



DISTRICT OIL AND GAS OPERATIONS

Certified Mail No. 7020 3160 0000 5536 1960

September 24, 2024

Robert Kuntz
Pennsylvania General Energy Co., LLC
120 Market Street
Warren, PA 16365

Re: Water Obstruction and Encroachment Permit (WOEP) Issuance
Phase IV Pipeline
DEP Joint Permit File No. E4129223-006
APS No. ID No. 1096604
Cummings & McHenry Township, Lycoming County

Dear Mr. Kuntz:

Enclosed is your copy of your State Water Obstruction and Encroachment Permit (WOEP). We have determined that the one (1) wetland crossing and nine (9) stream crossings constitute ten (10) single and complete projects, and each is authorized by its own Pennsylvania State Programmatic General Permit-6 (PASPGP-6). These PASPGP-6 verifications provide U.S. Army Corps of Engineers authorization pursuant to Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act. These authorizations may be subject to modification, suspension, or revocation if any of the information contained in the application, including the plans, is later found to be in error.

The enclosed list of conditions must be followed for purposes of the PASPGP-6 (Enclosure 1). A PASPGP-6 Permit Compliance, Self-Certification Form must be completed and returned to the appropriate Corps of Engineers office upon completion of construction (Enclosure 2).

Please review both permits and all enclosures so that you are aware of the extent of authorization and the conditions that apply to that authorization.

This WOEP is not effective until a copy of the Acknowledgment of Appraisal of Permit Conditions, signed by you, is received by the Department. Any work conducted prior to the Department's receipt of the signed Acknowledgment of Appraisal of Permit Conditions is a violation of the Dam Safety and Encroachments Act and the Clean Streams Law, and you may be subject to fines and penalties pursuant to those Acts.

A copy of the Permit, Acknowledgment of Appraisal of Permit Conditions, the Erosion and Sediment Control plan, this Issuance Letter, and any other applicable State and Federal authorizations, must be maintained on site during construction and available at the work site for inspection upon request by any officer or agent of the Department or any other Federal, State, County and Municipal agency.

A Completion Report must be submitted to this office within 30 days of completion of the approved project. The Completion Report form must be signed by you and the supervising engineer indicating that the work has been completed as approved.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

Sincerely,



Alexandria Barravecchio
Environmental Program Manager
District Oil and Gas Operations

cc: PA Fish and Boat Commission - Northcentral Region
Eric Dougherty, Beran Environmental Services, Inc. – Boyers, PA
Lycoming County Conservation District
File

Commonwealth of Pennsylvania
Department of Environmental Protection
Northcentral Regional Office
Eastern Oil and Gas District
Permitting Section

WATER OBSTRUCTION AND ENCROACHMENT PERMIT

The Department of Environmental Protection "DEP", established by the Act of December 3, 1970, P.L. 834 (71 P.S. § 510-1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. § 693.1 et seq.) known as the "Dam Safety and Encroachments Act"; Act of October 4, 1978, P.L. 851, (32 P.S. § 679.101 et seq.) known as the "Flood Plain Management Act"; Act of June 22, 1937, P.L. 1987, (35 P.S. § 691.1 et seq.), known as "The Clean Steams Law"; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers DEP to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

Pennsylvania General Energy Co., LLC
120 Market Street
Warren, PA 16365.

giving its consent to construct, operate and maintain nine (9) stream crossings and one (1) wetland crossings in Cummings & McHenry Township, Lycoming County for the construction of 19,894 linear feet of one (1) 8" natural gas pipeline and 19,855 linear feet of one (1) 8" flexsteel waterline within a 30' wide permanent right-of-way and temporary right-of-way that varies in width. All stream and wetland crossings will be open cut. An existing access road will also be temporarily improved as part of the project. The total disturbance area, which includes the proposed pipeline right-of-way area and workspace for the access road is 42.17 acres. The proposed project will result in the following stream impacts:

- Channel 1 (Hackett Fork): 41° 24' 25.904", -77° 23' 12.987". The work at this site consists of the placement of one (1) temporary timber mat for machinery to cross the stream.
- Channel 3 (Ott Fork): 41° 24' 50.810", -77° 23' 21.178". The work at this site consists of the placement of one (1) 8" natural gas pipeline and one (1) 8" flexsteel underground waterline using an open cut trench to cross the stream.
- Channel 4 (UNT Bennys Run): 41° 25' 33.039", -77° 23' 24.108". The work at this site consists of the placement of one (1) 8" natural gas pipeline and one (1) 8" flexsteel underground waterline using an open cut trench to cross the stream.
- Channel 5 (UNT Bennys Run): 41° 25' 35.004", -77° 23' 22.384". The work at this site consists of the placement of one (1) 8" natural gas pipeline and one (1) 8" flexsteel underground waterline using an open cut trench to cross the stream.
- Channel 6 (Bark Cabin Run): 41° 25' 48.706", -77° 23' 27.369". The work at this site consists of the placement of one (1) 8" natural gas pipeline and one (1) 8" flexsteel underground waterline using an open cut trench to cross the stream.
- Channel 9 (Silver Branch): 41° 26' 19.232", -77° 23' 21.610". The work at this site consists of the placement of one (1) 8" natural gas pipeline and one (1) 8" flexsteel underground waterline using an open cut trench to cross the stream.

