

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. 200201981

Date: April 16, 2003

Notice No. 03-19

Closing Date: May 6, 2003

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 (33 U.S.C. 1344).

2. APPLICANT: Tecnica Development Corp
4800 Tramalac Lane
Erie, PA 16505

AGENT: Henry T. Welka & Associates
3200 West 32nd Street
Erie, PA 16506

3. LOCATION: In unnamed tributaries and wetlands adjacent to Walnut Creek, at the southeast corner of I-90 and State Route 97, near Erie, Erie County, Pennsylvania.

4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to construct the Presque Isle Downs horseracing facility, consisting of a track, entertainment facilities, stables, parking, and support facilities. The development as proposed would result in impacts to 8.65 acres of twenty-four separate wetland areas. Fourteen other wetland areas totalling 8.57 acres, primarily within the Walnut Creek corridor would be avoided by the development. To mitigate for the wetland impacts the applicant has proposed to construct five on-site mitigation areas totalling 10.56 acres.

The project would require construction of two bridges across Walnut Creek to provide access from the parking lots to the track and clubhouse facilities. These bridges would span 360 and 255 feet to avoid channel and floodway impacts. Grading required to support the proposed facilities would impact 11,808 linear feet of stream channel, of which 2,737 linear feet is supported by greater than a 100 acre drainage area. These lengths of impacts include reaches of channel which may be adversely affected by upstream development. The one main tributary would be relocated through the track facility which would include approximately 1,576 feet of reconstructed open channel and require two enclosures of 350 and 249 linear feet. Each enclosure would be constructed with two parallel 12-foot wide by 6-foot high concrete box culverts. To mitigate for the channel impacts a natural buffer area will be established along Walnut Creek and a southern tributary. Stream improvements including natural stabilization measures and fish enhancement structures will be implemented along this reach. To mitigate for

floodway and floodplain impacts old fills will be removed from not less than 1.79 acres of floodway.

Fills would also include the elimination of a 0.58 acre pond and five stormwater outfalls to Walnut Creek and adjacent wetland areas. Utility crossings would also be installed across Walnut Creek near the northern bridge and across an unnamed tributary at the southern end of the property. An existing 50-foot long, 60-inch culvert under Footemill Road would also be maintained. Drawings of the proposed project are attached to this notice.

5. ENCROACHMENT PERMIT: The applicant is required to obtain an encroachment permit which includes State 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection
Northwest Regional Office
Soils and Waterways Section
230 Chestnut Street
Meadville, Pennsylvania 16335

Telephone: 814-332-6942

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the 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).

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. The applicant is currently conducting a Phase I survey to determine if such resources may be present. 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.

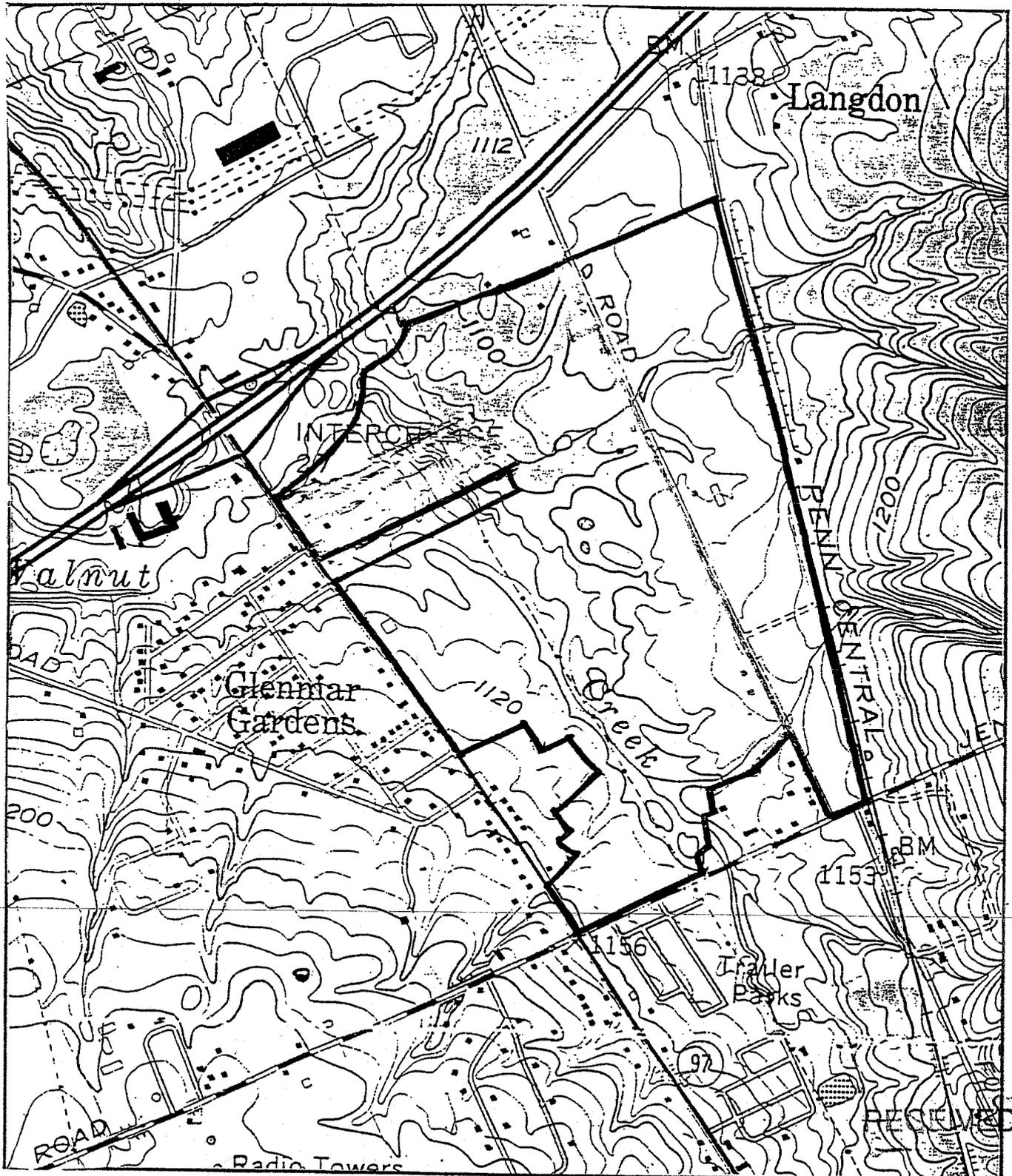
9. EVALUATION: Interested parties are invited to state any objections they may have to

