



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

Operations Division

May 20, 2013

Ms. Stephanie DiVittore
Quittapahilla Watershed Association
752 Willow Street
Lebanon, Pennsylvania 17046

Dear Ms. DiVittore,

This is in reference to your request for Department of Army (DA) verification of Nationwide Permit (NWP) authorization to discharge dredged and/or fill material associated with approximately 3,690 linear feet of stream restoration and stabilization in and adjacent to the Quittapahilla Creek. No wetlands are proposed to be impacted by this project. The project is located at the Quittie Creek Nature Park, in Annville Township, Lebanon County, Pennsylvania. The project has been assigned the file number, NAB-2007-08395-P04 (Quittapahilla Creek Watershed/Quittie Creek Nature Park).

We have determined that your proposed work, if accomplished in accordance with the enclosed terms and conditions and the information included in your application, is authorized by Nationwide Permit(s) for purposes of Section 10 of the River and Harbors Act of 1899 and/or Section 404 of the Clean Water Act as published in the February 21, 2012 Federal Register, Final Notice of Issuance, Reissuance, and Modification of NWPs (72 FR 10184), NWP number-27, provided all State authorizations are granted. If any of the information contained in the application and/or plan(s) is later found to be in error, this authorization may be subject to modification, suspension, or revocation.

The enclosed list of conditions must be followed for purposes of the NWP (Enclosure 1). In addition, the following special conditions are incorporated as part of this authorization to ensure no more than minimal impacts to the aquatic environment. You and your contractor are also requested to sign, date and return Enclosure 2 of this verification letter whereby you are acknowledging and agreeing to comply with the terms and conditions, including the special conditions, of this NWP verification.

1. All authorized work shall be constructed in accordance with project plans prepared by Clear Creeks Consulting and Skelly and Loy, Inc., entitled, "Quittie Creek Nature Park", sheets G-1, G-2 dated December 2012; SC-1 dated December 2012; R-1, 2, 4, 5, 7 through 16 dated December 2012; R-3, 6, 17 dated December 2012 and last revised

January 30, 2013; ES-1, 2, 3, 5, 6, 8, 9, 10 dated December 2012, ES-4 and 7 dated December 2012 and last revised January 30, 2013 and; PL-1 and PL-2 dated December 2012.

2. The authorized work shall result in no more than 3,690 linear feet of permanent stream channel impact. No wetland impacts are proposed.
3. The permittee shall require its contractors and/or agent to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit.
4. No work shall be performed in the stream channel between March 1 and June 15 of any year without the prior written approval of the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9620, telephone 814-359-5147.
5. To ensure improved functions and services of the Quittapahilla Creek that will be temporarily and permanently disturbed due to construction of the authorized work, the permittee shall successfully restore approximately 3,690 linear feet of stream channel.
6. The permittee shall perform the authorized work and the restoration in accordance with applicable soil erosion and sediment control specifications as approved by the Lebanon County Conservation District.
7. The environmental consultant shall survey the stream restoration site prior to any planting or seeding to ensure the elevations of the newly graded surfaces are correct for successful stream bank stabilization and growth of the plants selected. All fill materials must be clean, free of contaminants, and suitable for growth of the plants selected. Should settlement of the fill materials or graded surfaces occur after planting, resulting in too low or too high an elevation for successful establishment, the elevation shall be corrected and the area shall be replanted or reseeded.
8. The environmental consultant shall carefully monitor the work at the stream restoration site and keep Mrs. Patricia Strong, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, 10 South Howard Street, Baltimore, MD 21203-1715 advised of the status of the stream restoration. This reporting shall commence with the notification of the starting date. As-built plans showing the final grading, structure locations and planting locations must be submitted to this office within 60 days following completion.
9. The environmental consultant shall monitor the stream restoration area for five consecutive growing seasons and submit Monitoring Reports to Mrs. Patricia Strong, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, 10 South Howard Street, Baltimore, MD 21203-1715. The first monitoring report is to be prepared during the first full growing season following construction of the restoration project. Additional monitoring may be required if performance standards are not met. Monitoring reports must be submitted to this office for review and approval by December 31 of the calendar year. Any maintenance, repairs, or additional measures necessary to ensure the integrity of the project shall be performed by the environmental consultant, or your contractor

under the supervision of the environmental consultant. An enforcement action may be taken for failure to submit the required Monitoring Reports.

10. The permittee's responsibility to complete the required stream restoration as set forth in these special conditions, will not be considered fulfilled until it has been determined that the restoration site is successful, as determined by the Corps and have received written verification from the U.S. Army Corps of Engineers.
11. No excavated or fill material shall be stockpiled in Waters of the United States including jurisdictional wetlands. Any stockpiling within the vicinity of streams or wetlands shall be stabilized to prevent entry of materials into these areas.
12. During all earth disturbance associated with this project, orange construction fence must be installed at the wetland boundary for the purpose of restricting access into the wetlands.
13. Upon completion of all regulated activities, the permittee shall restore all temporarily disturbed areas to preconstruction contours, elevations, and hydrology, and stabilize with seeding and or mulching within 15 days following construction. All excess materials including stream diversion materials and sediment and erosion control measures shall be removed, in their entirety, to an approved upland site, after disturbed areas are permanently stabilized.

