

Item 4: Isolated Wetland Application

CRAA: Intermodal Campus South

Agency Coordination



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

NOV 20 2015

Regulatory Division
North Branch
LRH-2015-713-SCR-UT Scioto River

APPROVED JURISDICTIONAL DETERMINATION

Ms. Elaine Roberts
Columbus Regional Airport Authority
4600 International Gateway
Columbus, Ohio 43219

Dear Ms. Roberts:

This letter is in reference to the *Wetland Delineation Report for the Columbus Regional Airport Authority Intermodal Campus South* dated August 2015 and submitted on your behalf by TranSystems Corporation. An approved jurisdictional determination (JD) was requested for twelve (12) wetlands and one open water feature on an approximately 341-acre property located at the intersection of Ashville Pike and Rickenbacker Parkway (formerly Airbase Road) in Lockbourne, Pickaway County, Ohio. This project has been assigned the following file number: LRH-2015-713-SCR-UT Scioto River. Please include this file number on all future correspondence related to this project.

The United States (U.S.) Army Corps of Engineers' (Corps) authority to regulate waters of the U.S. is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act requires a Department of the Army (DA) permit be obtained prior to discharging dredged or fill material into waters of the U.S., including wetlands. Section 10 of the Rivers and Harbors Act of 1899 requires a DA permit be obtained for any work in, on, over or under a navigable water.

Our December 2, 2008 headquarters guidance entitled *Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in Rapanos v. United States & Carabell v. United States* was followed in the final verification of Section 404 of the Clean Water Act jurisdiction. Based on a review of the information provided, on-site field verification performed on September 22, 2015 and other information available to us, Wetland E (3.392 acres) and Wetland G (0.503) are each adjacent to but do not directly abut an off-site, unnamed, relatively permanent tributary to the Scioto River, a traditional navigable water (TNW). Wetland E and Wetland G each has more than an insubstantial or speculative effect on the chemical, physical or biological integrity of the TNW. Both Wetland E and Wetland G meet the Significant Nexus Standard. Wetland E and Wetland G are considered jurisdictional waters of the United States subject to regulation under Section 404 of the Clean Water Act.

Additionally, Wetlands H, K, I, J, CV, CW, CX, CY, and CZ, comprising 13.533 acres, are surrounded by uplands, do not present hydrologic connections to waters of the United States, and do not have nexuses to interstate or foreign commerce. These wetlands do not support commercial fish species and are not used for agricultural irrigation. The closest jurisdictional stream to the wetlands is approximately 930 feet away. Therefore, Wetlands H, K, I, J, CV, CW, CX, CY, and CZ are isolated wetlands and are not jurisdictional waters of the United States. However, the isolated wetlands may be regulated by the Ohio Environmental Protection Agency. You should contact the Ohio Environmental Protection Agency Division of Surface Water at 614-644-2000 to determine state permit requirements.

In accordance with the June 5, 2007 Joint Memorandum between the United States Environmental Protection Agency (USEPA) and the Corps and the January 28, 2008 Corps Memorandum regarding coordination on jurisdictional determinations, this determination was coordinated with the USEPA Region 5 and Corps Headquarters, with coordination completed on November 19, 2015.

Additionally, Wetland L (0.064 acre) does not exhibit indicators of hydric soil criteria or hydrology criteria. Lacking this type of evidence to classify the area in question as a wetland, the Corps has determined this feature is not a jurisdictional water of the United States and is not subject to regulation under Section 404 of the Clean Water Act.

Lastly, Pond 1 (0.185 acre) was constructed in uplands as a waste treatment lagoon in accordance with 33 CFR 328.3(a)(8). Pond 1 is surrounded by uplands, does not present a hydrologic connection to waters of the United States, and does not have a nexus to interstate or foreign commerce. Therefore, Pond 1 is not a jurisdictional water of the United States and is not subject to regulation under Section 404 of the Clean Water Act.

