



Public Notice

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

Applicant:
The Wetland Trust
(Mohawk River Preserve ILF Site)

Published: October 8, 2020
Expires: November 9, 2020

Application No: LRB-2019-00486 & LRB-2010-00963
Section: NY

All written comments should reference the above Application No. and be addressed to:

Attn: Susan L. Baker
US Army Corps of Engineers, Buffalo District
1776 Niagara Street
Buffalo, NY 14207

INTERESTED PARTIES ARE HEREBY NOTIFIED THAT THE WETLAND TRUST HAS PROPOSED A MITIGATION SITE TO BE INCORPORATED INTO THEIR IN-LIEU FEE MITIGATION PROGRAM (ILFP). A MITIGATION PLAN HAS BEEN RECEIVED FOR THIS SITE 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 SITE AND THE MITIGATION PLAN. AUTHORIZATION UNDER SECTION 404 OF THE CLEAN WATER ACT WOULD BE REQUIRED FOR THE DISCHARGE OF DREDGED AND/OR FILL MATERIAL IN WATERS OF THE U.S. RESULTING FROM CONSTRUCTION OF THE MITIGATION SITE. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT THIS MITIGATION SITE WILL BE APPROVED.

APPLICANT: The Wetland Trust Inc., 4729 State Route 414, Burdett, NY 14818

LOCATION: Near the Erie Canal, Lock 19 located off NY Route 5 South, Town of Schuyler, Herkimer County, New York (Sheet 1 of 5), Center: Latitude 43.071167, Longitude -75.117052

BACKGROUND: Under Section 404 of the Clean Water Act (CWA), applicants requesting 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 establishing, restoring, enhancing, or in exceptional circumstances, preserving wetlands. One method of fulfilling this obligation can be to purchase advance credits from an approved ILFP. The establishment and use of an ILFP mitigation site must be in accordance with the ILFP 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, the Natural Resources Conservation Service, the New York State Department of Environmental Conservation, the New York City Department of Environmental Protection, and

National Oceanic and Atmospheric Administration Fisheries. The Wetland Trust ILFP was approved in October 2014 and is authorized to provide wetland mitigation via sale of advance credits in thirteen service areas within the State of New York, including the Mohawk Service Area (USGS 8-digit HUC 02020004). The proposed Mohawk River Preserve Mitigation Site (Site) would be used to fulfill mitigation obligations assumed by The Wetland Trust through sale of advance wetland credits and to potentially generate additional wetland credits for sale in the Mohawk Service Area. To date, a total of 13,851 advance wetland credits have been sold in the Mohawk Service Area.

SITE DESCRIPTION: The Site is ~156.4 acres in size. The majority of the Site has been subject to agricultural use under a rotation of row crops (Sheet 3 of 5). Hydrologic modifications to the Site have occurred such as the construction of ditches. The Site contains 44 acres of existing wetlands, five drainage ditches, and Sterling Creek (Sheet 2 of 5).

PROJECT DESCRIPTION: The proposed activities on the Site would include re-establishing forested (PFO) wetlands; rehabilitating PFO wetlands; establishing upland buffer; preserving existing PFO wetlands; and preserving upland buffer. Preservation of the Site would be accomplished via the recordation of a conservation easement.

The proposed mitigation project would be accomplished in two phases. Phase 1 would include the hydrological restoration of the northwestern portion of the Site and the preservation of existing high-quality wetlands (Sheet 4 of 5). Phase 2 would include PFO wetland re-establishment and upland forested buffer establishment in the central and southeastern portion of the site (Sheet 5 of 5). Proposed work would include the installation of ditch plugs, the installation of one or more groundwater dams parallel to the Mohawk River, soil preparation, and management of invasive species. Additionally, the installation of streambank protection in the Sterling Creek stream channel would be performed.

Establishing the desired plant community would be achieved by active means. All re-established and rehabilitated wetland areas would be broadcast with a wetland seed mix containing species with variable shade tolerance. Shrub and tree plantings would occur in areas slated for forested wetland habitat. Upland buffer rehabilitation areas would be planted with trees.

Several invasive plant species persist on the Site including, but not limited to, common reed (*Phragmites australis*), narrowleaf cattail (*Typha angustifolia*), reed canary grass (*Phalaris arundinacea*), purple loosestrife (*Lythrum salicaria*), and non-native honeysuckle species (*Lonicera* spp).

