



# Public Notice

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U.S. Army Corps  
of Engineers  
Buffalo and  
New York Districts

Applicant:  
The Wetland Trust

Published: February 20, 2018  
Expires: March 22, 2018

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Application No: LRB-2010-00963  
Section: NY

All written comments should reference the above Application No. and be addressed to:  
**US Army Corps of Engineers, Buffalo District**  
**(Attn:) Susan Baker**  
**1776 Niagara Street**  
**Buffalo, NY 14207**

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**INTERESTED PARTIES ARE HEREBY NOTIFIED THAT A PROPOSAL HAS BEEN RECEIVED PURSUANT TO 33 CFR 332 REQUESTING THE EXPANSION OF THE SERVICE AREA FOR THE WETLAND TRUST'S APPROVED RIVERBEND GOLF COURSE WETLAND MITIGATION SITE.**

**THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WETLAND TRUST'S PROPOSED RIVERBEND GOLF COURSE WETLAND MITIGATION SITE SERVICE AREA EXPANSION AS DESCRIBED BELOW. THIS IS NOT AN APPLICATION FOR WORK IN FEDERALLY REGULATED WATERS. NO DECISION HAS BEEN MADE AS TO WHETHER THIS PROPOSED SERVICE AREA EXPANSION WILL BE APPROVED.**

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

**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 in lieu fee program (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 New York State Department of Environmental Conservation, and the New York City Department of Environmental Protection.

The Wetland Trust ILFP was approved in October of 2013 and is authorized to provide wetland mitigation via sale of advance credits in ten service areas within the State of New York. In

January 2017, The Wetland Trust was approved to fulfill ILFP obligations by providing wetland mitigation at the Riverbend Golf Course Wetland Mitigation Site (Mitigation Site) located in New Berlin, Chenango County, New York. The approved service area for the Mitigation Site is the Unadilla/Susquehanna Basin (8-digit Hydrologic Unit Code (HUC) 02050101).

**DESCRIPTION OF PROPOSED ACTIVITY:** The Wetland Trust has proposed to expand the service area of the Mitigation Site to include the Unadilla/Susquehanna Basin (HUC 02050101), the Tioughnioga/Chenango Basin (HUC 02050102), and the Cayuta/Catatonk/Owego Basin (HUC 02050103), to be referred to as the Susquehanna River Service Area.

The request for the service area to include two additional basins is based on overall low credit sales within these basins since the ILFP was approved in October 2013. Since inception, 1 wetland credit has been sold in the Tioughnioga/Chenango Basin (HUC 02050102), 0.2 wetland credit has been sold in the Cayuta/Catatonk/Owego Basin (HUC 02050103), and 17.58 credits have been sold in the Unadilla/Susquehanna Basin (HUC 02050101).

The Unadilla/Susquehanna Basin is within the area of regulatory responsibility of the Buffalo District for parts of Chenango, Broome, Madison, Oneida and Herkimer Counties and within the area of regulatory responsibility of the New York District for parts of Otsego, Schoharie and Delaware Counties. The Tioughnioga/Chenango Basin (HUC 02050102), and the Cayuta/Catatonk/Owego Basin (HUC 02050102) service areas included in this amendment request are located within the Buffalo District's area of regulatory responsibility.

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 expansion of the ILFP service area. Any comments received will be considered by the Corps in determining whether to approve the proposed modification. Comments are also used to determine the need for a public hearing.

Comments or questions pertaining to this prospectus 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 proposed ILFP service area expansion.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-332. 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 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. Copies of comments received will be forwarded to the sponsor and to the members of the Interagency Review Team.

