



**US Army Corps
of Engineers.**
Philadelphia District
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.
CENAP-OP-R-200600697-26

Date
SEP 26 2006

Application No.

File No.

In Reply Refer to:
REGULATORY BRANCH

FEDERAL PUBLIC NOTICE

The Philadelphia District has received a prospectus to establish a compensatory wetland mitigation bank for Federal Department of the Army permits as described below:

APPLICANT:

Delaware Department of Transportation
Environmental Studies Office
P.O. Box 778
Dover, Delaware 19903

WATERWAY: Puncheon Run

LOCATION OF THE PROPOSED WORK: The site of the proposed mitigation bank, known as the Poplar Hill Wetland Mitigation Bank, consists of approximately 15.02 acres in the Puncheon Run watershed located on the east side of US 13, north of Webbs Lane, Dover, Dover Hundred, Kent County, Delaware (Figure 1).

PROPOSED WORK AND PURPOSE: The Bank Sponsor, Delaware Department of Transportation (DelDOT) proposes to establish, design, develop, construct, and operate a compensatory wetland mitigation bank, by creating palustrine wetlands, in the Coastal Plain Drainage Basin.

The Bank would be used for compensating for impacts to waters of the United States, including wetlands, associated with the issuance of Department of the Army Individual and Nationwide permits for DelDOT's transportation projects in the St. Jones watershed, Kent County, Delaware.

The primary focus of the compensatory wetland mitigation bank is to create palustrine forested, and emergent wetlands/seasonally inundated open waters and to preserve contiguous upland buffers. The proposed wetland creation activities will involve lowering grades, reducing soil permeability rates, and installing drainage features to distribute the water more evenly over the site.

The principal goal for the bank is to establish the maximum amount of cost effective and **ecologically appropriate wetland mitigation credit** for the future DelDOT projects that

require Department of the Army Individual and Nationwide permits in the St. Jones watershed, Kent County, Delaware. The use of the Bank would be restricted to projects where on-site and individual off-site compensation options for unavoidable freshwater non-tidal wetland impacts can be shown to be impracticable and not ecologically preferable.

DelDOT would establish the Bank through creating wetlands over approximately 9 acres of disturbed/developed land of which 7.36 acres will be available for bank credits. The area of the wetland creation within the Poplar Hill Site was initially excavated for embankment material used to construct Delaware State Route 1, the Puncheon Run Connector. The final grading of the 9.09 acres of wetlands was completed in April 2005 and tree trunks, tree stumps and microtopography were introduced to the site. Also in April 2005, the site was seeded with warm-season grasses and planted with oak saplings at a density exceeding 1000 woody saplings per acre. The wetlands at the Poplar Hill Site have been constructed as semi-permanently saturated forested wetlands with some emergent and open water elements to maximize habitat diversity. The upland buffer area around the perimeter of the site has been planted in trees.

The sponsor's purpose in the proposed bank is to establish the maximum amount of cost effective and ecologically appropriate wetland mitigation credit for future DelDOT projects which would impact urban/suburban federal regulatory wetlands within the St. Jones Watershed, Kent County, Delaware. The use of the Bank is restricted to projects where on-site and individual off-site compensation options for unavoidable non-tidal wetland impacts can be shown to be impracticable and not ecologically preferable. Applicable project use will be determined on a case by case basis through the permit process.

The overall goal of the mitigation bank is to provide economically efficient and flexible mitigation opportunities, while fully compensating for wetland and other aquatic resource losses in a manner that contributes to the long-term ecological functioning of the watershed. Specific wetland compensation goals and objectives for this palustrine, non-tidal Bank is as follows (Refer to attached Draft Mitigation Banking Instrument for additional details):

- Establishment of approximately 9.09 acres of wetlands, predominately palustrine forest with some emergent and open water elements to maximize habitat diversity (7.36 acres will be available bank crediting; 1.73 will be used for wetland mitigation for two previous DelDOT permitted projects);
- Establishment of approximately 5.93 acres of transitional/upland buffer areas on the periphery of the Wetland Mitigation Bank as enhancements to the wetland system; and
- Recordation of a permanent deed restriction for the area defined as the Bank. The total acreage to be placed under the deed restriction will be approximately 15.02

acres, which includes the 9.09 acres of wetland creation plus the 5.93 acres of upland buffer.

Oversight of this wetland compensatory wetland mitigation bank would be by a group of federal and state agency representatives known as the Delaware Wetlands Banking Task Force (DWBTF). The Philadelphia District of the U.S. Army Corps of Engineers would chair the DWBTF. Agencies that have been invited to participate include the DNREC, the U.S. Fish and Wildlife Service (FWS), the U.S. National Marine Fisheries Service (NMFS), the U.S. Environmental Protection Agency (EPA), the U.S. Federal Highway Administration (FHWA), DelDOT, and other interested parties.

This compensatory wetland mitigation bank may be one of a number of practicable options available to DelDOT to compensate for unavoidable wetland impacts associated with permits issued for its public transportation projects under the authority of Section 404 of the Clean Water Act. The actual approval of the use of this compensatory wetland mitigation bank for a specific project is the decision of the Corps of Engineers pursuant to Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act. The Corps provide no guarantee that any particular individual or general permit will be granted authorization to use this wetland compensatory mitigation bank to compensate for unavoidable wetland impacts associated with a proposed permit, even though compensatory mitigation credit may be available in the bank.

AUTHORITY: A Public Notice is recommended pursuant to Federal Guidance for the Establishment, Use and operation of Mitigation Banks (60 Federal Register Number 228).

FEDERAL EVALUATION OF PROPOSAL: The U.S. Army 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 this proposed compensatory wetland mitigation bank. Any comments received will be considered by the U.S. Army Corps of Engineers in evaluating this proposal.

Comments are used to assess impacts on endangered species, historic properties, water quality, conservation, economics, aesthetics, general environmental concerns, wetlands, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, and consideration of property ownership.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species listed as endangered or threatened under the Endangered Species Act of 1973 will be adversely affected; (3) no waters designated as Essential Fish Habitat by the NMFS will be adversely affected; (4) the activity is consistent with the State's Coastal Zone Management Program; and (5) archaeological and architectural sites considered eligible or potentially eligible for listing on the National Register of Historic

Places have not been found within the project area. Additional information might change any of these preliminary findings.

1. COMMENT PERIOD: Comments or request for copies of the bank prospectus should be made in writing, addressed to the Philadelphia District, Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390 and must be submitted within 30 days of the date of this Public Notice,

If you have any questions about the Mitigation Bank, call Kevin E. Faust of this office at 302-736-9763 or William H. Jenkins at (215) 656-6726.

FOR THE DISTRICT ENGINEER:



Frank J. Cianfrani
Chief, Regulatory Branch
Philadelphia District

KENT COUNTY, DEL.

INDEX TO MAPS

Pages 2, 3 and 4 provide you a complete Step-by-Step guide to using your Street Map Book, Map Legend, Table of Contents and Key to Abbreviations. Take a few minutes to familiarize yourself with this time saving information.

KENT COU

SCALE 1



EXIT

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