

Pennsylvania Department of Environmental Protection (DEP)

Aquatic Resource Mitigation in Pennsylvania: Pennsylvania Integrated Ecological Services, Capacity Enhancement and Support Program (PIESCES) FAQ & Summary

This document highlights some key elements found in this new Program, but it is a summary, so interested parties should reference and rely upon the actual Program material itself.

Overview:

DEP is establishing a new in-lieu fee program called the Pennsylvania Integrated Ecological Services, Capacity Enhancement and Support Program (PIESCES). PIESCES will allow applicants that are required to offset their aquatic resource impacts for both state and federal permit requirements to contribute monies to a program that meets the federal requirements for such activities instead of trying to restore or enhance aquatic resources through costly and ineffective independent efforts. This program will meet stringent federal requirements established in 2008 and will provide a mechanism for permittees to meet their state and federal mitigation obligations until mitigation banking establishes a strong presence in Pennsylvania.

Background Information:

This new program is being developed to address changes in the federal requirements (2008 Joint EPA and ACOE Mitigation Rules), to implement long overdue improvements to the compensatory mitigation process and to ensure unavoidable impacts to aquatic resources are adequately compensated within a watershed framework. Significant advances in the underlying sciences and maturation of best practices are being used to change the current compensatory mitigation process. These types of program changes are occurring across the nation and DEP has been working to develop a program that builds upon the successes that have been experienced in other areas while avoiding potential problems.

Benefits of Program Changes and PIESCES:

This new program and the companion DEP technical guidance that establishes the compensatory mitigation processes, will work to the benefit of the environment, increase staff efficiencies and provide a predictable process for the regulated community. The technical guidance and the new compensatory mitigation process will provide predictability with a standardized and transparent process for how mitigation requirements are established, shorten permitting timelines, provide time and cost savings to the regulated community through allowing credit purchases from the in lieu fee program and mitigation banking, provide more comprehensive environmental compensatory mitigation, and provide a stable process for the development of a private mitigation banking market.

This new program will provide continuity of state/federal joint procedures for maintaining and improving efficiencies for the regulated community. It will also provide regulatory relief by providing an option for compensatory mitigation needs that meet both state and federal requirements.

Public Participation:

Several opportunities for the public to participate in the development of this program have occurred through both state and federal public comment periods. DEP published four companion technical guidance documents related to compensatory mitigation at the same time the Army Corp of Engineers published the PIESCES prospectus for the public to review. In the future as DEP proposes projects, the public will be able to comment specifically on those projects.