



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. 2008-2015

Date: February 28, 2012

Notice No. 12-10

Closing Date: March 28, 2012

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: Pennsylvania Department of Transportation (PennDOT)
Engineering District 9-0
1620 North Juniata Street
Hollidaysburg, Pennsylvania 16648-1080

AGENT:

CDI – Infrastructure, LLC dba L.R. Kimball
615 West Highland Avenue, PO Box 1000
Ebensburg, Pennsylvania 15931-1048

3. LOCATION: in Blue Lick Creek, unnamed tributaries, and wetlands; unnamed tributary to the Casselman River; Swamp Creek; unnamed tributaries, and wetlands; Buffalo Creek, unnamed tributaries, and wetlands; Wilson Creek, unnamed tributaries, and wetlands; Laurel Run, unnamed tributaries, and wetlands; and unnamed tributaries to Kimberly Run and wetlands, in Brothersvalley, Somerset, Black, and Summit Townships, Somerset County, Pennsylvania. (The Northern Terminus of the project is located at 39° 59' 01", -79° 02' 31" and the Southern Terminus is located at 39°50' 8.8", -79° 2' 25.2")

4. PURPOSE AND DESCRIPTION OF WORK: The applicant is proposing to construct US 219 Improvement Project – SR 6219, Section 020 Meyersdale to Somerset. The project consists of the construction of a new 11-mile, four-lane, limited access roadway extending from the northern end of the Meyersdale Bypass of US 219 (a four lane limited access roadway) to the southern end of the existing four-lane limited access US 219, south of Somerset. Minor realignments, roadway rehabilitation and two new interchanges are also part of this project. The applicant states the purpose of this project is to decrease congestion, improve safety, reduce travel times, provide the needed system linkage between the two four-lane highways, reduce truck traffic on local roads, and stimulate both the local and regional economic development.

The project would include the construction of the SR 6219 mainline, as well as minor realignments of Mason Dixon Highway (SR 2047), Garrett Shortcut (SR 2031), Pony Farm Road (T-382), Althouse Road (T-550), Crossroad School Road (T-419), Fogeltown Road (T-431) and the rehabilitation of Blackfield Road (T-435). Additionally, the project includes the construction of two new interchanges, one at the northern terminus of the Meyersdale Bypass to provide access to Garrett, and the other at Mud Pike (SR 3010) to provide access to Berlin and Rockwood.

In total, 54 watercourses would be impacted by the proposed project. Three of these streams would be bridged only (Swamp Creek, unnamed tributary 02 to Swamp Creek, and Buffalo Creek). The total length of stream loss due to the proposed project (not including relocations) would be 10,023 linear feet. Stream loss is quantified by stream segment classification and is as follows: 7,697 relatively permanent waters (5,884 linear feet of perennial stream channel, 1,813 linear feet of intermittent stream channel) and 2,326 linear feet of non-relatively permanent waters with a significant nexus (ephemeral). Additionally, there are 2,213 feet of non-jurisdictional streams that will be impacted. In addition to permanent stream loss impacts, there would be 6,374 linear feet of stream relocations, including 2,501 linear feet of perennial stream relocation, 206 linear feet of intermittent stream relocation, and 3,667 linear feet of ephemeral channel relocation. Stream mitigation for the 17,964 linear feet of stream impacts (including permanent loss and relocations) will be accomplished through a combination of on-site mitigation including headwater preservation and stream restoration and off-site mitigation. Off-site mitigation has been accomplished via a \$300,000 reimbursement from Federal Highways Administration and PennDOT to the Pennsylvania Fish & Boat Commission for the use of removing two publicly owned dams, and subsequent stream restoration.

Temporary water diversion devices may be employed to enable certain in-stream construction activities. Temporary water diversion devices may include sand bags, cofferdams, and pumps to temporarily route water around, or away from, the construction site. Following completion of the construction task, these temporary structures will be removed.