The use of this NWP is contingent upon obtaining State 401 Water Quality Certification (WQC). Enclosed is a copy of the WQC issued through the Pennsylvania Department of Environmental Protection (PADEP) authorization (EA38-009) dated March 4, 2013 (enclosure 3). The conditions of the State Section 401 WQC are hereby conditions of the NWP.

Each permittee who receives a NWP verification from the Corps of Engineers must submit a signed certification regarding completed work and any required mitigation. Therefore, upon completion of the authorized work and required mitigation, you are required to complete the enclosed compliance certification form and return it to the address indicated thereon (enclosure 4).

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2017. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

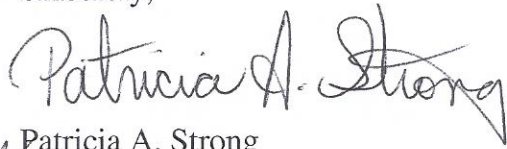
After you have obtained all required Federal, State, and/or local authorizations, you may proceed with the authorized work.

When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, you must have the transferee (new owner) complete the enclosed permit transfer form (enclosure 5). The transferee is required to provide a mailing address and telephone number along with their signature and date in the space provided, and mail a copy to: U.S. Army Corps of Engineers, State College Field Office, 1631 South Atherton Street, Suite 102, State College, PA 16801.

A copy of this letter is being provided to the PADEP Southcentral Regional Office, Lebanon County Conservation District, Skelly and Loy, and Clear Creeks Consulting for informational purposes.

If you have any questions concerning this matter, please call Mrs. Patricia Strong at (410) 962-1847.

Sincerely,


for Patricia A. Strong
Project Manager, Pennsylvania Section

Enclosures

2012 Nationwide Permit General Regional Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following regional general conditions, as applicable, in addition to any nationwide permit specific regional conditions identified above in Section I, the general conditions found in the 2012 NWPs published in the *Federal Register* on February 21, 2012 (77 FR 10282), and any case-specific conditions imposed by the Corps.

Nationwide Permit General Condition #2 *Aquatic Life Movement*

Regional General Condition 2a - The permittee shall apply any appropriate time-of-year restrictions to protect the aquatic resources present within the project area and downstream of the project site. See [attached addresses of agencies](#) for information on state imposed time-of-year restrictions (see “List of Agencies”, numbers 7, 8 & 9 for contact information in Pennsylvania; numbers 10, 12, & 13 for contact information in Maryland; number 15 & 21 for contact information in Washington, DC; and number 17, 18, 19, and 20 for Virginia).

Nationwide Permit General Condition #18 *Endangered Species*

Regional Condition 18a – For all work in Pennsylvania associated with any of the NWPs, the applicant is required to complete a Pennsylvania Natural Diversity Inventory (PNDI) project screening for federally listed threatened and endangered species. The PNDI Environmental Review Tool is located at: <http://www.naturalheritage.state.pa.us>. The prospective permittee must submit a PCN to the District Engineer, in accordance with the current Corps permit application procedures (See general condition 31 and regional general condition 31a), prior to doing the work, if the PNDI receipt identifies a “Potential Impact”, or “Avoidance Measures”, in association with the U.S. Fish and Wildlife Service.

Regional Condition 18b - Interactions with National Marine Fisheries Service Federally Threatened or Endangered Species (Applicable to the District of Columbia, Maryland, and certain military installations of Northern Virginia in the regulatory geographic boundaries of the Baltimore District): Any interaction between a sea turtle or any species listed now or in the future under Federal law as a threatened or endangered species (“listed species”) (e.g., North Atlantic right whale, humpback whale, shortnose sturgeon) and the vessels associated with the project must be reported to the National Marine Fisheries Service as follows: (1) If the animal appears alive and uninjured (i.e., breathing normally, no visible wounds, movement uninhibited), the permittee or its representative must report the incident to the National Marine Fisheries Service Northeast Region Marine Mammal and Sea Turtle Stranding and Entanglement Hotline at (866) 755-6622 within 24 hours of returning from the trip on which they made the discovery; (2) If the animal requires assistance, the call to the hotline must be made immediately; (3) If the animal appears to be injured (i.e. bleeding, gasping for air, etc.) or dead, the permittee or its representative must also immediately call the hotline so the appropriate rehabilitation or stranding network representative can be contacted. The applicant shall also notify the Corps of all correspondence and coordination with the National Marine Fisheries Service within two

calendar days. Additional information about any Federally threatened or endangered species may be obtained from the attached fact sheet or online at:

http://www.nero.noaa.gov/prot_res/stranding/SpeciesOverview.html and at:
http://www.nero.noaa.gov/prot_res/esp/. An interaction is defined as an entanglement or capture of a listed species or a strike/direct contact between vessels or equipment used for the project and a listed species.

