



U.S. Army Corps  
of Engineers  
Baltimore District  
PN 13-26

# Public Notice

In Reply to Application Number  
CENAB-OP-RPA-2010-02811-P09 (DMP Northern Tier/Wysox Shopping  
Center)

Comment Period: May 6, 2013 to June 5, 2013

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**THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. 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 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act (33. U.S.C. 1344)** as described below:

**APPLICANT:**

DMP Northern Tier, LP  
Attn: Carl V. Bankert, P.E.  
1952 Waddle Road  
State College, PA 16803

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

The project is proposed on a 46-acre parcel located between U.S Route 6 and State Route 187, approximately 2,000 feet northeast of the point where they intersect, just east of Wysox, in Wysox Township, Bradford County, Pennsylvania (Enclosure 1). The waters of the U. S. proposed to be impacted by the proposed project drain to Wysox Creek and the Susquehanna River.

**PROPOSED WORK AND PURPOSE:**

The applicant proposes, in accordance with the attached plans (Enclosure 2-3), to construct a retail shopping center comprised of two large "big box" stores and four smaller buildings, along with parking spaces, stormwater-management facilities and access drives. This proposed development project will have the following impacts:

**Permanent Impacts**

2.33 acres of emergent (PEM) non-tidal wetlands and 566 linear feet of ephemeral stream channel.

**Temporary Impacts as a result of construction and temporary dewatering:**

None.

The permanent impacts will result from the discharge of dredged and/or fill material into emergent wetlands, the construction of two culvert crossings, and two enclosures of the existing stream channel. The applicant proposes to mitigate the wetland and stream impacts by completing 3.43 acres of wetland creation, 1.51 acres of wetland enhancement and establishing 0.93 acres of riparian buffer (Enclosure 4-9). The mitigation is proposed both on-site and off-site on a property located 0.9 miles northeast of the proposed construction site. The proposed mitigation was designed to



compensate for impacts to the areal extent and quality of wetlands based on narrative and quantitative assessment methodology from the Ohio Rapid Assessment for Wetlands v 5.0.

The applicant's stated purpose is to satisfy an increased need for additional retail/commercial space in Bradford County resulting from rapid growth associated with the Marcellus Shale gas industry. The shopping center will significantly reduce the travel time for consumers in the Wysox-Towanda area who currently travel 20 miles for retail shopping.

The applicant performed an alternatives analysis that considered a "No-Build" alternative, as well as construction on several other commercially-zoned parcels along the Route 6 travel corridor. The "No-Build" alternative was found unsatisfactory because it would "leave the residents with less expendable income, fewer employment opportunities and fewer consumer options." All of the properties considered were found unsuitable because: 1) they were located in the 100-year FEMA floodplain; 2) had poor sight distance for traffic flow conditions; 3) were too steep or too small to accommodate the proposed scale of development; or 4) were economically infeasible due to the high sale price of the available properties.

All work is proposed to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Matthew Gall of the U.S. Army Corps of Engineers at, (814) 235-1762/ fax number (814) 235-0576. Business address for correspondence is U.S. Army Corps of Engineers, Regulatory Section, 1631 South Atherton Street, Suite 101, State College, Pennsylvania 16801.

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 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, 1631 South Atherton Street, Regulatory Section, Suite #101, State College, Pennsylvania 16801, 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 effect 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, 1631 South Atherton Street, Suite 101, State College, Pennsylvania, 16801, 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.

