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4.0 AGENCY CORRESPONDENCE

Prior to any activity authorized under Section 401/404 of the Clean Water Act, coordination is required with the USACE, United States Fish and Wildlife Service (USFWS), Ohio Department of Natural Resources (ODNR), and the Ohio Historic Preservation Office (OHPO). To fulfill these requirements, these agencies were contacted about information pertaining to the site. The information obtained from these agencies is summarized below.

4.1 USACE Jurisdictional Determination

Ohio Revised Code (ORC) 6111.30(A)(1) requires that a 401 WQC application include a copy of the Jurisdictional Determination (JD) letter from the USACE documenting its jurisdiction over the wetlands, streams or other waters of the state that are the subject of the 401 WQC application. Attachment 4A includes the preliminary jurisdictional determination for the 40-acre site from the USACE.

4.2 USACE Public Notice

Ohio Revised Code (ORC) 6111.30(A)(1) requires that a 401 WQC application include a copy of the USACE Public Notice regarding the Section 404 permit application concerning the proposed project. The public notice will be provided as Attachment 4B.

4.3 Federally Listed Threatened or Endangered Species

The USFWS-published list of endangered and threatened species in Ohio (April 2014) was reviewed. According to the list, six (6) federally-listed endangered species are found distributed within Union County, including the Indiana bat (*Myotis sodalis*), Scioto madtom (*Noturus trautmani*), clubshell (*Pleurobema clava*), northern riffleshell (*Epioblasma torulosa rangiana*), rayed bean (*Villosa fabalis*) and snuffbox (*Epioblasma triquetra*). The Northern long-eared bat (*Myotis septentrionalis*) is a proposed endangered species and the rabbitsfoot (*Quadrula cylindrical cylindrical*) is a candidate species in Union County, Ohio.

Upfront coordination with USFWS was initiated by EMH&T concerning possible impacts to threatened and endangered species by a coordination letter submitted on August 29, 2014 (Attachment 4C). The USFWS response, received September 29, 2014, stated that “Due to the project type, size, location, and the proposed implementation of seasonal tree cutting (only clearing between October 1 and March 31) to avoid impacts to Indiana bats, we do not anticipate adverse effects to any other federally endangered, threatened, proposed or candidate species.” Additionally, USFWS stated that tree clearing should not occur until consultation under Section 7 of the ESA, between USFWS and USACE, is completed. The USFWS response is provided in Attachment 4C.

4.4 State Listed Rare or Endangered Species

ODNR was contacted for any information available concerning the presence of state-listed endangered, threatened and proposed species or their habitat for the project site. ODNR was requested to provide information through a formal search of the ODNR Natural Heritage Database.



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The database search revealed that no records of rare or endangered species or their habitat are present on the project site. In addition, there are no records of existing or proposed state nature preserves, unique ecological sites, geologic features, breeding or non-breeding animal concentrations, state parks, state forests, scenic rivers, or wildlife areas in the project area. No records of Indiana bat (*Myotis sodalis*) capture locations or hibernacula are documented within a five-mile radius and ten-mile radius of the project site, respectively.

However, ODNR does have records for three rare mussel species within one mile of the project area, including:

- Creek heelsplitter (*Lasmigona compressa*) – Species of Concern
- Kidneyshell (*Ptychobranhus fasciolaris*) – Species of Concern
- Rayed bean (*Villosa fabalis*) – Endangered

These three species were found to be located in Mill Creek, upstream of the project area. A copy of the ODNR letter (dated July 25, 2014), which includes a map of the database findings, is included in Attachment 4D.

4.5 Archaeological and Historical Information

AMEC archaeologists conducted a cultural resources literature review of the project area and a surrounding one-mile search radius. The information gathered from the literature review indicated that the project area has never been surveyed and contains no known archaeological sites. A total of seven previously recorded prehistoric archaeological sites, four cemeteries and three historic structures were identified within the one-mile study radius. None of these archaeological sites were identified within or adjacent to the project site.

The field visit to the site showed that a barn labeled “Oakland 1863” is located in the north-central portion of the site, along with a small unknown structure, two stone gate fence posts, a stone wall and a bridge, which are likely related to historic activities or occupation of the site. Based on the historic maps and aerial photographs, the project area has previously undergone several alterations, stemming from the construction of U.S. Route 33 prior to 1916, construction of the pond and the U.S. Route 33/36 cloverleaf interchange sometime between 1961 and 1973 and the construction of a gas pipeline within the southern portion of the project area.

The cultural resources literature review was submitted to the Ohio Historic Preservation Office (OHPO) on June 3, 2014. OHPO provided initial comments in a letter dated August 1, 2014. OHPO stated that their records indicate there are at least seven archaeological sites, twenty historic properties on the Ohio Historic Inventory and four recorded historic cemeteries located within one mile of the project area. OHPO stated that due to these surrounding sites, extant structures on the site and the likely presence of archeological remains of the residence formerly located on the property, the project may likely result in adverse indirect and direct effects to historic properties. Accordingly, OHPO requested that a Phase I Cultural Resources Management (CRM) Survey be conducted.

A copy of the cultural resources literature review and OHPO response letter are included in Attachment 4E. The Phase I CRM Survey has been initiated and will be provided to the USACE when complete.



