



Stephen Hoffman

From: ecomment@pa.gov
Sent: Monday, February 8, 2021 1:29 PM
To: Environment-Committee@pasenate.com; IRRC; environmentalcommittee@pahouse.net; regcomments@pa.gov; Troutman, Nick; timothy.collins@pasenate.com; gking@pahousegop.com; Iversen, Sarah A.
Cc: c-jflanagan@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:

Clayton Good
 PA Fish and Boat Commission (clgood@pa.gov)
 595 E. Rolling Ridge Drive
 Bellefonte, PA 16823 US

Comments entered:

Subject: Proposed Rule Making (25 PA. Code Ch 105)

The Pennsylvania Fish and Boat Commission (PFBC) had the opportunity to provide written comments to the Department of Environmental Protection's Bureau of Waterways Engineering and Wetlands in the spring of 2020. Many of the comments on behalf of the PFBC were addressed prior to publishing the proposed rulemaking.

The PFBC offers the following comments specifically on the proposed addition of 105.12 (a) (18) ["The construction, operation and maintenance of a water obstruction or encroachment associated with low-impact and non-motorized recreational activities that include walking, hiking or biking trails under a plan which has been approved, in writing, by the Department. The single span bridge, culvert or other structure must be 75 feet or less in length and must not result in the inundation of adjacent property not in possession of the owner of the water obstruction or encroachment or impede the passage of aquatic life through aquatic resources. This waiver does not apply to stream enclosures."]

The PFBC recommends that only bottomless structures be considered for this waiver to reduce the potential for impacts to aquatic organism passage as well as considering the greater

instream disturbance associated with constructing a bottomed structure such as a box culvert or aluminum structural plate arch structure. The PFBC recommends that bottomed structures be required to obtain Chapter 105 authorization through traditional permitting mechanisms. This should further motivate applicants to choose structures that have limited impacts to aquatic resources in order to qualify for this waiver. In addition, the PFBC recommends that consideration be provided to avoid impacts to Exceptional Value wetlands in order to qualify for this waiver.

Sincerely,

Clayton Good
Division of Environmental Services, PA Fish and Boat Commission

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Jessica Shirley

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