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of Engineers®**

Pittsburgh District

December 2007

**Final
Detailed Project Report
And
Integrated Environmental Assessment**

APPENDIX 12

**DRAFT REPORT
COMMENTS AND
RESOPONSES**

**North Park Lake
Allegheny County, PA
Section 206 Aquatic Ecosystem
Restoration Project**

APPENDIX 12
DRAFT REPORT COMMENTS AND RESPONSES

All comments received during the 30-day public review period are contained in this APPENDIX. The District received seven letters and/or e-mails commenting on the report. Where a comment logically demanded a District response, the response was imbedded within the letter/e-mail directly after the comment in a red italic font, with one exception. The District's response to Mr. Gold's numerous comments is presented at the letter's end.

Comments were submitted by the following agencies/individuals:

- 9-08-2006 Cheryl Neuendorffer – Friends of Latodami (letter)
- 9-14-2006 George H. Craig – Former Pittsburgh District Office of Counsel (e-mail)
- 9-22-2006 Richard D. Lorson – PA Fish and Boat Commission (faxed letter) – A hard copy letter containing the same contents dated 9-29-2006 was received from the PFBC. The hard copy letter is reproduced herein.
- 9-28-2006 Bruce Betty – Towhship of McCandless (e-mail)
- 9-28-2006 USEPA (letter)
- 9-29-2006 Nathan P. Havens – PA Game Commission (e-mail)
- 10-05-2006 Dennis Gold – Dewatering Services (e-mail)

The comments below are presented in the order in which they were received.

Comments from Cheryl Neuendorffer
Representing Friends of Latodami Environmental Education Center

Cheryl Neuendorffer 130
Pineview Dr.
Wexford, Pa 15090
Sept 8, 2006

Curtis N. Meeder Chief, Planning and Environmental Branch
Department of the Army, Pittsburgh District, Corps of Engineers
William S. Moorhead Federal Building, 1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Dear Mr. Meeder,

The Friends of Latodami Environmental Education Center are submitting the attached comments as part of the public record for the Draft Detailed Project Report and Integrated Environmental Assessment, North Park Lake, Allegheny County, PA, Section 206 Aquatic Ecosystem Restoration Project.

Overview

The North Park Lake Section 206 Aquatic Ecosystem Restoration Project is an environmental project that can only be done if it “will improve the quality of the environment and is in the public interest”¹. The current plan to continue the process of reclaiming the Wildwood Mine site using the dredge material is well in keeping with these goals. However, the alternative plan to dump the dredging material onto the fields at the Latodami Environmental Education Center site is not environmentally sound, nor is it in the public’s best interest. For many years this site has engaged individuals and organizations in conservation efforts and it continues to do so today. The Latodami site is part of an Important Mammal Area, an integral component of a Barn Owl re-introduction program and a native grassland habitat project for species that are declining in Pennsylvania². The Latodami site is an aesthetic natural landscape that is also a potentially significant archaeological area. Work is being done on proposals to designate it as part of an Important Bird Area and an historical area. The site is also adjacent to Latodami’s EPA funded Riparian Restoration Project.

Information regarding these projects is found below, along with detailed comments on specific aspects of the Draft Detailed Project Report and Integrated Environmental Assessment, beginning with the report’s categorization of the Latodami site.

Importance of Latodami

The beginning of section 2.2.4.5 Latodami Site is disingenuous at best. It implies that this site was used as a model airplane site for years. It also implies there was a runway when

¹From Section 206 of the Water Resources Development Act of 1996, which provides authority for this project to be undertaken.

²Please see the letter from Jose' Taracido attached as Appendix 1. Note: this project was put on hold due to the Army Corps proposal to use Latodami as a disposal site.

there was never more than a mowed grassy area. The Latodami site was only available as a temporary location to the model airplane group, MARS (Model Aircraft Recreational Society) from July 18, 2000 to Dec 28, 2000. James C. Roddey, stated "Any decision to extend the agreement beyond this year will be made only after receiving the recommendations of the parks 2000 Commission and the citizen-based Parks Advisory Committee." Similarly, Thomas Donatelli stated⁴: "I am not aware that the council is considering an extension of MARS's contract. It is my understanding that the long range study that I am having completed by WRT⁵ would address this issue. It appears our consultant's will recommend the use of Deer Lake Park for this use." This was confirmed with the release of the Allegheny County Parks Comprehensive Master Plan, which states:

5.1.8 Latodami Open Space Reserve (NP8)

Relocate the Model Airplane Field to Deer Lakes Park.

The current location adjacent to the Latodami Nature Center is not compatible with the recommendation to expand the environmental education/outreach programming at the Latodami Complex. Deer Lakes Park has several well-suited undeveloped areas that would easily accommodate the flying of model airplanes without presenting a conflict with adjacent uses.

There were safety, environmental and noise issues during the above months when the model airplanes were flown. MARS was issued an Enforcement Notice on 8/28/2000 for violations of the Township of Pine Zoning Ordinances. This enforcement notice required that upon receipt of the notice that MARS "immediately cease and desist the use of the property for motorized aeromodeling activities".

The use of the Latodami site by model airplanes was opposed by over 620 concerned citizens. Letters of opposition were provided by Dr. James Manley, Superintendent of the Pine-Richland School District and Mr. William Moul President of the North Area Environmental Council. Dr. Manley as voice of the Pine-Richland School Board opposed the use of the Latodami site as it "causes us concern for the safety and welfare of our students." Mr. William Moul wrote that this incursion into the Nature Center area was "about as far as one could get from the purposes of a natural area."

Newspapers reported on the opposition to MARS and their use of the Latodami site. These reports included remarks from Joe Bayer Recreation Director from the Verland Foundation, Amy Bialek a local elementary school teacher, Katherine Neidhart Daisy Scout Leader, Terry Watson a member of Blind Outdoor Leisure Development and Meg Scanlon North Park Naturalist.

³Chief Executive of Allegheny County at the time, in a letter to Ms. Suzanne Fronrier dated July 20, 2000

⁴ Director of Public Works, in correspondence with Steve Hoffman, Director of Bird Conservation Audubon-Pennsylvania

⁵ WRT refers to the planning and design firm Wallace Roberts & Todd, LLC (WRT). The \$625,000 County commissioned report by WRT serves as a comprehensive master plan for the parks and is entitled the Allegheny County Parks Comprehensive Master Plan. It can be found in its entirety at <http://www.countyallegheypaus/parks/plan2001.asp>

The point being is that the Latodami site has existed for over 35 years as fields of a Nature Center and only for a period of less than 5 months were model airplanes present. During this time MARS faced strong public opposition. Model airplanes were not appropriate for this site and to portray this site as a model airplane site is, as stated earlier, disingenuous at best. Using their presence to justify the dumping of dredge materials on the site would only be using one mistake to try and justify another.

DISTRICT RESPONSE: Only two sentences were used in the report to indicate that a part of the site was once used to fly model planes. The mention of the runway was simply a statement of historical information. The commenter was correct in stating that the runway was a mowed grassy field. Runways for radio controlled (RC) model airplanes are typically mowed grassy fields. A prime example of a heavily used model plane runway is located in Cedar Creek Park, a County Park located in Westmoreland County, PA, about one hour driving time south of North Park. This extremely popular model plane airport is located at a high elevation within the park. The runway is a regularly mowed grassy field.

Latodami Trails

This same section of the report states that the Latodami site “is used for wildlife observation and birding primary from an unimproved road which transverses the center of the site”, This provides an incomplete picture of the Latodami site. There are thirteen trails that meander throughout the various habitats at Latodami and invite exploration of this unique area. At least four trails (the Skyline Trail, the North Trail, the Towhee Trail and the Fox Meadow Trail) cross or adjoin the upper field and would be directly affected by the Latodami site being used for dredge disposal. Full descriptions of these trails are available at <http://www.latodami.org/trails.html>.

