

## **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. 2016-668

Date: October 12, 2016

Closing Date: November 11, 2016

Notice No. 16-51

TO ALL WHOM IT MAY CONCERN: The sponsor has submitted a draft mitigation site plan as a prospectus to the Pittsburgh District Corps of Engineers and the other members of the West Virginia Interagency Review Team (IRT) to develop and operate The Randolph-I 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restored, established, enhanced, or preserved wetlands or streams are expressed as "credits" which may subsequently be withdrawn to offset "debits" incurred at a project development site(s).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 preservation and restoration plan that would generate credits to be used as compensatory mitigation for activities authorized by DA permits. The Randolph-I Mitigation Bank proposal has adequately addressed the mitigation requirements as defined in 33 CFR 332.4.

2. <u>APPLICANT</u>: EBX-EM

137 ½ East Main Street

Suite 210

Oak Hill, West Virginia 25901

- 3. <u>LOCATION</u>: The proposed mitigation bank is located on tributary headwaters of Laurel Fork of Dry Fork of Black Fork of Cheat River; southwest of the town of Whitmer in Randolph County, West Virginia off of Route 40 Dry Fork Road. It is located in the Tygart Valley watershed (HUC 050200001) and has an approximate center at Latitude 38.788264N and Longitude -79.624513W.
- 4. <u>PURPOSE AND DESCRIPTION OF WORK</u>: The applicant/sponsor proposes to construct and operate the Randolph-I Mitigation Bank on a 108 acre site of a larger 407.20 acre tract of land owned by EBX-EM. Forty-four (44) stream channels totaling 21,607 linear feet of stream were identified on site. Perennial streams totaling approximately 3,280 linear feet were

delineated within the study area. Intermittent streams totaling approximately 13,599 linear feet were delineated within the study area. Ephemeral streams totaling approximately 4,728 linear feet were delineated within the study area. Thirteen (13) wetlands totaling 1.17 acre were also identified on site. All wetlands were considered emergent.

The goal of the Randolph-I Mitigation Bank is to enhance and preserve self-sustaining, functional streams and wetlands, while restoring properly functioning riparian areas. Within the site, EBX-EM proposes to perform enhancement and preservation by replanting cleared areas with native red spruce trees, treating for invasive species removal and adding large woody debris in planted riparian areas where there currently is none. The site will be preserved and protected while the remaining 299 upland acres of the broader 407 acre tract will be kept available for future upland mitigation. The sponsor proposes that the site will generate 0.21 wetland credits and 3,192 stream credits.

5. <u>WEST VIRGINIA CERTIFICATION</u>: This permit decision will not be made until the State of West Virginia, Division of Environmental Protection (WVDEP), issues, denies, or waives State Certification. This public notice does not serve as application to the WVDEP for certification required by Section 401 of the Clean Water Act. An individual 401 water quality certification (WQC) may be required for this proposed activity in conjunction with the Section 10 of the Rivers and Harbors Act permit and/or Section 404 of the Clean Water Act permit. The applicant must apply directly to the WVDEP for an individual 401 WQC. The WVDEP will also consider whether or not the proposed activity will comply with sections 301, 302, 303, 306, 307 of the Clean Water Act or any other appropriate State laws. Please contact the below to determine if an individual 401 WQC is required for this proposed activity:

Ms. Wilma Reip, 401 Program Manager

Phone: 304-962-0499 ext. 1599 E-mail: Wilma.reip@wv.gov

- 6. <u>IMPACT ON NATURAL RESOURCES</u>: The District Engineer has consulted the most recently available information and has determined that the project will have no effect on endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. While concurrence with this determination is not required, 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).
- 7. <u>IMPACT ON CULTURAL RESOURCES</u>: 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 would be directly affected by the proposed work. 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

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(including Public Law 96-515).

