



**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-2013-0083-72

Date

Application No.
CENAP-OP-R-2013-0083-72

File No.

CENAP-OP-R-2013-0083-72

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Key Development Group

AGENT: Snyder, Secary & Associates, LLC

WATERWAY: Unnamed Tributary to the Schuylkill River and a Unnamed Tributary to Pigeon Creek

LOCATION: Lat: 40.520963° N, Lon: -75.965643° W. Southeast quadrant of the intersection of State Road 61 and Zions Church Road on the former Perry Golf Course in Perry Township, Berks County, Pennsylvania.

ACTIVITY: The applicant proposes to construct three warehouse/light manufacture buildings, associated truck/trailer storage areas, a new interchange on State Route 61, and a new access road (Logistics Drive) to service the facility. The construction of the facility and the proposed compensatory mitigation will impact a total of 0.995 acre (43,360 square feet) of wetlands and watercourses. The construction of the facility will impact 0.92 acre (40,195 square feet) of waters and wetlands. Specifically, the project will permanently fill 0.60 acre (26,172 square feet) of wetlands and 0.32 acre (14,023 square feet) of watercourses. The wetlands and the water courses are highly degraded due to the operation of the golf course by the removal of buffers and the heavy use of fertilizers, herbicides, and insecticides. The proposed compensatory mitigation plan has an additional 0.07 acre (3,165 square feet) of impacts. These impacts are associated with the removal of existing culvert pipes and the removal of a small dam and the recreation of wetlands and a watercourse through the drained area. See the compensatory mitigation section of this public notice for a detailed description of the Mitigation Plan.

PURPOSE: The project purpose of Hamburg Logistics Park is to meet the demands of distribution, logistics and light industrial users in the greater Hamburg area through the creation of an industrial park campus comprised of multiple buildings providing users with modern, high-bay, cross-docked facilities with full size truck courts.

This project is currently authorized under the Pennsylvania State Programmatic General Permit (PASPGP) -4. The project was originally authorized by letter dated October 20, 2014 and modified by letter dated June 22, 2016. The PASPGP-4 expired on June 30, 2016 and was replaced by PASPGP-5 which became effective on July 01, 2016. Under the grandfathering provisions of PASPGP-4 the applicant has until June 30, 2017 to complete the authorized work. Due to delays in obtaining other required permits the applicant has stated they will not be able to complete the regulated activities by the end of the PASPGP-4 grandfathering period. Due to changes in the PASPGP that were implemented with the authorization of PASPGP-5 the Hamburg Logistics project no longer meets the eligibility criteria of the PASPGP-5. Therefore, the applicant has submitted an application for a Standard Department of the Army permit.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. The proposed Hamburg Logistics Park was originally coordinated with the U.S. Fish and Wildlife Service (USFWS) by letter dated March 18, 2013. In its response the USFWS asked Liberty Environmental to perform a Phase II bog turtle habitat screening for Wetland E. The Phase II screening was completed and the USFWS issued a letter dated June 7, 2013 stating that the project will not affect bog turtles. Liberty Environmental requested a reaffirmation of the USFWS's June 7, 2013 letter by letter dated March 14, 2016. The USFWS responded with a standard sticker response, dated April 5, 2016, indicating that their "comments as detailed in our letter of 7/7/2013 remain unchanged." A Pennsylvania Natural Diversity Index (PNDI) report was run as part of the preliminary review of the project. PNDI Receipt ID PNDI-616688 indicates that there is no known impacts for federally listed threatened and endangered species. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

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 need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work. The Philadelphia District's Cultural Resource Specialist has previously determined that the project will have no effect on historic properties because the project area has already been so extensively modified and that the project has no potential to affect to archaeological resources. Because the scope of the project as far as Section 106 of the National Historic Preservation Act is concerned has not changed between the project currently authorized by the grandfathered PASPGP-4 and what is currently under review the Philadelphia District's Staff Cultural Resource Specialist determined that the project did not require additional review for Section 106 purposes. The applicant also coordinated the project with the Pennsylvania Historical and Museum Commission (PHMC). The PHMC has assigned the project tracking number ER# 2013-0611-011-B. The PHMC responded by letter dated May 16, 2013 to the applicant that in their opinion no archeological resources would be affected by the project and that there are no Historic properties with in the Area of Potential Affect.