This jurisdictional verification is valid for a period of five (5) years from the date of this letter unless new information warrants revision of the delineation prior to the expiration date. This letter contains an approved JD for the subject site within the approved JD boundary. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the Great Lakes and Ohio River Division Office at the following address:

Appeal Review Officer
United States Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10524
Cincinnati, Ohio 45202-3222
Phone: (513) 684-6212
Fax: (513) 684-2460

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by January 19, 2016. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This determination has been conducted to identify the limits of the Corps' Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

A copy of this letter is being furnished to your agent, Mr. Brian Metz with TranSystems Corporation at 1105 Schrock Road, Suite 400, Columbus, OH 43229. If you have any questions concerning the above, please contact Ms. Leah Morgan of the North Branch at (304) 399-5548 or by email at leah.s.morgan@usace.army.mil.

Sincerely,



Teresa D. Spagna
Chief, North Branch

Enclosures



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

Ohio Division of Wildlife
Sue Howard, Acting Chief
2045 Morse Rd., Bldg. G
Columbus, OH 43229-6693
Phone: (614) 265-6300

October 15, 2015

Jessica Frey
TranSystems
1105 Schrock Rd.
Columbus, OH 43229

Dear Ms. Frey,

Per your request, I have e-mailed you a set of shapefiles with our Natural Heritage Program data for the Rickenbacker Advanced Global Logistics Center project, including a one mile radius, in Harrison and Madison Townships, Pickaway County, Ohio. This data will not be published or distributed beyond the scope of the project description on the data request form.

Records included in the data layer may be for rare and endangered plants and animals, geologic features, high quality plant communities and animal assemblages. Fields included are scientific and common names, state and federal statuses, as well as managed area and date of the most recent observation. State and federal statuses are defined as: E = endangered, T = threatened, P = potentially threatened, SC = species of concern, SI = special interest, FE = federal endangered, FT = federal threatened and A = recently added to inventory, status not yet determined.

We have no records for Indiana Bat (*Myotis sodalis*) capture locations within a five mile radius or hibernacula within a ten mile radius of the project site.

The conservation sites layer shows areas deemed by the Natural Heritage Program to be high quality sites not currently under formal protection. They may, for example, harbor one or more rare species, be an outstanding example of a plant community, or have geologically significant features, etc. These sites may be in private ownership and our listing of them does not imply permission for access.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. This letter only represents a review of rare species and natural features data within the Ohio Natural Heritage Database. It does not fulfill coordination under the National Environmental Policy Act (NEPA) or the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S. C. 661 et seq.) and does not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Please contact me at 614-265-6818 if I can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Debbie Woischke".

Debbie Woischke
Ohio Natural Heritage Program

■ Duvall Woods
■ State Listed Species
 Project Limits

0 875 1,750 3,500 Feet

Fawnsfoot Mussel Location, 1996

Carolina Leaf-Flower Location, 2004

**Ecological Resources
ODNR Database
Intermodal Campus South**





UNITED STATES DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service
Ecological Services Office
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / Fax (614) 416-8994



November 3, 2015

Ms. Jessica Frey
TranSystems
1105 Shrock Road Suite 400
Columbus, Ohio 43230

TAILS# 03E15000-2016-0117

Re: Rickenbacker Intermodal Campus South Infrastructure, Project # 403150053

Dear Ms. Frey,

We have received your recent correspondence requesting information about the subject proposal. The proposed project involves the construction of bulk distribution warehouses and the necessary infrastructure near the Rickenbacker Airport. The project area consists of 11.6 acres of forested wetlands, row crop agriculture fields, and a fence row of mature trees along the south edge of the project area. There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. The following comments and recommendations will assist you in fulfilling the requirements for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA).

The U.S. Fish and Wildlife Service (Service) recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat (e.g., forests, streams, wetlands). Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the Corps of Engineers should be contacted to determine whether a Clean Water Act section 404 permit is required. Best management practices should be used to minimize erosion, especially on slopes. All disturbed areas should be mulched and revegetated with native plant species. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

FEDERALLY LISTED SPECIES COMMENTS: All projects in the State of Ohio lie within the range of the federally endangered **Indiana bat** (*Myotis sodalis*) and the federally threatened **northern long-eared bat** (*Myotis septentrionalis*). In Ohio, presence of the Indiana bat and northern long-eared bat is assumed wherever suitable habitat occurs unless a presence/absence survey has been performed to document absence. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts

of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat. In the winter, Indiana bats and northern long-eared bats hibernate in caves and abandoned mines.

