



# 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. 2018-848

Date: February 21, 2019

Notice No. 19-09

Closing Date: March 22, 2019

1. **TO ALL WHOM IT MAY CONCERN:** The sponsor has submitted a prospectus to the Pittsburgh District Corps of Engineers to develop and operate The Robinson Fork Mitigation Bank Phase II. The 2008 Mitigation Rule defines mitigation banks as a site, or suite of sites, where resources (e.g. wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by Department of the Army (DA) permits pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. In general, units of restored, established, enhanced, or preserved wetlands or streams are expressed as “credits” which may subsequently be withdrawn to offset “debits” incurred at a project development site(s). The Corps is responsible for authorizing the use of a particular mitigation bank on a project specific basis and determining the number and availability of credits required to compensate for proposed impacts. Decisions rendered by the Corps will fully consider all comments submitted as part of the permit evaluation process. The objective of the proposed mitigation bank is to institute an ecologically sound, well developed and feasible stream and wetland preservation and restoration plan that would generate credits to be used as compensatory mitigation for activities authorized by DA permits. The Robinson Fork Mitigation Bank Phase II proposal has adequately addressed the mitigation requirements as defined in 33 CFR 332.4.

2. **APPLICANT:** First Pennsylvania Resource, LLC  
A wholly-owned subsidiary of  
Resource Environmental Solutions, LLC  
33 Terminal Way, Suite 431A  
Pittsburgh, Pennsylvania 15219

3. **LOCATION:** The proposed mitigation bank is located lies wholly within the Upper Ohio-Wheeling Creek Watershed (8-digit HUC #05030106) (Pennsylvania State Water Plan Watershed Subbasin 20) immediately adjacent to Robinson Fork Mitigation Bank Phase I in West Finley Township, Washington County, Pennsylvania (Maps are attached to this notice). In addition to unnamed tributaries, Robinson Fork and Beham Run traverse through the site. The approximate center coordinates of the project are: 39° 59' 45.07” North -80° 28' 56.98” West

4. **PURPOSE AND DESCRIPTION OF WORK:** First Pennsylvania Resource, LLC (FPR, Sponsor), a wholly-owned subsidiary of Resource Environmental Solutions, LLC (RES) proposes to establish the Robinson Fork Mitigation Bank Phase II within the approved Pennsylvania Statewide Umbrella Mitigation Banking Instrument. The Bank proposes to reduce bank erosion and sedimentation, re-establish stream and floodplain connectivity, re-establish the

hyporheic zone and associated floodplain wetlands, improve flood capacity and storage, improve baseflow and groundwater storage, improved biogeochemical cycling, improve vertical and horizontal stability, improve aquatic and terrestrial habitat, increase vegetative diversity, improve water quality, and eradicate invasive species. The functional goals and specifically targeted functional gains for the Project are shown in Table 1 and the Sponsor proposes to establish the following resource types at the Bank Site in the amounts described in Table 2. See Table 3 for a proposed credit generation:

Table 1: System Functional Sub-Groups	
System Functions	Functional Sub-Groups
Stream System	Vertical Bed Stability
	Channel Pattern
	Channel / Floodplain Stability
	Channel / Floodplain Connectivity
Retention	Epifaunal substrate
	Carbon
	Habitat Diversity
Stream / Floodplain	Riparian Wetland
	Root Saturation / Hydrology
	Stream / Floodplain Diversity
Uplands	Riparian ZOI (% Cover)

Table 2: Resource Improvements Summary				
Resource Type	Existing		Proposed	
	Acres / Linear Feet*		Acres / Linear Feet**	
Total Acreage		123.81	123.81	
Uplands		116.14	107.60	
Wetlands***	PEM	1.07	0.01	
	PSS	0.17	0.01	
	PFO	0.12	10.69	
Total		1.36	10.71	
Streams****	Perennial	11,626.91	11,933.36	
	Intermittent	17,395.79	17,699.38	
	Ephemeral	6,984.38	7,083.46	
Total		36,007.08	36,716.20	
Wetland Credits Generated*****			10.13	
Stream Credits Generated*****			21,601.70	
<p>* Pre-restoration lengths are based off the preliminary Jurisdictional Determination.  ** Post-restoration lengths are based off the Site restoration design and will vary from the existing delineated lengths based on the results of restoration activities.  ***Cowardin classifications are used throughout this document  ****All baseline conditions, restoration approaches and associated crediting are discussed later in this document.  ***** Approximate stream acreage of 6.31-acres pre-restoration and 4.65-acres post-restoration</p>				

