

US Army Corps of Engineers. Philadelphia District

Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390 ATTN: CENAP-OPR

Public Notice

Public Notice No. Da

CENAP-OPR-2019-00807-46 June 7, 2021

Application No. File No.

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: East Goshen Township

AGENT: Gannett Fleming, Inc.

207 Senate Avenue, Camp Hill, PA 17011

WATERWAY: Chester Creek

LOCATION: Approximately 0.1 mile north of the intersection of West Chester Pike (State

Route 03) and Reservoir Road, in East Goshen Township, Chester County,

Pennsylvania

ACTIVITY: The applicant proposes to breach the existing Milltown Dam and convert the approximate 10-acre reservoir to enhanced stream, pond, and wetlands within a park setting with public parking. The proposed work includes restoration and re-configuration of the approximate 1,925-foot long creek within the original basin and creation of 1.47 acres of open waters for pond construction with an additional 365 linear feet of inlet/outlet channels to the re-configured stream channel. A total of 8.24 acre of basin area and internal/external waters and wetlands would be permanently disturbed for completion of the project. It should be noted that in 2017, the dam was partially lowered and the reservoir largely de-watered in anticipation of the work proposed herein. Currently, the basin is constituted of delineated wetlands (emergent, forested, and shrubscrub) in the upper reaches of the basin (proposed to be un-disturbed) as well as either open water or de-watered open land in the lower and center reaches of the basin. Such de-watered land in the center and lower reaches of the reservoir are currently occupied by ephemeral emergent wetlands [approximately 5 acres of reed canarygrass and spotted jewelweed with Oriental tearthumb (a.k.a. "mile-a-minute vine") within upland hummocks and the periphery resulting from the 2017 de-watering as part of the on-going stream restoration project.

Work proposed on the dam and adjacent area would involve the lowering of the crest and spillway to convert the reservoir from a wet to dry basin and construction of parking area. Large storm events will be allowed to pass over the lowered right embankment which will be armored

with articulated concrete blocks. This will involve the discharge of dredged and/or fill materials within 1.05 acre of basin area below the original ordinary high water mark for parking area construction and 0.041 acre to wetlands for temporary construction of a haul road and other erosion and sedimentation controls and cofferdam. The work to lower the spillway will involve 0.004 acre of discharge of fill for a temporary cofferdam and diversion of water measures within the open waters below the ordinary high water mark and basin area.

Stream re-location and enhancements include 3.37 acre of discharge of dredged and fill materials within open waters below the ordinary high water mark and basin area for construction of new stream channel and bank re-grading, pedestrian path, pool and rock riffles, log vanes, and temporary haul road with cofferdamming for stream de-watering. The work includes 0.657 acre of fill proposed to be discharged within the basin area for the permanent placement of excavated material from lowering the dam embankment to its proposed elevation.

Pond construction would involve the excavation and re-grading of 3.7 acre of basin area for pond construction with inlet/outlet weirs, inlet/outlet channels to and from the main re-configured stream channel, and pedestrian trail with 2 bridges. The final pond and constructed wetlands will occupy 5.79 acres of the original reservoir area.

PURPOSE: The applicant's stated purposes for the project are to modify the Milltown Dam and reclassify the structure as a low hazard dam to address dam safety concerns and replace the lost public recreational functions and values of an open water reservoir through the creation of new recreational and environmental enhancements in the former impoundment area.

A preliminary review of this application indicates that species listed under the Endangered Species Act (ESA) or their critical habitat pursuant to Section 7 of the ESA as amended, may be present in the action area. This office will forward this public notice to the US Fish and Wildlife Service and/or NOAA Fisheries with a request for technical assistance on whether any ESA listed species or their critical habitat maybe present in the area which would be affected by the proposed activity. This office will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with US Fish and Wildlife Service and/or NOAA Fisheries as appropriate. ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

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.

The USACE Cultural Resource Specialist has stated that an historic properties investigation has been conducted within the permit area. Historic properties eligible for or listed on the National Register of Historic Places are located in the permit area but will not be affected by the proposed action. A determination of "No Effect" will be coordinated with the SHPO and Tribes.

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with the NOAA Fisheries all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A preliminary review of this application indicates that EFH is not present within the project area.

Compensatory mitigation: The project would involve the loss of ephemeral aquatic resources (wetlands and open waters) and on-site mitigative actions are proposed as described herein. However, the mitigation activities discussed herein constitute the avoidance and minimization measures proposed by the applicant. No compensatory mitigation is recommended at this time.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. 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.

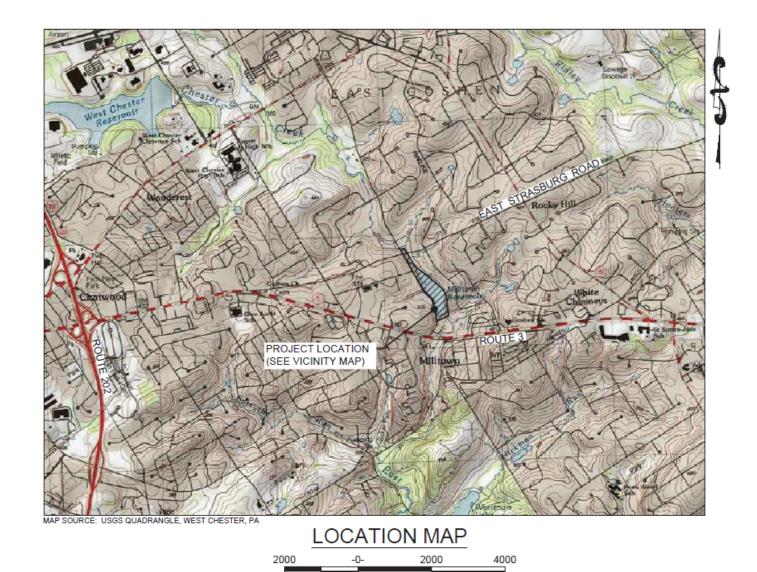
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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.

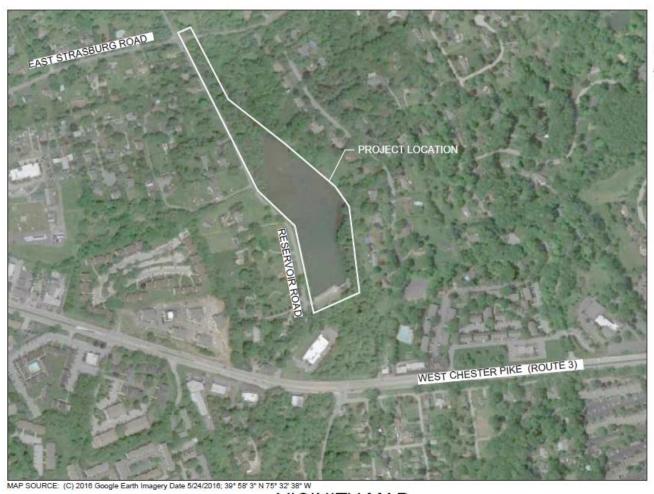
Additional information concerning this permit application may be obtained by calling David J. Caplan at 215-656-6731 or via email at David.J.Caplan@usace.army.mil.

