



**US Army Corps
of Engineers**
Philadelphia District
100 South Independence Mall West
Philadelphia, PA 19106
Attn: CENAP-OPR

Public Notice

Comment Period Begins: May 17, 2023
Comment Period Ends: June 15, 2023
File Number: NAP-2019-00039-96
File Name: PADOT 5 SR 0061 Section 14M Highway Reconstruction
Project BE
Contact: Nikolas Tranchik
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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: Pennsylvania Department of Transportation
Engineering District 5-0
Attn: John Bohman
1002 Hamilton Street
Allentown, Pennsylvania 18101

AGENT: Traffic Planning and Design, Inc.
Attn: Tracy Stroschein
2500 E High Street STE 650
Pottstown, Pennsylvania 19464

LOCATION: This project is located along SR 0061, Section 14M in West Mahanoy, Blythe, New Castle and Ryan Townships, as well as Frackville and Saint Clair Boroughs, in Schuylkill County, Pennsylvania. The project extends from a point approximately 500 feet south of the intersection of SR 0061 and Terry Rich Boulevard in the Borough of St. Clair, Schuylkill County to a point approximately 500 feet north of the intersection of SR 0061 and Spruce Street in the Borough of Frackville, Schuylkill County. The overall project length is 4.5 miles.
Center Coordinates: 40.750553, -76.202906

PURPOSE: The stated purpose of this project is to provide a safe and efficient transportation system for both local and regional connections by accommodating traffic volumes on S.R. 0061 in the 2040 design year to Level of Service C or better, improving safety and bringing the S.R. 0061 roadway and structures up to current design standards with no or minimal design exceptions. The overall project needs are for improved safety, to relieve congestion, maintenance, and access. Currently, there are portions of retaining walls along the streams that are failing and require replacement or rehabilitation in order to meet the project needs.

PROJECT DESCRIPTION:

The applicant, Pennsylvania Department of Transportation – Engineering District 5 (PADOT-5), has requested a Department of the Army (DA) authorization to perform roadway reconstruction of SR 0061, Section 14M. The project is set within the valleys of Mill Creek and Mud Run which are tributaries to the upper section of the Schuylkill River. The valleys are comprised of steep terrain and are heavily wooded. The roadway rises 700' in elevation as SR 0061 winds along the streams and mountains from Saint Clair to Frackville. The southern portion of the area was previously mined and SR 0061 traverses the western fringe of PA State Game Lands (SGL) #326. The overall length of the project is approximately 4.5 miles. There are numerous substandard horizontal curves within the project limits, which currently do not meet design requirements. In addition, multiple rock outcroppings are located immediately adjacent to the outside shoulder resulting in poor sight distance and debris on the roadway. The existing gabion basket retaining walls supporting the southbound lanes are failing in many locations. The pavement, which was originally constructed in the 1910's and 1940's, is failing in many locations. A portion of the southbound left lane has been closed for several years due to pavement failure. The structures are in poor condition and are in need of repair or replacement. Several culverts and retaining walls have required emergency repairs within the central portion of the project area due to gabion basket and pavement failure.

The regulated work for the highway reconstruction includes a new bridge over Mill Creek, relocating a section of Mill Creek, several retaining wall installations, retaining wall removal, several culvert rehabilitations, stream fills, scour protection for culverts, two new stream enclosures, modification of one stream enclosure, stormwater outfalls, temporary cofferdams, temporary splash pads, and erosion and sediment control measures. The total acreage of regulated work amounts to 5.049 acres of disturbance. Of this total, there will be 1.40 acres (4,280.5 linear feet) of permanent stream impacts, 3.39 acres (6,514 linear feet) of temporary stream impacts, 0.221 acre of permanent wetland impacts, and 0.038 acre of temporary wetland impacts.

For additional project details, see the attached plans identified as: "SR 0061 Total Reconstruction – Saint Clair to Frackville Stream and Wetland Impact Plans", sheets 1 through 21, dated 03/28/2023, prepared by Traffic Planning and Design, Inc.

MITIGATION

The applicant has stated that the proposed project has been designed to avoid and minimize adverse effects on the aquatic environment to the maximum extent practicable. For unavoidable impacts to aquatic resources, the applicant has proposed compensatory mitigation.

The applicant has provided a mitigation credit commitment letter for the purchase of mitigation bank credits from the Quaker Mitigation Bank, located in the Lower Delaware River Subbasin in Berks County, Pennsylvania for unavoidable impacts to on-site wetlands. The applicant has also submitted proposed plans for on-site stream mitigation. These plans are still under review to ensure that the proposed compensatory mitigation adequately offsets the loss of functions and values of the impacted aquatic resources and will not require additional compensatory mitigation.

CORPS EVALUATION FACTORS

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 these factors 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.

The evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency if the project includes a discharge of dredge or fill material pursuant to Section 404 of the Clean Water Act.

ENDANGERED SPECIES

A preliminary review of this application indicates that species and/or their critical habitat pursuant to Section 7 of the Endangered Species Act (ESA) may be present in the action area. This office will forward this Public Notice to the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) with a request for technical assistance on whether any ESA-listed species or their critical habitat may be 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 the USFWS and/or NMFS, as appropriate. ESA Section 7 consultation would be concluded prior to the final decision on this permit application.

CULTURAL RESOURCES AND TRIBAL TRUST

The District's Cultural Resource Specialist and Tribal Liaison is currently reviewing the proposed permit action 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.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) for 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. Therefore, consultation with NMFS pursuant to EFH provisions of the MSA is not necessary. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

WATER QUALITY CERTIFICATE

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate (WQC) is required 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.

COASTAL ZONE MANAGEMENT ACT

The project area is not located within a Coastal Zone.

SUBMISSION OF COMMENTS AND PUBLIC HEARING REQUEST

Any comments received will be considered by this office to determine whether to issue, modify, condition, or deny a permit for this proposed project. To make this decision, comments are used to assess the probable impact on the public interest. 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 must be submitted, in writing, within the comment period indicated in the header above. Any person may request, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing must be in writing and state the reasons for holding a public hearing.

Please provide any comments, request for a public hearing, or requests for additional information to the Regulatory Project Manager indicated above. All Public Notices are posted on our website at:

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

FOR: Todd A. Schaible
Chief, Regulatory Branch