

PENNSYLVANIA STATE PROGRAMMATIC GENERAL PERMIT # 2
(PASPGP-2)
July 1, 2001
Revised March 11, 2003

TO WHOM IT MAY CONCERN:

Part I – Authorities:

A. Federal Authorities:

1. Section 404(e) of the Clean Water Act (CWA) (33 United States Code [U.S.C.] Section [§] 1344) allows for the issuance of general permits on a statewide basis, which operate in conjunction with a State regulatory program that protects the aquatic environment in a manner equivalent to the Department of the Army regulatory program, provided that the activities permitted under each category of such general permits are similar in nature and result in no more than minimal individual or cumulative adverse effects on the aquatic environment. This Pennsylvania State Programmatic General Permit # 2 (PASPGP-2) is issued pursuant to Section 404(e) and is based on and consistent with the requirements of the CWA 404(b)(1) Guidelines.
2. Upon the recommendation of the Chief of Engineers, and under the provisions of Section 404 of the CWA, as amended, and Section 10 of the River and Harbor Act of 1899 (33 U.S.C. § 403), the Secretary of the Army hereby authorizes the discharge of dredged or fill materials and/or the placement of structures, that are components of a single and complete project, including all attendant features both temporary and/or permanent, which individually or cumulatively result in impacts to 1.0 acre or less of waters of the U.S., including jurisdictional wetlands. These discharges and placement of structures must comply with all the terms, conditions, and processing procedures identified in this PASPGP-2.
3. Section 404 (q) of the CWA states that agreements are to be entered into in order to minimize, to the maximum extent practicable, duplication, needless paperwork, and delays in the issuance of permits. Memorandum of Agreements (MOAs) have been developed between U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS), and Environmental Protection Agency (EPA) to outline the means for establishing these goals. The coordination, communication process, professional partnerships, and cooperative working relationships established by these MOAs will be maintained, where applicable, in this PASPGP-2.
4. Section 404 (c) of the CWA authorizes the Administrator of EPA to prohibit the specification of any defined area as a disposal site, and to deny or restrict the use of any defined area for specification as a disposal site, whenever the Administrator determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

B. State Authorities:

1. The Dams Safety and Encroachments Act, Title 32, Pennsylvania Statutes, Sections 693.1 – 693.27
2. The Clean Streams Law, 35 P.S. §§ 691.1 – 693.1001
3. Dam Safety and Waterway Management Rules and Regulations, Title 25, Pennsylvania Code, Chapter 105 [hereinafter cited as 25 Pa. Code, Chapter 105; specific sections will be referred to by abbreviation “§”.]
4. All other applicable regulations.

Part II – Scope of Activities:

A. Applicability:

This State programmatic general permit applies to the discharge of dredged or fill materials and/or the placement of structures, that are components of a single and complete project, including all attendant features both temporary and or permanent, which individually or cumulatively result in direct or indirect impacts to 1.0 acre or less of waters of the U.S., including jurisdictional wetlands, for specific categories of activities as regulated by Section 404 of the CWA or Section 10 of the River and Harbor Act of 1899. Discharges of dredged or fill materials and/or the placement of structures that comply with all terms, conditions, and processing procedures contained in the PASPGP-2, and have only minimal individual or cumulative environmental impacts, are authorized. The term “discharge of dredged material,” as defined in the November 13, 1986 Federal Register 33 CFR 323.2(d), means any addition of dredged material, including redeposit of dredged material other than incidental fallback, within waters of the United States. The term “discharge of fill material,” as defined in the November 13, 1986 Federal Register 33 CFR 323.2(e) means the addition of any material, including the redeposit of dredged material that serves the primary purpose of replacing an aquatic area with dry land or changing the bottom elevation of a waterbody. The term “discharge of fill material” may also be defined as discharges within waters of the United States, including wetlands and navigable waters, associated with activities such as mechanized land clearing, ditching, channelization, or other excavation. The term “structure,” as defined in the November 13, 1986 Federal Register 33 CFR 322.2(b) shall include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other obstacle or obstruction. Discharges associated with excavation activities are defined in the January 17, 2001 Federal Register 33 CFR Part 323.2 which states that the Corps and the Environmental Protection Agency regard the use of mechanized earth moving equipment to conduct landclearing, ditching, channelization, in-stream mining or other earth-moving activities in waters of the United States as resulting in a discharge of dredged material unless project specific evidence shows that the activity results in only incidental fallback. The term “waters of the United States” is defined as all waters defined by Federal Regulations 33 CFR Part 328.3 and 329.4. For purposes of this permit, the acreage of impact to waters of the United States, including jurisdictional wetlands includes the direct impact (i.e., the fill area) plus the area of waters of the United States that are indirectly affected by flooding, excavation, or drainage, as a result of the project.

B. The following activities are not regulated pursuant to Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act and correspond to activities authorized by PADEP Chapter 105.12 Waivers, Chapter 105.441-449 General Permits and Waiver Letters of Maintenance provided they are implemented as described in the applicable PADEP authorization:

1. PADEP General Permit #10, Abandoned Mine Reclamation
2. PADEP Waiver #3, Aerial Crossings
3. PADEP Waiver #5, Acid Mine Drainage
4. PADEP Waiver #13, Abandoned Railroad Bridges and Culverts
5. PADEP Waiver #15, Abandoned Mines
6. Waiver Letters of Maintenance for:
 - a. Channel Cleaning at Bridges and Culverts - Stream channel maintenance within 50 feet upstream and downstream of an existing bridge or culvert, performed in accordance with the maintenance provision of a previously issued PADEP permit and the PADEP *Standards for Channel Cleaning at Bridges and Culverts*
 - b. Bridge and Culvert Repair - Maintenance to an existing culvert, bridge or stream enclosure constructed prior to July 1, 1979, on a watercourse where the drainage area is five square miles or less, performed in accordance with the PADEP *Standards for Bridge and Culvert Repair*.

C. The following regulated activities are not eligible for this PASPGP-2. To receive Federal authorization for these activities, a permit application must be submitted to the appropriate Corps District Office:

1. Activities that will have more than minimal individual or cumulative adverse environmental impacts as determined by the Corps of Engineers.
2. Activities that do not comply with all terms and conditions of the PASPGP-2, including the terms and conditions specific to each listed category of activities.
3. Activities that will result in a total of more than 1.0 acre of impacts to waters of the United States, including jurisdictional wetlands. The acreage of impacts to waters of the United States, including jurisdictional wetlands, includes the direct impact (i.e., the fill area), plus the area of waters of the United States, including jurisdictional wetlands, which are indirectly affected by flooding, excavation, or drainage as a result of the project. The 1.0 acre impact limitation applies to the total impact of all attendant features, both temporary and permanent, that are components of a single and complete project, regardless of the type or category of authorization, or combination of authorizations, used to approve the project. Individual or cumulative impacts from single and complete projects to stream channels and open water areas totaling over 43,560 square feet (1 acre) are also ineligible.
4. Activities authorized by PADEP General Permit No. 15, Private Residential Construction in Wetlands [25 Pa. Code §§ 105.441-105.449, GP-15.]
5. Activities authorized by Chapter 105 permits in conjunction with coal and non-coal mining permits issued by the PADEP District Mining Offices (Bureau of Mining and Reclamation), including PADEP Waiver #4 [25 Pa. Code § 105.12.]
6. Activities located waterward of the ordinary high water line (OHWL) on non-tidal waters and/or the mean high water line (MHWL) on tidal waters on the following Pennsylvania waterbodies:
 - a. All of the Delaware River,
 - b. The Schuylkill River downstream of the confluence with Mill Creek at Port Carbon, Pennsylvania,
 - c. The Lehigh River downstream from the State Route 940 Bridge,
 - d. All of the Ohio River,
 - e. All of the Beaver River,
 - f. All of the Little Beaver River,
 - g. All of the Mahoning River,
 - h. All of the Monongahela River,
 - i. The Youghiogheny River from its mouth at McKeesport, Pennsylvania to river mile 31.2 at West Newton, Pennsylvania,
 - j. The Allegheny River, from its mouth in Pittsburgh, Pennsylvania to river mile 197.4 at Kinzua Dam, north of Warren, Pennsylvania.
 - k. The Kiskiminetas River from its mouth near Freeport, Pennsylvania to river mile 26.8 at Saltsburg, Pennsylvania, and
 - l. Tenmile Creek from its mouth at Millsboro, Pennsylvania to river mile 2.7.
 - m. Activities within Lake Erie which require submittal of a Joint Permit Application or Environmental Assessment to the PADEP.
7. Instances where EPA's Regional Administrator has notified the District Engineer and applicant in writing that he is exercising his authority under 404 (c) of the CWA to prohibit, deny, restrict, or withdraw the use of any defined area for specification as a disposal site for the discharge of dredged or fill material.
8. Designated Special Case circumstances identified by the Regional Administrator of EPA, as defined in the MOA between the Department of the Army and the EPA concerning the determination and limits of geographic jurisdiction of the 404 program. Geographic areas established by the EPA would be advertised by Corps Public Notice, as ineligible for Federal authorization under the PASPGP-2.
9. Activities that have been denied a PADEP Chapter 105 Permit, a CWA Section 401 Water Quality Certification, or a Coastal Zone Consistency Determination.

