



Public Notice

U.S. Army Corps
of Engineers

In Reply to Application Number
CENAB-OPR-P-2017-00298-P02 (Codorus Creek Mitigation
Bank)

Baltimore District
PN-17-21

Comment Period:

May 3, 2017 to June 2, 2017

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE DEVELOPMENT OF THE PROPOSED CODORUS CREEK MITIGATION BANK AND THE POTENTIAL OF THE PROPOSED MITIGATION BANK TO PROVIDE APPROPRIATE COMPENSATORY MITIGATION FOR ACTIVITIES AUTHORIZED BY DEPARTMENT OF THE ARMY PERMITS. THE PROPOSED WORK IS DESCRIBED BELOW. NO DECISION HAS BEEN MADE AT THIS TIME AS TO WHETHER OR NOT THE PROPOSED MITIGATION BANK SITE WILL BE APPROVED AS A MODIFICATION TO THE PENNSYLVANIA STATEWIDE UMBRELLA MITIGATION BANKING INSTRUMENT.

At this time, no decision has been made as to whether or not the proposed Codorus Creek Mitigation Bank will be approved as a modification of the Pennsylvania Statewide Umbrella Mitigation Banking Instrument (PSUMBI). The PSUMBI was previously approved by the Corps of Engineers Baltimore, Pittsburgh, and Philadelphia Districts on July 2, 2013. We are requesting comments to assist in our evaluation in determining if the proposed Codorus Creek Mitigation Bank has potential to provide compensatory mitigation for unavoidable aquatic resource impacts, including wetlands and streams, authorized by Department of the Army (DA) permits.

The Corps has received a prospectus for the proposed Codorus Creek Mitigation Bank in accordance with the Department of Defense/Environmental Protection Agency Final Rule on Compensatory Mitigation for Losses of Aquatic Resources (33 CFR Parts 325 and 332 and 40 CFR Part 230). At this stage in the evaluation process, no detailed mitigation plan has been developed that depicts specific wetland and stream mitigation construction design. The Corps is seeking comments from the general public and the Pennsylvania Interagency Review Team on the suitability of the proposed mitigation bank site, including the potential to provide compensatory mitigation for activities authorized by DA permits. A copy of the plans depicting the location of the proposed Codorus Creek Mitigation Bank site, and a plan depicting the location of conceptual proposed mitigation activities by mitigation type (rehabilitation, enhancement and preservation) are attached to this public notice. The full prospectus is available to the public for review upon request.

APPLICANT:

First Pennsylvania Resource, LLC
Attn: Mr. Conor Gillespie
33 Terminal Way, Suite 431A
Pittsburgh, Pennsylvania 15219

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed Codorus Creek Mitigation Bank is located in an unnamed tributary to the East Branch Codorus Creek and adjacent wetlands, in Loganville Borough and Springfield Township, York County, Pennsylvania (39° 50' 56.93" N, -77° 42' 01.21" W). The physical address of the proposed Codorus Creek Mitigation Bank site is 7633 Loucks Road, York, Pennsylvania, 17403 (Enclosure 1). The sponsor proposes to utilize approximately 50.85 acres for establishment of the mitigation bank as depicted on the attached aerial plan (Enclosure 2).

PROPOSED WORK AND PURPOSE: The bank sponsor proposes to construct the Codorus Creek Mitigation Bank as a commercial mitigation bank site. The bank sponsor proposes approximately 11,466 linear feet of stream mitigation, 1.63 acres of wetland rehabilitation and enhancement, and additional acreage of wetland reestablishment (Enclosure 3). All remaining upland acreage within the mitigation site will be planted with native woody plant species as a riparian buffer and protected in perpetuity. Proposed stream mitigation activities include 8,569 linear feet of relocation, 1,046 linear feet of rehabilitation, 1,027 linear feet of enhancement and 397 linear feet of preservation. Stream mitigation activities will incorporate excavation of legacy sediments in the channel's floodplain to reconnect the channel to its historical flood prone areas, use of woody materials for grade control and in-stream habitat, and natural stream channel design for reestablishment of a stable stream channel pattern, profile and dimension. Proposed wetland mitigation activities include 1.19 acre of rehabilitation, 0.42 acre of enhancement, and 0.02 acre of preservation. It is projected that the legacy sediment removal will result in the reestablishment of additional wetland acreage within the floodplain, as legacy sediments will be excavated to the historic hydric soil elevation in areas. The excavated floodplain will be planted with native wetland woody plant species. The entire 50.85 acre Codorus Creek Mitigation Bank site will receive long-term protection through recordation of a Declaration of Restrictive Covenants for Conservation. The geographic service area for the Codorus Creek Mitigation Bank is the Lower Susquehanna River Subbasin, corresponding to the Pennsylvania State Water Plan, Watershed Subbasin 7, and USGS Hydrologic Unit Code (HUC) 02050306.

