists of abandonment in place of approximately 7.1 miles of 12-inch pipeline and removal of approximately 0.2 miles of 12-inch pipeline and above-ground ancillary facilities. The proposed project impacts in Clearfield County include a total of 0.014 acres of permanent and 0.080 acres of temporary watercourse impacts to Bennett Branch Sinnemahoning Creek (CWF), UNT to Bennett Branch Sinnemahoning Creek (CWF), Lamb Hollow (CWF), UNT to Lamb Hollow (CWF), Laurel Run (HQ-CWF), UNT to Laurel Run (HQ-CWF), Saunders Run (HQ-CWF), and UNT to Little Medix Run (HQ-CWF); 0.055 acres of permanent and 1.693 acres of temporary impacts to floodways; 0.018 acres of permanent impacts to PEM and PSS wetlands and 0.196 acres of temporary impacts to PEM and PSS wetlands. 0.016 acres of the permanent wetland impacts are to exceptional value (EV) wetlands.

The permittee shall mitigate for the temporal loss of 0.071 acres of EV PSS wetlands temporarily impacted along the ROW during construction within the Cameron County portion of the project by providing 0.124 acres of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Wildcat Hollow Mitigation Site located in Hamlin Township, McKean County (Latitude: 41.718655°, Longitude: -78.558228°).

The Clearfield County portion begins near State Route 0255 in Huston Township (Latitude: 41.219783°, Longitude: -78.559056°) and ends at the Elk County line (Latitude: 41.240361°, Longitude: -78.431528°) in Huston and Lawrence Townships.

(Permittee signature)

(Date)

(Signature of individual responsible
for supervision of work)

(Date)

Return To:

Department of Environmental Protection
Regional Permit Coordination Office
Rachel Carson State Office Building
P.O. Box 69206
Harrisburg, PA 17105
RA-EPREGIONALPERMIT@pa.gov

**WATER OBSTRUCTION AND ENCROACHMENT PERMIT
COMPLETION REPORT**

Project Location:

County _____

Municipality _____

I (We) hereby certify that the work authorized by the above referenced permit

was completed on _____ in accordance with the plans approved and that all
(Date)

unauthorized obstructions have been removed.

Name: _____
(Typed or printed)

Signature: _____

Title: _____

Firm: _____

Date: _____

Return To:

Department of Environmental Protection
Regional Permit Coordination Office
Rachel Carson State Office Building
P.O. Box 69206
Harrisburg, PA 17105
RA-EPREGIONALPERMIT@pa.gov

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGIONAL PERMIT COORDINATION OFFICE**

WATER OBSTRUCTION AND ENCROACHMENT PERMIT

The Department of Environmental Protection ("Department"), established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§510.1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. §§693.1 et seq.) known as the "Dam Safety and Encroachments Act"; Act of October 4, 1978, P.L. 851, (32 P.S. §§679.101 et seq.) known as the "Flood Plain Management Act"; Act of June 22, 1937, P.L. 1987, (35 P.S. §§691.1 et seq.), known as "The Clean Streams Law"; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers the Department to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

**National Fuel Gas Supply Corporation
1100 State Street, Erie, PA 16512**

giving its consent to:

remove or abandon existing water obstructions and encroachments associated with the Elk County portion of the FM100 Project. The Elk County portion consists of abandonment in place of approximately 12.2 miles of 12-inch pipeline and removal of above-ground ancillary facilities. The proposed project impacts in Elk County include a total of 0.007 acres of permanent and 0.006 acres of temporary watercourse impacts to Mix Run (EV), UNT to Mix Run (EV), Jack Dent Branch (HQ-CWF), Medix Run (HQ-CWF), UNT to Medix Run (HQ-CWF), UNT to Miller Run (HQ-CWF), and UNT to Sullivan Run (HQ-CWF); 0.021 acres of permanent and 0.052 acres of temporary impacts to floodways; and 0.125 ac of permanent impacts and 0.115 acres of temporary impacts to PEM wetlands. 0.072 acres of the permanent wetland impacts are to exceptional value (EV) wetlands.

There are no impacts within Elk County that require mitigation. All impacts associated with the abandonment activities in Elk County will be restored to pre-construction conditions.

The Elk County portion begins at the Clearfield County Line (Latitude: 41.240361°, Longitude: -78.431528°) and ends at the Cameron County line (Latitude: 41.323250°, Longitude: -78.249556°) in Jay and Benezette Townships.

If this work authorized by this permit is not completed on or before **December 31, 2025**, this permit, if not previously revoked or specifically extended by the Department in writing, shall become void without further notification.

This permit is issued in response to an application filed with the Department of Environmental Protection on **November 21, 2019**, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed with and made a part of the application on **February 5, February 24, September 18, and December 21, 2020**, subject to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, the Clean Streams Law, the Administrative Code, the rules and regulations promulgated thereunder and the following conditions and restrictions:

1. The permittee shall sign the Acknowledgement of Appraisal of Permit Conditions thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of this permit. The permittee shall return a signed copy of the Acknowledgement of Appraisal of Permit Conditions to the Department. Unless the Acknowledgement of Appraisal of Permit Conditions form is completed and filed with the Department, this permit is void.
2. **Work may not commence until a signed copy of the Acknowledgement of Appraisal of Permit Conditions is received by the Department.** Any work authorized by this permit conducted prior to the Department's receipt of a signed copy of the Acknowledgement of Appraisal of Permit Conditions is a violation of the Dam Safety and Encroachments Act and the Clean Streams Law, and you may be subject to fines and penalties pursuant to those Acts.
3. The Department, in issuing this permit, has relied on the information and data which the permittee has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the Department may, in addition, institute appropriate legal proceedings.
4. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary.
5. The work shall at all times be subject to supervision and inspection by representatives of the Department, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary. The Department further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be subserved thereby.
6. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction

or encroachment, and in accordance with the regulations of the Department and terms and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of the Department shall require the prior written approval and permit of the Department.

7. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by the Department.
8. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction.
9. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of the Department, the structure or work shall cause unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice remove or alter the structures, work or obstructions caused thereby, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as the Department may require. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration.
10. The permittee shall notify the Department, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction.
11. If construction work has not been completed within the time specified in this permit and the time limit specified in this permit has not been extended in writing by the Department or if this permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that the Department may prescribe, remove all or any portion of the work as the Department requires and restore the watercourse and floodplain to their former condition.
12. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of the work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with the Department in writing, on a form provided by the Department, a statement signed by the permittee and an individual responsible for the supervision or conduct of the work acknowledging and accepting the general and special conditions contained in this permit. Unless the acknowledgment and acceptance have been filed, this permit is void. A copy of this permit and the acknowledgment shall be available at the work site for inspection upon request by an officer or agent of the Department or another Federal, State, County or Municipal Agency.
13. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles and specifications.

14. This permit may not be transferred without prior written approval from the Department, such approval being considered upon receipt of the properly executed "Application for Transfer of Permit" form.
15. If and when the permittee desires to discontinue use or abandon the activity authorized herein, the permittee must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by the Department.
16. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 595 East Rolling Ridge Drive, Bellefonte, PA 16823-9685, telephone 814.359.5250.
17. Permittee shall implement and monitor an Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102 so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water.
18. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Northcentral Regional Office:

595 East Rolling Ridge Drive
Bellefonte, PA 16823
Telephone: (814) 359-5250
19. The project site shall at all times be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Elk County Conservation District, 850 Washington Street, St. Marys, PA 15857; Phone: (814) 776-5373
20. **SPECIAL CONDITIONS:** The permittee shall be responsible for compliance with each of the following special conditions. Please direct any notifications, requests for approval, or post-issuance documents to the Regional Permit Coordination Office at telephone 717.722.5987, email RA-EPREGIONALPERMIT@pa.gov.

Water Supplies:

- A. If the project results in a pollution event or other adverse impact to any public or private water supplies, the permittee shall immediately notify the Department and the potentially affected public or private water supplies of the pollution event.

- B. In the event that the permittee's work related to this authorization causes adverse impacts to a public or private water supply source, the permittee shall address the restoration or replacement of the impacted water supply and mitigate and/or remediate any pollution resulting from the project in accordance with applicable legal requirements.
- C. At least 72 hours in advance of beginning construction activities, the permittee shall notify all water users with downstream surface water intakes within one mile downstream, including but not limited to, drinking water users, industrial, and commercial users that may be impacted by turbidity or water quality changes.
- D. The permittee shall notify such downstream water users immediately of any pollution event or incident at its site that may endanger downstream users. The permittee shall also immediately implement its approved contingency plan to prevent further adverse impacts and remediate all adverse impacts as a result of the pollution event or incident.
- E. If a public or private drinking water source not previously identified by the permittee is discovered by the permittee during construction, the permittee shall immediately notify the Department of the identified water source and shall notify that source of the permittee's construction activities.

Historic, Cultural, or Archaeological Resources:

- F. The permittee and its agents shall visually inspect for historic, cultural, and archaeological resources that may be encountered during construction of the project and shall immediately cease earth disturbance activities in the vicinity of the archaeological artifacts upon encountering such potential artifacts.
- G. If potential historic, cultural, or archaeological resources are discovered, the permittee shall immediately notify the Pennsylvania Historical and Museum Commission (PHMC) at P.O. Box 1026, Harrisburg, PA 17120-1026, telephone 717.783.8947, and shall concurrently notify the Department.

Temporary Road Crossings:

- H. All temporary road crossings of streams and wetlands must meet all of the following conditions:
 - 1. The permittee shall restore and stabilize all temporary crossing sites immediately after termination of its permitted use.
 - 2. Road and causeway embankments shall only consist of clean rock material to prevent stream channel sedimentation during placement, removal, and periods of overtopping.
 - 3. Bridges must be structurally stable and shall be single span from top of bank to top of bank, unless approved in writing by the Department.

