**Section 3704.80 Department Evaluation**

a) Upon receipt of an application the Department will make an evaluation, based on the type and magnitude of the activity and on the existing conditions of the body of water in the locality of the activity, of the potential of the activity to result in:

1) An obstruction to, or interference with, the navigability of any public body of water;

2) An encroachment on any public body of water;

3) An impairment of any rights, interests or uses of the public in any public body of water or in the natural resources thereof; or

4) Bank or shoreline instability on other properties.

 If it is determined that the activity would not cause any of the listed impacts, the activity will be considered permittable under this Part.

b) If it is determined that the activity would likely cause any of the impacts listed in subsection (a) of this Section, the applicant will be required to submit the following supplemental information (unless the plans are modified to remove the potential for the impact(s)):

1) An evaluation of the benefits to the public interest in the body of water which would result from the activity;

2) A discussion of the measures to be provided in the project design, construction and operation which would minimize and/or mitigate the negative impacts; and

3) An analysis of the extent and permanence of the activity's encroachment on the body of water and of any impairment the activity would have on the rights, interests or uses of the public in the body of water and in the natural resources thereof. The analysis shall consider both the activity alone and the combined effects of similar activities which exist and/or could be lawfully undertaken in the locality. The analysis should be expressed in quantitative terms to the fullest extent practicable and should be performed by persons with expertise in such impact analysis.