- 8. <u>PUBLIC INVOLVEMENT</u>: 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.
- 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. <u>RESPONSES</u>: 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, comments can be mailed to:

U.S. Army Corps of Engineers, Pittsburgh District 1000 Liberty Avenue Pittsburgh, PA 15222-4186 Re: Public Notice CELRP-OP-F No. 16-51

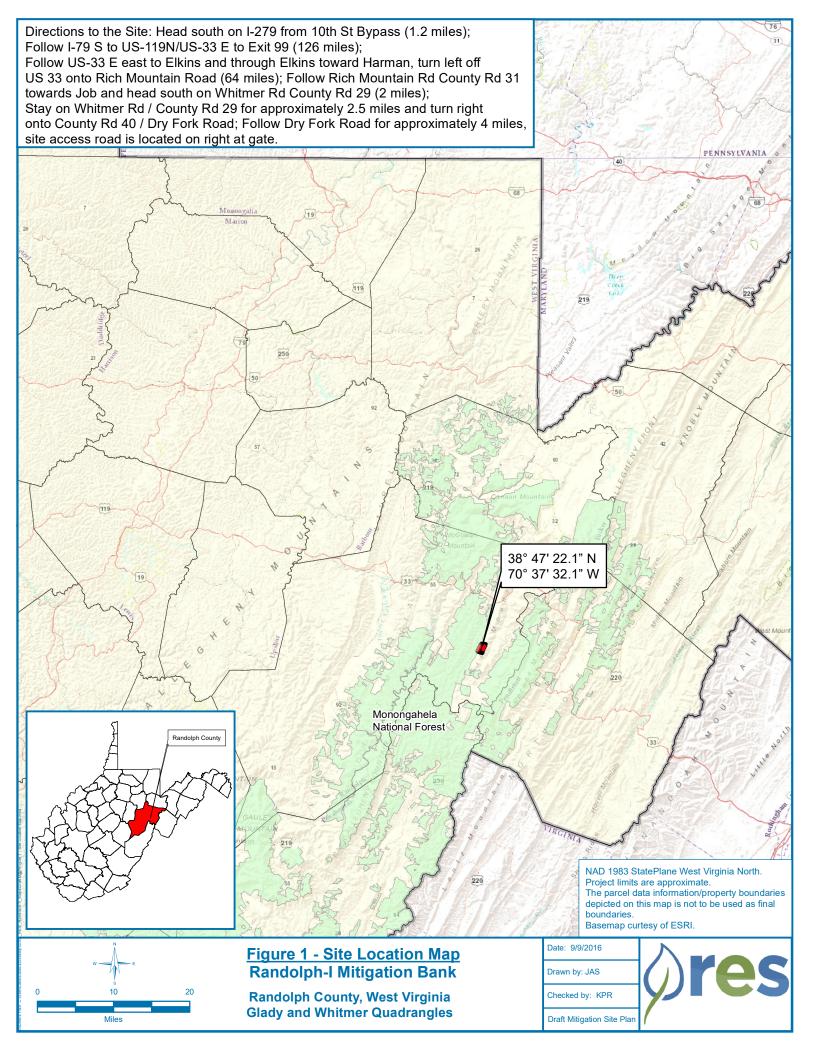
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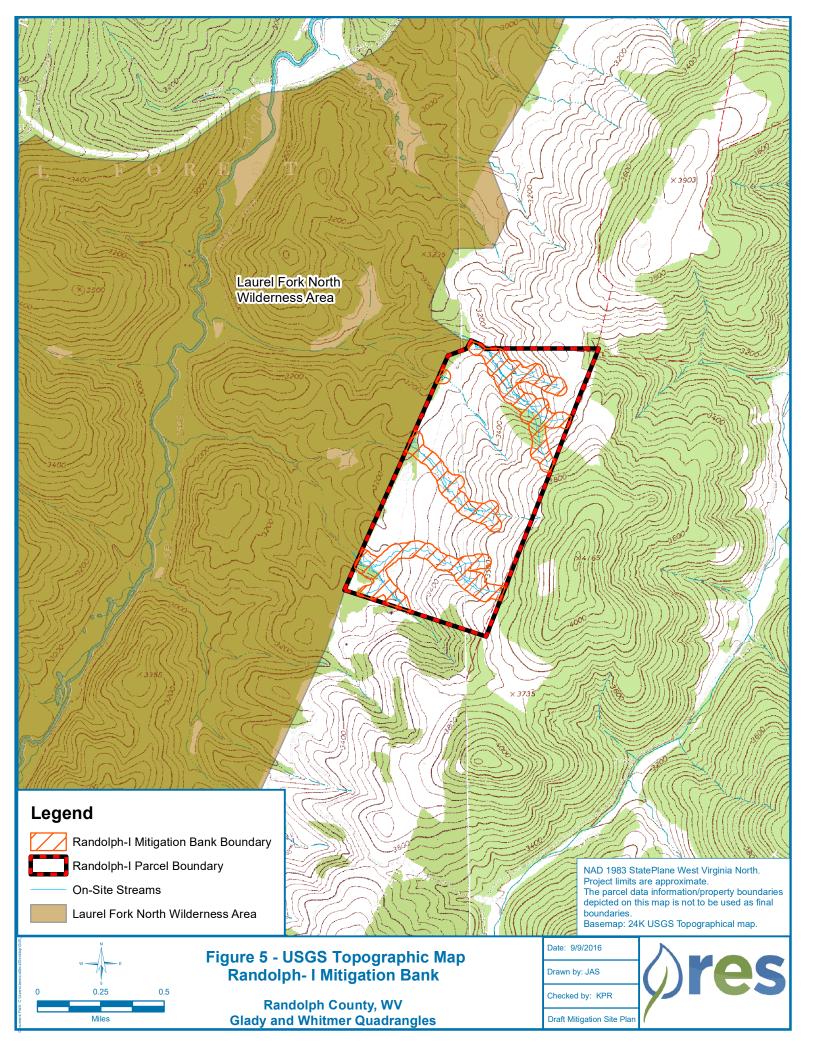
Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Matthew Gilbert at the above address, by telephoning (412) 395-7189, or by e-mail at matthew.c.gilbert@usace.army.mil. Please refer to CELRP-OP-F 2016-668 in all responses.