4. Approach roads to temporary road crossings shall utilize original grades. However, clean rock material or gravel to a depth of six inches above original grade can be utilized for approaches, as necessary.
5. The waterway opening of the temporary road crossings shall be kept open and functioning at all times by maintaining the crossings free of debris and other obstructions.
6. The permittee shall promptly repair any damage resulting from increased backwater caused by a temporary road crossing. When warranted, in advance of major storms, the permittee shall remove temporary road crossings in the event of high waters to prevent increased backwater.
7. All wetland crossing sites shall be stabilized by appropriate means, including, but not limited to, using removable, temporary mats, pads, or other similar devices to ensure minimization of impact on the ecology of the wetland.
8. Temporary embankments for roads across wetlands shall be installed with piping or other conveyance measures to maintain the hydrology of the wetland.
9. Access roads should not approach the stream channel directly downslope but should traverse the slope obliquely to prevent high velocity road drainage flows from directly entering the stream channel. Road drainage shall include proper erosion and sediment control Best Management Practices.
10. The permittee shall remove all or any portion of a temporary road crossing upon written notification to the permittee from the Department in the event the project is causing an adverse impact on public health, safety, or the environment or in any other manner violates the requirements of the Pennsylvania Clean Streams Law, 25 Pa. Code Chapter 105, or both.

Site Field Verification, Restoration, and Monitoring:

- I. All wetlands within the project area shall be accurately field-delineated and appropriately flagged prior to the start of construction activities and shall remain field-delineated until earth disturbance activities are completed, and the site has been stabilized. An acceptable means of field-identification of wetlands includes, but not limited to, the use of an orange construction safety fence and/or flags.
- J. The permittee shall prepare and maintain a detailed record of pre-construction and post-construction conditions of each stream and wetland crossing, which shall include sufficient photographs. The permittee shall submit this documentation to the Department within ninety (90) days after completion of work under the respective permit.
- K. Excess fill from disturbed areas and construction activities shall be located outside of the floodway, floodplain, or other bodies of water. The permittee is responsible for stabilizing any excess materials spoiled onsite or offsite, whether the permittee owns the site or others own the site.

- L. Wetland excavation shall include the segregation of the soil horizons, unless written approval is received from the Department. Soil horizons shall be replaced to match pre-construction conditions. In areas where bore pits are proposed in or adjacent to wetlands, or if a restrictive layer, including but not limited to clay or fragipans, is encountered during the trench excavation, the permittee shall have knowledgeable personnel with appropriate technical expertise on-site to oversee backfilling of the trench and installation of trench plugs, to ensure that wetland hydrology is maintained.
- M. Backfilled trenches shall not create the formation of a permanent ridge in a streambed or wetland.
- N. Rock riprap shall only be used in the stream bed when written approval is received from the Department.
- O. The permittee shall restore all disturbed wetland areas to original contours and replant with indigenous wetland vegetation in accordance with the restoration plans as presented in the permit application upon completion of final earthmoving activities.
- P. Wetland disturbances shall be minimized and stabilized within four (4) calendar days of final earthmoving activities.
- Q. Streambank disturbance shall be minimized and stabilized with indigenous vegetation immediately upon completion of final earthmoving activities.
- R. For a period of up to five (5) years, the permittee shall monitor the stream and wetlands in the project area. Monitoring reports shall be submitted to the Department in the spring (May 15) and fall (November 15) for the first two (2) calendar years following construction and annually (November 15) for three (3) years thereafter.
 - 1. All monitoring reports shall contain information describing the wetland sites at the time of inspection, documented indicators of wetland hydrology, hydric soils, an inventory of the plant species and percent aerial coverage, and photographs of the wetland sites with plans showing the location and orientation of each of the photographs. The monitoring reports shall demonstrate that the existing wetlands on-site are maintaining pre-construction wetland conditions and delineated acreages. If the wetlands on-site are not maintaining pre-construction wetland conditions and delineated acreages, a written plan shall be submitted to correct any deficiencies identified during the monitoring phase.
 - 2. Monitoring may be terminated or extended by the Department upon written request by the permittee.

Threatened and Endangered Species Protection:

- S. Prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the permittee shall conduct a current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact

is identified, provide the avoidance and mitigation plan to the Department prior to initiating such maintenance work and shall implement, and adhere to all avoidance measures outlined in such clearance(s).

- T. The permittee shall comply with and implement all Avoidance Measures, Conservation Measures, Adaptive Management Practices, and other recommendations identified by the jurisdictional resource agencies for the protection of any federal and state threatened or endangered species or species of special concern, including:
1. The permittee shall implement avoidance measures and habitat creation in accordance with all Pennsylvania Fish and Boat Commission (PFBC) approvals for the *Crotalus horridus* (Timber Rattlesnake). This includes no tree clearing within potential critical habitat between April 15th and October 15th.
 2. To minimize the potential for impact to state-listed Special Concern Silver-Haired Bat, all trees/dead snags greater than 5 inches in diameter at breast height (DBH) that need to be cleared and removed between November 1st and March 31st.

Seasonal Restrictions:

- U. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **trout stocked streams** and their tributaries between March 1 and June 15 without the prior written approval from the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.
- V. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **Class A wild trout fishery streams** and their tributaries between October 1 and April 1 without the prior written approval of the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.
- W. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **other wild trout streams** or their tributaries between October 1 and December 31 without the prior written approval of the Pennsylvania Fish and Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.

Miscellaneous:

- X. Pollution of any waterway with harmful chemicals, fuels, oils, greases, bituminous material, acid, or other harmful or polluting materials, is prohibited.
- Y. This Permit does not convey any real property rights or interests or authorization to trespass on privately-owned riparian land. By accepting this Permit, the permittee certifies that he/she holds title, easement, right, or other real interest in the riparian land. Any dispute over property ownership and/or right of legal access is solely a matter for private litigation.

- Z. Riprap and stone used throughout the project, including the construction of causeways and coffer dams, shall be free of fines and silts, or other non-erodible material.
- AA. All temporary water withdrawal intake structures and all appurtenant works shall be removed from the watercourse, body of water, floodway, and floodplains as prescribed within the permit application. Deviations from the approved permit application shall require prior written approval from the Department.
- BB. Any french drains installed as part of temporary de-watering for construction activities shall be removed or otherwise rendered inoperable prior to final site restoration.
- CC. Water pumped from any construction area shall be directed through a sediment trap, basin, or a filter bag discharging into an appropriate vegetated filter area to prevent a discharge of sediment into any waters of the Commonwealth.
- DD. Open Trench Crossings: The permittee shall construct open trench pipeline crossings in dry conditions by constructing during periods of no water flow and/or by installing stream flow bypass systems (flumed or pumped) through the affected area.
1. Each crossing shall be conducted in an uninterrupted process in the shortest period of time possible. Impacts to waters of the Commonwealth shall be avoided, to the extent practicable, and if not practicable, then minimized in accordance with the permittee's approved plans.
 2. The permittee may cross dry channels, dry swales, and dry intermittent streams without the use of stream flow bypass systems if the channel has no flow and the stream crossing and stabilization can be completed in dry conditions and within twenty-four (24) hours, unless approved in writing by the Department. Standby sandbag dams and pumps shall be located on-site and installed in the event of precipitation resulting in channel flow.
 3. The permittee shall implement procedures that take into account the weather forecast and current conditions prior to commencing stream crossing installations to ensure that weather and stream conditions will not result in a pollution event. Such procedures could include a sign-off sheet documenting that the Environmental Inspector, Foreman, and any other responsible individual agree that the crossing can be constructed during that specific time.
 4. Bypass systems must stay in use until streambeds and banks are adequately stabilized. Downstream flow must be maintained during the construction.
- EE. This Permit authorizes only those impacts to waters of the Commonwealth that were specifically described in the permit application(s) and revisions. Any additional impacts to waters of the Commonwealth from water obstruction or encroachment activities including, but not limited to, temporary access roads, lay-down areas, staging areas, or temporary work spaces, that have not been specifically identified in the permit application are not authorized. Any proposed changes regarding the specific impacts will require a permit amendment.

- FF. No deviation in the construction methodology or project design shown on the approved drawings is authorized unless approved through an amendment of this Permit by the Department in writing. If the specific resource crossing has pre-approved primary, secondary, or tertiary methods, the permittee shall send a written notification to the Department and the respective county conservation district prior to the change.
- GG. This Permit does not relieve the permittee of the obligation of complying with all Federal, interstate compact, State laws, regulations and standards, and local ordinances applicable to the construction, operation or maintenance of the water obstruction or encroachment.
- HH. The permittee shall follow the measures specified in the Preparedness, Prevention, and Contingency Plan during construction. The permittee shall maintain a copy of the Preparedness, Prevention, and Contingency Plan on-site at all times during construction, train all staff to use and implement this plan, and have this plan available to provide at the request of any Department inspector.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Domenic Rocco, P.E.
Director
Regional Permit Coordination Office

02/18/2021

Issue Date

ACKNOWLEDGMENT OF APPRISAL OF PERMIT CONDITIONS

I, _____
(Permittee name)

and _____
(Name address and telephone of individual responsible for supervision of work)

acknowledge and accept the general and special conditions of Permit No. E2483219-001, issued to

**National Fuel Gas Supply Corporation
1100 State Street, Erie, PA 16512**

which authorizes the permittee to:

remove or abandon existing water obstructions and encroachments associated with the Elk County portion of the FM100 Project. The Elk County portion consists of abandonment in place of approximately 12.2 miles of 12-inch pipeline and removal of above-ground ancillary facilities. The proposed project impacts in Elk County include a total of 0.007 acres of permanent and 0.006 acres of temporary watercourse impacts to Mix Run (EV), UNT to Mix Run (EV), Jack Dent Branch (HQ-CWF), Medix Run (HQ-CWF), UNT to Medix Run (HQ-CWF), UNT to Miller Run (HQ-CWF), and UNT to Sullivan Run (HQ-CWF); 0.021 acres of permanent and 0.052 acres of temporary impacts to floodways; and 0.125 ac of permanent impacts and 0.115 acres of temporary impacts to PEM wetlands. 0.072 acres of the permanent wetland impacts are to exceptional value (EV) wetlands.