**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.



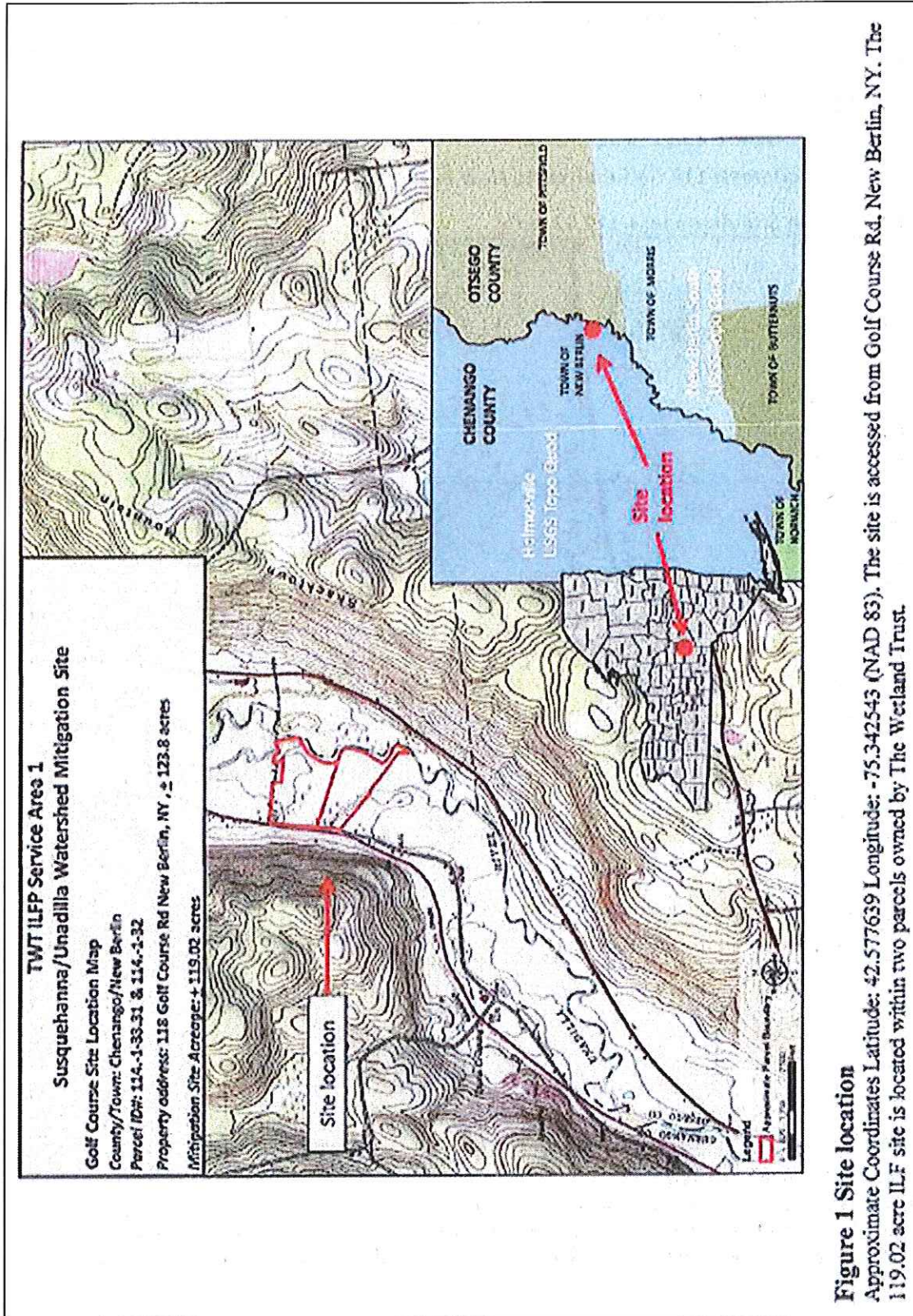


Figure 1. The Wetland Trust Riverbend Golf Course Wetland Mitigation Site Location



