



February 19, 2024

Commonwealth of Pennsylvania
Department of Environmental Protection
400 Market Street
Harrisburg, PA 17101
Attn: Rick Watling, Esq.

SENT VIA EMAIL

Re: Three Rivers Waterkeeper's Public Comments to CNX Midstream Operating Company, LLC, Slickville Trunkline, Pipeline Joint Permit Application, E6507223-004, APS # 1087124 ("Application")

Attorney Watling,

On behalf of my client Three Rivers Waterkeeper ("3RWK"), we would like to thank the Department for its service to our Commonwealth. 3RWK was founded in 2009 and aims to improve and protect the water quality of the Allegheny, Monongahela, and Ohio Rivers. These waterways are critical to the health, vitality, and economic prosperity of our region and communities. 3RWK is both a scientific and legal advocate for the community, working to ensure our three rivers are protected and safe to drink, fish, swim and enjoy. 3RWK's mission is to protect the water quality of the Monongahela, Allegheny, and Ohio Rivers, and their respective watersheds.

3RWK has prepared comments to the Application, which are attached as Exhibit A. If the Department issues a permit for the activities described in the Application, there would be immediate risk to the waters of the Commonwealth, water supplies, public health, wildlife, and endangered species. Moreover, the compliance history of CNXM and its affiliates reveal that CNXM cannot be trusted with this permit.

Please contact me if you have any questions or if the Department would like to arrange a meeting with 3RWK.

Sincerely,

Lisa Johnson & Associates
1800 Murray Ave., #81728
Pittsburgh, PA 15217
Phone: 412.913.8583
Email: lisa@lajteam.com

cc: Dr. Heather Hulton VanTassel



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February 19, 2024

Commonwealth of Pennsylvania
Department of Environmental Protection
400 Market Street
Harrisburg, PA 17101
Attn: Ms. Samantha Lutz

Re: Comments to Slickville Trunkline Pipeline Joint Permit Application, E6507223-004, APS # 1087124 (“Application”) by CNX Midstream Operating Company, LLC (“CNXM”)

Ms. Lutz,

Three Rivers Waterkeeper (“3RWK”) thanks you for the opportunity to submit comments on the Application submitted by CNXM. 3RWK was founded in 2009 and aims to improve and protect the water quality of the Allegheny, Monongahela, and Ohio Rivers. These waterways are critical to the health, vitality, and economic prosperity of our region and communities. We are both a scientific and legal advocate for the community, working to ensure that our three rivers are protected and that our waters are safe to drink, fish, swim, and enjoy. We are one of the 300 organizations that make up the global Waterkeeper Alliance and work together to connect local communities to global environmental and advocacy resources.

3RWK has reviewed the Application, and the technical deficiency notice (“Deficiency Notice”) dated December 6, 2023, and CNXM’s responses to the Deficiency Notice dated February 2, 2024 (“CNX Response”). 3RWK opposes the issuance of any permit that would authorize the activities described in the Application due to the risk of both surface and groundwater contamination and harms to endangered and threatened species. The comments below are not exhaustive, and 3RWK reserves the right to make additional comments. 3RWK also reserves the right to file an appeal of any issuance of a permit in this matter, which appeal may include additional or revised comments and arguments by 3RWK.

1. Identification of Oil & Gas Waste. The Application now identifies the fact that the project will involve oil and gas waste; specifically, one of the Pipelines will be transporting produced water, which is a Series 802 residual waste generated by operating oil and gas wells. *See* Application at 21/1026. Produced water, also known as “brine” or “reuse water” is a "residual waste," as that term is defined in the Solid Waste Management Act, 35 P.S. § 6018.103, and is an "industrial waste as defined in Section 1 of the Clean Streams Law, 35 P.S. 691.1. Produced water contains high levels of VOCs like benzene, sodium, chloride, heavy metals, and TENORM. The 2016 DEP TENORM Study found concentrations of radium 226 in samples of produced water from Marcellus gas wells that ranged from 1,700 pCi/L to as high as 26,600 pCi/L AE 77 (Table 3-15).

CNXM did not identify the constituents that will be present in the produced water. The failure to identify the true nature of the fluids that will be transported results in a lack of any meaningful analysis of the fluids that will be present, and ultimately, that will be discharged, intentionally or accidentally, into the waters of the Commonwealth. The Department cannot issue a permit without ascertaining the full environmental impact of its decision; without this information, the Department has a clear obligation to deny the Application.

In addition to there being no baseline studies, the Department will be unable to test for pollutants of which the Department is unaware. This is compounded by the trade secret chemical statute, 58 P.S. §3222.1, which permits operators to keep the more toxic chemicals a secret from the public, which is unconstitutional under the Environmental Rights Amendment. The Clean Streams Law provides, and CNXM should be required to:

“Every person who, on the effective date of this act, shall be discharging or permitting to be discharged or has an establishment temporarily closed which, in the future, may discharge or permit to be discharged, any industrial waste into the waters of the Commonwealth, shall file with the department within ninety days after the effective date of this act, on forms prepared and supplied by the department, such information, under oath, as the department may require with regard to such industrial waste, including the kind, characteristics, and rate of flow thereof, and concerning the treatment works, if any, either in operation or in contemplation. It shall be the duty of such persons to apply to the department for the forms necessary to comply with this provision. The falsity of any of the information thus supplied is hereby declared to be perjury

and punishable as such.” 35 Pa. Stat. Ann. § 691.303 (West)

In the event that the Department continues to review the Application, 3RWK urges the Department to compel the disclosure of all chemicals that would be present in the transported fluids in accordance with the Environmental Rights Amendment and the Clean Streams Law.

2. Failure to Include PHMSA Analysis. Upon information and belief, the two 24-inch steel gas lines included in the Application are Type C pipelines and are regulated by PHMSA:

“In addition, the final rule provides for a new Type C regulated gathering line in § 192.8. Type C gathering lines are defined as gas gathering lines in Class 1 locations that have outer diameters of 8.625 inches or greater and operate at higher stress levels or pressures. The safety requirements for Type C lines, referred to as Type C requirements in the final rule, are specified in revised § 192.9(e) and vary based on the outer diameter of the pipeline and the potential consequences of a failure. The potential consequences of incidents are greater on larger-diameter, higher-pressure pipelines and pipelines that are located near buildings intended for human occupancy. Type C gathering lines with an outside diameter greater than 16 inches and certain other Type C gathering lines that could directly affect homes and other structures are required to comply with (1) existing requirements for Type B gas gathering lines, and (2) requirements at § 192.615 that operators develop and implement emergency plans. Type C gathering lines with smaller diameters or that could not directly affect homes and other structures have fewer requirements that are limited to damage prevention, emergency plans, and public awareness. These requirements address known causes of pipeline failures including excavation damage, corrosion, and inadequate design and construction standards.” See <https://www.federalregister.gov/d/2021-24240/p-54>.

The Department should heed the warning issued by PHMSA:

“Modern production techniques, higher production volumes, and the geography of new gas discoveries have had consequences for gas gathering systems that PHMSA did not contemplate in 2006. Individual unconventional wells can be several times more productive than conventional facilities, and multiple wells can be drilled from a single wellpad, resulting in a large increase in the volume of gas that can flow from production and gathering lines serving a single site. In addition, these productivity gains have led to a surge in production overall, which expands the demands placed on the overall gas gathering pipeline network. ***Modern gas gathering lines often bear a closer resemblance to large interstate transmission lines than the diffuse network of small, low-pressure lines that previously characterized gathering lines. An incident on such pipelines can have serious consequences, even in a Class 1 location.***” See <https://www.federalregister.gov/d/2021-24240/p-106>.

The Department should require CNXM to revise the Application to demonstrate the project's compliance with PHMSA regulations.

3. The Application Fails to Provide Required Baseline Testing. The Application states that the site is a “Proposed variable width permanent pipeline right-of-way (ROW) and additional 25-foot to 50-foot-wide temporary construction ROW” through various townships. More locating information is required for the public to perform a full review and to ensure that each area is suitable for such development, including by providing baseline and other testing.

In addition, the Application asks, “Will the project involve a construction activity that results in earth disturbance in the area of the earth disturbance that are contaminated at levels exceeding residential or non-residential medium-specific concentrations (MSCs) in 25 Pa. Code Chapter 250 at residential or nonresidential construction sites, respectively?” Application at 21/1026. CNXM answered in the negative, however, without evidence of any investigation or baseline testing, this response is not accurate. Finally, the Application does not provide for the status of the impacted waters, e.g. whether or not they are impaired. The Department will be unable to measure the impact of the project without this information.

