



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. LRP 2021-138

Date: April 28, 2021

Notice No. 21-21

Closing Date: May 28, 2021

1. TO ALL WHOM IT MAY CONCERN:

H&H Materials Inc. has submitted a prospectus to the Pittsburgh District Corps of Engineers to develop and operate Sandy Lake 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restored, established, enhanced, or preserved wetlands or streams are expressed as "credits" which may subsequently be withdrawn to offset "debits" incurred at a project development site(s).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 wetland creation plan that would generate credits to be used as compensatory mitigation for activities authorized by DA permits. The Sandy Lake Mitigation Bank proposal has adequately addressed the mitigation requirements as defined in 33 CFR 332.4.

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 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.

3. SPONSOR: H&H Materials, Inc.
190 Canon Road
Stoneboro, Pennsylvania 16153

4. LOCATION: The proposed mitigation bank is located on a portion of two

contiguous parcels (32-acre parcel 67-591-005 and 17-acre parcel 67-591-004) near the confluence of McCutcheon Run and Sawmill Run in the Hydrologic Unit Code (HUC) 05010003 Middle Allegheny-Tionesta, in Sandy Lake Borough, Mercer County, Pennsylvania (41.35065, -80.09269).

5. PURPOSE AND DESCRIPTION OF WORK: The purpose of the Bank is to create new wetlands that will provide mitigation credits compensating for unavoidable impacts to Waters of the U.S. authorized under sections 401 and 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, and Waters of the Commonwealth under Title 25 Chapter 105 of the Pennsylvania Code. The type of compensatory mitigation proposed by the bank is the creation of approximately 5 acres of new groundwater-fed palustrine wetlands to be created in depressions resulting from excavation of upland areas during the sand and gravel mining and backfilled with soil amendments and wetland substrate. No permanent impacts to existing waters or Section 404 permit will be required to construct the wetlands.

6. 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.

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and the Pennsylvania Historic and Museum Commission has determined that there will be no effect to historic properties associated with this project. 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).

8. 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.

9. 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).

10. 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

CELRP-OP-F
Public Notice No. 21-21

Please refer to CELRP-REG-N **2021-138** in all responses.

U.S. Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

FOR THE DISTRICT ENGINEER:

//SIGNED//

Tyler J. Bintrim
Chief, North Branch,
Regulatory Division

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