

PASPGP-7: Appendix A

The following terms are defined for the purposes of the PASPGP-7:

Compensatory Mitigation - The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Discharge of Dredged Material – The term “Discharge of Dredged Material” is defined at 33 CFR § 323.2(d).

Dredged Material – The term “Dredged Material” is defined at 33 CFR § 323.2 (c).

Discharge of Fill Material – The term “Discharge of Fill Material” is defined at 33 CFR § 323.2(f).

Eligibility Threshold – The eligibility threshold is the maximum amount of impact that can be authorized by the PASPGP-7 for a single and complete project.

NOTE: Impacts resulting from activities eligible for exemptions under Section 404(f) of the CWA are not included in the eligibility threshold calculation.

Emergency Activities – An “emergency” is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a timely manner. This definition is specific to the PASPGP and may not align with the definition at 25 PA Code § 105.64.

Fill Material – The term “Fill Material” is defined at 33 CFR § 323.2(e).

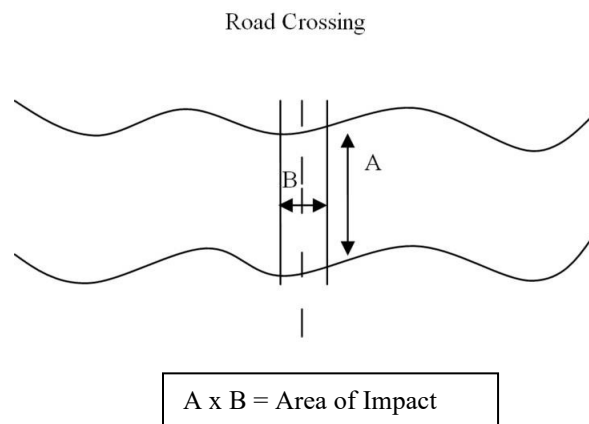
High Tide Line - The line of intersection of the land with the water’s surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Properties – Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to a tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

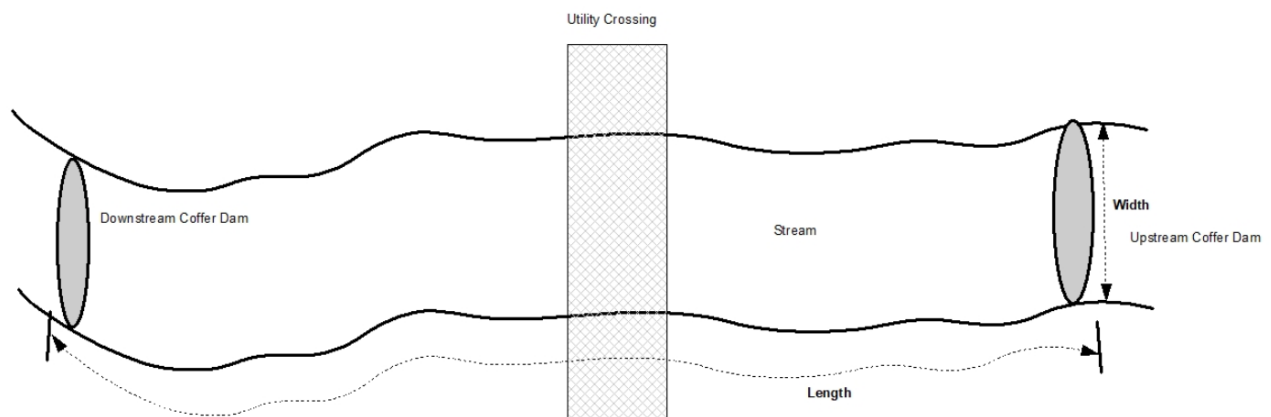
Impacts to Waters -

I. Square Footage of Stream Impact - A measure used for determining stream impacts, regardless of the drainage area. The area of stream impact should be measured as follows:

- a. For regulated work on a stream bank, the area of stream impact should be measured calculating the length multiplied by the width of the footprint of each fill.
- b. For transverse impacts (perpendicular to the stream bank), the area of the stream impact should be calculated by multiplying the width (from the top of the bank to the top of the opposite bank) by the length (from the upstream to downstream limits)