10. Any activities that would divert more than 10,000 gallons per day of surface water or groundwater into or out of the Great Lakes Basin.

D. Activities Eligible for PASPGP-2:

All activities listed in Categories I, II and III, which the Corps determines will have no more than minimal adverse environmental effects. All authorized activities must be in compliance with all the terms and conditions of the PASPGP-2, including the terms and conditions specific to each listed category of activities. The Corps will consider the comments and concerns of the other regulatory resource agencies and the public, as appropriate, for activities in Categories II and III, prior making a decision.

Part III- Categories of Activities Eligible for PASPGP-2 Authorization:

A. Category I:

The following activities are authorized by the PASPGP-2 without notification to the applicable Corps District, provided the proposed regulated activities comply with all terms, conditions, limits, best management practices, and processing procedures identified and required by the PASPGP-2, and all applicable PADEP Chapter 105 authorizations. These activities correspond to specific PADEP Chapter 105 Waivers, General Permits, Letters of Authorizations, Emergency Permits, and Generic Permits. In some instances, these activities may be exempt from Federal permit requirements in accordance with the Clean Water Act Section 404(f)(1) exemptions, applicable to some farming, agricultural, silvicultural and maintenance activities. These exemptions will apply unless the project is subject to 'recapture' under Section 404(f)(2). That is, the activity associated with the discharge of dredged or fill material, will convert an area of waters of the United States, including jurisdictional wetlands, into a use to which it was not previously subject; or, the flow or circulation of waters of the United States may be impaired, or the reach of such waters reduced as a result of the activity. The activities below, which may be subject to this exemption are identified (Activities # 6, 9, 11, 15, &17). Further information concerning application of this exemption is provided in the PASPGP-2 SOP document. Project specific activities as listed in activities 1 through 17 below are eligible for PASPGP-2 authorization provided:

1. That individual components of a single and complete project, resulting in the discharge of dredged or fill materials and/or the placement of structures, will result in the permanent loss of no more than 0.25 acres of waters of the United States, including jurisdictional wetlands or not more than 250 linear feet of impacts to streams, rivers, jurisdictional watercourses, and open water areas (see exceptions below) and:
2. That all combined components of a single and complete project, including all attendant features both temporary and/or permanent, resulting in the discharge of dredged or fill materials and/or the placement of structures, will result in direct or indirect impacts to 1.0 acre or less of waters of the U.S., including jurisdictional wetlands, or 250 linear feet or less of streams, rivers or jurisdictional watercourses and open water areas.

(For the purposes of this condition, the linear footage of impact shall be measured along the centerline of the watercourse when both banks of the watercourse are involved or along a single streambank when one streambank is involved, or measured across the watercourse, from top of bank to top of bank, when the project extends transversely across the watercourse).

In order to qualify, these activities must: a) be registered as PADEP General Permits, (Chapter 105.441-105.449 pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq), and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pennsylvania Code General); or b) qualify as PADEP Waivers (Chapter 105.12 (a) (3) through (10), (12), (13) and (15) pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq; or c) receive a Waiver Letter of Maintenance or d) be registered as a Generic Permit (E-999x), or e) receive a PADEP Emergency Permit

Exception to 250 Linear Feet Threshold:

Those activities that are authorized under the PA General Permit #1 for Fish Habitat Enhancement Structures affecting 500 linear feet or less, of waters of the U.S., including jurisdictional wetlands.

Those activities that are authorized under PA General Permit #3 for Stream Bank Rehabilitation and Protection affecting 500 linear feet or less.

Activities:

1. Fish Habitat Enhancement Structures

This is limited to the construction, installation, operation, and maintenance of fish habitat enhancement structures for a maximum of 500 linear feet, in the regulated waters of the United States. Fish habitat enhancement structures authorized, consist of: deflectors, low flow channel structures, channel blocks, muddills and boulders, felled shoreline trees, special tire structures, brush structures, rubble reefs, half-log structures, elevated boulder structures and spawning /nursery structures placed in streams, lakes, ponds or reservoirs as developed and approved by the PFBC. This corresponds to those activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, §§ 105.441-105.449 General Permit No. 1 {GP-1}). Fish habitat enhancement structures are also subject to the general conditions identified in the GP-1 as well as the additional structure specific conditions identified in the GP-1 in order to insure no more than minimal impacts to the aquatic environment. Fish Habitat Enhancement Structures, affecting greater than 500 linear feet, that would otherwise be authorized under GP-1, require notification to the Corps and therefore, are not eligible under Category I, but may be eligible under Category III (see Part III.C.1.).

This does NOT include activities that may directly or indirectly affect streams supporting Federally listed mussels or fish, as listed below under Part III. C. 4. a. (Category III Activities).

2. Small Docks and Boat Launching Ramps

This is limited to the installation, operation, modification, and maintenance of small docks and boat launch ramps in and along the regulated waters of the Commonwealth of Pennsylvania. This corresponds to those activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, §§ 105.441-105.449 General Permit No. 2 {GP-2}). Activities related to the installation, operation and maintenance of small docks and boat launch ramps are also subject to the specific conditions identified in the GP-2, to insure no more than minimal impacts to the aquatic environment.

This does NOT include activities that may directly or indirectly affect streams supporting Federally listed mussels or fish, as listed below under Part III. C. 4. a. (Category III Activities).

3. Bank Rehabilitation, and Bank Protection

This is limited to the installation, operation, modification and maintenance of bank rehabilitation and protection for a maximum of 500 linear feet along the regulated waters of the Commonwealth of Pennsylvania. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, §§. 105.441-105.449 General Permit No. 3 {GP-3}). Bank rehabilitation, and bank protection activities are also subject to the conditions identified in the GP-3), in order to insure no more than minimal impacts to the aquatic environment. Gravel bar removal activities that would otherwise be authorized under GP-3, require notification to the Corps and therefore, are not eligible under Category I, but may be authorized under Category III (see Part III (c) (8).

This does NOT include activities that may directly or indirectly affect streams supporting Federally listed mussels or fish, as listed below under Part III. C. 4. a. (Category III Activities).

4. Intake and Outfall Structures

This is limited to the construction, operation and maintenance of intake and outfall structures in, along, across, or projecting into the regulated waters of the Commonwealth of Pennsylvania. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, §§ 105.441-105.449 General Permit No. 4 {GP-4}). Intake and outfall structure activities are also subject to the conditions identified in the GP-4, in order to insure no more than minimal impacts to the aquatic environment.

This does NOT include activities that may directly or indirectly affect streams supporting Federally listed mussels or fish, as listed below under Part III. C. 4. a. (Category III Activities)

5. Utility Line Stream Crossings

This is limited to the installation, operation and maintenance of utility line stream crossings of the regulated waters of the Commonwealth of Pennsylvania. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, §§ 105.441-105.449 General Permit No. 5 {GP-5}). Utility line stream crossing activities are also subject to the conditions identified in the GP-5, in order to insure no more than minimal impacts to the aquatic environment.

This does NOT include activities that may directly or indirectly affect streams supporting Federally listed mussels or fish, as listed below under Part III. C. 4. a. (Category III Activities).

This does NOT include activities proposed to occur in counties of bog turtle occurrence as listed below under Part III. C. 4. b. (Category III Activities).

6. Agricultural Crossings and Ramps (may be subject to 404(f)(1) exemptions)

This is limited to the installation, operation and maintenance of agricultural crossings and ramps in the regulated waters of the Commonwealth of Pennsylvania. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, §§ 105.441-105.449 General Permit No. 6 {GP-6}). Agricultural crossing and ramp activities are also subject to the conditions identified in the GP-6, in order to insure no more than minimal impacts to the aquatic environment.

This does NOT include activities proposed to occur in counties of bog turtle occurrence as listed below under Part III. C. 4. b. (Category III Activities).

7. Minor Road Crossings

This is limited to (1) the construction, operation and maintenance of a minor road crossing across wetlands which individually impacts less than 0.10 acre of wetlands, or cumulatively impacts less than 0.25 acre of wetlands (2) the construction, operation and maintenance of a minor road crossing across a stream where the watershed drainage is 1.0 square mile or less and (3) the removal of an existing minor road crossing across a stream where the drainage area is 1.0 square mile or less. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, §§ 105.441-105.449 General Permit No. 7 {GP-7}). Minor road crossing activities are also subject to conditions identified in the GP-7, in order to insure no more than minimal impacts to the aquatic environment.

This does NOT include activities proposed to occur in counties of bog turtle occurrence as listed below under Part III C. 4. b. (Category III Activities).

8. Temporary Road Crossings

This is limited to the construction, operation and maintenance of temporary road crossings of the regulated waters of the Commonwealth of Pennsylvania. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, §§ 105.441-105.449 General Permit No. 8 {GP-8}). Temporary road crossing activities are also subject to the conditions identified in the GP-8, in order to insure no more than minimal impacts to the aquatic environment.

This does NOT include activities that may directly or indirectly affect streams supporting Federally listed mussels or fish, as listed below under Part III. C. 4. a. (Category III Activities).

