

April 15, 2025

Via Email: Marcp@scannellproperties.com

Easton Wood Ave. Propco, LLC
c/o Marc Pfleging
8801 River Crossing Boulevard
Indianapolis, IN 46240-2294

Re: Water Obstruction and Encroachment Permit (WOEP) Issuance
Easton Commerce Park
DEP Application No. E4802224-006
APS ID No. 1111356
AUTH ID No. 1480304
City of Easton, Palmer Township, and Wilson Borough, Northampton County

Dear Mr. Pfleging:

Enclosed is your copy of your State Water Obstruction and Encroachment Permit (WOEP). Please review this permit so that you are aware of the extent of authorization and the conditions that apply to that authorization. The Department will provide you with an acknowledgement letter upon receipt of the fully signed Acknowledgement of Appraisal of Permit Conditions.

Please be advised that you do not have Federal authorizations for this project and such authorization is required prior to starting your project. In accordance with procedures established with the U.S. Army Corps of Engineers, you will be contacted directly by the Corps regarding Federal Authorization.

This WOEP is not effective until a copy of the Acknowledgment of Appraisal of Permit Conditions, signed by you, is received by the Department. Any work conducted prior to the Department's receipt of the signed Acknowledgment of Appraisal of Permit Conditions is a violation of the Dam Safety and Encroachment Act and the Clean Stream Law, and you may be subject to fines and penalties pursuant to those Acts.

A copy of the Permit, Acknowledgement of Appraisal of Permit Conditions, the Erosion and Sediment Control plan, this Issuance Letter, and any other applicable State and Federal authorizations, must be maintained on site during construction and available at the work site for inspection upon request by any officer or agent of the Department or any other Federal, State, County and Municipal agency.

A Completion Report must be submitted to this office within 30 days of completion of the approved project. The Completion Report form must be signed by you and the supervising engineer indicating that the work has been completed as approved.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the

Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

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

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

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

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

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717.787.3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

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

If you have additional questions, please contact Justin Dresch, Application Manager, at 570.830.3040.

Sincerely,



Pamela R. Kania, P.E.
Environmental Program Manager
Waterways and Wetland Program

cc: PA Fish & Boat Commission (clgood@pa.gov)
Bogia Engineering, Inc. (donald@bogiaeng.com)
Northampton County Conservation District (NDipaolo@northamptoncd.org)
Philadelphia District, USACE (PhiladelphiaDistrictRegulatory@usace.army.mil)

Commonwealth of Pennsylvania
Department of Environmental Protection
Waterways and Wetlands Program
Northeast Regional Office

WATER OBSTRUCTION AND ENCROACHMENT PERMIT

The Department of Environmental Protection "Department", established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§510.1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. §§693.1 et seq.) known as the "Dam Safety and Encroachments Act"; Act of October 4, 1978, P.L. 851, (32 P.S. §§679.101 et seq.) known as the "Flood Plain Management Act"; Act of June 22, 1937, P.L. 1987, (35 P.S. §§691.1 et seq.), known as "The Clean Streams Law"; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers the Department to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

**Easton Wood Ave. Propco, LLC
8801 River Crossing Boulevard
Indianapolis, IN 46240-2294**

giving its consent to:

construct and maintain the following water obstructions and encroachments associated with the Easton Commerce Park Project:

- 1) A fill within 0.064 acre of PEM/PFO Wetlands (EV) for the purpose of constructing a 40-ft wide paved road to access a proposed 1,006,880 ft² industrial building.**
- 2) A channel change within an 870-ft segment of an UNT to Bushkill Creek (HQ-CWF, MF) consisting of the relocation of the existing stream and the construction of a 1,532-ft long, 8-ft wide, 1.1-ft deep trapezoidal channel having 2.5:1 side slopes, a bed lined with R-3 riprap, and longitudinal slopes ranging from 0.01% to 3%.**
- 3) A stream crossing of an UNT to Bushkill Creek (HQ-CWF, MF) consisting of a 75-ft long, 96-inch diameter concrete culvert, concrete wingwalls, and an invert depressed 12-in below streambed elevation.**
- 4) A utility line crossing of an enclosed portion of an UNT to Bushkill Creek (HQ-CWF, MF) consisting of a 12-inch diameter water main.**