WORK REQUIRING DEPARTMENT OF THE ARMY AUTHORIZATION: The work will require Corps authorization pursuant to Section 404 of the Clean Water Act. The proposed mitigation work would be evaluated by the Corps for authorization under Nationwide Permit 27 for Aquatic Habitat Restoration, Establishment, and Enhancement Activities. The proposed work will involve the discharge of dredged and/or fill material into wetlands and/or waters for the restoration and rehabilitation of a stream and wetland compensatory mitigation site using a natural stream channel design to restore and preserve self-sustaining functional stream, wetland, and riparian corridors. No permit application has been submitted to date for the proposed project.

The purpose of this proposed mitigation bank is to provide compensatory mitigation for future unavoidable impacts to aquatic resources that result from activities permitted by the Corps under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The mitigation bank would be used to comply with special conditions for compensatory mitigation requirements of permitted projects by providing in-kind compensation for authorized aquatic resource impacts. The mitigation bank may only be used for future projects after all appropriate and practicable steps to avoid and minimize adverse impacts to aquatic resources, including wetlands and streams, have been demonstrated. Remaining unavoidable aquatic resource impacts must be compensated to the extent appropriate and practicable. The utilization of approved and

established mitigation banks with available credits is given preference to other forms of compensatory mitigation in the hierarchy of potential mitigation options as contained in the Final Rule on Compensatory Mitigation for Losses of Aquatic Resources.

If approved, the final mitigation banking instrument does not provide ultimate Department of the Army authorization for specific future projects impacting waters of the United States; exclude such future projects from any applicable statutory or regulatory requirements; or preauthorize the use of credits from the bank for any particular project. The Corps provides no guarantee that any particular individual or general permit will be granted authorization to use this Mitigation Bank to compensate for unavoidable aquatic resource impacts associated with a proposed permit, even though compensatory mitigation may be available within the defined service area.

If you have any questions concerning this matter, please contact Ms. Brittany Seguin, Regulatory Project Manager, at (717) 249-8822.

The decision on whether to approve the mitigation bank will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonable may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economic, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, and consideration of property ownership and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments provided will become part of the public record for this action. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, Carlisle Field Office, 401 East Louthier Street, Suite 205, Carlisle, PA, 17013, within the comment period specified above.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The Corps has determined this project will not affect any EFH.

WATER QUALITY CERTIFICATION: The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Pennsylvania Department of Environmental Protection. The Section 401 certifying agency has a statutory limit of one year from the date of this public notice to make its decision.

COASTAL ZONE MANAGEMENT PROGRAMS: Where applicable, the applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the approved Coastal Zone Management (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement. It should be noted that the CZM Program has a statutory limit of 6 months to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

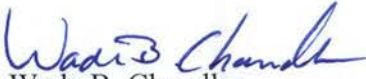
A preliminary review of this application indicates that the proposed work will not affect Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

