



**US Army Corps
of Engineers**

Philadelphia District
100 South Independence Mall West
Philadelphia, PA 19106
Attn: CENAP-OPR

Public Notice

Comment Period Begins: January 12, 2023

Comment Period Ends: February 11, 2023

File Number: NAP-2022-01178-84

File Name: MRNA Brandywine Battlefield Mitigation Bank

Contact: Brian Anthony

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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 Regulation; "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.

SPONSOR: Mitigation Resources of North America, LLC (The Sponsor)

LOCATION: Latitude 39.894167°, Longitude -75.567778°, Chadds Ford, Delaware County, Pennsylvania (see enclosed labeled as Figure 2)

PURPOSE: The Sponsor intends to establish the Brandywine Battlefield Mitigation Bank (Bank) to provide compensatory mitigation 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 Service Area is depicted on the Service Area Map (labeled Figure 2). In the Service Area, the mitigation credits from the proposed 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 proposed Bank is based on a quantifiable functional uplift resulting from the proposed restoration work and site protection.

PROJECT DESCRIPTION:

The proposed Bank is located on an approximately 78-acre parcel of land within the Historic Brandywine Battlefield. The parcel is generally bound by Brintons Bridge Road to the northwest and Wilmington Pike (US Route 202) to the northeast. Surrounding municipal roads including Bellefair Lane, Webb Road and Oakland Road. The Bank is near the border between Delaware and Chester Counties and is approximately five miles south-southeast of the City of West Chester (see enclosed labeled as Figure 1).

The Bank, owned by Mitigation Resources, lies within property owned and/or controlled by North American Land Trust (NALT).

The property itself was identified by the American Battlefield Trust as one of the most important tracts on the Brandywine Battlefield because of the role it played during the Battle of the Brandywine. On September 11, 1777, a final fight took place on the land, which allowed George Washington and the Continental Army to retreat to safety and avoid suffering more losses.

In early 2021, NALT acquired the property, adjacent to the historic Brinton 1704 House and near Dilworthtown Village and Historic District and established the Brinton Run Preserve. The property has been placed under a conservation easement. The preserve is a public open space, creating opportunities for passive public recreation and education for the community.

The proposed Bank is in the Brandywine Creek Watershed (BCW), (Subbasin 03 South, Subbasin 03H, 8-Digit HUC 02040205), one of two subbasins that make up the Christina River Basin (the other being the White Clay Creek Watershed). The BCW encompasses approximately 325-square miles, with more than 567 total stream miles, of which 140 are listed as impaired. The watershed is in the southeastern portion of PA, lying predominantly within the central portion of Chester County, however there are headwaters in northeastern Lancaster County (PA), and the watershed also includes portions of Delaware County, PA and northern New Castle County, Delaware (DE). The watershed consists of fifteen subbasins and flows into the Christina River at Wilmington, Delaware. The watershed flows from the Piedmont region of PA into the Atlantic Coastal Plain in DE, where its lower portions are tidal.

The Bank is anticipated to consist of a stream and wetland complex and the aquatic and terrestrial habitat that will develop within its associated floodplain and riparian zones. The goal of the proposed Bank is to restore ecological functions to unnamed streams and their floodplains. Restoration of the Bank will be conducted following the floodplain restoration approach. This approach is based on a restoration design that puts the stream channel and floodplain at or very near historic elevations and locations. This method reinstates what may have been common across pre-European settlement valley bottom ecosystems; floodplains and stream channels are reconstructed to reestablish the surface and subsurface processes that are believed to have occurred prior to human-imposed changes to hillslopes, valleys, and stream channels. The Sponsor would excavate legacy sediments, reestablish the stream alignment, connect stream recharge with the surrounding floodplain, plant riparian buffers and adjacent wetlands, and enhance preserved channels with native plantings. Once restored, these sites are self-sustaining. They have the capacity to adjust to changes in the watershed and can maintain both grade control and a stable habitat, without being constrained to a fixed form that would be necessitated by structures commonly installed to direct flow through a channel. The approach is based on design of valley topography to produce a high frequency, high duration, and large extent of surface water and groundwater exchange between the channel and floodplain and to promote retention of organic

matter, sediment, nutrients and water within the channel and floodplain. Under this approach, the channels, which are highly varied in dimensions and planform, and the floodplain surface, are designed to evolve with vegetative succession. The channels and floodplains typically develop into stream-and-wetland complexes.

The Bank restoration activities include creation of wide riparian buffers along reestablished reaches of the streams. Specific crossings and points of access are proposed as reserved rights to allow the NALT 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.

