

# 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. 2008-0318

Date: April 2, 2008

Notice No. 08-17

Closing Date: May 2, 2008

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 (13 U.S.C. 1344).

2. **APPLICANT:** Newbury Development Associates  
2212 Liberty Ave  
Pittsburgh, PA 15222

**AGENT:** Civil & Environmental Consultants, Inc.  
333 Baldwin Road  
Pittsburgh, PA 15222

3. **LOCATION:** Right off Interstate 79 (I 79) Bridgeville interchange and Millers Run Road (S.R. 50). South Fayette Township, Allegheny County, PA. Lat/Lon 40.363/-80.122

4. **PURPOSE AND DESCRIPTION OF WORK:** The Newbury site is a mixed-use master plan development that will include about 875,000 square feet of retail and commercial space, 200 for-sale homes, and 125 multifamily rental apartments at full build out. The site is designed to support a multitude of needs for residents of southern Allegheny County, including opportunities for living, employment, shopping, dining, community services and recreation in an underserved regional market. Twenty wetland areas totaling approximately 5.38 acres and twelve streams totaling approximately 12,321 linear feet were identified on site. The proposed project will affect 1.25 acres of wetland and 1,424 linear feet of stream in order to construct 3 bridges, a capable roadway, and the necessary buildings and parking areas. A plan of mitigation has also been proposed, a mixture of forested, meadow, and marsh wetlands totaling 1.52 acres, as well as the relocation of 450 l.f. of perennial stream channel, and the creation of 1,080 l.f. of stream channel.

A drawing of the proposed work is attached to this notice.

5. **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).

6. 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).

7. 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.

8. 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.

9. 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. In all responses please refer to CELRP-OP-F 2008-0318 Attention: Christina Schroeder.

FOR THE DISTRICT ENGINEER:

**/SIGNED/**

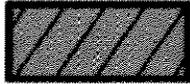
Scott A. Hans  
Chief, Regulatory Branch

Sheet 1

# LEGEND



EXISTING WETLANDS



DIRECT IMPACTED WETLANDS



OPEN BODY OF WATER



DIRECT IMPACTED STREAMS

Alternative #2 - Preferred Design Alternative

Table 1 - Wetland Summary

Wetland	On-site Acreage	Impacted Acreage
A	0.21	0.21
B	0.06	0.06
1	0.01	0
2*	0.42	0
3	0.01	0
4	0.04	0
5	0.09	0
6	2.76	0
7*	0.17	0.17
8	0.01	0
9*	0.41	0
10*	0.52	0.52
11*	0.03	0.03
12*	0.02	0.02
13	0.41	0.03
14	0.03	0.03
15	0.11	0.11
16	0.04	0.04
17	0.01	0.01
18	0.02	0.02
<b>Total</b>	<b>6.38</b>	<b>1.25</b>

Table 2 - Stream Summary

Stream	On-site Length			Total	Impacts	
	Perennial	Intermittent	Ephemeral		Type	Length
Charlbers Creek	202	0	0	202		0
Millers Run	3241	0	0	3241		0
Thoms Run	47	0	0	47		0
UNT 1-1 & 1-2	1564	0	0	1564		0
UNT 1-3	0	0	963	963	Fill	580
UNT 2	2347	0	0	2347		0
UNT 3-1	735	0	0	735	Relocation	95
UNT 3-2	0	0	705	705	Fill	350
					Relocation	355
UNT 4	405	0	0	405		0
UNT 5	185	0	233	418		0
UNT 6	0	0	142	142		0
UNT 7	1188	0	0	1188		0
UNT 8	0	0	280	280		0
UNT 9	0	0	84	84	Fill	44
<b>Total</b>	<b>9914</b>	<b>0</b>	<b>2407</b>	<b>12321</b>		<b>1424</b>

Note: \* indicates isolated wetlands

Note: Items in *italics* and **highlighted yellow** designate reduction in impact compared to previous alternative

