



Self-Certification of Eligibility for DEP issuance of PASPGP-7 For DEP SPEED

PROJECT NAME:
APPLICANT NAME:

FORM SUMMARY		
Eligible?	Y <input type="checkbox"/>	N <input type="checkbox"/>
Reporting?	Y <input type="checkbox"/>	N <input type="checkbox"/>

Instructions: Complete the entire form. For additional info, please see PASPGP-7 and its associated documents, available on [DEP's webpage](#). This form will be utilized upon receipt in applications and in pre-submission meetings to determine if the application is eligible to participate in the SPEED program, and determine if an application is reporting to the Army Corps of Engineers (ACOE). Applications will still be independently reviewed for PASPGP applicability during normal application review processes.

NOTE: If an application is eligible for SPEED, but is reporting to ACOE, the federal and state authorizations will not be synchronized. The ACOE is under no obligation to meet SPEED review timeframes for their federal permit.

PART A: PASPGP-7 ELIGIBILITY CRITERIA		
<i>Answering "Yes" to a question in the eligibility criteria means the application is NOT ELIGIBLE FOR DEP's SPEED permit review program</i>		
1. Will the single and complete project result in a total of more than 0.5 acre of permanent loss to waters of the United States, including jurisdictional wetlands? NOTE: This does not apply to some restoration and impound maintenance. See Part C for details if applicable and answer accordingly.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
2. Will the single and complete project result in a permanent loss of 1,000 linear feet of jurisdictional stream channel(s)? NOTE: This does not apply to some Restoration and impound maintenance. See Part C for details if applicable and answer accordingly.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
3. Will the single and complete project violate any terms and conditions of PASPGP-7?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
4. Will the project be located channel ward of the ordinary high-water mark (OHWM) on non-tidal waters and the high tide line (HTL) on tidal waters on the following water bodies: a. The Delaware River, downstream of the U.S. Route 202 Bridge at New Hope, Pennsylvania; or b. The Schuylkill River, downstream of the Fairmount Dam in Philadelphia, Pennsylvania.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
5. Have you been notified by the EPA or the Army Corps of Engineers that they are exercising authority on disposal site for discharge for dredge or fill material or concerning that the project will be a reporting application, or ineligible for PASPGP-7?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
6. Has the proposed activity been denied a Chapter 105 permit, State Water Quality Certification under Section 401 of the Clean Water Act, or a Coastal Zone Management Consistency Concurrence?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
7. Will the activity divert more than 10,000 gallons per day of surface or ground water into or out of the Great lakes Basin (Lake Erie Watershed)?	YES <input type="checkbox"/>	NO <input type="checkbox"/>



PART B: PASPGP-7 REPORTING CRITERIA

Answering "Yes" to a question in the reporting criteria means the DEP application is eligible for SPEED but the ACOE will perform the federal permit review and issuance under separate timeframes than SPEED

<p>8. Will the overall project result in federally regulated temporary impacts to more than 1.0 acre of waters of the United States, including jurisdictional wetlands?</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
<p>9. Will the overall project result in federal regulated permanent impacts to greater than 0.25 acre of waters of the United States, including jurisdictional wetlands? NOTE: Impacts \leq0.25 acre are not reporting. There is a different acreage threshold for Waiver 16, GP-1, and some impoundment maintenance. See Part C if applicable and answer accordingly.</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
<p>10. Will the overall project result in federally regulated permanent impacts to greater than 250 linear feet and/or 0.03 acre (1,307 square feet), whichever is less, of jurisdictional waters (Streams, rivers, ponds, lakes, impoundments, etc.) excluding wetlands? NOTE: There is a different linear foot threshold for stream restoration, Waiver 16, GP-1, and some impoundment maintenance. See Part C if applicable and answer accordingly.</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
<p>11. Will the project contain activities which may affect listed or proposed Threatened or Endangered Species or their critical habitat under Section 7 of the Endangered Species Act (Federal Act)? NOTE: PNDI Search Receipts and IPaC lists and DKey and coordination should be complete and show no effect, Not likely to adversely affect or and coordination with jurisdictional agencies to this affect to check no. See Part C for more detail.</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
<p>12. Will the proposed activities potentially affect historic properties listed in the National Register of Historic Places or where the Pennsylvania Historic and Museum Commission (PHMC) or federally recognized tribe have determined that archeological or other cultural resources are believed to exist within the permit area? NOTE: If the application does not contain the PHMC submission AND a response determining no affect you must select YES. See Part C for additional detail and criteria.</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
<p>13. Will the project include activities authorized under 25 PA Code § 105.131(c) for Maintenance of Reservoirs of Jurisdictional dams where there is greater than 0.10 acre of jurisdictional wetland permanently impacted?</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
<p>14. Will the project include activities with will potentially affect national Wild or Scenic Rivers? NOTE: See Part C for more detail.</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
<p>15. Is the project related to or is it a residential, commercial and Institutional development, AND Does more than 0.25 acre of wetlands, in addition to the proposed impacts, exist within the property boundaries, AND are you <u>NOT</u> including a <u>Declaration of Restrictive Covenants</u> that protects these resources in the application?</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>



