



**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. NAP-2014-0045-45	Date June 24, 2021
Application No. 2014-0045-45	File No. 2014-0045-45

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: Pennsylvania Turnpike Commission
700 South Eisenhower Boulevard
Middletown, PA 17057

AGENT: Gannett Fleming, Incorporated.
207 Senate Avenue
Camp Hill, PA 17011

WATERWAY: Unami Creek and Unnamed Tributaries, Ridge Valley Creek and Unnamed Tributaries, Schmoutz Creek and Unnamed Tributaries, and Molasses Creek and Unnamed Tributaries.

LOCATION: The project is located along 5.72 miles of the Northeast Extension of the Pennsylvania Turnpike, Interstate 476 (I-476), from milepost A37.4 (Section just north of Clump Road) to A43.3 (just north of John Fries Highway, State Route 663), in Salford Township, Montgomery County, and West Rockhill and Milford Townships, Bucks County, Pennsylvania. From 40.35843611°N Lat. and -75.39506389°W Long. to 40.43560555°N Lat. and -75.42444166°W Long.

ACTIVITY: The applicant, the Pennsylvania Turnpike Commission (PTC) is proposing a total roadway reconstruction and widening of the Northeast Extension of the Pennsylvania Turnpike (I-476) from four to six travel lanes, from Milepost A37.4 to Milepost A43.3 (MP-A38 to 44), in Salford Township, Montgomery County, and West Rockhill and Milford Townships, Bucks County, Pennsylvania, as indicated on the attached **project plans E1-E28 and I1-I27**. In general, the overall project consists of widening the existing roadway, shoulders, medians, and mainline bridges, the replacement of overhead bridges, drainage systems, and stormwater management, and side road adjustments. As stated above, the PTC proposes to widen I-476 from four to six travel lanes. Specifically, the proposed work would involve mechanized land clearing operations of filling, grading, excavating, and vegetation clearing for the extension of **2** existing box culverts and **1** culvert pipe that would include the construction of new headwalls and inlet/outlet structures,

the full replacement of **5** existing roadway bridges that would include the construction of new wing walls, the placement of rip-rap scour protection associated with the new bridge structures, culvert or pipe extensions, cut and fill operations associated with the side slope construction for roadway widening, the installation of stormwater management facilities, the construction of stormwater outfall structures and associated rip-rap, the permanent relocation of **3** streams and/or waterways, construction of aquatic resource compensation sites, the construction of temporary access roads, and the installation of cofferdams and by-pass pumps associated with dewatering activities. The above stated work is shown on the attached **project plans E1-E28 and I1-I27**. Project impacts within aquatic resources (streams and wetlands) associated with the above mentioned work are described below.

Of the **60** streams/waterways located within the proposed project design area, **39** would be impacted due to project implementation. Approximately **16,103 linear feet** and/or **3.763 acres** of stream channel, below the Ordinary High-Water Mark would be **permanently** impacted by the roadway reconstruction and widening activities. In addition, the proposed project would **temporarily** impact approximately **1,312 linear feet** and/or **0.509 acre** of stream channel, below the Ordinary High-Water Mark. The PTC has indicated that **all** temporary stream/waterway impacts (fills, structures, etc.) would be removed and then restored (grades, contours, vegetation) to pre-construction conditions upon completion of work. Of the total stream channel impact, **4,010 linear feet** is associated with **3 stream relocations (EW19, WW34, WW54/EW66)**, while **9,181 linear feet** is associated with stream channel **loss** that would require compensation for the unavoidable adverse impacts/affects to aquatic resources. To avoid and minimize adverse impacts/affects within streams and/or waterways, the PTC proposes to relocate **3** stream channels within the project design area.

The PTC has identified Palustrine Unconsolidated Bottom (PUB), Palustrine Emergent (PEM), Palustrine Scrub-Shrub (PSS), and Palustrine Forested (PFO) wetlands along the 5.72 miles of I-476 from Milepost A37.4 to Milepost A43.3. Of the **107** wetlands located within the proposed project design area, **64** will be permanently impacted due to project implementation. The proposed project would **permanently** impact and/or fill approximately **11.114 acres** of wetlands consisting of 6.449 acres of PEM, 0.047 acre of PSS, 4.231 acres of PFO, and 0.387 acre of PUB wetlands, due to roadway reconstruction and widening activities. In addition, the proposed project would **temporarily** impact and/or fill approximately **0.334 acres** of wetlands consisting of 0.127 acre of PEM and 0.207 acres of PFO wetlands. The PTC has indicated that **all** temporary wetland impacts (fills, structures, etc.) would be removed and then restored (grades, contours, vegetation) to pre-construction conditions upon completion of work. Furthermore, based on the information provided within the PTC's application, **indirect or secondary impacts** to aquatic resources are not anticipated as a result of project implementation. The PTC is providing Compensatory Mitigation for all unavoidable adverse impacts/effects, and/or the **loss** of aquatic resources associated with the I-476 roadway reconstruction and widening activities. A description of the proposed Compensatory Mitigation is provided below.

