



INSTRUCTIONS FOR COMPLETING THE PASPGP-5 REPORTING CRITERIA CHECKLIST

Follow the instructions below (pages 1-6) to complete the PASPGP-5 Reporting Criteria Checklist (pages 1-4) questionnaire. The questionnaire must be completed and provided as part of all DEP Chapter 105 applications / registrations to determine the appropriate federal Pennsylvania State Programmatic General Permit-5 (PASPGP-5) review procedure.

Incomplete submissions, including lack of certification signature, will be returned. Only the completed form (pages 1-4 need to be provided as part of the DEP Chapter 105 application / registration; do not submit the instructions.

NOTE: Many of the questions relate to work associated with a “Single and Complete Project”. See PASPGP-5 Part II for definition of “Single and Complete Project” prior to answering questions.

SECTION A: ELIGIBILITY DETERMINATION

Question 1:

Answer YES if the proposed work associated with the Single and Complete Project individually or cumulatively impacts more than 1.0 acre of waters and/or wetlands, or results in the loss of greater than 1,000 linear feet of stream channel(s). The 1.0 acre area measurement includes all attendant features, both temporary and permanent, that are part of the Single and Complete Project, and the calculation is the sum total of all impacts to waters (streams, rivers, and other watercourses) and/or wetlands.

Question 2:

Answer YES if any of the proposed work is located waterward of the ordinary high water mark (OHWM) and/or the mean high water line (MHWL) of the following ineligible waterbodies within Pennsylvania:

- a. The Delaware River, downstream of the U.S. Route 202 Bridge at New Hope, Pennsylvania;
- b. The Schuylkill River downstream of the Fairmount Dam in Philadelphia, Pennsylvania;
- c. All of the Ohio River;
- d. All of the Beaver River;
- e. All of the Little Beaver Creek;
- f. All of the Mahoning River;
- g. All of the Monongahela River;
- h. The Youghiogheny River from its mouth at McKeesport, Pennsylvania to river mile 31.2 at West Newton, Pennsylvania;
- i. The Allegheny River, from its mouth in Pittsburgh, Pennsylvania to river mile 197.4 at Kinzua Dam, north of Warren, Pennsylvania;
- j. The Kiskiminetas River from its mouth near Freeport, Pennsylvania to river mile 26.8 at Saltsburg, Pennsylvania;
- k. Tenmile Creek from its mouth at Millsboro, Pennsylvania to river mile 2.7; and
- l. Lake Erie activities which require submittal of a DEP Chapter 105 Joint Permit Application or Environmental Assessment to the DEP. For Lake Erie, the OHWM is located at elevation 573.4.

Question 3:

Answer YES if any portion of the proposed work has been denied a DEP Chapter 105 Permit, a State Water Quality Certification as required under Section 401 of the Clean Water Act, or a Coastal Zone Consistency Determination.

Question 4:

Answer YES if the proposed work will result in the diversion of more than 10,000 gallons per day of surface water or groundwater into or out of the Great Lakes Basin (Lake Erie Watershed).

SECTION B: REPORTING ACTIVITY DETERMINATION

Question 1:

Answer YES if the proposed work associated with the Single and Complete Project, including any attendant features, permanently or temporarily impacts greater than 0.5 acre of waters of the United States, including jurisdictional wetlands.

Questions 2a – 2d:

Answer YES for **2a** if your proposed Single and Complete Project permanently impacts greater than 250 linear feet of streams, rivers, or other watercourses (excluding wetlands).

If YES for 2a, answer YES for **2b** if the work associated with the Single and Complete Project for stream bank stabilization, rehabilitation, protection and/or enhancement propose impacts of greater than 500 linear feet for stream channel(s).

If YES for 2a, answer YES for **2c** if the Single and Complete Project qualifies for a DEP GP-1 for Fish and Enhancement Structures.

If YES for 2a, answer YES for **2d** if your project is covered by a programmatic state water quality certification issued by DEP that is conditioned upon receiving approval by the Environmental Review Committee.