There are no impacts within Elk County that require mitigation. All impacts associated with the abandonment activities in Elk County will be restored to pre-construction conditions.

The Elk County portion begins at the Clearfield County Line (Latitude: 41.240361°, Longitude: -78.431528°) and ends at the Cameron County line (Latitude: 41.323250°, Longitude: -78.249556°) in Jay and Benezette Townships.

(Permittee signature)

(Date)

(Signature of individual responsible for supervision of work)

(Date)

Return To:

Department of Environmental Protection
Regional Permit Coordination Office
Rachel Carson State Office Building
P.O. Box 69206
Harrisburg, PA 17105
RA-EPREGIONALPERMIT@pa.gov

**WATER OBSTRUCTION AND ENCROACHMENT PERMIT
COMPLETION REPORT**

Project Location:

County _____

Municipality _____

I (We) hereby certify that the work authorized by the above referenced permit

was completed on _____ in accordance with the plans approved and that all
(Date)

unauthorized obstructions have been removed.

Name: _____
(Typed or printed)

Signature: _____

Title: _____

Firm: _____

Date: _____

Return To:

Department of Environmental Protection
Regional Permit Coordination Office
Rachel Carson State Office Building
P.O. Box 69206
Harrisburg, PA 17105
RA-EPREGIONALPERMIT@pa.gov

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGIONAL PERMIT COORDINATION OFFICE**

WATER OBSTRUCTION AND ENCROACHMENT PERMIT

The Department of Environmental Protection ("Department"), established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§510.1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. §§693.1 et seq.) known as the "Dam Safety and Encroachments Act"; Act of October 4, 1978, P.L. 851, (32 P.S. §§679.101 et seq.) known as the "Flood Plain Management Act"; Act of June 22, 1937, P.L. 1987, (35 P.S. §§691.1 et seq.), known as "The Clean Streams Law"; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers the Department to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

**National Fuel Gas Supply Corporation
1100 State Street, Erie, PA 16512**

giving its consent to:

construct, operate, and maintain water obstructions and encroachments associated with the McKean County portion of the FM100 Project. The McKean County portion consists of approximately 18.1 miles of 20-inch pipeline and ancillary facilities associated with Line YM58 and approximately 0.4 miles of 12-inch pipeline and ancillary facilities associated with the extension of existing Line KL. The proposed project impacts in McKean County include a total of 0.060 acres of permanent impacts and 1.926 acres of temporary impacts to Allegheny River (CWF), UNT to Allegheny River (CWF), Coleman Creek (CWF), UNT to Coleman Creek (CWF), Jordan Hollow (CWF), UNT to Jordan Hollow (CWF), UNT to Allegheny Portage Creek (CWF), UNT to Benson Hollow (CWF), UNT to Browns Mill Hollow Run (CWF), UNT to Irons Hollow (CWF), UNT to Larson Hollow (CWF), UNT to Potato Creek (CWF), UNT to Red Mill Brook (CWF), White Hollow (CWF), UNT to White Hollow (CWF), Bemis Hollow (HQ-CWF), UNT to Bemis Hollow (HQ-CWF), Coalbed Hollow (HQ-CWF), Donley Fork (HQ-CWF), UNT to Donley Fork (HQ-CWF), Robbins Brook (HQ-CWF), UNT to Robbins Brook (HQ-CWF), UNT to Boyer Brook (HQ-CWF), UNT to Warner Brook (HQ-CWF), Wernwag Hollow (HQ-CWF), UNT to Wernwag Hollow (HQ-CWF), Allegheny Portage Creek (TSF), UNT to Allegheny Portage Creek (TSF), Potato Creek (TSF), UNT to Potato Creek (TSF); 6.740 acres of permanent impacts and 9.640 acres of temporary impacts to floodways; 0.482 acres of permanent impacts to PEM, PSS, and PFO wetlands and 12.550 acres of temporary impacts to PUB, PEM, PSS, and PFO wetlands. 0.433 acres of the permanent wetland impacts are to exceptional value (EV) wetlands.

The permittee shall mitigate for the function and value loss associated with permanently converting 0.206 acres of Palustrine Scrub-Shrub (PSS) and 0.021 acres of Palustrine Forested (PFO) wetlands to PEM wetlands; the temporal loss of 1.158 acres of EV PSS wetlands and 1.091 acres of EV and Other PFO wetlands temporarily impacted along the ROW during construction by providing 5.096 acres of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Wildcat Hollow Mitigation Site located in Hamlin Township, McKean County (Latitude: 41.718655°, Longitude: -78.558228°).

The McKean County portion of the YM58 pipeline begins at the Marvindale Interconnect (Latitude: 41.702°, Longitude: -78.499°) and ends at the Potter County line (Latitude: 41.733417°, Longitude: -78.202333°). The Line KL pipeline extension begins at existing Line KL (Latitude: 41.702694°, Longitude: -78.500067°) and ends at the proposed Marvindale Compressor Station (Latitude: 41.705022°, Longitude: -78.493972°). The McKean County portion of the project is located in Sergeant, Liberty, Norwich and Keating Townships.

If this work authorized by this permit is not completed on or before **December 31, 2025**, this permit, if not previously revoked or specifically extended by the Department in writing, shall become void without further notification.

This permit is issued in response to an application filed with the Department of Environmental Protection on **November 21, 2019**, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed with and made a part of the application on **February 5, February 24, September 18, and December 21, 2020**, subject to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, the Clean Streams Law, the Administrative Code, the rules and regulations promulgated thereunder and the following conditions and restrictions:

1. The permittee shall sign the Acknowledgement of Appraisal of Permit Conditions thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of this permit. The permittee shall return a signed copy of the Acknowledgement of Appraisal of Permit Conditions to the Department. Unless the Acknowledgement of Appraisal of Permit Conditions form is completed and filed with the Department, this permit is void.
2. **Work may not commence until a signed copy of the Acknowledgement of Appraisal of Permit Conditions is received by the Department.** Any work authorized by this permit conducted prior to the Department's receipt of a signed copy of the Acknowledgement of Appraisal of Permit Conditions is a violation of the Dam Safety and Encroachments Act and the Clean Streams Law, and you may be subject to fines and penalties pursuant to those Acts.
3. The Department, in issuing this permit, has relied on the information and data which the permittee has provided in connection with this permit application. If, subsequent to the

issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the Department may, in addition, institute appropriate legal proceedings.

4. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary.
5. The work shall at all times be subject to supervision and inspection by representatives of the Department, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary. The Department further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be subserved thereby.
6. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of the Department and terms and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of the Department shall require the prior written approval and permit of the Department.
7. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by the Department.
8. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction.
9. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of the Department, the structure or work shall cause unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice remove or alter the structures, work or obstructions caused thereby, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as the Department may require. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration.
10. The permittee shall notify the Department, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction.

11. If construction work has not been completed within the time specified in this permit and the time limit specified in this permit has not been extended in writing by the Department or if this permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that the Department may prescribe, remove all or any portion of the work as the Department requires and restore the watercourse and floodplain to their former condition.
12. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of the work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with the Department in writing, on a form provided by the Department, a statement signed by the permittee and an individual responsible for the supervision or conduct of the work acknowledging and accepting the general and special conditions contained in this permit. Unless the acknowledgment and acceptance have been filed, this permit is void. A copy of this permit and the acknowledgment shall be available at the work site for inspection upon request by an officer or agent of the Department or another Federal, State, County or Municipal Agency.
13. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles and specifications.
14. This permit may not be transferred without prior written approval from the Department, such approval being considered upon receipt of the properly executed "Application for Transfer of Permit" form.
15. If and when the permittee desires to discontinue use or abandon the activity authorized herein, the permittee must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by the Department.
16. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 595 East Rolling Ridge Drive, Bellefonte, PA 16823-9685, telephone 814.359.5250.
17. Permittee shall implement and monitor an Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102 so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water.
18. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Northcentral Regional Office:

595 East Rolling Ridge Drive

Bellefonte, PA 16823
Telephone: (814) 359-5250

19. The project site shall at all times be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the McKean County Conservation District:

17137 Route 6
Smethport, PA 16749
Telephone: (814) 887-4001

20. **SPECIAL CONDITIONS:** The permittee shall be responsible for compliance with each of the following special conditions. Please direct any notifications, requests for approval, or post-issuance documents to the Regional Permit Coordination Office at telephone 717.722.5987, email RA-EPREGIONALPERMIT@pa.gov.

Water Supplies:

- A. If the project results in a pollution event or other adverse impact to any public or private water supplies, the permittee shall immediately notify the Department and the potentially affected public or private water supplies of the pollution event.
- B. In the event that the permittee's work related to this authorization causes adverse impacts to a public or private water supply source, the permittee shall address the restoration or replacement of the impacted water supply and mitigate and/or remediate any pollution resulting from the project in accordance with applicable legal requirements.
- C. At least 72 hours in advance of beginning construction activities, the permittee shall notify all water users with downstream surface water intakes within one mile downstream, including but not limited to, drinking water users, industrial, and commercial users that may be impacted by turbidity or water quality changes.
- D. The permittee shall notify such downstream water users immediately of any pollution event or incident at its site that may endanger downstream users. The permittee shall also immediately implement its approved contingency plan to prevent further adverse impacts and remediate all adverse impacts as a result of the pollution event or incident.
- E. If a public or private drinking water source not previously identified by the permittee is discovered by the permittee during construction, the permittee shall immediately notify the Department of the identified water source and shall notify that source of the permittee's construction activities.

Historic, Cultural, or Archaeological Resources:

- F. The permittee and its agents shall visually inspect for historic, cultural, and archaeological resources that may be encountered during construction of the project and shall immediately cease earth disturbance activities in the vicinity of the archaeological artifacts upon encountering such potential artifacts.
- G. If potential historic, cultural, or archaeological resources are discovered, the permittee shall immediately notify the Pennsylvania Historical and Museum Commission (PHMC) at P.O. Box 1026, Harrisburg, PA 17120-1026, telephone 717.783.8947, and shall concurrently notify the Department.

