

URBAN WATERFRONT ACTION GROUP

July 13, 2006

Wetlands Restoration at the John Heinz National Wildlife Refuge

Attendees

Randy Brown	PADEP SERO	rabrown@state.pa.us
Larry Toth	PADEP CZM	latoth@state.pa.us
Bill Jenkins	Army Corps of Engineers	william.h.jenkins@usace.army.mil
Candice Pipkin	US EPA	pipkin.candice@epa.gov
David Rider	US EPA	rider.david@epa.gov
Cindy Tibbott	USFWS	cindy_tibbott@fws.gov
Melinda Turner	USFWS	melinda_turner@fws.gov
Kate McManus	USFWS	kate_mcmanus@fws.gov
Alison Hastings	DVRPC	ahastings@dvrpc.org

Abbreviated Minutes for the JHNWR Wetlands Restoration Project

1. The meeting was called to order at 10:10 a.m.
2. Larry Toth of DEP's Coastal Resources Management Division chaired the meeting. Members of the UWAG committee and the applicants introduced themselves.
3. Ms. McMannus described the Refuge, past restoration projects, and the restoration project now being proposed.
4. Ms. McMannus stated that the current project, as well as operations at the Refuge generally, create areas that are less attractive for Canadian Geese, and more attractive for wading and shore birds. Wading and shore birds do not pose serious "bird-strike" issues for commercial aircraft.
5. Ms. Tibbott explained that Refuge lands (i.e. federal lands) cannot be used by other parties to fulfill wetlands mitigation obligations, as these lands are already protected and under public control. Wetlands mitigation can take place on lands that are not currently owned by the refuge, as was the case with the 26-acre in-holding owned by the airport.
6. Mr. Toth explained that the project is exempt from PA Coastal Zone Management review because it is on federal property. One exemption to this would be if there are "spillover impacts." However, Mr. Toth did not foresee any spillover impacts.
7. Mr. Toth stated that Randy Brown (DEP Southeast Regional Office (SERO)) may have concerns regarding solid waste issues. Mr. Brown suggested contacting Ron Furlan from DEP SERO. Ms. Tibbott stated they had received an email from Mr. Furlan stating his concerns.

Editors Note: Tape was temporarily disconnected at this point in the meeting.

8. Mr. Jenkins stated that the project will need an Army Corps Nationwide Permit 27.
9. Mr. Toth remarked that an individual from the ACOE did a study to analyze the performance of past wetland restoration/mitigation projects along the tidal Delaware. Mr. Toth will provide contact info for this person when he returns to his office.
10. Ms. Tibbott asked if the project was exempt from Chapter 105 permit requirements because the project is on federal land. Mr. Brown did not see any reason to require a Chapter 105 permit because there are no wetlands impacts. Mr. Toth added that projects on federal land do not need a 105 permit. Ms. Tibbott inquired about working in a floodplain or watercourse, and whether or not that would invoke any permit requirements. Mr. Toth thought that "that" (*editor's note: I don't know what "that" is*) was issued under Chapter 106. Mr. Toth stated that Chapter 106 was the "Floodplain Management Act." Ms. Tibbott responded that she had never heard of Chapter 106 and asked if there was a permitting

process associated with Chapter 106. Mr. Brown stated that the Chapter 106 permitting process usually coincides with the Chapter 105 permitting process and that both were typically included in the same application. However, Mr. Brown and Mr. Toth both asserted that no Chapter 105 permit would be needed for this project for the reasons stated above. Mr. Brown said he would look into the issue further and get back to Ms. Tibbott and Ms. McManus.

11. Mr. Rider asked if the Darby Creek Watershed Association was aware of the project. Ms. Tibbott responded that they were involved in the project.
12. Mr. Brown recommended the Refuge contact the conservation district regarding the project.