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 that 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 Scott A. Hans, at the above address, by telephoning (412) 395-7154, or by e-mail at Scott.A.Hans@usace.army.mil. Please refer to CELRP-OR-F 200201981 in all responses.

FOR THE DISTRICT ENGINEER:


Albert H. Rogalla
Chief, Regulatory Branch



JAN 06 2003

ENVIRONMENTAL PROTECTION
NORTHWEST REGIONAL OFFICE

PRESQUE ISLE DOWNS

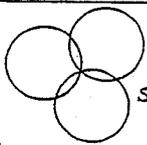
U.S.G.S. 7.5' QUADRANGLE MAP - ERIE SOUTH, PA

SUMMIT TOWNSHIP, ERIE COUNTY, PA

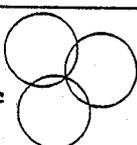
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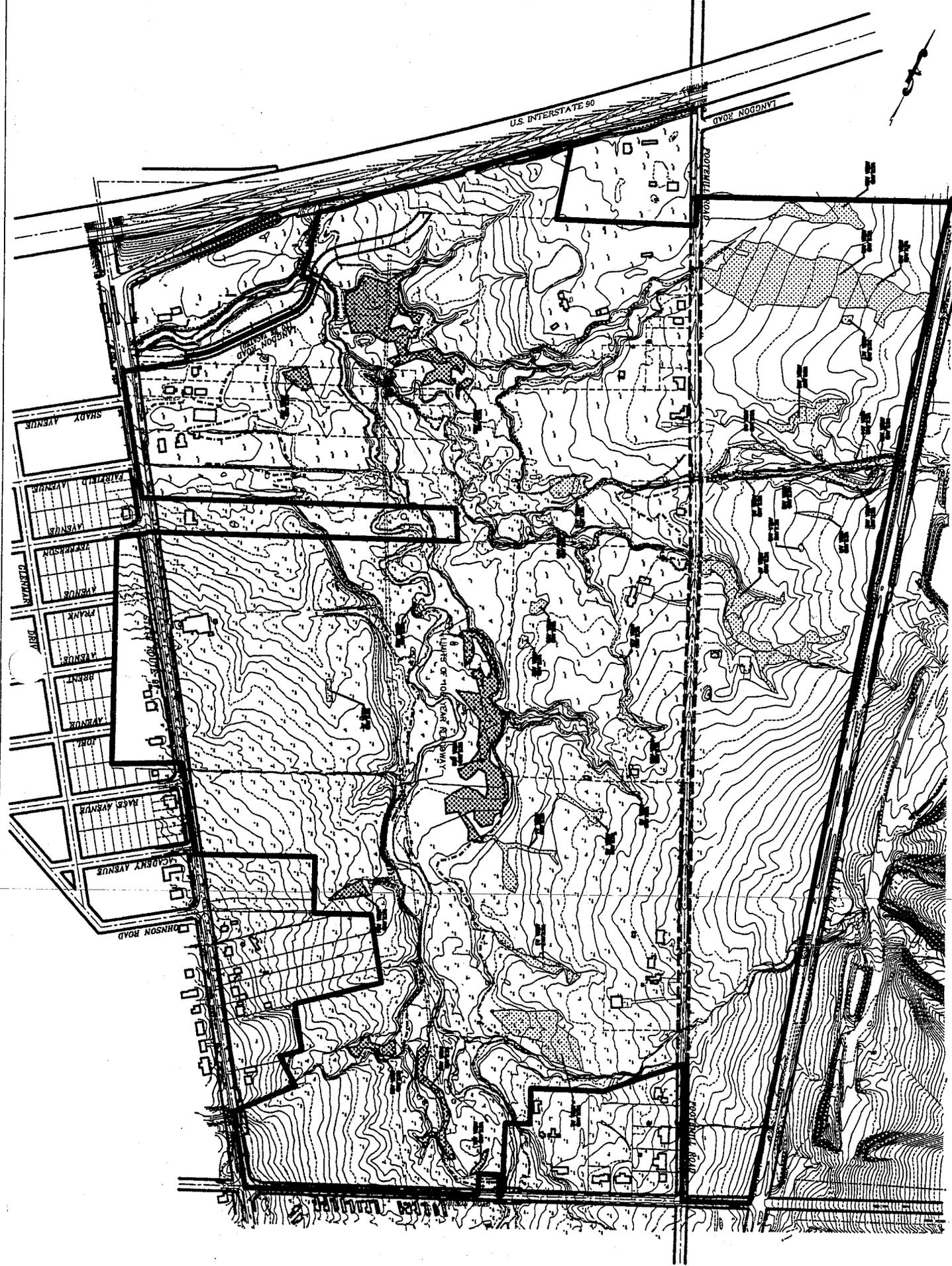
DATE: NOV. 5, 02

