



**US Army Corps
of Engineers**
Philadelphia District

100 South Independence Mall West
Philadelphia, PA 19106
ATTN: CENAP-OP-R

Public Notice - Extension

Public Notice No.	Date
CENAP-OP-R-2018-00729-84	December 21, 2022 (originally published November 21, 2022)
Application No.	File No.
CENAP-OP-R-2018-00729-84/First Pennsylvania Resource LLC Cobbs Creek Mitigation Bank	
In Reply Refer to:	
REGULATORY BRANCH	

This District has received a mitigation bank prospectus pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

Public Notice CENAP-OPR-2018-00729-84 is being extended in response to numerous requests from the surrounding community. This revised Public Notice supersedes the public notice issued on November 21, 2022. **The revised comment period will close 60 days from the date of the original public notice on January 20, 2023.** This Public Notice has minor clarifications but does not change the proposed activity of the project.

The purpose of this revised public notice is to solicit comments and recommendations from the public concerning approval of a mitigation site plan (Prospectus) described below. A full copy of the Prospectus is available for review upon request.

APPLICANT: First Pennsylvania Resource, LLC (the Sponsor)
33 Terminal Way
Suite W445A
Pittsburgh, PA 15219

PROJECT NAME: Cobbs Creek Mitigation Bank (Project)

WATERWAY: Cobbs Creek, Indian Creek, West Branch Indian Creek, Unnamed Tributaries

LOCATION: Latitude 39.967147°, Longitude -75.265614°, City of Philadelphia, Philadelphia and Delaware Counties, Pennsylvania (see attachment labeled Figure 1A).

ACTIVITY: The proposed Cobbs Creek Mitigation Bank site is located on property owned by the City of Philadelphia and currently occupied by the Cobbs Creek and Karakung golf courses. Upon securing necessary site protection agreement with multiple utility easement holders and the City of Philadelphia, First Pennsylvania Resource would create a stable stream and riparian system and improve habitat for a variety of species. In addition to reestablishing appropriate riparian buffer zones along streams, the restoration activities will buffer and capture stormwater runoff preventing nutrients and sediments from discharging directly into the watershed and downstream waterways in accordance with the mitigation design plan (see attachments labeled Figure 13A and Figure 13B for an overview).

The Project is located within the Upper Cobbs Creek Watershed, a smaller drainage of the Darby Creek Delaware River Watershed. The Cobbs Creek Watershed covers approximately 22 square miles in Philadelphia and Delaware Counties. The watershed includes all or portions of 13 municipalities: Narbeth Borough, Lower Merion Township, Yeadon Borough, Colwyn Borough, Darby Borough, East Landsdowne Borough, Lansdowne Borough, Millbourne Borough, Darby Township, Haverford Township, Radnor Township, Upper Darby Township, and City of Philadelphia. The watershed is characterized by extensive areas of urban development near the Project area. Areas of the watershed adjacent to the northwest portion of the Project area are more suburban and rural in character, containing limited areas of forest and agricultural lands.

Streams throughout the watershed, as well as streams throughout the surrounding watersheds, are listed by the PADEP as impaired or “non-attaining” for their designated aquatic life use. Source causes of the impairments identified by PADEP include urban runoff, flow regime modification, habitat modification, and municipal point source discharges. Although both point-source and non-point source disturbances continue to affect these streams, particularly in the urban areas, much of the impairment within the watershed comes through historical legacies of poor conservation practices. Supported by the mill industries of the early 1900s, the population in the area began to expand rapidly. The population expansion occurred prior to the development of zoning and planning ordinances, leading to significant impacts on the watershed. One of the most notable impacts from this era was long reaches of streams being encapsulated underground and/or being combined with the sewage system, resulting in wastewater, trash, and debris being discharged directly into surface waters. This combined infrastructure is still present in the Cobbs Creek Watershed. The proposed Project would seek to engage the city sewer authority to coordinate efforts which would remove these unsanitary point sources of discharge by rerouting lines.