- 5) A utility line crossing of an enclosed portion of an UNT to Bushkill Creek (HQ-CWF, MF) consisting of an 18-inch diameter smooth lined corrugated polyethylene pipe conveying stormwater.**
- 6) The remove an existing stream crossing of an UNT to Bushkill Creek (HQ-CWF, MF) and to construct and maintain a replacement stream crossing consisting of a 60-foot long, 6.4-foot wide, 8.1-foot high, open-bottom reinforced con-span arch pipe. This crossing carries an UNT to Bushkill Creek below S.R. 2017 (Hackett Avenue).**
- 7) A utility line crossing of an enclosed portion of an UNT to Bushkill Creek (HQ-CWF, MF) consisting of an 18-inch diameter smooth lined corrugated polyethylene pipe conveying stormwater.**
- 8) A stormwater outfall within the floodway of an UNT to Bushkill Creek (HQ-CWF) consisting of a 6.5-foot long, 18-inch diameter perforated level spreader.**
- 9) A stormwater outfall within the floodway of an UNT to Bushkill Creek (HQ-CWF) consisting of a 118-foot long, 24-inch diameter perforated level spreader.**

The project is located approximately 0.3 miles west of the intersection of N. 13th Street and Bushkill Drive (Easton, PA Quadrangle Latitude: 40° 41' 55" Longitude: -75° 14' 5") in City of Easton, Palmer Township, and Wilson Borough, Northampton County.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

If this work authorized by this permit is not completed on or before the **31st** day of **December A.D. 2029**, this permit, if not previously revoked or specifically extended by the Department in writing, shall become void without further notification.

This permit is issued in response to an application filed with the Department of Environmental Protection on the **11th** day of **April A.D. 2024** and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed and made a part of the application or made part of the application on **November 4th, 2024** and **January 31st, 2025**, subject, however, to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, the Clean Streams Law, the Administrative Code, the rules and regulations promulgated thereunder and the following conditions and restrictions:

1. The permittee shall sign the Acknowledgement of Appraisal of Permit Conditions thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of this permit. The permittee shall return a signed copy of the Acknowledgement of Appraisal of Permit Conditions to the Department. Unless the Acknowledgement of Appraisal of Permit Conditions is completed and filed with the Department, this permit is void.
2. The Department, in issuing this permit, has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or

inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the Department may, in addition, institute appropriate legal proceedings.

3. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary.
4. The work shall at all times be subject to supervision and inspection by representatives of the Department, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary. The Department further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be subserved thereby.
5. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of the Department and terms and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of the Department shall require the prior written approval and permit of the Department.
6. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by the Department.
7. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction.
8. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of the Department of Environmental Protection, the structure or work shall cause unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice remove or alter the structures, work or obstructions caused thereby, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as the Department may require. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration.
9. The permittee shall notify the Department, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction.
10. If construction work has not been completed within the time specified in this permit and the time limit specified in this permit has not been extended in writing by the Department or if

this permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that the Department may prescribe, remove all or any portion of the work as the Department requires and restore the watercourse and floodplain to their former condition.

11. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of the work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with the Department in writing, on a form provided by the Department, a statement signed by the permittee and an individual responsible for the supervision or conduct of the work acknowledging and accepting the general and special conditions contained in this permit. Unless the acknowledgment and acceptance have been filed, this permit is void. A copy of this permit and the acknowledgment shall be available at the work site for inspection upon request by an officer or agent of the Department or another Federal, State, County or Municipal Agency.
12. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles and specifications.
13. This permit may not be transferred without prior written approval from the Department, such approval being considered upon receipt of the properly executed "Application for Transfer of Permit" form.
14. If and when the permittee desires to discontinue use or abandon the activity authorized herein, he must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by the Department.
15. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620, Telephone 814-359-5140.
16. Permittee shall implement and monitor an Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102 so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water.
17. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Northeast Regional Office at: 5566 Main Road Sweet Valley, PA 18656, Telephone 717-477-5717.
18. The project site shall at all times be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Northampton County Conservation District at: 3158 Newburg Rd, Nazareth, PA 18064.

19. Work may not commence until a signed copy of the Acknowledgement of Appraisal of Permit Conditions is received by the Department. Any work authorized by this permit conducted prior to the Department's receipt of a signed copy of the Acknowledgement of Appraisal of Permit Conditions is a violation of the Dam Safety and Encroachments Act and the Clean Streams Law, and you may be subject to fines and penalties pursuant to those Acts.

