

Public Notice

Applicant:

THE WETLAND TRUST

Published: January 23, 2014

Expires: February 24, 2014

U.S. Army Corps
of Engineers
Buffalo District
CELRB-TD-R

Application No: **2013-00855**
Section: NY

All written comments should reference the above Application No. and be addressed to:
Buffalo District U.S. Army Corps of Engineers
Orwell Regulatory Field Office (Attn: Mark Gronceski)
33 Grand Valley Avenue
Orwell, Ohio 44076

INTERESTED PARTIES ARE HEREBY NOTIFIED THAT A MITIGATION BANK PROSPECTUS HAS BEEN RECEIVED PURSUANT TO 33 CFR 332 AND 40 CFR 230. THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE ESTABLISHMENT OF THE PROPOSED MITIGATION BANK. THERE IS NOT AT PRESENT AN APPLICATION FOR WORK IN WATERS OF THE UNITED STATES AT THIS SITE HOWEVER AUTHORIZATION UNDER SECTION 404 OF THE CLEAN WATER ACT WOULD BE REQUIRED FOR CONSTRUCTION OF THE BANK. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT THIS MITIGATION BANK WILL BE APPROVED.

APPLICANT: The Wetland Trust, 4729 State Route 414, Burdett, New York 14818

LOCATION: The proposed mitigation bank site is located directly northwest of the I-90 overpass over SR 31 in Cayuga County, New York (see Sheet 1 of 2 and Figure 1 of the Prospectus).

BACKGROUND: Under Section 404 of the Clean Water Act (CWA), applicants for the Department of the Army permits to discharge dredged or fill material into waters of the United States, including wetlands, are often required to mitigate for permitted wetland losses by creating, restoring, enhancing, or in exceptional circumstances, preserving wetlands or streams. Authorized mitigation banks provide the US Army Corps of Engineers and the regulated public with additional options for compensatory mitigation of aquatic resource losses. The establishment and use of a mitigation bank must be in accordance with a mitigation banking instrument signed by the Interagency Review Team (IRT). The IRT is comprised of the U.S. Army Corp of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the New York State Department of Environmental Conservation.

PROJECT DESCRIPTION: The Applicant, The Wetland Trust, proposes to establish a mitigation bank to be known as the Inland Salt Marsh Wetland Bank in order to provide compensatory wetland mitigation for impacts authorized under Section 404 of the Clean Water Act. The proposed bank site is 10.59 acres in size and contains a well-functioning salt spring that flows easterly through a drainage way

into Crane Brook. The conceptual plan is to spread the salt spring flow across the site towards the west, reconfiguring the ditch path and adding overflow from Crane Brook as needed. It is estimated approximately 3 acres of salt marsh re-establishment can be achieved (see Sheet 2 of 2 and Figure 3 of the Prospectus).

The Applicant proposes that the service area for the bank includes all watersheds that flow to Seneca and Cayuga Lakes as well as the Middle Seneca River watershed (see Sheet 1 of 2 and Figure 2 of the Prospectus). The proposed service area has a history of salt marshes, salt mining and exposed salt layers in the two lakes themselves. It lies over the geologic salt layer that is the basis for the regional salt springs.

The entire Prospectus, entitled "Inland Salt Marsh Wetland Bank Prospectus", is found on the Buffalo District's website along with this Public Notice:

<http://www/lrb.usace.army.mil/Missions/Regulatory/ActionsandNotices/PublicNotices.aspx>

A hard copy of the prospectus is also available for viewing at the district's main office in Buffalo (Contact Steve Metivier at 716-879-4314 to schedule an appointment) or at the regulatory field office in Auburn (Contact June Lathrop at 315-255-8090 to schedule an appointment).

Permit applicants proposing to discharge dredged or fill material into wetlands, and to compensate for those wetland losses at the Bank will be subject to the same level of review as other applicants, and will be required to avoid or minimize impacts to aquatic resources to the maximum extent practicable in accordance with the U.S. Environmental Protection Agency Guidelines for Specification of Disposal Sites for Dredged or Fill Material (40 CFR Part 230). Use of the mitigation bank will be permitted if the Corps determined that it is environmentally preferable to on-site mitigation. Use of the Bank may also be authorized to complement proposed on-site mitigation. The number or ratio of credits required to offset permitted wetland losses will be determined by the Corps or other regulatory agency on a case-by-case basis. The Corps or other regulatory agency may also reject any proposal to use the bank and require an alternate mitigation plan.

Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of Mark Gronceski, who can be contacted at the above address, by calling (440) 437-5847, or by email at Mark.E.Gronceski@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The project permit area, as shown on Sheet 2 of 2, does not appear to be located within a archaeologically sensitive areas as identified by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) or properties listed in, or eligible for listing in, the National Register of Historic Places based on preliminary findings. This notice constitutes initiation of consultation with the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the NYSOPRHP. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the NYSOPRHP for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers will consult at the appropriate time with the USFWS to evaluate any potential impacts to: Bog turtle (*Clemmys muhlenbergii*), Indiana bat (*Myotis sodalists*) and Northern long-eared bat (*Myotis septentrionalis*) and to ensure that the proposed activity is not likely to jeopardize their continued

existence or result in the destruction or adverse modification of critical habitat. This action does not authorize any impacts to waters of the United States, therefore consultation will occur if the bank is to be authorized and a NWP 27 is processed to authorize site work. This notice requests early input from USFWS concerning potential impacts to these species and recommendations for minimization of impacts.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments in writing, so they are received no later than 4:30pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this proposal. All written comments will be made part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record or portions thereof may also be posted on a Corps internet website. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

The decision to approve or deny this bank proposal will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonable may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion, and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps 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 to determine whether to issue, modify, condition or deny authorization 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 overall public interest of the proposed activity.

SIGNED

Diane Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

THE WETLAND TRUST
D/A Processing No. 2013-00855
Cayuga, New York Quad: Montezuma
Sheet 1 of 2