Todd A. Schaible

Chief, Regulatory Branch



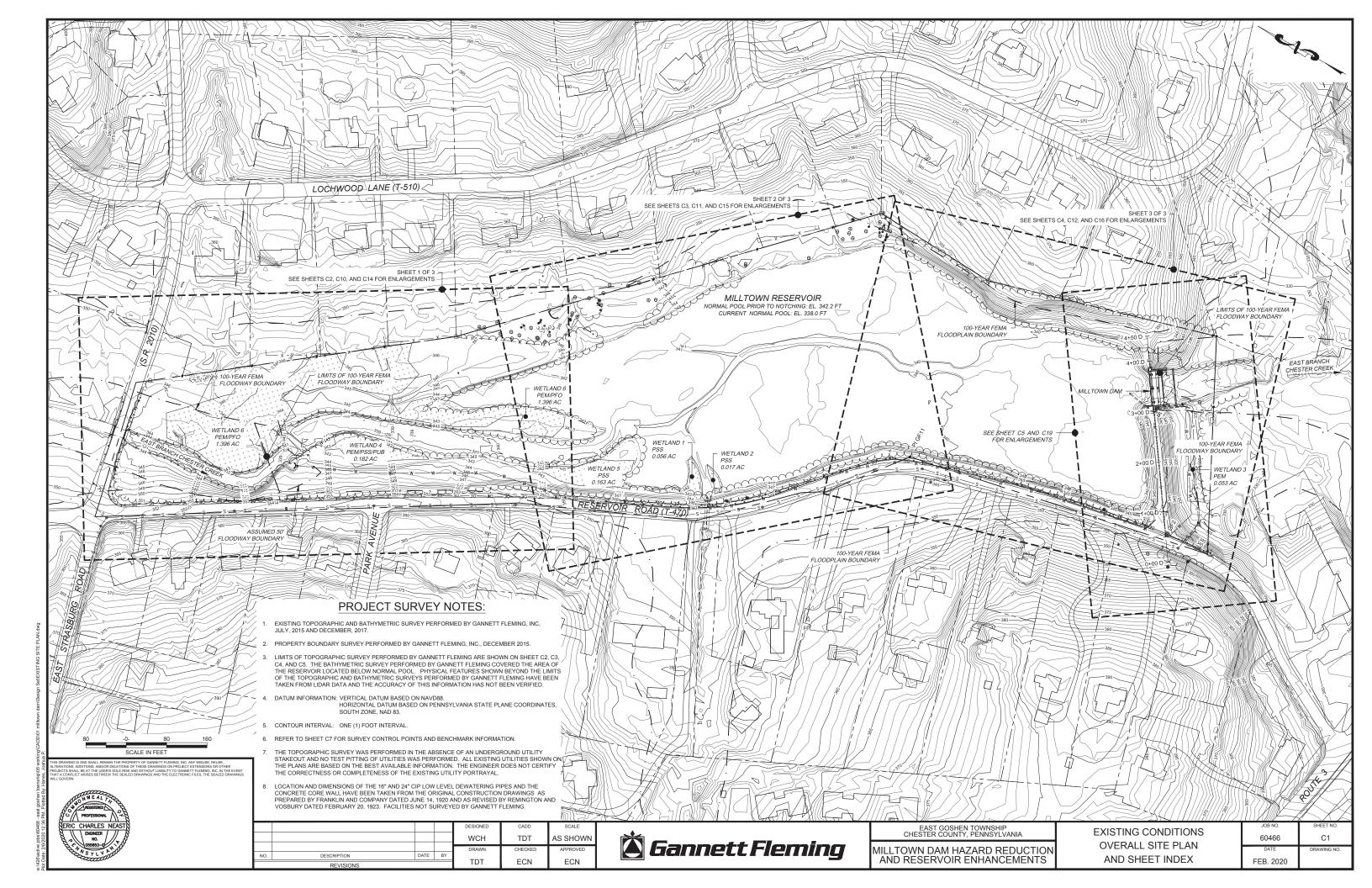
SCALE IN FEET