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ATTACHMENT 4A

USACE JURISDICTIONAL DETERMINATION



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ATTACHMENT 4B

USACE PUBLIC NOTICE



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ATTACHMENT 4C
USFWS CORRESPONDENCE



August 29, 2014

Ms. Mary Knapp
U.S. Fish and Wildlife Service
6950 Americana Pkwy, Suite H
Reynoldsburg, OH 43068-4127

Subject: Request for Threatened & Endangered Species Information
Kroger N549 Bethel Woods Development – City of Marysville, Union County, Ohio

Dear Mary,

EMH&T is requesting threatened and endangered species coordination for a development project on a site in the City of Marysville, Union County, Ohio (Exhibits 1 and 2). The Kroger Company (Kroger) is proposing to construct a new supermarket and fuel center on an approximately 40-acre site near West Fifth Street and U.S. Route 33, as shown on the attached proposed development plan. The purpose of this request is twofold:

- (1) Obtain information regarding federally-listed threatened or endangered species for the site, for use in an application for a 404/401 individual permit from the U.S. Army Corps of Engineers (USACE) and the Ohio Environmental Protection Agency (EPA).
- (2) Request U.S. Fish and Wildlife Service (USFWS) approval for winter clearing on the site.

Project Description

Kroger is proposing to construct the Kroger N549 Bethel Woods Marketplace on a 40-acre site in Marysville, Ohio. The proposed development will include a supermarket, fuel center and associated parking and outparcels. The site includes 960 linear feet of intermittent stream, 568 linear feet of ephemeral stream and a 4.1-acre pond. Due to proposed impacts to these water resources, Kroger is seeking Section 404 individual permit authorization from the USACE and Section 401 Water Quality Certification from the Ohio EPA. Following permit approval, Kroger anticipates beginning construction on the site in Summer 2015.

To begin construction of the proposed development in Summer 2015, two areas must be cleared in the northern portion of the site. Kroger is requesting winter clearing clearance for these areas in order to be able to complete the clearing after September 30, 2014 and before April 1, 2015. It is our opinion, as discussed further below, that winter clearing of these areas will not adversely affect bat species since they represent a minor portion of the larger surrounding woodlot.

Attached to this letter are a site location map (Exhibit 1), a USGS topographic map showing the location of the project (Exhibit 2), an aerial photograph showing the site boundaries and water resources (Exhibit 3), the proposed tree clearing plan (Exhibit 4) and the proposed site development plan. Also attached are photographs of the existing streams, pond and forested habitat on the site.

Effects on Federally-Listed Species

According to the U.S. Fish and Wildlife Service's *County Distribution of Federally-Listed Threatened, Endangered, Proposed and Candidate Species List* (revised April 2014), the following federally-listed species occur in Union County, Ohio:

- Indiana bat (*Myotis sodalis*) – Endangered
- Northern long-eared bat (*Myotis septentrionalis*) – Proposed Endangered

- Scioto madtom (*Noturus trautmani*) – Endangered
- Clubshell (*Pleurobema clava*) – Endangered
- Northern riffleshell (*Epioblasma torulosa rangiana*) – Endangered
- Rabbitsfoot (*Quadrula cylindrica cylindrica*) – Threatened and Proposed Critical Habitat (Little Darby Creek)
- Rayed bean (*Villosa fabalis*) – Endangered
- Snuffbox (*Epioblasma triquetra*) – Endangered

Mussel and Fish Species

Based on the size and quality of the streams within the project area, no impacts to any of the listed mussel or fish species are anticipated. There are two (2) ephemeral streams and one (1) intermittent stream located within the project area, as shown on Exhibit 3. Based on the stream assessments completed by EMH&T on August 15, 2014, including the Ohio EPA Headwater Macroinvertebrate Field Evaluation Index (HMFEL) and a Primary Headwater Habitat (PHWH) fish survey, the streams support a limited biological community, including creek chubs (*Semotilus atromaculatus*), green frogs (*Lithobates clamitans melanota*) and limited macroinvertebrates. Accordingly, it is our opinion that the streams on site do not provide suitable habitat for the listed fish or mussels and the project will have no effect on these species.

Bat Species

According to the Ohio Department of Natural Resources (ODNR), Indiana and Northern long-eared bat habitat consists of suitable trees in upland area or riparian corridors that include (1) dead and dying trees with exfoliating bark, crevices or cavities, and (2) living trees with exfoliating bark, cavities or hollow areas formed from broken branches or tops. Per ODNR, the following species of trees have relatively high value as potential bat roost trees: shagbark hickory (*Carya ovata*), shellbark hickory (*Carya laciniosa*), bitternut hickory (*Carya cordiformis*), black ash (*Fraxinus nigra*), green ash (*Fraxinus pennsylvanica*), white ash (*Fraxinus americana*), shingle oak (*Quercus imbricaria*), Northern red oak (*Quercus rubra*), slippery elm (*Ulmus rubra*), American elm (*Ulmus americana*), Eastern cottonwood (*Populus deltoides*), silver maple (*Acer saccharinum*), sassafras (*Sassafras albidum*), post oak (*Quercus stellata*) and white oak (*Quercus alba*).

The majority of the 40-acre site is open grass. There are three (3) primary areas that contain trees, as shown on the attached "Aerial & Tree Clearing Limits" and described below:

Area A: There are a limited number of trees immediately north and east of the 4.1-acre pond and barn on the property. Most of the trees in this area are isolated landscape trees and range on average from 12-24 inches DBH. Dominant species observed in this area include sugar maple (*Acer saccharum*), Eastern black walnut (*Juglans nigra*), cottonwood (*Populus deltoides*), American sweet gum (*Liquidambar styraciflua*), Eastern red bud (*Cercis canadensis*) and pine species (*Pinus* spp.). Considering the minimal forested habitat observed in this area, it provides limited roosting habitat for the Indiana and Northern long-eared bats.