Permit No. E4129223-006

- Channel 9A (UNT Silver Branch): 41° 26' 20.758", -77° 23' 21.648". The work at this site consists of the placement of one (1) 8” natural gas pipeline and one (1) 8” flexsteel underground waterline using an open cut trench to cross the stream.
- Channel 10 (UNT Silver Branch): 41° 26' 51.816", -77° 23' 01.958". The work at this site consists of the placement of one (1) 8” natural gas pipeline and one (1) 8” flexsteel underground waterline using an open cut trench to cross the stream.
- Channel 12 (UNT Bennys Run): 41° 25' 32.124", -77° 23' 25.376". The work at this site consists of the placement of one (1) 8” natural gas pipeline and one (1) 8” flexsteel underground waterline using an open cut trench to cross the stream.

The project will result in a total of 66 LF (190 SF) of permanent and 454 LF (3347 SF) of temporary stream impacts, 808 SF (0.0185 acres) of permanent and 1524 SF (0.0350 acres) of temporary wetland impacts and 2904 SF (0.0667 acres) of permanent and 9641 SF (0.2213 acres) of temporary floodway impacts all for the purpose of constructing a natural gas pipeline for Marcellus Shale well development.

STREAM IMPACT TABLE:

Resource Name	Municipality Quadrangle	Activity	Chap. 93	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
Channel 1 Hackett Fork	McHenry Cammal	Timber Mats Workspace	EV	Wild	66	66			41.40720° 77.368915°
Channel 3 Ott Fork	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	34	293	8	24	41.414114° 77.389216°
Channel 4 UNT Bennys Run	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	47	287	6	18	41.425849° 77.390034°
Channel 5 UNT Bennys Run	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	47	258	5	15	41.426394° 77.389557°
Channel 6 Bark Cabin Run	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	57	699	12	34	41.430196° 77.390936°
Channel 9 Silver Branch	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	52	669	13	39	41.389294° 77.389351°
Channel 9A UNT Silver Branch	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	52	299	5	14	41.439099° 77.389347°
Channel 10 UNT Silver Branch	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	52	696	14	42	41.447727° 77.383877°
Channel 12 UNT Bennys Run	McHenry Cammal	Pipeline & Workspace	HQ-CWF	Wild	47	80	3	4	41.425595° 77.390386°
TOTAL IMPACTS					454	3347	66	190	

WETLAND IMPACT TABLE:

Resource Name	Municipality Quadrangle	Activity	Cow. Class	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
Wetland 7	McHenry Cammal	Pipeline & Workspace	PFO	Wild		1524		808	41.415978° 77.389448°
TOTAL IMPACTS						1524		808	

Permit No. E4129223-006

FLOODWAY IMPACT TABLE:

Resource Name	Municipality Quadrangle	Activity	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
Channel 1 Hackett Fork	McHenry Cammal	Timber Mats Workspace		1856			41.40720° 77.368915°
Channel 3 Ott Fork	McHenry Cammal	Pipeline & Workspace		1017		493	41.414114° 77.389216°
Channel 4 UNT Bennys Run	McHenry Cammal	Pipeline & Workspace		102		18	41.425849° 77.390034°
Channel 5 UNT Bennys Run	McHenry Cammal	Pipeline & Workspace		211		53	41.426394° 77.389557°
Channel 6 Bark Cabin Run	McHenry Cammal	Pipeline & Workspace		1835		638	41.430196° 77.390936°
Channel 9 Silver Branch	McHenry Cammal	Pipeline & Workspace		1644		599	41.389294° 77.389351°
Channel 9A UNT Silver Branch	McHenry Cammal	Pipeline & Workspace		1413		525	41.439099° 77.389347°
Channel 10 UNT Silver Branch	McHenry Cammal	Pipeline & Workspace		1422		504	41.447727° 77.383877°
Channel 12 UNT Bennys Run	McHenry Cammal	Pipeline & Workspace		141		74	41.425595° 77.390386°
TOTAL IMPACTS						9641	2904

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

This permit is issued in response to an application filed with DEP on the 12th day of September A.D. 2023, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed with and made a part of the application subject, however, to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, The Clean Streams Law, the Administrative Code, the rules and regulations promulgated thereunder and the following conditions and restrictions. If the work authorized by this permit is not completed on or before the 31st day of December A.D. 2029, this permit, if not previously revoked or specifically extended by DEP in writing, shall become void without further notification.

1. The permittee shall sign the permit thereby expressly certifying the permittee’s acceptance of, and agreement to comply with, the terms and conditions of the permit. The permittee shall return a signed copy of the permit to DEP. The permit will not be effective until the signed copy of the permit is received by DEP;
2. DEP, in issuing this permit, has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and DEP may, in addition, institute appropriate legal proceedings;
3. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania “Commonwealth”;

Permit No. E4129223-006

neither does it authorize any injury to private property or invasion of private rights, nor any infringement of federal, state, or local laws or regulations; nor does it obviate the necessity of obtaining federal assent when necessary;