4. The Application Failed to Identify the Existence of Emissions and a Radiation Source. The pipelines and appurtenances thereto will have air emissions, yet the Application fails to identify that fact; this information must be provided to the Department so that it may evaluate the impacts associated therewith. The produced water being transported through the lines will also be highly radioactive, and any discharge or spill will have serious consequences to the environment and human health. The Application fails to identify this fact and is also devoid of any radiation monitoring, radiation protection plans, appropriate training, or emergency response procedures for highly radioactive substances. Application at 24/1026.

5. The Permit CNXM seeks Involves Vulnerable Protected Waters and Wetlands. At a minimum, the project will impact 54 wetlands, 43 streams, and 2 ponds. CNXM identified the following as the “name of stream and/or body of water and Chapter 93 designation,” all of which are in the Pittsburgh (Ohio River Basin):

“Porters Run (HQ-CWF), Trib 42946 to Beaver Run and UNTs to Trib 42946 to Beaver Run (TSF), Trib 42951 to Beaver Run (TSF), UNTs to Trib 42952 to Beaver Run (TSF), Trib 42994 to Beaver Run and UNT to Trib 42994 to Beaver Run (HQ CWF), Trib 42996 to Beaver Run (HQ-CWF), Trib 42997 to Beaver Run (HQ-CWF), Trib 42997 to Beaver Run (HQ-CWF), Trib 43013 to Beaver Run (HQ-CWF), Trib 43021 to Beaver Run (HQ-CWF), 43023 to Beaver Run (HQ-CWF), 43030 to Beaver Run and UNT to 43030 to Beaver Run (HQ-CWF), UNT to 43031 to Beaver Run (HQ-CWF), UNT to 43034 to Beaver Run (HQ-CWF), and Tribs 43089, 43099, and 43101 to Wolford Run (WWF).”

In addition, 24 wetlands were identified as EV and some of the streams are not designated as EV by the PADEP, however, some of the wetlands meet the criteria to be designated EV. Application at [[/1026.

Specifically, the receiving waters for the on-site streams are Beaver Run and the Kiskiminetas River. 81/840. The downstream portion of Beaver Run is a wild trout stream, and the wetlands in or along the floodplain of the reach of that section of Beaver Run are considered EV wetlands. The Department may not issue the permit because CNXM has not met the requirements of 25 Pa. Code § 105.18a, including because (a) the project will cause or contribute to a violation of an applicable State water quality standard, (b) the project will cause or contribute to pollution of groundwater or surface water resources or diminution of resources sufficient to interfere with their uses, (c) the cumulative effect of this project and other projects will result in the impairment of the Commonwealth's exceptional value wetland resources, and (d) CNXM is not proposing to replace the affected wetlands in accordance with § 105.20a.

In addition, The Department will not grant a permit under this chapter for a dam, water obstruction or encroachment which has a significant adverse impact on a wetland unless the applicant affirmatively demonstrates and the Department finds in writing that a project is necessary to abate a substantial threat to the public health or safety and that the requirements of subsection (b)(2)--(7) are met. *Id.*

6. CNXM Did not Include Required Environmental Assessment Information. The Application does not include required environmental assessment information for each township and waterbody, including with respect to readily identifiable data from the EPA and USFWS. We have enclosed certain applicable reports that should be reviewed by the Department, and CNXM should be required to update the Application to include this information. Below is a summary of a few examples of the subject matter in the enclosed reports.

- The affected waterways are in the PA 2024 Integrated Report as impaired. *See* https://experience.arcgis.com/experience/368a9200df5e43eb8267dcbdb34a0ccc/page/Page/?data_id=dataSource_1-18d5b986d9f-layer-18-18d5b8d2aec-layer-9%3A740311&views=Layers
- 67% of the surrounding waters are already impaired. *See* Exhibit A.
- The one waterbody assessed for fish and shellfish consumption is impaired. *See* Exhibit B.
- Out of 148 bodies assessed for boating and swimming, 85 are impaired. *See* Exhibit C.
- There are at least 2 restoration plans in the project area. *See* Exhibit D.
- More than half of the waterbodies assessed for aquatic life are impaired, specifically 177 out of 318. *See* Exhibit E.
- There are at least 4 protected areas in the project area. *See* Exhibit F.
- The same consultant who compiled the Application is engaged in restoration efforts in the very same watershed as the proposed project to clean up heavy metals that have polluted the area from mine drainage. *See* Exhibit G.
- Our IPaC search (*see* Exhibit H) revealed that the following endangered and threatened species in the project area:
 - Two endangered bat species – the Indiana Bat and the Northern Long-eared Bat;
 - The Tricolored Bat is on the Proposed Endangered List;
 - The Monarch Butterfly is a Candidate;
 - Bald Eagles; and
 - 10 other migratory birds.

7. The Permit Should be Denied Based Upon Impact to the Waters of the Commonwealth Alone. Section 5(a)(1), (2), and (5) of the Clean Streams Law mandates that the Department of Environmental Resources consider factors such as water quality management, pollution control in the watershed, and immediate and long-range economic impact on the Commonwealth and its citizens prior to issuing permits. This consideration extends to present and possible future uses of specific waters. Further, 25 Pa. Code § 95.1 imposes stricter requirements for permit applications that could impact waters with a quality exceeding the applicable water quality criteria. For high-quality or exceptional value waters, applicants proposing a new, additional, or increased discharge must follow specific procedures and provide affirmative demonstrations to the Department as a prerequisite for permit approval.

While the antidegradation regulations in Chapter 93 aim to preserve and protect the existing uses of these waters and establish specific requirements to ensure that no new or increased discharge lowers the existing water quality, CNXM will not be able to prevent degrading the water quality. Finally, the discharge of oil and gas waste (produced water) will cause or contribute to pollution and will create a danger of such pollution; law is clear that this is not a reasonable or natural use of such waters, is against public policy and will be a public nuisance. 35 P.S. § 691.3. Finally, the Department is aware that the Beaver Run Reservoir cannot withstand any additional impacts.

8. CNXM Cannot be Trusted with the Permit

CNXM identified that it is currently in violation and in non-compliance of regulations and statutes, with a total of 130 violations issued, and 30 inspection reports are still open for action by the DEP. Within the non-compliance history, the Erosion & Sedimentation plans have not been followed as submitted to the DEP. 17/840, 24-29/840. Compliance histories like these demonstrate a lack of willingness to comply with the law, and no enforcement by the Department will deter CNXM from violating the law.

9. The Project Contributes to and Encourages Climate Change

The Department is mandated to ensure that all projects and activities for which it issues permits, licenses, authorizations or other approvals comply with Pennsylvania’s environmental laws and rules (including the ERA) to protect the quality of Pennsylvania’s natural resources for generations to come. Pursuant to the Pennsylvania Climate Change Act, (Act 70 of 2008), the Department published its 2021 Climate Action Plan in September 2021 (“Climate Plan”). The Department declared that “Climate change is already impacting Pennsylvania; worsening heat waves, increased flooding, and other impacts are affecting the state economy and public health[.]” while also acknowledging the fact that fossil fuel production and combustion contribute to Pennsylvania’s deteriorating climate.

The Climate Plan discusses the benefits to the environment and human health that would result by reducing the combustion of fossil fuels:

“Human health is influenced by the local climate and environment. Pollutants such as such as SO_x, NO_x, mercury, and others are emitted when burning fossil fuels and can cause negative health effects such as asthma, cardiac arrest, cancer, and premature death.” Climate Plan at 159.

“With the reduced combustion of fossil fuels, the Commonwealth would see a sharp decrease in air and water pollutants, improving the health of Pennsylvanians. Improved air quality will reduce air pollutants such as SO_x, NO_x, mercury, PM, and ozone, which are major causes to a variety of harmful health impacts including asthma, heart attacks, cancer, and shortened lives. Air pollutants present a higher risk to children, older adults, and people with lower incomes.” Climate Plan at 156.

The Department’s issuance of permits for this project would be affirmative action to authorize, permit, and encourage fossil fuel extraction, transportation, and combustion that will result in increased levels of greenhouse gas emissions and contribute to the destabilization of Pennsylvania’s climate and harm to human health. The Department cannot make such an intentional decision that makes the Commonwealth, and specifically the Department, an active participant of the destruction of Pennsylvania’s climate and harms to human health.

The Department is required to review how issuance of any permits for the Project would authorize and promote fossil fuel operations that would aggravate impacts of climate change, harms to human health, and detrimental socioeconomic impacts on Pennsylvanians. Because the Application did not contain information related to the Project’s impact on climate change in Pennsylvania, the Department should deny the permit.