Submerged Lands License Agreements:

- H. The permittee shall comply with all terms and conditions of the Submerged Lands License Agreement entered into between the Department and the permittee for the natural gas pipeline crossing of the Allegheny River, which is incorporated herein by reference.

Temporary Road Crossings:

- I. All temporary road crossings of streams and wetlands must meet all of the following conditions:
 - 1. The permittee shall restore and stabilize all temporary crossing sites immediately after termination of its permitted use.
 - 2. Road and causeway embankments shall only consist of clean rock material to prevent stream channel sedimentation during placement, removal, and periods of overtopping.
 - 3. Bridges must be structurally stable and shall be single span from top of bank to top of bank, unless approved in writing by the Department.
 - 4. Approach roads to temporary road crossings shall utilize original grades. However, clean rock material or gravel to a depth of six inches above original grade can be utilized for approaches, as necessary.
 - 5. The waterway opening of the temporary road crossings shall be kept open and functioning at all times by maintaining the crossings free of debris and other obstructions.
 - 6. The permittee shall promptly repair any damage resulting from increased backwater caused by a temporary road crossing. When warranted, in advance of major storms, the permittee shall remove temporary road crossings in the event of high waters to prevent increased backwater.
 - 7. All wetland crossing sites shall be stabilized by appropriate means, including, but not limited to, using removable, temporary mats, pads, or other similar devices to ensure minimization of impact on the ecology of the wetland.

8. Temporary embankments for roads across wetlands shall be installed with piping or other conveyance measures to maintain the hydrology of the wetland.
9. Access roads should not approach the stream channel directly downslope but should traverse the slope obliquely to prevent high velocity road drainage flows from directly entering the stream channel. Road drainage shall include proper erosion and sediment control Best Management Practices.
10. The permittee shall remove all or any portion of a temporary road crossing upon written notification to the permittee from the Department in the event the project is causing an adverse impact on public health, safety, or the environment or in any other manner violates the requirements of the Pennsylvania Clean Streams Law, 25 Pa. Code Chapter 105, or both.

Site Field Verification, Restoration, and Monitoring:

- J. All wetlands within the project area shall be accurately field-delineated and appropriately flagged prior to the start of construction activities and shall remain field-delineated until earth disturbance activities are completed, and the site has been stabilized. An acceptable means of field-identification of wetlands includes, but not limited to, the use of an orange construction safety fence and/or flags.
- K. The permittee shall prepare and maintain a detailed record of pre-construction and post-construction conditions of each stream and wetland crossing, which shall include sufficient photographs. The permittee shall submit this documentation to the Department within ninety (90) days after completion of work under the respective permit.
- L. Excess fill from disturbed areas and construction activities shall be located outside of the floodway, floodplain, or other bodies of water. The permittee is responsible for stabilizing any excess materials spoiled onsite or offsite, whether the permittee owns the site or others own the site.
- M. Wetland excavation shall include the segregation of the soil horizons, unless written approval is received from the Department. Soil horizons shall be replaced to match pre-construction conditions. In areas where bore pits are proposed in or adjacent to wetlands, or if a restrictive layer, including but not limited to clay or fragipans, is encountered during the trench excavation, the permittee shall have knowledgeable personnel with appropriate technical expertise on-site to oversee backfilling of the trench and installation of trench plugs, to ensure that wetland hydrology is maintained.
- N. Backfilled trenches shall not create the formation of a permanent ridge in a streambed or wetland.
- O. Rock riprap shall only be used in the stream bed when written approval is received from the Department.

- P. The permittee shall restore all disturbed wetland areas to original contours and replant with indigenous wetland vegetation in accordance with the restoration plans as presented in the permit application upon completion of final earthmoving activities.
- Q. Wetland disturbances shall be minimized and stabilized within four (4) calendar days of final earthmoving activities.
- R. Streambank disturbance shall be minimized and stabilized with indigenous vegetation immediately upon completion of final earthmoving activities.
- S. Stream crossings shall be restored and properly stabilized upon completion of work. Restored streams shall use a minimum of six (6) inches of native stream bed material. For streams where riprap is necessary to prevent scour, the riprap shall be depressed sufficiently to allow six (6) inches of native stream bed material over the riprap. The restored streambed elevation shall not exceed the pre-existing streambed elevation.
- T. For a period of up to five (5) years, the permittee shall monitor the stream and wetlands in the project area. Monitoring reports shall be submitted to the Department in the spring (May 15) and fall (November 15) for the first two (2) calendar years following construction and annually (November 15) for three (3) years thereafter.
 - 1. All monitoring reports shall contain information describing the wetland sites at the time of inspection, documented indicators of wetland hydrology, hydric soils, an inventory of the plant species and percent aerial coverage, and photographs of the wetland sites with plans showing the location and orientation of each of the photographs. The monitoring reports shall demonstrate that the existing wetlands on-site are maintaining pre-construction wetland conditions and delineated acreages. If the wetlands on-site are not maintaining pre-construction wetland conditions and delineated acreages, a written plan shall be submitted to correct any deficiencies identified during the monitoring phase.
 - 2. Monitoring may be terminated or extended by the Department upon written request by the permittee.
- U. For a period of up to five (5) years following construction, the permittee shall monitor for secondary impacts to hydrology, i.e., the loss of hydrology, to all watercourses with a drainage area of less than 100 acres, including those watercourses that originate within the project ROW. Reports shall be submitted to the Department in the spring and fall for the first two (2) calendar years following construction and annually for three (3) years thereafter.
 - 1. The monitoring reports shall contain information describing the presence or absence of hydrology at the time of inspection, a narrative comparison to hydrology present in the watercourse during pre-permitting field investigation(s), and photographs of the watercourse.
 - 2. If the monitoring identifies a diminution or complete loss of hydrology, the permittee shall evaluate whether the activities authorized by this Permit caused the loss of hydrology and submit this evaluation to the Department for review.

3. If the Department determines that the activities authorized by this Permit are contributing to the loss of hydrology, the permittee shall prepare a written plan to correct the loss of hydrology to the watercourse. The permittee shall implement the approved plan within ninety (90) days and submit this plan to the Department for review and approval. If the Department identifies any deficiencies with permittee's plan, then the permittee shall provide the Department a written response to address the stated deficiencies within fifteen (15) days of receiving written notice of the Department's deficiencies, unless the Department extends that timeframe in writing.
4. The permittee shall implement the Department-approved plan within ninety (90) days of receiving written approval from the Department, unless the Department extends that timeframe in writing.
5. In the event that loss of hydrology from activities conducted under this Permit cannot be restored, the permittee shall submit a mitigation plan to the Department that sets forth the manner in which full loss of hydrology and associated water will be compensated for. If the Department identifies any deficiencies with the permittee's mitigation plan, then the permittee shall provide the Department a written response to address the stated deficiencies within fifteen (15) days of receiving written notice of the Department's deficiencies, unless the Department extends that timeframe in writing. The permittee shall implement the Department-approved mitigation plan within ninety (90) days of receiving written approval from the Department, unless the Department extends that timeframe in writing.
6. Monitoring may be terminated or extended by the Department upon written request by the permittee.

Compensatory Mitigation and Monitoring:

- V. The permittee shall provide copies of the recorded deed restrictions or conservation easements for the compensatory mitigation sites to the Department within sixty (60) days after permit issuance.
- W. The following compensatory mitigation shall commence prior to or concurrently with wetland impacts requiring compensation as authorized by this permit:

The permittee shall mitigate for the function and value loss associated with permanently converting 0.206 acres of Palustrine Scrub-Shrub (PSS) and 0.021 acres of Palustrine Forested (PFO) wetlands to PEM wetlands; the temporal loss of 1.158 acres of EV PSS wetlands and 1.091 acres of EV and Other PFO wetlands temporarily impacted along the ROW during construction by providing 5.096 acres of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Wildcat Hollow Mitigation Site.

- X. For at least five (5) years after the restoration activities are completed, the permittee shall monitor the compensatory mitigation site. Within thirty (30) days of completing the planting

plan, the permittee shall submit revised plans to the Department if as-built conditions are significantly different from the original approved plans. Monitoring reports shall be submitted to the Department at a frequency of every six (6) months for the first two (2) years after mitigation site construction and annually for three (3) years thereafter.

1. The monitoring reports shall contain information describing the success of the site at the time of inspection, an inventory of the surviving plant species and percent aerial coverage, photographs of each site with plans showing the location and orientation of each of the photographs, and a written plan to correct any deficiencies identified during the monitoring phase.
2. If the Permittee Responsible Mitigation Site has not achieved design objectives within the monitoring period, the permittee will undertake remedial work to assure establishment of functional wetland habitats.
3. Monitoring may be terminated or extended by the Department upon written request by the Permittee.