The same section of the report also states that “the site is neither used for nor suitable for athletic recreation”. This is not a negative point. The Allegheny County Parks Comprehensive Master Plan, section 2.3. 1 states:

Latodami Farm Biological Zone

School groups organized clubs and the general public consistently visit the Latodami Nature Interpretive Center. Essential to the basic functioning of the Interpretive Center is retention of a large area containing a variety of natural communities and habitats, and which is relatively secluded from the activities of the more developed portions of the park

Latodami is a Nature Center and needs to be respected and preserved as such. Latodami provides a variety of environmental education programs year round to explore and investigate its wide diversity of habitats and wildlife. There are thousands of visitors a year who attend scheduled programs and walk Latodami’s trails.

Projects at Latodami have already been affected by the dredging proposal. The Grassland project with the Partners for Fish and Wildlife Program at California University of Pennsylvania was placed on hold because of the ongoing threat that the Latodami site would be used as a dredge disposal site. It is important for Allegheny County to strengthen existing collaborative efforts and not to destroy them.

Other projects have continued, all of which would be impacted by the use of Latodami as a dredge disposal site.

DISTRICT RESPONSE: The statement that the Latodami field is not suitable for athletic recreation was not meant to be negative, it was simply a reported observation. Most of the site supports dense, old field vegetation with a large percentage of exotic species that are not at all conducive to sports, i.e. teasel, Canada thistle, multiflora rose and autumn olive.

At the time of the Corps site visits, the only obvious access through the upper field was the dirt roadway that traverses the center of the site lengthwise from east to west and that roughly parallels a hedgerow. This roadway is the Skyline Trail as mentioned in the comment. The other trails mentioned by the commenter are located along the site's extreme eastern edge. These trails generally follow the forested edge of the upper field.

The grassland project mentioned above was not very successful due to the invasion of the experimental plot by aggressive exotic vegetation. Based upon a vegetation survey conducted by Corps biologists between July 25 and August 1, 2003, the grassland project area contained almost 60% exotic species. Of the dominant species, in this plot, over 80% were non-native exotics.

1. The Latodami site is part of a designated Important Mammal Area

Latodami Environmental Education Center was selected by the Mammal Technical

Committee of the PA Biological Survey as an Important Mammal Area (IMA). It has

joined 44 other sites in Pennsylvania's Important Mammal Area Project, an international pilot project, to be the first IMA sites identified anywhere in the world.

IMA's serve as an inspiration and a model for mammal habitat conservation and education, According to Alana Hartman, IMAP Coordinator, "IMA's include very special places: habitat for species of special concern, exceptional habitat for a diversity of more common mammals, places that support large concentrations of a single mammal species, and sites where exemplary programs are in place for educating the public about mammals."

We are very proud to be a part of this project. This designation recognizes Meg Scanlon's educational programs and impressive service as North Park's naturalist.

The IMA project is being conducted jointly by the PA Wildlife Federation, PA Federation of Sportsmen's Clubs, National Wildlife Federation, PA Game Commission, Carnegie Museum of Natural History, Mammal Technical Committee of the PA Biological Survey, and Indiana University of Pennsylvania. Major funding is from the State Wildlife Grant Program, which is administered by the PA Game Commission. The project is also supported by the Wild Resource Conservation Fund.

DISTRICT RESPONSE: We do not know the basis for the IMA designation. It could be that it has more to do with the fact that the Latodami site is in the vicinity of the Park's environmental learning center used to educate the public about natural resources rather than the site having special status species, or high species diversity or high population densities. No state or Federal threatened, endangered or other special status species were recorded at the upper Latodami field as a result of the small mammal trapping study conducted by the Corps in 2003. Although the Latodami site had the highest number of small mammal species of the 6 sites surveyed, overall diversity (species richness) was low, with only 4 species of small mammals observed. Meadow voles, a common species in Pennsylvania, accounted for 88.1% of these (37 of 42 captures). The Pennsylvania Modified Habitat Evaluation Procedure (PAM-HEP) that the Corps conducted in 2003 used 6 species of wildlife to evaluate habitat, including 4 bird and 2 mammal species. One of these was the meadow vole. The Latodami site scored a relatively high habitat suitability index (HSI) for meadow voles in the baseline year (TYB) with a value of 0.7 (1.0 is considered perfect habitat, while a value of 0 would be considered non-habitat). However, two other sediment placement sites had similar HSI values for meadow vole, including the Deer Pen (HSI=0.8) and Wildwood Sites (HSI=0.7). The Latodami site did not score as high as several other sites for cottontail rabbit, the only other mammal species evaluated during the PAM-HEP (The HSI for Latodami field for rabbits was a low score of 0.3).

2. Latodami Barn Owl Project

Latodami has joined the Moraine Preservation Fund, a breed and release foundation, in an effort to re-establish a population of self-sustaining Barn Owls (*Tyto alba*) in Western Pennsylvania. Latodami has housed 12 birds and released 11 during the past year. Four more Barn Owls are expected in the next few weeks,

The Barn Owl is a nocturnal grassland species that relies on open fields and grasslands for its survival. Feeding primarily on small mammals including voles, moles, young rats and various species of mice the owls once flourished in Pennsylvania. However, their populations have dwindled drastically chiefly due to loss of habitat. The Barn Owl is listed as "Endangered" in several states and is considered a species of "special concern" in Pennsylvania.

The public can view the Barn Owls at the Latodami Owl Barn on the Internet from webcams that have been provided by the Friends of Latodami. This project is also being sponsored by Nauticom Internet Services, who are providing high speed DSL Broadband Internet and video streaming services.

As is reported by the Army Corps of Engineers the Latodami upper fields provide habitat and a source of meadow voles. Voles are important for the retention of the Barn Owls at Latodami.

Although voles spend considerable time above ground, most of their time is spent below ground in their burrow system. Dense vegetative cover as is found in the upper fields encourages voles by providing food and protection from predators and environmental stresses. Placing 400,000 cubic yards of dredge material on the site would have a significant environmental impact and would cause harm.

DISTRICT RESPONSE: The value of the upper Latodami field to the barn owl reintroduction program is inconsistent with the results of both the PAM-HEP study and the small mammal trapping study conducted in 2003. The upper Latodami field supports a population of small mammals (primarily meadow voles) that would provide food for barn owls and other raptors. The site is also relatively large in area (32.24 acres) compared to most of the other sites evaluated (the Wildwood Site is larger at 49.15 acres). However, the Latodami site does not have any obvious intrinsic value as a barn owl re-introduction site, other than its proximity to the Latodami Environmental Education Center.

3. Latodami Riparian Project

Project Name: Latodami Riparian Restoration Project
Five-Star Funds: \$10,000
Grant To: Allegheny County Parks Department

The Five Star Restoration Program was established so the U.S. Environmental Protection Agency (EPA) can work with its partners for education through community-based wetlands restoration projects in watersheds across the U.S. The National Association of Counties, the National Fish and Wildlife Foundation, and the Wildlife Habitat Council have joined together with EPA for this effort. Funding for the program is provided by EPA's Office of Wetlands, Oceans and Watersheds, and by the National Marine Fisheries Service's Community-based Restoration Program for selected projects in coastal areas.

The Latodami Environmental Education Center received a Five Star Restoration grant and is implementing a riparian restoration project to increase biodiversity and improve biological productivity. In addition to improving the local ecology, the project will increase public awareness of natural resource management and promote understanding of a riparian ecosystem.

By restoring an area to a healthy riparian ecosystem we hope to

- Stabilize the stream banks
- Provide increased energy for aquatic life
- Provide additional food and cover for terrestrial species
- Increase biological diversity
- Create an on-site example of riparian restoration.