10. The Project’s Harms Outweigh the Benefits. The purpose of the pipelines is to transport natural gas extracted from permitted gas wells to market and to provide CNXM with additional capacity for future planned wells. The purpose of the waterline is to extend the existing water system in support of planned well development. 61/1026. No current need - The current endpoint of the waterline coincides with where future well site development is planned. As there is no current facility that the waterline is planned to connect to, the waterline will be capped for future connection. 34/840. “The proposed wetland, stream, and floodway impacts are required to construct the project. The project will directly benefit the public through the development of energy resources [§ 105.16(b)(4)].”

The need is purely private and purely for profit; residents of Pennsylvania will only experience the impact from this project. Benefits from this project are strictly for corporate profit. Residents of Pennsylvania deserve the same protection under law as other residents; the Department’s application of exemptions solely because this project has to do with oil and gas waste is a violation of the Environmental Rights Amendment.

The Department cannot issue the permit under applicable law; 3RWK also requests that the Department denounce this project and remind CNXM that the Department will not rubberstamp its applications.

Sincerely,

A handwritten signature in green ink that reads "Heather Hulton VanTassel". The signature is written in a cursive style with a large, stylized initial "H" and "V".

Heather Hulton VanTassel, PhD
Executive Director, Three Rivers Waterkeeper PO
Box 97062, Pittsburgh, PA 15229
Heather@ThreeRiversWaterkeeper.org
724-651-4367

EXHIBIT A

How's My Waterway?

Explore, Discover and Learn about your water.

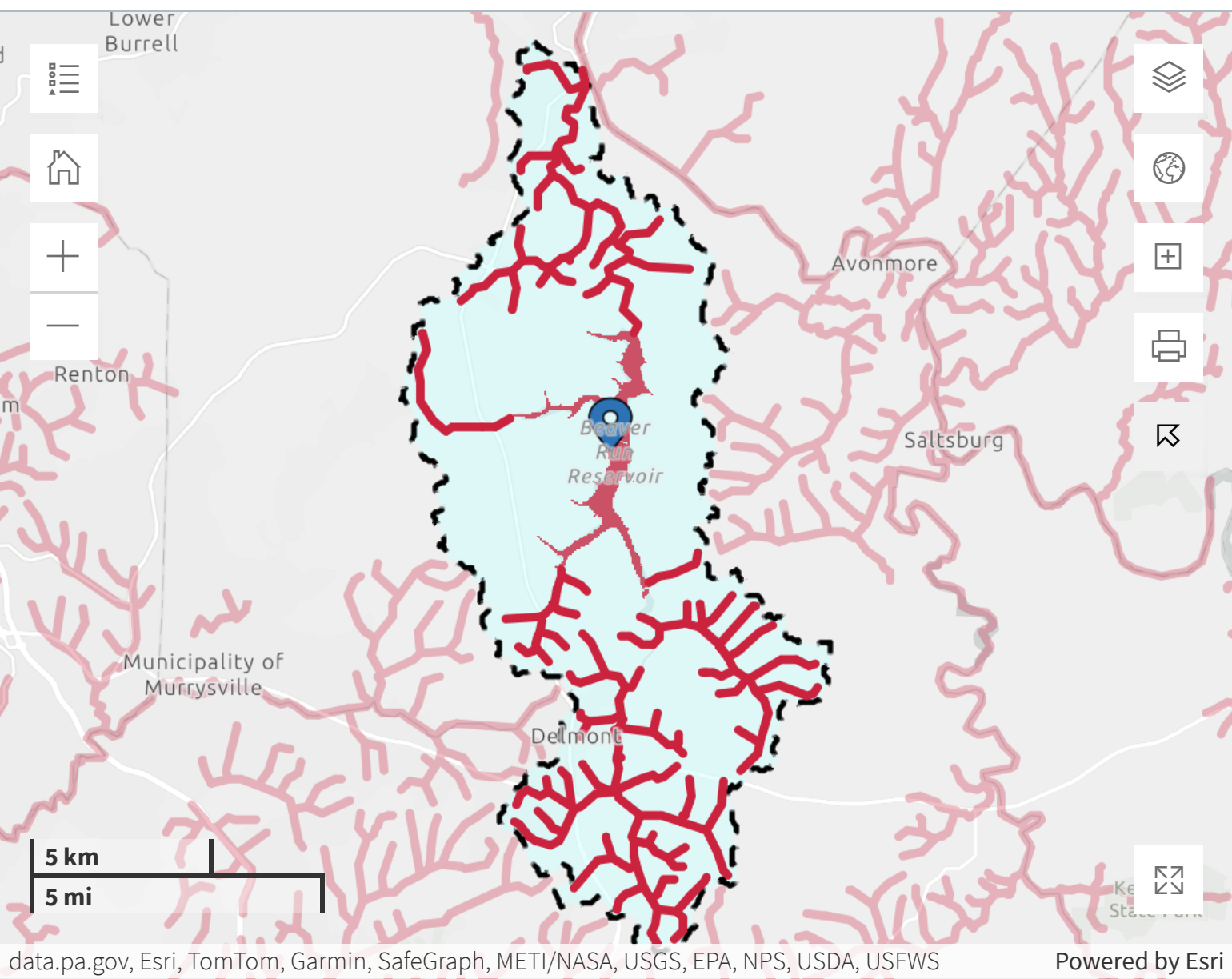
Community

State & Tribal

National

Let's get started!

Beaver Run Reservoir, Washington, PA, I OR



Beaver Run Reservoir
WATERSHED: Beaver Run Reservoir-Beaver Run (050100080203)

Water Monitoring

Identified Issues

Restore

Identified Issues

Show Text

Waters can be impacted by a variety of impairments. Below you can see impairments degrading certain uses of these waters and those dischargers in [significant violation](#) of their permit.

67%
of Assessed Waters are impaired

20
Permitted Dischargers

Impaired Assessed Waters

Permitted Dischargers

DISCLAIMER

● Impaired Assessed Waters

Impairment categories in the *Beaver Run Reservoir-Beaver Run* watershed.

Identified Issues	% of Assessed Area
<input type="checkbox"/> Sediment	36%
<input type="checkbox"/> Bacteria and Other Microbes	24%
<input type="checkbox"/> Nitrogen and/or Phosphorus	15%
<input type="checkbox"/> Metals	14%
<input type="checkbox"/> Low Oxygen	10%
<input type="checkbox"/> Mercury	10%
<input type="checkbox"/> Acidity	9%
<input type="checkbox"/> Murky Water	6%

Did You Know?

- Impairments take many forms, often a result of human behavior. Water impairments are identified across 34 categories such as algae, mercury, pathogens, pesticides, trash and more.
- Impairments can enter your water through runoff, water discharge from a building, and from the breakdown of water infrastructure like sewers and pipes



Discover.

- Accessibility
- Budget & Performance
- Contracting
- Grants
- EPA www Web Snapshots
- No FEAR Act Data
- Privacy
- Privacy and Security Notice

Connect.

- Data.gov
- Inspector General
- Jobs
- Newsroom
- Regulations.gov
- Subscribe
- USA.gov
- White House

Ask.

- Contact EPA
- Hotlines
- FOIA Requests
- Frequent Questions

Follow.



EXHIBIT B

How's My Waterway?

Explore, Discover and Learn about your water.

Community

State & Tribal

National



Beaver Run Reservoir

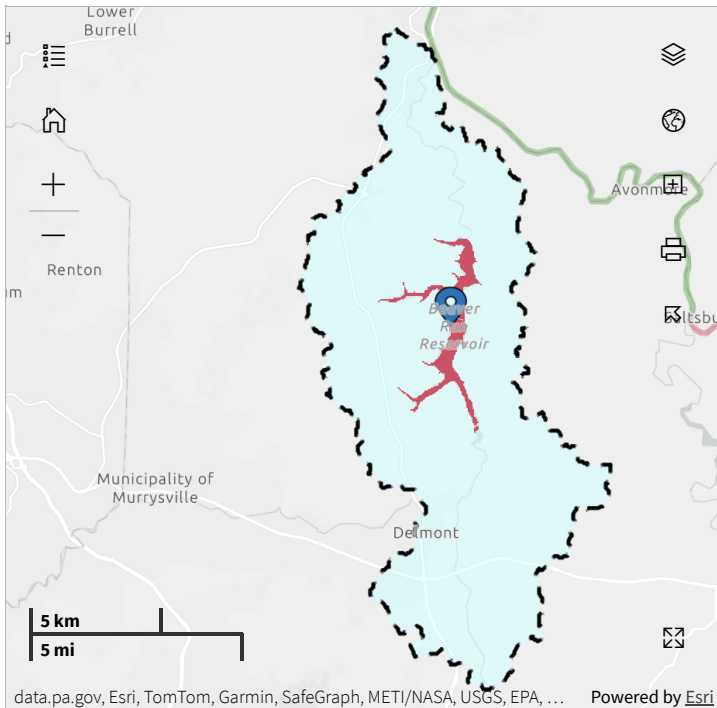
WATERSHED: Beaver Run Reservoir-Beaver Run (050100080203)

[Swimming](#)
[Eating Fish](#)
[Aquatic Life](#)
[Drii](#)



Let's get started!