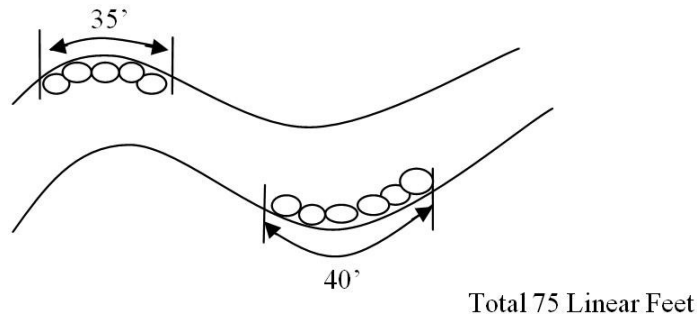
- c. Dewatering – if work involves dewatering of a stream channel, multiply the length (centerline of the stream channel that is impacted through filling, dewatering, and/or flooding), by the width (from top of stream bank to top of stream bank).



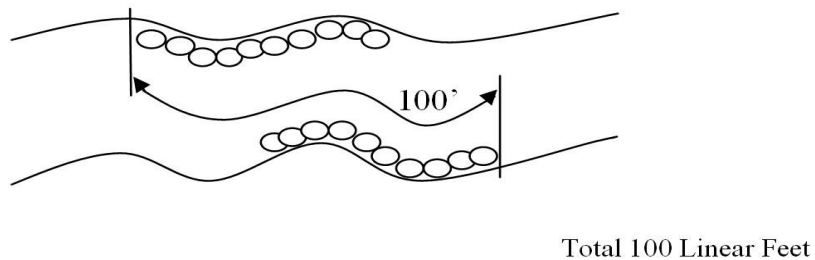
Area of Temporary Impact = The length of the dewatered area from the upstream side of the upstream coffer dam to the downstream side of the downstream coffer dam times the width of the stream.

II. Linear Footage of Stream Impact – A measure used for determining stream impacts, regardless of the drainage area. The linear footage of stream impact should be measured as follows (this is not used for calculating impacts to wetlands):

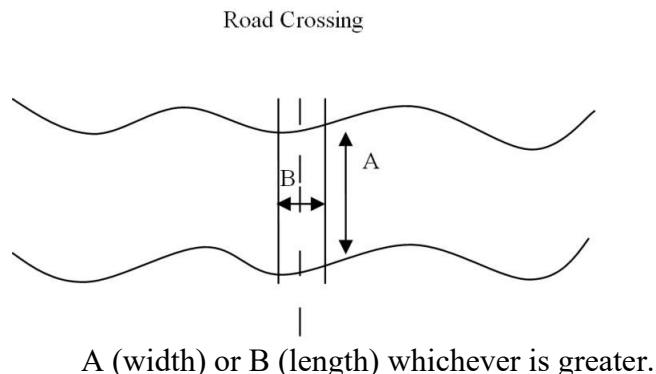
a. For regulated work on one stream bank, the linear footage of a stream impact should be measured along the bank being impacted. When both stream banks are being impacted at separate locations, the linear footage of stream impacts is also measured along the banks being impacted.



b. For regulated work proposed along both stream banks, where at least a portion of the work on the opposing stream bank is overlapping, the linear footage of stream impact should be measured along the centerline of the stream.