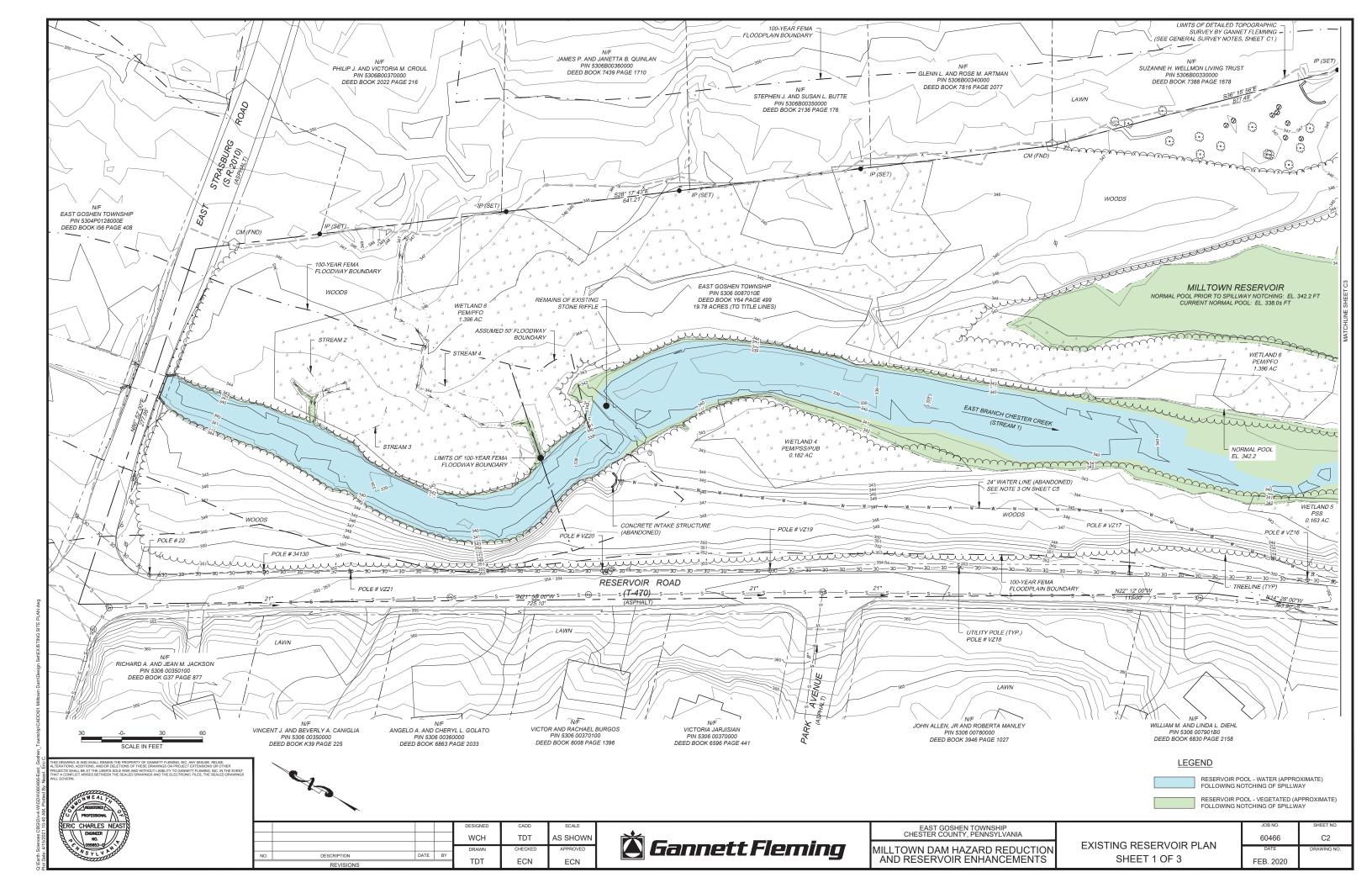


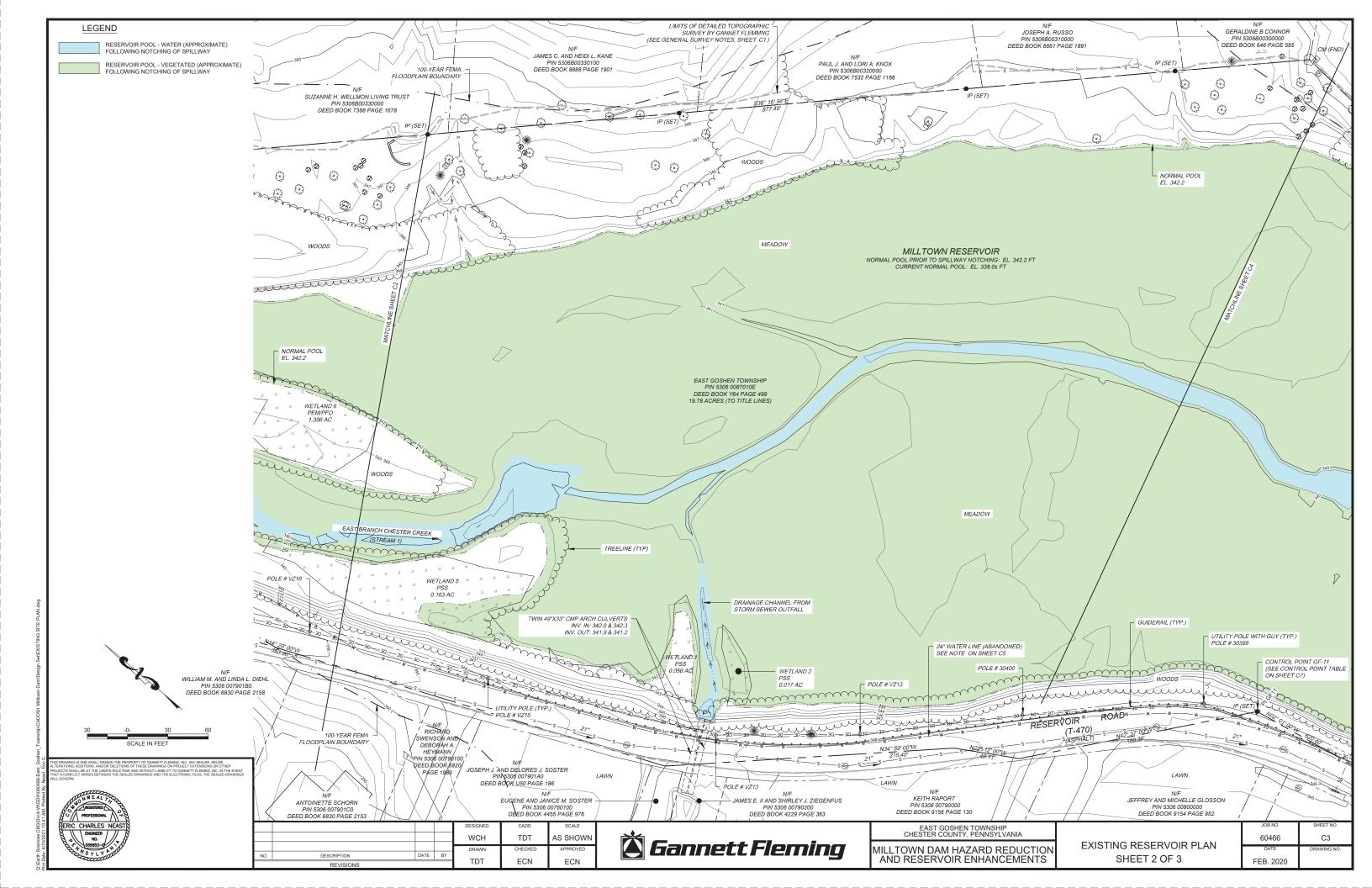
VICINITY MAP

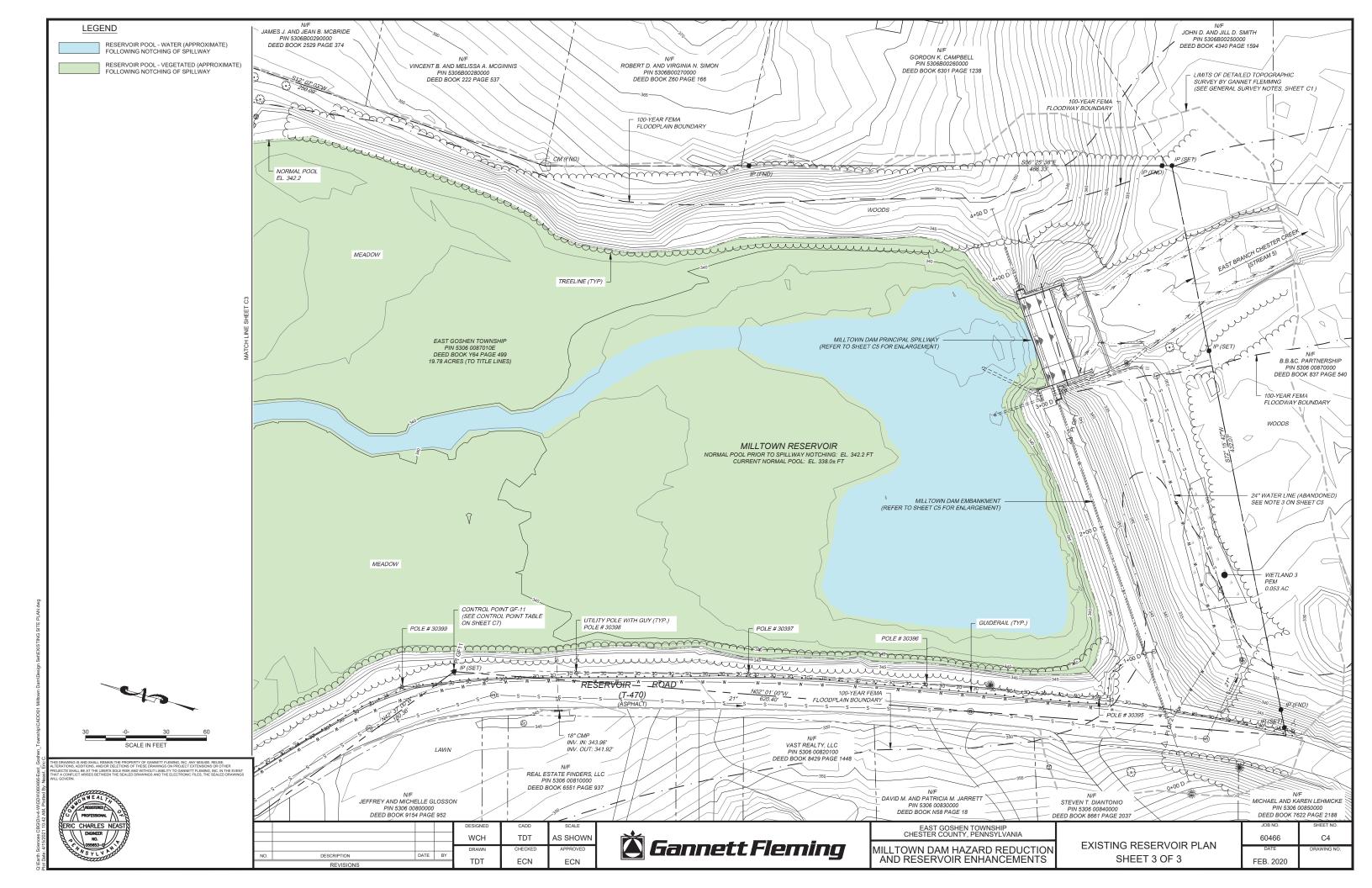