4. The work shall at all times be subject to supervision and inspection by representatives of DEP, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of DEP. DEP, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary to assure compliance with the Dam Safety and Encroachments Act and other laws administered by DEP, the Pennsylvania Fish Commission and any river basin commission created by interstate compact. DEP further reserves the right to suspend or revoke this permit for failure to comply with a provision of 25 Pa. Code Chapter 105, an administrative order of DEP or a term or condition of this permit;
5. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of DEP and terms and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of DEP shall require the prior written approval and permit of DEP;
6. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by DEP;
7. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction;
8. DEP reserves the right to take any and all actions regarding the permitted activity that are authorized by law to protect public health, public safety and the environment;
9. The permittee shall notify DEP, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction;
10. If construction work has not been completed within the time specified in the permit and the time limit specified in the permit has not been extended in writing by DEP or if a permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that DEP may prescribe, remove all or any portion of the work as DEP requires and restore the water course and floodplain to their former condition;
11. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with DEP in writing, on a form provided by DEP, a statement signed by the permittee and an individual responsible for the supervision or conduct of the construction work acknowledging and accepting the general and special conditions contained in the permit. Unless the acknowledgment and acceptance have been filed, the permit is void. A copy of the permit and the acknowledgment shall be available at

Permit No. E4129223-006

- the work site for inspection upon request by an officer or agent of DEP or another federal, state, county or municipal agency;
12. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles and specifications;
 13. This permit may not be transferred without prior written approval from DEP, such approval being considered upon receipt of the properly executed "Application for Transfer of Permit" form;
 14. If and when the permittee desires to discontinue use or abandon the activity authorized herein, he must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by DEP;
 15. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Bureau of Administrative Services, PO Box 67000, Harrisburg, PA 17106; telephone 717-705-7900;
 16. Permittee shall implement and monitor the Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102 so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water;
 17. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Northcentral Regional Office, 1150 Spring Creek Road, Bellefonte, PA 16823; telephone 814-359-5250;
 18. The project site shall at all times be available for inspection by authorized officers and employees of the Department. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Department.
 19. SPECIAL CONDITIONS.
 - a. The permittee and its agents shall be watchful for archaeological resources and assure that ground disturbance activities will cease immediately upon discovery of archaeological artifacts, and immediately notify the DEP Regional Office and the Pennsylvania Historical and Museum Commission at Bureau for Historic Preservation, 400 North Street, Harrisburg, PA 17120-0093, telephone (717) 783-8947.
 - b. All wetlands within the project area shall be accurately field-delineated prior to the start of construction activities and until the earth disturbance activities are completed and the site has been stabilized. An acceptable means of field-identification of wetlands includes, but is not limited to, the use of an orange construction safety fence and/or flags.

Permit No. E4129223-006

- c. All disturbed areas are to be restored, stabilized and shall be replanted with indigenous plant species. Excess fill from disturbed areas and construction activities shall be located outside of the floodway, floodplain and wetlands.
- d. Since Ott Fork & Benny Run and their tributaries are wild trout streams, no work shall be done in these stream channels or stream channels tributary thereto between October 1 and December 31 without the prior written approval of the PA Fish and Boat Commission – 595 E. Rolling Ridge Drive, Bellefonte, PA 16823, telephone 814-359-5147.
- e. Since Bark Cabin Run & Silver Branch and their tributaries are Class A Wild trout streams, no work shall be done in these stream channels or stream channels tributary thereto between October 1 and April 1 without the prior written approval of the PA Fish and Boat Commission – 595 E. Rolling Ridge Drive, Bellefonte, PA 16823, telephone 814-359-5147.
- f. This permit is not to be considered an approval of the structural analysis, the engineering specifications, or the construction methods utilized during construction of this bridge.
- g. A regularly scheduled inspection of the structures shall be made to provide for continued operation and maintenance during the lifetime of the facility.
- h. Project construction shall take place when the stream is at low flow.
- i. Water pumped from any construction area shall be diverted into a sediment trap, basin, or a filter bag discharging into an appropriate vegetated filter area to prevent sediment from being discharged into any waters of the Commonwealth.
- j. The backfilling of the trench in which the pipeline will be laid shall be done so as to eliminate the formation of a permanent ridge in the streambed.
- k. The permittee shall construct open trench pipeline crossings in dry conditions by constructing during periods of no water flow and/or by installing stream flow bypass systems (flumed or pumped) through the affected area.
- l. This Permit does not relieve the permittee of the obligation to comply with any Federal or State laws. This permit does not relieve the permittee of the responsibility to comply with all applicable local codes and ordinances, including floodplain and stormwater management.
- m. The permittee shall install the wetland and riparian planting areas on-site in accordance with the plan drawings entitled *Wetland and Riparian Buffer Planting Site Plan (REV Date 05/20/2024)*. The plantings shall be installed during the growing season in the spring or fall following project construction completion.
- n. If the on-site planting area(s) has not achieved design objectives within the monitoring period, remedial work will be required to assure the establishment of:
 - Ott Fork (Channel 3): 15,187 square feet (0.457 acres) stream riparian buffer
 - UNT Benny Run (Channels 4, 5, & 12): 31,197 square feet (0.716 acres) stream riparian buffer
 - Bark Cabin Run (Channel 6): 17,269 square feet (0.396 acres)

