



August 13, 2025

Via Electronic and First-Class Mail

Board of Supervisors
Norwich Township
3853 West Valley Road
Smethport Pa 16749

Re: Black Cherry Wind Power, LLC – Met A and Met B Tower Applications

Gentlemen:

As you are aware, on July 8, 2025, Black Cherry Wind Power, LLC submitted to Norwich Township application packages for two meteorological evaluation towers (Met Towers) pursuant to the Township's recently adopted Wind Energy Ordinance, Ordinance No. 43. On August 7, 2025, Black Cherry representatives received the attached correspondence advising that "[w]e are not able to say that the met tower applications are complete until we have information from the 4 agencies that were mentioned in the discussion at the Township meeting on Monday evening." After listing various items from the Department of Defense, the Federal Aviation Administration, the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency, you conclude by stating that "[w]hen we have this information we will consider going ahead with the application process."

Black Cherry offers the following information in response to the Township's letter:

- Item No. 1: "DoD Siting Clearinghouse review and clearance, with coordination from the Air National Guard Bureau (NGB) and U.S. Airforce (USAF). 1. No Objection Letters from each military unit operating in the Duke MOA: 1. 175th Wing (Maryland ANG), 2. 177th Fighter Wing (New Jersey ANG), 3. 193rd Special Operations Wing (Pennsylvania ANG), 4. 113th Wing (District of Columbia ANG)."
 - Black Cherry response:
 - DoD Siting Clearinghouse review is not triggered for a 60-meter (197-foot) met tower mast unless it is located in a specifically designated area of concern. The two proposed Met Towers are not in a specifically designated area of concern and do not exceed the 200-ft trigger for a standard review by the DoD.



- No-Objection Letters from Multiple ANG Wings – This is excessive and goes against standard DoD protocols for reviewing new structures and potential impacts to military airspace; if a review is triggered, military coordination for airspace use is centralized through the DoD Siting Clearinghouse. All responses from applicable military stakeholders are completely centralized and mediated through the DoD Siting Clearinghouse.
 - Duke MOA Relevance – MOA operations occur well above the height of the proposed Met Towers; there is no direct hazard to training missions for a structure at 60 meters Above Ground Level. The project is within the lateral boundary of special use airspace identified as the Duke Military Operations Area with a published operating floor of 8,000 feet Above Mean Sea Level (AMSL). The MOA's floor is thousands of feet above the top of the proposed Met Towers (for context, the proposed Met Towers are both under 2,500 feet AMSL).
 - The DoD is a party to review any aeronautical studies submitted through the FAA under 14 CFR Part 77. We include more detail on this standard review process under Item No. 2.
- Item No. 2: “FAA Determination of No Hazard to Air Navigation, including any Aeronautical study under 14 CFR Part 77, even for structures under 200 feet AGL”:
 - Black Cherry Response:
 - Under 14 CFR § 77.9, a mandatory Federal Aviation Administration (FAA) notice/study applies only to structures greater than 200 feet in height or to those penetrating notification airport surfaces. Both Met Towers here are below 200 feet in height and are outside any notification airport surfaces. However, in the spirit of cooperation with the Township, Black Cherry will voluntarily request a FAA Determination of No Hazard and provide a copy to the Township prior to start of construction activities. It is important to note that there are several Federal offices that participate in review of each aeronautical study filed with the FAA, including:
 - Obstacle Impact Team – Evaluates the potential to affect current, and planned, air traffic operations such as instrument departure and approach procedures.
 - Technical Operations – Evaluates the potential to affect communication, navigation, and surveillance systems.



- Regional Airports Division – Verifies accuracy of airport and runway data and may evaluate potential to affect airport improvements.
 - Flight Standards – Evaluates the potential to affect certain visual flight rules (VFR) operations.
 - Frequency Management – Evaluates the potential for electromagnetic interference with aviation frequencies.
 - **Department of Defense (DoD) – Evaluates for the potential to affect military training, testing, and operations, including evaluating for military training routes (MTR) and military operations areas (MOA).**
 - Department of Homeland Security (DHS) – Evaluates potential effects on border security, including coordination with the Coast Guard, as appropriate.
- Receipt of a Determination of No Hazard from the FAA satisfies both Item No. 1 and No. 2 as the DoD is a party to the review process and the DoD Siting Clearinghouse is notified for evaluation should there be a potential impact to military airspace.
- Item No. 3: “DEP Bureau of Oil and Gas.: No Objection Letter with site-specific risk assessment regarding proximity to gas wells, compressors, and pump jacks.”
 - Black Cherry Response:
 - It is first worth noting that there is no oil and gas infrastructure within the vicinity of Met B and thus we have assumed this request only applies to Met A. DEP does not issue “no objection letters,” and there are no DEP processes, procedures or guidelines for obtaining them. However, we offer the following information from the DEP database. Met Tower A is located approximately 178 feet northwest of a conventional gas well under permit number 083-53597. That permit was issued on July 7, 2008, is currently active, and produced natural gas in 2024. (See attachment). Correspondence with DEP on August 8, 2025 (copy also attached) states Section 3215 of the Pennsylvania Oil and Gas Act stipulates that a conventional well cannot be drilled within 200 feet of an “existing building”. The Oil and Gas Act defines “building” as “[a]n occupied structure with walls and roof within which persons live or customarily work.” The Met Towers clearly do not qualify as buildings and DEP does not have any regulations that govern the distance a meteorological tower or any other use can be built proximate to an existing oil or gas well. The



correspondence from the DEP highlights industry best practices to utilize for installation and operation of Met A in proximity to the well, but no objections were raised. Black Cherry will use the highest industry safety standards and protocols to ensure safe installation and operation of both MET Towers.

