

**U.S. Army Corps  
of Engineers**  
Pittsburgh District

# Public Notice

In Reply Refer to  
Notice No. below

US Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

Application No. 2012-1750

Date: June 16, 2017

Notice No. 17-36

Closing Date: July 16, 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:** Vince Messerly  
Streams + Wetland Foundation (S+W)  
123 South Broad Street, Suite 238  
PO Box 369  
Lancaster, Ohio 43130
3. **LOCATION:** The site includes wetlands, Yankee Creek and tributaries. It is located within the Yankee Run 12-digit HUC watershed (HUC 05030102). Yankee Creek is a Warmwater Habitat (per Ohio Administrative Code [OAC] 3745-1-25) perennial stream and tributary to the Shenango River (HUC 05030102), that crosses through the site from north to south. It is located within the S+W In-Lieu Fee Program Mahoning and Shenango primary service area. The site straddles Warner Road north of State Route 305, in Fowler and Hartford Townships, Trumbull County, Ohio (latitude 41.3223, longitude -80.6408).
4. **PURPOSE AND DESCRIPTION OF WORK:** The primary objective of the Yankee Creek site is to generate wetland and stream mitigation credits to fulfill advance credits that have been sold to permittees through the S+W Pittsburgh ILF program in the Mahoning and Shenango primary service areas. Under 33 CFR 332.8(n)(4), land acquisition and initial physical and biological improvements must be completed by the third full growing season after the first advance credit in that service area is secured by a permittee. In 2014, the first credit was sold. The proposed site will generate credits through wetland re-establishment, wetland preservation, stream restoration, and stream preservation. The following is proposed for the site: re-establishment of approximately 27.5 acres of forested wetlands; preserve 114.6 acres of high quality forested and emergent wetlands and approximately 46.0 acres of associated intact upland forest; restore approximately 8.3 acres of upland forest within 50 meters of wetland; restore approximately 1,245 linear feet of perennial headwater stream; and preserve approximately 5,173 linear feet of stream, 738 linear feet of intermittent stream, and 244 linear feet of ephemeral stream. This would generate approximately 63.5 wetland mitigation credits and 4,129 stream credits. Location and details of the project can be found at: <http://www.lrp.usace.army.mil/Missions/Regulatory/Public-Notices/>. Prior to the 2008 Compensatory Mitigation for Losses of Aquatic Resources Final Rule, portions of the site were

used as a consolidated mitigation site. Areas that were constructed for the consolidated mitigation site are not included for mitigation areas under this plan.

5. WATER QUALITY CERTIFICATION: A Permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)  
Section 401 Coordinator  
PO Box 1049  
Columbus, Ohio 43266-0149  
Telephone Number: 614-644-2001

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. 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.

7. IMPACT ON CULTURAL RESOURCES: This project must be reviewed to determine any potential effects to properties that may be eligible for or listed on the National Register of Historic Places in accordance with Section 106 of the National Historic Preservation Act.

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, attention Nancy Mullen at the above address, by telephoning (412) 412-395-7170 or by e-mail at Nancy.J.Mullen@usace.army.mil. Please refer to CELRP-OP-F, 2012-1750, in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