The proposed Bank Site is a former golf course within a public park, which has not been in operation for approximately one year. Existing resources are outlined on the attachments labeled Figure 13A and Figure 13B. There are numerous utility easements crossing the property that will need to come to agreement on activities and restoration requirements that will allow compatibility with the long-term protection of the restored natural resources on the site. Easement negotiations are on-going. The Sponsor has proposed the following ecological improvements:

- reestablishment and restoration of streams and wetlands
- reestablishment of stream and floodplain connectivity
- improved hydrologic connectivity
- improved onsite flood capacity, storage, and attenuation
- improved onsite stream stability and appropriate channel geometry
- improved aquatic and riparian terrestrial habitat
- improved vegetative diversity throughout all habitats within the Project area
- removal of invasive species, and
- perpetual protection of the Bank Site through appropriate legal instruments to support the continuity and progressive evolution of the functional improvement goals once achieved.

The Sponsor intends to establish the bank to provide compensatory mitigation to compensate for unavoidable impacts to Waters of the United States and/or Waters of the Commonwealth, including wetlands, occurring in the Southern Portion, Lower Delaware River Sub-basin (Pennsylvania State Water Plan Sub-basin #3S). The proposed Primary Service Area is depicted on the attachment labeled Figure 1A. This Service Area occupies a portion of HUC 02040202 (Lower Delaware Watershed) and additional drainage from some of the surrounding counties. The Sponsor has also proposed a Secondary Service Area within Pennsylvania State Water Plan Sub-basins #2 and #3N.

In the Service Area, the mitigation credits from the proposed Project would be used to mitigate for impacts to wetlands, streams and open water. The use of a mitigation bank to provide credits must be specifically reviewed and approved. The number of credits generated by successful implementation of the proposed Project is based on a quantifiable functional uplift resulting from the proposed restoration work and site protection. The proposed Project design and construction would potentially result in the generation of 17,163 stream credits and 37 wetland credits as follows:

Table 5A: Preliminary Ratio Based Crediting Summary ¹					
Resource Type	Restoration Type	Mitigation Ratio	Proposed Value	Proposed Value Total	Generated Credits Total
Streams (linear feet)	Restoration (Relocation)	1 :1	17,162.64 lf	17,162.64 lf	17,162.64
	Rehabilitation	1.5 :1	n/a	n/a	n/a
	Enhancement	2.5 :1	n/a	n/a	n/a
	Preliminary Totals ²		TBD	TBD	17,162.64
	Base Credits Generated in the Catchment and Lateral Modifier Reaches that are proposed for the Credit Adjustment Modifiers				TBD
	Proposed Additional Credits Generated per the Credit Adjustment Modifiers				TBD
	Preliminary Total Credits Generated				
Wetlands (acres)	Reestablishment	1 :1	35.97	35.97	35.97
	Rehabilitation	1.5 :1	0.98	0.98	0.65
	Enhancement	2.5 :1	n/a	n/a	n/a
	Preliminary Totals ²		TBD	TBD	36.62

There is a need for compensatory stream and wetland mitigation site opportunities in the region for impacts associated with Federal and Commonwealth permitted projects. The proposed Project is technically feasible, incorporates lessons learned from, and design concepts applied successfully to, other compensatory mitigation sites in the Commonwealth of Pennsylvania over the past several decades.

The Preliminary Resource Development Maps (attachments labeled Figure 13A and Figure 13) are consistent with the pursuit of the proposed objectives and anticipated functional gains indicated by the Sponsor, which qualifies the ecological suitability of the proposal. The Project restoration activities include creation of wide riparian buffers along reestablished reaches of the stream. Specific crossings and points of access are proposed as reserved rights to allow the landowners to move equipment and provide recreational paths for viewing habitat. None of the areas proposed for reserved rights are proposed to generate credits. Many of the areas that would generate credits are proposed to be protected from incompatible use by way of fencing, signage, or other means.

