



# Public Notice

**U.S. Army Corps  
of Engineers**  
Pittsburgh District

In Reply, Refer to  
Notice No. below

US Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

Application No. LRP-2010-1638

Date: December 15, 2011

Notice No. PN 11-52

Closing Date: January 15, 2012

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act.
2. APPLICANT: North Boundary Road Partners, LP  
Attn: Dominic Gigliotti  
11279 Perry Highway  
Wexford, Pennsylvania 15090
3. AGENT: Patrick Gavaghan  
Ecotune Environmental  
214 Executive Drive  
Suite 204  
Cranberry Township, Pennsylvania 16066
4. LOCATION: Wetlands and unnamed tributaries to Brush Creek are located on the southeast parcel of a proposed two parcel retail complex, Marketplace of Cranberry. The proposed project area is located northwest and southeast of the intersection of Route 19 and North Boundary Road, Cranberry Township, Butler County, Pennsylvania at 40°43'20" N; 80°6'22"W.
5. PURPOSE AND DESCRIPTION OF WORK: The applicant, North Boundary Road Partners, LP, proposes to construct a two-parcel retail space northwest and southeast of the intersection of Route 19 and North Boundary Road. A large grocery store with a drive-through pharmacy and a gas station/convenience store, with associated parking areas and access drives, would be constructed on these parcels. As a result of this development, 1.5785 acres of Palustrine Emergent and Shrub-Scrub (PEM/PSS) wetland and 861 linear feet of unnamed tributaries to Brush Creek will be impacted on the southeast parcel. To mitigate for the loss of 1.5785 acres of PEM/PSS wetland, a 1.58 acre replacement PEM/PSS wetland will be constructed offsite in Cranberry Township's Graham Park property. The proposed impact to 861 linear feet of unnamed tributaries to Brush Creek will be mitigated through the restoration and stabilization of approximately 930 linear feet of Brush Creek located within Cranberry Township's Graham Park property. Access to the proposed mitigation site will require the construction and use of a temporary crossing of Brush Creek and the impacts have not been identified. Drawings of the proposed project are attached to this notice.

6. ENCROACHMENT PERMIT: The applicant must obtain a Water Obstruction and Encroachment Permit which includes 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection  
Northwest Regional Office  
Permitting and Technical Services/Water and Waterways Section  
230 Chestnut Street  
Meadville, Pennsylvania 16335  
Telephone: (814)332-6984

7. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the proposed project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. Pennsylvania Natural Diversity Index (PNDI) screening, dated July 20, 2011, discloses the proposed project would have no known impacts to state-listed or federally-listed species or their critical habitat, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended). Project search ID: 20110720307804 (proposed project), 20110628304460 (proposed wetland mitigation), 20110721307961 (proposed stream mitigation). This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the project and subsequent mitigation, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

8. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the proposed project area in accordance with Section 106 of the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515) and found that the project is unlikely to affect archaeological or historical resources. File No. ER 2008-2428-019-A. The current proposed mitigation area has not been reviewed. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, including the mitigation area, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

9. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

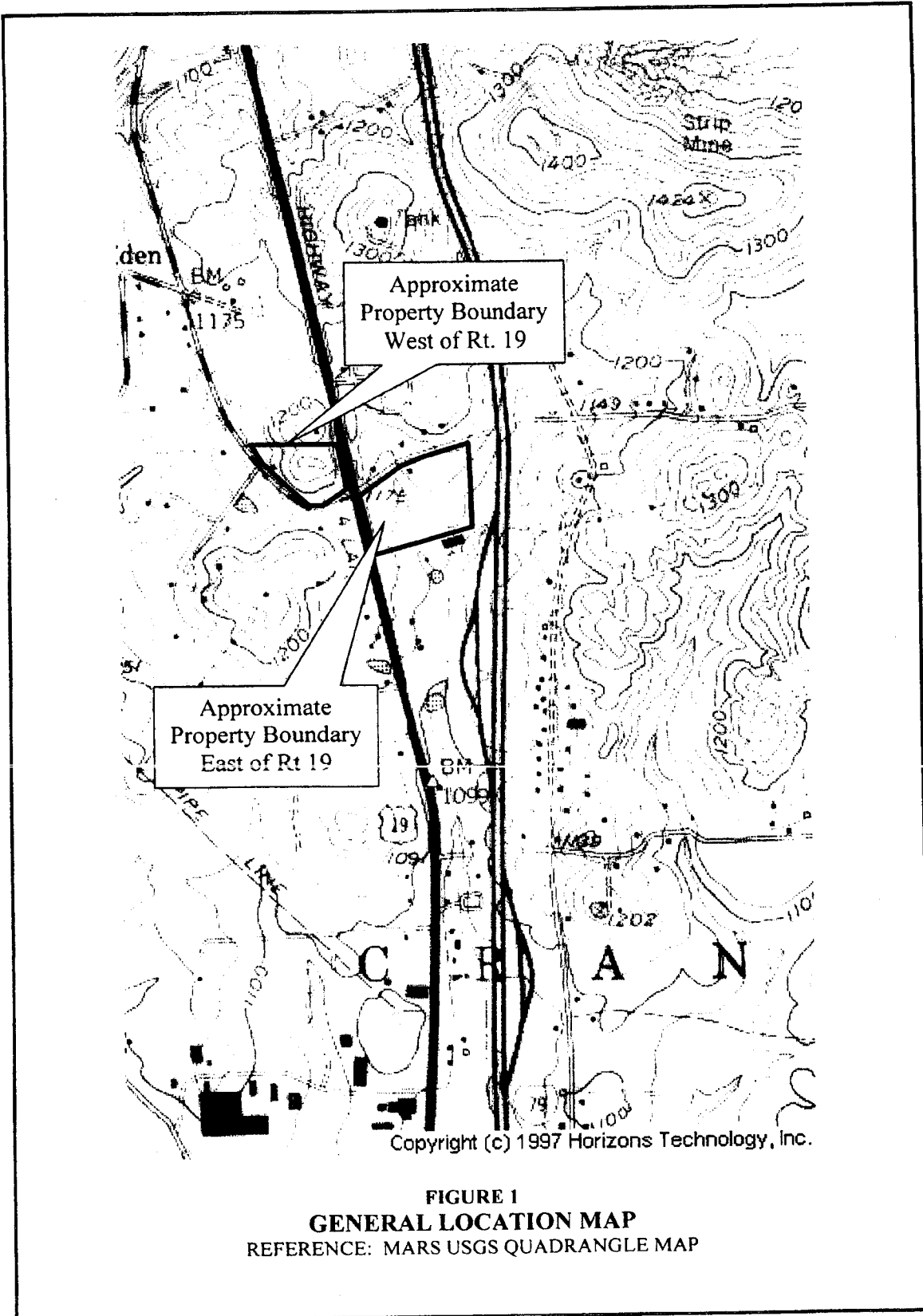
10. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. 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 the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

11. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, Attn: Nicole Marisavljevic at the above address, by telephoning (412) 395-7592, or by e-mail at [nicole.marisavljevic@usace.army.mil](mailto:nicole.marisavljevic@usace.army.mil). Please refer to LRP-2010-1638 in all responses.

