

ENVIRONMENTAL REVIEW FOR CHAPTER 105 APPLICATIONS

Permittee The Pennsylvania Game Commission

App. No. D40-099EA

Environmental Recommendation:

Approval ☒

Denial ☐

Withdrawal ☐

Concur ☐

Not Concur ☐

Reviewer V. Humenay

Date September 14, 2010

Super. Initials _____

Date _____

Special Conditions See Approval Letter

I. Environmental Assessment and Record of Decision

Has any portion of the regulated work already occurred? ___ Yes X No

Initial Proposed Acreage to be Impacted 0 (ac.)

Final Wetland Area Impacted 0 (ac.) Wetland Area Replaced 0 (ac.)

Length of Channel Impacted (restored) 100 (feet)

Area of Open Water Impacted 0 (ac.)

A. Review of Application –

Project proposes to breach and remove Intake Dam across Little Shickshinny Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 100 feet of stream channel. The dam is located approximately 2800 feet west of the intersection of US11 and Shickshinny Valley Rd (SR4004) (Shickshinny, PA Quadrangle; Latitude: 41° 09' 04", Longitude: -76° 09' 40")

The dam is breached around the right abutment and is causing severe erosion. The dam will be removed and used as bank stabilization on the right bank. The trees will be used as log deflectors to help bank stabilization and to create aquatic habitat. The project will help the erosion problem at the dam site and allow for unobstructed fish passage.

Once conflict was noted with species under the jurisdiction of the U.S. Fish and Wildlife Service (3/13/08). USFWS recommended that trees be cut between November 16 and March 31. Spoke to Andy Orlovsky on 3/31/08 and he indicated that there would not be any need for tree cutting. A condition was noted on the plan that no trees will be cut.

Tom Shervinskie, PFBC, recommended a seasonal restriction from October 1 to April 1 to protect the wild trout population.

Based on a review of information submitted, field review of site on February 27, 2008, and comments from other resource agencies, project will not have a significant adverse impact on aquatic resources; therefore, recommend approval.

☒ Additional sheets attached.

	<u>YES</u>	<u>NO</u>
B. <u>Potential Project Impacts</u>		
1. Potential Threats to Life or Property	☐	☒
2. Potential Threats to Safe Navigation	☐	☒
3. Riparian Rights Above, Below or Adjacent to Project	☐	☒
4. Regimen and Ecology of		
a. Watercourse	☐	☒
b. Body of Water	☐	☒
5. National/State Natural Areas, Wildlife Sanctuary/Refuge	☐	☒
6. National/State/Local Park or Recreation Area	☐	☒
7. National/State/Local Cultural, Archaeological, or Historical Site	☐	☒
8. Public Water Supply	☐	☒
9. Non-compliance with Applicable laws	☐	☒
10. Non-water Dependent Project	☐	☒
11. Future Development Potential	☐	☒
12. State Water Plan Program Area	☐	☒
13. Coastal Zone Management Program Area	☐	☒
14. Scenic River Corridor Status: no designation	☐	☒
15. Chapter 93 Designated Use: HQ-CWF	☒	☐
a. Exceptional Value Watershed	☐	☒
b. High Quality Watershed	☒	☐
16. Secondary Impacts	☐	☒
17. Cumulative Impacts (temporary and permanent impacts)	☐	☒
18. Wetlands	☐	☒
a. Vegetation (NWI Designation): <u>none</u>	☐	☒
b. Soils (NRCS Designation): <u>unknown</u>	☐	☒
c. Hydrology: <u>open water</u>	☐	☒
19. Exceptional Value Wetlands	☐	☒
20. Stocked Trout Stream	☐	☒
21. Wild Trout Stream	☒	☐
22. Threatened or Endangered Species	☐	☒
23. Other Species of Special Concern	☐	☒

C. Record of Decision for Project Impacts (Any adverse findings must be documented in the Record of Decision.)

1. Exceptional Value Wetlands - (check the criteria that makes the wetland EV):

- ☐ natural or wild areas ☐ wild or scenic river ☐ wild trout stream
☐ public water supply ☐ EV waters ☐ threatened or endangered species habitat
☐ threatened or endangered species (results of PNDI search)

a. Describe the primary function(s) or value(s) of the wetland: _____

N/A - activity reviewed under § 105.16

b. Will the project have an adverse impact on the wetlands functions or values?

