



U.S. Army Corps of Engineers

**PENNSYLVANIA STATE
PROGRAMMATIC GENERAL PERMIT-7
(PASPGP-7)**

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Part I – Authorities and Scope:

The U.S. Army Corps of Engineers (USACE) and the Pennsylvania Department of Environmental Protection (PADEP) have a joint application process for the Federal Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act permits. As part of this process the USACE has issued the Pennsylvania State Programmatic General Permit 7 (PASPGP-7). Under this process, PADEP reviews the Chapter 105 applications which it receives as a one-stop-shop for both state and federal permitting. In most instances PADEP or Delegated County Conservation Districts can issue both state and federal permit authorization. However, if it is unable to issue the federal authorization, the application is forwarded by DEP to the USACE for its review."

A. Federal Authorities.

The Baltimore, Philadelphia, and Pittsburgh Districts of the U.S. Army Corps of Engineers (Corps) hereby issue Pennsylvania State Programmatic General Permit-7 (PASPGP-7) pursuant to and consistent with Section 404(e) of the Clean Water Act (CWA) (33 U.S.C. § 1344(e)) and 33 C.F.R. § 325.5(c)(3). Under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) and Section 404 of the CWA (33 U.S.C. § 1344), PASPGP-7 authorizes regulated activities in waters of the United States, including jurisdictional wetlands, within the Commonwealth of Pennsylvania.

PASPGP-7 does not obviate the need to obtain other federal, state, or local authorizations required by law or to comply with other federal, state, or local laws. Likewise, PASPGP-7 does not grant any property rights or exclusive privileges or authorize injury to the property or rights of others, and/or the interference with any existing or proposed federal project.

B. Federal Government Liability.

1. In issuing PASPGP-7 the federal government does not assume any liability for damages to the authorized activity, or use thereof, as a result of other permitted or unpermitted activities, or from natural causes, or from damages that are a result of current or future activities undertaken by, or on behalf of, the United States in the public interest. Additionally, the federal government does not assume any liability for damages to persons, property, or to other permitted, or unpermitted activities, or structures caused by the activity authorized by this permit.

2. The federal government does not assume any liability for damages caused by design or construction deficiencies associated with the permitted work and/or claims associated with any future modification, suspension, or revocation of this permit.

C. Scope.

PASPGP-7 is only applicable within the Commonwealth of Pennsylvania, for specifically identified activities.

Part II – Eligibility:

Eligibility and Reporting thresholds are based on impacts to waters of the United States, including jurisdictional wetlands, as defined in applicable federal regulations and guidance. In accordance with Part V. B. 1. of PASPGP-7, applicants are responsible for ensuring all boundaries of potential waters and/or wetlands (regardless of jurisdictional status) are accurately shown on the project plans. In accordance with existing guidance (Regulatory Guidance Letter 16-01), unless a valid approved jurisdictional determination (AJD) issued by the Corps is submitted with the application, all proposed project impacts to waters and wetlands will be used for purposes of determining the eligibility and reporting thresholds of PASPGP-7. The applicant always retains the right to request an AJD for the project area and any applications containing a jurisdictional determination (JD) request shall be reported to the Corps as a Reporting Activity (Part III.E.17). If changes to federal regulations and/or guidance related to the definition of waters of the United States, including jurisdictional wetlands, or the Corps' jurisdictional determination process occur, such new regulations and/or guidance will be used for determining if an application is Reporting and if the proposed work meets the PASPGP-7 eligibility thresholds.

Eligibility will be based on the impacts of each single and complete project. Reporting thresholds will be based upon the impacts of the overall project.

A. Activities NOT eligible for PASPGP-7. To receive federal authorization for these activities, a permit application must be submitted to the appropriate Corps District Office:

1. Single and complete projects that will have more than minimal individual or cumulative adverse environmental effects as determined by the Corps.
2. Single and complete projects that will result in a total of more than 0.5 acre of permanent loss to waters of the United States, including jurisdictional wetlands, except for the following:
 - a. There is no eligibility threshold limitation for those regulated activities in waters of the United States, including jurisdictional wetlands, for the restoration, enhancement, and/or establishment of tidal and non-tidal wetlands and riparian areas; the restoration and/or enhancement of non-tidal streams and other non-tidal open waters; and the rehabilitation or enhancement of tidal streams, tidal wetlands, and tidal open waters, provided those activities result in net increases in aquatic resource functions and services. The aquatic habitat restoration, enhancement, or establishment activity must be planned, designed, and implemented so that it results in aquatic habitat that is informed by an ecological reference. An ecological reference may be based on the characteristics of one or more intact aquatic habitats or riparian areas of the same type that exist in the region. An ecological reference may be based on a conceptual model developed from regional ecological knowledge of the target aquatic habitat type or riparian area. The appropriate ecological reference is subject to the agencies' approval;

b. There is no eligibility threshold limitation for those regulated activities in waters of the United States, including jurisdictional wetlands, for the maintenance of artificial ponds/impoundments through removal of accumulated sediments.

Losses listed in a. and b. above are not used in calculation of eligibility threshold for single and complete projects.

c. Emergency Activities that will result in a permanent loss of more than 0.50 acre of waters of the United States can be authorized under PASPGP-7 if the Corps waives the eligibility threshold by making a written determination concluding the regulated activity will result in no more than minimal adverse environmental effects. See Appendix A for definition of Emergency Activities.

3. Single and complete projects that will result in a permanent loss of greater than 1,000 linear feet of jurisdictional stream channel(s), except for those regulated activities identified in Part II. A. 2. a. and b. above.

4. Single and complete projects that do not comply with all terms and conditions of PASPGP -7, including the terms and conditions specific to each listed category of activities (Part III).

5. Activities located channelward of the ordinary high-water mark (OHWM) on non-tidal waters and the high tide line on tidal waters on the following Pennsylvania waterbodies:

a. The Delaware River, downstream of the U.S. Route 202 Bridge at New Hope, Pennsylvania; and

b. The Schuylkill River, downstream of the Fairmount Dam in Philadelphia, Pennsylvania.

6. Instances where the Regional Administrator of the United States Environmental Protection Agency (EPA) has notified the District Engineer and the applicant in writing that they are exercising their 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 and/or fill material.

7. Designated special case circumstances identified by the Regional Administrator of the EPA, as defined in the 19 January 1989 Memorandum of Agreement 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 the Corps public notice process as ineligible for federal authorization under the PASPGP-7.

8. Activities that have been denied a PADEP Chapter 105 Permit, a State Water Quality Certification (SWQC) as required by Section 401 of the CWA, or a Coastal Zone Management Consistency Concurrence.

9. 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 (Lake Erie watershed).

B. Activities Eligible for PASPGP-7:

1. All those activities listed in Part III as Non-Reporting and Reporting Activities where the Corps determines those activities will result in no more than minimal adverse environmental effects to the aquatic environment individually or cumulatively. Authorized activities must comply with all terms and conditions of PASPGP-7, including terms and conditions specific to each listed category of activity.

2. All activities authorized under PASPGP-6 where the project-specific verification did not expire prior to June 30, 2026, are eligible for re-authorization by the PASPGP-7 provided all terms and conditions identified and required by PASPGP-7 are met. This includes compliance with all special conditions attached to the original PASPGP-6 verification.

3. Unauthorized activities may receive After-The-Fact (ATF) authorization under PASPGP-7, as appropriate. Any application for ATF authorization will follow the applicable Non-Reporting or Reporting review process.

4. Project activities which require permittee responsible mitigation where the combined impacts of the project and compensatory mitigation exceed PASPGP-7 eligibility thresholds may still be authorized under PASPGP-7 if 1) the compensatory mitigation meets the terms and conditions of, and may be authorized under, Nationwide Permit 27, and 2) the remaining project work meets the PASPGP-7 eligibility criteria. In addition, impacts associated with construction of a Mitigation Bank or In-lieu Fee Program used to meet compensatory mitigation requirements are not included in the project impacts when calculating PASPGP-7 eligibility.

Part III – Categories of Activities Authorized by PASPGP-7:

A. Non-Reporting Activities - The following activities (Part III D. 1 through 31, below) are authorized by PASPGP-7 without notification to the applicable Corps District, provided the proposed regulated activities comply with the Reporting Thresholds in Part III B below and all terms, conditions, and processing procedures identified and required by PASPGP-7.

B. Reporting Thresholds – A project shall be Non-Reporting to the Corps when the overall project impacts (i.e., non-linear single and complete project or total linear project) to waters of the United States, including jurisdictional wetlands, results in:

1. No more than 1.00 acre of temporary impact;
2. No more than 0.25 acre of permanent impact, except for the following activities, where the permanent impact threshold is 0.50 acre:

a. Non-Reporting Activity 1, PADEP General Permit (GP)-1 Fish Habitat Enhancement Structures;

b. Non-Reporting Activity 29(c), Activities Waived at 25 PA Code § 105.12(a)(16) – Waiver 16 – Restoration Activities: Other Restoration Activities; and

c. Maintenance of artificial ponds/impoundments through removal of accumulated sediments.

3. No more than 250 linear feet and/or 0.03 acre (1,307 square feet), whichever is less, of permanent impacts to jurisdictional waters (streams, rivers, ponds, lakes, impoundments, etc.) excluding wetlands, except for the following activities, where the permanent linear foot impact threshold is:

a. No more than 500 linear feet (the 0.03 acre/1,307 square foot limitation does not apply) for activities that involve stream restoration (rehabilitation and/or re-establishment); stream enhancement; bank stabilization; and/or gravel bar removal; including activities identified in Non-Reporting Activity 29(c), Activities Waived at 25 PA Code § 105.12(a)(16) – Waiver 16 – Restoration Activities: Other Restoration Activities; and

b. No impact limitation threshold for Non-Reporting Activity 1, PADEP GP-1 Fish Habitat Enhancement Structure.

NOTE: As stated in Part II, Reporting thresholds apply to federally regulated impacts to waters of the United States, including jurisdictional wetlands. If an AJD has not been made by the Corps, all waters and/or wetlands are presumed to be jurisdictional, in accordance with Regulatory Guidance Letter 16-01. Regulated impacts associated with construction of compensatory mitigation sites are included, if applicable, when calculating impacts. Activities not regulated by the Corps and/or impacts to non-jurisdictional resources are not included in the calculation. However, such activities may be regulated by PADEP and should be included as impacts in permit applications. For example, boring a utility line under a wetland may not involve a regulated discharge under Section 404 of the CWA. Under PADEP regulations, installation of the utility line is a regulated activity, with the utility considered a permanent impact. As a result, submitted applications should include proposed installation of the utility line and all associated temporary or permanent impacts.

