

# PENNSYLVANIA STATE PROGRAMMATIC GENERAL PERMIT-5 (PASPGP-5) OVERVIEW

**US Army Corps of Engineers**  
**Baltimore District**  
**Pittsburgh District**  
**Philadelphia District**  
20 September 2016

*"The views, opinions and findings contained in this report are those of the author(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."*



**US Army Corps  
of Engineers**



The purpose of the presentation is to provide an overview of the changes that occurred between the Pennsylvania State Programmatic General Permit-4 and the Pennsylvania State Programmatic General Permit-5 (PASPGP-5). For specific and detailed information regarding the PASPGP-5, please refer to the permit document itself, which can be found on our website.

## STATE PROGRAMMATIC GENERAL PERMITS

2

- A State Programmatic General Permit (SPGP) operates in conjunction with a State Regulatory program that protects the aquatic environment in a manner equivalent to the Corps regulatory program.
- The first State Programmatic General Permit (SPGP) in Pennsylvania was issued in 1995; PASPGP-1.
- Subsequent SPGPs have been issued, with the previous PASPGP-4 expiring on 30 June 2016.
- Public Notice Issued on 2 May 2016 announcing issuance of PASPGP-5; effective 1 July 2016.



As an overview, a State Programmatic General Permit (SPGP) is a type of permit that operates in conjunction with a State Regulatory program that provides protection equivalent to the Corps Regulatory Program. The first SPGP in Pennsylvania was issued in 1995 as the Pennsylvania State Programmatic General Permit-1. Subsequent SPGPs have been issued with the previous PASPGP-4 expiring on 30 June 2016. The PASPGP-5 became effective on 1 July 2016.

## PASPGP-5 ELIGIBILITY VS REPORTING THRESHOLDS

3

### Eligibility

The maximum amount of impact that a Single and Complete Project may have to be authorized.

- 1 acre or less of impact to waters of the U.S. (WOUS)
- 1000 linear feet of stream loss

If a Single and Complete project impacts less than the eligibility threshold, a PASPGP may be used to authorize the work.

### Reporting

Impact amounts that trigger the need for a Corps review of an application, i.e.:

- > 250 lf of permanent stream impact
- > 0.1 ac of wetland conversion
- > 0.5 acre of impact (temporary and/or permanent)



One of the things to keep in mind is the difference between an eligibility threshold and a reporting threshold. The eligibility threshold is the maximum amount of impact that a single and complete project may have to be eligible for authorization under the PASPGP-5. Under PASPGP-5, the eligibility thresholds are 1 acre of impact to waters of the United States, including jurisdictional wetlands, and 1000 linear feet of stream loss. Single and complete projects that impact greater than 1 acre of waters of the United States, including jurisdictional wetlands, or have more than 1000 linear feet of stream loss are not eligible for authorization under PASPGP-5. The reporting criteria is what triggers the need for the Corps to review the application.

As an example, Single and Complete Projects with greater than 250 linear feet of permanent stream impact; 0.1 acre or more of permanent wetland type conversion; or greater than a half acre of temporary and/or permanent impact to waters and/or wetlands requires that the Corps review the application. Provided that the Single and Complete Project impacts less than the eligibility thresholds of PASPGP-5, the Corps may authorize the work through verification of a PASPGP-5 authorization.

# OVERVIEW OF CHANGES



The next few slides will provide a description of some of the changes that occurred from PASPGP-4 and PASPGP-5.

## PASPGP-4 VS. PASPGP-5

5

	<b><u>PASPGP-4</u></b>	<b><u>PASPGP-5</u></b>
Categories of Review	3 Categories: I, II, and III – Cat I & II: No Corps Review – Cat III: Corps Review	2 Activities: – Non-Reporting Activity: No Corps Review – Reporting Activity: Corps Review
Delaware River Eligibility	Eligible upstream from Morrisville – Trenton railroad bridge.	Eligible upstream of the US Route 202 Bridge at New Hope, PA (further up river than PASPGP-4)



Under PASPGP-4 there were three categories of activities: Categories I and II, which did not require Corps review, and Category III activities, which did require a Corps review. Under PASPGP-5, there are now two types of activities. They are Non-Reporting Activities, where there is no Corps review, and Reporting Activities, which require a Corps review.

Another difference between PASPGP-4 and PASPGP-5 is the area of Delaware River that is eligible to receive a PASPGP-5 authorization. Under PASPGP-4 the Delaware River was eligible for PASPGP-4 authorization upstream from the Morrisville-Trenton railroad bridge. Under PASPGP-5, the area of eligibility is upstream of the Route 202 bridge at New Hope, Pennsylvania, which is further up river than the limit used in PASPGP-4. This change makes less of the Delaware River eligible for authorization under the PASPGP-5. Regulated work proposed within the ineligible portion of the Delaware River will require authorization under a Corps Nationwide Permit, Individual Permit, or Letter of Permission.

## PASPGP-4 VS. PASPGP-5

6

	<u>PASPGP-4</u>	<u>PASPGP-5</u>
<b>Overall Eligibility</b>	1.0 acre or less of impact to WOUS, including permanent and/or temporary. Stream loss used as part of acre calculation.	1.0 acre or less of impact to WOUS, including permanent and/or temporary, and no more than 1,000 linear feet of stream loss.

**Loss of stream:** Stream channel permanently adversely affected by filling, flooding, excavation, or drainage due to permanent discharges of dredged and/or fill material that change the aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. Permanent impacts, such as those associated with bank stabilization and stream enhancement projects, may not have a permanent adverse effect and may not be considered a loss of WOUS.

Examples of stream loss: Culverting a stream, relocating a stream, permanently filling all or part of a stream channel



Overall eligibility has also changed from PASPGP-4 to PASPGP-5. One acre of impact to waters of the United States, including both permanent and temporary impact was the eligibility threshold in PASPGP-4. A linear amount of stream loss was not used as an eligibility threshold under PASPGP-4; such impacts were added in as part of the overall acreage eligibility calculation. Under PASPGP-5, there are two eligibility thresholds, (1) more than one acre of impact to waters of the United States, including temporary and permanent impacts; and (2) more than 1,000 linear feet of stream loss. If either one of these two eligibility thresholds are exceeded, the project is not eligible for authorization under the PASPGP-5 and must be reviewed under an alternate Corps permit process.

Stream loss is a stream channel that is permanently adversely affected by filling, flooding, excavating, or drainage due to permanent discharges of dredged and/or fill material that change the aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. Permanent impacts, such as those associated with bank stabilization and stream enhancement projects, may not have a permanent adverse effect and may not be considered a loss of waters of the United States. Some examples of loss of stream are culverting a stream, relocating a stream, and permanently filling all or part of a stream channel.

## PASPGP-4 VS. PASPGP-5

	<b>PASPGP-4</b>	<b>PASPGP-5</b>
<b>Screening of Applications</b>	– PADEP applies CAT III thresholds to the overall project	– PADEP applies Reporting thresholds to Single and Complete Projects (SCPs).
<b>Single and Complete Project Determination</b>	– SCP determined by Corps	– SCP determined by PADEP
<b>Verifications</b>	– PADEP issues for overall project (CAT I and II); Corps issues PASPGP-4 by SCP (CAT III)	– Corps and PADEP issue PASPGP-5 by SCP



Under PASPGP-4 the Pennsylvania Department of Environmental Protection (PADEP) applied Category III thresholds to an overall project. Under PASPGP-5 PADEP applies Reporting thresholds to Single and Complete Projects, not the overall project.

Under PASPGP-4 Single and Complete Projects were determined by the Corps when they reviewed Category III applications. Under PASPGP-5 Single and Complete Projects are determined by the PADEP when they're reviewing the application.

Verifications under PASPGP-4 were issued by the PADEP for the overall project when application did not require a Corps review. However, if the Corps was reviewing the application and issuing a PASPGP-4 verification, such verifications were issued for each Single and Complete Project. Under PASPGP-5 the Corps and the PADEP will be issuing separate PASPGP-5 verifications for each Single and Complete Project.