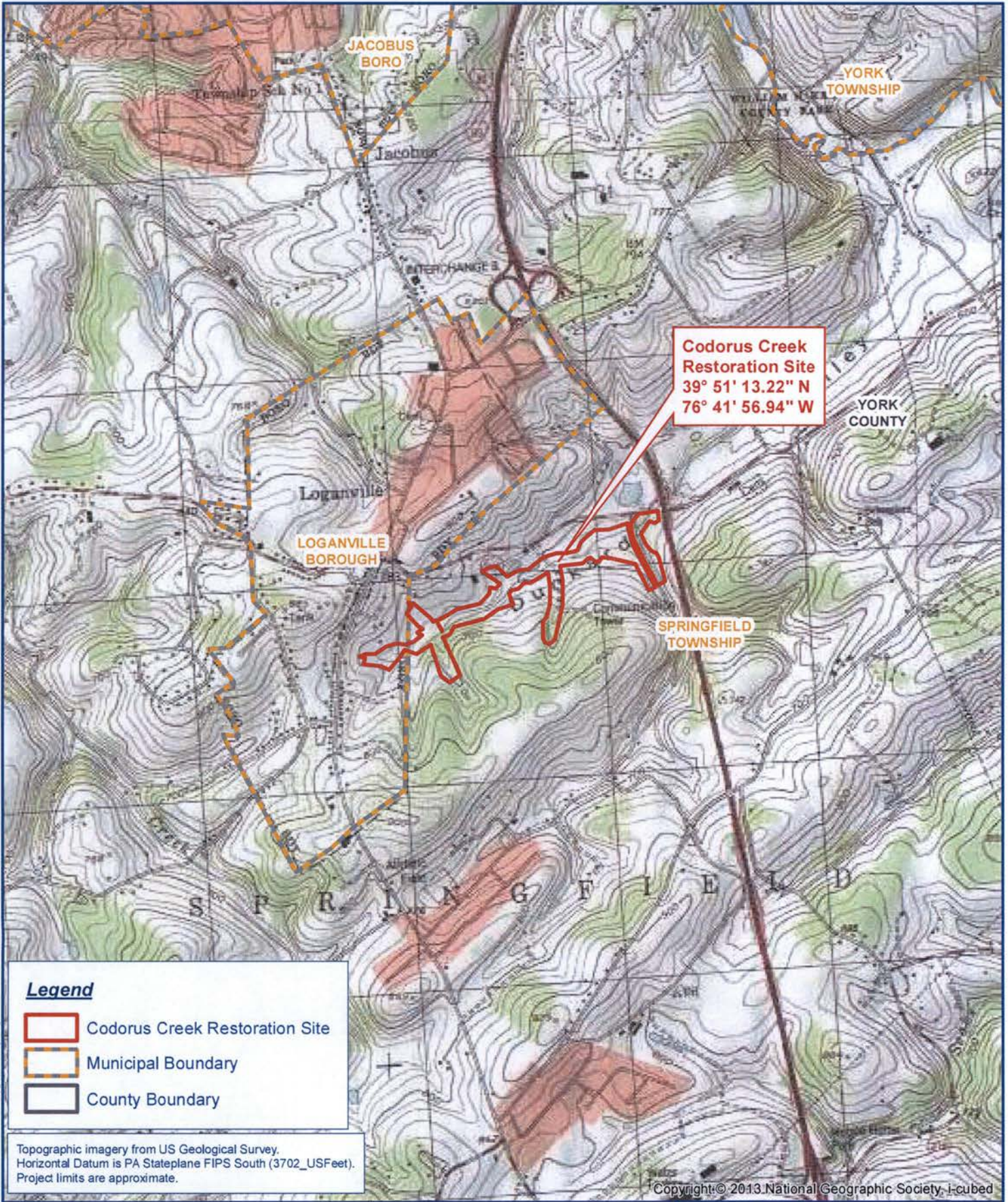
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the request permit.

The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, Carlisle Field Office, 401 East Louther Street, Suite 205, Carlisle, PA, 17013, within the comment period as specified above to receive consideration. Also it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected.

It is requested that you communicate this information concerning the proposed work to any persons know by you to be interested and not being known to this office, who did not receive a copy of this notice.


Wade B. Chandler
Chief, Pennsylvania Section
Regulatory Branch



Legend

- Codorus Creek Restoration Site
- Municipal Boundary
- County Boundary

Topographic imagery from US Geological Survey.
 Horizontal Datum is PA Stateplane FIPS South (3702_USFeet).
 Project limits are approximate.