FOR THE DISTRICT ENGINEER:

/signed/

Scott A. Hans Chief, Regulatory Branch





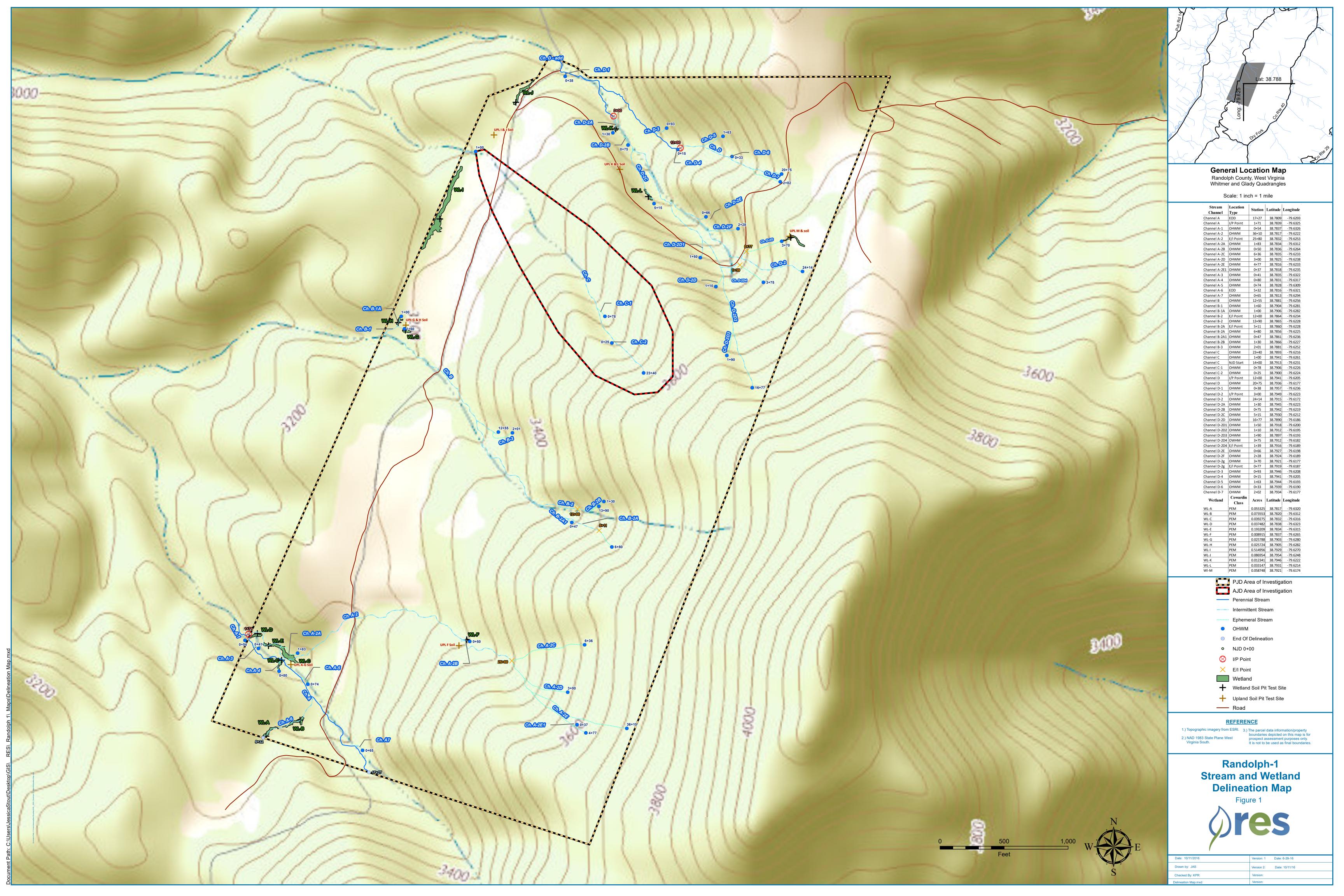


Table 1: Randolph-1 Mitigation Bank Stream Characteristics					ics	
Stream ID	Delineated Length (Linear Feet)	Interpreted Stream Class	Isolated Channel	OHWM	Upstream Latitude	Upstream Longitude
Channel A	1727	Perennial	N	*	38.7809	-79.6293
Channel A1	54	Ephemeral	N	0+54	38.7837	-79.6326
Channel A2	2580	Intermittent	N	36+10	38.7832	-79.6253
Charinei Az	1030	Ephemeral			38.7817	-79.6222
Channel A2A	183	Ephemeral	N	1+83	38.7834	-79.6312
Channel A2B	50	Intermittent	N	0+50	38.7836	-79.6264
Channel A2C	636	Ephemeral	N	6+36	38.7835	-79.6233
Channel A2D	300	Ephemeral	N	3+00	38.7825	-79.6238
Channel A2E	477	Ephemeral	N	4+77	38.7816	-79.6233
Channel A2E1	37	Ephemeral	N	0+37	38.7818	-79.6235
Channel A3	41	Intermittent	N	0+41	38.7835	-79.6322
Channel A4	80	Intermittent	N	0+80	38.7831	-79.6317
Channel A5	74	Ephemeral	N	0+74	38.7828	-79.6309
Channel A6	532	Intermittent	N	*	38.7816	-79.6321
Channel A7	65	Intermittent	Ν	0+65	38.7813	-79.6294
Channel B	1255	Intermittent	N	12+55	38.7881	-79.6256
