

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERSWAYS ENGINEERING AND WETLANDS
GENERAL PERMIT
BWEW-GP-6
AGRICULTURAL CROSSINGS AND RAMPS**

1. **GENERAL DESCRIPTION AND AUTHORITY** - The Department of Environmental Protection hereby authorizes, by general permit, subject to the terms and criteria set forth, the installation, operation and maintenance of Agricultural Crossings and Ramps in the regulated waters of the Commonwealth. This authorization is pursuant to Section 7 of the Dam Safety and Encroachments Act, 32 P.S. §693.1, et seq., and the rules and regulations promulgated thereunder at 25 Pennsylvania Code §§105.441-105.449 (relating to general permits).

2. **DENIAL OF AUTHORIZATION** - The Department shall have the discretion, on a case-by-case basis, to deny, revoke or suspend the authorization to use this general permit for any project which the Department determines to have a substantial risk to life, property or the environment or otherwise could not be adequately regulated by the provisions of this general permit.

3. **DEFINITIONS** - The terms as used in this general permit shall have the following meanings:

Agricultural Ramp - The stabilization of the stream bank with stone or timber to provide protection of the stream bank from livestock and agricultural equipment use.

Agricultural Crossing - The stabilization of the bed or banks of a stream to provide protection of the bed and banks from livestock and agricultural equipment use.

Body of water - Any natural or artificial lake, pond, reservoir, swamp, marsh or wetland.

FEMA - The Federal Emergency Management Agency.

Floodway - The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

Install - To construct, deposit, lay or set in place.

Owner - A person who owns, controls, operates, maintains, or manages a dam or reservoir, water obstruction, or encroachment.

Person - A natural person, partnership, association, corporation, public utility, municipality, municipal authority, political subdivision of the Commonwealth, receiver or trustee and any department, board, commission, or authority of the Commonwealth.

Regulated Waters of this Commonwealth - Watercourses, streams or bodies of water and their floodways wholly or partly within or forming part of the boundary of this Commonwealth.

Reservoir - A basin, either natural or artificial, which contains or will contain the water or other fluid or semi-fluid impounded by a dam.

Stocked Trout Stream - Streams classified as approved trout waters by the Pennsylvania Fish and Boat Commission. Classification shall be verified by contacting the Pennsylvania Fish and Boat Commission's Regional Office, or Division of Environmental Services.

Submerged Lands of this Commonwealth - Waters and permanently or periodically inundated lands owned by the Commonwealth, including lands in the beds of navigable lakes and rivers and beds of streams declared public highways which are owned and held in trust by the Commonwealth.

Watercourse - A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Wetlands - Those areas that are inundated or saturated by surface or ground water 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 term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan, and a wetland area designated by a river basin commission (or as defined in Chapter 105, Dam Safety and Waterway Management Rules and Regulations).

Wild Trout Streams - Streams classified as supporting reproducing trout populations by the Pennsylvania Fish and Boat Commission. Classification may be verified by contacting the Pennsylvania Fish and Boat Commission's Regional Office, or Division of Environmental Services.

4. **SUBMERGED LANDS OF THIS COMMONWEALTH** - This general permit shall not be effective to authorize any project over, across or occupying submerged lands of this Commonwealth until the owner(s) has obtained a license from the Department authorizing the occupation of such submerged lands issued pursuant to Section 15 of the Dam Safety and Encroachments Act (32 P.S. §693.15), Section 514 of the Administrative Code of 1929 (71 P.S. §194) or other applicable laws. Upon receipt of notification from the owner, the Department will review the project to determine if its location is over, across, or occupies submerged lands of the Commonwealth.
5. **SPECIFIC AREAS WHERE GENERAL PERMIT DOES NOT APPLY**
 - a. Historic, cultural or archaeological sites as identified in the latest published version of the Pennsylvania Inventory of Historical Places or the National Register of Historical Places.
 - b. Local historical sites officially approved or recognized by a municipality.
 - c. Sites identified in the latest published version of the National Registry of Natural Landmarks.
 - d. Stocked trout streams from March 1 through June 15, wild trout streams from October 1 through December 31, and Lake Erie tributaries from September 1 through December 1 unless written approval is obtained from the Pennsylvania Fish and Boat Commission's Division of Property Services or Division of Environmental Services.
 - e. Wetlands except those wetlands that are immediately adjacent to or within a watercourse and are an integral part of the construction of the Agricultural Ramp or Crossing.
 - f. Streams or water bodies designated as Exceptional Value Waters (EV) as defined and listed in Chapter 93 (relating to water quality standards).
6. **OTHER PERMITS** - Nothing in this General Permit relieves the owner(s) of the obligation of complying with all Federal, Interstate Compact and State laws, regulations and standards for the installation, operation or maintenance of agricultural crossings and ramps.
7. **NOTIFICATION OF PROPOSED USE OF GENERAL PERMIT** - Prior to construction the owner(s) shall submit the General Permit Registration form along with the required attachments to the delegated County Conservation District or to the appropriate DEP Regional Office's Permitting

