



INSTRUCTIONS FOR COMPLETING A REQUEST FOR SECTION 105.15 ENVIRONMENTAL ASSESSMENT APPROVAL TO CONSTRUCT A “NON-JURISDICTIONAL DAM”

GENERAL INFORMATION

The term “non-jurisdictional dam” refers to the construction of those dams that do not meet any of the minimum criteria established for requiring a DEP dam permit under Section 105.3 (scope) of the Department’s Chapter 105 Rules and Regulations. From Section 105.3, the criteria for dams across a watercourse are:

- (i) The contributory drainage area exceeds 100 acres.
- (ii) The greatest depth of water measured by upstream toe of the dam at maximum storage elevation exceeds 15 feet.
- (iii) The impounding capacity at maximum storage elevation exceeds 50 acre-feet.

REQUIREMENT FOR ENVIRONMENTAL ASSESSMENT

1. Non-jurisdictional Dams: An Environmental Assessment and supporting documentation must be reviewed and approved by the Department before a non-jurisdictional dam may be constructed in any of the following situations:
 - (a) When a dam is located in, along or projecting into a wetland.
 - (b) For a dam located in, along or projecting into an exceptional value waters as defined in Chapter 93 of the Department’s Rules and Regulations.
 - (c) Where water quality certification is required under Section 401 of the Clean Water Act (33 U.S.C.A. §1341), an Environmental Assessment is required for every dam located in, along, across or projecting into the regulated waters of this Commonwealth. These activities include but are not limited to Federal Nationwide Permits (NWP) No. 2, No. 12, No. 14, No. 16, No. 17, No. 18, No. 23, No. 26, No. 33, No. 36 and No. 40.

ENVIRONMENTAL ASSESSMENT INFORMATION SHEET

SECTION A. OWNER INFORMATION

Provide the owner’s name, address, telephone number and contact person.

SECTION B. AGENT/PREPARER INFORMATION

Provide all firms or individuals who prepared or assisted in preparing the Environmental Assessment forms and accompanying documentation.

SECTION C. PROJECT LOCATION DATA

- Provide the USGS name of the stream, river or body of water. If none, enter “unnamed”.
- Place an “X” on the appropriate Corps District line. Baltimore covers the Susquehanna River basin; Philadelphia covers the Delaware River basin; Pittsburgh covers the Ohio River basin and the Genesee River and Lake Erie basins.
- Provide the name of the USGS 7½ minute quadrangle map where the project is located and provide the other site location information as requested.
- Provide a concise and accurate narrative of the project’s purpose and need.

SECTION D. PROJECT LOCATION DATA

Please provide the project’s physical data in the units requested. Most of the requested items are self explanatory, but attention is drawn to the following:

- Maximum depth to top of dam.
- Size and Hazard Classification – The determination of size and hazard classifications shall be made in accordance with the requirements of section 105.9 of the Department’s Chapter 105 Rules and Regulations. Additionally a narrative providing justification for selection of the Hazard Classification must be provided. Continue the justification narrative on additional sheets of referenced paper if required.

NOTE: All forms, plans, reports, photographs and other information must be submitted in triplicate, along with the required application fee to:

Department of Environmental Protection
Bureau of Waterways Engineering and Wetlands
Division of Dam Safety
P.O. Box 8460
Harrisburg, PA 17105-8460

SECTION E. INFORMATION COMPLETENESS CHECKLIST

CHECKLIST ITEMS:

a. Location Map: Submit a photocopy of the U.S.G.S. 7½ minute quadrangle map where the site is located. Locate the site on the map.

b. Determination of historic/archaeological sites: Complete and attach to each copy of this package, completed forms “**CULTURAL RESOURCE NOTICE**” and the return receipt that shows that the PHMC received this notice. Additional instructions for completing these notices are explained on the form.

c. Completed and approved PNDI: Results of the completed PNDI (Pennsylvania Natural Diversity Inventory) Project Planning Environmental Review form, along with comment forms from resource agencies if applicable, should be provided. An on-line version of the PNDI Planning Tool is available at: <http://www.naturalheritage.state.pa.us/>. If you are unable to complete this search because you do not have internet access, complete the form (included in the application) and submit it to the Department or county conservation district. The search receipt will be returned to you to include in the application. A copy of the PNDI results and all applicable resource agency comments should be attached to each copy of the application package.

d. Site plan (including cross sections): Each set of plan drawings (a total of three is required) must be legible, and must include the following:

(1) A site plan drawing which clearly shows property lines, all regulated waters of the Commonwealth (streams, rivers, lakes, swamps, bogs, marshes, wetlands, ponds or reservoirs) and all proposed structures and activities.

