

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of the General Counsel, Deputy Commissioner & General Counsel
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January 20, 2017

Steven C. Russo
Greenberg Traurig, LLP
54 State Street
Albany, New York 12207

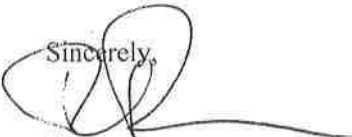
RE: Northern Access 2016 – FERC Docket No. CP15-115
Application for Section 401 Water Quality Certification,
Freshwater Wetlands and Protection of Waters Permit

Dear Mr. Russo:

Your client, National Fuel Gas Supply Corporation (NFG) submitted to the New York State Department of Environmental Conservation (NYSDEC) (collectively with NFG, the “Parties”) a Joint Application for Permits (Application) under Sections 401 and 404 of Clean Water Act (CWA), and Articles 15 and 24 of the Environmental Conservation Law for the proposed Northern Access 2016 Project (Project). Pursuant to our discussions, and as memorialized and acknowledged by your countersignature below, the Parties have mutually agreed that, for the purposes of review under Section 401 of the CWA, we are revising the date, to the mutual benefit of both parties, on which the Application was deemed received by NYSDEC to April 8, 2016. Thereby extending the date the NYSDEC has to make a final determination on the application until April 7, 2017. The Parties further agree that this agreement supersedes the previously agreed upon March 2, 2016 date of receipt of the Application, as set forth in email correspondence dated April 14, 2016 between NYSDEC, Office of General Counsel and Robert M. Rosenthal. The Parties reserve all rights under the applicable State and Federal laws, as may be applicable, with the exception of any claim as it may relate to the date of April 8, 2016, by which the Application was deemed received by NYSDEC as set forth herein.

Please confirm your concurrence with this agreement, on behalf of your client, NFG, by countersigning this letter on the line indicated below and return a copy to my attention. NYSDEC will file a copy this letter, as countersigned, with the Federal Energy Regulatory Committee under the appropriate docket number of the Project. If you have questions, please feel free to contact the project attorney, Sita Crouse, Office of General Counsel at (518) 402-9198 or sita.crouse@dec.ny.gov.

Sincerely,


Thomas S. Berkman
Deputy Commissioner
and General Counsel

AGREED: This 13th day of January, 2017

By: 
Steven C. Russo
On behalf of National Fuel Gas Supply Corporation



Document Content(s)

2017.01.20 NFG NA2016 WQC Receipt Date Agreement.PDF.....1-1