Permit No. E4129223-006

- UNT Silver Branch (Channel 8): 22,558 square feet (0.518 acres)
 - Silver Branch and UNT Silver Branch (Channel 9 & 9A): 20,784 square feet (0.477 acres)
 - UNT Silver Branch (Channel 10): 17,644 square feet (0.405 acres)
 - Pipeline ROW (Stations 59+00 to 67+00): 37,994 (0.872 acres)
 - Wetland 7: 2,332 square feet (0.054 acres)
- o. The permittee shall monitor the mitigation areas on-site for at least five years. Monitoring shall begin following the first full growing season after completion of the riparian buffer planting areas and wetland planting area. Reports shall be submitted to the Department every six months for the first two years after construction and annually for three years thereafter. Monitoring of the planting areas shall be conducted during the growing season. The first six-month monitoring report submitted to the Department must include a planting diagram of all trees and shrubs that were planted in the riparian buffer and wetland planting areas and confirmation on the number, stock size, and species planted. All monitoring reports shall contain information describing the success of the site at the time of inspection, an inventory of the surviving plant species and percent aerial coverage, photographs of the riparian buffer planting areas with plans showing the location and orientation of each of the photographs, and a written plan to correct any deficiencies identified during the monitoring phase.
- p. The mitigation area(s) shall be considered successful when it is demonstrated that 85% of the plantings have survived for three consecutive growing seasons. If plantings have not achieved design objectives of 85% survival, the permittee will be required to extend monitoring and re-planting until it is reached.
- q. Use of Pennsylvania *PIESCES ILF Program* credits approved by DEP but a check for the credit purchase has not been provided prior to permit issuance:
- a. The Department has determined that the Permittee has made arrangements to satisfy their compensatory mitigation requirements for through the purchase of 0.64 credits from the Pennsylvania *PIESCES ILF Program*.
 - b. Within 60 days from the date of issuance of this permit, the Permittee shall provide a check in the amount of \$23,810 made payable to the National Fish and Wildlife Foundation, Memo Line: PA ILF Program to the Department. Failure to provide and successfully deposit of such a check shall violate the terms and conditions of this permit. This failure may result in the modification, suspension, or revocation of this permit, in whole or in part, and/or the Department may, in addition, institute appropriate proceedings.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Alexandria Barravecchio
Environmental Program Manager
Oil and Gas District Operations

September 24, 2024

Issue Date

Commonwealth of Pennsylvania
Department of Environmental Protection
Northcentral Regional Office
Eastern Oil and Gas District
Permitting Section

ACKNOWLEDGMENT OF APPRISAL OF PERMIT CONDITIONS

Project Location:

County _____

Township _____

Ladies and Gentlemen:

Acknowledgment is made that I, _____
(permittee name)

and _____
(name, address and telephone of individual responsible for supr. of work)

have been apprised of and are familiar with the terms and conditions of Permit No. _____

issued to _____ giving its consent to _____
(permittee) (work authorized as stated on permit)

APPROXIMATE WORK START DATE _____

RETURN TO:

Carrie Knapp
Department of Environmental Protection
Northcentral Regional Office
Eastern Oil and Gas District
Permitting Section
208 West Third Street, Suite 101
Williamsport, Pennsylvania 17701-6448

(permittee signature)

(date)

(signature of individual responsible
for supervision of work)

(date)

Commonwealth of Pennsylvania
Department of Environmental Protection
Northcentral Regional Office
Eastern Oil and Gas District
Permitting Section

**WATER OBSTRUCTION & ENCROACHMENT PERMIT
COMPLETION REPORT**

Project Location:

County _____

Township _____

Ladies and Gentlemen:

I (We) hereby certify that the _____
(work authorized by permit)

was completed on _____, in accordance with the plans approved and that all
unauthorized obstruction have been removed.

Name: _____
(typed or printed)

Signature: _____

Title: _____

Firm: _____

Date: _____

RETURN TO:

Carrie Knapp
Department of Environmental Protection
Northcentral Regional Office
Eastern Oil and Gas District
Permitting Section
208 West Third Street, Suite 101
Williamsport, Pennsylvania 17701-6448

(permittee signature)

(date)

(signature of individual responsible
for supervision of work)

(date)

PENNSYLVANIA STATE PROGRAMMATIC GENERAL PERMIT – 6
(PASPGP-6)
July 1, 2021

Please note: the full text of the PASPGP-6 may be viewed on the Baltimore District web site at <http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx> or by calling the Corps at 814-235-0570

Permittee:

Date of PASPGP-6 Verification:

State Authorization(s):

Corps District:

Baltimore District

U.S. Army Corps of Engineers State College Field Office
1631 South Atherton Street
Suite 101
State College, Pennsylvania 16801-6260
Email: NAB-Regulatory@usace.army.mil

Philadelphia District

U.S. Army Corps of Engineers
Wanamaker Building
100 Penn Square East Regulatory Branch
Philadelphia, Pennsylvania 19107-3390
Email: PhiladelphiaDistrictRegulatory@usace.army.mil

Pittsburgh District

U.S. Army Corps of Engineers, Regulatory Branch
William S. Moorhead Federal Building, 20th floor
1000 Liberty Avenue
Pittsburgh, Pennsylvania 15222-4186
Email: Regulatory.Permits@usace.army.mil

It has been determined that your proposed project, which includes the discharge of dredged and/or fill material and/or the placement of structures into waters of the United States, including wetlands, qualifies for federal authorization under the provisions of Section 404 of the Clean Water Act and /or Section 10 of the River and Harbor Act of 1899, under the terms and conditions of the PASPGP-6.

All activities authorized under PASPGP-6 must comply with all conditions of the authorization, including General, Procedural, and Special Conditions. Failure to comply with all the conditions of the authorization, including project special conditions, will constitute a permit violation and may be subject to criminal, civil, or administrative penalties, and /or restoration.

