



**U.S. Army Corps  
of Engineers**  
Baltimore District  
PN-20-03

# Public Notice

**In Reply to Application Number  
NAB-2013-01593-P02 (Fairview Crossroads)**

Comment Period: January 28, 2020 to February 27, 2020

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**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 (33 USC 1344), as described below:

**APPLICANT:** Mr. Kevin L Brown  
Fairview Crossroads, LLC  
217 Highland Terrace Way  
Boiling Springs, Pennsylvania 17007

## **WATERWAY AND LOCATION OF THE PROPOSED WORK:**

The proposed project is located in unnamed tributaries to the Yellow Breeches Creek, including wetlands, in Fairview Township, York County, Pennsylvania (40.207222° N, -76.880612° W)

**OVERALL PROJECT PURPOSE:** To construct an economically viable, regional scale, mixed use commercial retail and services development to serve the south-central Pennsylvania market region.

**PROJECT DESCRIPTION:** The proposed development contains 16 commercial lots, internal access roads and road crossings, stormwater management facilities, and associated utilities. Proposed regulated impacts include 1.15 acres to wetlands, and 1,909 linear feet to stream channels (0.09 acre below the ordinary high water mark). Associated with the project are proposed upgrades to the Interstate 83 southbound exit ramp at Exit 39A (PA State Route 114 Lewisberry Road) to address current safety deficiencies. The proposed upgrades are a cost sharing public-private partnership between the applicant and the Pennsylvania Department of Transportation. The proposed Interstate 83 Exit 39A upgrade work will not impact any wetlands or stream channels and would not require Corps authorization if constructed independent of the commercial development. Please refer to the table below for a summary of aquatic resource impacts regulated under Section 404 of the Clean Water Act.

**EFFECTS ON AQUATIC RESOURCES:** Refer to the table below for a summary of aquatic resource impacts for the proposed commercial development project that are regulated by the Corps under Section 404 of the Clean Water Act.

## NAB-2013-01593-P02 Fairview Crossroads Description and Purpose of Project Impacts

Impact Type	Stream / Wetland ID	Impact ID	Impact Amount (LF)	Impact Amount (sq. ft.)	Impact Amount (ac.)	Impact Description	Impact Purpose
Direct Permanent Impact	Stream 1 (S1)	STENC S1	1,221	3,053		Proposed fill of stream channel. Flow will be conveyed by a pipe system around the development site that connects to an existing culvert pipe under I83.	Raise elevation over 40' to tie into the proposed remediation of an unsafe and failing interstate ramp and resulting relocation of State Road 114 to the north in order to construct access roads to the Fairview Crossroads site from State Road 114 at a safe grade as well as create developable commercial lots that tie into the proposed elevations of the access driveways, proposed interstate ramp, and State Road 114.
	Stream 1 Trib. 1 (S1T1)	STENC S1T1	411	411			
	Stream 1 Trib. 2 (S1T2)	STENC S1T2	190	190			
	Stream 1 Trib. 3 (S1T3)	STENCE S1T3	87	87			
	Wetland 1 (W1) - PEM	WTDIM W1		0.66		Proposed wetland fill.	Raise elevation over 40' to tie into the proposed remediation of an unsafe and failing interstate ramp and resulting relocation of State Road 114 to the north in order to construct access roads to the Fairview Crossroads site from State Road 114 at a safe grade as well as create developable commercial lots that tie into the proposed elevations of the access driveways, proposed interstate ramp, and State Road 114.
	Wetland 1 (W1) - PSS	WTDIM W1		0.33			
	Wetland 2 (W2) - PEM	WTDIM W2		0.02			
	Wetland 3 (W3) - PEM	WTDIM W3		0.01			
	Wetland 4 (W4) - PEM	WTDIM W4		0.04		Excavation and grading of wetlands.	Construct usable development lots.
	Wetland 5 (W5) - PEM	WTDIM W5		0.02			
	Wetland 6 (W6) - PEM	WTDIM W6		0.01			
	Wetland 7 (W7) - PEM	WTDIM W7		0.01			
	Wetland 8 (W8) - PEM	WTDIM W8		0.03		Grading of wetlands	Grading associated with construction of Elysian Avenue to access development lots.
	Wetland 9 (W9) - PEM	WTDIM W9		0.01			
	Wetland 10 (W10) - PEM	WTDIM W10		0.01			
Total Permanent Stream Impacts			1,909	3,741			
Total Permanent PEM Wetland Impacts				0.82			
Total Permanent PSS Wetland Impacts				0.33			
Total Permanent Wetland Impacts				1.15			

**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 STATEMENT:** Excavation, grading, and fill associated with the Fairview Crossroads proposed development project required to construct access roads and developable commercial lots that tie into the proposed elevations of the proposed interstate ramp and State Road 114 will result in 1,909 linear feet (3,741 square feet) of permanent direct impact to Stream 1 and its unnamed tributaries and 1.15 acres (50,094 square feet) of direct permanent wetland impacts. Site development plans were designed to avoid and minimize impacts to Stream 2 and Stream 3 (3,452 LF total existing length), both on-site. A floodplain restoration of Stream 2 and Stream 3 is proposed to provide on-site, in-kind compensatory mitigation. Beneficial permanent impacts from construction of the floodplain restoration mitigation project include 3,222 linear feet (7,128 square feet) of stream channel resulting in the creation of 2.51 acres (109,336 square feet) of wetland.

Refer to the table below for a summary of aquatic resource impacts for the proposed compensatory wetland and stream mitigation project that are regulated by the Corps under Section 404 of the Clean Water Act.

NAB-2013-01593-P02 Fairview Crossroads Description and Purpose of Project Impacts

Impact Type	Stream / Wetland ID	Impact ID	Impact Amount (LF)	Impact Amount (sq. ft.)	Impact Amount (ac.)	Impact Description	Impact Purpose
Beneficial Direct Permanent Impact	Stream 2 (S2)	STRS S2	1692	5076		Fill the existing stream valley to elevations similar to the natural valley bottom, which has been largely abandoned due to channel incision.	Beneficial impact to provide on-site mitigation for wetland and stream impacts by restoring the stream channel thereby reducing erosive shear stresses on the valley surface. This will help create stable riparian habitat as well as raise the water table and promote wetland establishment across the valley bottom.
	Stream 2 Trib. 1 (S2T1)	STRS S2T1	335	335			
	Stream 2 Trib. 2 (S2T2)	STRS S2T2	489	489			
	Stream 2 Trib. 3 (S2T3)	STRS S2T3	28	98			
	Stream 2 Trib. 4 (S2T4)	STRS S2T4	105	79			
	Stream 3 (S3)	STRS S3	497	994		Excavation of floodplain adjacent to stream channel and filling the valley bottom to establish a wider, stable floodplain.	Beneficial impact to provide on-site mitigation for wetland and stream impacts by restoring the stream to allow storm flows to access the floodplain area thereby reducing erosive shear stresses on the bed and banks. This will allow for the development of stable epiphytous substrate and increase connection between the stream, floodplain and groundwater, creating riparian wetlands.
	Stream 3 Trib. 1 (S3T1)	STRS S3T1	76	57		Excavation of floodplain adjacent to stream channel and filling the valley bottom to establish a wider, stable floodplain.	Beneficial impact to provide on-site mitigation for wetland and stream impacts by restoring the stream to allow storm flows to access the floodplain area thereby reducing erosive shear stresses on the bed and banks. This will allow for the development of stable epiphytous substrate and increase connection between the stream, floodplain and groundwater, creating riparian wetlands.
Total Direct Stream Impacts			3222	7128			

**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 is not likely to adversely 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 (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 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 project site does not lie in or adjacent to EFH as described under MSFCMA for managed species under the MSFCMA. The Baltimore District has made a preliminary determination that

the project is not within EFH.

