

CHAPTER 9. ENVIRONMENTAL MASTER PLAN

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Authority

The provisions of this Chapter 9 issued under The Administrative Code of 1929 (71 P. S. § 510-20), unless otherwise noted.

Source

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Subchapter A. ENVIRONMENTAL POLICY PLANNING PROGRAM

Sec.	
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§ 9.1. Background.

(a) The Commonwealth needs a plan to address the diverse resource and environmental problems of this Commonwealth, the limitations of past environmental protection strategies, the complex environmental problems associated with the emerging character of the Commonwealth constitutional responsibility for the protection and preservation of environmental values. The legislature passed the act of December 3, 1970 (P. L. 834, No. 275) establishing a mandate for action through the development of an Environmental Master Plan for this Commonwealth.

(b) In response to the various needs for action, the legislative mandate to “prepare a master environmental plan” suggests that a more comprehensive approach toward environmental protection based on a better understanding of the environment and human relationships to the environment is needed. A broad approach is necessary because traditional programs for environmental protection have been inadequate for the following reasons:

- (1) Narrow program concerns provide solutions which may cause problems in other areas of the environment.
- (2) Interrelated character of the environment makes it impossible to impact only a single part of the total system.
- (3) Incomplete knowledge about the complex workings of the environment increases the potential for unintended or irreversible consequences.

(4) Preoccupation with short term goals and satisfaction of continually growing demands precludes an analysis of the long term impacts of current activities on a limited resource base.

(c) A broader view of the total environment recognizes man as a member of the biotic community. His social and economic activities are as much a part of the whole environment as the forests, mountains and streams. However, human survival, the survival of all other living things, and the general well-being of society depend upon the health and maintenance of the natural environment, clean air, pure water and the protection of the complex ecological relationships.

(d) The environment is generally described as the biosphere, the peripheral portion of earth including the upper crust of the earth, the land surface, water, and a 25-mile-high band of atmosphere surrounding the earth. All living things are dependent upon this finite environment for survival. The interrelated and dynamic web of life support processes and resources within the environment must continue to function for the good of the overall biotic community, or the survival of all living things is jeopardized. The interaction of biological, chemical and physical processes over millions of years has created environmental conditions enabling the earth to support an abundance and diversity of life. The overall complexity of the environment emanating from the diversity of biological organisms, habitats and physical conditions provides a means for resisting dramatic changes that could ultimately result from small but potentially dangerous stresses. The capacity of the environment to accommodate growth, resource consumption and degradation is limited. Exceeding the capacity of the environment may disrupt vital ecologic processes which in turn could threaten the survival of many organisms, including man.

(e) In the past 100 years the scope and magnitude of human activities have resulted in extensive population growth, unprecedented resource consumption and degradation of the natural environment. While shaping and changing the environment to suit their needs, humans must recognize that they are still members of the biotic community and are completely dependent upon a healthy environment for survival. In order to plan for the protection of the environment and the long term survival of society "a master environmental plan" must be based upon an ecologically sensitive philosophy which recognizes the values of the environment that must be respected by humans during their pursuit of social and economic goals.

§ 9.2. The environmental ethic—principles to guide the Program.

(a) The development of an ecologically sensitive philosophy provides a means for incorporating a broader understanding of the natural environment and man's relationships to the natural environment into "a master environmental plan." Incorporating an understanding of and a respect for ecologic values into the existing social structure requires a rethinking of traditional man-environment relationships. There must be an attempt to challenge and change those attitudes

which do not reflect an overall sensitivity for the environment. Traditional attitudes related to the environment can be characterized by the following statements:

- (1) Growth is good.
- (2) Technology can solve any problem.
- (3) Economics is a higher concern than environmental protection.
- (4) Maintaining a natural environment is not a productive use of the land.
- (5) Lessening population growth eliminates resource consumption problems.
- (6) Nature can be protected by setting aside small areas of the environment.
- (7) The knowledge and superiority of man places him above the laws of nature.

(b) The development of the Environmental Master Plan shall be guided by a planning process providing a systematic framework for evaluating, reassessing, and changing traditional social attitudes related to the environment.

(c) Cultivating a societal environmental sensitivity is accomplished through a planning program which is based upon a recognition and respect for the values of the environment. These values of the environment may be generally defined as attributes of the biosphere which maintain the functioning of ecosystems thereby being of long term importance for human survival. Environmental values may also include values which society places on maintaining certain intrinsic qualities or characteristics of the environment such as scenic quality or pieces of the environment which may be rare, unique, or endangered.

(d) The basis of a planning program sensitive to environmental values is actually an ethic or set of principles reflecting a change in traditional attitudes toward man-environment relationships. The following principles are fundamental components of an environmental ethic to guide the development of the Commonwealth Environmental Master Plan:

- (1) Man is a part of the total ecosystem and a citizen within the biotic community and is to be recognized as a trustee of the earth's resources.
- (2) The total dependency of man upon the finite air, water and land resources of the earth is to be acknowledged for the long term survival of society.
- (3) Complex interrelationships and interdependencies of the natural environment are to be recognized and respected.
- (4) Environmental values which maintain the quality and productivity of natural resources, processes, and systems of the environment are to be protected.
- (5) Environmental resources are to be managed recognizing the natural capabilities and assimilative capacities of the total environment.
- (6) The activities of man creating adverse impacts on human health and the natural environment are to be minimized.

(e) Based upon the principles set forth in this section, it shall be the environmental policy of the Commonwealth to encourage an ethic of understanding and respect for the natural environment by all Commonwealth citizens and throughout all levels of government.

(f) This attitude toward the environment will ensure the long term harmony between socio-economic well-being and the protection of the environment of this Commonwealth.

§ 9.3. Environmental Master Planning Program.

(a) The environmental ethic is based upon principles which reflect an overall sensitivity for the environment. The Environmental Master Plan may therefore be reviewed simply as a program to translate the ethic into attitudes and lifestyles which encourage an understanding and respect for the natural environment.

(b) The development of environmental goals by working committees of Commonwealth citizens was the initial step of the Master Planning Program. The goals provide a broad overview of the type of environment desired by the citizens of the state. After extensive public review, the goals were adopted by the Pennsylvania Environmental Quality Board in February 1974 as part of their legislative mandate to develop the Environmental Master Plan. The general concern of the goal statements is incorporated within the following Overall Environmental Goal of the Commonwealth:

(1) To Protect the Natural Processes and Ecological Relationships of Man's Life-Support System, and Manage Our Activities to Preserve Natural, Scenic, and Aesthetic Values of the Environment While Meeting Society's Needs.

(2) The Environmental Master Planning Program will be the mechanism for directing and coordinating Commonwealth actions to attain the Commonwealth's environmental goals.

(c) Although the goals are broad statements indicating a desired level of environmental quality, the goals by themselves do not provide adequate guidance and direction for individual programs related to environmental protection, resources management and socio-economic well-being. The general intent of the goals must be articulated through the development and implementation of environmental policies which can guide various Commonwealth actions throughout all levels of government.

(d) Therefore, the specific objective of the Master Planning Program will be to attain the Commonwealth Environmental Goals through the development and implementation of policies which reflect an overall sensitivity for the environment.

