

**U.S. Army Corps
of Engineers**
Pittsburgh District

Public Notice

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 2014-969

Date: October 27, 2014

Notice No. 14-46

Closing Date: November 24, 2014

1. **TO ALL WHOM IT MAY CONCERN:** The Robinson Fork Mitigation Bank – Phase 1 is proposed as a modification under the Pennsylvania Statewide Umbrella Mitigation Banking Instrument approved by the Corps through its Baltimore, Pittsburgh, and Philadelphia Districts on July 2, 2013. The Pittsburgh District is requesting comments to determine if approval should be granted for this location as a commercial mitigation bank site for the purpose of providing compensatory mitigation for unavoidable aquatic resource impacts, including wetlands and streams, authorized by Department of the Army (DA) permits.

A copy of the proposed Robinson Fork Mitigation Bank – Phase 1, Mitigation Site Plan can be viewed at this web address:

https://rsgisias.crrel.usace.army.mil/ribits/f?p=107:3:3554783696599::NO:RP:P3_BANK_ID:3249

The Mitigation Site Plan (MSP) provides a summary of the information regarding the proposed mitigation bank in accordance with the Department of Defense/Environmental Protection Agency Final Rule on Compensatory Mitigation for Losses of Aquatic Resources (33 CFR Parts 325 and 332 and 40 CFR Part 230).

Oversight of this Mitigation Bank will be undertaken by the Pennsylvania Interagency Review Team (IRT), which is comprised of Federal and State regulatory and resource agencies. The Pittsburgh District, U.S. Army Corps of Engineers serves as chair of the IRT for this MSP, and the Pennsylvania Department of Environmental Protection serves as co-chair the IRT.

In addition to the submitted Mitigation Site Plan, a permit will be required from the Corps pursuant to **Section 404 of the Clean Water Act (33. U.S.C. 1344)** for the construction of stream and wetland restoration, rehabilitation and re-establishment activities proposed in the MSP.

2. **APPLICANT:** Resource Environmental Solutions, LLC
380 Southpointe Boulevard, #405
Canonsburg, PA 15317

3. **LOCATION:** The proposed mitigation bank is located in the Robinson Fork, Beham Run and unnamed tributaries and adjacent wetlands in the Robinson Fork Watershed in West Finley Township, Washington County, Pennsylvania (39.584355N, -80.292696W). The physical address for the Robinson Fork Mitigation Bank is 90 Whiteman Road, West Finley, PA.

4. **PURPOSE AND DESCRIPTION OF WORK:** The applicant/sponsor proposes to construct and operate the Robinson Fork Mitigation Bank – Phase 1 (RFMB1) on a 551 acre site containing

8.28 acres of wetland and 142,894 linear feet of stream located in the Robison Fork Watershed. The RFMB1 will provide compensatory mitigation for unavoidable wetland and stream impacts permitted by the Corps of Engineers pursuant to Section 404 of the Clean Water Act. The proposed mitigation bank will increase aquatic resources on the site from 8.28 acres of wetland to 62.85 acres of wetland and from 142,894 linear feet of stream to 152,153 linear feet of stream. The RFMB1 is to receive long-term protection by deed restrictions on the 25 parcels owned by 11 individuals. The proposed geographic service area for the RFMB1 is the Ohio River Subbasin, corresponding to the Pennsylvania State Water Plan, Watershed Subbasin 20, located within Pennsylvania (see Figures 1-4 attached).

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 through coordination with the U.S. Fish and Wildlife Service determined that the project may 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. The applicant is actively working with the U.S. Fish and Wildlife Service to determine the affect this undertaking may have. 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). The Corps will evaluate all information provided by the U.S. Fish and Wildlife Service and applicant prior to making a final affect determination.