The project area is located along the Nature Access Trail (formerly known as the Braille Trail). The trail is approximately four tenths of a mile and winds its way along the stream. This highly utilized location will provide a working visual demonstration of how wise management and protection of riparian areas are in the best interest of all. The stream drains from upland forested land and into the Latodami Pond. Flow then continues into Marshall and North Park Lakes,

The local factors placing pressure upon biodiversity are encroachment of urbanization (as the human population of the area grows wetland and open areas are eliminated and wildlife is pushed into smaller and smaller areas) erosion, deer browsing; and spread of invasive exotic plant species.

Objectives of the project include the physical removal of exotic plant species and the revegetation of the area with native species to provide wildlife food, cover, and nest sites. A 3-year monitoring and maintenance plan will be put in place to prevent aggressive reinfestation by invasive species and to ensure the health and survival of native plants.

DISTRICT RESPONSE: Use of the upper Latodami field for sediment placement would not impact the riparian area described above.

4. Latodami as an Important Bird Area

Latodami is being nominated as an Important Bird Area. It is strongly believed that Latodami will be accepted as an IBA sometime in the future. Many bird species have been documented as breeding in or on the edge of the upper fields at Latodami.

See DISTRICT RESPONSE on page 12 regarding numbers of bird species at Latodami.

Potential for Alternative Sites

Section 4.2.6 of the Draft Detailed Project Report states “Should the Wildwood site become unavailable, there would be no economically viable alternative sediment placement site to use other than Latodami field”. This appears to be a statement based on opinion not fact.

DISTRICT RESPONSE: The District’s determination that there were no economically viable sites other than the nearby Wildwood site was based on a thorough investigation of potential sites outside the Park and costs to utilize them. None were found.

In the past the DEP provided alternative suggestions for dredge disposal sites. If there were other possibilities in 2003, why it is now assumed that there can be no other options should the Wildwood site become unavailable. We hope that the Army Corps of Engineers and Allegheny County will remain open to alternatives. We do not know that any of the leads were followed through as the North Park Lake dredging project was put on hold due to financial restraints.

The following documents some of the correspondence that we received regarding possible alternatives.

From: Matviya, John
Sent: Tuesday, February 11, 2003 12:12 PM
To: 'tpn@zbzoom.net'
Subject: FW: Information Request

Dear Cheryl

Your request has been forwarded to me for response. I polled my technical staff and received two suggested sites in need of clean fill I might still receive some others and will pass those along as I receive them. Here are two possibilities:

- I do believe that the Armstrong Loft Site (Strip District of Pittsburgh) was in need of fill material. The distance from the site to North Park is approx 12-15 miles. You could contact the consultant for this project: Scott Rasmussin, Civil & Environmental Consultants -(412) 429-2324.
- It's not 5 or 10 miles from north Park (more like 15-20) but we will need fill for Hickman Road (Robinson Township.) Our contractors can arrange for hauling if need be. We probably won't need as much as they will have (we will know better once we complete the excavation, scheduled for late this year).

Both the Army Corps of Engineers and Allegheny County have projects of their own where they either need fill or know of places that do. I suspect that they are satisfied that the fields where they plan to haul the fill is their best alternative. However, there will surely be other brownfield projects during 2004 that could use the fill as there are probably many development sites that are in need of fill. If we hear of anymore we will let you know.

*John J Matviya
Regional Manager
Environmental Cleanup Program*

Later correspondence from John Matviya (DEP) stated:

Dear Cheryl,

I was informed of someone who is interested in taking some or all of the dredge material to their project at Montour Run. I would like to put them in touch with the project manager but do not know who that is. Could you give me the name and telephone number of someone with the County that is handling this project? Thanks you.

I do not personally know of sites that could use the dredged material in the summer of 2005. However, I have no doubt that there WILL be several viable options at that time. Its use on abandoned mine reclamation projects is a great idea too. I suggest that you contact our Bureau of Abandoned Mine Reclamation. You might start with the Division of Field Operations headed by Paul Linnan. Tell him that I referred you to him since I know that he will be able to direct you to the right person to talk to.

We have worked with Mr. Donatelli and he should contact us for possible disposal sites as the County moves closer to the project date.

The Corps should also consider ways of repositioning the dredge spoils to increase the area's natural ability to process surface pollutants and/or to help tolerate storms, i.e. flood control. There is no environmental gain in destroying a natural area to make a disposal site,

As an addition to Appendix I of the Draft Detailed Project Report, Letters of Coordination, I would like to add the following email communications with the DEP to complete the record.

Dear Mrs. Nuendorffer:

I am unaware of any comment made by our staff regarding the unavailability or accessibility of other sites. While this may be true, more work needs to be done with regard to finding alternative sites within the expanded timetable for the project. I will personally follow up on the possibility of an Act 2 remediation site with Mr. Matviya. In a conversation with him just before the wildwood site visit, he indicated that the timing of potential remediation projects may not be compatible with the timing of the North Park Lake dredging project. While the Wildwood site may be able to handle a great deal of the material, it is my understanding that there will still be a substantial amount to be located elsewhere. I am also having the sampling results evaluated by our regional chemist. I am also clarifying several legal issues with our Mining Program staff regarding the Wildwood site. I will send the official letter to the CORPS and the County on the above issues in the near future. You will receive a copy of the letter. Please remain in the loop and call me at if you have additional questions or concerns.

Joe Chnupa Take a Walk in Your Watershed! May is Watershed Awareness Month <http://www.pawatersheds.org/wsam03/default.asp>

Original Message

From: contact rmaiito:contact@iatodami.orgj
Sent: Friday, May 02, 2003 10:34 AM
To: 'Chnupa, Joseph'
Subject: RE: North Park Lake Dredging Project

Mr. Joseph Chnupa,

Thank you again for your role in the April 15th meeting. We came away feeling quite positive about the potential of the Wildwood site.

This morning, however, I received an email from Larry Moskovitz, the Army Corps of Engineers Project Planner for the North Park Lake Project. It states, in part:

"During the field trip, PADEP representatives told us that they Looked for alternative dredged material placement sites in the region and determined that there were no others near enough to be useful for this project. We also searched for other potential sites and came to the same conclusion as PADEP. There is no need, therefore, to search for other placement sites.

It goes on to send a mixed message about the Wildwood site and it indicates that evaluation of the Latodami site will continue. I wish to respond to his email as I question this interpretation of the PADEP's evaluation.

It is my understanding that what was said at that meeting by Paul Linnan was that the PADEP had not found any other "abandoned mine areas" in the region that they thought could be useful for this project. This did not mean that all other possibilities had been exhausted. In fact, on April 14, I had relayed the following message from John Matviya to Thomas Donatelli.

"I was informed of someone who is interested in taking some or all of the dredge material to their project at Montour Run. I would like to put them in touch with the project manager but do not know who that is. Could you give me the name and telephone number of someone with the County that is handling this project? Thanks you.

John J Matviya
Regional Manager
Environmental Cleanup Program"

It seemed to me that Gene Vaskov said that there was no need to look for other sites because everyone there on April 15 day saw the advantages of using the Wildwood Mine Site.

I would appreciate receiving the following from you:

1. A clarification of the DEP's position regarding Mr. Moskovitz's statement. 2. A summary of DEP's evaluation of the Wildwood Mine site.

Thank You, Cheryl Neuendorffer Friends of Latodami

Public support for Latodami and relative costs

Regarding Section 5.8, Other Issues affecting Decision Making, subsection 5.8.1 Sediment Placement Area; this section is filled with opinion and not fact.

We do not have a record of who from the Friends of Latodami Environmental Education Center spoke at the Feb 27, 2003 North Park Lake meeting. We do know that many other people were also in attendance. Some were affiliated with the North Area Environmental Council, The Sierra Club, Allegheny Defense Project, Audubon Society, Allegheny Land Trust, and Pine Township. Some residents who would be directly affected by the Latodami disposal site spoke and there were many faces that we did not recognize. Many people came who had enjoyed Latodami over the years and wanted to express the opinion that they did not want to see it destroyed. Dan Eichenlaub from AgRecycle, who initially thought he might be interested in the dredge material, was present. Ron Silber, Advocacy and Outreach Director 3Rivers RiverKeeper, expressed his views. Parents who homeschool their children were there. To imply that the Friends of Latodami Environmental Education Center were the only ones who spoke in favor of preserving Latodami is a misrepresentation.