- Item No. 4: “EPA Environmental Compliance Review, including confirmation of compliance with the National Environmental Policy Act (NEPA) for potential environmental impacts (e.g., air quality, water resources, or hazardous materials) and any required coordination with state or federal environmental agencies for permits or assessments related to the project site.”
 - Black Cherry Response:
 - NEPA Review: Receiving NEPA compliance confirmation from the Environmental Protection Agency (EPA) with regard to air quality, water resources, or hazardous materials is not applicable. The trigger for a NEPA review is a “major federal action” (federal permit, federal funding issuance, and/or proposed activity on federally owned lands). The project does not trigger any federal action, therefore a NEPA review by any federal agency is not applicable.
 - Air Quality: The project is for two meteorological towers and does not emit any air pollutants. Installation will involve several vehicles which are negligible sources of air pollution. The only mechanism for EPA to comment would be in the form of an air permit or source review; however, since there are no operational sources of air emissions, an air permit or source review is not required or warranted. Therefore, there is no mechanism for EPA to consult or comment and the project is in compliance with air quality rules by default of not having any emissions. Transient, temporary emissions from construction activities are not regulated.
 - Water Resources:
 - EPA has delegated water resources jurisdiction under Section 402 Clean Water Act (CWA) to the states, and in Pennsylvania many soil conservation districts have been delegated authority to review. This is the case in McKean County. The McKean County Conservation District has reviewed the project and approved the Erosion and Sediment Control Plan and indicated that the project does not trigger a Construction Stormwater Permit/NPDES permit because the ground disturbance is less than 1 acre (negligible impact).



- Since there are no impacts to water resources (see Sections 401, 402, or 404 of the CWA) and no permits are required, there is no mechanism for EPA, or any other federal agency, to consult or comment.
- Hazardous Materials: There are no hazardous materials associated with the Met Towers. There are no known hazardous materials present, no EPA designated hazardous waste sites, no waste generators, and no evidence of contamination onsite observed during field surveys, or likely to be present due to the rural, undeveloped nature of the site. Constructing the Met Towers will not require the use of any EPA regulated volumes of materials.

It is important to acknowledge that Ordinance No. 43 does not require that an applicant provide any of the information listed in the Township's correspondence, with either its applications or even at the time of the public hearings on the applications. We are providing this additional information in the spirit of cooperation but see no legal basis for the Board of Supervisors to refuse to schedule public hearings on these two applications. Black Cherry respectfully requests that the Board proceed to promptly schedule public hearings on the applications, providing reasonable advance notice to Black Cherry. To the extent any additional governmental approvals or actions are being requested by the Township that go beyond the requirements in Ordinance No. 43, applicable Pennsylvania law mandates that the Township not deny those applications, but instead condition approval of the applications upon receipt of said outstanding governmental approvals. As such, the Board cannot refuse to commence a hearing based on these other purported agency requirements or approvals.

In summary, Black Cherry has submitted administratively complete applications for the Met A and Met B Towers, and the Township is legally obligated to schedule hearings on both applications. Black Cherry will endeavor to provide as much relevant information as possible as the application review process moves forward ensuring that the project continues to adhere to the highest engineering, construction, and safety standards.

Yours Very Truly,

Joey Shannon

Sr. Director of Development

Attachments

Cc: Angela Stapleford, Esq. (with attachments; via email)
Blaine A. Lucas, Esq. (with attachments; via email)

Caroline Klein, P.E., ENV SP
EDR Project Manager, Environmental

Mid-Atlantic Region - Philadelphia, Pennsylvania
M: 484.515.0109 www.edrdpc.com

RE: Black Cherry MET tower Applications

August 7, 2025

To Whom it may concern,

The Norwich Township Supervisors have read your application for the MET towers. We are not able to say that the met tower applications are complete until we have the information from the 4 agencies that were mentioned in the discussion at the township meeting on Monday evening. Those agencies were:

1. DoD Siting Clearinghouse review and clearance, with coordination from the Air National Guard Bureau (NGB) and U.S. Air Force (USAF).
 1. No Objection Letters from each military unit operating in the Duke MOA:
 1. 175th Wing (Maryland ANG)
 2. 177th Fighter Wing (New Jersey ANG)
 3. 193rd Special Operations Wing (Pennsylvania ANG)
 4. 113th Wing (District of Columbia ANG)
2. FAA Determination of No Hazard to Air Navigation, including any Aeronautical Study under 14 CFR Part 77, even for structures under 200 feet AGL.
3. DEP Bureau of Oil and Gas: No Objection Letter with site-specific risk assessment regarding proximity to gas wells, compressors, and jack pumps.
4. EPA Environmental Compliance Review, including confirmation of compliance with the National Environmental Policy Act (NEPA) for potential environmental impacts (e.g., air quality, water resources, or hazardous materials) and any required coordination with state or federal environmental agencies for permits or assessments related to the project site.

