



7.0 PROPOSED MITIGATION AND MONITORING PLAN

A mitigation and monitoring plan is required for this project as part of the Individual 404 permit review and pursuant to Ohio Administrative Code 3745-1-05. The mitigation discussion that follows describes the mitigation proposal for Alternative #1 (Preferred Design) and Alternative #2 (Minimal Degradation Alternative). A discussion of how the amount of required mitigation was determined is provided for each alternative, along with the overall objectives of the mitigation plan. No mitigation is proposed under Alternative #3, the Non-Degradation Alternative, as direct impacts to jurisdictional waters would not occur.

The sequence of the mitigation discussion below follows the format of the Ohio EPA Section 401 Water Quality Certification Application Completion and Submittal Instructions (rev. 7/2014), as described under Item 7 thereof.

7.1 Overview of Proposed Mitigation

7.1.1 Alternative #1

Under Alternative #1, the proposed jurisdictional impacts include 2.66 acres of wetlands and 2,812 linear feet of ephemeral and intermittent stream. MBJ Holdings proposes to mitigate for the wetland impacts by purchasing 6.7 acres of wetland credits from the Stream + Wetlands Foundation Huntington District In-Lieu Fee Program. Stream impacts will be mitigated by preserving 5,194 linear feet of stream both onsite and offsite, along with associated riparian buffers. The components of the proposed mitigation are discussed below.

Wetland Mitigation

Compensatory mitigation for jurisdictional wetland impacts, including 2.62 acres of forested, Category 2 wetlands and 0.04 acre of emergent, Category 1 wetland, will be accomplished by purchasing 6.7 acres of wetland mitigation credit (6.6 acres forested and 0.1 acre non-forested) from the Stream + Wetland Foundation Huntington District In-Lieu Fee Program (ILFP). Based on the required offsite mitigation ratios, per Ohio Administrative Code (OAC) 3745-1-54 and as shown in Table 7, Ohio EPA requires at least 6.62 acres of mitigation, in the form of wetland restoration or creation, for the project impacts. Accordingly, the proposed credits to be purchased from the ILFP exceed the required mitigation. The agreement between Stream + Wetlands Foundation and MBJ is in process and will be provided under separate cover.

TABLE 7
Alternative #1 Wetland Impacts and Required Off-Site Mitigation

| Wetland | Classification | ORAM Category | Impact (ac) | Mitigation Ratio | Mitigation Acreage |
|--------------|----------------|---------------|-------------|------------------|--------------------|
| Wetland B | Forested | 2 | 0.54 | 2.5:1 | 1.35 |
| Wetland C | Forested | 2 | 2.05 | 2.5:1 | 5.13 |
| Wetland G | Forested | 2 | 0.03 | 2.5:1 | 0.08 |
| Wetland M | Emergent | 1 | 0.04 | 1.5:1 | 0.06 |
| Total | | | 2.66 | | 6.62 |



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In addition, a total of 9.5 acres of Category 3 wetlands, and approximately 9.3 acres of associated buffers will be preserved on site as shown on Exhibit 8. This wetland preservation is proposed to be utilized as a component of the compensatory mitigation under the Nationwide Permit and Isolated Wetland Permit previously submitted for this project. Accordingly, the wetland preservation is not discussed as a component of the wetland mitigation herein.

Stream Mitigation

Stream preservation is proposed for compensatory mitigation for the 2,812 linear feet of stream impacts. The proposed stream preservation will occur both on the project site and on a nearby parcel owned by MBJ Holdings, which is located approximately 0.5 mile southwest of the project.

On the project site, approximately 3,207 linear feet of the South Fork Licking River, an intermittent WWH stream, will be preserved within a 100-foot riparian buffer, as shown on Exhibit 8. The stream and associated ± 7 -acre buffer will be protected in perpetuity via a conservation easement to likely be held by the City of New Albany. In addition, as shown on Exhibit 8, portions of Stream 1 (920 lf) and Stream 2 (665 lf) will also be preserved on the site. Although these streams were assigned a provisional use designation of LRW, they serve important functions in preserving the hydrology from the Category 3 wetlands that will also be preserved on the site. These streams, along with approximately 3.5 acres of associated riparian buffer, will be protected via a conservation easement to likely be held by the City of New Albany.

Offsite, an additional 1,987 linear feet of stream will be preserved on property owned by MBJ Holdings south of State Route 161. This proposed stream preservation is shown on Exhibit 11. The streams to be preserved on this property include approximately 1,398 linear feet of the South Fork Licking River, which is a perennial WWH stream, and 589 linear feet of two tributaries. These streams and an associated 50-foot buffer on each stream bank, totaling 4.19 acres, would be placed in a conservation easement to likely be held by the City of New Albany.

It should be noted that up to 100 linear feet of stream within the proposed offsite conservation easement area may need to be crossed in the future to allow for the future installation of up to two (2) crossings on the site. The locations of these potential crossings are not yet known. This length has been deducted from the totals presented in Table 8. If it is determined that fewer crossings are necessary, the corresponding unimpacted portion of the preserved streams would remain intact and be preserved in perpetuity.

As summarized in Table 8, the proposed stream preservation represents a 2.4:1 ratio as compared to the overall stream impacts. Moreover, the streams to be preserved are higher quality resources as compared to the streams to be impacted, which are primarily small, ephemeral, LRW streams.



