



# Public Notice

Applicant:

**THE WETLAND TRUST**

Published: JANUARY 16, 2015

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

Application No: **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  
Orwell Regulatory Field Office (Attn: Mark Gronceski)  
33 Grand Valley Avenue  
Orwell, Ohio 44076

**INTERESTED PARTIES ARE HEREBY NOTIFIED THAT A PROPOSAL HAS BEEN RECEIVED PURSUANT TO 33 CFR 332 REQUESTING EXPANSION OF THE EXISTING IN-LIEU FEE MITIGATION PROGRAM (ILFP) SPONSORED BY THE WETLAND TRUST (TWT) INTO SEVEN ADDITIONAL SERVICE AREAS ENCOMPASSING EIGHT ADDITIONAL 8 DIGIT HYDROLOGIC UNITS. THE TWT ILFP CURRENTLY PROVIDES MITIGATION FOR IMPACTS TO WATERS OF THE UNITED STATES UNDER SECTION 404 OF THE CLEAN WATER ACT WITHIN FIVE SEPARATE 8-DIGIT HYDROLOGIC UNIT CODE (HUC) SERVICE AREAS WITHIN THE STATE OF NEW YORK. THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE SERVICE AREA EXPANSION OF THE TWT IN-LIEU FEE MITIGATION PROGRAM.**

**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, IF APPROVED. SUCH SITES WOULD BE ADVERTIZED UNDER SEPARATE PUBLIC NOTICES. NO DECISION HAS BEEN MADE AS TO WHETHER THIS PROPOSED EXPANSION OF THE TWT ILFP WILL BE APPROVED.**

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

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

Mohawk River Basin (02020004), within the area of regulatory responsibility of the Buffalo District,

contained in parts of Lewis, Oneida, Madison and Herkimer Counties. Within the area of regulatory responsibility of the New York District, contained in parts of Hamilton, Fulton, Montgomery, Otsego, Schoharie, Schenectady, Saratoga and Albany Counties.

Schoharie Creek Basin (02020005) within the area of regulatory responsibility of the New York District, contained in parts of Schoharie, Delaware, Montgomery, Greene, Albany and Schenectady Counties.

Upper Delaware Basin (02040101) within the area of regulatory responsibility of the Buffalo District, contained in parts of Chenango and Broome Counties. Within the area of regulatory responsibility of the New York District contained in parts of Delaware, Schoharie and Sullivan Counties.

Lower Genesee River Basin (04130003) within the area of regulatory responsibility of the Buffalo District, contained in parts of Monroe, Livingston, Ontario, Genesee, Wyoming and Orleans Counties.

Upper Genesee River Basin (04130002) within the area of regulatory responsibility of the Buffalo District, contained in parts of Livingston, Wyoming, Allegheny, Steuben and Cattaraugus Counties.

Seneca (Finger Lakes) Drainage Basin (04140201) within the area of regulatory responsibility of the Buffalo District, contained in all or parts of Onondaga, Cayuga, Tomkins, Schuyler, Wayne, Seneca, Yates, Steuben, Ontario and Monroe Counties.

Oneida Drainage Basin (04140202) within the area of regulatory responsibility of the Buffalo District, contained in parts of Lewis, Oneida, Madison, Onondaga and Oswego Counties

Oswego Drainage Basin (04140203) within the area of regulatory responsibility of the Buffalo District, contained in parts of Oswego, Onondaga and Cayuga Counties

The sponsor proposes to combine the Oneida and Oswego basins into one service area.

**DESCRIPTION OF PROPOSED ACTIVITY:** Under Section 404 of the Clean Water Act (CWA), applicants for the Department of the Army permits to discharge dredge 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 ILFP's provide the US Army Corps of Engineers (Corps) and the regulated public with additional options for compensatory mitigation of aquatic resource losses. The establishment and use of an ILFP must be in accordance with an ILFP instrument approved by the Interagency Review Team (IRT). The IRT is presently comprised of the Corps (Buffalo and New York Districts), the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the New York State Department of Environmental Conservation.

The proposed expansion, along with other instrument modifications, is described in the draft revised program instrument "**Susquehanna Basin Headwaters And Adjacent Basins In-Lieu Fee Program Instrument**", and its appendices. The additional instrument modifications include modifications to the credit price schedule. The draft revised instrument contains all the information normally contained in a prospectus plus additional detail.

Complete copies of the revised instrument and its appendices can be found on-line along with this notice at:

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

Changes from the existing approved instrument are highlighted in the documents.

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 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](mailto:Mark.E.Gronceski@usace.army.mil). A lack of response will be interpreted as meaning that there is no objection to the proposed ILFP 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 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.