



Public Notice

Applicant:

THE WETLAND TRUST

Published: July 21, 2017

Expires: August 21, 2017

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

Application No: LRB-2010-00963

Section: NY

All written comments should reference the above Application No. and be addressed to:
Buffalo District U.S. Army Corps of Engineers
Buffalo District Office (Attn: Peter Krakowiak)
1776 Niagara Street
Buffalo, NY 14207

INTERESTED PARTIES ARE HEREBY NOTIFIED THAT A PROPOSAL HAS BEEN RECEIVED PURSUANT TO 33 CFR 332 REQUESTING THE CONSOLIDATION OF SEVERAL SERVICE AREAS AND THE ADJUSTMENT OF CREDIT PRICES FOR THE EXISTING IN-LIEU FEE MITIGATION PROGRAM (ILFP) SPONSORED BY THE WETLAND TRUST (TWT). THE TWT ILFP CURRENTLY PROVIDES MITIGATION FOR IMPACTS TO WATERS OF THE UNITED STATES UNDER SECTION 404 OF THE CLEAN WATER ACT WITHIN FIFTEEN SERVICE AREAS WITHIN THE STATE OF NEW YORK. THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE CONSOLIDATION OF SEVERAL SERVICE AREAS AND TO INFORM THE PUBLIC OF THE PROPOSED ADJUSTMENT OF CREDIT PRICES FOR THE TWT ILFP.

THIS IS NOT AN APPLICATION FOR WORK IN FEDERALLY REGULATED WATERS; HOWEVER, AUTHORIZATION UNDER SECTION 404 OF THE CLEAN WATER ACT MAY BE REQUIRED FOR IMPLEMENTATION OF PARTICULAR MITIGATION SITES LATER PROPOSED UNDER THE ILFP. SUCH SITES WOULD BE ADVERTIZED UNDER SEPARATE PUBLIC NOTICES. NO DECISION HAS BEEN MADE AS TO WHETHER THIS PROPOSED CONSOLIDATION OF SEVERAL SERVICE AREAS AND TO INFORM THE PUBLIC OF THE PROPOSED ADJUSTMENT OF CREDIT PRICES FOR THE TWT ILFP

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

LOCATION: The proposed consolidation of service areas encompasses seven 8-digit HUC (Hydrologic Unit Code, a designation for the watershed drainage area encompassed) watersheds covering portions of the Buffalo and New York Districts of the U.S. Army Corps of Engineers as follows:

Unadilla/Susquehanna Basin (02050101), Tioughnioga/Chenango Basin (02050102), Cayuta/Catatonk/Owego Basin (02050103), Canisteo Basin (02050104), Cohocton/Chemung Basin (02050105), Oneida Basin (04140202), and the Oswego Basin (04140203). 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. All of the other service areas included in this amendment request are located within the Buffalo District's area of regulatory responsibility.

DESCRIPTION OF PROPOSED ACTIVITY: TWT has proposed to consolidate seven of their existing service areas into three larger service areas. The consolidation would result in the following modifications:

1. The Susquehanna River Service Area would be established by consolidating the Unadilla/Susquehanna Basin (02050101), the Tioughnioga/Chenango Basin (02050102), and the Cayuta/Catatonk/Owego Basin (02050103). The Susquehanna River Service Area is proposed to have 52 advance wetland credits.
2. The Chemung River Service Area would be established by consolidating the Canisteo Basin (02050104) and the Cohocton/Chemung Basin (02050105). The Chemung River Service Area is proposed to have 14 advance wetland credits.
3. The Oswego/Oneida Service Area would be established by consolidating the Oneida Basin (04140202) and the Oswego Basin (04140203). The Oswego/Oneida Service Area is proposed to have 26 advance wetland credits.

The request for consolidation of service areas into the Susquehanna River and Chemung River Service Areas is based on low overall credit sales, 1.53 credits and 0.82 credits sold respectively, in each proposed larger service areas since the ILFP was approved in October 2013. The request for consolidation of service areas into the Oswego/Oneida Service Area is based on the small size of the Oswego Service Area and the difficulty encountered by TWT in identifying a potential ILF site within the watershed.

In addition to the request to consolidate service areas, TWT is proposing to modify their credit pricing structure. TWT is proposing to charge \$77,843 per credit within the Lower Genesee (04130002), Upper Genesee (04130003), Finger Lakes (04140201), and the proposed Oswego/Oneida Service Areas. For all other service areas under the TWT ILFP, TWT proposes to charge \$91,580 per credit. A 5% price reduction would be offered for individual credit sales that exceed 15 credits. The cost of compensatory mitigation credits provided by an in-lieu fee program is determined by the sponsor (33 CFR part 332.8(o)(5)(i)).

Complete copies of the instrument amendment request can be found on-line along with this notice at:

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

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 modifications. 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 Peter Krakowiak, who can be contacted at the above address, by calling (716) 879-4363, or by email at Peter.j.krakowiak@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the proposed ILFP service area consolidation.

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 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.