In the Service Area, the mitigation credits from the proposed Bank would be used to mitigate for impacts to wetlands, streams and open water. 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 number of mitigation credits have not been determined as designs are still being evaluated. The proposed Bank 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.

Oversight of the proposed Bank 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.

For additional project details, see the attached plans identified as Figure 12, Resource Approach Map.

CORPS EVALUATION FACTORS

ENDANGERED SPECIES

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 (ESA). As a result, consultation with the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) pursuant to Section 7 of the ESA is not necessary. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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.

SUBMISSION OF COMMENTS

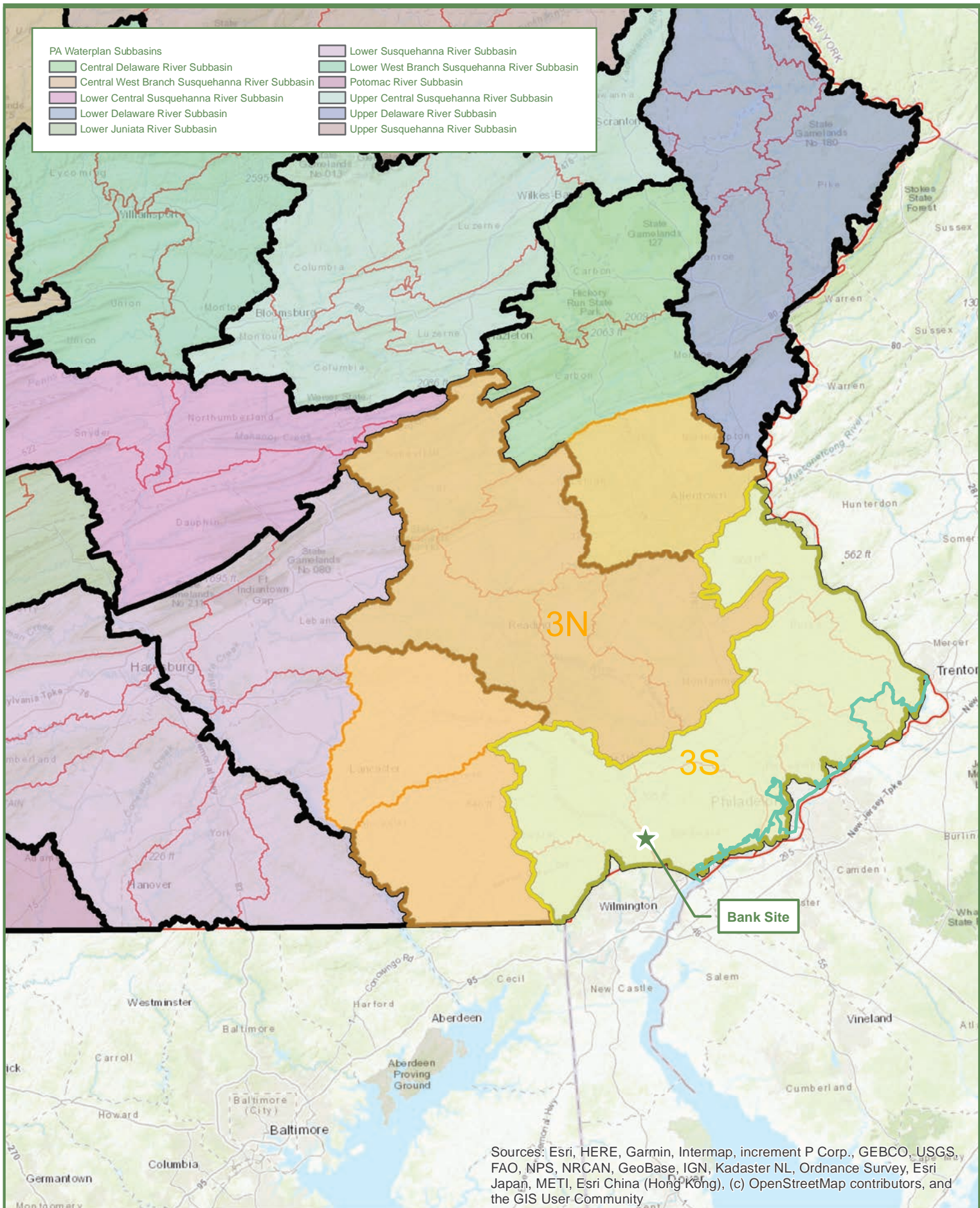
Any comments received will be considered by this office to determine whether to issue, modify, condition, or deny a permit for this proposed project. To make this decision, comments are used to assess the probable impact on the public interest.

Comments on the proposed work must be submitted, in writing, within the comment period indicated in the header above.

