



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. 2012-1263

Date: August 29, 2018

Notice No. 18-33

Closing Date: September 11, 2018

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: Michael Witzing
Hickory Run Energy, LLC
7500 College Boulevard, Suite 400
Overland Park, Kansas 66210

3. LOCATION: N: 40° , 59' , 39" , W: -80° , 25' , 49"
North Beaver and Mahoning Townships, Lawrence County, Pennsylvania

4. PURPOSE AND DESCRIPTION OF WORK: Hickory Run Energy, LLC (HRE) is proposing a modification to their existing Hickory Run Energy permit for the construction of an electrical transmission line, which will have additional permanent impacts to 0.006 acre of wetlands and 0.0351 acre of temporary impacts wetlands from the installation of timber mats. Two pole locations are proposed within the limits of Wetland No. 12. There is no proposed additional conversion of wetlands in this area.

The current permit authorizes 0.36 acre of permanent impacts, 0.26 acre of temporary impacts to palustrine wetlands, 198 linear feet of temporary impacts to six unnamed tributaries to the Mahoning River, and to directorial drill underneath the Mahoning River to construct a natural gas fired combined-cycle electric generating facility with associated parking, pipeline and infrastructure.

Mitigation for the above authorized impacts consists of on-site wetland enhancement of 1.901 acres of a portion of Wetland 7. Due to the proposed project modification, the wetland enhancement has been increased to 1.907 acres of mitigation.

5. ENCROACHMENT PERMIT: The applicant has obtained a Permit Amendment for their Water Obstruction and Encroachment Permit (E37-192) which includes 401 Water Quality Certification from the Pennsylvania Department of Environmental Protection.

6. IMPACT ON NATURAL RESOURCES: PNDI Search ID number 636468 found that the proposed modification would have no effect on federally listed threatened or endangered species.

However, PNDI Search ID number 201211031378425 and a letter dated March 28, 2013 The United States Fish and Wildlife Service determined that the project with the implementation of the Indiana Bat Conservation Plan, the effects the project will have on the Indiana Bat are insignificant or discountable.

In consideration of the Indiana Bat Conservation Plan, the District Engineer 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: The applicant has coordinated with the Pennsylvania Historical and Museum Commission for review of effects on potentially significant historic properties subject to Section 106 of the NHPA. The applicant has conducted Phase I and II surveys, which identified one historic archaeological site, the Fullerton Farmstead (36LR0291), eligible for the National Register of Historic Places. No eligible prehistoric archaeological sites were identified. The project will directly and adversely affect the eligible site. The applicant, PHMC, the Corps executed a Memorandum of Agreement which was modified on July 7, 2017 to address treatment of unavoidable adverse effects to this historic archaeological site.

The proposed modification does not propose additional impacts to cultural resources beyond what is identified above.

8. EVALUATION: 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 Decision Document 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).

CELRP-REG-N

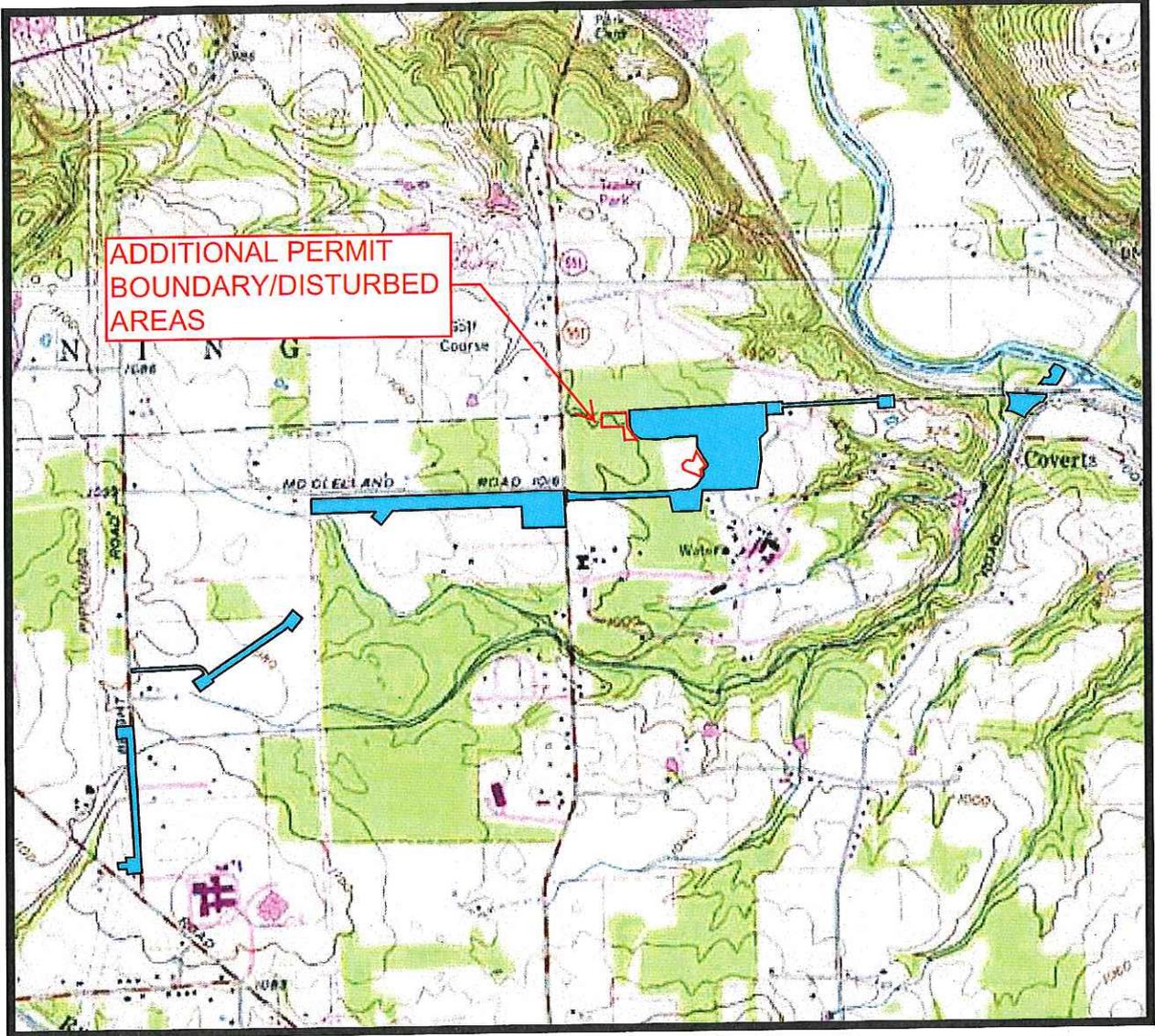
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9. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in 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.. Michael Fodse at the above address, by telephoning (412) 395-7575, or by e-mail at Michael.M.Fodse@usace.army.mil. Please refer to CELRP-REG-N 2012-1263 in all responses.

FOR THE DISTRICT ENGINEER:

//Signed by S. Hans for//

Tyler Bintrim
North Branch Chief
Regulatory Division



VICINITY MAP: BESSEMER USGS QUADRANGLE
SCALE: 1" = 2000 FEET

PROJECT LOCATION


PROJECT LOCATION MAP

HICKORY RUN ENERGY STATION PROJECT

NORTH BEAVER TOWNSHIP LAWRENCE COUNTY, PA