Channel B1	160	Intermittent	N	1+60	38.7904	-79.6281
Channel B1A	100	Intermittent	N	1+00	38.7906	-79.6282
Channel B2	1200	Intermittent	N	13+90	38.7864	-79.6234
CHAINICI DZ	190	Ephemeral	IV	13+70	38.7865	-79.6228
Channel B2A	269	Intermittent	N	4+38	38.7860	-79.6228
CHAIIIIEI DZA	169	Ephemeral	IV	4130	38.7856	-79.6225
Channel B2A1	0+47	Intermittent	N	0+47	38.7861	-79.6236
Channel B2B	130	Ephemeral	N	1+30	38.7866	-79.6227
Channel B3	201	Ephemeral	N	2+01	38.7881	-79.6252
Channel C	100	Intermittent	N	23+40	38.7941	-79.6261
Charmer C	940	Intermittent	Υ		38.7920	-79.6239
Channel C1	78	Ephemeral	Υ	0+78	38.7906	-79.6226
Channel C2	25	Ephemeral	Υ	0+25	38.7900	-79.6224
Channel D	1200	Perennial	N	20+75	38.7941	-79.6205
	875	Intermittent	IV		38.7936	-79.6177
Channel D1	38	Perennial	N	0+38	38.7957	-79.6236
Channel D2	300	Perennial	N	24+14	38.7949	-79.6223
	2114	Intermittent			38.7915	-79.6172
Channel D2A	130	Intermittent	N	1+30	38.7945	-79.6223
Channel D2B	75	Ephemeral	N	0+75	38.7942	-79.6219
Channel D2C	515	Intermittent	N	5+15	38.7930	-79.6212
Channel D2D	1677	Intermittent	N	16+77	38.7890	-79.6186