This does NOT include activities proposed to occur in counties of bog turtle occurrence as listed below under Part III. C. 4. b. (Category III Activities).

9. Agricultural Activities (may be subject to 404(f)(1) exemptions)

This is limited to the installation, operation, modification and maintenance of certain agricultural activities that encroach into streams and their floodways or bodies of water wholly or in part within or forming part of the boundary of the Commonwealth of Pennsylvania. These agricultural activities are grassed or lined waterways, terraces, diversions, waste storage facilities, spring development and minor drainage that supports these activities and is necessary for contour strips when engaged in as part of an existing

agricultural operation and shall only be implemented as part of a conservation plan consistent with the 25 Pa. Code, Chapter 102 (relating to erosion control) and approved by the appropriate Pennsylvania County Conservation District. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, §§ 105.441-105.449 General Permit No. 9 {GP-9}). Agricultural activities are also subject to the conditions identified in the GP-9, in order to insure no more than minimal impacts to the aquatic environment.

This does NOT include activities proposed to occur in counties of bog turtle occurrence as listed below under Part III. C. 4. b. (Category III Activities).

10. Stormwater Management and Erosion Control

This is limited to a water obstruction or encroachment located in, along, across or projecting into an existing stormwater management facility or an erosion and sedimentation pollution control facility which meets the requirements in 25 Pa. Code, Chapter 102 (relating to erosion control), if the facility was constructed and continues to be maintained for the designation purpose. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, § 105.12, Waiver No. 6). Corps authorization is only required in instances where the original facility was constructed in waters of the U.S. including wetlands.

11. Activities related to Crop Production (may be subject to 404(f)(1) exemptions)

This is limited to maintenance of field drainage systems for crop production and for plowing, cultivating, seeding or harvesting for crop production. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, § 105.12, Waiver Nos. 7 & 8).

12. Minor Stream Fords

This is limited to construction and maintenance of ford crossings of streams for individual private personal use, which require only grading of banks for approach roads and the placement of not more than 12 inches of gravel for roadway stability. Fords may not be used for commercial purposes and shall cross the regulated waters of the United States located in the Commonwealth of Pennsylvania in the most direct manner. This does not apply to activities in exceptional value streams as listed under 25 Pa. Code, Chapter 93 (relating to water quality standards) or in wild trout streams. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, § 105.12, Waiver No. 9).

13. Navigational Aids

This is limited to a navigational aid or marker, buoy, float, ramp or other device or structure for which a permit has been issued by the PFBC under Title 30, Pennsylvania Consolidated Statutes, Section 5123(a)(7) (relating to general boating regulations). This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, § 105.12, Waiver No. 10).

14. Activities Related to Use of Water Recording, Gauging and Testing Devices

This is limited to the construction, operation or removal of staff gages, water recording devices, water quality testing devices, including, but not limited to, sensors, intake tubes, weirs and small buildings which contain required instruments and similar scientific structures. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, § 105.12, Waiver No. 12).

15. Generic Permits (PADEP Regional General Permits) (E-999X) (may be subject to 404(f)(1) exemptions)

This is limited to maintenance activities performed in or along various streams within the Commonwealth, by certain Commonwealth agencies including:

- a. The Department of Transportation (District 1 - E61-9999; District 2 - E17-9999; District 3 - E41-9999; District 4 - E35-9999; District 5 - E-39-9999; District 6 - E23-9999; District 8 - E22-9999; District 9 - E07-9999; District 10 - E32-9999; District 11 - E02-9999 and District 12 - E26-9999)
- b. The Pennsylvania Turnpike Commission (E22-9995)
- c. The Department of Conservation and Natural Resources, Bureau of State Parks (Region 1 - E12-9998; Region 2 - E10-9998; Region 3 - E05-9998; Region 4 - E09-9998)
- d. The Department of Conservation and Natural Resources, Bureau of Forestry (District 1 - E29-9997; District 2 - E18-9997)
- e. The PA Game Commission (SE Region - E06-9996; SC Region - E31-9996; NE Region - E40-9996; NC Region - E41-9996; NW Region - E61-9996; SW Region - E65-9996)

This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, §105.442). The maintenance work must be performed as described on a submitted work schedule, submitted to PADEP Regional Soils and Waterway Sections, with all work performed in accordance with PADEP standards for that particular agency's maintenance agreement.

This does NOT include activities that may directly or indirectly affect streams supporting Federally listed mussels or fish, as listed below under Part III. C. 4. a. (Category III Activities).

This does NOT include activities proposed to occur in counties of bog turtle occurrence as listed below under Part III. C.4. b. (Category III Activities).

16. Emergency Activities

This is limited to activities impacting 250 linear feet or less of streams, rivers or jurisdictional watercourses, requiring immediate remedial action, necessary to alleviate an imminent threat to life, property or the environment. Activities exceeding 250 linear feet of stream channel will be processed as a Category III activity. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, § 105.64, Emergency Permit).

17. Normal Maintenance and Repair of an Existing Dam (may be subject to 404(f)(1) exemptions)

This is limited to normal maintenance and repair of an existing, jurisdictional dam and will not involve major modification to the dam. This corresponds to activities also authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105.131(b) prior approval by, Letter of Authorization).

B. Category II Activities:

This category includes activities that do not meet the terms and conditions of any activity listed in Category I, and requires notification through publication in the PA Bulletin as required by 25 PA Code Chapter 105.21(a) of the Dam Safety and Encroachments Act, 32P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 PA Code, Chapter 105, § 105.446(a)(2)(d). Activities that result in the discharge of dredged or fill materials and the placement of structures, that are components of a single and complete project, including all attendant features both temporary and or permanent, which individually or cumulatively result in direct or indirect impacts to 1.0 acre or less of waters of the U.S., including jurisdictional wetlands, or 250 linear feet or less of streams, rivers, or other jurisdictional watercourses, may be authorized by the PASPGP-2 after an opportunity for review and comment by the Corps, all other Federal and State Resource Agencies and the general public, provided the proposed regulated activities comply with all the terms, conditions, best management practices and processing procedures identified and required by the PASPGP-2, and all applicable PADEP Chapter 105 authorizations. An alternatives analysis consistent with the 404 (b)(1) guidelines will be conducted by PADEP as required by the Chapter 105 regulations for all Category II activities. Notification of the proposed activity will be through publication in the PA Bulletin at least 30 days prior to the effective date of the permit, Item No.1, below, is published in the PA Bulletin as an *Encroachment* while items No. 2 and 3 are published in the PA Bulletin as *Environmental Assessments*.

1. Activities Requiring Pennsylvania State Permits or Approvals

This is limited to activities which correspond to a PADEP Individual Permit (including a Small Projects Permit), Dam Permit or Environmental Assessment Approval and request for 401 Water Quality Certification, and which result in the discharge of dredged or fill materials and the placement of structures, that are components of a single and complete project, including all attendant features both temporary and/or permanent, which individually or cumulatively result in direct or indirect impacts to 1.0 acre or less of waters of the U.S., including jurisdictional wetlands, or 250 linear feet or less of streams, rivers, or jurisdictional watercourses. *For the purposes of this condition, the linear footage of impact shall be measured along the centerline of the watercourse when both banks of the watercourse are involved or along a single streambank when one streambank is involved, or measured across the watercourse, from top of bank to top of bank, when the project extends transversely across the watercourse.* Additionally, for purposes of this permit, the acreage of impacts to waters of the U.S. includes the direct impact (i.e. fill area) plus waters of the U.S. that are indirectly affected by flooding, excavation, or drainage as a result of the project.

2. The Removal of Abandoned Dams, Water Obstructions, and Encroachments

This is limited to the removal of abandoned dams, water obstructions, or encroachments, where PADEP determines in writing, on the basis of data, information or plans, submitted by the applicant, that the removal of the abandoned dam, water obstruction, or encroachment will not imperil life or property, have significant effect on coastal resources, or have an adverse impact on the environment, and the plans provide for restoration and stabilization of the project area. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, § 105.12, Waiver No.11).

3. Restoration Activities

This is limited to restoration activities undertaken and conducted pursuant to a restoration plan, which has been approved, in writing, by PADEP. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, § 105.12, Waiver No.16).

C. Category III Activities:

Activities listed below, as Category III will receive a project specific review by the Corps of Engineers to determine that no more than minimal adverse environmental impacts would occur. The Corps will coordinate with the appropriate Federal and State Resource agencies in order to make its minimal impact determination. In addition, the Corps will review the project to determine compliance with the terms, conditions and best management practices required by the PASPGP-2.

