



# PENNSYLVANIA

Original Wetland Acreage	Remaining Wetland Acreage	Acreage Lost	% Lost
1,127,000	499,014	627,986	-56%

**Pennsylvania Wetlands:** About 97 percent of wetlands in Pennsylvania are palustrine, about 2 percent are lacustrine, and 1 percent are riverine. Palustrine wetlands consist of deciduous and evergreen forested wetlands, open water, emergent wetlands, deciduous scrub-shrub and emergent wetlands, and others.

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## SUMMARY

### Overall Program

The state program regulates activities in Waters of the Commonwealth. Waters of the Commonwealth include, streams, waterways, floodways, bodies of water, and coastal and freshwater wetlands, including isolated wetlands.

### Innovative Features and New Programs/Initiatives

The state program is based upon a broad state statute, The Dam Safety and Encroachments Act, that provides for the regulation of dams, water obstructions, and encroachments in and along Waters of the Commonwealth.

The Commonwealth's newest initiative is the Growing Greener program. The program is a 650 million dollar six-year program to provide wetland, stream and watershed restoration grants to watershed groups, County Conservation Districts and other conservation organizations.

### State Wetland Conservation Plan

Pennsylvania's Wetlands Protection Action Plan was completed in 1988 reaffirmed in 1997.  
[http://www.dep.state.pa.us/dep/subject/All\\_Final\\_Technical\\_guidance/bwqm/363\\_0200\\_001.pdf](http://www.dep.state.pa.us/dep/subject/All_Final_Technical_guidance/bwqm/363_0200_001.pdf)

## **No Net Loss Goal/New Gain Goal**

One of many commitments for Pennsylvania under the Interstate Chesapeake Bay Agreement is no net loss of wetland and ultimately a net gain of 4,000 acres of wetland within the Commonwealth over the next ten years. [Wetlands Net Gain Strategy](#)

## **INDIVIDUAL FEATURES:**

### **Regulation**

#### **Wetland Regulatory Statutes and Administrative Rules**

Dam Safety and Encroachments Act of 1978; P.L. 1375, No. 325. Permits are required from the Pennsylvania Department of Environmental Protection (DEP) for dams, fills, excavation and other encroachments into Waters of the Commonwealth. Waters of the Commonwealth includes watercourses, floodways, wetlands and bodies of water. (Title 25, [PA Code](#))

#### **Wetland Definition and/or Delineation; Comparability With Federal Definition**

Consistent with the Federal 404 program wetlands are defined in regulation as the following “Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs and similar areas.”

By policy the DEP has adopted the 1987 Wetland Identification and Delineation Manual as acceptable delineation methodology.

#### **Evaluation Methodology**

Formal functional assessments may be required for larger projects. The state does not cite any particular methodology in the regulations.

#### **Regulated and Exempted Activities**

Except for the exemptions below. All activities are subject to the regulatory requirements. The regulations do provide some permit waivers for minor activities for activities that present no adverse impacts and no net loss of wetlands as a result of the activity.

#### **Special Provisions for Agriculture and Forestry**

Agricultural plowing, seeding, cultivating, and harvesting are not regulated. The cutting of vegetation e.g. forestry practices, is not regulated, however, the construction of temporary roads, bridges, and staging areas within waters of the Commonwealth to access land or harvest timber are regulated.

#### **Penalties and Enforcement**

Up to \$10,000 total and \$500 a day.

#### **Permit Tracking**

The Division of Waterways, Wetlands and Erosion Control (Division) tracks a number of items including permits issued, acres of wetland impacted, acres replaced, and feet of watercourse impacted. The Division completes an annual report summarizing this information.

## **State General Permit (PGP or SPGP) for 404**

A Pennsylvania State Programmatic General Permit (PASPGP) has been in place since March 1995. A PASPGP-2 was reauthorized in 2001 and is valid until June 30, 2006. Efforts are currently underway for the development of PASPGP-3. The PASPGP-2 divides activities into three major categories for the purpose of processing permits. Link:  
<http://www.dep.state.pa.us/dep/deputate/watermgt/wc/subjects/wwec/general/wetlands/wetlands.htm>.

## **Assumption of Section 404 Powers**

Pennsylvania has not actively pursued assumption.

## **Joint Permitting**

Pennsylvania has joint permitting. Under the PASPGP one application covers both programs.

## **Special Area Management Plans and Advanced Identification Plans**

Pennsylvania has an active Coastal Zone Management Program. Pennsylvania does not have an advanced identification program for wetlands.

## **Role of Local Governments**

Through Act 67 and 68 local governments are given notice of planned projects, and are encouraged to comment back to the DEP.

## **Staffing**

There are seven management, policy, and technical assistance staff in the DEP Central Office and 60 permit reviewers, engineers and biologists, across six regional offices, six compliance specialists, and seven administrative staff.