C. Non-Reporting Criteria for Endangered Species Act (ESA) Compliance:

1. Permit applicants for project-specific activities listed as Non-Reporting Activities 1 through 21, and 23 through 31 below are required to include at least one of the following with their permit applications:

a. A Pennsylvania Natural Diversity Index (PNDI) final search receipt stating, “No Known Impact, No Further Review Required,” for United States Fish and Wildlife Service (USFWS);

b. A technical assistance/concurrence letter from the Information Planning and Consultation (IPaC) tool which contains a “No Effect” determination for all species on the official species list (which may contain proposed species);

c. A technical assistance/concurrence letter from the IPaC which contains a “May Affect-Not Likely To Adversely Affect (NLAA)”. The submission of the technical assistance/concurrence letter by the applicant is viewed as the applicant’s commitment to adhere to constructing the activity as it was described when answering the questions in the IPaC screening tool. See Part V (A)(5):

d. A written “No Effect” determination by the Corps or other lead federal agency made for all currently listed or proposed threatened and endangered species;

e. Documentation via letter, form, or email from the USFWS concurring with the federal action agency’s determination that the activity will not affect federally listed or proposed species; or

f. Technical assistance from the USFWS via letter, form, or email providing Conservation Measures (CMs) for federally listed species whereby the applicant has agreed to implement CMs as part of the application. In such cases, all CMs become conditions of the project-specific PASPGP-7 verification without the need for a Corps review.

NOTE: If the technical assistance/concurrence letter or correspondence from USFWS includes CMs, and the applicant cannot comply with the CMs, or the applicant believes that the CMs are outside of the Corps’ ESA Section 7 Scope of Analysis (areas affected directly or indirectly as a result of the project-specific Corps verification), then the application must be processed as a Reporting Activity. For activities proposed outside of the Corps’ Section 7 Scope of Analysis, the applicant/permittee is responsible for compliance with the ESA. See Part V. A. 5, and B. 6. for further requirements.

2. Project-specific activities identified in Non-Reporting Activity 22 below, are eligible for Non-Reporting PASPGP-7 verification provided the applicant, PADEP, or the Corps completes a PNDI/IPaC search prior to or promptly after issuance of PASPGP-7 verification, unless USFWS and/or the Corps determines that the regulated activity will have no effect on listed or proposed species. If the technical assistance/concurrence letter generated from IPaC, or correspondence from the USFWS, identifies a potential impact or includes CMs related to a federally listed species, the Corps shall be notified prior to the performance of work. The Corps or applicant will consult with USFWS as applicable, unless the applicant agrees to comply with the embedded CMs in the technical assistance concurrence letter generated from IPaC or any CM’s contained in a correspondence from USFWS. The Corps will consult in accordance with the emergency consultation provisions of the ESA (50 CFR § 402.05), if applicable.

D. Listing of Non-Reporting Activities:

For a complete description and definitions of PADEP Waivers see:

https://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/LawsRegsGuidelines/Chapter_105_Dam_Safety_and_Waterway_Management.pdf and for GPs:
<http://www.depgreenport.state.pa.us/elibrary/>.

1. **Fish Habitat Enhancement Structures:** The regulated work under this activity must be authorized pursuant to PADEP GP-1.

2. **Small Docks and Boat Launching Ramps:** The regulated work must be authorized pursuant to PADEP GP-2.

3. **Bank Rehabilitation, Bank Protection, and Gravel Bar Removal:** The regulated work must be authorized pursuant to PADEP GP-3.

4. **Intake and Outfall Structures:** The regulated work must be authorized pursuant to PADEP GP-4.

NOTE: See General Condition 17 for intake screening and flow velocity requirements.

5. **Utility Line Stream Crossings:** The regulated work must be authorized pursuant to PADEP GP-5.

6. **Agricultural Crossings and Ramps:** The regulated work must be authorized pursuant to PADEP GP- 6.

7. **Minor Road Crossings:** The regulated work must be authorized pursuant to PADEP GP-7.

8. **Temporary Road Crossings:** The regulated work must be authorized pursuant to PADEP GP-8.

NOTE: See Reporting Activity 16 for temporary fills exceeding one year.

9. **Agricultural Activities:** The regulated work must be authorized pursuant to PADEP GP-9.

10. **Maintenance, Testing, Repair, Rehabilitation, or Replacement of Water Obstructions and Encroachments:** The regulated work must be authorized pursuant PADEP GP-11.

11. **Private Residential Construction in Wetlands:** The regulated work must be authorized pursuant to PADEP GP-15.

12. 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.

13. 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.

14. Activities Waived at 25 PA Code § 105.12(a)(6) – Waiver 6 – Stormwater Management and Erosion Control.

15. Activities Waived at 25 PA Code § § 105.12(a)(7) and (8) – Waiver 7 and 8 – Activities Related to Crop Production.

16. Activities Waived at 25 PA Code § 105.12(a)(9) – Waiver 9 – Minor Stream Fords.

17. Activities Waived at 25 PA Code § 105.12(a)(10) – Waiver 10 - Navigational Aids.

18. Activities Waived at 25 PA Code § 105.12(a)(12) – Waiver 12 – Activities Related to Use of Water Recording, Gauging, and Testing Devices.

19. Activities Waived at 25 PA Code § 105.12(a)(14) – Waiver 14 – Artificial Ponds and Reservoir Maintenance.

20. Activities Waived at 25 PA Code § 105.12(a)(16) – Waiver 16 – Restoration Activities: Activities undertaken and conducted pursuant to a restoration plan, which has been approved, in writing, by PADEP. These activities include the following:

a. PADEP, Bureau of Abandoned Mine Reclamation approved and/or sponsored restoration activities – provided the activity impacts less than 0.05 acre of vegetated wetland (as identified by the Corps of Engineers 1987 Wetlands Delineation Manual (1987 Manual), including all applicable guidance and regional supplements) or the body of water or associated discharge from a body of water has a pH less than 5.0, or any of the following elevated metal levels:

- i. Aluminum greater than 0.6 mg/l
- ii. Iron greater than 7.0 mg/l
- iii. Manganese greater than 4.0 mg/l

b. Other Restoration Activities – Restoration activities whereby PADEP has issued a programmatic Waiver 16, consistent with Section 401 of the CWA. To be authorized by PASPGP-7, the activity must be approved by the Environmental Review Committee.

21. PADEP Individual Permits Numbered EXX-999X: This activity must be authorized pursuant to PADEP Individual Permits numbered EXX-999X. The maintenance work must be performed as described on a submitted work schedule, submitted to PADEP Regional Offices, with all work performed in accordance with PADEP standards for that particular agency's maintenance agreement. This is limited to maintenance activities performed in waters of the United States, including jurisdictional wetlands, by the following Commonwealth of Pennsylvania agencies under the referenced authorizations:

a. The Pennsylvania Department of Transportation (District 1 – E61-9999; District 2 – E17-9999; District 3 – E41-9999; District 4 – E35-9999; District 5 – E39-9999; 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 Pennsylvania Department of Conservation and Natural Resources, Bureau of State Parks (Region 1 – E12-9998; Region 2 – E10-9998; and Region 3 – E05-9998; Region 4 – E09-9998); and

d. The Pennsylvania Game Commission (SE Region – E06-9996; SC Region – E31-9996; NE Region – E40-9996; NC Region – E41-9996; NW Region – E61-9996; and SW Region – E65-9996).

22. PADEP Emergency Authorized Activities: The regulated work must be authorized pursuant to a PADEP Emergency Permit.

23. Normal Maintenance and Repair of an Existing Dam: The regulated work must be authorized pursuant to PADEP Letter of Authorization.

24. Existing Structures or Activities Completed Prior to July 1, 1979: Regulated work authorized pursuant to 25 Pa. Code § 105.12(b)(1-7).

25. Operation, Maintenance and Monitoring of Structures and Activities Listed in 25 Pa. Code § 105.12(b)(1-7) Above Completed Prior to July 1, 1979: Activities authorized pursuant to 25 Pa. Code § 105.12(c) which includes the operation, maintenance, monitoring, and other requirements of PADEP Chapter 105.

26. Miscellaneous Activities: The following activities are not in most cases regulated pursuant to Section 404 of the CWA because they do not involve discharge of dredged and/or fill material, or the activity meets a Section 404(f)(1) exemption. However, in some instances, the work is regulated and will require a Section 404 and/or a Section 10 permit. These correspond to activities authorized by PADEP Waivers, GPs, and Waiver Letters of Maintenance provided they are implemented as described in the applicable PADEP authorization:

a. PADEP GP-10 – Abandoned Mine Reclamation;

- b. PADEP Waiver 3 – PADEP Chapter 105.12(a)(3): Aerial Crossings;
- c. PADEP Waiver 5 –PADEP Chapter 105.12(a)(5): Acid Mine Drainage;
- d. PADEP Waiver 13 –PADEP Chapter 105.12(a)(13): Abandoned Railroad Bridges and Culverts;
- e. PADEP Waiver 15 –PADEP Chapter 105.12(a)(15): Abandoned Mines; and
- f. Waiver Letter of Maintenance for PADEP Chapter 105.12 (b) and (c):
 - i. 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; or

NOTE: No wetland impacts are authorized under this activity.

- ii. 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.

27. Activities Related to Residential, Commercial and Institutional Developments:

Applications for the purpose of constructing or expanding a residential, commercial, or institutional subdivision or development may require that the application include a Protective Covenant (e.g. deed restriction, declaration of restrictive covenants for conservation, conservation easement, or deed restricted open space area), for the application to be processed as a Non-Reporting Activity. If, in addition to the impacts proposed in the application, more than 0.25 acre of wetlands exist within the property boundary, then the application must contain a Protective Covenant that protect these additional areas from activities such as filling, draining, mowing, placement of structures, cutting of vegetation, and/or clearing or plowing of natural vegetation (also see Part V. A. 24.) for the application to be a Non-Reporting Activity. Protective Covenants should be prepared in accordance with the template documents found at: <https://www.nab.usace.army.mil/Missions/Regulatory/Permits-PA/>. If the application does not contain such Protective Covenants, or deviates from the templates, then the application would be Reporting (see Part III. E. 8. and Part V. A. 24).