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16. Does the project include activities which require an Environmental Impact Statement (EIS)?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
17. Does the project contain federally regulated activities in any of the waters listed in the Part C for this question?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
18. Does the project include regulated activities which are not wholly located within the Commonwealth of Pennsylvania, i.e. regulated activities extend across state boundaries?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
19. Are the activities for coal and non-coal mining activities for permits issued by the PADEP District Mining Operations, including activities authorized pursuant to PADEP Waiver 4[105.12(a)(4)] and GPs-101 and 102?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
20. Are the regulated activities associated with the construction of mitigation banks and/or in-lieu fee sites developed to meet the requirements of the Corps and EPA April 10, 2008, Compensatory Mitigation for Losses of Aquatic Resources: Final Rule, or any subsequent guidance/regulations addressing compensatory mitigation banks and/or in-lieu-fee sites?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
21. Will the project include activities which affect Corps Civil Works Projects, Corps Property, or Corps easements?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
22. Is this application related to an overall project for which the Corps previously issued verification of work?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
23. Is the application related to an overall project for which another application has been determined to be a Reporting Activity?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
24. Is temporary fill greater than 0.10 acre proposed in waters and/or wetlands which will remain in place for more than one year? Note: this includes requests to extend temporary fill authorized by GP-8.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
25. Does this application include a request for a Corps Jurisdictional Determination (JD), either Preliminary JD or approved JD?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
26. Will the project include activities occurring in areas identified as potentially having Shortnose and/or Atlantic Sturgeon present? See Part C for PASPGP-7 List of waters. See Greater Atlantic Region's ESA Section 7 Mapper Tool for current list.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
27. Is the application for a project or activity which requires an Individual 401 State Water Quality Certification from PA DEP?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
28. Does the project include activities involving the erection of an aerial transmission line, submerged cable, or submerged pipeline across a Navigable Water of the United States? See Part C for list.	YES <input type="checkbox"/>	NO <input type="checkbox"/>



PART C: ADDITIONAL ELIGIBILITY AND REPORTING DETAILS

Additional Details to aid in answering checklist questions are summarized in this Part C. Full details are available in PASPGP-7. **The numbers below correspond to question numbers in checklist above.**

ELIGIBILITY CRITERIA

Questions 1. & 2.: There is no acreage eligibility threshold limitation for those regulated activities in waters of the United States, including jurisdictional wetlands for the following:

- There is no eligibility threshold limitation for those regulated activities in waters of the United States, including jurisdictional wetlands, for the restoration, enhancement, and/or establishment of tidal and non-tidal wetlands and riparian areas; the restoration and/or enhancement of non-tidal streams and other non-tidal open waters; and the rehabilitation or enhancement of tidal streams, tidal wetlands, and tidal open waters, provided those activities result in net increases in aquatic resource functions and services. The aquatic habitat restoration, enhancement, or establishment activity must be planned, designed, and implemented so that it results in aquatic habitat that is informed by an ecological reference. An ecological reference may be based on the characteristics of one or more intact aquatic habitats or riparian areas of the same type that exist in the region. An ecological reference may be based on a conceptual model developed from regional ecological knowledge of the target aquatic habitat type or riparian area. The appropriate ecological reference is subject to the agencies' approval
- Maintenance of artificial ponds/impoundments through removal of accumulated sediments.

Losses listed above are not used in calculation of eligibility threshold for Single and Complete Projects

REPORTING CRITERIA

Question 9.: The reporting threshold of federally regulated permanent impacts to more than 0.25 acre of waters of the United States, including jurisdictional wetlands, has the following exceptions, where the reporting threshold is 0.50 acre of permanent impact:

- Non-Reporting Activity 1, (PADEP GP-1 Fish Habitat Enhancement Structures);
- Non-Reporting Activity 29(c), Activities Waived at 25 PA Code § 105.12(a)(16) – Waiver 16 – Restoration Activities: Other Restoration Activities; and
- Maintenance of artificial ponds/impoundments through removal of accumulated sediments.

