

## ***I Want to Build a Pond in Susquehanna County – Now What?***

The purpose of this informational paper is to provide landowners and equipment contractors information about federal and state regulations related to pond construction.

**Background:** Pond construction is a big business in parts of Pennsylvania, particularly in northeast Pennsylvania. True glaciated terrain makes it relatively easy to construct ponds. With headwater seeps, small headwater streams, and constricted outlets in abundance, even a beaver can back up enough water to create a 5-acre pond. In the past, ponds were often constructed on portions of a landowner's property where springs or small undefined headwater streams surfaced, causing wet conditions (i.e.: wetlands). This land was used for this purpose mostly because it was considered invaluable or otherwise unusable by the landowner. However, in recent years, scientists and landowners alike, have begun to realize that wetlands are not wastelands, but are areas that provide a host of important functions and values for both the local landowner and the environment for example, it is now known that wetlands along headwater streams and along small seeps filter out herbicides and pesticides from the receiving stream and from downstream watercourses. Wetlands temporarily hold water during storm events so that local and downstream flooding is not as severe. These wetlands also provide a host of benefits to local wildlife such as forage and cover areas for large and small mammals especially during drought conditions. This includes an assortment of both game and non-game species of mammals and birds as well as other less obvious species such as reptiles and amphibians. These wetlands not only contain species that are unique to wetlands but also are important in supporting the lifecycle needs of virtually all species found in the surrounding upland forests, shrub, open and old growth fields that are so common in Susquehanna County. Due to the wide range of important benefits that wetlands provide, they eventually were given some level of protection through both federal law (Section 404 of the Clean Water Act), as well as state law here in Pennsylvania. What this means is that if a land owner wants to construct a pond and any portion of that pond will encroach into wetlands that a permit is required prior to construction. The permit process insures that the pond is both needed and is constructed in a way that eliminates unnecessary impact on the wetlands. Experience has shown that permits can often be issued for pond constructions that meet the goals of the landowners, while still ensuring an environmentally sound project. During permit review, the reviewing biologists consider many factors, and if the proposed pond can be constructed in accordance with applicable regulations, a permit can be issued for the pond to be constructed. Many times, reviewing biologists can recommend a variety of design measures that will increase the value of the pond for wildlife, fishery values as well as aesthetics.

### ***I want to build a pond in Susquehanna County- now what?***

The first thing to do is to determine if there are any permits necessary for you to construct your pond. When a permit is required, it is often because the pond will impact wetlands or a stream. If so, this will require additional time before your pond is complete. Plan ahead, so that you don't run into the situation of planning your summer picnic around your pond, or plan to irrigate or water livestock from your pond before everything is in order and the pond can be legally constructed. In regards to streams, keep in mind that many small headwater streams have been historically ditched or channelized or run dry for portions of the year and may not fit the typical image of a stream. Simply put, to be on the safe side, if it looks at all like it may be a stream, consider it as such. Overall, identifying a stream is generally easier than identifying a wetland, so the remainder of this paper will concentrate on wetlands in regards to pond construction. If your pond will impact a stream or wetlands, it requires a permit. This leads to an obvious question -

### ***How do I determine if there are any wetlands in the footprint of my pond?***

There are private firms, environmental consultants that can be hired to inspect the areas where you are planning to construct a pond, and determine if these areas contain any wetlands. A list of some environmental consultants can be obtained from your local phone book or the Susquehanna County Conservation District.

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***My consultant says I don't have any wetlands (or stream) where I want my pond, and he coordinated with the US Army Corps of Engineers (Corps) and PA DEP (DEP), and these agencies concurred - now what?***

Since the Corps and DEP have concurred that there are no wetlands in the pond footprint, and if there are no other applicable laws or regulations that need to be satisfied, the pond may be constructed without any further agency review.

***What do you mean by "other applicable laws or regulations that need to be satisfied"?***

The County Conservation District, Corps and DEP will advise you of any other requirements that may relate to your specific project. For example, prior to beginning construction, an Erosion and Sedimentation Control Plan may need to be submitted for review by the Susquehanna County Conservation District.

***My consultant says I do have wetlands where I want my pond - now what?***

At this point, the simplest, quickest and easiest step for you is to look at your pond location and the location of wetlands, and see if there is a way to construct the pond without impacting these wetlands. If the pond construction plan can be altered (i.e.: the pond moved out of the wetlands, or decreased in size, so as not to impact the wetlands) then you are strongly advised to do this, thereby eliminating the need to require a federal and/or state wetland permit. If the pond construction plan can be altered so that pond no longer impacts wetlands and the Corps and DEP concur that there are no wetlands in the pond foot print, and there are no other applicable laws or regulations that need to be satisfied, the pond may be constructed without any further agency review.

***My consultant says that I do have wetlands where I want my pond, and does not believe that I can relocate the pond out of wetlands - now what?***

Now a permit is required before the pond can be constructed. The consultant at this point will coordinate with the Corps and DEP. At your instruction the consultant will fill out the paper work necessary to apply for a permit. Once the permit is received, the Corps and DEP will review the proposal, and inspect the site. This review will result in one of three conclusions.

1. Permit will be approved because it meets all applicable requirements without any modifications; OR
2. Permit will be approved with conditions. An example of a permit condition may be such as the following: size and type of impacted wetlands are required to be replaced on a 1:1 ratio. OR
3. Permit will be denied, because it does not meet all applicable requirements.

***I have some other questions, who do I contact?***

Obviously, every project is unique. Different issues or questions will arise with each individual project, and since this is a basic information paper, there are likely to be additional questions or concerns that you have. If you find yourself with a need for additional information about pond constructions in Susquehanna County, contact any or all of the following.

- Susquehanna County Conservation District (Montrose) 570-278-4600 ext. 3050
- PA DEP, Soils and Waterways Section (Wilkes-Barre) 570-826-2511
- US Army Corps of Engineers - Baltimore District 814-235-0570