

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. 2018-847

Date: March 7, 2019

Notice No. 19-17

Closing Date: April 7, 2019

1. **TO ALL WHOM IT MAY CONCERN:** First Pennsylvania Resource, LLC has submitted a prospectus to the Pittsburgh District Corps of Engineers to develop and operate the Laurel Hill Creek Mitigation Bank. This does not constitute an application for regulated work in Waters of the United States. 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 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restored, established, enhanced, or preserved wetlands or streams are expressed as “credits” which may subsequently be withdrawn to offset “debits” incurred at a project development site(s).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, in conjunction with input from the Interagency Review Team, 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. The purpose of this Public Notice is to inform you of the proposed mitigation bank and to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

2. **INTERAGENCY REVIEW TEAM:** As indicated in the Corps regulations (33 CFR 332.8(b)), the district engineer will establish an Interagency Review Team (IRT) to review documentation for the establishment and management of mitigation banks and in-lieu fee (ILF) programs. The primary role of the IRT is to facilitate the establishment of mitigation banks and/or ILF programs through the development of mitigation banking or ILF program instruments. The IRT reviews draft prospectuses, prospectuses, instruments, and other documents and provides comments to the Corps.

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

4. **LOCATION:** First Pennsylvania Resource, LLC, a wholly-owned subsidiary of Resource Environmental Solutions (RES), has secured land consisting of waterways, wetlands and riparian corridors within Laurel Hill Creek-Laurel Hill Lake Dam Watershed (LHC-LHLD) (HUC-12: 050200060601) of the Youghiogheny Watershed (8-digit HUC #05020006). The Project’s limits include a large portion of the main stem of Laurel Hill Creek, multiple unnamed tributaries (UNTS) of Laurel Hill Creek and wetlands and riparian corridors. The Project is

intended to provide compensatory mitigation for State Water Plan Subbasin 19. The Project is located in Jefferson Township, Somerset County, PA, and is approximately 1 mile southeast of Bakersville, 6 miles northwest of Somerset, 22 miles northeast of Connellsville, and 19 miles southeast of Mount Pleasant, PA. The southern end of the Project is bisected by Glades Pike Road/PA-31 Mountain Road while Laurel Run Road is located immediately to the west of the Project. The Project’s approximate center coordinates are:

40° 1' 30.00” North -79° 10' 57” West

5. **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 Laurel Hill Creek Mitigation Bank within the approved Pennsylvania Statewide Umbrella Mitigation Banking Instrument. The Bank proposes to restore and preserve environmental resources identified within the Project’s limits. In accordance with these goals, the Project strives to replace the functions and values lost because of adverse impacts to streams and wetland areas due to various permitted development projects occurring elsewhere within the Monongahela River Basin (Pennsylvania State Water Plan Subbasin 19). Project-centered restoration efforts will focus on the creation of a stable, exchanging and self-regulating stream, wetland, and riparian system. Functional gains from the restoration activities will include reduction of bank erosion and sedimentation, re-establishment of stream and floodplain connectivity, re-establishment of the hyporheic zone and associated floodplain wetlands, improved flood capacity and storage, improved baseflow and groundwater storage, improved biogeochemical cycling, improved vertical and horizontal stability, improved aquatic and terrestrial habitat, increased vegetative diversity, improved water quality, and eradication of invasive species. Larger-scale environmental objectives include supporting the national goal of no net-loss of wetlands, enhancing and creating wildlife habitat, compensating for wetland and stream losses in a manner that contributes to the long-term ecological function of Laurel Hill Creek, reducing nutrient pollutions entering waters of the U.S., and protecting the biodiversity from harmful activities and processes, both natural and anthropogenic. See Table 1 for existing and proposed resource amounts, and Table 2 for proposed work types and proposed credit generation:

Table 1: Existing and Proposed Resource Amounts				
Resource Type	Classification	Existing	Proposed	Units
Streams	Perennial	16,678.11	22,482.15	Linear Feet
	Intermittent	1,401.74	1,351.06	
	Ephemeral	131.85	48.14	
	Total	18,211.70	23,881.35	
Wetlands	PEM	24.83	-	Acres
	PSS	5.88	-	
	PFO	0.30	40.63	
	Total	31.01	40.63	
Uplands	UPL	30.15	21.83	
Total Acreage		63.87	63.87	

Table 2: Proposed Work Types and Credit Generation										
Resource Type	Restoration Type	Classification	Mitigation Ratio		Proposed Value	Proposed Value Total	Generated Credits	Generated Credits Total	Units	
Streams	Relocation	Perennial	1	:1	21,557.56	22,061.53	21,557.56	22,061.53	Feet	
		Intermittent	1	:1	503.97		503.97			
		Ephemeral	1	:1	-		-			
	Enhancement	Perennial	2.5	:1	909.44	1,698.78	363.78	679.51		
		Intermittent	2.5	:1	789.34		315.74			
		Ephemeral	2.5	:1	-		-			
	Preservation	Perennial	N/A			15.15	121.04	-		-
		Intermittent		57.75	-					
		Ephemeral		48.14	-					
	Grand Totals					23,881.35	23,881.35	22,741.04		22,741.04
Wetlands	Reestablishment	PEM	1	:1	-	10.14	-	10.14	Acres	
		PSS	1	:1	-		-			
		PFO	1	:1	10.14		10.14			
		POW	1	:1	-		-			
	Rehabilitation	PEM	1.5	:1	-	10.72	-	7.15		
		PSS	1.5	:1	-		-			
		PFO	1.5	:1	10.72		7.15			
		POW	1.5	:1	-		-			
	Enhancement	PEM	2.5	:1	-	19.77	-	7.91		
		PSS	2.5	:1	-		-			
		PFO	2.5	:1	19.77		7.91			
		POW	2.5	:1	-		-			
	Grand Totals					40.63	40.63	25.19		25.19

6. **ENCROACHMENT PERMIT:** For any potential work in Waters of the United States, the applicant must obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

PA Department of Environmental Protection
Bureau of Waterways Engineering and Wetlands
PO Box 8460
Harrisburg, PA 17105-8460
Telephone: 717-787-3411

7. **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.

8. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which are in the vicinity of the proposed work. 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).

9. PUBLIC INVOLVEMENT: Issuance of a public notice regarding proposed mitigation banks is required pursuant to the "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule," (Rule) as published in the April 10, 2008, Federal Register, Vol. 73, No. 70, Pages 19594-19705 (33 CFR Parts 332). The United States (U.S.) Army Corps of Engineers' (Corps) 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 this proposed mitigation bank.

10. 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. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny approval 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.

11. RESPONSES: 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

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this period may be forwarded to the applicant for possible resolution before the determination is made whether to approve or deny the request. All responses to this notice should be directed to the Regulatory Division, attn Matthew Gilbert at the below address, by telephoning (412) 395-7189, or by e-mail at matthew.c.gilbert@usace.army.mil.

