

# 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. 2013-478

Date: February 12, 2016

Notice No. 16-05

Closing Date: March 3, 2016

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  
Engineering District 1-0  
255 Elm Street, Box 398  
Oil City, Pennsylvania 16301
3. LOCATION: State Route 4016 (Millfair Road) in Millcreek and Fairview Townships, Erie County, Pennsylvania. (Swanville, PA Quadrangle N: 41°, 4', 3"; W: -80°, 12', 4").
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to discharge fill material into waters of the United States as part of the State Route (SR) 4016 safety improvement project. The purpose of the project is to address safety and traffic needs along SR 4016 between SR 0020 and SR0005. SR 4016 has two existing at-grade railroad crossings with the Norfolk Southern and CSX railroads. The proposed project will eliminate the at-grade railroad crossings by adding two bridges that span the railroad right-of-ways. The project proposes permanent impacts to approximately 0.91 acre of wetlands and 0.02 acre of open water along with 0.09 acre of temporary wetland impacts. The applicant proposes to restore the temporary wetland impacts on-site and compensate for the permanent wetland impacts by debiting wetland acreage from the Houghton Wetland Bank Site located in the Lake Erie drainage basin.

Drawings of the proposed project are attached to this notice. Additional drawings of the proposed project are available upon request.

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  
Northwest Regional Office  
Soils and Waterways Section  
230 Chestnut Street  
Meadville, PA 16335-3481  
Telephone: 412-332-6945*

6. IMPACT ON NATURAL RESOURCES: The applicant conducted a Pennsylvania Natural Diversity Inventory Search for the project area on August 11, 2015 which resulted in no known impacts to a listed species. 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 applicant conducted cultural resources investigations and determined that no historic or archaeological properties will be affected by the proposed project. Furthermore, the National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

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. All responses to this notice should be directed to the Regulatory Branch, attn Allen R. Edris at the above address, by telephoning (412) 395-7158, or by e-mail at [allen.r.edris@usace.army.mil](mailto:allen.r.edris@usace.army.mil). Please refer to CELRP-OP-F 2013-478 in all responses.

FOR THE DISTRICT ENGINEER:

~~SIGNED~~

Scott A. Hans  
Chief, Regulatory Branch

# Swanville, PA USGS Topographic Map

9° 32' 169 MILS  
0° 33' 10 MILS  
UTM GRID AND 2013 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