28. Maintenance: Activities conducted under the terms and conditions of a previously issued PADEP authorization which requires operation and maintenance in accordance with the terms and conditions of the PADEP authorization.

29. PADEP Chapter 105 Activities Published in the *Pennsylvania Bulletin*: The following activities require notification through publication in the *Pennsylvania Bulletin* as required by 25 PA Code Chapter 105.21(a) of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq.

These activities may be authorized by PASPGP-7 after an opportunity for review and comment by the Corps, all other federal and state resource agencies, and the general public. Publication in the *Pennsylvania Bulletin* will be at least 30 days prior to the effective date of the PADEP authorization.

a. **Activities Requiring Pennsylvania State Permits or Approvals:** This is limited to activities authorized pursuant to PADEP Water Obstruction and Encroachment Permit (including an Individual Permit or Small Projects Permit), Dam Permit, or Environmental Assessment Approval and request for SWQC, as required by Section 401 of the CWA (see General Condition 2(c)).

b. **The Removal of Abandoned Dams, Water Obstructions, and Encroachments:** This is limited to those activities authorized by PADEP for 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 PADEP Waiver 11.

c. **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 PADEP Waiver 16, except for those activities identified in the above Part III. D. 20 which do not require publication in the *Pennsylvania Bulletin* because they have been programmatically approved.

30. Previously Authorized Activities:

a. All activities previously verified as a Non-Reporting Activity under PASPGP-6 that meet the PASPGP-7 Non-Reporting criteria and comply with all its terms and conditions are reauthorized by the PASPGP-7 without further notice to the applicable Corps District. The duration of these verifications will be for the term of PASPGP-7 (July 1, 2031) or applicable PADEP Chapter 105 authorization, whichever is less. If the previously verified PASPGP-6 Non-Reporting activity **does not** meet the PASPGP-7 Non-Reporting criteria, or **does not** comply with all the terms and conditions identified and required by PASPGP-7, the activity is **not** automatically authorized by PASPGP-7. For these activities, an application must be submitted to the applicable Corps District to determine if the project qualifies for PASPGP-7.

b. All activities that received their original verification as a Reporting Activity under PASPGP-6 that comply with all the terms and conditions identified and required by PASPGP-7 are authorized by PASPGP-7 without further notice to the applicable Corps District. In addition, all special conditions attached to the original PASPGP-6 verification become special conditions for the PASPGP-7 verification. The duration of the verification is for the full five-year period of PASPGP-7 or when the applicable PADEP Chapter 105 authorization expires, whichever is less. Please note, any request for modification of the authorized work and/or special conditions must be submitted in writing to the applicable Corps district. If the previously verified PASPGP-6

Reporting Activity **does not comply with** the PASPGP-7 terms and conditions, the activity is **not** automatically authorized by the PASPGP-7. For these activities, an application must be submitted to the applicable Corps District for federal authorization.

c. All activities verified as a Non-Reporting Activity under PASPGP-6 that are now a Reporting Activity under PASPGP-7, where the verification was issued between April 01, 2026, and June 30, 2026, and comply with all terms and conditions and do not exceed the eligibility thresholds of PASPGP-7, have until June 30, 2027, to complete the regulated activities authorized by the PASPGP-6 verification under a PASPGP-7 verification.

NOTE: PASPGP-6 verifications expire on June 30, 2026. Activities authorized by PASPGP-6 that have commenced construction or are under contract to commence construction will remain authorized by PASPGP-6 provided the activity is completed by June 30, 2027, or until the expiration date of the project-specific verification, whichever is sooner.

31. Work in the Lehigh Canal: Emergency temporary stabilization of breaches and sinkholes. This activity allows for the temporary discharge of dredged and/or fill material into waters of the United States to temporarily stabilize a breach, including sinkholes, in the watered portions of the Lehigh Canal to prevent dewatering of the canal. The follow-up permanent repair of these breaches and sinkholes is a Reporting Activity per Part III(E)(6) Activities Potentially Affecting Historic Properties.

E. Reporting Activities - Activities listed below are Reporting Activities and will receive a project-specific review by the Corps.

The Corps will coordinate with the appropriate federal and state agencies in order to make a minimal impact determination and to ensure compliance with other federal laws and regulations. PASPGP-7 may be verified for these projects only after a case-by-case opportunity for review and comment, in accordance with the PASPGP-7 Standard Operating Procedures (SOP), by all appropriate federal and state resource agencies and a determination by the Corps that the activity will have no more than minimal adverse environmental effects and is in compliance with all other applicable federal laws and regulations.

These activities correspond to activities authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and rules and regulations promulgated thereunder in the *Pennsylvania Bulletin* (codified at 25 Pa. Code, Chapter 105). In order to qualify for PASPGP-7, these activities must receive a SWQC, as required by Section 401 of the CWA. Additionally, projects must receive any applicable state Chapter 105 authorizations and Coastal Zone Management Act concurrence.

All Reporting Activities that require PADEP Individual Permits (except for Individual Permits numbered EXX-999X), Small Projects Permits, Dam Permits, individual SWQC, or Environmental Assessment Approvals, will also be reviewed by the general public through publication in the *Pennsylvania Bulletin*, at least 30 days prior to the effective date of the permit,

as required by 25 PA Code Chapter 105.21(a) 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). PADEP will forward copies of all applications to the Corps for review as a Reporting Activity.

1. Applications Requested by the Corps: Activities/Applications for which the Corps requests a review of the permit application or for which other federal and/or state resource agencies recommends a Corps review and the Corps agrees and request from PADEP. The request for the application to be reporting by the Corps to PADEP must be made prior to PADEP issuing verification that an activity is authorized by PASPGP-7.

2. Activities Meeting Reporting Thresholds: Activities where the Overall Project will result in:

a. Federally regulated temporary impacts to more than 1.00 acre of waters of the United States, including jurisdictional wetlands.

b. Federally regulated permanent impacts to more than 0.25 acre of waters of the United States, including jurisdictional wetlands, with the following exceptions, where the reporting threshold is 0.50 acre of permanent impact:

i. Non-Reporting Activity 1, (PADEP GP-1 Fish Habitat Enhancement Structures);

ii. Non-Reporting Activity 29(c), Activities Waived at 25 PA Code § 105.12(a)(16) – Waiver 16 – Restoration Activities: Other Restoration Activities; and

iii. Maintenance of artificial ponds/impoundments through removal of accumulated sediments.

c. Federally regulated permanent impacts greater than 250 linear feet/0.03 acre (1,307 square feet), whichever is less, of jurisdictional waters (streams, rivers, ponds, lakes, impoundments, etc.) excluding wetlands, except for the following activities, where the permanent linear foot impact threshold is:

i. No more than 500 linear feet (no square feet limitation) for activities that involve stream restoration (rehabilitation and/or reestablishment); stream enhancement; bank stabilization; and/or gravel bar removal; including activities identified in Non-Reporting Activity 29(c), Activities Waived at 25 PA Code § 105.12(a)(16) – Waiver 16 – Restoration Activities: Other Restoration Activities;

ii. No more than 500 linear feet (no square feet limitation) for maintenance of existing artificial ponds/impoundments through removal of accumulated sediment;

iii. No linear impact threshold of jurisdictional waters applies to those activities verified as Non-Reporting Activity 1, PADEP GP – 1 Fish Habitat Enhancement Structures.

NOTE: As stated in Part II, the reporting thresholds apply to federally regulated impacts to waters of the United States, including jurisdictional wetlands. If an AJD has not been made by the Corps, all waters and/or wetlands are presumed to be jurisdictional, in accordance with Regulatory Guidance Letter 16-01. Regulated impacts associated with construction of compensatory mitigation sites is included, if applicable, when calculating impacts. Activities not regulated by the Corps and/or impacts to non-jurisdictional resources are not included in the calculation, however, such activities may be regulated by PADEP and should be included as impacts in permit applications. For example, boring a utility line under a wetland may not involve a regulated discharge under Section 404 of the CWA. Under PADEP regulations, installation of the utility line is a regulated activity, with the utility considered a permanent impact. As a result, submitted applications should include proposed installation of the utility line and all associated temporary or permanent impacts.

3. Modification of Previous Federal Authorizations:

- a. Applications proposing modification of a previously issued Corps authorization where the Corps processed the original authorization for the project. For example, this could include a PASPGP-6, Department of the Army Individual Permit, or an NWP; or
- b. Applications proposing additional regulated activities for a previously issued single and complete project that did not initially require a Corps review, but now the project is a Reporting Activity under PASPGP-7.

4. Activities Which May Affect Threatened or Endangered Species and Their Critical Habitat Under Section 7 of the Endangered Species Act (16 U.S.C. 1531 et seq.):

- a. Activities or projects, whereby a final PNDI search directs a further review in IPaC for federally listed or proposed species, and/or conservation measures unless:
 - i. The applicant has submitted their technical assistance/concurrence letter(s) or other USFWS correspondence as part of the permit application. By submitting the technical assistance/concurrence letter(s) as part of the application, the applicant agrees to follow the embedded CMs in the letter(s) and to construct the activity as described in the IPaC screening. Failure to do so results in the project specific verification of PASGP-7 being revoked. See Part V (A)(5); or
 - ii. The application contains documentation of ESA compliance; or
 - iii. A “no effect” determination from the Corps or other lead federal agency, has been made for all currently listed or proposed threatened and endangered species.

5. Activities Authorized at 25 PA Code § 105.131(c) – Maintenance of Reservoirs of Jurisdictional Dams: This activity is reporting when greater than 0.10 acre of jurisdictional wetland is permanently impacted, or if another reporting reason is applicable. 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 there under in the *Pennsylvania Bulletin* (codified at 25 PA. Code, Chapter 105, § 105.131(c)).

