COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS, ENGINEERING, AND WETLANDS

Date: 4/10/2026

Torgerson Steven
Delaware Water Gap Natl Recreation Area
1978 RIVER RD
BUSHKILL, PA 18324

Re: General Permit (GP) Acknowledgment Notification Registration
US Rt 209 Jack & Bore Culvert Replacement
Application Number: GP085200126-001
APS ID# 1158013
Dingman Township
Pike County

Dear Torgerson Steven:

This letter acknowledges receipt of your notification to use and registers your use of above authorized General Permit(s) (GP(s)) under the authority of the Dam Safety and Encroachments Act (32 P.S. § 693.1 et. seq.) and 25 Pa. Code Chapter 105. You are responsible for assuring the work is done in accordance with the drawings, terms and conditions contained in the GP(s). Please direct special attention to all time sensitive issues associated with the GP authorization(s). You may proceed with your project after making the required notifications stipulated in the GP(s) and securing all other approvals that may be necessary.

Your acknowledged GP registration is available on the Department of Environmental Protection's electronic permitting system. Please place this letter and the acknowledged GP Registration form with your copy of the GP Registration package, the applicable GP terms and conditions, required Federal authorizations, and the Erosion and Sediment Control plan and maintain on site during construction. Please review the complete permit authorization package so that you are aware of the extent of the authorization(s).

We have determined that your proposed work, if accomplished in accordance with the enclosed terms and conditions, is authorized by the Pennsylvania State Programmatic General Permit-6 (PASPGP-6). This PASPGP-6 verification provides the U.S. Army Corps of Engineers authorization pursuant to Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act.This authorization may be subject to modification, suspension, or revocation if any of the information contained in the application, including the plans, is later found to be in error.

The enclosed list of conditions must be followed for purposes of the PASPGP-6 (Enclosure 1).

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at www.ehb.pa.gov or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

[*If the application is subject to the PDG:* Pursuant to the Permit Review Process and Permit Decision Guarantee Policy, this application/registration now qualifies for the Permit Decision Guarantee. The Department's guarantee timeframe for this particular application is [INSERT BUSINESS DAYS] business days to determine whether your permit application is technically adequate and scientifically sound for a permit decision.]

If you have additional questions about your registration, please contact JUSTINE ARMANINI at juarmanini@pa.gov and refer to Application No. GP085200126-001.

Sincerely,

Michael Tarconish
Environmental Group Manager
DEP Regional Office

cc:

ACOE, Philadelphia District

PENNSYLVANIA STATE PROGRAMMATIC GENERAL PERMIT – 6
(PASPGP-6)
July 1, 2021

Please note: the full text of the PASPGP-6 may be viewed on the Baltimore District web site at http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx **or by calling the Corps at 814-235-0570**

Permittee:
Date of PASPGP-6 Verification:
State Authorization(s):

Corps District:

☐ **Baltimore District**
U.S. Army Corps of Engineers State College Field Office
1631 South Atherton Street
Suite 101
State College, Pennsylvania 16801-6260
Email: NAB-Regulatory@usace.army.mil

☐ **Philadelphia District**
U.S. Army Corps of Engineers
Wanamaker Building
100 Penn Square East Regulatory Branch
Philadelphia, Pennsylvania 19107-3390
Email: PhiladelphiaDistrictRegulatory@usace.army.mil

☐ **Pittsburgh District**
U.S. Army Corps of Engineers, Regulatory Branch
William S. Moorhead Federal Building, 20th floor
1000 Liberty Avenue
Pittsburgh, Pennsylvania 15222-4186
Email: Regulatory.Permits@usace.army.mil

It has been determined that your proposed project, which includes the discharge of dredged and/or fill material and/or the placement of structures into waters of the United States, including wetlands, qualifies for federal authorization under the provisions of Section 404 of the Clean Water Act and /or Section 10 of the River and Harbor Act of 1899, under the terms and conditions of the PASPGP-6.

All activities authorized under PASPGP-6 must comply with all conditions of the authorization, including General, Procedural, and Special Conditions. Failure to comply with all the conditions of the authorization, including project special conditions, will constitute a permit violation and may be subject to criminal, civil, or administrative penalties, and /or restoration.