**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 no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination 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. If required, 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 applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

**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.

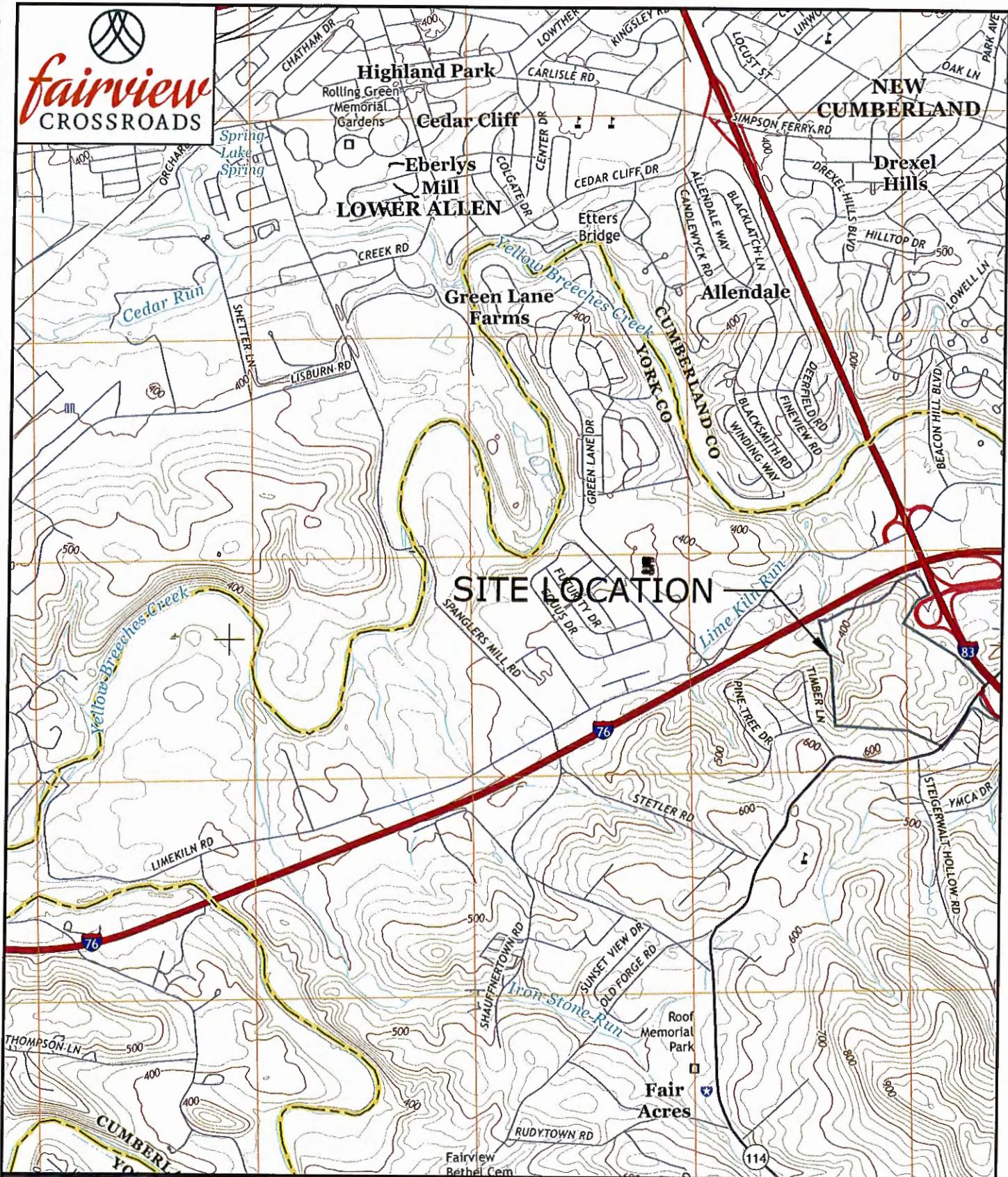
Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the U.S. Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number (NAB-2013-01593-P02).

**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:

Michael Danko  
[mike.danko@usace.army.mil](mailto:mike.danko@usace.army.mil)  
U.S. Army Corps of Engineers, Baltimore District  
Regulatory Branch  
Carlisle Field Office  
401 East Louther Street, Suite 205  
Carlisle, PA 17013-2657

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 (Michael Danko, 717-249-8730, [mike.danko@usace.army.mil](mailto:mike.danko@usace.army.mil)). This public notice is issued by the Chief, Regulatory Branch.



DESIGNING ENVIRONMENTS  
2201 North Front Street, Suite 200  
Harrisburg, PA 17111  
P: 717.635.2835  
[www.kandwengineers.com](http://www.kandwengineers.com)

### LOCATION MAP - USGS LEMOYNE QUADRANGLE

## FAIRVIEW CROSSROADS FOR ELYSIAN PARTNERS

FAIRVIEW TOWNSHIP

YORK COUNTY, PA

SCALE:	1" = 24,000 FEET
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**DRAFT**  
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NOT FOR CONSTRUCTION



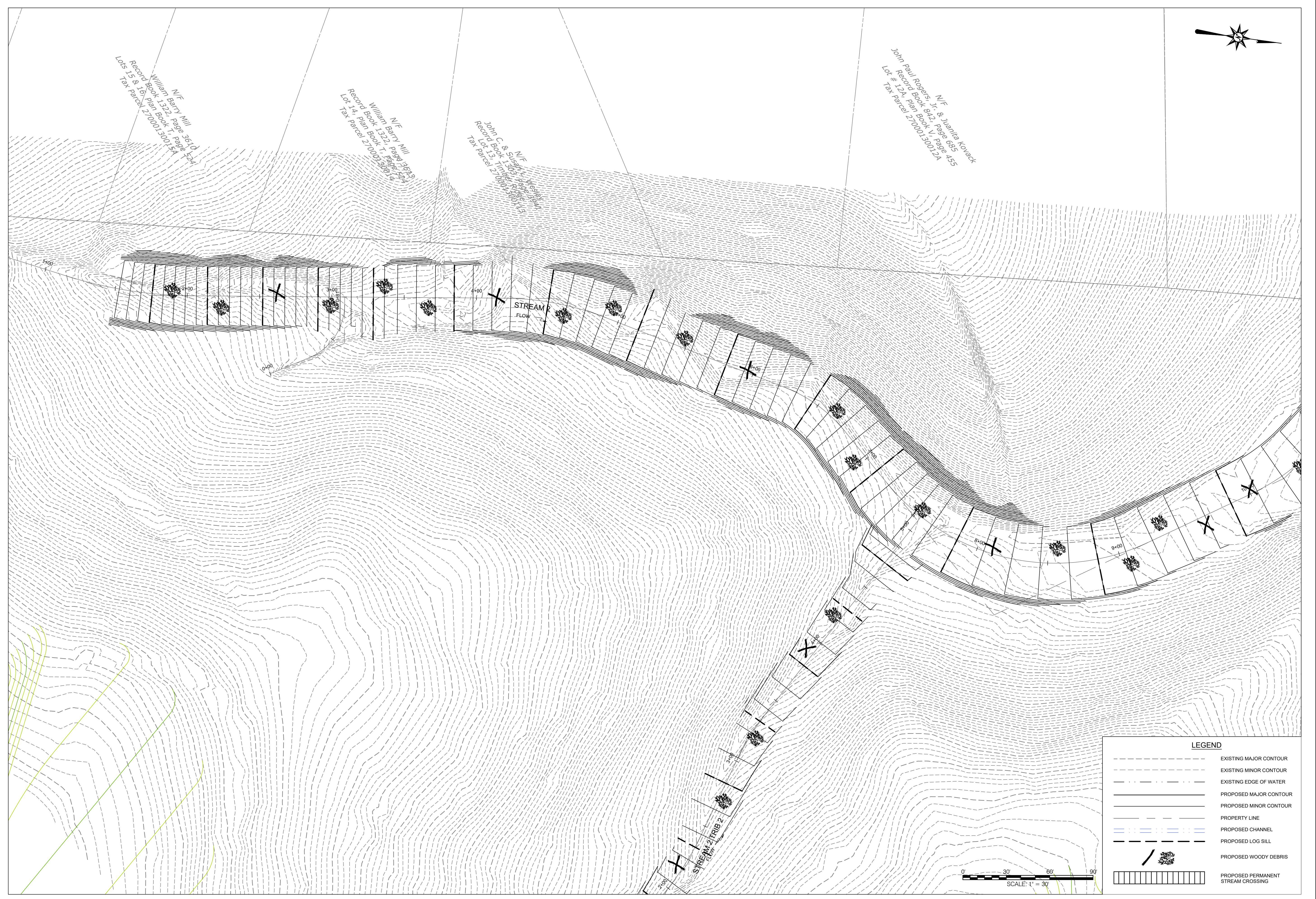
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CHECKED BY: BU  
DATE: 2-1-2019  
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KEY MAP  
SHEET NUMBER: 1  
**1 OF 12**