6. Activities Potentially Affecting Historic Properties: Any activity which may adversely affect historic properties, 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, and/or Tribal Resources. This includes, but is not limited to, projects where the DEP is in coordination with the State Historic Preservation Office (SHPO) (i.e. Pennsylvania Historical and Museum Commission), local preservation interests, or a federally recognized tribe which have determined that archeological or other cultural resources are believed to exist within the permit area.

For all PADEP individual permits, unless the applicant has a delegated Section 106 programmatic agreement with PA SHPO or the lead federal agency has made an effects determination, the applicant must provide documentation to the DEP that consultation with the SHPO has begun. Initiation of consultation is documented through PA SHPO Archaeological and Historic Resource Exchange System at <https://share.phmc.pa.gov/pashare/landing>. For applicants having a delegated Section 106 programmatic agreement or where a federal agency has made a Section 106 determination, the application shall contain information pertaining to compliance with Section 106.

An application shall be forwarded to the Corps if any of the following apply:

- a. The application contains a PA SHPO response that indicates the potential for the project to affect historic properties or requests additional information;
- b. The application does not include documentation that coordination with PA SHPO has been initiated, if required;
- c. The application does not contain evidence of a delegated Section 106 authority; and
- d. Another lead federal agency indicates a potential for the project to affect historic properties.

7. Activities Potentially Affecting National 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” under Section 7 (a) Wild and Scenic Rivers Act (16 U.S.C. § 1278 *et seq.*) for possible inclusion in the System are forwarded to the Corps as a Reporting Activity. However, these activities are not reporting if the appropriate federal agency, with direct management responsibility for such river, has determined, in writing, that the proposed activity will not adversely affect any National Wild and Scenic River, including study

rivers. Additionally, designated and identified 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 National Wild and Scenic Rivers are:

- a. Allegheny River from the Kinzua Dam, mile 197.2, downstream approximately 7 miles to U.S. Route 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;
- b. Clarion River from mile 91.1 in the Borough of Ridgeway, Elk County, Pennsylvania, at the National Forest and State Game Lands boundary to mile 39.4 at the normal pool elevation of Piney Dam;
- c. Upper Delaware Scenic and Recreational River beginning at Hancock, New York, and continuing 73.4 river miles to Mill Rift, Pennsylvania;
- d. Middle Delaware Scenic and Recreational River (from bank to bank) as it flows through the Delaware Water Gap National Recreation Area;
- e. Lower Delaware River beginning 7 river miles north of Belvidere, New Jersey, continuing to Washington Crossing, Pennsylvania, including Paunacussing Creek, within Solebury Township; all the Tinicum Creek, including Rapp Creek and Beaver Creek Tributaries; and Tohickon Creek from the mouth to the Lake Nockamixon Dam, including a ¼ mile buffer from each bank; and
- f. White Clay Creek watershed, including all its tributaries.

Additional information concerning waterways covered by the Wild and Scenic Rivers Act can be found at www.rivers.gov

8. Activities Related to Residential, Commercial and Institutional Developments: Applications for the purpose of constructing or expanding a residential, commercial, or institutional subdivision or development that do not contain a protective covenant (e.g. deed restriction, declaration of restrictive covenants for conservation, conservation easement, or deed restricted open space area) as stipulated in Non-Reporting activity 27.

9. Activities Requiring an Environmental Impact Statement (EIS): Applications containing an EIS, references to an EIS by a federal agency, or references to the Corps being a cooperating agency on an EIS.

10. Activities within the Following Waters:

- a. All the Ohio River except for navigational aids or markers, buoys, floats, the construction, operation, or removal of staff gauges, water recording devices and water quality testing devices;

b. All the Monongahela River except for navigational aids or markers, buoys, floats, the construction, operation, or removal of staff gauges, water recording devices and water quality testing devices;

c. The Allegheny River, from its mouth in Pittsburgh, Pennsylvania to river mile 197.4 at Kinzua Dam, north of Warren, Pennsylvania except for navigational aids or markers, buoys, floats, the construction, operation, or removal of staff gauges, water recording devices and water quality testing devices;

d. Lake Erie activities which require submittal of a PADEP Joint Permit Application or Environmental Assessment to the PADEP. For Lake Erie, the OHWM is located at elevation 573.4;

e. The Delaware River, upstream of the U.S. Route 202 Bridge at New Hope, Pennsylvania. Note: any activity located waterward of the OHWM in non-tidal waters and high tide line in tidal waters of the Delaware River, downstream of the U.S. Route 202 Bridge, is ineligible for PASPGP-7.

f. All the Delaware Canal.

11. Activities across State Boundaries: Activities where the regulated activity is not wholly located within the Commonwealth of Pennsylvania, i.e. the regulated activity extends across state boundaries.

12. Coal and Non-Coal Mining Activities: Activities authorized pursuant to Chapter 105 for coal and non-coal mining permits issued by the PADEP District Mining Operations, including activities authorized pursuant to PADEP Waiver 4 [25 Pa. Code § 105.12(a)(4)] and GPs-101 and 102.

13. Construction of Mitigation Banks and In-Lieu Fee Sites: Regulated activities associated with the construction of mitigation banks and/or in-lieu fee sites developed to meet the requirements of the Corps and the EPA April 10, 2008, Compensatory Mitigation for Losses of Aquatic Resources: Final Rule, or any subsequent guidance/regulations addressing compensatory mitigation banks and/or in-lieu fee sites.

14. Activities Affecting Corps Civil Works Projects, Corps Property, or Corps Easements: All activities that may alter, use, build upon, attempt to possess, or that may harm or impair any existing or proposed Corps Civil Works project, or any Corps-owned or managed property or easement. Mapped Civil Works projects can be found at <https://levees.sec.usace.army.mil/> and/or <https://nid.sec.usace.army.mil/#/>.

15. Reasonably Related Applications:

- a. If the Corps previously issued a verification for work associated with an Overall Project, any subsequent additional regulated work that is needed for the Overall Project to function and meet its intended purpose is a Reporting Activity.
- b. If PADEP determines that an application is a Reporting Activity, and PADEP is concurrently processing other Non-Reporting applications which are needed for the Overall Project to function and meet its intended purpose, then all such related applications are sent to the Corps as Reporting.
- c. If the Corps is reviewing a Reporting application and PADEP receives an application for attendant features associated with an Overall Project, then the newly received application received by PADEP is a Reporting Activity.

16. Activities Involving Temporary Fill of Greater Than One Year: All applications proposing temporary fill impacting greater than 0.10 acre of waters and/or wetlands which will remain in place for more than one year are a Reporting Activity. This requirement includes requests to extend temporary fill authorized by a PADEP GP-8 beyond the original one-year timeframe.

17. Applications Containing a Request for a Corps Jurisdictional Determination (JD): Any application containing a request for either a preliminary JD or an approved JD from the Corps.

18. Activities occurring in areas identified as potentially having Shortnose and/or Atlantic Sturgeon Present: Any application that proposes work in a portion of a waterbody identified by the National Oceanic and Atmospheric Administration (NOAA), Greater Atlantic Region where Atlantic and/or shortnose sturgeon may be present. The following is a list of waters identified by the Greater Atlantic Region's ESA Section 7 Mapper Tool where sturgeon may be present:

Waterway	Downstream Extent	Upstream extent	Latitude	Longitude
Crum Creek	Confluence with Delaware River	State Route 291 (Industrial Highway) Bridge	39.863249	-75.324343
Darby Creek	Confluence with Delaware River	Upstream side of Hay Island	39.886308	-75.264508
Frankford Creek	Confluence with Delaware River	Frankford Ave. Bridge	40.005349	-75.092422
Nashaminy Creek	Confluence with Delaware River	New Falls Road Bridge	40.123726	-74.901543

NOTE: The above list does not include the Delaware River downstream of the U.S. 202 Bridge and the Schuylkill River downstream of the Fairmount Dam because these waters are ineligible for PASPGP-7.

19. Activities Requiring an Individual 401 SWQC from PADEP: Any regulated activity requiring a project-specific SWQC pursuant to Section 401 of the CWA (33 U.S.C. § 1251). See Part V, A, 2, c, for identification of such applications.

20. Activities Involving the construction of an Aerial Transmission Line, Submerged Cable, or Submerged Pipeline Across a Navigable Water of the United States: Any activity involving the construction of an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States, the Corps shall send copies of the applications and permit verifications to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS) for charting the utility line to protect navigation. Copies of the application and permit shall be sent to the following email address: ocs.ndb@noaa.gov.

Part IV – Procedures:

A. Application Submittal:

Applicants must submit the required PADEP permit application to the appropriate PADEP office. For Reporting Activities, where PADEP does not require a permit application, information on the proposed project and Engineering Form 4345 shall be submitted directly to the appropriate Corps District. The information must identify all potential impacts to waters of the United States, including jurisdictional wetlands, including direct and indirect impacts, both temporary and permanent, for the overall project, including all attendant features needed for the project to function and meet its intended purpose. Applicants submitting applications for linear projects must submit information describing the locations of the overall linear project's point of origin, terminal point, all proposed crossings (e.g., single-and-complete linear projects), and other impacts to aquatic resources. The delineation of wetland boundaries shall be accomplished in accordance with the *1987 Corps of Engineers Wetland Delineation Manual (Technical Report Y-87-1)*, including all applicable guidance, regional supplements.

Applications that propose compensatory mitigation for federally regulated impacts should include a discussion on the avoidance and minimization of proposed impacts. Additionally, the application should contain a discussion as to the choice of mitigation type recognizing the Corps hierarchy of mitigation: mitigation bank, in-lieu fee programs, permittee responsible mitigation on a watershed basis, etc., and identify any mitigation banks or in-lieu fee programs proposed to be used. For permittee-responsible mitigation, the Corps/EPA 2008 Mitigation Rule requires approval of a final mitigation plan prior to commencement of any authorized work. The required components of a final mitigation plan can be found at 33 CFR §§ 332.4(c)(2) through (c)(14).

Compensatory mitigation utilizing a minimum one-to-one ratio, or utilizing an appropriate function or condition assessment method, will typically be required for all federally regulated wetland losses that exceed 0.10 acre, or for stream losses that exceed 0.03 acre (1,307 square feet) and/or 250 linear feet, and are a Reporting Activity, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal.