» Go
OR
Use My Location



Eating Fish

Show Text

EPA, states, and tribes monitor and assess water quality to determine if fish and shellfish are safe to eat.

Eating fish and shellfish caught in impaired waters can pose health risks. For the *Beaver Run Reservoir-Beaver Run* watershed, be sure to look for posted fish advisories or consult your local or state environmental health department for [Pennsylvania](#). [EXIT](#) ...

[Show more](#)

DISCLAIMER

There is **1** waterbody assessed for **fish and shellfish consumption**

0

Good

1

Impaired

0

Condition Unknown

Waterbody Conditions:



Good



Impaired



Condition Unknown

There is **1** waterbody assessed for fish and shellfish consumption in the *Beaver Run Reservoir-Beaver Run* watershed.

Expand All



Beaver Run Reservoir-05010008000631

State Waterbody ID: PA-LRP-05010008000631



EXHIBIT C

How's My Waterway?

Explore, Discover and Learn about your water.

Community

State & Tribal

National



Beaver Run Reservoir

WATERSHED: Beaver Run Reservoir-Beaver Run (050100080203)

view

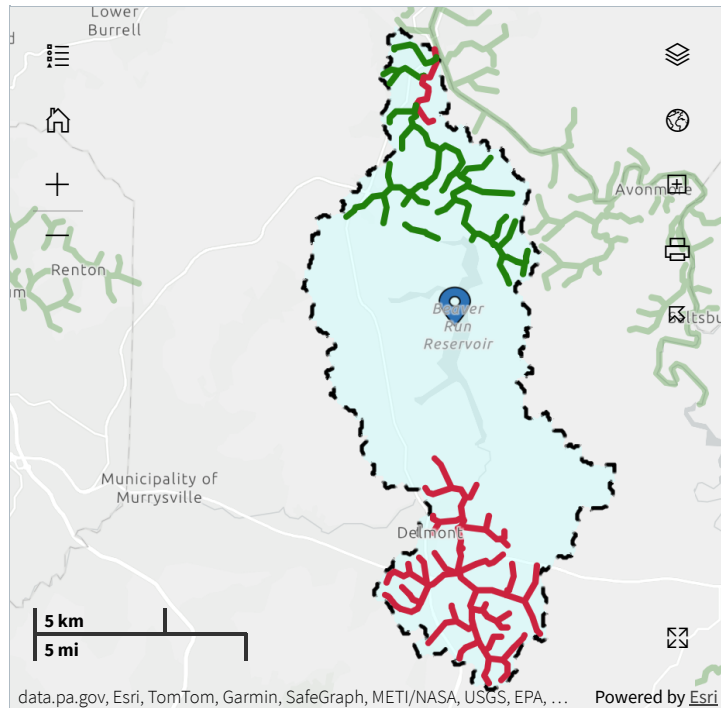
Swimming

Eating Fish

Aquatic Life



Let's get started!



Swimming

Show Text

EPA, states, and tribes monitor and assess water quality to keep you safe while swimming and playing in or on the water.... [Show more](#)

DISCLAIMER

There are **148** waterbodies assessed for [swimming and boating](#)

63

Good

85

Impaired

0

Condition Unknown

Waterbody Conditions:



Good



Impaired



Condition Unknown

There are **148** waterbodies assessed for swimming and boating in the *Beaver Run Reservoir-Beaver Run* watershed.

Expand All



Beaver Run-125290581

State Waterbody ID: PA-SCR-125290581



Beaver Run-125290584

State Waterbody ID: PA-SCR-125290584



Beaver Run-125290599





















State Waterbody ID: PA-SCR-125290599











































Beaver Run-125290607





















State Waterbody ID: PA-SCR-125290607











































	Beaver Run-125290616 State Waterbody ID: PA-SCR-125290616	>
	Beaver Run-125290618 State Waterbody ID: PA-SCR-125290618	>
	Beaver Run-125290623 State Waterbody ID: PA-SCR-125290623	>
	Beaver Run-125290639 State Waterbody ID: PA-SCR-125290639	>
	Beaver Run-125290645 State Waterbody ID: PA-SCR-125290645	>
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	Beaver Run-125291619 State Waterbody ID: PA-SCR-125291619	>
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	Beaver Run-125291649 State Waterbody ID: PA-SCR-125291649	>
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	Beaver Run-125291685 State Waterbody ID: PA-SCR-125291685	>
	Beaver Run-125291693 State Waterbody ID: PA-SCR-125291693	>
	Beaver Run-125291705 State Waterbody ID: PA-SCR-125291705	>





















	Beaver Run-125291961 State Waterbody ID: PA-SCR-125291961	>
	Beaver Run-125292470 State Waterbody ID: PA-SCR-125292470	>
	Beaver Run-125292474 State Waterbody ID: PA-SCR-125292474	>
	Beaver Run-125292476 State Waterbody ID: PA-SCR-125292476	>
	Crooked Run-125291623 State Waterbody ID: PA-SCR-125291623	>
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	Crooked Run-125291634 State Waterbody ID: PA-SCR-125291634	>
	Crooked Run-125291636 State Waterbody ID: PA-SCR-125291636	>
	Crooked Run-125291963 State Waterbody ID: PA-SCR-125291963	>
	Unnamed Tributary to Beaver Run-125290553 State Waterbody ID: PA-SCR-125290553	>
	Unnamed Tributary to Beaver Run-125290557 State Waterbody ID: PA-SCR-125290557	>
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 **Unnamed Tributary to Beaver Run-125292492** >
State Waterbody ID: PA-SCR-125292492

 **Unnamed Tributary to Crooked Run-125291626** >
State Waterbody ID: PA-SCR-125291626

 **Unnamed Tributary to Crooked Run-125291635** >
State Waterbody ID: PA-SCR-125291635


 **Unnamed Tributary to Crooked Run-125291962** >
State Waterbody ID: PA-SCR-125291962

EXHIBIT D

How's My Waterway?

Explore, Discover and Learn about your water.

Community

State & Tribal

National



Beaver Run Reservoir

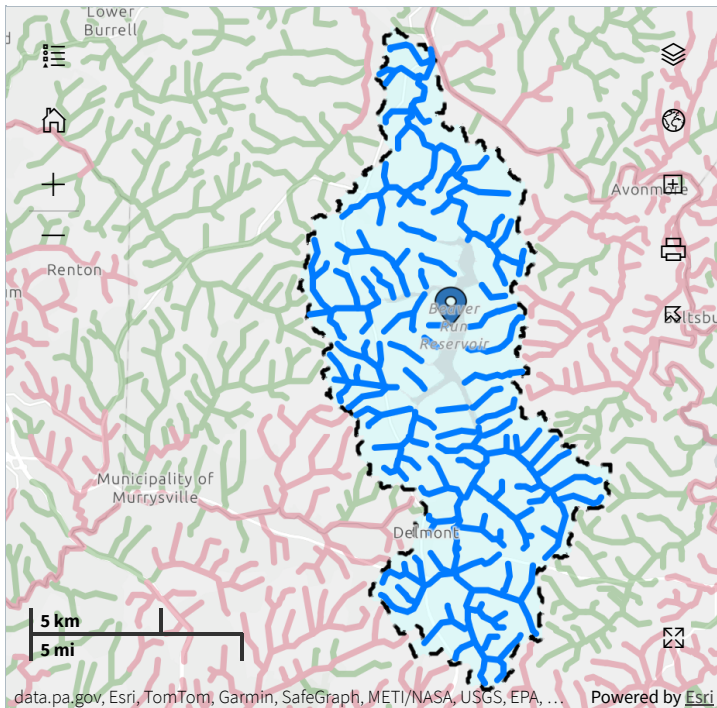
WATERSHED: Beaver Run Reservoir-Beaver Run (050100080203)

[Water Monitoring](#)
[Identified Issues](#)
[Restore](#)
[Pro](#)



Let's get started!

» Go
OR
Use My Location



Restore

Show Text

Efforts are underway to restore your community's water through grants and clean-up plans at the local, state, and federal level. View restoration plans and EPA funded [Nonpoint Source](#) restoration projects.

3
Projects

2
Plans

Nonpoint Source Projects

Restoration Plans

View all restoration plans for the selected watershed in the list below. Find out which plans are in place to restore each waterbody shown on the map.

There are **2** [Restoration plans](#) in the *Beaver Run Reservoir-Beaver Run* watershed.

