



Public Notice

U.S. Army Corps
of Engineers

SPECIAL PUBLIC NOTICE #SPN-18-49

Date: July 30, 2018

Baltimore District

Philadelphia District

Pittsburgh District

THIS PUBLIC NOTICE IS ISSUED JOINTLY BY THE PHILADELPHIA, PITTSBURGH, AND BALTIMORE DISTRICTS OF THE U.S. ARMY CORPS OF ENGINEERS.

Subject: The purpose of this Special Public Notice is to hereby inform the public of revisions to the Pennsylvania State Programmatic General Permit – 5 (PASPGP-5). These changes are effective the date of this public notice.

These changes include the following:

- a. Editorial/clarification changes and citation corrections.
- b. Updates to compliance procedures pursuant to Section 7 of the Endangered Species Act (ESA). Specifically the following language has been added to Part IV (A) Non-reporting Activities, Non-Reporting Processing Requirements for ESA regarding avoidance measures (AM):

“Correspondence from the USFWS containing AMs for Federally listed species whereby the applicant has agreed to implement AMs as part of the application. In such cases, all AMs become Special Conditions of the PASPGP-5 authorization without the need for a Corps review.”

- c. Federally-listed mussel waters updated:

The list of mussel waters found at Part IV, (B)(5)(a), Activities which May Affect Threatened or Endangered Species and their Critical Habitat under Section 7 of the Endangered Species Act, has been modified to add Oswayo Creek in McKean County as a known mussel water. The revised listing of federally-listed mussel waters is below:

WATERWAYS	COUNTY
Allegheny River	Allegheny, Armstrong, Clarion, Forest, Venango, Warren, McKean, and Westmoreland,
Conewago Creek	Warren
French Creek	Crawford, Erie, Mercer, and Venango
Conneaut Outlet	Crawford
Conneauttee Creek	Crawford
LeBoeuf Creek	Erie
Muddy Creek	Crawford
Shenango River (Pymatuning Reservoir to Big Bend)	Crawford and Mercer
Delaware River	Monroe, Pike, and Wayne
Cussewago Creek	Crawford
Little Mahoning Creek	Indiana
Little Shenango River	Mercer
Oil Creek	Venango
Oswayo Creek	McKean
West Branch of French Creek	Erie
Woodcock Creek	Crawford

d. Modification of bog turtle habitat screening procedure:

The requirements to perform bog turtle habitat screening at Part IV, (B)(5)(b), Activities which May Affect Threatened or Endangered Species and their Critical Habitat under Section 7 of the Endangered Species Act, was revised. Specifically, a Phase 1 Bog Turtle Habitat Assessment is no longer required based on a list of counties with known bog turtle occurrences. The requirement for conducting a Phase 1 Bog Turtle Habitat Assessment will now be identified as part of the Pennsylvania Natural Diversity Inventory (PNDI) search receipt.

This notice affects proposed projects that may be verified under the PASPGP-5 by the Corps, the Pennsylvania Department of Environmental Protection, and delegated County Conservation Districts. These revisions are in accordance with the procedures for implementing the PASPGP-5 which provides for periodic updates to the permit to ensure compliance with other federal laws and regulations.

The revised PASPGP-5 may be viewed on the Baltimore District Regulatory Internet Web page: <http://www.nab.usace.army.mil/Missions/Regulatory.aspx>

It is requested you communicate the foregoing information to any persons known by you to be interested and who may not have received a copy of this notice. If you have any questions regarding this matter, please contact Mrs. Patricia A. Strong, State College Regulatory Field Office ,1631 South Atherton Street, State College, Pennsylvania, 16801 or via telephone at (410) 962-1847 or via email at Pat.Strong@usace.army.mil.

Daniel P. Swenson
Chief, Regulatory Branch
Baltimore District