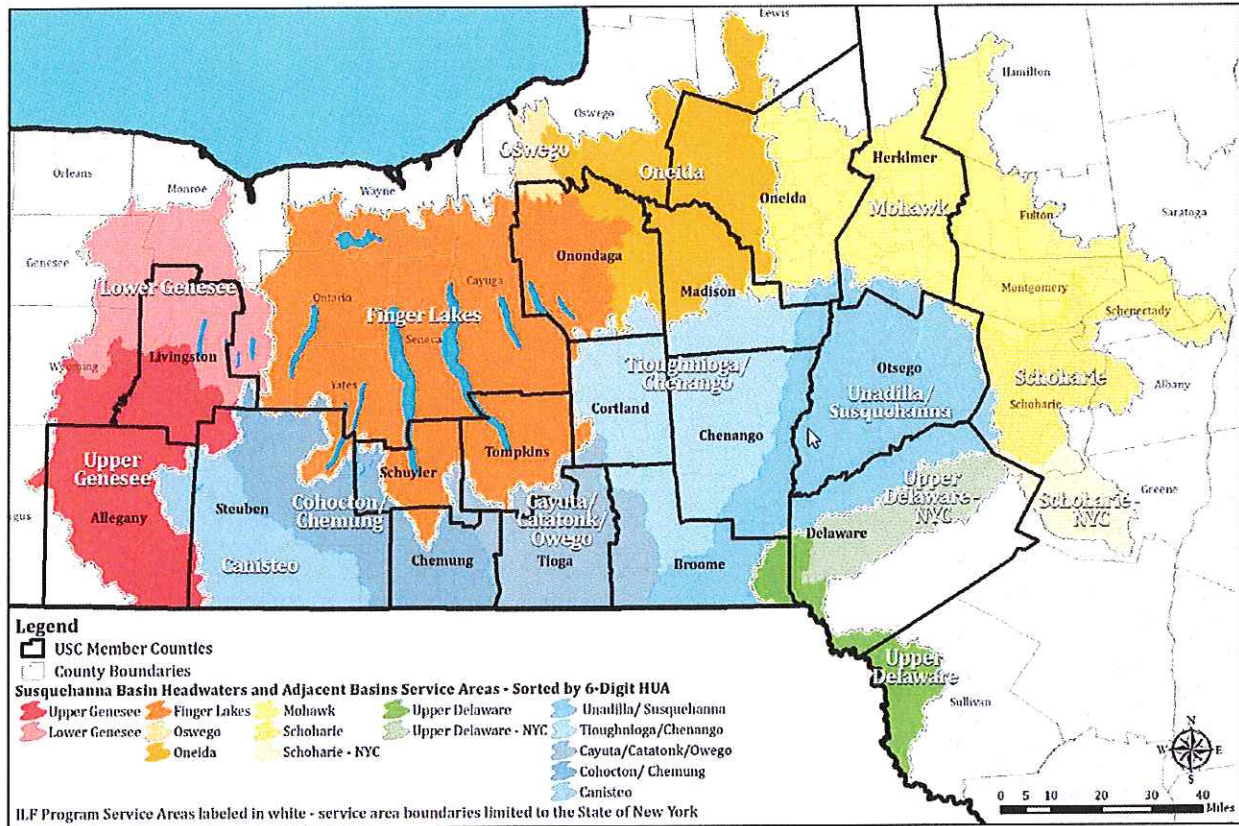


Figure 2. Original Service Areas as approved in The Wetland Trust's In-lieu Fee Program Instrument. The Riverbend Golf Course Wetland Mitigation Site's existing approved service area includes the Unadilla/Susquehanna Basin (8-digit Hydrologic Unit Code 02050101).