Oversight of the proposed Project would be conducted by an Interagency Review Team (IRT) composed of federal and state representatives and chaired jointly by the Corps

and the Pennsylvania Department of Environmental Protection (PADEP). The mitigation bank credits will be available for sale to third parties provided such parties (permittees) have received all necessary Federal and State authorizations requiring compensatory mitigation and the bank has the required number of credits available for sale.

The proposed bank site is likely to yield resources eligible for inclusion in the National Register of Historic Places (NRHP). An investigation for the presence of potentially eligible historic properties is required. A final determination as to whether or not to approve the proposed bank will not be rendered until consultations with the Pennsylvania State Historic Preservation Office (PASHPO) have been concluded.

The Corps is soliciting comments from the public; Federal, Commonwealth, and local agencies and officials; and other interested parties in order to consider and evaluate the implications for approval of this proposed mitigation bank. Any comments received will be provided to the IRT.

Comments on the proposed bank should be submitted, in writing, by January 20, 2023, to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, 100 South Independence Mall West, Philadelphia, Pennsylvania 19106 or via electronic mail to napregulatory@usace.army.mil. Please note our address change.

Additional information concerning this permit application may be obtained by calling Mr. Brian Anthony at (215) 656-0542 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.

FOR Todd A. Schaible
 Chief, Regulatory Branch

Legend



Project Location

306 Coastal Zone Boundary



Cobbs Creek Watershed (HUC 12)



Darby Creek Delaware River (HUC 10)



Primary Service Area (Subbasin 3S)



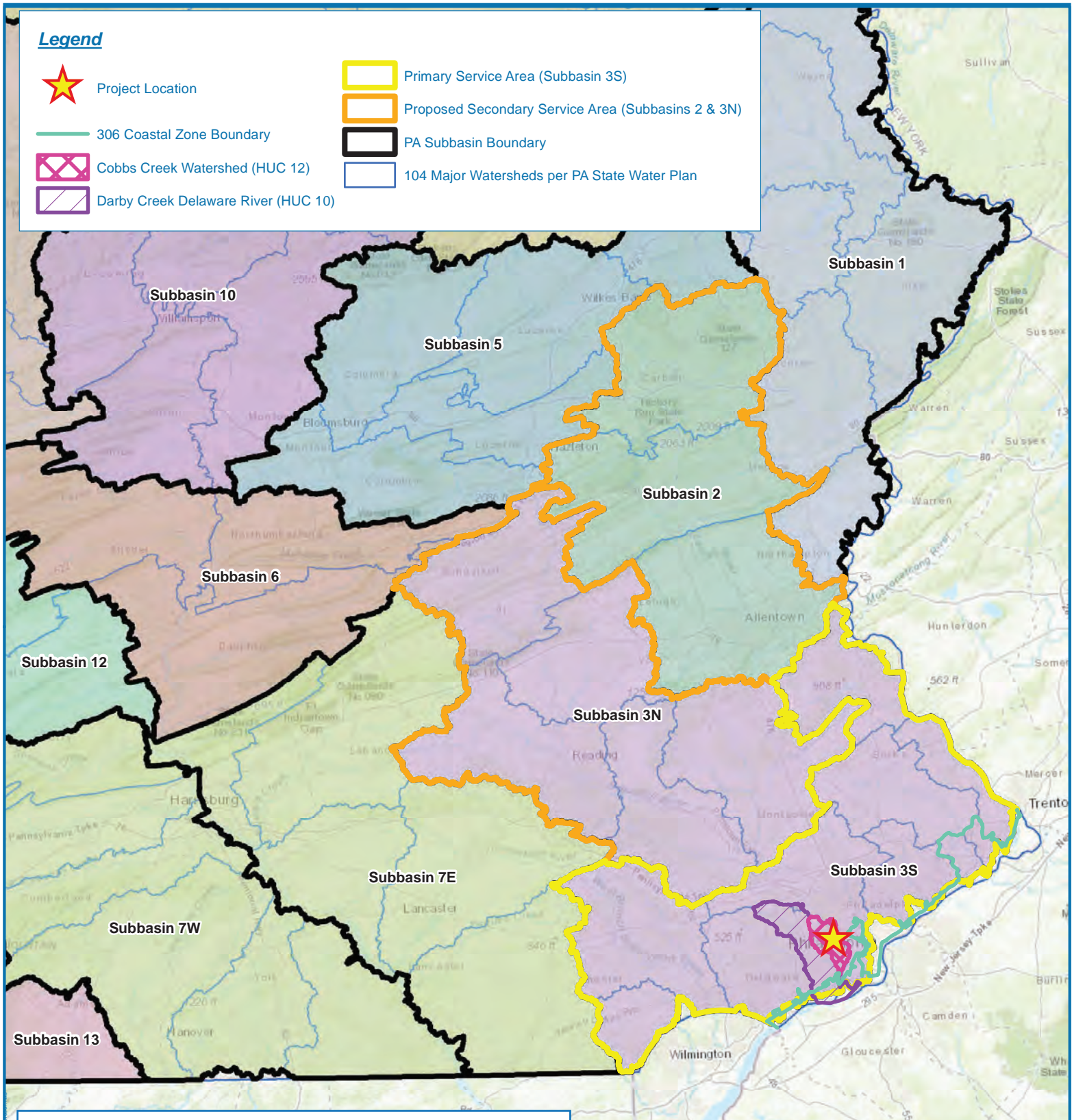
Proposed Secondary Service Area (Subbasins 2 & 3N)