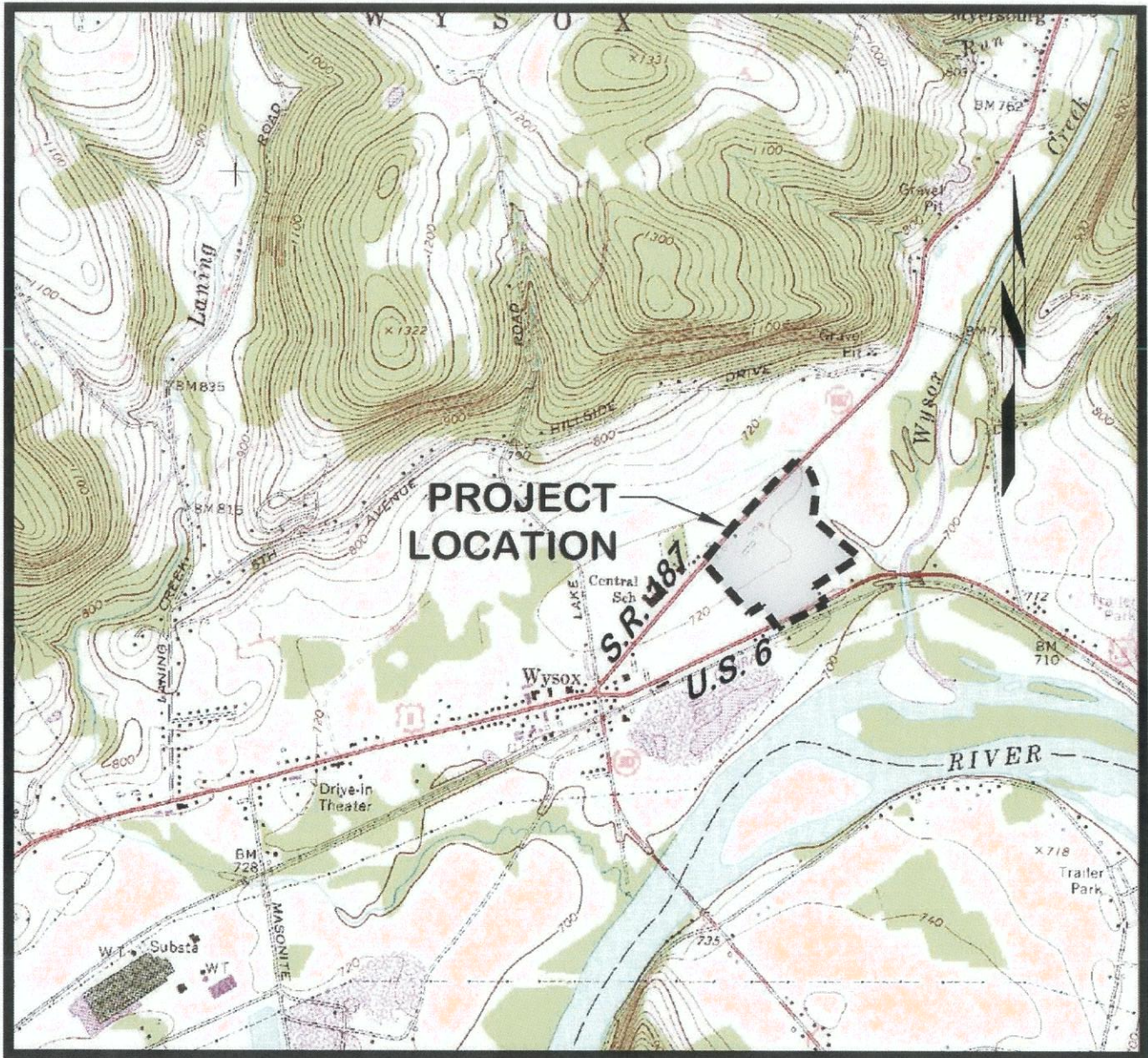


It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.