Area B: The edge of a large adjacent woodlot encroaches onto the eastern portion of the site. This woodlot is approximately 70 acres in size, and covers the entirety of the adjacent Maclvor Woods nature preserve, which is owned by the City of Marysville. Only a small portion of the woodlot extends onto the project site, including approximately 5.5 acres on the northeastern portion of the property (Area B1) and approximately 1.7 acres on the southern portion of the property (Area B2). An intermittent tributary to Mill Creek flows through these areas. Area B1 consists of various types of oaks (*Quercus* spp.), shagbark hickory (*Carya ovata*), Eastern black walnut, black cherry (*Prunus serotina*) and sugar maple, while Area B2 is dominated by oaks, shagbark hickory, sugar maple, Eastern black walnut, and autumn olive (*Elaeagnus umbellata*). The understory of both areas is very thick and dominated by honeysuckle (*Lonicera* spp.) and multiflora rose (*Rosa multiflora*). Dead trees or snags were occasionally observed throughout these areas, but were small (DBH 6-12 inches).

Area C: There is a single narrow wooded "peninsula" located at the southern end of the property. At one time, this peninsula may have been a riparian area along a small stream channel. However, field observation confirmed there is no longer a stream present, likely due to historical alteration of area hydrology. A defined bed and bank was observed along only 28 linear feet just inside the property

boundary. This approximately one-acre wooded "peninsula" exhibits the same forest community and thick understory as Area B2. Several small dead trees (DBH 6-12 inches) were observed.

Proposed Tree Clearing

The total size of the project site is 40 acres and the forested areas on the site amount to approximately eight acres. The remaining 32 acres consist of open grass fields, areas of scattered trees and open water. Based on the tree clearing limits shown on the attached "Aerial & Tree Clearing Limits," approximately 2.5 acres of forest within Area B1, and an additional 3.9 acres of scattered trees in Area A, are proposed to be cleared for the project this winter, i.e. after September 30, 2014 and before April 1, 2015. Approximately 0.76 acre of forest habitat will be preserved in perpetuity within the proposed stream mitigation zones in Areas B1 and B2. The remainder of the areas to be cleared on site, i.e. the balance of Area B1 (2.75 ac), the balance of Area B2 (1.2 ac) and Area C (1 ac) will be cleared during the winter clearing period following the issuance of the Individual 404/401 permit.

While many of the trees that will be cleared are dead and/or have exfoliating bark, the majority are young living trees with a dense understory of honeysuckle and multiflora rose. Additionally, the areas to be cleared represent a very minor portion (10%) of the overall woodlot located on the site and the adjacent Maclvor Woods property. To eliminate impacts to any potential bat habitat, the client is proposing that all trees will be cleared after September 30 and before April 1.

To ensure no impacts to jurisdictional waters occur, the trees to be cleared in Areas A and B1 this winter will be cleared without disruption of streams or surface waters. Trees will be cut at or above grade and will be felled away from waterways (upslope) in such a manner to avoid impacts to surface waters. No trees will be felled into or across surface waters. In cases where tree roots have established themselves within the stream channel and/or otherwise provide stability to the stream banks, the trees will be cut above grade in order to minimize soil disturbance and erosion and maintain the integrity of the stream. No equipment will be utilized in the stream channels or within the pond. Logs or trees will be lifted off the streambank or pond edge to adjacent upland area to avoid erosion impacts; logs or trees will not be skidded up the banks. All tree trunks, logs, branches and other material will be stockpiled in upland areas and/or moved off-site.

Summary

We request that you provide information regarding federally-listed species on the site and your concurrence that no endangered or threatened species will be impacted as part of this project.

In addition, Kroger is requesting winter clearing clearance for Area A and a portion of Area B1 to be completed this winter (October 1, 2014 – March 31, 2015), as shown on Exhibit 4. All other areas will be cleared within the October 1-March 31 winter clearing period following receipt of the Individual 404/401 permit. Based on the avoidance of high quality forested habitat, and the implementation of seasonal cutting restrictions, we ask for your concurrence that the clearing of the indicated areas will not adversely affect the Indiana or Northern long-eared bats.

Should you have any questions or need additional info, please contact me at 614-775-4523.