☐ ☐

Explain: N/A - activity reviewed under § 105.16

If Yes, has applicant affirmatively demonstrated that project is necessary to abate a substantial threat to the public health and safety?

☐ ☐

Has applicant demonstrated that requirements of Section 105.18a(b)(2)-(7) are met?

☐ ☐

c. Is project water-dependent? (A project is water dependent when the project requires access or proximity to or siting within the wetland or waters to fulfill the basic purpose of the project.)

☐ ☐

Explain: N/A - activity reviewed under § 105.16

d. Is project the least environmentally damaging alternative?

☐ ☐

List alternatives considered and provide rationale that the least damaging alternative has been selected.

N/A - activity reviewed under § 105.16

	<u>YES</u>	<u>NO</u>
e. Will project violate a State water quality standard?	☐	☐
Explain: <u>N/A - activity reviewed under § 105.16</u>		
f. Will project contribute to the pollution of groundwater or surface water or diminution of resources sufficient to interfere with their uses?	☐	☐
Explain: <u>N/A - activity reviewed under § 105.16</u>		
g. Will the cumulative effect of this project and other projects result in impairment to exceptional value wetland resources?	☐	☐
Explain: <u>N/A - activity reviewed under § 105.16</u>		
h. List which compensatory replacement method was used.		
List: <u>N/A - activity reviewed under § 105.16</u>		
2. Other Wetlands		
a. Describe the primary function(s) or value(s) of the wetland:		
Explain: <u>N/A - activity reviewed under § 105.16</u>		
b. Will the project have an adverse impact on the wetland's functions or values?	☐	☐
Explain: <u>N/A - activity reviewed under § 105.16</u>		
c. Will the project have a significant adverse impact on the wetland's functions or values?	☐	☐
Explain: <u>N/A - activity reviewed under § 105.16</u>		
If Yes, has applicant affirmatively demonstrated that project is necessary to abate a substantial threat to the public health and safety?	☐	☐
d. Have adverse impacts been avoided or reduced to maximum extent possible?	☐	☐
Explain: <u>N/A - activity reviewed under § 105.16</u>		

- | | <u>YES</u> | <u>NO</u> |
|---|--------------------------|--------------------------|
| e. Is project the least environmentally damaging alternative? | ☐ | ☐ |

List alternatives considered and provide rationale that the least damaging alternative has been selected.

N/A - activity reviewed under § 105.16

- | | | |
|---|--------------------------|--------------------------|
| f. Will project violate a State water quality standard? | ☐ | ☐ |
|---|--------------------------|--------------------------|

Explain: N/A - activity reviewed under § 105.16

- | | | |
|---|--------------------------|--------------------------|
| g. Will project contribute to the pollution of groundwater or surface water or diminution of resources sufficient to interfere with their uses? | ☐ | ☐ |
|---|--------------------------|--------------------------|

Explain: N/A - activity reviewed under § 105.16

- | | | |
|---|--------------------------|--------------------------|
| h. Will the cumulative effect of this project and other projects result in impairment to wetland resources? | ☐ | ☐ |
|---|--------------------------|--------------------------|

Explain: N/A - activity reviewed under § 105.16

- i. List which compensatory replacement method was used.

List: N/A - activity reviewed under § 105.16

3. Watercourses (check all that apply)

☐ TSF ☒ HQ ☒ CWF ☐ Wild Trout ☐ EV ☐ WWF

- a. Name of watercourse Little Shickshinny Creek
-

- b. Will the project have an impact on the following values of the environment?

