
Topic: **Independence Townhomes**
Date: September 11, 2017
To: JWD
From: KPD
Re: Wetland Permit

As we contemplate access to our proposed project known as “Independence Townhouses”, located in Bethel Township, Delaware County, Pennsylvania, I have done some research on wetland permitting that will likely be required.

Most wetlands permits (~80% of those applied for) in Pennsylvania are typically handled by registration under one of the existing 12 Pennsylvania State Programmatic General Permits (PASPGP), under which the Pennsylvania Department of Environmental Protection (PADEP) authorizes the discharge of dredged, excavated or fill material **or structures** into waters of the United States (United States Army Corp of Engineers (USACOE) wetlands) or waters of the Commonwealth (PA State wetlands). PASPGP-7 is most applicable to us, as it handles “minor road crossings”, which are defined as “...a road constructed across a wetland where the length of crossing is less than 100 feet and the total wetland area disturbed is less than 0.1 acre...”.

The wetland crossing currently being contemplated for our project is likely to exceed the criteria to be captured under PASPGP-7. As such, we will need to apply for a “Joint Permit”. A joint permit will require both PADEP and USACOE review and will result in the issuance of a PADEP Chapter 105 Water Obstruction and Encroachment permit and a USACOE Section 404 permit.

The PADEP offers and encourages joint permit applicants to have a pre-application conference with their staff. While a conference may incur time and some spending, it can be advantageous as much of the permitting process and PADEP expectations can be explained and discussed. This can reduce permit review time and help ensure acceptance of our project means and methods.

There are two types of joint permit applications, known as Small Project Applications and Standard Project Applications. A Small Project Application is where insignificant impacts on safety and protection of life, health, property, and the environment can be demonstrated without detailed engineering studies. A Standard Application captures all other projects including those **affecting wetlands** and where safety and environmental impacts must be determined through technical studies. Both applications are made using a common PADEP Joint Permit Application form.

Items required for a Standard Joint Permit Application include the following (items in *italics* will require professional consultant involvement):

1. Joint Permit Application Form

- a. Application type (small or standard)
- b. Applicant information (Baker Residential Limited Partnership information)
- c. Project location and status (USGS map, narrative of project with purpose and need)
- d. *Aquatic resource impact table*
 - i. Project information (Project name, date, applicant info, waters impacted, etc.)
 - ii. *USACOE Section 404 jurisdictional area* (permanent and temporary impacts, stream impacts)
 - iii. *PADEP Chapter 105 jurisdictional area* (permanent and temporary impacts, wetland impacts)
- e. A compliance review (to determine if there are any current violations with the PADEP)
- f. Application completeness checklist (this is key for the PADEP to adhere to their target 93-day application turnaround time)
 - i. General Information Form (signed and notarized)
 - ii. Application Fee
 - iii. Copies of proof of notification (we are required to notify local and county governments of our application, and a permit cannot be issued less than 30 days after this notification)
 - iv. *Cultural Resource Notice* (an historic and archeological screen)
 - v. *A PSPGP-5 Reporting Criteria Checklist* – to determine the appropriate PADEP review procedure.
 - vi. *Bog Turtle Habitat Screening* – Specific counties, including Delaware County, require this screening.
 - vii. *Pennsylvania Natural Diversity Inventory (PNDI) Search* – This is a process involving the Pennsylvania Natural Heritage Program (PNHP) regarding the presence of Federal threatened and endangered species and PA State species or species of special concern at the site. This can be done using an online, interactive mapping service. The findings of this search may precipitate additional review and professional consultant involvement.
 - viii. *Project plans* –
 1. Site plan (on 8.5”x11” paper, scale of 1”=200’, PE signed and sealed)
 2. Cross sectional drawings
 3. Profiles
 4. Location map
 5. Project description narrative – include a description of the effects the project will have on public health, safety and the environment. If the PNDI results in avoidance e measures, they must be included here.
 6. Color photographs with a photo location map – 3 sets on 8.5”x11” paper
 7. Environmental Assessment Form
 8. Erosion and sediment control plan and approval letter

9. Hydrologic and hydraulic analysis – there is a **very extensive and detailed** list of requirements to be included in this analysis, which is required to be PE signed and sealed
 10. Stormwater Management Analysis w/ consistency letter – a determination of whether our project will impact a local stormwater ordinance
 11. Floodplain Management Analysis w/consistency letter –
 12. Risk Assessment – If items 10 or 11 above indicate an increase in peak runoff rates or flood elevations, a separate analysis report is needed.
 13. PE certification for all of the above – a form to be signed and sealed.
 14. Alternatives analysis – a separate document and analysis detailing practical alternatives to the proposed action, including locations, routing, designs, etc., to avoid or minimize adverse environmental impacts.
 15. Mitigation plan – A separate document detailing how we employed mitigation concepts as defines under PADEP Chapter 105 into our project design. If there are impacts that cannot be eliminated, there should be plans and details for replacing the impacted wetlands. Specific resources to be replaced must be identified, and construction, operation, and maintenance activities must be detailed in this plan.
- g. *Determination of Application Fees* – this is determines using PADEP Chapter 105 Fee(s) Calculation Worksheet
 - h. Adjoining Property Owners -name and address list of all adjoining property owners.
 - i. Certification and Signature -

It looks as though the Joint Permit process will require a fair amount of outside consultant assistance. If you'd like for me to solicit some preliminary pricing please let me know.