



# 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-2017-0092

Date: 2/2/2017

Notice No. 17-03

Closing Date: 3/2/2017

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act.
  
2. APPLICANT: Jaime Masters  
ADESA Pennsylvania, LLC  
13085 Hamilton Crossing Blvd  
Carmel, IN 46032  
  
AGENT: Andrew Young  
ECS Mid-Atlantic, LLC  
56 Grumbacher Road, suite D  
York, PA, 17406
  
3. LOCATION: Sewickley Creek watershed. The proposed work area is located at 254 New Fox School Road, New Stanton, Hempfield Township, Westmoreland County, Pennsylvania (coordinates: 40.216272, -79.642798).
  
4. PURPOSE AND DESCRIPTION OF WORK: Due to business growth, the Applicant has found a need to expand inventory-vehicle storage capacity. The Applicant proposes to construct a 26,930 square-foot auction facility with 626 customer and employee parking spaces and a 14-acre storage lot to store the additional vehicles. This construction (building construction, utility installation, asphalt paving, SWM facility construction, and landscaping) will result in permanent fill of an ephemeral unnamed tributary to Sewickley Creek (897 linear feet) and two palustrine emergent wetlands (0.55 acres). The Applicant proposes in-kind, on-site mitigation of these resources with creation of 1,731 linear feet of a vegetated swale around the site and a 0.55-acre wetland in the southeastern corner of the site. (Another 1.39-acre wetland on-site would be preserved.) Best management practices of erosion and sedimentation controls would be in place during construction. Maps of the project are attached.

5. ENCROACHMENT PERMIT: For the permit, a Water Obstruction and Encroachment Permit must be obtained, which includes 401 Water Quality Certification from the Pennsylvania Department of Environmental Protection. The Applicant has applied for a General 401 permit and is awaiting decision. 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

6. IMPACT ON NATURAL RESOURCES: Sewickley Creek is classified as a warm-water fishery draining 168 square miles of cities, boroughs, farms, and wild scenic areas. The proposed project site is on the same street as the active ADESA facility, near the base of Bald Hill. It is mostly pervious with several small structures, a gas well pad, and a service road. Onsite, there is an ephemeral unnamed tributary to Sewickley Creek (897 linear feet), 1.36-acre wetland and two additional wetlands totaling 0.55 acres in the south corner. Sewickley Creek is known as a trout-stocked fishery; however the portion that is trout-stocked is 8 miles upstream from the outfall of this tributary, and would not be impacted by this proposal. Water quality monitoring by the Applicant estimated that the water quality impacts from this project, including the mitigation, would be beneficial. A Pennsylvania Natural Diversity Index survey was conducted on August 17, 2016, and found that the proposed project was in the range of the endangered Indiana Bat (*Myotis sodalis*). For this reason, the U.S. Fish and Wildlife Service detailed specific avoidance measures to be incorporated into the project. If the Applicant agrees to adhere to these measures, no further coordination is required with the Service. The District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect endangered 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 potentially endangered or threatened species may be present in the area which would be affected by the project, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).
7. IMPACT ON CULTURAL RESOURCES: The Pennsylvania Historical and Museum Commission has been contacted by the Applicant, and indicated that a Phase 1 survey was required. The survey was done in October 2016. The Commission has not yet determined whether the proposed activity would have no adverse effect on archeological

or architectural resources. A determination is expected in February 2017. 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).

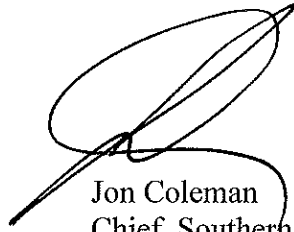
8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.
  