DRW BY: K.A.C.



**HENRY T. WELKA
ASSOCIATES**
SURVEYING - ENGINEERING
PH. (814) 833-3900
FAX (814) 833-9550





NO.	DATE	REVISION DESCRIPTION	BY

HENRY T. WELKA & ASSOCIATES
 SURVEYING ENGINEERING
 2001 W. 10TH STREET
 PITTSBURGH, PA 15204
 TEL: 412-261-8800
 FAX: 412-261-8800
 E-MAIL: HWELKA@HWA-PA.COM

PART OF TRACT 367
 SUMMIT TOWNSHIP, ERIE COUNTY, PENNSYLVANIA

EXISTING CONDITIONS PLAN
 FOR
PRESQUE ISLE DOWNS

EXC
 183.01
 DATE: 18 DEC 2002
 DRAWN BY: M.G.S.
 CHECKED BY: J.T.W.
 SCALE: 1" = 150'
 FILE: MTR-DISTING.DWG



ENVIRONMENTAL IMPACT TABLE

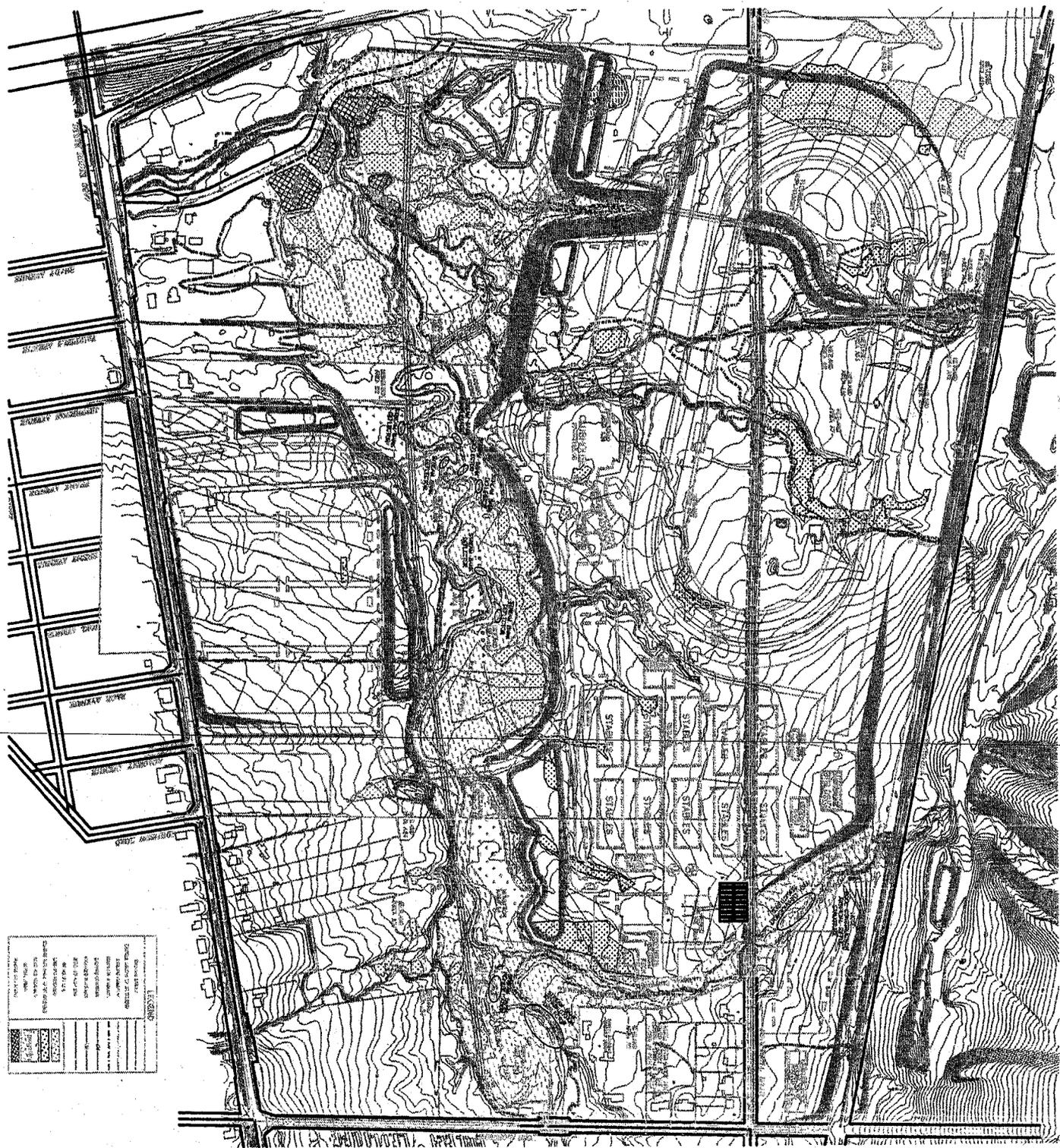
NO.	IMPACT	SEVERITY	MITIGATION
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NOTE: WETLANDS IN RED ARE NOT IMPACTED.