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: The Mitigation Site Plan will be approved by the Pennsylvania Interagency Review Team unless its approval 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 Jared N. Pritts at the above address, by telephoning (412) 395-7251, or by e-mail at jared.n.pritts@usace.army.mil Please refer to CELRP-OP-F (2014-969) in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//
Scott A. Hans
Chief, Regulatory Branch

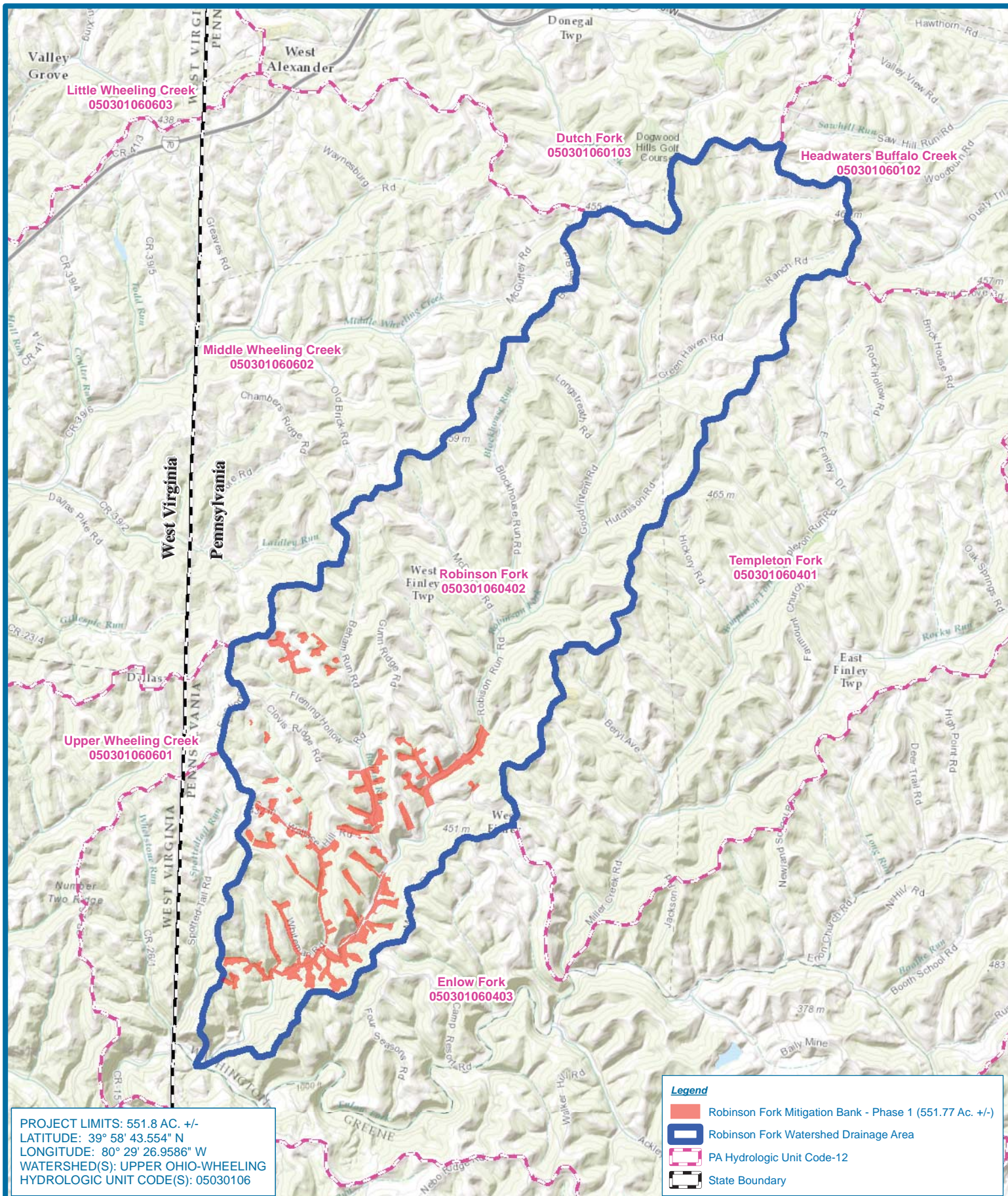


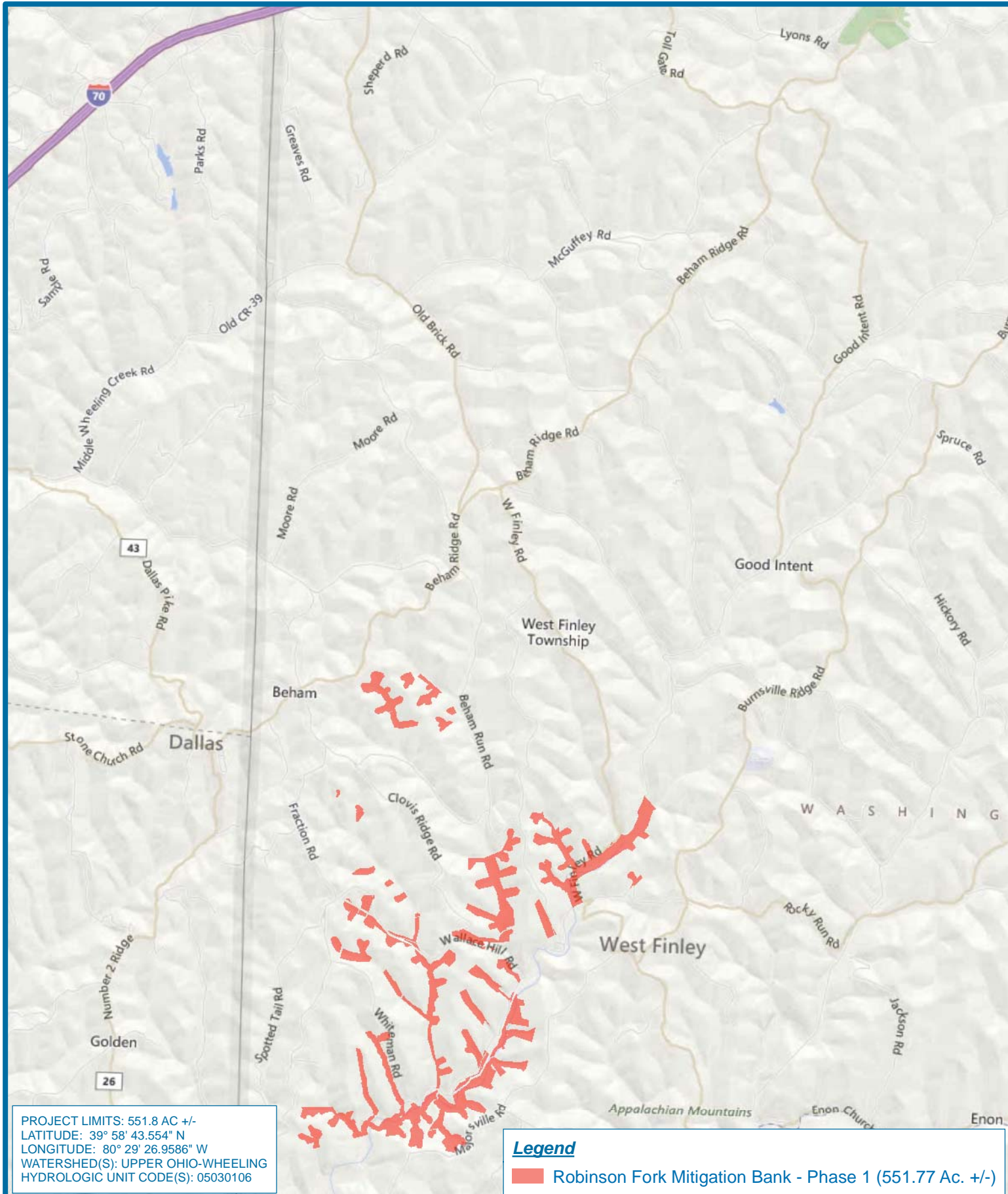
