



**US Army Corps of Engineers**  
**BUILDING STRONG®**

LRH 2013-070-MAU

## ATTACHMENTS

*Posted 12/19/2014*

▶ LRH 2013-070-MAU

**TO 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. This notice serves as the United States Army Corps of Engineers' (Corps) request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application.

**APPLICANT:** Ohio Department of Transportation (ODOT)

1980 West Broad Street, Mail Stop 4170

Columbus, Ohio 43223

**LOCATION:** The proposed project, referred to as HEN-109-18.02, PID 90991, is located at the State Route (SR) 109 bridge over the Maumee River in Liberty and Harrison Townships, Henry County, Ohio. The proposed project has a center coordinate of 41.409 north latitude, 84.008 west longitude. Waters of the United States (U.S.) within the project area include the Maumee River and one wetland, Wetland B.

**DESCRIPTION OF PROPOSED WORK:** The applicant proposes to discharge fill material into waters of the U.S. to replace the existing 6-span SR 109 bridge over the Maumee River with a wider 12-span pre-stressed concrete I-beam bridge. The applicant has indicated temporary and permanent discharges of fill would be necessary in the Maumee River and Wetland B to construct piers, roadway embankment, and temporary work pads; and install rock channel protection. The applicant seeks authorization for their Preferred Alternative (PA). Under the PA, the applicant proposes to discharge fill material into 592 linear feet of the Maumee River and 0.58 acre of one wetland. Please refer to Tables 1 and 2 below for a summary of discharges. Plans of the proposal are attached to this notice.

**Table 1. Proposed Stream Fill**

Waters ID	Plan Sheet Page	Flow Regime	Length/Acreage	Volume of Fill (cubic yards)	Description of Regulated Discharge
Maumee River	2 - 6	Perennial	592 lf	77,568 c.y.	Concrete, Rock Channel Protection,

			(6.16 acre)		Earthen Fill, and Temporary Construction Access
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**Table 2. Proposed Wetland Fill**

Waters ID	Plan Sheet Page	Cowardin Classification	Length/Acreage	Volume of Fill (cubic yards)	Description of Regulated Discharge
Wetland B	2 - 4	PEM/PFO	0.58 acre	928 c.y.	Rock Channel Protection, Earthen Fill, and Temporary Construction Access

**ALTERNATIVES ANALYSIS:** The applicant has submitted an alternatives analysis for review. The alternatives include a PA, Minimal Degradation Alternative (MDA), and a Non-Degradation Alternative. The PA is described above. The MDA would involve reconstruction of the existing bridge on its current alignment. The discharge of fill material into waters of the U.S. under the MDA would be decreased from the PA. Under the MDA, fill would be discharged into 150 linear feet (442 linear feet less than the PA) of the Maumee River and 0.30 acre (0.28 acre less than the PA) of Wetland B. The Non-Degradation Alternative is a “no build” alternative. Under the Non-Degradation Alternative, no discharge of fill material into waters of the U.S. would occur. The applicant has indicated the Non-Degradation Alternative would not meet the project purpose. By appointment, a complete copy of the alternatives analysis can be reviewed at the address indicated above.

**AVOIDANCE AND MINIMIZATION:** In evaluating a project area containing waters of the U.S., consideration must be given to avoiding waters of the U.S. If waters of the U.S. cannot be avoided, the discharge of fill material into waters of the U.S. must be minimized. A total of approximately 869 linear feet of the Maumee River and 1.79 acres of five wetlands subject to Section 404 Clean Water Act regulation are present within the proposed project area. Avoidance and minimization efforts were incorporated into the proposal. According to the applicant and as described above, alternative plans were considered.

The applicant indicated discharges into Wetland B under PA were minimized to the maximum extent practicable by utilizing as much of the existing southern bridge approach as possible. Initial designs included relocation of a drainage pipe on the northwest side of the proposed bridge that would have included the discharge of fill material into Wetland F. The pipe was redesigned to outlet north of the initial design

allowing for complete avoidance of Wetland F. The applicant has indicated further avoidance of waters of the U.S. is not practicable due to the nature of the project being a bridge replacement over a large river, current safety standards, and maintenance of traffic during construction.

**COMPENSATORY MITIGATION PLAN:** To compensate for the permanent discharge of fill material into 0.58 acre of wetland, the applicant proposes to purchase 1.5 acres of forested wetland mitigation credit from the Pearson Wetland Mitigation Bank in Lucas County, Ohio.