A

B

C

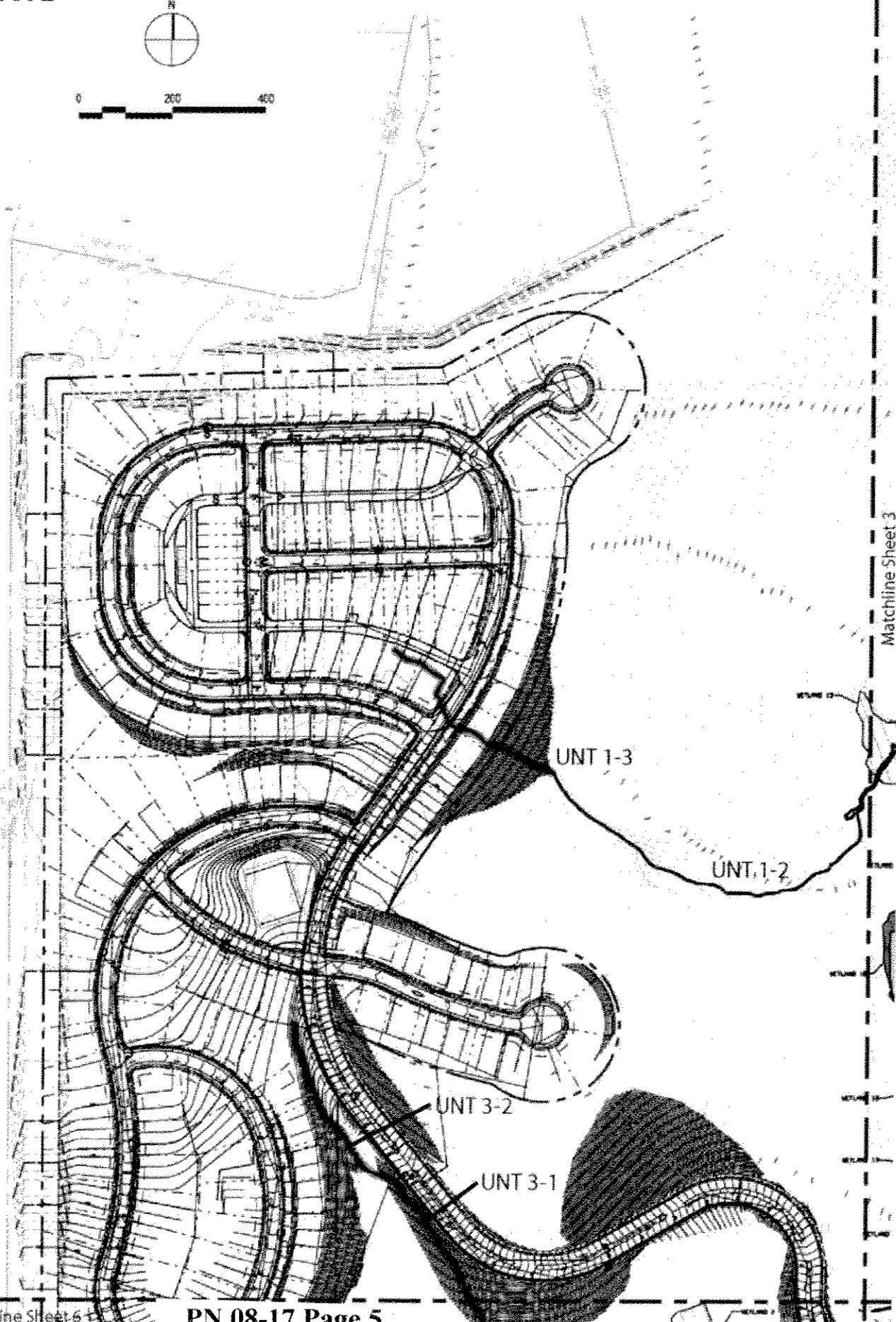
Matchline Sheet 2

# Sheet 2



Matchline Sheet 1