**KEY MAP**  
FAIRVIEW CROSSROADS  
ELYSIAN PARTNERS  
1877 SOUTH FEDERAL HIGHWAY SUITE 304  
BOCA RATON, FL 33432

PROJECT:

PA 042324  
717-627-4440  
fax: 717-627-4660  
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land@landsStudies.com  
315 North Street | Lititz, PA 17543



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fax: 717-627-4660  
[landstudies.com](http://landstudies.com)  
[land@landstudies.com](mailto:land@landstudies.com)



**FAIRVIEW CROSSROADS**

**ELYSIAN PARTNERS**

1877 SOUTH FEDERAL HIGHWAY, SUITE 304

# **GRADING PLAN**

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# **FAIRVIEW CROSSROADS**

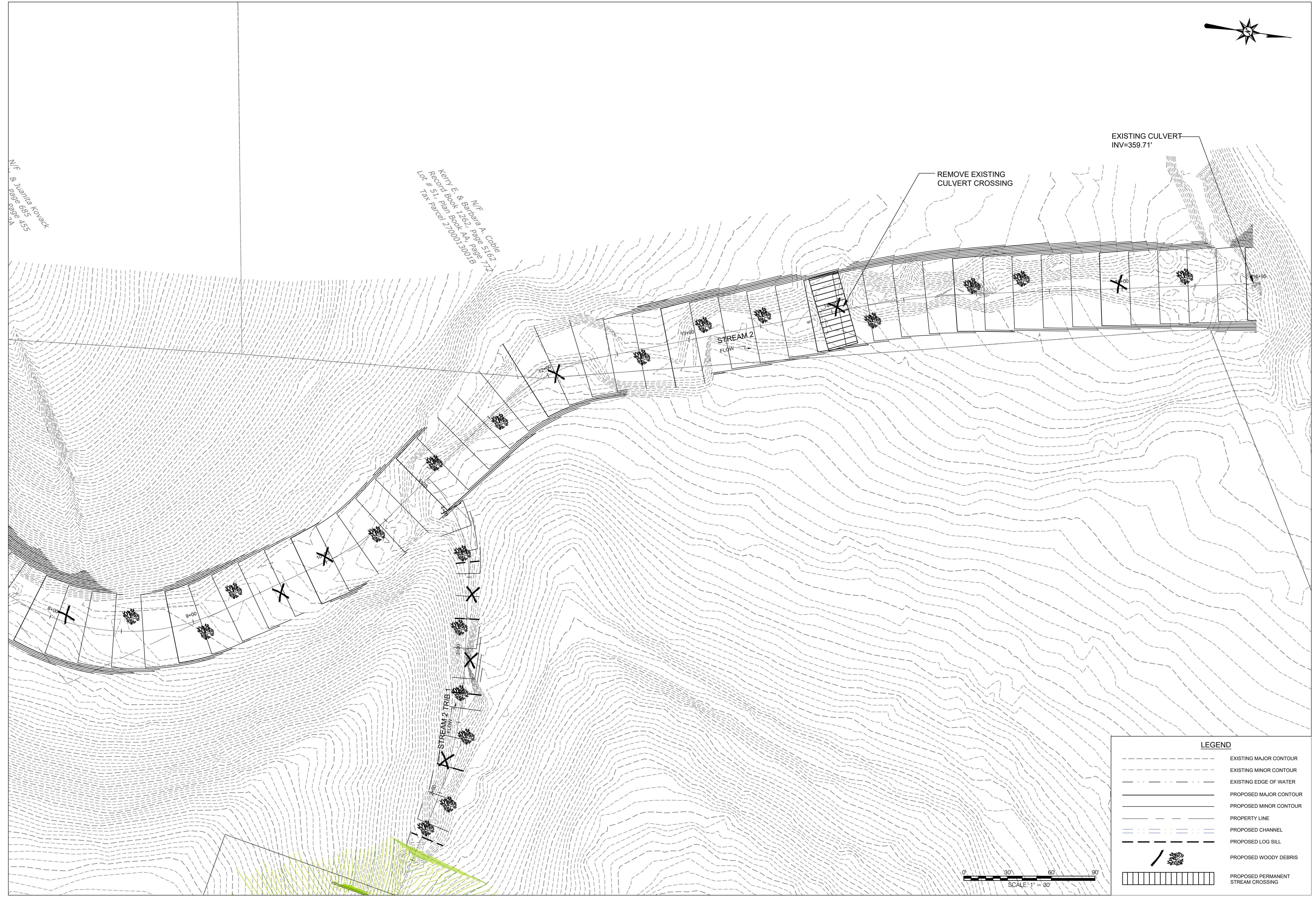
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## GRADING PLAN