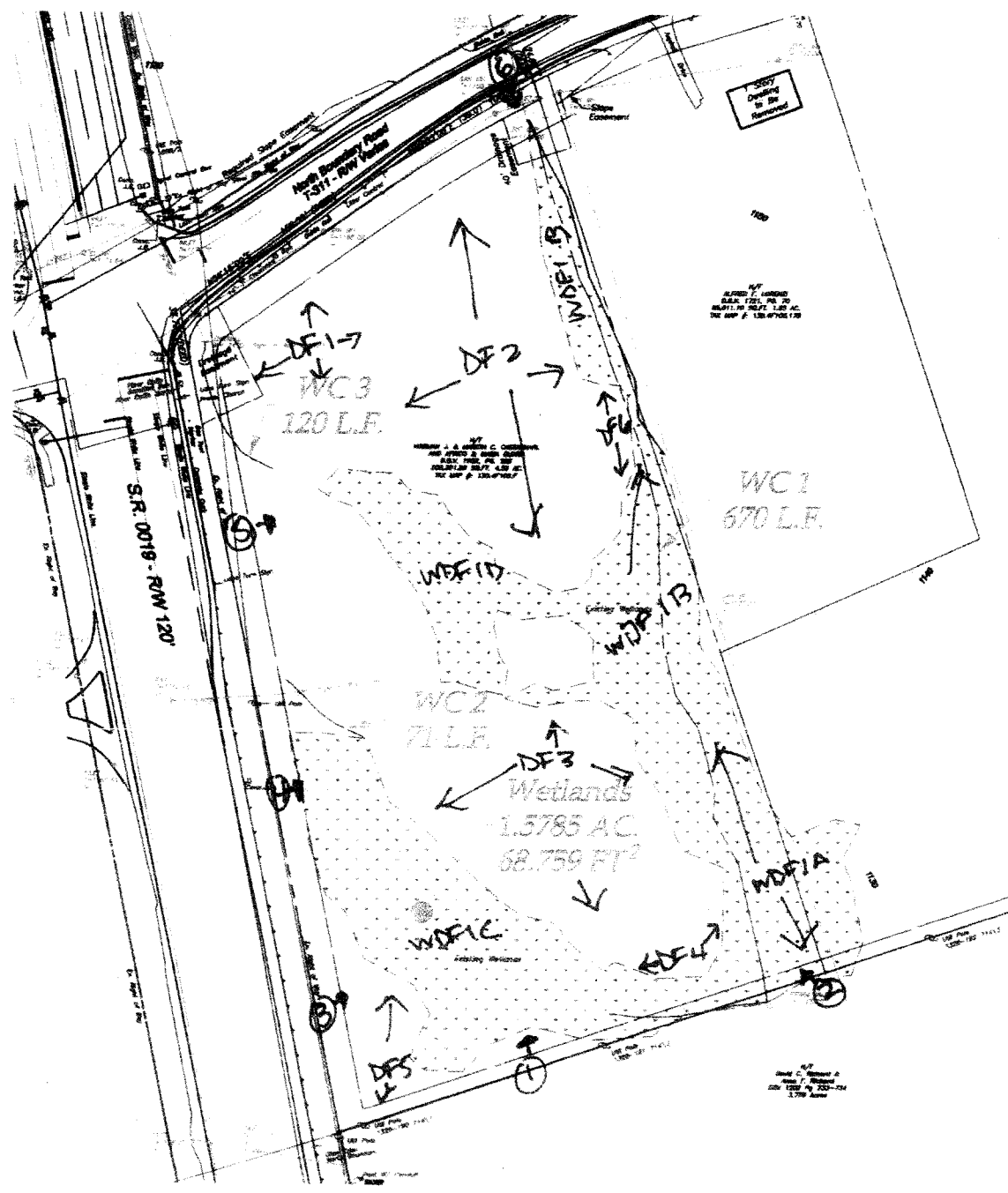
FOR THE DISTRICT ENGINEER:

//SIGNED//

Nancy Mullen  
 Chief, Northern Section  
 Regulatory Branch

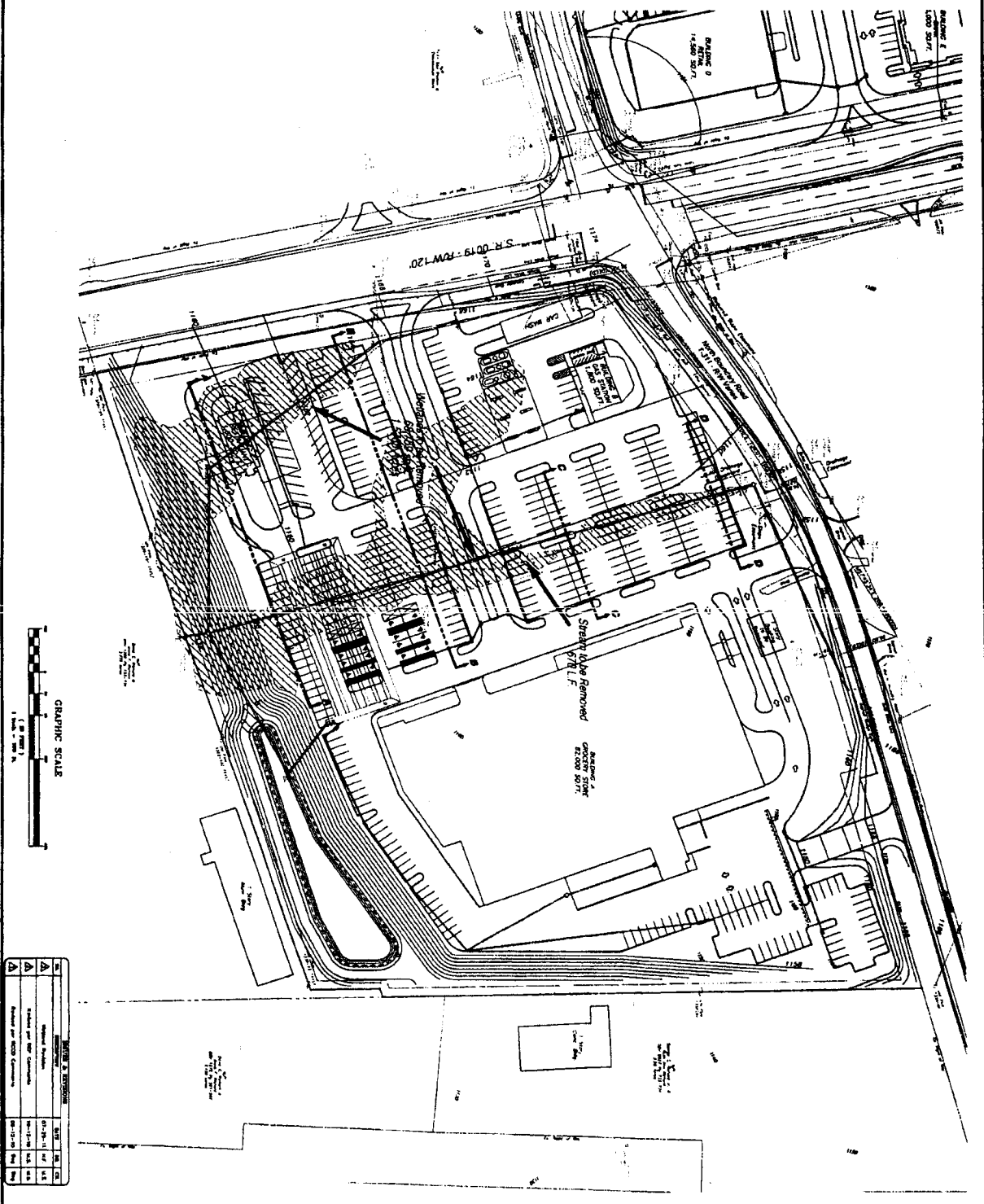


**FIGURE 1**  
**GENERAL LOCATION MAP**  
REFERENCE: MARS USGS QUADRANGLE MAP



④ PHOTO LOCATION  
**FIGURE 3 - EXISTING CONDITIONS**

**CALL BEFORE YOU DIG!**  
 PENNSYLVANIA DEPARTMENT OF TRANSPORTATION  
 COMMONWEALTH OF PENNSYLVANIA  
 1-800-387-3379



NO.	DATE	BY	REVISION
1	01-20-11	JP	Initial
2	02-17-11	JP	Revised per City Comments
3	03-17-11	JP	Revised per City Comments