By the implementation of alternative design concepts the applicant was able to avoid any impacts to 63% of the wetlands and watercourses on the site and provide for the permanent protection of those areas with a deed restriction. Generally speaking, the avoided and preserved areas are the higher quality wetlands and watercourses that are not located directly on the golf course. Under the terms and conditions of PASPGP-4 the applicant was required to deed restrict all of the non-impacted wetlands and watercourses within the project area. Since a Standard Permit application is now being processed to continue authorizing the project the deed restriction is no longer mandated as a general condition. However, the applicant has chosen to retain this requirement and make it part of the overall compensatory mitigation plan. Compensatory mitigation to replace the lost functions and services incurred by the unavoidable impacts to waters and wetlands is proposed by the applicant. A mitigation plan that is compliant with the 2008 Corps and EPA Joint Compensatory Mitigation for Loses of Aquatic Resources: Final Rule is part of the currently grandfathered PASPGP-4 authorization. The mitigation plan will replace the lost functions and values of the impacted wetlands and watercourses through the enhancement, rehabilitation, restoration, and preservation of wetlands and waters. The Mitigation Plan calls for a total of 0.736 acre (32,059 square feet) of wetland mitigation. Specifically, wetland mitigation will comprise 0.124 acre (5,398 square feet) of Palustrine Forested wetland (PFO), 0.214 acre (9,314 square feet) of Palustrine Scrub/Shrub wetland (PSS), and 0.398 acre (17,347 square feet) of Palustrine Emergent wetland (PEM). The total loss of watercourses is 0.322 acre (14,023 square feet). To offset these impacts the applicant is proposing 0.334 acre (14,547 square feet) of mitigation that will enhance water quality in the remaining watercourses. The compensatory mitigation will be constructed in two locations within the project boundaries. The first area is located along the existing water course that bisects the property from north to south. Currently this watercourse is on the greens of the golf course and is subject to mowing directly up to the edges of the waterway and receives whatever treatments are applied to the golf course. Under the proposed Mitigation Plan existing wetlands

along the watercourse will be expanded and enhanced, existing undersized culvert crossing will be removed, riparian buffers will be constructed, and a online pond will be breached and the watercourse restored through the former pond area. The second mitigation area is located on the eastern side of the property in an area where there is a small existing wetland. Much of the surrounding farm filed has had tile drains installed at some point in the past. The existing wetland area will be enhanced and expanded by restoring historic hydrology. Lastly, all of the compensatory mitigation and all of the remaining watercourses and wetlands on the property will be protected via a deed restriction. To insure that the proposed mitigation properly compensates for the lost functions and services incurred by the wetland impacts the applicant has utilized the U.S. Army Corps of Engineers Wetland Evaluation Technique (WET) Volume II. The WET method was performed on the wetlands in their existing condition and for the proposed mitigation.

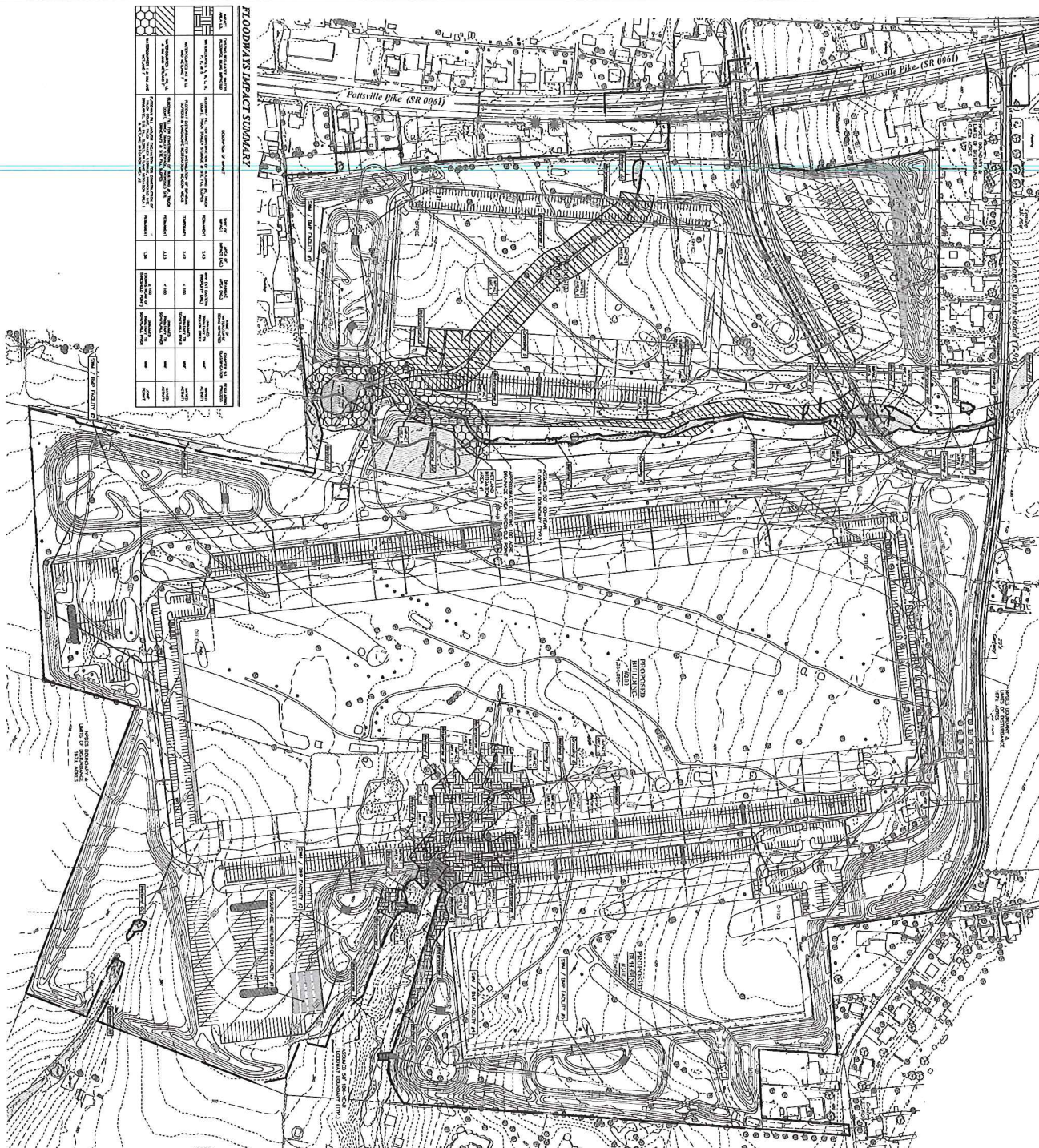
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate (WQC) is necessary from the State government in which the work is located. A 401 WQC was issued for the proposed Hamburg Logistics Park by the Pennsylvania Department of Environmental Protection (PADEP) by letter dated June 09, 2016 along with PADEP permit E06-692. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Glenn Weitknecht at (570) 842-1044, via email at Glenn.R.Weitknecht@usace.army.mil, or writing to U.S. Army Corps of Engineers, Pocono Area Regulatory Field Office, 253 State Route 435, Suite 2, Clifton Township, Pennsylvania.