# PASPGP-4 VS. PASPGP-5

	<b>PASPGP-4</b>	<b>PASPGP-5</b>
<b>Impact Thresholds</b>	<ul style="list-style-type: none"> <li>- Thresholds applied to overall projects.</li> <li>- Corps review (CAT III) required if:                             <ul style="list-style-type: none"> <li>• &gt;1.0 acre of impact to WOUS; or</li> <li>• &gt;250 lf of stream impact.</li> </ul> </li> <li>- Calculations included temporary/permanent direct/indirect impacts.</li> </ul>	<ul style="list-style-type: none"> <li>- Thresholds applied to SCP.</li> <li>- Reporting to Corps if SCP:                             <ul style="list-style-type: none"> <li>• &gt;0.50 acre of direct/indirect, temporary/permanent impact to waters or wetlands;</li> <li>• &gt; 0.10 acre of permanent conversion of forested or scrub shrub wetland; or</li> <li>• &gt; 250 lf of permanent stream impact.</li> </ul> </li> </ul>
<b>Exceptions to 250 Linear Feet Threshold</b>	<ul style="list-style-type: none"> <li>- Up to 500 linear feet for GP-1 and GP-3 activities</li> </ul>	<ul style="list-style-type: none"> <li>- Up to 500 linear feet for activities involving bank stabilization, and/or stream rehabilitation, protection and enhancement.</li> <li>- No linear threshold for:                             <ul style="list-style-type: none"> <li>• activities verified under Non-reporting Activity 1 (PADEP GP-1 for Fish and Habitat Enhancement Structures)</li> <li>• projects approved by the Environmental Review Committee</li> </ul> </li> </ul>

US Army Corps of Engineers.



The impact thresholds that require a Corps review of the application have changed. Under PASPGP-4, the thresholds were applied to an overall project to determine if a Corps review was required. All impacts were added together to see if there was greater than one acre of impact to waters of the United States or greater than 250 linear feet of stream impact. Those calculations, under PASPGP-4, included temporary and permanent, direct and indirect impacts. Under PASPGP-5, the thresholds are applied to the Single and Complete Project. Applications are sent to the Corps as a Reporting Activity if the Single and Complete Project impacts are greater than a half acre of direct or indirect temporary and/or permanent impact to waters or wetlands; is greater than a 0.1 acre of permanent conversion of forested or scrub shrub wetlands; or greater than 250 linear feet of permanent stream impact.



There are some exceptions to the 250 linear feet threshold that requires a Corps review of the application. Under PASPGP-4, up to 500 linear feet of stream impact did not require a Corps review provided the activity was being authorized by a PADEP General Permit-1 or General Permit-3. Under PASPGP-5, up to 500 linear feet of stream impact does not require a Corps review if the work is for bank stabilization, and/or stream rehabilitation, protection and enhancement, regardless of the type of PADEP authorization used to authorize the work. There's also no linear stream impact threshold requiring a Corps review for activities verified under Non-reporting Activity 1, which is work authorized by a PADEP General Permit-1 for Fish and Habitat Enhancement Structures, and for projects approved by the Environmental Review Committee (Committee comprised of PADEP, Corps, and state and federal review agencies that reviews projects for authorization under PADEP Programmatic 401 WQC certifications).



9

## PASPGP-4 VS. PASPGP-5

	<u>PASPGP-4</u>	<u>PASPGP-5</u>
<b>Additional Reporting Criteria (NWP 12 requirements)</b>	N/A	<ul style="list-style-type: none"> <li>- Single and complete utility line crossing of water and/or wetlands that exceeds 500 linear feet, (except overhead lines).</li> <li>- Utility line placed within a jurisdictional area and the utility line runs parallel to or along the stream.</li> </ul>
<b>PADEP Waiver 2: Streams &lt;100 acre drainage area</b>	All Waiver 2 activities Cat III	Subject to thresholds: <ul style="list-style-type: none"> <li>• ≤250' permanent impact: Non-reporting</li> <li>• &gt;250' permanent impact: Reporting</li> </ul>

Under PASPGP-5, a single and complete utility line crossing of waters and/or wetlands that exceeds 500 linear feet in length, except for overhead lines, requires a review by the Corps. Also, utility lines placed within a jurisdictional area, where the utility line runs parallel to or along a stream located within the same jurisdictional area is sent to the Corps for a review. This was not required under PASPGP-4, but was added to PASPGP-5 to correspond to the review requirements of the Corps Nationwide Permit 12.

Under PASPGP-4, all PADEP Waiver 2 activities were required to come to the Corps as a Category III Activity. Under PASPGP-5, Waiver 2 activities come to the Corps if there is greater than 250 linear feet of permanent stream impact. If there is 250 linear feet of permanent impact, or less, there is no requirement for a Corps review.

## PASPGP-4 VS. PASPGP-5

10

	<b>PASPGP-4</b>	<b>PASPGP-5</b>
<b>Projects with Compensatory Mitigation</b>	Impacts associated with compensatory mitigation included in the 1.0 acre eligibility threshold	If the impacts of a SCP and compensatory mitigation exceed the PASPGP-5 eligibility thresholds, the impacts associated with the compensatory mitigation may be authorized through use of a NWP 27.  (i.e. a project may impact 1000 LF of stream or 1.0 acre of WOUS and be authorized by SPGP-5 and the associated mitigation may be authorized by NWP 27)





Under PASPGP-4, impacts associated with compensatory mitigation sites were included in the one acre eligibility threshold. Under PASPGP-5, if the impacts to waters of the United States associated with a Single and Complete Project and any associated compensatory mitigation work exceeds the PASPGP-5 eligibility thresholds, the impacts associated with the compensatory mitigation work may be authorized through use of a Nationwide Permit 27.

11

## PASPGP-4 VS. PASPGP-5

	<b>PASPGP-4</b>	<b>PASPGP-5</b>
<b>Projects with Temporary Impacts</b>	<ul style="list-style-type: none"> <li>- Temporary impacts were included in the overall project when determining eligibility and need for Corps review. Corps review not determined based on impact duration.</li> </ul>	<ul style="list-style-type: none"> <li>- Temporary impact <b>area</b> is included when determining if a SCP is Reporting (0.5 acre) and if the SCP is eligible (1.0 acre)</li> <li>- Temporary impact <b>length</b> is excluded when determining if a SCP is Reporting (250 linear feet)</li> <li>- All temporary impacts that exceed 1 year are Reporting</li> </ul>

Under PASPGP-4, temporary impacts were included as part of the overall project when determining eligibility and the need for Corps review. A Corps review was not determined based on impact duration. Under PASPGP-5, the temporary impact area is included when determining if a single and complete project is Reporting and if a single and complete project is eligible. The length of a temporary stream impact, such as dewatering of a stream channel, is not included when determining if a Single and Complete Project is reporting under the 250 linear feet of stream impact criteria.

All temporary impacts exceeding one year in length are a Reporting Activity under PASPGP-5. For example, an application proposing a temporary access road in wetlands that will remain in place for 18 months will be sent to the Corps as a Reporting Activity because the proposed temporary impact will last longer than one year in duration.

## PASPGP-4 VS. PASPGP-5

12

	<b>PASPGP-4</b>	<b>PASPGP-5</b>
<b>Essential Fish Habitat</b>	<ul style="list-style-type: none"><li>- There were no EFH conditions</li></ul>	<ul style="list-style-type: none"><li>- No work can take place in the Delaware River (within Pennsylvania, upstream from the U.S. Route 202 Bridge in New Hope, Pennsylvania,); and Lehigh River (from the mouth to Francis E. Walter Dam, located in Carbon and Luzerne County, Pennsylvania) from March 15th to June 30th unless approved in writing by the Corps.</li><li>- If applicant can't comply with the conservation measures the application is sent to the Corps as a Reporting Activity</li></ul>



Under PASPGP-5, to protect essential fish habitat, no work can take place within the Delaware River within Pennsylvania, upstream from the U.S. Route 202 bridge in New Hope, Pennsylvania and in the Lehigh River from its mouth to the Francis E. Walter Dam, located in Carbon and Luzerne Counties, Pennsylvania, from March 15 to June 30, unless approved in writing by the Corps.