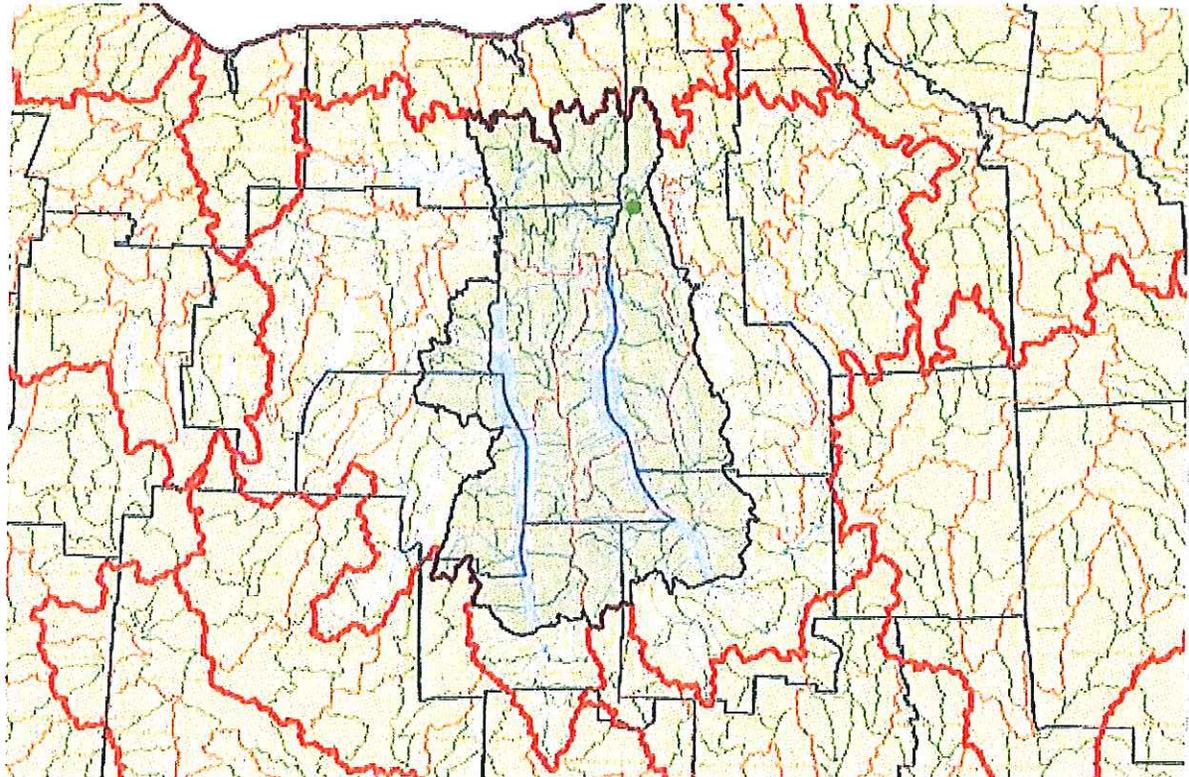
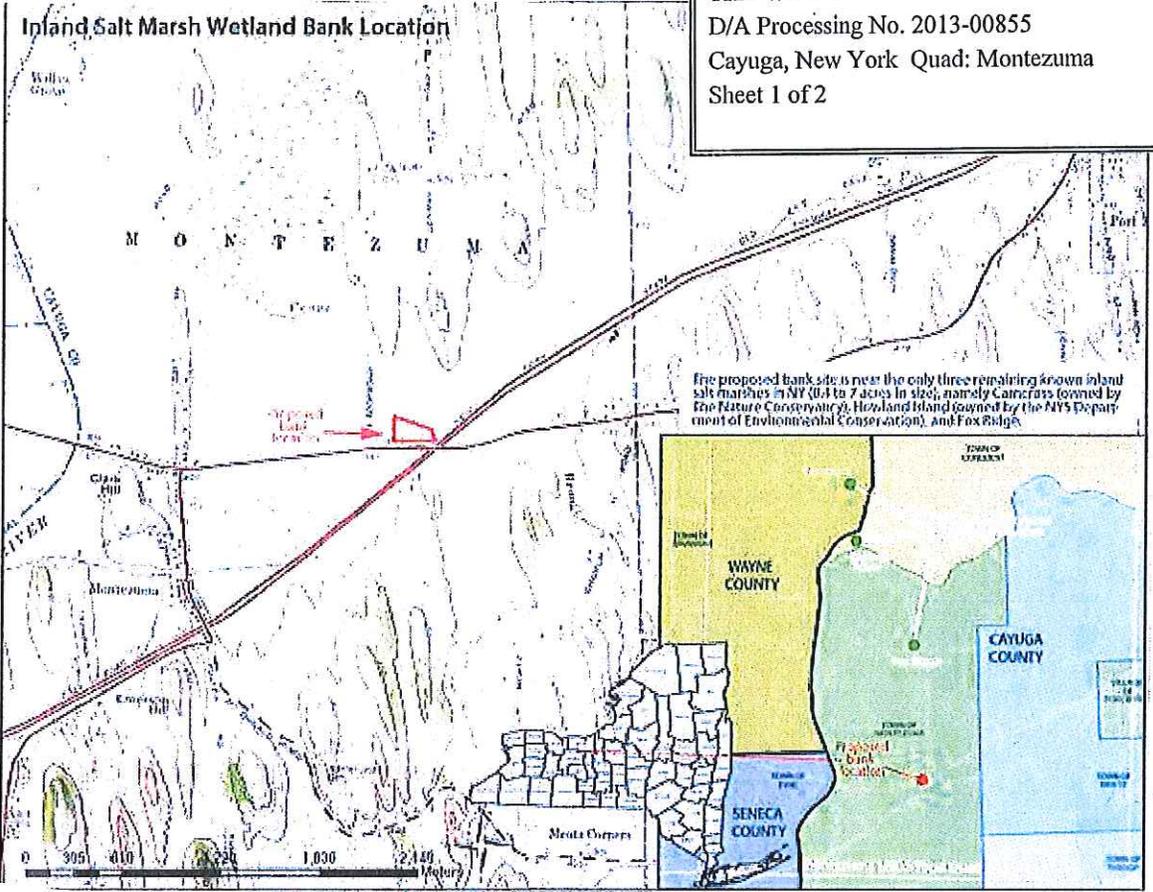


Figure 2. Proposed Service Area depicting Seneca and Cayuga lakes and surrounding drainages.