DISTRICT RESPONSE: The statement that that all the residents who vigorously oppose the use of Latodami field are formal members of "Friends of Latodami" is an error; the text will be modified. However, the comment that Section 5.8 " is filled with opinion" is untrue. The general description of Latodami field provided in this section is based upon the conclusions of the U.S. Fish and Wildlife Service's Habitat Evaluation Procedure employed to analyze the site as well as separate small mammal trapping and breeding bird surveys performed at Latodami

by experienced Corps wildlife biologists. The Habitat Evaluation Procedure is recognized by Federal and state natural resource agencies as a reliable analytical tool to characterize the habitat value of a given area. To make the procedure as unbiased as possible non-Corps personnel were invited to participate. A list of those who participated in the North Park habitat analysis study is shown in the table below:

<i>Name</i>	<i>Affiliation</i>	<i>Title</i>	<i>PAMHEP Function</i>
<i>Barry, Kevin</i>	<i>Allegheny County</i>	<i>SCA Intern</i>	<i>Assisted Meg Scanlon</i>
<i>Cooper, Gary</i>	<i>U.S. Army Corps of Engineers Pittsburgh District (COE)</i>	<i>Civil Engineer</i>	<i>Provided Construction Sequence Details/Answered Construction and Site Restoration Questions (participated on 6/17/03)</i>
<i>Donahue, Paul</i>	<i>U.S. Army Corps of Engineers Pittsburgh District (COE)</i>	<i>Civil Engineer</i>	<i>Provided Construction Sequence Details/Answered Construction and Site Restoration Questions (participated on 6/16/03)</i>
<i>Fowles, J. Michael</i>	<i>U.S. Army Corps of Engineers Pittsburgh District (COE)</i>	<i>Fish and Wildlife Specialist</i>	<i>Voting Team Member – COE</i>
<i>Neuendorffer, Cheryl</i>	<i>Friends of Latodami</i>	*	<i>Assisted Meg Scanlon</i>
<i>Piehler, Kirk</i>	<i>U.S. Army Corps of Engineers Pittsburgh District (COE)</i>	<i>District Wildlife Biologist</i>	<i>Team Leader</i>
<i>Scanlon, Meg</i>	<i>Allegheny County</i>	<i>Naturalist, North Park Lake</i>	<i>Voting Team Member – Allegheny County</i>
<i>Smith, John</i>	<i>PA Game Commission (PGC)</i>	<i>Supervisor, Land Management, Southwest Region</i>	<i>Voting Team Member – PGC</i>
<i>Stone, Caitlin</i>	<i>Allegheny County</i>	<i>Assistant Park Naturalist</i>	<i>Assisted Meg Scanlon</i>

To state that the Latodami site is actually “detrimental to wildlife and avian populations” ignores the fact that Latodami is a sanctuary to more than 200 species of birds that either nest there or use it as a stop over during migration. Numerous wildlife species are often sighted in the upper fields.

DISTRICT RESPONSE: This statement is not supported by the results of either the PAM-HEP or breeding bird surveys conducted in 2003. However, both studies were conducted during the breeding season, which automatically limited the number of species that could be tallied. Many additional species of birds would be expected to use the Latodami site during the spring and fall migrations, and during the winter months. The breeding bird surveys conducted at the Latodami Site documented only 39 species that were presumed breeders. The Wildwood Site actually had more, with 44 presumed breeders. However, the results of the PAM-HEP and breeding bird surveys would not necessarily preclude the future designation of the Latodami site as an Important Bird Area. It should be noted that no state or Federal threatened, endangered or other special status species of birds were recorded at the site during the breeding bird

surveys.

Regarding the effects of invasive species on wildlife, the PAM-HEP report prepared by the District for the sediment placement areas stated, “The effect of exotic plant influence on existing wildlife habitat was not quantified. However, because of the dominance of exotic vegetation at most sites, it is believed to have significant negative effects on both small mammal and breeding bird populations utilizing the sites.” That exotic vegetation is detrimental to wildlife is also attested to in Ms. Neuendorffer’s letter. Section 3 of the letter noted above states, “The local factors placing pressure upon biodiversity are encroachment of urbanization (as the human population of the area grows wetland and open areas are eliminated and wildlife is pushed into smaller and smaller areas) erosion, deer browsing; and spread of invasive exotic plant species.” The District has clearly documented and quantified the invasion of exotic vegetation at the Latodami site.

Finally, the concept that the selection of the Wildwood site will only increase total cost of the ecosystem restoration project is also deceptive. It fails to consider a number of issues:

1. The report does not mention that Allegheny County is working with the Western Pennsylvania Conservancy to acquire the 64.76 acre Wildwood site.

DISTRICT RESPONSE: The reason that the Wildwood site will increase the costs is because the County will have to acquire it for the project. Regardless of who pays for it, this real estate acquisition, if successfully executed, will become part of the project and therefore must be added to the total project cost. According to Corps regulations, a local sponsor is responsible for the cost of all lands, easements, rights-of-way, relocations and disposal. These locally incurred costs are counted toward the total project cost, and local sponsors are given credit for them.

2. This report states that it is likely that Latodami is an archaeological site. The New Community Church property adjacent to Latodami was found to be a 2,000 year old archeological site. A team found over 7,000 artifacts showing that small groups occupied this site during seasonal rounds and perhaps as an outpost for trade and exchange. The cost of doing archeological discovery on the Latodami site must be considered.

DISTRICT RESPONSE: Section 4.2.6 of the report states that archaeological sites were recorded at Latodami field and that if utilized for sediment placement would have to be studied further. The fact that another archaeological site is located in the vicinity only serves to reinforce our conclusions. It should be noted that just because a site contains over 7,000 artifacts does not necessarily dictate that the site is archaeologically significant and eligible for listing on the National Register of Historic Places. A scattering of artifacts, even in large numbers, without subsurface features with which to associate them could preclude a site from being determined National Register eligible.

3. The report does not consider the value to Allegheny County of restoring the Wildwood site, a partially reclaimed coal waste (gob) pile, to expand the park.

DISTRICT RESPONSE: This observation is correct. Any future use of the Wildwood site as part of North Park is a County responsibility and is not germane to the restoration of North Park Lake.

4. The report does not indicate where the additional accumulated dredge from regular maintenance would be placed and if additional land would eventually be needed for future dredging material. “The District estimates that 2.0 acre-feet of sediment per year should be removed to maximize the project life. One acre-foot translates in volume to 1613 cubic yards. Therefore 3,226 cubic yards of material must be removed per year from the lake.”

DISTRICT RESPONSE: This observation is also correct. Operation and maintenance of a Section 206 project is a 100% local responsibility. The County will determine where they will place sediment dredged from the lake.

5. Nothing is said about the potential negative effects on other County projects. For example, the County has allocated \$600,000 to reconstruct the main and emergency spillways located at Latodami below the upper fields. It would be inherently difficult to realize absolute containment of dredged materials and one would expect an enhanced potential for mobilization by using the Latodami site. You can not pile 400,000 cubic yards of dredge material high on a hill and expect nothing to travel downhill. The cost of removing the sediment that will wash down the hill into the pond must be considered.

DISTRICT RESPONSE: Safety and stability is one of the Corps’ foremost concerns in any construction project. Our engineers have considered and studied sediment movement and have concluded that the upper Latodami field can be safely used as a sediment placement area.

