

Pennsylvania State Wetland Program Summary



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Section A. Quick View

Description of Pennsylvania's Wetlands

Pennsylvania has more than 400,000 acres of wetlands. These include forested wetlands, scrub-shrub wetlands and emergent wetlands. About 97% of the state's wetlands fall within the palustrine system. Lacustrine wetlands, mainly composed of the shallow water zone (less than 6.6 feet in depth) of Lake Erie, represented about two percent of the state total, while riverine wetlands made up the remaining one percent.

State Definition of Wetlands

Wetlands are "areas that are inundated or saturated by surface 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." (Source: Pennsylvania Code, Chapter 105 Regulations)

Historic Wetland Loss/Gain in Pennsylvania

Original Wetland Acreage	Remaining Wetland Acreage	Acreage Lost	% Lost
1,127,000	499,014	627,986	56%

One of many commitments for Pennsylvania under the Interstate Chesapeake Bay Agreement is no net loss of wetland and focus on achieving continuing net gain of wetlands within the Commonwealth.

Primary State Wetlands Web Page

http://www.portal.state.pa.us/portal/server.pt/community/bureau_of_waterways_engineering_and_wetlands/11202

State Wetland Program Plan

The state comprehensively regulates activities in coastal and freshwater wetlands. [Pennsylvania has a wetland program plan, called the "Aquatic Resource Protection and Management Action Plan for the Commonwealth of Pennsylvania \(2011-2020\)":](#) http://water.epa.gov/type/wetlands/upload/pa_aquatic_resource_program_plan.pdf

Pennsylvania's Wetlands Protection Action Plan was completed in 1988 reaffirmed in 1997.

http://www.dep.state.pa.us/dep/subject/All_Final_Technical_guidance/bwqm/363_0200_001.pdf

State Resources for Wetland Work (Estimated for December 2014)

State Name	Core element #1: Regulation	Core Element #2: Monitoring and Assessment	Core Element #3: Wetland Water Quality Standards	Core Element #4: Voluntary Wetland Restoration
Agency	PA Department of Environmental Protection	Information not available	Information not available	PA DCNR
Source(s)	Permitting fees, general fund, EPA program development grants	Information not available	Information not available	Information not available
Amount	Information not available	Information not available	Information not available	Information not available
Staffing	~32 FTE (Sum of six regional offices around the state with ~ 5 Staff each (2 engineers + 2-3 biologists to review applications) and 1 engineer + 1 biologist to work on state highway and PennDOT projects	Information not available	Information not available	Information not available
Agency				Game Commission
Source(s)				Public land work
Amount				Information not available
Staffing				Information not available
Agency				PA Department of Environmental Protection
Source(s)				Growing Greener Grants and 319 Funds
Amount				Information not available
Staffing				Information not available

State Permitting Fees

State Permitting Fee	Individual Permit	General Permit
Yes/No	YES	YES
Amount (range)	Base \$1,750 for individual permits; + 1/10 th acre of permanent disturbance (\$800) and 1/10 th acre temporary disturbance (\$400)	\$50-\$750 depending on the type of disturbance (e.g. fish enhancement structure, agricultural activities)
Agency	N/A	N/A

- Amendments to permits = \$250 for minor amendments and \$500 for major amendments
- Fee for transfer of permits for structures that occupy submerged lands (\$100-\$200)
- Fee for environmental assessments required to waive permit (\$500)

Innovative Features:

- Integrated wetland, stormwater and flood hazard permitting program.

Models and Templates:

- See above

Section B. Pennsylvania's Regulatory Approaches

How are Pennsylvania's Wetlands Regulated?

Pennsylvania has a strong wetland regulatory program that focuses not only on direct impacts to wetlands, but also discharges to wetlands. Pennsylvania's Department of Environmental Protection (DEP) regulates a number of activities, including those that impact wetlands under the authority of the Dam Safety and Encroachments Act and Dam Safety and Waterway Management Rules and Regulations (Title 25, Pennsylvania Code, Chapter 105). Wetland and Waterways permitting in Pennsylvania is based on the Clean Streams Law and the Dam Safety and Encroachments Act, rather than Section §404 of the Clean Water Act.

The Army Corps of Engineers has issued a Pennsylvania State Programmatic General Permit # 4 (PASPGP-4). This permit is a federal Clean Water Act, Section 404 Permit that authorizes the discharge of dredge and fill material into waters of the United States. It is reviewed every five years and is slated for next renewal in July 2016. In most instances, PASPGP-4 can be issued by the DEP or a county conservation district with approved Chapter 105 water obstruction and encroachment permits. PASPGP-4 eliminates the need for dual and often redundant state and federal reviews, processing and permit issuance procedures.