Table 1: Randolph-1 Mitigation Bank Stream Characteristics					ics	
Stream ID	Delineated Length (Linear Feet)	Interpreted Stream Class	Isolated Channel	OHWM	Upstream Latitude	Upstream Longitude
Channel D2D1	150	Intermittent	N	1+50	38.7918	-79.6200
Channel D2D2	110	Ephemeral	Ν	1+10	38.7912	-79.6195
Channel D2D3	190	Ephemeral	N	1+90	38.7897	-79.6193
Channel D2D4	77	Intermittent	N	3+75	38.7916	-79.6189
	298	Ephemeral			38.7912	-79.6182
Channel D2E	66	Intermittent	N	0+66	38.7927	-79.6198
Channel D2F	228	Intermittent	Ν	2+28	38.7924	-79.6189
Channel D2G	139	Intermittent	N	3+70	38.7919	-79.6187
	231	Ephemeral			38.7921	-79.6177
Channel D3	93	Intermittent	N	0+93	38.7946	-79.6208
Channel D4	15	Perennial	Ν	0+15	38.7941	-79.6205
Channel D5	163	Intermittent	N	1+63	38.7944	-79.6193
Channel D6	33	Ephemeral	N	0+33	38.7939	-79.6190
Channel D7	207	Ephemeral	N	2+02	38.7934	-79.6177
Total	21,607 * Delineation stopped at property boundary					

Table 2 Randolph #1 Wetland Characteristics						
Wetland ID	Area (acre <sup>2</sup> )	Classification	Coordinates			
Wetland A	0.055	PEM	38.7817	-79.6320		
Wetland B	0.074	PEM	38.7820	-79.6312		
Wetland C	0.039	PEM	38.7832	-79.6316		
Wetland D	0.037	PEM	38.7838	-79.6323		
Wetland E	0.193	PEM	38.7834	-79.6315		
Wetland F	0.009	PEM	38.7837	-79.6265		
Wetland G	0.026	PEM	38.7903	-79.6280		
Wetland H	0.026	PEM	38.7905	-79.6282		
Wetland I	0.515	PEM	38.7929	-79.6270		
Wetland J	0.087	PEM	38.7954	-79.6248		
Wetland K	0.012	PEM	38.7946	-79.6222		
Wetland L	0.033	PEM	38.7931	-79.6214		
Wetland M	0.059	PEM	38.7921	-79.6174		
Total	1.17					

		Table 3:	Randolph-1 Mitigation Bank Stream Summary			
Stream Classification	Jurisdictional Channel Length (If) <sup>1</sup>	Isolated Channel Names <sup>2</sup>	Isolated Channel Length (If) <sup>3</sup>	Disconnected Length (If) <sup>4</sup>	Total Delineated Length <sup>5</sup>	
Perennial	3,280		0	0	3,280	
Intermittent	12,659	С	940	1400	13,599	
Ephemeral	4,625	C1 C2	78 25	0	4,728	
TOTAL	20,564		1,343	900	21,607	