NOTE: As clearly stated in Section 4.2.6 of the draft report, should the local sponsor acquire the Wildwood site for use as a sediment placement area, the District would eliminate Latodami field from the list of available sites. During coordination with the local sponsor at the end of September 2006, the County informed the District that they are proceeding with the acquisition of the Wildwood site and felt confident that they would be successful. Should this occur, most of the sediment will be placed at the Wildwood site; the upper Latodami field would not be used.

Conclusion

In addition to the above, there are other aspects of the Draft Detailed Project Report and Integrated Environmental Assessment that we disagree with. Ultimately, though, the most important point is that the Latodami site is an Allegheny County asset that should not be sacrificed as a dump site for dredge materials. We believe that the Wildwood site is an example of how and where positive use of the material can be used. Should negotiations regarding the Wildwood site fail, we believe that it is vital that the Latodami site not become the preferred dredge disposal site. The Section 206 program philosophy is geared to ecosystem improvement not the destruction and disruption of existing ecosystems.

Cheryl Neuendorffer
Friends of Latodami Environmental Education Center

Appendix 1, Letter from Jose' Taracido, Farmland Habitat Program Supervisor, Foundation for California University of PA

27 February 2003

Latodami Nature Center

To whom it may concern:

In the spring of 2002 the Partners for Fish and Wildlife Program at California University of Pennsylvania agreed to do a project with Allegheny County's North Park and its naturalist Meg Scanlon. This project would accomplish three objectives: 1) it would serve as an educational opportunity for the public and area schools; 2) it would provide a great aesthetic value to the park, for the public to enjoy in its varieties of wildflowers and native grasses; 3) and maybe most importantly, it would provide critical grassland habitat for grassland species that are declining in Pennsylvania and certainly in Allegheny County.

Our program at California University has a long list of organizations, groups, and individuals who are on waiting lists to have similar projects done throughout western Pennsylvania. Due to limited time and resources, this type of habitat work is in very high demand because of its benefits aesthetically to the property and its exceptional value of a disappearing type of habitat in Pennsylvania (grassland prairies).

The Partners Program has committed a large amount of resources in time, equipment, personnel, and funds and is in the middle of its second stage of the establishment part of this project. It is scheduled to be finished this spring (of 2003). Species of concern in Pennsylvania that benefit from this type of project include: short-eared owl, northern harrier, Henslow's sparrow, vesper sparrow, savannah sparrow, grasshopper sparrow, indigo bunting, upland sandpiper, bobolink, eastern meadowlark, horned lark, northern bobwhite, and a host of other species that benefit from this including eastern bluebird, chickadees, American goldfinch, song sparrow, white-throated sparrow, ring-necked pheasant, eastern cottontail, and a host of smaller mammals such as meadow voles and jumping mice.

Provided below is a list of species of plants that were provided in this project:

cave-in-rock switchgrass Aldous little bluestem Niagra big bluestem Pawnee Indiangrass
Virginia wild rye partridge pea purple coneflower wild blue lupine lance-leaved coreopsis black-
eyed susan sweet ox-eyed sunflower Maximillian sunflower gray-headed coneflower plains
coreopsis butterfly milkweed brown-eyed susan wild bergamot annual blanket flower perennial
blanket flower annual sunflower spiked gayfeather (*Liatris spicala*) New England aster

If you have any other questions or I can be of any further assistance, please contact me at
(724) 938-5799.

Sincerely,

Jose' Taracido
Farmland Habitat Program Supervisor
Foundation for California University of PA

COMMENTS FROM GEORGE H. CRAIG

Larry,

I've read the real estate annex to the Report. The correct name for the owner of the sanitary sewer line is "The McCandless Township Sanitary Authority"

George H. Craig
Grogan Graffam, P.C.
Four Gateway Center, 12th Floor
Pittsburgh, PA
15222

DISTRICT RESPONSE: The District corrected the text of Real Estate Appendix as suggested.

Comments from Richard D. Lorson
PA Fish and Boat Commission

Pennsylvania Fish & Boat Commission

**Bureau of Fisheries
Division of Fisheries Management
Fisheries Management Area 8
236 Lake Road
Somerset, PA 15501-1644
Phone: 814-445-3454
Fax: 814-445-3497
E-mail: rlorson@state.pa.us**

Note: A fax of this letter was received on 22 September 2006

September 29, 2006

Larry Moskovitz
Plan Formulation Section
Pittsburgh District, Corps of Engineers
William S. Moorehead Federal Building
Pittsburgh, PA 15222-4186

Dear Mr. Moskovitz:

The Pennsylvania Fish and Boat Commission (PFBC) appreciates the opportunity to comment on the August 2006 Draft Detailed Project Report (DPR) for North Park Lake. In reality, we have been providing commentary back to about 2000 on this project. We hope the City will be able to move forward with this project that the PFBC supports. We wish to continue our cooperative efforts with the City of Pittsburgh toward maximizing the quantity and quality fishing opportunities at North Park Lake.

We will cooperate with a similar approach to what was stated in the past for assistance with a fish salvage during draining; fish habitat recommendations; restocking after project complete the management of the post-project fishery.

We will try to direct comments to a specific report section where possible. I was surprised to see a predicted post-project 100-year "evolution" of the lake back to its current state. I am not sure that will be possible when it is only seventy years old and I do not see land use practices in the watershed getting better or development lessening.

Mention was made about excessive aquatic vegetation in North Park Lake. In our years of providing fish management service to the lake, we have considered North Park Lake to have excessive aquatic vegetation. We consider something of over 30% surface area coverage to be excessive for managing fish populations.

I would not classify the aquatic habitat of North Park Lake as degraded from an aquatic resource perspective. It is altered from its original state and purpose but even if/when it would be filled in and serving the ecological processes as a wetland it would remain a valuable resource. We have all of our impoundments that habitat changes dramatically over time and due to the expense of rehabilitation like the current one, we are forced to manage and can manage a fishery effectively even with the changes. However, I will say the reduced depth at North Park Lake does provide increased challenges to managing the fishery.

DISTRICT RESPONSE: We agree that in the future, the former lake area functioning as a wetland would still be a valuable resource; however, considering the lake from an open water

habitat perspective, it is degraded. The lake has already lost half its depth and approximately 12 surface acres of open water due to severe ongoing sedimentation

I still think that some form of a sediment retention basin should be incorporated in the Pine Creek arm. I concede to not being an engineer, but even a reduced size basin seems like it would extend the life of the lake. Isn't the North Fork arm of the lake in "better shape" now as a result of having Marshall Lake as a sediment trap? Additionally, Best Management Practices for erosion and sedimentation control are of utmost importance in the upper watershed to the continued health or at least reduced degradation of this ecosystem. It does not seem that enough emphasis is being placed on this issue.

DISTRICT RESPONSE: Watershed management will certainly increase the life expectancy of the lake. As noted in the report, a small sedimentation basin will be formed upstream of the wetland protection dike. This will be cleaned out on a regular basis by the County, which will provide some sediment control.

Section 2.2.3- Page 9. The PFBC manages North Park Lake as a put-and-take stocked trout fishery. I will add that it ranks very high statewide in terms of angler use. We do not anticipate trout surviving year round in any of the lakes we stock in Southwest PA including North Park Lake, so our strategy would continue with annual seasonal stocking. The sediment-reduced habitat over time may constrict our length of time for stocking. However, the final wetlands stages would be the only time we would consider discontinuing stocking. We do not want readers to get the impression that the Project has to be completed for the PFBC to maintain a stocked trout program at North Park Lake. This statement applies to other portions of report pertaining to the termination of the stocked trout program.

DISTRICT RESPONSE: We did not imply that trout stocking, at least for the near future is dependent upon the restoration project. However, if nothing is done to restore the open water habitat, the lake will eventually fill with sediment. Our conclusions about trout stocking are based upon the latter stages of the lake's life as an open water resource. We assume that at a future time as the lake fills with sediment, that the lack of open water habitat would make trout stocking for recreational lake fishing pointless.