(e) The development of policies which express an overall environmental sensitivity may be, at times, in conflict with other policies addressing social and economic priorities. Ideally, the Commonwealth should have a comprehensive

planning program bringing together social, economic, and environmental policies into a single Commonwealth policy reflecting tradeoffs between conflicting concerns.

(f) In the absence of a single comprehensive policy program for the Commonwealth, programs at the State, regional and local levels must attempt to incorporate existing social, environmental, and economic policies while achieving specific program objectives. Since policy conflicts are resolved by making tradeoffs and balancing priorities, the Master Plan has a responsibility to provide decision-makers with a policy input which gives strong consideration to environmental factors.

(g) Certainly, policies of the Master Plan will not be, nor are they intended to be, the sole determinants for guiding future Commonwealth actions, but rather they will provide a sound environmental perspective which must be studied and considered in the overall decision-making process. Since decisions are often made without an understanding of existing policies, clearly stated environmental policies can strengthen the decision-making process by providing an increased awareness of environmental concerns which is necessary to ensure the long-term harmony between socio-economic well-being and the protection of the environment of this Commonwealth.

(h) The primary emphasis of the Master Planning Program is directed to the development and implementation of environmentally sensitive policies. In order to protect ecologic processes and enhance the total human environment, the development of policies will be generally focused in two areas:

(1) Protection of the natural, scenic, aesthetic and other environmental values in urban and rural areas throughout this Commonwealth.

(2) Resolution of environmental problems related to issues such as pollution control, environmental health, transportation, energy production and community development.

(i) The implementation of policies which speak to environmental values and problems will encourage the protection of areas having outstanding environmental quality, support the restoration and improvement of areas already degraded, and provide direction for generally enhancing the quality of life for all Commonwealth citizens.

(j) Actions related to the development and implementation of policy will further define the Master Planning program as consisting of the following outputs:

(1) Environmental Goals for the Commonwealth.

(2) Policies for the critical environmental areas of this Commonwealth.

(3) Policies for other environmental values of statewide importance.

(4) Policies to abate pollution and enhance environmental health.

(5) Policies guiding the management of the natural resources of this Commonwealth.

(6) Policies supporting an environmentally sensitive growth and development plan for the Commonwealth.

- (7) Environmental guidelines and criteria for statewide, regional, and local environmental planning and management activities.
- (8) Incorporating statewide environmental planning programs as part of the Environmental Master Plan through policy coordination and implementation.
- (9) Land use and resource information system for policy development and evaluation.
- (10) Technical assistance for county and local governments in all phases of environmental planning.
- (11) Recommendations for environmentally sensitive regional and local growth and development plans.
- (k) The ultimate success of the Master Planning program will be dependent upon the effective implementation of environmental policy. Implementation of environmental policy is not solely a responsibility of the Department of Environmental Resources or other Commonwealth agencies. There must be a shared responsibility with regional agencies and local governments to make the Environmental Master Plan a meaningful plan to guide and coordinate future statewide actions in an environmentally sensitive manner.
- (l) In summary, the evolution of the Plan is describing the environmental planning program of the Commonwealth as the development and implementation of environmental policy. This will involve the Commonwealth in a positive effort to institutionalize the ethic, recognize environmental values, identify environmental issues and initiate government action through policy development and implementation.

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§ 9.101. The critical areas approach.

(a) The Environmental Master Planning program has been previously described as a program to enhance and maintain the environmental quality of the Commonwealth through the development and implementation of environmentally sensitive policies.

(b) Traditionally, the concern of the Commonwealth for protecting environmental quality has been expressed through specific legislation designed to regulate the pollution and degradation of the environment. Although the innovative legislation of the Commonwealth has resulted in dramatic environmental improvements, there are numerous areas within this Commonwealth of immediate concern because environmental quality is better than existing regulatory standards or because of the inadequacy of standards to protect existing environmental values. These areas may be of value for protecting ecological relationships or for maintaining the existing quality or character of the environment valued by society.

(c) Since the overall environmental quality of the Commonwealth will be greatly dependent on emerging growth and development patterns and specific uses of the land, the protection of environmentally important areas will be a

major factor in determining future development. Certain geographic areas which are of statewide environmental importance and which are significant determinants of state and regional growth and development patterns are considered key or environmental areas. Although the term "critical environmental area" is usually limited to natural areas having rare, unique or fragile qualities, the Master Planning program applies a broader meaning which considers the overall ecologic importance of maintaining a healthy natural environment and translates this concern as a determinant for future growth and development.

(d) In a recent publication by the Pennsylvania Department of Environmental Resources entitled *Area Considerations for Pennsylvania's Statewide Environmental Master Plan* (February 1975), various critical environmental areas were examined to provide an overview of inherent values and problems. Criteria were presented in that publication to identify priority areas having Statewide environmental value and being significant determinants of Statewide and regional growth and development patterns. Based upon the criteria, the following critical environmental areas were selected as being priority areas having environmental values of Statewide importance: prime farmlands, watersheds with high quality streams, floodplains, coal resources, areas with limited water supply, clean air resource areas, open space in metropolitan areas, landslide prone areas and areas with carbonate geology.

(e) The selection of these areas is intended to indicate a priority for areas having environmental value and being determinants of future growth, and does not mean that other areas are not important. In the future, policies of the Master Planning program will address issues related to other areas having environmental values such as forest, natural areas, scenic areas, wetlands and coastal zone areas.

(f) The primary environmental policy concern for each critical area is the protection of values which contribute to the overall environmental importance of the critical area. Additional policies for each critical area are designed to protect these environmental values through the development of alternative management strategies sensitive to the major environmental issues. Since protecting environmental values is the thread tying the policies together, many of the policies are mutually supportive. For example, keeping prime agricultural soils in farmland maintains the recharge capacity of productive aquifers, while discouraging development on floodplains provides ecologically valuable open space in metropolitan areas.

(g) The policies do not comprehensively address all issues for each critical area but do propose basic directions for future Commonwealth actions. Major issues related to intergovernmental land policy responsibilities, property tax structure, and public facilities investments are common to many critical areas and policies addressing these issues will be of significant importance for protecting Statewide environmental values. In addition, the policy statements are not self-

executing, and their pronouncement is only the beginning of a series of actions which must take place before the policies will effectively guide state, regional, county and local activities.

ENVIRONMENTAL POLICY FOR PRIME FARMLANDS

§ 9.111. Prime farmlands.

(a) Prime farmlands are a contributing factor to the quality of the environment of the Commonwealth. Because of their location, distribution and environmental significance, prime farmlands are of statewide importance. The primary environmental policy concern is the protection of values associated with these farmlands.

(b) It shall be the environmental policy of the Commonwealth to protect and preserve the productive capability, resource potential, ecologic significance and aesthetic and open space values of the prime farmlands of the Commonwealth.

(c) The productive farmlands of the Commonwealth are being converted to nonagricultural land uses daily. Increasing urban land use pressures and decreasing agricultural profitability are major factors contributing to the conversion of agricultural lands especially near urban centers. A broad based agricultural development program is necessary to prevent the future loss of the farmlands of the Commonwealth. An important part of this program will be environmental policies directed to the protection of the valuable prime agricultural soil resources of the Commonwealth. The concern for these resources will be translated through policies which will strengthen the agricultural economy and encourage farming in areas having prime farmlands. The following policies provide the basis for the protection of these prime farmlands.