Wade B. Chandler  
Chief, Pennsylvania Section

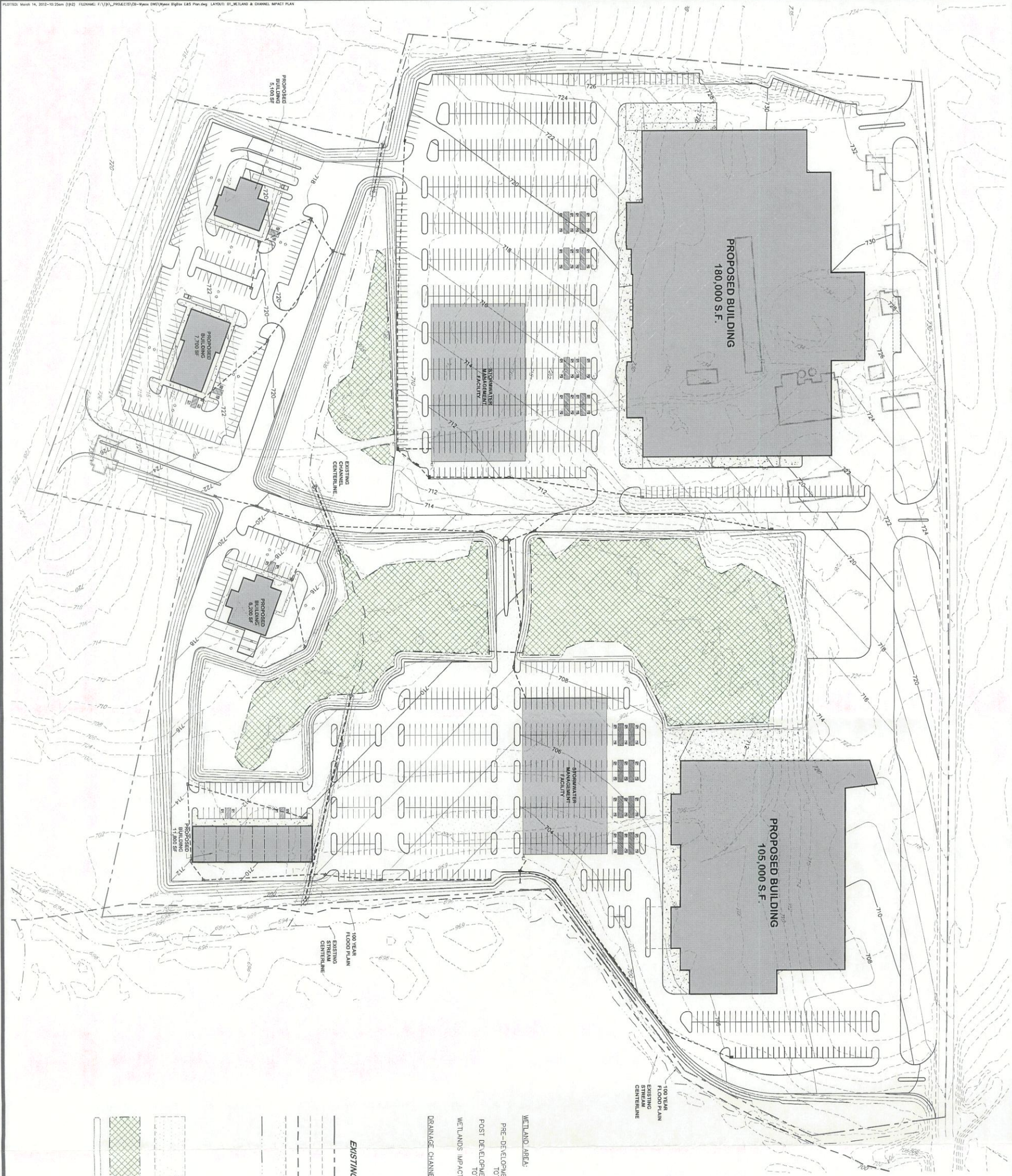




**PROJECT LOCATION MAP**  
**SCALE: 1"= 2000'**  
**WYSOX SHOPPING CENTER**  
**WYSOX TWP., BRADFORD COUNTY**  
**PENNSYLVANIA**  
**USGS QUAD.: TOWANDA**

*Enclosure 1*





WETLAND AREA:	
SQUARE FEET (SF)	ACRES (AC)
PRE-DEVELOPMENT TOTAL	274,136.83 6.29
POST DEVELOPMENT TOTAL	172,497.60 3.96
WETLANDS IMPACTED	101,385.90 2.33
DRAINAGE CHANNEL: 566 LINEAR FEET IMPACTED	
EXISTING LEGEND	
	PROPERTY LINE
	CONTOUR MARKER
	100 YEAR FLOOD PLAIN
	WETLAND BOUNDARY
	STREAM
	EXISTING WETLANDS
	WETLANDS TO REMAIN
	EXISTING CHANNEL IMPACT



**HAWBAKER ENGINEERING**  
1952 Waddle Road, Suite 201 State College, Pa 16803  
1-800-284-8590  
hawbakereengineering.com

**WETLAND & CHANNEL IMPACT PLAN**

**LAND DEVELOPMENT PLAN FOR WYSOX SHOPPING CENTER**

LOCATION: WYSOX TWP., BRADFORD COUNTY, PA

OWNER: DMP NORTHERN TIER

SCALE: 1" = 60'

