

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

