



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. 2017-547

Date: May 31, 2017

Notice No. 17-32

Closing Date: July 1, 2017

1. TO ALL WHOM IT MAY CONCERN: The sponsor has submitted a prospectus to the Pittsburgh District Corps of Engineers to develop and operate The Seven Pines 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restored, established, enhanced, or preserved wetlands or streams are expressed as “credits” which may subsequently be withdrawn to offset “debits” incurred at a project development site(s).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 Seven Pines Mitigation Bank proposal has adequately addressed the mitigation requirements as defined in 33 CFR 332.4.

2. APPLICANT: EBX-EM
137 ½ East Main Street
Suite 210
Oak Hill, West Virginia 25901

3. LOCATION: The proposed mitigation bank is located lies wholly within the 5,340-acre watershed of Bartholomew Fork off of County Road 3 in Marion County, West Virginia. The Site is located at the edge of the Monongahela River Watershed (HUC 05020003) and Marion County, with Wetzel County and the Middle Ohio North Watershed (HUC 05030201) on the other side of the ridge (39.5912/-80.4762). Bartholomew Fork flows into Buffalo Creek of Monongahela River.

4. PURPOSE AND DESCRIPTION OF WORK: The applicant/sponsor proposes to construct and operate the Seven Pines Mitigation Bank on a 77-acre Site that will result in the restoration, enhancement and preservation of approximately 26,961 feet of headwater tributaries and establishment of approximately 1,071 feet of connecting tributaries. There are twelve (12) streams which no longer have a downstream connection, which EBX-EM will reconnect to the downstream watershed. The areas in which the establishment streams will be created have no

current baseline stream conditions.

Project Goals:

To restore hydrology, hydraulic and geomorphic functions to stream and riparian ecosystems within the Site boundary.

Hydrology

- *Reconnect streams disconnected by old roads or fields.*
- *Improve the overall watershed through restoration and permanent preservation of riparian areas.*
- *Re-establish floodplain wetlands.*
- *Restore floodplain connectivity.*
- *Restore groundwater/surface water interactions to degraded wetland and stream systems.*
- *Improve watershed hydrology through restoration and permanent preservation of riparian areas.*

Geomorphology

- *Reduce bank erosion and improve lateral and horizontal channel stability.*
- *Improve bed form diversity.*

Site Characteristics

- *Restore native and appropriate vegetation communities.*
- *Improve habitat for wildlife.*
- *Remove invasive plant species.*

Stream Mitigation Type	Stream Class	Approximate Length		Estimated Total Credits	
Stream Restoration Level I	Perennial	7,602	10,392	2,714	4,075
	Intermittent	1,775		955	
	Ephemeral	1,015		406	
Stream Restoration Level III	Perennial	267	2,240	46	931
	Intermittent	1,102		456	
	Ephemeral	871		429	
Stream Establishment	Perennial	258	1,047	284	1,246
	Intermittent	112		145	
	Ephemeral	677		817	
Stream Enhancement	Perennial	0	1,110	0	286
	Intermittent	370		102	
	Ephemeral	740		184	
Stream Preservation	Perennial	156	13,172	15	1,486
	Intermittent	3,153		369	
	Ephemeral	9,863		1,102	
Totals			27,961		8,024

5. WEST VIRGINIA CERTIFICATION: 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. IMPACT ON NATURAL RESOURCES: 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. 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 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 (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, comments can be mailed to:

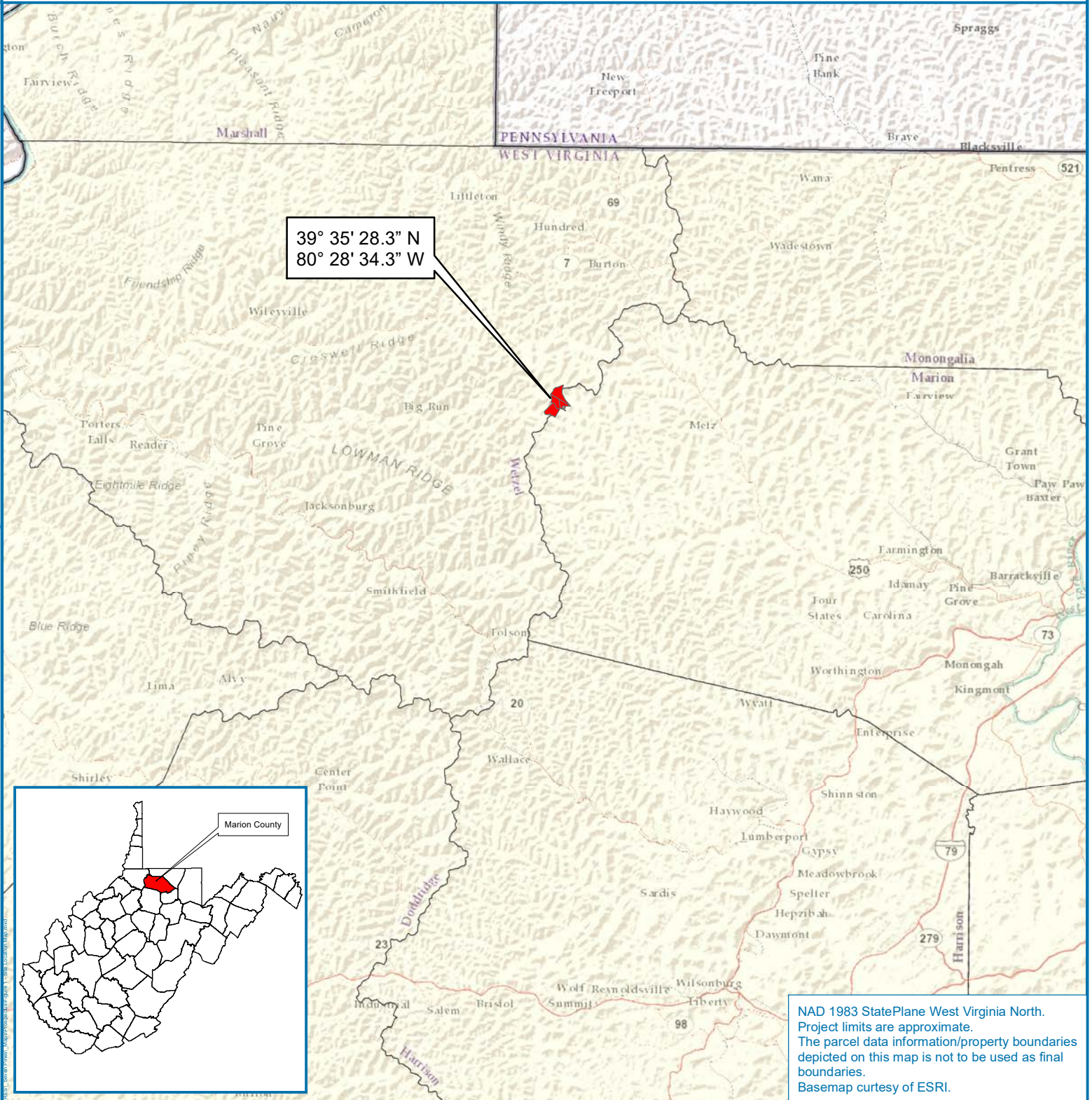
U.S. Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Re: Public Notice CELRP-OP-F No. 16-51

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 2017-547 in all responses.

FOR THE DISTRICT ENGINEER:

Jon Coleman
Chief, South Section, Regulatory Branch

Directions to the Site: Head west on I-376 W (5.4 miles). Take exit 64A to merge onto I-79 S toward Washington (21.1 miles). Keep left to stay on I-79 S, follow signs for I-70 E/ I-79S New Stanton/ Morgantown (3.5 miles). Take exit 21 for I-79 S towards Morgantown, continue I-79 for (14.8 miles). Take exit 19 for US 19 toward PA-221/Jefferson/Ruff Creek, stay on US 19 S for (3 miles). Turn right onto McNay Hill Rd (0.7 miles). Turn left onto Water Dam Rd (1.4 miles). Slight left onto PA-18 S (0.3 miles). Turn right onto PA-18 S/PA-21 W (6 miles). Turn left onto PA-18 S (16 miles). Continue onto WV-69 S (3.5 miles). Turn left onto US-250 S/ Main St (0.6 miles). Turn right onto WV-7 (3.1 miles). Slight left onto Wiley Fork-Long Drain Rd/ Willey Fork Rd (2.0 miles). Turn left to stay on Wiley Fork-Long Drain Rd/ Willey Fork Rd (3.6 miles). Turn left onto Co Rd 3 (0.4 miles). Site is located on down at the bottom of the hill.