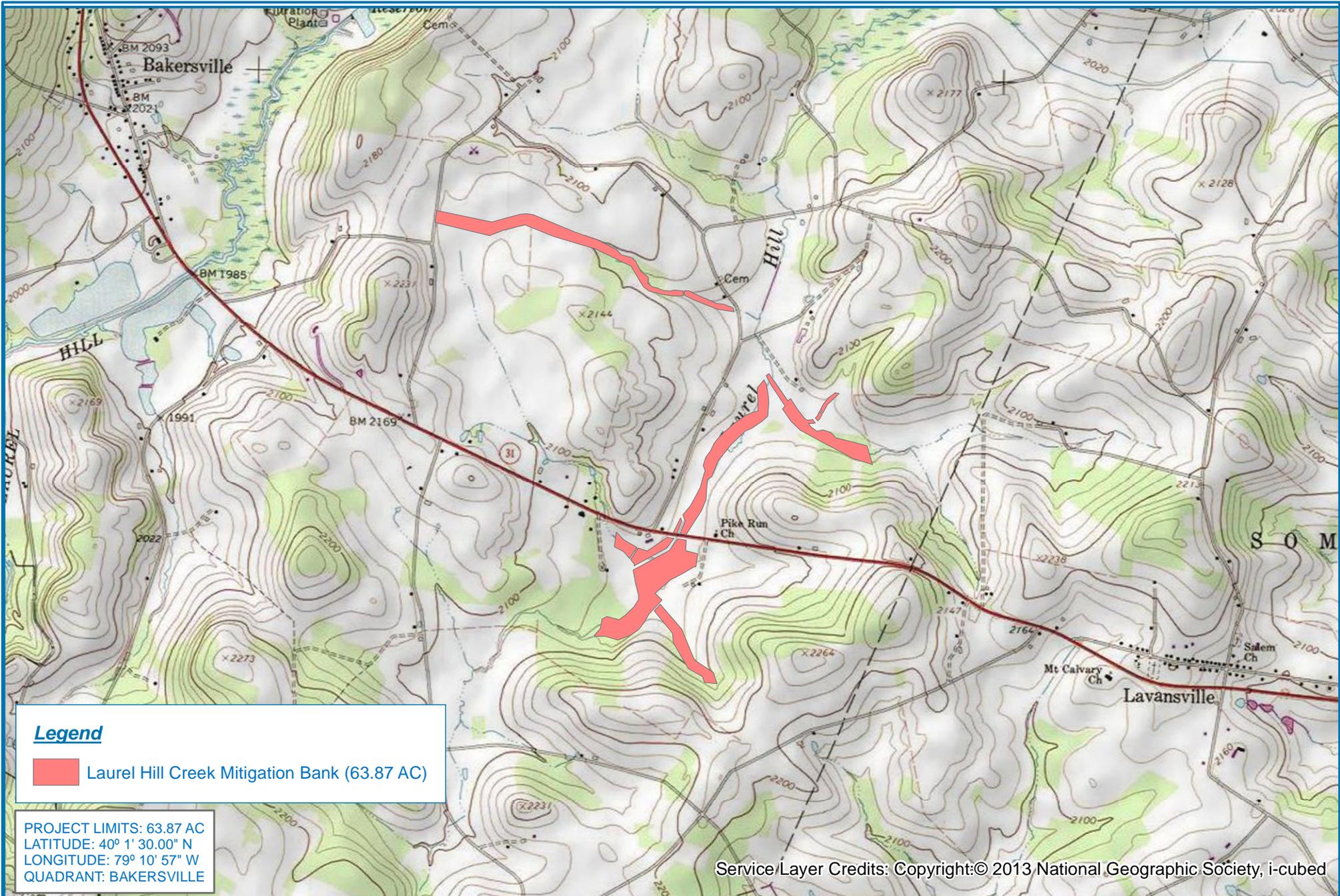
Please refer to CELRP-OP-F 2018-847 in all responses.

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



Legend

Laurel Hill Creek Mitigation Bank (63.87 AC)

PROJECT LIMITS: 63.87 AC
 LATITUDE: 40° 1' 30.00" N
 LONGITUDE: 79° 10' 57" W
 QUADRANT: BAKERSVILLE

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Topographic imagery provided by USGS Topographic Survey.
 Horizontal datum is NAD 83 PA Stateplane South 3702 (US Feet).
 Project limits are approximate.