The proposed project is in the vicinity of multiple confirmed records of northern long-eared bats. The proposed project area contains a tree line along the south edge of the project area. This tree line has many features of suitable habitat for both the Indiana bat and northern long-eared bat. Therefore, we recommend not removing any trees \geq 3 inches dbh located immediately inside or outside the fence line along the south edge of the project area. These trees should be clearly marked to indicate avoidance. Keeping these suitable habitat trees will help decrease any fragmentation of surrounding habitat caused by the impacts of the proposed project. We also recommend that trees \geq 3 inches dbh be saved wherever possible throughout the project area.

Because the project will result in a small amount of forest clearing relative to the available habitat in the immediate surrounding area, habitat removal is unlikely to result in significant impacts to Indiana bats or northern long-eared bats. Since northern long-eared bat presence in the vicinity of the project has been confirmed and presence of Indiana bats is assumed, clearing of trees during the summer roosting season may result in direct take of individuals. Therefore, The Service recommends that removal of any trees \geq 3 inches dbh only occur between October 1 and March 31. Following this seasonal tree clearing recommendation should ensure that any effects to Indiana bats and northern long-eared bats are insignificant or discountable. **Please note that, because northern long-eared bat presence has already been confirmed in the project vicinity, any additional summer surveys would not constitute presence/absence surveys for northern long-eared bats.**

In summary, because there are recent records of northern long-eared bat captures within the vicinity of the project, we recommend not clearing any trees \geq 3 inches dbh immediately inside or outside the fence line found along the south edge of the project area and ensuring that this recommendation is followed by clearly marking the trees for avoidance. In addition, we recommend any trees needing to be cleared for the project be cleared only during the bats' winter hibernation months, October 1 through March 31.

If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), no tree clearing should occur on any portion of the project area until consultation under section 7 of the ESA, between the Service and the federal action agency, is completed. We recommend that the federal action agency submit a determination of effects to this office, relative to the Indiana bat and northern long-eared bat, for our review and concurrence.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, proposed, or candidate species. Should the project design change, or during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that

were not previously considered, consultation with the Service should be initiated to assess any potential impacts.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the ESA, and are consistent with the intent of the National Environmental Policy Act of 1969 and the Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document. We recommend that the project be coordinated with the Ohio Department of Natural Resources due to the potential for the project to affect state listed species and/or state lands. Contact John Kessler, Environmental Services Administrator, at (614) 265-6621 or at john.kessler@dnr.state.oh.us.

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or ohio@fws.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Everson", followed by a horizontal line.

Dan Everson
Field Supervisor

cc: Nathan Reardon, ODNR-DOW
Jennifer Norris, ODNR-DOW

From: [Hallberg, Karen](#)
To: [CO-William R. Cody](#)
Cc: [CO-Brian Metz](#)
Subject: mitigation for Rickenbacker Norfolk-Southern Intermodal Terminal
Date: Friday, October 30, 2015 11:46:39 AM

Hi Bill,

Charlie Allen, in our office, is preparing our response letter for the subject project. When he asked me about mitigation, I realized that I should clarify that I was referring to bat mitigation during our site visit, not wetland mitigation. We will not be commenting on wetland mitigation. No bat mitigation is required.

Have a great weekend,
Karen

[Karen I. Hallberg, Ph.D.](#)

Fish and Wildlife Biologist (Transportation Liaison)
U.S. Fish & Wildlife Service
4625 Morse Road, Suite 104
Columbus, OH 43230
Phone: (614) 416-8993 ext. 23
Work Cell: (614) 813-8100
FAX: (614) 416-8994



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

MAILING ADDRESS:

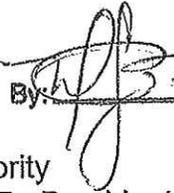
P.O. Box 1049
Columbus, OH 43216-1049

TELE: (614) 644-3020 FAX: (614) 644-3184

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

Certified Mail

June 12, 2007

By:  Date: 6-12-07

Columbus Regional Port Authority
Attn: Ms. Elaine Roberts, A.A.E., President and CEO
4600 International Gateway
Columbus, Ohio 43219

Re: Pickaway County / Madison and Harrison Townships
Grant of Isolated Wetlands Permit - Level Three Review
Project to build an Industrial Development
Ohio EPA ID No. 062618

FILED DIRECTOR'S JOURNAL

JUN 12 2007

OHIO E.P.A.