PA Subbasin Boundary



104 Major Watersheds per PA State Water Plan



PA Waterplan Subbasins

- Central Delaware River Subbasin
- Central West Branch Susquehanna River Subbasin
- Lower Central Susquehanna River Subbasin
- Lower Delaware River Subbasin
- Lower Juniata River Subbasin

- Lower Susquehanna River Subbasin
- Lower West Branch Susquehanna River Subbasin
- Potomac River Subbasin
- Upper Central Susquehanna River Subbasin
- Upper Delaware River Subbasin
- Upper Susquehanna River Subbasin

Notes:

1. Subbasin layers obtained from georeferenced image provided by PADEP on 4/20/2021 but are not official shapefile boundaries.
2. The Primary and Secondary Service Areas do not include areas within the 306 Coastal Zone Boundary.
3. Topographic imagery from US Geological Survey. Horizontal Datum is NAD83 PA Stateplane South FIPS (3702_US FT).

FIGURE 1A

SERVICE AREA MAP

COBBS CREEK MITIGATION BANK
PHILADELPHIA AND DELAWARE COUNTIES, PENNSYLVANIA

Date: 9/13/2021

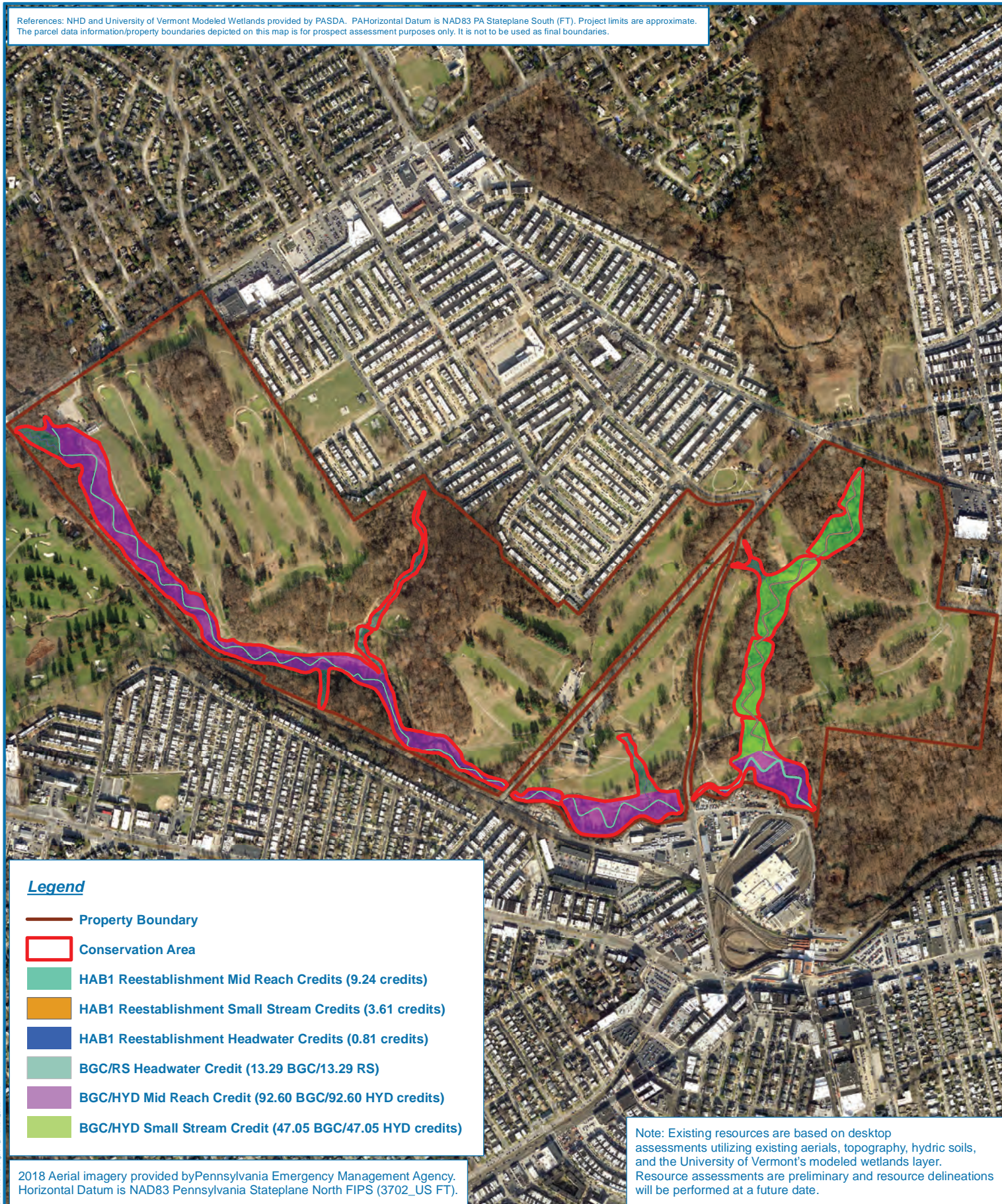
Drawn by: ES

Checked by: KW