Horizontal Directional Drilling (HDD):

- Y. This Permit does not authorize the removal of woody vegetation for the purposes of operation and maintenance of the pipeline in wetland and riparian areas that are proposed to be crossed using trenchless methodology.
- Z. The permittee shall construct and operate the HDD crossings at wetlands, streams, and floodways in a manner to prevent a release of drilling fluid to waters of the Commonwealth. The permittee shall immediately notify the Department in the event of an Inadvertent Return and immediately activate and implement the Preparedness, Prevention, and Contingency Plan (PPC Plan) and the Horizontal Directional Drill and Inadvertent Return Contingency Plan (IRCP) to prevent any impacts to waters of the Commonwealth and other natural resources.
- AA. The permittee shall take measures to avoid drilling activities in the vicinity of mine voids and utilities.
- BB. The permittee shall visually monitor the ground surface and waters of the Commonwealth that are located within the vicinity of the HDD while drilling operations are occurring. This monitoring shall include walking, wading, and use of a boat, as necessary, to effectively observe and monitor for the return of materials associated with HDD activities to the surface or to waters of the Commonwealth. If loss of circulation of drilling fluid occurs or drilling fluid pressure is lost, the permittee shall immediately investigate the drilling pathway and surrounding area for an inadvertent return. If an inadvertent return is discovered, drilling shall immediately cease.
- CC. If an inadvertent return occurs within regulated waters of the Commonwealth, the HDD shall only resume after:

- a. A Registered Professional Geologist or Registered Professional Engineer inspects and evaluates the site for the likelihood of another inadvertent return; and
 - b. The permittee consults with and receives written approval from the Department.
- DD. For those HDD sites that experience an inadvertent return and do not have an approved contingency crossing method, the permittee shall submit a permit amendment to the Department for review and approval prior to commencing an alternate crossing method.
- EE. Inadvertent returns that impact or discharge to streams, floodways, or wetlands during the HDD operations shall be remediated in compliance with the Horizontal Directional Drill and Inadvertent Return Contingency Plan (IRCP). If clean-up operations differ from the submitted plans, prior approval from the Department will be necessary.
- FF. HDD additives which are certified for conformance with ANSI/NSF Standard 60 (Drinking Water Treatment Chemicals - Health Effects) are deemed acceptable to the Department, when used in the manner indicated in the certification of the additive. All conditions included as part of the additive's certification should be followed. A current listing of certified drilling fluids is maintained by NSF at <http://www.nsf.org/Certified/PwsChemicals/Listings.asp?ProductFunction=Drilling+Fluid&>. Use of drilling additives certified for conformance with ANSI/NSF Standard 60 does not relieve operators from the requirement to obtain the necessary permits to conduct HDD operations. Use of certified additives does not relieve the operator of liability should an inadvertent return or other pollution of the waters of the Commonwealth occur as a result of drilling operations.
- GG. To prevent impacts to water quality from drilling/boring operations, the permittee shall have 1) an environmental inspector on site for the duration of the crossing operation, and 2) a vac truck be available within three (3) hours to respond to inadvertent returns/releases. In the event of an inadvertent return or release of sediment into a body of water, PFBC Bureau of Law Enforcement Regional Office must be notified within 24 hours.

Threatened and Endangered Species Protection:

- HH. Prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the permittee shall conduct a current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact is identified, provide the avoidance and mitigation plan to the Department prior to initiating such maintenance work and shall implement, and adhere to all avoidance measures outlined in such clearance(s).
- II. The permittee shall comply with and implement all Avoidance Measures, Conservation Measures, Adaptive Management Practices, and other recommendations identified by the jurisdictional resource agencies for the protection of any federal and state threatened or endangered species or species of special concern, including:
- 1. To avoid impacts to Burbot spawning season, no in-stream activities can be conducted from December 1st to April 1st in the Upper Allegheny River watershed. In addition, all work

should be done during low flow periods while implementing strict Erosion and Sedimentation Control measures.

2. To prevent impacts to rare or protected freshwater mussels, contingencies recommended by Pennsylvania Fish and Boat Commission must be implemented when conducting drilling/boring operations at the crossings of the Allegheny River, Allegheny Portage Creek and Potato Creek.
3. To prevent impacts to the Blue-spotted Salamander, in accordance with the Pennsylvania Fish and Boat Commission's recommendation, fencing must be used as a conservation measure for work areas within 300 feet of suitable or confirmed habitat.

Seasonal Restrictions:

- JJ. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **trout stocked streams** and their tributaries between March 1 and June 15 without the prior written approval from the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.
- KK. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **Class A wild trout fishery streams** and their tributaries between October 1 and April 1 without the prior written approval of the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.
- LL. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **other wild trout streams** or their tributaries between October 1 and December 31 without the prior written approval of the Pennsylvania Fish and Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.

Miscellaneous:

- MM. Pollution of any waterway with harmful chemicals, fuels, oils, greases, bituminous material, acid, or other harmful or polluting materials, is prohibited.
- NN. Herbicide spraying of wetlands is not authorized by this Permit. Additionally, with the exception of a 10-foot wide area centered over the pipeline, maintenance mowing of wetlands is not authorized by this Permit. The permittee shall place and maintain signs or other demarcation around the boundary of each wetland to clearly delineate the areas where this maintenance is not authorized. The permittee shall place the signs or other demarcations when all restoration work is completed and prior to permit termination.
- OO. This Permit does not convey any real property rights or interests or authorization to trespass on privately-owned riparian land. By accepting this Permit, the permittee certifies that he/she

holds title, easement, right, or other real interest in the riparian land. Any dispute over property ownership and/or right of legal access is solely a matter for private litigation.

- PP. Riprap and stone used throughout the project, including the construction of causeways and coffer dams, shall be free of fines and silts, or other non-erodible material.
- QQ. All temporary water withdrawal intake structures and all appurtenant works shall be removed from the watercourse, body of water, floodway, and floodplains as prescribed within the permit application. Deviations from the approved permit application shall require prior written approval from the Department.
- RR. Trench plugs shall be placed at each of the following locations:
1. At ten (10) feet from the top of each bank of a stream
 2. At fifty (50) feet from the top of each bank of a stream
 3. At ten (10) feet from the edge of a wetland
 4. At fifty (50) feet from the edge of a wetland
- SS. The permittee shall place a minimum of one (1) trench plug at a maximum spacing of 100 feet between trench plugs within a wetland. Wetland crossings less than fifty (50) feet do not require an internal trench plug.
- [Justification: Required when wetland or watercourse excavation is proposed.]
- TT. If the permittee encounters a groundwater seep during excavation, the permittee shall place a trench plug at ten (10) feet from each side of the seep.
- UU. Any french drains installed as part of temporary de-watering for construction activities shall be removed or otherwise rendered inoperable prior to final site restoration.
- VV. Water pumped from any construction area shall be directed through a sediment trap, basin, or a filter bag discharging into an appropriate vegetated filter area to prevent a discharge of sediment into any waters of the Commonwealth.
- WW. Open Trench Crossings: The permittee shall construct open trench pipeline crossings in dry conditions by constructing during periods of no water flow and/or by installing stream flow bypass systems (flumed or pumped) through the affected area.
1. Each crossing shall be conducted in an uninterrupted process in the shortest period of time possible. Impacts to waters of the Commonwealth shall be avoided, to the extent practicable, and if not practicable, then minimized in accordance with the permittee's approved plans.

2. The permittee may cross dry channels, dry swales, and dry intermittent streams without the use of stream flow bypass systems if the channel has no flow and the stream crossing and stabilization can be completed in dry conditions and within twenty-four (24) hours, unless approved in writing by the Department. Standby sandbag dams and pumps shall be located on-site and installed in the event of precipitation resulting in channel flow.
3. The permittee shall implement procedures that take into account the weather forecast and current conditions prior to commencing stream crossing installations to ensure that weather and stream conditions will not result in a pollution event. Such procedures could include a sign-off sheet documenting that the Environmental Inspector, Foreman, and any other responsible individual agree that the crossing can be constructed during that specific time.
4. Bypass systems must stay in use until streambeds and banks are adequately stabilized. Downstream flow must be maintained during the construction.

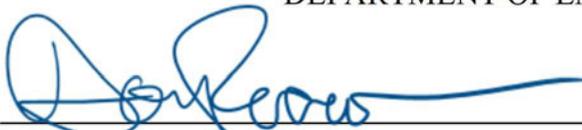
XX. This Permit authorizes only those impacts to waters of the Commonwealth that were specifically described in the permit application(s) and revisions. Any additional impacts to waters of the Commonwealth from water obstruction or encroachment activities including, but not limited to, temporary access roads, lay-down areas, staging areas, or temporary work spaces, that have not been specifically identified in the permit application are not authorized. Any proposed changes regarding the specific impacts will require a permit amendment.

YY. No deviation in the construction methodology or project design shown on the approved drawings is authorized unless approved through an amendment of this Permit by the Department in writing. If the specific resource crossing has pre-approved primary, secondary, or tertiary methods, the permittee shall send a written notification to the Department and the respective county conservation district prior to the change.

ZZ. This Permit does not relieve the permittee of the obligation of complying with all Federal, interstate compact, State laws, regulations and standards, and local ordinances applicable to the construction, operation or maintenance of the water obstruction or encroachment.

AAA. The permittee shall follow the measures specified in the Preparedness, Prevention, and Contingency Plan during construction. The permittee shall maintain a copy of the Preparedness, Prevention, and Contingency Plan on-site at all times during construction, train all staff to use and implement this plan, and have this plan available to provide at the request of any Department inspector.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Domenic Rocco, P.E.
Director
Regional Permit Coordination Office

02/18/2021

Issue Date

ACKNOWLEDGMENT OF APPRISAL OF PERMIT CONDITIONS

I, _____
(Permittee name)

and _____
(Name address and telephone of individual responsible for supervision of work)

acknowledge and accept the general and special conditions of Permit No. E4283219-001, issued to

National Fuel Gas Supply Corporation
1100 State Street, Erie, PA 16512

which authorizes the permittee to:

construct, operate, and maintain water obstructions and encroachments associated with the McKean County portion of the FM100 Project. The McKean County portion consists of approximately 18.1 miles of 20-inch pipeline and ancillary facilities associated with Line YM58 and approximately 0.4 miles of 12-inch pipeline and ancillary facilities associated with the extension of existing Line KL. The proposed project impacts in McKean County include a total of 0.060 acres of permanent impacts and 1.926 acres of temporary impacts to Allegheny River (CWF), UNT to Allegheny River (CWF), Coleman Creek (CWF), UNT to Coleman Creek (CWF), Jordan Hollow (CWF), UNT to Jordan Hollow (CWF), UNT to Allegheny Portage Creek (CWF), UNT to Benson Hollow (CWF), UNT to Browns Mill Hollow Run (CWF), UNT to Irons Hollow (CWF), UNT to Larson Hollow (CWF), UNT to Potato Creek (CWF), UNT to Red Mill Brook (CWF), White Hollow (CWF), UNT to White Hollow (CWF), Bemis Hollow (HQ-CWF), UNT to Bemis Hollow (HQ-CWF), Coalbed Hollow (HQ-CWF), Donley Fork (HQ-CWF), UNT to Donley Fork (HQ-CWF), Robbins Brook (HQ-CWF), UNT to Robbins Brook (HQ-CWF), UNT to Boyer Brook (HQ-CWF), UNT to Warner Brook (HQ-CWF), Wernwag Hollow (HQ-CWF), UNT to Wernwag Hollow (HQ-CWF), Allegheny Portage Creek (TSF), UNT to Allegheny Portage Creek (TSF), Potato Creek (TSF), UNT to Potato Creek (TSF); 6.740 acres of permanent impacts and 9.640 acres of temporary impacts to floodways; 0.482 acres of permanent impacts to PEM, PSS, and PFO wetlands and 12.550 acres of temporary impacts to PUB, PEM, PSS, and PFO wetlands. 0.433 acres of the permanent wetland impacts are to exceptional value (EV) wetlands.