Copyright © 2013 National Geographic Society, i-cubed

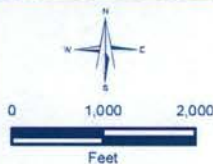
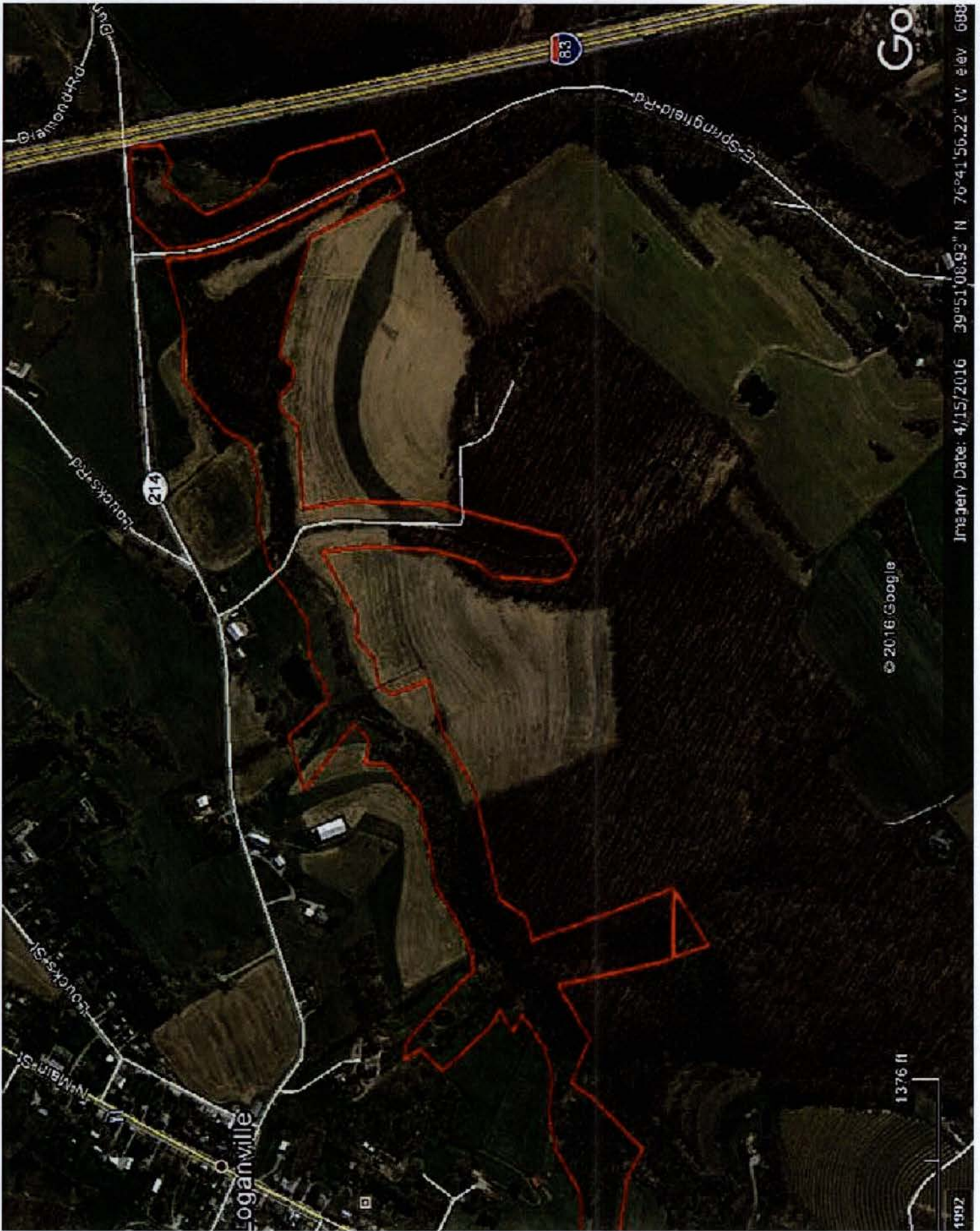