**JP 1**  
 PROJECT NUMBER: 09717

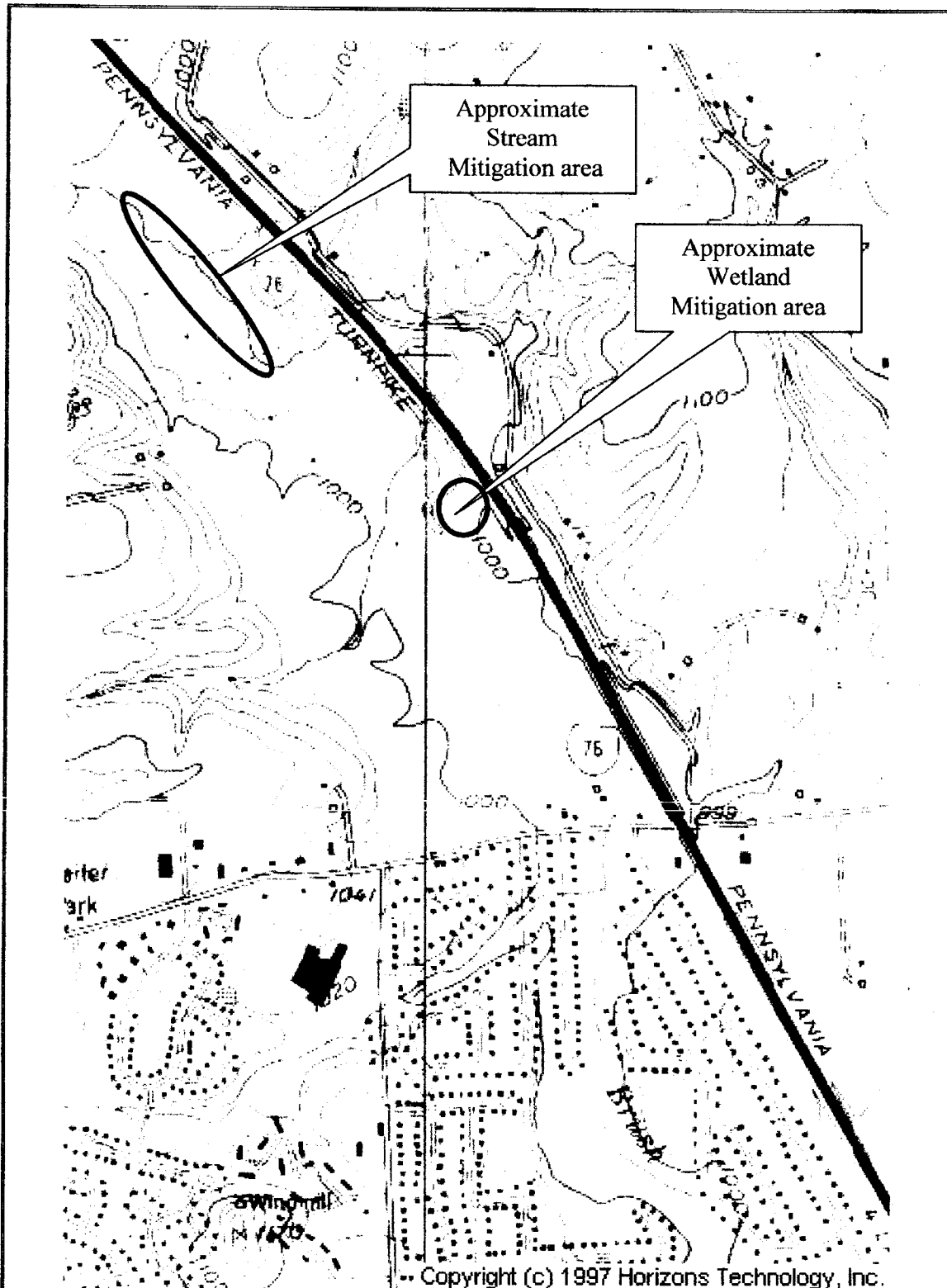
**Marketplace of Cranberry**  
 Joint Permit Plan  
 Cranberry Township  
 Butler County, Pennsylvania  
 North Boundary Partners, L.P.  
 11279 Perry Highway, Suite 500  
 Westford, PA 15090

DATE: May 08, 2010  
 DRAWING NO.: 11-52  
 SHEET NO.: 1 OF 1

**HAMPTON**  
 TECHNICAL ASSOCIATES, INC.  
 ENGINEERING AND SURVEYING  
 ESTABLISHED 1986  
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 email@hampton-technical.com

Corporate Office  
 200 North 2nd Street  
 P.O. Box 300  
 Pottsville, PA 17855  
 PHONE: (610) 766-4000  
 FAX: (610) 766-4004





**FIGURE 1**  
**GENERAL LOCATION MAP**  
REFERENCE: MARS USGS QUADRANGLE MAP

MITIGATION MAP