



**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.	Date
CENAP-OPR-2021-00766-84	August 23, 2021

Application No.	File No.
CENAP-OP-R-2021-00766-84/First Pennsylvania Resource LLC Tohickon Creek Mitigation Bank	

In Reply Refer to:
REGULATORY BRANCH

The Philadelphia District Corps of Engineers (Corps) has received a Prospectus to establish a compensatory wetland mitigation bank for Department of the Army permits in accordance with the Federal Rules; "Compensatory Mitigation for Losses of Aquatic Resources"; Final Rule (33 CFR Parts 332 and 40 CFR Part 230) of April 10, 2008.

The purpose of this notice is to solicit comments and recommendations from the public concerning the Prospectus as described below. A full copy of the Prospectus is available for review upon request.

APPLICANT: First Pennsylvania Resource, LLC
317 East Carson Street
Suite 242
Pittsburgh, PA 15219

PROJECT NAME: Tohickon Creek Mitigation Bank

WATERWAY: Tohickon Creek Tributary 03193

LOCATION: Latitude 40°28'48.435", Longitude -75°18'35.9", TMP 36-029-089, Richlandtown, Bucks County, Pennsylvania (see attachment E1).

ACTIVITY: The proposed Tohickon Creek Mitigation Bank site (Bank Site) is located within the Upper Tohickon Creek Watershed, one of three smaller drainage areas that comprise the Tohickon Creek Watershed and has recently been principally used for agricultural production of hay and cultivated crops. Historic imagery dating back to 1938 confirms that the historical land use was centered around agriculture, crop/hay production, and likely pasture use with no riparian buffers to prevent nutrient loading downstream. Upon securing necessary site protection, First Pennsylvania Resource (FPR, Bank Sponsor) would establish and maintain 55 acres of re-established, rehabilitated, enhanced, and preserved stream corridor, wetlands, and riparian buffer in accordance with the mitigation design plan (see attachment E1 for an overview).

The Upper Tohickon landscape is dominated by forested land cover. Across the watershed, 66% of the land remains forested, with the forested lands closely matching the areas with diabase bedrock. Largely unsuitable for intensive human development, this igneous diabase bedrock is highly resistant to weathering and forms one of the two major bedrock formations within the watershed (the other being the Lockatong and Brunswick shales). Agricultural lands are the second most dominant land cover across the Upper Tohickon watershed, with 25% of land still utilized for some form of

agricultural production. The agricultural lands center on the areas with shale bedrock and the more suitable soils overlying these shale formations. Intensively developed land constitutes a very small fraction of the entire watershed; only 4% of the watershed area is classified as either low-density or high-density development, with much of this area arising from the urban environment in and around Quakertown. Finally, surface water and emergent wetlands (the last of the dominant land cover categories) extends over an area nearly as large as the land classified as developed, with 4% of the watershed occupied by surface water bodies (lakes, ponds, and open-water wetlands, particularly Lake Nockamixon and the Quakertown Swamp).

A Preliminary Existing Conditions Map (attachment E2) details the location of aquatic features that may be present within the Project area. Based on preliminary site walks, streams on-site exhibit varying degrees of degradation. Areas of vertical and horizontal instability are present due to historic and ongoing agricultural practices. The Bank Sponsor will conduct hydrologic, biogeochemical and habitat evaluations at the Bank Site to gain an understanding of the current state and functionality of the existing resources.

The Bank 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 Lower Delaware River Sub-basin (Pennsylvania State Water Plan Sub-basin #3S). The proposed Service Area is depicted on the Service Area Map (E3). This Service Area occupies HUC 0204010507 (Tohickon Creek-Delaware River Watershed) and additional drainage from some of the surrounding counties.

In the service area, the mitigation credits from the bank 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 bank is based on a quantifiable functional uplift resulting from the restoration work and site protection proposed. The proposed mitigation bank design and construction could result in the generation of approximately 5,194 stream credits and 35 wetland credits as follows:

Table 5: Preliminary Ratio Based Crediting Summary ¹							
Resource Type	Restoration Type	Mitigation Ratio		Proposed Value	Proposed Value Total	Generated Credits	Generated Credits Total
Streams (linear feet)	Restoration (Relocation)	1	:1	3,835.39	3,835.39	3,835.39	3,835.39
	Rehabilitation	1.5	:1	1,384.36	1,384.36	922.91	922.91
	Enhancement	2.5	:1	1,088.48	1,088.48	435.39	435.39
	Preliminary Totals ²			6,308.23	6,308.23	5,193.68	5,193.68
	Base Credits Generated in the Catchment and Lateral Modifier Reaches that are proposed for the Credit Adjustment Modifiers					TBD	TBD
	Proposed Additional Credits Generated per the Credit Adjustment Modifiers					TBD	TBD
	Preliminary Total Credits Generated						
Wetlands (acres)	Reestablishment	1	:1	29.15	29.15	29.15	29.15
	Rehabilitation	1.5	:1	7.18	7.18	4.79	4.79
	Enhancement	2.5	:1	2.38	2.38	0.95	0.95
	Preliminary Totals ²			38.71	38.71	34.89	34.89

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

Oversight of the Bank Site would be by an Interagency Review Team (IRT) composed of federal and state representatives and co-chaired by the Corps and the Pennsylvania Department of Environmental Protection. 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 sale has been approved by the IRT.

The Corps is soliciting comments from the public; Federal, State, 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 considered by the IRT.

