



December 22, 2022

Mr. Cody Rhoads
Cornwall Borough
44 Rexmont Street
Lebanon, PA 17042

Re: Environmental Assessment
Snitz Creek 2 Stream Restoration
DEP File No. EA3803222-004, GP043803222-001
APS ID No. 1073933
Cornwall Borough, Lebanon County

Dear Mr. Rhoads:

We have reviewed the Environmental Assessment form you submitted to our office, dated October 19, 2022. The information submitted relates to your proposal to conduct a stream restoration along 2,025 feet of Snitz Creek (TSF, MF) including 1.) the relocation and maintenance of 1,095 feet of stream; 2.) the grading and maintenance of 3,960 feet of streambank (left and right banks); 3.) the construction and maintenance of 3,305 linear feet of bankfull benches; 5.) the construction and maintenance of two imbricated rock walls totaling 85 feet in length; 5.) the construction and maintenance of a 20.0-foot by 10.0-foot temporary timber bridge; 6.) the construction and maintenance of a 20.0-foot by 12.0-foot temporary timber bridge; 7.) the installation and maintenance of eight rock outcrops and 8.) the excavation and maintenance of 1.46 acres of floodway, all for the purposes of improving instream habitat and water quality. The project is located immediately upstream of Culvert Street (Latitude: 40.283025° N; Longitude: 76.409747° W) in Cornwall Township, Lebanon County. No wetlands will be impacted by this project.

The proposed structures and/or activity is regulated in accordance with the provisions of Section 4 of the Dam Safety & Encroachments Act, the Act of November 26, 1978, P.L. 1375, No 325 (as amended by Act 70). However, the requirements for a Water Obstruction and Encroachment permit are waived for this type of structure and/or activity, in accordance with Section 7(a) of the Dam Safety & Encroachments Act and the provisions of Section 105.12 of Chapter 105 rules and regulations, Dam Safety & Waterways Management, as amended on October 12, 1991.

The waiver of permit requirements does not give any property rights, either in real estate or material, nor any exclusive privileges; nor shall it be construed to grant or confer any right, title, easement or interest, in, to, or over any land belonging to the Commonwealth of Pennsylvania; nor does it authorize any injury to private property or invasion of property rights.

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

The following conditions are included as part of this authorization:

1. Cornwall Borough shall monitor the restored stream for at least 3 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.
2. This authorization also acknowledges receipt of your notification and registers your intent to relocate, operate, and maintain 1.) an existing 4.0-inch PVC outfall; 2) an existing 3.0-inch PVC outfall; and 3.) an existing 24.0-inch corrugated metal pipe outfall in accordance with DEP's General Permit No. GP043803222-001. The permittee is responsible for assuring that the work is done in accordance with the conditions of the General Permit. No additional notification to the Regional Office's Permits Section of the Waterways and Wetlands Program is necessary.
3. Since this stream drains to a nearby stocked trout fishery, no work shall be done in the stream channel between February 15 and June 1 without the prior written approval of the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 595 East Rolling Ridge Drive, Bellefonte, PA 16823-9685; telephone 814.359.5147.

It is recommended that you contact the Pennsylvania Fish and Boat Commission prior to starting work, and that the work be performed in such a manner so as to protect fish and other aquatic life.

This Environmental Assessment approval is not an endorsement of the applicant's intention to utilize the project for MS4 credit. The applicability of MS4 credit will be determined by DEP's Clean Water Program.

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.

Proper erosion and sedimentation control measures are required during and after construction and the adequacy of these measures can be determined by contacting your local county conservation district.

Please be advised that you do not have Federal authorizations 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. If you have any questions regarding Federal authorization, please contact the applicable U.S. Army Corps of Engineers District.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800.654.5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717.787.3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. 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 AT 717.787.3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

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

Sincerely,

Scott R. Williamson
Program Manager
Waterways & Wetlands Program

cc: John Gibble, U.S. Army Corps of Engineers,
PA Fish & Boat Commission
Lebanon County Conservation District
Rocky Powell, Clear Creeks Consulting