

## Proposed Work During 2021 Drawdown

Property owners along Lake Wallenpaupack may see the 2021 drawdown as a great opportunity for the repair of docks, construction of shoreline retaining walls, maintenance dredging of the lake bottom, etc. Please be aware that according to the Federal Clean Water Act, the Commonwealth of Pennsylvania's Dam Safety and Encroachments Act, The Clean Stream Law and Chapter 105 rules and regulations, any encroachment on any water course, floodway or body of water without federal and state permits/approvals is prohibited. Such encroachments may result in mandatory restoration of affected areas at the violators' expense and/or fines and prosecution.

The following is basic information regarding common activities that occur during drawdowns and the permits/approvals associated with the activity. This is not an all-inclusive list of permits/approvals and additional information may be required upon review. Additional information regarding regulated activities and permitting is also available on the applicable District website [www.pikeconservation.org](http://www.pikeconservation.org) or [www.wayneconservation.org](http://www.wayneconservation.org) or by contacting the Pike County Conservation District at (570) 226-8220 or the Wayne Conservation District at (570) 253-0930.

### The Approval Process

Once you have a preliminary approval letter from Brookfield Renewable Energy Group for the project located on Brookfield Renewable Energy Group property or within Lake Wallenpaupack:

- 1) Determine if the project is below the high-water mark of Lake Wallenpaupack (Elevation 1187 feet)
- 2) Determine if earth disturbance activities are proposed.

### Projects Below High Water Mark

If proposed project is below the normal high-water mark, a state and federal authorization may be required. The Pennsylvania Department of Environmental Protection (DEP)-Chapter 105 program regulates work in and around streams, wetlands and other water bodies with a focus on avoiding or minimizing impacts to these waters. Under a Delegation Agreement, the Conservation Districts administer DEP General Permits for various types of work in waterways, including wetlands and stream crossings, streambank stabilization, boat ramp and dock installation and utility line crossings. District staff inspects permitted sites, investigate complaints and provide regulatory and permitting assistance.

**For projects on Lake Wallenpaupack, such as; docks, shoreline stabilization and protection structures, gravel path below the normal high water mark, boat ramps, etc.** please refer to the General Permit Conditions to see if your project qualifies. Carefully read all of the instructions for details on General Permit applicability and information to be provided. The General Permit registration packets can be found at: <http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=4050>

For Chapter 105 General Permit Registrations, please submit the following to the applicable Conservation District:

- 1) The Conservation District Application.
- 2) A complete General Permit Registration Packet w/sketches of the proposed project.
- 3) Chapter 105 Fee Calculation Worksheet with applicable fee.
- 4) A complete Pennsylvania Natural Diversity Inventory (PNDI) Environmental Search Receipt.
- 5) Colored photographs of the project area for shoreline stabilization and protection projects.
- 6) An Erosion and Sediment Control Plan and the applicable fee if earth disturbance is proposed as part of the project.

The Districts will review the application to ensure it qualifies for the General Permit and for completeness. Based on the project, the District may be able to issue both state and federal authorization for the project. If the project does not qualify for a General Permit through the Conservation Districts, the applicant should contact PA DEP-Northeast Regional Office at 570-826-2511 for additional permitting information.

### Earth Disturbance Activities

Earth disturbance activities are regulated under PA DEP's Chapter 102 Regulations. Chapter 102 requires that persons proposing or conducting earth disturbance develop, implement and maintain Erosion and Sediment (E&S) Control Best Management Practices (BMP's) to minimize erosion and the potential for pollution to water resources. **Examples of earth disturbance activities around Lake Wallenpaupack may include, but are not limited to, house construction, shoreline stabilization and protection projects, maintenance dredging, drainage improvements, path installation, structure removal, etc.** Earth disturbance activities shall be planned and conducted to minimize the extent and duration of the disturbance. The Conservation Districts administer Chapter 102 in Pike and Wayne Counties, including permit application and plan reviews, site inspections, complaint investigations and technical assistance.