Ladies and Gentlemen:

The Director of Ohio Environmental Protection Agency hereby authorizes the above referenced project under one or both of the following authorities and is subject to the following modifications and/or conditions:

Section 401 Water Quality Certification

Pursuant to Section 401 of the Federal Water Pollution Control Act, Public Law 95-217, the Director of Ohio Environmental Protection Agency hereby certifies that the above-referenced project will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

Ohio Isolated Wetland Permit

Pursuant to Ohio Revised Code Chapter 6111 and Ohio Administrative Code Chapter 3745-1, and other applicable provisions of state law, the Director of Ohio Environmental Protection Agency hereby concludes that the above-referenced project will comply with the applicable provisions of Sections 6111.03 and 6111.04 of the Ohio Revised Code.

This authorization is specifically limited to a Section 401 Water Quality Certification and/or Ohio Isolated Wetlands permit with respect to water pollution and does not relieve the applicant of further Certifications or Permits as may be necessary under the law. I have determined that a lowering of water quality in the Scioto River watershed (HUC 05060001) as authorized by this Section 401 Water Quality Certification/Ohio Isolated Wetlands Permit is necessary. I have made this determination based upon the consideration of all public comments, and including the technical, social, and economic considerations concerning this application and its impact on waters of the state.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

I. ON-SITE WATER RESOURCES AND IMPACTS

- A. Site Setting - This site is situated within the Scioto River watershed (HUC 05060001). The site contains 5 isolated and 3 jurisdictional wetlands within the 359 acre project area.
- B. Wetlands- Implementation of the project will result in impacts to 4.68 acres of isolated wetlands on the site.

| Wetland ID | Isolated or Jurisdictional? | Forested or Non? | Category | Total Acreage on Site | Total Acreage Impacted |
|------------|-----------------------------|---------------------------|----------|-----------------------|------------------------|
| E | Jurisdictional | Forested | 2 | 3.51 | 0 |
| F | Jurisdictional | Non-Forested | 1 | 0.15 | 0 |
| G | Jurisdictional | Non-Forested | 1 | 0.59 | 0 |
| H | Isolated | Forested | 1 | 0.05 | 0.05 |
| I | Isolated | Forested | 2 | 1.55 | 1.55 |
| J | Isolated | Forested | 2 | 0.02 | 0.02 |
| K | Isolated | Forested and Non-Forested | 2 | 2.58(F) 0.43(NF) | 3.01 |
| L | Isolated | Non-Forested | 1 | 0.05 | 0.05 |
| Totals | | | | 8.93 | 4.68 |

II. GENERAL CONDITIONS

- A. Best Management Practices (BMPs) must be employed throughout the course of this project to avoid the creation of unnecessary turbidity which may degrade water quality or adversely affect aquatic life outside of the project area.
- B. All water resources and their buffers which are to be avoided shall be clearly indicated on site drawings and demarcated in the field with suitable materials, prior to site disturbance. These materials shall remain in place and be maintained throughout the construction process.

