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 2022-365 Date: August 9, 2022

Notice No. 22-44 Closing Date: September 9, 2022

1. TO ALL WHOM IT MAY CONCERN:

Water and Land Solutions has submitted a prospectus to the Pittsburgh District Corps of Engineers to develop and operate Churchill Valley 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restored, established, enhanced, or preserved wetlands or streams are expressed as "credits" which may subsequently be withdrawn to offset "debits" incurred at a project development site(s).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 restoration plan that would generate credits to be used as compensatory mitigation for activities authorized by DA permits. The Churchill Valley 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. APPLICANT: Water and Land Solutions
P.O. Box 98116
Pittsburgh, Pennsylvania 15227

4. LOCATION: The proposed Bank Site includes headwater tributaries of Chalfant Run (PADEP COMID 39541), which is tributary to Thompson Run (99407502); which is

tributary to the Monongahela River. The site is located on the Churchill Valley Greenway, owned by Allegheny Land Trust, in Churchill Borough and Penn Hills Township, Allegheny County, Pennsylvania (40.4481, -79.8410) in the Lower Monongahela Basin (HUC 05020005, Pennsylvania State Water Plan Watershed 19).

4. PURPOSE AND DESCRIPTION OF WORK: The Bank's mitigation goals and objectives will be based on the current resource conditions, sources of degradation, and functional capacity of the Bank's watershed to improve and protect diverse aquatic resources by applying a floodplain restoration approach. More specifically, watershed goals and management strategies will be met by:

• Goal 1 – Restore stream-floodplain processes
o Strategy 1A: Re-establish connectivity between the stream and its historic floodplain
o Strategy 1B: Remove legacy sediments where present
o Strategy 1C: Create hyporheic zones where the stream has incised to bedrock
o Strategy 1D: Raise local water table using cross-valley groundwater dams
o Strategy 1E: Improve stream geomorphology to reduce stream bank erosion and sources of impairment identified in downstream waters
• Goal 2 – Restore wetlands
o Strategy 2A: Expand/establish stream-wetland complexes through floodplain restoration
o Strategy 2B: Rehabilitate and enhance existing headwater wetlands
o Strategy 2C: Increase attenuation and filtration of stormwater runoff and siltation via created wetlands at the top of the watershed
o Strategy 2D: Remove existing tile drainage
• Goal 3 – Improve biological diversity
o Strategy 3A: Floodplain restoration techniques will reduce suspended sediment and substrate embeddedness, improving substrate quality for macroinvertebrates; we will also provide large woody debris and other instream habitat features
o Strategy 3B: Plant native species to increase vegetation and habitat diversity in terrestrial and aquatic ecosystems
o Strategy 3C: Reforestation of riparian buffers
o Strategy 3D: Control and manage invasive species
• Goal 4 – Provide long-term protection and management
o Strategy 4A: Protect the restored aquatic resources by establishing a conservation easement (CE) that encompasses floodplain widths, generally more than 50 feet from the top of banks of streams, and a fifty-foot buffer around additional wetlands. Placing a CE on the Bank Site will provide long-term protection to streams, wetlands, and aquatic resources.
o Strategy 4B: Designate and fund a third-party long-term steward to provide long-term management and protection of the restored aquatic resources.

These strategies will be used to accomplish the project goals and generate mitigation bank credits in the following tentative amounts:

Aquatic Resource	Re-establishment	Rehabilitation	Enhancement	Total
Streams (feet)	8,418	0	0	8,418
Wetlands (acres)	15	0	0	15

The project proposes to generate credits in the following amounts (ratio and function based credit generation is separate and mutually exclusive):

Resource	Restoration Approach	Restored Amounts	Mitigation Ratio	Credit Generation
Streams (LF)	Reestablishment	8,418	1	8,418
	Rehabilitation	-	1.5	-
	Enhancement	-	2.5	-
	Totals	**8,418**	-	**8,418**
Wetlands (AC)	Reestablishment	15.01	1	15.01
	Rehabilitation	-	1.5	-
	Enhancement	-	2.5	-
	Totals	**15.01**	-	**15.01**

Notes:
1. Numbers do not account for potential reserved rights that may cross the conservation area.
2. Calculations do not include potential impacts to existing resources associated with construction activities.