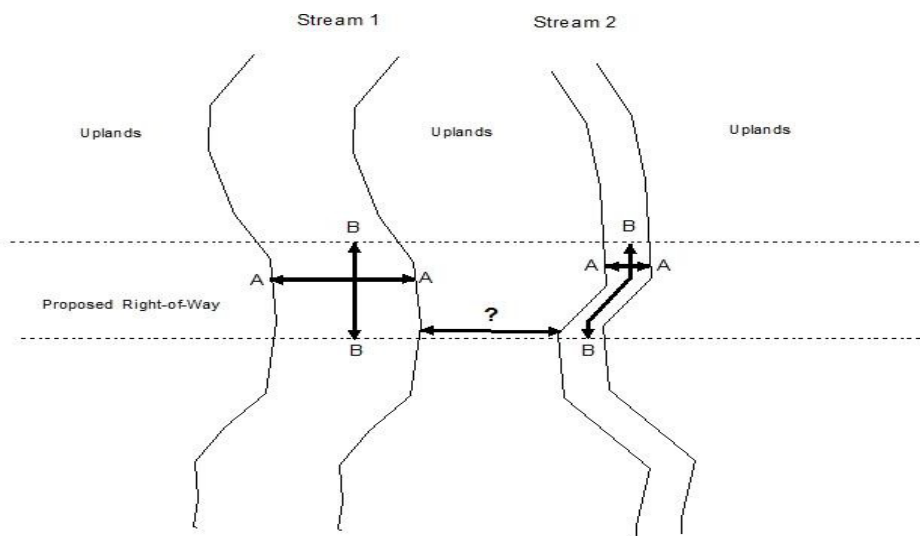


c. For transverse impacts (perpendicular to the stream bank), the linear footage of the stream impact should be measured from the top of the bank to the top of the opposite bank and from the upstream to downstream limits of work. The linear footage of stream impact, for categorical determination, is the greater of these two measurements.



d. Dewatering – if work involves dewatering of a stream channel, measure the centerline of the stream channel that is impacted through filling, dewatering, and/or flooding, and measure from top of stream bank to top of stream bank. The linear footage of stream impact, for categorical determination, is the greater of these two measurements.

e. When two or more waters are part of a single and complete linear project, the linear footage of the crossing is the summation of all the crossings that are part of the single and complete project. The impacts for each water being crossed are calculated as described in C and D above. For the example shown below, the proposed road is crossing two streams. In determining if the two stream crossings constitute one single and complete project, the distance (indicated by the “?”) between the two streams is taken into consideration. If the crossings are not distant, meaning that the location of the first crossing dictates the location of the second crossing, then the two crossings are considered to be one single and complete project. In the example, the distance between the two streams is undefined (indicated by the “?”) because determinations must be made on a case-by-case basis based on the proposed project. Linear projects such as roads do not allow for abrupt changes in layout, thus requiring a greater distance between resources for each crossing to be a separate single and complete project. Small utility lines may change direction over a much smaller distance and result in the distance between separate single and complete projects being less. For the below example, both crossings have been determined to comprise one single and complete project, and the linear footage of stream impact for the single and complete project is calculated as Stream 1, Measurement A + Stream 2, Measurement B = Linear footage of the single and complete project.



Independent Utility – A test to determine what constitutes a single and complete non-linear project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other regulated work. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

See also discussion under “single and complete project.”

Information for Planning and Consultation (IPaC) - As referenced in this permit, IPaC is an online planning tool which streamlines the USFWS environmental review process for federally listed threatened, endangered, and proposed species. The endangered species review process located within IPaC provides a streamlined, step-by-step consultation process available in select areas for certain project types, agencies, and species.

Loss of Waters of the United States, including Jurisdictional Wetlands:

Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of streambed includes the acres of streambed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for a PASPGP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Mean High Water Line (MHWL) – The term “Mean High Water Line” is used in tidally influenced waters and is described at 33 CFR § 329.12(a)(2),

Navigable Waters - Waters subject to Section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Open Water - An open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark (OHWM) – The term “ordinary high water mark” is defined at 33 CFR § 328.3(e)

Overall Project - The overall project, for purposes of PASPGP-7, includes all regulated activities that are reasonably related and necessary to accomplish the project purpose, including those activities that may occur in the reasonably foreseeable future. Linear projects may be composed of more than one “single and complete project” but require disclosure of all impacts to aquatic resources necessary to accomplish the overall project’s purpose.

Pennsylvania Department of Environmental Protection (PADEP) - Use of PADEP throughout this document refers to PADEP and any entity delegated by PADEP to administer the Chapter 105 program.