See PASPGP-5 Non-reporting Activity 20b for further information.

Question 3:

Answer YES if more than 0.10 acre of shrub-scrub or forested wetland will be permanently converted to emergent wetland.

Question 4:

Answer YES if the utility line impacts for the Single and Complete Project exceed 500 linear feet.

Question 5:

Answer YES if the utility line runs parallel to a stream bed that is within a wetland/stream/waterbody complex.

If the application/registration does not include a utility line, answer NO.

Question 6:

Answer YES if your application/registration is associated with a Single and Complete Project whereby a previous Department of the Army authorization has been issued through an Individual Permit, a Nationwide Permit, or a PASPGP processed by the Army Corps of Engineers (Corps) as a Category III/Reporting Activity. Also enter data associated with the prior authorizations into table, including the type of authorization or permit, permit or authorization number(s), date(s) of issuance, and permitted impacts (including square feet or linear feet). Types of authorizations or permits may be abbreviated as Corps Nationwide Permit (NWP), Corps Individual Permit (IP), or Corps PASPGP (SPGP).

Questions 7a and 7b:

Answer YES to **7a** if your project is proposed in one of the following waterways occupied by Federally listed, proposed, or candidate mussels or fish, or in waters of the United States within 300 feet of these listed waterways.

WATERWAYS	COUNTY
Allegheny River (from Kinzua Dam to the Ohio River)	Armstrong, Clarion, Forest, Venango, Warren,
Conewango Creek	Warren
French Creek	Crawford, Erie, Mercer, Venango
Conneaut Outlet	Crawford
Conneauttee Creek	Crawford
LeBoeuf Creek	Erie
Muddy Creek	Crawford
Shenango River (Pymatuning Reservoir to Big Bend)	Crawford and Mercer
Delaware River	Monroe, Pike, Wayne
Cussewago Creek	Crawford
Little Mahoning Creek	Indiana
Little Shenango River	Mercer
Oil Creek	Venango
West Branch of French Creek	Erie
Woodcock Creek	Crawford

Questions 7a and 7b (cont):

If YES for 7a, answer YES to 7b if you have received documented clearance from the USFWS, or a “No Effects” determination from the Corps pursuant to Section 7 of the Endangered Species Act dated May 4, 2015 or later. Documented clearance from the USFWS could include PNDI language stating “NO KNOWN IMPACT”; or, if in a USFWS letter the language must indicate “no effect” or “the project or activity will not affect Federally listed species.”

Questions 8a and 8b:

Answer YES to 8a if the proposed work will impact Federally regulated wetlands in one of the below listed counties. Counties: Adams, Berks, Bucks, Carbon (only Aquashicola Creek Watershed), Chester, Cumberland, Delaware, Dauphin (only Swatara Creek Watershed), Franklin (only Antietam Creek Watershed) Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill (only Swatara Creek Watershed), and York.

If YES for 8a, answer YES for 8b if you have received documented clearance from the USFWS, or a “No Effects” determination from the Corps pursuant to Section 7 of the Endangered Species Act dated May 4, 2015 or later. Documented clearance from the USFWS could include PNDI language stating “NO KNOWN IMPACT”; or, if in a USFWS letter the language must indicate “no effect” or “the project or activity will not affect Federally listed species.”

Questions 9a and 9b:

Answer YES for 9a if your completed PNDI search identifies a potential conflict(s) for a Federally listed species.

If YES for 9a, answer YES for 9b if you have received additional documented clearance from the USFWS, a “No Effect” determination from the Corps, or agree through signing the PNDI receipt to comply with the avoidance measures associated with Federally listed species in completing the proposed work.

Question 10:

Answer YES if the proposed work is associated with maintenance dredging of a reservoir to maintain the designed storage capacity, including the removal of accumulated sediments, and the work is authorized pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. § 693.1, et seq., and the rules and regulations promulgated there under in the PA Bulletin (codified at 25 PA. Code, Chapter 105, § 105.131 (c)).