FIGURE 1
CODORUS CREEK RESTORATION SITE
PROJECT LOCATION MAP
YORK COUNTY, PENNSYLVANIA

Date: 2/20/2017
 Drawn by: NGD
 Checked by: AS





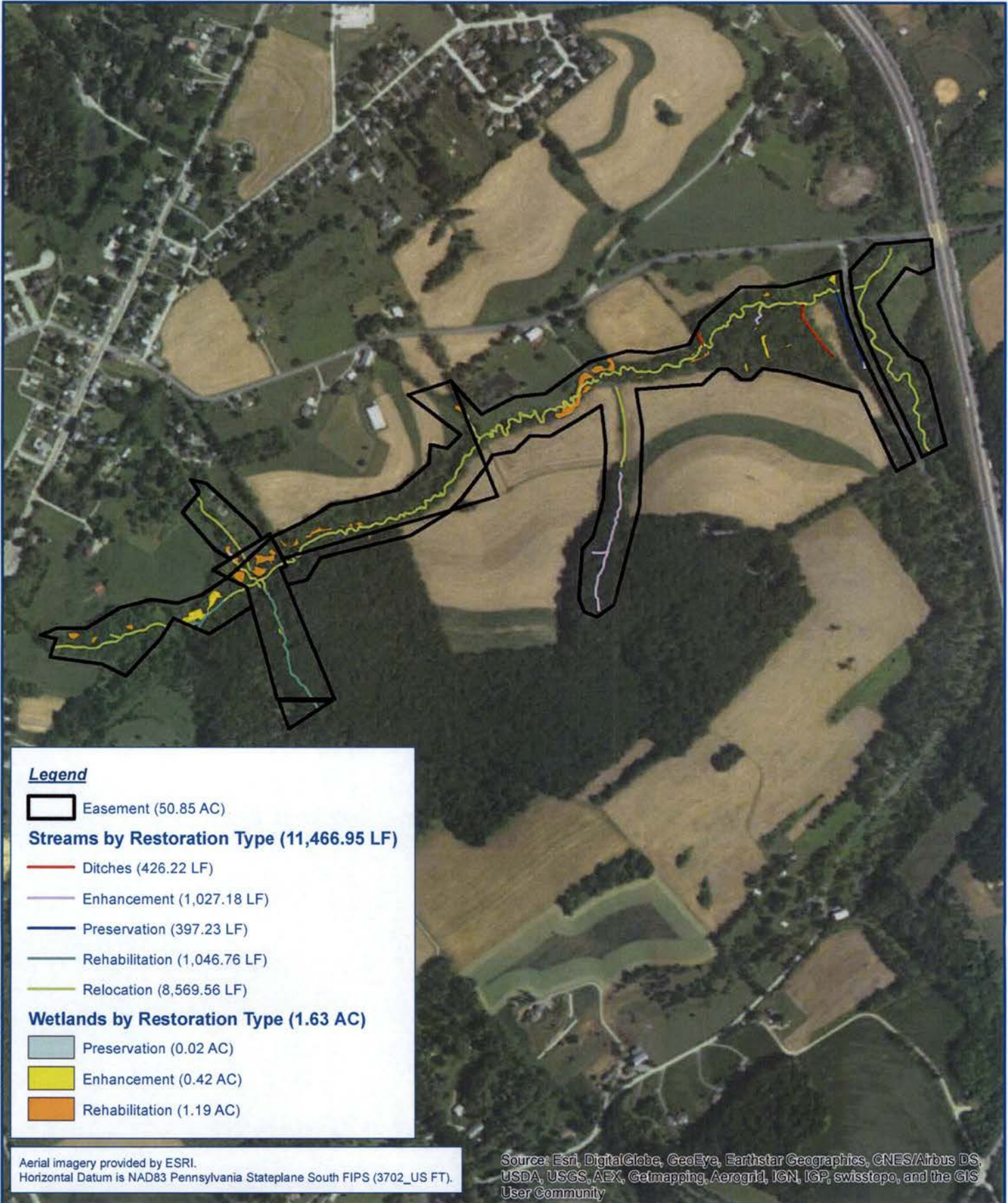
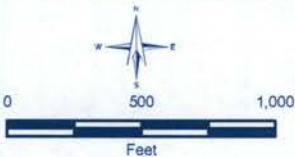


FIGURE 10

CODORUS CREEK MITIGATION BANK
PRELIMINARY RESOURCE DEVELOPMENT MAP

YORK COUNTY, PENNSYLVANIA



Date: 3/9/2017

Drawn by: NGD

Checked by: AS

