



**US Army Corps
of Engineers**
Philadelphia District
1650 Arch Street
Philadelphia, PA 19103-2004
Attn: CENAP-OPR

Public Notice

Comment Period Begins: August 21, 2024
Comment Period Ends: September 20, 2024
File Number: NAP-2023-00426-101
File Name: Mahoning Creek Mitigation Bank SC
Contact: Mr. Justin M. Decker, Biologist
Email: Justin.M.Decker@usace.army.mil

The Philadelphia District has received a proposal to amend the *Pennsylvania Statewide Umbrella Mitigation Banking Instrument* by establishing a new wetland and stream compensatory mitigation site for federal and state permits. The purpose of this notice is to solicit comments and recommendations from the public concerning the work as described below.

SPONSOR:

First Pennsylvania Resource, a subsidiary of
Resource Environmental Solutions, LLC
Attn: Ms. Katherine Wolff
317 East Carson Street, Suite 242
Pittsburgh, Pennsylvania 15219

WATERWAY AND LOCATION:

The proposed bank site ("site") is located approximately 1,000 linear feet northwest of the intersection of Penn Drive and Cold Spring Lane in Andreas, Pennsylvania 18211. The site is entirely within West Penn Township, Schuylkill County. The site is approximately 56 acres in size and comprises perennial and intermittent streams (including Mahoning Creek); palustrine forested, scrub-shrub, and emergent wetlands; upland forests; and fields (previous/current agricultural use). The site is located within the Delaware River basin.

LATITUDE AND LONGITUDE:

40.774924, -75.848512

PURPOSE AND PROPOSED WORK:

The sponsor proposes to design, construct, and operate the Mahoning Creek Mitigation Bank ("bank"). The purpose of the bank is to provide off-site, third-party compensatory mitigation for projects that result in unavoidable impacts to waters of the United States, including wetlands and streams, within the bank's specified service area.

The site has a history of man-made disturbance. Aerial imagery shows that from at least the late 1930s disturbances were occurring adjacent to Mahoning Creek. The activities leading to aquatic resource degradation comprise ditching, damming, erosion and sedimentation, aquatic habitat fragmentation, floodplain disconnection, and removal of riparian buffers.

To address these aquatic resource degradations, the sponsor proposes to undertake the re-establishment, rehabilitation, and enhancement of wetlands and streams on-site. To re-establish wetlands, the sponsor would re-grade the site to access relict hydric soils by removing legacy sediments. The sponsor would also fill existing ditches to restore hydrology, introduce woody debris for habitat, and re-plant native wetland vegetation. Re-establishment activities would occur in areas that were formerly wetlands. To rehabilitate wetlands, the sponsor would re-grade existing wetlands to improve hydrologic connections to Mahoning Creek's floodplain and introduce microtopographical relief and woody debris for habitat. To enhance wetlands, the sponsor would improve habitat by abating invasive, nuisance, and undesirable species of vegetation and plant native wetland species.

To re-establish streams, the sponsor would remove up to two feet of legacy sediments present within relict drainage patterns and expand the existing floodplain. To rehabilitate streams, the sponsor would introduce streambed and bank stabilization structures and live stakes along the watercourses' left and right banks. To enhance streams, the sponsor would improve in-stream habitat by abating invasive, nuisance, and undesirable vegetation along the watercourses' left and right banks and introduce large woody debris.

The sponsor proposes the following impacts to waters of the United States to undertake these compensation activities:

Resource Type	Amount	Impact Type
Wetland	0.09 acre	Permanent
Wetland	0.05 acre	Permanent beneficial
Wetland	13.84 acre	Temporary
Stream	20 linear feet/0.01 acre	Permanent beneficial
Stream	3,239 linear feet/1.25 acres	Temporary

The proposed bank is within U.S. Geological Survey hydrologic unit code 02040106, Lehigh River. The proposed bank's primary geographic service area (GSA) is the Pennsylvania Department of Environmental Protection's (PADEP) subbasin 02, watershed 02B. The sponsor proposes secondary GSAs within portions of subbasins 01 and 03N. Refer to the enclosed service area map, *Figure 1A Service Area Map*.

The sponsor proposes the following credit breakdown:

Wetland Credits

10.38 credits will be generated through 10.38 acres of wetland re-establishment.

9.01 credits will be generated through 13.52 acres of wetland rehabilitation.

5.39 credits will be generated through 13.48 acres of wetland enhancement.

The wetland credit total is 24.78 credits. This is an areal-based derivation for wetland credit generation.

Stream Credits

849.27 credits will be generated through 849.27 linear feet of stream re-establishment.
1,579.24 credits will be generated through 2,368.86 linear feet of stream rehabilitation.
206.15 credits will be generated through 515.38 linear feet of stream enhancement.

The proposed stream credit total is 2,634.66 credits. This is a linear-footage-based derivation for stream credit generation.

Oversight of the bank would be by the Pennsylvania Interagency Review Team (PA-IRT). This is an existing group of federal and state agency representatives. The Baltimore, Philadelphia, and Pittsburgh Districts of the U.S. Army Corps of Engineers and PADEP co-chair the PA-IRT.

The review and use of the bank for a specific project requiring compensatory mitigation is the decision of the Corps pursuant to Section 404 of the Clean Water Act and/or by PADEP pursuant to Chapter 105 of the Pennsylvania Code. The Corps and PADEP provide no guarantee that any individual or general permit will be granted authorization to use the bank to compensate for unavoidable wetland and stream projects associated with a proposed project.

AUTHORITY:

Issuance of public notices regarding proposed compensatory mitigation sites is required pursuant to *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule* as published April 10, 2008, in the Federal Register, Vol. 73, No. 70, pages 19,594-19,705 (33 CFR 325 and 332 and 40 CFR 230).

CORPS EVALUATION FACTORS:

The Corps is soliciting comments from the public; federal, state, and local agencies and officials; Tribes; and other interested parties to consider and evaluate the proposed amendment. The Corps will consider any comments received.

Endangered Species

A preliminary review of this amendment indicates that the proposed activity would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act. The sponsor provided a Pennsylvania Natural Diversity Inventory receipt indicating that there are no known impacts to federally listed species associated with the proposed activity and that no further review is required. As the evaluation of this amendment continues, additional information may become available which could modify this preliminary determination.

Cultural Resources and Tribal Trust

Philadelphia District's Cultural Resource Specialist and Tribal Liaison is currently reviewing the proposed activity for potential impacts to historic properties eligible for or listed on the National Register of Historic Places and for potential issues concerning the

Tribes. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes, and other consulting parties as necessary.

COMMENT SUBMITTAL:

Any comments received will be considered by this office to determine whether to issue, modify, condition, or deny the proposed amendment. Comments on the proposed work must be submitted, in writing (hardcopy or electronic), to the project manager and within the comment period indicated in the header above. Hardcopy comments must be sent to the following address:

USACE Pocono Area Field Office
Attn. Mr. Justin M. Decker
253 State Route 435, Suite 4
Clifton Township, Pennsylvania 18424
Justin.M.Decker@usace.army.mil

You may request additional information concerning this proposed amendment by calling the above-listed project manager between the hours of 2 and 4pm at (570) 960-7370.

This public notice as well as the full amendment request are available on our website:

<https://www.nap.usace.army.mil/Missions/Regulatory/Public-Notices/>

Glenn R. Weitknecht
for Todd A. Schaible
Chief, Regulatory