§ 9.112. Agro-base areas.

(a) Agricultural trends across the Commonwealth and nation suggest that prime farmlands cannot remain in agricultural use without regard for maintaining viable agricultural based communities. There are many areas within the Commonwealth where agricultural based communities could remain competitive over the long haul while protecting the productive capacity of the land. More effective long-term preservation of many prime farmlands may be accomplished by encouraging economically competitive agro-base areas.

(b) It shall be the environmental policy of the Commonwealth to protect the prime farmlands of the Commonwealth by promoting and supporting a favorable social and economic climate which will strengthen the viability of agricultural communities throughout the Commonwealth.

§ 9.113. Public investments.

(a) The provision of public services and capital expenditures into areas with prime farmlands tends to encourage the conversion of land to more profitable

nonagricultural uses. In active agricultural areas special care shall be taken to ensure that public investments will not destroy the environmental values of these lands.

(b) It shall be the environmental policy of the Commonwealth to encourage only the extension of public services and facilities which are compatible with the maintenance of economically viable agricultural areas and to protect areas where prime farmlands are being retained as open space in accordance with land use plans.

§ 9.114. Land policy planning and coordination.

(a) Evidence gathered in the Commonwealth suggests that local governments cannot preserve prime farmlands by themselves. Land use controls, public acquisition and preferential tax programs to protect agricultural lands shall be in support of environmentally sensitive land policy planning at all levels of governments. Frequently conflicting objectives of transportation, housing, sewer and recreation plans at the State, regional and local level indicate the need for a strong land policy framework to coordinate efforts to protect prime farmlands.

(b) It shall be the environmental policy of the Commonwealth to develop an environmentally sensitive land policy planning program which protects the environmental values of the prime farmlands of the Commonwealth and coordinates activities at the State, regional and local level related to the use of these lands.

§ 9.115. Wastewater renovation.

(a) In the metropolitan areas of the Commonwealth, large quantities of wastewater are generated which require expensive treatment and add pollutants to nearby streams. The national no-discharge goal of the Federal Water Pollution Act (33 U.S.C.A. §§ 1251—1376), is placing increased burdens on municipalities to seek other wastewater treatment alternatives. In many portions of the Commonwealth, extensive prime farmlands exist in close proximity to urban areas providing the potential for the land application of wastewater. This use of the land can serve to protect these lands and also renovate wastewater, enhance agricultural production, and recharge groundwater tables.

(b) It shall be the environmental policy of the Commonwealth to encourage wastewater renovation practices which utilize the natural filtration capabilities and enhance the productive potential of the prime farmlands of the Commonwealth.

§ 9.116. Farmlands of regional importance.

(a) Throughout many regions of the Commonwealth, productive agricultural lands exist in areas not defined as prime farmlands. The environmental values characteristic of prime farmlands may also be associated with other agricultural

lands. In addition, the same techniques recommended for the protection of prime farmlands may be applied to other farmlands having regional agricultural importance.

(b) It shall be the environmental policy of the Commonwealth to encourage and support regional and local programs which identify and protect lands having regional importance for agriculture.

ENVIRONMENTAL POLICIES FOR WATERSHEDS WITH HIGH QUALITY STREAMS

§ 9.121. Watersheds with high quality streams.

(a) Many environmental values associated with watersheds with high quality streams are of Statewide importance. Since many of these watersheds cover large contiguous areas, they also are ecologically important for maintaining the relatively undisturbed character of natural systems.

(b) As a result, watersheds with high quality streams contain many of the unique, rare, and fragile resources of the Commonwealth and are important to Statewide environmental quality. Protection of these resources and maintenance of ecologic relationships is the major environmental policy concern in watersheds with high quality streams.

(c) It shall be the environmental policy of the Commonwealth to protect and maintain the aesthetic, ecological, natural, recreational, wild and other environmental values of watersheds with high quality streams.

(d) The protection of these values will require action in several important areas. The following policies address specific environmental issues and provide the basis for protecting water quality and other associated values of watersheds with high quality streams.

§ 9.122. Stream identification.

(a) The existing conservation area use designation within the water quality management program of the Commonwealth has had limited success in protecting the high quality streams of the Commonwealth due to the lack of a firm basis for the identification of these streams. A major component in any effort to protect watersheds with high quality streams is a sound program to identify and delineate high quality streams.

(b) It shall be the environmental policy of the Commonwealth to develop criteria and adopt standards to identify the high quality streams of the Commonwealth.

§ 9.123. Antidegradation.

(a) The highest quality streams of the Commonwealth are unique and ecologically valuable resources. The natural characteristics of watersheds which

maintain high quality streams are frequently vulnerable to development activities which may disrupt ecological relationships resulting in the degradation of water quality.

(b) It shall be the environmental policy of the Commonwealth to protect the high quality streams of the Commonwealth by discouraging land use and development activities that degrade or threaten to degrade water quality.

Notes of Decisions

Federal Regulation

Although Congress has placed primary responsibility to comply with the Clean Water Act with the states, this fact did not change the mandatory duty of the Environmental Protection Agency's Administrator referred to in 33 U.S.C.A. § 1313(c). Section 1313(c) requires the Administrator to approve a state's revised water quality standard within 60 days or to reject it within 90 days. Thus, a 19-month delay in preparing and publishing proposed regulations was not fulfilling a public duty "promptly," as commanded by Congress. *Raymond Profitt Found. v. U.S.E.P.A.*, 930 F. Supp. 1088 (E. D. Pa. 1996).

Prompt Action Required

Nothing in the Clean Water Act prevents Pennsylvania from engaging in a comprehensive review of its antidegradation program. Indeed, the state's evaluation of its water quality standard through a reg -neg process will educate interested parties as to the Act's requirements and enable Pennsylvania to submit a more informed Triennial Review package. However, the fact that Pennsylvania has opted to undertake this consensus-building approach can not trump Congress's clear mandate that the EPA promptly prepare and publish a water quality standard for the state if the EPA has disapproved the state's standard. *The Raymond Profitt Found. v. The United States Environmental Protection Agency*, 930 F. Supp. 1088 (E. D. Pa. 1996).

§ 9.124. Environmentally sensitive watersheds.

(a) In addition to possessing exceptional water quality, watersheds with high quality streams may also have other outstanding environmental values related to hydrology, topography, geology, vegetation, wildlife or the general undeveloped character of the watershed. In many instances, the wild, scenic, natural, scientific, or educational values of the watershed may far outweigh the water quality concern. These values may also exist in watersheds with less than high quality streams. Since many of these values are also of Statewide importance, the Commonwealth should develop a broader protection program for environmentally sensitive watersheds.

(b) It shall be the environmental policy of the Commonwealth to protect watersheds having Statewide environmental values which may be rare, unique, fragile, or threatened and restore and maintain high quality streams within these watersheds.

§ 9.125. Commonwealth land policy.