For Reporting Activities with federally regulated wetland losses of 0.10 acre or less or stream losses of 0.03 acre (1,307 square feet) and/or 250 linear feet or less, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

For Reporting Activities impacting wetlands and streams, the cumulative impacts will be considered when determining whether compensatory mitigation is required to ensure that environmental effects are no more than minimal, regardless of the amount of impact to either resource type.

Regulated activities that result in the permanent conversion of wetland types may result in the need for compensatory mitigation to ensure that the regulated activity does not result in more than minimal adverse effects.

B. PASPGP-7 Review Procedures:

1. **Non-Reporting Activities 1-28, and 31:** Permit applications are reviewed by PADEP in accordance with their review procedures and the PASPGP-7 procedures. If applicable, PADEP will attach the PASPGP-7 verification to the state authorization.

2. **Non-Reporting Activity 29:** All Non-Reporting Activities listed under number 29 a. through c. will be published in the *Pennsylvania Bulletin*, as a public notice. The Corps and resource agencies may review the *Pennsylvania 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 the Corps requests that the proposed project be reviewed as a Reporting Activity, they must notify the appropriate PADEP Office, prior to permit issuance. PADEP will forward the application to the appropriate Corps District. If the application is not forwarded as a Reporting Activity, PADEP will attach the PASPGP-7 verification along with the state authorization to the application.

3. **Reporting Activities:** Applications for projects identified as Reporting Activities will be forwarded by PADEP to the Corps for review via hard copy or electronically. Applications submitted electronically can be sent to the appropriate email address:

Baltimore District:	NAB-Regulatory@usace.army.mil
Philadelphia District:	PhiladelphiaDistrictRegulatory@usace.army.mil
Pittsburgh District:	Regulatory.Permits@usace.army.mil

The Corps will coordinate with other federal and state resource agencies, when applicable, to determine eligibility for verification under PASPGP-7. After completion of the Corps review, the Corps will:

a. Notify PADEP that the activity is eligible for verification under PASPGP-7, without special conditions and they should attach PASPGP-7 verification to their authorization when issuing;

b. Send the PASPGP-7 verification and any special conditions, if applicable, directly to the applicant and copy PADEP if the project is eligible for verification under PASPGP-7;

c. Notify PADEP and the applicant that the project is not eligible for verification under PASPGP-7 and the work requires an alternative form of Section 10 and/or 404 authorization; or

d. Inform the applicant directly that a Section 10 and/or 404 authorization is not required for the proposed work and send a copy of the notification to PADEP.

C. Agency Objection:

Prior to the Corps issuing a project specific PASPGP-7 verification, any federal or state resource agency may notify the appropriate Corps District of its objection, in writing, to authorization by PASPGP-7. The Corps will attempt to resolve the objection and may issue a PASPGP-7 verification with or without project-specific special conditions or may require an alternative form of Section 10 and/or 404 authorization.

D. Other Types of Corps Permit Review:

If a project is ineligible under the terms and conditions of PASPGP-7, the Corps will notify PADEP and the applicant that the project will require further evaluation under an alternative permit review procedure. All information submitted by the applicant for the PASPGP-7 review will be used to initiate review by the Corps for the alternative permit. Additional information may be requested to complete the review. During the alternative permit review, the project impacts may be reduced, such that the activity poses only minimal adverse environmental effects, and the proposed project meets the terms and conditions of PASPGP-7.

E. Corps Discretionary Authority:

The Corps retains discretionary authority on a case-by-case basis 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 may be invoked for projects with individual or cumulative environmental impacts that may be more than minimal, or if there is a special resource or concern associated with a particular project.

Part V – General Conditions and Processing Requirements:

All activities verified under PASPGP-7 must comply with the below conditions. Failure to comply with all conditions of the verification, including any special conditions, will constitute a permit violation and may subject the permittee to criminal, civil, or administrative penalties, and/or require restoration:

A. 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 project-specific 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 state water quality certificate is required as identified below:

a. Prior to beginning any activity authorized by the Corps under PASPGP-7, the applicant shall obtain from the Department all necessary environmental permits 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 (relating to development), the Air Pollution Control Act (35 P.S. §§ 4001—4015) and the regulations promulgated thereunder, including 25 Pa. Code Chapters 77, 78, 78a, 86—91, 92a, 93, 95, 96, 102, 105, 127 and 260a—299.

b. Environmental assessments required under these regulations, in addition to other regulatory requirements, must be complied with as a condition of the SWQC for PASPGP-7 consistent with section 401 of the CWA.

c. Fill material may not contain any waste as defined in section 103 of the Solid Waste Management Act (35 P.S. § 6018.103).

d. Applicants and projects eligible for the PASPGP-7 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.

The PADEP has determined that these SWQC conditions are necessary to achieve the Commonwealth of Pennsylvania's water quality standards, which have been approved by the EPA as compliant with the CWA. The SWQC conditions achieve these standards through compliance with existing environmental programs administered by PADEP under State laws and regulations. This SWQC would be subject to the Department's determination that the final PASPGP-7 activities are consistent with the Federal Coastal Zone Management Act (16 U.S.C. §§ 1451—1468). This SWQC would only be available for projects that do not require any federal authorization other than authorization from the Corps under section 404 of the CWA or section 10 of the Federal Rivers and Harbors Act of 1899. Applicants seeking authorization for

activities not eligible for coverage under PASPGP-7, or for activities that require another federal authorization (such as an interstate natural gas pipeline, a gas storage field, a nuclear or hydroelectric project requiring authorization by another federal agency), must submit a request to the Department for a project-specific SWQC.

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 a 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 submitting the technical assistance/consultation letter generated by IPaC, the permittee has agreed to comply with all embedded conservation measures and agrees to construct the activity as it was described in their IPaC screening. Any deviations from how the screening questions were answered result in the project specific verification of PASPGP-7 being automatically revoked. The permittee may also agree in writing to comply with all CMs identified in USFWS correspondence as part of the application. To ensure compliance with the ESA, those CMs associated with federally listed and proposed threatened or endangered species become conditions of the PASPGP-7 verification, unless modified by the Corps.

If an activity is verified under the PASPGP-7, and a federally listed threatened, endangered, 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 immediately (contact information below). The PASPGP-7 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.

If an activity is authorized under the PASPGP-7 and new species are federally listed or proposed threatened or endangered the project proponent is responsible for ensuring that construction of the authorized work does not adversely affect any existing or newly listed or proposed federally threatened or endangered species. Information concerning threatened and endangered species and their critical habitat can be obtained from the offices of the USFWS and National Marine Fisheries Service or their web pages at:

- <https://ecos.fws.gov/ipac> and updating your Official Species list (which is recommended to do every 90 days before the project starts or during construction).
- <https://www.greateratlantic.fisheries.noaa.gov/protected/section7/guidance/maps/index.html>.

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.

If you have further questions about ESA compliance, please contact the agencies below:

USFWS:

Pennsylvania Field Office
110 Radnor Road; Suite 101
State College, Pennsylvania 16801
Office phone: (814) 234-4090
Fax: (814) 234-0748 or (814) 206-7452
Email: IR1_ESPenn@fws.gov

NMFS:

Assistant Regional Administrator, Greater Atlantic Region, Protected Resources Division NOAA Fisheries
55 Greater Republic Drive
Gloucester, Massachusetts 01930
Office phone: (978) 281-9226
Email: nmfs.gar.esa.section7@noaa.gov

6. Spawning Areas: Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized. The Pennsylvania Fish and Boat Commission (PFBC) has identified waters that support wild trout reproduction, this list can be found at:

<https://www.fishandboat.com/Fishing/All-About-Fish/Catch-PA-Fish/Trout/Pages/TroutWaterClassifications.aspx>. The table below identifies certain times of year that in water work shall be avoided to limit impacts to wild trout spawning in these waters unless a written waiver from the PA Fish and Boat Commission is provided by the applicant.

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

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 impounds water, directly or indirectly, 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 pre-construction 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 OHWM 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 CWA.

12. **Temporary Fill and Structures:** Temporary fill (e.g., access roads and cofferdams) and structures in waters and/or wetlands authorized by PASPGP-7 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 pre-construction contours, elevations, and hydrology, and wetlands shall be 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-7 shall be properly installed and maintained to ensure public safety.

15. PASPGP-7 Authorization:

a. PASPGP-7 expires June 30, 2031, unless suspended or revoked.

b. Verifications of PASPGP-7 expire June 30, 2031, unless the PASPGP-7 permit is suspended, revoked, or the PADEP authorization expires, whichever date occurs sooner. Activities authorized under PASPGP-7 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-7 expiration, modification, or revocation; or until the expiration date of the project specific verification, whichever is sooner.

16. **One-Time Use:** A PASPGP-7 verification is valid to construct the project, or perform the activity, one time only, except for PASPGP-7 verifications specifically issued for reoccurring maintenance activities.

17. **Water Supply Intakes:** Regulated activities occurring within the proximity of a public water supply intake must not adversely impact the public water supply. This condition does not apply to activities whose primary purpose is the maintenance, repair, protection, or improvement of the public water supply intake itself. 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 each project-specific PASPGP-7 verification, upon the unanticipated discovery of any previously unknown historic properties (above ground or archeological), all work must cease immediately, and the permittee must notify the PA 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. The PASPGP-7 verification is not valid until it is determined, through the Section 106 consultation process, whether the activity will have an effect on historic properties. PASPGP-7 may be re-verified, and special conditions added, if necessary, after an effects determination on historic properties and/or tribal resources is made, in consultation with the PA SHPO, the tribes and other interested parties. The PASPGP-7 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-7 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-7 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 the Corps issues a written PASPGP-7 verification.

21. Navigation: No activity verified under PASPGP-7 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 (e.g., 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 United States 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 the 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-7. 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. Written approval from the Corps is required if the prior verification was reviewed by the Corps or if the proposed modification is a Reporting Activity under PASPGP-7. 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, b, and c.), or greater than 1,000 linear feet of permanent jurisdictional stream loss (except those identified in Part II A.2. a, b, and c.), are not eligible for PASPGP-7 and will be forwarded to the Corps for review under an alternative permit review procedure.

24. Recorded Protective Covenants: As per Part III.D.27 and Part III.E.8 of this permit, proposed draft protective covenants may be submitted by the applicant as part of the permit application package for review and approval. When such proposed protective covenants 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. Protective covenant templates can be found at: <https://www.nab.usace.army.mil/Missions/Regulatory/Permits-PA/>.