Regional Condition 18c - Vessel Buffer (Applicable to the District of Columbia, Maryland, and certain military installation of Northern Virginia in the regulatory geographic boundaries of the Baltimore District): When listed species are sighted, vessels must attempt to maintain a distance of 50 yards (150 feet) or greater between the animal and the vessel whenever possible. State and Federal regulations prohibit approaching a right whale within a 500 yard (1,500 foot) buffer zone. Any vessel finding itself within the 500 yard (1,500 foot) buffer zone created by a surfacing right whale must depart immediately at a safe, slow speed. If other listed species are detected, vessels will reduce their speeds to 10 knots or to the maximum extent practicable to ensure human safety. If listed species are sighted off of a moving dredge, intentional approaches within 100 yards (300 feet) of the animal must be avoided. Vessels must reduce speeds to 4 knots or the lowest speed practicable to ensure human safety. Any interactions must be reported to the National Marine Fisheries Service.

Regional Condition 18d - Best Management Practices Applicable Within Tidal Waters of the Chesapeake Bay in Maryland, District of Columbia, and certain military installations of northern Virginia having Salinity Levels Less Than 6 Parts Per Thousand (ppt) (See Enclosure 1):

1. **Pile Driving:** For the protection of listed species, pile driving methods must maintain noise level thresholds not to exceed 187dB sound exposure level (SEL) re 1 μ Pa or 206dB peak re 1 μ Pa at a distance of >10m from the pile being installed; and levels >155dB peak re 1 μ Pa must not exceed 12 consecutive hours on any given day and a 12 hour recovery period (i.e., in-water noise levels below 155dB peak re 1 μ Pa) must be provided between work days. Pile driving construction must adhere to one of the following methods: (a) piles must be installed in-the-dry during low water; (b) piles must be drilled and pinned to ledge; (c) vibratory hammers must be used to install any size and quantity of wood, concrete, or steel pilings; (d) impact hammers must be limited to one hammer and <50 piles installed per day with the following: (1) wood piles of any size; (2) concrete piles <18-inches diameter; (3) steel piles <12-inch diameter if the hammer is <3,000 pounds and a wood cushion is used between the hammer and steel pile; or (e) approved pile driving methods that will allow noise level thresholds to be met.
2. **Sediment Disturbing Activities Time-of-Year Restriction:** Within all tidal waters of the Chesapeake Bay and its tidal tributaries in Maryland, sediment disturbing activities with salinity levels <6 ppt, which includes pile driving activities, are prohibited during the period April 1 through June 30 for the protection of shortnose sturgeon and early life stages in these waters.

Nationwide Permit General Condition #31 Pre-Construction Notification

The following regional general conditions are incorporated as part of the terms and conditions of NWP General Condition 31, *Pre-Construction Notification*. These regional general conditions are applicable to all NWPs where a PCN is submitted to the district engineer. This includes the following: (a) those NWPs requiring notification to the district engineer pursuant to the NWP general conditions 18, 22 and 31, (b) those NWPs requiring notification to the district engineer pursuant to a regional condition, and (c) any other pre-construction notifications to the district engineer where an applicant has requested verification of an NWP authorization. Those NWPs that require a PCN include NWPs 1*, 2*, 3*, 4*, 5*, 6*, 7, 8, 9*, 10*, 11, 12, 13*, 14*, 15*, 16*, 17, 18, 19, 20*, 21*, 22*, 23, 24*, 25*, 27, 28, 29, 30, 31, 32*, 33, 34, 35, 36*, 37*, 38, 39, 40, 41, 42, 43*, 44, 45, 46, 48*, 49, 50, 51, and 52.

**These NWP activities require notification under certain circumstances. Review the NWP authorization, general conditions 18, 22 & 31, and the regional conditions to identify these circumstances.*

Regional General Conditions 31a

1. A PCN shall be submitted to the District Engineer for any proposed activity, which would result in impacts, temporary or permanent, to jurisdictional wetlands in the following Counties in Pennsylvania: Adams, Berks, Bucks, Carbon (Aquashicola Creek Watershed), Chester, Cumberland, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill (Swatara Creek Watershed), and York.
2. For a PCN required in Pennsylvania under Regional Nationwide Permit General Condition 18a, a copy of the PCN must also be concurrently forwarded to the U.S. Fish and Wildlife Service if the PNDI receipt identifies a "Potential Impact" related to the U.S. Fish and Wildlife Service, or if the applicant cannot implement, or does not agree to implement one or more U. S. Fish and Wildlife Service issued "Avoidance Measures" detailed on the PNDI receipt.
3. A PCN shall be submitted the Baltimore District Corps of Engineers for proposed construction and modification of docks, piers, and other structures that will occur along and/or within 150 feet of the horizontal limits of a federally authorized channel within the Baltimore District Civil Works Boundary <http://www.nab.usace.army.mil/Navigation/DepthRpts.htm#017>. In addition, a PCN is required for the replacement of previously authorized, currently serviceable structures located along federally authorized channels that are destroyed by an act of nature or sudden event. All proposed work shall comply with the most current version of the Baltimore District's setback guidance on the Baltimore District Regulatory website at: <http://www.nab.usace.army.mil/Wetlands%20Permits/>