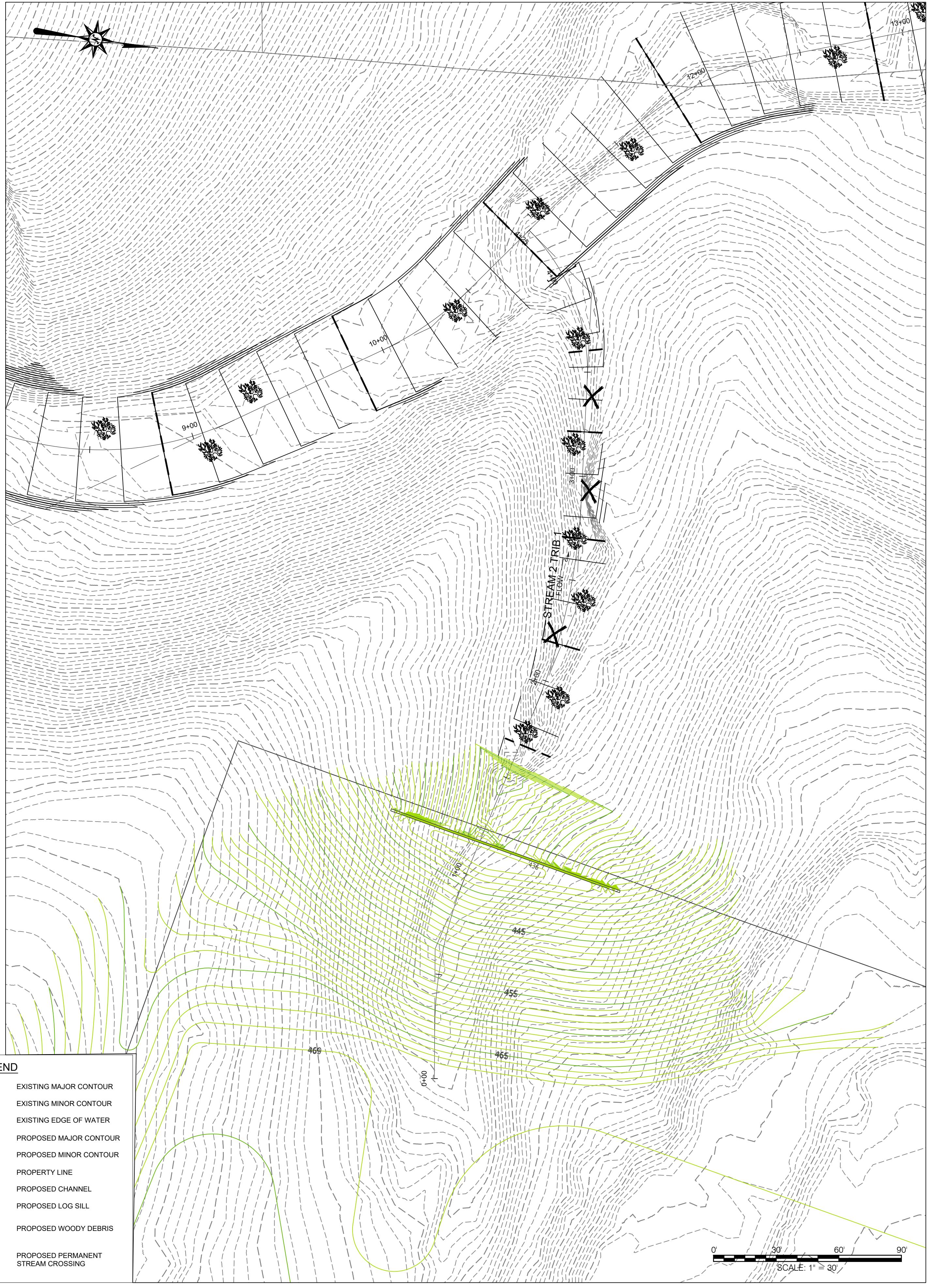
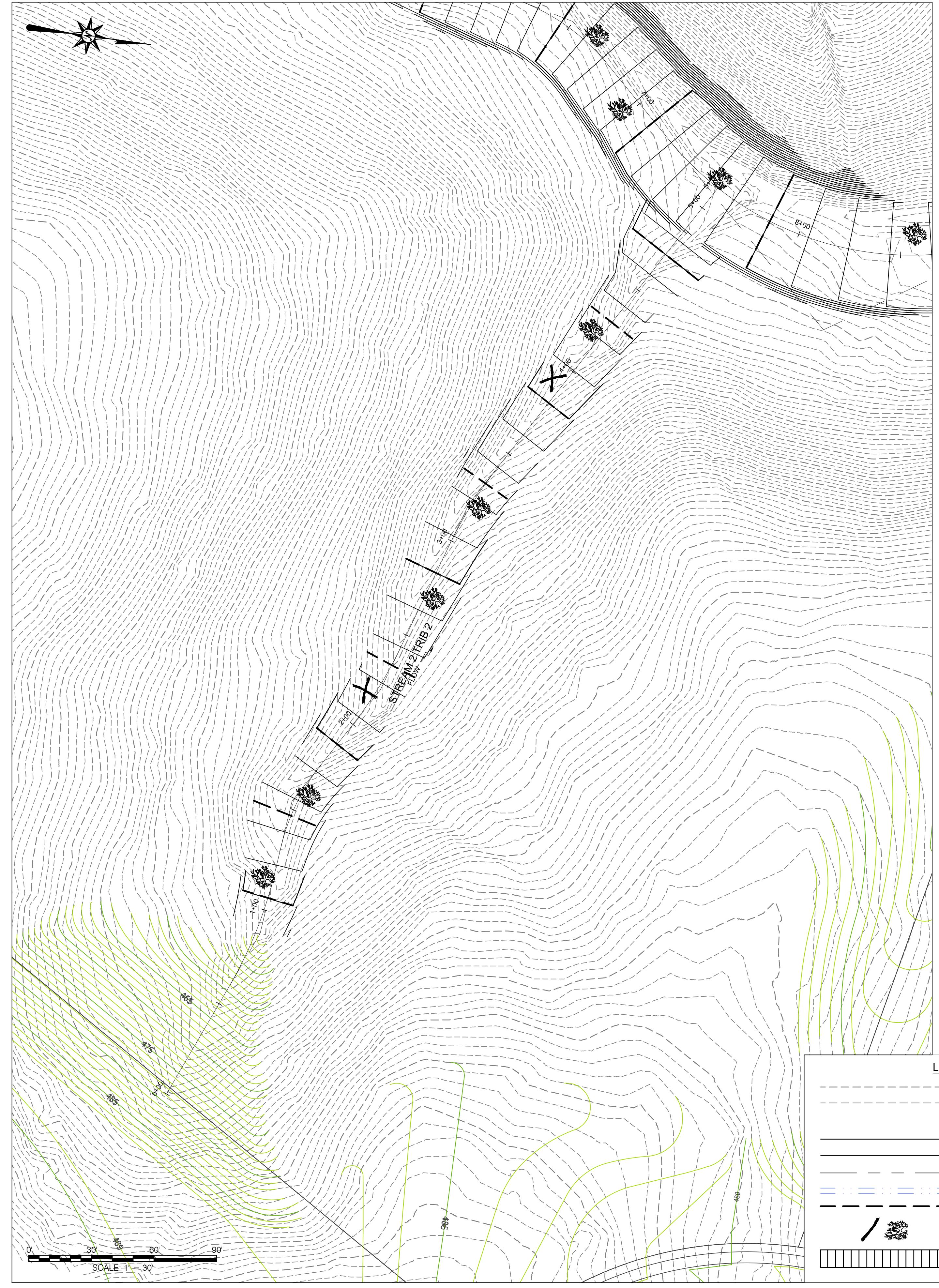
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PA 042324

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**FAIRVIEW CROSSROADS**

**ELYSIAN PARTNERS**

1877 SOUTH FEDERAL HIGHWAY, SUITE 304  
BOCA RATON, FL 33432



**Land**  
**Studies**

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717-627-4440  
fax: 717-627-4660

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315 North Street | Lititz, PA 17543