Expand All

Kiskiminetas-Conemaugh River Watersheds TMDL >

ID: 2161

Thorn Run Watershed >

ID: 320

EXHIBIT E

How's My Waterway?

Explore, Discover and Learn about your water.

Community

State & Tribal

National



Beaver Run Reservoir

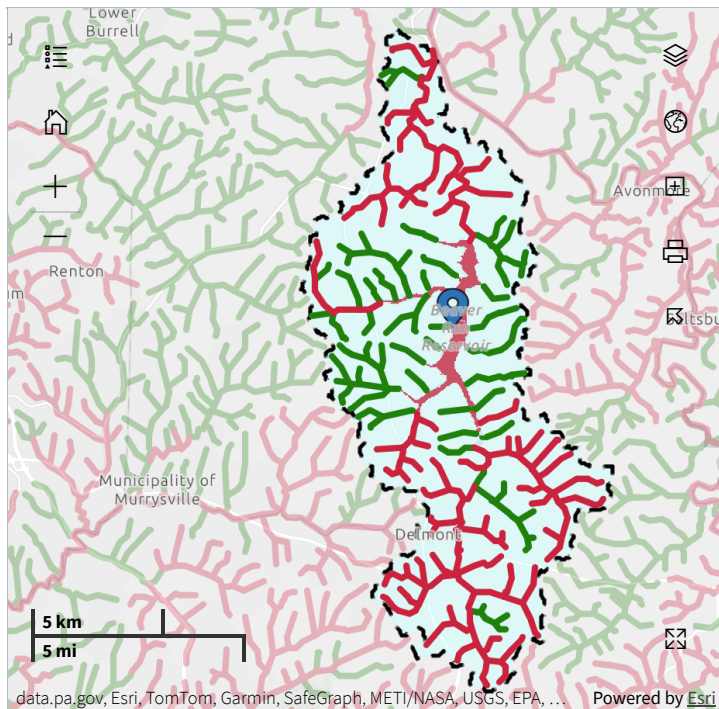
WATERSHED: Beaver Run Reservoir-Beaver Run (050100080203)

[Eating Fish](#)
[Aquatic Life](#)
[Drinking Water](#)
[Water Mo...](#)



Let's get started!

OR



Aquatic Life

Show Text

EPA, states, and tribes monitor and assess water quality to determine the impact of impairments on plants and animals living in the water.

Plants and animals depend on clean water. Impairments can affect the quality of water, which can have adverse effects on plants and animals living in the water.... [Show more](#)

DISCLAIMER

There are **318** waterbodies assessed for [aquatic life](#)

141

Good

177

Impaired

0

Condition Unknown

Waterbody Conditions:



Good



Impaired



Condition Unknown

There are **318** waterbodies assessed for aquatic life in the *Beaver Run Reservoir-Beaver Run* watershed.

Expand All



Beaver Run Reservoir-05010008000631





















State Waterbody ID: PA-LRP-05010008000631











































Beaver Run-125290581





















State Waterbody ID: PA-SCR-125290581











































	Beaver Run-125290584 State Waterbody ID: PA-SCR-125290584	>
	Beaver Run-125290599 State Waterbody ID: PA-SCR-125290599	>
	Beaver Run-125290607 State Waterbody ID: PA-SCR-125290607	>
	Beaver Run-125290616 State Waterbody ID: PA-SCR-125290616	>
	Beaver Run-125290618 State Waterbody ID: PA-SCR-125290618	>
	Beaver Run-125290623 State Waterbody ID: PA-SCR-125290623	>
	Beaver Run-125290639 State Waterbody ID: PA-SCR-125290639	>
	Beaver Run-125290645 State Waterbody ID: PA-SCR-125290645	>
	Beaver Run-125290646 State Waterbody ID: PA-SCR-125290646	>
	Beaver Run-125290778 State Waterbody ID: PA-SCR-125290778	>
	Beaver Run-125290781 State Waterbody ID: PA-SCR-125290781	>
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	Beaver Run-125292474 State Waterbody ID: PA-SCR-125292474	>
	Beaver Run-125292476 State Waterbody ID: PA-SCR-125292476	>
	Crooked Run-125291623 State Waterbody ID: PA-SCR-125291623	>





















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	Crooked Run-125291636 State Waterbody ID: PA-SCR-125291636	>
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	Porters Run-125291717 State Waterbody ID: PA-SCR-125291717	>
	Porters Run-125291719 State Waterbody ID: PA-SCR-125291719	>
	Porters Run-125291725 State Waterbody ID: PA-SCR-125291725	>
	Porters Run-125291728 State Waterbody ID: PA-SCR-125291728	>





















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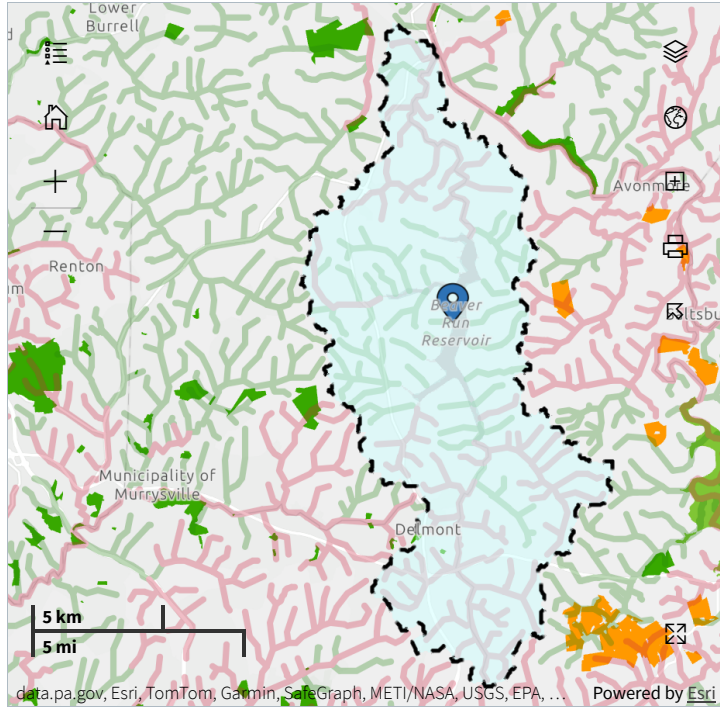
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EXHIBIT F

Let's get started!

Beaver Run Reservo X >> Go OR Use My Location



Beaver Run Reservoir WATERSHED: Beaver Run Reservoir-Beaver Run (050100080203)

Water Monitoring Identified Issues Restore Protect



Protect

Show Text

You can help keep your water clean. Together we can protect water for future generations.

Watershed Health and Protection	Tips for Protecting Your Watershed
<p>Learn about watershed health scores in relation to your state, the location of designated Wild and Scenic Rivers and if there are any protection projects or protected areas in your watershed.</p> <p style="text-align: right;">Expand All </p>	
Watershed Health Scores	>
Wild and Scenic Rivers	>
Protected Areas	▼
<p>The Protected Areas Database (PAD-US) is America's official national inventory of U.S. terrestrial and marine protected areas that are dedicated to the preservation of biological diversity and to other natural, recreation and cultural uses, managed for these purposes through legal or other effective means.</p> <p> More Information (opens new browser tab)</p>	
<p>There are 4 protected areas in the <i>Beaver Run Reservoir-Beaver Run</i> watershed.</p> <p style="text-align: right;">Expand All </p>	
Protected Area Ballfield	>
Protected Area NEWHOUSE PARK 2 BALL FIELDS	>
Protected Area Newhouse Park	>
Protected Area Shields Tract	>
Protection Projects	>

EXHIBIT G

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Westmoreland County, Pennsylvania



Local office

Pennsylvania Ecological Services Field Office

☎ (814) 234-4090

📠 (814) 234-0748

MAILING ADDRESS

110 Radnor Road Suite 101
State College, PA 16801-7987

PHYSICAL ADDRESS

110 Radnor Road
Suite 101
State College, PA 16801-7987

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.