The Site is proposed to generate 63.964 wetland credits as shown in the table below.

Cover type	Mitigation type	Ratio	Phase 1 acres (credits)	Phase 2 acres (credits)	Total Credits
Palustrine Forest Wetland	Re-establishment	1:1	16.79 (16.79)	36.16 (36.16)	52.95
Palustrine Forest in 150-ft. railroad zone	Re-establishment	4:1	2.49 (0.62)		0.62
Palustrine Forest Wetland	Rehabilitation of drained wetland areas	3:1		0.48 (0.16)	0.16
Palustrine Forest Wetland	Rehabilitation of drained active agricultural areas	1:1	3.43 (3.43)		3.43
Palustrine Forest Wetland in 150-ft. railroad zone	Rehabilitation	5:1	0.02 (0.004)		0.004
Upland Forest Buffer	Establishment	10:1		41.29 (4.13)	4.13
Wetland	Preservation	20:1	43.80* (2.19)		2.19
Upland Forest Buffer	Preservation	25:1	12.17 (0.49)		0.49
Permanent Fill	Impact	1:1	-0.01		-0.01
Total Credits			23.514	40.45	63.964

The entire Mohawk River Preserve Mitigation Site Plan, including site photographs, may be found on the Buffalo District’s website along with this Public Notice: <https://www.lrb.usace.army.mil/Missions/Regulatory/Public-Notices/> The plan includes the proposed mitigation work plan as well as other required mitigation plan elements. All portions of the plan are subject to review and approval by the IRT and Corps of Engineers.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification may be required from the NYSDEC in conjunction with the proposed establishment of this mitigation site.

HISTORIC AND CULTURAL RESOURCES: The New York State Office of Parks, Recreation & Historic Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) was reviewed for National Register listed properties at or near the proposed ILFP sites. No known eligible or listed federal historic properties or cultural resources were identified within the limits of the site as per the CRIS however, the site is located within an archeologically sensitive area. No structures exist on the property. Based on the information from the CRIS and previous coordination between The Wetland Trust and NYSOPRHP, the Corps has determined

that the proposed activity would have no effect on any eligible or listed federal historic/cultural resources. 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 the submitted information to the NYSOPRHP for their review.

THREATENED & ENDANGERED SPECIES: Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers will consult with the USFWS to evaluate any potential impacts federally listed threatened and endangered species, 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. Based on a search of the iPAC system, no federally listed species were identified as being expected to occur at this site therefore, it has been determined that the project will have no effect on any federally listed species.

COMMENT PERIOD: Written statements received in this office within 30 days from the date of this notice will become a part of the record and will be considered in the determination. Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of Susan Baker, who can be contacted at the above address, by calling (716) 879-4474, or by email at Susan.L.Baker@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

EVALUATION: After the end of the comment period, the district engineer will review all comments received and make an initial determination as to the potential of the proposed project to provide compensatory mitigation for activities authorized by Department of the Army permits.

USACE is soliciting comments from the public; Federal, State, and local agencies and officials; American Indian Tribes; and other interested parties in order to consider and evaluate the proposed activity. All comments received will be considered by USACE during the formulation of the initial determination of potential for the proposed activity.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

