

Wetlands Protection Program

For regulatory and legal purposes, [25 Pa. Code Chapter 105](#) defines “wetlands” 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.”

The approval of a permit, environmental assessment, or plan under Chapter 105 is required prior to conducting any work related to dams, water obstructions, or encroachments as those structures and activities are defined under the Chapter. Certain structures and activities may be eligible for a waiver of permit requirements under § 105.12 without obtaining prior authorization, unless specified. DEP also provides water quality certification, as required, under Section 401 of the Clean Water Act for activities that include, but are not limited to, federal general permits such as the Pennsylvania State Programmatic General Permit (PASPGP) or the Nationwide Permits (NWP), and other activities regulated under Section 404 of the Clean Water Act and Section 10 of the River and Harbors Act of 1899 which require a federal license or permit.

DEP’s [Bureau of Waterways Engineering and Wetlands](#) (BWEW) coordinates the overall implementation and development of the wetlands protection program; however, many aspects of implementation are delegated. Thirty-two of Pennsylvania’s County Conservation Districts have Chapter 105 delegation agreements with DEP to register certain general permits within their counties. The basic duties of each District are to provide information to the public on Chapter 105 regulations, review registrations for and authorize the use of general permits and perform on-site investigations. Other programs/offices within DEP are responsible for reviewing and approving general and individual permits relating to mineral resources, abandoned mine lands, oil and gas activities, and the bureau’s own Stream Improvement and Flood Protection programs.

BWEW recently completed three technical guidance documents for assessing resource conditions (see links below) which provide guidelines for evaluating the condition of [wetland](#) (palustrine and tidal), [riverine](#), and [lacustrine](#) aquatic resources. The three technical guidance documents outline how to conduct the rapid assessments and establish a scoring system based upon defined condition categories. BWEW also finalized revisions to its Environmental Assessment (EA) Form which includes references to these three technical guidance documents and many other changes intended to result in more complete environmental assessments for use in Chapter 105 permit applications and requests for water quality certification under Section 401 of the Clean Water Act.

BWEW is continuing to develop and oversee efforts of partner agencies and organizations to update the current Pennsylvania Aquatic Resource Protection and Management Action Plan (PARMAP). PARMAP provides a framework and direction for

DEP and its partners to strengthen and improve the programs that provide regulatory oversight, management, restoration, and monitoring of wetlands and other aquatic resources. The plan is intended to be a “living” document which may be periodically revised to advance the goals as necessary. In addition, BWEW intends to expand the number of participating agencies and institutions that share common interests in aquatic resources to provide a more diverse set of stakeholders contributing input into developing and accomplishing PARMAP initiatives in the future. DEP has primarily relied upon Wetland Program Development Grant monies from EPA Region 3 in conjunction with state matching funds to facilitate PARMAP initiatives. Program development is needed to help address new threats, ensure compensatory mitigation provides for lost functions, and improve the scientific understanding of the resources to develop better tools for restoration, protection, and monitoring and assessment activities. The outputs from these projects will impact other programs beyond the wetland program including the Erosion and Sediment Control program (riparian buffers), TMDL program (Chesapeake Bay TMDL nutrient reduction efforts), Public Water Supply program, Sewage Facilities program, and the Post Construction Stormwater program.

The Pennsylvania Wetland Mapping Initiative, funded by DEP to enhance wetland mapping for Pennsylvania, was recently completed for the entire state. The statewide estimated wetland acreages were approximately 403,924 acres. The new mapping provides an estimate of 1,591,012 acres of wetlands across Pennsylvania, which is more than three times the previous estimated acreages. BWEW is beginning to analyze the mapping data in conjunction with

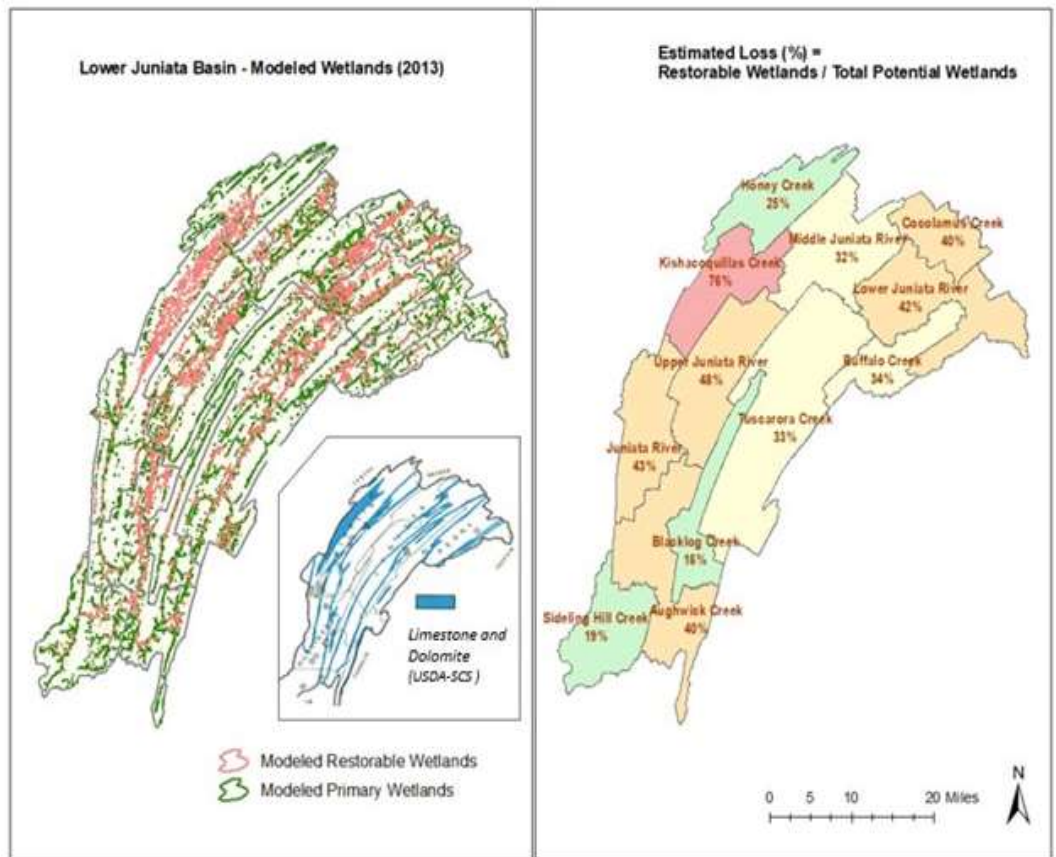


Figure 1. Spatial distribution of 1) modeled wetlands (University of Vermont, 2013) and 2) mineral resources, including limestone and dolomite (USDA-SCS, 1978), within the Lower Juniata Subbasin (left map). Estimated loss (%) of wetlands averaged by HUC-10 watersheds (right map). Adapted from Final Report for Wetland Program Development Grant CD-963471-01.

broader watershed data (i.e., water quality data) to better help understand potential watershed impacts from wetland losses. These types of analyses will be used to better inform DEP how wetlands function, interact, and contribute to overall watershed health.