



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

# Public Notice

**Date: September 29, 2015**

**SPECIAL PUBLIC NOTICE #SPN-15-59**

Baltimore District

Philadelphia District

Pittsburgh District

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**THIS PUBLIC NOTICE IS ISSUED JOINTLY BY THE PHILADELPHIA, PITTSBURGH, AND BALTIMORE DISTRICTS OF THE U.S. ARMY CORPS OF ENGINEERS (CORPS).**

Subject: The purpose of this Special Public Notice is to hereby inform the public of revisions to the Pennsylvania State Programmatic General Permit – 4 (PASPGP-4). These changes are effective the date of this public notice.

In accordance with Section 7 of the Endangered Species Act (ESA) and the procedures for processing Corps authorizations, pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, the Corps is hereby providing notification to the public regarding amendment of the PASPGP-4. These revisions further streamline the PASPGP-4 review process by adding Avoidance Measures (AMs) identified on a Pennsylvania Natural Diversity Inventory (PNDI) receipt for Federally listed threatened or endangered species as a Special Condition of the PASPGP-4 without the need for a Corps review of the application. Under the previous version of the PASPGP-4, all applications that contained a PNDI receipt with AMs for a Federally listed species was required to be processed by the Corps as a Category III Activity, and the Corps would typically add the AMs as a Special Condition of the authorization to ensure compliance with ESA.

The term “Pennsylvania Natural Diversity Inventory (PNDI)” has been added to Part II Definitions. PNDI is defined as: “The PNDI refers to the current on-line environmental review tool for screening of State and Federally-listed threatened and endangered species managed by the Pennsylvania Natural Heritage Program. The term PNDI is inclusive of any future tools approved by the USFWS for screening of Federally-listed threatened and endangered species.”

This notice affects proposed projects that may be verified under the PASPGP-4 by the Corps, the Pennsylvania Department of Environmental Protection (PADEP), and delegated County Conservation Districts.

Under the amendment, applications are eligible for a Category I or Category II review under PASPGP-4, provided the application contains one of the following, and no other requirement for a Category III review of the application exists:

1. A PNDI search receipt dated May 4, 2015 or later, that states “No Known Impact, No Further Review Required” for USFWS;

2. A PNDI search receipt dated May 4, 2015 or later, which contains AMs for Federally listed species whereby the applicant has agreed to implement the AMs by signing the submitted PNDI receipt. In such cases, all AMs become Special Conditions of the PASPGP-4 authorization without the need for a Corps review. By signing the PNDI receipt, the applicant agrees to abide by all AMs;
3. A written "No Effect" determination from the Corps;
4. A written clearance from the USFWS stating that the activity will not affect Federally listed species, dated after May 4, 2015; or
5. A written clearance from the USFWS stating that the activity will not affect Federally-list species, including the long eared bat.

If the PNDI receipt or correspondence from the USFWS includes AMs, and the applicant does not agree to, or cannot comply with the AMs, or the applicant believes that the AMs are outside of the Corps Section 7 Scope of Analysis, then the application must be processed as a Category III Activity. In addition, if the PNDI receipt states that additional coordination with the USFWS is required, then the application must be processed as a Category III Activity. See Part IV.C.4 of the revised PASPGP-4 for additional stipulations whereby a Category III review is required to ensure compliance with the ESA.

Additionally, the Antietam Creek watershed in Franklin County has been added as an area requiring bog turtle screening procedures to ensure compliance with Section 7 of the ESA (Part IV (C)(4)(b)).

These revisions are in accordance with the procedures for implementing the PASPGP-4 which provides for periodically updating the requirements for screening in conjunction with information provided by the USFWS for the purpose of ensuring compliance with ESA.

The revised PASPGP-4 may be viewed on the Baltimore District Regulatory Internet Web page: <http://www.nab.usace.army.mil/Missions/Regulatory.aspx>

It is requested that you communicate the foregoing information to any persons known by you to be interested and who may not have received a copy of this notice. If you have any questions regarding this matter, please contact Mrs. Patricia A. Strong, Regulatory Branch, 8<sup>th</sup> Floor, Baltimore District, U.S. Army Corps of Engineers, P.O. Box 1715, Baltimore, Maryland, 21203 or via telephone at (410) 962-1847.



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