The authorized activity must be performed in compliance with the following General Conditions to be authorized under PASPGP-6:

General Conditions:

1. Permit Conditions: The permittee shall conduct all work and activities in waters of the United States, including jurisdictional wetlands, in strict compliance with the approved authorization/verification including all final maps, plans, profiles, and design specifications.

2. 401 State Water Quality Certification (SWQC) Conditions: The permittee shall comply with the following conditions unless a project specific SWQC is required as identified below:

    a. Prior to beginning any activity authorized by the Corps under PASPGP-6, the applicant shall obtain from the Department all necessary environmental permits, authorizations or approvals, and submit to the Department environmental assessments and other information necessary to obtain the permits and approvals, as required under state law, including The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b), the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326), the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21), the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101—6020.1305), the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101— 6026.908), 58 Pa.C.S. §§ 3201—3274 (related to development), the Air Pollution Control Act (35 P.S. §§ 4001—4015), the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101— 6021.2104) and the regulations promulgated thereunder, including 25 Pa. Code Chapters 16, 71, 77, 78, 78a, 86—91, 92a, 93, 95, 96, 102, 105, 106, 127, 245 and 260a—299.

    b. Fill material may not contain any wastes as defined in the Solid Waste Management Act.

    c. Applicants and projects eligible for the PASPGP-6 must obtain all state permits or approvals, or both, necessary to ensure that the project meets the state's applicable water quality standards, including a project-specific SWQC.

Note: As part of PADEP's issuance of 401 SWQC for PASPGP-6 on February 12, 2021, the following was included to clarify the meaning of this condition:

This 401 SWQC is only available for projects that do not require any federal authorization other than authorization from the Corps under Section 404 of the Act or Section 10 of the Rivers and Harbors Act of 1899. Applicants seeking authorization for activities not eligible for coverage under PASPGP-6, or for activities that require another federal authorization (such as an interstate natural gas pipeline, a gas storage field or a nuclear or hydroelectric project requiring authorization by another federal agency), must submit a request to the Department for a project-specific SWQC. The scope of the issuance of this SWQC is related only to the scope and applicability of the proposed PASPGP-6. Any activity or project requiring the Department to

issue 401 SWQC that is beyond the scope of the proposed PASPGP-6 or other programmatically issued SWQC (e.g. Nationwide Permits) will require the applicant to obtain a project-specific SWQC from the Department. This would include any activity or project requiring a SWQC associated with an authorization, permit or license issued by a federal agency, such as Federal Energy Regulatory Commission or Nuclear Regulatory Commission. Such activities or projects include, but are not limited to, an interstate natural gas pipeline, a gas storage field or a nuclear or hydroelectric project.

3. Terms and Conditions Related to Coastal Zone Management Act (CZMA) Certification: For those projects located within Pennsylvania's Coastal Zones, Non-Reporting Activities have General CZMA consistency determination and Reporting Activities must obtain individual CZMA consistency determination (see General Condition 30(b)).

4. Aquatic Life Movements: No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless crossing cannot be used, then culverts should be designed, constructed, and appropriately depressed, if possible, below the stream invert to minimize adverse effects to aquatic life movements.

5. Threatened and Endangered Species: By signing the Pennsylvania Natural Diversity Inventory (PNDI) receipt, the permittee has agreed to comply with all avoidance measures identified by the PNDI receipt. The applicant may also agree in writing to comply with all avoidance measures identified in U.S. Fish and Wildlife Service (USFWS) correspondence, including IPaC, as part of the application. To ensure compliance with the Endangered Species Act (ESA), those avoidance measures associated with federally listed, threatened, or endangered species are a condition of the PASPGP-6 verification, unless modified by the Corps.

If an activity is verified under the PASPGP-6, and a federally listed, threatened, or endangered species, or proposed species, is subsequently found to be present, all work must cease, and the Corps and USFWS (or National Marine Fisheries Service (NMFS)) must be notified by telephone immediately (contact information below). The PASPGP-6 verification is automatically suspended without additional notification to the permittee and will not be re-issued until consultation pursuant to Section 7 of the ESA is concluded and adverse effects to federally listed, threatened, endangered, and proposed species are avoided, or incidental take authorization issued.

Furthermore, persons have an independent responsibility under Section 9 of the ESA to avoid any activity that could result in the "take" of a federally listed species.