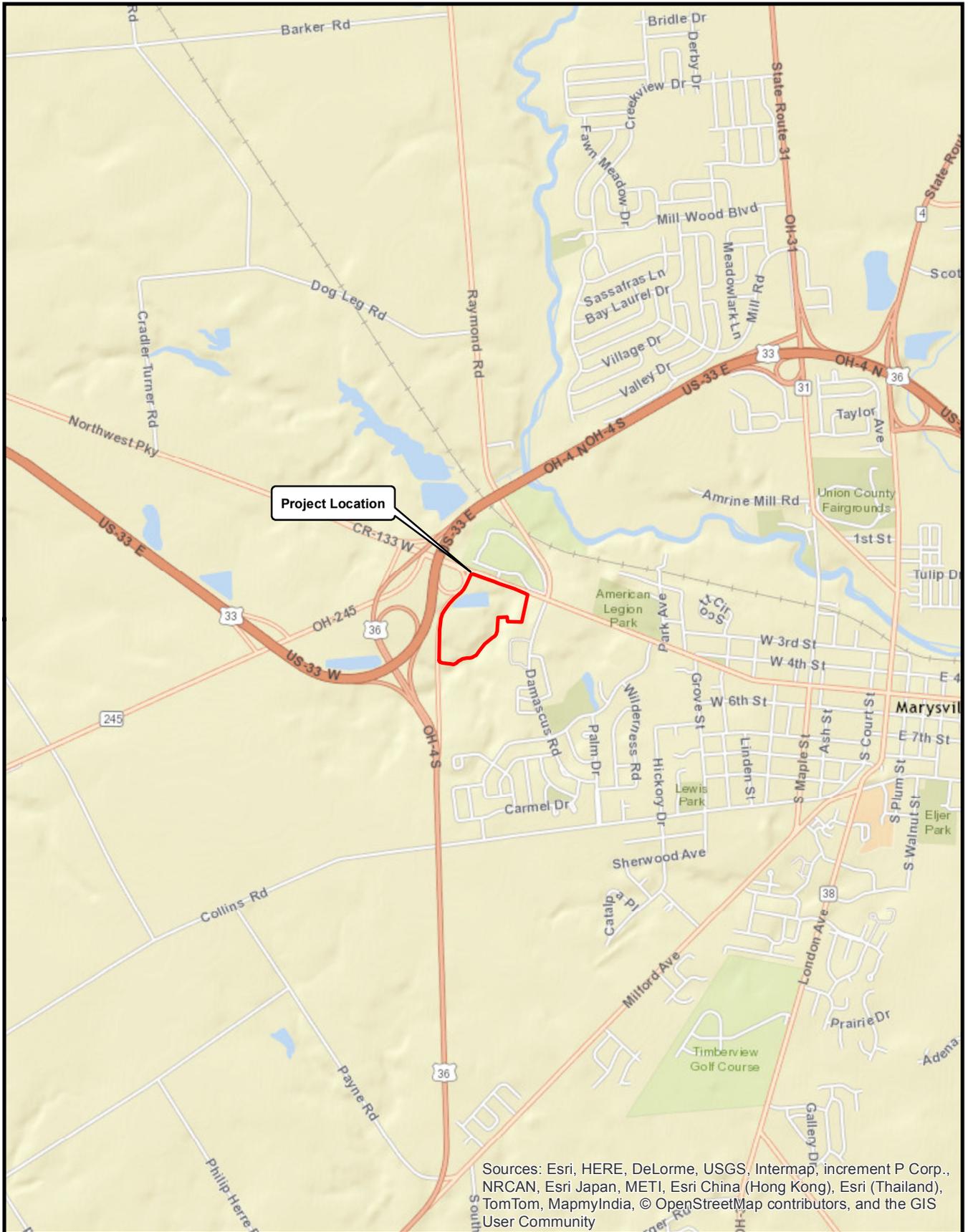
Sincerely,



Heather L. Dardinger
Senior Environmental Scientist

Enclosures: 6

Path: J:\20141168\GIS\Exhibit 1 - Location Map.mxd



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

CITY OF MARYSVILLE, UNION COUNTY, OHIO

**The Kroger Co.
N-549 Store Development
Location Map
Exhibit 1**

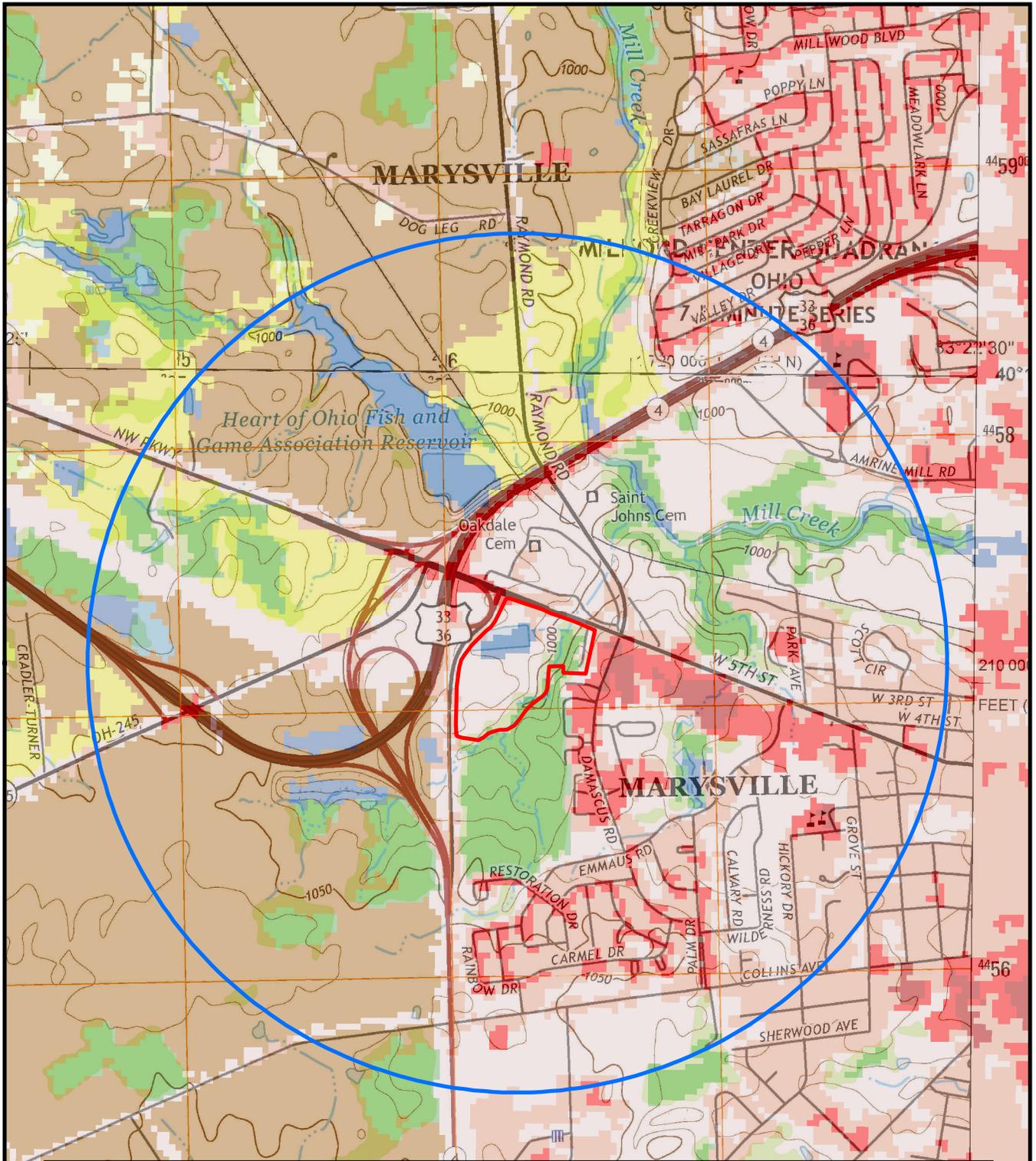


Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648

emht.com

SCALE: 1" = 1/2 Mile





Legend	
	Site Location
	1-Mile Radius
National Land Cover Database (NLCD)	
	Barren Land
	Cultivated Crops
	Deciduous Forest
	Developed, High Intensity
	Developed, Low Intensity
	Developed, Medium Intensity
	Developed, Open Space
	Emergent Herbaceous Wetlands
	Evergreen Forest
	Hay/Pasture
	Herbaceous
	Mixed Forest
	Open Water
	Shrub/Scrub
	Woody Wetlands

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 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