(a) In watersheds with high quality streams the protection of stream quality and other environmental values goes beyond a concern for the immediate stream.

Consideration must be given to the environmental impacts of land use development activities throughout the watershed. In many instances, existing growth and development patterns and the siting of large scale facilities is directly attributable to Commonwealth action. Urbanization, highway development, resource extraction and energy production complexes have the potential to degrade environmental values of watersheds with high quality streams, unless existing programs that shape future Commonwealth development provide for the protection of these watersheds. A coordinated Commonwealth land policy program is necessary to protect watersheds with high quality streams from future degradation.

(b) It shall be the environmental policy of the Commonwealth to encourage future growth and development patterns ensuring the protection of watersheds with high quality streams and discourage those land use activities which may degrade the environmental values of these watersheds.

§ 9.126. Local and regional planning.

(a) Actions at the Commonwealth level are not able to provide fully for the protection of watersheds with high quality streams. The power to control land use directly is mainly in the hands of local governments. With proper guidance and assistance from the Commonwealth, regional, county and municipal governments can reflect the concern for protecting watersheds with high quality streams and enhance local environmental quality within municipal planning and regulatory programs.

(b) It shall be the environmental policy of the Commonwealth to encourage and support regional, county, and municipal planning efforts to protect watersheds with high quality streams.

ENVIRONMENTAL POLICIES FOR FLOODPLAINS

§ 9.131. Floodplains.

(a) Because floodplain resources are of significant importance to man and are vital for maintaining the floodplain ecosystem, the primary environmental policy concern is the protection of floodplain resource values.

(b) It shall be the environmental policy of the Commonwealth to recognize the ecologic and hydrologic importance of floodplain ecosystems and protect the groundwater, wildlife, vegetation, soil and other resource values of the floodplain.

(c) The protection of floodplain values necessitates a reevaluation of past approaches to floodplain management. Past strategies dealing with floodplain management have focused primarily on socioeconomic impacts of flooding with little concern for the environmental significance of floodplains. The following policies are directed toward the protection of environmental values and human health through the development of new strategies sensitive to environmental concerns.

§ 9.132. Developed floodplains.

(a) A variety of approaches are necessary to solve problems related to existing and future floodplain development. It would be economically unfeasible to relocate all existing floodplain development in the Commonwealth. However, the Commonwealth should take action to protect life and property and, when possible, restore the less intensively developed character of the floodplain environment.

(b) It shall be the environmental policy of the Commonwealth to minimize damage to life and property, protect the environment from any release of toxic substances during flooding, and encourage compatible use of the floodplain environment throughout the Commonwealth.

§ 9.133. Undeveloped floodplains.

(a) In undeveloped floodplains, programs should not attempt to exclude all types of land uses and development but to encourage those uses which will minimize flood damages, flood frequencies and magnitudes, and prevent the destruction of the floodplain environment. Defining appropriate uses should be based upon the environmental opportunities and constraints of the floodplain.

(b) It shall be the environmental policy of the Commonwealth to protect environmental values of undeveloped floodplains by discouraging any floodplain development which may degrade the floodplain environment, increase the potential for flood damages, or contribute to increased flood flows.

§ 9.134. Watershed planning.

(a) Since the impact of flooding and urban development transcends municipal and floodplain boundaries, all lands within the watershed should be managed to minimize flood damages, flood potential and destruction of the environmental resources of the floodplain. The inability of floodprone municipalities to control activities of other municipalities, either upstream or in other areas throughout the watershed, requires a broader approach than a traditional floodplain management program.

(b) It shall be the environmental policy of the Commonwealth to encourage more comprehensive watershed planning to prevent runoff caused by existing or future watershed development from increasing flooding potential or flood damages within the floodplain.

§ 9.135. Coordination of programs.

(a) Many Commonwealth and Federal programs may either directly or indirectly stimulate development on floodplains. Programs related to planning, regulation, investments, public facilities construction, and technical assistance provide opportunities to protect the floodplain environment.

(b) It shall be the environmental policy of the Commonwealth to protect the environmental values of floodplains by coordinating existing programs to guide future patterns of urbanization away from floodplains and prevent floodplain development not compatible with the protection of these environmental values.

ENVIRONMENTAL POLICIES FOR COAL RESOURCES

§ 9.141. Coal resources.

(a) Because of the geographic extent of the coal reserves of the Commonwealth, increasing demands, and the potential for environmental degradation, areas with coal reserves are of Statewide importance. While recognizing recent Commonwealth proposals to encourage the production of coal, the overriding environmental concern is the need both to protect environmental values and reclaim degraded areas.

(b) It shall be the environmental policy of the Commonwealth to encourage the protection of ecologic, scenic, aesthetic, recreational and other natural resource values in areas with extractable coal reserves while supporting the pre-established Commonwealth policy of promoting coal production and to restore and reclaim those areas degraded by previous mining activities.

(c) The protection of environmental values will become more difficult as coal mining increases throughout the Commonwealth. To protect the environment throughout the coal mining process, it is essential that this Commonwealth develop policies for the wise management of the Commonwealth coal resources. The following policies provide for an environmentally sound course of action.

§ 9.142. Historic degradation.

(a) The historic legacy of previous coal mining activities in the Commonwealth is one of destruction and devastation. The cost to reclaim the total damage to the environment is not known. Estimates to eliminate the major problems indicate over several billion dollars will be necessary. Although this burden will also be carried by future generations, the renewed interest in coal may provide new opportunities to undertake a larger reclamation program.

(b) It shall be the environmental policy of the Commonwealth to encourage strongly additional Federal, State and private activities directed to the abatement of environmental pollution and the restoration of the environment in any areas degraded by previous coal mining activities.

§ 9.143. Regulations.

(a) The only redeeming value of the previous degradation from coal mining is that it serves as a continuous warning of the necessity for a strong regulatory program. Although conformance with existing regulations will preclude the major problems of the past, the regulatory structure is effective only to the extent that

it is enforceable. This is becoming a more serious concern especially with the dramatic increase in coal mining activity and budgetary constraints imposed upon regulatory agencies.

(b) It shall be the environmental policy of the Commonwealth to ensure complete conformance with existing coal mining regulations by strengthening existing programs to provide compliance throughout the entire coal extraction and reclamation process.

§ 9.144. Guiding future mining.

(a) There are many areas with coal reserves which also have environmental values of Statewide importance. These areas may have streams exhibiting high quality or low fertility, wild or natural characteristics, outstanding scenic beauty, or other unique ecologic values which may be important to the overall environmental quality of the area. In many of these areas particular environmental values or associations of environmental values are highly vulnerable to degradation throughout the coal extraction process. In these areas, the stringent enforcement of existing regulations may not protect the overall environmental quality of the area.

(b) It shall be the environmental policy of the Commonwealth to protect unique and fragile ecologic values and outstanding natural resources in areas with extractable coal reserves by guiding future mining activities into those locations which may be adequately protected through the existing regulatory process or by adopting special protection measures in sensitive areas.

§ 9.145. Land and energy planning.

