



Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 2014-0817

Date: Sept. 29, 2014

Notice No. 14-39

Closing Date: October 29, 2014

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act.
2. APPLICANT: Environmental Banc & Exchange, LLC
137 ½ East Main Street
Oak Hill, West Virginia 25901
3. LOCATION: Unnamed tributaries and wetlands in the Dyers Fork watershed, in Whiteley Township, Greene County, Pennsylvania (39.837681 -80.141627).
4. PURPOSE AND DESCRIPTION OF WORK: The sponsor has submitted a prospectus to the Pittsburgh District Corps of Engineers and the other members of the regional Interagency Review Team (IRT) to develop and operate a Wetland and Stream Mitigation Bank Umbrella Instrument. Mitigation banks are defined as a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by Department of the Army (DA) permits pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. In general, units of restored, established, enhanced, or preserved wetlands or streams are expressed as “credits” which may subsequently be withdrawn to offset “debits” incurred at a project development site(s). The Corps is responsible for authorizing the use of a particular mitigation bank on a project specific basis and determining the number and availability of credits required to compensate for proposed impacts. Decisions rendered by the Corps will fully consider all comments submitted as part of the permit evaluation process. The objective of the proposed mitigation bank is to institute an ecologically sound, well developed and feasible stream and wetland preservation and restoration plan that would generate credits to be used as compensatory mitigation for activities authorized by DA permits.
The proposed stream and wetland bank is located on a 80-acre property owned by Environmental Banc & Exchange (EBX) and proposes to restore approximately 29,639 linear feet, establish 655 linear feet, preserve 2,097 linear feet of stream and re-establish, enhance or

preserve approximately 1.5-3 acres of wetlands. The submitted Prospectus is attached to this notice.

The proposed service area for the Dyers Fork Mitigation Bank will be the Lower Monongahela HUC (05020005), Upper Ohio-Wheeling HUC (05030106) and Upper Ohio HUC (05030101) watersheds.

5. ENCROACHMENT PERMIT: The applicant must obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

*Pennsylvania Department of Environmental Protection
Southwest Regional Office
Waterways and Wetlands Section
400 Waterfront Drive
Pittsburgh, PA 15222-4745*

Telephone: 412-442-4000

6. IMPACT ON NATURAL RESOURCES: Based on the submitted information the District Engineer has not determined the project effects on endangered or threatened species, or that the proposal will result in destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: Based on the submitted information the District Engineer has not determined that the project will have a no effect on properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to

the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact 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 reasonably may be expected to accrue from the proposals 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, economics, aesthetics, general environmental concerns, wetlands, historic properties, 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, considerations 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 are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn: Dan Bacon at the above address, by telephoning (412) 395-7517, or by e-mail at danny.r.bacon@usace.army.mil. Please refer to CELRP-OP-F 2014-0817 in all responses.

FOR THE DISTRICT ENGINEER:

Jon Coleman

//Signed//

Chief, Southern Section
Regulatory Branch