CITY OF MARYSVILLE, UNION COUNTY, OHIO

The Kroger Co.
N-549 Store Development
Vicinity Map
Exhibit 2

SCALE: 1" = 1,800'

0 900 1,800 3,600 Feet

Source: USGS Milford Center Quad Map (Pub. 2013)
 National Land Cover Database (NLCD), 2001

Path: \\cmhdata01\project01\20141168\GIS\Exhibit 3 - Surface Water Resources Map.mxd



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5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
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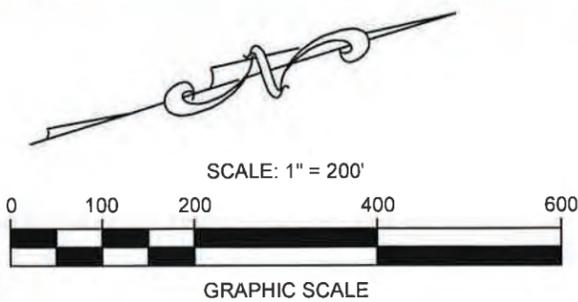
CITY OF MARYSVILLE, UNION COUNTY, OHIO

The Kroger Co.
N-549 Store Development
Surface Water Resources Map
Exhibit 3

SCALE: 1" = 300'



Source: Aerial - OSIP, 2013



- LEGEND**
-  TREE CLEARING LIMITS
 -  EXISTING STREAM
 -  PROPERTY LINE
 -  PROP. STREAM CORRIDOR PROTECTION ZONE



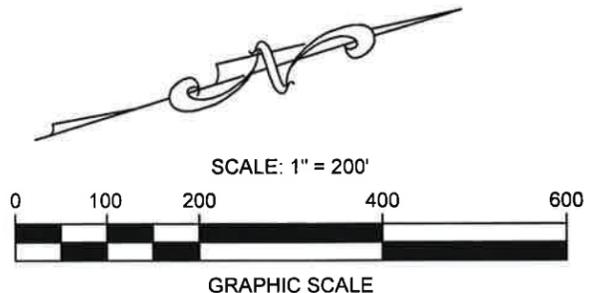
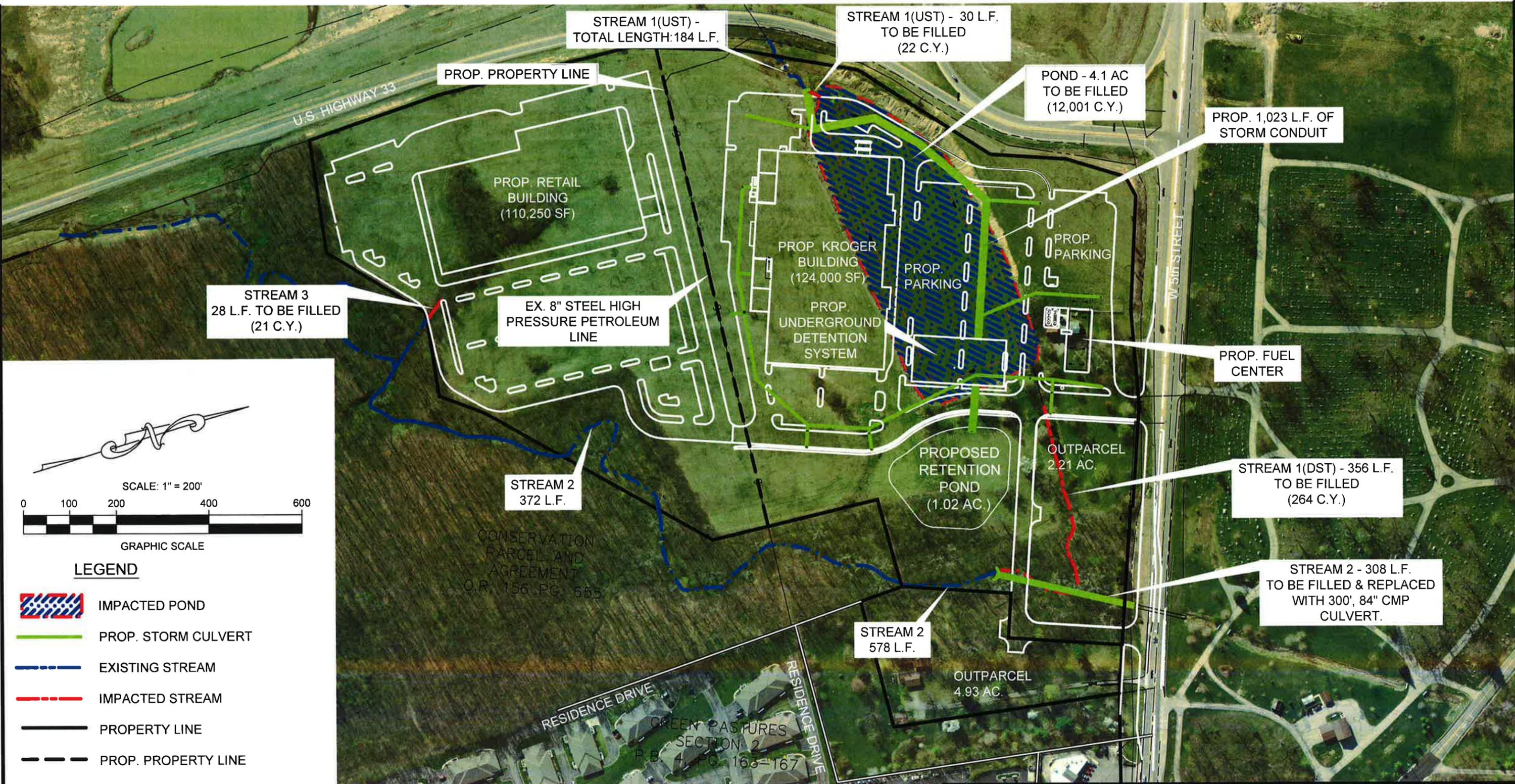
Bird+Bull
Engineers & Surveyors