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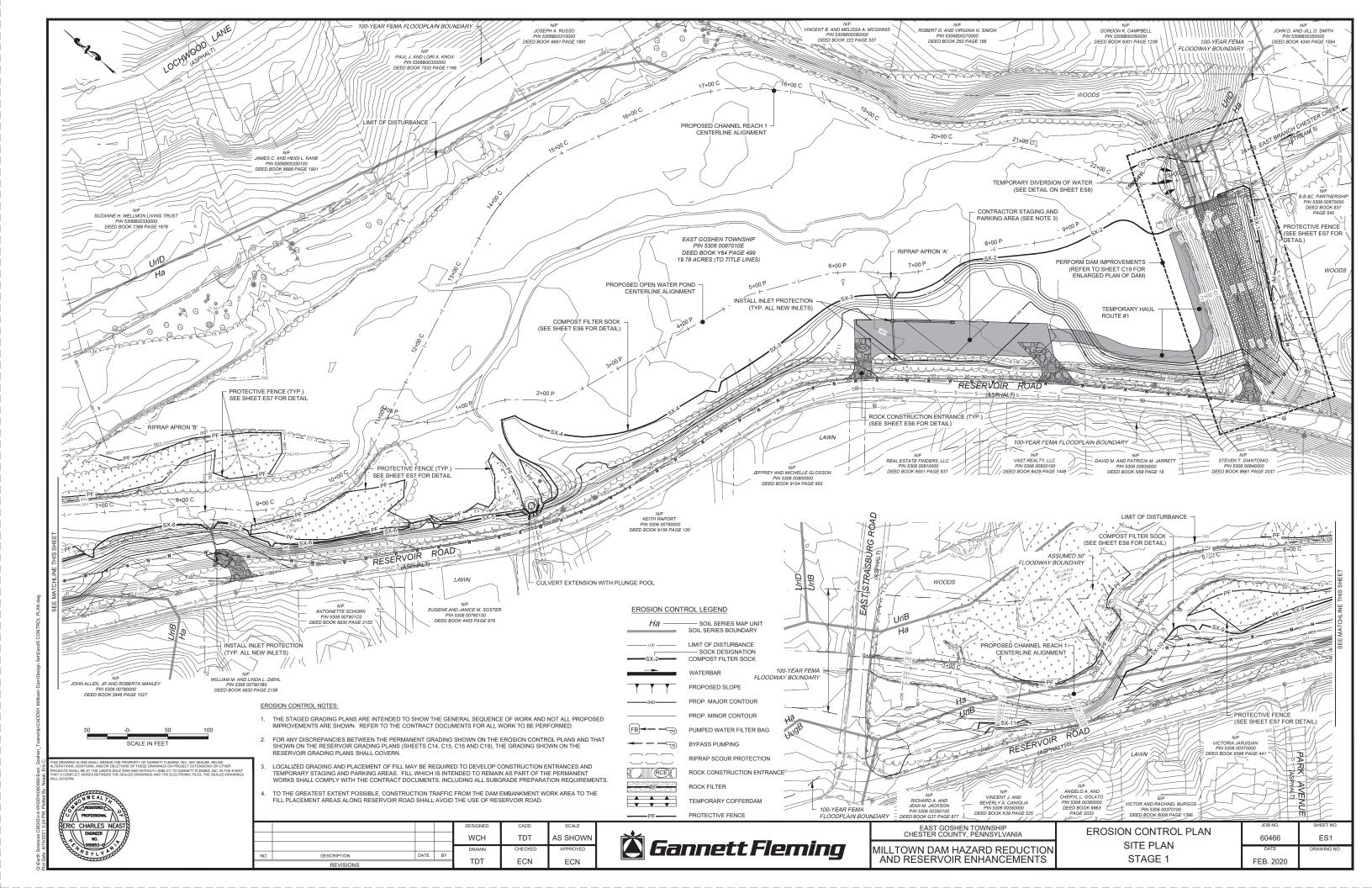
APPROXIMATE SCALE IN FEET