USFWS:
Pennsylvania Field Office
110 Radnor Rd; Suite 101
State College, PA 16801
office phone: 814 234-4090
fax: 814-234-0748 or 814 206-7452

NMFS:
Ms. Jennifer Anderson
Assistant Regional Administrator
Protected Resources Division NOAA Fisheries
55 Greater Republic Drive
Gloucester, Massachusetts 01930

6. Spawning Areas: The permittee shall comply with all time-of-year-restrictions (see below) associated with spawning areas as set forth by the Pennsylvania Fish and Boat Commission (PFBC) or other designated agency. Discharges or structures in spawning or nursery areas shall not occur during spawning seasons unless written approval is obtained from the PFBC or another designated agency. In addition, work in areas used for other time sensitive life span activities of fish and wildlife (such as hibernation or migration) may necessitate the use of seasonal restrictions for avoidance of adverse impacts to vulnerable species. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

Wild Trout	October 1 - December 31
Class A Wild Trout	October 1 - April 1

List of Trout Streams found at:
https://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Pages/TroutWaterClassifications.aspx.

7. Shellfish Production: No discharge of dredged and/or fill material and/or the placement of structures may occur in areas of concentrated shellfish production, unless the discharge is directly related to an authorized shellfish harvesting activity.

8. Adverse Effects From Impoundment: If the regulated activity creates an impoundment of water, the adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow, including impacts to wetlands, shall be minimized to the maximum extent practicable.

9. Management of High Flows: To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity,

and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Erosion and Sediment Controls: Appropriate soil erosion and sediment controls, in accordance with state regulations, must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States, including jurisdictional wetlands, during periods of low-flow or no-flow, or during low tides.

11. Suitable Material: No activities, including discharges of dredged and/or fill material or the placement of structures, may consist of unsuitable material (i.e., asphalt, trash, debris, car bodies, etc.). No material discharged shall contain toxic pollutants in amounts that would violate the effluent limitation standards of § 307 of the Clean Water Act (CWA).

12. Temporary Fill and Structures: Temporary fill (i.e., access roads and cofferdams) and structures in waters and/or wetlands authorized by PASPGP-6 shall be properly constructed and stabilized during use to prevent erosion and accretion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade, unless such requirement is specifically waived by the Corps. Whenever possible, rubber or wooden mats should be used for equipment access through wetlands to the project area. Temporary fills and structures shall be removed, in their entirety, to an upland site, and suitably contained to prevent erosion and transport to a waterway or wetland. Temporarily impacted areas shall be restored to their preconstruction contours, elevations, and hydrology, and revegetated with a wetland seed mix that contains non-invasive, native species, to the maximum extent practicable. Unless approved by the Corps, the restoration work must be completed within 30 days of the date the temporary fill/structure is no longer needed.

13. Equipment Working in Wetlands: Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

14. Installation and Maintenance: Any regulated structure or fill authorized by PASPGP-6 shall be properly installed and maintained to ensure public safety.

15. PASPGP-6 Authorization:

    a. PASPGP-6 expires June 30, 2026, unless suspended or revoked.

    b. Verifications of PASPGP-6 expire June 30, 2026, unless the PASPGP-6 permit is suspended, revoked, or the PADEP authorization expires, whichever date occurs sooner. Activities authorized under PASPGP-6 that have commenced construction or are under contract to commence construction will remain authorized provided the activity is completed within 12 month of the date of the PASPGP-6 expiration, modification, or revocation; or until the expiration date of the project specific verification, whichever is sooner.

16. One-Time Use: A PASPGP-6 verification is valid to construct the project, or perform the activity, one time only, except for PASPGP-6 verifications specifically issued for reoccurring maintenance activities.

17. Water Supply Intakes: No regulated activity may occur in the proximity of a public water supply intake and adversely impact the public water supply. In order to minimize the effects of intakes on anadromous fish eggs and larvae, and oyster larvae, intake structures should be equipped with screening (with mesh size no larger than 2 mm) of wedge wire or another material of equal or better performance. Where feasible, intakes should be located away from spawning or nursery grounds, or to minimize the impingement on, or entrainment of, eggs or larvae. In addition, intake velocities should not exceed 0.5 ft/sec.