The permittee shall mitigate for the function and value loss associated with permanently converting 0.206 acres of Palustrine Scrub-Shrub (PSS) and 0.021 acres of Palustrine Forested (PFO) wetlands to PEM wetlands; the temporal loss of

1.158 acres of EV PSS wetlands and 1.091 acres of EV and Other PFO wetlands temporarily impacted along the ROW during construction by providing 5.096 acres of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Wildcat Hollow Mitigation Site located in Hamlin Township, McKean County (Latitude: 41.718655°, Longitude: -78.558228°).

The McKean County portion of the YM58 pipeline begins at the Marvindale Interconnect (Latitude: 41.702°, Longitude: -78.499°) and ends at the Potter County line (Latitude: 41.733417°, Longitude: -78.202333°). The Line KL pipeline extension begins at existing Line KL (Latitude: 41.702694°, Longitude: -78.500067°) and ends at the proposed Marvindale Compressor Station (Latitude: 41.705022°, Longitude: -78.493972°). The McKean County portion of the project is located in Sergeant, Liberty, Norwich and Keating Townships.

(Permittee signature)

(Date)

(Signature of individual responsible
for supervision of work)

(Date)

Return To:

Department of Environmental Protection
Regional Permit Coordination Office
Rachel Carson State Office Building
P.O. Box 69206
Harrisburg, PA 17105
RA-EPREGIONALPERMIT@pa.gov

**WATER OBSTRUCTION AND ENCROACHMENT PERMIT
COMPLETION REPORT**

Project Location:

County _____

Municipality _____

I (We) hereby certify that the work authorized by the above referenced permit

was completed on _____ in accordance with the plans approved and that all
(Date)

unauthorized obstructions have been removed.

Name: _____
(Typed or printed)

Signature: _____

Title: _____

Firm: _____

Date: _____

Return To:

Department of Environmental Protection
Regional Permit Coordination Office
Rachel Carson State Office Building
P.O. Box 69206
Harrisburg, PA 17105
RA-EPREGIONALPERMIT@pa.gov

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGIONAL PERMIT COORDINATION OFFICE**

WATER OBSTRUCTION AND ENCROACHMENT PERMIT

The Department of Environmental Protection ("Department"), established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§510.1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. §§693.1 et seq.) known as the "Dam Safety and Encroachments Act"; Act of October 4, 1978, P.L. 851, (32 P.S. §§679.101 et seq.) known as the "Flood Plain Management Act"; Act of June 22, 1937, P.L. 1987, (35 P.S. §§691.1 et seq.), known as "The Clean Streams Law"; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers the Department to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

**National Fuel Gas Supply Corporation
1100 State Street, Erie, PA 16512**

giving its consent to:

construct, operate, and maintain water obstructions and encroachments associated with the Potter County modernization portion of the FM100 Project which consists of approximately 11.4 miles of 20-inch pipeline, 1.41 miles of 24-inch pipeline and ancillary facilities associated with Line YM58 and Line YM224; and to remove or abandon water obstructions and encroachments associated with the Potter County abandonment portion of the FM100 Project which consists of the in place abandonment of approximately 5.5 miles of 12-inch pipeline and removal of ancillary facilities. The proposed project impacts in Potter County include a total of 0.026 acres of permanent impacts and 0.388 acres of temporary impacts to Baker Hollow (CWF), UNT to Baker Hollow (CWF), Ernst Hollow (CWF), Fishing Creek (CWF), UNT to Fishing Creek (CWF), Jordan Hollow (CWF), UNT to Jordan Hollow (CWF), Sartwell Creek (CWF), UNT to Sartwell Creek (CWF), White Chopin Hollow (CWF), UNT to White Chopin Hollow (CWF), Bailey Run (EV), UNT to Bailey Run (EV), Brainard Hollow (EV), Little Bailey Run (EV), UNT to Little Bailey Run (EV), UNT to Colbert Hollow (EV), West Darian Run (EV), UNT to West Darian Run (EV), Whitney Creek (EV), UNT to Whitney Creek (EV), East Branch Fishing Creek (HQ-CWF), UNT East Branch Fishing Creek (HQ-CWF) ; 1.859 acres of permanent impacts and 1.556 acres of temporary impacts to floodways; 0.088 acres of permanent impacts to PEM and PSS wetlands and 1.009 acres of temporary impacts to PEM and PSS wetlands. 0.087 acres of the permanent wetland impacts are to exceptional value (EV) wetlands.

The permittee shall mitigate for the function and value loss associated with permanently converting 0.040 acres of Palustrine Scrub-Shrub (PSS) wetlands to PEM wetlands; and the temporal loss of 0.296 acres of EV PSS wetlands

temporarily impacted along the ROW during construction by providing 0.588 acres of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Wildcat Hollow Mitigation Site located in Hamlin Township, McKean County (Latitude: 41.718655°, Longitude: -78.558228°).

The Potter County modernization portion begins near MP 18.1 located on the McKean County line (Latitude: 41.733417°, Longitude: -78.202333°) and ends at MP 29.5 near the proposed Carpenter Hollow Overpressure Protection Station (Latitude: 41.857672°, Longitude: -78.016953°). The Potter County abandonment portion begins at the Cameron County Line (Latitude: 41.515417°, Longitude: -78.095556°) and ends at the Costello Compressor Station (Latitude: 41.589875°, Longitude: -78.058433°). The Potter County portion is located in Clara, Hebron, Portage, Wharton, Allegany, Pleasant Valley and Roulette Townships.

If this work authorized by this permit is not completed on or before **December 31, 2025**, this permit, if not previously revoked or specifically extended by the Department in writing, shall become void without further notification.

This permit is issued in response to an application filed with the Department of Environmental Protection on **November 21, 2019**, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed with and made a part of the application on **February 5, February 24, September 18, and December 21, 2020**, subject to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, the Clean Streams Law, the Administrative Code, the rules and regulations promulgated thereunder and the following conditions and restrictions:

1. The permittee shall sign the Acknowledgement of Appraisal of Permit Conditions thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of this permit. The permittee shall return a signed copy of the Acknowledgement of Appraisal of Permit Conditions to the Department. Unless the Acknowledgement of Appraisal of Permit Conditions form is completed and filed with the Department, this permit is void.
2. **Work may not commence until a signed copy of the Acknowledgement of Appraisal of Permit Conditions is received by the Department.** Any work authorized by this permit conducted prior to the Department's receipt of a signed copy of the Acknowledgement of Appraisal of Permit Conditions is a violation of the Dam Safety and Encroachments Act and the Clean Streams Law, and you may be subject to fines and penalties pursuant to those Acts.
3. The Department, in issuing this permit, has relied on the information and data which the permittee has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the Department may, in addition, institute appropriate legal proceedings.

4. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary.
5. The work shall at all times be subject to supervision and inspection by representatives of the Department, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary. The Department further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be subserved thereby.
6. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of the Department and terms and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of the Department shall require the prior written approval and permit of the Department.
7. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by the Department.
8. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction.
9. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of the Department, the structure or work shall cause unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice remove or alter the structures, work or obstructions caused thereby, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as the Department may require. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration.
10. The permittee shall notify the Department, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction.
11. If construction work has not been completed within the time specified in this permit and the time limit specified in this permit has not been extended in writing by the Department or if this permit has been revoked for any reason, the permittee shall, at his own expense and in a

manner that the Department may prescribe, remove all or any portion of the work as the Department requires and restore the watercourse and floodplain to their former condition.

12. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of the work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with the Department in writing, on a form provided by the Department, a statement signed by the permittee and an individual responsible for the supervision or conduct of the work acknowledging and accepting the general and special conditions contained in this permit. Unless the acknowledgment and acceptance have been filed, this permit is void. A copy of this permit and the acknowledgment shall be available at the work site for inspection upon request by an officer or agent of the Department or another Federal, State, County or Municipal Agency.
13. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles and specifications.
14. This permit may not be transferred without prior written approval from the Department, such approval being considered upon receipt of the properly executed "Application for Transfer of Permit" form.
15. If and when the permittee desires to discontinue use or abandon the activity authorized herein, the permittee must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by the Department.
16. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 595 East Rolling Ridge Drive, Bellefonte, PA 16823-9685, telephone 814.359.5250.
17. Permittee shall implement and monitor an Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102 so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water.
18. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Northcentral Regional Office:

595 East Rolling Ridge Drive
Bellefonte, PA 16823
Telephone: (814) 359-5250

19. The project site shall at all times be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Potter County Conservation District:

107 Market Street
Coudersport, PA 16915
Telephone: (814) 274-8411 Ext. 4

20. **SPECIAL CONDITIONS:** The permittee shall be responsible for compliance with each of the following special conditions. Please direct any notifications, requests for approval, or post-issuance documents to the Regional Permit Coordination Office at telephone 717.722.5987, email RA-EPREGIONALPERMIT@pa.gov.