Also, if the applicant cannot comply with the conservation measures then the application must be sent to the Corps as a Reporting Activity.

## PASPGP-4 VS. PASPGP-5

	<b><u>PASPGP-4</u></b>	<b><u>PASPGP-5</u></b>
<b>Atlantic and Shortnose Sturgeon</b>	<ul style="list-style-type: none"> <li>There were no conditions for Sturgeon</li> </ul>	<ul style="list-style-type: none"> <li>All work proposed in the waters listed in General Condition 35 must comply with the identified Conservation Measures, unless specifically waived by the Corps in writing.</li> <li>If applicant can't comply with the conservation measures the application is sent to the Corps as a Reporting Activity</li> </ul>



To ensure compliance with the Endangered Species Act and protect the Atlantic and Shortnose Sturgeon, all work proposed in the waters listed in General Condition 35 must comply with the identified Conservation Measures unless specifically waived by the Corps in writing. Again if the applicant cannot comply with the conservation measures, the application is sent to the Corps as a Reporting Activity.

## PASPGP-4 VS. PASPGP-5

	<b>PASPGP-4</b>	<b>PASPGP-5</b>
<b>Monitoring of Temporary Impacts</b>	<p>Required by Corps for most Cat III linear projects - monitoring of stream and wetland impacts.</p> <p>30-day and full growing season Monitoring Report(s) including photographs</p>	<p><b>General Condition</b> for all PASPGP-5s.</p> <p>Required for SCPs with <b>temporary</b> wetland impacts greater than 0.10 acre by General Condition 23.</p> <p>7-day and first full growing season monitoring required; photographs required.</p> <p>Standardized form on Corps web site</p>



Under PASPGP-4, the Corps quite often required monitoring of temporary wetland and stream impacts for Category III utility line projects. Most of that monitoring required a 30 day and a full growing season monitoring report including photographs. Under PASPGP-5, as part of the General Conditions, such monitoring is required for all Single and Complete Projects with temporary wetland impacts greater than 0.1 acre. The requirement is for monitoring of the site to occur within seven days of completion of work and at the end of the first full growing season. The monitoring report, which also requires submission of photographs, has been setup as a standardized form which is available on the Corps website for use.

## TEMPORARY WETLAND IMPACT MONITORING UNDER PASPGP-5

15

- Temporary wetland impacts > 0.1 acre
  - Reporting & Non-Reporting Activities
  - Photographs
  - Checkboxes/choices on standard form
- Two monitoring events
  - 7 days post construction
  - One full growing season
- Use standardized template on Corps websites for data recordation and submittal of one combined report to Corps



Temporary wetland impact monitoring under PASPGP-5 is applicable to temporary wetland impacts that are greater than 0.1 acre and applies to Reporting and Non-Reporting Activities, unless waived by the Corps in writing, or if the Corps requires more stringent project specific monitoring. Use of the standardized template on the Corps website for data recordation and submittal of one combined monitoring report is what the Corps now requests.

## PASPGP-5 VERIFICATION LETTERS

- All verification letters issued by the Corps will be sent directly to the applicant.
- The Corps will no longer send the PASPGP-5 to the state for them to attach to their authorization.
- PASPGP-5 verification may be issued prior to PADEP issuing Chapter 105 authorization, however PASPGP-5 not valid until 401 WQC and PADEP authorization is issued.



Here are a few of the other changes under PASPGP-5. All verification letters issued by the Corps will now be sent directly to the applicant. The Corps will no longer send an PASPGP-5 verification to the state for them to attach to their authorization. PASPGP-5 verification may be issued prior to the PADEP issuing Chapter 105 authorization, however the PASPGP-5 is not valid until 401 Water Quality Certification and the PADEP authorization are issued.

After review of a Reporting application, if the Corps determines that Special Conditions are not necessary as part of a PASPGP-5 verification, the Corps may contact PADEP and request that they issue a PASPGP-5 verification when they issue their authorization/acknowledgement. In such case, PADEP will issue the verification letter, not the Corps.



## WHY CHANGE TO SCP IN PASPGP-5?

- To be consistent with the Corps Nationwide Permit program review for linear projects; overall project vs. single and complete projects.
- To remove inconsistencies in requirements, i.e., temporary impact monitoring, and mitigation for permanent conversions of wetland type was only required when Corps reviewed application.



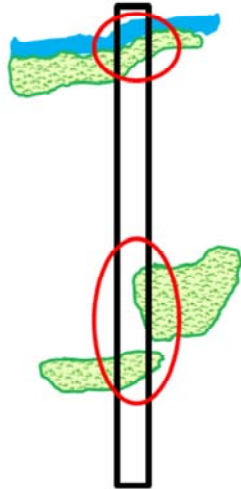
The question is why did we change to look at Single and Complete Projects only in PASPGP-5. The change is to be consistent with the Corps Nationwide Permit program review for linear projects, including how overall projects are considered versus Single and Complete Projects. Changes in PASPGP-5 were also made to require consistent application of temporary impact monitoring, and mitigation requirements for permanent conversions of wetland types. These were typically only required when the Corps reviewed such an application under PASPGP-4

## SCPS: LINEAR VS. NON-LINEAR

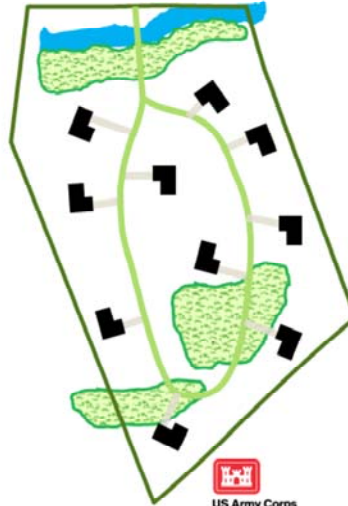
18

Utility Line & Roads (Linear):

Multiple SCPs



Subdivision: One SCP



US Army Corps  
of Engineers



This slide provides an example of the difference between a linear and a non-linear project. The one on the left is a linear project such as a utility line or road. On the right is a subdivision which would be considered one single and complete project. The linear project on the left would be comprised of two separate single and complete projects as indicated by the red circles.

## PASPGP-5 SINGLE & COMPLETE NON-LINEAR PROJECT

19

- The total project proposed or accomplished by one owner/developer or partnership or other association of owner/developers.
- A single and complete project must have **independent utility**.
- Single and complete projects may not be “piecemealed” to avoid the eligibility thresholds of the PASPGP-5.



Under PASPGP-5, a Single and Complete Non-Linear Project is defined as the total project proposed or accomplished by one owner, developer, or partnership or other association of owners or developers. A Single and Complete Project must have independent utility. Single and Complete Projects may not be piecemealed to avoid the eligibility thresholds of the PASPGP-5.

## INDEPENDENT UTILITY DEFINITION

- A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. 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.
- THIS ONLY APPLIES TO NON-LINEAR SCPs



This is the definition of independent utility. As stated, this independent utility test only applies to Non-Linear Single and Complete Projects.