3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>

- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds
<https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

There are bald and/or golden eagles in your project area.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

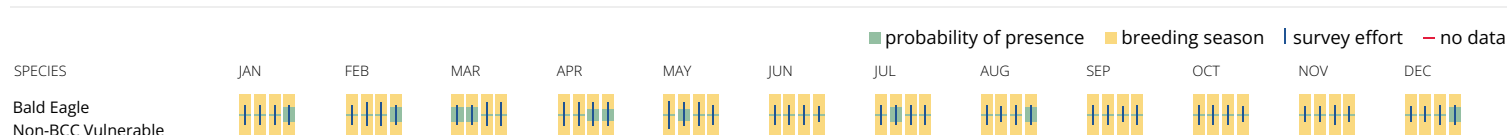
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply). To see a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs of bald and golden eagles in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the [Eagle Act](#) should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the [FAQ below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the **PROBABILITY OF PRESENCE SUMMARY** below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10

Black-capped Chickadee <i>Poecile atricapillus praticus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 10 to Jul 31
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern \(BCC\)](#) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER FORESTED/SHRUB WETLAND

[PFO1A](#)

[PSS1A](#)

[PFO1/SS1A](#)

FRESHWATER POND

[PUBH](#)

RIVERINE

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

EXHIBIT H

Council of the Municipality of Murrysville held a Regular Voting Meeting and Public Hearings on Wednesday, October 5, 2022, at 7:00 p.m. in the Municipal Building. Present at the meeting were Council members Dayne Dice, Jamie Lee Korn, Jason Lemak, Jamie Lingg, Mac McKenna, Tony Spadaro, and Mayor Synan. Also, present were Chief Administrator, Michael Nestico, Community Development Director, James Morrison, Director of Public Works, Bill Paiano, and Solicitor George Kotjarapoglus. Council member Carl Stepanovich was absent.

PUBLIC HEARING
CU-2-22, GATEWAY SERVICES – PET CREMATORIUM, 103 TECHNOLOGY LANE,
TAX PARCEL 49-21-00-0-055 FOR USE OF A PET CREMATORIUM

A Public Hearing was held at 7:00 p.m. concerning CU-2-22, Gateway Services – Pet Crematorium, 103 Technology Lane, for use of a pet crematorium. A stenographer was present to record the hearing.

Jim Rumbaugh, with the Sampson Morris Group, stated that here this evening is Bryan Synan, Senior Vice President of Sampson Morris, an officer in Teutonian Investments, and past Fire Chief of the Murrysville Fire Department. Also present is Wes Long of Long & Long, an attorney representing both entities; Misty Sirch from Florida, Director of Real Estate Development for Brandywine Green; and Charles Pedrick, Director of Facilities Maintenance for Gateway Services.

Attorney Long stated that the purpose of tonight's hearing is to request that Council consider granting a Conditional Use approval for Brandywine Green to open and operate a pet crematorium on property that is located in the Technology Park at the eastern end of the Municipality behind where the Spaghetti House used to be. A handout was provided to Council with information and photographs of the area. Zoning classification for this property is B-Business. The pet crematorium is not listed as a permitted use or conditional use in the Murrysville Zoning Code. There is a section of the business code that talks about comparable uses and believes that the pet crematorium is a comparable use to another permitted use in the business district, which is a funeral home.

Mr. Synan stated that he is a partner of Teutonian Investments, who was authorized by Brandywine Green to proceed with the application for Conditional Use. The property is located at 103 Technology Lane. There are no residential uses in the area, only business or industrial type. The property is located on a dead-end road with very little traffic. The building is approximately 10,000 square feet with Brandywine Green being the sole tenant.

Ms. Sirch is employed by Gateway Services, which offers pet funeral services and cremation services; they provide memorial items for pet families, along with grief support services for the pet families. Gateway Services operates approximately 200 crematories. They are the largest in the United States and they also have locations in Canada. The bulk of their business is cremations. They do offer funeral services where pet parents can come in and view their pets and say goodbye, very much like a human funeral home. 98% of Gateway's business is from their business-to-business, through the local veterinary clinics. Pets are picked up on site and brought back to their location. Actually, just 2% is walk-in business. They are anticipating

that about 1,200 square feet will be office space and the rest would be warehouse in the back. A short video of their facility in Las Vegas was shown. Most of their employees are pet parents and it is extremely important to them to treat the families with the utmost respect when this time comes. They plan on having between 5-7 employees. The NAICS Code for a crematorium is the same as the NAICS Code for a funeral home (Code 7261).

Mr. Pedrick stated that his machine maintenance team does repairs on all the machines across the company. The facilities project management team reports to him, along with the air permitting team. Pets are picked up from the veterinarians in cadaver bags. The memorialization requested is provided to each of those pets. Machines utilized, which are Matthews International, are self-contained, bricked and metal insulated. Within the state, Pennsylvania Department of Environmental Protection, they will file for an air permit which can't be done until permission for zoning is received. Once an approval letter is provided, they will get that permit. The machines will have a continuous monitoring system. There will be no smoke, ashes or odor emitted from the machines. There are no hazardous materials used in the process of cremation and there is no radioactivity. When a pet comes into the facility, it is placed in the morgue. There is a digital tracking system. Every pet is tagged and traced every step of the way. Special services then begin, which would be a clay paw print, a hair clipping, or whatever the family requests. Once that is completed, cremation begins. Cremation at this site will be basically for household pets, not horses or livestock or road kills.

Mr. Spadaro asked about the price of cremation. Mr. Pedrick answered that they are priced by the size and weight of the pet, along with the price of an urn. Mrs. Lingg asked if any of the machines have ever malfunctioned. Mr. Pedrick answered yes. If the machine isn't operating right, he will get an email from the machine maintenance manager from that facility. There is a system they call "code red" where they will get on the phone and try troubleshooting and they have team member go out there to fix the problem. There aren't many malfunctions that can happen with these machines. Mrs. Lingg asked if the emissions go above the 20%, does the machine shut down? Mr. Pedrick stated that there is an audible alarm on the machine and cameras will be put on all the stacks. Usually if this happens, it is due to operator error. There are safety features throughout. Mr. Lemak asked if there was enough gas service to the building. Mr. Pedrick stated that they are looking to do a gas upgrade – just a meter upgrade. Mrs. Lingg asked if there has ever been a disaster or explosion at any of their facilities? Mr. Pedrick answered no fire, no explosion, nothing.

Mr. Long, in closing, stated that the pet crematorium is a valid comparable use in the B-zoning district, as compared to a funeral home. He requests Council's consideration in granting the Conditional Use permit.

Mr. Morrison stated that the applicant submitted an application to the Municipality, which was reviewed by the zoning officer. It was found not to be a use identified in the zoning ordinance. The zoning officer referred him to the Zoning Hearing Board. The Zoning Hearing Board held a hearing and provided

information to the applicant as to the requirements to meet 220-31(j) of the ordinance, which is a comparable use section of the ordinance. That's what was presented this evening.

Mr. Dice asked for any additional comments or questions from Council. Hearing none, the floor was open for comments from the audience. There were no comments from the audience.

Mrs. Lingg moved to close the Public Hearing. Mr. McKenna seconded. All present voted aye. Motion approved. The Public Hearing was closed at 7:33 p.m.

**PUBLIC HEARING
CU-5-22, LYONS RUN AMD, 2200 BLOCK OF BOXCARTOWN ROAD,
TAX PARCELS 49-20-00-0-005 & 49-20-00-0-100
(PENN TOWNSHIP PARCELS: 55-04-00-0-005, 55-04-00-0-111, & 55-04-00-0-007)
FOR CONSTRUCTION OF A PASSIVE MINE ACID TREATMENT SYSTEM**

A Public Hearing was held at 7:33 p.m. concerning CU-5-22 Lyons Run AMD, 2200 Block of Boxcartown Road, for construction of a passive mine acid treatment system. A stenographer was present to record the hearing.

Mr. Morrison stated that this is a Conditional Use application based on major excavation.

Mr. Charles Kane, Civil Environmental Consultants, is representing Lyons Run Watershed Association with their proposed abandoned mine drainage treatment facility along Boxcartown Road. Mr. Kane provided a map showing the general location of the site and how traffic would get to this facility during construction. The purpose of the conditional use is related to the overall earthwork associated with the site. Approximately 5,500 cubic yards of earthwork will occur on site. They will need to import approximately 5,800 cubic yards of limestone and other gravel materials to construct the facility.

Timothy Denicola, Civil Environmental Consultants, gave a rundown of how the passive mine acid treatment system operates. The Lyons Run Watershed is impacted by acid, iron, and aluminum from the mine No. 2 of the Irwin Gas Coal Company. Active mining ceased in the 40s or 50s. There are collapsed portals into the mine entry which are identified as problem areas by the office of mining reclamation and enforcement. The problem area designation makes this site eligible for funding from state and federal agencies for restoration. There are three mine water discharges emanating from the collapsed portals on the site. The watershed association is proposing to capture the three mine water discharges and convey them through a plumbing system into a series of limestone treatment basins, as well as two settlement basins. Mr. Denicola explained and showed in a drawing more details of the operation.