**Figure 1 - Site Location Map
Seven Pines Mitigation Bank**

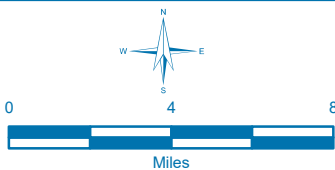
**Marion County, West Virginia
Glover Gap Quadrangle**

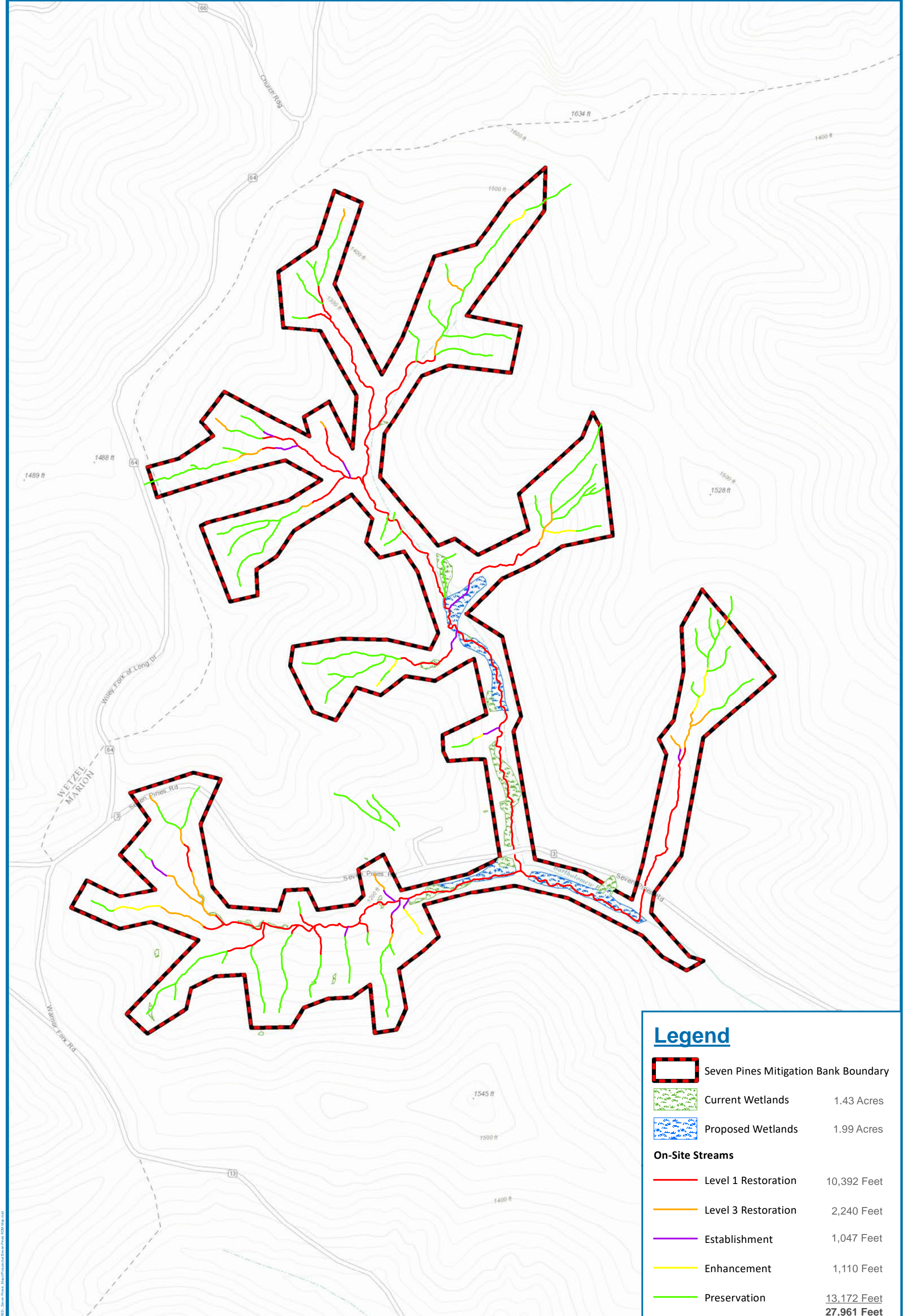
Date: 4/28/2017

Drawn by: JAS

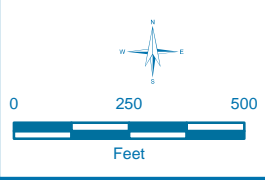
Checked by: KPR

Draft Mitigation Site Plan





Legend	
	Seven Pines Mitigation Bank Boundary
	Current Wetlands 1.43 Acres
	Proposed Wetlands 1.99 Acres
On-Site Streams	
	Level 1 Restoration 10,392 Feet
	Level 3 Restoration 2,240 Feet
	Establishment 1,047 Feet
	Enhancement 1,110 Feet
	Preservation <u>13,172 Feet</u>
	27,961 Feet