(a) National and State energy demands will create increased pressures for the extraction of coal throughout the Commonwealth. It will become increasingly difficult to protect ecologically valuable areas if energy policies support uncontrolled growth and development and continually create the demand for more energy. Although it is essential that effective energy solutions be developed at the national level, the Commonwealth may develop a more rational approach to energy resource management through environmentally sensitive land policy planning.

(b) It shall be the environmental policy of the Commonwealth to develop coordinated land and energy planning programs which protect the environmental quality of the Commonwealth and encourage energy conservation.

**ENVIRONMENTAL POLICIES FOR AREAS WITH
LIMITED WATER SUPPLY**

§ 9.151. Areas with limited water supply.

(a) Adequate supplies of water are necessary for a wide range of water uses, including instream uses which sustain aquatic ecosystems. Degradation of envi-

ronmental values associated with the streams of the Commonwealth is of particular concern during periods of low flow. Commonwealth policy to protect environmental values in areas with limited water supply is of primary importance.

(b) It shall be the environmental policy of the Commonwealth to protect the natural instream uses and associated environmental values of streams from conditions increasing the occurrence and severity of natural low flows.

(c) The degradation of these values and the problems that exist in areas with limited water supply cannot be resolved until the issues are confronted and changes in present policy occur. The following policies address those issues of immediate concern.

§ 9.152. Regulatory action.

(a) In the absence of a strong regulatory framework to protect minimum stream flows, water supply demands from intake users may preempt instream uses and disrupt the maintenance of vital ecologic and hydrologic processes.

(b) It shall be the environmental policy of the Commonwealth to protect natural instream uses during periods of reduced stream flows by adopting laws and regulations to establish and enforce Statewide minimum flow standards.

§ 9.153. Interbasin transfers and structural alternatives.

(a) The use of interbasin transfers and construction of impoundments has frequently been utilized to supplement water supplies for intake users in water supply limited areas. In many instances these mechanisms may encourage or stimulate more growth and development than originally designed to support and consequently result in a demand for further water resource development. This frequently creates the need for more impoundments or interbasin transfers.

(b) It shall be the environmental policy of the Commonwealth to require the adoption of land and water resource plans and adequate development controls in an area before approving the use of impoundments and interbasin transfers.

§ 9.154. Groundwater resources.

(a) In many areas with limited water supply, groundwater is the main source of water supply. Excessive withdrawals may lead to groundwater mining and loss of surface flows. In addition, uncontrolled land use and development may cause pollution and create impervious cover preventing groundwater recharge.

(b) It shall be the environmental policy of the Commonwealth to protect and conserve groundwater resources by preventing pollution, protecting critical recharge areas, and discouraging overuse.

§ 9.155. Land and water resource planning.

(a) In areas with limited water supply, the constraints of the water resource base are evident. Uncontrolled growth and development in these areas will only create unnecessary economic, social and environmental problems. In the past

there has been little concern given to the interrelationship of land use planning and water resource planning and the impact of one on the other. An integrated approach to solving the environmental problems in areas with limited water supply is needed.

(b) It shall be the environmental policy of the Commonwealth to protect and conserve ground and surface water resources and natural instream water uses through environmentally sensitive land and water planning which respects the natural hydrologic character of watersheds.

ENVIRONMENTAL POLICIES FOR CLEAN AIR RESOURCE AREAS

§ 9.161. Clean air resource areas.

(a) Humans cannot afford to chance that the long term effects of air pollution now suspected, but not proven, will not occur. It is essential that steps be taken to preserve reservoirs of clean air which can provide for future dilution of air pollutants and maintenance of natural systems on a global scale. For these reasons, protection of existing clean air resources is of significant environmental concern.

(b) It shall be the environmental policy of the Commonwealth to preserve and protect the clean air resource areas of the Commonwealth to ensure the maintenance of ecosystems, high quality human health and welfare, and the long term survival of society.

(c) Protecting clean air resource areas is a distinctly different problem from those usually faced in the regulation of air quality. This Commonwealth presently regards the major problems of air quality control as first, bringing existing sources into compliance with standards; and second, preventing new sources from exceeding standards.

(d) The program of the Commonwealth is designed to deal with the immediate, urgent need to clean up serious air pollution problems of urban areas. The next step is to develop a program to protect the clean air resource areas of the Commonwealth. The following policies provide a basis for this protection.

§ 9.162. Prevention of degradation.

(a) Protecting clean air resource areas from being degraded to the level of the secondary standards will set certain limitations on future development activities. In order to have an effective program to protect clean air resource areas, it is necessary to establish a rational procedure for the protection of environmental values in these areas.

(b) It shall be the environmental policy of the Commonwealth to protect clean air resource areas by preventing the significant degradation of air quality to existing federal secondary standards.

§ 9.163. Air quality planning.

(a) Although the present strategies of the air implementation plan of the Commonwealth have limited applicability for the protection of clean air resources, it is essential that the planning process provide strong measures for the improvement of air quality and the maintenance of clean air resources.

(b) It shall be the environmental policy of the Commonwealth to develop a Statewide air quality implementation plan with measures to prevent significant degradation of clean air resource areas.

§ 9.164. Regulatory programs.

(a) Often the limitations of existing regulatory programs have not been because of weak regulations but rather the inability to enforce existing regulations.

(b) It shall be the environmental policy of the Commonwealth to protect clean air resource areas by maintaining a strong regulatory program including the provision for adequate funding and technical support.

§ 9.165. Land policy planning.

(a) The inherent limitations of a regulatory framework necessitates creating new approaches which are not reactive to changing growth and development patterns but provide for the direction of the use of the land to attain social, economic and environmental goals.

(b) It shall be the environmental policy of the Commonwealth in planning for future growth and development to prevent the significant deterioration of clean air resource areas from point and nonpoint sources of pollution.

§ 9.166. New technologies.

(a) Further technological development may help to improve air quality while allowing growth. Despite past limitations of technology to provide solutions, it is essential that the development of new technologies be in an overall program to protect clean air resources.

(b) It shall be the environmental policy of the Commonwealth to provide additional support for developing new technologies to reduce the potential for air pollution in clean air resource areas.

**ENVIRONMENTAL POLICIES FOR OPEN SPACE IN
METROPOLITAN AREAS****§ 9.171. Open space in metropolitan areas.**

(a) The protection and maintenance of ecologic values in the metropolitan areas of the Commonwealth can enhance environmental quality and provide a

wide range of important environmental values. The major environmental policy concern is the protection and maintenance of these values.

(b) It shall be the environmental policy of the Commonwealth to protect open space lands in metropolitan areas by maintaining ecologic values and protecting the social and psychological, recreational, educational and other community environmental values of open space lands.

(c) The character and extent of development across the Commonwealth will influence the availability and quality of open space opportunities. Influence of development on open space is particularly evident in the metropolitan areas of the Commonwealth where the provision of open space for the protection of ecologic values and subsequent fulfillment of other human needs is a significant environmental concern. The following policies are necessary to protect these metropolitan open space values.

§ 9.172. Expansion of traditional concepts.

(a) Open space programs, especially in urban areas, have in the past tended to emphasize needs related to high intensity recreation. While recognizing the importance of these recreational uses, there is a parallel need for ecologically valuable lands which are also important to satisfy other human needs and maintain a high quality human environment.