The authorized activity must be performed in compliance with the following General Conditions to be authorized under PASPGP-6:

General Conditions:

1. Permit Conditions: The permittee shall conduct all work and activities in waters of the United States, including jurisdictional wetlands, in strict compliance with the approved authorization/verification including all final maps, plans, profiles, and design specifications.
2. 401 State Water Quality Certification (SWQC) Conditions: The permittee shall comply with the following conditions unless a project specific SWQC is required as identified below:
 - a. Prior to beginning any activity authorized by the Corps under PASPGP-6, the applicant shall obtain from the Department all necessary environmental permits, authorizations or approvals, and submit to the Department environmental assessments and other information necessary to obtain the permits and approvals, as required under state law, including The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b), the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326), the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21), the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101—6020.1305), the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908), 58 Pa.C.S. §§ 3201—3274 (related to development), the Air Pollution Control Act (35 P.S. §§ 4001—4015), the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104) and the regulations promulgated thereunder, including 25 Pa. Code Chapters 16, 71, 77, 78, 78a, 86—91, 92a, 93, 95, 96, 102, 105, 106, 127, 245 and 260a—299.
 - b. Fill material may not contain any wastes as defined in the Solid Waste Management Act.
 - c. Applicants and projects eligible for the PASPGP-6 must obtain all state permits or approvals, or both, necessary to ensure that the project meets the state's applicable water quality standards, including a project-specific SWQC.

Note: As part of PADEP's issuance of 401 SWQC for PASPGP-6 on February 12, 2021, the following was included to clarify the meaning of this condition:

This 401 SWQC is only available for projects that do not require any federal authorization other than authorization from the Corps under Section 404 of the Act or Section 10 of the Rivers and Harbors Act of 1899. Applicants seeking authorization for activities not eligible for coverage under PASPGP-6, or for activities that require another federal authorization (such as an interstate natural gas pipeline, a gas storage field or a nuclear or hydroelectric project requiring authorization by another federal agency), must submit a request to the Department for a project-specific SWQC. The scope of the issuance of this SWQC is related only to the scope and applicability of the proposed PASPGP-6. Any activity or project requiring the Department to

issue 401 SWQC that is beyond the scope of the proposed PASPGP-6 or other programmatically issued SWQC (e.g. Nationwide Permits) will require the applicant to obtain a project-specific SWQC from the Department. This would include any activity or project requiring a SWQC associated with an authorization, permit or license issued by a federal agency, such as Federal Energy Regulatory Commission or Nuclear Regulatory Commission. Such activities or projects include, but are not limited to, an interstate natural gas pipeline, a gas storage field or a nuclear or hydroelectric project.

3. Terms and Conditions Related to Coastal Zone Management Act (CZMA) Certification: For those projects located within Pennsylvania's Coastal Zones, Non-Reporting Activities have General CZMA consistency determination and Reporting Activities must obtain individual CZMA consistency determination (see General Condition 30(b)).
4. Aquatic Life Movements: No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless crossing cannot be used, then culverts should be designed, constructed, and appropriately depressed, if possible, below the stream invert to minimize adverse effects to aquatic life movements.
5. Threatened and Endangered Species: By signing the Pennsylvania Natural Diversity Inventory (PNDI) receipt, the permittee has agreed to comply with all avoidance measures identified by the PNDI receipt. The applicant may also agree in writing to comply with all avoidance measures identified in U.S. Fish and Wildlife Service (USFWS) correspondence, including IPaC, as part of the application. To ensure compliance with the Endangered Species Act (ESA), those avoidance measures associated with federally listed, threatened, or endangered species are a condition of the PASPGP-6 verification, unless modified by the Corps.

If an activity is verified under the PASPGP-6, and a federally listed, threatened, or endangered species, or proposed species, is subsequently found to be present, all work must cease, and the Corps and USFWS (or National Marine Fisheries Service (NMFS)) must be notified by telephone immediately (contact information below). The PASPGP-6 verification is automatically suspended without additional notification to the permittee and will not be re-issued until consultation pursuant to Section 7 of the ESA is concluded and adverse effects to federally listed, threatened, endangered, and proposed species are avoided, or incidental take authorization issued.

Furthermore, persons have an independent responsibility under Section 9 of the ESA to avoid any activity that could result in the "take" of a federally listed species.

USFWS:
Pennsylvania Field Office
110 Radnor Rd; Suite 101
State College, PA 16801
office phone: 814 234-4090
fax: 814-234-0748 or 814 206-7452

NMFS:
Ms. Jennifer Anderson
Assistant Regional Administrator
Protected Resources Division NOAA Fisheries
55 Greater Republic Drive
Gloucester, Massachusetts 01930

6. Spawning Areas: The permittee shall comply with all time-of-year-restrictions (see below) associated with spawning areas as set forth by the Pennsylvania Fish and Boat Commission (PFBC) or other designated agency. Discharges or structures in spawning or nursery areas shall not occur during spawning seasons unless written approval is obtained from the PFBC or another 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.

Wild Trout	October 1 - December 31
Class A Wild Trout	October 1 - April 1

List of Trout Streams found at:

<https://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Pages/TroutWaterClassifications.aspx>.