DESIGN: TJH DRAWN: TJH

DATE	REVISION	REV. BY

SHEET NUMBER: 1101-12

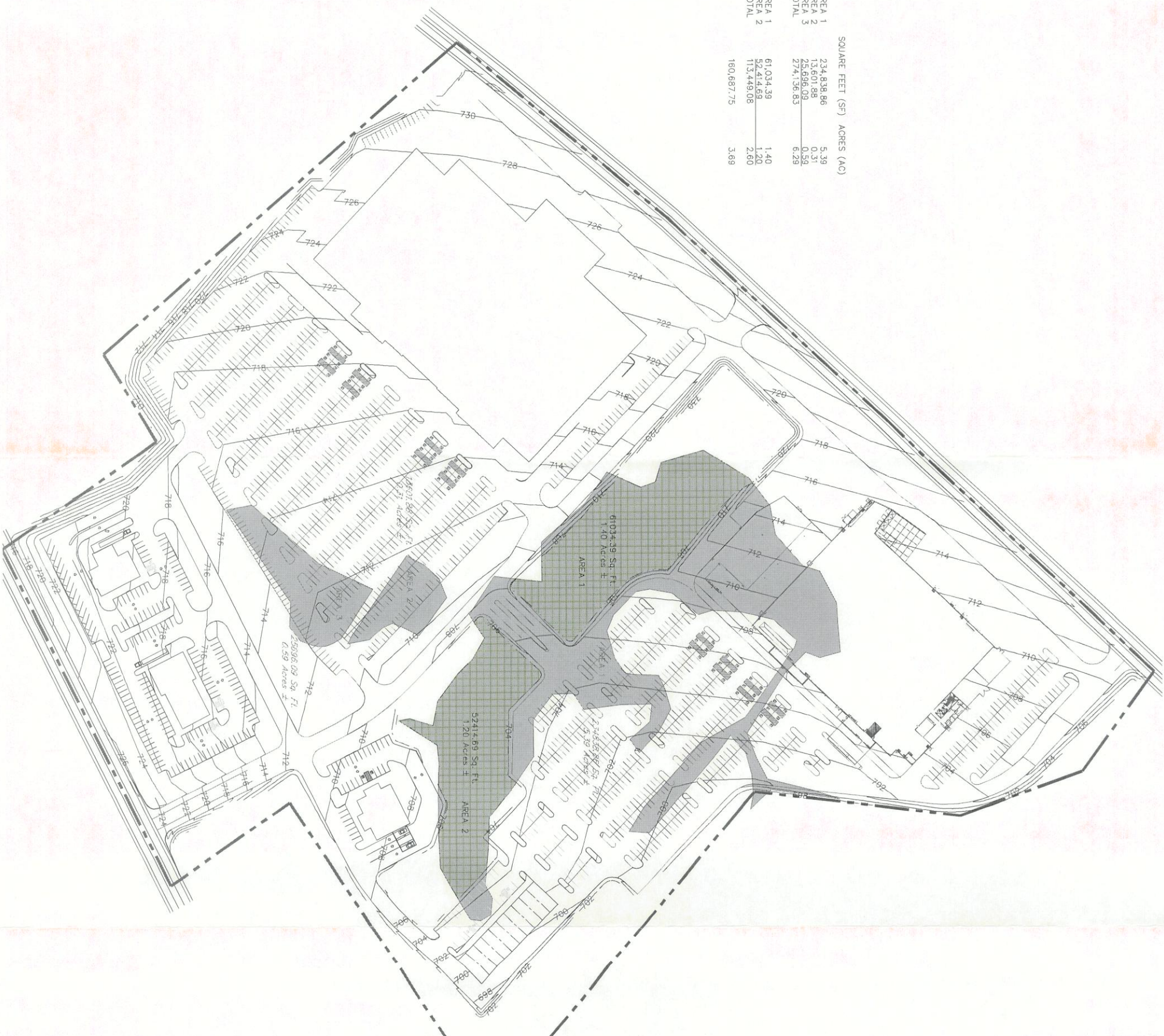
DATE: MARCH 12, 2012

1 OF 2

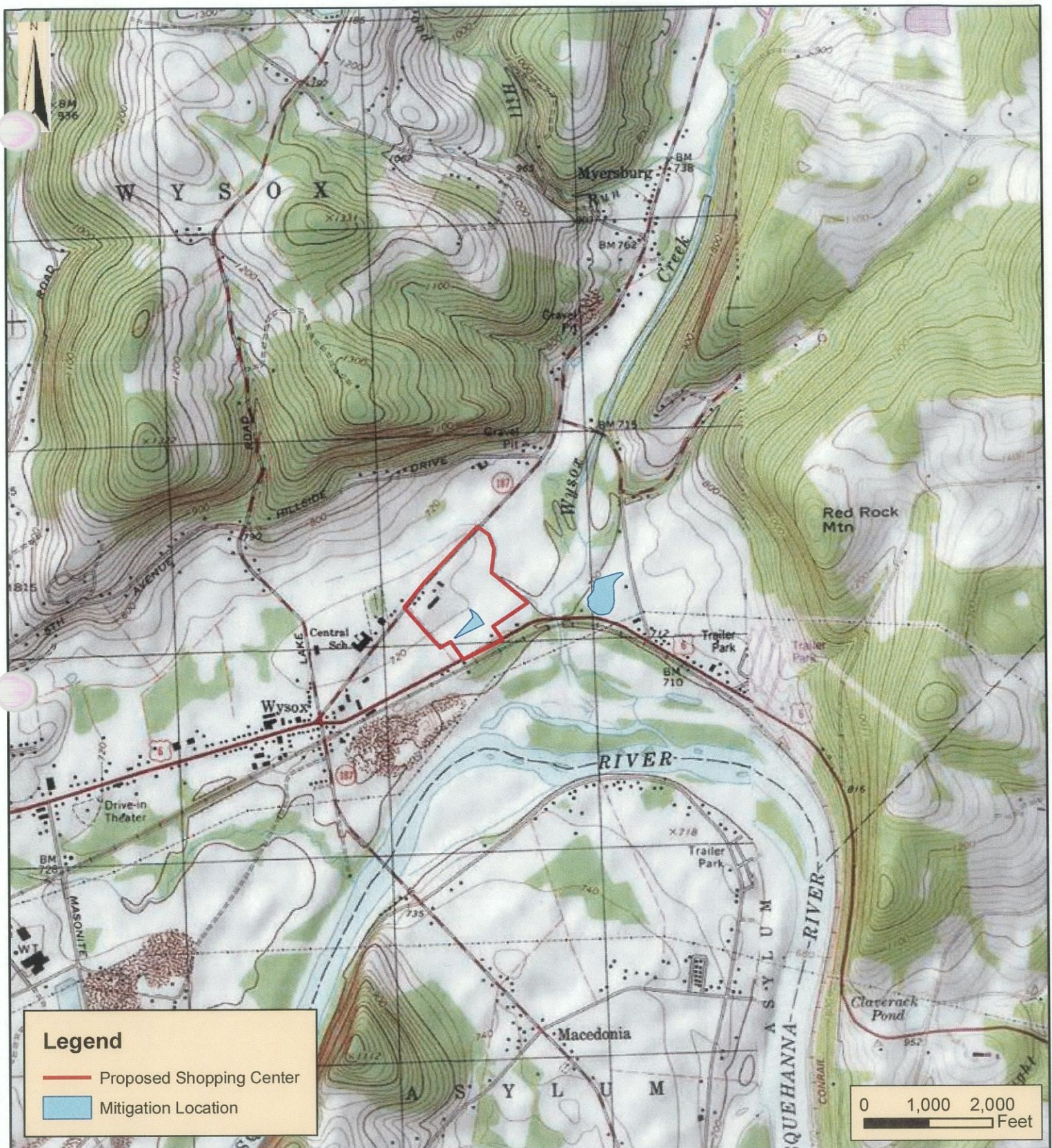
Enclosure 2



WETLAND AREA		SQUARE FEET (SF)	ACRES (AC)
PRE-DEVELOPMENT			
AREA 1		234,838.86	5.39
AREA 2		13,601.88	0.31
AREA 3		23,636.09	0.54
TOTAL		274,136.83	6.29
POST DEVELOPMENT			
AREA 1		61,034.39	1.40
AREA 2		52,414.69	1.20
TOTAL		113,449.08	2.60
WETLANDS IMPACTED		160,687.75	3.69