4. All pre-construction notifications (PCNs) to the District Engineer shall be completed using the established Corps of Engineers permit application procedures for that locality (see <http://www.nab.usace.army.mil/Wetlands%20Permits/permits.htm>). The PCN shall include all activities that the applicant plans to undertake that are reasonably related to the same project. All PCNs to the District Engineer shall include the following information, where applicable, in addition to the information specified in the nationwide permit conditions, including General Condition 31:

- a) Plan(s) of the proposed work on 8-1/2 by 11 inch paper which includes a location map; longitude and latitude; and plan view drawings clearly depicting the location, size, and dimensions of the proposed activity as well as the location of the delineated waters and wetlands, for the entire project area. The drawings shall contain the amount (in cubic yards) and the area (square feet) of dredged and/or fill material to be discharged in Corps jurisdiction, including both permanent and temporary structures. Plans should depict all proposed work, including areas proposed for filling, grading, excavation, drainage, and/or inundation. All drawings shall include the ordinary high water mark, or if in tidal waters, the mean high water mark and high tide line; existing water depths; cross-sectional plan; depth of any structure(s) below mean low water; height of any structure(s) above mean high water; the maximum distance that the structure(s) or fill will extend channelward of the existing shoreline; the width of the waterway at the project site; the location of any dredged material disposal area; the distance from the edge of any federal navigation channel and the location of any temporary work; structures, vessels, or fills required for construction; a copy of any previous Federal or State approvals; and the location and nature of any submerged aquatic vegetation (e.g., eel grass, *Zostera marina*). In the Baltimore District, the applicant may refer to the Virginia Institute of Marine Science aerial surveys for obtaining such information. <http://web.vims.edu/bio/sav/index.html> The applicant should also refer to other reliable sources to comply with this condition.
- b) The PCN shall include a wetland and stream delineation for the entire project area, including latitude and longitude, identified on a scaled plan of the project site. All existing or proposed work in aquatic resources shall be identified on the same-scaled plan. Further, at the discretion of the District Engineer, the Corps may determine that a PCN is incomplete if it is determined that field verification of the wetland and/or stream delineation is required.
- c) Numbered and dated pre-project color photographs showing all aquatic resources proposed to be impacted on the project site. The compass angle and position of each photograph shall be documented on the plan view drawing.

- d) Evidence that the prospective permittee has already contacted and received a response from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service concerning any Federally listed Threatened and Endangered Species that may be affected by the proposed activity. (see "List of Agencies", numbers 2 & 4 for contact information in Pennsylvania; numbers 3, & 5 for contact information in Maryland and Washington, DC; and Numbers 5, 19 & 20 for contact information in Virginia).

In Pennsylvania, a PNDI receipt or U.S. Fish and Wildlife Service letter (issued pursuant to the ESA) serves as evidence that the prospective permittee has contacted and received a response from the U.S. Fish and Wildlife Service.

- e) Evidence that the prospective permittee has already contacted and received a response from the State Historic Preservation Office concerning historic properties that may be affected by the proposed activity. (see "List of Agencies", number 6 for contact information in Pennsylvania; number 11 for contact information in Maryland; number 14 for contact information in Washington, DC; and number 16 for contact information in Virginia).
- f) Documentation from the appropriate State agency indicating whether the proposed project is located within a State Natural Heritage site, Outstanding National Resource Water, or National Estuarine Research Reserve. For further information, reference NWP general condition 22. (see "List of Agencies", numbers 2, 4, & 7 for contact information in Pennsylvania; numbers 3, 5, 10, 12, & 13 for contact information in Maryland; numbers 3, 5, 15, & 21 for contact information in Washington, DC; and numbers 17, 18, 19, & 20 for contact information in Virginia).
- g) A written statement describing the following:
- i. what measures have been taken to avoid impacts to aquatic resources;
 - i. what measures have been taken to minimize unavoidable impacts to aquatic resources;
 - ii. what measures have been developed to compensate for the loss of aquatic resources. Where compensatory mitigation is required, approval of a mitigation plan (complete with the 12 fundamental components of a compensatory mitigation plan, as identified in 33 CFR 332.4/40 CFR 230.92.4 (c)) is required prior to initiating any authorized work.

