



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: NAN-2010-01411-WCA
Issue Date: October 31, 2019
Expiration Date: November 29, 2019

To Whom It May Concern:

The New York District, of the U.S. Army Corps of Engineers has received a request from Evergreen Environmental, LLC, bank sponsor of the Federal and State approved Evergreen MRI 3 Wetland Mitigation Bank, to modify the existing Mitigation Banking Instrument by expanding the bank's service area. This notice is to inform interested parties of the proposed service area expansion request and solicit comments.

AUTHORITY: Issuance of a public notice regarding the proposed expansion of the Evergreen MRI 3 Wetland Mitigation Bank service area is required pursuant to the "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule," (Rule) as published in April 10, 2008, Federal Register, Vol. 73, No. 70, Pages 19594-19705 (33 Code of Federal Regulations, Parts 325 and 332).

APPLICANT: Evergreen Environmental, LLC
709 Natures Way
Franklin Lakes, New Jersey 07417

ACTIVITY: The existing Evergreen MRI 3 Wetland Mitigation Bank is located in the Hackensack River watershed, in the Borough of Carlstadt, Bergen County, New Jersey. The wetland mitigation bank service area currently includes the Hackensack Meadowlands District (HMD) and the following five (5) Hydrologic Unit Codes (HUC):

020-30-103-170
020-30-103-180 (Bank location)
020-30-104-010
020-30-101-170
020-30-103-150 (portion)

Within the existing bank service area, mitigation credits from the bank are used to compensate for unavoidable impacts to estuarine and palustrine emergent, mudflat, scrub/shrub wetlands, and waters of the United States associated with the New Jersey Waterfront Development Law, New Jersey Freshwater Wetland Regulations, the Coastal Zone Management Rules, the New Jersey Flood Hazard Area Control Act, and Department of the Army permits issued under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The bank sponsor has requested to expand the mitigation bank's existing service area by including the remaining portion of HUC-11: HUC 020-30-103-150 into the bank service area, and which would include a portion of the Passaic River watershed.

The bank sponsor has stated that the five (5) HUC-11 subwatersheds of the existing banks approved service area drain to the Hackensack River and a portion of the Passaic River to Newark Bay and the Lower Hudson estuary. The Hackensack and Passaic Rivers confluence at the Newark Bay. Newark Bay is included in the banks existing approved service area, however,

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a portion that is designated as part of subwatershed 150 has to-date been excluded from the approved service area. The Passaic River is tidal upstream to the Dundee Dam. The proposed service area modification would serve impacts in this subwatershed and those subject to federal jurisdiction with tidal or estuarine aquatic resource impacts. As this subwatershed 150 is of the same HUC-8 unit code as the bank location, unavoidable wetland functions and values would be replaced at the bank site within the same HUC-8 unit code by established wetland mitigation within the MRI3 Mitigation Bank.

The proposed expansion of the subwatershed 150 would provide mitigation credits for unavoidable impacts to estuarine and palustrine emergent, mudflat, scrub/shrub wetlands, and waters of the United States, and would not be used to mitigate for impacts to palustrine forested wetlands.

FEDERAL EVALUATION OF THE PROPOSAL: 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 this proposal. The New York District Corps of Engineers in evaluating this proposal will consider any comments received. Comments will be used to assess the bank sponsors proposal to expand the existing service area of the Evergreen MRI 3 Wetland Mitigation Bank.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Comments submitted in response to this notice will be fully considered during the review of the service area expansion request. Comments provided will become part of the public record for this service area expansion request. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8412 and ask for James Cannon.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/business/buslinks/regulat/index.php?survey>

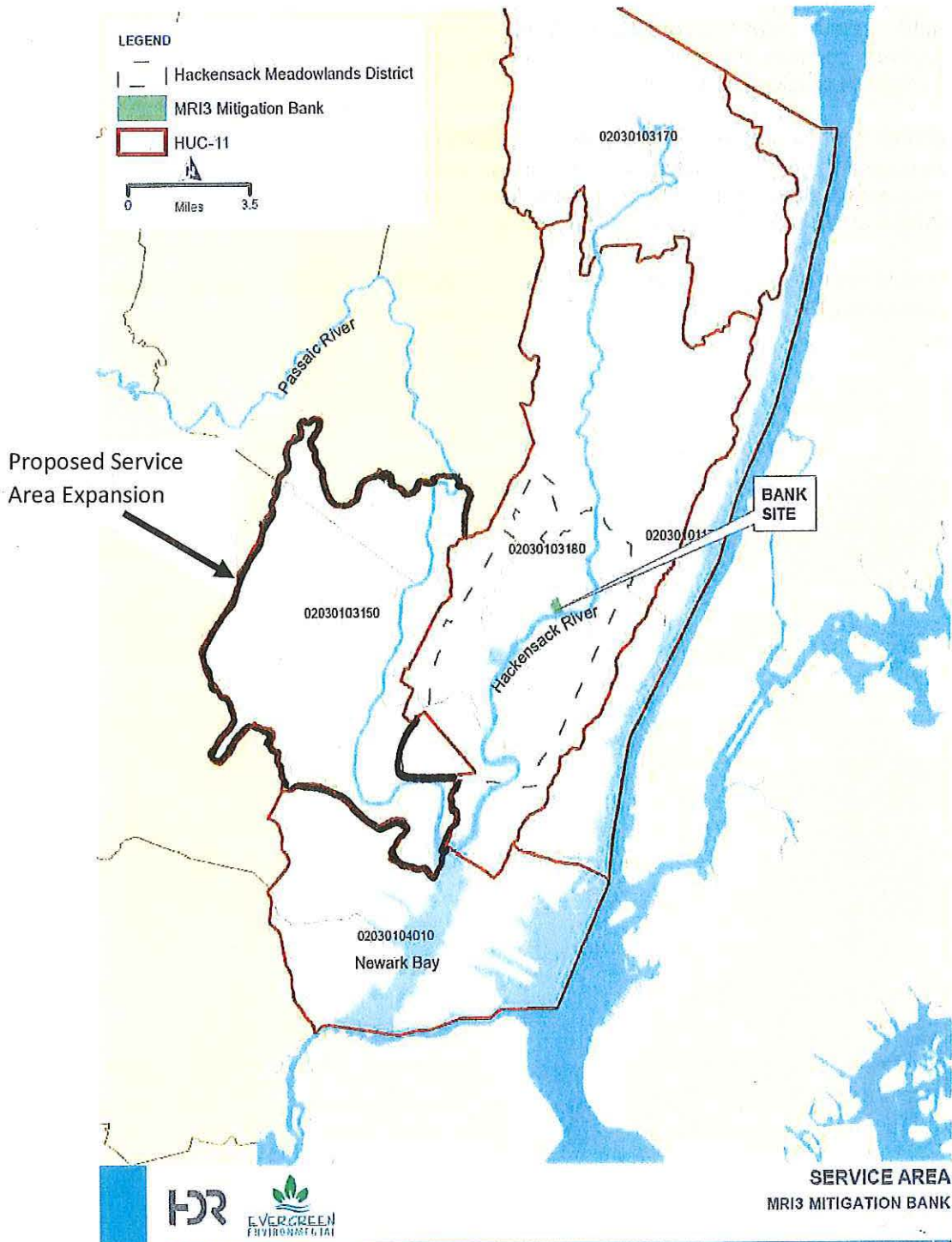
For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


for: Stephan A. Ryba
Chief, Regulatory Branch

Enclosures



Figure 1 of 2



Proposed Service Area