(2) Drawings which provide a plan view and cross sections of each proposed structure or activity.

e. Project description narrative: Provide a detailed description of the project including structure type(s), amounts of excavation/fill and what purpose the structure or activity will serve. The narrative must also describe in detail what effects the project will have on public health, safety and the environment. Information for this part of the narrative can be obtained from completion of the “**Environmental Assessment**” (Part 2 - PROJECT DESCRIPTION, items 9 and 10.) The narrative must contain a statement on why the project must be built in, along, across over a watercourse, floodway of body of water. Is there an alternative to the proposed project that would not require such impacts? Be sure to discuss this in detail under the item “Alternatives Analysis” requirements.

f. Color photographs with map showing location taken: Color photographs must be taken of the site which illustrate watercourse, floodway or body of water conditions at the project site and for areas extending

both upstream and downstream. The location that the photographs were taken from and direction of view must be indicated on a separate site plan drawing. Usual practice is to number each photograph, mount in transparent photoholders, mark the numbers on the plan and then draw an arrow from the number in the direction of view.

g. Environmental Assessment Forms: Please refer to the instructions on completing the Environmental Assessment form. Blank Environmental Assessment forms are included with this package.

h. Mitigation Plan: As defined under Section 105.1 of DEP’s Chapter 105 rules and regulations, Mitigation is:

(i) **An action undertaken to accomplish one or more of the following:**

(A) **Avoid and minimize impacts by limiting the degree or magnitude of the action and its implementation.**

(B) **Rectify the impact by repairing, rehabilitating or restoring the impacted environment.**

(C) **Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.**

(ii) **If the impact cannot be eliminated by following clauses (A)—(C), compensate for the impact by replacing the environment impacted by the project or by providing substitute resources or environments.**

The mitigation plan must be a separate document which describes how project planning employed mitigation concepts as defined in DEP’s Chapter 105 Rules and Regulations. If these impacts cannot be eliminated, then the mitigation plan must include details and plans for replacing the impacted environment. The specific replacement resources or environments must be itemized and construction, operation and maintenance activities must be detailed in the plan.

i. Alternatives Analysis: As a separate document, an analysis must be performed detailing practicable alternatives to the proposed activities, including alternative locations routings, designs, etc., to avoid or minimize adverse environmental impacts.

j. Application Fee: Please attach the check made payable to “Commonwealth of Pennsylvania Clean Water Fund” to the front of the application package.

*For non-jurisdictional dams located in an exceptional value watershed, additional information (items k-p) must be submitted.

**NOTE: Depending on the functions and complexity of the proposed dam, the Department may request additional information to be submitted after its initial review.



Coordination #

ENVIRONMENTAL ASSESSMENT INFORMATION SHEET

*Before completing this form, read the step-by-step instructions provided
with this Environmental Assessment package.*

AGENCY USE ONLY

Environmental Assessment No. _____

Received Date: _____ Acceptance Date: _____

SECTION A. OWNER INFORMATION

Owner: _____ Contact Person: _____
(Individual, Corporation, Company who has primary responsibility)

(Street/P.O. Box)

(City)

(State)

(Zip Code + 4)

(Telephone Number)

SECTION B. AGENT/PREPARER INFORMATION

☐ Check box if same section A.

Firm Name: _____ Contact Person: _____

Mailing Address: _____
(Street/P.O. Box)

(City)

(State)

(Zip Code + 4)

(Telephone Number)

SECTION C. PROJECT LOCATION DATA

Name of stream and/or body of water. _____

Corps District where project will occur.

☐ Baltimore ☐ Philadelphia ☐ Pittsburgh

Name of the U.S.G.S. 7½ Minute Quadrangle Map where project is located: _____

Indicate location of project on this map.

Latitude: _____

Longitude: _____

Project purpose and need: _____

SECTION D. PROJECT DATA

Drainage Area to dam _____ (acres) or (square miles) Maximum Depth to Top of Dam _____ feet

Crest Length _____ feet

Impoundment Surface Area: _____

at normal pool _____ acres

at top of dam _____ acres

Storage Volume: at normal pool _____ acre feet

at top of dam _____ acre feet

SECTION E. INFORMATION COMPLETENESS CHECKLIST

Owner must place an entry - Y = Yes, N = No, N/A = Not Applicable - in each left side column space. See Sections 105.13, 105.14, and 105.15 for additional details.

REQUIREMENT	Applicant Entry	DEP Use Only
a. Location Map		
b. Determination of historic/archaeological sites		
c. Completed and approved Supplement No. 1 Form (PNDI search)		
d. Site Plan (including cross sections)		
e. Project description narrative		
f. Color photographs with map showing location taken		
g. Environmental Assessment forms		
h. Mitigation plan		
i. Alternatives Analysis		
j. Application Fee (attach completed worksheet 3150-PM-BWEW0553)		
FOR NON-JURISDICTIONAL DAMS LOCATED IN AN EXCEPTIONAL VALUE WATERSHED SUBMIT THE FOLLOWING ADDITIONAL INFORMATION		
k. The mean depth and maximum depth of the stream at the location of the dam.		
l. Description of the release structure.		
m. The rate of a conservation release		
n. The design of bypass structures		
o. The use of the dam.		
p. The material used for dam construction.		

FAILURE TO PROVIDE ALL OF THE REQUESTED INFORMATION WILL DELAY THE DEPARTMENT'S REVIEW