The state reviews requests for waivers and "no permit," emergency permits, general permits, environmental assessments, water obstruction and encroachment permits (joint permits), PASPGP-4, SLLs, 401 certification, and Chapter 106. The state regulates two tiers of wetlands: 1) "Exceptional Value Wetlands" and 2) "Other Wetlands". In accordance with 105.17, wetlands are Exceptional Value (EV) wetlands if they are:

- in an EV watershed
- in or along the floodplain of a wild trout stream and the floodplain of its tributaries
- within a designated National or State wild or scenic river corridor
- Along a drinking water supply and maintain the quality & quantity of the supply
- T&E species are present
- Hydrologically connected to OR located within ½ mi. of wetlands that are habitat for flora or fauna AND maintain the habitat of the threatened and endangered species

Applications for water obstructions and encroachments, including dredge and fill activities, are reviewed by the Regional Soils and Waterways permitting staff. Water obstructions and encroachments must comply with Pennsylvania's Clean Streams Law which requires that all earth moving activities must have an erosion and sedimentation control plan. Pennsylvania also has a specialized permitting and authorization process for FERC and other agencies (especially pipelines).

Permit applications for work in wetlands, rivers, streams and other waters are reviewed by DEP or the delegated county conservation district. Those applications for projects that have potential significant environmental impacts are forwarded to the Corps for review. Applications not forwarded to the Corps are processed entirely by DEP or the delegated county conservation districts.

In the Commonwealth of Pennsylvania, Section §401 Water Quality Certifications have been integrated with other required approvals or permits. Pennsylvania DEP issues certifications. Individual separate Water Quality Certifications

are issued for activities that do not need approvals or permits under these programs. Information about the certification process can be found at: <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-48789/Section%20400.2.pdf>

Wetland Delineation

Delineation Guidance	Yes	No	Detail
Use State's Own Method		X	
Use Corps' 87 Manual and Regional Supplement	X		The state has two regional supplements in southeast Pennsylvania: 1) Atlantic and Gulf Coastal Plain Region and 2) Eastern Mountains and Piedmont Region
Other (Please describe)		X	

Evaluation Methodology

Formal functional assessments such as WET II or HEP may be required for larger projects.

Exempted Activities

Some activities exempted from the Act are dams not exceeding 3 feet in height, the maintenance of an artificial pond or reservoir, water obstructions in streams or floodways with a drainage area of 100 acres or less, aerial crossing of a non-navigable stream or wetland by electric or telephone lines, a dam subject to the requirements of the Mine Safety and Health Administration, maintenance of field drainage systems, and restoration activities. Certain agricultural and forestry activities are exempt. See Special Provisions below.

Special Exemptions for Agriculture and Forestry

Pennsylvania's exemptions are generally consistent with the federal provisions. Agricultural plowing, seeding, cultivating, harvesting, and normal silviculture are not regulated. However, construction of temporary roads, bridges, and staging areas are regulated. Permits are waived not exempted.

Penalties and Enforcement

Up to \$10,000 total and \$500 a day. Civil penalties are authorized by the Dam Safety and Encroachment Act. Clean Streams violations are \$10,000 and an additional \$100/day.

Permit Tracking

The Division of Wetlands, Encroachment and Training tracks a number of items including permits issued, acres of wetland impacted, acres replaced through the regulatory process, and feet of watercourse impacted.

State General Permit (statewide vs. regional coverage)

Permit Coverage	Yes	No	Detail (Type of Permit)
Regional General Permit		X	Although the state has the authority to have regional general permits, at this time it does not have any.
Statewide General Permit	X		The state has a number of state permits

A Pennsylvania State Programmatic General Permit (PASPGP) has been in place since March 1995. A copy of Pennsylvania's State Programmatic General Permit can be found at:

<http://www.dep.state.pa.us/dep/deputate/watermgt/WC/Subjects/WWEC/GENERAL/WETLANDS/PASPGP-2%20FINAL6-8-01.doc>

Assumption of Section 404 Powers

Assumption Status	Yes	No	Detail
Assumed		X	
Working Toward Assumption		X	
Explored Assumption	X		Restrictions in regulatory structure impede the state's ability to assume without changing regulatory language

Joint Permitting

Pennsylvania has joint permitting. Under the PASPGP one application covers both state and Section 404 programs.

Special Area Management Plans and Advanced Identification Plans

Pennsylvania has SAMPs for Lake Erie and the tidal area of Delaware Bay.