Pennsylvania Natural Diversity Inventory (PNDI) – As referenced in this permit, PNDI refers to the on-line environmental review tool for screening of State and federally listed threatened and endangered species managed by the Pennsylvania Natural Heritage Program. PNDI is part of the new on-line review tool identified as Pennsylvania Conservation Explorer. The term PNDI is also inclusive of any future tools approved by the Corps districts in Pennsylvania and the USFWS for screening of federally listed threatened and endangered species in Pennsylvania.

Permanent Conversion – The term as used in this document refers to the permanent conversion of a forested wetland to a scrub-shrub wetland, conversion of a forested and/or scrub-shrub wetland to an emergent wetland, in association with a regulated activity. Such conversion may result in the permanent loss of certain functions and services that may require compensatory mitigation. These areas are typically manipulated over time by man to prevent their return to pre-construction wetland type, and includes areas that are maintained by mowing, cutting, and/or herbicides. Permanent conversion does not include areas that are allowed to return to their pre-construction condition either naturally or through some type of restoration activity.

Permanent Impacts – For the purpose of the PASPGP-7, permanent impacts are defined as waters of the United States, including jurisdictional wetlands indefinitely filled, flooded, excavated, or drained as a result of the regulated activity.

Practicable - Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Restoration Activities – Activities associated with the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource.

Riparian areas - Riparian areas are lands next to streams, lakes, and estuarine/marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality.

single and complete project – For the purpose of this document this term means one of the following as applicable:

a. **Single and Complete Linear Project** - That portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waters of the United States, including jurisdictional wetlands, at separate and distant locations. A linear project may involve multiple crossings of streams, wetlands, or other types of waters from the point of origin to the terminal point. Roads and pipelines are examples of linear projects. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of PASPGP-7 verification. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately. Each single and complete linear project need not have independent utility within the overall linear project; however, separate linear projects may have independent utility.

While each separate and distant crossing of a waterbody associated with a linear project would be considered a separate single and complete project for the purposes of PASPGP-7, the Corps, when reviewing a Reporting Activity, will evaluate the cumulative effects on the aquatic environment of the overall linear project when determining whether PASPGP-7 verification is appropriate. The acreage and other applicable limits for PASPGP-7 would be applied to a single and complete crossing, as long as those crossings are far enough apart to be considered separate and distant.

An applicant proposing a single and complete linear project must submit information describing the locations of the overall linear project's point of origin, terminal point, all proposed crossings, and other impacts to aquatic resources.

b. **Single and Complete Non-linear Project** – For non-linear 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 owner/developers.” A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the eligibility thresholds of the PASPGP-7.

To ensure consistency with the requirement of the CWA 404(b)(1) Guidelines and the National Environmental Policy Act, a clear purpose and the ability to function independently is required for all projects.

Stream Channelization - The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

Structure – The term “structure” is defined at 33 CFR § 322.2(b).

Temporary Impacts – For the purpose of the PASPGP-7, temporary impacts are defined as waters of the United States, including jurisdictional wetlands filled, flooded, excavated, or drained for a finite period of time, and restored to pre-construction contours and elevation.

Tribal Lands - Any lands title to which is either: 1) held in trust by the United States for the benefit of any tribe or individual; or 2) held by any tribe or individual subject to restrictions by the United States against alienation.

Tribal Rights - Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Utility Line – Any pipe or pipeline for transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication.

The term utility line does not include activities that drain a water of the United States, including jurisdictional wetlands such as drainage tile or French drains, but it does apply to pipe conveying drainage from another area.

Waterbody – For purposes of the PASPGP-7, a waterbody is a “water of the United States.” If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).

Waters of the United States and Navigable Waters of the United States – Waters of the United States is defined at 33 CFR § 328.3, and for the purpose of this document, the use of the term “waters of the United States, including jurisdictional wetlands” is inclusive of navigable waters of the United States (33 CFR § 329.4).

Wetlands - Wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.