



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. LRP-2010-1472 Date: November 21, 2017

Notice No. 17-58

Closing Date: December 21, 2017

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: The Buncher Company
 Penn Liberty Plaza I
 1300 Penn Ave, Suite 300
 Pittsburgh, Pennsylvania 15222-4211

3. LOCATION: Unnamed tributaries to Glade Run and Likens Run and abutting wetlands located between Interstate 79 and US Route 19 north and south of Route 528 in Jackson Township, Butler County, Pennsylvania. Approximate center location of project is at 40.7565N, -80.11657W.

4. PURPOSE AND DESCRIPTION OF WORK: The Buncher Company proposes to construct a commercial development consisting of lots for restaurants, offices, retail stores, a hotel, and a bank, along with all associated roadways, parking, utilities, and stormwater management facilities, on approximately 60 acres of land located between US Route 19 and Interstate 79. Jackson's Pointe Phase 3 is located south of the US Route 19/Route 528 intersection and Phase 4 is located north of the US Route 19/Route 528 intersection. The existing Jackson's Pointe Commerce Park (Phase 1 and 2) is located west of US Route 19.

The applicant conducted an Alternatives Analysis for the proposed development by investigating two off-site alternatives. According to the applicant these sites are not practicable due to accessibility, visibility, and acquisition cost. As an avoidance/minimization measure the applicant revised the design of stormwater management pond 4 to avoid an impact to Stream 2 and Wetland 1 and 2.

Project will permanently impact four palustrine emergent wetlands totaling 0.12 acre and 12 streams totaling 4,200 linear feet. All of the streams impacted by this project have drainage areas less than 100 acres. Applicant proposes to mitigate for the wetland impacts by purchasing credits from the Enlow Fork Mitigation Bank. Applicant also proposes to mitigate for the stream impacts by partnering with the Connoquenessing Watershed Alliance on multiple projects planned for Thorn Creek through the Thorn Creek Habitat Improvement Project totaling approximately 4,225 linear feet of improvements.

Drawings of the proposed project may be found at the following link by clicking on Public Notice No. 17-58.

<http://www.lrp.usace.army.mil/Missions/Regulatory/Public-Notices/>

5. **WATER QUALITY CERTIFICATION:** The applicant has applied for a Water Obstruction and Encroachment Permit (E25-773) from the Pennsylvania Department of Environmental Protection- Northwest Regional Office.

Pennsylvania Department of Environmental Protection
Northwest Regional Office
230 Chestnut Street
Meadville, Pennsylvania 16335

6. **IMPACT ON NATURAL RESOURCES:** The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the 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). Pennsylvania Natural Diversity Inventory (PNDI) Project Search ID 20160106544381 dated January 6, 2016 resulted in No Known Impact and No Further Review Required for all agencies.

7. **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 would be directly affected by the proposed work. The Pennsylvania Historical and Museum Commission Bureau of Historical Preservation has indicated that no archaeological resources will be affected and the project will not affect above ground historic properties in letters dated December 23, 2015 and March 10, 2016 (ER# 2011-2320-019). 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 Matthew Mason at the above address, by telephoning (412) 395-7129, or by e-mail at Matthew.R.Mason@usace.army.mil. Please refer to CELRP-OP-F 2010-1472 in all responses.

FOR THE DISTRICT ENGINEER:

// Signed//

Nancy Mullen
Chief, Northern Section
Regulatory Branch