This category includes activities listed in or eligible for Category I or Category II that require additional case by case review due to issues of Federal concern as listed below. Projects which result in the discharge of dredged or fill materials and the placement of structures, that are components of a single and complete project, including all attendant features both temporary and or permanent, which individually or cumulatively result in direct or indirect impacts to 1.0 acre or less of waters of the U.S., including jurisdictional wetlands, may be authorized by the PASPGP-2 only after case by case opportunity for review and comment by all appropriate Federal and State resource agencies in order to ensure no more than minimal adverse environmental impacts. All Category III projects that require PADEP Individual Permits (including a Small Projects Permit), Dam Permits or Environmental Assessment Approvals, will also be reviewed by the general public through publication in the PA Bulletin. Notification for these activities will be through publication in the PA Bulletin at least 30 days prior to the effective date of the permit, as required by 25 PA Code Chapter 105.21a of the Dam Safety and Encroachments Act, 32P.S. § 693.1,et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 PA Code, Chapter 105). Coordination will be accomplished by forwarding copies of all project application files to the Corps of Engineers, or, in cases of Federal Endangered Species Act (ESA) concerns, directly to the USFWS. Coordination mechanisms are further detailed in the SOP document. Additionally, in order to be authorized under this Category, the proposed regulated activity must comply with all the terms, conditions, best management

practices and processing procedures identified and required by the PASPGP-2, and all applicable PADEP Chapter 105 authorizations.

1. Activities normally authorized under Category I, that have been requested by the Corps, Federal and/or State resource agencies, for a project specific review, prior to issuance by PADEP or the delegated County Conservation District.

2. Activities normally authorized under Category II that have been requested by the Corps, Federal and/or State Resource Agencies for a project specific review within 30 days of publication in the PA Bulletin.

3. Activities exceeding Category I and/or Category II thresholds

Activities listed in Category I that individually result in the permanent loss of 0.25 acres or more of wetlands or activities listed in Category I or Category II that impact greater than 250 linear feet of a stream, river or jurisdictional watercourse. This includes projects which individually or cumulatively impact more than 250 linear feet [but still less than 43,560 square feet] of streams, rivers, or other jurisdictional watercourse (except fish habitat enhancement structures authorized under GP #1 and bank rehabilitation and restoration activities, authorized under General Permit #3, that affect 500 linear feet or less), including all attendant features, both temporary and permanent, that are components of a single and complete project. This stream threshold is applied to the total impact of all components of a single and complete project, regardless of the type of PADEP authorization or combination of authorizations, used to approve the project. *(For the purposes of this condition, the linear footage of impact shall be measured along the centerline of the watercourse when both banks of the watercourse are involved or along a single streambank when one streambank is involved, or measured across the watercourse, from top of bank to top of bank, when the project extends transversely across the watercourse).*

4. Activities which may affect Threatened or Endangered Species or Their Critical Habitat

If a proposed activity may affect a Federally listed threatened, endangered, or proposed species, or its critical habitat, the Corps must initiate consultation with FWS and NMFS in accordance with the Federal Endangered Species Act (ESA) prior to authorization of the activity under the PASPGP-2. If through the informal consultation process (50 CFR part 402.13), it is determined that adverse effects to Federally listed threatened or endangered species and its critical habitat will be avoided, the activity is eligible for Federal authorization under the PASPGP-2. If, however, adverse effects cannot be avoided, the activity is NOT eligible for Federal authorization under the PASPGP-2. No activity is authorized under the PASPGP-2 which is likely to, individually or cumulatively, adversely affect a Federally listed threatened, endangered or proposed species or its critical habitat.

If a Pennsylvania Natural Diversity Inventory (PNDI) review indicates a potential conflict with a Federally listed threatened, endangered species, or proposed species or its critical habitat, the FWS will be consulted by PADEP or the Corps to determine the appropriate course of action to ensure compliance with the Endangered Species Act. Additional project screening and review will be conducted for activities proposed to occur in areas known to or likely to support Federally listed species or proposed species. The PASPGP-2 will not be issued until consultation pursuant to Section 7 of the ESA is concluded and adverse effects to Federally listed threatened, endangered and proposed species and critical habitat are avoided.

In order to further ensure compliance with General Requirement 10 (see below, Part V. A. 10) regarding Endangered Species, careful screening of all projects proposed to be authorized by the PASPGP-2 is necessary as outlined in the PASGP-2 SOP. The following conditions further define the requirements of the PASPGP-2, for the purpose of compliance with the ESA.

- a. Activities or projects proposed in streams occupied by Federally listed, proposed or candidate mussels or fish as indicated below, or in Waters of the United States within 300 feet of these listed streams shall be sent to the US Fish and Wildlife Service (FWS) for review and comment. This includes, but is not limited to, activities proposed to be authorized under PADEP Individual Permits, Dam Permits, Environmental Assessments, and General Permit Nos. 1, 2, 3, 4, 5, and 8 (unless exempt under 404(f)). This list is subject to change as additional streams of occurrence are documented.

STREAM	COUNTY(S)	SPECIES PRESENT
Allegheny River (from Kinzua Dam to lock and Dam 8)	Armstrong, Clarion, Forest, Venango, Warren	Northern riffleshell and clubshell
French Creek	Crawford, Erie, Mercer, Venango	Northern riffleshell and clubshell
Conneaut Outlet	Crawford	Clubshell
Conneauttee Creek	Crawford	Clubshell
LeBoeuf Creek	Erie	Northern riffleshell and clubshell
Muddy Creek	Crawford	Clubshell

- b. In counties of documented bog turtle occurrence, (listed below), **all** requests (impacting wetlands) for PADEP Individual Permits, Dam Permits, Environmental Assessment approvals and all PADEP General Permits Nos. 5, 6, 7, 8, and 9 will be screened in accordance with the Threatened and Endangered Species Section of the PASPGP SOP, prior to issuance or acknowledgement of the PASPGP-2 and/or the PADEP authorization. Counties: Adams, Berks, Bucks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill (Swatara Creek Watershed) and York.

5. Activities waived at 25 Pa. Code § 105.12(a)(1) Waiver 1- Small Dams not exceeding 3 feet in height in a stream not exceeding 50 feet in width

Any activity authorized as Waiver 1, which includes dams not exceeding 3 feet in height in a stream, not exceeding 50 feet in width, except wild trout streams designated by the PFBC. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, § 105.12, Waiver No. 1).

6. Activities waived at 25 PA Code § 105.12(a)(2) Waiver 2- Water Obstructions in a stream or floodway with a drainage area of 100 acres or less

Any activity authorized as Waiver 2, which includes water obstructions in a stream or floodway with a drainage area of 100 acres or less. This waiver does not apply to wetlands within the floodway. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, § 105.12, Waiver No. 2).

7. Activities waived at 25 PA Code § 105.12(a)(14) Waiver 14 - Artificial Ponds and Reservoir Maintenance

Any activity authorized as Waiver 14 includes maintenance of an artificial pond or reservoir to its original storage capacity where:

- The contributory drainage area is less than or equal to 100 acres.
- The greatest depth of water at maximum storage elevation is less than or equal to 15 feet.
- The impounding capacity at maximum storage elevation is less than or equal to 50-acre feet.

This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, § 105.12, Waiver No. 14).

8. Activities authorized at 25 PA Code § 105.131(c) –Maintenance of Reservoirs of Jurisdictional Dams

This is limited to work associated with maintenance dredging of the reservoir's design storage capacity including the removal of accumulated sediments. This corresponds to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, § 105.131 (c)).

9. Activities Potentially Obstructing Fish Passage

Any activity which could potentially obstruct the passage of diadromous fish, including but not limited to, the placement of dams, weirs, or permanent fill, stream channelization, stream relocation or the placement of pilings or structural supports which have the same effect of a discharge of fill material in the Juniata River main stem, including the Raystown Branch to Raystown Lake and Frankstown Branch to Hollidaysburg; or the Susquehanna River main stem, to the New York State line and the West Branch Susquehanna River to Lock Haven.

10. Activities Potentially Affecting Historic or Cultural Resources

Any activity which may adversely affect cultural resources, which are listed or eligible for listing in the National Register of Historic Places pursuant to the requirements of Section 106 of the National Historic Preservation Act (NHPA). This includes projects where the Pennsylvania Historic and Museum Commission (PHMC) in cooperation with the State Historic Preservation Officer (SHPO) have determined and the Corps has concurred that archaeological or other cultural resources are believed to exist within the permit area. Coordination mechanisms are detailed in the SOP document.

11. Activities Potentially Affecting Wild Or Scenic Rivers

Any activity which occurs in a component of the National Wild and Scenic River System or in a river officially designated by Congress as a "Study River" for possible inclusion in the System are not authorized by this PASPGP-2, unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect any Wild and Scenic River including study rivers. As stated in Part II.C.3.c above, activities located waterward of the ordinary high water (OHW) line or mean high water line (MHWL) in the Delaware River and Allegheny River are ineligible for the PASPGP-2, while activities located in wetlands landward of the OHW or MHWL lines of these rivers are eligible for authorization under the PASPGP-2. Designated and study rivers approved and included in the National Wild and Scenic River System subsequent to the publication of this document are to be considered in this sub-category.