Water Supplies:

- A. If the project results in a pollution event or other adverse impact to any public or private water supplies, the permittee shall immediately notify the Department and the potentially affected public or private water supplies of the pollution event.
- B. In the event that the permittee's work related to this authorization causes adverse impacts to a public or private water supply source, the permittee shall address the restoration or replacement of the impacted water supply and mitigate and/or remediate any pollution resulting from the project in accordance with applicable legal requirements.
- C. At least 72 hours in advance of beginning construction activities, the permittee shall notify all water users with downstream surface water intakes within one mile downstream, including but not limited to, drinking water users, industrial, and commercial users that may be impacted by turbidity or water quality changes.
- D. The permittee shall notify such downstream water users immediately of any pollution event or incident at its site that may endanger downstream users. The permittee shall also immediately implement its approved contingency plan to prevent further adverse impacts and remediate all adverse impacts as a result of the pollution event or incident.
- E. If a public or private drinking water source not previously identified by the permittee is discovered by the permittee during construction, the permittee shall immediately notify the Department of the identified water source and shall notify that source of the permittee's construction activities.

Historic, Cultural, or Archaeological Resources:

- F. The permittee and its agents shall visually inspect for historic, cultural, and archaeological resources that may be encountered during construction of the project and shall immediately cease earth disturbance activities in the vicinity of the archaeological artifacts upon encountering such potential artifacts.

- G. If potential historic, cultural, or archaeological resources are discovered, the permittee shall immediately notify the Pennsylvania Historical and Museum Commission (PHMC) at P.O. Box 1026, Harrisburg, PA 17120-1026, telephone 717.783.8947, and shall concurrently notify the Department.

Temporary Road Crossings:

- H. All temporary road crossings of streams and wetlands must meet all of the following conditions:
1. The permittee shall restore and stabilize all temporary crossing sites immediately after termination of its permitted use.
 2. Road and causeway embankments shall only consist of clean rock material to prevent stream channel sedimentation during placement, removal, and periods of overtopping.
 3. Bridges must be structurally stable and shall be single span from top of bank to top of bank, unless approved in writing by the Department.
 4. Approach roads to temporary road crossings shall utilize original grades. However, clean rock material or gravel to a depth of six inches above original grade can be utilized for approaches, as necessary.
 5. The waterway opening of the temporary road crossings shall be kept open and functioning at all times by maintaining the crossings free of debris and other obstructions.
 6. The permittee shall promptly repair any damage resulting from increased backwater caused by a temporary road crossing. When warranted, in advance of major storms, the permittee shall remove temporary road crossings in the event of high waters to prevent increased backwater.
 7. All wetland crossing sites shall be stabilized by appropriate means, including, but not limited to, using removable, temporary mats, pads, or other similar devices to ensure minimization of impact on the ecology of the wetland.
 8. Temporary embankments for roads across wetlands shall be installed with piping or other conveyance measures to maintain the hydrology of the wetland.
 9. Access roads should not approach the stream channel directly downslope but should traverse the slope obliquely to prevent high velocity road drainage flows from directly entering the stream channel. Road drainage shall include proper erosion and sediment control Best Management Practices.
 10. The permittee shall remove all or any portion of a temporary road crossing upon written notification to the permittee from the Department in the event the project is causing an adverse impact on public health, safety, or the environment or in any other manner violates

the requirements of the Pennsylvania Clean Streams Law, 25 Pa. Code Chapter 105, or both.

Site Field Verification, Restoration, and Monitoring:

- I. All wetlands within the project area shall be accurately field-delineated and appropriately flagged prior to the start of construction activities and shall remain field-delineated until earth disturbance activities are completed, and the site has been stabilized. An acceptable means of field-identification of wetlands includes, but not limited to, the use of an orange construction safety fence and/or flags.
- J. The permittee shall prepare and maintain a detailed record of pre-construction and post-construction conditions of each stream and wetland crossing, which shall include sufficient photographs. The permittee shall submit this documentation to the Department within ninety (90) days after completion of work under the respective permit.
- K. Excess fill from disturbed areas and construction activities shall be located outside of the floodway, floodplain, or other bodies of water. The permittee is responsible for stabilizing any excess materials spoiled onsite or offsite, whether the permittee owns the site or others own the site.
- L. Wetland excavation shall include the segregation of the soil horizons, unless written approval is received from the Department. Soil horizons shall be replaced to match pre-construction conditions. In areas where bore pits are proposed in or adjacent to wetlands, or if a restrictive layer, including but not limited to clay or fragipans, is encountered during the trench excavation, the permittee shall have knowledgeable personnel with appropriate technical expertise on-site to oversee backfilling of the trench and installation of trench plugs, to ensure that wetland hydrology is maintained.
- M. Backfilled trenches shall not create the formation of a permanent ridge in a streambed or wetland.
- N. Rock riprap shall only be used in the stream bed when written approval is received from the Department.
- O. The permittee shall restore all disturbed wetland areas to original contours and replant with indigenous wetland vegetation in accordance with the restoration plans as presented in the permit application upon completion of final earthmoving activities.
- P. Wetland disturbances shall be minimized and stabilized within four (4) calendar days of final earthmoving activities.
- Q. Streambank disturbance shall be minimized and stabilized with indigenous vegetation immediately upon completion of final earthmoving activities.
- R. Stream crossings shall be restored and properly stabilized upon completion of work. Restored streams shall use a minimum of six (6) inches of native stream bed material. For streams where

riprap is necessary to prevent scour, the riprap shall be depressed sufficiently to allow six (6) inches of native stream bed material over the riprap. The restored streambed elevation shall not exceed the pre-existing streambed elevation.

- S. For a period of up to five (5) years, the permittee shall monitor the stream and wetlands in the project area. Monitoring reports shall be submitted to the Department in the spring (May 15) and fall (November 15) for the first two (2) calendar years following construction and annually (November 15) for three (3) years thereafter.
1. All monitoring reports shall contain information describing the wetland sites at the time of inspection, documented indicators of wetland hydrology, hydric soils, an inventory of the plant species and percent aerial coverage, and photographs of the wetland sites with plans showing the location and orientation of each of the photographs. The monitoring reports shall demonstrate that the existing wetlands on-site are maintaining pre-construction wetland conditions and delineated acreages. If the wetlands on-site are not maintaining pre-construction wetland conditions and delineated acreages, a written plan shall be submitted to correct any deficiencies identified during the monitoring phase.
 2. Monitoring may be terminated or extended by the Department upon written request by the permittee.
- T. For a period of up to five (5) years following construction, the permittee shall monitor for secondary impacts to hydrology, i.e., the loss of hydrology, to all watercourses with a drainage area of less than 100 acres, including those watercourses that originate within the project ROW. Reports shall be submitted to the Department in the spring and fall for the first two (2) calendar years following construction and annually for three (3) years thereafter.
1. The monitoring reports shall contain information describing the presence or absence of hydrology at the time of inspection, a narrative comparison to hydrology present in the watercourse during pre-permitting field investigation(s), and photographs of the watercourse.
 2. If the monitoring identifies a diminution or complete loss of hydrology, the permittee shall evaluate whether the activities authorized by this Permit caused the loss of hydrology and submit this evaluation to the Department for review.
 3. If the Department determines that the activities authorized by this Permit are contributing to the loss of hydrology, the permittee shall prepare a written plan to correct the loss of hydrology to the watercourse. The permittee shall implement the approved plan within ninety (90) days and submit this plan to the Department for review and approval. If the Department identifies any deficiencies with permittee's plan, then the permittee shall provide the Department a written response to address the stated deficiencies within fifteen (15) days of receiving written notice of the Department's deficiencies, unless the Department extends that timeframe in writing.

4. The permittee shall implement the Department-approved plan within ninety (90) days of receiving written approval from the Department, unless the Department extends that timeframe in writing.
5. In the event that loss of hydrology from activities conducted under this Permit cannot be restored, the permittee shall submit a mitigation plan to the Department that sets forth the manner in which full loss of hydrology and associated water will be compensated for. If the Department identifies any deficiencies with the permittee's mitigation plan, then the permittee shall provide the Department a written response to address the stated deficiencies within fifteen (15) days of receiving written notice of the Department's deficiencies, unless the Department extends that timeframe in writing. The permittee shall implement the Department-approved mitigation plan within ninety (90) days of receiving written approval from the Department, unless the Department extends that timeframe in writing.
6. Monitoring may be terminated or extended by the Department upon written request by the permittee.

Compensatory Mitigation and Monitoring:

- U. The permittee shall provide copies of the recorded deed restrictions or conservation easements for the compensatory mitigation sites to the Department within sixty (60) days after permit issuance.
- V. The following compensatory mitigation shall commence prior to or concurrently with wetland impacts requiring compensation as authorized by this permit:

The permittee shall mitigate for the function and value loss associated with permanently converting 0.040 acres of Palustrine Scrub-Shrub (PSS) wetlands to PEM wetlands; and the temporal loss of 0.296 acres of EV PSS wetlands temporarily impacted along the ROW during construction by providing 0.588 acres of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Wildcat Hollow Mitigation Site.

- W. For at least five (5) years after the restoration activities are completed, the permittee shall monitor the compensatory mitigation site. Within thirty (30) days of completing the planting plan, the permittee shall submit revised plans to the Department if as-built conditions are significantly different from the original approved plans. Monitoring reports shall be submitted to the Department at a frequency of every six (6) months for the first two (2) years after mitigation site construction and annually for three (3) years thereafter.
 1. The monitoring reports shall contain information describing the success of the site at the time of inspection, an inventory of the surviving plant species and percent aerial coverage, photographs of each site with plans showing the location and orientation of each of the photographs, and a written plan to correct any deficiencies identified during the monitoring phase.

2. If the Permittee Responsible Mitigation Site has not achieved design objectives within the monitoring period, the permittee will undertake remedial work to assure establishment of functional wetland habitats.
3. Monitoring may be terminated or extended by the Department upon written request by the Permittee.