NO.	IMPACT	SEVERITY	MITIGATION
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CONTRACT NOTES:

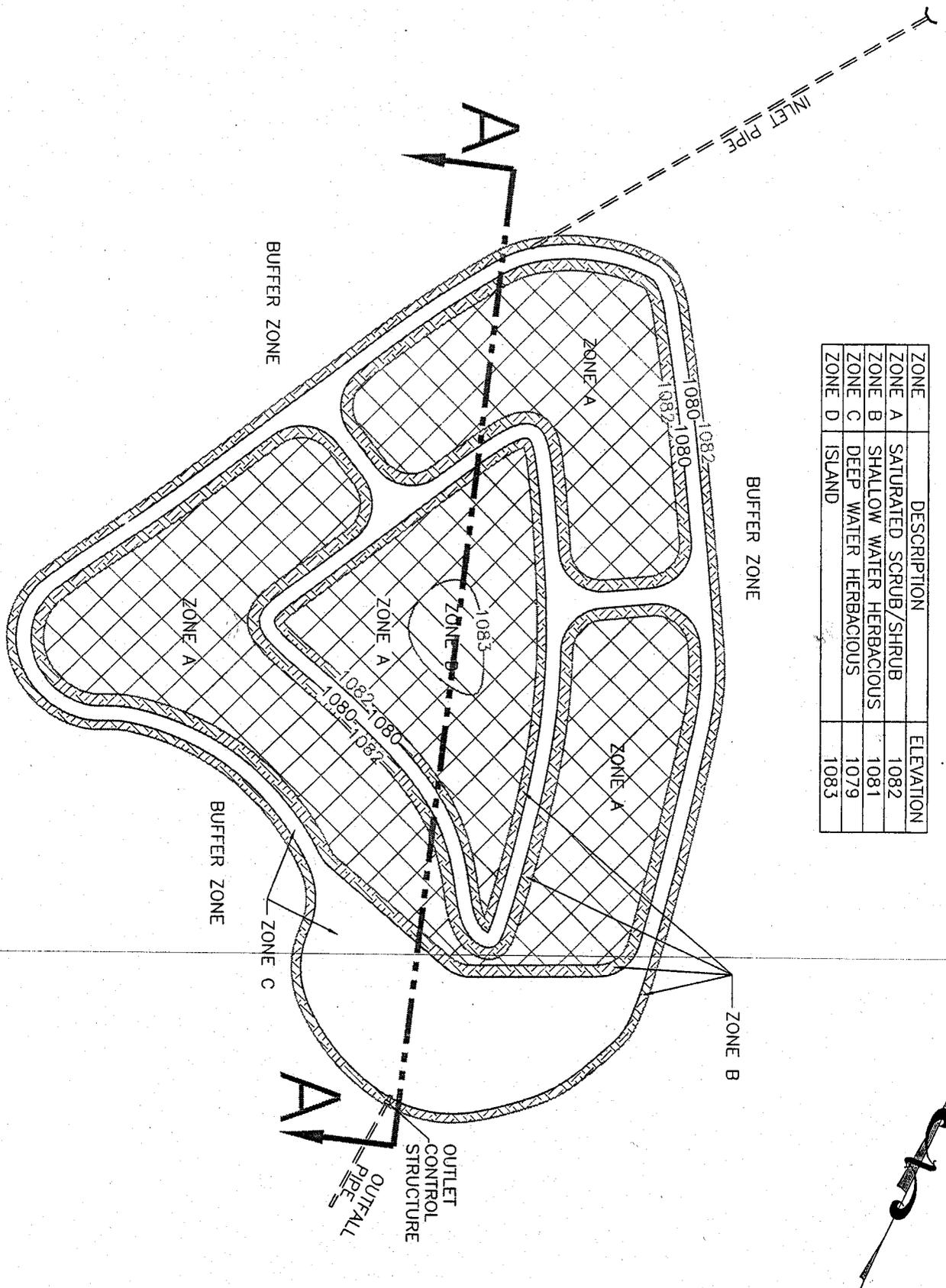
1. THESE PLANS AND SPECIFICATIONS SHALL BE CONSIDERED AS PART OF THE CONTRACT DOCUMENTS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EROSION CONTROL MEASURES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY WETLAND PERMITS.