25. **Property Rights:** PASPGP-7 does not obviate the need to obtain other federal, state, or local authorizations required by law, nor does this 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 electric transmission lines, the following minimum clearances are required for 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. For all other aerial crossings of navigable waters (such as but not limited to: communication lines, stream gauging cables, ferry cables, etc..) the 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 pre-construction 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 crossing a navigable water of the United States (Section 10 waters), the permittee must furnish the Corps and the NOAA, NOS with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, geographic coordinate system), depicting the alignment and minimum clearance of the aerial wires above the mean high water line at the time of the survey or depicting the elevations and alignment of the buried cable or pipeline crossing the navigable waterway (Section 10 waters). The information should be transmitted via email to ocs.ndb@noaa.gov.

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://homeport.uscg.mil/Lists/Content/DispForm.aspx?ID=73840&Source=/Lists/Content/DispForm.aspx?ID=73840>

e. The completed application must be sent to the appropriate USCG office as indicated below:

Baltimore/Philadelphia Districts: Commander Fifth Coast Guard District 431 Crawford Street, Room 100, Portsmouth, Virginia 23704-5504, Attn: Mr. Ryan Doody; by email to: Ryan.P.Doody2@uscg.mil

Pittsburgh District: USCG Marine Safety Unit Pittsburgh, 1041 Washington Pike, Suite 300, Bridgeville, Pennsylvania 15017-2704, Attn: Mr. Eyobe Mills; by email to: Eyobe.D.Mills@uscg.mil.

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 this requirement, any one of the following constitutes state authorization:

- a. A PADEP Chapter 105 Water Obstruction and Encroachment Permit, including PADEP approved Environmental Assessment pursuant to 25 Pa. Code § 105.15;
- b. A PADEP GP issued pursuant to 25 Pa. Code § §105.441-105.449;
- c. A PADEP approved Environmental Assessment for activities not otherwise requiring a PADEP permit pursuant to 25 Pa. Code § 105.12;
- d. A PADEP Dam Permit, including maintenance or repairs of existing authorized dams, including maintenance dredging;
- e. A PADEP Emergency Permit issued pursuant to 25 Pa. Code § 105.64;
- f. A PADEP permit for the construction of a bridge or culvert which allows for maintenance activities of bridges and culverts;
- g. A PADEP Chapter 105 Dam Safety and Encroachment Enforcement Action; or
- h. A programmatic/project- specific State Water Quality Certification WQC issued by PADEP consistent with Section 401 of the CWA where no other State authorization, as listed above, is required.

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 401 SWQC issued by PADEP or waiver thereof, consistent with Section 401 of the CWA.
- b. Reporting Activities located within the designated CZMA Areas require a CZMA consistency determination issued by PADEP or a presumption of concurrence pursuant to Section 307 of the federal CZMA.

The district engineer or PADEP may require additional measures to ensure that the authorized activity is consistent with state CZMA requirements; and

c. Fills within the 100-year floodplains must comply with applicable Federal Emergency Management Agency approved state or local floodplain management requirements.

31. **Federal Liability:** In issuing this state programmatic general permit and any subsequent activity verification, the federal government does not assume any liability, including but not limited to the following:

a. Damages to authorized activities or users, thereof, as a result of other permitted or unpermitted activities or from natural causes;

b. Damages to the authorized activities 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 authorized or unauthorized activities or structures caused by the activity authorized by this state programmatic general permit;

d. Design or construction deficiencies associated with the authorized work; and

e. Damage claims associated with any future modification, suspension, or revocation of the PASPGP-7.

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 fishes during their migration and spawning, no work can take place in the anadromous fish waterways listed in the table below from March 1 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.

Waterway	Downstream extent	Upstream extent	Upstream Latitude (N)	Upstream Longitude (W)
Delaware River in Pennsylvania (including W. Branch)	Rte. 202 Bridge	PA/NY Border	41.999448	-75.359573
Lehigh River and adjacent canals	confluence with Delaware River	500 feet upstream of the Cementon Dam	40.690275	-75.503800
Little Lehigh Creek	confluence with Lehigh River	500 feet upstream of the lowermost dam	40.596318	-75.475570
Hokendauqua Creek	confluence with Lehigh River	State Route 4014 (West Scenic Drive)	40.793273	-75.439262
Bushkill Creek	confluence with Delaware River	500 feet upstream of the lowermost dam	40.699325	-75.231060
Brodhead Creek	confluence with Delaware River	500 feet upstream of the Stroudsburg Water Co. Dam	41.018667	-75.201063
Bushkill Creek	confluence with Delaware River	500 feet upstream of Resica Falls	41.111235	-75.095824
Lackawaxen River	confluence with Delaware River	500 feet upstream of the Woolen Mill Dam	41.576703	-75.280220
Dyberry Creek	confluence with Lackawaxen River	Jadwin Dam	41.612088	-75.263391
Darby Creek	Confluence with Delaware River	500 feet upstream of the confluence of Cobbs Creek and Darby Creek	39.907278	-75.255432
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-7 verification letter from the Corps must provide a signed certification (ENG FORM 6285) documenting completion of the authorized activity and implementation of any required compensatory mitigation. This certification should indicate if 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(l)(3) to confirm that

the permittee secured the appropriate number and resource type of credits. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity and completion of any required compensatory mitigation.

35. Migratory Birds and Bald and Golden Eagles: The permittee is responsible for ensuring that an action authorized by PASPGP-7 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/>.

37. Disturbed Areas: These areas must be replanted with an appropriate seed mix based on the hydrology and the ecotype of the area to be restored. Seed mixes cannot include invasive and/or non-native species. For temporary stabilization, an annual seed mix that does not self-seed shall be used.

B. Processing Requirements:

1. Waters of the United States Including Jurisdictional Wetlands: Applicants are responsible for ensuring all boundaries of waters and/or wetlands (regardless of jurisdictional status) and potential waters and/or wetlands are accurately shown on the project plans. The delineation of wetland boundaries shall be accomplished in accordance with the *1987 Corps of Engineers Wetland Delineation Manual (Technical Report Y-87-1)*, including all applicable and current guidance, regional supplements and associated approved data forms.

2. Single and Complete Project: Only one PASPGP-7 may be issued for a single and complete project. An overall project may be comprised of one or more single and complete projects. Any additional regulated work proposed as part of the single and complete project after issuance of a PASPGP-7 verification shall be processed as a re-verification superseding the original verification. If combined impacts for the overall project exceed the reporting thresholds for PASPGP-7, then the re-verification request is sent to the Corps as a Reporting Activity. If combined impacts exceed the eligibility threshold of PASPGP-7, for the single and complete project, the original verification is invalid. In such cases, PADEP will forward the application to the Corps for review.

3. **Corps Special Conditions:** The Corps may impose other special conditions on a project verified pursuant to PASPGP-7 where it is determined necessary to minimize adverse environmental effects, ensure compliance with federal regulations, or address any other public interest review factor.

4. **Avoidance, Minimization, and Compensatory Mitigation:** Discharges of dredged and/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.

Applicants must avoid and minimize impacts to the aquatic environment in accordance with the PADEP requirements under Title 25, PA. Code § § Chapter 105.1 [definition of Mitigation, subsection (i)(A)], 105.13(e)(1)(viii), 105.14(b)(7), and 105.18(a)(3)]. Once avoidance and minimization of unavoidable adverse impacts have been demonstrated to the satisfaction of the reviewing office, the Corps or the PADEP, compensatory mitigation may be used to offset unavoidable adverse impacts. All mitigation required by the Corps must be accomplished in accordance with the Corps and the EPA April 10, 2008 Compensatory Mitigation for Losses of Aquatic Resources: Final Rule. 33 CFR. § § 325.1, 332.1-332.8; 40 CFR § § 230.91 – 230.98 or any subsequent guidance/regulation covering compensatory mitigation.

5. **Activities Potentially Obstructing Fish Passage:** Any activity which could potentially obstruct the passage of diadromous fishes, 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 discharge of fill material, in the following watercourses must be coordinated with the USFWS and/or NMFS and the PFBC to ensure minimization of impacts upon passage and migration of diadromous fishes:

- a. Juniata River main stem, including Raystown Branch to Raystown Lake and Frankstown Branch to Hollidaysburg;
- b. Susquehanna River main stem to the New York State line;
- c. West Branch of the Susquehanna River to Lock Haven;
- d. Delaware River;
- e. Schuylkill River; and
- f. Lehigh River

6. **Threatened and Endangered Species:** All activities authorized under PASPGP-7 require a PNDI screening and a subsequent IPaC review if directed by the PNDI project receipt unless;

- a. The PNDI receipt states “No known Impact-No Further Review Required”;

b. The application includes a letter, form, or email from USFWS stating the project will have no-effect on Threatened and/or Endangered species; or

c. The lead federal agency has made a no effect call for all Threatened and/or Endangered species within the Corps scope of review.

All final PNDI receipts, IPaC letters, and other USFWS correspondence and federal agency no-effect determinations are valid until there is a change in scope of the project or change to federally listed or proposed species triggering the reinitiation clause per 50 CFR § 402.16.

The reinitiation clause is triggered when: 1) new information reveals effects of the action that may affect listed species or critical habitat (CH) that was not originally considered; 2) the action is subsequently modified in a manner that causes an effect to the listed species or CH that was not originally considered; or 3) a new species is listed or CH designated that may be affected by the action.

No activity is authorized under PASPGP-7 which is likely to directly or indirectly jeopardize the continued existence of a federally listed threatened or endangered species or a species proposed for such designation, as identified under the ESA, or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized by PASPGP-7 which “may affect” a listed species or critical habitat, unless ESA Section 7 consultation and/or Section 10 permit under ESA addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR § 402.02 for the definition of “effects of the action” for the purposes of ESA Section 7 consultation, as well as 50 CFR § 402.17, which provides further explanation under ESA Section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.”