MAP REDUCED FROM 7.5 MIN USGS QUADRANGLES: TOWANDA & ROME

1 inch equals 2,000 feet



2525 Green Tech Drive, Suite B,  
State College, PA 16803  
Tele: 814.689.1650 Fax: 814.689.1557

## Wysox Shopping Center Mitigation Plan PROJECT LOCATION MAP

WYSOX TOWNSHIP

BRADFORD COUNTY

PENNSYLVANIA

Date:	10/20/11
WHM Drawing Number:	DMP10001
Drawn By:	KMC
Figure Number:	1

Enclosure 4





MAP REDUCED FROM PAMAP AERIAL IMAGERY, 2010

1 inch equals 350 feet



2525 Green Tech Drive, Suite B,  
State College, PA 16803  
Tele: 814.689.1650 Fax: 814.689.1557

## Wysox Shopping Center Mitigation Plan

### USDA/NRCS SOILS AND NWI MAP

WYSOX TOWNSHIP

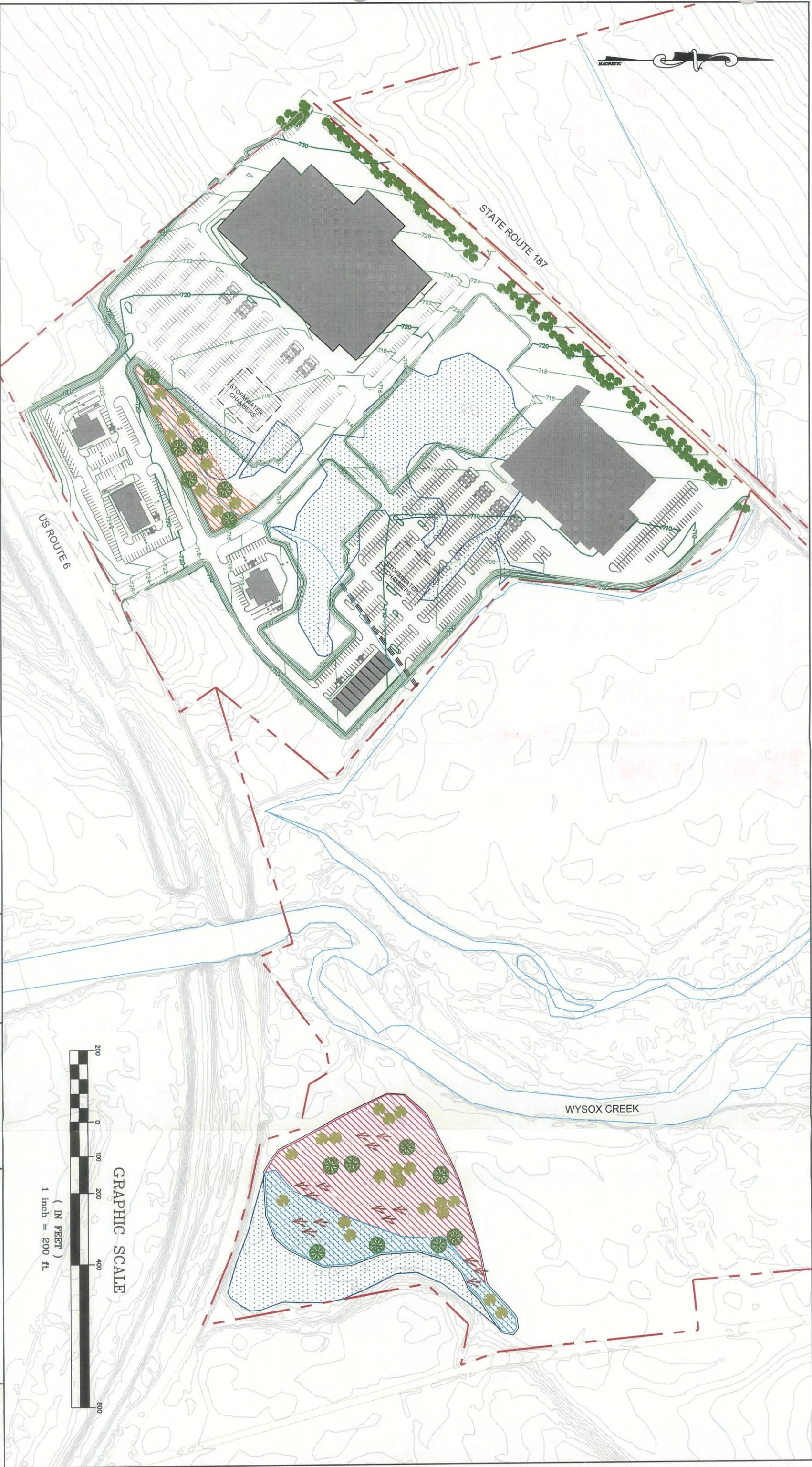
BRADFORD COUNTY

PENNSYLVANIA

Date:	12/7/11
WHM Drawing Number:	DMP11002
Drawn By:	KMC
Figure Number:	2

Enclosure 5





- LEGEND:
- APPROXIMATE PROPERTY BOUNDARY
  - EXISTING CONTOURS (2' C.I.)
  - EXISTING CHANNELS
  - EXISTING WETLANDS
  - WETLAND CREATION (3.43 ACRES)
  - WETLAND ENHANCEMENT (1.51 ACRES)
  - RIPIARIAN BUFFER (0.93 ACRES)

NOTES:

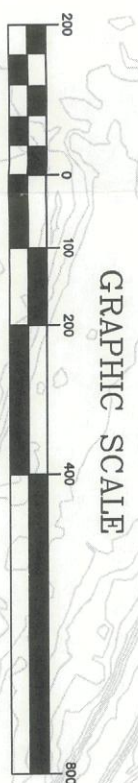
1. BASE MAPING WAS OBTAINED FROM PAMAP LIDAR CONTOUR DATA, 2008.
2. TAX PARCEL INFORMATION TRACED FROM MAP PROVIDED BY DMP NORTHERN TIER.

REVISIONS	



**WWM**  
CONSULTING, INC.  
2535 GREEN TECH DRIVE, SUITE B  
STATE COLLEGE, PA 16803  
TEL: (814) 689-1650 FAX: (814) 689-1557

DMP NORTHERN TIER	DATE: 03/14/12
WYSOX SHOPPING CENTER	DRAWN BY: KMC
MITIGATION DESIGN PLAN	CHECKED:
	WWM DRAWING NO: DMP11002
	SHEET NO. 1



Enclosure 6