The designated Wild and Scenic rivers include:

- a. The Upper Delaware Scenic and Recreational River, including the ¼ mile buffer from each bank, beginning at Hancock, New York, and continuing 73.4 river miles to Mill Rift, Pennsylvania.
- b. The Middle Delaware Scenic and Recreational River (from bank to bank) as it flows through the Delaware Water Gap National Recreation Area.
- c. The Allegheny River, from the Kinzua Dam Mile 197.2, downstream approximately seven miles to the US Rt. 6 Bridge, at mile 190.7, in Warren, then from the Buckaloons Recreation Area in Allegheny National Forest at Mile 181.7 downstream 47 miles to Alcorn Island just north of Oil City at river Mile 133.7, and then continuing from the Franklin Wastewater Treatment Plant at Mile 122.7, downstream 31 miles to the refinery at Emlenton Mile 90.7.
- d. The Clarion River from Mile 91.1 in the Borough of Ridgeway, Elk County, Pennsylvania, at the National Forest and Gamelands Boundary to Mile 39.4 at the normal pool elevation of Piney Dam.
- e. The White Clay Creek watershed including all of its tributaries.
- f. The Lower Delaware River beginning seven river miles north of Belvidere, New Jersey, continuing to Washington Crossing, Pennsylvania, including Panacussing Creek within Solebury Township, all of the Tincum Creek including Rapp Creek and Beaver Creek Tributaries, and Tohickon Creek to Pumping Station Road, including a ¼ mile buffer from each bank.

12. Permit Modifications

- a. Any proposed activity that is submitted as a permit modification will be forwarded to the Corps if the Corps was directly involved in the previous review and permitting of the original authorization.
- b. Any proposed activity that is submitted as a permit modification will be forwarded to the Corps if modification causes the impact to exceed the reporting threshold (250 linear feet of stream) or if the project exceeds the eligibility limit (more than 1.0 acre of jurisdictional wetlands or stream impacts), regardless of the Corps previous involvement. If project modifications result in cumulative impacts exceeding 1.0 acre, the project cannot be authorized using the PASPGP-2.

13. Gravel Bar Removal Activities

Any gravel bar removal activity in and along the regulated waters of the Commonwealth of Pennsylvania eligible for General Permit #3 (Bank Rehabilitation, Bank Protection and Gravel Bar Removal. This activity is authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated thereunder in the Pennsylvania Bulletin (codified at 25 Pa. Code, Chapter 105, §§. 105.441-105.449 General Permit No. 3 {GP-3}). Gravel bar removal activities are also subject to the conditions identified in the GP-3, in order to insure no more than minimal impacts to the aquatic environment.

14. Emergency Permit Activities

Any activity eligible for a PADEP Emergency Permit pursuant to 25 Pa. Code §105.64. that individually or cumulatively exceeds 250 linear feet but less than 43,560 square feet (1 acre) of stream impact.

Part IV– Procedures:

A. Application Submittal:

Applicants must identify all impacts to waters of the U.S., including the direct and indirect impacts, both temporary and permanent, that are components of a single and complete project, including all attendant features. The delineation of wetland boundaries shall be accomplished in accordance with the current 1987 Corps of Engineers Wetland Delineation Manual (87 Manual) and appropriate guidance issued by the Corps of Engineers.

Applicants must apply for the necessary Commonwealth and Federal authorization by following one of the procedures indicated below:

1. For PASPGP-2 Eligible Activities:

- a. Complete and submit 3 copies of the appropriate Pennsylvania/Corps Joint Permit application form* to the appropriate PADEP Regional Office and notify the PHMC-SHPO, using the “PADEP Cultural Resource Notification Form” or other PHMC accepted format, and provide written proof of the notification and/or response from PHMC, with the permit application; or
- b. Register a PADEP Chapter 105 General Permit* at the appropriate PADEP Regional Office or, where applicable, the Delegated County Conservation District Office; or
- c. Complete and submit to the appropriate PADEP Office, a PADEP Environmental Assessment form* for activities identified by 25 Pa. Code 105.15, and for those activities identified at 25 Pa. Code 105.12(a) (11 and 16); (**Note:** No permit application submittal to PADEP is necessary for other activities identified as waived in 25 Pa. Code 105.12 (a) (1) through (10) and (12) through (15), however these may require a Corps permit application submittal as discussed below for activities authorized under Waiver 1, 2, and 14.)
- d. Complete a Federal Section 10/404 Corps permit application** and submit it to the applicable Corps District Office for:

1. For activities identified in 25 Pa. Code 105.12(a)(1)(2), and (14) Waivers 1, 2, and 14.
2. For Federal projects not qualifying for a Category I activity

* A complete permit application package may be obtained by contacting the appropriate PADEP Regional Office as listed at the end of this permit.

** A Federal permit application may be obtained by contacting the appropriate Corps District Office as listed at the end of this permit.

2. For PASPGP-2 Ineligible Activities:

- a. For activities in PASPGP-2 **ineligible waterways** (listed at Part II.C.3.c), complete a Joint Permit application form and submit it to the appropriate PADEP office who will forward a copy to the appropriate Corps office for Federal review and approval.
- b. For activities which qualify for PADEP Chapter 105.12 (a) Waivers or PADEP Letters of Authorization, which involve the discharge of dredged or fill materials and/or the placement of structures, that are components of a single and complete project, including all attendant features both temporary and permanent, which individually or cumulatively, result in direct and indirect impacts to waters of the United States, including jurisdictional wetlands, which **exceed 1.0 acre**, complete a **Corps permit application and submit it directly to the appropriate Corps District Office.**
- c. Activities authorized by PADEP District Mining Offices (Bureau of Mining and Reclamation complete a **Corps permit application and submit it directly to the appropriate Corps District Office.**
- d. For activities registered for PADEP General Permit No. 15 (**GP-15**) the applicant must forward a copy of their request to the appropriate PADEP and Corps offices for separate review and approval.
- e. For all other activities which involve the discharge of dredged or fill materials, and/or the placement of structures, that are components of a single and complete project, including all attendant features both temporary and permanent, which individually or cumulatively result in direct and indirect impacts to waters of the U.S. including jurisdictional wetlands, which **exceed 1.0 acre**, complete a **Joint Permit application form and submit it to the appropriate PADEP office who will forward a copy to the appropriate Corps office for Federal review and approval.**

B. PASPGP-2 Review Procedures:

1. **Category I (Site specific Corps review not required):** Proposed activities that are subject to Corps jurisdiction which involve the discharge of dredged or fill materials, and the placement of structures, and that are components of a single and complete project, including all attendant features both temporary and permanent, which result in no more than minimal individual or cumulative environmental impacts, may proceed without an application to the Corps, provided that all required State and local authorizations are obtained and the activities meet all terms and conditions of the PASPGP-2.

If the Corps or PADEP provide written notice to the applicant that alternative Corps review is required, the applicant cannot proceed to perform the work under Category I.

2. **Category II Review:** All Category II activities will be published in the PA Bulletin, as a Public Notice. The Corps and resource agencies will review the PA Bulletin to determine the need for Federal review, on a case-by-case basis. One copy of the permit application will be maintained in the PADEP Regional Office for resource agency review. If a resource agency requests to upgrade the review to a Category III review of the permit application, it must notify the appropriate PADEP Regional Office, prior to the expiration of the comment period in the PA Bulletin. PADEP will forward the application as outlined in the SOP.

The Corps District may notify PADEP that the activity is eligible for authorization under PASPGP-2, with or without special conditions, or may notify PADEP that the project is not eligible for the PASPGP-2 and require another type of Federal authorization. The applicant may not begin work until PADEP or the Corps

provides written verification to the applicant that the activity is eligible for authorization under the PASPGP-2.

3. **Category III Review:** Applications for projects identified as Category III, will be reviewed by the Corps and, when applicable, the Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS), Pennsylvania Department of Environmental Protection (PADEP), Pennsylvania Fish and Boat Commission (PFBC), Pennsylvania Game Commission (PGC), Pennsylvania Historic and Museum Commission (PHMC), and, as requested by any other Federal and State resource agencies, to determine eligibility for authorization under the PASPGP-2. All Category III activities that involve a PADEP Individual Permit (including a Small Projects Permit), Dam Permit or Environmental Assessment Approval, will also be reviewed by the general public through publication in the Pennsylvania Bulletin. The Corps District will notify PADEP that the activity is eligible for authorization under PASPGP-2, with or without special conditions, or will notify PADEP and the applicant that the project is not eligible for the PASPGP-2 and require another type of Federal authorization. The applicant may not begin work until PADEP or the Corps provides written verification to the applicant that the activity is eligible for authorization under the PASPGP-2.

For activities which qualify for the PASPGP-2, PADEP, the Corps, or the County Conservation District will process and issue Federal authorization through the PASPGP-2 and will provide the applicant a copy of the PASPGP-2 conditions and, if applicable, project-specific conditions, imposed by the Corps and/or PADEP.

When coordination with the Pennsylvania SHPO results in identification of a potential Section 106 affect within the permit area, or coordination with the FWS results in identification of a Federally listed threatened or endangered species, or its critical habitat, the project will follow Category III procedures. Where Category III procedures are initiated due to Section 106 or endangered species concerns, the Corps will allow up to an additional 30 days from that determination for comment by the applicable agency.

Resource agencies will be notified for gravel bar removal projects as outlined in the SOP. Any gravel bar removal project which the Corps has determined to be unregulated, will not require authorization under the PASPGP-2.