18. Historic Properties: For all activities verified under a PASPGP-6, upon the unanticipated discovery of any previously unknown historic properties (historic or archeological), all work must cease immediately, and the permittee must notify the State Historic Preservation Officer (SHPO) and the Corps. The Corps will contact the tribes with whom they routinely consult, within 24 hours in accordance with each District's tribal consultation process. PASPGP-6 may be re-verified, and special conditions added if necessary, after an effect's determination on historic properties and/or tribal resources is made, in consultation with the SHPO, the tribes and other interested parties. The PASPGP-6 verification may be modified and/or rescinded for the specific activity if an adverse effect on the historic property cannot be avoided, minimized, or mitigated.

19. Tribal Rights: No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

20. Corps Civil Works Projects: The PASPGP-6 does not authorize any work which will interfere with an existing or proposed Corps Civil Works project, or any Corps-owned or managed property or easement (i.e., flood control projects, dams, reservoirs, and navigation projects), unless specifically approved by the Corps in writing. Pursuant to 33 U.S.C 408, a review by, or permission from the Corps is required for activities that will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project. Any activity that requires Section 408 permission and/or review is not authorized by PASPGP-6 until the appropriate Corps office issues the Section 408 permission or completes its review to alter, occupy, or use the Corps Civil Works project, and Corps issues a written PASPGP-6 verification.

21. Navigation: No activity verified under PASPGP-6 may cause more than minimal adverse effect on navigation. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein. In addition, activities that require temporary causeways that prohibit continued navigational use of a waterway (i.e., temporary causeways extending greater than ¾ the width across the waterway) shall be removed in their entirety upon completion of their use. Any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulation or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. The permittee understands and agrees that, if further operations by the United States require the removal, relocation, or other alteration, of the

structure or work herein authorized, or if, in the opinion of the Secretary of the Army or an authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

22. Inspections: The permittee shall allow a District Engineer or an authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with all the terms and conditions of PASPGP-6. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work.

23. Modifications of Prior Verifications: Any proposed modification of a previously verified Single and Complete project that results in a change in the verified impact to, or use of waters of the United States, including jurisdictional wetlands, must be approved by PADEP, or the Corps if applicable. Corps written approval is required if the prior verification was reviewed by the Corps, or if the proposed modification is a Reporting Activity under PASPGP-6. Project modifications that cause a Single and Complete Project to exceed 0.5 acre of loss of waters of the United States, including jurisdictional wetlands (except those identified in Part II A.2. a. and b.), or greater than 1,000 linear feet of permanent jurisdictional stream loss (except those identified in Part II A.2. a and b.), are not eligible for PASPGP-6 and will be forwarded to the Corps for review under an alternative permit review procedure.

24. Recorded Conservation Instruments: As per Part III.D.27 and Part III.E.8 of this permit, proposed Draft Conservation Instruments may be submitted by the applicant as part of the permit application package for review and approval. When such proposed Conservation Instruments are submitted by the applicant, proof of the recorded deed restriction, conservation easement, or deed restricted open space area shall be forwarded to the appropriate Corps District and appropriate PADEP offices, prior to the initiation of any permitted work, unless specifically waived by the Corps in writing. Conservation Instrument templates can be found at:
http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx

25. Property Rights: PASPGP-6 does not obviate the need to obtain other federal, state, or local authorizations required by law, nor does the permit grant any property rights or exclusive privileges or authorize any injury to the property or rights of others.

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

    In addition to the other general conditions, the following conditions are applicable for activities in the eligible navigable waters of the United States identified in Appendix B:

    a. For aerial transmission lines, the following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by the

existing fixed bridges, or the clearances which would be required by the USCG for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electric Safety Code:

Nominal System Voltage (kV)	Minimum Additional Clearance (ft.) Above Clearance Required for Bridges
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

i. Clearances for communication lines, stream gauging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.

ii. Corps regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both regulation and ER 1110-2-4401 apply, the greater minimum clearance is required.

b. Encasement: The top of any cable, encasement, or pipeline shall be located a minimum of three feet below the existing bottom elevation of the streambed and shall be backfilled with suitable heavy material to the preconstruction bottom elevation. Where the cable, encasement, or pipeline is placed in rock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained. When crossing a maintained navigation channel, the requirements are a minimum of eight feet between the top of the cable, encasement, or pipeline and the authorized depth of the navigation channel. For maintained navigational channels, where the utility line is placed in rock, a minimum depth of two feet from the authorized depth of the navigation channel shall be maintained.

