



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

Baltimore District
PN-22-07

Public Notice

**In Reply to Application Number
NAB-2022-00093-P07 (PA DOT – Fetter Advanced
Wetland Compensation Site)**

Comment Period: April 12, 2022 to May 12, 2022

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 Baltimore District has received a request to amend an existing Advanced Wetland Compensation Site, operated under an advanced wetland banking agreement dated 2001 with the Pennsylvania Department of Transportation (PA DOT), to the current PA DOT Wetland Umbrella Mitigation Banking Instrument (PUMBI). PA DOT requests that the Fetter Advanced Wetland Compensation site be added to the list of PUMBI banks and operated in accordance with the PUMBI, including monitoring protocol, long term management, crediting and debiting, service areas, and closure procedures outlined in the PUMBI.

APPLICANT:

Pennsylvania Department of Transportation
Attn: Drew Ames, Bureau of Design and Delivery
400 North Street, 7th Floor
Harrisburg, Pennsylvania 17120

WATERWAY AND LOCATION OF PROPOSED ACTION:

The project is located in the Dunning Creek Watershed, off Mennonite Road in West Street, Clair Township, Bedford County, Pennsylvania at 40-09-29.7 X -78-36-47.21

PROPOSED ACTION:

The purpose of this notice is to solicit comments on the mitigation site plan for amending the established Fetter Advanced Wetland Compensation Site to the PA DOT PUMBI as an approved wetland bank, managed under the PUMBI requirements and processes.

ASSOCIATED DOCUMENTS:

A Mitigation Site Plan dated January 2022, prepared by Skelly and Loy has been published for review on the Regulatory In Lieu Fee and Banking Information Tracking System (RIBITS)

https://ribits.ops.usace.army.mil/ords/f?p=107:42:10223726274078::::P42_BANK_ID:6285y The Mitigation Site Plan was received by the Baltimore District on February 24, 2022.

CORPS EVALUATION REQUIREMENTS:

This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). The decision whether to approve the site amendment request and add the Fetter site to the PA DOT UMBI 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 request will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency.

A preliminary review of this application indicates that the proposed work will have no effect 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.

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-2022-00093-P07).

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:

John Gibble, Transportation Program Manager
(john.gibble@usace.army.mil)
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
401 East Louthier Street, Suite 205
Carlisle, Pennsylvania 17013

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 Mr. John Gibble of this office at john.gibble@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.