

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS  
GENERAL PERMIT  
BWEW-GP-7  
MINOR ROAD CROSSINGS**

1. **GENERAL DESCRIPTION AND AUTHORITY** - The Department of Environmental Protection hereby authorizes by General Permit, (1) the construction, operation and maintenance of a minor road crossing across wetlands which disturbs less than 0.1 acre of wetlands, (2) the construction, operation, and maintenance of a minor road crossing across a stream where the watershed drainage area is 1.0 square mile or less and (3) the removal of an existing minor road crossing across a stream where the drainage area is 1.0 square mile or less. This authorization is pursuant to Section 7(b) of the Dam Safety and Encroachments Act, 32 P.S. 693.7(b) and the rules and regulations promulgated thereunder at 25 Pennsylvania Code §§105.441-105.449 (relating to General Permits). This General Permit is subject to the terms and conditions set forth below.

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 present a risk to life, property or the environment or otherwise would not be adequately regulated by the provisions of this General Permit.

3. **DEFINITIONS** - The following terms as used in this General Permit shall have the following meaning:

**BODY OF WATER** - Any natural or artificial lake, pond, reservoir, swamp, marsh, or wetland.

**BRIDGE** - A structure and its appurtenant works erected over the regulated waters of this Commonwealth.

**CAUSEWAY** - A roadway embankment constructed in or across a wetland.

**CONSTRUCT** - To erect, build, place, or deposit including preliminary preparation of a site for construction.

**CULVERT** - A structure with appurtenant works which carries a stream under or through an embankment or fill.

**DREDGE** - To remove sand, gravel, mud, or other materials from the beds of regulated waters of this Commonwealth.

**EXISTING MINOR ROAD CROSSING** - A bridge or culvert and fill crossing of a stream where the watershed drainage area is 1.0 square mile or less.

**FEMA** - The Federal Emergency Management Agency.

**FILL** - Sand, gravel, earth, or other material placed or deposited so as to form an embankment or raise the elevation of the land surface. The term includes material used to replace an area with aquatic life with dry land or to change the bottom elevation of a regulated water of this Commonwealth.

**FLOOD** - A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other waters of this Commonwealth.

**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.

FORD - A road crossing of a stream utilizing the existing stream bed.

MAINTENANCE DREDGING - Dredging conducted as part of the construction of a dam, water obstruction, or encroachment and periodic dredging conducted in order to:

- (i) maintain adequate depths for navigation;
- (ii) assure proper passage of ice and flood flows; or
- (iii) preserve the safety, stability, and proper operation of the facility.

MINOR ROAD CROSSING - A road constructed across a wetland where the length of the crossing is less than 100 feet and the total wetland area disturbed is less than 0.1 acre, or a road constructed across a stream and an adjacent wetland utilizing a bridge, culvert or ford crossing where the watershed drainage area is 1.0 square mile or less and the total wetland area disturbed is less than 0.1 acre.

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 a department, board, commission, or authority of the Commonwealth.

REGULATED WATERS OF THE COMMONWEALTH - Watercourses, streams or bodies of water and their floodways wholly or partly within or forming part of the boundary of this Commonwealth.

REPLACEMENT WETLANDS - Artificially created wetlands to replace those wetlands destroyed by the construction of a minor road crossing.

STOCKED TROUT STREAMS- 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 (see "Exhibit A").

STREAM - A watercourse.

STREAM ENCLOSURE - Any bridge, culvert, or other structure in excess of 100 feet in length upstream to downstream which encloses any regulated water of this Commonwealth.

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.

WATERSHED - A region or area contributing to the supply of a stream or lake; drainage area, drainage basin or catchment area.

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, United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan, and any wetland area designated by a river basin commission.

WILD TROUT STREAMS - Streams classified as supporting reproducing trout populations by the Fish and Boat Commission. Classifications shall be verified by contacting the Fish and Boat Commission's Regional Office or the Division of Environmental Services (see "Exhibit A").