7. Shellfish Production: No discharge of dredged and/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.
8. Adverse Effects From Impoundment: If the regulated activity 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.
9. Management of High Flows: To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity,

and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Erosion and Sediment Controls: Appropriate soil erosion and sediment controls, in accordance with state regulations, must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States, including jurisdictional wetlands, during periods of low-flow or no-flow, or during low tides.
11. Suitable Material: No activities, including discharges of dredged and/or fill material or the placement of structures, may consist of unsuitable material (i.e., 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 Clean Water Act (CWA).
12. Temporary Fill and Structures: Temporary fill (i.e., access roads and cofferdams) and structures in waters and/or wetlands authorized by PASPGP-6 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, unless such requirement is specifically waived by the Corps. Whenever possible, rubber or wooden mats should be used for equipment access through wetlands to the project area. Temporary fills and structures shall be removed, in their entirety, to an upland site, and suitably contained to prevent erosion and transport to a waterway or wetland. Temporarily impacted areas shall be restored to their preconstruction contours, elevations, and hydrology, and revegetated with a wetland seed mix that contains non-invasive, native species, to the maximum extent practicable. Unless approved by the Corps, the restoration work must be completed within 30 days of the date the temporary fill/structure is no longer needed.
13. Equipment Working in Wetlands: Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
14. Installation and Maintenance: Any regulated structure or fill authorized by PASPGP-6 shall be properly installed and maintained to ensure public safety.
15. PASPGP-6 Authorization:
 - a. PASPGP-6 expires June 30, 2026, unless suspended or revoked.
 - b. Verifications of PASPGP-6 expire June 30, 2026, unless the PASPGP-6 permit is suspended, revoked, or the PADEP authorization expires, whichever date occurs sooner. Activities authorized under PASPGP-6 that have commenced construction or are under contract to commence construction will remain authorized provided the activity is completed within 12 month of the date of the PASPGP-6 expiration, modification, or revocation; or until the expiration date of the project specific verification, whichever is sooner.

16. One-Time Use: A PASPGP-6 verification is valid to construct the project, or perform the activity, one time only, except for PASPGP-6 verifications specifically issued for reoccurring maintenance activities.
17. Water Supply Intakes: No regulated activity may occur in the proximity of a public water supply intake and adversely impact the public water supply. In order to minimize the effects of intakes on anadromous fish eggs and larvae, and oyster larvae, intake structures should be equipped with screening (with mesh size no larger than 2 mm) of wedge wire or another material of equal or better performance. Where feasible, intakes should be located away from spawning or nursery grounds, or to minimize the impingement on, or entrainment of, eggs or larvae. In addition, intake velocities should not exceed 0.5 ft/sec.
18. Historic Properties: For all activities verified under a PASPGP-6, upon the unanticipated discovery of any previously unknown historic properties (historic or archeological), all work must cease immediately, and the permittee must notify the State Historic Preservation Officer (SHPO) and the Corps. The Corps will contact the tribes with whom they routinely consult, within 24 hours in accordance with each District's tribal consultation process. PASPGP-6 may be re-verified, and special conditions added if necessary, after an effect's determination on historic properties and/or tribal resources is made, in consultation with the SHPO, the tribes and other interested parties. The PASPGP-6 verification may be modified and/or rescinded for the specific activity if an adverse effect on the historic property cannot be avoided, minimized, or mitigated.
19. 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.
20. Corps Civil Works Projects: The PASPGP-6 does not authorize any work which will interfere with an existing or proposed Corps Civil Works project, or any Corps-owned or managed property or easement (i.e., flood control projects, dams, reservoirs, and navigation projects), unless specifically approved by the Corps in writing. Pursuant to 33 U.S.C 408, a review by, or permission from the Corps is required for activities that will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project. Any activity that requires Section 408 permission and/or review is not authorized by PASPGP-6 until the appropriate Corps office issues the Section 408 permission or completes its review to alter, occupy, or use the Corps Civil Works project, and Corps issues a written PASPGP-6 verification.
21. Navigation: No activity verified under PASPGP-6 may cause more than minimal adverse effect 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. In addition, activities that require temporary causeways that prohibit continued navigational use of a waterway (i.e., temporary causeways extending greater than $\frac{3}{4}$ the width across the waterway) shall be removed in their entirety upon completion of their use. Any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulation or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. The permittee understands and agrees that, if further operations by the United States require the removal, relocation, or other alteration, of the

structure or work herein authorized, or if, in the opinion of the Secretary of the Army or an 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, 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 or alteration.

22. Inspections: The permittee shall allow a District Engineer or an 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 PASPGP-6. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work.
23. Modifications of Prior Verifications: Any proposed modification of a previously verified Single and Complete project that results in a change in the verified impact to, or use of waters of the United States, including jurisdictional wetlands, must be approved by PADEP, or the Corps if applicable. Corps written approval is required if the prior verification was reviewed by the Corps, or if the proposed modification is a Reporting Activity under PASPGP-6. Project modifications that cause a Single and Complete Project to exceed 0.5 acre of loss of waters of the United States, including jurisdictional wetlands (except those identified in Part II A.2. a. and b.), or greater than 1,000 linear feet of permanent jurisdictional stream loss (except those identified in Part II A.2. a and b.), are not eligible for PASPGP-6 and will be forwarded to the Corps for review under an alternative permit review procedure.
24. Recorded Conservation Instruments: As per Part III.D.27 and Part III.E.8 of this permit, proposed Draft Conservation Instruments may be submitted by the applicant as part of the permit application package for review and approval. When such proposed Conservation Instruments are submitted by the applicant, proof of the recorded deed restriction, conservation easement, or deed restricted open space area shall be forwarded to the appropriate Corps District and appropriate PADEP offices, prior to the initiation of any permitted work, unless specifically waived by the Corps in writing. Conservation Instrument templates can be found at:
<http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx>
25. Property Rights: PASPGP-6 does not obviate the need to obtain other federal, state, or local authorizations required by law, nor does the permit grant any property rights or exclusive privileges or authorize any injury to the property or rights of others.
26. Navigable Waters of the United States (Section 10 Waters):