Resource	Functional Group (FG)	FG Abbreviation	Uplift Value
Streams (LF)	Resource Support	RS	105.42
	Biogeochemical	BGC1	105.42
	Habitat	HAB1	9.09
Wetlands (AC)	Hydrologic	HYD2	106.87
	Biogeochemical	BCG2	106.87
	Habitat	HAB2	106.87

5. ENCROACHMENT PERMIT: 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: 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 it has been determined that the only property currently listed on the register which are in the vicinity of the proposed work is the Beulah Presbyterian Church, which is 0.3 miles away and not within the viewshed. 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).

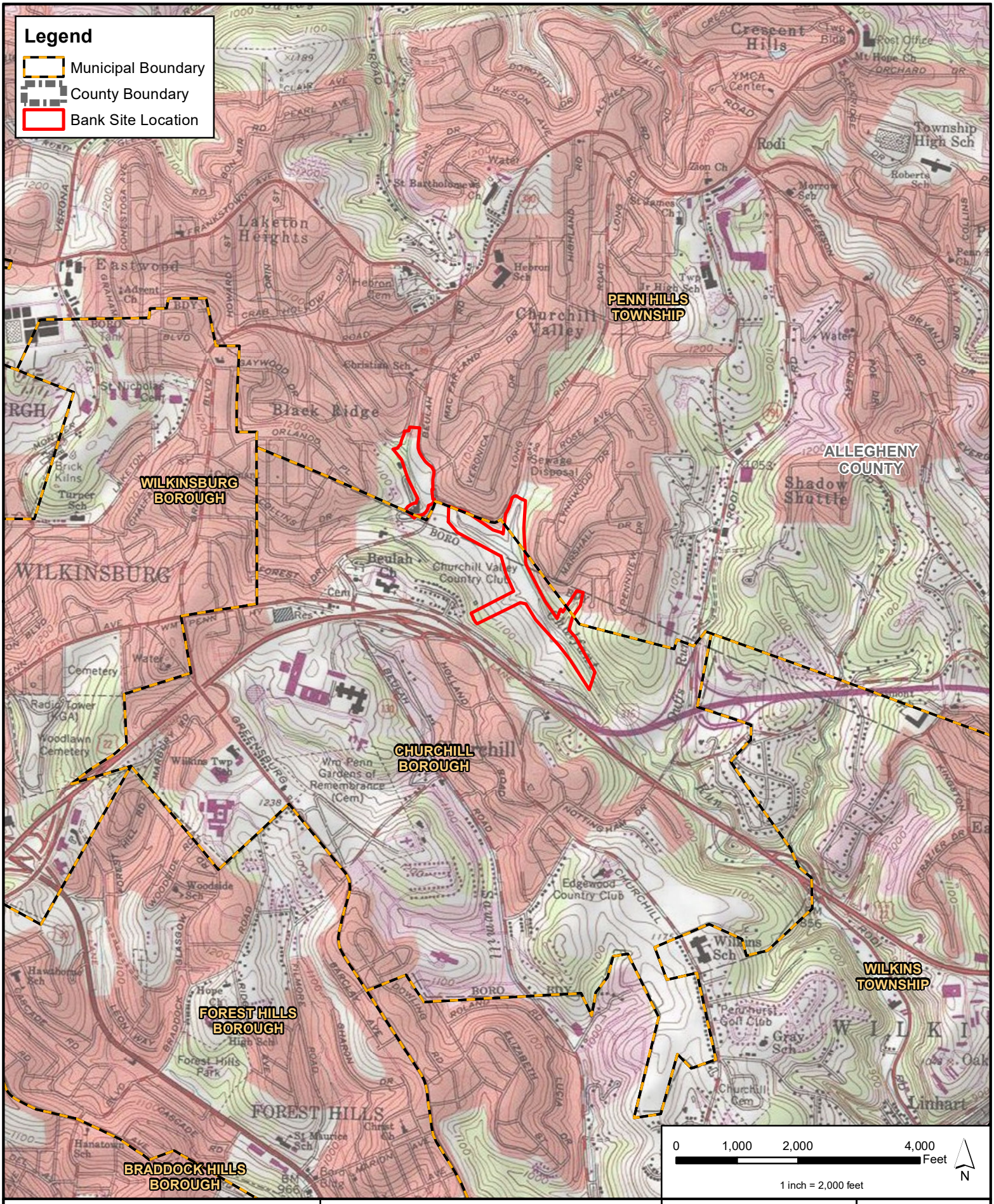
10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered 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.
Please refer to CELRP-OP-F ***2022-395*** 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. 16-51

FOR THE DISTRICT ENGINEER:

//SIGNED//

Tyler J. Bintrim
Chief, North Branch,
Regulatory Division



WATER & LAND™ SOLUTIONS

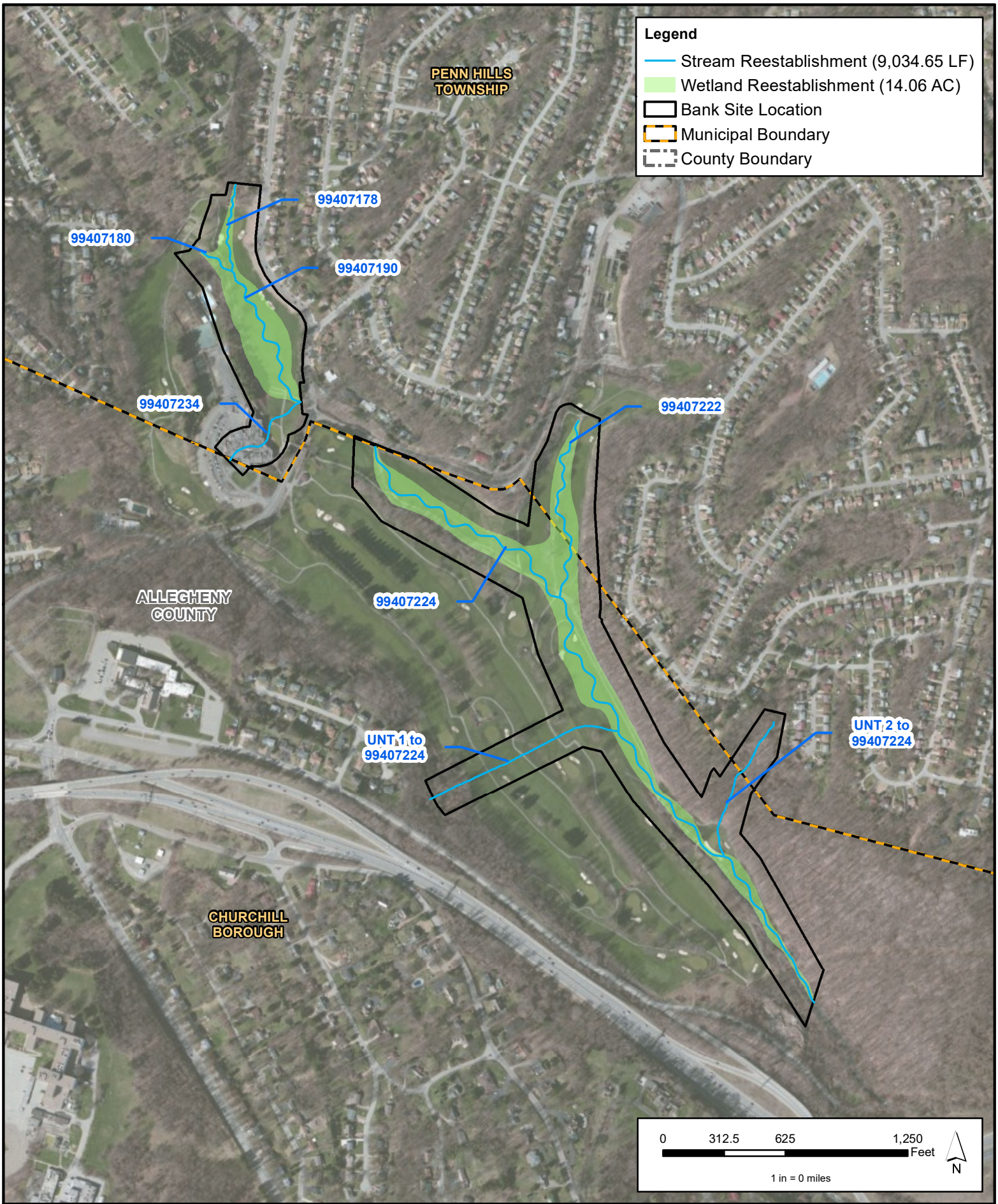
Churchill Valley Mitigation Bank
Allegheny County, PA

Map Projection: NAD 83 2011 State Plane PA South FIPS 3702 FT US

Project Location Map

Date: 7/26/2022

Figure
1



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Churchill Valley Mitigation Bank
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Map Projection: NAD 83 2011 State Plane PA South FIPS 3702 FT US

Proposed Conditions Map

Date: 7/27/2022

Figure
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