LEGEND

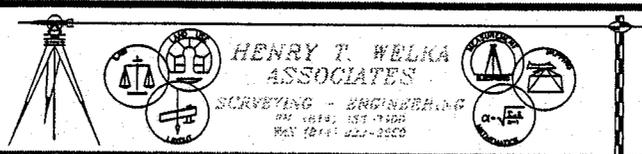
[Symbol]	EXISTING WETLANDS
[Symbol]	PROPOSED WETLANDS
[Symbol]	EXISTING WETLANDS TO BE REMOVED
[Symbol]	PROPOSED WETLANDS TO BE REMOVED
[Symbol]	EXISTING WETLANDS TO BE RESTORED
[Symbol]	PROPOSED WETLANDS TO BE RESTORED
[Symbol]	EXISTING WETLANDS TO BE PRESERVED
[Symbol]	PROPOSED WETLANDS TO BE PRESERVED
[Symbol]	EXISTING WETLANDS TO BE DEGRADED
[Symbol]	PROPOSED WETLANDS TO BE DEGRADED
[Symbol]	EXISTING WETLANDS TO BE RECLAIMED
[Symbol]	PROPOSED WETLANDS TO BE RECLAIMED
[Symbol]	EXISTING WETLANDS TO BE ABANDONED
[Symbol]	PROPOSED WETLANDS TO BE ABANDONED

DETAIL OF MITIGATION AREA B1



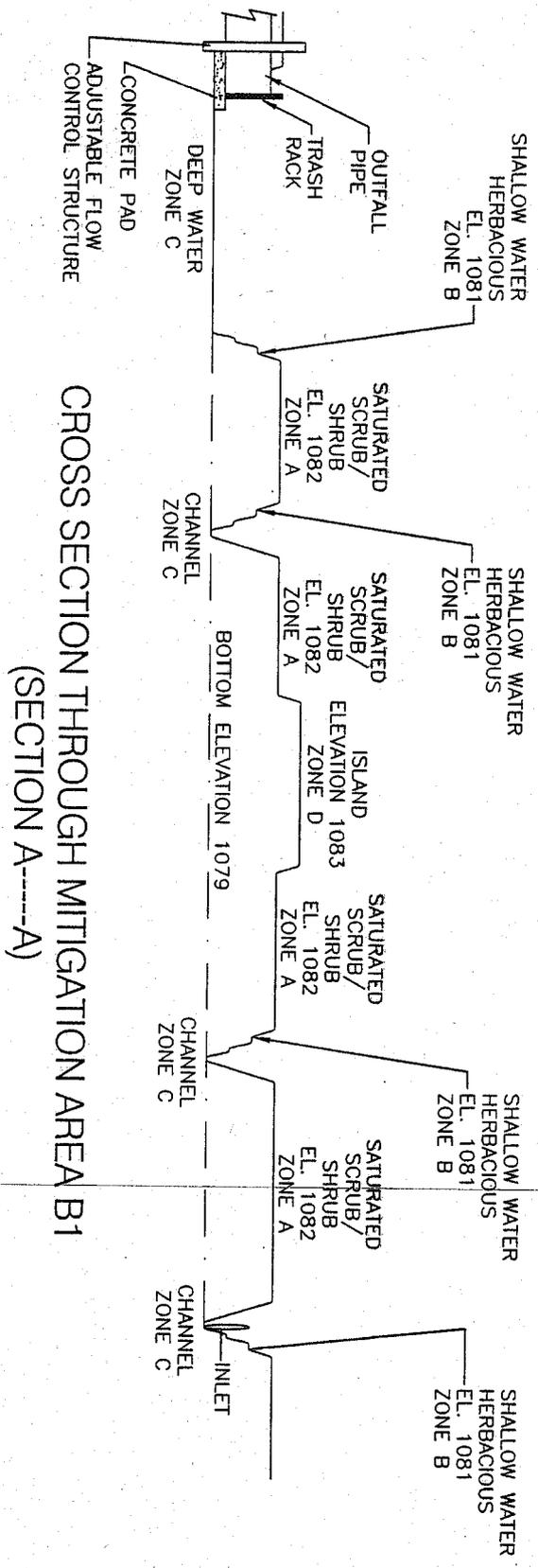
ZONE	DESCRIPTION	ELEVATION
ZONE A	SATURATED SCRUB/SHRUB	1082
ZONE B	SHALLOW WATER HERBACIOUS	1081
ZONE C	DEEP WATER HERBACIOUS	1079
ZONE D	ISLAND	1083