Project No: 104983



0 4.5 9 18 Miles
1 inch = 18 miles



PROJECT LOCATION



DELAWARE AND PHILADELPHIA
COUNTIES, PA

PRELIMINARY RESOURCE DEVELOPMENT MAP (RIVERINE)

COBBS CREEK MITIGATION BANK

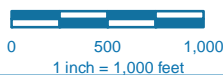


FIGURE 13A

Date: 4/11/2022

Drawn by: ES

Checked by: KW





Legend

- Property Boundary
- Conservation Area
- HAB2, BGC2, HYD2 Reestablishment Credits (216.18 each)
- HAB2, BGC2, HYD2 Rehabilitation Credits (5.88 each)

2018 Aerial imagery provided by Pennsylvania Emergency Management Agency. Horizontal Datum is NAD83 Pennsylvania Stateplane North FIPS (3702_US FT).

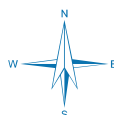
Note: Existing wetland resources georeferenced from a previously surveyed drawing. Boundaries are for size and extent purposes only, not to be utilized as legal boundaries.

PROJECT LOCATION



DELAWARE AND PHILADELPHIA
COUNTIES, PA

PRELIMINARY RESOURCE DEVELOPMENT MAP (WETLAND)



COBBS CREEK MITIGATION BANK

0 500 1,000
1 inch = 1,000 feet

FIGURE 13B

Date: 4/11/2022

Drawn by: ES

Checked by: KW