## PHASED SUBDIVISIONS

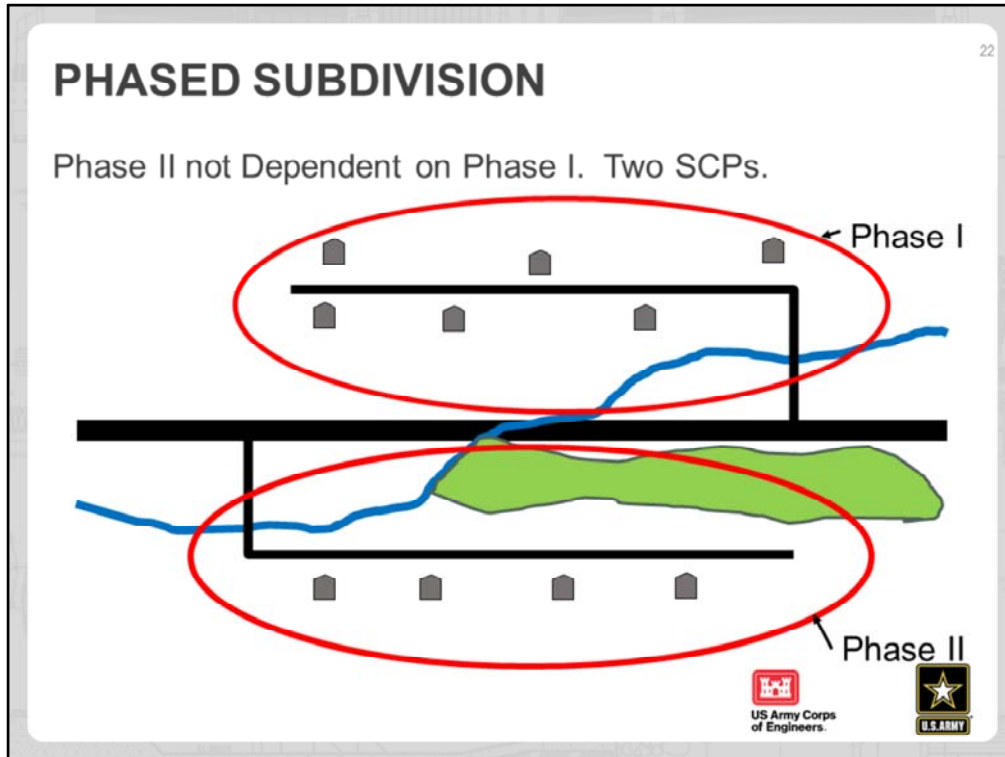
Phase II is dependent on the infrastructure in Phase I to function. One SCP; impacts added together when calculating Eligibility and Reporting Thresholds



Corps can assist PADEP in making determination



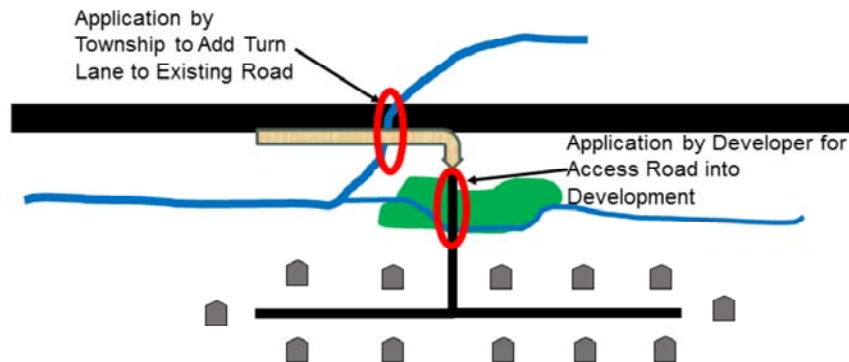
This is an example of a phased subdivision. Phase II of this subdivision is dependent on Phase I because they share infrastructure. In other words, the road for Phase I is needed for Phase II of the development; absent Phase I, the houses in Phase II could not be accessed. The same may be true for utility lines that may run through Phase I of the development and then extend into Phase II. This subdivision would be considered one single and complete project and the impacts would be added together when calculating eligibility and Reporting thresholds.



This is another example of a phased subdivision. In this case, Phase II is not dependent on Phase I. They do not share the same infrastructure and Phase I can be done without Phase II and vice versa. As such, this is considered two Single and Complete Projects.

## MULTIPLE APPLICANTS/APPLICATIONS

23



The purpose of the Township application is to provide access to the development, and would not be constructed absent the proposed development. As such the SCP includes both applications, and the impacts in both applications are added together in determining PASPGP-5 eligibility and Reporting thresholds. If one of the applications requires a Corps review, then both applications need to be sent to the Corps.



This is an example of multiple applicants and potentially multiple applications. In this example, the purpose of a township application is to add a turning lane to the existing road to provide access to the development that is being proposed. That turn lane would not be constructed absent the proposed development. As such, the Single and Complete Project includes both applications, and the impacts in both applications are added together in determining PASPGP-5 eligibility and Reporting thresholds. If one of the applications requires a Corps review, then both applications need to be sent to the Corps for review.

## PASPGP-5 SINGLE & COMPLETE LINEAR PROJECT

24

- 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 at separate and distant locations.
- The term “single and complete project” is defined as 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 Single and Complete Linear Project under PASPGP-5 is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which most often involves multiple crossings of one or more waters of the United States at separate and distant locations. The term Single and Complete Project for such linear projects is defined as the portion of the total linear project proposed or accomplished by one owner, developer or partnership, or other association of owners or developers that includes all crossings of a single water of the United States at a specific location.



## PASPGP-5 SINGLE & COMPLETE LINEAR PROJECT

25

- For linear projects crossing a single waterbody or multiple waterbodies several times at **separate and distant locations**, each crossing is considered a single and complete project for purposes of PASPGP-5 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.

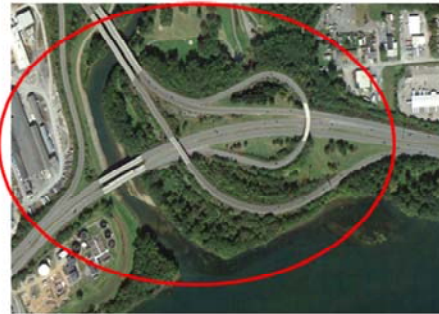


For linear projects crossing a single waterbody or multiple waterbodies several times at separate and distant locations, each crossing is considered a Single and Complete Project for purposes of PASPGP-5 verification. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

## SCP DETERMINATION FOR LINEAR PROJECTS

26

- Highways & Interchanges have design standards for curves and turns.



- SCP would cover a larger area for a highway than a utility line which can change route quickly.

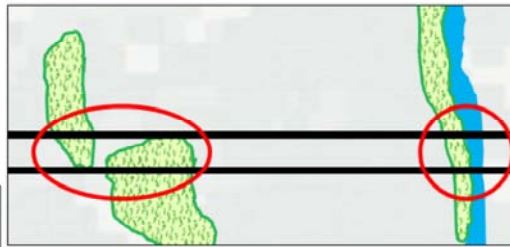
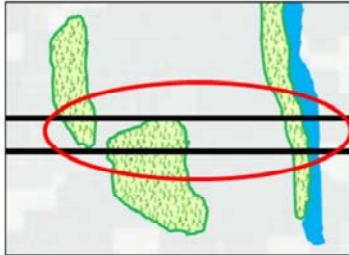


This is an example of how Single and Complete Project determinations vary based on the type of project being proposed. The left example is a road interchange, which typically has to comply with design standards for curves and other engineering requirements associated with highways. The crossing of the one waterbody on the left would dictate where the cloverleaf needs to occur. If wetlands are in the area of the cloverleaf, then impacting them is dictated by the location of the crossing on the left. As such, the permitting of one crossing is dictating where the location of the next crossing will be and this would be considered one Single and Complete Project. The example on the right shows an above ground pipeline. While the Corps may not regulate such pipelines, the example is presented to show how pipelines are able to change route quickly. As a result, the distance between aquatic crossings for utility lines may be closer together but still considered to be separate Single and Complete Projects. The reason for this is that the permitting of one aquatic crossing may not dictate the location of the next crossing. If the permitted crossing of the first resource does dictate that the next resource must be impacted at a specific location, then the two crossings would be considered one Single and Complete Project.

## SCP FOR LINEAR PROJECTS

27

Resources separated by distance are considered separate single and complete projects.



Resources located within the same area and arranged so **the crossing of one resource dictates the location of the next resource crossing** are considered one single and complete project.