and Technical Services Section (see attached listings). A copy of the General Permit Registration form shall be sent to the municipality and county in which the work will be performed. **The owner(s) may not begin work until he has notified the appropriate office and received an acknowledgement of that notification.**

8. **CHANGE OF OWNERSHIP** - If there is a change in ownership of an agricultural crossing or ramp installed in accordance with this general permit, the new owner is required to register the structure with the Department in accordance with Item 7.
9. **FEES** - The fee required for a project authorized under this General Permit shall be consistent with 25 PA Code §105.13 (relating to regulated activities – information and fees).
10. **EFFECTIVE TIME PERIOD** - This general permit will remain in effect indefinitely unless specifically modified, suspended, or revised by the Department.
11. **SUSPENSION, MODIFICATION OR REVOCATION** - The Department may suspend modify, or revoke this general permit at any time upon notice in the Pennsylvania Bulletin.
12. **PROJECT INTERFERENCE** - This general permit does not authorize any interference with any existing or proposed Local, State, Federal or Federally Licensed Project, and permittee shall not be entitled to compensation for damage or injury to the work authorized herein which may be caused by or a result of existing or future operations undertaken by the United States or the Commonwealth of Pennsylvania or its Political Subdivisions in the public interest.
13. **CONDITIONS**
 - a. The Pennsylvania Fish and Boat Commission's Division of Environmental Services, United States Department of Agriculture's Natural Resources Conservation Service or respective County Conservation District may be able to provide technical assistance in locating appropriate sites for agricultural crossings and ramps.
 - b. The agricultural crossing or ramp shall be completed within 30 days from the start of its construction. All disturbed areas shall be stabilized within 5 days.
 - c. Construction of the crossing or ramp shall not alter the normal channel width. The configuration of the stream bank shall remain substantially the same and the work shall blend with adjacent upstream and downstream banks.
 - d. Each agricultural crossing and ramp shall be installed in such a way that it does not hinder recreational navigation nor interfere with the normal migration of fish.
 - e. Written notice shall be given to operators of drinking water intakes or reservoirs for public and private water supplies and permitted public bathing beaches within five (5) miles downstream of the crossing or ramp at least ten (10) days prior to construction of the crossing. Owner(s) must notify operators immediately and no longer than one (1) hour following the release of suspended solids and turbidity to the stream due to any construction activity.
 - f. Structures authorized by this general permit shall be maintained in a safe and functional condition including necessary debris removal.
 - g. Only clean, non-polluting, granular materials shall be used as fill material in order to minimize excessive turbidity by leaching of fines as well as to preclude the entrance of potentially polluted materials to the watercourse by natural runoff.
 - h. Slag may not be used as a substitute for stone.