To compensate for the discharge of fill material into 592 linear feet of the Maumee River, the applicant proposes to preserve 888 linear feet of stream at the HEN-24 rest area in Henry County, Ohio. The applicant's proposed compensatory mitigation plan is open to comment and is subject to change based on comments received. After review of all submitted information, the Corps will make a determination of appropriate mitigation, in the event a decision is made to issue a permit.

**WATER QUALITY CERTIFICATION:** A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the Ohio Environmental Protection Agency.

**HISTORIC AND CULTURAL RESOURCES:** The Federal Highway Administration (FHWA) is the lead Federal agency for this project and is responsible for compliance with the Section 106 of the National Historic Preservation Act. Based on previous survey work and consultation, on behalf of FHWA, the applicant determined "no historic properties affected" is the appropriate finding for the proposed project. In support of our independent permit decision, the Corps intends to rely upon the information collected and the consultation performed on behalf of FHWA regarding the effects to historic properties. A copy of this Public Notice will be sent to the Ohio History Connection (SHPO) for review. Comments concerning archaeological sensitivity of a project area should be based upon collected data.

**THREATENED AND ENDANGERED SPECIES:** The proposed project is located within the known or historic range of the following endangered (E) or proposed endangered (PE) species: Indiana bat (*Myotis sodalis*) (E) and Northern long-eared bat (*Myotis septentrionalis*) (PE).

The FHWA is responsible for compliance with Section 7 of the Endangered Species Act. On behalf of FHWA, the applicant determined the project is likely to adversely affect the Indiana bat. In a biological opinion dated May 15, 2013, the United States Fish and Wildlife Service stated the project is not likely to jeopardize the continued existence of the Indiana bat. No information was provided for the northern long-eared bat. Additional information is required before the Corps can determine effects to this species. In support of our independent permit decision, the Corps intends to rely upon the information collected by or on behalf of the FHWA, and consultation performed by or on behalf of FHWA, regarding the effects to threatened or endangered species.

**PUBLIC INTEREST REVIEW AND CUMULATIVE EFFECTS:** This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the Corps, and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the United States Environmental Protection Agency pursuant to Section 404(b)(1) of the Clean Water Act (40 CFR part 230). The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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 proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; among those factors are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain 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. A permit will be granted unless its issuance is found to be contrary to the public interest.

**SOLICITATION OF COMMENTS:** 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 activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any person may request, in writing, within the comment period specified in the notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Any comments received will be considered by the Corps 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 need for a public hearing and to determine the overall public interest of the proposed activity. Written statements received in this office on or before the expiration date of this Public Notice will become a part of the record and will be considered in the final determination.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice.