Question 10.: The reporting threshold of federally regulated permanent impacts to greater than 250 linear feet and/or 0.03 acre (1,307 square feet), whichever is less, of jurisdictional waters (streams, rivers, ponds, lakes, impoundments, etc.) excluding wetlands, has the following exceptions:

- No more than 500 linear feet (the 0.03 acre/1,307 square foot limitation does not apply) for activities that involve stream restoration (rehabilitation and/or reestablishment); stream enhancement; bank stabilization; and/or gravel bar removal; including activities identified in Non-Reporting Activity 29(c), Activities Waived at 25 PA Code § 105.12(a)(16) – Waiver 16 – Restoration Activities: Other Restoration Activities;
- No more than 500 linear feet (no square feet limitation) for maintenance of existing artificial ponds/impoundments through removal of accumulated sediment;
- No impact limitation threshold of jurisdictional waters applies to those activities verified as Non-Reporting Activity 1, PADEP GP – 1 Fish Habitat Enhancement Structures.



Question 11.: PNDI Search Receipts and/or IPaC species list and DKey results with potential effects to a federal threatened or endangered species where coordination is not complete, where conservation measures are not agreed to be implemented, or where a determination is made where there will be an effect you must select YES and are considered upon receipt of the application to "MAY AFFECT" a federally listed species. See PASPGP-7 Part III.C. for more details. **This is considered Reporting Activities under PASPGP-7 and will be ineligible for SPEED.**

Question 12: For all PADEP individual permits, unless the applicant has a delegated Section 106 programmatic agreement with PA SHPO or the lead federal agency has made an effects determination, the applicant must provide documentation to the DEP that consultation with the SHPO has begun. Initiation of consultation is documented through PA SHPO Archaeological and Historic Resource Exchange System at <https://share.phmc.pa.gov/pashare/landing>. For applicants having a delegated Section 106 programmatic agreement or where a federal agency has made a Section 106 determination, the application shall contain information pertaining to compliance with Section 106.

An application shall be forwarded to the Corps if any of the following apply:

- a. The application contains a PA SHPO response that indicates the potential for the project to affect historic properties or requests additional information;
- b. The application does not include documentation that coordination with PA SHPO has been initiated, if required;
- c. The application does not contain evidence of a delegated Section 106 authority; and
- d. Another lead federal agency indicates a potential for the project to affect historic properties.

Question 14.: Any activity which occurs in a component of the National Wild and Scenic River System or in a river officially designated by Congress as a "study river" under Section 7 (a) Wild and Scenic Rivers Act (16 U.S.C. § 1278 et seq.) for possible inclusion in the System are forwarded to the Corps as a Reporting Activity. However, these activities are not reporting if the appropriate federal agency, with direct management responsibility for such river, has determined, in writing, that the proposed activity will not adversely affect any National Wild and Scenic River, including study rivers. Additionally, designated and identified study rivers approved and included in the National Wild and Scenic River System subsequent to the publication of this document are to be considered in this sub-category.

The designated National Wild and Scenic Rivers are:

- a. Allegheny River from the Kinzua Dam, mile 197.2, downstream approximately 7 miles to US Route 6 Bridge, at mile 190.7, in Warren, Pennsylvania State Programmatic General Permit-6 21 June 11, 2021 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;
- b. Clarion River from mile 91.1 in the Borough of Ridgeway, Elk County, Pennsylvania, at the National Forest and State Game Lands boundary to mile 39.4 at the normal pool elevation of Piney Dam;
- c. Upper Delaware Scenic and Recreational River beginning at Hancock, New York, and continuing 73.4 river miles to Mill Rift, Pennsylvania;
- d. Middle Delaware Scenic and Recreational River (from bank to bank) as it flows through the Delaware Water Gap National Recreation Area;
- e. 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
- f. White Clay Creek watershed including all of its tributaries.



Question 17.: Applications which propose activities within the following waters are reporting in accordance with PASPGP-7:

- a. All of the Ohio River except for navigational aids or markers, buoys, floats, the construction, operation, or removal of staff gauges, water recording devices and water quality testing devices;
- b. All of the Monongahela River except for navigational aids or markers, buoys, floats, the construction, operation, or removal of staff gauges, water recording devices and water quality testing devices;
- c. The Allegheny River, from its mouth in Pittsburgh, Pennsylvania to river mile 197.4 at Kinzua Dam, north of Warren, Pennsylvania except for navigational aids or markers, buoys, floats, the construction, operation, or removal of staff gauges, water recording devices and water quality testing devices;
- d. Lake Erie activities which require submittal of a PADEP Joint Permit Application or Environmental Assessment to the PADEP. For Lake Erie, the OHWM is located at elevation 573.4;
- e. The Delaware River, upstream of the U.S. Route 202 Bridge at New Hope, Pennsylvania. Note: any activity located waterward of the OHWM in nontidal waters and HTL in tidal waters of the Delaware River, downstream of the U.S. Route 202 Bridge, is ineligible for PASPGP-7.
- f. All of the Delaware Canal.