(b) It shall be the environmental policy of the Commonwealth to recognize metropolitan open space resources as lands both necessary to protect ecologic processes and necessary to satisfy a wide range of human needs.

§ 9.173. Open space protection.

(a) Throughout metropolitan areas in the Commonwealth, many local and regional plans have provided recreational open space areas which also perform important natural functions. Some open space plans have recognized the ecologic importance of open space and have provided protection to floodplains, woodlands, steep slopes, and agricultural lands. As development in surrounding areas increases, open space lands are subjected to intense pressures for conversion to more intensive uses.

(b) It shall be the environmental policy of the Commonwealth to protect existing ecologically valuable metropolitan open space lands designated in local or regional plans by discouraging the conversion of open space lands to more intensive uses which destroy existing ecologic values.

§ 9.174. Open space types.

(a) Because of the varying development and natural characteristics of the metropolitan areas of the Commonwealth, different types of open space lands are necessary to serve various human needs and support different ecologic roles. Since many types of open space provide additional values depending upon the

proximity to the human environment, a range of open space opportunities should be readily available to all citizens.

(b) It shall be the environmental policy of the Commonwealth to recognize that various open space lands play different ecologic roles and serve different recreational purposes by encouraging and supporting the availability of a wide range of open space types to the citizens of the Commonwealth

§ 9.175. Land planning and coordination.

(a) The rapid growth and development occurring in metropolitan areas is continually creating more pressures on existing open space for both greater recreational utilization and conversion to nonopen space land uses. In order to reduce these pressures, the development of coordinated State, regional and local open space planning is necessary. The development of open space plans respecting ecologic values is dependent on a broad, orderly land use planning program which incorporates a concern for environmental values. Within this program the assessment of natural resource values, capabilities, and constraints to particular land use configurations may provide the identification of ecologic values to be protected in open space lands.

(b) It shall be the environmental policy of the Commonwealth to ensure the protection of metropolitan open space by encouraging coordinated land use planning which respects the natural capabilities and limitations of the land.

GEOLOGIC AREAS WITH DEVELOPMENT RESTRAINTS

§ 9.181. Landslide prone areas.

(a) Landslides are unique natural phenomena associated with particular regions of the Commonwealth. In many areas, urban land use and development activities have increased the potential for landslides. In areas where landslide potential is ignored, landslides may cause environmental pollution and other environmental degradation.

(b) It shall be the environmental policy of the Commonwealth to prevent hazards to human life and property and degradation to the environment resulting from landslide occurrences.

(c) Because of the site specific character of landslides and lack of Commonwealth policies, primary responsibility for landslide problems presently rests with local governments. The following policies will provide better coordination for Commonwealth programs and assist local planning programs in areas susceptible to landslides.

§ 9.182. Land use planning.

(a) Although certain regions of the Commonwealth have particular geologic formations associated with landslide activity, the events leading to a landslide incident characteristically are site specific in nature. Effective programs to pre-

vent landslides, control environmental pollution, and reduce property damages resulting from landslides shall be developed within an environmentally sensitive land planning program at the local level. State action may support local and regional programs and provide technical assistance related to landslide problems.

(b) It shall be the environmental policy of the Commonwealth to encourage the development of local and county land planning and regulatory programs which consider the cumulative effects of land use and development activities upon landslide susceptibility.

§ 9.183. Coordination of State programs.

(a) Currently the Commonwealth has no program responsibility related to landslide problems. However, the Commonwealth administers numerous programs which may encourage future growth and development in areas potentially vulnerable to landslides. The coordination of these programs to recognize landslide problems may strengthen local planning efforts to protect the environment and reduce property damages in areas vulnerable to landslides.

(b) It shall be the environmental policy of the Commonwealth to coordinate existing State plans and programs discouraging development where environmentally sensitive controls are lacking and supporting local planning which identifies and controls landslide problems.

§ 9.184. Consumer protection.

(a) In many instances, development in landslide prone areas has taken place years prior to the recognition of landslide vulnerability. When landslide activity damages property, property owners usually bear the responsibility for remedial measures. Programs to assist or alleviate remedial burdens combined with advanced warning of landslide potential are necessary to protect consumers.

(b) It shall be the environmental policy of the Commonwealth to encourage the development of remedial assistance programs for owners of property damaged by landslides in municipalities having landslide controls and to assure the adequate disclosure of landslide potential in official plans and land transactions.

**ENVIRONMENTAL POLICIES FOR AREAS WITH CARBONATE
GEOLOGY**

§ 9.191. Areas with carbonate geology.

(a) Carbonate areas are found extensively throughout the Commonwealth and contain many diverse environmental values. The overall environmental concern in these areas is protecting the environmental importance of carbonate terrain.

(b) It shall be the environmental policy of the Commonwealth to recognize the environmental significance of areas with carbonate geology and protect the ecologic, recreational, and soil, mineral, and water resource values of carbonate areas.

(c) The ecological importance and existence of valuable resources in carbonate areas is of Statewide concern. Uncontrolled land use and development may increase the potential for environmental hazards and preempt the utilization of resources. The lack of comprehensive Commonwealth programs to deal with problems associated with carbonate areas reinforces the need for the following policies.

§ 9.192. Groundwater protection.

(a) Due to the natural characteristics of carbonate terrain, groundwater contamination is a serious problem. Solution channels in carbonate formations can carry contaminated groundwater rapidly over large areas with little purification or filtration. Since many of the high yield aquifers of the Commonwealth are in areas with carbonate geology, the potential for groundwater contamination is a Statewide concern.

(b) It shall be the environmental policy of the Commonwealth to prevent the contamination of aquifers in carbonate rock formations by discouraging land use and development activities which may threaten groundwater quality.

§ 9.193. Resource utilization.

(a) Carbonate areas contain many valuable environmental resources including productive soils, extensive mineral deposits and significant groundwater resources. Because of the interrelationships existing in carbonate terrain, uncontrolled development and improper resource utilization may lower the utility or destroy the values of other resources. It may be many years before land use and resource management plans become sensitive to the benefits and problems associated with the various uses of carbonate resources. The range of options available for the future utilization of these resources will be determined by the degree of action taken to protect the character of carbonate areas prior to the development of comprehensive resource management plans.

(b) It shall be the environmental policy of the Commonwealth to encourage open space land uses in carbonate areas to prevent the loss of resources and other environmental values by uncontrolled growth and development.

§ 9.194. Land policy.

(a) The prevention of environmental pollution and protection of resource values in carbonate areas will require planning and regulatory controls which transcend a single concern for soils, water or minerals. In the long term, the encouragement of open space uses of carbonate areas may change to reflect the need for more intensive uses of specific resources. In order to evaluate the changing resource demands, protect environmental values, and prevent environmental hazards in carbonate terrain, environmentally sensitive land policy planning programs are needed at all levels of government.

(b) It shall be the environmental policy of the Commonwealth to protect resource values and prevent environmental hazards in carbonate areas by supporting local, county, regional and State land planning efforts which minimize adverse environmental impacts of land use and resources management activities in carbonate terrain.

§ 9.195. Consumer protection.