FIGURE 1

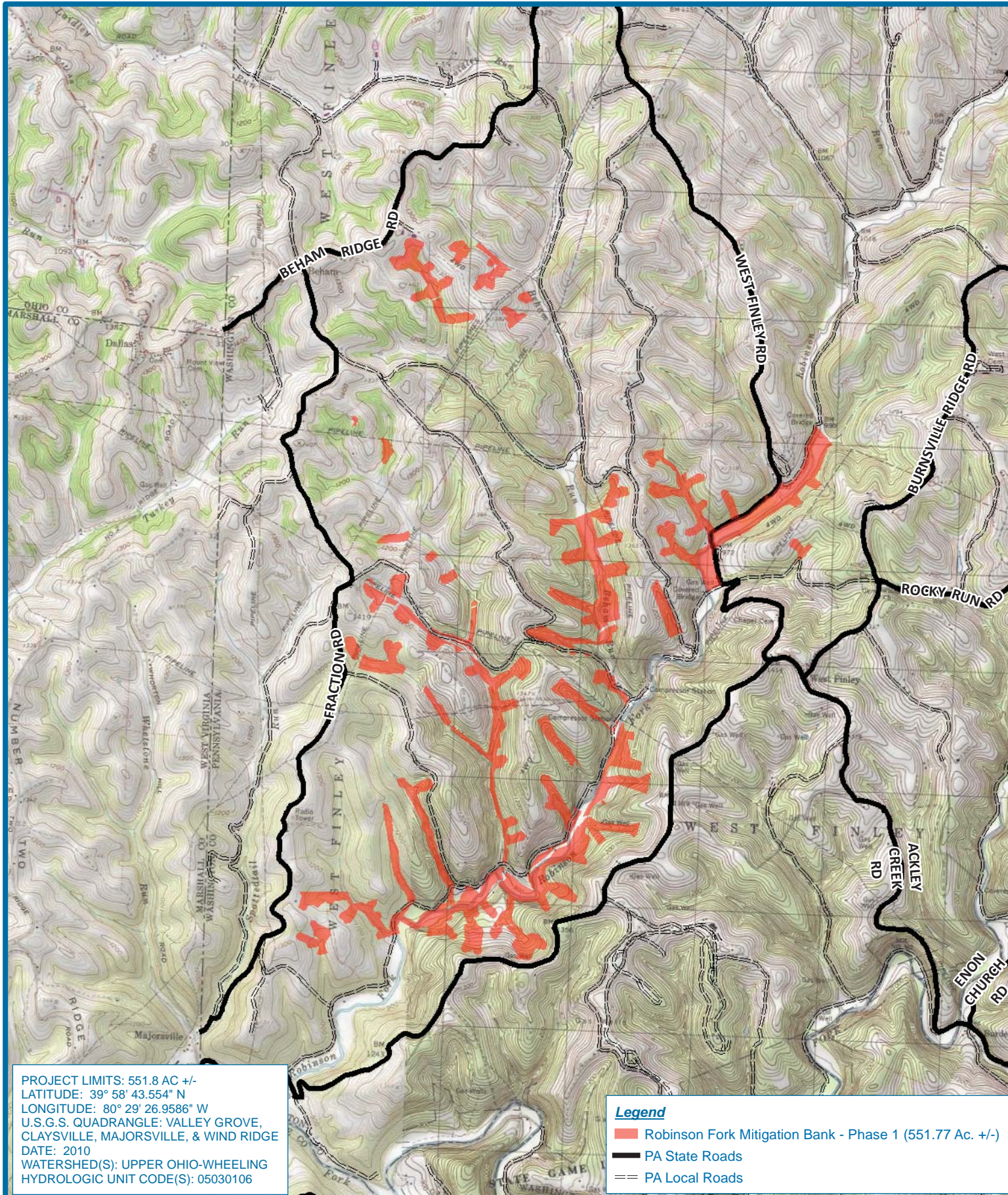
ROBINSON FORK MITIGATION BANK - PHASE I

PROJECT OVERVIEW MAP

WASHINGTON COUNTY, PENNSYLVANIA







Topographic imagery from US Geological Survey.
 Horizontal Datum is NAD 83 PA South.
 Project limits are approximate.