Question 24.: PASPGP-7 list of Shortnose and Atlantic Sturgeon Waters

Waterway	Downstream Extent	Upstream extent	Latitude	Longitude
Crum Creek	Confluence with Delaware River	State Route 291 (Industrial Highway) Bridge	39.863249	-75.324343
Darby Creek	Confluence with Delaware River	Upstream side of Hay Island	39.886308	-75.264508
Frankford Creek	Confluence with Delaware River	Frankford Ave. Bridge	40.005349	-75.092422
Nashaminy Creek	Confluence with Delaware River	New Falls Road Bridge	40.123726	-74.901543

NOTE: The above list does not include the Delaware River downstream of the U.S. 202 Bridge and the Schuylkill River downstream of the Fairmount Dam because these waters are ineligible for PASPGP-7.

Question 26.: Navigable Waters of the United States (Section 10 Waters):

- a. Codorus Creek – from the confluence with the Susquehanna River 11.4 miles upstream to the Richland Avenue Bridge in York, Pennsylvania;
- b. Main Stem Susquehanna River – from the confluence with the Chesapeake Bay upstream to Athens, Pennsylvania (approximately 4 miles south from the New York State line);
- c. West Branch of the Susquehanna River – from the confluence with the main stem Susquehanna River upstream to the dam at Lock Haven, Pennsylvania;
- d. Chester Creek – from the confluence with the Delaware River 2 miles upstream;
- e. Crum Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the Dam at Eddystone; f. Darby Creek – from the confluence with the Delaware River 5 miles upstream to the upstream side of the 84th Street Bridge in Philadelphia, Pennsylvania;
- f. Delaware River – from U.S. Route 202 Bridge in New Hope, Pennsylvania, including the West Branch of the Delaware River, upstream to the Pennsylvania/New York border at the 42nd parallel;



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- g. Lehigh River – from the confluence with the Delaware River 72 miles upstream to the downstream side of the PA Route 940 Bridge;
- h. Neshaminy Creek – the confluence with the Delaware River, including Neshaminy State Park Harbor Project at the mouth of Neshaminy Creek, 4 miles upstream to the downstream side of the Newportville Bridge;
- i. Pennypack Creek – from the confluence with the Delaware River 2 miles upstream to the downstream side of the Frankford Avenue Bridge in Philadelphia, Pennsylvania;
- j. Ridley Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the Baltimore and Ohio Railroad Bridge in Chester, Pennsylvania;
- k. Schuylkill River – from the Fairmont Dam, 104 miles upstream to Port Carbon, Pennsylvania;
- l. Schuylkill Navigation Channel (Manayunk Canal) – along the Schuylkill River for 2 miles from the Flat Rock Dam to Lock Street in the Manayunk Section of Philadelphia, Pennsylvania; 56 June 11, 2021
- m. Allegheny River – from its mouth in Pittsburgh, Pennsylvania to river mile 197.4 at Kinzua Dam, north of Warren, Pennsylvania;
- n. Beaver River – from confluence with Ohio River upstream to confluence of Mahoning and Shenango Rivers;
- o. Kiskiminetas River – from its mouth near Freeport, Pennsylvania to river mile 26.8 at Saltsburg, Pennsylvania;
- p. Little Beaver River – from confluence with Ohio River upstream to Pennsylvania border;
- q. Mahoning River – from the confluence with Beaver River upstream to tributary;
- r. Monongahela River – from confluence with Allegheny River upstream to Pennsylvania border;
- s. Ohio River – from Pennsylvania border upstream to confluence of Allegheny and Monongahela Rivers;
- t. Shenango River – from mouth to river mile 1.8 at New Castle, Pennsylvania;
- u. Tenmile Creek – from its mouth at Millsboro, Pennsylvania to river mile 2.7;
- v. Youghiogheny River – from its mouth at McKeesport, Pennsylvania to river mile 31.2 at Layton, Pennsylvania;
- w. Lake Erie – entire length below 573.4 feet elevation; and
- x. All other waters not specifically exempted in the PASPGP-7, Part II, A, 5, that are subject to the ebb and flow of the tide. Such waters are considered navigable waters of the United States to the head of tidal influence