



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

Baltimore District
PN-21-40

Public Notice

In Reply to Application Number

NAB-2009-00883-P05 (Fish Passage at the Adam T. Bower
Inflatable Dam)

Comment Period: October 27, 2021 to November 25, 2021

THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act as described below:

APPLICANT:

Mr. Edward Raptosh
Pennsylvania Department of Conservation and Natural Resources
400 Market Street, 8th Floor
Harrisburg, Pennsylvania 17101

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed project is located in the Susquehanna River, at the Adam T. Bower Inflatable Dam in Shamokin Dam, Snyder County, Pennsylvania and Upper Augusta Township, Northumberland County, Pennsylvania. Lat/Long: 40.849739/-76.812030.

OVERALL PROJECT PURPOSE:

The purpose of the proposed project is to enable upstream movement of anadromous fish, including American Shad, and resident fish species when the dam is inflated.

PROJECT DESCRIPTION:

The applicant proposes to construct a fish passage channel at the west abutment of the Adam T. Memorial Inflatable Dam. The proposed fish passage channel will be excavated on the downstream side of the fixed-crest dam section and around the west abutment. The fish passage channel will permanently impact 1.98-acres of riverine habitat (1.291 of permanent open water downstream of the dam and 0.689-acre of seasonal open water upstream of the dam); 0.954 acre of palustrine forested wetlands (PFO); 0.107-acre of scrub-shrub wetlands (PSS); 0.646-acre of palustrine emergent wetlands (PEM); and 0.023-acre of palustrine unconsolidated bottom (PUB). The project will temporarily impact 0.862-acre of the Susquehanna River; 0.034-acre of PFO; 0.007-acre of PSS; 0.05-acre of PEM and 0.01-acre on PUB. Please refer to the table below for a summary of aquatic resource impacts.

EFFECTS ON AQUATIC RESOURCES:

Resource Type	Temporary (acre)	Permanent (acre)
Riverine	0.862	1.98
Palustrine Forested	0.034	0.954
Palustrine Scrub Shrub	0.007	0.107
Palustrine Emergent	0.005	0.646
Palustrine Unconsolidated Bottom	0.010	0.023

LEAD FEDERAL AGENCY:

The U.S. Army Corps of Engineers, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

APPLICANT’S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:

The project would avoid impacts to six palustrine wetlands and one perennial tributary. The applicant previously had a permit for a “Nature Like Fishway” at this location where the footprint and impacts were larger. The Nature Like Fishway was never constructed. The current proposal reduces the footprint of the Nature Like Fishway and the minimizes impacts by 0.5 acre of non-tidal wetlands and 0.2-acre of riverine habitat. Compensatory mitigation for permanent impacts is proposed through the purchase of 1.73 acres/credits from approved mitigation banks. The mitigation total was determined considering the benefits to the aquatic ecosystem by restoring a connection to the river for migratory and resident fish.

CORPS EVALUATION REQUIREMENTS:

This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). The decision whether to issue a permit 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 evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency.

ENDANGERED SPECIES:

A preliminary review of this application indicates that the proposed work will not affect federally 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.

ESSENTIAL FISH HABITAT:

The Magnuson-Stevens Fishery Conservation and Management Act, 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 on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

HISTORIC RESOURCES:

Pursuant to Section 106 of the National Historic Preservation Act of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that the proposed project would have no effect on historic properties. The Corps final eligibility and effect determination will be based on coordination with the State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' identified permit area.

TRIBAL RESOURCES:

Section 106 of the National Historic Preservation Act also requires federal agencies to consult with federally recognized American Indian tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking. Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages, before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408):

All Section 408 proposals will be coordinated internally at USACE. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding Section 408:

<https://www.nab.usace.army.mil/section408/>.

WATER QUALITY CERTIFICATION:

The Pennsylvania Department of Environmental Protection has determined that the water quality certification issued in 2012 for the fish passage project is still valid.

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 Program. By this public notice, we are requesting the state concurrence or objection to the applicant's consistency statement.

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

SUBMISSION OF COMMENTS:

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 and are subject to release to the public through the Freedom of Information Act. 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 U.S. Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number NAB-2009-00883-P05

PUBLIC HEARING REQUESTS:

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 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. The public hearing request may be submitted by electronic mail or mailed to the following address:

Marion Gall
marion.gall@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
1631 South Atherton Street, Suite 101
State College, Pennsylvania 16801

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

General information regarding the Corps' permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project, or would like to request a paper copy of this public notice, please contact Marion Gall at marion.gall@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.