(a) Groundwater contamination, flooding and surface collapse frequently cause property damage or create hazards to property owners in carbonate areas. The proper selection of development sites in carbonate terrain that recognize the natural conditions and potential environmental hazards may minimize existing problems and prevent the occurrence of new property damage or health hazards.

(b) It shall be the environmental policy of the Commonwealth to protect consumers and property owners in carbonate areas by requiring adequate disclosure of existing damages or potential hazards which are characteristically associated with carbonate terrain.

Subchapter C. POLICY IMPLEMENTATION

Sec.

9.201. Implementing policies.

9.202. Implementing strategies—a continuing board responsibility.

§ 9.201. Implementing policies.

(a) The policies for critical environmental areas begin to provide an ecologically sensitive framework for resolution of complex environmental problems. Although the critical area policy may be at times in conflict with other social and economic priorities, the Master Planning program recognizes that the policies are not the sole determinant guiding Commonwealth actions nor are they self-executing in nature. For these reasons there must be a well-designed implementation effort as a part of the Master Planning program for resolving conflicts and balancing priorities to ensure that the policies are translated into effective measures for guiding future Commonwealth actions.

(b) Implementation of the critical area policies is not solely a responsibility of the Department of Environmental Protection or other Commonwealth agencies. The Environmental Master Plan is an environmental policy planning program for the Commonwealth, and effective implementation of the policies must extend beyond the concerns of Commonwealth agencies. If the Environmental Master Planning program is to be successful, the implementation of critical areas policies must be a responsibility shared by State, regional, county and municipal agencies. A shared responsibility throughout all levels will result in more specific

implementation proposals, greater policy evaluation and refinement, and a general strengthening of the overall implementation effort.

(c) Without this commitment to a determined implementation program, the critical area policies will have limited impact for guiding change. Therefore, it will be necessary to develop an action program for policy implementation as an integral part of the Environmental Master Plan.

§ 9.202. Implementation strategies—a continuing board responsibility.

(a) The adoption of the policies for critical environmental areas by the Environmental Quality Board establishes a broad policy framework to guide future Commonwealth actions and is an important step in response to the legislative mandate to prepare the Environmental Master Plan. Since the policies are not self-implementing, adoption by the Board also creates a responsibility for the Environmental Quality Board to propose recommendations for effective policy implementation.

(b) Implementation proposals by the Environmental Quality Board will identify the necessary roles and responsibilities of the Governor, the Legislature, Commonwealth agencies, regional agencies, county and municipal governments, and the citizens of the Commonwealth. Because the critical area policies do not automatically put in place regulatory restraints or change existing statutory authorities, it is essential that recommendations for implementation address the resolution of existing policy conflicts and the balancing of other socioeconomic priorities. Through this process, policies can be implemented by changes to laws, regulations, or programs throughout all levels of government while providing an opportunity for public participation and review.

(c) Underlying all implementation proposals by the Board is a responsibility to communicate continually the fundamental principles of the environmental ethic and use all available education programs to provide an increased understanding and respect for the environment by the citizens of the Commonwealth. Without this understanding of environmental interrelationships, there will never be adequate public support to provide the basis for a successful implementation program.

(d) In addition to proposing implementation strategies, the most significant Board responsibility related to implementation is to monitor and review recommended actions and specific program changes designed to implement the critical area policies. This continuing responsibility is particularly important for implementation of the Master Plan because it provides the Environmental Quality Board an opportunity to ensure the following:

- (1) Public review and participation has accompanied program changes to implement policies.
- (2) Policies are being adequately studied and considered as a part of the Commonwealth decision-making process.

- (3) Interpretation of policies is consistent with the purpose for which they were adopted.
- (4) Policies are periodically reviewed, and recommendations are made where changes are necessary.

Subchapter D. POLICIES FOR NATURAL AREAS

GENERAL PROVISIONS

- Sec.
- 9.301. Background.
- 9.302. Value.

POLICIES FOR NATURAL AREAS

- 9.311. Natural areas policy statement.
- 9.312. Natural areas having statewide significance.
- 9.313. Natural areas having regional and local significance.
- 9.314. Rare, threatened, and endangered species.
- 9.315. Research.
- 9.316. Biological survey.
- 9.317. Future development.

Source

The provisions of the Subchapter D adopted August 5, 1977, 7 Pa.B. 2174, unless otherwise noted.

GENERAL PROVISIONS

§ 9.301. Background.

(a) The main effort by the Commonwealth to achieve and maintain a desired level of environmental quality has been in response to existing and potential pollution of the air, land and water resources vital to the health and welfare of the general public. Periodic crises created by conflicts between unplanned human activities and the finite assimilative capacities of these natural resources have done much to shape environmental priorities. The need for clean air and water and values derived from them is immediate and clear. However, the continued maintenance of the environmental quality of this Commonwealth requires a broadening of this environmental perspective to include other needs that may not be as immediate or conspicuous to most people as air and water pollution but that are equally important in the long term. One such aspect is the need to retain the diversity of the natural heritage of this Commonwealth.

(b) The natural environment of this Commonwealth has undergone dramatic transformation since 1776. The abundant natural resources found throughout this

Commonwealth served as economic stimulants for statewide growth and development. Today, Pennsylvania is the fourth most populous state in the Union, the second-ranking industrial state, the third largest producer of coal, and the fourth in mineral production. This level of growth and intensity of resource use in a state ranked 33rd in land area has had a significant impact on the composition and character of the original environment. Only about 2.0% of the presettlement landscape remains essentially unaltered or has reestablished a biological composition similar to presettlement conditions.

(c) From this small percentage of relatively undisturbed land and from those lands where natural conditions have been restored are sites containing components of the natural diversity of this Commonwealth commonly referred to as natural areas. A natural area is a tract of land or water or a combination of land and water, containing representative or unusual communities or ecosystems of plants and animals, rare and endangered species or outstanding geologic, hydrologic or topographic features. These areas are in public or private ownership, are managed primarily to maintain natural processes, and are of scientific or educational interest. Together natural areas should provide a system of protected reserves for preserving all components of natural diversity in this Commonwealth. Natural areas include but are not limited to such things as the following:

- (1) Habitats of rare, threatened or endangered plant and animal species.
- (2) Unique, unusual or outstanding concentrations or diversities of plants or animals.
- (3) Representative examples of plant or animal communities of presettlement origin or present day conditions.
- (4) Geologic and hydrologic features of special interest.
- (5) Topographic features illustrative of representative or unique biogeological patterns.

(d) Although there are additional components yet to be identified and protected, many of the natural areas established throughout this Commonwealth by government and nongovernment agencies and organizations form the nucleus for preserving the natural diversity of this Commonwealth. The total amount of land is relatively small, but its overall significance outweighs its limited size.

§ 9.302. Value.

(a) Natural areas provide scientific sites for the research needs of present and future generations. Many natural areas have the natural quality to serve as baseline study areas for monitoring environmental changes of other ecosystems and for analyzing cause and effect relationships. These sites serve as a basis for assessing the effects of pollutants, measuring the accumulation of pesticides, herbicides, and toxic agents in the environment, and evaluating the effects of timber management practices and the impacts of urban development.