C. Agency Objection:

If, within the time constraints of the PA Bulletin comment period, or Corps notification period, any Federal or State resource agency objects to authorization of a specific project under PASPGP-2, and the Corps does not concur with the agency's objection, the agency has an additional 15 days from the close of the comment period, for its Division Director (EPA, FWS, NMFS) or Executive Director (State resource agencies) to express a formal objection. The objection must be, within the agency's area of expertise and/or authority, under the PASPGP-2. The Corps will attempt to resolve the objection, within 45 days of receipt of the formal request. If the Corps cannot resolve an objection by the agency within 45 days, that application will not qualify for authorization under PASPGP-2, and the Corps will evaluate the activity under Individual Permit procedures. However, should all objections be resolved, the applicability of PASPGP-2 may be reinstated and may include project specific conditions to protect the public interest.

D. Other Types of Corps Permit Review:

1. If a project is ineligible under the terms and conditions of the PASPGP-2, the Corps will notify PADEP and the applicant that the project will require further evaluation under alternative permit procedures, including a public interest review. All information submitted by the applicant for the PASPGP-2 review will also be used by the Corps for the alternative permit review. Individual Water Quality Certification (WQC) and Coastal Zone Management Consistency (CZM) determination may be required for projects reviewed through the alternative permit procedures. WQC and CZM may be included as part of the PADEP authorization.
2. Activities that require Department of the Army authorization, but that do not meet the terms and/or conditions of the PASPGP-2 are ineligible for authorization under the PASPGP-2 and will be reviewed under alternative permit procedures. However, during the alternative permit review, the Corps may determine that the impacts have been reduced such that the activity imposes only minimal adverse

environmental effects and the proposed project meets the terms and conditions of the PASPGP-2. At that time the Corps may verify PASPGP-2 eligibility for the project.

3. Discretionary Authority: Notwithstanding compliance with the terms and conditions of the PASPGP-2, the Corps retains discretionary authority to require a Corps Individual Permit review for any project based on concerns for the aquatic environment or for any other factor of the public interest. This authority is invoked, on a case-by-case basis, whenever the Corps determines that the potential consequences of the proposal warrant individual review, based on the concerns stated above. This authority may be invoked for projects with cumulative environmental impacts that are more than minimal or if there is a special resource or concern associated with a particular project, which is not addressed with stipulations of the PASPGP-2, and warrants greater review.

Part V – General Conditions:

For an activity involving the placement of a structure and/or discharge of dredged or fill materials into waters of the United States, including jurisdictional wetlands, to qualify for authorization under this PASPGP-2, it must be in compliance with the following General Requirements, Best Management Practices, and Procedural Conditions:

A. General Requirements:

All activities authorized under PASPGP-2 must be in compliance with the terms and conditions of the following:

1. **State Authorization:** The activity must receive State authorization. For the purpose of this requirement, any one of the following would be considered as State authorization:
 - a. A PADEP Chapter 105 Water Obstruction and Encroachment Permit, including a PADEP approved Environmental Assessment per 25 Pa. Code 105.15, or
 - b. A PADEP General Permit issued per 25 Pa. Code 105.441 – 105.449, or
 - c. A PADEP approved Environmental Assessment for activities not otherwise requiring a PADEP permit per 25 Pa. Code 105.15, or
 - d. A CWA Section 401 Water Quality Certification for activities which qualify for waiver of PADEP permit requirements per 25 Pa. Code 105.12, or
 - e. A PADEP Dam Permit, including the maintenance or repairs of existing authorized dams, including maintenance dredging , or,
 - f. A PADEP Emergency Permit issued per 25 Pa. Code 105.64, or
 - g. The maintenance provision of a previously authorized PADEP permit for the construction of a bridge or culvert (including bridges and culverts authorized by PADEP prior to the implementation of the PASPGP-1 in March 1995), which allows for maintenance activities of bridges and culverts, or
 - h. A PADEP Chapter 105 Dam Safety and Encroachment Enforcement Action, or
 - i. A CWA Section 401 Water Quality Certification where no other State authorization as listed above, is required.
2. **Other Authorizations:** Additional Federal, State and/or local authorizations or approvals are required, where applicable, and must be secured by the applicant, prior to initiating any discharge of dredged or fill material, and/or the placement of structures into waters of the United States, including jurisdictional wetlands. These approvals include, but are not limited to:
 - a. A 401 Water Quality Certification issued by PADEP pursuant to Section 401 of the CWA.
 - b. A Consistency Determination issued by PADEP pursuant to Section 307 of the Federal Coastal Zone Management Act for activities located within designated Coastal Zone Management Areas.
 - c. For activities resulting in permanent, above-grade fills in waters of the United States, including jurisdictional wetlands within 100-year floodplains mapped by the Federal Emergency Management Agency (FEMA) or State or local governments, the permittee must comply with the applicable FEMA, State, and local floodplain construction requirements.

3. **Waters of the U.S. including Jurisdictional Wetlands:** Applicability of the PASPGP-2 shall be evaluated with reference to the Corps definition of waters of the United States, including jurisdictional wetlands. Applicants are responsible for delineating boundaries of all waters of the United States, including jurisdictional wetland boundaries. The delineation for jurisdictional wetland boundaries shall be accomplished in accordance with the current Corps of Engineers Wetland Delineation Manual (1987 Manual) and appropriate guidance issued by the Corps of Engineers.
4. **Avoidance, minimization and compensatory mitigation:** Discharges of dredged or fill material and/or the placement of structures into waters of the United States, including jurisdictional wetlands must be avoided and minimized to the maximum extent practicable at the project site. Applicants must avoid and minimize impacts to the aquatic environment, in accordance with the PADEP requirements under Chapter 105.1 *Mitigation*, 105.13 (d)(1)(viii), 105.14 (b)(7), 105.16 (a), 105.18 a (3), and 105.18 b (3). Once avoidance and the minimization of unavoidable adverse impacts has been demonstrated to the satisfaction of the reviewing office (Corps, PADEP, or the County Conservation District), compensatory mitigation may be used to offset unavoidable adverse impacts.
5. **Use of the Pennsylvania Wetland Replacement Project (Fund):** The Fund may be used to compensate for impacts approved under the authority of PASPGP-2. After it has been determined by the Corps or PADEP that compensatory mitigation is not practicable, the applicant, on a case by case basis, may be given the opportunity to consider using other forms of acceptable mitigation, including the Pennsylvania Wetland Replacement Project (Fund). The use of the Fund for PASPGP-2 projects will follow the procedures outlined in the PASPGP-2 SOP document.
6. **Single and Complete Projects:** The PASPGP-2 shall not be used for piecemeal work and shall be applied to single and complete projects. The term “single and complete project” is defined at 33 CFR 330.2 (I) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. All components of a single project shall be treated together as constituting one single and complete project, and shall be evaluated together, for purposes of PASPGP-2 authorization. This general permit shall not be used for any activity that is part of an overall project for which a Corps Individual Permit is required.
7. **Cultural Resources:** Any activity authorized by the PASPGP-2 shall comply with Section 106 of the National Historic Preservation Act (NHPA). No activity, which may affect Historic Properties, listed, or eligible for listing, in the National Register of Historic Places is authorized under PASPGP-2, until the Corps has complied with the provisions of 33 CFR part 325, Appendix C, Historic Properties include historic and prehistoric (archaeological) sites. The applicant must provide evidence that the SHPO at the PHMC has been notified, using the PADEP Cultural Resources Notification Form for all PADEP Individual Permits. Proof of notification may be in the form of a copy of the response letter from PHMC or a copy of the certified mail receipt resulting from sending the Cultural Resources Notification Form. The Corps may require applicants to perform a survey of historic and archaeological resources in the project area.

For all activities authorized under a PASPGP-2, upon the discovery of the presence of previously unknown Historic Properties (historic or archaeological), all work must cease and the permittee must notify the SHPO and the Corps of Engineers. The PASPGP-2 authorization is suspended until it is determined, through the Section 106 consultation process, whether the activity will have an affect on the Historic Property. The suspended authorization under PASPGP-2 may be reactivated or modified, through special conditions if necessary, after an affects determination on the Historic Property is made. The PASPGP-2 authorization may be revoked for the specific activity if an adverse affect on the Historic Property can not be avoided or mitigated.
8. **Tribal rights:** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. **Water supply intakes:** No activity, including discharges of dredged or fill material and/or the placement of structures may occur in the proximity of a public water supply intake except where the activity or discharge is for repair of the public water supply intake structures or adjacent bank stabilization.