PURPOSE: The purpose of the project, as stated by the applicant, is to update the existing Northeast Extension, I-476 to meet current Department of Transportation and Federal Highway Administration standards to address current safety and traffic issues.

A preliminary review of this application indicates that species listed under the **Endangered Species Act** 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 U.S. Fish and Wildlife Service 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 U.S. Fish and Wildlife Service 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 within **30 days** via email to PhiladelphiaDistrictRegulatory@usace.army.mil, or in writing to the District Engineer, U.S. Army Corps of Engineers (USACE), Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

The National Historic Preservation Act requires Federal agencies to identify and address potential affects to historic properties or archaeological resources. The PTC has completed historic resource surveys/investigations along the **I-476** corridor from milepost A38 to A44 and/or within the proposed project design area. The surveys/investigations have identified historic properties/resources eligible for or listed on the National Register of Historic Places (NRHP) within the USACE, Philadelphia District's permit area, in accordance with 33 CFR Part 325, Appendix C. The USACE Cultural Resource Specialist and Tribal Liaison, in consultation with the Pennsylvania State Historic Preservation Office (PA SHPO), has determined that the project will result in an adverse effect on historic properties/resources within the project design

area. At this time, the USACE, the PTC, and the PA SHPO have entered into a Memorandum of Agreement to resolve the adverse effects on the historic properties/resources within the project design area.

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 design area. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Based on the review of the application, the PTC proposes to **avoid and minimize** impacts within streams/waterways and wetlands, and/or aquatic resources, to the maximum extent practicable, by designing the project to completely avoid resources, by minimizing impacts to the maximum extent practicable to satisfy the project purpose and need, by installing a retaining wall, by providing stream channel relocations and realignments, using protective fencing around wetlands, installing and working off of temporary timber matting within wetlands, by including bioretention and infiltration features for stormwater management facilities, and by using best management practices (BMP's). For all unavoidable adverse impacts/affects, and/or loss of aquatic resources (wetlands and streams), the PTC proposes the following Compensatory Mitigation described below.

Compensatory mitigation: To **compensate** for unavoidable adverse impacts/affects, and/or loss of **9.037 acres of Palustrine wetlands** and **9,181 linear feet of Riverine stream channel**, the PTC has offered four permittee responsible mitigation sites as shown on **plans C1-12**, and the purchase of credits from a mitigation bank.

The first proposed compensation site is identified as parcel numbers 23-007-158 and 23-007-163, known as the **Lederer Site**, located at 1895 Kumry Road, in Milford Township, Bucks County, Pennsylvania. The proposed wetland compensation site is located within the floodplain of Schmoutz Creek. Through the site selection process, the PTC confirmed that the wetland compensation site was once part of the existing wetland complexes adjacent to Schmoutz Creek. Historic wetlands on site were converted to agricultural use as hay production fields. As shown on the attached **Lederer Site Compensation Plan**, the PTC will provide **2.413 acres** of wetland consisting of **2.342 acres of PEM** and **0.071 acres of PSS wetlands** at the Lederer Site as compensation for project impacts. During construction of the wetland compensation site, **0.106 acre of PEM** wetland will be impacted, but incorporated as part of the overall compensation site. The relocated channel for **Stream WW54/EW66** will be routed through the proposed compensation site and outlet to Schmoutz Creek.

The second proposed compensation site is located within **Schmoutz Creek**, a perennial tributary to Unami Creek, to provide stream compensation. The PTC proposes to remove the existing Doerr Road Bridge and a concrete channel and utilize natural channel design to restore and improve **645 linear feet (0.341 acre)** of Schmoutz Creek, as shown on the attached **Schmoutz Creek Mitigation Section Plan**. The stream restoration effort, including bridge and concrete channel removal, will utilize natural channel design methods to restore Schmoutz Creek

to a stable, natural channel and bank condition, improve sediment transport, reduce sediment deposition, restore floodplain connectivity, and increase instream habitat quality and diversity.

