



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-2015-1389

Date: 3/10/2017

Notice No. <PN #17-12>

Closing Date: 4/3/2017

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: Brian Clark
R & Z Harrison Properties, LP
109 Highpoint Road
Sarver, PA 16055

AGENT: Garnett Williams
ECS Mid-Atlantic LLC
915 Maple Grove Drive, suite 100
Fredericksburg, VA 22407
3. LOCATION: Little Bull Creek watershed. At intersection of State Route 28 and State Route 366. Natrona Heights, Harrison Township, Allegheny County, Pennsylvania (coordinates: 40.615077, -79.750715)
4. PURPOSE AND DESCRIPTION OF WORK: The Applicant proposes to develop a mixed-use business park. This construction (6 acres of office space, two hotels, 250 units of senior living, a grocery store, and 0.4 acres of commercial space) will potentially result in permanent fill of 9 streams (3,920 linear feet) and 7 wetlands (0.13 acres), temporary fill of 1 wetland (1.54 acres), and permanent excavation of 1 palustrine open water (1.14 acres). The project is being proposed as a source of needed economic growth in the area, and it would also provide an access road to the Silver Lake Park. The past use of this property within the last 50 years was forest/woodland, construction staging for Route 28, and residential. Recent use within the last 5 years consists of forest/woodland. The Applicant proposes on-site compensatory mitigation of these resources with 1,050 feet of bank stabilization on Little Bull Creek, 0.22 acres of emergent wetland planting, 1.14 acres of deepening on Silver Lake, and 1.49 acres of wetland creation and restoration. Best management practices of erosion and sedimentation controls would be in place during construction. Maps of the proposed project are attached to this notice.

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. USACE concurs with the avoidance measures detailed by the U.S. Fish and Wildlife Service in the findings of the Pennsylvania Natural Diversity Index (Search ID #PNDI-609401). If the Service has objection to this concurrence, please respond with written explanation. This Public Notice serves as a request to the U.S. Fish and Wildlife Service for any further 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 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

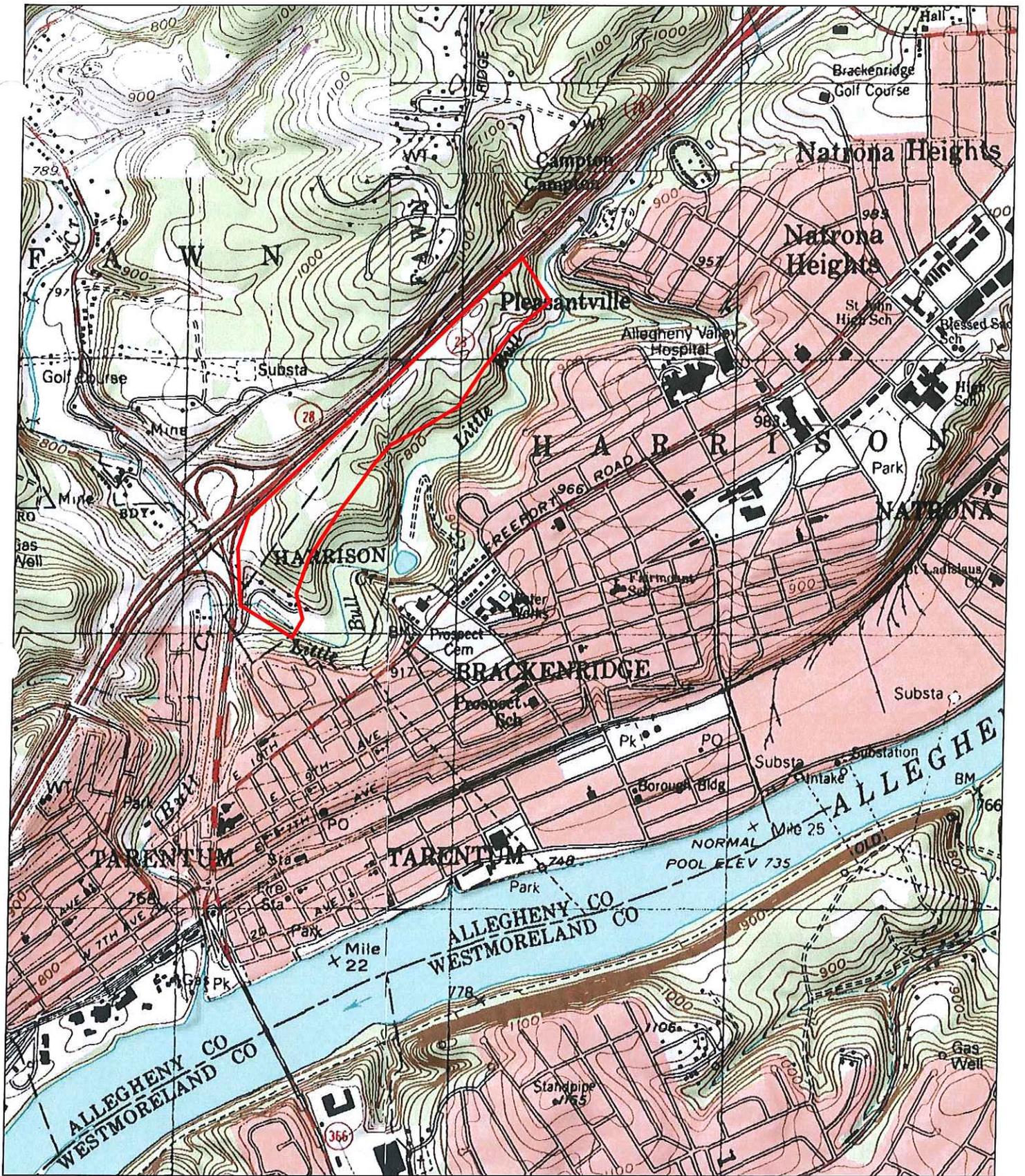
cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, 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: Alani Taylor at the above address, by telephoning (412)395-7107, or by e-mail at alani.taylor@usace.army.mil. Please refer to CELRP-OP-F LRP-2015-1389 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

Jon Coleman
Chief, Southern Section
Regulatory Branch



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Map provided by MyTopo.com

R & Z Harrison Properties, LP
USGS Freeport & New Kensington East Quadrangles