5. When a PCN is required, the Corps review period shall commence with the receipt of a complete permit application at the Corps District Office. The prospective permittee shall not begin the activity until notified in writing by the District Engineer (normally within 60 days) that the activity may proceed under the nationwide permit with any special conditions imposed, if applicable.
6. Where required by the regional conditions of the NWP, the prospective permittee must submit a PCN to the District Engineer for any activity that may adversely affect Essential Fish Habitat within the District of Columbia, Maryland, and certain military installations of Northern Virginia within the Potomac River watershed in the regulatory geographic boundaries of the Baltimore District. The District Engineer will immediately provide (e.g., via email, facsimile transmission, or other expeditious manner) a copy of the PCN, including project description, site location map, project plans, and any ancillary information relevant to the National Marine Fisheries Service's jurisdiction for an Essential Fish Habitat assessment, or where appropriate, an individual Essential Fish Habitat consultation and coordination. The National Marine Fisheries Service-Chesapeake Bay Office shall then have a 30 day review and comment period from the date of their receipt of the EFH assessment, as provided by the Magnuson-Stevens Act.
7. Any requests to waive the 300 linear foot limitation for the intermittent and ephemeral streams for NWPs 12, 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52, or to waive the 500 linear foot limitation along the bank for NWP 13, or to waive the 20 foot width limitation for NWP 36, must include:
 - a) A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characteristics observed associated with the Ordinary High Water Mark (e.g., bed and bank, wrack line, or scour marks); a description of the adjacent vegetation community, including a statement as to if the area is upland or wetland; surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information.
 - b) An analysis of the proposed impacts to the waterbody in accordance with General Condition 31.
 - c) Measures taken to avoid and minimize losses, including other methods of constructing the proposed project; and
 - d) A mitigation plan describing how the unavoidable losses are proposed to be compensated (complete with the 12 fundamental components of a compensatory mitigation plan, as identified in 33 CFR 332.4/40 CFR 230.92.4 (c)).

8. Any compensatory mitigation required by special conditions of the NWP verification shall be completed before or concurrent with commencement of construction of the authorized activity, except when specifically determined to be impracticable by the Corps. When compensatory mitigation involves use of a mitigation bank or in-lieu-fee program, the special conditions of the permit must identify the specific mitigation bank or in-lieu-fee program used to provide the required compensatory mitigation and the number and resource type of credits the permittee is required to secure. Proof of payment to the approved mitigation bank or in-lieu-fee program shall be submitted to the appropriate Corps district prior to commencement of construction of the authorized activity. The amount of required compensatory mitigation must be, to the extent practicable, sufficient to replace lost aquatic resource functions and services. A watershed approach to compensatory mitigation that considers the importance of landscape position and resource type of compensatory mitigation projects for the sustainability of aquatic resource functions within the watershed should be used.

SPECIAL NOTES:

1. Where the Commonwealth, State or the District of Columbia (District) has denied 401 WQC and/or not concurred with the Corps' CZM consistency determination for a NWP authorization, the prospective permittee should contact the Commonwealth/State/District to obtain an activity specific review and approval by the Commonwealth/State/District prior to submitting any required pre-construction notification (PCN) to the Corps of Engineers.
2. The attached addresses should be used for notification to those agencies required by regional conditions.

List of Agencies:

- (1) Environmental Protection Agency
1650 Arch Street - 3ES42
Philadelphia, Pennsylvania 19103-2029

- (2) U.S. Department of the Interior
Fish and Wildlife Service
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850

- (3) U.S. Department of the Interior
Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, Maryland 21401

- (4) National Marine Fisheries Service
Habitat Conservation Division
74 Magruder Road, Sandy Hook
Highlands, New Jersey 07732

- (5) National Marine Fisheries Service
Chesapeake Bay Office
410 Severn Ave., Suite 107A
Annapolis, Maryland 21403

- (6) Pennsylvania Historical & Museum
Commission
Bureau of Historic Trust
P.O. Box 1026
Harrisburg, Pennsylvania 17110

- (7) Pennsylvania Fish & Boat Commission
Bureau of Fisheries & Engineering
450 Robinson Lane
Bellefonte, Pennsylvania 16823-9616

- (8) Pennsylvania Department of
Environmental Protection
Bureau of Watershed Management
Division of Waterways, Wetlands & Stormwater Management
Rachel Carson State Office Building
P.O. Box 8460
Harrisburg, Pennsylvania 17105-8775

(9) Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, Pennsylvania 17110-9797

(10) Maryland Department of Natural Resources Environmental Review, B-3
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

(11) Maryland Historical Trust
Division of Historical & Cultural Programs
100 Community Place
Crownsville, Maryland 21032-2023

(12) Maryland Department of the Environment
Water Resources Administration
Tidal Wetlands Division
Montgomery Park Business Center
1800 Washington Boulevard, Suite 430
Baltimore, Maryland 21230-1708

(13) Maryland Department of the
Environment
Non-tidal Wetlands and Waterways Division/CZC Unit
Montgomery Park Business Center, Suite 430
Baltimore, Maryland 21230-1708

(14) District of Columbia Office of Planning Historic Preservation Office
1100 4th Street, SW
Suite E 650
Washington, DC 20024