- C. All water resources and their buffers which are to be avoided shall be adequately protected with suitable materials, including silt fencing or other appropriate erosion control measures, prior to site disturbance. These materials shall remain in place and be maintained throughout the construction process.
- D. The applicant shall notify Ohio EPA in writing upon the start and completion of site development and mitigation.
- E. Work shall only take place during low water conditions in order to minimize adverse impacts to water quality away from the project site.
- F. Temporary fill shall consist of suitable non-erodible material or shall be stabilized to prevent erosion.
- G. Materials used in this project for fill or bank protection shall consist of suitable material free from toxic contaminants in other than trace quantities. Broken asphalt is specifically excluded from use as bank protection.
- H. BMPs shall be taken during construction to minimize erosion.
- I. Unpermitted impacts to surface water resources and/or their buffers occurring as a result of this project will be reported within 24 hours of occurrence to Ohio EPA for further evaluation.
- J. In temporary impact areas where trees have been removed to facilitate construction, they shall be replaced with appropriate native tree species.
- K. Stormwater basins on the site which have Extended Detention or Permanent Pool water quality features shall meet the design specifications in Ohio EPA Permit OHC000002. Stormwater basins on site which have water quality features (Forebay, Aquatic Benches and Wetlands, Optimum Flow Length, Reverse Flow Pipe, Optimum Pool Depth, Shading and Buffer Plants, and Runoff Reuse) shall meet the design specifications contained in the Ohio Department of Natural Resources Rainwater and Land Development document, second edition, 1996, or successor document.
- L. Stormwater management measures shall be inspected immediately after each rainfall and at least daily during periods of prolonged rainfall. Specifications for any necessary repairs and removal of sediment deposition shall be developed as needed in the Stormwater Pollution Prevention Plan for the site.

- M. The applicant shall provide electronic maps of the mitigation area to Ohio EPA.
- N. This proposal may require other permits from Ohio EPA. For information concerning application procedures, contact the Ohio EPA District Office at the following address:
Central District Office, 122 S. Front St, Columbus, Ohio 43215

III. MITIGATION

- A. Description of Required Mitigation - The applicant shall perform all mitigation as described in the revised application form dated May 11th, 2007, including the revised drawings dated April 25, 2007.
 - 1. Wetlands

As mitigation for impacts to 4.68 acres of wetlands, the applicant shall restore a minimum of 13.84 of wetlands at the 96.5 acre mitigation parcel known as Mackey Ford Wildlife Area. Of the 13.84 acres a minimum of 12.9 acres shall be forested wetlands. Wetlands and their buffers at the mitigation parcel shall be preserved in perpetuity by an acceptable mechanism.
 - 2. Buffers

All wetland buffers shall be seeded and planted with the appropriate seed mixes and plantings as described in the mitigation plan.
- B. Timing of Mitigation Requirements
 - 1. Within 60 days of the issuance date of the Isolated Wetland Permit, the applicant shall submit to Ohio EPA an acceptable mechanism for protection in perpetuity for the Mackey Ford mitigation site. The mechanism shall protect, in perpetuity, the 96.5 acre mitigation parcel.
 - 2. Within 60 days of the issuance date of the Section 401 Permit, the applicant shall provide a final Ohio EPA approved mitigation plan. The final mitigation plan shall include an approved delineation of waters on-site, an expected completion date for the mitigation project and a final wetland mitigation plan with updated maps showing existing and proposed wetlands as required elements.

C. Monitoring/Reporting Requirements

1. General Requirements:

Monitoring Reports: Annual reports containing the data listed in the appropriate subsections below shall be submitted to Ohio EPA for each of five consecutive years following completion of mitigation construction. The first annual report is due to Ohio EPA by December 31 of the first full year following completion of mitigation construction. All subsequent reports shall be submitted by December 1st of each of the subsequent monitoring years.

The applicant may include any additional information that it believes relevant for Ohio EPA's consideration.

As-built Drawings: At a minimum, the first, third, and fifth year annual reports shall contain current drawings no larger than 11" by 17" of the each of the mitigation wetlands.

Photographs: A representative observation point shall be selected in each plant community type in the mitigation area. This shall be a point which best represents the characteristics of the entire plant community. The observation points shall be marked on the base map.

Applicant shall take photographs from these points annually for five years. Each color photo point shall be photo documented from the same position and angle during July of each monitoring year.

Physical Measurements - At a minimum, the first, third, and fifth year annual reports shall contain a plan view and at least one cross-section through the short axis and another through the long axis is required for each mitigated wetland.

Hydrology Monitoring: Water level data shall be collected in May and late August of each monitoring year within each mitigation area. Ground water levels shall be measured in the absence of inundated conditions.

Soils Monitoring: A minimum of one soil probe or test pit per acre of mitigated wetland shall be collected. Describe the soil profile and hydric soil indicators. Indicate the soil map unit name (soil series and phase) and the taxonomic subgroup. The samples shall be analyzed in the first, third and fifth years for Percent Nitrogen, Percent Carbon, and Percent Total Organic Matter.