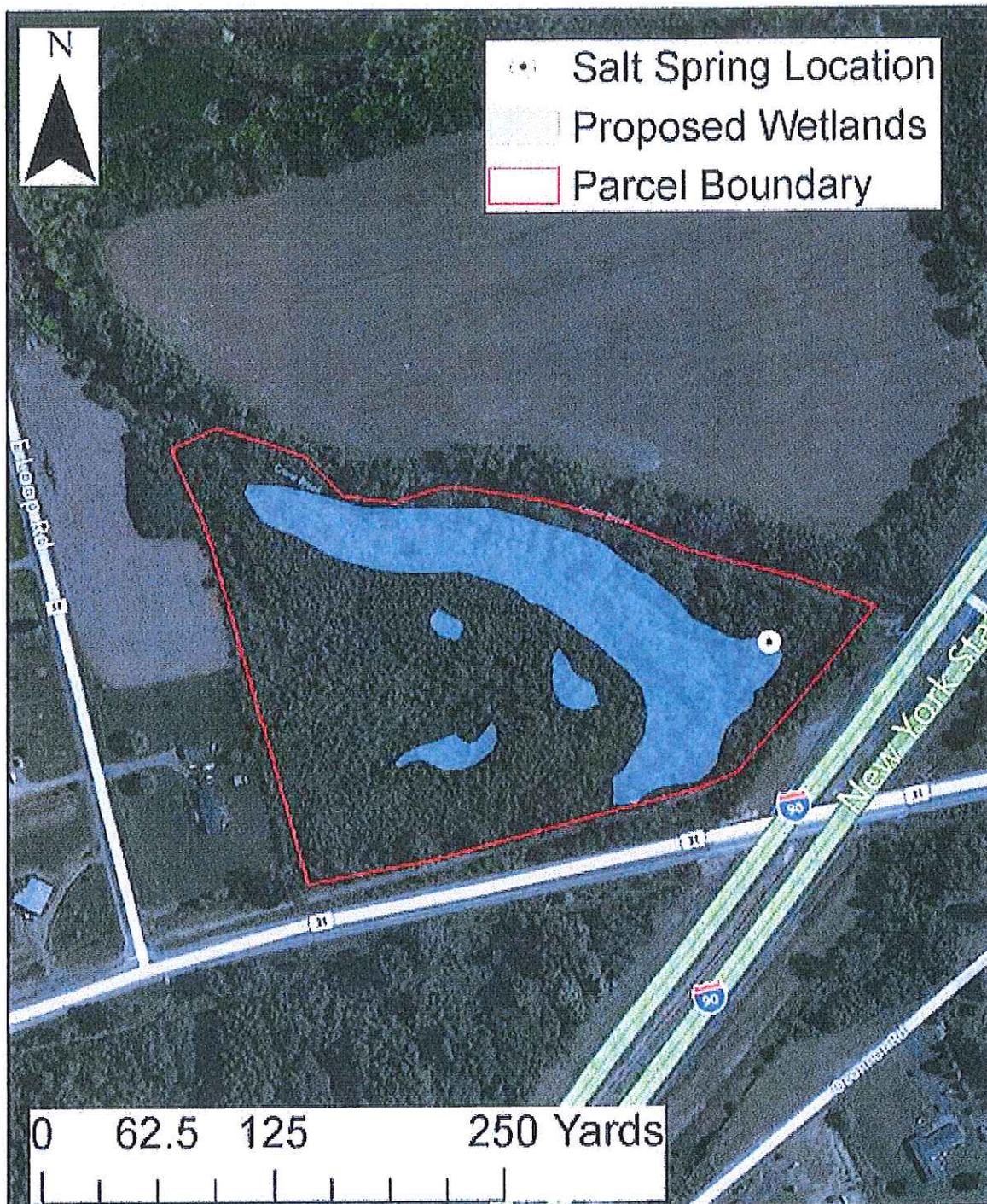


Figure 3. Proposed wetlands to be reestablished/established on this site total about 3 acres. Final tally will be determined after detailed site survey

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 Sheet 2 of 2