Edward E. Bonner
Chief, Regulatory Branch



REGULATED WATERS IMPACT SUMMARY PLAN



NO.	NAME OF THE PROJECT	TYPE OF PROJECT	STATUS	DATE OF COMPLETION	DATE OF INSPECTION	DATE OF REPORT
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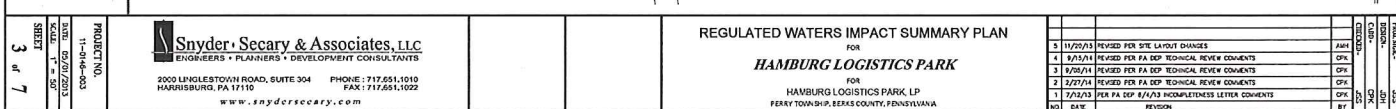
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* THE IMPACT AREA IS THE PERIMETER OF AN ESTABLISHED WATERBODIES AND IS BEING REPORTED FOR EACH OF THE TOTAL AREA SUBJECTS THE ADDRESS OF IMPACT AREA 23 WHICH IS ONLY BEING REPORTED FOR REGION-4 ONLY.

REGULATED WATERS IMPACT SUMMARY

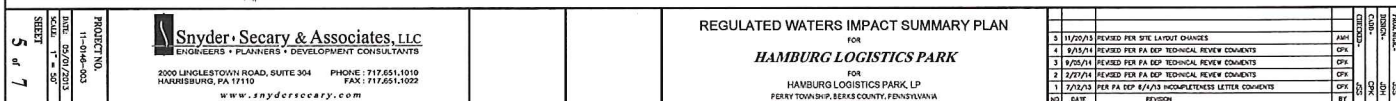
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OVERALL REGULATED WATERS IMPACT SUMMARY PLAN
FOR
HAMBURG LOGISTICS PARK
FOR
HAMBURG LOGISTICS PARK, LP
BERRY TOWNSHIP, BERKS COUNTY, PENNSYLVANIA



[illegible]

				CHECKED BY	DATE	STATUS
5	11/20/13	REVISED PER SITE LAYOUT CHANGES	JMH			
4	8/13/14	REVISED PER PA DEP TECHNICAL REVIEW COMMENTS	CPK			
3	8/05/14	REVISED PER PA DEP TECHNICAL REVIEW COMMENTS	CPK			
2	2/27/14	REVISED PER PA DEP TECHNICAL REVIEW COMMENTS	CPK			
1	7/22/13	PER PA DEP 8/1/13 INCOMPLETENESS LETTER COMMENTS	CPK			





REGULATED WATERS IMPACT SUMMARY PLAN

GRAPHIC SCALE

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REGULATED WATERS IMPACT SUMMARY PLAN
FOR
HAMBURG LOGISTICS PARK
FOR
HAMBURG LOGISTICS PARK, LP
PERRY TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

Snyder Secary & Associates, LLC
ENGINEERS • PLANNERS • DEVELOPMENT CONSULTANTS

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www.snydersecary.com

PROJECT NO.	11-0146-003
DATE	05/01/2013
SCALE	1" = 50'
SHEET	6 of 7