FIGURE 1

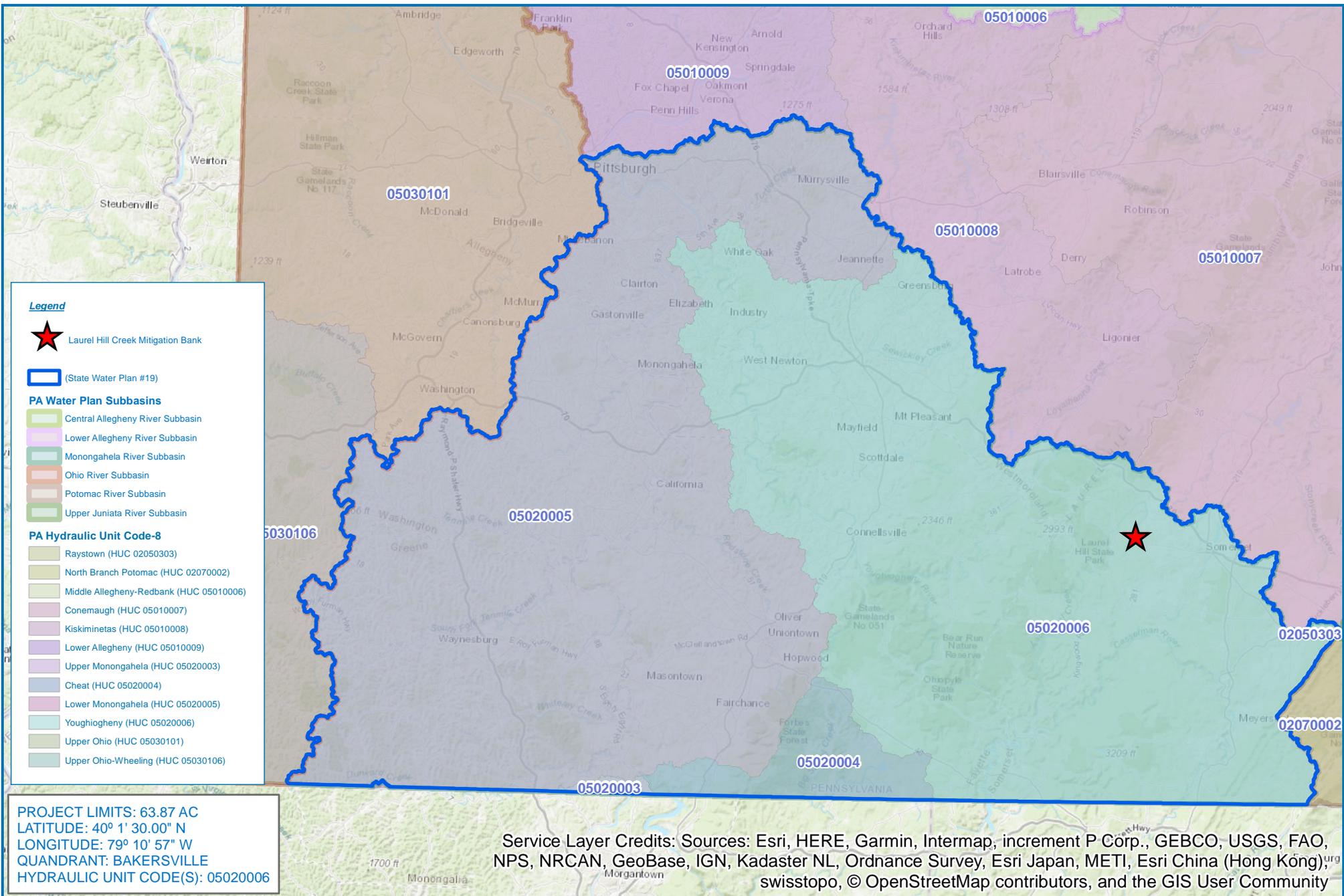
**LAUREL HILL CREEK MITIGATION BANK
 PROJECT OVERVIEW MAP
 SOMERSET COUNTY, PENNSYLVANIA**



Date: 12/13/2018
 Drawn by: HK
 Checked by: SY



Document Path: S:\BES\GIS\Projects\W\000_Waterhead\19_Laurel Hill\MapSP_1018\Figures - Project Overview_20181212.mxd



Topographic imagery provided by ESRI.
 Horizontal datum is NAD 83 PA Stateplane South 3702 (US Feet).
 Project limits are approximate.



FIGURE 2
LAUREL HILL CREEK MITIGATION BANK
SERVICE AREA MAP
SOMERSET COUNTY, PENNSYLVANIA

Date: 12/14/2018
Drawn by: HK
Checked by: SY



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