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 has obtained a license from the Department authorizing the occupation of such submerged lands issued under 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 AND ACTIVITIES WHERE GENERAL PERMIT DOES NOT APPLY** - This General Permit does not apply in and is not valid in the following situations:
  - a. Historic, cultural or archaeological sites as identified in the latest published version of the Pennsylvania Inventory of Historic Places or the National Register of Historic 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. Areas in or within 100 feet of a watercourse or body of water designated as a National or State Wild or Scenic river in accordance with the National Wild and Scenic Rivers Act of 1968 or the Pennsylvania Scenic Rivers Act 32 P.S. §§820.21-820.29.
  - e. 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 Fish and Boat Commission's Division of Environmental Services (See "Exhibit A")
  - f. Stream enclosures.
  - g. Streams or water bodies designated as exceptional value waters as defined in Chapter 93 of the Department's Rules and Regulations (relating to Water Quality Standards).
  - h. Stream channel crossing(s) where the watershed drainage area upstream of the crossing is greater than 1.0 square mile.
  - i. A stream channel and the adjoining floodplain which is delineated as a floodway on Flood Insurance Maps that are part of a Flood Insurance Study prepared by FEMA. These maps are available from the local municipality.
  - j. Wetland crossings where the extent of wetland impact for an individual minor road crossing is greater than 0.1 acre and the cumulative wetland impact for all minor road crossings installed by an owner on an individual property or project including phased projects is greater than 0.25 acre. A project shall include the aggregate of all stages of development and all parcels within a sub-division plan, which are under the control of the registrant.
  - k. Wetland crossings where the wetlands serve as habitat for fauna or flora listed as "threatened" or "endangered" under the Endangered Species Act of 1973, the Wild Resource Conservation Act, the Fish and Boat Code or the Game and Wildlife Code. Sites for minor road crossings may be checked through the Pennsylvania Natural Diversity Inventory by completing an online search at [www.naturalheritage.state.pa.us](http://www.naturalheritage.state.pa.us).

6. **OTHER PERMITS** - Nothing in this General Permit relieves the owner(s) of the obligation of complying with all Federal, Interstate Compacts and State laws, regulations and standards for the construction, operation or maintenance of the minor road crossings.
7. **REGISTRATION 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 Offices Permitting and Technical Services Section (see attached listings). A copy of the General Permit Registration form shall also be sent to the municipality and county in which the work will be performed. **The owner may not begin work until he has notified the appropriate office and received an acknowledgement of that registration.**
8. **CHANGE OF OWNERSHIP** - If there is a change in ownership of a minor road crossing installed in accordance with this General Permit, the new owner is required to register the crossing 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, Commonwealth of Pennsylvania, and its Political Subdivisions in the public interest.
13. **CONDITIONS**
  - a. The construction of a minor road crossing shall be completed within three (3) years of the date of the Department's acknowledgement letter. If all construction is not completed within this time frame, the owner(s) shall remove all of the minor road crossing and restore the watercourse and floodplain to their former conditions.
  - b. Minor road crossings shall not create or constitute a risk to life, property, or the environment.
  - c. No fill shall be placed in any floodway, watercourse, or body of water, including approaches to the minor road crossing, except as specifically authorized in this General Permit.
  - d. Each minor road crossing shall be constructed in such a manner so that there is no interference with the migration of fish.
  - e. Plans, specifications and reports for bridges and culverts across a stream which are to be used by the general public such as an access to an industrial, commercial or residential development, etc., shall be prepared by a registered professional engineer and shall be affixed with his seal and his certification which shall read as follows:

"I (name) do hereby certify to the best of my knowledge, information and belief, that the information contained in the accompanying plans, specifications, and reports have been prepared in accordance with accepted engineering practice, is true and correct, and is in conformance with Chapter 105 of the Rules and Regulations of the Department of Environmental Protection "

