



Special Public Notice

**U.S. Army Corps
of Engineers**

Baltimore District
SPN 24-36

**Pennsylvania State Programmatic
General Permit (PASPGP) -7**

Philadelphia District

Pittsburgh District

Date: December 10, 2024 to January 24, 2025

The purpose of this 45-day Special Public Notice is to request comments on whether to issue, for a five-year period, the Pennsylvania State Programmatic General Permit 7 (PASPGP-7). Comments are requested by January 24, 2024.

This Special Public Notice is issued jointly by the Baltimore, Philadelphia, and Pittsburgh Districts of the United States Army Corps of Engineers.

On July 1, 2021, the District Engineers for Baltimore, Philadelphia, and Pittsburgh Districts, issued the Pennsylvania State Programmatic General Permit-6 (PASPGP-6) for a five-year period. The PASPGP-6 will expire on June 30, 2026, unless a decision is made to suspend, or revoke the permit before that date.

The list below provides some of the proposed changes from PASPGP-6 to PASPGP-7. The proposed PASPGP-7 can be viewed on our web page at:

<https://www.nab.usace.army.mil/Missions/Regulatory/Public-Notices/>

A hard copy of the proposed PASPGP-7 may be obtained by contacting:
Ms. Brenda Harrison, United States Army Corps of Engineers, State College Field Office, 1631 South Atherton Street, Suite 101, State College, Pennsylvania 16801, by telephone at (814) 235-1763 or by email at: brenda.l.harrison@usace.army.mil

Proposed Changes

1. Added 0.03-acre area of permanent stream impact measurement in addition to the 250-linear-feet of permanent stream impact, whichever is less, for Reporting (Corps review) threshold. A permanent loss of 0.03-acre area of stream may then require compensatory mitigation on a case-by-case basis. This change is better aligned with the current United States Army Corps of Engineers Nationwide Permits.
2. Added a Reporting threshold for PASPGP- 7 applications for Pennsylvania Department of Environmental Protection General Permit-1 (GP-1). Under the current version of PASPGP, GP-1 has an unlimited amount of permanent stream impacts, and the new Reporting threshold is proposed to be 1,000- linear-feet of permanent stream impacts.

3. Removed the table of waterways potentially occupied by federally listed, proposed, or candidate species of mussels and/or fishes from Reporting Activities, as they are to be included in the Pennsylvania Natural Diversity Inventory Environmental Review.
4. Added that all regulated work within the Delaware Canal is a Reporting Activity to ensure compliance with the Wild and Scenic Rivers Act.
5. Added the ability for the District Engineer to waive the eligibility threshold for emergency activities, as defined in the PASPGP-7, on a case-by-case basis. The Reporting threshold of 0.50-acre of permanent impact remains unchanged.
6. Modified the time of year restriction contained within General Condition 33, Anadromous Fish Waters, to extend the time of year restriction by an additional two weeks. Previously the time of year restriction was from March 15th to June 30th. The new time of year restriction is from March 1st to June 30th.
7. Added a general or project specific 401 Water Quality Certificate as a type of state authorization to General Condition 29

The Commonwealth's Dam Safety and Waterway Management Rules and Regulations establish a statewide permit program for protecting the waters of the Commonwealth. The Commonwealth's procedures for the granting of permits require the Pennsylvania Department of Environmental Protection to apply evaluation criteria consisting of alternatives analysis (for non-water dependent activities), avoidance techniques, the minimization of impacts, and if a permit is to be granted, compensatory mitigation. The evaluation criteria within the Commonwealth's program are similar to federal criteria under Section 404(b)(1) of the Federal Clean Water Act.

The decision whether to issue the proposed PASPGP-7 with or without modifications, will be based on an evaluation of the probable impacts including cumulative impacts of the proposed PASPGP-7 on the public interest. That decision will reflect the national concern for the protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural resources, fish and wildlife resources, flood hazards, floodplain functions, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; federally recognized Native American Nations; and other interested parties to consider and evaluate the impacts of this proposed PASPGP-7. Any comments received will be considered by the Corps of Engineers to determine whether to issue with modifications, issue without modifications, or not issue PASPGP-7. To make this decision, comments are used to assess impacts on endangered species, cultural resources, water quality, general environmental effects, and the other public interest factors listed above. Comments will be used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments will also be used to determine if the proposed permit is in the public interest.

A Water Quality Certification is required, in accordance with Section 401 of the Clean Water Act, for any activity that would be authorized by PASPGP-7 and involves the discharge of dredged and/or fill material into federally regulated waters of the United States, including wetlands. Coastal Zone Certification is also required in accordance with the Pennsylvania Coastal Zone Program.

A preliminary review of the PASPGP-7 indicates that processing procedures and conditions are sufficient such that authorized work may affect but is not likely to adversely affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of the PASPGP-7 continues, additional information may become available which could modify this preliminary determination.

The PASPGP-7 is conditioned to assure that on a case-by-case basis, cultural resources listed in the latest published version of the National Register of Historic Places or properties listed as eligible or potentially eligible for inclusion therein will be given the consideration required by Section 106 of the National Historic Preservation Act.

Section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278 et seq.) provides that no department or agency of the United States shall assist by loan, grant, license, or otherwise, the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. A preliminary review of the PASPGP-7 indicates that processing procedures and conditions are sufficient such that authorized work is not likely to have a direct and adverse effect on any designated Wild and Scenic River pursuant to the Wild and Scenic Rivers Act as amended. As the evaluation of the PASPGP-7 continues, additional information may become available which could modify this preliminary determination.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat. A preliminary review of the PASPGP-7 indicates that processing procedures and conditions are sufficient such that authorized work will likely result in no more than minimal adverse effects on Essential Fish Habitat pursuant to the Magnuson-Stevens Fishery Conservation and Management Act as amended. As the evaluation of the PASPGP-7 continues, additional information may become available which could modify this preliminary determination.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, within the comment period as specified above, to receive consideration. The request must clearly state the interest which may be adversely affected by the proposed PASPGP-7.

It is requested that you communicate the foregoing information to any persons known by you to be interested and not being known to this office who did not receive a copy of this notice.

Comments and/or hearing requests may be directed to the following email address: PASPGP7comments@usace.army.mil with a subject line of "PASPGP-7 Comments", or mailed to United States Army Corps of Engineers, State College Field Office, 1631 South Atherton Street, Suite 101, State College, Pennsylvania 16801. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act.

This special public notice is issued by the Chief, Regulatory Branch, Baltimore District, for and on behalf of the Pittsburgh, Philadelphia, and Baltimore Districts.