The third proposed compensation site is identified as parcel number 44-00-00286-00-3, known as the **Yellow Barn Farm Restoration Site**, located at 161 Brandt Road, in Salford Township, Montgomery County, Pennsylvania. The proposed compensation site is located on an unnamed tributary to East Branch Perkiomen Creek. Through the site selection process, the PTC selected the proposed compensation site because of the current environmental degradation and headwaters position within the larger Perkiomen Creek watershed. The existing on-site resources have been degraded through anthropogenic alterations including historic and on-going agricultural activities. The PTC will provide **3.31 acres of wetland consisting of 3.05 acres of PFO and 0.26 acre of PEM wetlands** at the Yellow Barn Farm Restoration Site as compensation for project impacts. The PTC will re-establish 3.31 acres of floodplain wetlands within the proposed wetland boundary as shown on the attached **Yellow Barn Farm Restoration Site Plan**. During construction of the proposed compensation site, no additional wetland impacts will be incurred. The proposed compensation site will also provide **Stream Compensation** for stream channel loss associated with the project. The PTC proposes to **restore 2,322 linear feet of perennial stream channel and 265 linear feet of ephemeral stream channel**, as shown on the attached Yellow Barn Farm Restoration Site Plan. The proposed stream restoration would provide ecological uplift by restoring appropriate channel sinuosity for the stream system and natural flow patterns, increasing instream habitat diversity, improving channel stability that will reduce erosion and sediment in the stream system, and increase stream and floodplain connectivity and interaction.

The fourth proposed compensation site is identified as parcel number 32-00-04056-00-7, known as the **Middle Creek Restoration Site**, located at 265 Middle Creek Road, Douglass Township, Montgomery County, Pennsylvania. The proposed compensation site is located on Middle Creek and on an unnamed tributary to Middle Creek. Through the site selection process, the PTC selected the proposed compensation site because of the current environmental degradation and headwaters position within the larger Perkiomen Creek watershed. The existing wetland and stream resources have been degraded through anthropogenic alterations including historic and on-going agricultural activities. The PTC will provide **7.47 acres** of wetland compensation by re-establishing, rehabilitating, and enhancing floodplain wetland at the Middle Creek Restoration Site, within the proposed wetland boundary as shown on the attached **Middle Creek Restoration Site Plan**. The wetland compensation will consist of **4.53 acres of PFO re-establishment, 1.28 acres of wetland rehabilitation, and 1.67 acres of wetland enhancement**. During construction of the proposed compensation site, **1.92 acres** of wetland will be temporarily impacted, but will be incorporated as part of the overall compensation site. The proposed Middle Creek Restoration Site will also provide **Stream Compensation** for stream channel losses associated with the project. The PTC proposes to provide a total of **2,500 linear feet of stream compensation by restoring 1,213 linear feet of perennial stream channel and 1,016 linear feet of intermittent stream channel** at the Middle Creek Restoration Site, as shown on the attached Middle Creek Restoration Site Plan. The PTC will also provide **271 linear feet of stream** compensation by enhancing intermittent stream channels at the Middle Creek Restoration Site. The proposed stream restoration and enhancement would provide ecological uplift by restoring appropriate channel sinuosity for the stream system and natural flow patterns, increasing instream habitat diversity, improving channel stability that will reduce

erosion and sediment in the stream system, and increase stream and floodplain connectivity and interaction.

The final component of compensation proposed by the PTC would be to purchase mitigation bank credits from First Pennsylvania Resource, L.L.C. (credit provider, PADEP Permit No. MB9915-0001) at the **Quaker Mitigation Bank** (PADEP Permit No. MB990306-0001, USACE Permit No. CENAP-OP-R-2019-00094-84). The PTC will purchase **2.6550 wetland credits** and **3,147.7700 stream credits** from the Quaker Mitigation Bank to compensate for wetland and stream losses associated with the project.

At this time, the proposed compensation stated above is a **draft proposal**. As an evaluation of this application continues, additional information may become available which could modify this Compensation Proposal.

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 Bryan P. Bellacima at (215) 656-6732, via email at bryan.p.bellaciam@usace.army.mil, or writing this office at the above address.



Todd A. Schaible
Chief, Regulatory Branch