



# Public Notice

**U.S. Army Corps  
of Engineers**  
Pittsburgh District

In Reply Refer to  
Notice No. below

US Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

Application No. 2014-473

Date: August 12, 2016

Notice No. 16-42

Closing Date: September 10, 2016

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act
2. APPLICANT:  
Bruce Clark  
National Fuel Gas Supply Corporation  
1100 State Street  
Erie, Pennsylvania 16501-1912
3. LOCATION: Sergeant Township, Keating Township, Annin Township, Eldred Township, and Ceres Township in McKean County, Pennsylvania. (41.701344°N, -78.499994°W)
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to install a natural gas pipeline from Sergeant Township, McKean County, Pennsylvania to the Town of Elma, Erie County, New York with approximately 28 miles of pipeline located in Pennsylvania. The portion of the pipeline located in New York State is under review by the Buffalo District of the U.S. Army Corps of Engineers. The portion of the pipeline in Pennsylvania begins at the existing NFG Midstream Clermont, LLC facility located along SR 146 approximately 1 mile west of Clermont (41.701344° N, -78.499994° W) in Sergeant Township, McKean County extending in a northerly direction to the New York border approximately 2 miles west of where SR 44 crosses the state line (41.999308° N, -78.299161° W) in Ceres Township, McKean County. Four pipeline crossings exceed the eligibility threshold for PASPGP-5 and must be authorized with individual permits. In addition, approximately 60 wetland crossings and 109 stream crossings will be authorized under PASPGP-5. Impacts to wetlands and streams are temporary in nature with the exception of wetland conversion impacts from forested and scrub shrub wetlands to emergent wetlands. Wetland conversion impacts will be mitigated with shrub and tree plantings in existing degraded emergent wetlands.

Crossing #1 will temporarily impact 1.218 acres of Palustrine Scrub Shrub (PSS)/Palustrine Forested (PFO) wetland, and will temporarily impact 163 linear feet of Bloomster Hollow (41.7233 °N, -78.4883 °W) via open cut trenching. Crossing #2 will temporarily impact 1.115 acres of Palustrine Emergent (PEM)/PSS/PFO wetland (41.8505 °N, -78.4375 °W) via open cut trenching. Crossing #3 will temporarily impact 1.316 acres of PSS wetland (41.9944 °N, -78.3015 °W) via open cut trenching. Crossing #4 will temporarily impact 2.421 acres of PFO wetland (41.9971 °N, -78.3012 °W), 0.039 acre of an open water pond via open cut trenching, and 0.15 acre of Oswayo Creek.

Mitigation for permanent wetland impacts to forested and scrub shrub wetlands within the Right-of-Way as a result of wetland conversion is proposed within existing wetland areas in State Game Land 062 located in Lewis Run, PA (41.788014°N, -78.639517°W). Native wetland trees and shrubs will be planted in existing degraded palustrine emergent wetlands. Approximately 0.507 acre of scrub shrub habitat and 1.175 acres of forested habitat will be planted.

A location map, drawings of the proposed crossings and a location map of the proposed mitigation area may be found at the following website by clicking on Public Notice number 16-42.

<http://www.lrp.usace.army.mil/Missions/Regulatory/Public-Notices/>

5. ENCROACHMENT PERMIT: The applicant must obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection  
Northwest Regional Office  
Waterways and Wetlands Section  
230 Chestnut Street  
Meadville, PA 16335

Telephone: 814-332-6984

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Erin Stuart at the above address, by telephoning (412) 395-7517, or by e-mail at Erin.Stuart@usace.army.mil Please refer to CELRP-OP-F 2014-473 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED: Nancy Mullen for://

Scott A. Hans  
Chief, Regulatory Branch