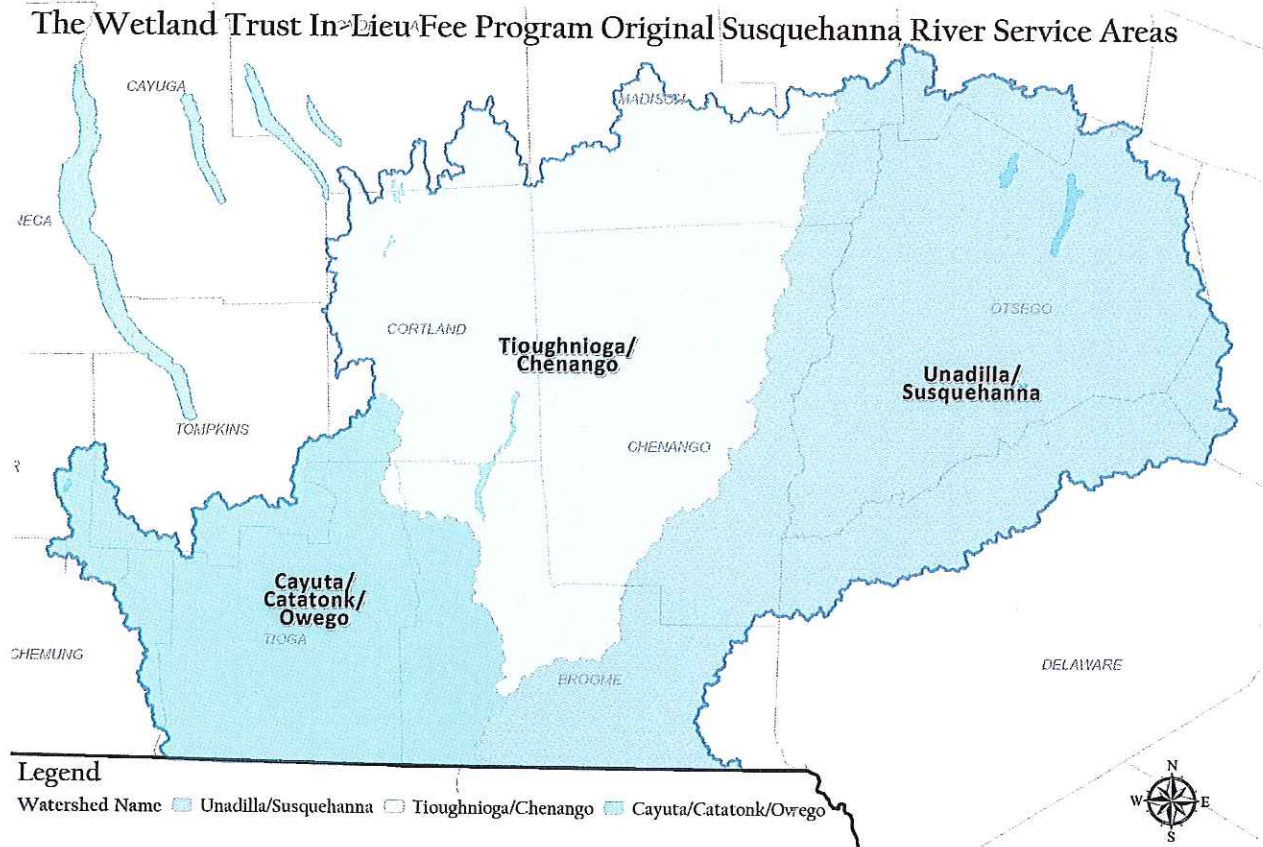


Figure 3. The Wetland Trust In-lieu Fee Program's Original Susquehanna Service Areas. The Riverbend Golf Course Wetland Mitigation Site's existing approved service area includes the Unadilla/Susquehanna Basin (8-digit Hydrologic Unit Code 02050101).



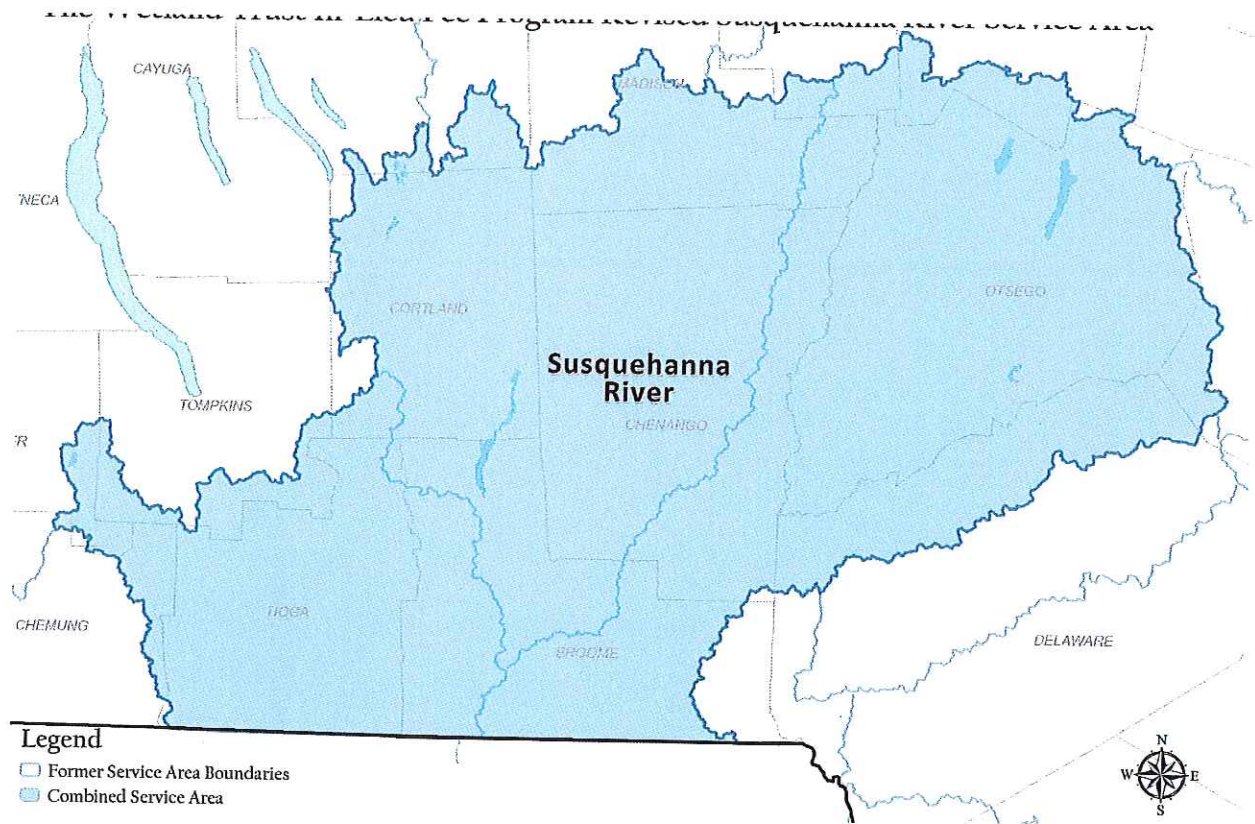


Figure 4. The Wetland Trust In-lieu Fee Program's Proposed Service Area Expansion for the Riverbend Golf Course Wetland Mitigation Site.