(15) District Department of Environment
Water Quality Division
51 N Street, NE, 6th Floor
Washington, DC 20002

(16) Virginia Department of Historic Resources
Attn: Project Review
2801 Kensington Avenue
Richmond, Virginia 23221

(17) Virginia Department of Game and Inland Fisheries
4010 West Broad Street
P.O. Box 11104
Richmond, Virginia 23230

(18) Northern Regional Office
Virginia Department of Environmental Quality
13901 Crown Court
Woodbridge, Virginia 22193

(19) Virginia Marine Resources Commission
Habitat Management Division
2600 Washington Avenue, 3rd Floor
Newport News, Virginia 23607-0756

(20) U.S. Fish and Wildlife Service
Division of Habitat and Resource Conservation
4401 N. Fairfax Drive, Suite 840
Arlington, Virginia 22203

(21) U.S. Fish & Wildlife Service
District of Columbia
1849 C Street NW, Room 3331
Washington, DC 20240-0001

Nationwide Permit (NWP) #27, AQUATIC HABITAT RESTORATION, ESTABLISHMENT, and ENHANCEMENT ACTIVITIES, with specific conditions.

Activities in waters of the United States associated with the restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, the restoration and enhancement of non-tidal streams and other non-tidal open waters, and the rehabilitation or enhancement of tidal streams, tidal wetlands, and tidal open waters, provided those activities result in net increases in aquatic resource functions and services.

To the extent that a Corps permit is required, activities authorized by this NWP include, but are not limited to: the removal of accumulated sediments; the installation, removal, and maintenance of small water control structures, dikes, and berms, as well as discharges of dredged or fill material to restore appropriate stream channel configurations after small water control structures, dikes, and berms, are removed; the installation of current deflectors; the enhancement, restoration, or establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to restore or establish stream meanders; the backfilling of artificial channels; the removal of existing drainage structures, such as drain tiles, and the filling, blocking, or reshaping of drainage ditches to restore wetland hydrology; the installation of structures or fills necessary to establish or re-establish wetland or stream hydrology; the construction of small nesting islands; the construction of open water areas; the construction of oyster habitat over unvegetated bottom in tidal waters; shellfish seeding; activities needed to reestablish vegetation, including plowing or disking for seed bed preparation and the planting of appropriate wetland species; re-establishment of submerged aquatic vegetation in areas where those plant communities previously existed; re-establishment of tidal wetlands in tidal waters where those wetlands previously existed; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities. Only native plant species should be planted at the site.

This NWP authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic resource functions and services.

Except for the relocation of non-tidal waters on the project site, this NWP does not authorize the conversion of a stream or natural wetlands to another aquatic habitat type (e.g., stream to wetland or vice versa) or uplands. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type. This NWP does not authorize stream channelization. This NWP does not authorize the relocation of tidal waters or the conversion of tidal waters, including tidal wetlands, to other aquatic uses, such as the conversion of tidal wetlands into open water impoundments.

Compensatory mitigation is not required for activities authorized by this NWP since these activities must result in net increases in aquatic resource functions and services.

Reversion. For enhancement, restoration, and establishment activities conducted: (1) In accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the landowner and the U.S. Fish and Wildlife Service (FWS), the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), U.S. Forest Service (USFS), or their designated state cooperating agencies; (2) as voluntary wetland restoration, enhancement, and establishment actions documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards;

or (3) on reclaimed surface coal mine lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining Reclamation and Enforcement (OSMRE) or the applicable state agency, this NWP also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its documented prior condition and use (i.e., prior to the restoration, enhancement, or establishment activities). The reversion must occur within five years after expiration of a limited term wetland restoration or establishment agreement or permit, and is authorized in these circumstances even if the discharge occurs after this NWP expires. The five-year reversion limit does not apply to agreements without time limits reached between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS, or an appropriate state cooperating agency. This NWP also authorizes discharges of dredged or fill material in waters of the United States for the reversion of wetlands that were restored, enhanced, or established on prior-converted cropland or on uplands, in accordance with a binding agreement between the landowner and NRCS, FSA, FWS, or their designated state cooperating agencies (even though the restoration, enhancement, or establishment activity did not require a section 404 permit). The prior condition will be documented in the original agreement or permit, and the determination of return to prior conditions will be made by the Federal agency or appropriate state agency executing the agreement or permit. Before conducting any reversion activity the permittee or the appropriate Federal or state agency must notify the district engineer and include the documentation of the prior condition. Once an area has reverted to its prior physical condition, it will be subject to whatever the Corps Regulatory requirements are applicable to that type of land at the time. The requirement that the activity results in a net increase in aquatic resource functions and services does not apply to reversion activities meeting the above conditions. Except for the activities described above, this NWP does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit would be required for any reversion.