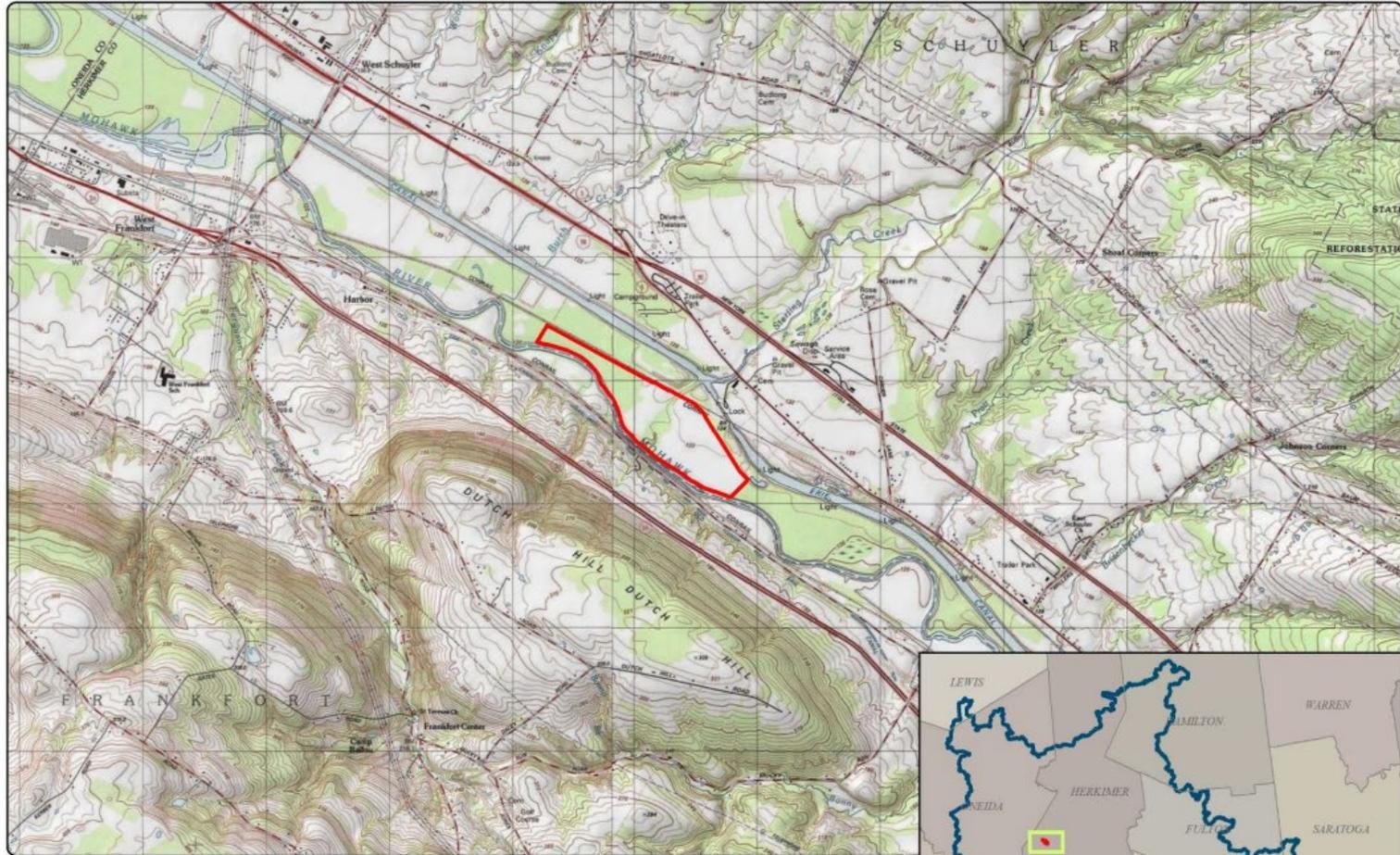
SIGNED

Diane C. 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.



Figure 1. TWT Mohawk River Preserve Location.