Mitigation Policy

Mitigation has its basis in Pennsylvania's state regulations. Mitigation as it relates to avoidance and minimization is required for all applications proposing to impact wetlands, if the impact cannot be avoided compensatory replacement at a minimum 1:1 ratio for areal extent and function and value is required. For more information, go to: <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-99527/310-2137-001.pdf>. The state is currently working on revising its mitigation policy.

Mitigation Database

Pennsylvania maintains a database to track mitigation losses and gains called EFACTS at PA DEP.

Section C. Monitoring and Assessment

Agency Responsible for Wetland Monitoring and Assessment

Pennsylvania's monitoring and assessment of wetlands is limited to its regulatory program. This work is conducted by the Pennsylvania Department of Environmental Protection. The state also does some additional monitoring as part of Chesapeake Bay monitoring goals.

Mapping/Inventory

Mapping has been completed by the National Wetlands Inventory for the entire state. The state has updated LIDAR and web links to these resources.

State Wetland Mapping Information Portal

No information provided.

Wetland Classification and Assessment

Pennsylvania has a cooperative agreement with Penn State Cooperative Riparia Center to develop a protocol for assessing wetland quality. A simple classification is currently provided in regulations for "Exceptional Value" and "Other" wetlands. See Section B for details. This work is done site by site only. The state also has a draft technical guidance document available upon request from DEP.

Statewide Monitoring Plan

Pennsylvania's statewide monitoring plan is part of the "Aquatic Resource Protection and Management Action Plan for the Commonwealth of Pennsylvania (2011-2020)":

http://water.epa.gov/type/wetlands/upload/pa_aquatic_resource_program_plan.pdf

Overall Wetland Gain and Loss Tracking System

Pennsylvania tracks wetland gains and losses in their EFACTS database.

Pennsylvania's wetland monitoring and assessment program has the following characteristics:

Level	None	Level 1	Level 2	Level 3
<i>Pennsylvania</i>		X	X	X

Type	None	IBI	Conditional	Functional
<i>Pennsylvania</i>		X	X	X

Frequency	None	Project Specific	Ongoing
<i>Pennsylvania</i>		X	X

National Wetland Condition Assessment (NWCA) Participation

NWCA Study Type	Yes	No
National Study	X	
State Intensification Study		X

Section D. Wetland Water Quality Standards

Type	None	Use Existing WQ Standards	In Process	Adopted	Future Direction
Wetland-specific Designated Uses		X			
Narrative criteria in the standards to protect designated wetland uses		X			
Numeric criteria in the standards based on wetland type and location to protect the designated uses		X			
Anti-degradation policy includes				X (Cross-referenced in	

wetlands				Ch. 93, 96 (water quality standards), 102 and 105 regulations)	
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Detail: Pennsylvania applies existing designated uses, narrative and numeric criteria to wetlands. However, the state does have a wetland-specific anti-degradation policy based on two major classifications of wetlands – Exceptional Value and Other. The designation of Exceptional Value (EV) wetlands is based on specific characteristics or uses.

Section E: Voluntary Wetland Restoration (incomplete information)

Type of Work	YES	NO	Description
Fund Wetland Restoration (may include easement agreements)	X		
Private Land Restoration			
Public Land Restoration			
Technical Assistance	X		
Tax Incentives			
Other			

Description: Pennsylvania does not have a state-run, statewide voluntary restoration program that restores wetlands. However, there are ongoing wetland restoration projects in the state, including the Growing Greener Grants Program (wetland or stream). Despite not having an official voluntary restoration program, PA works to collaboratively set goals for restoration work that supports their net gain strategy. Section 319 and Growing Greener Grants have also helped target voluntary restoration activities to support watershed needs in the state. A Clean and Green program administered at the county level encourages landowners to preserve forested areas and wetlands by reducing property taxes.

Voluntary Wetland Restoration Program Components

Effort	Nothing in the Works	Planning	In Progress	Complete
Program has a set of restoration goals	(See above)			
Coordinate with relevant agencies that outline restoration/protection goals and strategies and timeframes			X	
Develop multi-agency body to coordinate restoration/ protection efforts			X	
Set restoration goals based on agency objectives and available information	(See above)			

Goals for Restoration Projects

Goal	Yes	No	Description
No Net Loss	X		
Reverse Loss/Net Gain	X		
Nonpoint Source Pollution (NPS)/WQ	X		
Total Maximum Daily Load (TMDLs)	X		

Habitat		X	
Coastal Protection	X		Chesapeake Bay
Floodwater Protection		X	
Groundwater		X	
Other (please describe)		X	

Pennsylvania landowner guides/handbooks to assist with voluntary restoration efforts

Pennsylvania provides a wetland registry identifying wetlands for regulatory (only) mitigation restoration projects.