**Project Site**

Calvary Com

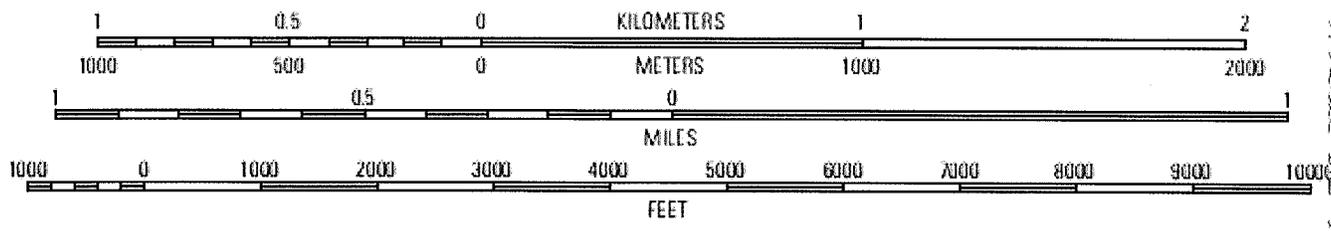
**Verndale**

**Swanville**

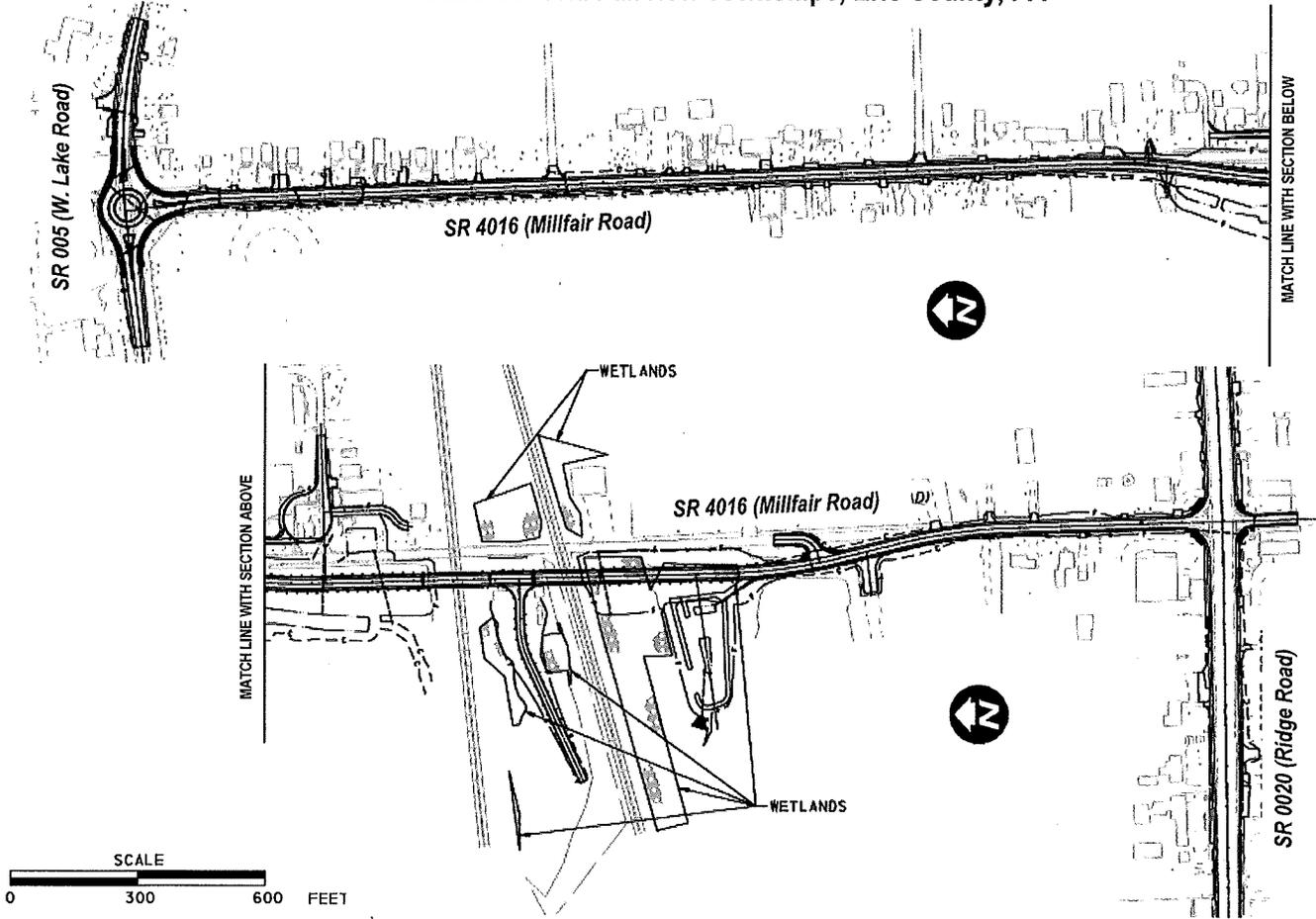
Erie International Airport/Tom Ridge Field

