



Public Notice

U.S. Army Corps of Engineers
Special Public Notice # SPN-21-28
Baltimore District

Philadelphia District

June 25, 2021
Pittsburgh District

This Public Notice is issued jointly by the Baltimore, Philadelphia, and Pittsburgh Districts of the U.S. Army Corps of Engineers and can be viewed on the Baltimore District's web page at:

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

The purpose of this Public Notice is to inform the public that the Pennsylvania State Programmatic General Permit-6 (PASPGP-6) has been issued for a 5-year period by Colonel John T. Litz, Lieutenant Colonel David C. Park, and Colonel Andrew J. Short of the Baltimore, Philadelphia, and Pittsburgh Districts respectively. The PASPGP-6 will be implemented and in full effect in the applicable portions of the Commonwealth of Pennsylvania on July 1, 2021.

The PASPGP-6 can be viewed on the Baltimore District's web page at <http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx>. A

hardcopy of the proposed PASPGP-6 may be obtained by contacting:

Ms. Brenda Harrison, U.S. Army Corps of Engineers, Baltimore District, 1631 South Atherton Street, Suite 101, State College, Pennsylvania 16801, telephone (814) 235-1763, or by email at Brenda.L.Harrison@usace.army.mil.

On September 4, 2020, the Corps issued Special Public Notice 20-57 requesting comments on whether to issue, for a 5-year period, the PASPGP-6. Following a thorough review of all comments received in response to the Special Public Notice, the Corps has decided to issue the PASPGP-6.

Below is a list of some of the changes from the Pennsylvania State Programmatic General Permit - 5 (PASPGP-5) to PASPGP-6:

1. Eligibility thresholds for PASPGP-6:

- a. The one acre eligibility threshold for single and complete projects under PASPGP-5 (temporary and/or permanent impacts of one acre) was changed to 0.5 acre of permanent loss of waters of the U.S., including jurisdictional wetlands, with some exceptions as noted in the permit.
- b. Temporary impacts to waters of the U.S., including jurisdictional wetlands was changed from one acre to unlimited acreage under PASPGP-6, provided the work is determined to result in no more than minimal impact.

2. Reporting threshold (the need for a Corps review of the application) for PASPGP-6 applications will be calculated based on impacts associated with overall project, not single and complete project. The eligibility threshold determination is made based on single and complete projects, as determined by the Corps.
3. Section 10 waters within Pittsburgh District, which were ineligible waters under PASPGP-5, were added as waters eligible for authorization under PASPGP-6. Except for work that qualifies for authorization under Pennsylvania Department of Environmental Protection (PADEP) Waivers 10 and 12, any regulated work within these waters is a Reporting activity and requires a Corps review.

The decision to issue the PASPGP-6 was made after a thorough evaluation of the probable impacts including cumulative impacts of the proposed PASPGP-6 on the public interest. This decision reflects the national concern for the protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal was balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal were considered, including the cumulative effects thereof; 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.

A Water Quality Certification from the PADEP is required, in accordance with Section 401 of the Clean Water Act, for any activity that would be authorized by PASPGP-6 and involves the discharge of dredged and/or fill material into waters of United States, including wetlands. The PADEP issued a conditional Water Quality Certification for PASPGP-6 and all conditions have been added as a condition of the PASPGP-6, see General Condition 30.

Coastal Zone Certification, in accordance with the Pennsylvania Coastal Zone Program, is required for activities to be authorized by the PASPGP-6. The Corps has received Coastal Zone Management consistency for activities authorized by the PASPGP-6 from PADEP.

The PASPGP-6 processing procedures and conditions comply with the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act, and ensure that potential impacts on the public interest resulting from the work authorized by the PASPGP-6 are no more than minimal.

State authorization under PADEPs Chapter 105 regulations is required for most activities to be authorized by the PASPGP-6.

The PASPGP-6 processing procedures and conditions ensure compliance with Section 7 of the Endangered Species Act, as amended, and with Section 106 of the National Historic Preservation Act.

The PASPGP-6 processing procedures and conditions ensure compliance with Executive Order 13175, through coordination with Tribal Nations. Such coordination shall be performed in accordance with the applicable Corps District's tribal coordination procedures.

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 in 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. PASPGP-6 processing procedures and conditions ensure that authorized work will result in no more than minimal adverse effects on any designated Wild and Scenic River pursuant to the Wild and Scenic Rivers Act, as amended.

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. PASPGP-6 processing procedures and conditions ensure that the required consultation procedures are completed, or that the authorized work will result in no more than minimal adverse effects on Essential Fish Habitat pursuant to the Magnuson-Stevens Fishery Conservation and Management Act as amended.

If you have any questions concerning this matter, please call Ms. Terry Eucker, Pennsylvania Section, Regulatory Branch at telephone number (570) 835-4262 or by email at Terry.P.Eucker@uasce.army.mil.

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