Mr. McKenna asked at what level of acid in that water hits a mark that's bad and where is this one at. Mr. Denicola stated that the acid concentrations in this water is about 250m per meter. Mine water acidity can range from 50 or 100 up to 1,000, but when you are getting up into the 900 to 1,000 range, it is typically best to implement automated mine water treatment processes using treatment plants. At 250 it is starting to climb above your base levels of 50-100, but still within an acceptable margin to treat passively.

Mr. Lemak asked who typically would be responsible for maintenance at the treatment plant. Mr. Denicola answered that it would be the project owner, Lyons Run Water Association. The bulk of the treatment system is located on property owned by Lyons Run Watershed Association. There are some conveyances on private land with landowner contracts or right-of-entry agreements to allow construction and long-term operations and maintenance.

Mr. Dice asked for any additional comments or questions from Council. Hearing none, the floor was open for comments from the audience. There were no comments from the audience.

Mr. Lemak moved to close the Public Hearing. Mr. Spadaro seconded. All present voted aye. Motion approved. The Public Hearing was closed at 7:47 p.m.

PRESENTATION
FRANKLIN TOWNSHIP MUNICIPAL SANITARY AUTHORITY
SEMI-ANNUAL CONSENT DECREE PROGRESS REPORT REVIEW BY MR. JIM RUMBAUGH

Mr. Jim Runbaugh gave a presentation of where the FTMSA was when they started, where they are today, and where they are going to go in the future. The manager of the Franklin Township Municipal Sanitary Authority, Nicholas Kerr, is also here this evening to answer any questions.

Back in August 2019, a Consent Decree from the Department of Environment Resources was signed by the Franklin Township Municipal Sanitary Authority, the Borough of Export, Penn Township Sewer Authority, Monroeville Municipal Authority, Municipality of Murrysville, Penn Township, and the Municipality of Monroeville. All of those entities had to sign a mutual consent decree because sewage from every one of these areas came into the sewage treatment plant being operated by FTMSA. For an extended period of time before that, no one in any of those service areas could get a building permit. There were lawyers hired, agreements were made and signed, and now the task was to fix the situation that was agreed to. In November or December, Mr. Morrison and Mayor Synan asked him to serve on the FTMSA Board. Mr. Runbaugh stated that he currently, and for the last 35 years, also chairs the Plum Borough Municipal Authority. He said that he would serve on the board, but it was important that we had a board that was going to tackle the tough problem, make the tough decisions and move forward so that Murrysville and all these surrounding areas could open back up again. The DEP wasn't confident that this was going to happen within a short period of time. We were fortunate to get three members of the board starting in January of 2020. That included himself, Bob Mitall who was familiar with sewer and water issues, and Bill Bell, a very successful businessman who knows water treatments. A few years ago, another gentleman Michael DiGuillio, assistant manager of the Plum Borough Municipal Authority, joined the board. About 6 or 7 months ago, we were able to get a mechanical engineer who worked for Westinghouse, Mark Stickel.

In March, 2020, we got a new management company in, RDM, which is the same group that manages the Municipal Authority of Westmoreland County and operates several sewage treatment plants throughout the area. They are very knowledgeable and doing a phenomenal job. Gibson-Thomas was hired as the engineering firm and a new solicitor, Wes Long of Long & Long was hired.

Recently what has been done is to physically locate, inspect and map 4,500 manholes, camera televised

800,000 linear feet of sewer line to pinpoint all the deficiencies in all of those lines and then classify them. Under the Consent Order, 4 and 5 deficiencies have to be fixed within the next couple of years; 1, 2, and 3 are minor and can be fixed or not. The system is currently known to have 300+ level 5 defects, which is the most serious. They smoke and dye tested 6,750 homes, which still leaves 25% of the system to do. Flow meters were installed through the Municipality.

Projects to be bid are the sewer line and pipe bursting in Rustic Ridge; Rustic Ridge manhole lining. Our own staff, in house, has repaired 80 of the level 4 and 5 deficiencies. FTMSA is on time or ahead of schedule on every single task required by the DEP Consent Order. Due to the aggressive approach of the FTMSA staff to remove infiltration, the system has experienced a reduction of flow. Due to the decrease in flow, the authority will re-meter the system and may be determined that previous considered large scale facilities are not going to be needed. Sewer rates today in Murrysville are \$55. Monroeville is at \$75, Penn Township \$60, Delmont \$77, Salem Township \$65, and Export \$60.

Dr. Lee Kornis asked what the timeline was to have all the work completed and to be compliant. Mr. Rumbaugh answered that it was around 6 years, 2026. Once the permit is received by DEP, inspections will be required by the state for home sales and refinancing. In addition, they are going to become very serious about grease traps which are clogging the sewer lines and will be monitored on an annual basis. Requirements for residents and business owners will increase, not decrease, to protect the system going forward. Mr. McKenna asked that in areas that need total replacement, if the pipes are being lined or dug up. Mr. Kerr answered that new pipes were being put in. In Rustic Ridge, there will be a combination based on the severity of the deficiencies. Dr. Lee Kornis asked that when a property owner finds out that they have to repair their portion of the system, is there any relief or funding for them? Mr. Rumbaugh answered, not thru FTMSA. They can go to the county, and we'll help them fill out the forms or they can get insurance. Mrs. Lingg asked about the typical cost of a homeowner to repair one of the laterals. Mr. Rumbaugh answered that if they just line it, maybe \$4-\$5,000. If they have to replace the whole thing \$16,000.

REGULAR VOTING MEETING AGENDA

ROLL CALL/VOTING ORDER: Mac McKenna, Carl Stepanovich-absent, Jamie Lee Kornis, Dayne Dice, Tony Spadaro, Jamie Lingg, Jason Lemak, and Mayor Synan.

PLEDGE OF ALLEGIANCE: Mr. Dice led the audience in the Pledge of Allegiance.

UNISTED AMENDMENTS: None

CONSENT CALENDAR ITEMS:

4.A. Approval of September 21, 2022, Council Meeting Minutes.

Dr. Lee Kornis made a motion to approve the Consent Calendar Items. Mrs. Lingg seconded. All those present voted aye. Motion approved.

MAYOR'S COMMENTS: Mayor Synan presented the following slides:

THE MUNICIPALITY OF MURRYSVILLE

Regular Voting Meeting – Wednesday October 5, 2022

Gearhard Farms is open weekends through October 30th at 5909 Saltsburg Road in Murrysville for their 23rd annual corn maze. For more information see GearhardFarms.com or call 412-302-0739.

Monday Night Cornhole will be held weekly September 12th – November 14th at the Murrysville Community Center. Registration is at 6 p.m. Games start at 6:30 p.m. Blind draw, bring your team, or just come for fun.

Curbside Leaf Collection will be Saturday, October 15, November 12, and December 3rd. To schedule a pick-up on one of the collection dates, please fill out the Curbside Leaf Collection Program Form on the municipal website at www.murrysville.com under About Us and select Forms, Permits, & Maps. There is a 20-bag limit. The deadline to sign up for each date is the Thursday before the pick-up date.

Trick or Treat will be Monday, October 31st from 5:00-7:00 p.m. Please turn off your porch lights if you don't want to participate.

The Murrysville Recreation Department and Murrysville Community Library presents Footlocker Outreach Program WWI on Tuesday, November 1st at 6:00 pm in Council Chambers. The presentation will focus on a soldier's life in WWI including what they wore, equipment carried and experiences they went through. To register for this free program please visit www.murrysvilleparecreation.com or call 724-327-2100 x131.

The Murrysville Recreation Department and Murrysville Community Library presents Darren Miller, a Franklin Regional graduate who became the first athlete to complete the "Oceans Seven" marathon swimming across five continents to benefit the Children's Hospital Foundation. The program is Tuesday, November 15th at 6:30 p.m. in Murrysville Council Chambers. Register at www.murrysvilleparecreation.com or call 724-327-2100 x131.

The Mayor stated that he has two proclamations this evening and read each one.

Proclamation No. 221-22 Meals on Wheels 50th Anniversary recognizing October 5, 2022 as Meals on Wheels Day, commending the volunteers and contributors for 50 years of dedicated service to the community. Beginning in 1972, just eight clients were served twice weekly and today the program serves 50 clients four times weekly. Without Meals on Wheels, its clients would go without hot meals and a smiling face to check on them.

Proclamation No.222-22 Constitution Week, September 17-23, 2022. Whereas, September 17, 2022 marks the two hundred and thirty-fifth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention. Mayor Synan urging residents to reaffirm the ideals of the Framers of the Constitution by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

CHIEF ADMINISTRATOR'S COMMENTS: Mr. Nestico stated that the Volunteer Fire Relief Association distributions were made to each department in the amount of \$52,166 as their equal 1/3 share of the VFRA funding provided by the state.

COMMUNITY INPUT: None

LIAISON COMMENTS AND COMMITTEE REPORTS:

Mr. Lemak: The Library meets in two weeks.

