



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. 2012-1750

Date: November 9, 2020

Notice No. 20-38

Closing Date: December 9, 2020

1. TO ALL WHOM IT MAY CONCERN:

The Stream and Wetlands Foundation has proposed the Deer Creek mitigation site to be incorporated into their In-Lieu Fee Mitigation Program (ILFP). A Prospectus has been submitted to the Pittsburgh District Corps of Engineers for this site pursuant to 33 CFR 332.8 and 40 CFR 230.98.

This does not constitute an application for regulated work in Waters of the United States. The 2008 Mitigation Rule defines in-lieu fee projects and 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 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restored, established, enhanced, or preserved wetlands or streams are expressed as “credits” which may subsequently be withdrawn to offset “debits” incurred at a project development site(s).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, in conjunction with input from the Interagency Review Team, (IRT) 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. The purpose of this Public Notice is to inform you of the proposed mitigation bank and to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

2. 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 ILFP’s. The primary role of the IRT is to facilitate the establishment of mitigation banks and/or ILFP’s through the development of mitigation banking or ILFP instruments. The IRT reviews draft prospectuses, prospectuses, instruments, and other documents and provides comments to the Corps.

3. SPONSOR: Stream + Wetlands Foundation
123 South Broad Street, Suite 238
P.O. Box 369
Lancaster, Ohio 43130

4. LOCATION: The project is located in Lexington Township, Stark County, Ohio. Drainage on the western side of the site is located within the Deer Creek sub-watershed (Hydrologic Unit Code [HUC] 05030103-02-01), which drains southwest to Deer Creek

Reservoir. Drainage on the eastern side of the site is located within the Island Creek-Mahoning River subwatershed (HUC 05030103-02-04), which drains south to the Mahoning River. All drainage from the project ultimately flows into the Mahoning River (HUC 05030103). The 103.0 acre project is located south of German Church Road. The project's center coordinates are: latitude 40.984589°, longitude -81.118843°

5. **PURPOSE AND DESCRIPTION OF WORK:** The Stream and Wetlands Foundation proposes to establish the Deer Creek in lieu fee site within the approved Stream and Wetlands In Lieu Fee Program Umbrella Mitigation Banking Instrument. The primary objectives of the site are to generate wetland and stream mitigation credits to fulfill advance credits sold to permittees through the Stream and Wetlands Foundation within the Pittsburgh North service area, consisting of the Mahoning [HUC 05030103] and Shenango [HUC 050300102] watersheds, as well as the Upper Ohio watershed (HUC 05030101). The proposed site will include areas that will generate credits through wetland re-establishment, wetland rehabilitation, upland forest re-establishment, and stream restoration. The plan proposes to implement natural channel design, promote hydrology restoration, micro-topography restoration, and installation of native trees, shrubs, and seed mixes.

The Deer Creek site will be designed, constructed, and managed to maintain the following specific goals:

Re-establishment	Area (ac.)	Credit Ratio	Credits		Total
			Non-forested	Forested	
Non-forested wetlands	W= 2.8	1:1	2.8		2.8
Non-forested wetlands (within 100' setback)	W= 0.0	1:2	0		0.0
Forested wetlands	W= 34.1	1:1		34.1	34.1
Forested wetlands (within 100' setback)	W= 2.1	1:2		1	1.0
Forested wetlands/uplands mosaic (est. 75% wetland conversion)	W= 1.5	1:1		1.5	1.5
	U= 0.5	1:4		0.1	0.1
Forested upland buffer	U= 21.1	1:4		5.3	5.3
Re-establishment Totals	62.1 ac		2.8	42.0	44.8

Rehabilitation	Area (ac.)	Credit Ratio	Credits		Total
			Non-forested	Forested	
Rehabilitated non-forested wetlands	W= 4.8	1:2	2.4		2.4
Rehabilitated non-forested wetlands (within 100' setback)	W= 0.7	1:4	0.2		0.2
Rehabilitated forested wetlands	W= 8.3	1:2		4.1	4.1
Rehabilitated forested wetlands (within 100' setback)	W= 2.5	1:4		0.6	0.6
Rehabilitation Totals	16.3 ac		2.6	4.7	7.3

PROJECT TOTALS	Area (ac.)		Credits		Total
			Non-forested	Forested	
	78.4 ac		5.4	46.7	52.1

Stream	Mitigation Activity	Estimated Length (lf)	Credit Ratio	Estimated Credits
Stream 1	Restoration – Activity Level 2	3,699	1.75:1	6,473
Stream 2	Restoration – Activity Level 2	839	1.75:1	1,468
Stream 3	Restoration – Activity Level 2	689	1.75:1	1,206
Total:		5,227		9,147

6. **WATER QUALITY CERTIFICATION:** For any potential work in Waters of the United States a permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)
Section 401 Coordinator
PO Box 1049
Columbus, Ohio 43266-0149
Telephone Number: 614-644-2001

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 there are no properties currently listed on the register which are in the vicinity of the proposed work. 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:** Issuance of a public notice regarding proposed mitigation banks is required pursuant to the “Compensatory Mitigation for Losses of Aquatic Resources; Final Rule,” (Rule) as published in the April 10, 2008, Federal Register, Vol. 73, No. 70, Pages 19594-19705 (33 CFR Parts 332). The United States (U.S.) Army Corps of Engineers’ (Corps) 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 this proposed mitigation bank.

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. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny approval 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.

11. **RESPONSES:** 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 approve or deny the request. All responses to this notice should be directed to the Regulatory Division, 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-OP-F 2012-1750 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. 20-38

FOR THE DISTRICT ENGINEER:










//SIGNED//

Tyler J. Bintrim
Chief, North Branch, Regulatory Branch

ANTICIPATED HABITAT

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|--|---|
|  RE-ESTABLISHED NON-FORESTED WETLANDS |  REHABILITATED WETLANDS (TO BE NON-FORESTED) |
|  RE-ESTABLISHED FORESTED WETLANDS |  REHABILITATED WETLANDS (TO BE FORESTED) |
|  RE-ESTABLISHED WETLANDS/UPLANDS MOSAIC |  STREAM RESTORATION AREA |
|  RE-ESTABLISHED FORESTED UPLANDS | |

NOTE - THE RESTORED STREAM CHANNEL LAYOUT SHOWN IS A CONCEPTUAL DESIGN; DETAILED STREAM DRAWINGS TO BE DEVELOPED BY THE PROJECT ENGINEER.

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|  PROJECT LIMITS |
|  PERIMETER SETBACK |
|  RESTORED STREAM CHANNEL |
|  OUTLET STRUCTURE |
|  SILT FENCE |
|  BERM |
|  MINI-BERM |
|  OUTLET PIPE |
|  CONSTRUCTION ENTRANCE |