FIGURE 3

ROBINSON FORK MITIGATION BANK - PHASE I

SITE LOCATION MAP

WASHINGTON COUNTY, PENNSYLVANIA



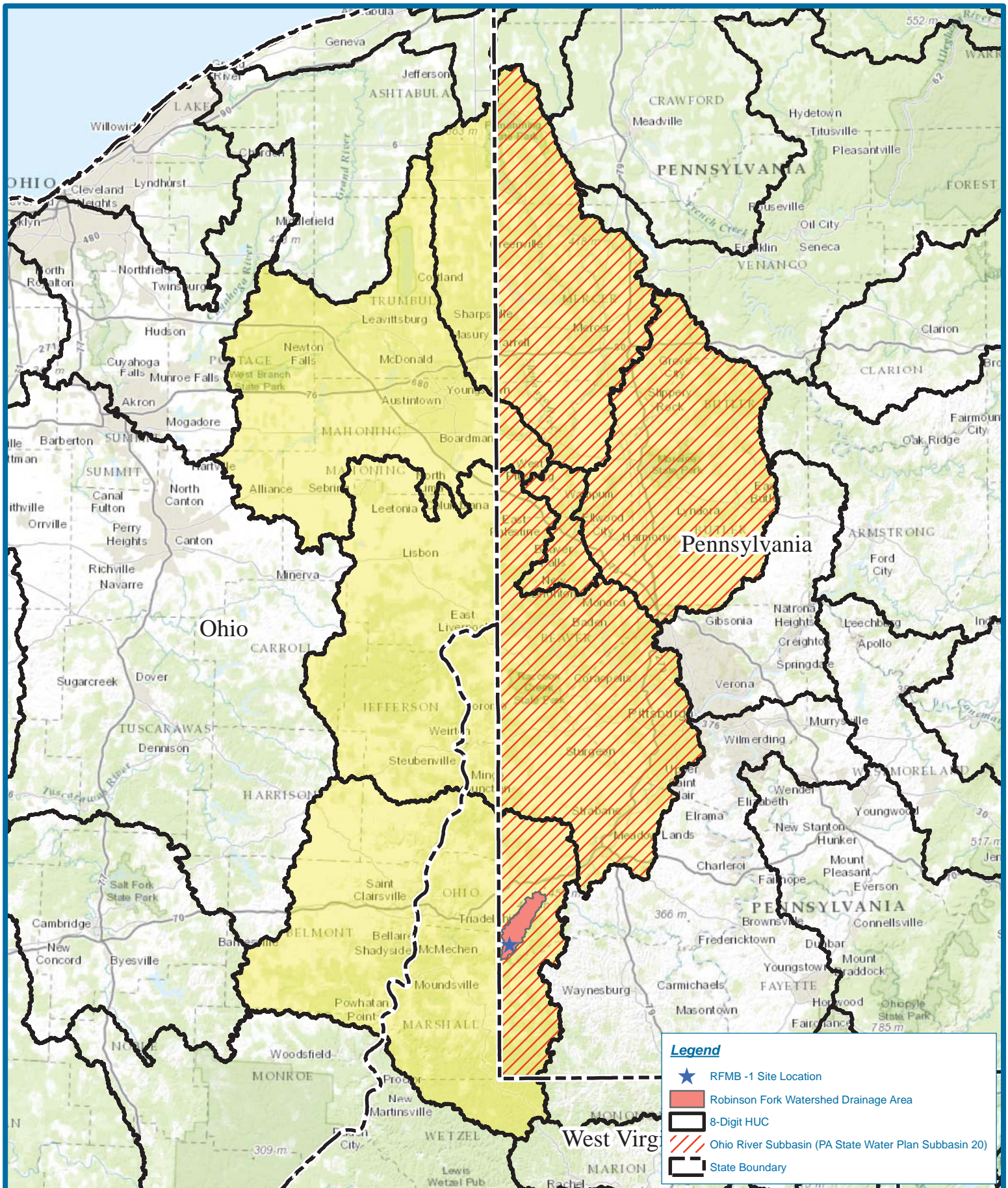


FIGURE 4

ROBINSON FORK MITIGATION BANK - PHASE I

SERVICE AREA MAP

WASHINGTON COUNTY, PENNSYLVANIA

