

# **Bureau of Watershed Management Regulatory Proposal**

## **Chapter 105 Dam Safety and Waterway Management**



**October 21, 2009**



# The Purpose of Today's Presentation

- Provide an update on Chapter 105 regulation revisions



# Scope of Current Regulations

- Anyone who plans to modify the course, current or cross section of a waterbody (including wetlands)
  - Individuals
  - Corporations
  - Farmers
  - Government
- Annual Activity
  - 525 individual permits issued
  - 600 GP 11 registrations reviewed and acknowledged
  - 3600 general permit coverage authorized



# The Basics

- Water obstructions and encroachments
- Activities in wetlands
- Government flood control projects
- Submerged Lands of PA



# Themes for Change

- Focus DEP's resources by streamlining permitting processes
  - Four tiered system
    - Three types of general permits
    - One type of standard permit (individual)
- Clarify application requirements
- Broaden and standardize resource compensation



# Proposed Changes

- Convert waivers to General Permits (Tier I)
  - This tier requires notification to use and no review
- Tier 1 examples include
  - Aerial service lines crossings
  - Agricultural activity
  - Ford for private use
  - Navigational aids



# Ag activities covered under Tier I General Permits

- Maintenance of field drainage systems, constructed prior to October 26, 1991 and continue to be used for crop production
  - Crop production includes plowing, cultivating, seeding, grazing, harvesting, crop rotation, and government set aside programs
- Fences that do not create a threat to safe navigation or flooding



# Proposed Changes

- General Permits Requiring Registration and Acknowledgement (Tier II)
  - This tier requires minimal review (similar to current process)
  - Review can be delegated to County Conservation Districts
- Tier II GP Examples
  - Ag activities conducted pursuant to a conservation plan
  - Maintenance of ponds to original storage capacity
  - Temporary Road Crossings, less than 1 yr
  - Minor road crossings, Footbridges, trails and pathways
  - Streambank stabilization and rehabilitation



# Proposed Changes

- General Permits requiring registration, review and DEP approval (Tier III)
- Review may be delegated to DEP programs (e.g. BAMR)
- Tier III GP Examples
  - Removal of abandoned obstructions and encroachments
  - Abandoned mine reclamation projects
  - Maintenance, replacement and rehabilitation of existing water obstruction and encroachments
  - GP 15 registrations
  - Gravel bar removal projects



# Proposed Changes

- Permitting requirements
  - Permit application requirements are put in one place
  - Redundant information requests eliminated
  - Sensitive local conditions (i.e. karst, legacy sediments)



# Proposed Changes

- Four tiered wetland classification
  - Better aligns 105 with Ch. 93 and 96
    - EV
    - HQ
    - Quality
    - Other
  - Changes to criteria for classifying



# Proposed Changes

- Aquatic resource compensation
  - Wetland and Waterway requirements
    - Focuses on functional compensation for both wetland and waterway effected resources
    - Maintain minimum acreage compensation for wetlands (no net loss)
    - Resource condition, level of impact and resource value factored into determining compensation



# Proposed Changes

- Proposed compensation
  - Replacement credits from an aquatic resource bank
  - Financial contribution to an In Lieu Fee program
  - Permanently protect on-site resources through easements or deed restrictions
  - Restoration or enhancement measures that replace lost functions



# Proposed Changes

- Increased review of stream enclosure and floodway proposals