If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

U.S. Army Corps of Engineers, Huntington District

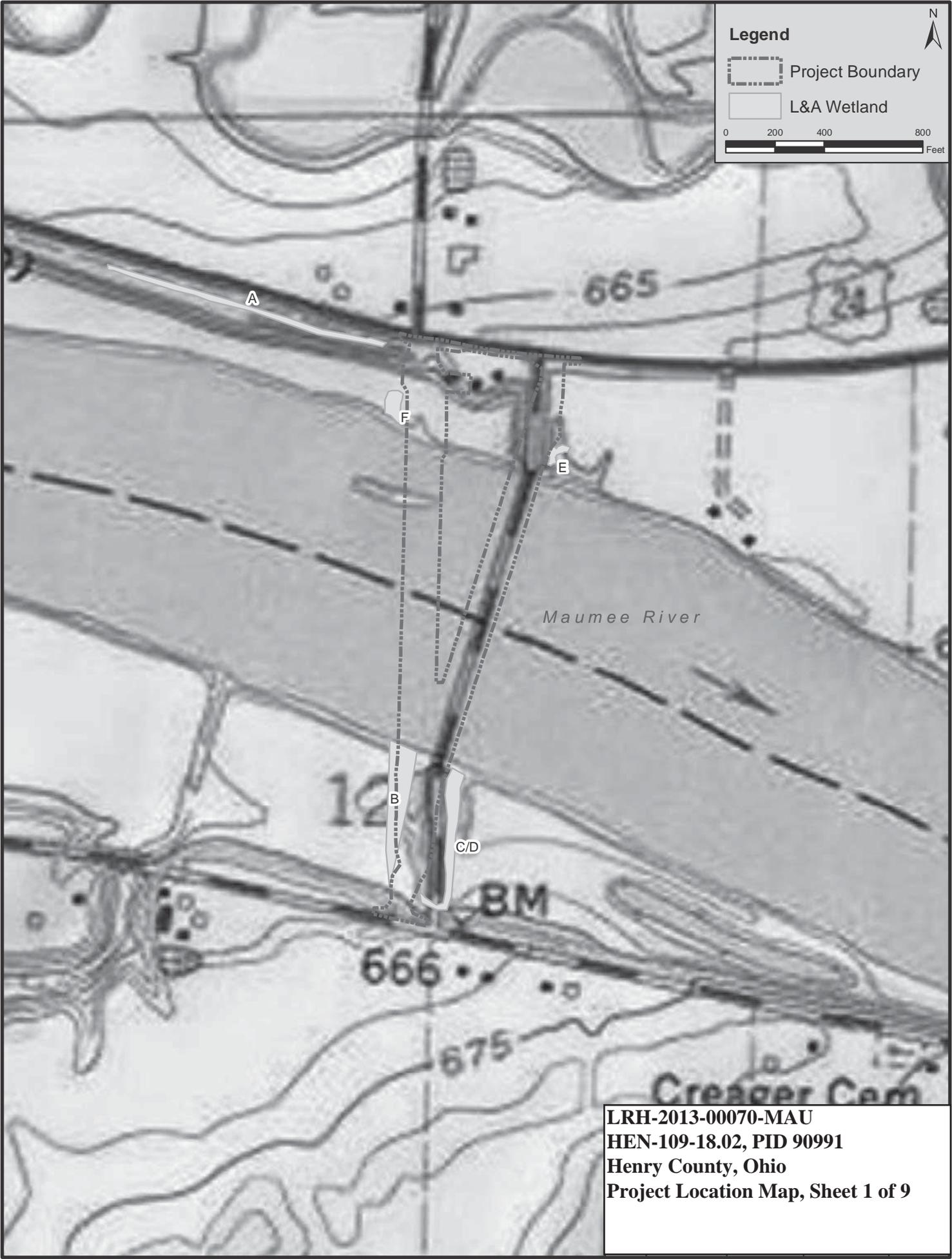
ATTN: CELRH-RD-S-OT Public Notice No. LRH-2013-00070-MAU

Building 10 / Section 10

PO Box 3990

Columbus, OH 43218-3990

Please note names and addresses of those who submit comments in response to this Public Notice become part of our administrative record and, as such, may be available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning this Public Notice, please contact Tim Long of the South/Transportation Branch, at (614) 692-4654, by mail at the above address, or by email at [Timothy.M.Long@usace.army.mil](mailto:Timothy.M.Long@usace.army.mil).