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, floodplain 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

CELRP-OP-F

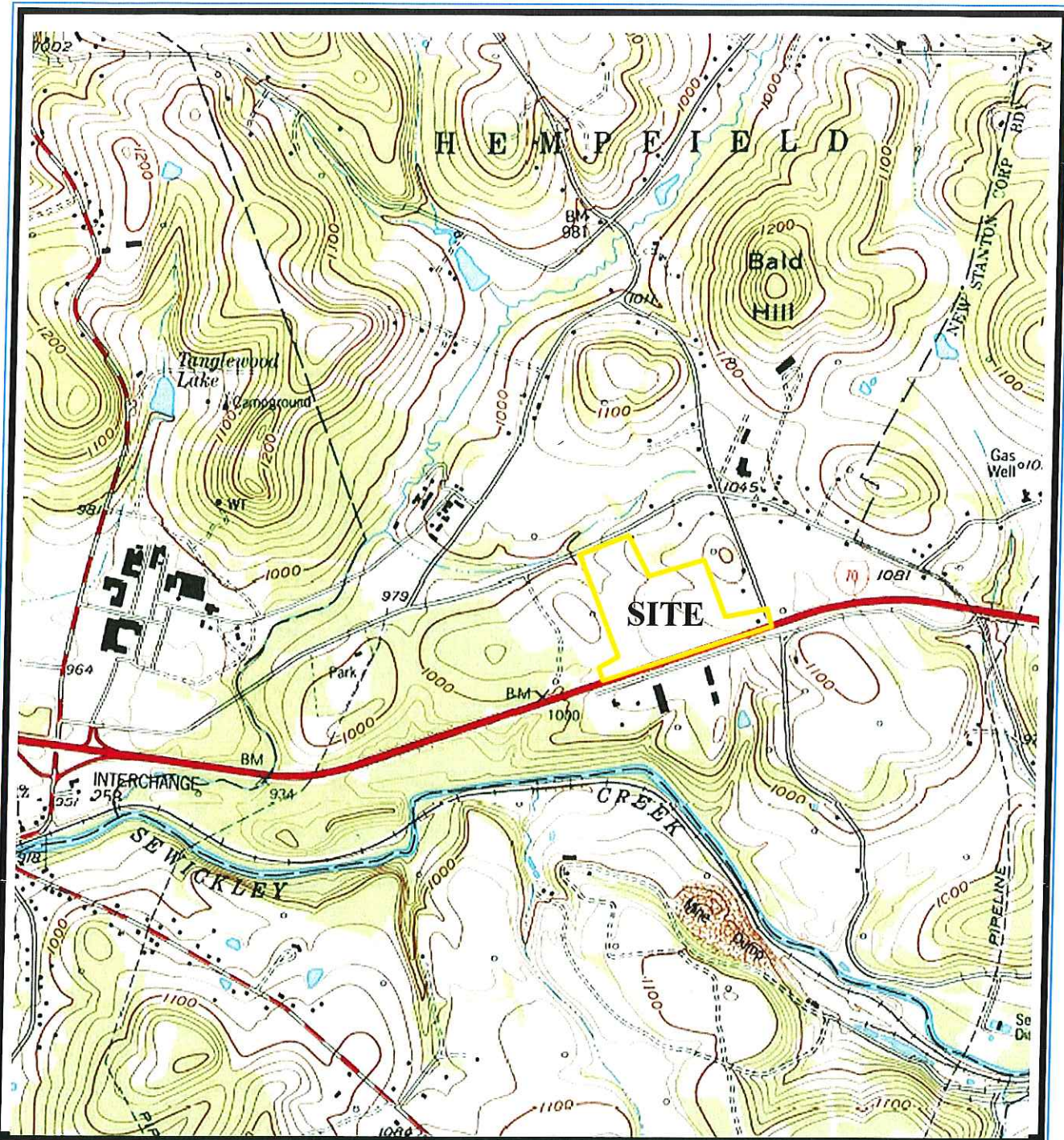
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received during this period may be forwarded to the Applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this Notice should be directed to the Regulatory Branch, attn: Alani Taylor at the above address, by telephoning (412)395-7107, or by e-mail at [alani.taylor@usace.army.mil](mailto:alani.taylor@usace.army.mil). Please refer to CELRP-OP-F LRP-2017-0092 in all responses.

FOR THE DISTRICT ENGINEER:

A handwritten signature in black ink, appearing to read "Jon Coleman", written over a faint, illegible background.

Jon Coleman  
Chief, Southern Section  
Regulatory Branch



Source: USGS, Smithton, PA Quadrangle, dated 1997

Scale: NTS



Joint Permit Application

ADESA Auto Auction

254 Fox School Road  
New Stanton, PA 15672



Figure 1

7.5 minute Topographic Map

ECS Project 47-2485  
August 2016