SCALE: 1" = 100'
 DATE: 12/18/02
 DRAWN BY: DCJ



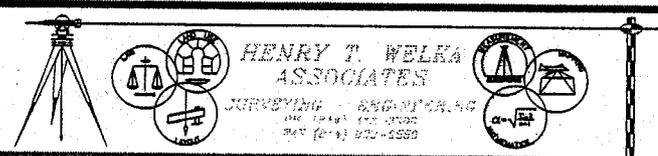
HENRY T. WELKA ASSOCIATES
 SURVEYING - ENGINEERING
 832 18141 1817 1422
 MAY 18 1991 222-2828

TECHNICA DEVELOPMENT CORP.
 for PRESQUE ISLE DOWNS, INC.
 SUMMIT TWP., ERIE COUNTY, PA

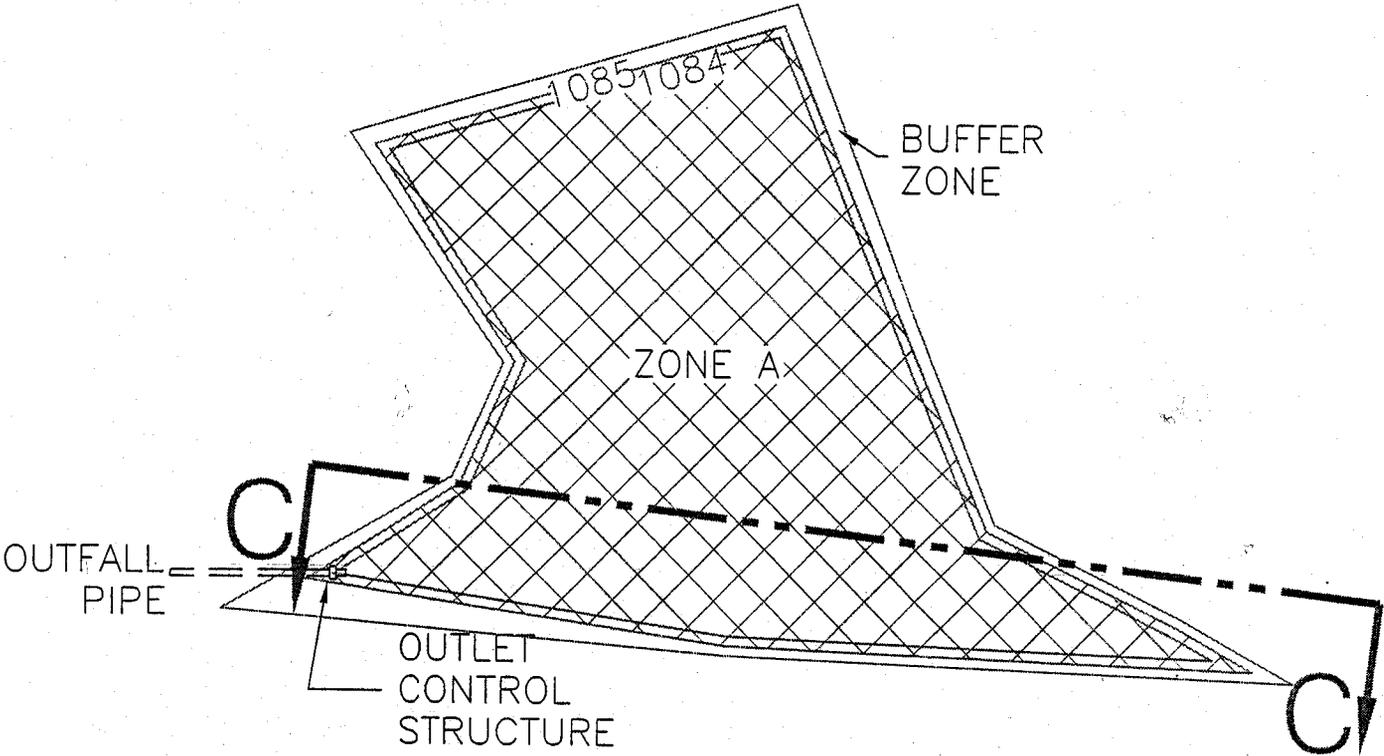
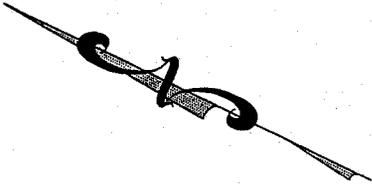


CROSS SECTION THROUGH MITIGATION AREA B1
(SECTION A-A-----A)