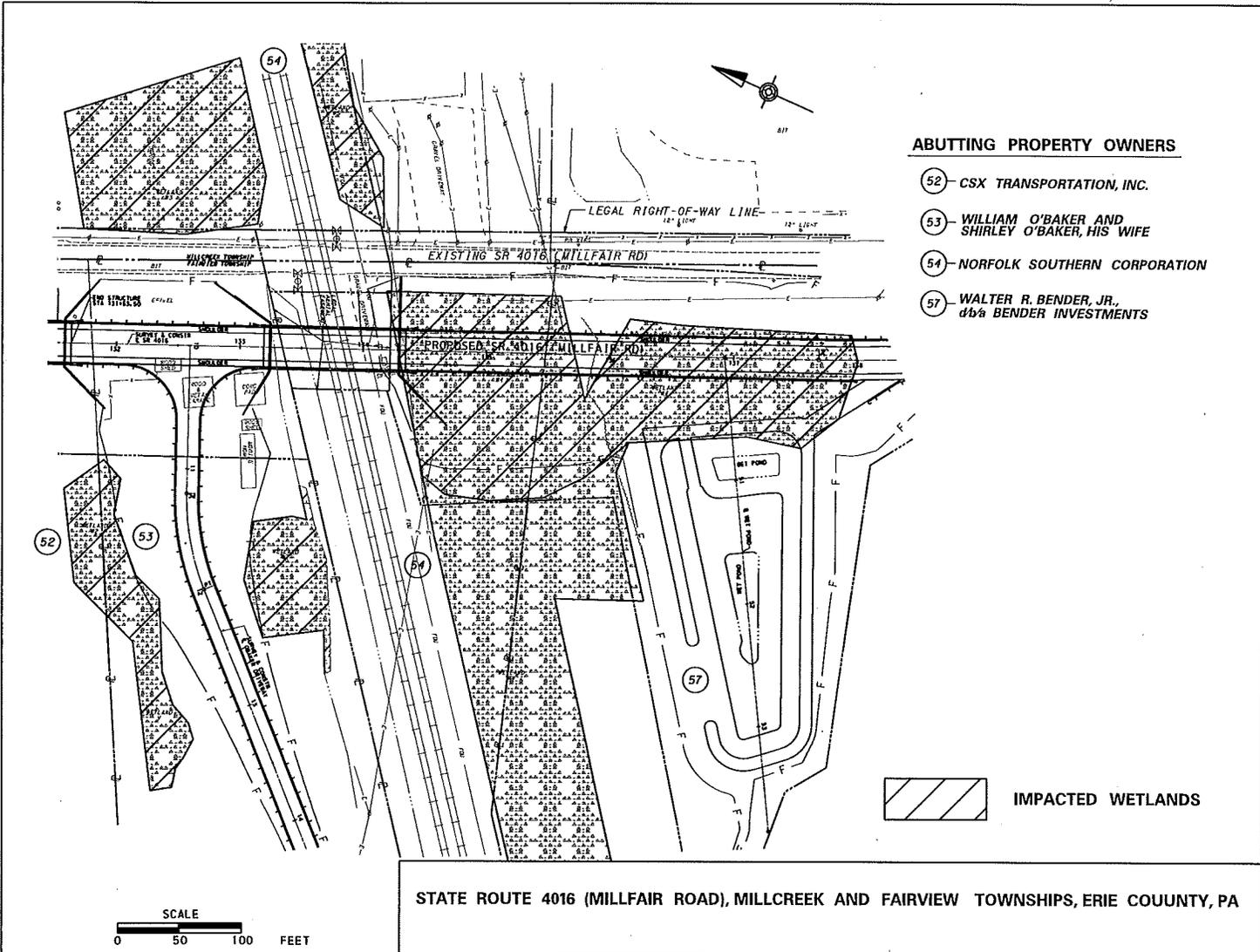
Asbu

SCALE 1:24 000



State Route 4012, Section L00 (Millfair Road) Project  
Millcreek and Fairview Townships, Erie County, PA





**ABUTTING PROPERTY OWNERS**

- 52 - CSX TRANSPORTATION, INC.
- 53 - WILLIAM O'BAKER AND SHIRLEY O'BAKER, HIS WIFE
- 54 - NORFOLK SOUTHERN CORPORATION
- 57 - WALTER R. BENDER, JR., dba BENDER INVESTMENTS

 IMPACTED WETLANDS

STATE ROUTE 406 (MILLFAIR ROAD), MILLCREEK AND FAIRVIEW TOWNSHIPS, ERIE COUNTY, PA

SCALE  
0 50 100 FEET