For work associated with maintenance of a pond that qualifies for DEP Chapter 105 Waiver 14, enter NO.

Questions 11a – 11c:

Answer YES for 11a if the DEP Chapter 105 application/registration required you to submit a Cultural Resources Notification Form to the Pennsylvania Historic and Museum Commission (PHMC), and you have included the response letter from the State Historic Preservation Office (SHPO), i.e. PHMC.

Cultural Resources Notification Form is not required for DEP Chapter 105 General Permits (GP). If registering use of a GP, answer YES.

If YES for 11a, answer YES for 11b if the SHPO, i.e., PHMC has determined that archaeological or other cultural resources are believed to exist within the permit area, or has recommended that a Phase 1 archeological survey be performed.

If PHMC has determined that archaeological or other cultural resources are believed NOT to exist within the permit area, answer NO.

If YES for 11b, answer YES for 11c if you have received documented clearance from PHMC or a No Potential to Effect determination from the Corps. Documented clearance from the PHMC could include: a letter stating “No Effect on Historic Properties”; a letter stating that “Historic Properties (historic and archeological) are not present or are unlikely to occur within the project area”; or a letter stating that no sites that are listed or eligible for listing in the National Register will be effected. **If YES, provide copy of such document(s) in application / registration.**

Questions 12a and 12b:

Answer Yes for 12a if the proposed work occurs in a component of the National Wild and Scenic River System or in a river officially designated by Congress as a “Study River” for possible inclusion in the System (See below for listing of waters).

1. Allegheny River, from the Kinzua Dam Mile 197.2, downstream approximately 7 miles to the US Route 6 Bridge, at mile 190.7, in Warren, then from the Buckaloons Recreation Area in Allegheny National Forest at mile 181.7 downstream 47 miles to Alcorn Island just north of Oil City at river mile 133.7, and then continuing from the Franklin Wastewater Treatment Plant at mile 122.7, downstream 31 miles to the refinery at Emlenton mile 90.7;

Questions 12a and 12b (cont):

2. Clarion River from mile 91.1 in the Borough of Ridgeway, Elk County, Pennsylvania, at the National Forest and Gamelands Boundary to mile 39.4 at the normal pool elevation of Piney Dam;
3. Upper Delaware Scenic and Recreational River, including the ¼ mile buffer from each bank, beginning at Hancock, New York, and continuing 73.4 river miles to Mill Rift, Pennsylvania;
4. Middle Delaware Scenic and Recreational River (from bank to bank) as it flows through the Delaware Water Gap National Recreation Area;
5. Lower Delaware River beginning 7 river miles north of Belvidere, New Jersey, continuing to Washington Crossing, Pennsylvania, including Paunacussing Creek within Solebury Township, all of the Tinicum Creek including Rapp Creek and Beaver Creek Tributaries, and Tohickon Creek from the mouth to the Lake Nockamixon Dam, including a ¼ mile buffer from each bank; and
6. White Clay Creek watershed including all of its tributaries.

If YES for 12a, answer YES for **12b** if you received a written determination from the Federal agency with direct management responsibility for such river that the proposed activity will not adversely affect any Wild and Scenic River including study rivers. **If YES, provide copy of such document(s) in application / registration.**

Question 13:

Answer YES if the proposed project requires the preparation of an Environmental Impact Statement (EIS).

Question 14:

Answer YES if the proposed regulated activity or area of indirect impact (secondary impact) extends across state boundaries (i.e., the work is not wholly located within the Commonwealth of Pennsylvania).

Question 15:

Answer YES if you are proposing activities authorized pursuant to DEP Chapter 105 permits in conjunction with coal and non-coal mining permits issued by the DEP District Mining Offices (Bureau of Mining and Reclamation), including activities authorized pursuant to Chapter 105 Waiver 4 [25 Pa. Code §105.12(a)(4)] and GP-101 and GP-102.

