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 **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. 2021-214 Date: July 8, 2022

Notice No. 22-36 Closing Date: August 7, 2022

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act.

2. APPLICANT: Pennsylvania Department of Transportation, District 10-0

 2550 Oakland Avenue

 Indiana, Pennsylvania, 15701

3. LOCATION: The proposed project is located within the Breakneck Creek and Glade Run watersheds along existing State Route (SR) 0228 Section 29B in Adams and Middlesex Townships, Butler County, Pennsylvania.

4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to discharge clean fill into Waters of the United States in conjunction with a safety and capacity improvement project involving the Three Degree Road intersection and SR 0228. The project involves the widening of SR 0228 from two to four lanes (plus median and auxiliary turn lanes) from Mars-Valencia Road at the west end to the Balls Bend project on the east end. The median will eliminate uncontrolled left turns along SR 0228. The project will also include the construction of three frontage roads (Township Road 392, Township Road 393, and Township Road 394) and three jug handles. The frontage roads will control access and provide a common point of access, while the jug handles will allow for U-turn movements. The Brickyard Road intersection with SR 0228 will be relocated farther west to a new signalized intersection at the proposed middle jug handle/brickyard Connector Road (known as Township Road 873). A roundabout will be constructed along SR 3007 for access to Mars Area School District High School from the proposed Township Road 394 as well as the proposed Geyer mixed-use development. Most of the described work will be constructed on-line but there will be some realignment near the intersection of SR 0228 and Three Degree Road. The applicant indicated the proposed project would be constructed using staged construction (four main stages) and two short detours for Three Degree Road. Construction of the proposed project will result in both permanent and temporary riverine and emergent habitat. The applicants preferred alternative results in approximately 2,154 linear feet (LF) of permanent and 316 LF of temporary riverine habitat being affected. Additionally, approximately 0.497 acre of permanent and 0.162 acre of temporary palustrine emergent habitat is expected to occur as a result of the proposed project. Compensatory mitigation requirements for unavoidable impacts to riverine and emergent habitats were calculated using the Pennsylvania Function-Based Aquatic Resource Compensation Protocol. The applicant has proposed creating approximately 300 LF of ephemeral habitat on-site and plans to purchase approximately 5.21 stream functional credits from the Robinson Fork Mitigation bank operated by Resource Environmental Solutions to fulfill their riverine mitigation responsibilities. Wetland mitigation will be fulfilled by creating approximately 0.52 acres of palustrine emergent habitat on-site and by debiting 0.13 acre of palustrine scrub shrub habitat from the Butler County Wetland Bank operated by the applicant. Drawings showing the limits of the project is attached to this notice. Additional drawings of the proposed project and mitigation can be requested by emailing or calling the number at the bottom of this notice.

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

 *Pennsylvania Department of Environmental Protection*

 *Northwest Regional Office*

 *Waterways and Wetlands Section*

 *230 Chestnut Street*

 *Meadville, PA 16335*

 *Telephone: 814-332-6945*

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project will have no effect on endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. While concurrence with this determination is not required, this Public Notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register (NR) of Historic Places has been consulted by the applicant, and it has been determined that the proposed project will impact portions of the National Register (NR) eligible Mars Home for the youth (Key# 127642); Ebert, George House (Key # 127643); and Galletta’s Winter Haven (Key# 127649). To offset the impacts to the NR eligible properties, a Memorandum of Agreement was developed and fully executed by the Federal Highway Administration and the Pennsylvania State Historic Preservation Officer. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

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

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. Public comments may be subject to release under the Freedom of Information Act (FOIA). All responses to this notice should be directed to the Regulatory Division, attn. Allen R. Edris at the above address, by telephoning (412) 395-7158, or by e-mail at allen.r.edris@usace.army.mil. Please refer to CELRP-RGN 2021-214 in all responses.

FOR THE DISTRICT ENGINEER:

 //SIGNED//

 By Tyler J. Bintrim for:

 Scott A. Hans

 Chief, Regulatory Division