Aquatic features identified by RES which the USACE will likely consider jurisdictional "Waters of the United States"

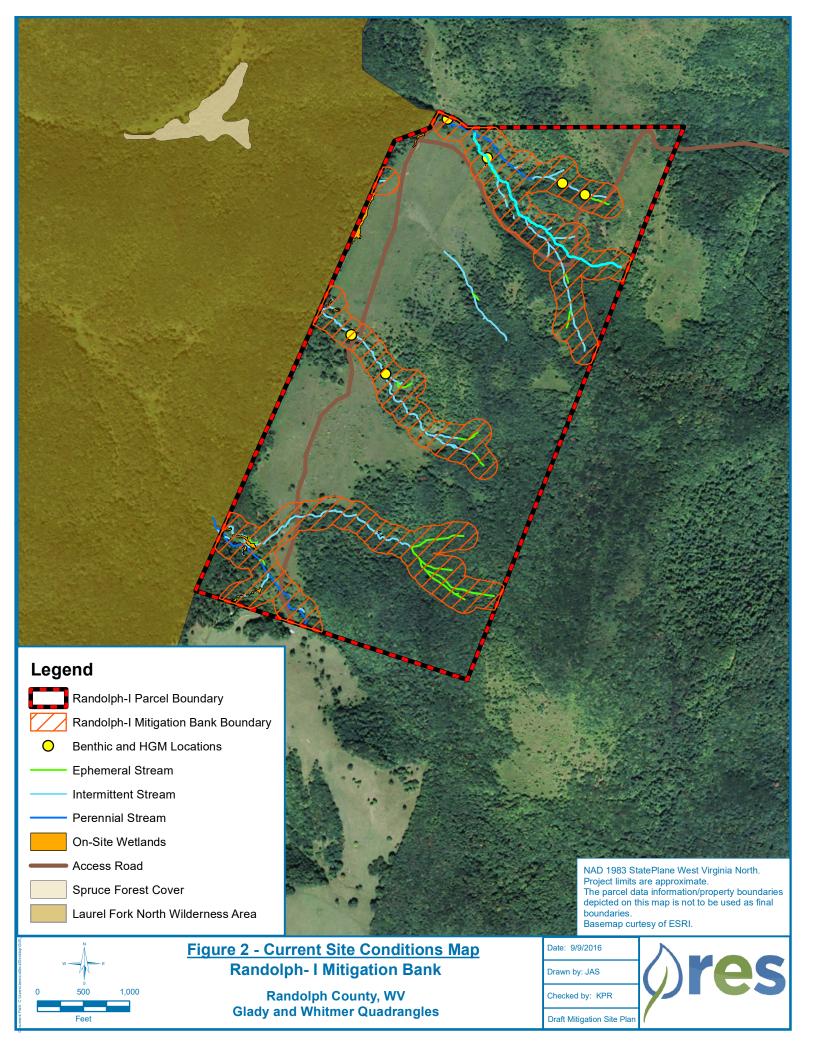
<sup>&</sup>lt;sup>2</sup> Probable jurisdictional channels that have no hydrological connection to downstream waters