Question 16:

Answer YES if the proposed work is associated with the construction of a Mitigation Bank or In Lieu Fee site, developed to meet the requirements of the Corps and EPA April 10, 2008 Compensatory Mitigation for Losses of Aquatic Resources: Final Rule.

Question 17:

Answer YES if the proposed work will alter, use, build upon, attempt to possess, or potentially harm or impair any existing or proposed Corps of Engineers Civil Works project, or any Corps of Engineers owned or managed property. Additional information on the location of Corps Civil Works projects and property may be obtained by checking with the appropriate Corps District.

Questions 18a – 18c:

Answer YES for **18a** if the proposed project is part of or involves the construction or expansion of a residential, commercial or institutional subdivision or development.

If YES for 18a, answer YES for **18b** if greater than 0.25 acre of wetlands exist within the property boundary that are not being directly impacted as part of this application/registration. **If YES, provide total remaining wetland acreage.**

If YES for 18a, and 18b, answer YES for **18c** if you proposing to protect the wetland area(s) through a deed restriction or conservation easement that follows the Corps' Model Protective Covenants. **If YES, attach a copy of the proposed deed restriction or conservation easement to this form and submit with your application / registration form.**

Question 19:

Answer YES if temporary impacts associated with a Single and Complete Project will be in place greater than 1 year. *Also, answer YES if you are requesting an extension of an existing DEP Chapter 105 GP-8 or GP-11 acknowledgement that will result in the temporary impacts now exceeding one year.*

Question 20:

Answer YES if you have any pending applications/registrations with DEP or the Corps that are necessary for your total proposed project to function and meet its intended purpose. **If YES, provide the following information:**

- Application/registration Number / Type: The application/registration number given by DEP, if known. If unknown, the application/registration type, enter DEP General Permit, Joint Permit Application, Dam Permit, Environmental Assessment, etc.

Question 20 (cont):

- Project Name: The name the project is commonly referred to
- Date of Submittal: The date the application/registration was submitted to DEP
- DEP Reviewing Office: Name of DEP Regional Office, or County Conservation District reviewing application/registration.
- Corps Reviewing Office: If application/registration is being reviewed by the Corps, enter Baltimore, Pittsburgh or Philadelphia District.

Question 21:

Answer YES if you are proposing to do work in the Delaware River (upstream from the U.S. Route 202 Bridge in New Hope, Pennsylvania.) and/or the Lehigh River (from the mouth to FE Walter Dam, located in Carbon and Luzerne County, Pennsylvania between March 15 and June 30.

Questions 22a and 22b:

Answer YES for **22a** if you are proposing work in the below listed waters.

Waterway	Action Area (From Point Specified to the Confluence with the Delaware River)	Latitude	Longitude
Marcus Hook Creek	US Route 13 Bridge	39.822054	-75.409873
Stoney Creek	US Route 13 Bridge	39.828408	-75.400953
Chester Creek	Kerlin Street Bridge	39.855846	-75.37641
Ridley Creek	McDade Boulevard	39.869522	-75.356692
Crum Creek	US Route 13 Bridge	39.866799	-75.340677
Darby Creek	Pine Street Bridge	39.914006	-75.259994
Frankford Creek	Frankford Avenue/US 13 Bridge	40.005314	-75.070173
Frankford Creek (Original Mouth)	End of Channel	40.004912	-75.070173
Pennypack Creek	Route 13 Bridge	40.043421	-75.020638
Poquessing Creek	Mill Road bridge	40.043421	-75.982076
Neshaminy Creek	Rapids just below Hulmeville Road Bridge (SR 513), Bucks County	40.141393	-74.911899
Unnamed Tributary 1, located in Croydon, PA	River Road crossing	40.085774	-74.8856
Otter/Mill Creek	US 13 (Bristol Pike) Bridge	40.100424	-74.866976
Unnamed Tributary 2, located in Bristol, PA	Wood Street Bridge	40.102044	-74.845682
Martins Creek	Main Street (Tulleytown)	40.141975	-74.812026
Scott's Creek	End of creek	40.12921	-74.793879
Scott's Creek Relocated Channel, located at Money Island, Bucks County, PA	First culvert crossing	40.125578	-74.776886
Non-Tidal Tributaries			
Buck Creek	Delaware Canal	40.243699	-74.838279
Dyers Creek	Delaware Canal	40.267098	-74.858495
Houghs Creek	Delaware Canal	40.28148	-74.865783
Jericho Creek	Delaware Canal	40.313984	-74.902899
Pidcock Creek	Delaware Canal	40.331508	-74.935788