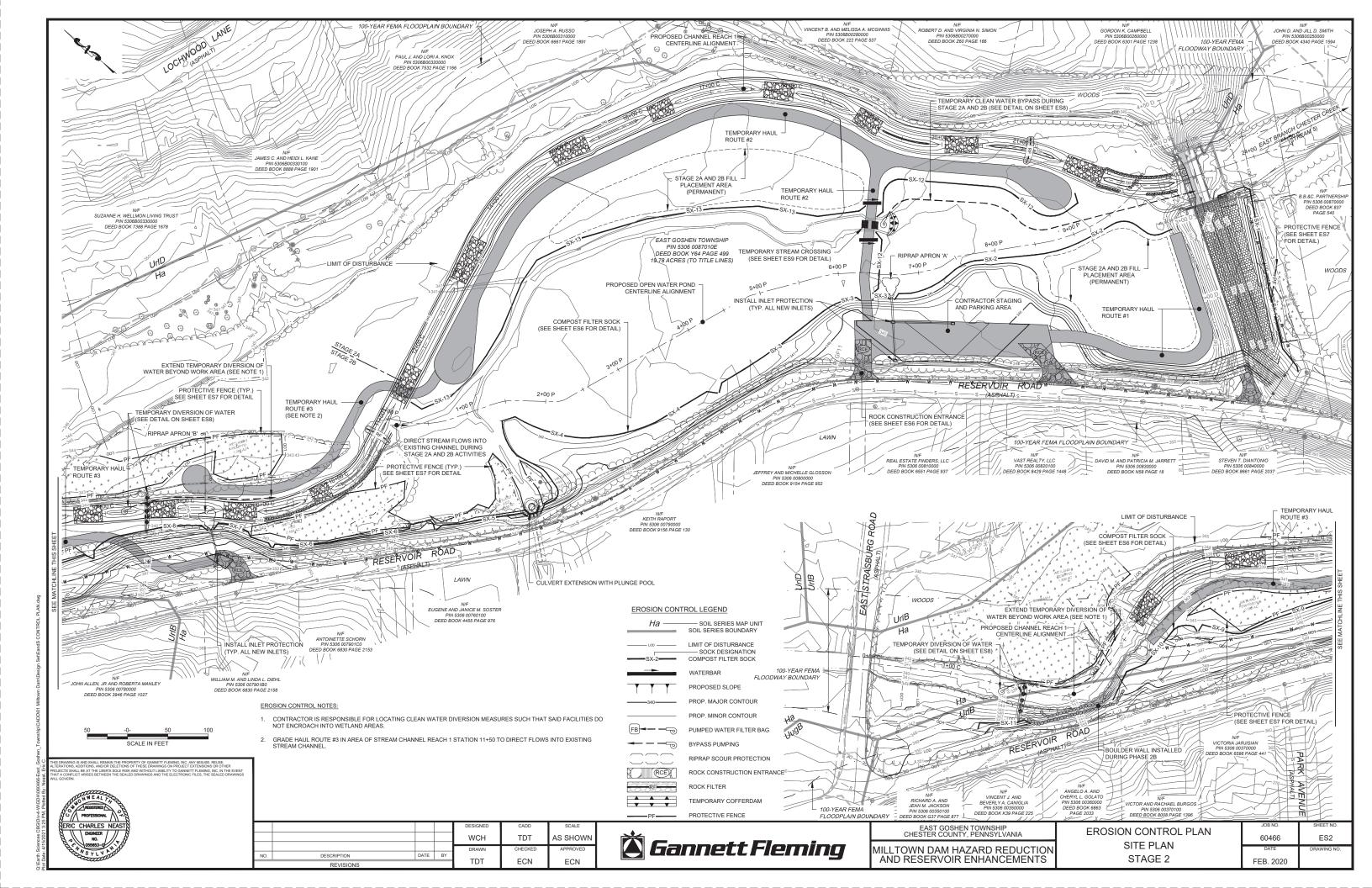


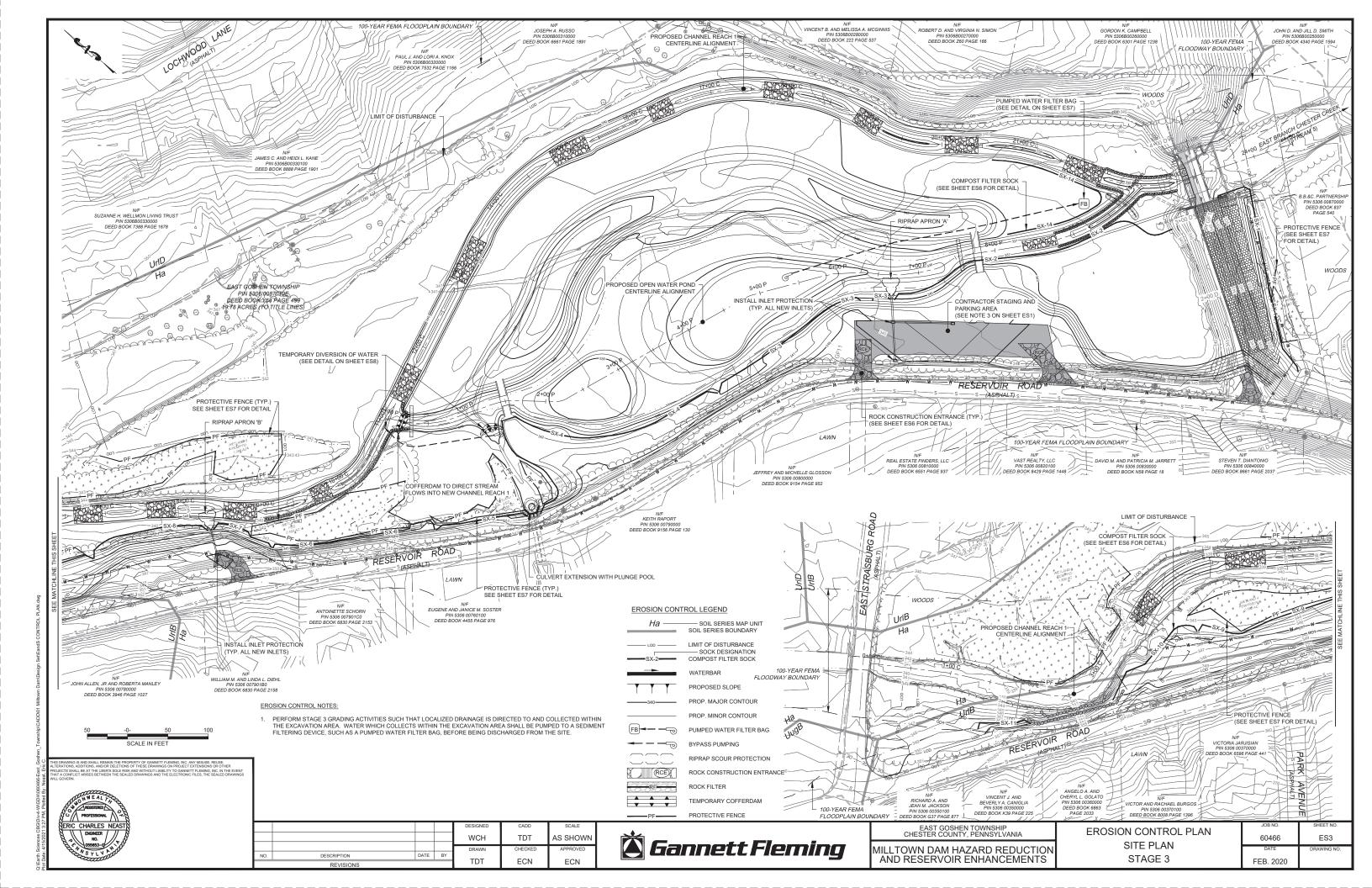


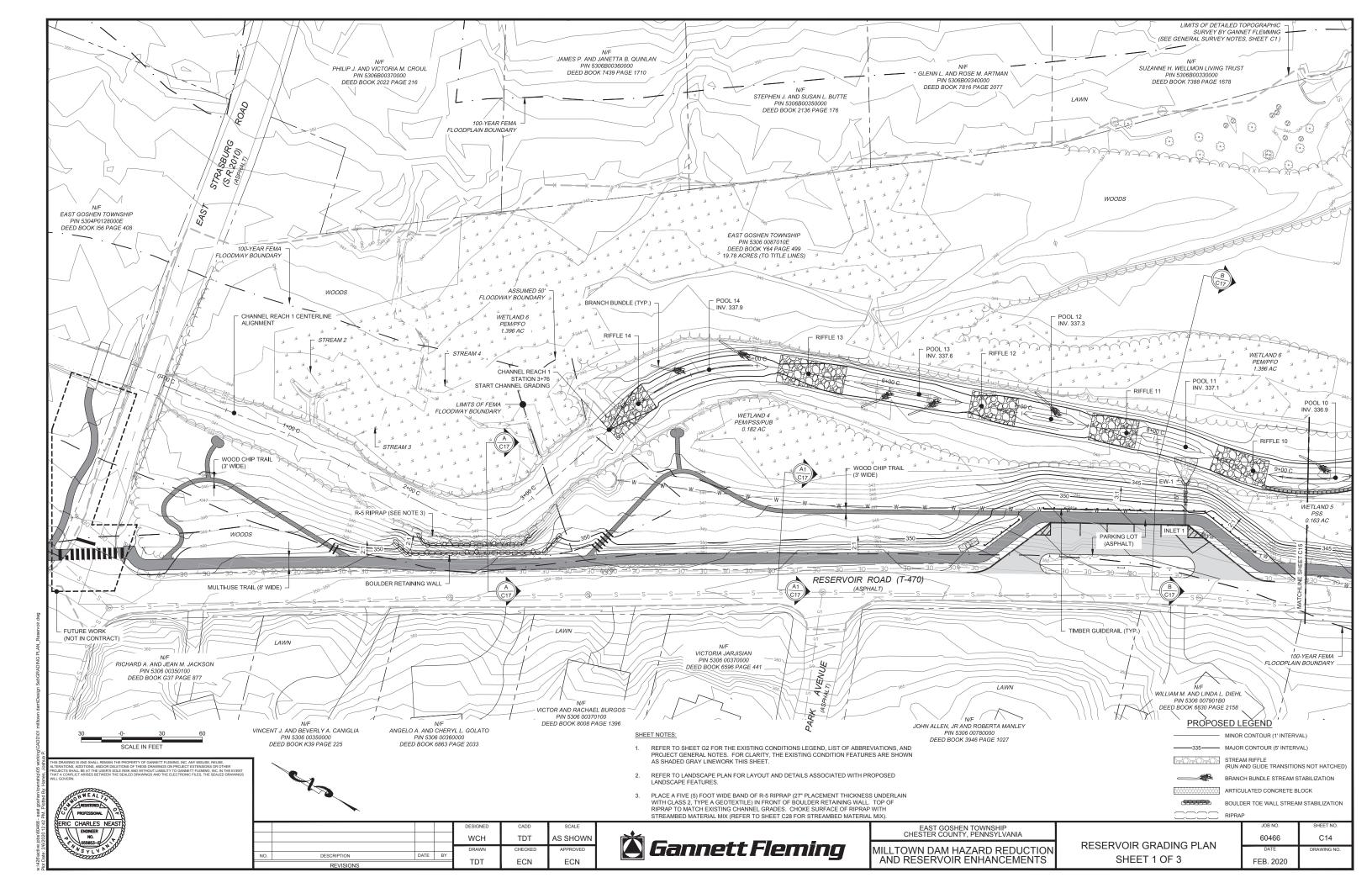


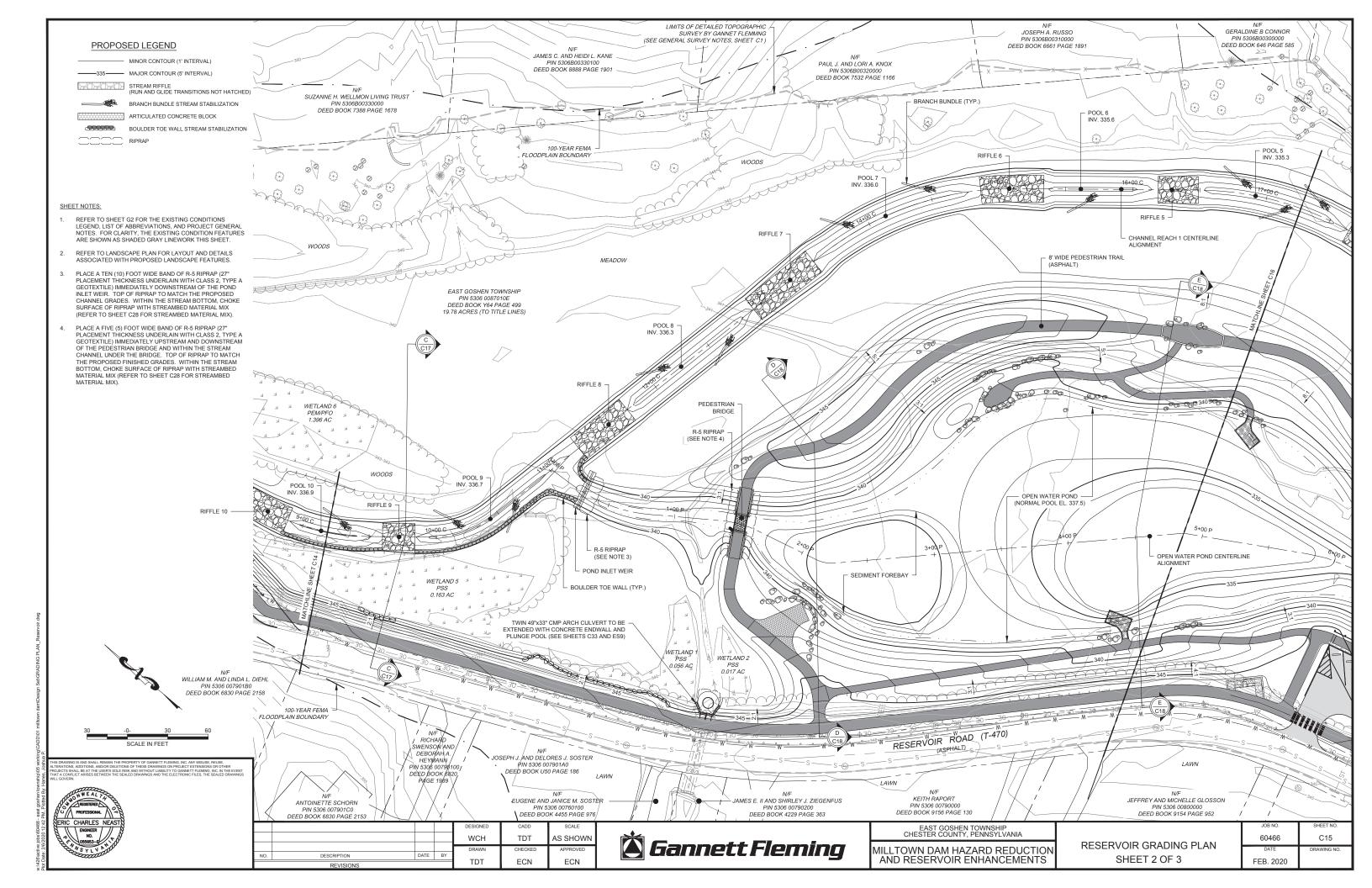


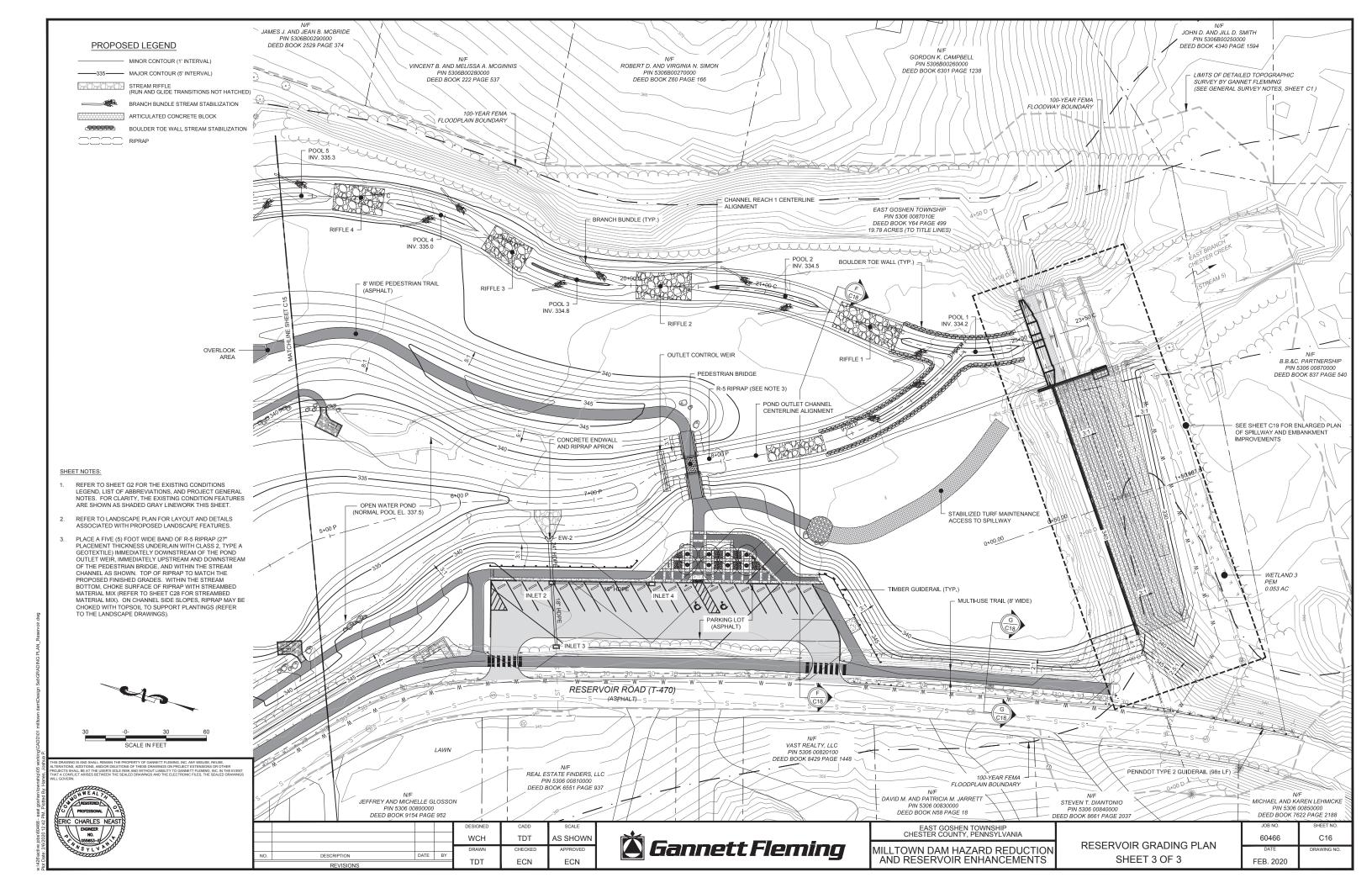












S1.B.4. Aquatic Resource Impact Summary

Impact Type	Resource Type	Length	Area							
Wetlands										
Tompowery	■ PUB		0.075 AC							
Temporary	■ PEM/PSS/PUB		0.041 AC							
Permanent	■ PUB	8.123 AC								
	TOTAL WETLAND IMPACTS		8.239 AC							
Riverine										
Temporary	Perennial	125 LF	0.088 AC							
Permanent	Perennial	42 LF	0.003 AC							
	TOTAL RIVERINE IMPACTS	167 LF	0.091 AC							
Floodway										
Tompowery	■ FEMA Floodway		0.006 AC							
Temporary	■ PADEP 50-FT Rule Floodway		0.006 AC							
Dawn an ar t	FEMA Floodway		0.142 AC							
Permanent	■ PADEP 50-FT Rule Floodway		0.023 AC							
	TOTAL FLOODWAY IMPACTS		0.177 AC							