## **Water Quality Standards**

### **Wetlands and Water Quality Standards**

The state implements a Section 401 Water Quality Certification (WQC) Program. 401 WQC and the Chapter 105 permitting program are administratively tied into a single program authorization. Wetlands are included in the Commonwealth's water quality standards program.

### **Wetland Definition**

Wetlands are defined as - "Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs and similar areas."

By policy the DEP has adopted the 1987 Wetland Identification and Delineation Manual as acceptable delineation methodology.

### **Designated Uses**

Pennsylvania has two major classifications of wetlands – Exceptional Value and Other. The designation of Exceptional Value (EV) wetlands is based on specific characteristics or uses.

## **Narrative and/or Numeric Criteria**

DEP has been participating with the Penn State Cooperative Wetlands Center to develop a protocol for assessing wetland quality using HGM, biological criteria, and land cover type. A pilot program designed to evaluate wetland condition by landscape position and by watershed is scheduled for implementation in 2005.

## **Anti-degradation Policy**

Wetlands have been included in the Commonwealth's Anti-degradation Policy.

## **Other**

No information.

## **Staffing**

Because the 401 WQC is administrated linked with the state permit program there is no need for additional water quality staff. The permit review staff that implements the permit program ensures projects are in compliance with water and wetland quality standards.

## **Mitigation**

### **Mitigation Policy**

Mitigation as it relates to avoidance and minimization is required for all applications proposing to impact wetlands, if the impact cannot be avoided compensatory replacement at a minimum 1:1 ratio for areal extent and function and value is required.

### **Mitigation Banks**

The Commonwealth of Pennsylvania supports mitigation banking and currently has a banking agreement with the Pennsylvania Department of Transportation (PennDOT) to compensate for impacts that occur as a result of the highway construction. PennDOT wetland banks are operational in three geographic regions.

Because of the small acreage of wetland impacts that are permitted in the Commonwealth, entrepreneurial banking does not appear to be financially viable.

### **In Lieu Fee Program**

The Commonwealth's In-lieu fee program, The Pennsylvania Wetland Replacement Project, was developed in 1996 and is covered by a publicly participated guidance document. Where appropriate, in-lieu compensation can be used. The funds are used by the Commonwealth to restore or create wetlands in targeted sub basins. To date approximately 100 acres of wetlands have been restored or created to mitigate for 70 acres of permitted loss. The current cost per acre for wetland restoration/creation is \$7,000.

### **Ad Hoc Arrangements**

There are no Ad Hoc arrangements in the Commonwealth.

### **Mitigation Database**

Pennsylvania maintains a database to track mitigation losses and gains. This function will become a routine part of Pennsylvania's electronic permitting system in the future.

## **Staffing**

See staffing under Regulation.

## **Monitoring and Assessment**

### **Mapping/ Inventory**

Mapping has been completed by the National Wetlands Inventory for the entire state.

### **Wetland Classifications and Assessment**

Pennsylvania has a cooperative agreement with Penn State Cooperative Wetland Center to develop a protocol for assessing wetland quality. A simple classification is currently provided in regulations for "exceptional value" and "other" wetlands.

### **Overall Wetland Gain and Loss Tracking System**

A procedure has been developed and is in use for tracking wetland gains/losses from federal, state, and private wetland programs within Pennsylvania.

Permitted impacts from the years 1995 - 2004 have averaged less than 100 acres each year. All impacts are replaced by the applicant, through the PennDOT wetland mitigation banking program, or through the state's in lieu fee program at a minimum ratio of 1:1.

## **Staffing**

See Staffing under Regulation.

## **Restoration**

### **Program Description**

Various state and federal agencies participate directly for the purpose of wetland restoration in the Commonwealth: the Conservation Reserve Program, the Wetland Reserve Program, Partners for Wildlife, and the Wetland Reserve Program. Other programs working with matching funds also support wetland restoration as part of their overall environmental goals: Pennsylvania's Growing Greener, Section 319 grants, and the Pennsylvania Game Commission. The Wetland Restoration/Creation Site Registry links property owners with those who are required to replace wetlands.

### **Restoration Program Goals**

Pennsylvania, as part of the Chesapeake Bay goals has committed to restoring at least 400 acres of wetland per year for the next ten years.

### **Eligibility Criteria**

Pennsylvania gives the highest priority to sites where actual restoration of former wetlands can take place. A cost/benefit analysis also helps to prioritize project implementation.

## **Restoration Database**

Pennsylvania has developed a centralized database to track wetland creation and restoration by state and federal agencies. A single form (Pennsylvania Wetland Net Gain Tracking) has been used by the agencies to report gains and losses and other site conditions.

## **Staffing**

Previously mentioned staff (under Regulation) participates in wetland restoration activities.

