

Wetlands Protection Program

For regulatory and legal purposes, 25 Pa. Code [Chapter 105](#) defines “wetlands” as the following:

“Those 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.”

The approval of a permit, environmental assessment, or plan under Chapter 105 is required prior to conducting any work related to water obstructions or encroachment activities. DEP also provides water quality certification as required under Section 401 of the Clean Water Act for activities that include, but are not limited to, Federal Nationwide Permits (NWP) and other regulated activities under Section 404 of the Clean Water Act and Section 10 of the River and Harbors Act of 1899.

DEP’s [Bureau of Waterways Engineering and Wetlands](#) (BWEW) coordinates the overall implementation and development of the wetlands protection program; however, many aspects of implementation are delegated. Thirty-two of Pennsylvania’s County Conservation Districts have Chapter 105 delegation agreements with DEP to register certain general permits within their counties. The basic duties of each District are to provide information to the public on Chapter 105 regulations, register general permits, and perform on-site investigations. Other programs within DEP are responsible for reviewing and approving general and individual permits relating to Mineral Resources, Abandon Mine Lands, Oil and Gas, Stream Improvement, and Flood Protection.

BWEW recently completed three technical guidance documents for assessing resource conditions (see links below) and that provide guidelines for evaluating the condition of [wetland](#) (palustrine and tidal), [riverine](#), and [lacustrine](#) aquatic resources. The three technical guidance documents outline how to conduct the rapid assessments and establish a scoring system based upon defined condition categories. BWEW also finalized revisions to its Environmental Assessment (EA) Form that include references to these three technical guidance documents and many other changes intended to result in more complete environmental assessments for use in Chapter 105 permit applications and requests for water quality certification under Section 401 of the Clean Water Act.

BWEW is initiating efforts in 2018 to update the current Pennsylvania Aquatic Resource Protection and Management Action Plan (PARMAP). PARMAP provides a framework and direction for DEP and its partners to strengthen and improve the programs that provide regulatory oversight, management, restoration, and monitoring of wetlands and other aquatic resources. The plan is intended to be a “living” document which may be periodically revised to advance the goals as necessary. In addition, BWEW intends to expand the number of participating agencies and institutions that share common interests in aquatic resources to provide a more diverse set of stakeholders contributing input into developing and accomplishing PARMAP initiatives in the future. To facilitate

developing PARMAP initiatives, DEP competes for Wetland Program Development Grant monies from EPA Region 3 in conjunction with state matching funds. Program development is needed to help address new threats, ensure compensatory mitigation provides for lost functions and improve the scientific understanding of the resources to develop better tools for restoration, protection and monitoring and assessment activities. The outputs from these projects will impact other programs beyond the wetland program including the Erosion and Sediment Control program (riparian buffers); TMDL program (Chesapeake Bay TMDL nutrient reduction efforts); Public Water Supply program; Sewage Facilities program; and the Post Construction Stormwater program.

Another new initiative is the Pennsylvania Wetland Mapping Initiative. This is a cooperative effort funded by DEP to enhance wetland mapping for Pennsylvania. A pilot effort was completed in 2017 for the counties in the Chesapeake Bay. The pilot work significantly increased the number and acreage of probable wetlands within the Chesapeake Bay counties by more than 40 percent. DEP expects that the statewide estimated wetland acreages will more than double previous estimated acreages. The project will also provide additional attribute data not traditionally available with current mapping. This will be used to help inform how wetlands function and how they interact and contribute to the overall watershed.