SCALE: 1" = 80' H; 1" = 8' V
 DATE: 12/18/02
 DRAWN BY: DCJ


HENRY T. WELKA ASSOCIATES
 SURVEYING & ENGINEERING
 1000 W. 10th St.
 Erie, PA 16590
 Tel: (814) 863-5555

TECHNICA DEVELOPMENT CORP.
 for PRESQUE ISLE DOWNS, INC.
 SUMMIT TWP., ERIE COUNTY, PA



ZONE	DESCRIPTION	ELEVATION
ZONE A	SATURATED SCRUB/SHRUB	1084

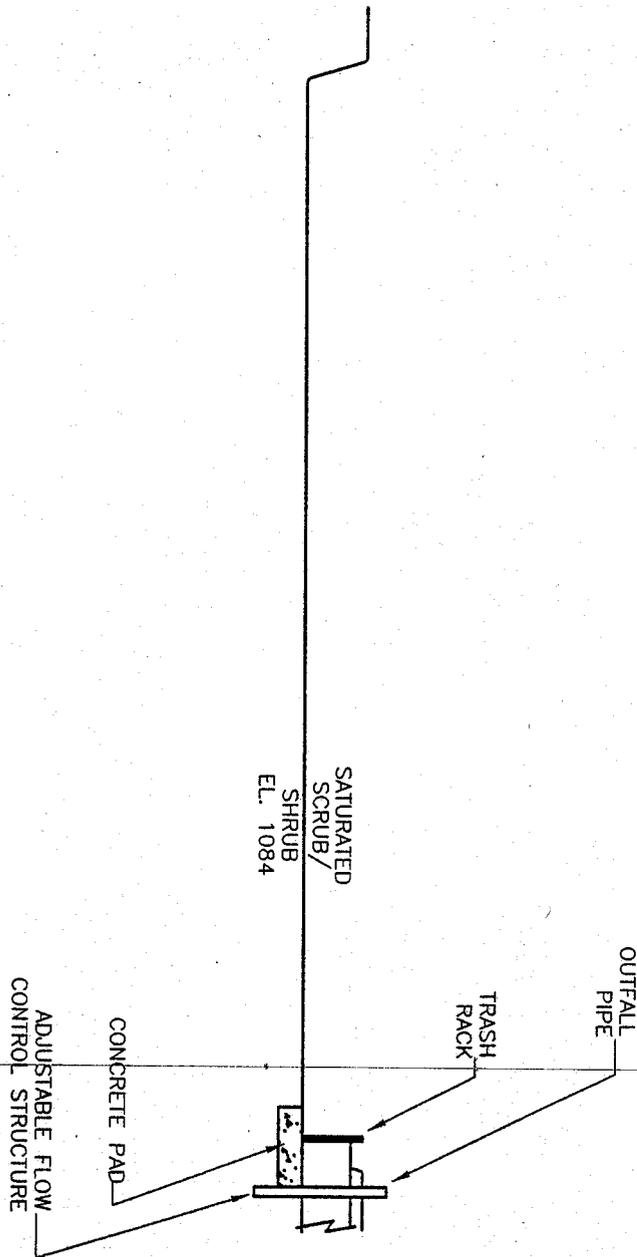
DETAIL OF MITIGATION AREA B3

SCALE:	1" = 60'
DATE:	12/30/02
DRAWN BY:	DCJ

HENRY T. WELKA ASSOCIATES
 SURVEYING - ENGINEERING
 44 1014, 233-1504
 PAK 18741 033-0560

TECHNICA DEVELOPMENT CORP.
 for PRESQUE ISLE DOWNS, INC.
 SUMMIT TWP., ERIE COUNTY, PA

CROSS SECTION THROUGH MITIGATION AREA B3
 (SECTION C-----C)