- f. A project which disturbs wetlands requires (1) a wetland delineation performed in accordance with current procedures and (2) a mitigation plan prepared and affixed with a statement which shall read as follows:
- “I (name) do hereby state to the best of my knowledge, information and belief that the information contained in the plans specifications and reports have been prepared in accordance with accepted environmental practices, is true and correct, and is in conformance with Chapter 105 of the Rules and Regulations of the Department of Environmental Protection.”
- g. Bridges and culverts shall be of sufficient width and size so as not to narrow the existing stream channel.
- h. The crossing shall be designed to prevent the restriction of and to withstand expected high flows. Bridge and culvert crossings shall have a waterway opening sufficient to adequately discharge, at a minimum, the bank-full flow of the watercourse or stream. The waterway opening shall be large enough to minimize and confine any backwater to the owner's property.
- i. Headwalls, wingwalls and riprap shall be installed for bridges and culverts as required to pass flood flows without loss of stability.
- j. Bridges and culverts shall not increase velocity or direct flow so as to result in erosion of stream bed and banks.
- k. Bridges and culverts shall be inspected by the owner on a regular basis to provide for continued operation and maintenance during the lifetime of the structure.
- l. Bridges and culverts shall be kept open and functioning at all times by maintaining the waterway opening free of debris and other obstructions. Maintenance shall be performed in accordance with the “Standards for Channel Cleaning at Bridges and Culverts”. Copies of this document are available from the offices noted in “Exhibit B”
- m. Approaches to bridges, culverts and fords should be constructed at original grades where possible. Where necessary, depth of fill in the approaches shall be minimized to allow overflow of the roadway during periods of high water.
- n. Bridges shall have abutments set well into the stream banks in such a manner as to assure minimal increase in flood elevations and no encroachment into the stream.
- o. Bridges shall have abutments aligned with the flow of the stream. The use of wing walls at the upstream side of the bridge to assist in directing flood flows through the bridge opening is recommended.
- p. Bridges having piers shall be designed and constructed to offer the least obstruction to the passage of water and ice, consistent with safety.
- q. Culverts installed in stream channels shall be aligned with the stream flow.
- r. Culverts shall be installed with the invert 6 inches below natural stream bed and so that the gradient of the invert shall not deviate from that of the natural stream bed.
- s. The length of culverts installed shall be only that which is necessary to provide adequate road width with stable side slopes.
- t. Spacing for multiple culvert installation in a stream channel shall be in accordance with the then current manufacturer's specifications.

- u. Depth of fill covering culverts shall not exceed the minimum cover required by the then current manufacturer's specifications for the intended use of the crossing.
  - v. The removal of existing minor road crossings shall be completed in the following manner: (1) crossing is removed in its entirety, (2) the original stream gradient is restored and (3) the stream banks are stabilized.
  - w. Fords which are excavated or graded through stream banks must be properly stabilized.
  - x. Crossings of wetlands shall be avoided if an alternate location is possible. If the crossing of wetlands cannot be avoided, the crossing must be undertaken at the narrowest point of the wetland and shall not exceed 100 feet in length and 0.1 acre of disturbance.
  - y. The total wetland impact for all minor road crossings installed by an owner on an individual property or project including phased projects shall not exceed 0.25 acre. A project shall include the aggregate of all stages of development and all parcels within a sub-division plan, which are under the control of the registrant.
  - z. All wetlands impacted through the use of this General Permit must be replaced adjacent to or in the immediate proximity of the minor road crossing and at a ratio of 1:1 for function, value and areal extent (acreage).
  - aa. The use of this General Permit shall not prejudice any future Departmental decisions related to regulated activities on this property.
  - bb. Any archaeological artifacts discovered during the performance of work authorized under this General Permit must be adequately protected and their discovery promptly reported to the Bureau for Historic Preservation, Pennsylvania Historic and Museum Commission, 400 Market Street, Second Floor, Harrisburg, PA 17120-0093, Telephone (717) 783-8946.
  - cc. Owner(s) shall investigate for drinking water intakes or reservoirs for public water supplies and permitted public bathing beaches within five (5) miles downstream of the site of the minor road crossing. Written notice shall be given to operators of any such intakes or reservoirs or public bathing beaches at least ten (10) days prior to construction of the minor road crossing. Owner(s) must notify operators immediately and no longer than one (1) hour after an occurrence at the crossing site which results in a release of suspended solids and turbidity to the stream.
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 a 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 the project is constructed, operated or maintained in accordance with the terms and conditions of the General Permit. This General Permit condition is included pursuant to 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 conditions of this General Permit or the Chapter 105 Rules and Regulations, the Department may take such actions, legal or administrative, that it may deem to be appropriate, including revocation of the General Permit with regard to the violation.

16. **STRUCTURE REMOVAL** - The owner(s) shall remove all or any portion of the minor road crossing upon written notification to the owner 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 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 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 of the Department's Rules and Regulations (relating to Erosion Control). Prior to construction, an Erosion and Sediment Control Plan must be reviewed and determined to be adequate by the County Conservation District in which the activities are proposed and implemented prior to, during and after 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.