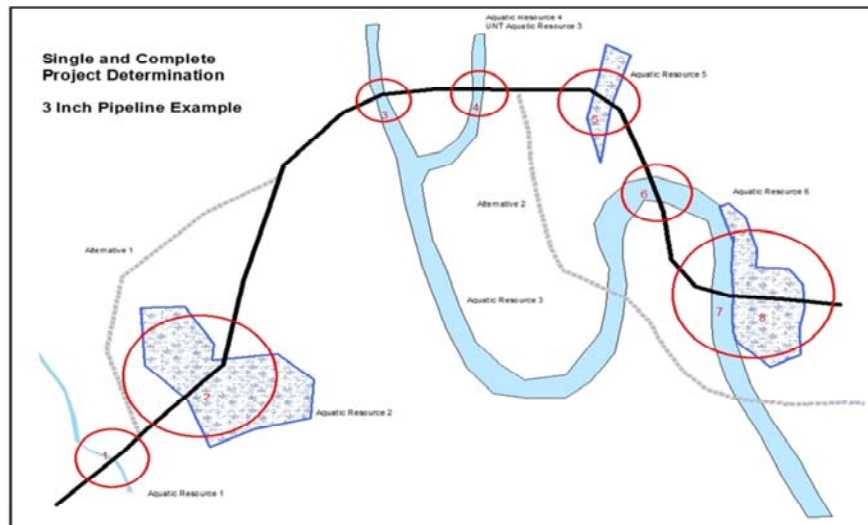
**This determination is made based on the consideration of distance between resources, landscape, type of project and alternatives.**



This slide represents how the aquatic crossings must be distant to be determined a separate Single and Complete Project. In both examples, there are two wetlands on the left and a stream and wetland complex on the right. The only difference between the two examples is the implied distance between the two wetlands and the wetland stream complex. On the left, the resources are close together and the crossing of the two wetlands by a proposed road would dictate that the road needs to cross the wetland and stream complex at a certain location. As such, as indicated by the red circle, all of these crossings would be considered as part of one Single and Complete Project. In the upper right case, the distance between the resources is much greater and the first crossing doesn't dictate the location of the next crossing; there is plenty of distance between the two wetlands and the wetland stream complex for the roadway to turn left or right and not even impact the wetland and stream complex, or at least impact the areas at a different location. As such, as indicated by the red circles, these crossings would be considered separate Single and Complete Projects. As mentioned before, this determination is made based on the consideration of distance between resources, landscape, type of project and other potential alternatives.

# SCP FOR LINEAR PROJECTS

28



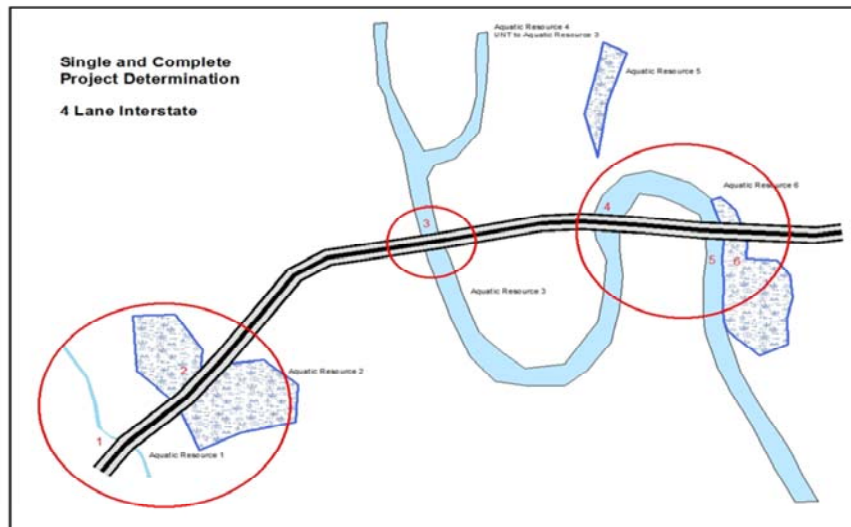
US Army Corps  
of Engineers



This is an example of a three inch pipeline. This pipeline has the ability to change direction very quickly and as a result the crossings of various resources for the most part are separate Single and Complete Projects as indicated by the red circles.

# SCP FOR LINEAR PROJECTS

29

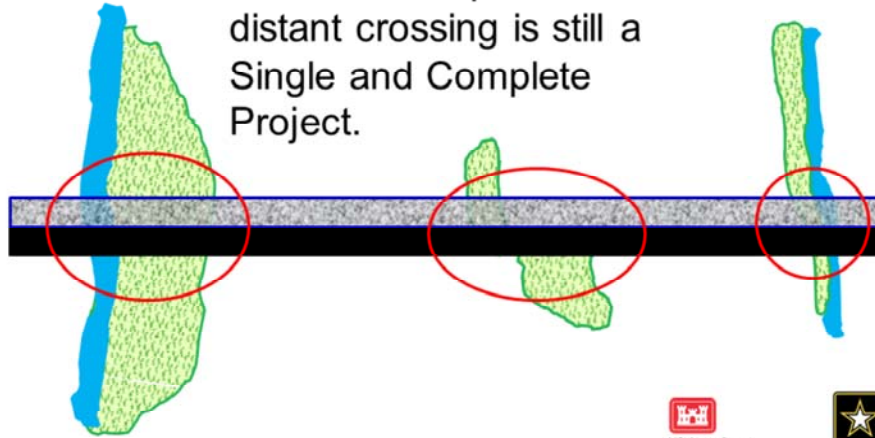


This is an example of a roadway. The crossings of one resource dictates the location of the next crossing in some cases. This is the case for crossings one and two, and four, five and six. As a result, those crossings would be considered one Single and Complete Project as depicted by the red circles.

## ROAD WIDENING

30

While existing road determines location of work, each separate and distant crossing is still a Single and Complete Project.



US Army Corps  
of Engineers



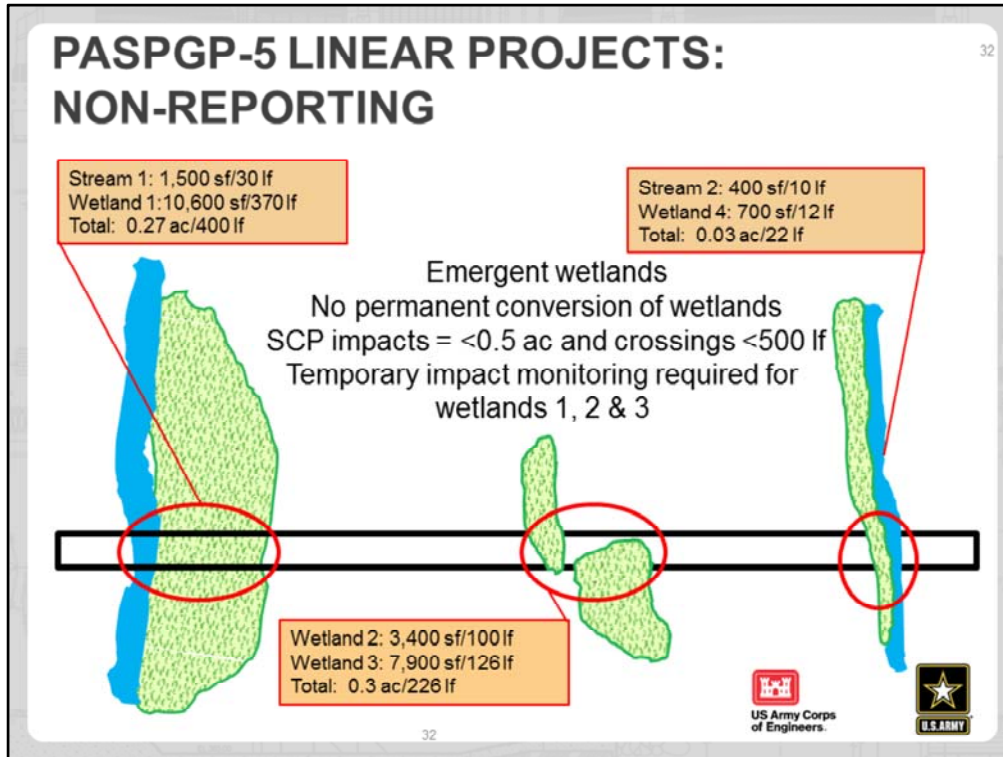
In the case of road widening, while the existing road determines the location of work, each separate and distant crossing is still a separate Single and Complete Project.