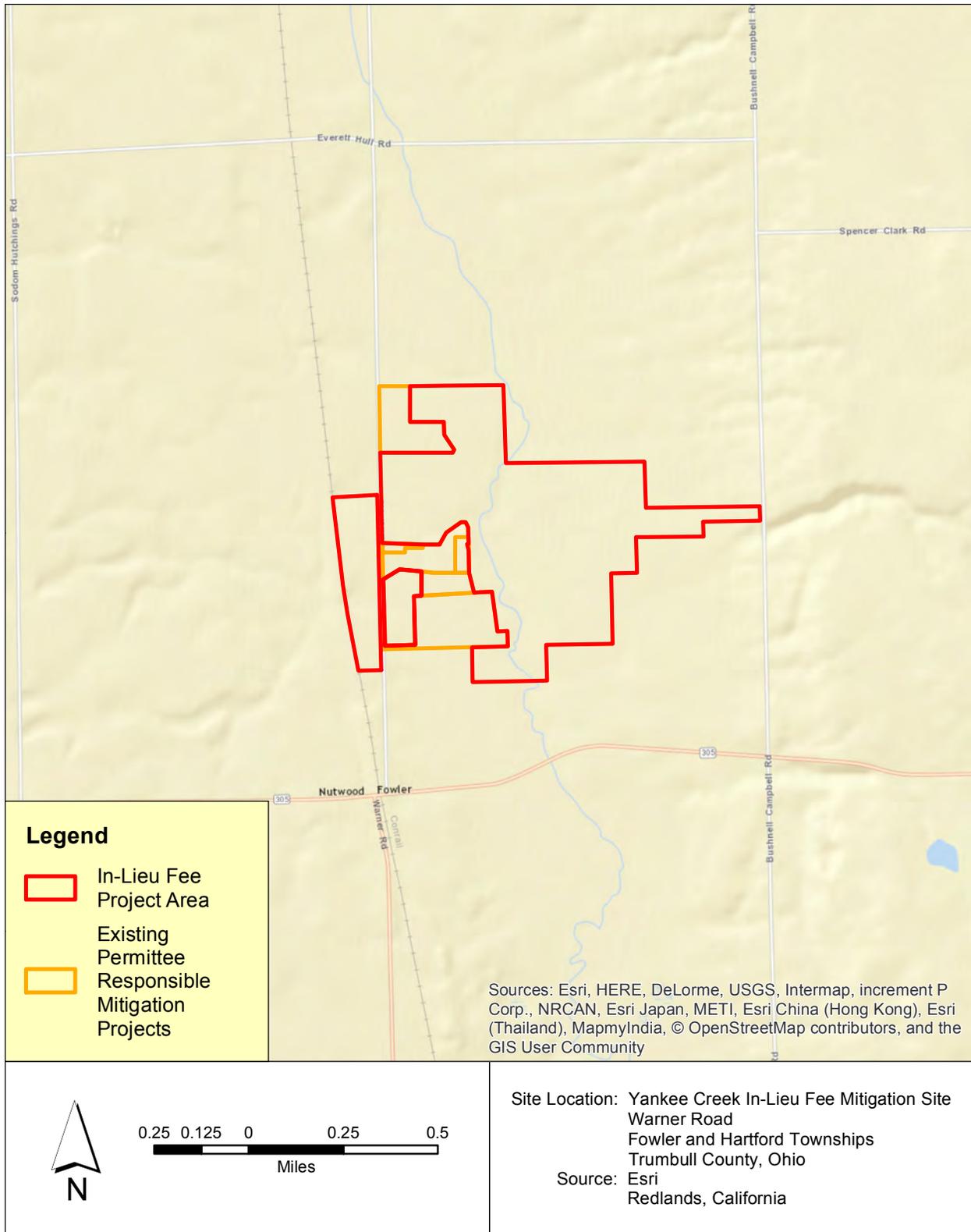
Scott A. Hans  
Chief, Regulatory Branch

# Appendix A

## Location of Trumbull County on Ohio County Map



## Appendix B Location of Study Area on Highway Map



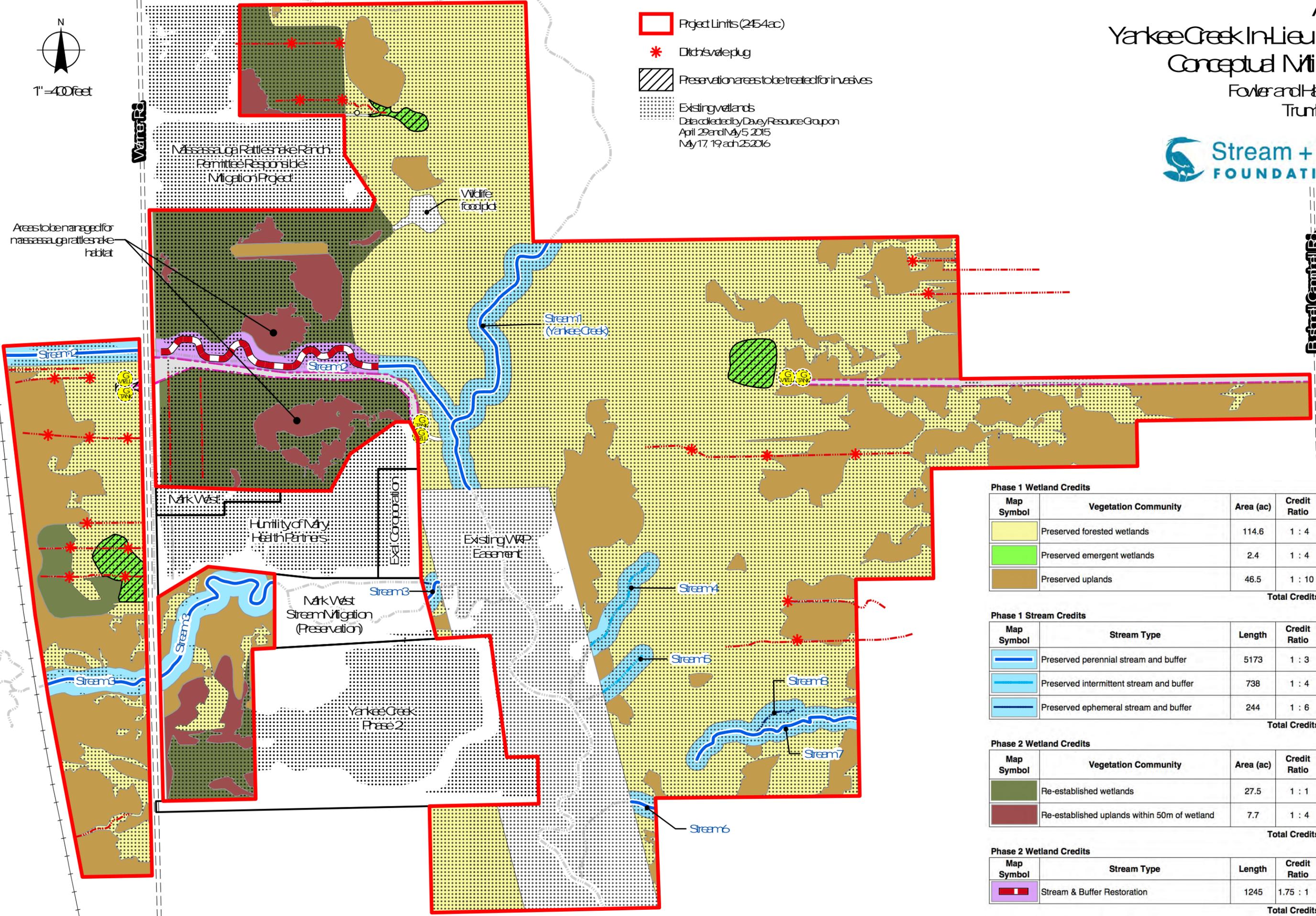
# Yarkee Creek In-Lieu Fee Project Conceptual Mitigation Plan