Reporting. For those activities that do not require pre-construction notification, the permittee must submit to the district engineer a copy of: (1) The binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement, or a project description, including project plans and location map; (2) the NRCS or USDA Technical Service Provider documentation for the voluntary stream enhancement or restoration action or wetland restoration, enhancement, or establishment action; or (3) the SMCRA permit issued by OSMRE or the applicable state agency. The report must also include information on baseline ecological conditions on the project site, such as a delineation of wetlands, streams, and/or other aquatic habitats. These documents must be submitted to the district engineer at least 30 days prior to commencing activities in waters of the United States authorized by this NWP.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing any activity (see general condition 31), except for the following activities:

- (1) Activities conducted on non-Federal public lands and private lands, in accordance with the terms and conditions of a binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement between the landowner and the U.S. FWS, NRCS, FSA, NMFS, NOS, USFS or their designated state cooperating agencies;
- (2) Voluntary stream or wetland restoration or enhancement action, or wetland establishment action, documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or
- (3) The reclamation of surface coal mine lands, in accordance with an SMCRA permit issued by the OSMRE or the applicable state agency. However, the permittee must submit a copy of the appropriate documentation to the district engineer to fulfill the reporting requirement. (Sections 10 and 404)

Note: This NWP can be used to authorize compensatory mitigation projects, including mitigation banks and in-lieu fee projects. However, this NWP does not authorize the reversion of an area used for a compensatory mitigation project to its prior condition, since compensatory mitigation is generally intended to be permanent.

Nationwide Permit #27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities

Permit Specific Regional Condition –

1. Any activity involving shellfish seeding, such as the placement of shell material or any other habitat development or enhancement, is restricted to shellfish species that are native to that waterbody.
2. Prior to doing the work, the permittee shall submit a pre-construction notification to the District Engineer, in accordance with the current Corps of Engineers permit application procedures (See general condition 31 and regional condition 31a). The Corps' review period shall commence with the receipt of a complete permit application at the Corps District Office.
3. **Essential Fish Habitat Regional Condition (Applicable to the Delaware River in Pennsylvania):**
 - a. For any activity on the Delaware River, a complete copy of any PCN submitted to the Corps of Engineers shall also be forwarded directly to the National Marine Fisheries Service Habitat Conservation Division, 74 Magruder Road, Sandy Hook, Highlands, New Jersey 07732. The applicant must provide evidence that this has been accomplished. The Corps of Engineers will coordinate review of the PCN with the National Marine Fisheries Service pursuant to the requirements of the Magnuson Stevens Fishery Conservation and Management Act.
4. **Essential Fish Habitat Regional Conditions (Applicable to the District of Columbia, Maryland, activities affecting the Potomac River watershed within military installations of Northern Virginia in the regulatory geographic boundaries of the Baltimore District):**
 - a. For activities in all tidal and nontidal coastal plain streams within the areas referenced above, or nontidal Piedmont streams in Harford and Cecil Counties, Maryland, the Corps of Engineers will coordinate review of the PCN with the National Marine Fisheries Service pursuant to the requirements of the Magnuson Stevens Fishery Conservation and Management Act.
 - b. For activities involving the restoration and/or establishment of tidal marsh in mesohaline waters (i.e., salinity of 5-18 ppt) of the mid and upper Chesapeake Bay, the PCN should include information concerning the distribution of horned pondweed (*Zannichellia palustris*) within the project site. Distribution information of horned pondweed may require recent ground-truth survey of the area by the applicant (i.e., employing a survey crew with relevant experience) during the period of May 1 through June 15, of any year.

Acknowledgment and Agreement for Compliance with Terms & Conditions of the NWP

Permit # NAB-2007-08395-P04 (Quittapahilla Creek Watershed/Quittie Creek Nature Park)

Project Location: The project is located at the Quittie Creek Nature Park, in Annville Township, Lebanon County, Pennsylvania

I hereby accept and agree to comply with the terms and conditions, of the NWP authorization, as stated.

Applicant

Date

I hereby accept and agree to comply with the terms and conditions, of the NWP authorization, as stated.

Applicant's Contractor

Date

Please return form to:
U.S. Army Corps of Engineers
State College Field Office
1631 South Atherton Street
Suite 102
State College, PA 16801

Enclosure 2



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

WATERWAYS & WETLANDS PROGRAM

MAR 04 2013

Ms. Stephanie DiVittorre
Lebanon Valley Conservancy, Inc.
752 Willow Street, Suite E
Lebanon, PA 17046

Re: Environmental Assessment
Quittapahilla Nature Park Stream Restoration
DEP File No. EA38-009
Annville and South Annville Townships, Lebanon County

Dear Ms. DiVittorre:

We have reviewed the information and plans received by our office on December 21, 2012, and February 4 and 13, 2013. The information submitted relates a stream restoration project along 3,690.0 feet of Quittapahilla Creek (TSF) and four unnamed tributaries to Quittapahilla Creek (TSF) including: 1) 1,088.0 feet of toe bench protection, 2) 683.0 feet of toe wood bank protection, 3) 314.0 feet of constructed riffles, 4) 405.0 feet of step pools, 5) six log boulder j-hook vanes, 6) one log vane, 7) two double throated cross vanes, 8) 168.0 feet of imbricated rock wall; and 9) 2,405.0 feet of bank grading. The project is located immediately upstream of South White Oak Street near its intersection with Quittapahilla Drive (Palmyra, PA Quadrangle; Latitude: 40°19'37"N, Longitude: -76°30'24"W) in Annville and South Annville Townships, Lebanon County. No wetlands will be impacted by this project.

