

accommodated by the plan. The licensee shall allow a minimum of 30 days for the entities to comment and to make recommendations before filing the plan with the Commission. If the licensee does not adopt a recommendation, the filing shall include the licensee's reasons, based on project specific reasons.

The Commission reserves the right to require changes to the plan. Implementation of the plan and associated schedule shall not begin until the plan and schedule are approved by the Commission. Upon Commission approval, the licensee shall implement the plan and schedule, including any changes required by the Commission.

Article 403. Intake Structure Design Plan. At least 60 days before starting project construction, the licensee shall prepare and file for Commission approval a plan showing the licensee's proposed intake structure design for limiting fish entrainment. The plan shall include, but not be limited to, the following:

(1) design drawings showing the depth, dimensions, and orientation of the intake structure and trashracks on Mahoning dam;

(2) descriptions of measures that will be implemented to limit fish entrainment, including the use of trashracks with a 1-inch or less clear spacing and designing the intake to prevent the average trashrack approach velocity from exceeding 1 foot-per-second;

(3) descriptions of any trashrack removal, maintenance, or cleaning procedures; and

(4) an implementation schedule.

The intake structure design plan shall be developed after consultation with the Pennsylvania Fish and Boat Commission and the U.S. Army Corps of Engineers. The licensee shall include with the plan documentation of consultation, copies of recommendations on the completed plan after it has been prepared and provided to the entities above, and specific descriptions of how the entities' comments are accommodated by the plan. The licensee shall allow a minimum of 30 days for the entities to comment and to make recommendations before filing the plan with the Commission. If the licensee does not adopt a recommendation, the filing shall include the licensee's reasons, based on project specific reasons.

The Commission reserves the right to require changes to the plan. Implementation of the plan and associated schedule shall not begin until the plan and schedule are approved by the Commission. Upon Commission approval, the licensee shall implement the plan and schedule, including any changes required by the Commission.

Article 404. Wetland Protection Plan. At least 90 days before the start of any