In addition to the other general conditions, the following conditions are applicable for activities in the eligible navigable waters of the United States identified in Appendix B:

- a. For aerial transmission lines, the following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by the

existing fixed bridges, or the clearances which would be required by the USCG for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electric Safety Code:

Nominal System Voltage (kV)	Minimum Additional Clearance (ft.) Above Clearance Required for Bridges
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

- i. Clearances for communication lines, stream gauging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.
 - ii. Corps regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both regulation and ER 1110-2-4401 apply, the greater minimum clearance is required.
- b. Encasement: The top of any cable, encasement, or pipeline shall be located a minimum of three feet below the existing bottom elevation of the streambed and shall be backfilled with suitable heavy material to the preconstruction bottom elevation. Where the cable, encasement, or pipeline is placed in rock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained. When crossing a maintained navigation channel, the requirements are a minimum of eight feet between the top of the cable, encasement, or pipeline and the authorized depth of the navigation channel. For maintained navigational channels, where the utility line is placed in rock, a minimum depth of two feet from the authorized depth of the navigation channel shall be maintained.
- c. As-Built Drawings: Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States (i.e., Section 10 waters), the permittee shall furnish the Corps and National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, Maryland, 20910 with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the mean high water line at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.

d. Aids to Navigation: The permittee must prepare and provide for USCG approval, a Private Aids to Navigation Application (CG-2554). The application can be found at: https://media.defense.gov/2017/Nov/20/2001846135/-1/-1/0/CG_2554.pdf. The completed application must be sent to the appropriate USCG office as indicated below:

- i. Baltimore/Philadelphia Districts: Commander Fifth Coast Guard District, 431 Crawford Street, Room 100, Portsmouth, VA 23704-5504, Attn: Mr. Matthew Creelman; by email to Matthew.K.Creelman2@uscg.mil; or by FAX to (757) 398-6303.
- ii. Pittsburgh District: Eighth Coast Guard District, Sector Ohio Valley, USCGC Osage, 300 McKown Ln, Sewickley, PA 15143; phone (412) 741-1180

Within 30 days of the date of receipt of the USCG approval, the permittee must provide a copy to the appropriate Corps district office.

27. PADEP Waiver: If the Corps determines a specific activity, which is eligible for a PADEP Non-reporting Waiver, has a significant adverse impact on life, property or important aquatic resources, the Corps may require the owner to modify the activity to eliminate the adverse condition or to obtain a Corps Individual Permit. In accordance with 33 CFR 325.7(a), "The District Engineer may reevaluate the circumstances and conditions of any permit, including regional permits, either on his own motion, at the request of the permittee, or a third party, or as the result of periodic progress inspections, and initiate action to modify, suspend, or revoke a permit as may be made necessary by considerations of the public interest. In the case of regional permits, this reevaluation may cover individual activities, categories of activities, or geographic areas."
28. Corps Water Releases: For projects located downstream of a Corps dam, the permittee should contact the appropriate Corps, Area Engineer Office, to obtain information on potential water releases and to provide contact information for notification of unscheduled water releases. It is recommended that no in-water work be performed during periods of high-water flow velocities. Any work performed at the project site is at the permittee's own risk.
29. State Authorization: The activity must receive state authorization. For the purpose of this requirement, any one of the following is considered as a state authorization:
 - a. A PADEP Chapter 105 Water Obstruction and Encroachment Permit, including PADEP approved Environmental Assessment pursuant to 25 Pa. Code § 105.15; or
 - b. A PADEP GP issued pursuant to 25 Pa. Code § §105.441-105.449; or
 - c. A PADEP approved Environmental Assessment for activities not otherwise requiring a PADEP permit pursuant to 25 Pa. Code § 105.12; or
 - d. A PADEP Dam Permit, including maintenance or repairs of existing authorized dams, including maintenance dredging; or

- e. A PADEP Emergency Permit issued pursuant to 25 Pa. Code § 105.64; or
 - f. A PADEP permit for the construction of a bridge or culvert which allows for maintenance activities of bridges and culverts; or
 - g. A PADEP Chapter 105 Dam Safety and Encroachment Enforcement Action.
30. Other Authorizations: Additional federal, state, and/or local authorizations or approvals may be required and where applicable must be secured by the applicant, prior to initiating any discharge of dredged and/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 project specific 401 SWQC issued by PADEP or considered waived, consistent with Section 401 of the CWA.
- PADEP has issued 401 SWQC for activities authorized by PASPGP-6 with conditions. See General Condition 2 for conditions and for identification when a project specific 401 SWQC or a waiver thereof is required. If the permittee cannot comply with all of the conditions of the 401 SWQC previously issued for PASPGP-6, then the permittee must obtain a project specific 401 SWQC or waiver for the proposed discharge in order for the activity to be authorized by PASPGP-6. The Corps or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality; and
- b. Reporting Activities located within the designated CZM Areas. Require a CZMA consistency determination issued by PADEP or a presumption of concurrence pursuant to Section 307 of the Federal Coastal Zone Management Act.
- The District Engineer or PADEP may require additional measures to ensure that the authorized activity is consistent with state CAM requirements; and
- c. Fills within the 100-year floodplains. This activity must comply with applicable Federal Emergency Management Agency approved state or local floodplain management requirements.
31. Federal Liability: In issuing this permit and any subsequent activity verification, the federal government does not assume any liability, including but not limited to the following:
- a. Damages to permitted project or users, 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-6.

