



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. 2020-154

Date: October 22, 2020

Notice No. 20-33

Closing Date: November 22, 2020

- TO ALL WHOM IT MAY CONCERN:** Water and Land Solutions has submitted prospectus to the Pittsburgh District Corps of Engineers to develop and operate The Rocky Run Mitigation Bank. The 2008 Mitigation Rule defines mitigation banks 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restored, established, enhanced, or preserved wetlands or streams are expressed as “credits” which may subsequently be withdrawn to offset “debits” incurred at a project development site(s).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 restoration plan that would generate credits to be used as compensatory mitigation for activities authorized by DA permits. The Rocky Run Mitigation Bank proposal has adequately addressed the mitigation requirements as defined in 33 CFR 332.4.
- INTERAGENCY REVIEW TEAM:** As indicated in the Corps regulations (33 CFR 332.8(b)), the district engineer will establish an IRT to review documentation for the establishment and management of mitigation banks and in-lieu fee (ILF) programs. The primary role of the IRT is to facilitate the establishment of mitigation banks and/or ILF programs through the development of mitigation banking or ILF program instruments. The IRT reviews draft prospectuses, prospectuses, instruments, and other documents and provides comments to the Corps.
- APPLICANT:** Water and Land Solutions
333 Baldwin Road
Pittsburgh, Pennsylvania 15205
- LOCATION:** The proposed mitigation bank is located on four contiguous properties in East Finley Township, Washington County, Pennsylvania, approximately two miles north of East Finley in the Upper Ohio-Wheeling Basin (HUC 05030106), Pennsylvania State Water Plan Watershed 20). The project center coordinates are: 40.04545, -80.38654

5. PURPOSE AND DESCRIPTION OF WORK: The project will employ a process-based approach to address underlying stressors and processes that drive the currently degraded condition of the main stem stream (Trib 32720) and its tributaries and wetlands. Land use and land cover modifications are the primary factors that historically led to altered hydrologic and sediment processes in the watershed. These processes contributed to legacy sediment buildup, isolating streams from their floodplains and wetlands, and confining streams inside incised channels, leading to further incision, down cutting, and lateral instability. Thus, the primary design approach will be floodplain restoration. Site investigations will identify historic floodplains using bank profile indicators, test pits, soil probes, etc. Floodplain connectivity will be improved by lowering bank heights. Legacy sediment will be removed from the floodplain, where present, and in areas where the channel is incised, the channel will be raised; both approaches may occur in the same location. Channel sinuosity will be increased, floodplain depressions will be added to create and re-establish additional wetlands, and deep in-stream pools will be provided to increase exchange of groundwater and surface water, as well as provide refugia for aquatic life during dry periods. In higher-gradient reaches in confined valleys (Streams 3, 4, 8, 10, 12, and 13), step-pool morphology will be restored to provide many of the same hydrologic and habitat functions; these features will also reduce erosion and sediment supply to downstream reaches, reducing potential sedimentation. Finally, a native forested, wetland and riparian buffer will be provided around all aquatic resources, which will contribute to controlling and filtering runoff. Two-dimensional hydraulic and hydrologic modeling will be used to verify that the proposed design will achieve floodplain access as desired. The project will involve the restoration of the main stem, 11 of its headwater tributaries, and riparian wetlands and forest. The bank will comprise essentially the entire upper watershed of Stream 1, totaling approximately 7,489 linear feet of stream and 10.14 acres of wetlands, which will be re-established, expanded, restored, enhanced, and preserved. During the initial site assessment, additional minor tributaries and wetlands were identified beyond the conservation easement boundary. A summary of the proposed work is displayed in the following tables:

Stream Name	Proposed Length (ft)	Proposed Mitigation Lengths (lf)		Proposed Credits
		Re-establishment (1:1 ratio)	Enhancement (2.5:1 ratio)	
Stream 1 (Trib 32720)	4,813	4,813	0	4,813
Stream 2	132	132	0	132
Stream 3	213	213	0	213
Stream 4	290	290	0	290
Stream 8	370	209	64	273
Stream 9	128	0	51	51
Stream 10	949	767	73	840
Stream 11	95	0	38	38
Stream 12	82	82	0	82
Stream 13	201	201	0	201
Stream 14	126	0	51	51
Stream 15	90	0	36	36
Total	7,489	6,707	313	7,020

Note 1: No mitigation credits are proposed outside the conservation easement boundaries.

Note 2: Existing and proposed stream lengths were estimated from GIS/GPS data and will be modified after developing a survey basemap and formal mitigation work plans have been approved by IRT.

Wetland Name	Existing Cowardin Class	Proposed Cowardin Class	Proposed Area (acres)	Proposed Mitigation (acres)		Proposed Credits
				Establishment (1:1)	Enhancement (2.5:1)	
Wetland 1	PEM	PFO	0.44	0.44	0.00	0.44
Wetland 2	PEM	PFO	1.00	1.00	0.00	1.00
Wetland 4	PEM	PFO	0.01	0.01	0.00	0.01
Wetland 5	PEM	PFO	0.31	0.31	0.00	0.31
Wetland 8A	PEM	PFO	0.45	0.45	0.00	0.45
Wetland 10	PEM	PFO	0.13	0.13	0.00	0.13
Wetland 11	PEM	PFO	0.12	0.12	0.00	0.12
Wetland 12	PEM	PFO	1.48	1.48	0.00	1.48
Wetland 14	PEM	PFO	0.60	0.60	0.00	0.60
Wetland 15	PEM/PSS	PFO	0.04	0.00	0.02	0.02
Conservation Easement Eastern Floodplain	N/A	PFO	5.56	5.56	0.00	5.56
Total			10.14	10.10	0.02	10.12

Note 1: No mitigation credits are proposed outside the conservation easement boundaries.

Note 2: Existing and proposed wetland areas were estimated from GIS/GPS data. The actual areas will be modified after developing a survey basemap and formal mitigation plans have been approved by IRT.

6. **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

7. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or 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). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.
8. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that the project, as proposed, will have no adverse effect on Historic or Cultural properties. 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).
9. 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.
10. 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,

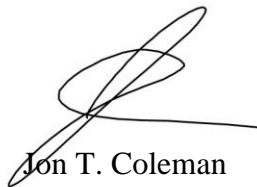
comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the 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).

11. **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 Matthew Gilbert at the below address, by telephoning (412) 395-7189, or by e-mail at matthew.c.gilbert@usace.army.mil.

Please refer to CELRP-REG-N 2020-154 in all responses.

U.S. Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Re: Public Notice CELRP-OP-F No. 20-33

FOR THE DISTRICT ENGINEER:



Jon T. Coleman
Chief, South Branch,
Regulatory Division