Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation

Department of Environmental Protection

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• Jason Oyler, Bureau of Regulatory Counsel
1. Review of Draft PNDI Policy

2. Questions and Comments
Outreach

- In Development since January 2012
- Collaborative Effort
- DEP Program and Regional Staff
- DCNR, PFBC, PGC, USFWS
- Public Comment Period Opened November 10th
- Closes December 31st
Purpose of Policy

- Guidance to DEP Staff and Permit Applicants
- PNDI is a tool DEP Adopted for Permitting Purposes
- Listing Species or Control of Database not DEP Jurisdiction
Overall Changes

• Reorganized to improve organization and clarity
• Definitions
  – Critical Habitat
  – Rare & Significant Ecological Features
Large Project

- DCNR’s Definition of Large Project Revised
- Based on limitations of PNDI Tool
- New Size effective September 21, 2012
  - Linear Projects up to 10 Miles Long
  - Maximum Area of Ground Disturbance 1,200 Acres
- Projects beyond this scope will need to submit a PNDI form
• Effective as of July 2, 2012, Clearance Letters and Receipts Valid for 2 Years
Species of Special Concern

- Legal Requirement under certain regulations
  - Dams, Obstructions & Encroachments
  - Mining, Oil & Gas
  - Waste, Municipal & Residual
  - Sewage Planning
- Jurisdictional Agency (JA) may request surveys
- DEP may be contacted, if JA and applicant disagree on need or scope of surveys
- DEP will discuss with both parties
- DEP makes final Determination
Review Options

• Sequential Review
  – Traditional approach for T&E species
  – PNDI search conducted, receipt obtained
  – All clearances resolved, letter obtained
  – Both receipt and letter submitted with application
  – No delays in Permit Review Process & Permit Decision Guarantee (PRP/PDG) timeframes
    *(Provided full application submission is complete)*
Review Options

• Concurrent Review
  – Non-traditional approach for T&E species
  – PNDI search conducted, receipt obtained
  – Receipt submitted with application while JA consultation is ongoing

• Risks & Consequences to Applicant
  – Possible delays in PRP/PDG timeframes
  – Possible redesign as a result of JA consultation
  – Possible new submission
Closing Remarks

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Questions?