Natural	☐	☒
Scenic	☐	☒
Historic	☐	☒
Aesthetic	☐	☒

	<u>YES</u>	<u>NO</u>
c. Have impacts been avoided and minimized?	☒	☐
Explain: <u>impacts have been avoided and minimized where possible</u> 		
d. Is project the least environmentally damaging alternative?	☒	☐
List alternatives considered and provide rationale that the Least damaging alternative has been selected. <u>Project will help eliminate an erosion problem and allow for unobstructed fish passage</u> 		
e. Has the applicant demonstrated that the public benefits of the proposed project out weigh the harm to the environment?	☒	☐
Public benefits include: 1. Correction and prevention of pollution. 2. Protection of public health and safety. 3. Reduction of flood damages. 4. Development of energy resources. 5. Creation or preservation of significant employment. 6. Provision of public utility services. 7. Other essential social and economic development which benefits a substantial portion of the public. Explain: <u>Project will eliminate a threat to public safety and restore the stream to a free- flowing condition</u> 		
f. Is the project located in or within 100 feet of a watercourse or body of water that has been designated as a National or State wild or scenic river?	☐	☒
g. Is the project located in or within 100 feet of a Federal wilderness area?	☐	☒
h. Is the project located within an area which serves as a habitat of a threatened or endangered species?	☐	☒
i. Is the project located in waters classified as exceptional value in Chapter 93?	☐	☒

- | | <u>YES</u> | <u>NO</u> |
|--|--------------------------|--------------------------|
| j. If yes to any "f" thru "i", has the applicant demonstrated that the project will not have an adverse impact upon the public natural resource? | ☐ | ☐ |

N/A

D. Sources Utilized for Review

- | | | |
|--|-------------------------------------|-------------------------------------|
| 1. Shickshinny, PA Quadrangle | ☒ | ☐ |
| 2. National Wetlands Inventory Map | ☒ | ☐ |
| 3. Special Protection Watersheds Map | ☒ | ☐ |
| 4. Scenic Rivers Candidates Map | ☒ | ☐ |
| 5. Coastal Zone Management Map | ☐ | ☒ |
| 6. County Soil Survey | ☒ | ☐ |
| 7. P.N.D.I. (Search Area <u>0.1</u> ac.) | ☒ | ☐ |
| 8. State Water Plan | ☒ | ☐ |
| 9. Other Agencies' Reviews (See E) | ☒ | ☐ |
| 10. Environmental Review Committee (See F) | ☐ | ☒ |
| 11. Other: PFBC wild and stocked trout lists | ☐ | ☐ |
| 12. Site Inspection <u>February 27, 2008</u>
(date) | ☒ | ☐ |
| 13. Jurisdictional Determination from ACOE | ☐ | ☒ |
| 14. Applicants Environmental Assessment | ☐ | ☒ |

<u>Recommendations</u>			
<u>Approve</u>	<u>*Approve w/Conditions</u>	<u>**Deny</u>	<u>No Comments</u>

E. Other Agencies' Comments

1. Pennsylvania Fish & Boat Commission	☐	☒	☐	☐
2. Pennsylvania Game Commission	☐	☐	☐	☒
3. Pennsylvania Historical & Museum Commission	☒	☐	☐	☐
4. U.S. Fish & Wildlife Service	☐	☒	☐	☐
5. U.S. Army Corps of Engineers	☐	☐	☐	☒
6. National Marine Fisheries	☐	☐	☐	☒
7. Environmental Protection Agency	☐	☐	☐	☒
8. County Conservation District	☐	☐	☐	☒
9. NERO	☐	☐	☐	☒

* Provide explanation of how agency comments were addressed, and attach letters, memos, etc.:

Tom Shervinskie (PBFC) recommended seasonal restriction from October 1 to April 1 to protect the wild trout population. These conditions were included in the authorization letter.

U.S.F.S Service recommended that trees should be cut between November 16th and March 31st. This notation was put on the plans

** If "Deny" is checked, provide response to agency recommendation:

Environmental Review Committee Comments	Date Presented _____

[illegible]

☐ Minutes attached

Do minutes accurately reflect discussion?

☐ Yes ☐ No

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