## PASPGP-5 REPORTING THRESHOLDS



The next slides provide some examples of projects that may be Non-Reporting or Reporting Activities based on some of the PASPGP-5 Reporting thresholds. The main focus of the examples is to illustrate how the following Reporting criteria are applied:

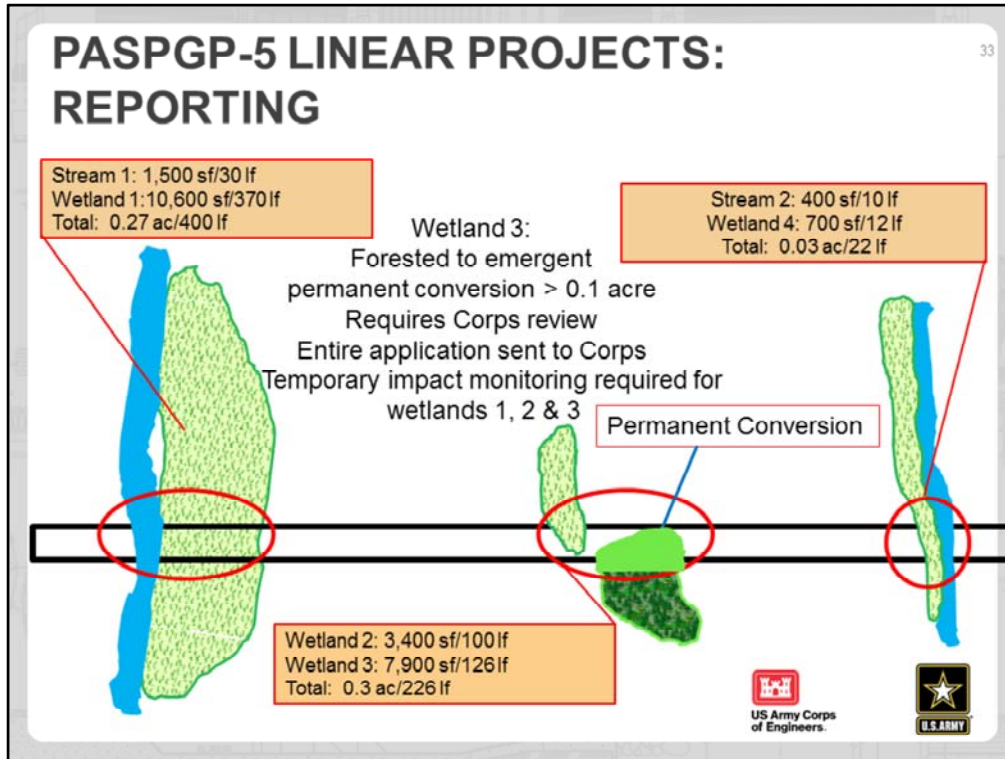
1. Single and Complete Projects with greater than 0.5 acre of impact;
2. Single and Complete Projects with greater than 0.1 acre of permanent forest or scrub shrub wetland conversion;
3. Single and Complete Projects with a utility line crossing of greater than 500 feet in length;
4. Utility lines running parallel to a stream channel and the stream is located with the jurisdictional area;



In this example, a road is crossing several different areas and has three Single and Complete Projects as depicted by the three circles. This slide shows an example of a Non-Reporting Project. One that would not require Corps review. This is because the road is impacting an emergent wetland and does not involve a permanent conversion of wetland type. Furthermore, each of the Single and Complete Projects has less than a half acre of impact.

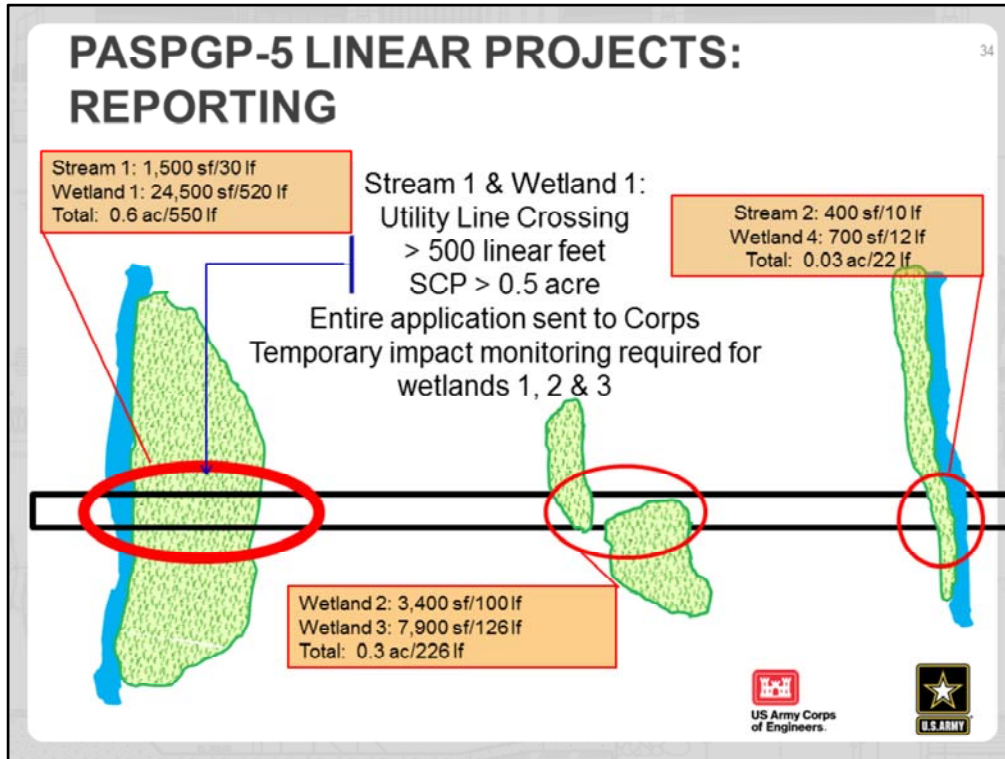
While such a project may not require a Corps review, under PASPGP-5 a temporary impact monitoring report would be required for wetlands 1, 2, and 3 because the temporary wetland impact for the Single and Complete Project is greater than 0.1 acre.





This is an example of a project that would be required to be a Reporting Activity to the Corps. The reason for the application being a Reporting Activity is that wetland 3 is being converted from a forested wetland to an emergent wetland area and the conversion is greater than 0.1 acre. In this case the entire application would be sent to the Corps.

As in the previous example, temporary monitoring of the temporary impacts would still be required for wetlands 1, 2, and 3.



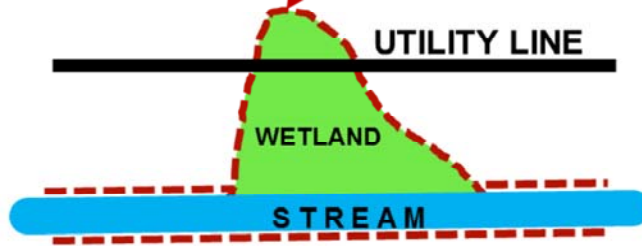
In this example, the crossing of stream 1 and wetland 1 is greater than 500 feet in length, and the Single and Complete Project impacts more than a half acre of wetland. Due to the size of these impacts, the entire application would be sent to the Corps as Reporting Activity.

As in the previous examples, temporary monitoring of the temporary impacts would still be required for wetlands 1, 2, and 3.