Table 3: Proposed Credit Generation						
Restoration Type		Pre-Restoration Linear Feet	Post-Restoration Acres / Linear Feet	Ratio (x:1)	Final Credits	
Streams	Relocation	Beham Run	6,495.07	6,603.65	1	6,603.65
		UNT 4	3,582.73	4,094.08	1	4,094.08
		Jake Hill	2,485.28	2,558.32	1	2,558.32
		Main Stem Alluvial Fan	936.80	952.95	1	952.95
	Rehabilitation	1,791.58	1,791.58	1.5	1,194.39	
	Enhancement	15,495.79	15,495.79	2.5	6,198.32	
	Preservation	5,219.83	5,219.83	-	-	
	<b>Total</b>	<b>36,007.08</b>	<b>36,716.20</b>		<b>21,601.70</b>	
Wetlands	Restoration Type		Pre-Restoration Acres	Post-Restoration Acres	Ratio (x:1)	Final Credit
	Re-establishment		0	9.47	1	9.47
	Rehabilitation		0.65	0.65	1.5	0.43
	Enhancement		0.57	0.57	2.5	0.23
	Preservation		0.02	0.02	-	-
	*Impacts		0.14	0	1	-0.14
	<b>Total</b>		<b>1.38</b>	<b>10.71</b>		<b>9.99</b>

5. **ENCROACHMENT PERMIT:** The applicant must obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection  
Southwest Regional Office  
Waterways and Wetlands Section  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

Telephone: 412-442-4000

6. **IMPACT ON NATURAL RESOURCES:** The District Engineer has consulted the most recently available information and has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. 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). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that the only properties currently listed on the register which are in the vicinity of the proposed work is the Crawford Covered Bridge. The project, as proposed, will have no adverse effect on Historic or Cultural properties. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this

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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 Matthew Gilbert at the below address, by telephoning (412) 395-7189, or by e-mail at [matthew.c.gilbert@usace.army.mil](mailto:matthew.c.gilbert@usace.army.mil). Please refer to CELRP-OP-F 2018-848 in all responses.

U.S. Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186  
Re: Public Notice CELRP-OP-F No. 16-51

FOR THE DISTRICT ENGINEER:

/SIGNED/  
Jared N. Pritts  
Acting Chief, South Branch, Regulatory Branch

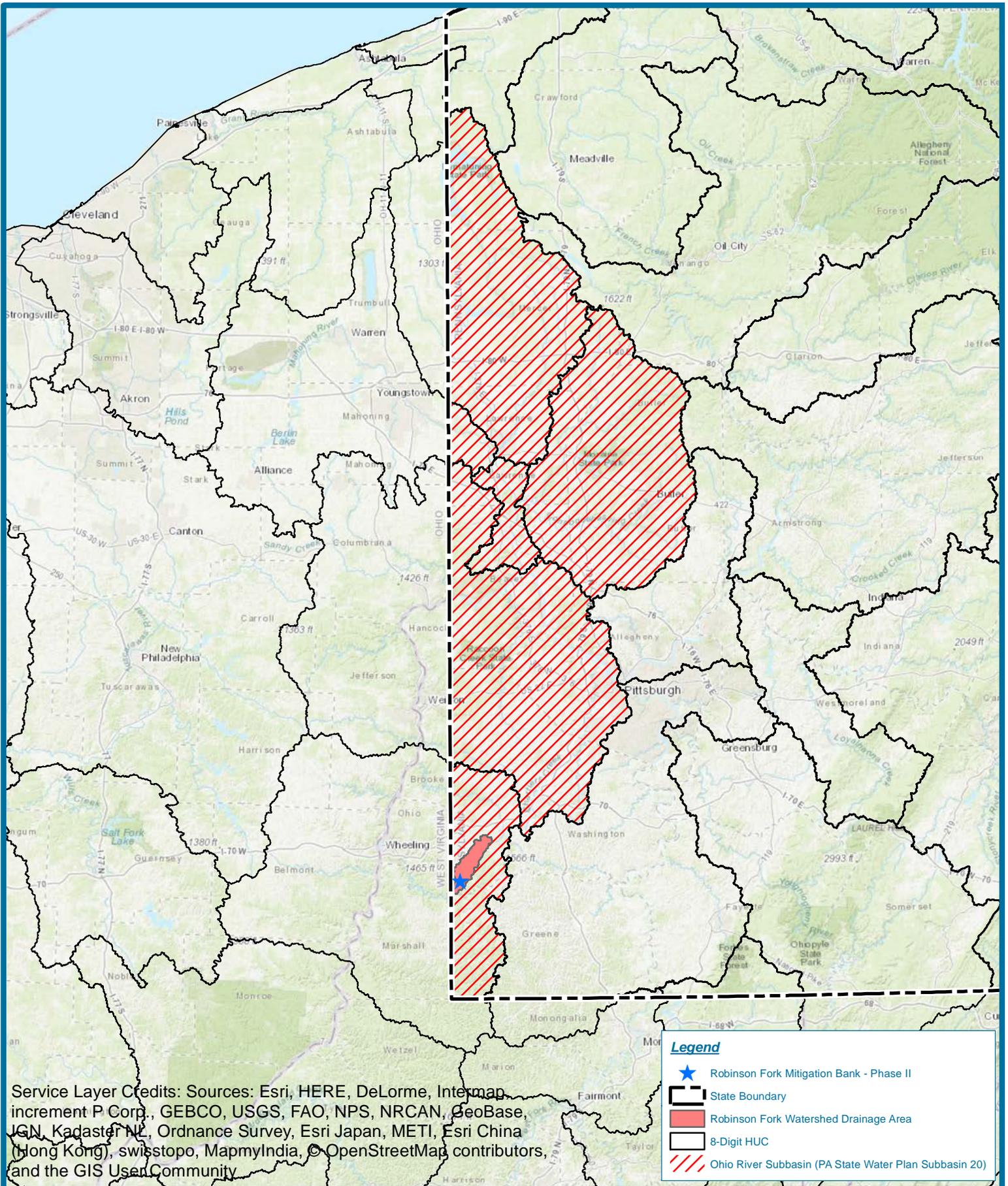


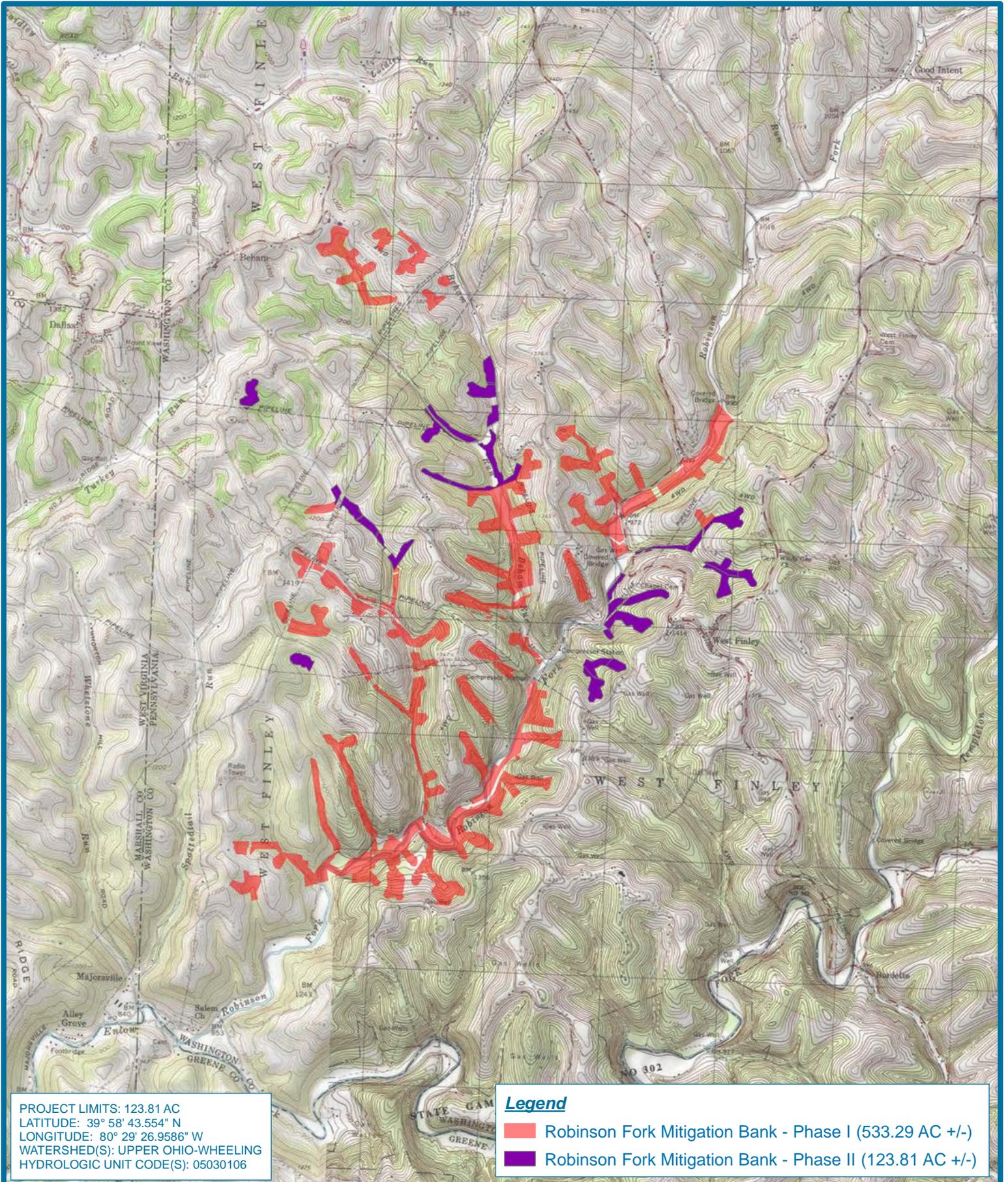
FIGURE 3

ROBINSON FORK MITIGATION BANK- PHASE II

SERVICE AREA MAP

WASHINGTON COUNTY, PENNSYLVANIA





Base provided by USGS.  
 Horizontal Datum is NAD 83 PA South.  
 Project limits are approximate.

**FIGURE 2**

**ROBINSON FORK MITIGATION BANK - PHASE II**

**VICINITY MAP**

**WASHINGTON COUNTY, PENNSYLVANIA**