The Environmental Assessment required by Section 105.15 for this project has been approved and deemed by DEP to be satisfied. Additionally, DEP has granted 401 Water Quality Certification for this project.

Proper erosion and sedimentation control measures are required during and after construction and the adequacy of these measures can be determined by contacting the Lebanon County Conservation District at 717.272.3908.

The following special conditions are included as part of this authorization:

- Tree removal shall be kept to a minimum. Any trees that are removed shall be replaced with species native to Pennsylvania.
- Since this stream is a stocked trout fishery, no work shall be done in the stream channel between March 1 and June 15 without the prior written approval of the Pennsylvania Fish and Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.
- Project construction shall take place when the stream is at normal low flow.

Southcentral Regional Office | 909 Elmerton Avenue | Harrisburg, PA 17110-8200

717.705.4802 | Fax 717.705.4760

Printed on Recycled Paper 

www.depweb.state.pa.us

- Permittee shall monitor the relocated stream for at least 5 years. Reports shall be submitted to DEP every year after construction. The reports shall contain information describing the success of the site at the time of inspection, stability of the banks, photographs of the stream with plans showing location and orientation of the photographs, an inventory of surviving plantings, and a written plan to correct any deficiencies identified during the monitoring.
- Permittee shall submit as-built plans of the project within 60 days after the completion of the project.
- All wetlands within the project area shall be accurately field-definable prior to the start of construction activities and up to the time that earth disturbance activities are completed and the site has been stabilized. An acceptable means of field-identification is the use of an orange construction safety fence.

Please be advised that you do not have federal authorization for this project and such authorization is required prior to starting your project. In accordance with procedures established with the U.S. Army Corps of Engineers, you will be contacted directly by the Corps regarding federal authorization.

You are required to secure all other approvals that may be necessary under federal, state or local regulations and meet the construction, operation, maintenance or other requirements of Chapter 105.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, telephone number 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

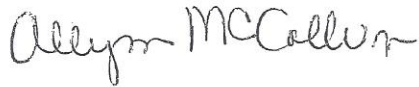
IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

Enclosure 3

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717.787.3483) FOR MORE INFORMATION.

If you have any questions, please call Mr. Jason Shirey at 717.705.4818.

Sincerely,



Allyson McCollum
Water Quality Specialist Supervisor
Waterways & Wetlands Program

cc: Paul DeAngelo, Skelly and Loy, Inc.
U.S. Army Corps of Engineers, Baltimore District, Patricia Strong
Pa. Fish and Boat Commission, Southeast Region
Lancaster County Conservation District



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

SUBJECT: NAB-2007-08395-P04 (Quittapahilla Creek Watershed/Quittie Creek Nature Park)

NAME OF PERMITTEE: Lebanon Valley Conservancy

DATE OF ISSUANCE: May 20, 2013

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US Army Corps of Engineers
Baltimore District
CENAB-OP-RPA
Attn: Patricia Strong
P.O. Box 1715
Baltimore, Maryland 21203-1715

Please note that your permitted activity is subject to compliance inspection(s) by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

Please complete the following information:

1. Date authorized work commenced: _____ 2. Date authorized work completed: _____

3. Was all work and any required mitigation, completed in accordance with your permit authorization, including all general and/or specific conditions? YES___ NO___

4. Explain in detail any deviations to the authorized work and/or mitigation (use additional sheets if necessary)

5. Wetland Mitigation: Required? YES___ NO___ Required Completion Date _____

Completed? YES___ NO___ Mitigation Monitoring Reports Required? YES___ NO___

6. Attach labeled photographs showing completed work including mitigation area(s).

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Enclosure 4

Permit Transfer Form

Permit # NAB-2007-08395-P04 (Quittapahilla Creek Watershed/Quittie Creek Nature Park)

Project Location: The project is located at the Quittie Creek Nature Park, in Annville Township, Lebanon County, Pennsylvania.

Project Description: to discharge dredged and/or fill material in waters of the United States, including jurisdictional wetlands in association with implementing approximately 3,690 linear feet of stream restoration and stabilization in and adjacent to the Quittapahilla Creek.

TRANSFEREE SIGNATURE

DATE

AREA CODE / TELEPHONE NO.

PRINTED NAME

ADDRESS

Please return form to:
U.S. Army Corps of Engineers
State College Field Office
1631 South Atherton Street
Suite 102
State College, PA 16801