TABLE 8
Alternative #1 Stream Impacts and Proposed Mitigation

| Stream | Classification | ALU | Length (lf) |
|-----------------------------------|----------------|-----|--------------|
| Stream Impacts | | | |
| Stream 1 | Intermittent | LRW | 631 |
| Stream 3 | Ephemeral | LRW | 635 |
| Stream 4 | Ephemeral | LRW | 385 |
| Stream 5 | Intermittent | WWH | 222 |
| Stream 6 | Ephemeral | LRW | 556 |
| Stream 7 | Ephemeral | LRW | 383 |
| Total | | | 2,812 |
| Stream Mitigation | | | |
| Onsite Stream Preservation (WWH) | | | 3,207 |
| Onsite Stream Preservation (LRW) | | | 1,730 |
| Offsite Stream Preservation (WWH) | | | 1,887 |
| Total | | | 6,824 |
| Ratio (2,812 lf impact) | | | 2.4:1 |

7.1.2 Alternative #2

MBJ Holdings proposes to utilize the same general mitigation components for Alternative #2 as is proposed for Alternative #1. Under Alternative #2, impacts would be incurred to 1.5 acres of wetlands and 1,966 linear feet of stream. As the wetland impacts are less, fewer credits (3.7 acres forested and 0.1 acre non-forested) would be purchased from the ILFP program. This exceeds the required mitigation based on the offsite mitigation ratios specified in Ohio Administrative Code (OAC) 3745-1-54, as shown in Table 9.

TABLE 9
Alternative #2 Wetland Impacts and Required Off-Site Mitigation

| Wetland | Classification | ORAM Category | Impact (ac) | Mitigation Ratio | Mitigation Acreage |
|--------------|----------------|---------------|-------------|------------------|--------------------|
| Wetland B | Forested | 2 | 0.33 | 2.5:1 | 0.83 |
| Wetland C | Forested | 2 | 1.10 | 2.5:1 | 2.75 |
| Wetland G | Forested | 2 | 0.03 | 2.5:1 | 0.08 |
| Wetland M | Emergent | 1 | 0.04 | 1.5:1 | 0.06 |
| Total | | | 1.50 | | 3.72 |

For the streams, a total of 7,901 linear feet would be preserved to offset the impacts to 1,966 linear feet of stream under Alternative #2. This would include: (1) approximately 3,207 linear feet of the South Fork Licking River located onsite; (2) approximately 2,707 linear feet of Stream 1 (1,304 lf), Stream 2 (665 lf), Stream 3 (593 lf) and Stream 5 (145 lf) onsite; and (3) approximately 1,987 linear feet of the South Fork Licking River and associated tributaries located offsite. As summarized in Table 10, this proposed stream preservation represents a 4.0:1 ratio as compared to the overall stream impacts under Alternative #2.



**TABLE 10
Alternative #2 Stream Impacts and Proposed Mitigation**

| Stream | Classification | ALU | Length (lf) |
|-----------------------------------|----------------|-----|--------------|
| Stream Impacts | | | |
| Stream 1 | Intermittent | LRW | 247 |
| Stream 3 | Ephemeral | LRW | 173 |
| Stream 4 | Ephemeral | LRW | 385 |
| Stream 5 | Intermittent | WWH | 222 |
| Stream 6 | Ephemeral | LRW | 556 |
| Stream 7 | Ephemeral | LRW | 383 |
| Total | | | 1,966 |
| Stream Mitigation | | | |
| Onsite Stream Preservation (WWH) | | | 3,207 |
| Onsite Stream Preservation (LRW) | | | 2,707 |
| Offsite Stream Preservation (WWH) | | | 1,887 |
| Total | | | 7,801 |
| Ratio (1,966 lf impact) | | | 4.0:1 |

7.2 Wetland Mitigation Bank

The proposed mitigation does not include payment to a wetland mitigation bank. Therefore, this section is not applicable.

7.3 In-Lieu Fee Mitigation

The proposed mitigation includes payment to the Stream + Wetland Foundation In-Lieu Fee Program, as described herein. Per Item 7, Section 3 of the 401 WQC Application Submittal Instructions, the following information is provided:

- Mitigation for the entirety of the wetland impacts (2.66 acres) will be achieved through in-lieu fee under Alternative #1, the Preferred Design. The required stream mitigation will be satisfied through the onsite preservation, as described above.
- A total of 6.7 credits will be purchased from Stream + Wetland Foundation Huntington District ILFP.
- The Stream & Wetlands Foundation ILFP currently operates in two geographically distinct service areas in the Huntington District. The ILFP designates one service area that consists of the Tuscarawas River (05040001) 8-digit HUC watershed and one that consists of the Upper Scioto River (05060001) 8-digit HUC watershed. Each of the 8-digit HUC watersheds also has a secondary service area that includes the remainder of the 6-digit HUC watershed in which each respective 8-digit HUC primary service area occurs (050400 Muskingum for the Tuscarawas service area and 050600 Scioto for the Upper Scioto service area).
- The Harrison Road East project is located in the Tuscarawas River Secondary Service Area.



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7.4 Permittee-Responsible Mitigation

MBJ Holdings proposes to complete permittee responsible mitigation for both the Preferred and Minimal Degradation Alternatives. The proposed mitigation, as described in Section 7.1, will include stream preservation to be achieved on the project property and at nearby property owned by MBJ Holdings. Additional details regarding the proposed offsite stream preservation, including the existing stream conditions, photographs, and mapping, will be provided under separate cover.

7.5 Protection in Perpetuity

Per the requirements of the Ohio Administrative Code and Ohio Revised Code, the stream preservation areas proposed as part of the mitigation will be protected in perpetuity via conservation easements. The conservation easements will be filed by MBJ Holdings and will likely be held by the City of New Albany.

A draft copy of the proposed conservation easements and an aerial photograph showing the boundaries of the proposed conservation easement areas will be provided under separate cover.