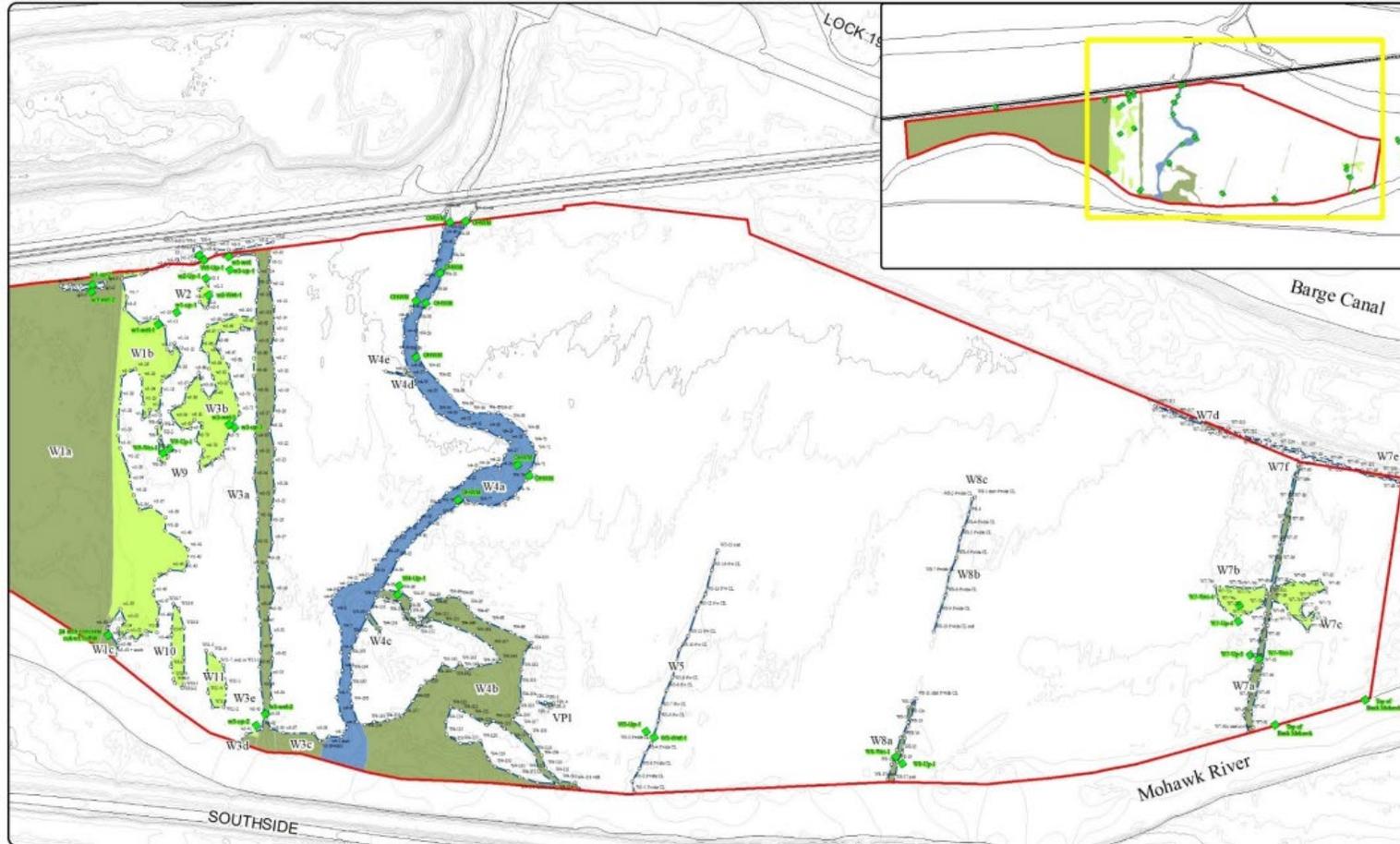


In Lieu Fee Program: Mohawk Service Area
Location: 2921 NY-5, Frankfort, NY 13340
Site Coordinates: 43.0738, -75.1206





Figure 5: Mohawk Preserve Wetland Delineation Map.



In Lieu Fee Program: Mohawk Service Area
 Location: 2921 NY-5, Frankfort, NY 13340
 Site Coordinates: 43.0738, -75.1206
 2' Contours
 1 in = 422 ft



- | | | |
|--------|-------------------------|---------------|
| Legend | ○ Delineation Points | Wetland Cover |
| | --- Wetland Delineation | PEM |
| | ⬮ Mohawk River Preserve | PFO |
| | ⬮ Property Boundary | R4SBC |
| | ■ Data Points | |



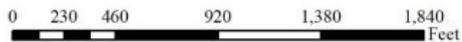


Figure 4: Mohawk River Preserve Land Use.



