



**Stephen Hoffman**

**From:** ecomment@pa.gov  
**Sent:** Monday, January 25, 2021 1:26 PM  
**To:** Environment-Committee@pasenate.com; IRRC; environmentalcommittee@pahouse.net; regcomments@pa.gov; ntroutman@pasen.gov; timothy.collins@pasenate.com; gking@pahousegop.com; lversen, Sarah A.  
**Cc:** c-jflanaga@pa.gov  
**Subject:** Comment received - Proposed Rulemaking: Dam Safety and Waterway Management (#7-556)

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**Re: eComment System**

**The Department of Environmental Protection has received the following comments on Proposed Rulemaking: Dam Safety and Waterway Management (#7-556).**

Commenter Information:

Jeffrey McCauley  
 September 11th National Memorial Trail Alliance (Jeff1278@icloud.com)  
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Comments entered:

As a professional who works to develop trails, striking a good balance between the negative environmental impacts associated with development and environmental conservation is always something I am conscious about. I strive to develop trails that have as little environmental impact as possible to allow people the ability to recreate and enjoy nature in an undisturbed and as a pristine habitat as possible in the Commonwealth of PA.

I am supportive of the changes being made to the Chapter 105 Water Obstruction and Encroachment Permit section 105.12, waiver of permit requirements. I think these changes will streamline the process for trail development professionals to build recreational infrastructure in the Commonwealth of PA saving time, money, and resources from being expended when the goal of the project is to connect people to nature. Often although important, environmental permits are a strenuous step in the construction process that is a barrier to expedient construction schedules and most importantly the enjoyment of residents of the Commonwealth everywhere when they must wait for many months or years for a project to be finished.

However, I do feel strongly about additional wording of section 18 in the proposed language of the new changes should include that if a proposed structure as designed is shown to cause an increase in water inundation upon property not owned by the owner that if a legal Flowage

easement or agreement was to be obtained with the owner of the affected property the project should still qualify under this waiver application. I do believe that a private property owner has the right to decide about what happens on their lands and if they are supportive of additional inundation of water and are willing to sign a binding agreement then that should stand. From my own personal experience, I have gone through a Chapter 105 Permit under the current review standards and the Department requested a Flowage Agreement between my organization and the adjacent property owner for additional inundation of water during a 100-year flood. So, if it is a standard under the current regulations to require a mutual agreement it would only make sense that the Department could accept a Flowage Easement as part of the wavier application because the Department has precedent for collecting them and not dismissing an application or scrutinizing the terms of said agreement because the project inundates another owner's property.

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No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,  
Jessica Shirley

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