Section 2.12 – Page 30. "This continual loss of habitat will eventually reduce its capacity to support even a warm water sport fishery." This is overstating the issue and can only be considered valid at the very late stages of lake sediment filling. We have numerous lakes that are less than 20 surface acres and have a high quality fishery. The diversity of the warmwater fishery will diminish over time with no Project at North Park Lake. but the PFBC would continue to adjust our management to get the best fish population balance and fishery situation even if it is with seasonal stocking of trout, along with naturally reproducing populations of largemouth bass, bluegill, and channel catfish. Toward this end, we have increased our channel catfish stocking rate and proposed Big Bass regulations to improve the overall fishery after our 2004 lake survey at North Park Lake. This statement applies to other portions of report pertaining to the demise of the warmwater fish populations in the lake.

DISTRICT RESPONSE: We agree that the lake will continue to provide a fishery for many years. However, this section looks to what will eventually happen at the very late stages of sedimentation. The lake and the open water habitat that it now provides will be lost to encroaching wetland as the lake becomes increasingly shallow due to ongoing sedimentation.

Section 3.3 – Page 32-33. "In essence, the long-term, future "without project condition" will be North Park without North Park Lake." Again, this statement makes an impact to a recreation department. North Park Lake as a wetland makes an impact to an ecologist. We just have to bear in mind that recreation is the primary goal for North Park Lake.

DISTRICT RESPONSE: We recognize that North Park Lake, if allowed to fill with sediment, will become a high quality wetland with obvious ecological value. However, we feel that open water habitat also has value, and the restoration of this habitat is the focus of the project. Recreation benefits, which are the concern of the local sponsor as stated in the report, are secondary to the Corps's reason for its involvement, which is aquatic habitat restoration.

Section 3.4.5-Page35. The PFBC continues to recommend and offer fish salvage from the lake rather than all fish moving downstream. This would be accomplished after about a 90% drawdown. Efforts should be made with Best Management Practices to minimize sediment transport downstream from the lake into Pine Creek. Our recommendation would be to try to have the timeline from June 1 to January 1 for a span of 1 year and 7 months. This would essentially cut the lost fishing recreation in half for one season lost rather than two. It still may not be reasonable logistically, but stands to save \$660,000 in lost angling economic impact.

DISTRICT RESPONSE: The District greatly appreciates the cooperation and assistance provided by the PFBC as we developed the proposed project. We will continue to coordinate with your office to work out the fish salvage details as we enter into the next phase of the project, Plans and Specifications.

Section 6.1.6.2 - Page 105 The only way we can imagine to allow vegetation to establish along the shoreline of North Park Lake is to put the area off limits to people. Human traffic is simply too heavy for vegetation to survive. The COIR logs seem to be a good idea, but will not live up to their intended purpose unless undisturbed.

DISTRICT RESPONSE: We recognize this potential problem. The County is proposing to use signage and use other methods to educate the public on the need to maintain the integrity of the near-shore wetlands that we intend to create using the COIR logs

Section 6.1.6.3 Page 106 The Wetland Protection Barrier in the Pine Creek arm will provide some sediment trap capability at least for the short term. This will be an extended time if efforts are made to address the heavy silt load arising from land use practices and development in the watershed.

Section 6.1.7- Page 108. The habitat portion of the Plan is important and we are encouraged that this is an element. If the PFBC Habitat Management Section was consulted on this already, that is great. If not, we would encourage that contact.

Regardless of the benefits of a with Project approach, there is a cost related to loss of recreational angling opportunities in the short term. Based on our angler use work at North Park Lake of 2001, we estimated a minimum of 21,900 angler trips per year at an associated economic benefit of \$660,000 per year. Thus, a Project spanning the course of two years would yield a minimum lost recreation economic impact of \$1,320,000. We provide this as a minimum due to it being pulled from use only during the months of February to May, November, and December.

Thank you for the opportunity to comment on the Plan. Feel free to contact us with any additional questions or comments.

Sincerely,

/s/

Richard D. Lorson
Area Fisheries Manager

cc: E. Svetahor
I. Spotts
File

DISTRICT RESPONSE: Although recreation benefits were not utilized to justify the project, we recognized that there would be an economic loss related to recreation during construction just as there would be recreation benefits that will occur as a direct result of project completion. The paragraph on page 67 of the draft report discusses recreation related costs and benefits.

Comments From Bruce Betty
Township of McCandless

From: [Bruce Betty](#)

Subject: North Park Lake

To whom it may concern

Thank you for the opportunity to comment on the draft Detailed Project Report(DPR) and Environmental Assessment(EA) for North Park Lake.

The Town of McCandless offers two comments. For the past few years the Town has looked at the possibility of using North Park Lake as a stormwater control facility. The Town through its engineer has performed preliminary calculations and developed preliminary concepts for stormwater control. This information has been shared with representatives of Allegheny County and the Army Corps of Engineers. This will not solve the flooding issues of downstream communities but does offer the opportunity to control 24.2 square miles of watershed drainage(area taken from page 4 of the DPR). This would be a relatively inexpensive integral part of an overall Pine Creek watershed stormwater control plan. This is part of a future plan and may deserve mention.

DISTRICT RESPONSE: We have not seen the storm water control plan proposed by the Town of McCandless. However, based upon our understanding, North Park Lake is not a flood control structure; its primary purpose is recreation. The lake has an uncontrolled spillway, which continuously discharges water into Pine Creek. In the event of a large flood, the excess water will simply discharge over the uncontrolled spillway. The uncontrolled spillway sets the current lake level.

To provide storage, the lake would have to be drained or lowered. If you drained the lake and used the outlet works, it may reduce the very small or lower frequency floods, but this would have to be investigated (i.e., modeled). After being drained, the dam would act like a dry dam, which is not consistent with its intended purpose, recreation. In a flood event, as soon as the water gets up to the spillway elevation, the flow through the lake and over the spillway would again be uncontrolled.

The second item that deserves mention is the undermined area east of North Park. The Pennsylvania Department of Environmental Resources map indicates the mining stops around the breast work of the dam (attached). Your report mentions the mine on page 46 as an investigated method of sediment disposal. It is the Town's opinion the mine should be mentioned to show that it was investigated geotechnically and the mine does not appear to be impacted according to DEP records.

DISTRICT RESPONSE: The following summary is based upon a review of available geologic literature. The coal seam in question is the Upper Freeport that occurs at an elevation of about 700' in the project area. This seam is usually about 4 feet thick. The ground surface elevations in the area range from a low of elevation 940' in the lake up to about 1130' in some of the proposed disposal areas. With this amount of cover, subsidence is not expected to be a problem. As a very general rule of thumb, subsidence under roads and fills does not warrant study unless the seam is less than fifty feet below the ground elevation.

If the abandoned mine workings were very shallow (i.e. less than 50 feet below ground surface), subsidence would have likely already occurred. If subsidence was imminent, and the disposal fill provided sufficient surcharge to crush the remaining pillars, the subsidence would be localized under the fill. However as stated above, given the depth of overburden, we do not expect any safety concerns regarding mine subsidence at any of the sediment placement sites.

If you have any questions regarding these comments please call Bruce Betty, Land Use Administrator at 412-364-0616 ext. 121 at the McCandless Town Hall.

Respectfully submitted,

Bruce Betty
Town of McCandless
Land Use Administrator

Comments from USEPA – REGION III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

September 28, 2006

Department of the Army
Pittsburgh District, Corps of Engineers
William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

RE: Draft Detailed Project Report and Integrated Environmental Assessment North Park Lake, Allegheny County, PA

Dear Mr. Meeder:

In accordance with the National Environmental Policy Act (NEPA) of 1969 and Section 309 of the Clean Air Act, we are responding to your request for comments on the referenced project. We have included the following comments.

The report does not provide sufficient detail regarding the sediment sources in the lake. In addition to allowing the wetland vegetation along the North Fork of Pine Creek to re-establish, we recommend that the project team investigate other methods for reducing sediment loading into the watershed to help prevent future problems and improve water quality.

