

**INSTRUCTIONS FOR MODEL CONSERVATION INSTRUMENTS
FOR THE
PENNSYLVANIA STATE PROGRAMMATIC GENERAL PERMIT-4 (PASPGP-4)**

Proposed activities/projects for construction or expansion of residential, commercial, or institutional subdivisions or developments that include greater than 0.25 acre of wetlands, in addition to the total wetland area directly impacted by the proposed project and located within the property boundary are potentially eligible for authorization under PASPGP-4. Applications for PASPGP-4 authorizations that do not include a proposed Conservation Instrument, which protects aquatic resources from activities such as filling, draining, mowing, placement of structures, cutting of vegetation, clearing, or plowing of natural vegetation, will be forwarded to the U.S. Army Corps of Engineers (Corps) as a Category III Activity.

The Model Conservation Instruments are in the form of:

1. Declaration of Restrictive Covenants for Conservation (Deed Restriction): This is the most commonly used form of Conservation Instrument.
2. Conservation Easement: A Conservation Easement is to be used when the “Conservation Area” is to be conveyed to a third party holder. For example, a watershed group or environmental organization.

Additional information can be obtained by contacting the Corps or the Pennsylvania Department of Environmental Protection (PADEP). The Conservation Instrument templates and a copy of the PASPGP-4 are available on the Corps Web site at:

<http://www.nab.usace.army.mil/Wetlands%20Permits/permits.htm>

1. An attorney licensed in the Commonwealth of Pennsylvania shall prepare the Conservation Instrument.
2. An attorney licensed in the Commonwealth of Pennsylvania **must** sign the Conservation Instrument prior to recording. This is **mandatory** and indicates that the Conservation Instrument, as prepared, is in full compliance with Pennsylvania law.
3. For the draft or executed instrument:
 - a. Under **NO** circumstances will the final page showing recordation be complete;
 - b. All other blanks in the instrument **must** be filled in;
 - c. Citation of the applicable legal authority **must** be made in Section 1 as needed;
 - d. The [**BRACKETED**] information should be replaced as necessary with appropriate language;
 - e. All of the necessary names of parties and signatories (except for the notary public) **must** be visible on the Conservation Instrument; and
 - f. The necessary exhibit(s) **must** be attached.
4. **For PADEP/County Conservation District (CCD) reviewers:** The Conservation Instrument must not yet be recorded when submitted, but the draft or executed Conservation Instrument must be otherwise complete and ready for execution and recording (or recording only).

5. Provided the Conservation Instrument is completed in accordance with the model template, and submitted with the application, the PADEP or CCD reviewer may issue the PASPGP-4 for Category I and II Activities. The permittee shall ensure that the Conservation Instrument, with the PASPGP-4 authorization attached, is recorded in the appropriate County land records.
6. The Corps and PADEP **must** receive a copy of the recorded instrument prior to the initiation of the permitted work.
7. Future Phases: The Reserved Rights Section of the Conservation Instrument provides for development within designated Conservation Areas, for future phases of the project. If such changes are approved as part of the permit authorization(s)/permit amendment(s) for a new phase(s) of work, the amended Exhibits A and B must be recorded and specifically noted as an “amendment” (should not replace the existing Recorded document) and copies of the recorded amended Exhibits must be provided to the Corps and PADEP prior to the initiation of the new phase(s) of permitted work.

U.S. Army Corps of Engineers District Offices

Pittsburgh District

Regulatory Branch

Federal Building

1000 Liberty Avenue

Pittsburgh, PA 15222-4186

412-395-7155

<http://www.lrp.usace.army.mil/or/or-f/permits.htm>

Baltimore District

Regulatory Branch

1631 South Atherton Street

Suite 101

State College, PA 16801

814-235-0570

<http://www.nab.usace.army.mil/Wetlands%20Permits>

Philadelphia District

Regulatory Branch

Wanamaker Building

100 Penn Square East

Philadelphia, PA 19107-3390

<http://www.nap.usace.army.mil/cenap-op/regulatory/paspgp.html>

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