32. False and Incomplete Information: The Corps may modify or rescind a previously issued project specific verification, if it determines that the original verification was issued based on false, incomplete and/or inaccurate information; or other information becomes available whereby such action is necessary to ensure compliance with other federal laws and regulations.

33. Anadromous Fish Waters: To protect anadromous fish during their migration and spawning, no work can take place in the following anadromous fish waterways listed in the table below from March 15 to June 30 unless approved in writing by the Corps. Questions on the applicability of this condition should be directed to the Corps, Philadelphia District.

<u>Waterway</u>	<u>Downstream extent</u>	<u>Upstream extent</u>	<u>Upstream Latitude (N)</u>	<u>Upstream Longitude (E)</u>
<u>Delaware River in Pennsylvania (including W. Branch)</u>	<u>Rte. 220 Bridge</u>	<u>PA/NY Border</u>	<u>41.999448</u>	<u>-75.359573</u>
<u>Lehigh River and adjacent canals</u>	<u>confluence with Delaware River</u>	<u>500 feet upstream of the Cementon Dam</u>	<u>40.690275</u>	<u>-75.503800</u>
<u>Little Lehigh Creek</u>	<u>confluence with Lehigh River</u>	<u>500 feet upstream of the lowermost dam</u>	<u>40.596318</u>	<u>-75.475570</u>
<u>Hokendauqua Creek</u>	<u>confluence with Lehigh River</u>	<u>State Route 4014 (West Scenic Drive)</u>	<u>40.793273</u>	<u>-75.439262</u>
<u>Bushkill Creek</u>	<u>confluence with Delaware River</u>	<u>500 feet upstream of the lowermost dam</u>	<u>40.694859</u>	<u>-75.212406</u>
<u>Waterway</u>	<u>Downstream extent</u>	<u>Upstream extent</u>	<u>Upstream Latitude (N)</u>	<u>Upstream Longitude (E)</u>
<u>Brodhead Creek</u>	<u>confluence with Delaware River</u>	<u>500 feet upstream of the Stroudsburg Water Co. Dam</u>	<u>41.018667</u>	<u>-75.201063</u>
<u>Bush Kill</u>	<u>confluence with Delaware River</u>	<u>500 feet upstream of Resica Falls</u>	<u>41.111235</u>	<u>-75.095824</u>
<u>Lackawaxen River</u>	<u>confluence with Delaware River</u>	<u>500 feet upstream of the Woolen Mill Dam</u>	<u>40.984304</u>	<u>-75.191569</u>
<u>Dyberry Creek</u>	<u>confluence with Lackawaxen River</u>	<u>Jadwin Dam</u>	<u>41.612088</u>	<u>-75.263391</u>
<u>Darby Creek</u>	<u>Confluence with Delaware River</u>	<u>500 feet upstream of the confluence of Cobbs Creek and Darby Creek</u>	<u>39.907278</u>	<u>-75.255432</u>


Schuylkill River	Fairmount Dam	500 feet upstream of the Bingaman St. Bridge in Reading, Pennsylvania	40.326411	-75.934417
Neshaminy Creek	Confluence with Delaware River	500 feet upstream of the lowermost dam	40.143369	-74.915828

34. Compliance Certification: Each permittee who receives a written PASPGP-6 verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. This certification should indicate if the success of any required permittee-responsible mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits. The signature of the permittee is also required to certify the completion of the activity and mitigation. The completed certification document must be submitted to the District Engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

35. Migratory Birds and Bald and Golden Eagles: The permittee is responsible for ensuring that an action authorized by PASPGP-6 complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the USFWS to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity. The permittee should contact the appropriate local office of the USFWS to determine if such authorizations are required for a particular activity. Information on the conservation of migratory birds and Bald and Golden Eagles can be found at the following USFWS web site:
<http://www.fws.gov/northeast/pafo/>

36. Migratory Bird Breeding Areas: Activities in waters of the United States, including jurisdictional wetlands, that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. Recommendations pertaining to the conservation of migratory birds can be found at the following USFWS web site:
<http://www.fws.gov/northeast/pafo/>

By Authority of the Secretary of the Army:

LITZ.JOHN.THOMAS.1106467079  Digitally signed by LITZ.JOHN.THOMAS.1106467079
Date: 2021.06.24 16:54:15 -04'00'

John T. Litz
Colonel, U.S. Army
Commander and District Engineer
Baltimore District

PARK.DAVID.CHON Digitally signed by
GWO0.1044560808 PARK.DAVID.CHONGWOO.1044560808
Date: 2021.06.14 10:26:03 -04'00'

David C. Park
Lieutenant Colonel, Corps of Engineers
District Commander
Philadelphia District



Andrew J. Short
Colonel, Corps of Engineers
District Engineer
Pittsburgh District