Section F. Education and Outreach

PISCES Aquatic and In Lieu Fee outreach for stream, floodway and wetland areas.

Section G. Integration Efforts

Entity/Program Area	Yes/No	Description of the Connection
NPDES/Stormwater	YES	
303(d)	YES	
TMDL	YES	
Climate Change/ Climate Resiliency	NO	While the state may include wetlands in statewide plans, there is no involvement of the state wetland program and its staff
Land Use Planning/watershed planning	YES	Pennsylvania’s Growing Greener Program provides funding for watershed planning, including prioritization of sites for wetland creation or restoration.
Flood/Hazard Mitigation	YES	Also regulate floodplains along with wetlands and stormwater through a shared permitting process; wetland work is involved with 100-year floodplain attenuation and mitigation.
Coastal Work	YES	Great Lakes (Lake Erie); Tidal influence area of the Delaware (both regulatory and voluntary)
Other (FERC)	YES	

Wetland Program Development Continuum

Program Status		Core Element 1: Regulation	Core Element 2: Monitoring & Assessment	Core Element 3: Wetland Water Quality Standards	Core Element 4: Voluntary Restoration
Complete + Ongoing Improvements	High	X	X	X (Reframing work, development protocols)	
Working on Implementation					



Section K. Useful Website Links for Pennsylvania

State Wetland Programs

1. Department of Environmental Protection

a) Office of Water Management

i. Bureau of Waterways Engineering and Wetlands

http://www.portal.state.pa.us/portal/server.pt/community/bureau_of_waterways_engineering_and_wetlands/11202

- Chesapeake Bay Program

http://www.portal.state.pa.us/portal/server.pt/community/chesapeake_bay_program/10513

ii. Bureau of Conservation and Restoration

http://www.portal.state.pa.us/portal/server.pt/community/bureau_of_conservation_and_restoration/10593

- County Conservation Districts

http://www.portal.state.pa.us/portal/server.pt/community/county_conservation_districts/10597

- Nonpoint Source Management

http://www.portal.state.pa.us/portal/server.pt/community/nonpoint_source_management/10615

- Citizen's Volunteer Monitoring

http://www.portal.state.pa.us/portal/server.pt/community/citizen%27s_volunteer_monitoring_program/10596

- Waterway and Wetland Programs

<http://www.portal.state.pa.us/portal/server.pt/community/wetlands/10635>

- Wetlands Net Gain Strategy

<http://www.dep.state.pa.us/dep/deputate/watermgt/wc/subjects/wwec/general/wetlands/NetGain.htm>

- Wetlands Replacement Project

http://www.depweb.state.pa.us/portal/server.pt/community/replacement_project/10636

- Stormwater Management Program

http://www.portal.state.pa.us/portal/server.pt/community/stormwater_management/10628

iii. Bureau of Point and Non-Point Source Management

http://www.portal.state.pa.us/portal/server.pt/community/bureau_of_point_and_non-point_source_management/10535

iv. Interstate Waters Office

The Office coordinates and implements the Department's Coastal Resources Management Program (CRM). These functions include a federally funded approved management program for Pennsylvania's two coastal areas, the Delaware Estuary and Lake Erie.

http://www.dep.state.pa.us/river/river_basin.htm

b) Coastal Resources Management Program

<http://www.dep.state.pa.us/river/czmp.htm>

c) Department of Conservation & Natural Resources

i. Natural Heritage Program

<http://www.naturalheritage.state.pa.us/HomePage.aspx>

- Aquatic Community Classification Project
This project does not specifically address wetlands at all but it does address watershed quality. It does specifically refer to flowing waters (streams and rivers) and the fish, mussel and macroinvertebrate communities which inhabit them.

<http://www.naturalheritage.state.pa.us/aquaticsCommunity.aspx>

- Vernal Pools: Terrestrial & Palustrine Plant Communities

<http://www.naturalheritage.state.pa.us/Communities.aspx>

d) Fish & Boat Commission

- i. Habitat Improvement Program

<http://fishandboat.com/habitat.htm>

e) Game Commission

- i. Conservation Reserve Enhancement Program

<http://www.creppa.org/>

Federal Government Programs

1. USDA Natural Resource Conservation Service

Wetlands Reserve Program

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/pa/programs/easements/wetlands/>

Other Organization Wetland Programs

1. Pennsylvania Organization for Watersheds & Rivers

<http://pawatersheds.org/>

2. Quittapahilla Watershed Association

<http://quittapahillawatershedassociation.org/index.html>

3. Trust for Tomorrow

- a) Technical Assistance for Pennsylvania Landowners Program

<http://www.trustfortomorrow.org/our-programs/>