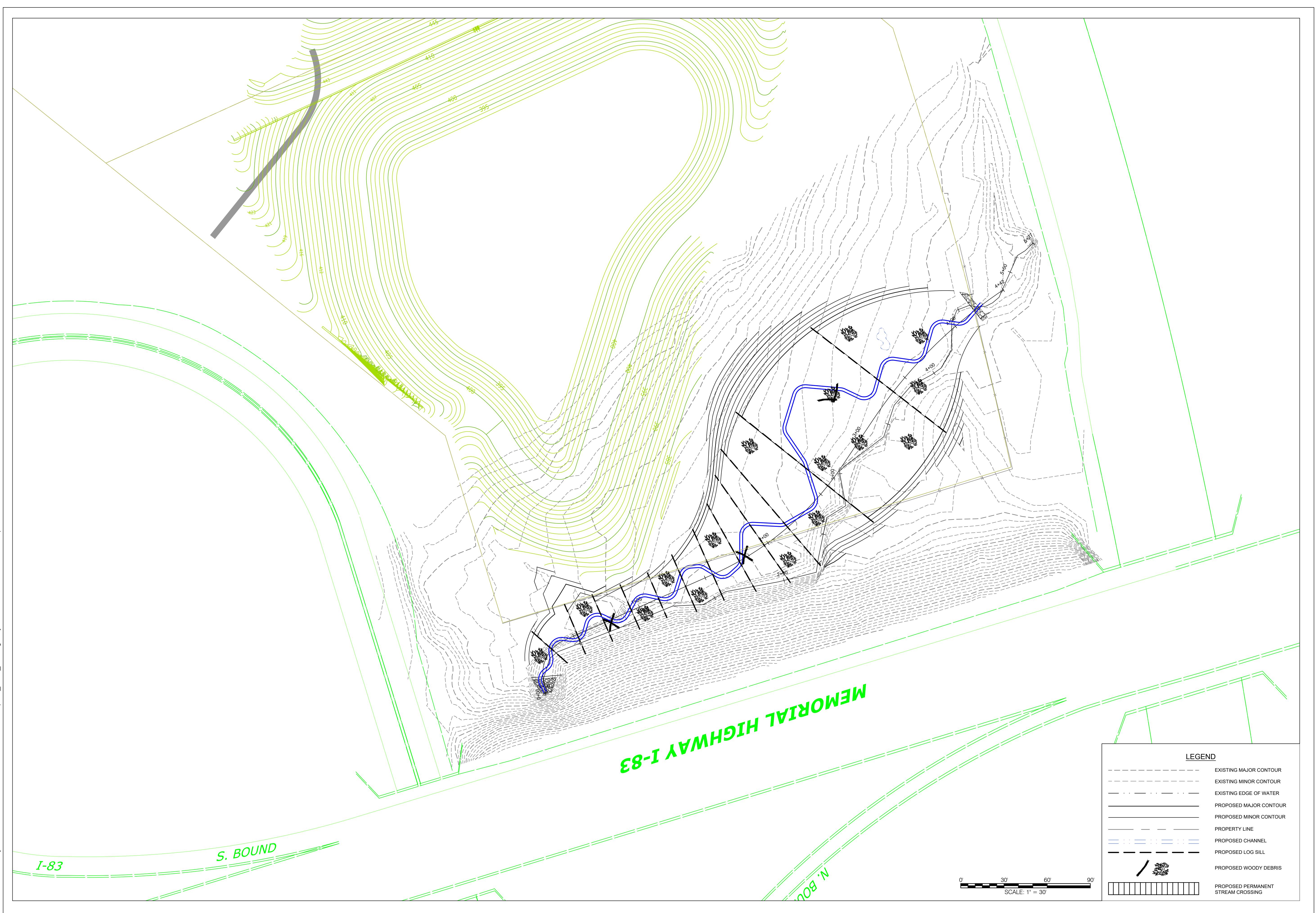
**GRADING PLAN**

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**FAIRVIEW CROSSROADS**  
FAIRVIEW TOWNSHIP  
YORK COUNTY, PA

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# TREAM 2

PA 042324

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**315 North Street | Lititz, PA 17543**

The logo for Land Studies features the word "Land" in a large, bold, dark green sans-serif font, and "Studies" in a smaller, dark green sans-serif font below it. To the left of the text is a graphic element consisting of three vertical bars of increasing height from left to right, with a dashed white line running vertically through the center.

**FAIRVIEW CROSSROADS**

**ELYSIAN PARTNERS**

1877 SOUTH FEDERAL HIGHWAY, SUITE 304  
BOCA RATON, FL 33432

# **FAIRVIEW CROSSROADS**

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**FAIRVIEW TOWNSHIP**  
**YORK COUNTY, PA**

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**PROFILE VIEW**

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**OF 12**

# STREAM 2



# **FAIRVIEW CROSSR ---- PROFILE**

PROFILE VIEW  
ITEM NUMBER:  
**7**  
**OF 12**



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fax: 717-627-4660  
**[landstudies.com](http://landstudies.com)**  
**[land@landstudies.com](mailto:land@landstudies.com)**

The logo for Land Studies features the word "Land" in a large, bold, dark green sans-serif font, and "Studies" in a smaller, orange sans-serif font stacked vertically to the right of "Land". To the left of the text are three stylized, overlapping green wavy shapes.

**FAIRVIEW CROSSROADS**

**ELYSIAN PARTNERS**

1877 SOUTH FEDERAL HIGHWAY, SUITE 304

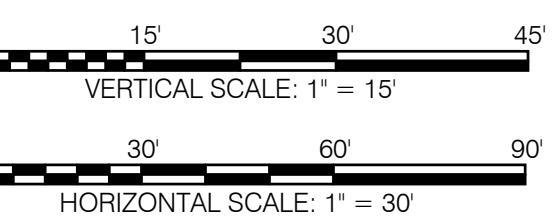
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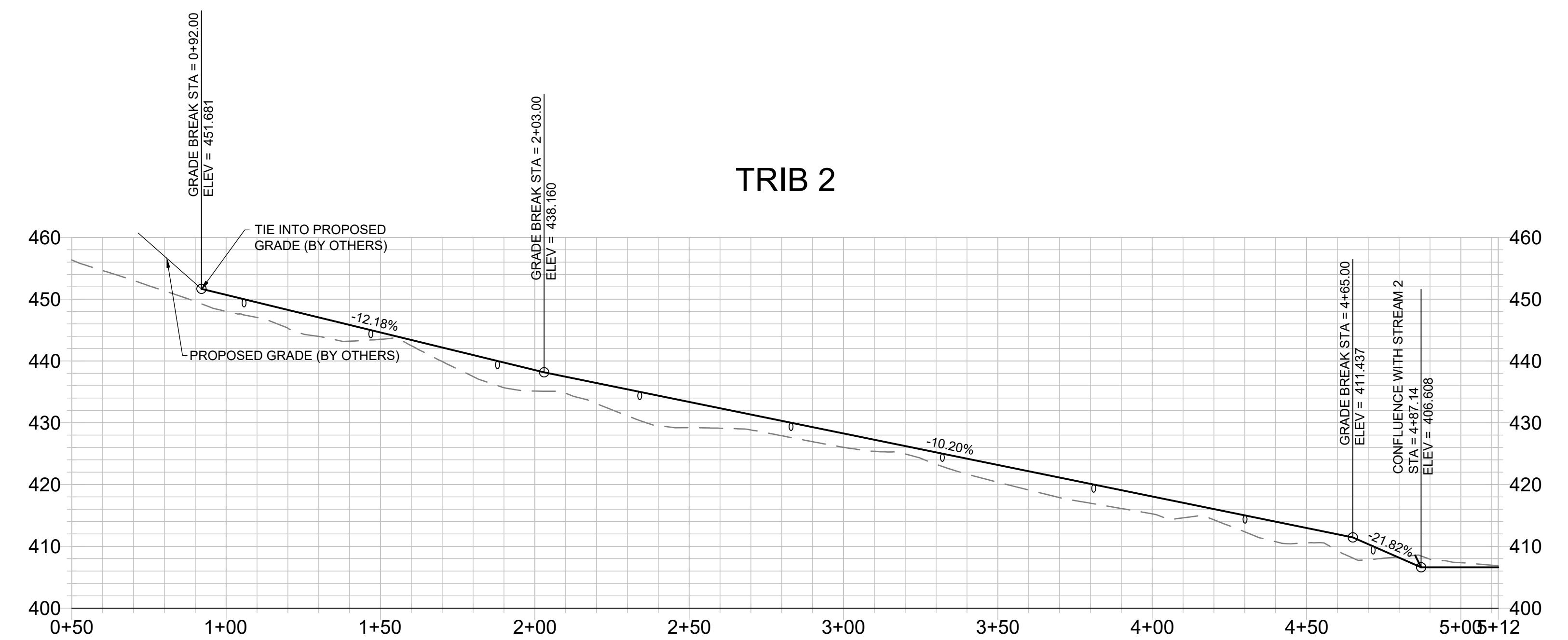
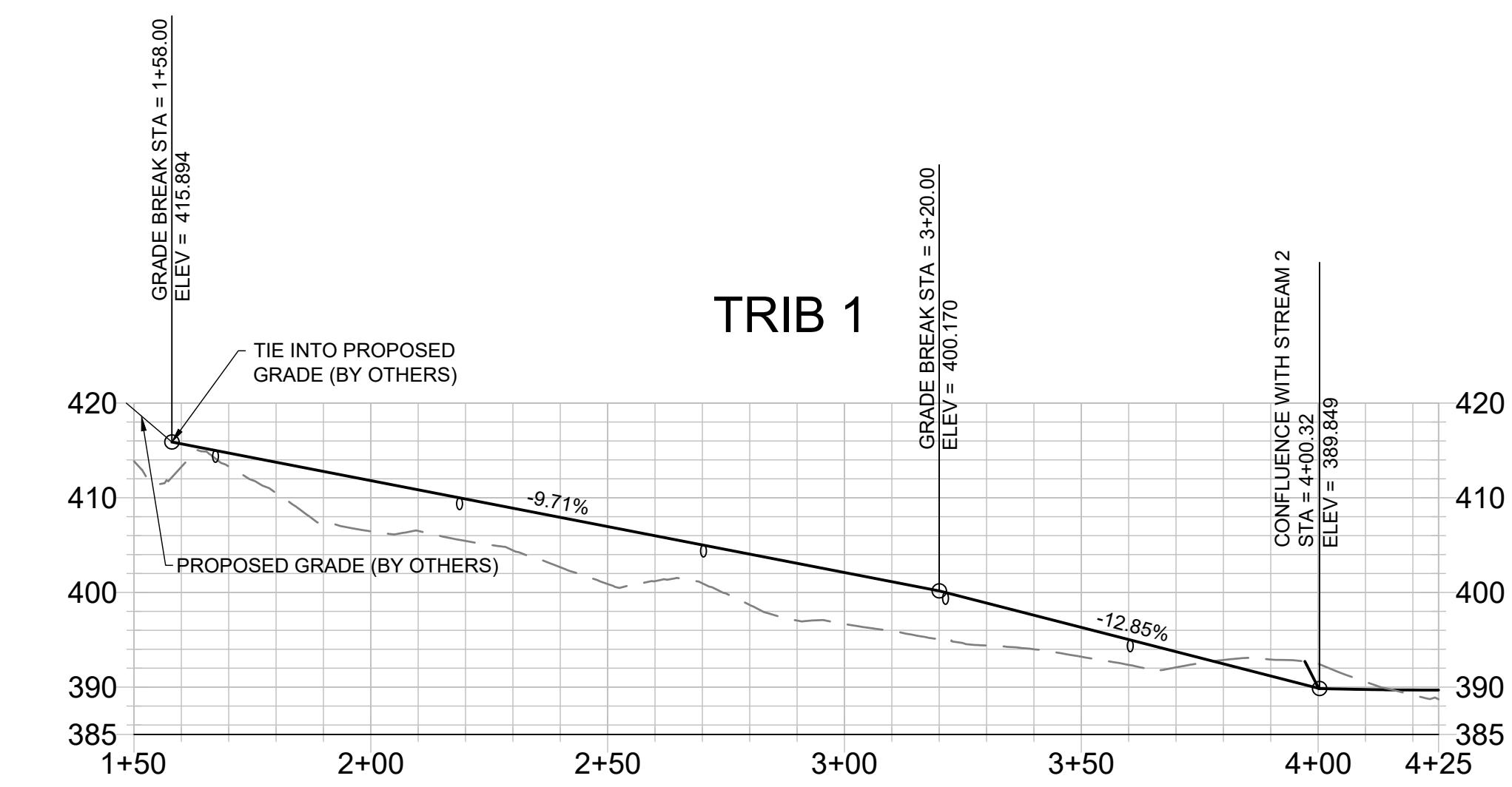
## PROFILE