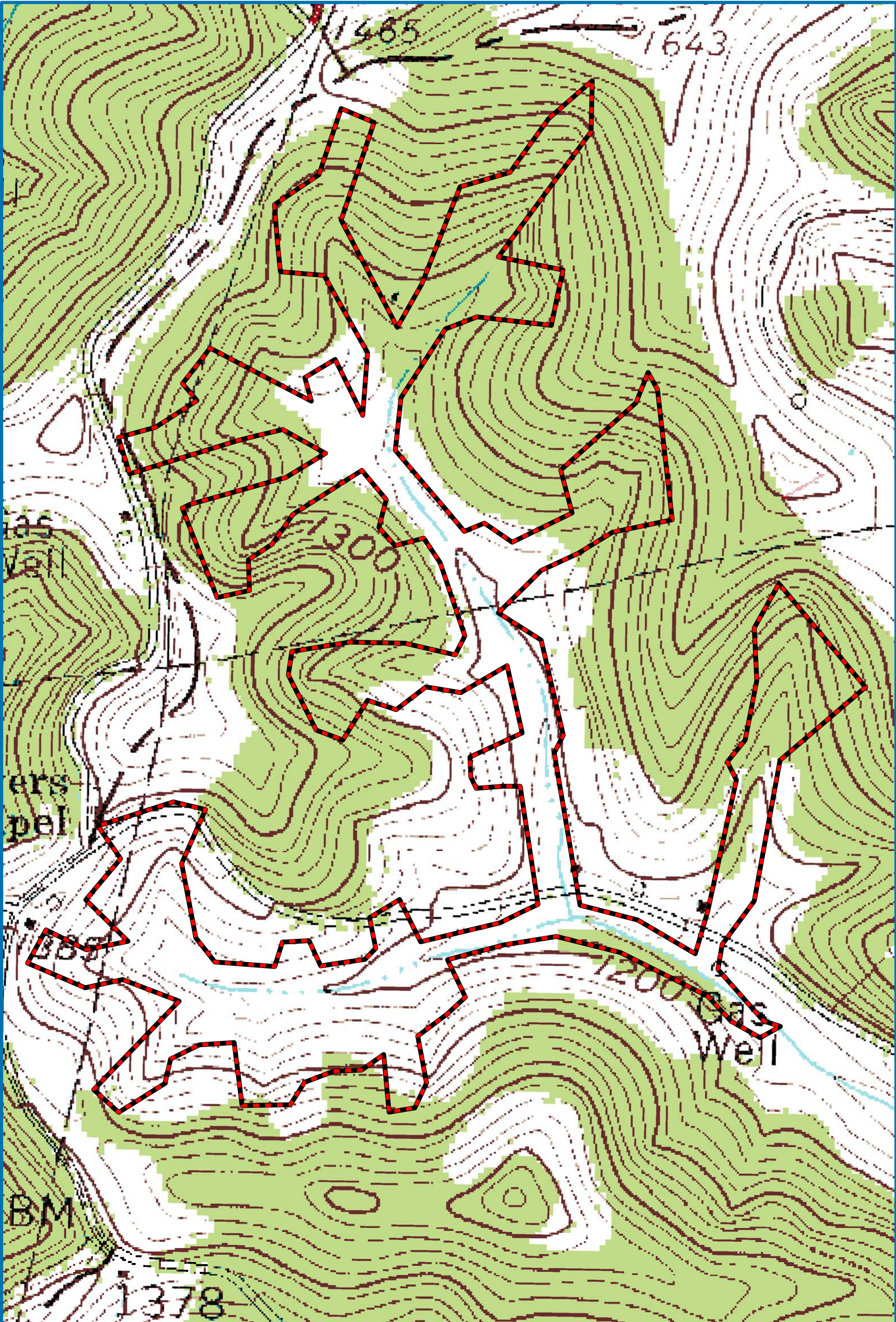
**Figure 2: Proposed Resource Development Map
Seven Pines Mitigation Bank**