2875 W. Dublin-Granville Road
Columbus, Ohio 43235
Ph: (614) 761-1661
Fax: (614) 761-1328
WWW.BIRDBULL.COM

N 549 KROGER
WEST 5TH STREET
CITY OF MARYSVILLE, UNION COUNTY, OHIO

AERIAL & TREE CLEARING LIMITS

SCALE: 1" = 200'		ORIG. SHT. SZ. 11"x 17"
DWN: SG	CKD: HAR	DATE: 7/31/2014
JOB NO. 12-042	EXHIBIT 4	



LEGEND

- IMPACTED POND
- PROP. STORM CULVERT
- EXISTING STREAM
- IMPACTED STREAM
- PROPERTY LINE
- PROP. PROPERTY LINE

KROGER PARKING CRITERIA

1 PER 200 S.F OF FLOOR AREA (5 / 1000)

CITY OF MARYSVILLE PARKING CRITERIA

1 PER 250 S.F OF FLOOR AREA

KROGER PARKING CALCULATIONS				
AREA	SQUARE FOOTAGE	PARKING REQ'D. BY CITY	TOTAL PARKING PROVIDED	PARKING RATIO
PROP. CONDITIONS	123,662 S.F.	495	529	4.27/1,000 S.F. (1/234 S.F.)

Bird+Bull Engineers & Surveyors

2875 W. Dublin-Granville Road
Columbus, Ohio 43235
Ph: (614) 761-1661
Fax: (614) 761-1328
WWW.BIRDBULL.COM

N 549 KROGER
WEST 5TH STREET
CITY OF MARYSVILLE, UNION COUNTY, OHIO

PREFERRED ALTERNATIVE PLAN

SCALE: 1" = 200'

DWN: SG CKD: HAR DATE: 7/31/2014

ORIG. SHT. SZ. 11"x 17"

JOB NO. 12-042	1
	4



Photograph No. 1

View of Stream 1 west of the pond, facing southwest (EMH&T, 7/14/14)



Photograph No. 2

View of the pond facing southwest
(EMH&T, 7/14/14)



Photograph No. 3

View of Stream 1 east of the pond, facing east (EMH&T, 7/14/14)



Photograph No. 4

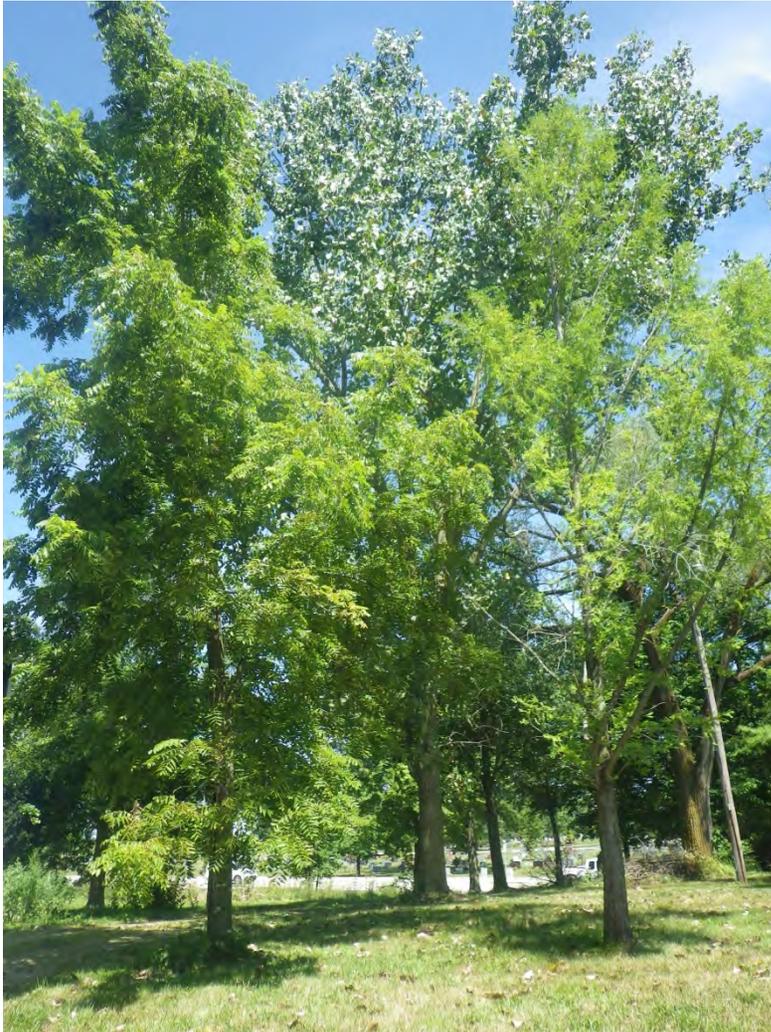
View of Stream 2 on the northern portion of the site facing south
(EMH&T, 8/15/14)