The project, as proposed, would impact a total of 16.8 acres of regulated wetlands, including 8.19 acres of palustrine emergent (PEM) habitat, 3.77 acres of palustrine scrub-shrub (PSS) habitat, 3.44 acres of palustrine forested (PFO) habitat, 1.4 acres of palustrine open water (POW) habitat, and 9.51 acres of mixed wetland habitat. Additionally, 1.83 acres of isolated wetlands are being impacted. Compensatory mitigation for wetland habitat loss is being conducted via on-site creation and preservation of wetland habitat and acquisition of wetland credits from the Louie-Beach Advanced Wetland Compensation Site.

Additional temporary obstructions or encroachments involving regulated waterways may be required for the construction of the proposed project. The applicant states the locations of temporary construction easements have been identified. The applicant further states, if required,

the location and extent of proposed temporary stream/wetland crossings are to be determined by the contractor and if such impacts would need to occur, they will be permitted by the contractor.

This project is expected to generate approximately 4.5 million cubic yards of excess material. According to the applicant, the bulk of the material will be placed in off-site waste areas. Overall, these sites were not identified. If the waste is proposed to be placed in waters of the United States, including wetlands, a subsequent Public Notice will be advertised. There is no guarantee of an additional permit being issued for the waste. National Environmental Policy Act (NEPA) clearance for upland disposal areas have not yet been identified will be the responsibility of the applicant.

Drawings for this 2008-2015 notice can be found at :
http://www.lrp.usace.army.mil/or/or-f/public_notice.htm

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
Soils and Waterways Section
400 Waterfront Drive
Pittsburgh, PA 15222-4745

Telephone: 412-442-4000

6. **IMPACT ON NATURAL RESOURCES**: The US Fish & Wildlife Service (Service) concluded within the Biological Opinion that this “project may result in harm and harassment of Indiana bats due to the loss of 230 acres of forest.” Additionally, “both WNS [White Nose Syndrome] and the proposed project are expected to increase the Indiana bat mortality rates and reduce hibernating populations, nonetheless the proposed project is not expected to result in additive mortality at a level that would reduce appreciably the reproduction and numbers of the Indiana bat. Therefore the Service has concluded the proposed project is not likely to jeopardize the continued existence of the species.” Tree clearing must be done between November 15 and March 31. As required by the Biological Opinion, a cumulative mitigation effort of 256.8 acres will be achieved through on-site and nearby habitat enhancement, preservation and reforestation. To prevent adverse impacts to a state listed fish during the spawning season, all in-stream activity in Blue Lick Creek, Buffalo Creek, Swamp Creek, and an unnamed tributary to the Casselman River (mouth at 39° 51’ 1.1”, -79° 03’ 13.5”) with its lower section paralleling Pine Hill Road within Summit Township is to be avoided from April 1 to July 1. 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: A Programmatic Agreement between the Federal Highway Administration and the Pennsylvania State Historic Preservation Office regarding implementation the proposed project has been signed. To mitigate for historic impacts, the Pennsylvania Historic Museum Commission has agreed to the following measures: 1) *Byways to the Past* booklet about the historical and economic development of the Brothers Valley Area. 2) Two self-guided driving tours titled *Heritage Byways of Somerset County Pennsylvania Loop No. 1 covering the communities of Rockwood, Turkeyfoot, and Addison* and *Heritage Byways of Somerset County, Pennsylvania Loop No. 2 covering the communities of Brothers Valley and Elk Lick*. 3) *Historic Bridges of Somerset County Pennsylvania* booklet. Additional mitigations measures in the form of context-sensitive design per the Programmatic Agreement will be implemented. These include minimizing of roadway footprint, use of form-liners on proposed structures over Swamp Creek and Pine Hill Road, and a landscaping plan that consists of tree plantings to provide a buffer between the transportation facility and the Historic District. 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 Nancy Mullen at the above address, by telephoning (412) 395-7170 or by e-mail at Nancy.J.Mullen@usace.army.mil. Please refer to CELRP-OP-F 2008-2015 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

Scott A. Hans
Chief, Regulatory Branch

MATCH TO SHEET 1

Sheet 2
2008-2015