DISTRICT RESPONSE: The focus of the report was the restoration of North Park Lake. It was not our intent to determine sources of sediment but rather to document the quantity of sediment entering the lake annually. To determine sources of sediment and methods of reducing sediment loading in the watershed would require a basin-wide study, which is well beyond the scope of this investigation.

The project team should also follow the PAM-HEP team recommendations described on page 14 for addressing the stabilization and project completion.

DISTRICT RESPONSE: The District intends to incorporate the PAMHEP recommendations into the design of the disposal areas where practicable to increase their value for wildlife habitat.

Documentation should be provided that DCNR agrees with the issues expressed in their

May 11, 2006 letter regarding state listed plants in the Wildwood County and Bull Pen sediment placement areas have been addressed. The subject document only states that a park naturalist and two expert botanists did not find any species of concern.

DISTRICT RESPONSE: After receipt of the letter from the PADCNR, the District purposely enlisted the assistance of the Park Naturalist who was acquainted with two individuals that were not only expert botanists, but who had the most extensive knowledge of the flora of North Park. These botanists separately examined the disposal areas and determined that the habitat required for Snow Trillium was not present. The correspondence between the District and PADCNR is noted in APPENDIX 1.

We recommend that efforts be made to eliminate and reduce air emissions caused by the activities associated with the sediment removal and restoration. This would include best management practices (BMPS) such as not allowing equipment to idle. A list of potential BMPS is attached for your consideration.

DISTRICT RESPONSE: The District will incorporate the recommendations into the plans and specifications where practicable.

Section 4.5.2 on page 61 describes the wetland on the County sediment placement site and states, “This wetland is detached and composed primarily of invasive exotic species. It’s quality and habitat value is poor. The loss of this small wetland would not constitute a significant impact and would not require any form of mitigation”. It is the policy of the USEPA to require mitigation for all impacts to waters of the United States regardless of the quality of the vegetation. These areas may be providing functions that should be replaced. Additional information should be provided on this area, to establish the regulatory status of this wetland and if mitigation is warranted.

DISTRICT RESPONSE: We revised Section 4.5.2 to state that no fill material will be placed within the wetland area present at the County Site. This wetland will be preserved.

We recommend that the project team coordinate closely with the PA Fish and Boat Commission regarding activities in the lake.

DISTRICT RESPONSE: The District will continue to coordinate with the PFBC during the design and construction phases of the project.

Thank you for the opportunity to offer these comments. If you have any questions, please contact Barbara Okorn at (215) 814-3330.

Sincerely,

/s/

William Arguto
NEPA Team Leader

Construction Permit Requirements/Temporary Impacts

In an effort to eliminate the NAAQS violations, we recommend controlling or minimizing construction emissions through use of the following typical Best Management Practice (BMPs) in association with each proposed project involving on-site construction:

- Utilize appropriate dust suppression methods during on-site construction activities. Available methods include application of water, soil stabilizers, or vegetation; use of enclosures, covers, silt fences, or wheel washers; and suspension of earth-movement activities during high wind conditions;

- Maintain a speed of less than 15 mph with construction equipment on unpaved surfaces as well as utilize fuel with lower sulfur content;

- Employ a construction management plan in order to minimize interference with regular motor vehicle traffic;

- Use electricity from power poles instead of generators whenever possible;

- Repair and service construction equipment according to the regular maintenance schedule recommended for each individual equipment type;

- Use low-VOC architectural materials and supplies equipment; and

- Incorporate energy-efficient supplies whenever feasible.

SmartWay Transport (6e)

Please consider incorporating any SmartWay initiatives that can be integrated into this project or general facility operating procedures, especially some of the idling best management practices. This effort has the potential to reduce pollution emissions as noted in the brief smart way description provided below.

SmartWay Transport is a voluntary partnership between various freight industry sectors and EPA that establishes incentives for fuel efficiency improvements and greenhouse gas emissions reductions. By 2012, this initiative aims to reduce between 33-66 million metric tons of carbon dioxide (CO₂) emissions and up to 200,000 tons of nitrogen oxide (NO_x) emissions per year. At the same time, the initiative will result in fuel savings of up to 150 million barrels of oil

annually. There are three primary components of the project: creating partnerships, reducing all unnecessary engine idling, and increasing the efficiency and use of rail and intermodal operations.

One component of the SmartWay Transport Partnership is to eliminate unnecessary truck and rail idling by developing a nationwide network of idle-reduction options along major transportation corridors . truck stops, travel centers, distribution hubs, rail switchyards, borders, ports, and even along the side of the road. The Environmental Protection Agency is working with the trucking industry, manufacturers of idle control technologies, various states, and other partners to help save fuel and reduce air pollution from idling trucks. EPA is conducting emissions testing on idling trucks under various conditions, surveying trucking fleets to learn more about idling times, implementing demonstration projects to test idle control technologies, and holding workshops to educate affected communities.

The vast majority of fuel consumed during long-duration idling can be saved and air emissions reduced by installing one of several idle control technologies that provide heat, air conditioning, and electrical power. These technologies include auxiliary units and truck stop electrification. The technologies to address engine idling are evolving, and EPA plans to test new technologies as they come to the market. You can find a list of the currently available idle technologies at <http://www.epa.gov/otaq/retrofit/idlingtech.htm>.

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Customer Service Hot/me: 1-800-438-2474*

Comments from Nathan P. Haven
PA Game Commission

Dear Mr. Moskovitz:

Thank you for the opportunity to review the draft Detailed Project Report and Environmental Assessment for the proposed North Park Lake project located in McCandless Township, Allegheny County.

The Pennsylvania Game Commission has no adverse comments at this time concerning the proposed project, and would like to applaud your detailed consideration of the projects impacts on wildlife and wildlife habitat, as well as your proposal to protect and enhance the existing wetland and riparian habitat.

In addition, our office review has determined that the project should not cause any adverse impacts to any special concern species of birds or mammals recognized by the Pennsylvania Game Commission. This determination may be reconsidered if project plans change or extend beyond the present study area, or if additional information becomes available on state-listed species. Please be advised that this determination is valid for one year from the date of this letter.

Very truly yours,

Nathan P. Havens
Division of Environmental Planning and Habitat Protection Bureau of Wildlife
Habitat Management Pennsylvania Game Commission
717-783-1728

Dewatering Services

Service Today to Protect tomorrow!

134 Hines Lane
Franklin, PA 16323

Phone 814-437-3794

Fax 814 – 437-5846

Email dgold@JCDWS.com

Department of the Army
Pittsburgh District
Corp of Engineers
William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222

Attention: Mr. Larry Moskovitz

Subject: North Park Lake Project report

NOTE: *Dewatering Services is a firm that claims to have developed a novel hydraulic dredging methodology that is more efficient and less costly than the standard hydraulic dredging techniques as described in the Feasibility Report. Mr. Gold, representing Dewatering Services, made a presentation to the District in August 2006 describing their new technology. This firm is hoping to be the successful bidder for this dredging project.*

Please see the District's response to comments at the end of this letter

Dear Mr. Moskovitz,

After review of the report submitted by your office I would ask for clarification of areas which the report fail to address, (or I failed to find within the report). Below I have listed the areas in question.

Cubic Yards of material to be removed:

It is stated the sponsor has requested 100% of the sediment removed, while the report states this 100% volume removal is 400,000 cubic yards. Our company in the summer of 2006 evaluated the lake for implementation of our dredging technology. During this evaluation we core sampled 34 points over the area of the main lake. This testing revealed the following:

Average water depth of the lake = 5.2 ft.