If a proposed activity may affect a federally listed threatened, endangered, or proposed species, or its critical habitat, the Corps, or the lead federal agency, must initiate a consultation with the USFWS and/or NMFS in accordance with the ESA prior to verification of the activity under PASPGP-7. If through the formal and/or informal consultation process (50 CFR § 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 PASPGP-7. If, however, adverse effects cannot be avoided, the activity is not eligible for federal authorization under PASPGP-7, unless adverse effects on federally listed species and the “take” of such species have been evaluated and authorized via formal Section 7 consultation and/or a Section 10 permit under the ESA.

NOTE - Work may not commence until any applicable USFWS review time has elapsed for IPaC technical assistance/consultation letters. If USFWS responds during the review period, the applicant may not begin work until coordination with the USFWS is completed.

7. Historic Properties: No activity, which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized under PASPGP-7, until the Corps has complied with the provisions of 33 CFR § 325, Appendix C or any superseding regulations, or another lead federal agency has complied with the 36 CFR § 800 regulations and

any other federal cultural resources laws as applicable. Historic properties include historic and archeological sites. The applicant must notify DEP if the authorized activity may affect any historic properties, as determined in consultation with the SHPO. The applicant must provide documentation that the PA SHPO has been notified, using the on-line Pennsylvania State Historic Preservation Office Archeological and Historic Resource Exchange system at <https://share.phmc.pa.gov/pashare/landing>, for all PADEP individual permits, unless the permittee has a delegated Section 106 programmatic agreement with the PA SHPO. SHPO will provide an opinion regarding potential effects and presence of historic properties and may request additional information. DEP will work to ensure the applicant makes a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, resource documentation, and field survey and documentation. Proof of notification may be in the form of a copy of a response letter from PA SHPO. For permittees with a delegated Section 106 programmatic agreement, proof of compliance with the agreement shall be included with the application. The Corps may require applicants to perform a survey(s) of historic and/or archeological resources in the permit area. The Corps will conclude all tribal coordination in accordance with each district's SOP, prior to verifying an activity is authorized by PASPGP-7.

Prospective permittees should be aware that Section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, PA SHPO/Tribal Historic Preservation Office, appropriate tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

8. Permit Transfer: A request to transfer any PASPGP-7 verification will be forwarded to the appropriate PADEP office by the permittee using PADEPs required application (PADEP Form No. 3150-PM-BWEW0016). For those activities verified by the Corps the PADEP will forward a copy of the request to the appropriate Corps District for processing.

9. Commencement of Regulated Work: For activities that require submittal of an application to the Corps or PADEP, the applicant may not begin work until:

a. PADEP or the Corps provides written verification to the applicant that the activity is authorized by PASPGP-7. Should the Corps issue the PASPGP-7 project-specific verification prior to PADEP issuing any required state authorizations, no work shall begin until any applicable PADEP authorizations are obtained;

b. The Corps issues an alternative form of Section 10 and/or 404 authorization for the work; or

c. The applicant is advised by the Corps that authorization under Section 10 and/or 404 is not required for the proposed work.

10. Activities Involving the Construction of an Aerial Transmission Line, Submerged Cable, or Submerged Pipeline Across a Navigable Water of the United States: Any activity involving the construction of an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States, the Corps shall send copies of the applications and permit verifications to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS) for charting the utility line to protect navigation. Copies of the application and permit shall be sent to the following email address: ocs.ndb@noaa.gov.

Part VI – Miscellaneous Provisions:

A. Duration of Authorization:

1. PASPGP-7 is authorized for five years. The PASPGP-7 expires and becomes null and void on June 30, 2031, unless suspended and/or revoked earlier by the Corps; except for the following:

2. Activities authorized under PASPGP-7 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 PASPGP-7's expiration, suspension, or revocation; whichever is sooner. The activities remain subject to the terms and conditions, including any special conditions of PASPGP-7 during the 12-month period; and

3. Previously Authorized Activities – (see Part III D.30.) - for activities previously authorized by PASPGP-6.

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

Proposed changes to all pertinent state laws, regulations, or programs affecting the implementation of PASPGP-7 will be reviewed by the Corps. In the event that PADEP laws, regulations, or programs 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, PASPGP-7 will be re-assessed. A determination will be made through a public interest review, including consultation with appropriate resource agencies, to determine whether to continue use of PASPGP-7 in its current form, modify, or rescind in light of the modified state law, state regulations, 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 PASPGP-7. A determination will be made through a public interest review, including consultation with appropriate resource agencies, to determine whether to modify PASPGP-7.

D. Reporting and Evaluation:

1. The three Corps Districts in Pennsylvania, in consultation with PADEP and the applicable resource agencies, shall review operational issues related to successful implementation of the PASPGP-7 as needed and shall coordinate and modify the operational procedures and/or the PASPGP-7 as appropriate.
2. PADEP will provide the following data and statistics on a yearly basis to the Corps:
 - a. The number of individual Chapter 105 Water Obstruction and Encroachment Permits, Dam Safety Permits, Environmental Assessment Approvals for Waived Activities 11 and 16 and project-specific 401 SWQCs issued consistent with Section 401 of the CWA by each PADEP office and delegated county conservation district;
 - b. The processing time associated with each permit type;
 - c. The number, type, and scope of permitted wetland and stream impacts, including both temporary and permanent impacts;
 - d. The number, type, scope, acreage and/or linear footage of, and location of all mitigation areas;
 - e. Pertinent data concerning operation of in-lieu fee programs, if appropriate; and
 - f. Total number of Chapter 105 general permit types processed by county.

E. Modification, Suspension, or Revocation:

1. The Corps may suspend, modify, or revoke the PASPGP-7 permit in its entirety or for any specific geographic area, class of activities, or class of waters within the affected district in accordance with 33 CFR § 325.7. In such a case the Corps will notify PADEP and issue a public notice advising the general public, and the notice will state the concerns regarding the environment or other relevant factors of the public interest. Before the Corps modifies, suspends, or revokes such PASPGP-7 authorizations, the Corps will provide, if appropriate, a transitional period for those who have commenced work or are under contract to commence work in reliance on a PASPGP-7 verification. Affected parties will be notified of the modification, suspension, or revocation, including the effective date.

2. The Corps may modify PASPGP-7 as necessary to ensure compliance with other federal laws and regulations. The Corps will notify PADEP and issue a public notice advising the general public of any such modifications.

3. 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.

4. Substantive changes to the Pennsylvania Chapter 105 program may require immediate suspension and revocation of PASPGP-7 in accordance with 33 CFR § 325.7 or formal modification subject to public review and input.

F. Enforcement and Compliance:

Any activity performed in waters of the United States, including jurisdictional wetlands, that is not in full compliance with all terms and conditions of PASPGP-7 is a violation and constitutes either unauthorized work or work performed in non-compliance of PASPGP-7. The performance of such work may be subject to an enforcement action by the Corps and/or the EPA. Violations of a PADEP authorization, including permit conditions are also violations of PASPGP-7.

Part VII. Corps District Contact Information:

Baltimore District

District Webpage: <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>

U.S. Army Corps of Engineers State College Field Office

1631 South Atherton Street

Suite 101

State College, Pennsylvania 16801

(814) 235-1763

Email: NAB-Regulatory@usace.army.mil

Philadelphia District

District Webpage: <https://www.nap.usace.army.mil/Missions/Regulatory.aspx>

U.S. Army Corps of Engineers Philadelphia District Office

1650 Arch Street

Attn: Regulatory Branch, 5th Floor

Philadelphia, Pennsylvania 19103

(215) 656-6728

Email: PhiladelphiaDistrictRegulatory@usace.army.mil

Pittsburgh District

District Webpage:

<http://www.lrp.usace.army.mil/Missions/Regulatory.aspx>

William S. Moorhead Federal Building

1000 Liberty Avenue

Attn: Regulatory Division

Pittsburgh, Pennsylvania 15222-4186

(412) 395-7155

Email: Regulatory.Permits@usace.army.mil

Part VIII. District Engineer Signatures:

By Authority of the Secretary of the Army:



Francis B. Pera

Colonel, U.S. Army

Commander and District Engineer

Baltimore District

LTC Ryan A. Baum P.E., PMP

Commander, Philadelphia District

U.S. Army Corps of Engineers

Nicholas O. Melin, P.E.

Colonel, Corps of Engineers

District Engineer

Pittsburgh District

Pittsburgh District

District Webpage:

<http://www.lrp.usace.army.mil/Missions/Regulatory.aspx>

William S. Moorhead Federal Building

1000 Liberty Avenue

Attn: Regulatory Division

Pittsburgh, Pennsylvania 15222-4186

(412) 395-7155

Email: Regulatory.Permits@usace.army.mil

Part VIII. District Engineer Signatures:

By Authority of the Secretary of the Army:

Francis B. Pera
Colonel, U.S. Army
Commander and District Engineer
Baltimore District



Ryan A. Baum
Lieutenant Colonel, U.S. Army
Commander
Philadelphia District

Nicholas O. Melin, P.E.
Colonel, Corps of Engineers
District Engineer
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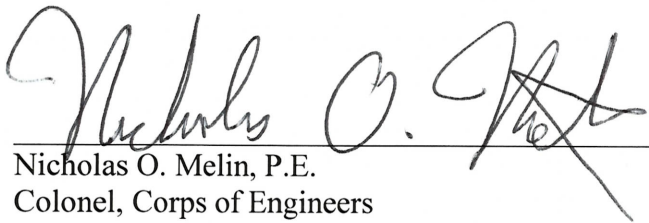
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A handwritten signature in black ink, appearing to read "Nicholas O. Melin", is written over a horizontal line.

Nicholas O. Melin, P.E.
Colonel, Corps of Engineers
District Engineer
Pittsburgh District

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.

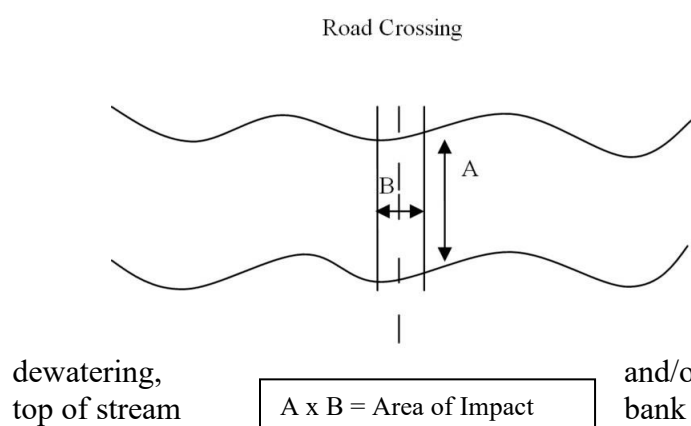
Historic Properties – Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, 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).