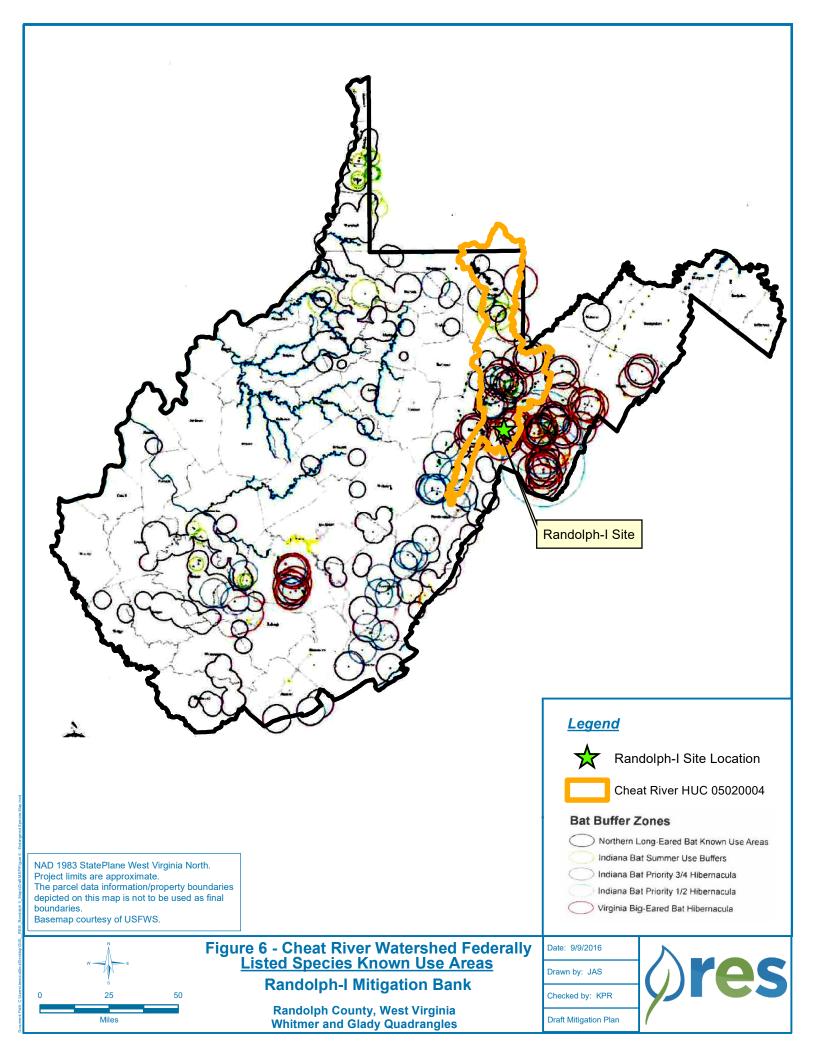
<sup>&</sup>lt;sup>3</sup> Length of isolated channel per stream classification

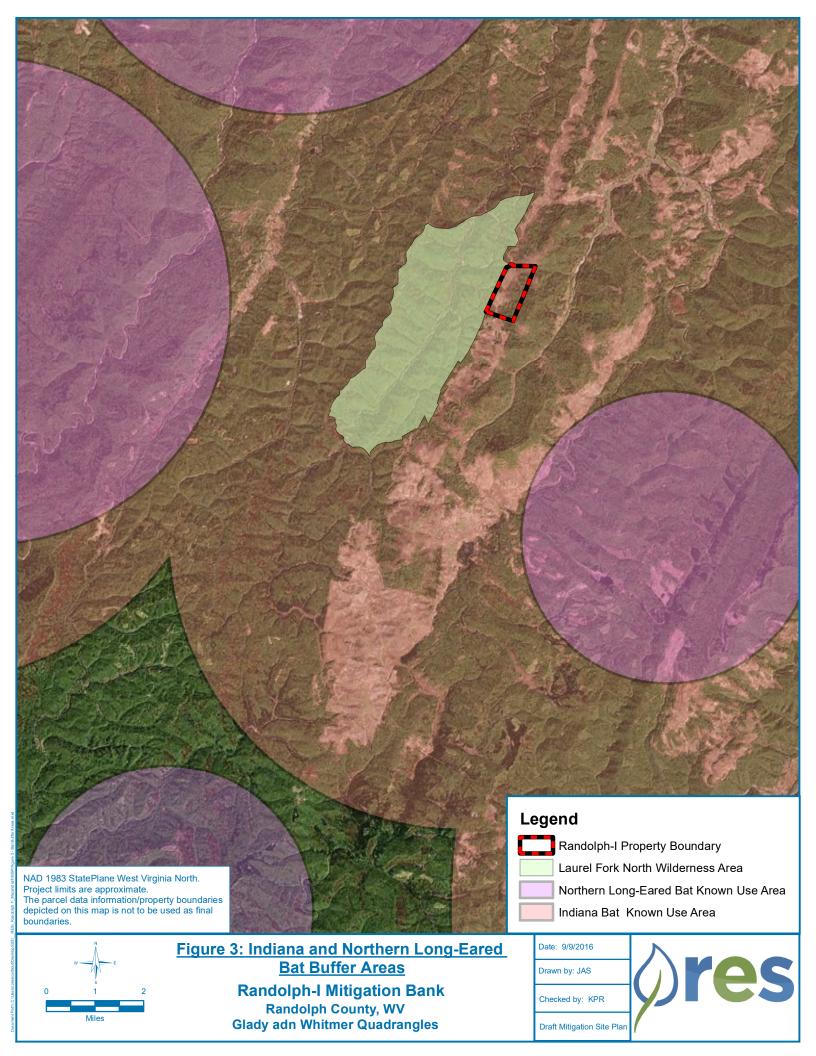
<sup>&</sup>lt;sup>4</sup> Approximate lengths from channel start to the main channel that it would connect to downstream