**Photograph No. 5**

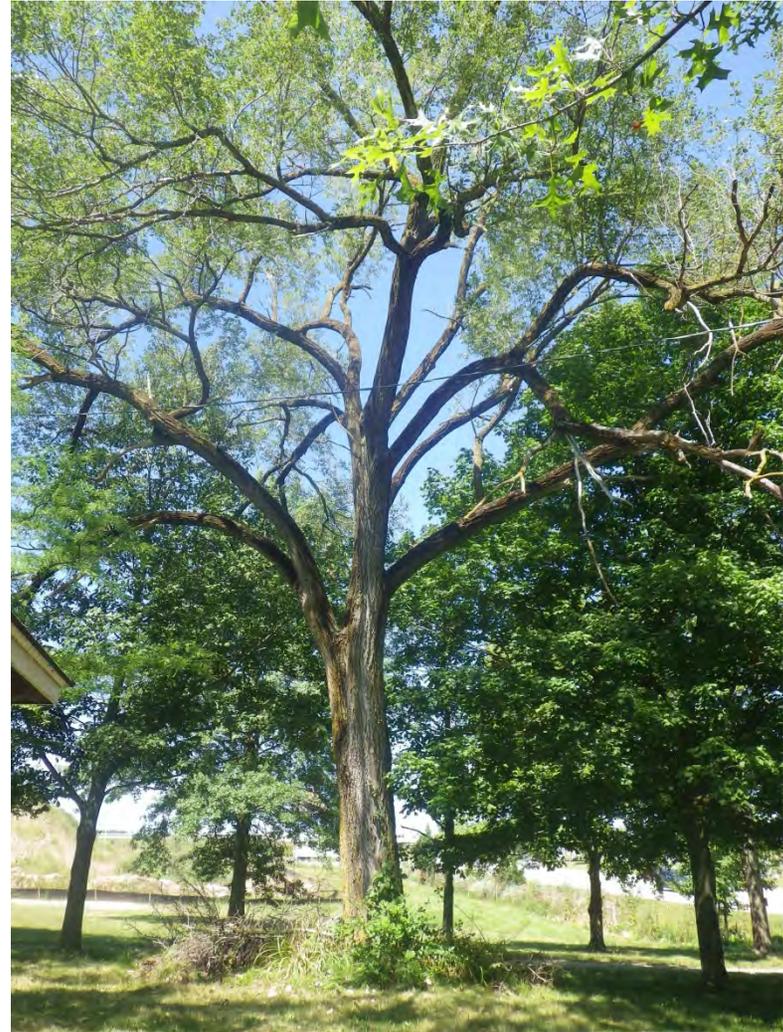
View of Stream 2 on the south-central portion of the site facing north
(EMH&T, 8/15/14)

**Photograph No. 6**

View of Stream 3 facing northeast (EMH&T, 7/14/14)



Photograph No. 7
View of trees in Area A (EMH&T, 8/15/14)

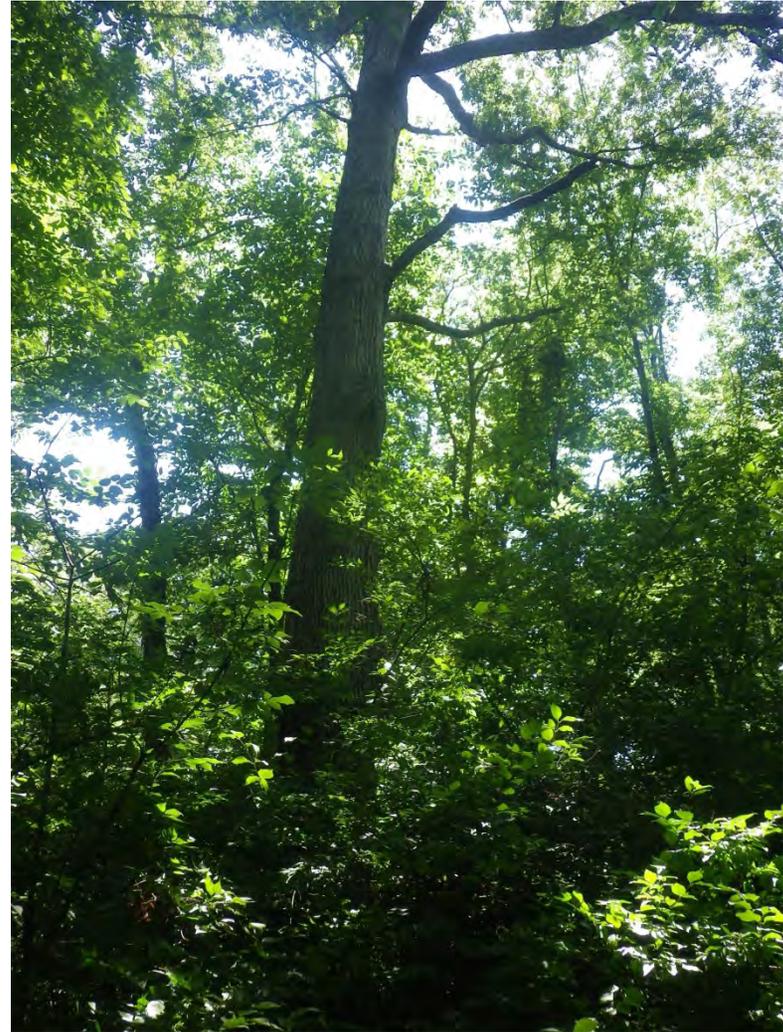


Photograph No. 8
View of trees in Area A (EMH&T, 8/15/14)