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## FAIRVIEW CROSSROADS

FAIRVIEW TOWNSHIP





## PROFILE

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PROJECT:

Fairview Crossroads  
Elysian Partners

PA 042324

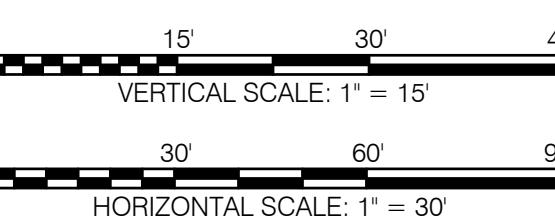
Fairview Crossroads  
Fairview Township  
York County, PA

717-627-4440

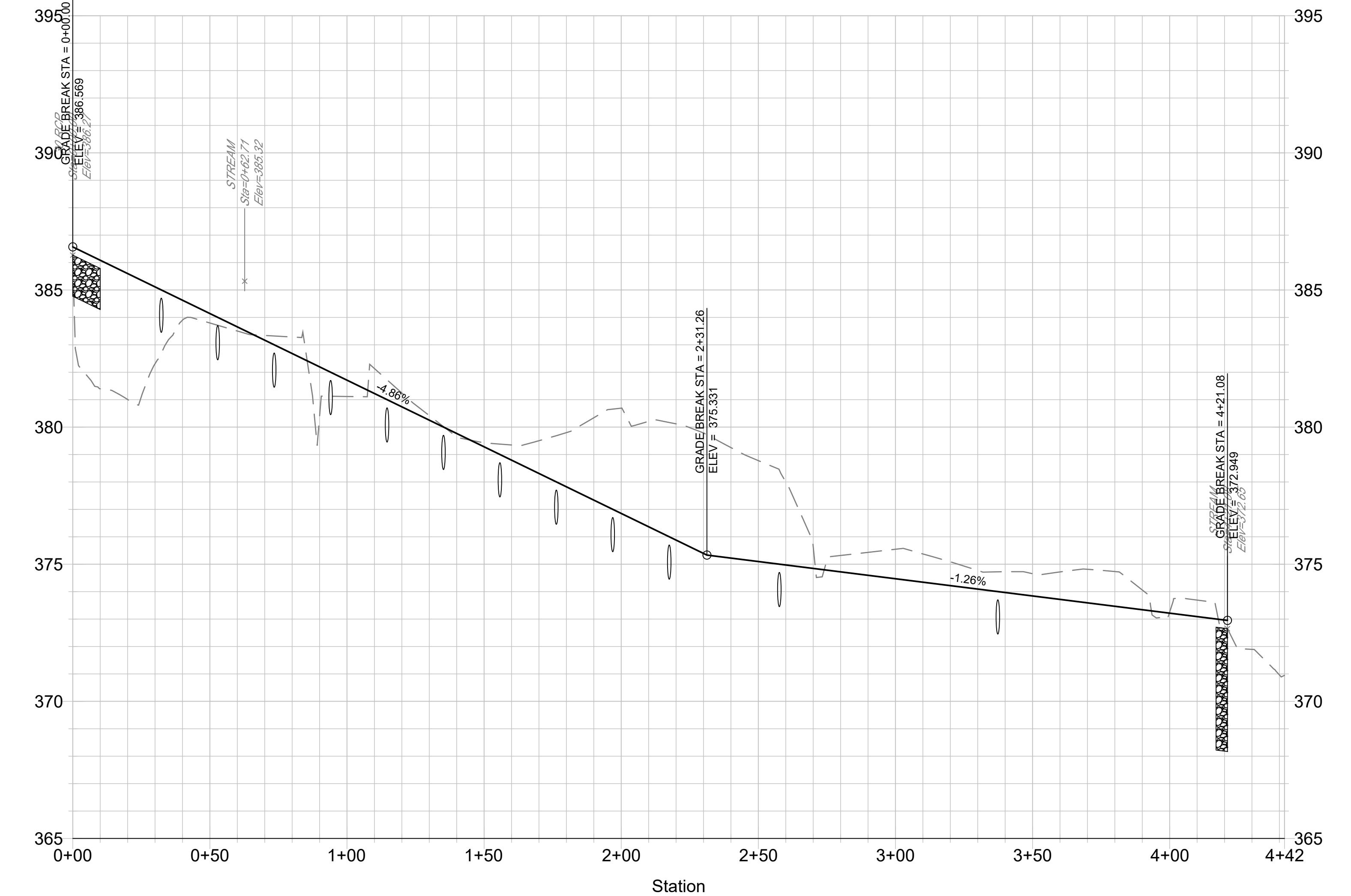
landsStudies.com

land@landsStudies.com

3115 North Street | Lititz, PA 17543



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PROJECT:  
FAI  
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1877 SC

# **FAIRVIEW CROSSROADS**

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## **PROFILE**

FAIRVIEW TOWNSHIP  
YORK COUNTY, PA

PROJECT NUMBER:	D-1185.1-18
DRAWN BY:	DJM
CHECKED BY:	BU
DATE:	2-1-2019
SCALE:	1" = 30'