## UTILITY LINE REPORTING

35

- Utility line placed within a jurisdictional area and the utility line runs parallel to or along the stream within the jurisdictional area

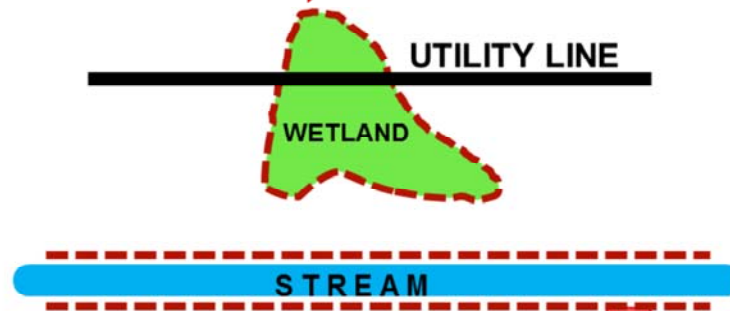


This is an example of a utility line placed within a jurisdictional area where the utility line runs parallel to or along the stream channel located in that jurisdictional area. In this case, the red line indicates the jurisdictional area. The utility line is crossing the wetland, running parallel to the stream, and the stream is located within the jurisdictional area. An application involving such a crossing would be a Reporting Activity. This requirement for a Corps review is not applicable for aerial utility line crossings.

## UTILITY LINE NON-REPORTING

36

Non-Reporting: Parallel stream is not within the same jurisdictional area as the utility line crossing



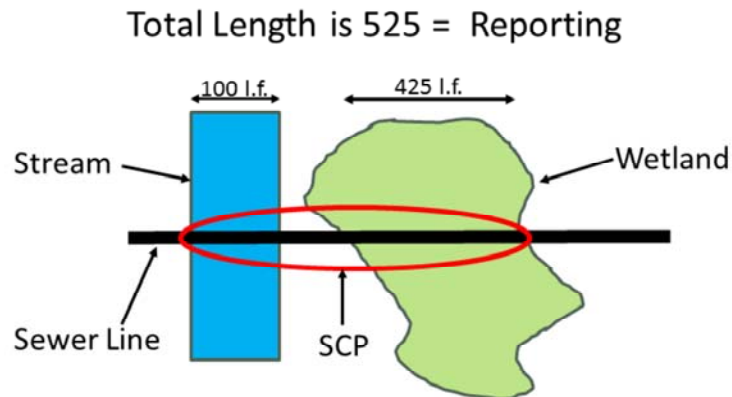
US Army Corps  
of Engineers



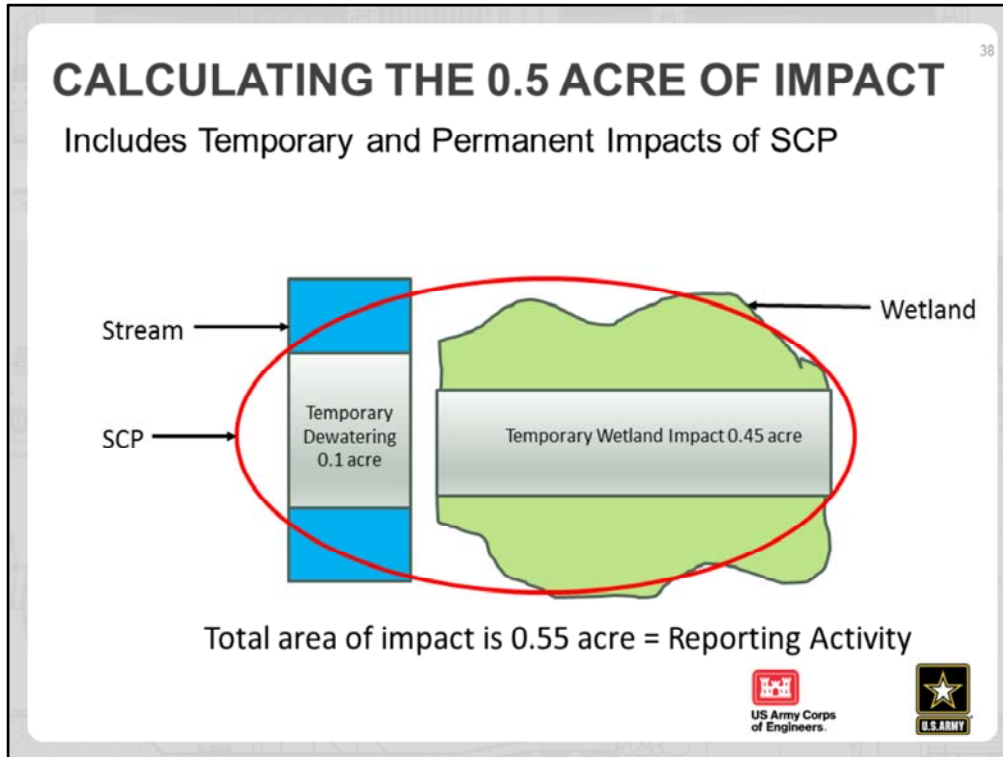
In this example, there is a break in the jurisdictional area. As such, the stream is not located in the same jurisdictional area as the utility line crossing. An application proposing such a crossing would not require a Corps review for this reason.

## UTILITY LINES GREATER THAN 500 LINEAR FEET LONG IN WATERS AND/OR WETLANDS ARE A REPORTING ACTIVITY

37



This is an example of a utility line with greater than 500 linear feet of impacts to waters of the United States including wetlands. This would be a Reporting activity. The crossing of the stream is 100 linear feet and the crossing of the wetland is 425 linear feet. Resources are not distant enough to be considered separate single and complete projects. As such the length of the utility line at this crossing is greater than 500 linear feet.



When calculating the half acre impact threshold that requires a Corps review, the temporary and permanent impacts associated with a Single and Complete Project are added together. In this case, the Single and Complete Project is indicated by the red circle and the proposed activity will temporarily dewater 0.1 acre of stream channel and temporarily impact 0.45 acre of wetlands. As such, 0.55 acre of impact is proposed as part of the Single and Complete Project, and the application would be a Reporting Activity.

# HANDLING OF PENDING APPLICATIONS



The next part of this presentation explains how the Pennsylvania Department of Environmental Protection will address pending applications if they receive additional applications.

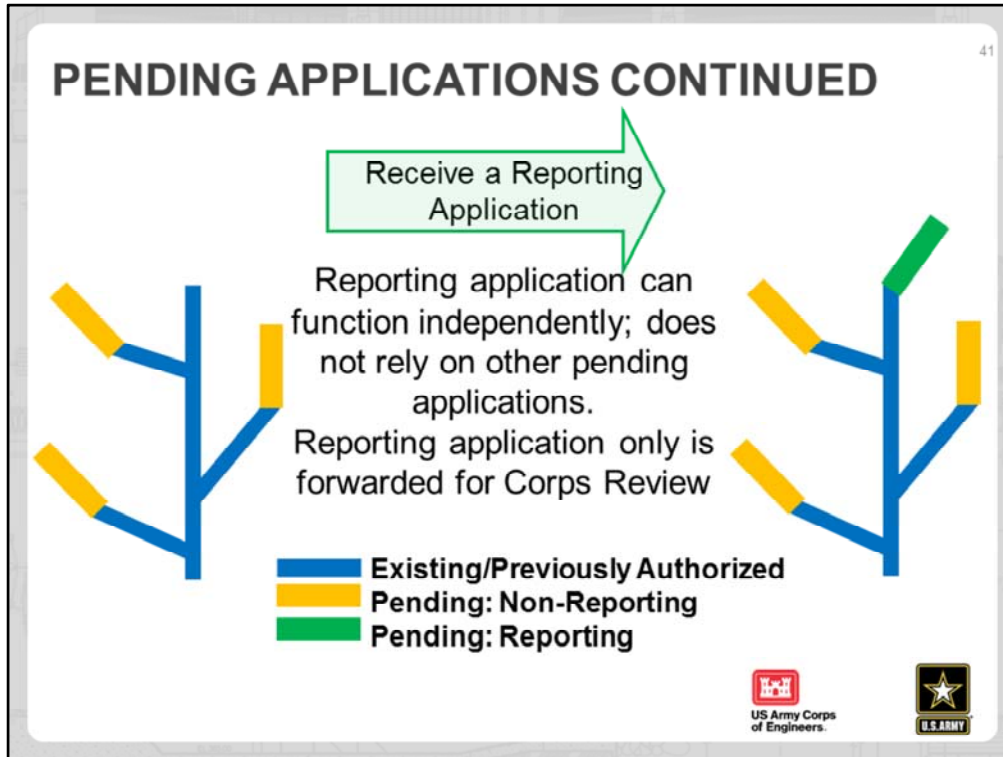
## HOW TO HANDLE PENDING APPLICATIONS FOR PHASED LINEAR PROJECTS

40



In this example, each of the various segments on the left are pending Non-Reporting applications. Provided none of those applications are a Reporting Activity, PADEP may process the applications without a Corps review. On the right-hand side, if there are existing (already constructed) or previously authorized segments (indicated in blue), and PADEP is reviewing the applications in yellow, as long as those yellow applications do not require a Corps review, PADEP may process the applications as a Non-Reporting.