Attachment 2 - Regulated Activities Table

RA Impact	Feature ID	ID Aquatic Resource Type	Impact Type	ACTIVITY LIGSCRIPTION	Wetland Impact		Stream Impact			Floodway Impact		Latitude	Longitude
No.		Resource Type	Type		SF	AC	LF	SF	AC	SF	AC		
Stage 1 -	Lowering of the	e Principal Spillway	and Right Emi	bankment									
1	Milltown Reservoir	PUB (Open Water)	Permanent, Direct	Permanent placement of fill within the footprint of Milltown Reservoir to construct the parking area along Reservoir Road and widen and stabilize the existing bench along the road to accommodate walking trails. The impact area also includes the extension of an existing drainage pipe and placement of new drainage pipes that will outlet to the proposed pond and the new section of Stream 1 (East Branch Chester Creek)	45,762	1.051	-	-	-	-	-	39.968168	-75.545084
2	Floodway (Stream 1)	PADEP 50-Foot Rule Floodway	Permanent, Direct	Permanent placement of fill within the PADEP 50-Foot Rule Floodway along Stream 1 (East Branch Chester Creek) to widen the existing bench along Reservoir Road to accommodate walking trails.	-	-	-	-	-	997	0.023	39.971457	-75.54747
3	Floodway (Stream 1)	FEMA Delineated Floodway	Permanent, Direct	Permanent placement of fill within the FEMA delineated floodway along Stream 1 (East Branch Chester Creek) to widen the existing bench along Reservoir Road to accommodate walking trails.	-	-	-	-	-	1,823	0.042	39.972025	-75.547944
4	Floodway (Stream 5)	FEMA Delineated Floodway	Permanent, Direct	Permanent excavation to lower the crest of the dam and placement of fill for grading, ACB matting, and training wall to reduce the hazard classification of Milltown Dam. Impact also includes the construction of the ACB diversion channel.	-	-	-	-	-	858	0.020	39.967407	-75.544205
5	Milltown Reservoir	PUB (Open Water)	Temporary, Direct	Temporary placement of a cofferdam and diversion of water system upstream of the existing principal spillway. The cofferdam will be removed once the spillway elevation has been lowered to its proposed elevation.	195	0.004	-	-	-	-	-	39.967649	-75.544132
6	Floodway (Stream 5)	FEMA Delineated Floodway	Temporary, Direct	Temporary placement of compost filter sock within the FEMA-delineated floodway along Stream 5. Compost filter sock will be removed at the end of construction.	-	-	-	-	-	92	0.002	39.967387	-75.544143
7	Milltown Reservoir	PUB (Open Water)	Temporary, Direct	Temporary placement of compost filter sock within the dewatered footprint of Milltown Reservoir. Compost filter sock will be removed at the end of construction. A temporary haul road will also be placed within the footprint of the reservoir during Stage 1 to allow for equipment access for work at the dam and spillway.	463	0.011	-	-	-	-	-	39.969418	-75.546139
8	Floodway (Stream 1)	PADEP 50-Foot Rule Floodway	Temporary, Direct	Temporary placement of compost filter sock within the PADEP 50-Foot Rule floodway along Stream 1. Compost filter sock will be removed at the end of construction.	-	-	-	-	-	113	0.003	39.971572	-75.547538
9	Floodway (Stream 1)	FEMA Delineated Floodway	Temporary, Direct	Temporary placement of compost filter sock within the FEMA-delineated floodway along Stream 1. Compost filter sock will be removed at the end of construction.	-	-	-	-	-	78	0.002	39.971938	-75.547896
Stage 2A	- Channel Relo	cation (Station 11+	50 to 23+00) an	d Stage 2B - Channel Reconstruction (Station 3+76 to 11+50)									
10	Milltown Reservoir	PUB (Open Water)	Permanent, Direct	Permanent excavation and placement of fill to construct the new section of East Branch Chester Creek through the footprint of the dewatered Milltown Reservoir. This regulated activity also includes the temporary placement of diversion of water measures (cofferdam and bypass pump) within the footprint of the permanent impact area.	118,236	2.714	-	-	-	-	-	39.96918	-75.544294
11	Stream 1	Perennial Watercourse	Temporary, Direct	Temporary placement of fill within Stream 1 (East Branch Chester Creek) for a cofferdam and diversion of water system in order to complete the bank stabilization work along Stream 1. The cofferdam and diversion of water system will temporarily dewater 125 linear feet of channel to allow for stream bank stabilization work. The regulated activity also includes a temporary impact to the FEMA-delineated floodway.	-	-	125	3,814	0.088	89	0.002	39.971899	-75.547758

Attachment 2 - Regulated Activities Table

RA Impact	Feature ID	Aquatic Resource Type	Impact Type	Activity Description	Wetland Impact		Stream Impact		act	Floodwa	y Impact	Latitude	Longitude
No.					SF	AC	LF	SF	AC	SF	AC		
12	Stream 1	Perennial Watercourse	Permanent, Direct	Permanent placement of fill within the channel of Stream 1 (East Branch Chester Creek) to stabilize the downstream-right bank of the channel. The impact will not result in a permanent loss of perennial waterway. The regulated activity also includes permanent impacts to the FEMA-delineated floodway.	-	-	42	134	0.003	3,349	0.077	39.971626	-75.547656
13	Milltown Reservoir	PUB (Open Water)	Temporary, Direct	Temporary placement of fill within the dewatered footprint of Milltown Reservoir to construct a temporary haul route to allow for equipment access for stream reconstruction work in the headwaters of Milltown Reservoir.	2,287	0.053	-	-	-	-	-	39.970919	-75.546899
14	Wetland 4	PEM/PSS/PUB	Temporary, Direct	Temporary placement of fill within Wetland 4 to construct a temporary haul route to allow for equipment access for stream reconstruction work in the headwaters of Milltown Reservoir.	1,770	0.041	ı	-	-	-	-	39.971267	-75.547038
15	Floodway (Stream 1)	PADEP 50-Foot Rule Floodway	Temporary, Direct	Temporary placement of fill within the PADEP 50-Foot Rule Floodway along Stream 1 (East Branch Chester Creek) to construct a temporary haul route to allow for equipment access for stream reconstruction work in the headwaters of Milltown Reservoir.	-	-	-	-	-	119	0.003	39.971518	-75.547372
16	Milltown Reservoir	PUB (Open Water)	Temporary, Direct	Temporary placement of a cofferdam and diversion of water system associated with stream channel reconstruction with the footprint of the dewatered impoundment. The cofferdam and diversion of water system will be removed at the end of stream reconstruction work.	185	0.004	-	-	-	-	-	39.970066	-75.546117
17	Milltown Reservoir	PUB (Open Water)	Permanent, Direct	Permanent placement of fill within the designated fill placement area for Stages 2A and 2B located within the footprint of the dewatered impoundment upstream of Milltown Dam's right embankment. The impact area also includes the temporary placement of haul road to access the spillway and upstream face of the dam during Stage 1.	28,620	0.657	-	-	-	-	-	39.967603	-75.544759
Stage 3 - O	pen Pond and	Remaining Pond (Grading Activiti	ies es									
18	Milltown Reservoir	PUB (Open Water)	Permanent, Direct	Permanent excavation and placement of fill to construct the new open water pond and the stream channels that direct flow into and out of the pond. The outlet channel will connect with the new main channel of East Branch Chester Creek upstream of the spillway.	160,883	3.693	-	-	-	-	-	39.96913	-75.544952
19 (GP-4)	Milltown Reservoir	PUB (Open Water)	Permanent, Direct	Permanent placement of fill to construct the intake weir structure that will direct surface water from the new main channel of East Branch Chester Creek to an offline channel that outlets to the new open water pond feature. PADEP Dam Safety requested that the weir structures be identified as regulated activities for authorization under General Permit No. 4.	156	0.004	-	-	-	-	-	39.96993	-75.546037
20 (GP-4)	Milltown Reservoir	PUB (Open Water)	Permanent, Direct	Permanent placement of fill to construct the outfall weir structure that will direct surface water from the new open water pond to an offline channel that outlets to the new main channel of East Branch Chester Creek upstream of the spillway. PADEP Dam Safety requested that the weir structures be identified as regulated activities for authorization under General Permit No. 4.	156	0.004	-	-	-	-	-	39.968257	-75.544733
21	Milltown Reservoir	PUB (Open Water)	Temporary, Direct	Temporary placement of diversion of a cofferdam and diversion of water system to divert surface water from a drainage pipe to the new main channel of East Branch Chester Creek during Stage 3 of constructions. The cofferdam and diversion of water system will be removed at the end of Stage 3.	152	0.003	-	-	-	-	-	39.969687	-75.546023
Stage 4 - Re	eservoir Road	Walkways and No.	rthern Parking	Area									
22	Floodway (Stream 1)	FEMA Delineated Floodway	Permanent, Direct	Permanent placement of fill within the FEMA-delineated floodway along Stream 1 (East Branch Chester Creek to establish walking trails.	_	-	-	_	_	120	0.003	39.97222	-75.547932
				Temporary Impacts	5,052	0.116	125	3,814	0.088	491	0.012		
Aquatic Resource Impact Summary			ary	Permanent Impacts	353,813	8.123	42	134	0.003	7,147	0.165		
			Total Impacts	358.865	8.239	167	3,948	0.091	7,638	0.177			