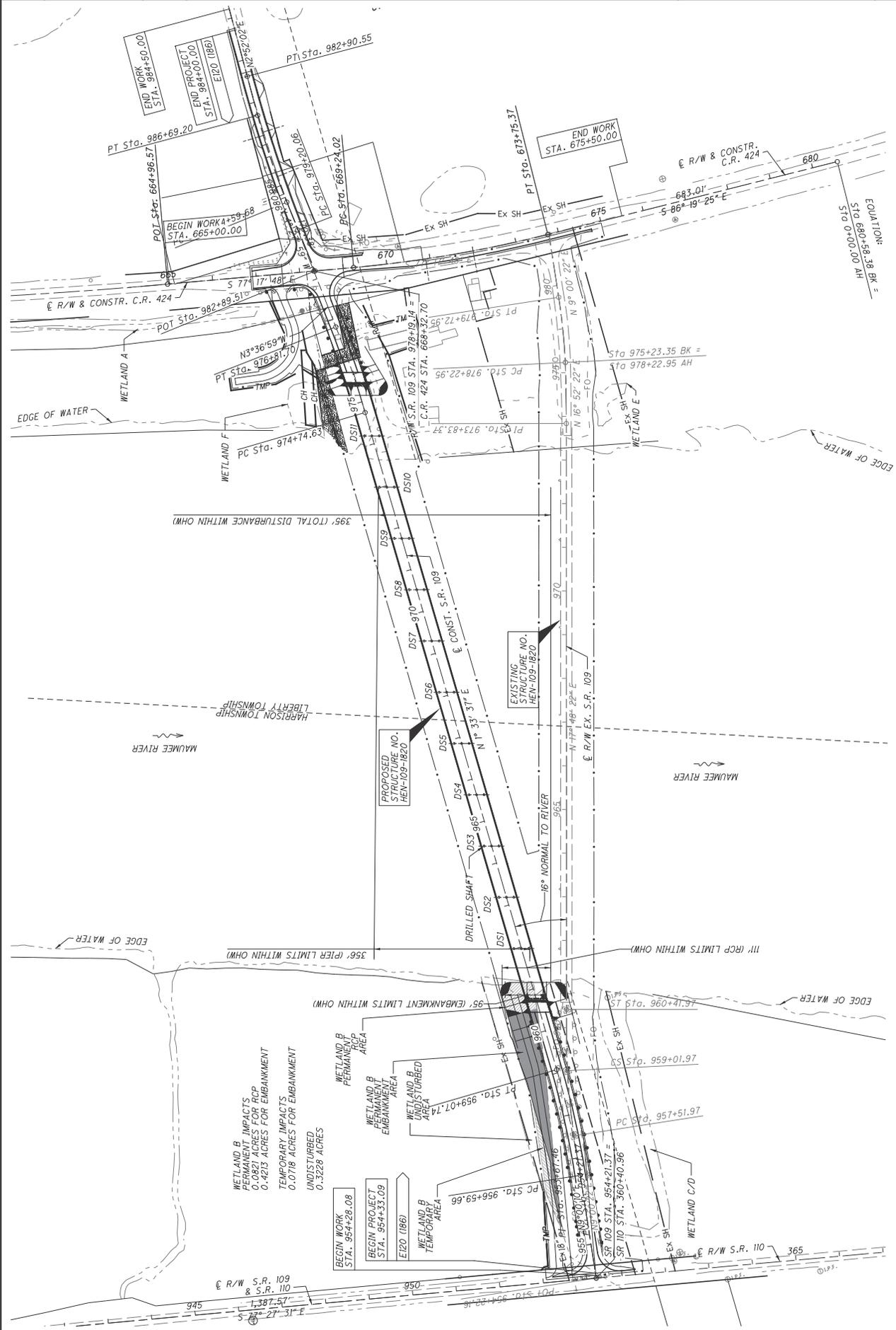


**Legend**

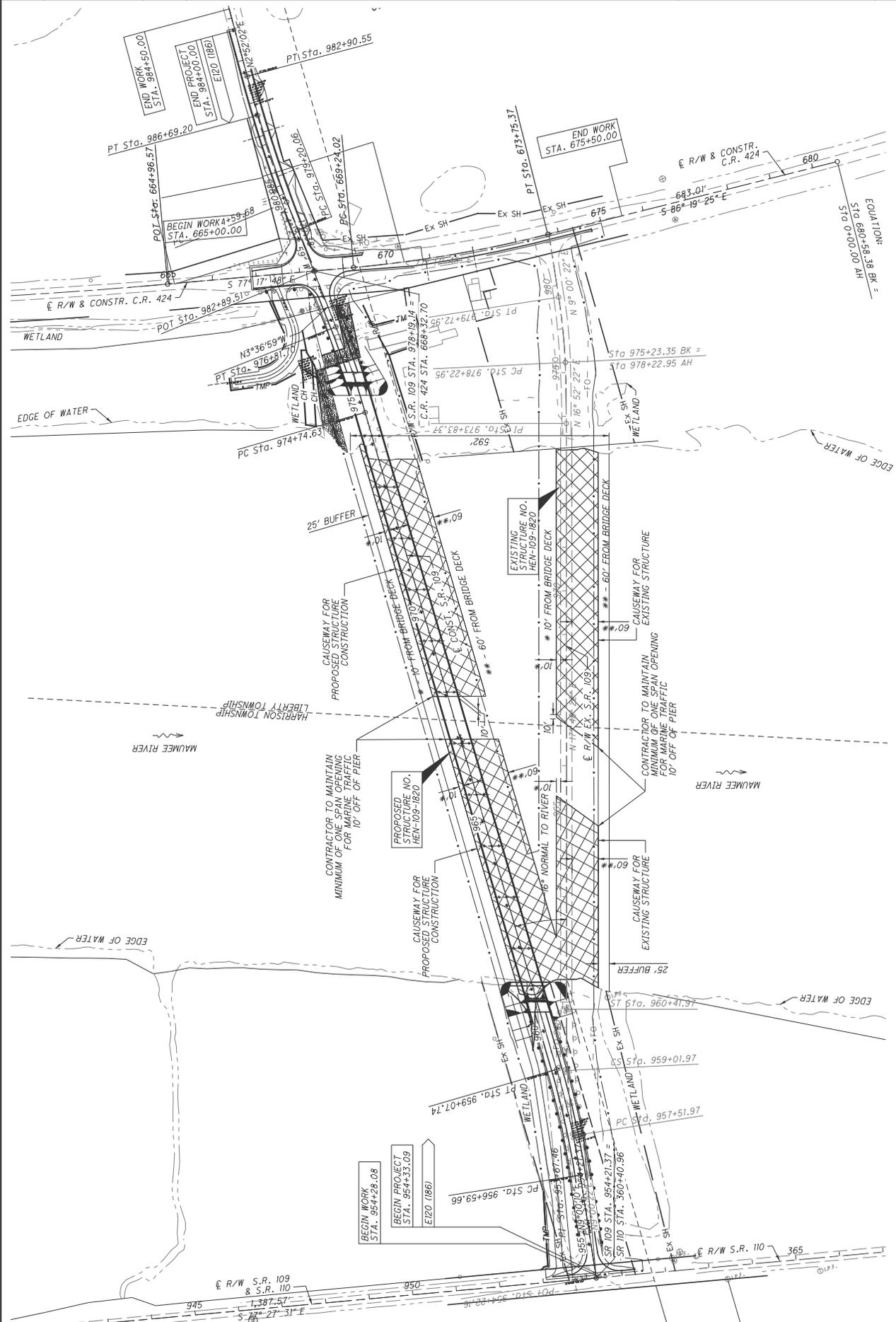
-  Project Boundary
-  L&A Wetland



**LRH-2013-00070-MAU**  
**HEN-109-18.02, PID 90991**  
**Henry County, Ohio**  
**Project Location Map, Sheet 1 of 9**



THERE ARE NO EXISTING LANDSCAPED AREAS WITHIN THE WORK LIMITS.