Average depth of sediment = 14.8 ft. (to gain 20 ft. original depth)

Average cubic yards to remove = 1,825,079 cubic yards*

- this is a mathematical calculation based on data received by autocad drawings of the lake surface area. The 1.8 million cubic yards does not take into consideration swell factors of the material during removal, which could increase the volume by 20-40%. Our

calculation do not provide for a angle of repose of the lake bottom, if we assume a 45 degree angle of repose from the shore, our calculations still result in a volume of sediment exceeded twice the volume stated in the Army Corp. report.

How did the army arrive at the volume of sediment?

Has the Army calculated a swell factor for the sediment handling and if so what swell factor have you used?

Grain size distribution of the sediment:

In review of the ALTECH report I could not find the particle distribution information. The report refers to Specific Density of the solids being 2.65 average, required drying of sediment is directly related to surface area of the particles. In addition to determining the drying time required of the sediment, the grain size will determine the stabilization of the drying sediment, as well as the ground pressure design of the mobile equipment used to place and dry the sediment. Having the specific density of the sediment does not allow for calculation of the total surface area available for water absorption.

The report refers to the testing of GEO Bags for drying of the sediment, the lab testing resulted in dry sediment near the edge of the tube and wet in the middle. This hindered draining near the center is consistent with the presence of small grain size particles. The report also referred to the use of polymers in the geo tubes yet no cost or dosage requirements was disclosed.

How can we acquire the report of particle size distribution?

Does the Army Corp have the type and dosage of polymers used for the testing.

Excavating of the sediment:

Diversion of water during the excavating is reflected on the cost estimate, it's unclear what water is being diverted. The report implies the lake will drain and dry in less than one year. During this year the swamp grasses will over take the entire lake adding to the over all volume of disposed material. The plan requires the sponsor to drain the lake, in the event that the cubic yards estimated in the report are incorrect, it could result in ceasing operations until additional money is available. If the Lake is filled again while waiting for additional funding, the proliferation of swamp grasses during the draining process will compound the current oxygen depletion resulting in a dead lake. The contingency for dredging was dropped to 20% based on the detailed estimating of the project yet below are areas I cannot find addressed in the report, which will quickly retire any contingency funds even at 25%. I did not see the cost for dike construction on the lake bottom to support the excavators. If the plan is to excavate below the lake bottom in order to achieve ground stability, cubic yardage is further under estimated. If dikes are used to support the excavators I would assume they would be on one-hundred foot centers resulting in a very large volume of base material.

What is the plan to drain the lake in regard to area run-off into the lake?

How will the Proliferation of swamp grasses be controlled during the draining process?

What is the time expected from draining to excavating?
How was this drying time of the lake bottom arrived at?
Who is responsible for the drying of the lake bottom prior to excavating?
What is the contingency plan if the lake bottom does not permit excavating equipment to perform?
How will the methane gases released from the lake be controlled?
Who is responsible for this off gases release, and control of these odors?
What model was used to compare and evaluate the viability of draining the lake, and the drying time evaluation based on the Pennsylvania climate?

Drying of the sediment:

Based on the time lines implied the handling of the sediment will be taken from the lake bottom to the final disposal area. This will not be possible with more than 60% of the sediment. Much of the sediment will require several placements and tilling to dry to a suitable handling state. This will require 3 times the available space specified in the report. Further, I saw no coring of the gob pile (Wild Wood Mine Site) disposal site to ensure that when the moisture from the sediments reaches the fine particles in the fly ash previously disposed of at this site will land subsidence occur (?).

Other Options:

Based on the report only dredging to geo-tubes was considered as a viable option. Additionally, the actual real world costs of the geo-tubes was not in your report. Our evaluation concluded that geo-tubes were not feasible because of the actual total costs seen in other areas, or similar models. The report also stated that mechanical dredging yields 10-20% solids content which will require further dewatering. Technology exist in dredging today that consistently produces percentage of solids as high as 50% by weight. Our company has produced this proprietary technology for 10 years now, that operates in the largest continuous dredging operation in the United States which receives 300 dry TPH of 5-30 micron clay particles and dries this material to 32% moisture by weight for disposal by trucking operations. This project yields 180,000 cubic yards per month of waste material for the past five years, at a fraction of the dredging costs in the Army's report. Our company has pioneered waste fines handling in many industries over the past 20 years, and this technology should be considered here for many reasons;

Our technology will not require the lake to be drained.

Our technology will not be invasive to current park attendance.

Our technology will not cost as much as the actual costs of draining the lake.

Our technology will not destroy the existing aquatic life.

Draining the lake will destroy the incredible work and achievements made by the North Park management.

One severe storm could destroy all operations of excavating the lake and cost several million dollars to make the repairs.

The lake is the main draw to the park, with the lake closed for 5 years will result in significant loss of attendance which is already declining.

The final cost of draining the lake will exceed 50 million dollars to remove all the sediment in the lake.

In-Conclusion:

It appears that selected process and the estimated costs were based on how much money is available rather than what will work effectively.

- The cubic yards required to be removed is off by 300% factor.
- The process to dry the lake is not defined.
- Responsibilities of parties is not defined.
- The drying time line of the sediment has no model to support the plan.
- What happens when the money is gone and the lake still full of sediment.
- There is insufficient space for the estimated 400,000 cubic yards, what happens when the additional 1,200,000 yards is discovered.

We have seen this happen in many operations through out the United States, and the records have shown the cost estimates are never even close to actual costs and the sponsor is left trying to find the money needed to cover the change orders caused by unclear responsibilities of the parties. We agree the lake needs saved but we do not agree the proposed plan is the best option. If you need clarification, or have any questions on our facts presented in this report I can be reached at 301-980-6934.

Sincerely,

Dennis Gold
President

Cc: Mr. Eugene Vaskov, PG
Geo Technical Division
County of Allegheny

DISTRICT RESPONSE: Some of the statements made in the above letter are based upon incorrect assumptions, which when taken as fact, led the author to a number of inaccurate conclusions. Some of these conclusions are: 1. that our calculation of sediment volume is off by a factor of 300% or more; 2. that the lake will be closed for 5 years; and 3. that it will cost \$50 million to complete the dredging project.

The issue of sediment volume, which is the most critical comment, is addressed below:

The calculation of sediment volume as presented at the beginning of Mr. Gold's letter is in error. It appears to be based upon a total surface area of 75 acres, which was the original surface area of the lake. As stated in the draft report, the 100 percent dredging option does not include the high quality wetland area that has already developed in the upper portion of the Pine Creek arm of the lake. The correct surface area is 63 acres. In addition, the lake will not be dredged an average of 14.8 feet deep as assumed. The lake will be shallow near shore and gradually deepen toward the lake's center and downstream towards the dam.

The District calculated the sediment volumes twice for this investigation by two different independent methods. Initially, our Hydraulics and Hydrology branch computed the sediment volumes using soundings and their HEC-RAS model. The second effort calculated total lake capacity using original topographic drawings of the lake that the County supplied. The District then compared the original topography to cross-sections taken of the lake. Sediment depths were confirmed from a boat using a rod. The sediment volumes computed by these two different methods were very close. Consequently, the District is confident that the estimated sediment volumes are accurate.

Regarding lake draining: We are proposing to drain the lake in a controlled manner using the existing gate. Smaller storms will pass through the gate or be pumped over the spillway. Larger storms will cause a temporary rise in the lake and then be drained in a controlled manner taking into consideration allowable downstream flows and sediment. Draining and the associated problem of sediment re-wetting during high water events will be further investigated in the next project phase, Plans and Specifications.

Regarding odor problems: The feasibility report indicates that there will be an odor problem around the lake. However, the severity of that problem and how long it will last is an unknown. Based upon experience with placing dredged lake sediment into a confined disposal area next to our Conemaugh Lake, an odor problem exists until the material begins to dry. At Conemaugh, the odor dissipated once you were several hundred feet from the disposal site.

Many of the questions presented in Mr. Gold's letter are too detailed and too specific to have been addressed in a feasibility-level report. The District will deal with these issues if appropriate during the development of Plans and Specifications.