For Erosion and Sediment Control Plan Reviews, please submit the following to the applicable Conservation District:

- 1) The applicable Conservation District Application w/ the applicable Fee for Services for the proposed earth disturbance.
- 2) A written erosion and sediment control plan with the following information:
  - a) A location map. To find topographic mapping information: <https://ngmdb.usgs.gov/topoview/viewer/>
  - b) The existing topographic and existing features of the project site (“the lay of the land” and any existing structures).
  - c) A plan drawing of the proposed alterations to the project site, including how the project will be accessed.
  - d) The types, depths, slope, locations and limitations of the on-site soils. Soil information: <http://websoilsurvey.nrcs.usda.gov>
  - e) The location of waters of the Commonwealth that may receive runoff from the project site.
  - f) The location and type of perimeter and on-site best management practice (BMPs) to be used prior to, during and after earth disturbance activities take place. These BMPs should be used to minimize accelerated erosion and sedimentation to the lake.
  - g) A step by step explanation of how and when the project will take place, including a sequence of BMP installation and removal in relation to scheduling of earth disturbance activities.
  - h) A maintenance program that provides for inspection of BMPs on a weekly basis and after each stormwater event, including repair of any damaged BMP.
  - i) An explanation on how the earth disturbance activities will be stabilized. Chapter 102 requires that “upon completion or temporary cessation of the earth disturbance activity, the project site shall be immediately stabilized.”

Wayne and Pike County Conservation Districts each have an “Erosion and Sediment Control Guidelines for Small Projects” booklet to help guide the applicant through the erosion and sediment control plan preparation. The booklet can be found on the District websites, [www.pikeconservation.org](http://www.pikeconservation.org) or [www.wayneconservation.org](http://www.wayneconservation.org).

### **Maintenance Dredging of Accumulated Sediment within Lake Wallenpaupack**

Approvals from the PA DEP, the U.S. Army Corps of Engineers and the applicable Conservation District are required to remove accumulated silts and sediments from reservoirs impounded by dams, including Lake Wallenpaupack. PA DEP recently provided Brookfield Renewable Energy Group with a non-jurisdictional letter, which allows for dredging of accumulated silt and sediments in Lake Wallenpaupack. Therefore, after obtaining preliminary approval for maintenance dredging of accumulated sediment from Brookfield Renewable Energy Group, the applicant should submit an Erosion and Sediment Control plan for maintenance dredging project and the disposal area to the applicable Conservation District. Brookfield Renewable Energy Group requires the approval of this plan by the District prior to granting their final approval for the maintenance-dredging project. In addition, the applicant is required to contact the PA Fish and Boat Commission-Northeast Regional Office at 570-477-5717 prior to starting work.

To apply for Federal Authorization to remove accumulated silts and sediments, **one copy** of the following information should be forwarded to the United States Army Corps of Engineers-Philadelphia District (Pocono Field Office), 253 Route 435, Suite 4, Clifton Township, PA 18424:

- The name and address of the dam owner.
- A copy of the USGS topographic map indicating the location of the dam and reservoir. For large impoundments, specify the location of proposed sediment removal.
- Results of the completed Pennsylvania Natural Diversity Inventory (PNDI) Project Planning Environmental Review form, along with comment forms from resource agencies if applicable. An on-line version of the PNDI Planning Tool is available at: <http://www.naturalheritage.state.pa.us/>.
- A scaled plan view showing the dam and impoundment area, aerial extent of maintenance dredging (indicate the total area to be dredged in square feet or acres), and the proposed depths.
- An explanation on how the area to be dredged will be accessed.
- An explanation of the potential source of the accumulated sediment.
- A narrative indicating how and what type of equipment will be used to remove the sediment.
- A plan, including a location map, showing the proposed dredge disposal area and its proximity to any streams, floodways or wetlands.
- Color photographs of the impoundment area and the dredge disposal site.

**PLEASE NOTE:** Any activity expanding the reservoir area or its depth does not qualify as maintenance and therefore requires additional permitting and approvals from PA DEP, U.S. Army Corps of Engineers, the PA Fish and Boat Commission and the Conservation Districts.

### **Brookfield Renewable Energy Group Final Approval for All Proposed Projects**

After receiving an approval letter from the Conservation District and/or DEP, contact Brookfield Renewable Energy Group for final approval of the project.