Matchline Sheet 3



UNT 1-3

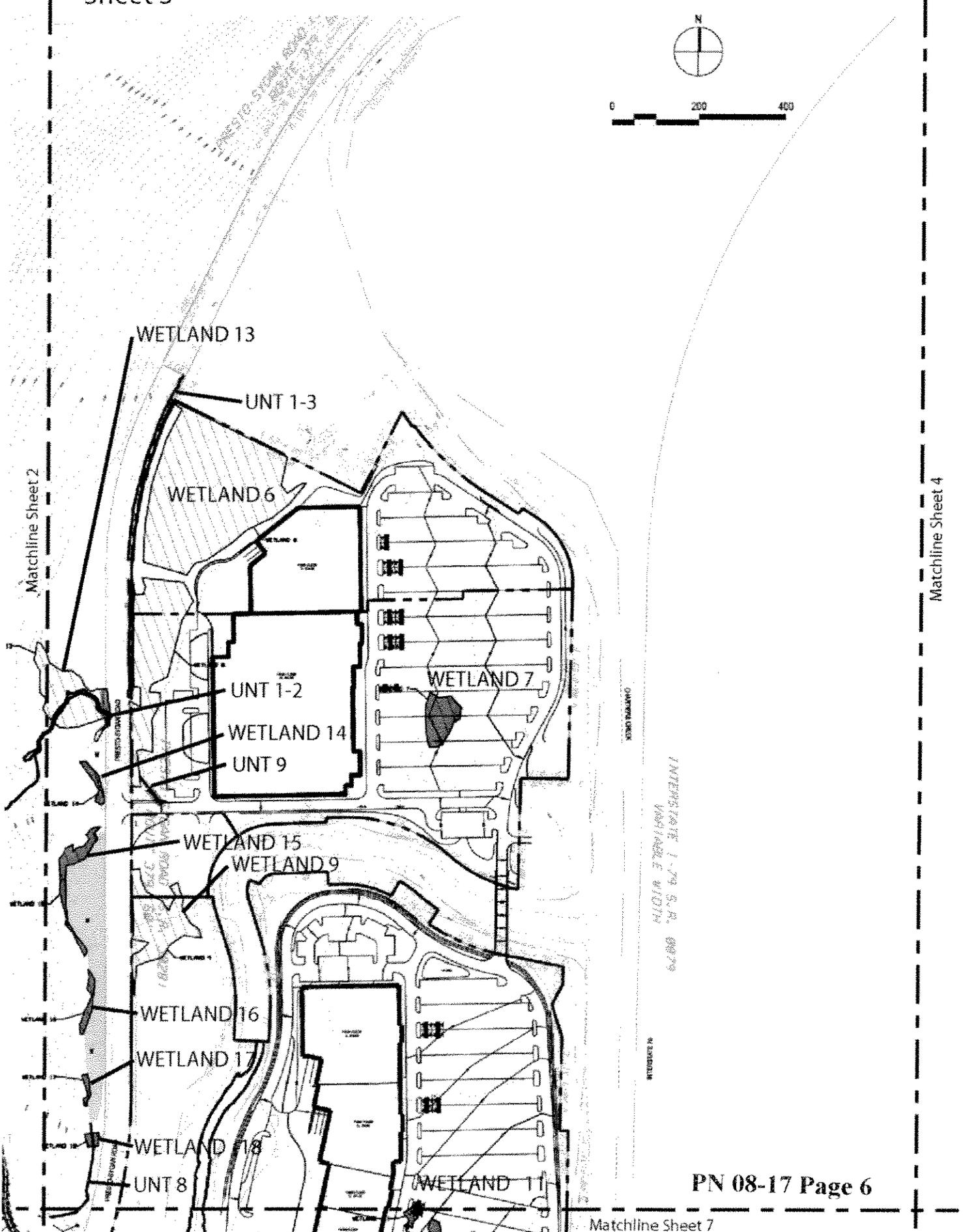
UNT 1-2