Vegetation Monitoring: The location and name of each plant community type within the mitigation area and buffer area shall be marked on a scaled drawing or scaled aerial photograph (base map) and named.

A representative observation point shall be selected in each plant community type in each distinct wetland mitigation area. This shall be a point which best represents the characteristics of the entire plant community. The observation points shall be marked on the base map.

The dominant plant species shall be visually determined in each vegetation layer of each community type, and the scientific names of these species shall be included in the report. Dominant species are those species which have the greatest relative basal area (woody overstory), greatest height (woody overstory), greatest percentage of aerial coverage (herbaceous understory), and/or greatest number of stems (woody vines).

Vegetation Index of Biotic Integrity (VIBI): The applicant shall assess the mitigation wetlands to obtain a VIBI score according to methods approved by Ohio EPA (<http://www.epa.state.oh.us/dsw/401/401.html>) during the growing season of the third and fifth years after completion of construction of the mitigation wetlands.

Third-Year Site Review: The applicant shall arrange an on-site mitigation meeting with Ohio EPA during the growing season after the third year report has been submitted. The purpose of this inspection is to determine if the mitigation project has been constructed in accordance with the agreement between the applicant and Ohio EPA. If necessary, Ohio EPA may make recommendations to improve the wetland. The applicant is responsible for undertaking any reasonable modifications identified by Ohio EPA.

The applicant shall conduct a delineation of the restored mitigation wetlands during the growing season of the fifth year after completion of construction of the mitigation wetlands using the United States Army Corps of Engineers 1987 Wetland Delineation Manual (or successor document).

D. Performance Criteria

1. Wetlands:

Within five (5) years after completion of construction of the restored wetlands, the applicant shall have developed a minimum of 13.84 acres of Category 2 and/or 3 wetlands, of which 12.9 acres shall be forested. The restoration site shall be characterized by hydric soils, wetland vegetation and wetland hydrology.

By the end of the five year monitoring period, the mitigation wetland shall attain a Vegetation IBI score of 51 or higher.

The mitigation wetlands shall contain no more than 5% invasive species.

The mitigation wetland shall have less than 10% of its total area as "unvegetated open water." "Unvegetated open water" is defined as inundated areas where there is no or minimal emergent, rooted aquatic bed (e.g. *Nuphar advena*, *Nymphaeae odorata*, *Potamogeton* spp.), or submersed or floating non-rooted aquatic bed (e.g. *Utricularia* spp., *Ceratophyllum* spp. excluding species in the Lemnaceae) vegetation growing in the area of inundation.

E. Contingency Plans

If the mitigation areas are not performing as proposed by the end of the fifth year of post construction monitoring, the monitoring period may be extended and or the applicant may be required to revise the existing mitigation or seek out new or additional mitigation areas.

Ohio EPA may reduce or increase the number of years for which monitoring is required to be conducted based on the effectiveness of the mitigation.

IV. NOTIFICATIONS TO OHIO EPA

All notifications, correspondence, and reports regarding this Section 401 Water Quality Certification and/or Isolated Wetlands Permit shall reference the following information:

Applicant: Columbus Regional Airport Authority
Project: Rickenbacker AGLC Intermodal Campus
Ohio EPA ID#: 062618

Columbus Regional Port Authority
June 12, 2007
Page 8

and shall be sent to:

Ohio EPA, Division of Surface Water, 401 Unit
Lazarus Government Center
50 West Town Street
P.O. Box 1049
Columbus, Ohio 43216-1049

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

Sincerely,



Chris Korleski
Director

cc: Susan Fields, U.S. Army Corps of Engineers, Huntington District
Kevin Pierard, U.S. EPA, Region 5
Mary Knapp, U.S. Fish & Wildlife Service
Mindy Bankey, ODNR, Division of Real Estate & Land Management
Marc Smith, EAS
Jeff Bohne, CDO
Tracy Engle, TranSystems Corporation, 50 Public Square, Suite 1900,
Cleveland, OH 44113
Jeff Boyles Ohio EPA, 401 Reviewer