If YES for 22a, answer YES for **22b** if you can conduct the work in compliance with the following conservation measures:

1. No work shall occur from March 15 to November 15, of any given year.
2. All Dredging shall be performed by a mechanical dredge and/or techniques (clamshell bucket etc.).
3. All work, including the installation of turbidity curtains and dewatering cofferdams, shall be performed during low tide or when the tide is waterward of the proposed work in all tidal waterbodies listed, or during periods of low or no flow in the non-tidal waterbodies listed.

Questions 22a and 22b (cont):

4. Blasting is not authorized by the PASPGP-5 within the listed waterbodies.
5. Pile Driving:
 - a. Piles shall not be greater than 12 inches in diameter;
 - b. Piles shall be installed using a vibratory hammer or an impact hammer provided noise attenuation devices (cushion blocks, etc.) are used, and a “soft start” is performed each day of pile driving. A “soft start” is the building up of power slowly during pile driving activities to allow for fish and other wildlife to leave the area; and
 - c. Pile driving activities shall be limited to no more than 12 hours per day.

SECTION C: CERTIFICATION

Please sign and date in the appropriate locations. The submission will not be accepted unless the original form and copy are signed and dated by the applicant (the owner). (See [Chapter 105 Water Obstructions and Encroachment General Permit Registration \(3150-PM-BWEW0500\)](#) Section A – Applicant Information for clarification on applicant signatures)

IMPERVIOUS SURFACE DATA FOR CORPS

Questions 1a – 1c:

Answer YES for **1a** if your project is located in the area covered by the Corps of Engineers Philadelphia District (Delaware River Watershed), or Chester, Lancaster, or York County. If YES, answer 1b and 1c.

If YES for 1a, answer YES for **1b** if your project proposes a permanent impervious surface(s) within the footprint of a waterbody, including wetlands, and enter the amount of impervious fill within the waterbody on the blank line following the question. Impervious surfaces are defined as a hard surface area which either prevents or retards the entry of water into the soil. Common impervious surfaces include roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen material, and oiled surfaces. Examples of project fill components constructed as a result of permanent discharges of dredged or fill material into waters of the United States that are considered to be an impervious surface may include, but are not limited to: house pads, walkways, patios, driveways, parking lots, storage areas, concrete, asphalt paving, pre-cast concrete planks or slabs, road crossings, and concrete abutments. For bank stabilization activities, an impervious surface is only applicable to the concrete lining of waterways and grouted riprap/rock within jurisdictional waters of the United States that exist above the mean high water (MHW) line in tidal waters or above the ordinary high water mark (OHWM) in non-tidal waters.

The following list contains examples of project components that are not considered impervious surface cover: temporary fills/structures; fill for lawns/parks; mechanized land clearing (tilling, etc.); pavers (specifically designed to allow water infiltration, i.e. with vegetation holes); boat ramps with loose rock, stone, gravels, and metal grate panels; and bank stabilization with ungrouted riprap, rock, utilizing bio-engineering techniques (e.g. willow planting, root wads, large woody debris, etc.); rock filled gabions; and any project feature that is specifically designed to infiltrate water.

If YES for 1a, answer YES for **1c** if you will be removing any impervious surfaces as part of your project. **If YES, then enter the amount of impervious surface being permanently removed as part of project.**