UNT 3-2

UNT 3-1

Matchline Sheet 6

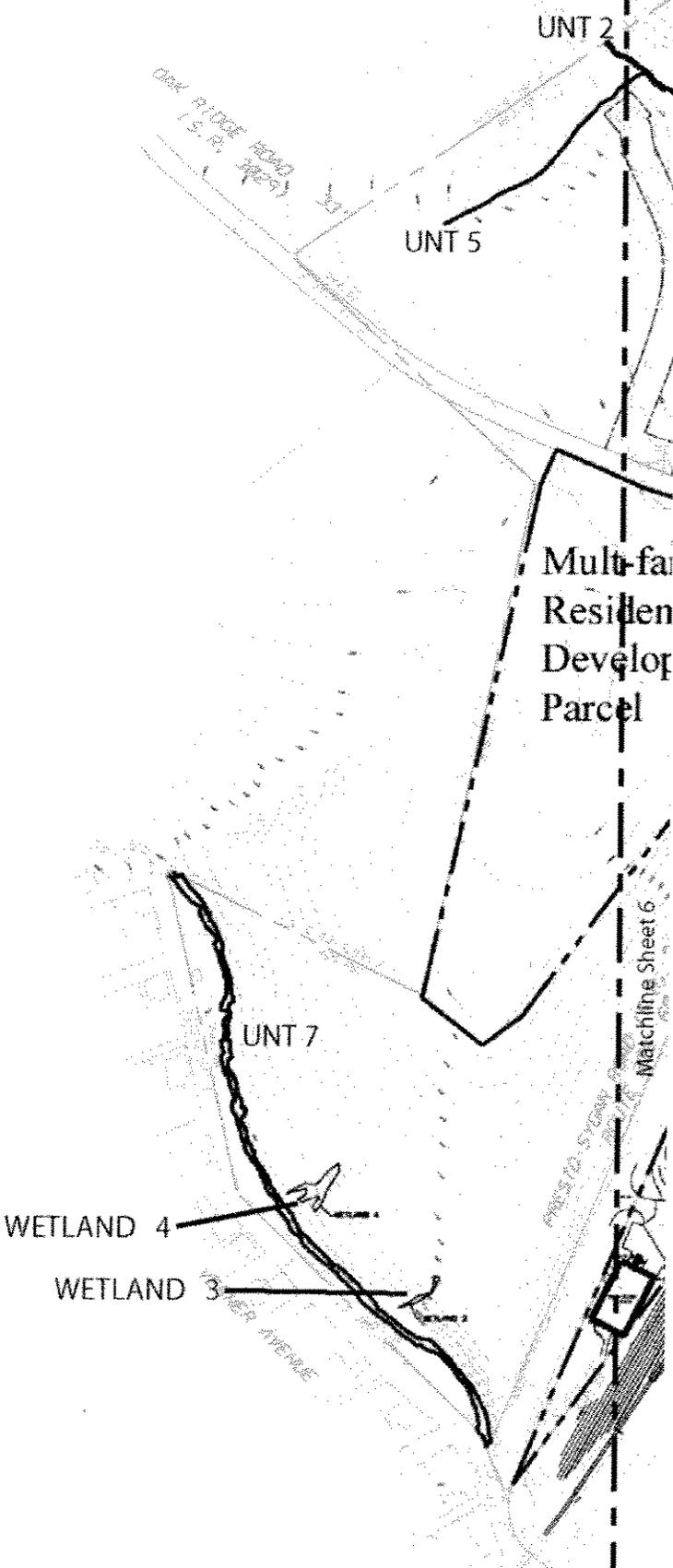