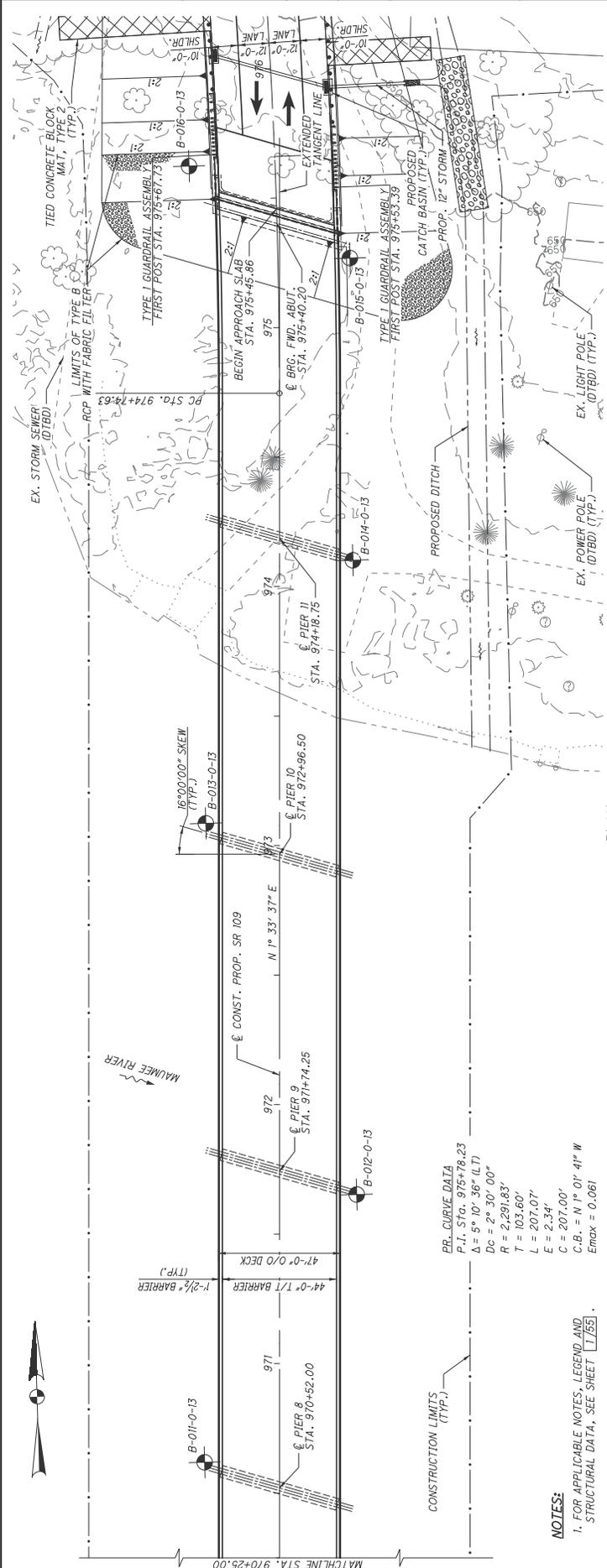


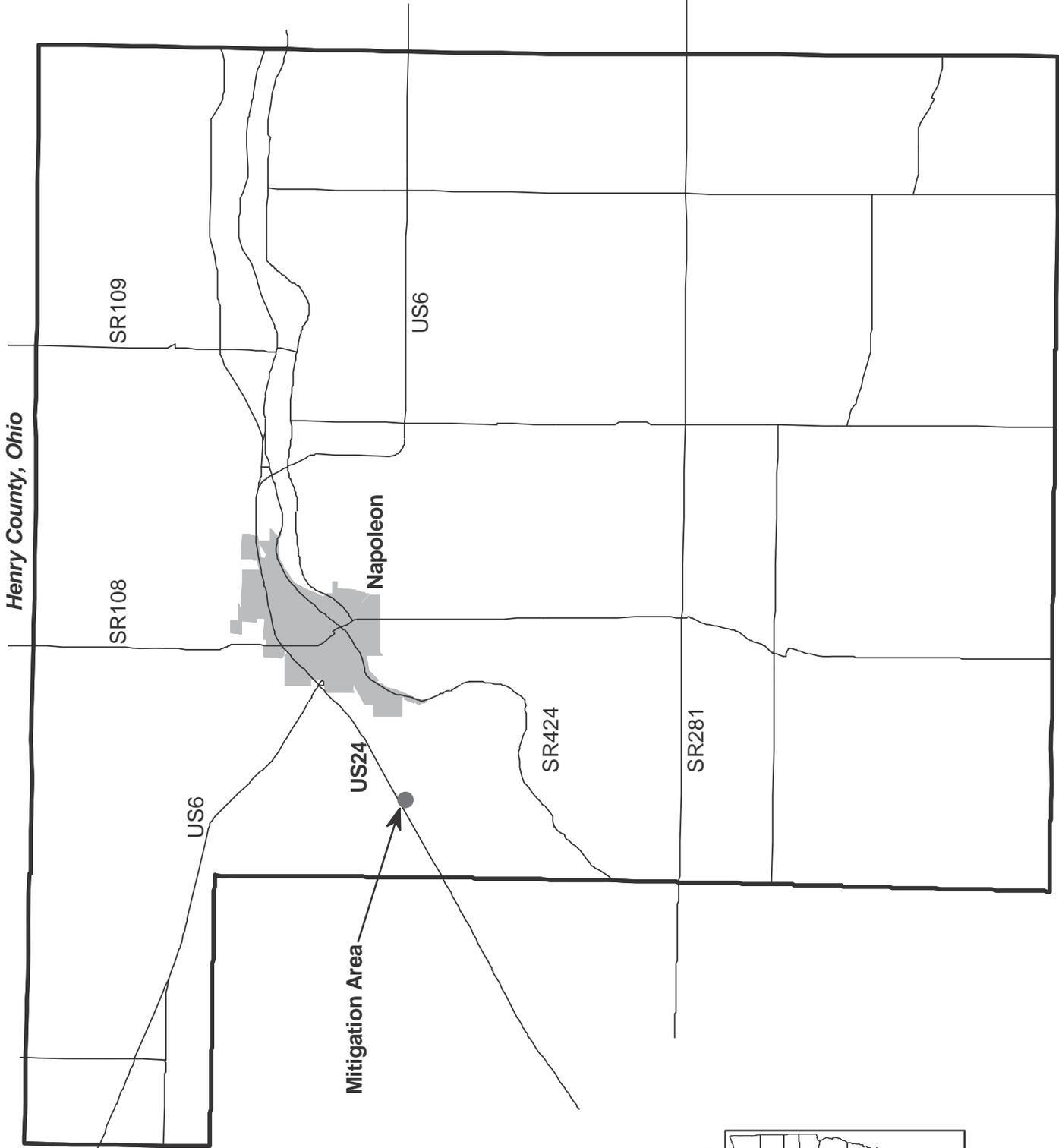
THERE ARE NO EXISTING LANDSCAPED AREAS WITHIN THE WORK LIMITS.