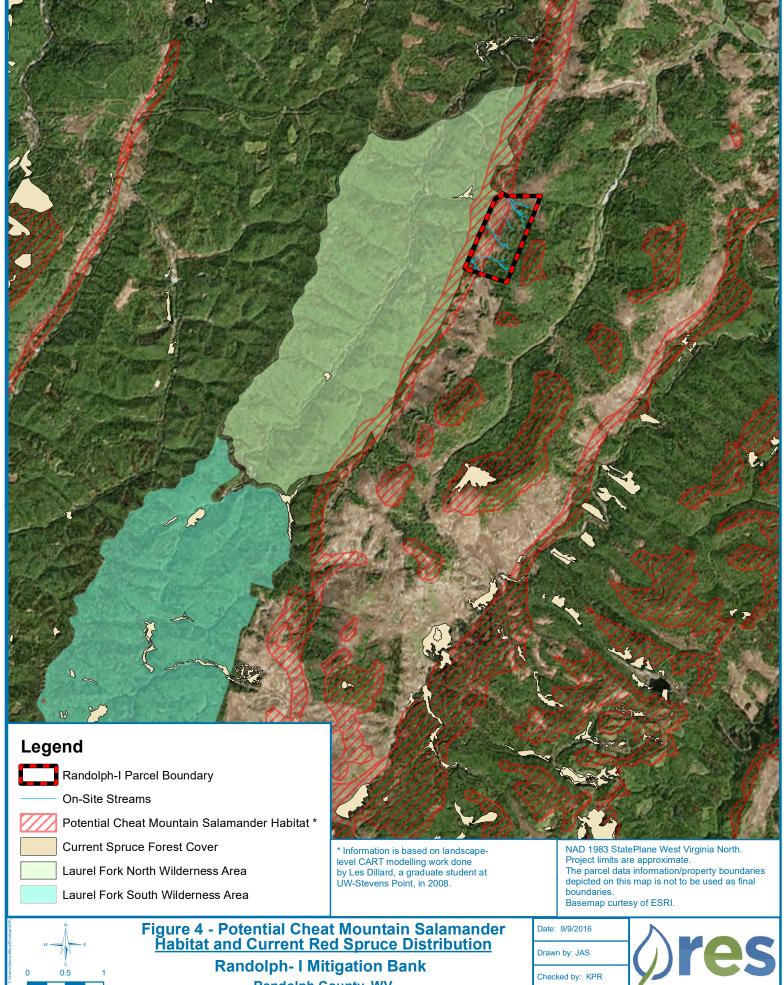
<sup>-</sup> length is counted in Isolated Channel Length

<sup>&</sup>lt;sup>5</sup> Includes isolated and un-isolated lengths









Randolph County, WV **Glady and Whitmer Quadrangles** 

Draft Mitigation Site Pla