c. As-Built Drawings: Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States (i.e., Section 10 waters), the permittee shall furnish the Corps and National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, Maryland, 20910 with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the mean high water line at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.

d. Aids to Navigation: The permittee must prepare and provide for USCG approval, a Private Aids to Navigation Application (CG-2554). The application can be found at: https://media.defense.gov/2017/Nov/20/2001846135/-1/- 1/0/CG_2554.pdf. The completed application must be sent to the appropriate USCG office as indicated below:

i. Baltimore/Philadelphia Districts: Commander Fifth Coast Guard District, 431 Crawford Street, Room 100, Portsmouth, VA 23704-5504, Attn: Mr. Matthew Creelman; by email to Matthew.K.Creelman2@uscg.mil; or by FAX to (757) 398-6303.

ii. Pittsburgh District: Eighth Coast Guard District, Sector Ohio Valley, USCGC Osage, 300 McKown Ln, Sewickley, PA 15143; phone (412) 741-1180

Within 30 days of the date of receipt of the USCG approval, the permittee must provide a copy to the appropriate Corps district office.

27. PADEP Waiver: If the Corps determines a specific activity, which is eligible for a PADEP Non-reporting Waiver, has a significant adverse impact on life, property or important aquatic resources, the Corps may require the owner to modify the activity to eliminate the adverse condition or to obtain a Corps Individual Permit. In accordance with 33 CFR 325.7(a), "The District Engineer may reevaluate the circumstances and conditions of any permit, including regional permits, either on his own motion, at the request of the permittee, or a third party, or as the result of periodic progress inspections, and initiate action to modify, suspend, or revoke a permit as may be made necessary by considerations of the public interest. In the case of regional permits, this reevaluation may cover individual activities, categories of activities, or geographic areas."

28. Corps Water Releases: For projects located downstream of a Corps dam, the permittee should contact the appropriate Corps, Area Engineer Office, to obtain information on potential water releases and to provide contact information for notification of unscheduled water releases. It is recommended that no in-water work be performed during periods of high-water flow velocities. Any work performed at the project site is at the permittee's own risk.

29. State Authorization: The activity must receive state authorization. For the purpose of this requirement, any one of the following is considered as a state authorization:

a. A PADEP Chapter 105 Water Obstruction and Encroachment Permit, including PADEP approved Environmental Assessment pursuant to 25 Pa. Code § 105.15; or

b. A PADEP GP issued pursuant to 25 Pa. Code § §105.441-105.449; or

c. A PADEP approved Environmental Assessment for activities not otherwise requiring a PADEP permit pursuant to 25 Pa. Code § 105.12; or

d. A PADEP Dam Permit, including maintenance or repairs of existing authorized dams, including maintenance dredging; or

e. A PADEP Emergency Permit issued pursuant to 25 Pa. Code § 105.64; or

f. A PADEP permit for the construction of a bridge or culvert which allows for maintenance activities of bridges and culverts; or

g. A PADEP Chapter 105 Dam Safety and Encroachment Enforcement Action.

30. Other Authorizations: Additional federal, state, and/or local authorizations or approvals may be required and where applicable must be secured by the applicant, prior to initiating any discharge of dredged and/or fill material, and/or the placement of structures into waters of the United States, including jurisdictional wetlands. These approvals include, but are not limited to:

    a. A project specific 401 SWQC issued by PADEP or considered waived, consistent with Section 401 of the CWA.

       PADEP has issued 401 SWQC for activities authorized by PASPGP-6 with conditions. See General Condition 2 for conditions and for identification when a project specific 401 SWQC or a waiver thereof is required. If the permittee cannot comply with all of the conditions of the 401 SWQC previously issued for PASPGP-6, then the permittee must obtain a project specific 401 SWQC or waiver for the proposed discharge in order for the activity to be authorized by PASPGP-6. The Corps or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality; and

    b. Reporting Activities located within the designated CZM Areas. Require a CZMA consistency determination issued by PADEP or a presumption of concurrence pursuant to Section 307 of the Federal Coastal Zone Management Act.

       The District Engineer or PADEP may require additional measures to ensure that the authorized activity is consistent with state CAM requirements; and

    c. Fills within the 100-year floodplains. This activity must comply with applicable Federal Emergency Management Agency approved state or local floodplain management requirements.