In this case, on the left, PADEP is reviewing the yellow applications that connect to existing or previously authorized utility lines. If the state receives an application indicated as green on the right-hand side, and the application is a Reporting Activity, then that application will be sent to the Corps. Those applications indicated in yellow would not be sent to the Corps as a Reporting Activity as the green application is not dependent on the other yellow applications to function or meet its intended purpose.

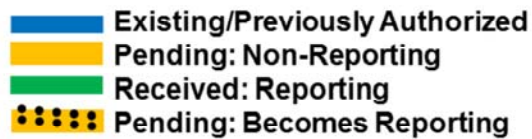
## PENDING APPLICATIONS CONTINUED

42

Receive a Reporting Application

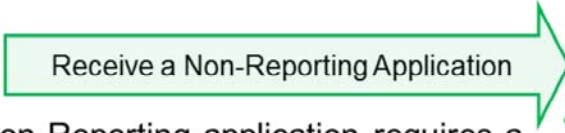
Reporting application requires a pending Non-Reporting application to function.

Both applications are sent as Reporting for Corps review.







In this case, PADEP received a Reporting application indicated by green while they are also processing a Non-Reporting application as indicated in yellow with polka dots. The yellow polka dot application would now come to the Corps as a Reporting Activity because for the green application needs the yellow polka dot segment to function. As a result, both the yellow polka dot application and the green application would be sent to the Corps as a Reporting Activity.

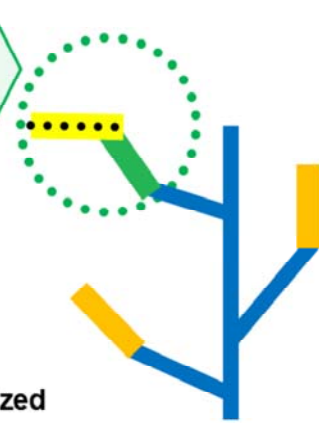
# PENDING APPLICATIONS CONTINUED



Non-Reporting application requires a pending Reporting application to function.

Both applications are sent as Reporting for Corps review.

-  Existing/Previously Authorized
-  Pending: Non-Reporting
-  Pending: Reporting
-  Received: Becomes Reporting



In reverse, if the Corps is reviewing an application, as indicated in green, and PADEP receives an application as indicated by the yellow polka dots, the yellow polka dotted application would be sent to the Corps as a Reporting activity. This is because the work associated with the yellow polka dotted application relies on the work that is part of the green application to function.

## MULTIPLE APPLICATIONS

- If a project requires multiple applications to be submitted to various PADEP Regional Offices and/or County Conservation Districts and a SCP is determined to be a Reporting Activity then all of the applications are submitted to the applicable Corps District(s).



In the case of multiple applications, if the project requires multiple applications to be submitted to various PADEP Regional Offices and/or the County Conservation Districts, and any Single and Complete Project is determined to be a Reporting Activity, then all of the applications are submitted to the applicable Corps Districts as a Reporting Activity.

## GRANDFATHERING

– Under PASPGP-4, PART VIII (A)(2):

“Activities authorized under the PASPGP-4 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-4’s expiration, suspension, or revocation; whichever is sooner.”



As far as grandfathering, and what happens with prior PASPGP-4 authorizations, under PASPGP-4 Part VIII (A)(2), provided the project specific PASPGP-4 authorization had not expired, activities that were authorized under PASPGP-4 that had commenced construction or were under contract to commence construction by July 1, 2016, remain authorized by the PASPGP-4 provided the activity is completed within 12 months of the date of the PASPGP-4s expiration, suspension, or revocation; whichever is sooner.

## GRANDFATHERED ACTIVITIES UNDER PASPGP-5 (NON-REPORTING ACTIVITY 30)

- PASPGP-4 Category I and II activities **that meet** PASPGP-5 Non-Reporting criteria and comply with PASPGP-5 terms, conditions, limits, and best management practices.....; Non-Reporting, authorized until June 30, 2021.
  - If exceeding 0.5 acre of impact, then Reporting Activity under PASPGP-5.
  - If exceeding 1000 l.f. of stream loss, then Corps NWP or IP.



Within the PASPGP-5 there's a Non-Reporting Activity 30. Under Non-Reporting Activity 30, PASPGP-4 Category I and II authorizations that meet PASPGP-5 Non-Reporting criteria and comply with the PASPGP-5 terms, conditions, limits, and best management practices are authorized until June 30, 2021. If the impact for the Single and Complete Project exceeds 0.5 acre, then the project requires a Corps review (Reporting Activity). If the previously verified PASPGP-4 activity exceeds a thousand linear feet of stream loss, then the applicant must come to the Corps for a nationwide permit or individual permit as such an activity is not eligible for PASPGP-5 authorization.

## GRANDFATHERED ACTIVITIES UNDER PASPGP-5 (NON-REPORTING ACTIVITY 30)

- PASPGP-4 Category I and II activities **that do not meet** PASPGP-5 Non-Reporting criteria or comply with PASPGP-5 terms, conditions, limits, and best management practices.....; must be submitted to the Corps to determine if project qualifies for PASPGP-5 authorization.



Also under Non-Reporting Activity 30, PASPGP-4 Category I and II activities that do not meet the PASPGP-5 Non-Reporting criteria or comply with the PASPGP-5 terms, condition, limits, and best management practices, are required to have a Corps review to qualify for PASPGP-5 authorization.

## GRANDFATHERED ACTIVITIES UNDER PASPGP-5 (NON-REPORTING ACTIVITY 30)

- PASPGP-4 Category III Activities that comply with all PASPGP-5 terms, conditions, limits, and best management practices .....; authorized as Non-Reporting with duration of five years from date of PASPGP-4 verification. Exceptions:

- Reporting Activities:
  - 5(d) - Activities that cannot comply with Conservation Measures identified in General Condition 35 (Atlantic and Shortnose Sturgeon); and
  - 17 – Activities that cannot comply with work restrictions identified in General Condition 34 (Essential Fish Habitat)
- If exceeding 1000 l.f. of stream loss, then Corps NWP or IP.



Under Non-Reporting Activity 30(c), PASPGP-4 Category III activities that comply with all the terms, conditions, limits, and best management practices of PASPGP-5 are authorized as a Non-Reporting Activity under PASPGP-5 for five years from the date of the PASPGP-4 verification.

There are three exceptions.

(1 and 2) Reporting Activities under 5(d) and 17. If the activity cannot comply with either of those measures, then the permittee must come to the Corps for the verification.

(3) If the activity exceeds the 1000 linear feet of stream loss, the applicant would need to come to the Corps for a nationwide permit or individual permit



# QUESTIONS?



If you have any questions concerning PASPGP-5, please call your representative Corps District. Thank you.

Philadelphia District	(215) 656-6728
Pittsburgh District	(412) 395-7155
Baltimore District	(814) 235-0572