In Lieu Fee Program: Mohawk Service Area
 Location: 2921 NY-5, Frankfort, NY 13340
 Site Coordinates: 43.0738, -75.1206

1 in = 687 ft



- Legend**
- Mohawk River Preserve Boundary
 - Wetland Delineation
 - DEC Regulated Wetland
 - 150' Buffer

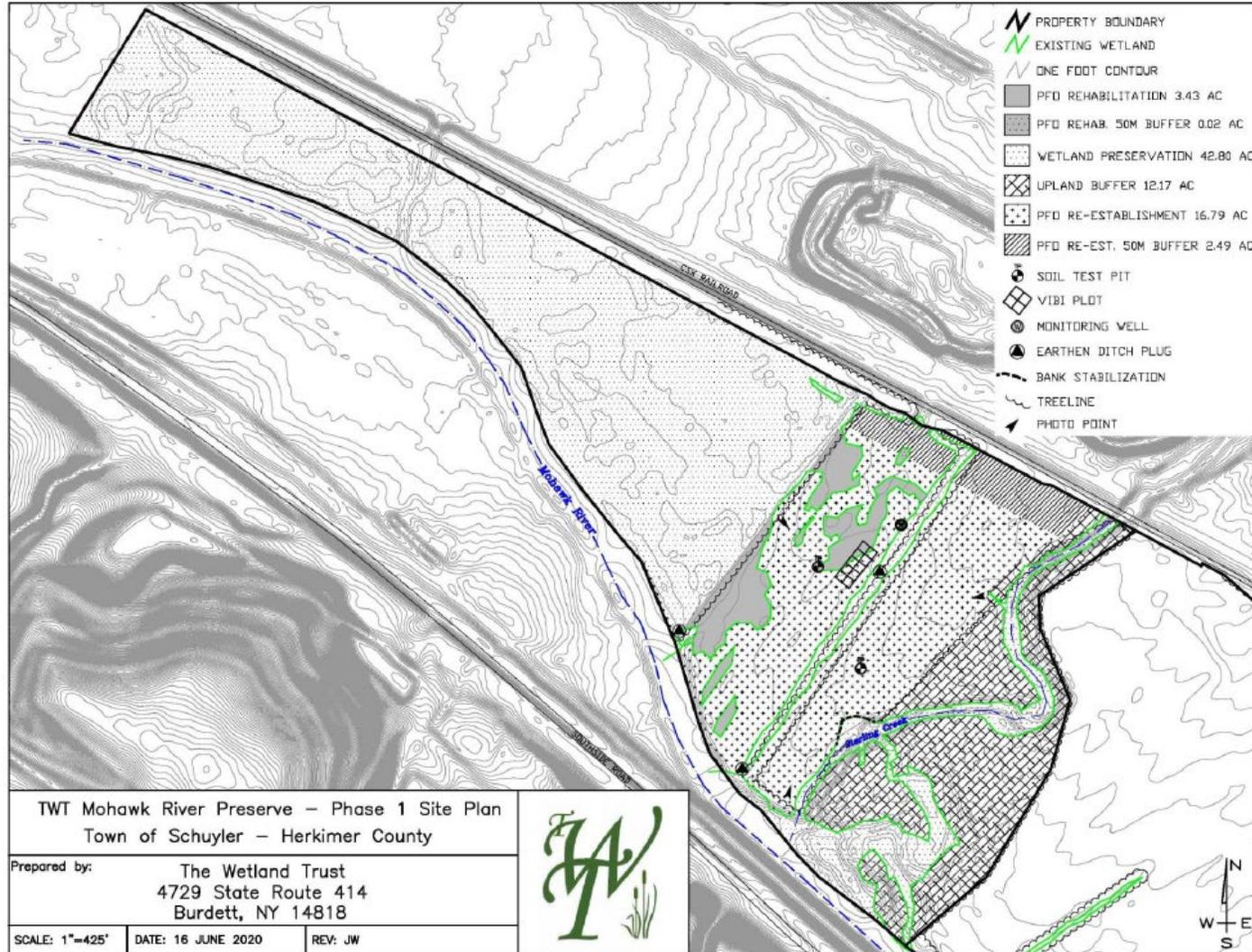
- Landuse**
- Agricultural Fields - 93.05 acres
 - Fencerow - 1.81 acres
 - Agricultural Fields, Wetland - 4.22 acres
 - Upland Forest - 10.59 acres

- Forested Wetland - 39.34 acres
- Forested Wetland, Fencerow - 2.09 acres
- Riparian Buffer - 2.80 acres
- Stream Channel - 2.67 acres





Figure 2: Mohawk River Preserve Phase 1 Site Plan.





020004

Mohawk River Preserve Mitigation Plan

Figure 3: Mohawk River Preserve Phase 2 Site Plan.