31. Federal Liability: In issuing this permit and any subsequent activity verification, the federal government does not assume any liability, including but not limited to the following:

    a. Damages to permitted project or users, thereof, as a result of other permitted or unpermitted activities or from natural causes;

    b. Damages to the permitted project or uses, thereof, as a result of current or future activities undertaken by or on behalf of the United States in the public interest;

    c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;

d. Design or construction deficiencies associated with the permitted work; and

e. Damage claims associated with any future modification, suspension, or revocation of the PASPGP-6.

32. False and Incomplete Information: The Corps may modify or rescind a previously issued project specific verification, if it determines that the original verification was issued based on false, incomplete and/or inaccurate information; or other information becomes available whereby such action is necessary to ensure compliance with other federal laws and regulations.

33. Anadromous Fish Waters: To protect anadromous fish during their migration and spawning, no work can take place in the following anadromous fish waterways listed in the table below from March 15 to June 30 unless approved in writing by the Corps. Questions on the applicability of this condition should be directed to the Corps, Philadelphia District.

Waterway	Downstream extent	Upstream extent	Upstream Latitude (N)	Upstream Longitude (E)
Delaware River in Pennsylvania (including W. Branch)	Rte. 220 Bridge	PA/NY Border	41.999448	-75.359573
Lehigh River and adjacent canals	confluence with Delaware River	500 feet upstream of the Cementon Dam	40.690275	-75.503800
Little Lehigh Creek	confluence with Lehigh River	500 feet upstream of the lowermost dam	40.596318	-75.475570
Hokendauqua Creek	confluence with Lehigh River	State Route 4014 (West Scenic Drive)	40.793273	-75.439262
Bushkill Creek	confluence with Delaware River	500 feet upstream of the lowermost dam	40.694859	-75.212406
Waterway	Downstream extent	Upstream extent	Upstream Latitude (N)	Upstream Longitude (E)
Brodhead Creek	confluence with Delaware River	500 feet upstream of the Stroudsburg Water Co. Dam	41.018667	-75.201063
Bush Kill	confluence with Delaware River	500 feet upstream of Resica Falls	41.111235	-75.095824
Lackawaxen River	confluence with Delaware River	500 feet upstream of the Woolen Mill Dam	40.984304	-75.191569
Dyberry Creek	confluence with Lackawaxen River	Jadwin Dam	41.612088	-75.263391
Darby Creek	Confluence with Delaware River	500 feet upstream of the confluence of Cobbs Creek and Darby Creek	39.907278	-75.255432

Schuylkill River	Fairmount Dam	500 feet upstream of the Bingaman St. Bridge in Reading, Pennsylvania	40.326411	-75.934417
Neshaminy Creek	Confluence with Delaware River	500 feet upstream of the lowermost dam	40.143369	-74.915828

34. Compliance Certification: Each permittee who receives a written PASPGP-6 verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. This certification should indicate if the success of any required permittee-responsible mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits. The signature of the permittee is also required to certify the completion of the activity and mitigation. The completed certification document must be submitted to the District Engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

35. Migratory Birds and Bald and Golden Eagles: The permittee is responsible for ensuring that an action authorized by PASPGP-6 complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the USFWS to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity. The permittee should contact the appropriate local office of the USFWS to determine if such authorizations are required for a particular activity. Information on the conservation of migratory birds and Bald and Golden Eagles can be found at the following USFWS web site: http://www.fws.gov/northeast/pafo/

36. Migratory Bird Breeding Areas: Activities in waters of the United States, including jurisdictional wetlands, that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. Recommendations pertaining to the conservation of migratory birds can be found at the following USFWS web site: http://www.fws.gov/northeast/pafo/

By Authority of the Secretary of the Army:

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John T. Litz
Colonel, U.S. Army
Commander and District Engineer
Baltimore District

PARK.DAVID.CHONGWOO.1044560808 Digitally signed by PARK.DAVID.CHONGWOO.1044560808 Date: 2021.06.14 10:26:03 -04'00'

David C. Park
Lieutenant Colonel, Corps of Engineers
District Commander
Philadelphia District

Andrew J. Short
Colonel, Corps of Engineers
District Engineer
Pittsburgh District