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 Plan for Temporary Construction Access, Sheet 3 of 9









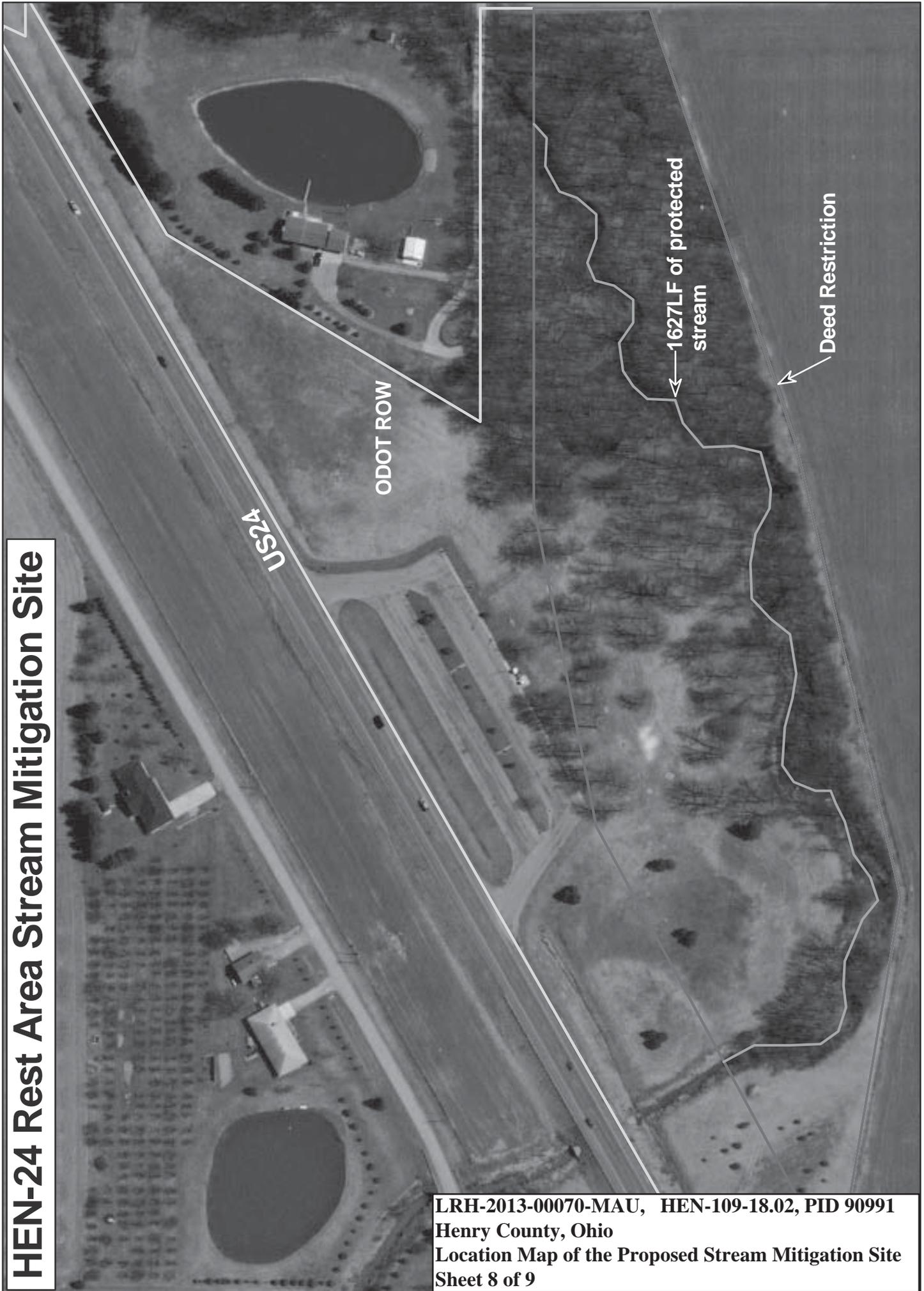
**LRH-2013-00070-MAU, HEN-109-18.02, PID 90991**  
**Henry County, Ohio**  
**Location Map of the Proposed Stream Mitigation Site**  
**Sheet 7 of 9**

Henry County, Ohio



# Location of the HEN-24 Rest Area Stream Mitigation Site

# HEN-24 Rest Area Stream Mitigation Site



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Henry County, Ohio  
Location Map of the Proposed Stream Mitigation Site  
Sheet 8 of 9



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[Trumbull Creek](#)   [Pearson](#)   [Pine Brook](#)   [Big Darby-Hellbranch](#)   [Fish Creek](#)   [Granger](#)   [Little Stillwater](#)

#### SITE DATA

306 acres • Established  
2008 • 35.2 credits available at  
\$25,000 per credit as of August 8,  
2014