## **Public/Private Partnerships**

### **Acquisition Program**

DEP has no active acquisition program.

### **Public Outreach/Education**

Wetland Restoration/Creation Site Registry links property owners with those who are required to replace wetlands. See Guidebooks below.

### **Tax Incentives**

Conservation easements that meet federal tax code requirements may be treated as a charitable gift and deducted from income tax.

### **Technical Assistance**

Technical assistance is available to Growing Greener grant recipients. The Wetland Restoration/Creation Site Registry links property owners with those who are required to replace wetlands. Owners are provided with some technical background information to explain whether their property may be a candidate for wetland restoration or creation.

### **Other Non-regulatory Incentives for Private Landowners**

A Clean and Green program administered at the county level encourage landowners to preserve forested areas and wetlands by reducing property taxes.

### **Wetland Training and Education**

Training staff housed within the Division offer a variety of wetland courses, many in cooperation with Federal Agencies.

Examples of training Courses: Soil Taxonomy, Basic Wetland Identification, Interagency Delineation Training, Aerial Photo Interpretation, Wetland Hydrology, Plant Taxonomy, Winter Botany, Constructed Wetlands Workshops.

The State also provides regulatory training to 40 Conservation Districts with delegation agreements.

The state has provided regulatory training to more than 500 local government units.

### **Watershed Planning**

Pennsylvania's Growing Greener Program provides funding for watershed planning, including prioritization of sites for wetland creation or restoration.

## **Special Problems**

Generally, the intensive education and permit program implemented by the state over the last fifteen years has reduced permitting and wetland issues to a manageable level.

## **Coordination**

Pennsylvania's State Programmatic General Permit requires extensive coordination between several state and federal agencies. A technical support document, including standard operating procedures and policies has been developed to implement this program. Meetings are regularly scheduled to update policies and to foster agency interaction. Agencies include the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, the state Game Commission, the state Fish and Boat Commission, and County Conservation Districts.

## **Contact Person(s)**

Ken Reisinger, Chief  
Division of Waterways, Wetlands and Erosion Control  
Pennsylvania Department of Environmental Protection  
P.O. Box 8775  
Harrisburg, PA 17105-8775  
(717) 787-6827  
kereisinge@state.pa.us

## **Contact Points**

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(717) 787-6827

## **Guidebooks, Brochures, Websites, Other Educational Materials**

Fact Sheets. 2000. One sheet on each of the following topics:

Clues to Wetland Identification  
Wetlands: Functions at the Junctions  
Urban Wetlands: Generously Gifting Our Cities  
Facts and Falsehoods: A True/False "Test" of Wetland Trivia  
Wetlands Protection and Agriculture  
Gravel Bar Removal  
Single and Complete Projects  
Wetland Identification Policies  
Private Residential Construction in Wetlands  
Pennsylvania State Programmatic General Permit-2

Cryptic Clues the Wetland Classroom – elementary education  
Values of Wetland Plants to Wildlife – middle school

Yearly Summary of the Pennsylvania Wetland Replacement Project - 2000

Catalog of Published Pennsylvania Maps. 1982. U.S. Department of the Interior Geological Survey.  
Dam Safety and Encroachments Act. 1978. 18 pp. Bureau of Dams and Waterway Management.  
Harrisburg, Pennsylvania.

Department of Environmental Resources, Commonwealth of Pennsylvania, 1990. Wetlands Protection: A Handbook for Local Officials. Environmental Planning Information Series Report #7, Harrisburg, Pennsylvania. (Out of print)

Hill, R.J. 1989. Wetlands: A Conspectus. In Wetlands. Pennsylvania Bar Institute. Harrisburg, Pennsylvania.

**Websites:**

Lieu Fee Program:

[http://www.dep.state.pa.us/dep/deputate/watermgt/wc/subjects/wwec/general/wetlands/PowerPoint/2003%20PWRP%20Monitoring%20Report\\_files/frame.htm](http://www.dep.state.pa.us/dep/deputate/watermgt/wc/subjects/wwec/general/wetlands/PowerPoint/2003%20PWRP%20Monitoring%20Report_files/frame.htm)

General Wetlands Information:

<http://www.dep.state.pa.us/dep/deputate/watermgt/wc/subjects/wwec/general/wetlands/wetlands.htm>

Join Permit Application:

<http://www.dep.state.pa.us/eps/default.asp?P=fldr200149c53020bb%5Cfldr200149c53170c1%5Cfldr20025pd00380c5>

General Permits:

<http://www.dep.state.pa.us/eps/?P=fldr200149c53020bb%5Cfldr200149c53170c1%5Cfldr20025pd00380c5%5Cfldr20025pd00590ce>

**Please note:** This report was last revised by the state on April 28, 2005. Please submit any comments or suggestions to [state@aswm.org](mailto:state@aswm.org).

Thank you.