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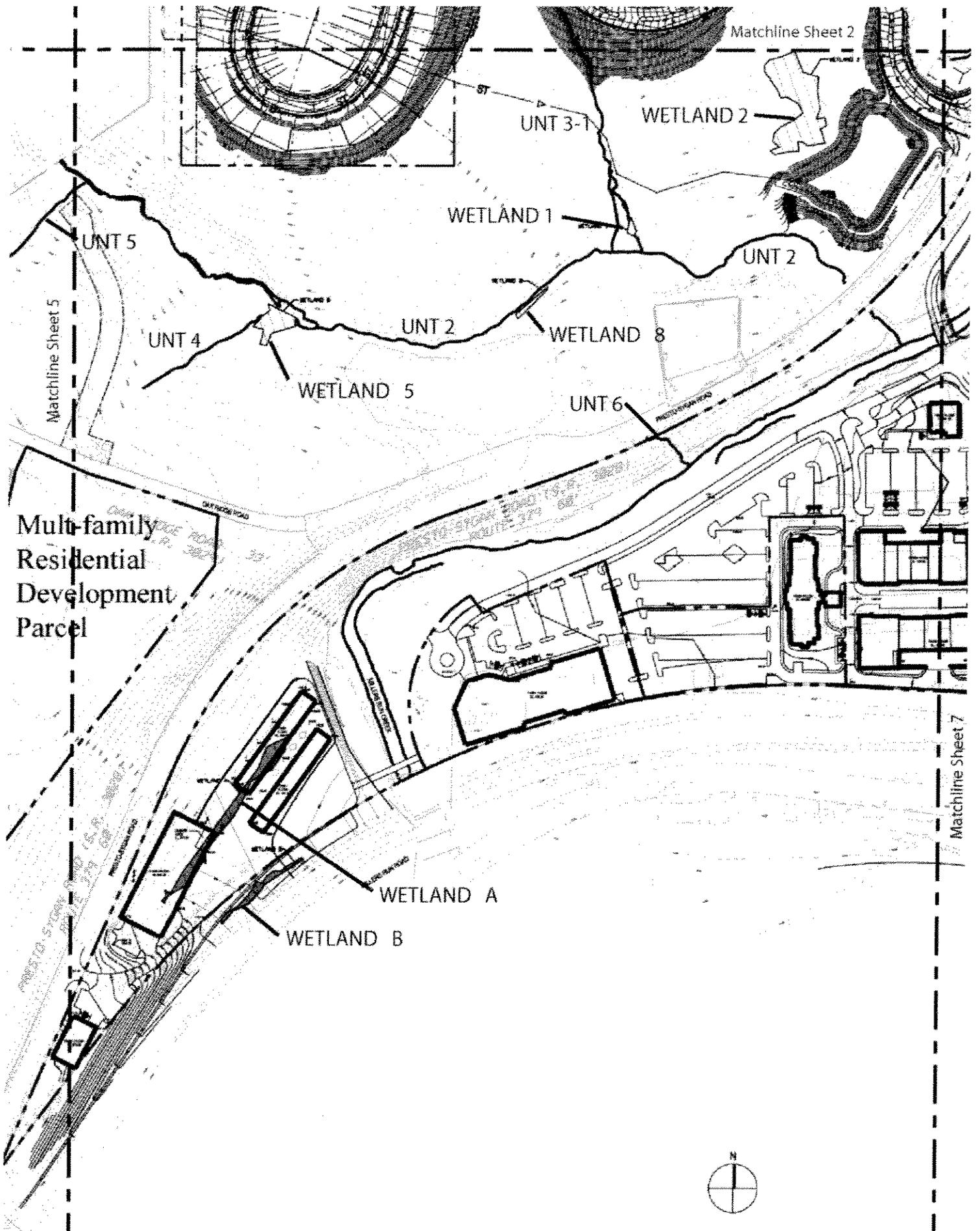