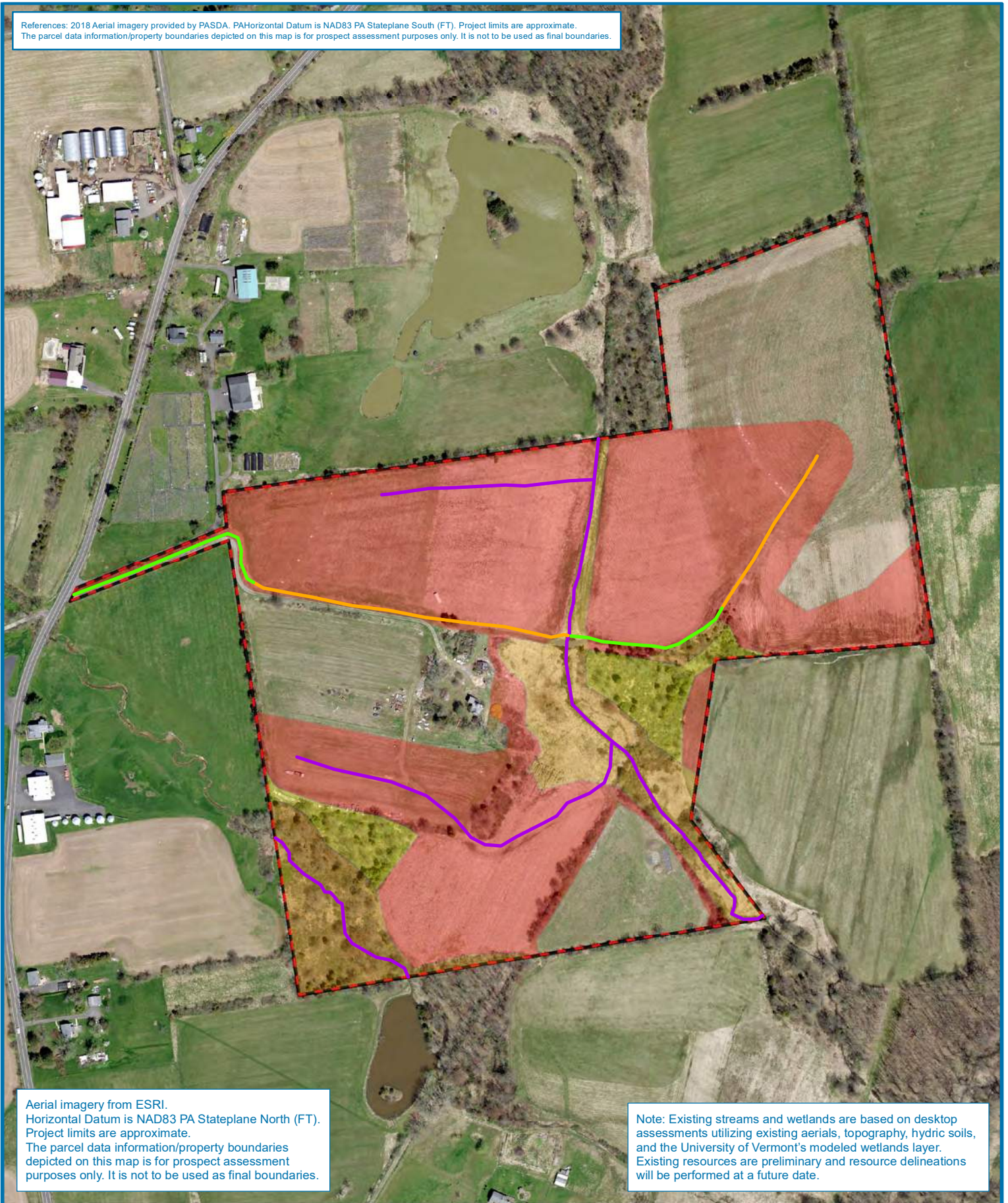
Comments on the proposed bank should be submitted, in writing, within 30 days of the date of this Public Notice to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390 or via electronic mail to napregulatory@usace.army.mil.

Additional information concerning this permit application may be obtained by emailing Mr. Brian Anthony at brian.r.anthony@usace.army.mil or writing this office at the above address.

A handwritten signature in black ink, appearing to read "Todd A. Schaible". The signature is fluid and cursive, with the first name "Todd" being the most prominent.

Todd A. Schaible
Chief, Regulatory Branch

References: 2018 Aerial imagery provided by PASDA. PAHorizontal Datum is NAD83 PA Stateplane South (FT). Project limits are approximate.
The parcel data information/property boundaries depicted on this map is for prospect assessment purposes only. It is not to be used as final boundaries.



Aerial imagery from ESRI.
Horizontal Datum is NAD83 PA Stateplane North (FT).
Project limits are approximate.
The parcel data information/property boundaries
depicted on this map is for prospect assessment
purposes only. It is not to be used as final boundaries.

Note: Existing streams and wetlands are based on desktop
assessments utilizing existing aeriels, topography, hydric soils,
and the University of Vermont's modeled wetlands layer.
Existing resources are preliminary and resource delineations
will be performed at a future date.

PROJECT LOCATION



PIKE COUNTY, PA



0 175 350
1 inch = 350 feet

LEGEND

Stream Restoration (5,193.68 Credits)		Wetland Restoration (34.89 Credits)	
—	Enhancement (1,088.48 Feet)	 	Enhancement (2.38 AC)
—	Rehabilitation (1,384.36 Feet)	 	Rehabilitation (7.18 AC)
—	Restoration (3,835.39 Feet)	 	Reestablishment (29.15 AC)
 	Conservation Area	 	Upland (17.25 AC)

FIGURE 13 PRDM



Drawn by: NR	Date: 5/10/2021
Checked by: SY	PRJ103227

