



Public Notice

U.S. Army Corps
of Engineers
Baltimore District

In Reply Refer To CENAB-OP-R
Repairs Following Heavy Rains,
Special Public Notice # 04-13

Date: October 4, 2004

The purpose of this notice is to inform the public that repairs of damage to public and private property and waterways, caused by recent heavy rains in September 2004, may be authorized, subject to the procedures described below.

Item #1 below, describes Corps authorization procedures for the repair, rehabilitation or replacement of structures to pre-storm conditions; and item #2 describes emergency procedures for other work, including the restoration of streams to their pre-storm conditions.

#1 - Procedures for the Repair, Rehabilitation, or Replacement of Structures:

The repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure, or fill, or of any currently serviceable structure or fill is authorized for purposes of Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act as published in the January 15, 2002 Federal Register, Final Notice of Issuance, Reissuance, and Modification of Nationwide Permits (NWP) (67 FR Vol 10), NWP number (3), provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification and the conditions are complied with. NWP #3 General and Regional Conditions may be viewed on our web site at www.nab.usace.army.mil under Permit process, public notices, and special public notices. Minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to make repair, rehabilitation, or replacement are permitted, provided the adverse environmental effects resulting from such repair, rehabilitation, or replacement are minimal. Currently serviceable means that prior to damage that occurred in September 2004 as a result of the heavy precipitation, the structure or fill was useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

NWP #3 does not authorize channelization or the restoration or re-establishment of a stream channel. (Please see paragraphs below for procedures that authorize stream restoration work.)

Additionally, a pre-discharge notification (PCN) shall be submitted to the Corps for any proposed activity, which would result in impacts, temporary or permanent, to jurisdictional wetlands in the following counties of Pennsylvania: Adams, Berks, Bucks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, Monroe, Montgomery, Northampton, Schuylkill (Swatara Creek Watershed only), and York. The Corps must review and approve the PCN before the work can begin. Please contact the appropriate Corps District for further information (see below).

#2 – Emergency Procedures for the Restoration of Streams and Other Work Not Covered under #1 (above):

The restoration or re-establishment of streams to pre-storm conditions is not authorized by NWP #3. Other reconstruction work that deviates from the pre-storm conditions is also not covered by NWP #3. This work may be authorized under one of the procedures listed below. However, stream channelization (deepening, widening, and/or straightening of the stream) and deposition of excavated or other material into jurisdictional wetlands, and other Waters of the United States (including back channels) generally will not be authorized by this Public Notice.

a. Pennsylvania State Programmatic General Permit #2 (PASPGP-2) procedures:

-If the proposed emergency work impacts less than one acre of Waters of the United States, it does not require project specific notification to the U.S. Army Corps of Engineers (Corps). Corps authorization for these actions is included with the Pennsylvania Department of Environmental Protection (PADEP) Emergency Permit for these projects. Please contact the appropriate PADEP Regional Office (see below).

b. Other Emergency Work

-If the work does not qualify for NWP #3 and the total temporary and permanent impacts to Waters of the U.S., including jurisdictional wetlands, for the proposed emergency work is greater than one acre; or if the work does not qualify for NWP #3 and is proposed to occur in the Waters listed below, the project is ineligible for PASPGP-2, and you must contact the appropriate Corps District (see below) for further instructions.

- a. All of the Delaware River,
- b. The Schuylkill River downstream of the confluence with Mill Creek at Port Carbon, Pennsylvania,
- c. The Lehigh River downstream from the State Route 940 Bridge,
- d. All of the Ohio River,
- e. All of the Beaver River,
- f. All of the Little Beaver River,
- g. All of the Mahoning River,
- h. All of the Monongahela River,
- i. The Youghiogheny River from its mouth at McKeesport, Pennsylvania to river mile 31.2 at West Newton, Pennsylvania,
- j. The Allegheny River, from its mouth in Pittsburgh, Pennsylvania to river mile 197.4 at Kinzua Dam, north of Warren, Pennsylvania.
- k. The Kiskiminetas River from its mouth near Freeport, Pennsylvania to river mile 26.8 at Saltsburg, Pennsylvania, and
- l. Tenmile Creek from its mouth at Millsboro, Pennsylvania to river mile 2.7.

In these instances, as part of your notification to the Corps you will be required to provide detailed project specific information including: identification of the project proponent, a point of contact, work description (including dimensions), photographs of the site, and a location map for the work being performed. All such emergency actions must also have an approved PADEP Emergency Permit or other appropriate authorization in order for the Corps authorization to be valid.

No activity is authorized under the aforementioned procedures which is likely to, individually or cumulatively, adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which will destroy or adversely modify the critical habitat of such species.

Requests for emergency authorization as per item #2.b. of this Public Notice must be received by this office no later than 6 months from the date of this Public Notice.

PADEP Regional Offices

PADEP Northwest Regional Office

(814) 332-6942

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

PADEP Southwest Regional Office

(412) 442-4000

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

PADEP Northcentral Regional Office

(570) 327-3574

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

PADEP Southcentral Regional Office

(717) 705-4707

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

PADEP Northeast Regional Office

(570) 826-2511

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

PADEP Southeast Regional Office

(484) 250-5970

Bucks, Chester, Delaware, Montgomery, and Philadelphia

PADEP Central Office (Dam Permits)

(717) 787-8568

All counties

U.S. Army Corps of Engineers District Offices

Baltimore District (Susquehanna and Potomac River Watersheds) – Pennsylvania Section, (814) 235-0570

Philadelphia District (Delaware River Watershed) – Regulator of the Day, (215) 656-6728

Pittsburgh District (Ohio and Genesee River Watersheds, and Lake Erie Watershed) – Branch Chief, (412) 395-7155

For and in behalf of the Pittsburgh, Philadelphia, and Baltimore Districts:

A handwritten signature in blue ink that reads "Janet M. Vine". The signature is written in a cursive style with a large initial "J".

Janet M. Vine
Acting Chief, Regulatory Branch
Baltimore District