**ATTACHMENT B - PLANTING PLAN  
WYSOX SHOPPING CENTER WETLAND MITIGATION SITE**

**Open Water Refugium (Flightway)**

<b>Scientific Name</b>	<b>Common Name</b>	<b>Status</b>	<b>Container</b>	<b>Spacing</b>
Potamogeton pectinatus	sago pondweed	OBL Herb	bare root	0.5'-1.0' O.C.
Polygonum amphibium	water smartweed	OBL Herb	bare root	0.5'-1.0' O.C.
Nuphar. Sm	pond lily	OBL Herb	bare root	0.5'-1.0' O.C.
Nymphaea odorata	white pond lilly	OBL Herb	bare root	0.5'-1.0' O.C.
Pontederia cordata	pickerel weed	OBL Herb	bare root	0.5'-1.0' O.C.

**Shallow Open Water Refugium**

<b>Scientific Name</b>	<b>Common Name</b>	<b>Status</b>	<b>Container</b>	<b>Spacing</b>
Pontederia cordata	pickerel weed	OBL Herb	bare root	0.5'-1.0' O.C.
Acorus americanus	sweet flag	OBL Herb	50 plug tray	0.5'-1.0' O.C.
Sparganium americanum	eastern bur-reed	OBL Herb	bare root	0.5'-1.0' O.C.
Carex crinita	fringed sedge	OBL Herb	72 plug tray	0.5'-1.0' O.C.
Carex stricta	tussock sedge	OBL Herb	72 plug tray	0.5'-1.0' O.C.
Carex vulpinoidea	fox sedge	OBL Herb	72 plug tray	0.5'-1.0' O.C.
Dulichium arundinaceum	three-way sedge	OBL Herb	bare root	0.5'-1.0' O.C.
Sparganium eurycarpum	giant bur-reed	OBL Herb	bare root	0.5'-1.0' O.C.
Leersia oryzoides	rice cut grass	OBL Herb	50 plug tray	0.5'-1.0' O.C.
Sagittaria latifolia	duck potato	OBL Herb	bare root	0.5'-1.0' O.C.
Peltandra virginica	arrow arum	OBL Herb	bare root	0.5'-1.0' O.C.
Schoenoplectus tabernaemontani	soft stem bulrush	OBL Herb	bare root	0.5'-1.0' O.C.
Scirpus atrovirens	green bulrush	FACW Herb	72 plug tray	0.5'-1.0' O.C.