10. **Threatened and Endangered Species:** No activity is authorized under the PASPGP-2 which is likely to, individually or cumulatively, adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. If an activity is authorized under the PASPGP-2, and a Federally listed threatened or endangered species, or proposed species or critical habitat is subsequently found to be present, all work must cease, and the Corps and USFWS (or NMFS) must be notified. The PASPGP-2 authorization is suspended until the conclusion of Section 7 consultation in accordance with ESA. The PASPGP-2 authorization will be revoked for the specific project if the species or critical habitat is adversely affected. Furthermore, persons have an independent responsibility under Section 9 of ESA to not engage in any activity that could result in the “take” of a Federally listed species.
11. **Corps Civil Works Projects:**
 - a. Navigation Projects. The PASPGP-2 does not authorize interference with any Corps navigation project. The permittee understands and agrees that, if future operations by the United States require removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation, or alteration.
 - b. Other Corps Civil Works Projects (i.e. Flood Control, Dams, and Reservoirs). The PASPGP-2 does not authorize interference with any proposed or existing Federal project.
12. **Federal Liability:** In issuing this permit, the Federal government does not assume any liability for the following:
 - a. damages to the permitted project or uses, thereof, as a result of other permitted or unpermitted activities or from natural causes;
 - b. damages to the permitted project or uses, thereof, as a result of current or future activities undertaken by or on behalf of the United States in the public interest;
 - c. damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;
 - d. design or construction deficiencies associated with the permitted work; and
 - e. damage claims associated with any future modification, suspension, or revocation of the PASPGP-2.
13. **Navigation:** No activity authorized under PASPGP-2 may cause more than a minimal adverse affect on navigation. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein. Nothing in the PASPGP-2 shall in any way restrict the District Engineer, U.S. Army Engineer District, Baltimore, Philadelphia or Pittsburgh, from exercising his or her legal authority to protect the federal interest in navigation and in the navigation servitude of the United States.

B. Best Management Practices:

All activities authorized under PASPGP-2 must be in compliance with the terms and conditions of the following:

1. **Equipment working in wetlands:** Measures must be taken to minimize soil disturbance when heavy equipment is used in and adjacent to wetland areas. These measures include, but are not limited to, avoiding the use of such equipment, use of timber mats or geotextile fabric, and the use of low pressure tire vehicles.
2. **Temporary fill:** Temporary fill in waters of the United States, including jurisdictional wetlands, is considered a discharge of fill material and must be included in the quantification of impact area authorized by the PASPGP-2. Temporary fill in waters and wetlands authorized by the PASPGP-2 (i.e. access roads, cofferdams) shall be properly constructed and stabilized during use, to prevent erosion and accretion.

Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade. Whenever possible rubber or wooden mats should be used for equipment access through wetlands to the project area. Temporary fills shall be removed, in their entirety, to an approved upland site, and suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their preconstruction contours, elevations, and hydrology and revegetated with comparable native species.

3. **Erosion and siltation controls:** During construction, appropriate erosion and siltation controls must be used and maintained in effective operating condition in accordance with State regulations. All exposed soil and other fill material must be permanently stabilized.
4. **Aquatic life movements:** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species, which normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
5. **Shellfish production:** No discharge of dredged or fill material and/or the placement of structures may occur in areas of concentrated shellfish production, unless the discharge is directly related to an authorized shellfish harvesting activity.
6. **Spawning areas:** The permittee shall comply with all time-of-year restrictions as set forth by the PFBC or other designated agency. Discharges or structures in spawning or nursery areas shall not occur during spawning seasons, unless written approval is obtained by the PFBC or other designated agency. In addition, work in areas used for other time sensitive life span activities of fish and wildlife (such as hibernation or migration) may necessitate the use of seasonal restrictions for avoidance of adverse impacts to vulnerable species. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
7. **Adverse effects from impoundments:** If the activity, including the discharge of dredged or fill material or the placement of a structure creates an impoundment of water, the adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow, including impacts to wetlands, shall be minimized to the maximum extent practicable.
8. **Waterfowl breeding and wintering areas:** Activities, including discharges of dredged or fill material or the placement of structures in breeding and wintering areas of migratory waterfowl must be avoided to the maximum extent practicable.
9. **Suitable material:** No activity, including discharges of dredged or fill material or the placement of structures, may consist of unsuitable material (e.g., asphalt, trash, debris, car bodies, etc.). No material discharged shall contain toxic pollutants in amounts that would violate the effluent limitation standards of § 307 of the CWA.
10. **Obstruction of high flows:** To the maximum extent practicable, the activity must be designed to maintain pre-construction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The Activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to pre-construction conditions, and must not increase water flows from the project site, relocate water, or redirect water flow beyond pre-construction conditions. In addition, the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows.

C. Procedural Conditions:

All activities authorized under PASPGP-2 must be in compliance with the terms and conditions of the following:

1. **Installation and maintenance:** Any structure or fill authorized shall be properly installed and maintained to ensure public safety.
2. **Inspections:** The permittee shall allow a District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with all the terms and conditions of the PASPGP-2. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work.
3. **Residential, Commercial and Industrial Subdivisions:** For any activity authorized under PASPGP-2, for the purpose of constructing a residential, commercial or industrial subdivision, where wetlands, in addition to those being directly impacted by the proposed activity are located within the subdivision property boundaries; and those wetlands are included as part of platted lot(s) proposed for resale, the following declaration shall be added to the deed descriptions for all such lots containing wetlands: *“This lot contains Federally regulated wetlands. Any disturbance of these wetlands including the discharge of dredged or fill material into these wetlands may require a Department of the Army permit pursuant to Section 404 of the Clean Water Act. Additional information may be obtained by contacting the appropriate Corps District.”*

The permittee shall provide verification to the Corps that a deed declaration has been implemented in accordance with this provision by submitting a copy of the recorded deed declaration to the Corps within 30 days of recordation.

4. **PADEP permit conditions:** The permittee shall comply with all terms and conditions set forth in the PADEP authorization for use of this permit, including all conditions of Section 401 Water Quality Certification, and any subsequent amendment or modification to such authorization. The permittee shall conduct all work and activities in strict compliance with all approved maps, plans, profiles, and specifications used by PADEP and/or the Corps as the basis for its authorization or subsequent modification of authorization.
5. **Compliance certification:** A compliance certification form, regarding the PASPGP-2 authorized work and required mitigation, will be forwarded to each permittee with the PASPGP-2 authorization. Every permittee, who receives a written PASPGP-2 authorization, shall submit the signed compliance certification form upon completion of the authorized work and required mitigation. The completed form shall be returned to the appropriate Corps District and include:
 - a. A statement that the authorized work was or was not done in accordance with the PASPGP-2 authorization, including any general and/or special conditions. If the work was not done in accordance with the PASPGP-2 authorization, the permittee shall describe the specifics of the deviation from the authorized activity.
 - b. A statement that any required mitigation was or was not done in accordance with the permit conditions and approved plans. If the mitigation was not performed in accordance with the permit conditions and approved plans, the permittee shall describe the specifics of the deviation from the permit conditions and plans related to the required mitigation.
 - c. Photographs and a written description of each, as required by the terms of the compliance certification form, showing completed authorized work and mitigation.
 - d. The signature of the permittee, certifying the completion (or not) of the authorized work and mitigation.
6. **Special conditions:** The Corps may impose other special conditions on a project authorized pursuant to the PASPGP-2, where it is determined necessary to minimize adverse environmental effects or based on any other factor of the public interest. Failure to comply with all conditions of the authorization, including special conditions, will constitute a permit violation and may be subject to criminal, civil, or administrative penalties, and /or restoration.
7. **False and incomplete information:** If any of the information and/or plans contained in or made a part of the Pennsylvania/Corps Joint Permit Application, PADEP General Permit registration, PADEP

Environmental Assessment is found to be in error, falsified, and/or incomplete, the PASPGP-2 authorization may be subject to modification, suspension, or revocation in accordance with 33 CFR 325.7.

8. **Permit modifications:** Any proposed modification of the authorized project that results in a change in the authorized impact to, or use of waters of the United States, including jurisdictional wetlands, must be approved by PADEP. Corps approval is also required if the project had been previously reviewed by the Corps or the proposed modification causes the total project impacts to exceed 1.0 acre of waters of the U.S., including jurisdictional wetlands, or 250 linear feet of streams, rivers, or other jurisdictional waterbodies including open water areas.

Any modification that only involves a transfer of ownership for any PASPGP-2 will be forwarded to the appropriate Corps District, using the PADEP Application For Transfer Of Permit and Submerged Lands License Agreement (form no. 3930-PM-WM0016).

9. **Permit expiration:** The project-specific PASPGP-2 authorization is valid for the same period as the project-specific PADEP authorization, not to exceed three years from the date of authorization, unless modified or extended or until the PASPGP-2 expires, is suspended, or revoked, whichever date occurs sooner.

PASPGP-2 authorization for activities receiving PADEP General Permits shall not exceed three years or until the PASPGP-2 expires, is suspended, or revoked, whichever date occurs sooner.

Activities authorized under the PASPGP-2 that have commenced construction or are under contract to commence construction, will remain authorized provided the activity is completed within 12 months of the date of the PASPGP-2s expiration, modification, or revocation; or until the expiration date of the project specific verification, whichever is sooner.

