



February 28, 2022

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

Re: General Permit (GP) Acknowledgment Notification
FM 120 Insertion Project

DEP Application No. GP111283221-002 (Cameron County)
APS ID# 1030876, Auth ID# 1340415

DEP Application No. GP112483221-002 (Elk County)
APS ID# 1030876, AUTH ID# 1340539

DEP Application No. GP114383221-002 (McKean County)
APS ID# 1030893, AUTH ID# 1340439

Dear Mr. Young:

This letter acknowledges receipt of your notification to use and registers your use of above authorized General Permit(s) (GP(s)) under the authority of the Dam Safety and Encroachments Act (32 P. S. § 693.1 et. seq.) and 25 Pa. Code Chapter 105. You are responsible for assuring the work is done in accordance with the drawings, terms and conditions contained in the GP(s). Please direct special attention to all time sensitive issues associated with the GP authorization(s). You may proceed with your project after making the required notifications stipulated in the GP(s) and securing all other approvals that may be necessary.

Enclosed is an acknowledged copy of your GP Registration Forms. Please place this letter and the acknowledged GP Registration forms with your copy of the GP Registration package, the applicable GP terms and conditions, required Federal authorizations, and the Erosion and Sediment Control plan and maintain on site during construction. Please review the complete permit authorization package so that you are aware of the extent of the authorization(s).

Please be advised that you may not have Federal authorizations for this project and such authorization is required prior to starting your project. In accordance with procedures established with the U.S. Army Corps of Engineers, you will be contacted directly by the Corps regarding Federal Authorization.

Any person aggrieved by this action may challenge it in an appropriate legal forum. The state and federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C. § 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania

Environmental Hearing Board. *See Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl Prot.*, 903 F.3d 65 (3d Cir. 2018), *cert. denied*, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE.

If you have any question about your application, please contact Nicholas Rossi at 717.772.5667 or nicrossi@pa.gov and refer to the project references above.

Sincerely,



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

Enclosures: Acknowledged General Permit Registration – Cameron County
Acknowledged General Permit Registration – Elk County
Acknowledged General Permit Registration – McKean County

cc: GAI Consultants, Inc. (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)
Northcentral Regional Waterways and Wetlands (by email)
Northwest Regional ARD (by email)
Northwest Regional Waterways and Wetlands (by email)
Cameron County Conservation District (by email)
Elk County Conservation District (by email)
McKean County Conservation District (by email)
Shippen Township (by email)
City of St. Marys (by email)
Jones Township (by email)
Sergeant Township (by email)