#### HABITAT

##### Wetlands Restoration:

- Forested Wetlands
- Scrub/Shrub Wetlands
- Shallow Emergent Wetlands

#### SERVICE AREA

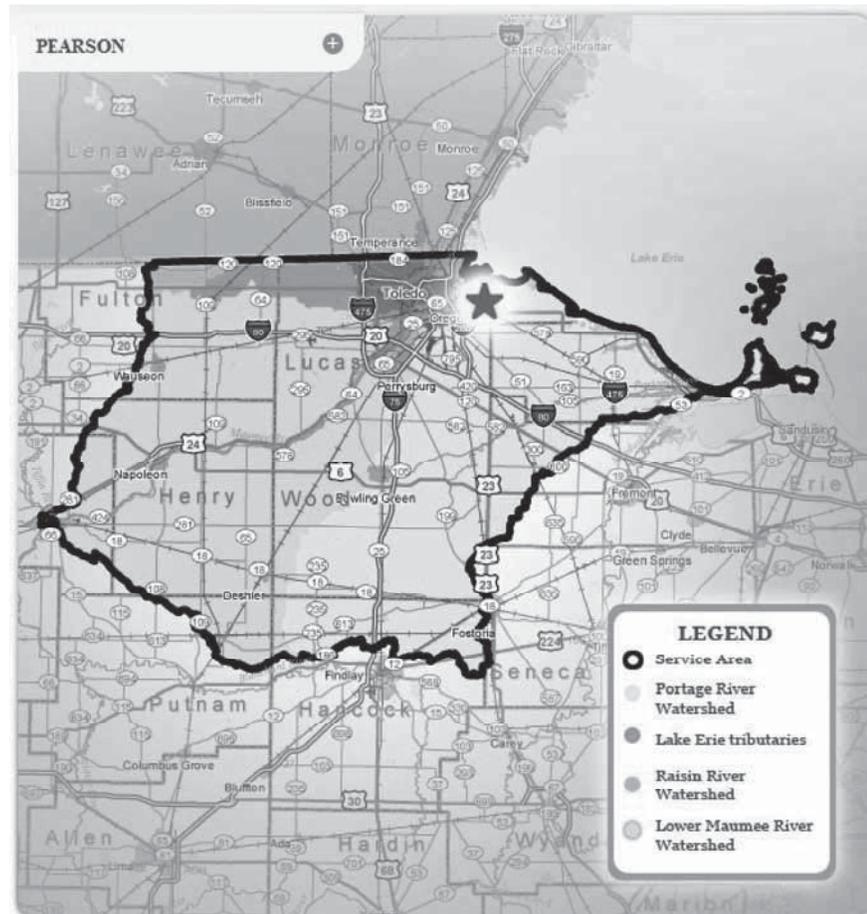
- Lake Erie tributaries (8-digit HUC 04100001)
- Raisin River (8-digit HUC 04100002)
- Lower Maumee River (8-digit HUC 04100009)
- Portage River (8-digit HUC 04100010)
- USACE District: Buffalo

#### STEWARDSHIP

Long-term owner and managing partner: **Metroparks of the Toledo Area**



Permanent Conservation Easement held by: **The Black Swamp Conservancy**



The Pearson Wetlands Mitigation Bank is located in eastern Lucas County, in the city of Oregon. The project includes: 150 acres of restored forested wetlands; 3,100 feet of restored stream; 15 acres of restored scrub/shrub and marsh habitats; over 18 acres of restored wet meadow and native prairie; 20 acres of existing swamp forest; and 6.5 acres of existing wet meadow and shallow emergent wetlands.

The site, owned by the Metroparks of the Toledo Area, will include the addition of hiking/biking trails, public parking, picnic areas, and an interpretative area. The Black Swamp Interpretive Area will help to establish a sense of place for visitors and explain why pioneers chose northwest Ohio as their place to settle.

The project provides for some diverse habitat in wet meadows and shallow marsh, but it also restores some of the forested wetlands of the region. The site promises opportunities for nature watching, including the appearance of a wide variety of birds more typical of Lake Erie marshes. The springtime woodland will offer important foraging areas for neo-tropical migrating birds such as warblers and thrushes. The oasis of trees, water and meadow provided by the area will be a natural stopover for birds, and meadows with wildflowers will provide important nectaring sources for butterflies and insects.

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**LRH-2013-00070-MAU, HEN-109-18.02, PID 90991**

**Details of Proposed Wetland Mitigation Site (<http://ohiowetlands.org/mitigation-bank/pearson/>)**

**Sheet 9 of 9**