Marion County, West Virginia
Glover Gap Quadrangle

Date: 4/28/2017
Drawn by: JAS
Checked by: KPR



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 User: jcasar



**Figure 3: USGS Topographical Map
Seven Pines Mitigation Bank**

Marion County, West Virginia
Glover Gap Quadrangle

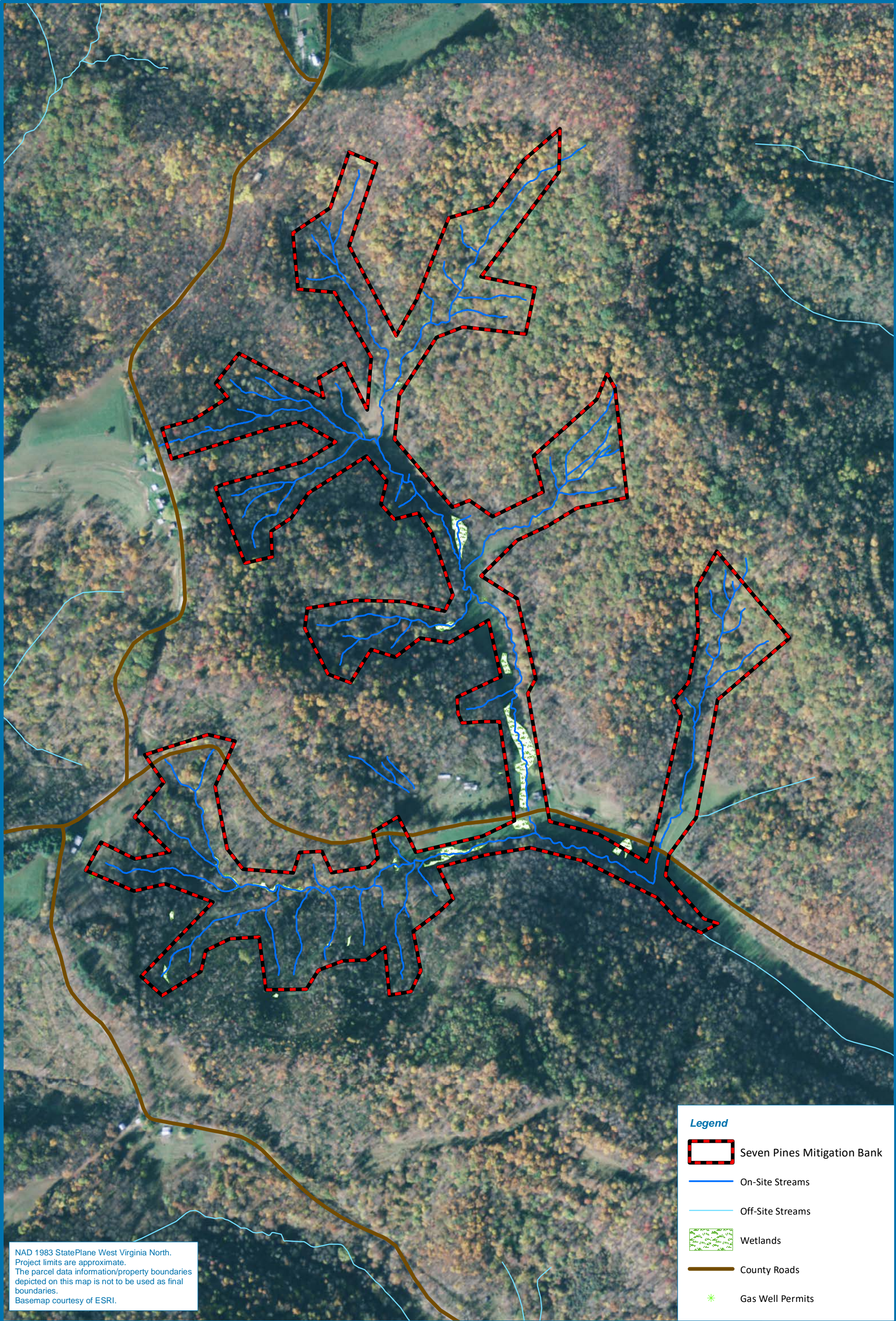
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Checked by: KPR

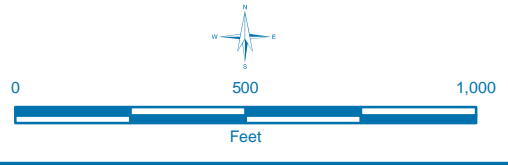


Government Printing Office: 2017-04-28 10:00 AM



NAD 1983 StatePlane West Virginia North.
 Project limits are approximate.
 The parcel data information/property boundaries
 depicted on this map is not to be used as final
 boundaries.
 Basemap courtesy of ESRI.

Legend	
	Seven Pines Mitigation Bank
	On-Site Streams
	Off-Site Streams
	Wetlands
	County Roads
	Gas Well Permits



**Figure 4: Existing Conditions Map
 Seven Pines Mitigation Bank**
 Marion County, West Virginia
 Glover Gap Quadrangle

Date: 4/28/2017
 Drawn by: JAS
 Checked by: KPR



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