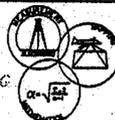
SCALE: 1" = 40' H; 1" = 4' V

DATE: 12/30/02

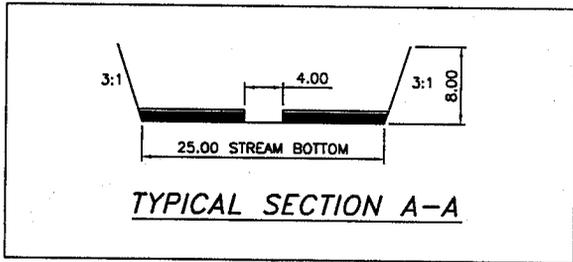
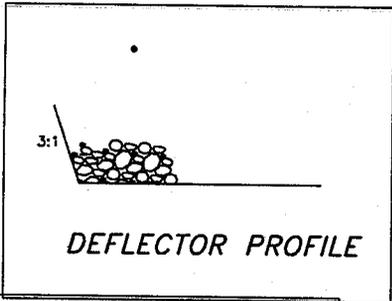
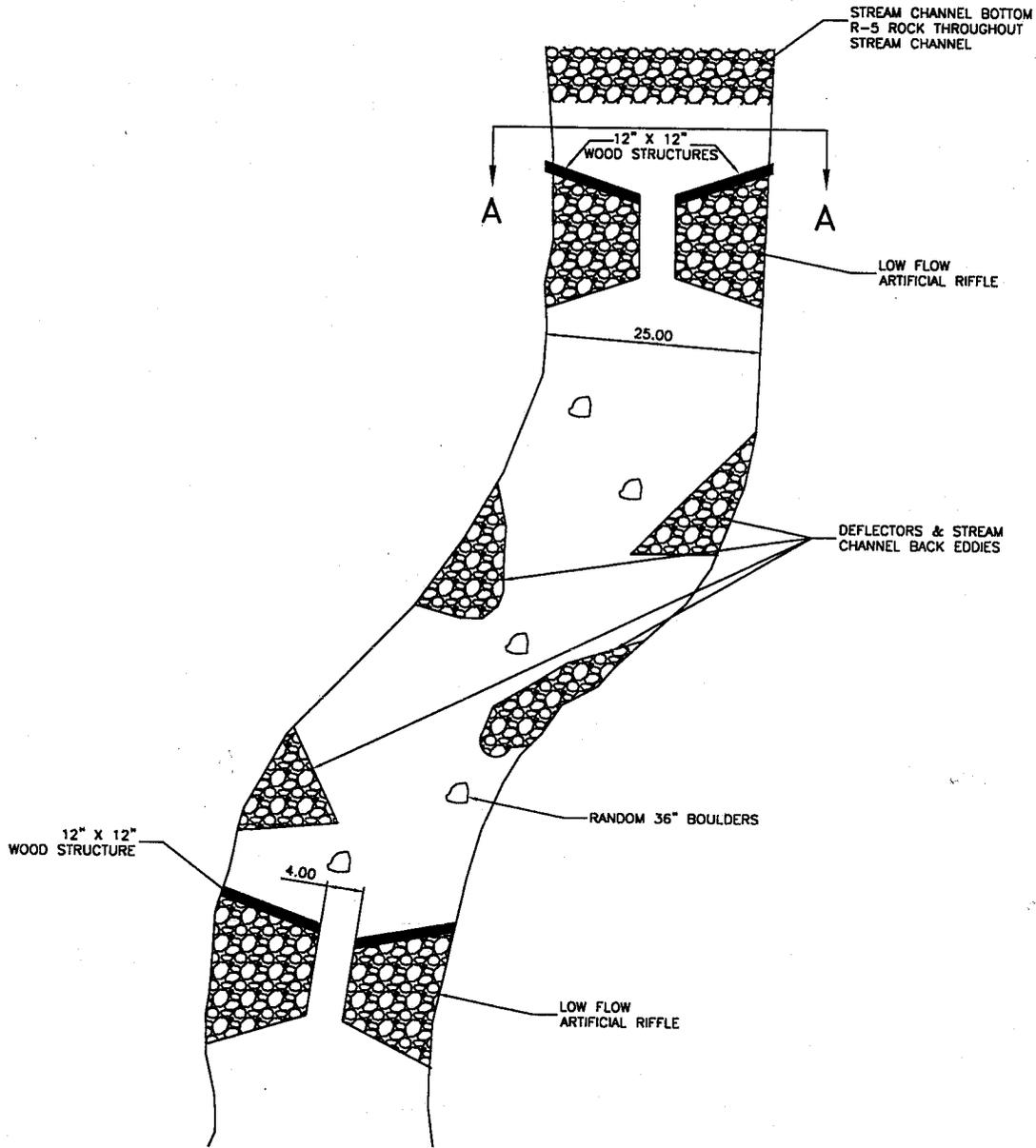
DRAWN BY: DCJ



HENRY T. WELKA
 ASSOCIATES
 SURVEYING - ENGINEERING
 P.O. BOX 41 873-2983
 PA 15241 803-8560



TECHNICA DEVELOPMENT CORP.
 for PRESQUE ISLE DOWNS, INC.
 SUMMIT TWP., ERIE COUNTY, PA



NOTES:
 DEFLECTORS TO BE BUILT FROM ROCK 6"-15" ROCK SIZE TO PROJECT NO HIGHER THAN 15" FROM THE BOTTOM OF THE CHANNEL.
 RANDOM BOULDERS TO BE PLACED THROUGHOUT THE CHANNEL, BOULDERS TO BE SIZED TO 36".
 ARTIFICIAL RIFFLE TO BE CONSTRUCTED THE SAME AS THE DEFLECTORS.
 STREAM BOTTOM IS TO BE DESIGNED AS AN R-4 ROCK CHANNEL.

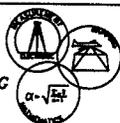
SCALE: 1" = 20'

DATE: 12/27/02

DRAWN BY: WFS



HENRY T. WELKA ASSOCIATES
 SURVEYING - ENGINEERING
 PH. (814) 833-3000
 FAX (814) 833-8550



TECNICA DEVELOPMENT CORP.
 for PRESQUE ISLE DOWNS, INC.
 SUMMIT TWP., ERIE COUNTY, PA

NEW STREAM CONSTRUCTION