(b) It is becoming increasingly important that a wide range of wild plant and animal species should be preserved for their potential utility as breeding stock to

improve the genetic linkage of domestic species, as predators and parasites for biological control, as potential resources for industrial, pharmaceutical, and agricultural purposes, and for other uses yet unknown to man. New improvements in science and technology may some day enable man to tap now undiscovered values that these species possess. Natural areas can provide the environment for the proliferation of natural diversity and protection of gene pools.

(c) Natural areas inherently maintain quality air and water resources, facilitate aquifer recharge, minimize soil erosion and enhance soil fertility, and influence micro-climate extremes. Translated into human benefits, natural areas often can provide limited, but critical, aid in flood control and in reducing flood damages, in conserving soil resources and reducing stream siltation, and in maintaining assimilative capacities of air and water resources.

(d) In recent years, there has been an effort to broaden the scope of educational programs to give added emphasis to the relationship between man and his environment. A key element in achieving this educational goal is to have accurate data gained from natural areas to illustrate the functioning of natural processes in undisturbed ecosystems. Since this learning process is aided by onsite classes, the knowledge of essential elements will enable educators to locate and use for class purposes unprotected sites with similar features adequate for educational purposes.

(e) Those natural areas more tolerant to human disturbances provide an environment for leisure pursuits such as hiking, bird watching and nature study. An uncounted but probably great offsite value accrues to many citizens from the awareness that there exist areas where elements of natural diversity and heritage are preserved.

(f) Natural areas are an important component of the existing land use in this Commonwealth and can be determinants for guiding future growth and development in many areas. The incorporation of natural areas in the decision making process aids in planning for more environmentally sensitive land use patterns.

POLICIES FOR NATURAL AREAS

§ 9.311. Natural areas policy statement.

(a) It shall be the environmental policy of the Commonwealth to protect the scientific, educational, aesthetic and environmental values of natural areas and to see that the biologic, ecologic, geologic and physical attributes of the natural areas are held in trust for the benefit of present and future generations.

(b) The fruition of this intent to protect natural areas requires a further articulation of an overall course to guide public and private decisions and actions relative to natural areas. The policy recommendations set forth in these §§ 9.312—9.317 (relating to policies for natural areas) reflect Statewide natural area needs and the major issues and problems obstructing their identification, designation, protection and management.

§ 9.312. Natural areas having statewide significance.

(a) There is an increasing concern at the Federal and State government levels and in the public and private sectors to preserve components of our natural heritage. A multitude of agencies, organizations and groups in this Commonwealth have acquired and secured a variety of land in which natural processes are allowed to predominate, commonly referred to as natural areas.

(b) Generally, there has been a limited effort to distinguish the relative importance that these areas may possess in completing a composite of natural areas having Statewide significance. While working is continuing on the identification or evaluation of such factors as quality, size, uniqueness, or diversity to distinguish those natural areas having Statewide significance, there is no overall direction to assist agencies and organizations to identify and acquire additional areas of Statewide significance, nor does there exist the means of fully protecting these areas for perpetuity.

(c) A meaningful and effective Statewide system of natural areas can only be attained through the cooperation and coordination of ongoing government and nongovernment activities. Therefore, it shall be the Environmental Policy of the Commonwealth to actively promote and utilize public, quasi-public, and private efforts to identify, designate, protect and manage natural areas having Statewide significance.

Cross References

This section cited in 25 Pa. Code § 9.311 (relating to natural areas policy statement).

§ 9.313. Natural areas having regional and local significance.

(a) Not all lands designated as natural areas are of Statewide importance. Programs at the regional and local levels are instrumental in the development of an overall Commonwealth effort to protect elements of our natural heritage.

(b) The success of subState programs to identify, designate and preserve natural areas will depend upon State initiatives to help public and private agencies at the regional and local level to attain natural area goals and objectives. Therefore, it shall be the Environmental Policy of the Commonwealth to provide leadership and support in the identification, designation, and protection of natural areas of less than Statewide importance.

Cross References

This section cited in 25 Pa. Code § 9.311 (relating to natural areas policy statement).

§ 9.314. Rare, threatened, and endangered species.

A comprehensive Statewide natural areas program to identify, protect and preserve elements of natural diversity must include a consideration for those areas containing rare, threatened or endangered plant or animal species. In recent years there has been a growing concern to identify these species, regulate their use, and

maintain habitat conditions necessary for their survival. Most of the effort has been focused on those species of national significance listed in the Federal Register. The realization of a sound, comprehensive, Statewide natural areas system will require increased involvement and concern by the Commonwealth to strengthen State activities concerning rare, threatened, and endangered species of Statewide importance. Therefore, it shall be the Environmental Policy of the Commonwealth to continue to identify and protect the rare, threatened, and endangered species of this Commonwealth and to intensify efforts to protect and maintain the habitats of these species.

Cross References

This section cited in 25 Pa. Code § 9.311 (relating to natural areas policy statement).

§ 9.315. Research.

One of the highest uses for which natural areas are best suited is scientific research. Natural areas are valuable as environmental baseline areas to be used in monitoring long-term environmental changes, as outdoor laboratories for furthering knowledge and understanding of complex ecological processes, and as a basis for evaluating resource management practices and techniques. Research activities in natural areas also will provide useful information necessary for the development of natural area protection and management strategies. Therefore, it shall be the Environmental Policy of the Commonwealth to encourage natural area research for better understanding impacts of man's activities on the environment and for guiding the protection and management of natural areas.

Cross References

This section cited in 25 Pa. Code § 9.311 (relating to natural areas policy statement).

§ 9.316. Biological survey.

(a) A firm understanding of the natural history of this Commonwealth is an important component in the development and maintenance of a Statewide system of natural areas. Without it, the assessment of what is unique, rare, unusual, endangered or threatened becomes difficult and more subjective than objective. Information as to the Statewide distribution of presettlement vegetation and wildlife and changes which periodically have taken place since then forms an important component of the natural history of this Commonwealth.

(b) Sources that would begin to form an overall composite of the flora and fauna of this Commonwealth exist, but little has been done to consolidate these sources and to fill those voids where information is needed. Therefore, it shall be the Environmental Policy of the Commonwealth to undertake and maintain a biological survey of this Commonwealth to ascertain the composition and distribution of plants and animals in this Commonwealth.

Cross References

This section cited in 25 Pa. Code § 9.311 (relating to natural areas policy statement).

§ 9.317. Future development.

(a) Natural areas often represent those remnant portions of this Commonwealth least impacted by human activities. In relationship to the entire State, these areas represent a relatively small acreage and are usually located in the more remote regions. As such, they are most likely to share the surrounding environs with large scale development activities such as timber harvesting, strip mining, dams and reservoirs or energy complexes.

(b) Many of the potential conflicts between these opposing uses of the land can be resolved early in the planning stages if the value of natural areas is recognized within institutional mechanisms at the State and local level and by industry and other private concerns. Therefore, it shall be the Environmental Policy of the Commonwealth to promote environmentally sensitive land and water planning throughout all levels of government and in the private sector to ensure the protection of natural areas.

Cross References

This section cited in 25 Pa. Code § 9.311 (relating to natural areas policy statement).

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