Fowler and Hartford Townships  
Trumbull County, Ohio



1" = 400 feet

- Project Limits (2454ac)
- \* Ditch/slope plug
- Preservation areas to be treated for invasives
- Existing wetlands  
Data collected by Davey Resource Group on  
April 29 and May 5, 2015  
May 17, 19 and 25, 2016



Area to be managed for  
massasauga rattlesnake  
habitat

Massasauga Rattlesnake Ranch  
Permittee Responsible  
Mitigation Project

Wildlife  
foodplot

Stream 1  
(Yarkee Creek)

Mark West

Hunility of Mary  
Health Park

Exal Corporation

Existing WRP  
Easement

Mark West  
Stream Mitigation  
(Preservation)

Yarkee Creek  
Phase 2

Stream 6

### Phase 1 Wetland Credits

Map Symbol	Vegetation Community	Area (ac)	Credit Ratio	Total Credits Generated
<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span>	Preserved forested wetlands	114.6	1 : 4	28.7
<span style="display: inline-block; width: 15px; height: 10px; background-color: #00ff00; border: 1px solid black;"></span>	Preserved emergent wetlands	2.4	1 : 4	0.6
<span style="display: inline-block; width: 15px; height: 10px; background-color: #808000; border: 1px solid black;"></span>	Preserved uplands	46.5	1 : 10	4.7
<b>Total Credits</b>				<b>33.9</b>

### Phase 1 Stream Credits

Map Symbol	Stream Type	Length	Credit Ratio	Total Credits Generated
<span style="display: inline-block; width: 20px; height: 5px; background-color: #00aaff; border: 1px solid black;"></span>	Preserved perennial stream and buffer	5173	1 : 3	1724
<span style="display: inline-block; width: 20px; height: 5px; background-color: #00aaff; border: 1px solid black; opacity: 0.5;"></span>	Preserved intermittent stream and buffer	738	1 : 4	185
<span style="display: inline-block; width: 20px; height: 5px; background-color: #00aaff; border: 1px solid black; opacity: 0.2;"></span>	Preserved ephemeral stream and buffer	244	1 : 6	41
<b>Total Credits</b>				<b>1950</b>

### Phase 2 Wetland Credits

Map Symbol	Vegetation Community	Area (ac)	Credit Ratio	Total Credits Generated
<span style="display: inline-block; width: 15px; height: 10px; background-color: #006400; border: 1px solid black;"></span>	Re-established wetlands	27.5	1 : 1	27.5
<span style="display: inline-block; width: 15px; height: 10px; background-color: #800000; border: 1px solid black;"></span>	Re-established uplands within 50m of wetland	7.7	1 : 4	1.9
<b>Total Credits</b>				<b>29.4</b>

### Phase 2 Wetland Credits

Map Symbol	Stream Type	Length	Credit Ratio	Total Credits Generated
<span style="display: inline-block; width: 20px; height: 5px; background: repeating-linear-gradient(90deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black;"></span>	Stream & Buffer Restoration	1245	1.75 : 1	2179
<b>Total Credits</b>				<b>2179</b>

V:\SW\YarkeeCreek\YarkeeCreek\_GIS\YarkeeCreek\_GIS.aprx