10. **One-time use:** A project-specific PASPGP-2 authorization is valid to construct the project, or perform the activity, one time only, except for maintenance activities associated with the authorized activity, if allowed as part of the authorized activity.
11. **Property rights:** This PASPGP-2 does not convey any property rights, either in real estate or material, or any exclusive privileges; nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

Part VI – Enforcement and Compliance

- A. Any activity performed in any Federally regulated waters of the United States, including jurisdictional wetlands, that is not in total compliance with all the terms and conditions of the PASPGP-2 constitutes unauthorized work and is subject to an enforcement action by the Corps and/or the EPA. Violations of a PADEP authorization including permit conditions, are violations of the PASPGP-2. Furthermore, this PASPGP-2 does not delegate any Federal Section 10/404 enforcement or regulatory authority to any non-Federal Section 10/404 agency. When unauthorized work occurs in a Federally regulated wetland or other waters, it is subject to one or more of the following responses by the Corps and/or EPA:
 1. A Cease and Desist Order and/or an administrative compliance order requiring remedial action.
 2. Initiation and assessment of Class I administrative penalty orders pursuant to Section 309(g) of the CWA up to \$11, 000 per violation.
 3. Initiation and assessment of a Class II administrative penalty for a continuing violation of \$11, 000 per day, up to a maximum of \$137,5000.
 4. Referral of the case to the U.S. Attorney, or Department of Justice with a recommendation for civil or criminal action.
 5. If the Corps District determines that an after-the-fact permit application is appropriate, it will be evaluated following the appropriate permit processing procedures.

- B. The PASPGP-2 does not apply to any existing or proposed activity in Corps jurisdiction associated with an on-going Corps enforcement action, until such time as the enforcement action is resolved or the Corps determines that the activity may proceed independently without compromising the enforcement action.
- C. The resolution of Federal and State enforcement actions, including for both unauthorized and non-compliance activities, shall be fully coordinated between the Corps and PADEP.
- D. A PASPGP-2 may not be issued or modified for authorization of after-the-fact work without Corps approval.
- E. The PASPGP-2 Monitoring Committee Meetings shall serve as an interagency forum to further develop and coordinate the implementation of Federal/State processes for enforcement and compliance activities.

Part VII – Duration of Authorization:

A. Duration of Authorization:

1. The PASPGP-2 is authorized for a period of 5 years. For projects authorized by the PASPGP-2, the project must be completed within 3 years of the date of the project-specific PASPGP-2 authorization letter, or when the PASPGP-2 expires, is suspended, or revoked, whichever date occurs sooner. The 3-year expiration date for construction of the project may be extended, with prior approval by PADEP or the Corps, as appropriate, provided the permittee requests the extension in writing prior to the expiration date of the authorization letter.
2. If the PASPGP-2 is not modified or reissued within five years of its effective date, it automatically expires and becomes null and void on June 30, 2006.
3. Activities authorized under the PASPGP-2 that have commenced construction or are under contract to commence construction, will remain authorized provided the activity is completed within 12 months of the date of the PASPGP-2's expiration, modification, or revocation; or until the expiration date of the project specific verification, whichever is sooner. If the activity authorized under PASPGP-2 is not under contract to commence and the PASPGP-2 has expired, the authorization may be extended only if the PASPGP-2 is reauthorized, and the project specific authorization complies with all terms and conditions of the reauthorized PASPGP. This extension, if applicable, may not exceed three years from the date of the original authorization.

B. Changes to State Statutes, Regulations or PADEP Permits:

Proposed changes to all pertinent State programs, regulations or State laws, affecting the implementation of the PASPGP-2, will be reviewed by the Corps of Engineers. In the event that the PADEP regulations are revised in such a manner as to substantively modify the current review mechanisms and/or coordination procedures as defined in this document, including the elimination of the current PADEP equivalent 404(b)(1) review, the PASPGP-2 will be reassessed to determine its legality. A determination will be made through a public interest review, including consultation with appropriate resource agencies, to determine whether or not to continue use of the PASPGP-2 in light of the modified State regulation, State law, or programmatic changes.

C. Changes to the Federal Program:

A Corps Public Notice will be issued to solicit comments before making any substantive changes to the PASPGP-2 or the accompanying (SOP) document. A determination will be made through a public interest review, including consultation with appropriate resource agencies, to determine whether or not to continue use of the PASPGP-2 in light of the modified Federal regulation, guidance or programmatic changes.

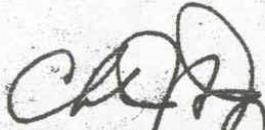
D. Reporting and Evaluation:

1. The Baltimore District Engineer, in consultation with the other Corps Districts, EPA and PADEP will periodically review the PASPGP-2 and its terms, conditions and processing procedures and will decide to either modify, reissue or revoke the permit.
2. PADEP will provide annual data and statistics to the Corps concerning permits issued through the PASPGP-2. This will include data concerning the number, type, and processing time for permits issued by each PADEP Regional Office and the Delegated County Conservation Districts; the number, type, and scope of permitted wetlands and stream impacts; the number, type, scope, and location of wetlands replacement or other mitigation areas; and pertinent data concerning operation of the Pennsylvania Wetlands Replacement Project (Fund). These reports will be available to the public.
3. Every two and one-half years, the Corps, with recommendations from the resource agencies will evaluate the PASPGP-2, including its terms and conditions, and will determine if: (1) the PASPGP-2 has met its intended goal of reducing duplication; (2) authorizations/verifications comply with applicable laws and regulations; and (3) only projects with minimal adverse environmental effects were verified. Every two and one-half years, coordinated with the required 5-year cycle of PASPGP-2 re-issuance, based on this review and evaluation, the Corps will further determine whether modification, suspension, or revocation of the PASPGP is appropriate. These determinations will be in writing, will include the basis for each determination, and will be available to the public. The Corps and PADEP will periodically prepare reports describing implementation of the PASPGP-2.

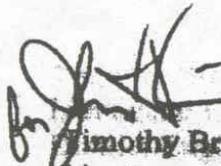
E. Modification, Suspension, or Revocation:

1. The Corps may decide to suspend, modify, or revoke the PASPGP-2 authorization in its entirety or for any specific geographic area, class of activities, or class of waters within the affected District, by notifying PADEP and issuing a public notice notifying the general public. The notice will state the concerns regarding the environment or other relevant factors of the public interest. Before the Corps modifies or revokes such PASPGP-2 authorizations, the Corps will provide, if appropriate, a grandfathering period for those who have commenced work or are under contract to commence work in reliance on the PASPGP-2 authorization. Affected parties will be notified of the modification, suspension, or revocation, including the effective date. The Corps may also suspend, modify, or revoke a project specific activity's authorization under the PASPGP-2 at any time, if necessary.
2. Substantive changes to the Pennsylvania Chapter 105 program may require immediate suspension and revocation of the PASPGP-2 in accordance with 33 CFR 325.7. or formal modification subject to public review and input.

By Authority of the Secretary of the Army:



Charles J. Fiala, Jr.
Colonel, Corps of Engineers
District Engineer, Baltimore



^{MAJ, EN} Acting District Engineer
Timothy Brown
Lieutenant Colonel, Corps of Engineers
District Engineer, Philadelphia



David R. Rignour ^{MAJ, EN}
Colonel, Corps of Engineers
District Engineer, Pittsburgh

PADEP Regional Office
PADEP Northwest Regional Office
Soils and Waterways Section
230 Chestnut Street
Meadville, PA 16335
814-332-6942

PADEP Southwest Regional Office
Soils and Waterways Section
400 Waterfront Drive
Pittsburgh, PA 15222-4745
412-442-4000

PADEP Northcentral Regional Office
Soils and Waterways Section
208 W. Third Street Suite 101
Williamsport, PA 17701
717-327-3574

PADEP Southcentral Regional Office
Soils and Waterways Section
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4802

PADEP Northeast Regional Office
Soils and Waterways Section
2 Public Square
Wilkes-Barre, PA 18711-0790
717-826-5485

PADEP Southeast Regional Office
Soils and Waterways Section
Suite 6010, Lee Park
555 North Lane
Conshohocken, PA 19428
610-832-6130

PADEP Central Office (Dam Permits)
Bureau of Waterways Engineering
Rachel Carson State Office Building
P.O. Box 8554
Harrisburg, PA 17105-8554
717-787-8568

COUNTY RESPONSIBILITY

Butler, Clarion, Crawford, Elk, Erie,
Forest, Jefferson, Lawrence, McKean,
Mercer, Venango and Warren

Allegheny, Armstrong, Beaver,
Cambria, Fayette, Greene, Indiana,
Somerset, Washington, and
Westmoreland

Bradford, Cameron, Centre, Clearfield,
Clinton, Columbia, Lycoming, Montour,
Northumberland, Potter, Snyder,
Sullivan, Tioga and Union

Adams, Bedford, Berks, Blair,
Cumberland, Dauphin, Franklin, Fulton,
Huntingdon, Juniata, Lancaster,
Lebanon, Mifflin, Perry, York

Carbon, Lackawanna, Lehigh, Luzerne,
Monroe, Northampton, Pike, Schuylkill,
Susquehanna, Wayne, Wyoming

Bucks, Chester, Delaware, Montgomery
and Philadelphia

All

U.S. Army Corps of Engineers District Offices

Pittsburgh District

Federal Building
1000 Liberty Avenue
Regulatory Branch
Pittsburgh, PA 15222-4186
412-395-7152

Baltimore District

P.O. Box 1715
Regulatory Branch, PA Section
Baltimore, MD 21203
410-962-5673

Philadelphia District

Wanamaker Building
100 Penn Square East
Regulatory Branch
Philadelphia, PA 19107-3390
215-656-6728