

Pond Facts #7

Pond Agencies and Permits in Pennsylvania

Numerous permits through many government agencies apply to the construction of a new pond or management activities on existing ponds. Each agency is responsible, or can provide guidance, for different steps in the regulatory scheme of pond construction and maintenance. If you ignore the regulations or fail to secure the proper permits, you may be fined or jailed. At a minimum, your pond activity will be delayed and you may have to return the site to its original condition. Before you begin construction or management activities, contact the agencies listed here to ensure that you are proceeding properly. Contact information for these agencies can be found in the government pages of your phone book.

Natural Resources Conservation Service

If you are constructing a new pond, one of the first contacts you should make is the local Natural Resources Conservation Service (NRCS). This federal agency will be able to explain some of the regulations, provide you with important information about soil types, and could even make recommendations on the feasibility or placement of the pond. NRCS also has a detailed, free publication on proper pond construction. You can find your local NRCS office in the U.S. government section of the local phone book under the Department of Agriculture.

County Conservation District

Another must visit for those considering new pond construction is the County Conservation District (CCD). The CCD will be helpful with permits related to soil erosion abatement and earth-moving activities from pond construction. The local CCD will be listed in the government section of the phone book under county government.

United States Army Corps of Engineers

Many new and existing pond sites are located in or near wetlands. Streams, creeks, and other bodies of water are also usually considered wetlands. Permits may be necessary to encroach on these wetlands during pond construction or management activities. The United States Army Corps of Engineers (USACE) is responsible for permits influenced by the Clean Water Act, Section 404, which deals with wetlands. Contact USACE about a wetland delineation and possible 404 permit before you begin pond construction or changes to an existing pond that might affect nearby wetlands. The local USACE office can be found in the U.S. government pages of the phone book under Department of the Army.

Pennsylvania Department of Environmental Protection

The Pennsylvania Department of Environmental Protection (DEP) is the state agency charged with water quality and quantity regulations. DEP permits may be necessary during pond construction if you are using a surface stream as a pond water source (called a stream encroachment) or if your pond and/or pond dam are especially large. DEP also serves as a joint reviewer of several permits related to pond management activities that are discussed in the next section. The local DEP office can be found in the state government section of the phone book.

Pennsylvania Fish and Boat Commission

Several common management practices on existing ponds may require a permit through the Pennsylvania Fish and Boat Commission (PFBC). The most common permit issued by PFBC (jointly with DEP) is for use of an algaecide, aquatic herbicide, or fish control

chemical. This simple, two-page permit is free of charge and is required before applying these chemicals to ANY private pond. PFBC also has a joint permit with DEP regulating the drawdown of water in ponds and lakes. Drawdown is often desired to fix a pond structure, reduce aquatic plant growth, dredge bottom sediments, or change fish populations. Drawdown permits are usually only needed for ponds and lakes greater than one acre in size. Finally, a permit through PFBC is needed to purchase triploid (sterile) grass carp for control of submerged, rooted aquatic plants. The permit must be obtained to purchase grass carp from one of the 14 approved fish hatcheries in Pennsylvania and nearby states. All of the aforementioned PFBC permits are available on their Web site at <http://www.fish.state.pa.us/> or from the local PFBC office, which can be found in the phone book under state government.

Local Government

In some cases, your county, township, or municipal government may have an interest in your pond construction or maintenance. Always check with all levels of local government to determine if there are any regulations, recommendations, codes, or statutes at the county or township level. This is especially true for construction of new ponds.

Penn State Cooperative Extension

An additional source of pond information is your local Penn State Cooperation Extension office. They can provide you with printed information that can help you manage your pond after construction. This management information includes aquatic plant control, fisheries management, aquaculture, irrigation uses, and water quality information. Your local extension office can be found in the phone book under county government or online at <http://www.extension.psu.edu/>.

Endangered Plants and Animals

Another aspect of pond construction and maintenance is the possible presence of animals and plants that are considered threatened or endangered by the federal government. The presence of these plants and animals can

influence the allowance and scope of pond management activities. Pond owners or those thinking of building a pond should consult the Pennsylvania Natural Heritage Program at <http://www.naturalheritage.state.pa.us/> to learn more about potential threatened or endangered wetland or pond species in their area.

A Final Word

The various permits, regulations, and agencies that you must deal with could be overwhelming at times. For especially large projects, consider hiring an environmental engineer or pond and lake consultant to oversee your project. While this will add cost, it can also protect you from making a regulatory mistake that could result in an enforcement action.

More Information

Penn State Cooperative Extension has many fact sheets and publications related to pond management along with downloadable copies of some of the permits referenced in this fact sheet. This information can be accessed at the Penn State pond management Web site at: <http://water.cas.psu.edu/ponds>.

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Penn State College of Agricultural Sciences research, extension, and resident education programs are funded in part by Pennsylvania counties, the Commonwealth of Pennsylvania, and the U.S. Department of Agriculture.

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CODE XH0016