# GRADING PLAN

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1

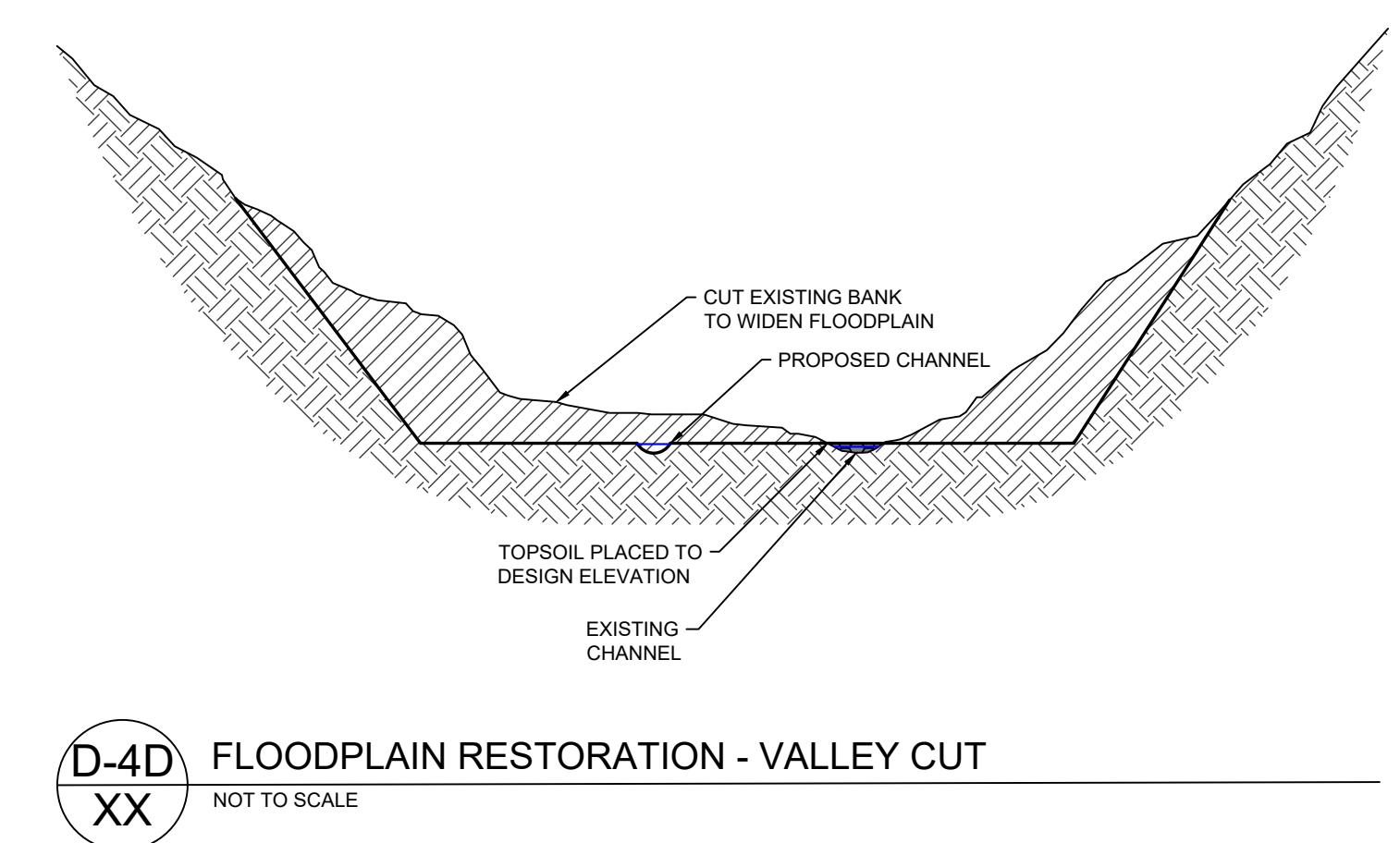
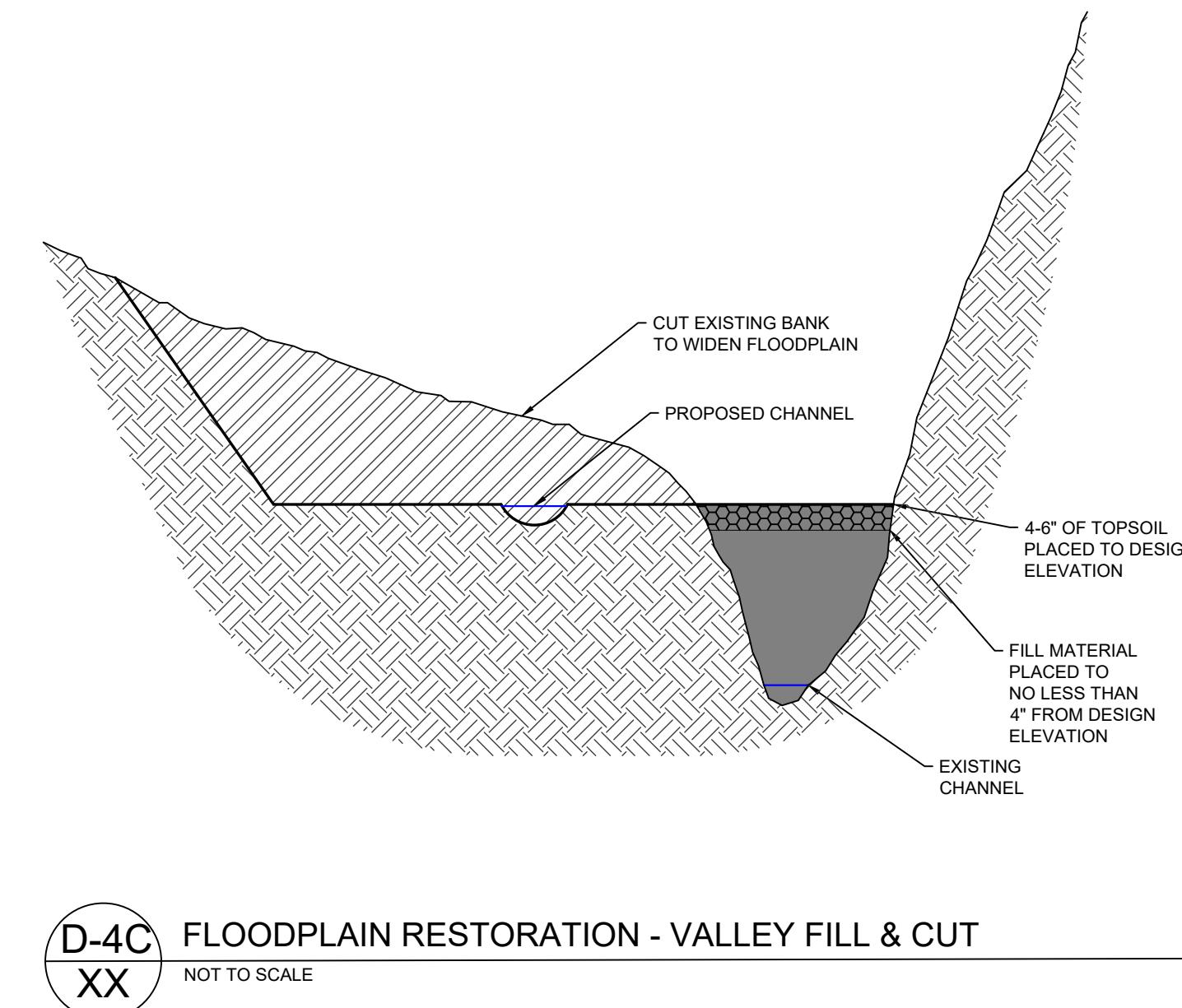
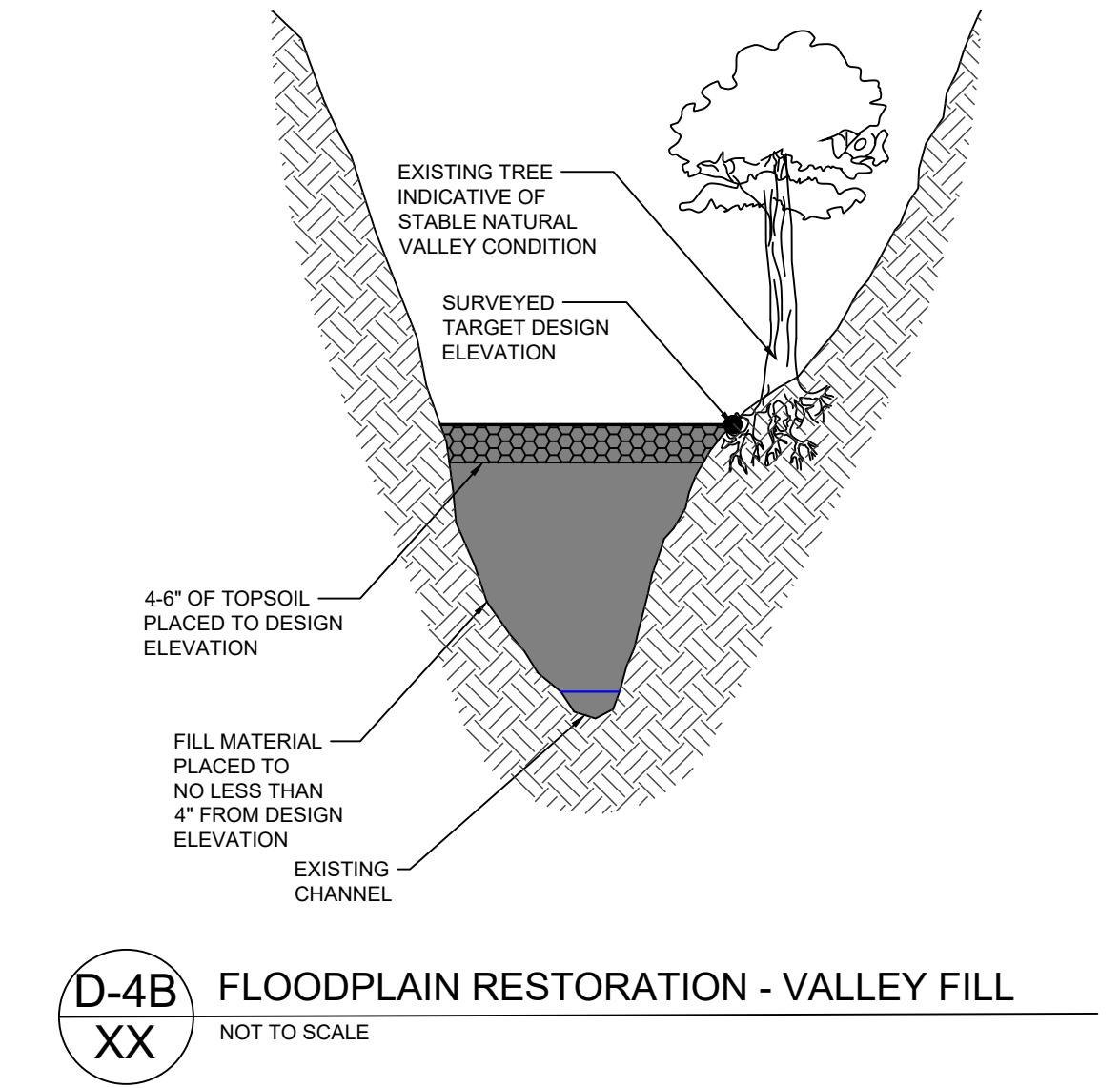
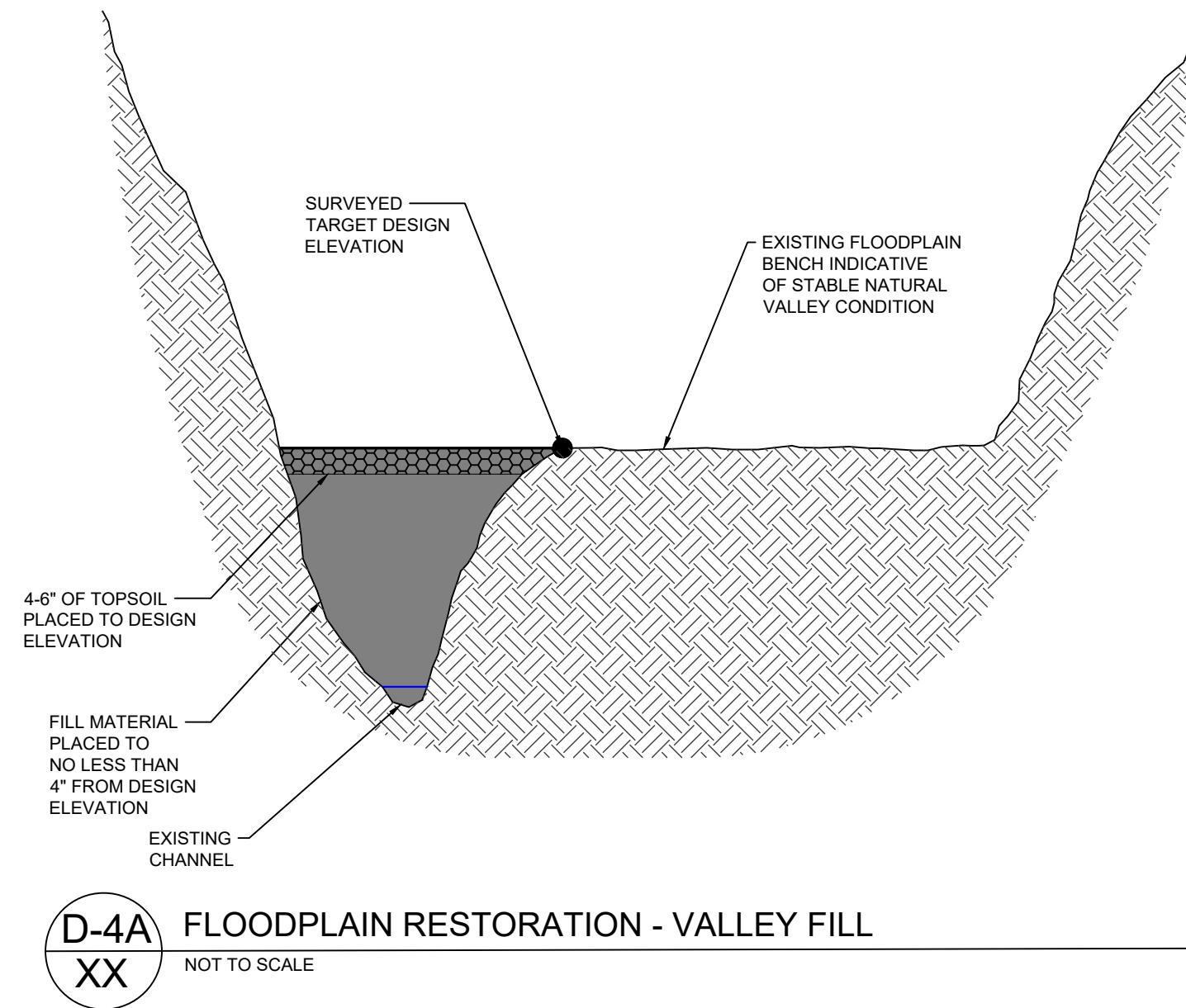
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OF 12

ANSWER





# **DRAFT**

## **NOT FOR BIDDING OR CONSTRUCTION**

PROJECT NUMBER:	D-1185.1-18
DRAWN BY:	EB
CHECKED BY:	BU
DATE:	2-1-2019
SCALE:	NOT TO SCALE
DETAIL SHEET	
SHEET NUMBER:	
<b>11</b>	
<b>OF 12</b>	

# **FAIRVIEW CROSSROADS TOWNSHIP**

**PROJECT:**

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