When we have that information we will consider going forward with the application process.

Sincerely,

Norwich Township Supervisors

James Thomas

Paul Black

Dan Britton

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EPA ECHO
EPA Envirofacts
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Authorization Search Details

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Authorization ID:	727325
Permit number:	083-53597
Site:	WARRANT 2863 HELMER 24 OG WELL
Client:	M & M ROYALTY LTD
Authorization type:	Drill & Operate Well Permit
Application type:	New
Authorization is for:	FACILITY
Date received:	06/02/2008
Status:	Issued on 7/7/2008

Sub-Facilities for Authorization

Sub-Facility ID	Sub-Facility Name	Description	eMap PA Location
970116	WARRANT 2863 HELMER 24	Well	

Is this authorization type included in Permit Decision Guarantee? : No
Authorization status: Issued on 7/7/2008

Permit Review Standard Task Information:

Task	Start Date	Target Date	Completion Date
<input checked="" type="checkbox"/> Begin/End Administrative Review	6/2/2008	6/7/2008	6/2/2008
<input checked="" type="checkbox"/> Begin/End Technical Review 1	6/3/2008	6/28/2008	6/25/2008
<input type="checkbox"/> Begin/End Technical Review 2			
<input type="checkbox"/> Begin/End Decision Review			

[Log in to DEP's eNOTICE](#) to track this permit with automatic email updates

From: [Caroline Klein](#)
To: [Joey Shannon](#); [Nolan Roche](#); [Monica Howard](#)
Cc: [Scott McBurney](#)
Subject: Fw: [External] Letter Request from the Bureau of Oil and Gas
Date: Friday, August 8, 2025 1:13:43 PM

All,

See response below regarding location of the METs to any oil and gas wells. We will incorporate this information in our response

Caroline Klein, P.E., ENV SP
EDR Project Manager, Environmental

From: Donohue, Thomas E <tdonohue@pa.gov>
Sent: Friday, August 8, 2025 2:06 PM
To: Caroline Klein <cklein@edrdpc.com>
Cc: Klinger, Andy <anklinger@pa.gov>; EP, OilandGas <RA-epOilandGas@pa.gov>; Counahan, Daniel <dcounahan@pa.gov>; Dudzic, Scott <sdudzic@pa.gov>
Subject: RE: [External] Letter Request from the Bureau of Oil and Gas



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[EXTERNAL SENDER]

Ms. Klein,

Thank you for your inquiry. Section 3215 of the Pennsylvania Oil & Gas Act stipulates that a conventional well cannot be drilled within 200 ft. of an existing building, however DEP does not have regulations that govern the distance a meteorological tower (or anything else) can be built in proximity to an existing oil or gas well. I recommend that your company employ common sense safety practices, adhere to any local zoning and permit requirements, and coordinate with the well operator if your construction project is in close proximity to their well.

DEP's records indicate that the operator of well #083-53597 is Farrington & Helper Gas & Oil, Inc, and the contact information we have on file is below:

Address: PO Box 546, Seneca, PA 16346

Phone: 814-676-2928

Thomas E. Donohue, P.G. | Environmental Program Manager
Department of Environmental Protection | District Oil & Gas Operations
400 Waterfront Dr. | Pittsburgh, PA 15222
Phone: 412.442.4004 | Fax: 412.442.4328
www.dep.pa.gov

From: Caroline Klein <cklein@edrdpc.com>
Sent: Friday, August 8, 2025 1:16 PM
To: EP, OilandGas <RA-epOilandGas@pa.gov>
Subject: [External] Letter Request from the Bureau of Oil and Gas

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).*

PADEP Bureau of Oil and Gas,

I am working on the permitting of two meteorological towers in Norwich Township, McKean County, PA. MET A is located northwest of a conventional well under permit number 083-53597 and the coordinates are 41 deg 45 min 20.63 sec N, 78 deg 19 min 48.90 sec W. MET B is located southeast of what appears to be a gravel pit and not oil and gas activities and the coordinates are 41 deg 42 min 58.23 sec N, 78 deg 18 min 52.95 sec W. Although MET B doesn't appear to be within the vicinity of any oil and gas activities, it is located within a general area where oil and gas activities are present. Through our permit process with the township they have brought up concerns with the proximity of oil and gas activities to the METs. Ultimately what I'm looking for is a letter for each meteorological tower of no objection from the Bureau to satisfy the township. Is this something the Bureau could provide?

Let me know if you need more information or would like to set up a call to discuss. Thank you

Caroline Klein, P.E., ENV SP
EDR Project Manager, Environmental
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