- i. Dredged or excavated materials may not be deposited in wetlands or within the limits of the floodway or any area affected by floods.
 - j. Prior to the use of explosives in a watercourse or body of water, the permittee shall secure a written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission Division of Environmental Services (See "Exhibit A").
 - k. Agricultural crossings and ramps shall be installed at a right angle to the stream flow.
 - l. Agricultural crossings and ramps must be keyed into the stream bank(s) or bed which may be accomplished by trenching or by machine weight running on the stone fill.
 - m. Agricultural crossings and ramps should be no steeper than 4:1.
 - n. Skidding of timber across ramps and crossings is prohibited.
 - o. Interior stone for crossings and ramps shall be of a diameter to fill the voids that will encourage livestock use.
 - p. Exterior frame stone for crossings and ramps shall be of sufficient diameter to resist transport by normal high flows and require deeper keying into the stream bank or bed.
 - q. Stone placed for agricultural crossings shall not exceed twelve (12) inches in height above the natural streambed.
 - r. The placement of fill higher than the elevation of the existing stream banks, the realignment of the channel or the dredging of a watercourse is not authorized by this general permit.
 - s. Grouting of stone is not authorized by this general permit.
 - t. Agricultural crossings and ramps that are to be utilized by livestock shall include fencing or other barriers to direct the livestock to the crossing or ramp and to control the movement within the crossing or ramp.
 - u. Roadways leading to or from an agricultural crossing or ramp that are to be constructed in wetlands are not authorized by this general permit.
 - v. Archaeological artifacts discovered during the performance of the work authorized under this general permit must be adequately protected and their discovery promptly reported to the Bureau for Historic Preservation, Pennsylvania Historical and Museum Commission, 400 North Street, Second Floor, Harrisburg, PA 17120-0093.
14. **DEPARTMENT INSPECTION** - As a condition of use of this general permit, and of the owner's authority to conduct the activities authorized by this general permit, the owner hereby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or search warrant, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated or maintained. The authorization and consent shall include consent to conduct tests or sampling, to take photographs, to perform measurements, surveys and other tests, to inspect the methods of construction, operation or maintenance, to examine and copy books, papers and records pertinent to any matter under investigation, and to take any other action necessary to assure that the project is constructed, operated or maintained in accordance with the terms and criteria of the general permit. This general permit condition is referenced in accordance with

Section 16 of the Dam Safety and Encroachments Act, 32 P.S. §693.16, and in no way limits any other powers granted under the Dam Safety and Encroachments Act.

15. **ACTIVITIES NOT IN ACCORDANCE WITH THE TERMS OR CONDITIONS** - If the Department determines, upon inspection, that the construction, operation, or maintenance of a project has violated the terms or criteria of this general permit or of the Chapter 105 Regulations, the Department may take such actions, legal or administrative, that it may deem to be appropriate.
16. **STRUCTURE REMOVAL** - The owner(s) shall remove all or any portion of the agricultural crossing or ramp upon written notification to the owner(s) by the Department in the event the project is causing an adverse impact on public health, safety or the environment or in any other manner violates the conditions of this general permit or Chapter 105.
17. **PROPERTY RIGHTS** - This general permit does not convey any property rights, either in real estate or material, or in any exclusive privileges; nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.
18. **OTHER APPROVALS** - The owner(s) shall secure all other approvals that may be necessary under Federal, State, or local laws or regulations.
19. **FISH AND BOAT COMMISSION NOTIFICATION** - The owner(s) shall notify the Pennsylvania Fish and Boat Commission's Regional Law Enforcement Field Office Manager (see "Exhibit A") responsible for the county where the activities are proposed ten (10) days prior to start of construction. Written notification is suggested. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission
20. **BEST MANAGEMENT PRACTICES** - Work must be done in compliance with Chapter 102 (relating to Erosion Control). Prior to construction an Erosion and Sediment Control Plan must be reviewed and determined adequate by the County Conservation District in which the activities are proposed and implemented prior to, during, and after construction. The County Conservation District shall be notified ten (10) days prior to the start of construction. The project site shall at all times be available for inspection by authorized employees of the County Conservation District. The Erosion and Sediment Control Plan shall be available at the site at all times.
21. **UTILIZATION OF GENERAL PERMIT BWEW-GP-8, TEMPORARY ROAD CROSSINGS** - Temporary road crossings of streams and causeways that are necessary for equipment to move back and forth across a stream and located adjacent to an agricultural crossing or ramp are authorized by and must be constructed in accordance with BWEW-GP-8. The owner(s) shall indicate utilization of BWEW-GP-8 on the General Permit Registration form. Owner(s) constructing temporary road crossings in those areas where BWEW-GP-8 is not authorized must apply for a Water Obstruction and Encroachment Permit for those road crossings.