**Scrub/Shrub Fringe**

<b>Scientific Name</b>	<b>Common Name</b>	<b>Status</b>	<b>Container</b>	<b>Spacing</b>
Cornus amomum	silky dogwood	FACW Shrub	bare root & 1 gal	1'-4' O.C.
Cornus sericea	redosier dogwood	FACW Shrubs	bare root & 1 gal	1'-4' O.C.
Cephalanthus occidentalis	button bush	OBL Shrub	18" cutting & 1 gal	1'-2' O.C.
Sambucus canadensis	elderberry	FACW Shrubs	rooted cutting	1'-2' O.C.
Alnus rugosa	speckled alder	FACW Shrubs	bare root	1'-2' O.C.
Salix discolor	pussy willow	FACW Shrubs	12" cutting	1'-2' O.C.

**Tree Hummocks and Screenings**

<b>Scientific Name</b>	<b>Common Name</b>	<b>Status</b>	<b>Container</b>	<b>Spacing</b>
Quercus bicolor	swamp white oak	FACW Tree	1 or 2 gallon	8'-12' O.C.
Quercus palustris	pin oak	FACW Tree	1 or 2 gallon	8'-12' O.C.
Salix nigra	black willow	FACW Tree	bare root	8'-12' O.C.
Acer saccharinum	silver maple	FACW Tree	1 or 2 gallon	8'-12' O.C.
Platanus occidentalis	american sycamore	FACW Tree	1 or 2 gallon	8'-12' O.C.
Populus tremuloides	quaking aspen	FACU Tree	bare root	8'-12' O.C.

*Enclosure 7*



### Riparian Buffer

<b>Scientific Name</b>	<b>Common Name</b>	<b>Status</b>	<b>Container</b>	<b>Spacing</b>
<i>Salix nigra</i>	black willow	FACW Tree	bare root	8'-12' O.C.
<i>Platanus occidentalis</i>	american sycamore	FACW Tree	1 or 2 gallon	8'-12' O.C.
<i>Cornus racemosa</i>	Grey Dogwood	FAC Tree/Shrub	bare root	1'-4' O.C.
<i>Cornus sericea</i>	Red-Osier Dogwood	FAC Tree/Shrub	bare root	1'-4' O.C.
<i>Cornus amomum</i>	Silky Dogwood	FACW Tree/Shrub	bare root	1'-4' O.C.
<i>Salix discolor</i>	Pussy Willow	FACW Tree	bare root	1'-4' O.C.
<i>Betula nigra</i>	River Birch	FACW Tree	bare root	1'-4' O.C.



**WYSOX SHOPPING CENTER WETLAND MITIGATION SITE  
ERNST WATERFOWL BUFFET MIX for WETLAND ENHANCEMENT  
(Application Rate- 15 pounds per acre)**

<b>Percent</b>	<b>Scientific Name</b>	<b>Common Name</b>
30.00%	Carex vulpinoidea	Fox Sedge
25.00%	Carex lurida	Shallow Sedge
14.00%	Sparganium eurycarpum	Giant Bur Reed
10.00%	Sparganium americanum	Eastern Bur Reed
10.00%	Carex crinita	Fringed Sedge
3.00%	Carex comosa	Bearded Sedge
3.00%	Carex lupulina	Hop Sedge
3.00%	Juncus effusus	Soft Rush
1.00%	Schoenoplectus tabernaemontani	Softstem bulrush
1.00%	Schoenoplectus acutus	Hardstem bulrush

**ERNST QUICK EROSION CONTROL COVER MIX  
(Application Rate- 50 pounds per acre)**

<b>Percent</b>	<b>Scientific Name</b>	<b>Common Name</b>
50.00%	Lolium multiflorum	Annual ryegrass
50.00%	Lolium perenne	Perennial ryegrass

Enclosure 9