



C.P.R. for Wetlands: Conserve, Protect, and Restore Breathing new life into our sense of place

Community Involvement in Wetland Protection PENNSYLVANIA

Understanding the critical value of wetlands

Wetlands serve many important biological functions in nature. They are critical in preserving biodiversity and are important to local hydrological cycles. Wetlands act as “pollution sponges” by filtering out sedimentary and organic pollution from water run-off. And, as well, wetlands hold much economic significance to property owners, commercial fishers, and land developers.

Wetlands are integral to the health of a wide array of Pennsylvania wildlife populations. Most of Pennsylvania’s waterfowl, reptiles and amphibians rely on wetlands or river environments for at least some aspect of the life cycle. Wetlands often serve as flood storage areas, slowing-down flood waters, thus protecting properties from flood and storm damage; as well, wetlands protect against soil erosion.

Nationally, the United States has destroyed over half of its original wetlands throughout the past 200 years, leaving approximately 100 million acres, while Pennsylvania has lost an estimated two-thirds of its original wetland acreage. Conditions have been improving substantially since the 1970’s with the passage of the Clean Water Act and other environmental legislation; however, there is still much left to be done. Nationally, tens of thousands of wetland acres are lost annually, despite the national policy of “No Net Loss.”

Federal Laws

Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA) provide the regulatory framework for the federal government’s role in regulating activities that impact wetlands. The federal program is administered by the U.S. Army Corps of Engineers (Corps) with oversight by the U.S. Environmental Protection Agency (EPA). In addition, the federal farm programs, the Endangered Species Act, and other sections of the CWA (namely Sections 401 and 402) can help protect wetlands.

A recent Supreme Court decision has raised concern over the continued protection of certain isolated wetlands under the Clean Water Act. Careful attention should be given to any upcoming legislation regarding the CWA, especially as it regards the recent ruling of SWANCC – vs- USACOE. This ruling also highlights the importance of states taking advantage of their rights to provide wetland regulation. Pennsylvania ranks among the thirty-five states that provide explicit protection to isolated wetlands, thus being the least likely to be affected by the SWANCC ruling. However, some states have no regulatory statutes, and leave all wetland protection up to the federal agencies.

State Laws

The primary framework for Pennsylvania’s wetlands protection and regulation is provided in the Dams Safety and Encroachments Act, with the program’s rules and regulations detailed in Title 25, Pennsylvania Code, Chapter 105. Under these, Pennsylvania has had an active permitting program since 1980, with the Department of Environmental Protection (DEP) functioning as the permitting agency. Pennsylvania has implemented the “State Programmatic General Permit” (SPGP) to facilitate dual permitting according to state and federal guidelines. With the SPGP, only one application is necessary in order to obtain permits from both the Corps and DEP.

The DEP also has wetland replacement regulations that require the replacement of lost wetland acreage with constructed wetlands, with a ratio currently set at 1:1 with permit; without a permit later enforcement requires replacement at 2:1. While Pennsylvania has managed to achieve no net loss of wetlands through these wetland mitigation requirements, it must be noted that this does not mean that original wetlands have not been lost. Constructed wetlands have offset the loss of acreage, however the delicate ecosystems found in original, “natural,” wetlands can only be crudely compensated for by artificial construction. In general, there is no real replacement for a natural wetland.

In general, under Pennsylvania law, permitting is required for any activity involving the placement of a structure and/or discharge of dredged or fill materials into waters of the Commonwealth (which include wetlands). In addition, it is very difficult to obtain permits for wetland areas of "exceptional value" which include those which serve as habitat for flora or fauna listed as "threatened" or "endangered," and those wetlands that are located in or along the floodplain of a wild trout stream.

Local Ordinances

Counties and municipalities can yield an extraordinary amount of regulatory power regarding wetland preservation. While most of the local legislation regarding wetlands in Pennsylvania is concentrated in the Southeastern part of the state, the potential exists for communities throughout the Commonwealth to become more active in wetland stewardship. For example, East Brandywine in Chester County passed a wetlands management ordinance which was designed to protect environmentally sensitive wetland areas by prohibiting any disturbance of delineated wetlands for residential, commercial, or industrial development.

As well there are stream corridor/riparian buffer protection ordinances, flood water management plans, and zoning regulations in some Pennsylvanian counties which all add in their own way to the preservation of wetlands.

- Get out and enjoy your area wetlands! Bring your children and expose them to these fantastic ecosystems. Educating others about wetlands and their protection will build a solid base of people who care, today and in the future.

What You Can Do

Despite the efforts of governments and private conservation organizations, pressures that destroy wetlands will continue. The problems of degradation of wetlands from pollution, urban encroachment, groundwater withdrawals, partial drainage, and other actions also require attention.

Many opportunities exist for private citizens, corporations, government agencies, and other groups to work together to slow the loss of our wetlands. The following are only a few suggested activities you can do:

- Find out where wetlands exist near your home, try to learn more about them, and support educational efforts about them.
- Support wetlands and watershed protection initiatives and organizations.
- Purchase federal duck stamps from your local post office to support wetland acquisition.

- Participate in the CWA Section 404 program and Pennsylvania's regulatory programs by reviewing public notices and commenting on permit applications.
- Encourage others to protect wetlands.
- When landscaping your property, keep wetlands in mind. Plant native grasses or trees as buffers along any wetland to protect water quality.
- Limit the amount of chemicals applied to your lawn to help reduce pollution from run-off.

Remember, citizens are the essential link in wetland protection. Get involved now!

Where to go for more information

Contact the DEP Region office closest to you for PA regulations regarding wetlands. The central office number is (717) 787-6827. Your local Conservation District can also provide you with a wealth of wetland information, specifically for your area. The central office of the Association of Pennsylvania Conservation Districts can be contacted at 717-238-PACD (7223), or by e-mail at pacd@pacd.org. The EPA Wetlands Hotline can be reached at (800) 832-7828, or by e-mail at wetlands.hotline@epamail.epa.gov.

On the world wide web:

PA DEP: www.dep.state.pa.us

The PA DEP site for Waterways, Wetlands, and Erosion control: www.dep.state.pa.us/dep/deputate/watermgt/wc/subjects/wwec/general/wetlands/wetlands.htm

Pennsylvania Organization for Watersheds and Rivers work to protect PA watersheds: www.pawatersheds.org/

Pennsylvania Association of Conservation Districts: www.pacd.org

Pennsylvania DCNR wetlands page: www.dcnr.state.pa.us/wlhabitat/aquatic/wetlands.htm

Ducks Unlimited is a leader in wetlands conservation efforts: www.ducks.org

The US Army Corps of Engineers' wetlands page: www.wes.army.mil/el/wetlands/

The US Fish and Wildlife Service Wetlands Inventory: www.nwi.fws.gov/