SPECIAL CONDITIONS:

- A. The permittee shall provide for 0.064 acre of replacement wetlands. The construction of replacement wetlands shall be started at the commencement of or prior to initiating the encroachment activity authorized by this permit.
- B. Within 30 days of completing construction of the replacement wetlands, the permittee shall submit "as-built" plans of the replacement wetlands to the Department.
- C. Wetland replacement activities shall be completed within 60 days of the initiation of said activities or as per the schedule as outlined within the approved Wetland Replacement Plan.
- D. Permittee shall monitor the wetland replacement site for at least five years. Reports shall be submitted to the Department every six months for the first two years after construction and annually for three years thereafter. The monitoring reports shall contain information describing the success of the site at the time of inspection, an inventory of the surviving plant species and percent areal coverage, photographs of the replacement sites with plans showing the location and orientation of each of the photographs, and a written plan to correct any deficiencies identified during the monitoring phase.
- E. If wetlands constructed on the approved sites have not achieved design objectives within the monitoring period, remedial work will be required to assure establishment of 0.064 acre of functional wetlands. Replacement wetlands shall be considered successful when they meet the design objectives as stated in the approved wetland replacement plan.
- F. The wetland replacement activities and requirements of this permit including, but not limited to, the construction of replacement wetlands, monitoring requirements, reporting duties and ownership of the wetland replacement site shall not be transferred without prior written approval of the Department.
- G. This UNT to Bushkill Creek is classified as a high-quality, cold-water fishery; therefore, construction shall take place during normal low flow.
- H. The channel shall be in smooth transition between existing and proposed sections of the relocation with a minimum side slope ratio of two horizontal: one vertical.
- I. When constructing the channel change, the stream bed shall not exceed original width and all material and debris removed from new stream bed shall be moved entirely out of the flood plain area.
- J. The new stream channel must be constructed in its entirety in the dry prior to diverting stream flow into the new channel.

- K. Since this stream is a wild trout stream, no work shall be done in the stream channel between October 1 and December 31 without the prior written approval of the Pennsylvania Fish and Boat Commission.
- L. Since this stream is a stocked trout stream, no work shall be done in the stream channel between March 1 and June 15 without the prior written approval of the Pennsylvania Fish and Boat Commission.
- M. The permittee shall establish monumented cross sections for the purpose of project monitoring. At least two cross sections shall be established (one pool and one riffle), and other cross sections as necessary to provide a representative sample of the entire project reach.
- N. This permit also authorizes the installation of temporary pumps, pipes, and cofferdams, which upon completion of the project shall be completely removed and the area restored and stabilized.
- O. The permittee shall be responsible for any damages resulting from increased backwater caused by the temporary pumps, pipes, and cofferdams. The permittee shall remove the temporary pumps, pipes, and cofferdams in the event of high water to prevent the increased backwater.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Pamela R. Kania, P.E.
Environmental Program Manager
Northeast Regional Office

4/15/2025

Issue Date

ACTION – Water Obstruction & Encroachments

Northeast Regional Office, Waterways and Wetlands Program,
2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511

E4802224-006. Easton Wood Ave. Propco, LLC, 8801 River Crossing Boulevard, Indianapolis, IN 46240-2294, City of Easton, Palmer Township, and Wilson Borough, Northampton County, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Easton Commerce Park Project:

- 1) A fill within 0.064 acre of PEM/PFO Wetlands (EV) for the purpose of constructing a 40-ft wide paved road to access a proposed 1,006,880 ft² industrial building.
- 2) A channel change within an 870-ft segment of an UNT to Bushkill Creek (HQ-CWF, MF) consisting of the relocation of the existing stream and the construction of a 1,532-ft long, 8-ft wide, 1.1-ft deep trapezoidal channel having 2.5:1 side slopes, a bed lined with R-3 riprap, and longitudinal slopes ranging from 0.01% to 3%.
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Date Received: 4/11/2024

Date Acknowledged: 4/15/2025

ACKNOWLEDGMENT OF APPRISAL OF PERMIT CONDITIONS

I,

(Permittee name)

and

(Name address and telephone of individual responsible for supervision of work)

acknowledge and accept the general and special conditions of Permit No. E4802224-003, issued to

**Easton Wood Ave. Propco, LLC
8801 River Crossing Boulevard
Indianapolis, IN 46240-2294**

which authorizes the permittee to:

construct and maintain the following water obstructions and encroachments associated with the Easton Commerce Park Project:

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(Permittee signature)

(Date)

(Signature of individual responsible
for supervision of work)

(Date)

Return To:

rojevin@pa.gov

Department of Environmental Protection
Northeast Regional Office
Waterways and Wetlands Program
2 Public Square
Wilkes-Barre, PA 18701-1915