Threatened and Endangered Species Protection:

- X. Prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the permittee shall conduct a current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact is identified, provide the avoidance and mitigation plan to the Department prior to initiating such maintenance work and shall implement, and adhere to all avoidance measures outlined in such clearance(s).
- Y. The permittee shall comply with and implement all Avoidance Measures, Conservation Measures, Adaptive Management Practices, and other recommendations identified by the jurisdictional resource agencies for the protection of any federal and state threatened or endangered species or species of special concern, including:
 1. To avoid impacts to Burbot spawning season, no in-stream activities can be conducted from December 1st to April 1st in the Upper Allegheny River watershed. In addition, all work should be done during low flow periods while implementing strict Erosion and Sedimentation Control measures.

Seasonal Restrictions:

- Z. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **trout stocked streams** and their tributaries between March 1 and June 15 without the prior written approval from the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.
- AA. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **Class A wild trout fishery streams** and their tributaries between October 1 and April 1 without the prior written approval of the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.
- BB. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as **other wild trout streams** or their tributaries between October 1 and December 31 without the prior written approval of the Pennsylvania Fish and Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.

Miscellaneous:

- CC. Pollution of any waterway with harmful chemicals, fuels, oils, greases, bituminous material, acid, or other harmful or polluting materials, is prohibited.
- DD. Herbicide spraying of wetlands is not authorized by this Permit. Additionally, with the exception of a 10-foot wide area centered over the pipeline, maintenance mowing of wetlands is not authorized by this Permit. The permittee shall place and maintain signs or other demarcation around the boundary of each wetland to clearly delineate the areas where this maintenance is not authorized. The permittee shall place the signs or other demarcations when all restoration work is completed and prior to permit termination.
- EE. This Permit does not convey any real property rights or interests or authorization to trespass on privately-owned riparian land. By accepting this Permit, the permittee certifies that he/she holds title, easement, right, or other real interest in the riparian land. Any dispute over property ownership and/or right of legal access is solely a matter for private litigation.
- FF. Riprap and stone used throughout the project, including the construction of causeways and coffer dams, shall be free of fines and silts, or other non-erodible material.
- GG. All temporary water withdrawal intake structures and all appurtenant works shall be removed from the watercourse, body of water, floodway, and floodplains as prescribed within the permit application. Deviations from the approved permit application shall require prior written approval from the Department.
- HH. Trench plugs shall be placed at each of the following locations:
 - 1. At ten (10) feet from the top of each bank of a stream
 - 2. At fifty (50) feet from the top of each bank of a stream
 - 3. At ten (10) feet from the edge of a wetland
 - 4. At fifty (50) feet from the edge of a wetland
- II. The permittee shall place a minimum of one (1) trench plug at a maximum spacing of 100 feet between trench plugs within a wetland. Wetland crossings less than fifty (50) feet do not require an internal trench plug.
- JJ. If the permittee encounters a groundwater seep during excavation, the permittee shall place a trench plug at ten (10) feet from each side of the seep.
- KK. Any french drains installed as part of temporary de-watering for construction activities shall be removed or otherwise rendered inoperable prior to final site restoration.

- LL. Water pumped from any construction area shall be directed through a sediment trap, basin, or a filter bag discharging into an appropriate vegetated filter area to prevent a discharge of sediment into any waters of the Commonwealth.
- MM. Open Trench Crossings: The permittee shall construct open trench pipeline crossings in dry conditions by constructing during periods of no water flow and/or by installing stream flow bypass systems (flumed or pumped) through the affected area.
1. Each crossing shall be conducted in an uninterrupted process in the shortest period of time possible. Impacts to waters of the Commonwealth shall be avoided, to the extent practicable, and if not practicable, then minimized in accordance with the permittee's approved plans.
 2. The permittee may cross dry channels, dry swales, and dry intermittent streams without the use of stream flow bypass systems if the channel has no flow and the stream crossing and stabilization can be completed in dry conditions and within twenty-four (24) hours, unless approved in writing by the Department. Standby sandbag dams and pumps shall be located on-site and installed in the event of precipitation resulting in channel flow.
 3. The permittee shall implement procedures that take into account the weather forecast and current conditions prior to commencing stream crossing installations to ensure that weather and stream conditions will not result in a pollution event. Such procedures could include a sign-off sheet documenting that the Environmental Inspector, Foreman, and any other responsible individual agree that the crossing can be constructed during that specific time.
 4. Bypass systems must stay in use until streambeds and banks are adequately stabilized. Downstream flow must be maintained during the construction.
- NN. This Permit authorizes only those impacts to waters of the Commonwealth that were specifically described in the permit application(s) and revisions. Any additional impacts to waters of the Commonwealth from water obstruction or encroachment activities including, but not limited to, temporary access roads, lay-down areas, staging areas, or temporary work spaces, that have not been specifically identified in the permit application are not authorized. Any proposed changes regarding the specific impacts will require a permit amendment.
- OO. No deviation in the construction methodology or project design shown on the approved drawings is authorized unless approved through an amendment of this Permit by the Department in writing. If the specific resource crossing has pre-approved primary, secondary, or tertiary methods, the permittee shall send a written notification to the Department and the respective county conservation district prior to the change.
- PP. This Permit does not relieve the permittee of the obligation of complying with all Federal, interstate compact, State laws, regulations and standards, and local ordinances applicable to the construction, operation or maintenance of the water obstruction or encroachment.

QQ. The permittee shall follow the measures specified in the Preparedness, Prevention, and Contingency Plan during construction. The permittee shall maintain a copy of the Preparedness, Prevention, and Contingency Plan on-site at all times during construction, train all staff to use and implement this plan, and have this plan available to provide at the request of any Department inspector.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Domenic Rocco, P.E.
Director
Regional Permit Coordination Office

02/18/2021

Issue Date

ACKNOWLEDGMENT OF APPRISAL OF PERMIT CONDITIONS

I, _____
(Permittee name)

and _____
(Name address and telephone of individual responsible for supervision of work)

acknowledge and accept the general and special conditions of Permit No. E5383219-001, issued to

**National Fuel Gas Supply Corporation
1100 State Street, Erie, PA 16512**

which authorizes the permittee to:

construct, operate, and maintain water obstructions and encroachments associated with the Potter County modernization portion of the FM100 Project which consists of approximately 11.4 miles of 20-inch pipeline, 1.41 miles of 24-inch pipeline and ancillary facilities associated with Line YM58 and Line YM224; and to remove or abandon water obstructions and encroachments associated with the Potter County abandonment portion of the FM100 Project which consists of the in place abandonment of approximately 5.5 miles of 12-inch pipeline and removal of ancillary facilities. The proposed project impacts in Potter County include a total of 0.026 acres of permanent impacts and 0.388 acres of temporary impacts to Baker Hollow (CWF), UNT to Baker Hollow (CWF), Ernst Hollow (CWF), Fishing Creek (CWF), UNT to Fishing Creek (CWF), Jordan Hollow (CWF), UNT to Jordan Hollow (CWF), Sartwell Creek (CWF), UNT to Sartwell Creek (CWF), White Chopin Hollow (CWF), UNT to White Chopin Hollow (CWF), Bailey Run (EV), UNT to Bailey Run (EV), Brainard Hollow (EV), Little Bailey Run (EV), UNT to Little Bailey Run (EV), UNT to Colbert Hollow (EV), West Darian Run (EV), UNT to West Darian Run (EV), Whitney Creek (EV), UNT to Whitney Creek (EV), East Branch Fishing Creek (HQ-CWF), UNT East Branch Fishing Creek (HQ-CWF) ; 1.859 acres of permanent impacts and 1.556 acres of temporary impacts to floodways; 0.088 acres of permanent impacts to PEM and PSS wetlands and 1.009 acres of temporary impacts to PEM and PSS wetlands. 0.087 acres of the permanent wetland impacts are to exceptional value (EV) wetlands.

The permittee shall mitigate for the function and value loss associated with permanently converting 0.040 acres of Palustrine Scrub-Shrub (PSS) wetlands to PEM wetlands; and the temporal loss of 0.296 acres of EV PSS wetlands temporarily impacted along the ROW during construction by providing 0.588 acres of successful compensatory wetland mitigation (Permittee-Responsible Mitigation)

through wetland enhancement at the Wildcat Hollow Mitigation Site located in Hamlin Township, McKean County (Latitude: 41.718655°, Longitude: -78.558228°).

The Potter County modernization portion begins near MP 18.1 located on the McKean County line (Latitude: 41.733417°, Longitude: -78.202333°) and ends at MP 29.5 near the proposed Carpenter Hollow Overpressure Protection Station (Latitude: 41.857672°, Longitude: -78.016953°). The Potter County abandonment portion begins at the Cameron County Line (Latitude: 41.515417°, Longitude: -78.095556°) and ends at the Costello Compressor Station (Latitude: 41.589875°, Longitude: -78.058433°). The Potter County portion is located in Clara, Hebron, Portage, Wharton, Allegany, Pleasant Valley and Roulette Townships.

(Permittee signature)

(Date)

(Signature of individual responsible
for supervision of work)

(Date)

Return To:

Department of Environmental Protection
Regional Permit Coordination Office
Rachel Carson State Office Building
P.O. Box 69206
Harrisburg, PA 17105
RA-EPREGIONALPERMIT@pa.gov

**WATER OBSTRUCTION AND ENCROACHMENT PERMIT
COMPLETION REPORT**

Project Location:

County _____

Municipality _____

I (We) hereby certify that the work authorized by the above referenced permit

was completed on _____ in accordance with the plans approved and that all
(Date)

unauthorized obstructions have been removed.

Name: _____
(Typed or printed)

Signature: _____

Title: _____

Firm: _____

Date: _____

Return To:

Department of Environmental Protection
Regional Permit Coordination Office
Rachel Carson State Office Building
P.O. Box 69206
Harrisburg, PA 17105
RA-EPREGIONALPERMIT@pa.gov