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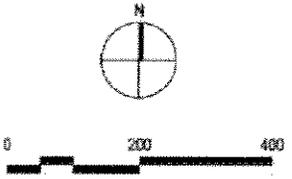
E

F





Multi-family  
Residential  
Development  
Parcel



UNT 8

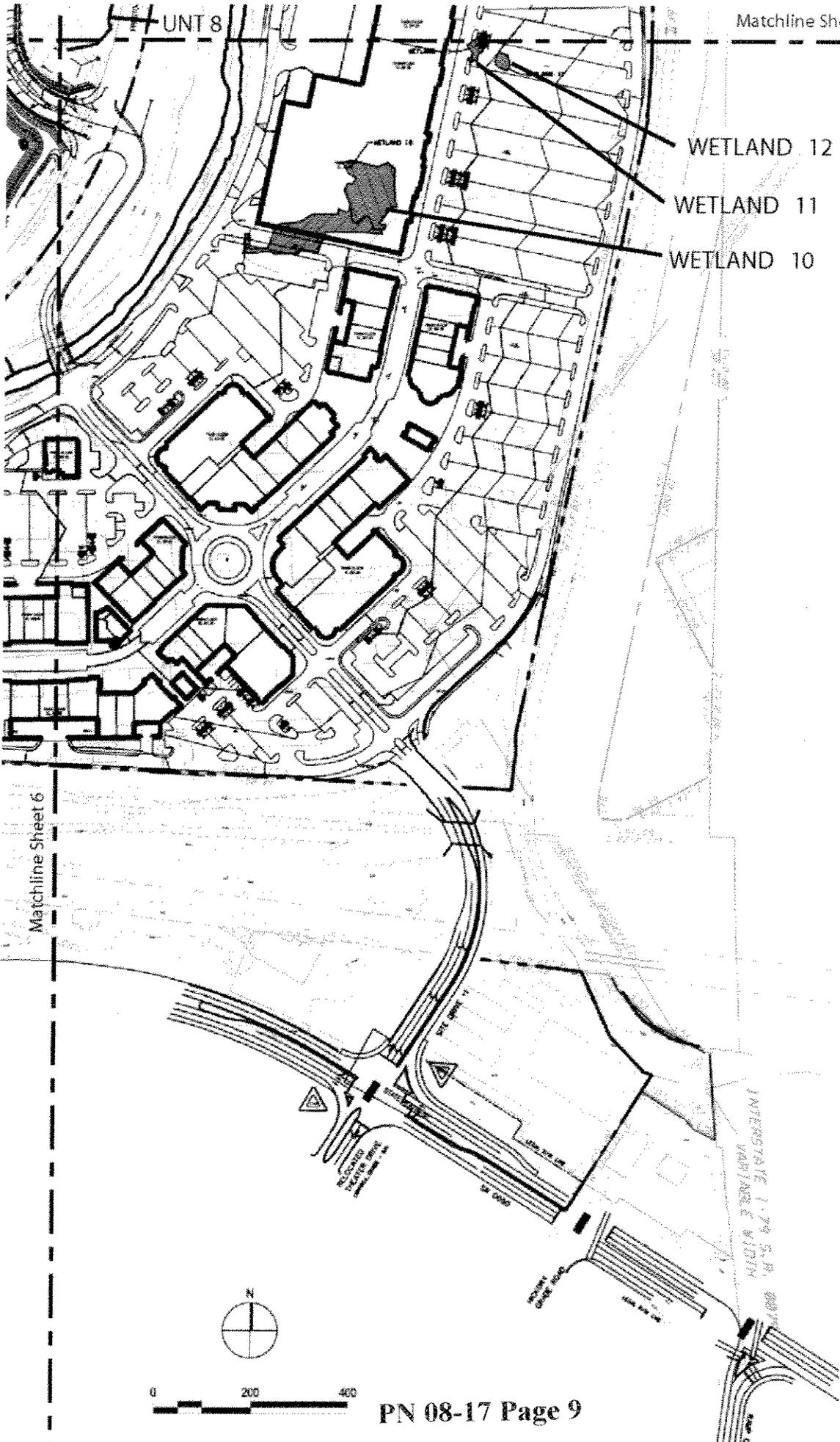
Matchline Sheet 3

Sheet 7

WETLAND 12

WETLAND 11

WETLAND 10



Matchline Sheet 6

Matchline Sheet 8