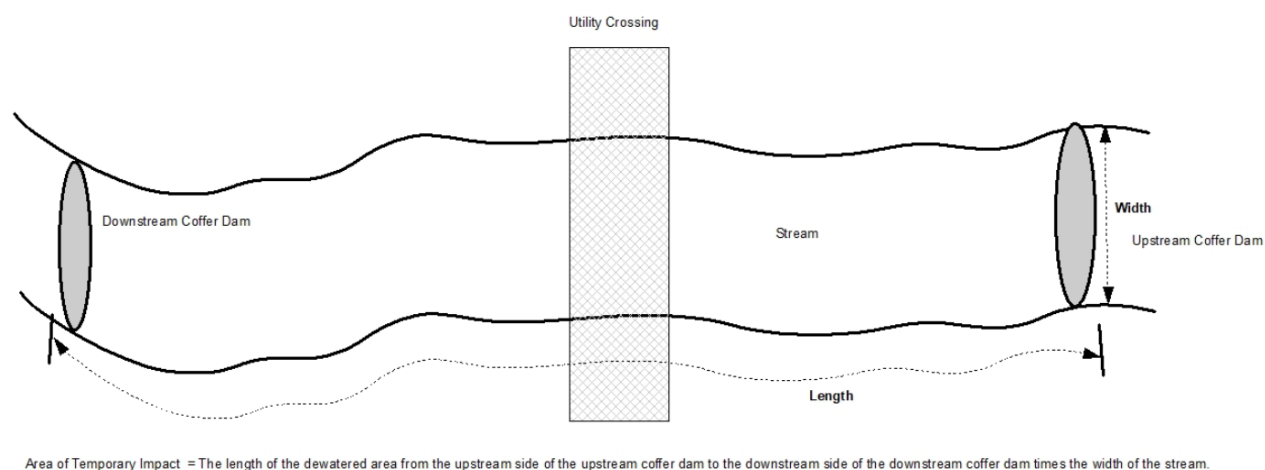
Impacts to Waters -

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:

- 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.
- 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)



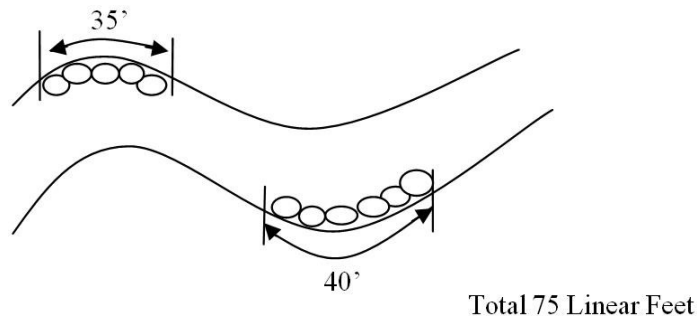
- Dewatering – if work involves dewatering of a stream channel, multiply the length (centerline of the stream channel that is impacted through filling, and/or flooding), by the width (from bank to top of stream bank).



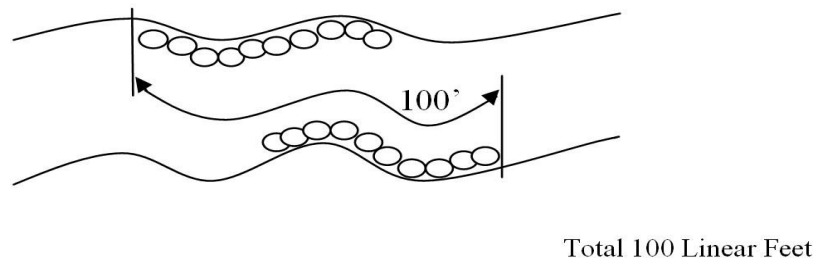
II. Linear Footage of Stream Impact – A measure used for determining stream impacts, regardless of the drainage area. The linear footage of stream impact should be measured as follows (this is not used for calculating impacts to wetlands):

- 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.

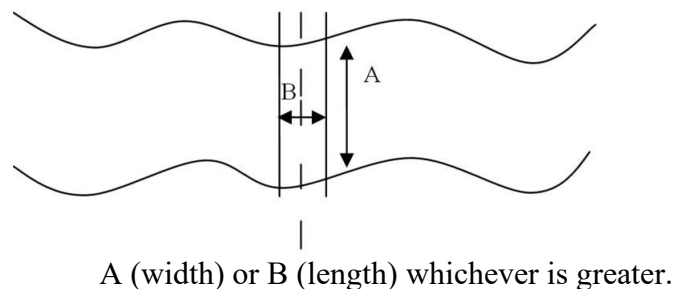


- b. For regulated work proposed along both stream banks, where at least a portion of the work on the opposing stream bank is overlapping, the linear footage of stream impact should be measured along the centerline of the stream.

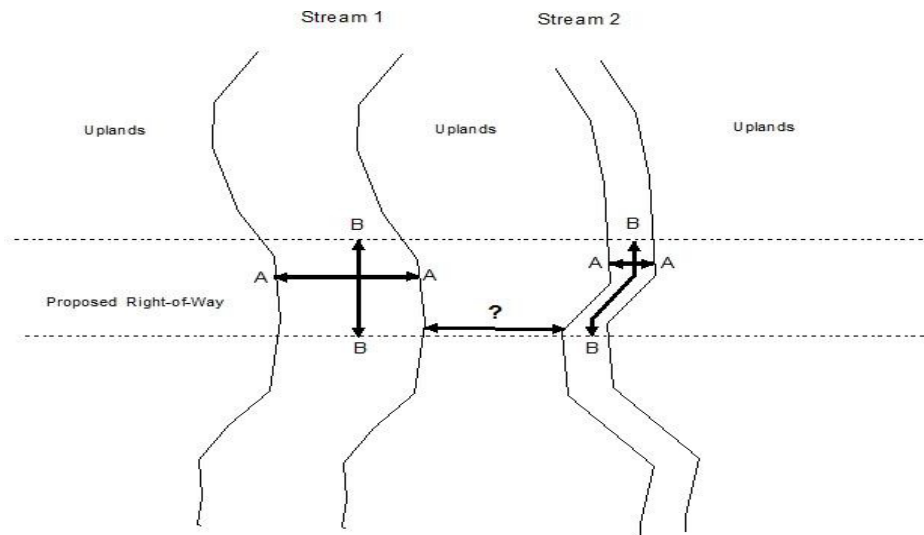


- c. For transverse impacts (perpendicular to the stream bank), the linear footage of the stream impact should be measured from the top of the bank to the top of the opposite bank and from the upstream to downstream limits of work. The linear footage of stream impact, for categorical determination, is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

Road Crossing



- 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.

PASPGP-7: Appendix B

Navigable Waters of the United States (Section 10 Waters):

The PASPGP-7 may be used to authorize work in the following navigable waters of the United States:

- a. Codorus Creek – from the confluence with the Susquehanna River 11.4 miles upstream to the Richland Avenue Bridge in York, Pennsylvania;
- b. Main Stem Susquehanna River – from the confluence with the Chesapeake Bay upstream to Athens, Pennsylvania (approximately 4 miles south from the New York State line);
- c. West Branch of the Susquehanna River – from the confluence with the main stem Susquehanna River upstream to the dam at Lock Haven, Pennsylvania;
- d. Chester Creek – from the confluence with the Delaware River 2 miles upstream;
- e. Crum Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the Dam at Eddystone;
- f. Darby Creek – from the confluence with the Delaware River 5 miles upstream to the upstream side of the 84th Street Bridge in Philadelphia, Pennsylvania;
- g. Delaware River – from U.S. Route 202 Bridge in New Hope, Pennsylvania, including the West Branch of the Delaware River, upstream to the Pennsylvania/New York border at the 42nd parallel;
- h. Lehigh River – from the confluence with the Delaware River 72 miles upstream to the downstream side of the PA Route 940 Bridge;
- i. Neshaminy Creek – the confluence with the Delaware River, including Neshaminy State Park Harbor Project at the mouth of Neshaminy Creek, 4 miles upstream to the downstream side of the Newportville Bridge;
- j. Pennypack Creek – from the confluence with the Delaware River 2 miles upstream to the downstream side of the Frankford Avenue Bridge in Philadelphia, Pennsylvania;
- k. Ridley Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the Baltimore and Ohio Railroad Bridge in Chester, Pennsylvania;
- l. Schuylkill River – from the Fairmont Dam, 104 miles upstream to Port Carbon, Pennsylvania;
- m. Schuylkill Navigation Channel (Manayunk Canal) – along the Schuylkill River for 2 miles from the Flat Rock Dam to Lock Street in the Manayunk Section of Philadelphia, Pennsylvania;

- n. Allegheny River – from its mouth in Pittsburgh, Pennsylvania to river mile 197.4 at Kinzua Dam, north of Warren, Pennsylvania;
- o. Beaver River – from confluence with Ohio River upstream to confluence of Mahoning and Shenango Rivers;
- p. Kiskiminetas River – from its mouth near Freeport, Pennsylvania to river mile 26.8 at Saltsburg, Pennsylvania;
- q. Little Beaver River – from confluence with Ohio River upstream to Pennsylvania border;
- r. Mahoning River – from the confluence with Beaver River upstream to tributary;
- s. Monongahela River – from confluence with Allegheny River upstream to Pennsylvania border;
- t. Ohio River – from Pennsylvania border upstream to confluence of Allegheny and Monongahela Rivers;
- u. Shenango River – from mouth to river mile 1.8 at New Castle, Pennsylvania;
- v. Tenmile Creek – from its mouth at Millsboro, Pennsylvania to river mile 2.7;
- w. Youghiogheny River – from its mouth at McKeesport, Pennsylvania to river mile 31.2 at Layton, Pennsylvania;
- x. Lake Erie – entire length below 573.4 feet elevation; and
- y. All other waters not specifically exempted in the PASPGP-7, Part II, A, 5, that are subject to the ebb and flow of the tide are considered navigable waters of the United States to the head of tidal influence.