Mr. Spadaro: Medic One meets the end of the month.

Dr. Lee Korn: Pension Committee meets November 10th; however, we are still not doing great with the Pension Fund. Through August there was about a year-to-date return of negative 12%.

Mrs. Lingg: The School Board met this past Monday. There was nothing of mutual concern, however Dr. Piraino did give a presentation on the 3 year Comprehensive Plan and gave recognition to Mayor Synan for being on the Steering Committee.

Mr. McKenna: The Parks and Recreation Committee meets next Tuesday. Keep in mind that Trick or Treat on the Trail is coming up Saturday, October 29th from 12 noon – 2:00 p.m. Pre-registration began Monday, October 3rd at 10 a.m.

Mr. Dice: FTMSA meets at the end of the month.

WORKSHOP ITEMS

ADMINISTRATION:

9.A. Discussion of Amphitheater Project

Mr. Nestico gave a slide presentation on the Murrysville Community Park Amphitheater Project. The amphitheater will sit on a 4.23 acre site in Murrysville Community Park (MCP), as recommended by the 2011 Municipal Parks, Recreation and Open Space Plan and again in the 2017 MCP Phase III Master Plan. The amphitheater will serve Murrysville and surrounding communities.

The projected total cost would be around \$1,862,210, which had gone up in the last year. Contracted services include Buildings - \$367,615, Earthwork - \$88,145, Erosion - \$45,050, Storm Sewer - \$194,950, Miscellaneous & Utility - \$317,460, and Paving - \$75,750. Local services include Sanitary Sewer - \$79,825, Earthwork - \$54,380, Erosion \$15,937, Storm Sewer - \$105,425, Miscellaneous & Utility - \$235,600 and Paving - \$280,073.

Confirmed funding sources are: \$623K from DCNA Grant funding awards of \$299,800 (2019) and \$323,200 (2022). \$70,000 from the Parks Foundation through contributions obtained from Olympus Energy, Dominion and other individual donations. \$10,000 from Berkshire Hathaway Energy charitable contribution through the BHE GT&S giving program. \$255,000 through In-kind by Murrysville Public Works services to reduce overall project costs. Additional funding could be through a CDBG Grant Application for prospective \$188,050 grant funding, along with other state funding that might be available. All options are being explored.

To date, the project is roughly 17% complete, thanks to the efforts of our public works department, with costs of \$316,826 which includes both purchase of material as well as labor costs. The timeline for completion is December 2023 or early 2024.

As part of the survey that was sent out, there are some other aspects of the project that could be completed in a Phase IV or beyond. Some of these include a snow tubing area, trails and picnic areas, and expanded parking for the overall park.

Mr. Dice noted that Council will take some time to go through all this and have it put on the agenda for the next meeting for further discussion.

ENGINEERING: None

COMMUNITY DEVELOPMENT: None

PUBLIC WORKS AND PARKS: None

COUNCIL ACTION ITEMS

ADMINISTRATION:

13.A. Consider authorization to advertise Ordinance No. 1063-22, an ordinance vacating an unopened portion of a 40 foot right-of-way situated along Route 22 between contiguous parcels bearing tax map numbers 49-14-02-0-011 and 49-14-03-0-125 in the Municipality of Murrysville.

Mr. Lemak made a motion to consider authorization to advertise Ordinance No. 1063-22, an ordinance vacating an unopened portion of a 40-foot right-of-way situated along Route 22 between contiguous parcels bearing tax map numbers 49-14-02-0-011 and 49-14-03-0-125 in the Municipality of Murrysville. Mr. McKenna seconded the motion.

Mr. Nestico stated that Council discussed this previously. This is a parcel located on Route 22 with a 40-foot right-of-way between 2 parcels owned by the same property owner. This item and item 13.B. are part of the same matter that we would be asking Council to vacate the 40-foot right-of-way and the subsequent motion to execute an agreement with the property owner allowing for emergency vehicle access to Duff Park if a situation arose. After staff review, it does meet the criteria for vacating and adopting the agreement.

All those in favor voted aye. Motion approved.

13.B. Consider authorization to advertise Ordinance No. 1064-22, an ordinance adopting a Mutual Easement and Right of Way Agreement for emergency vehicle access to Duff Park and the Westmoreland Heritage Trail along the vacated 40-foot right-of-way situated along Route 22 between contiguous parcels bearing tax map numbers 49-14-02-0-011 and 49-14-03-0-125 in the Municipality of Murrysville.

Mr. McKenna made a motion to consider authorization to advertise Ordinance No. 1064-22, an ordinance adopting a Mutual Easement and Right of Way Agreement for emergency vehicle access to Duff Park and the Westmoreland Heritage Trail along the vacated 40-foot right-of-way situated along Route 22 between contiguous parcels bearing tax map numbers 49-14-02-0-011 and 49-14-03-0-125 in the Municipality of Murrysville. Dr. Lee Korn seconded.

All those present voted aye. Motion approved.

13.C. Consider approval of the Joint Petition and Stipulation of Settlement of Issa Fayeze under Tax Assessment Appeal No. 3618 of 2020 for the property located at Tax Map No. 49-14-01-0-206 bearing a physical address of 3859-3861 Franklintonne Court.

Dr. Lee Korn made a motion to approve the Joint Petition and Stipulation of Settlement of Issa Fayeze under Tax Assessment Appeal No. 3618 of 2020 for the property located at Tax Map No. 49-14-01-0-206 bearing a physical address of 3859-3861 Franklintonne Court. Mr. Spadaro seconded.

Mr. Nestico stated that this is a tax appeal request. The assessed value came about through the purchase price of \$145,000 and is asking for Council to consider approving this assessment appeal.

All those present voted aye. Motion approved.

13.D. Consider approval of the Joint Petition and Stipulation of Settlement of George A. and Ashley S. Prokopik under Tax Assessment Appeal No. 3619 of 2020 for the property located at Tax Map No. 49-10-16-0-131 bearing a physical address of 2101 Noble Court.

Mr. Spadaro made a motion to approve the Joint Petition and Stipulation of Settlement of George A. and Ashley S. Prokopik under Tax Assessment Appeal No. 3619 of 2020 for the property located at Tax Map No. 49-10-16-0-131 bearing a physical address of 2101 Noble Court. Dr. Lee Korn seconded.

Mr. Nestico stated that this is a stipulation of settlement. For this property, the fair market value was obtained by an appraisal that came out to a \$372,000 value. That was the dollar amount used when contemplating this settlement with the property owner.

All those present voted aye. Motion approved.

13.E. Consider authorization of an advertisement to accept nominations for Murrysville Council Volunteer of the Year.

Mrs. Lingg made a motion to approve authorization of an advertisement to accept nominations for Murrysville Council Volunteer of the Year. Mr. McKenna seconded.

Mr. Nestico stated that at the end of each year Council opens the floor for nominations of Volunteer of the Year. This would authorize advertising for nominations.

All those present voted aye. Motion approved.

13.F. Consider authorization to advertise for various Board and Commission openings for the 2023 calendar year.

Mr. Spadaro made a motion to approve authorization fo advertise for various Board and Commission openings for the 2023 calendar year. Mr. Lemak seconded.

Mr. Nestico stated that this is a year-end formality to ensure that we are filling all the positions on the various boards and committees within the Municipality.

All those present voted aye. Motion approved.

COMMUNITY DEVELOPMENT: None

ENGINEERING:

15.A. Consider a motion to enter into an Excess Maintenance Agreement with EQT Production Company to utilize 2.32 miles of Murrysville roads for the purpose of plugging an existing well.

Mr. McKenna made a motion to enter into an Excess Maintenance Agreement with EQT Production Company to utilize 2.32 miles of Murrysville roads for the purpose of plugging an existing well. Dr. Lee Korn seconded.

Mr. Nestico stated that this is a request from EQT to utilize our roadway to plug a conventional gas well. The amount of traffic expected is 21 truck trips. They will post a bond in the amount of \$29,000.00 for any issues or damage that would be caused to the roadway.

All those present voted aye. Motion approved.

PUBLIC WORKS AND PARKS: None

OLD BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION: Personnel/Contract

Dr. Lee Korn made a motion to adjourn to an executive session at 9:06 p.m. Mrs. Lingg seconded. No action is anticipated coming out of the session. All those present voted aye. Motion approved.

ACTION ITEMS: None

ADJOURNMENT: Following the Executive Session, the meeting was adjourned at 9:45 p.m.

The Regular Voting Meeting and Public Hearing were broadcast on local government Channel 19. A true copy of the Council meeting DVD is available for the public to purchase from the Municipality of Murrysville and is in the Murrysville Public Library for review.