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

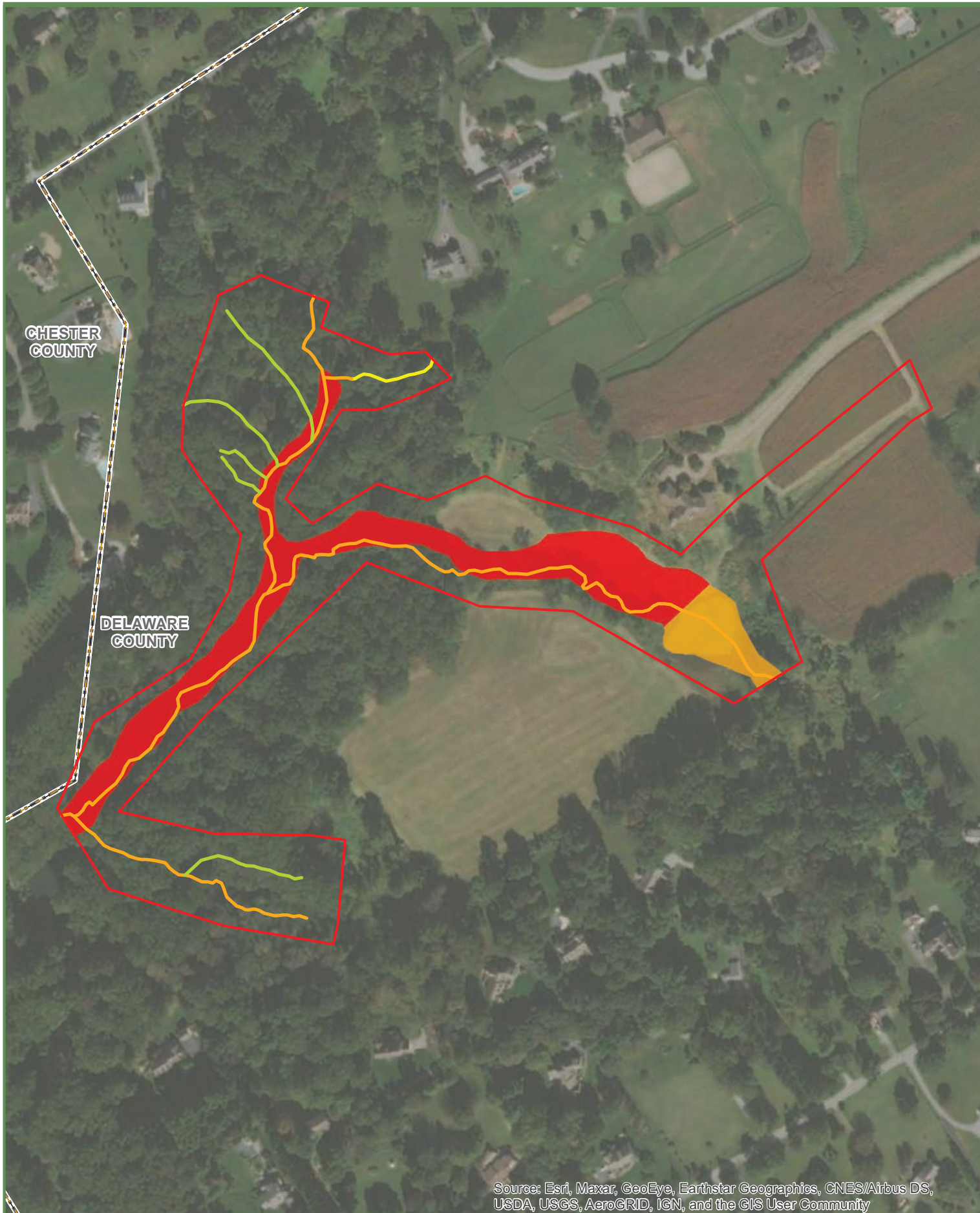
<https://www.nap.usace.army.mil/Missions/Regulatory/Public-Notices/>

FOR: Todd A.Schaible
Chief, Regulatory Branch



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

<p>Project Location</p> <p>Delaware County, PA</p>	<p>Legend</p> <ul style="list-style-type: none"> 306 Coastal Zone Boundary Primary Service Area (Subbasin 3S) Secondary Service Area (Subbasin 3N & Surrounding Watersheds) State Water Plan Subbasins 104 Major Watersheds per PA State Water Plan 	<p>FIGURE 2</p> <p>SERVICE AREA MAP</p> <p>BRANDYWINE</p> <p>BATTLEFIELD</p> <p>MITIGATION BANK</p>	<p>Drawn by: ZS Date: 4/27/2022</p> <p>Checked by: ZS Project #: 100187</p>
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Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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