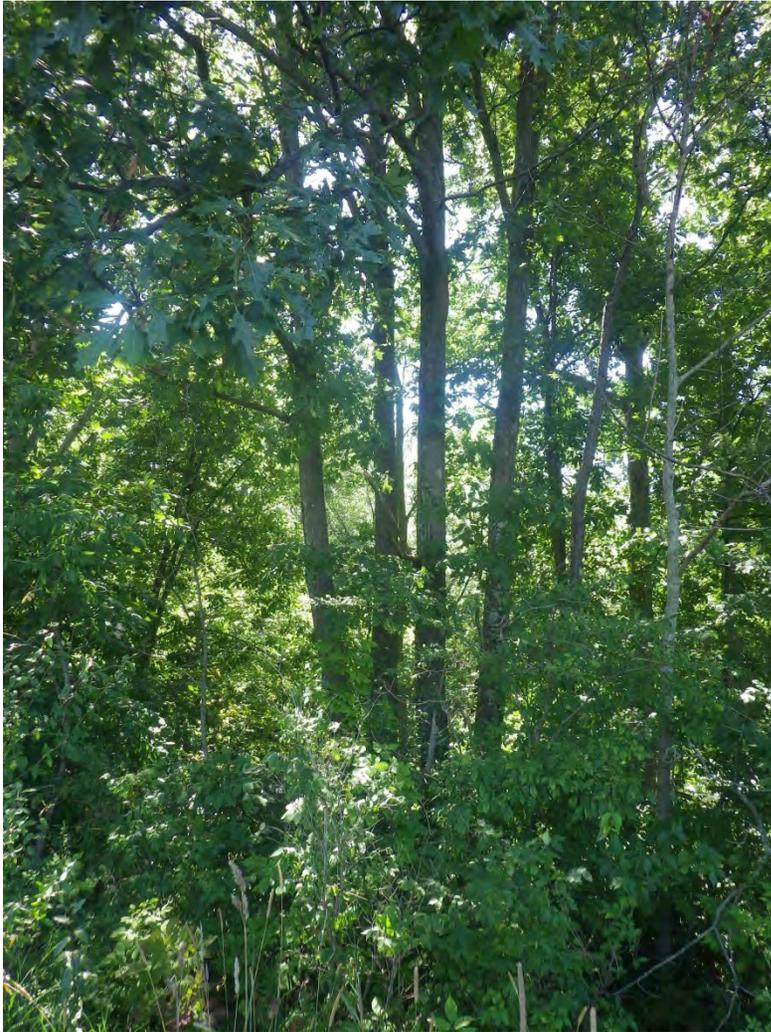
Photograph No. 9

View of forest community in Area B1 (EMH&T, 8/15/14)



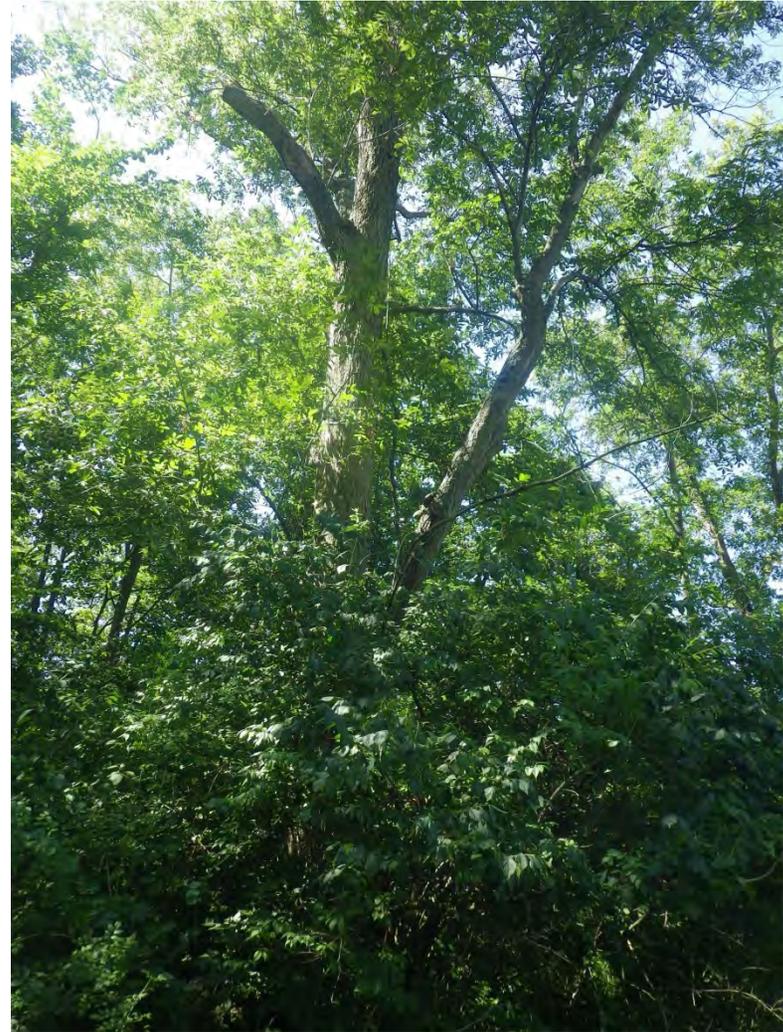
Photograph No. 10

View of forest community in Area B1 (EMH&T, 8/15/14)



Photograph No. 11

View of forest community in Area B2 (EMH&T, 8/15/14)



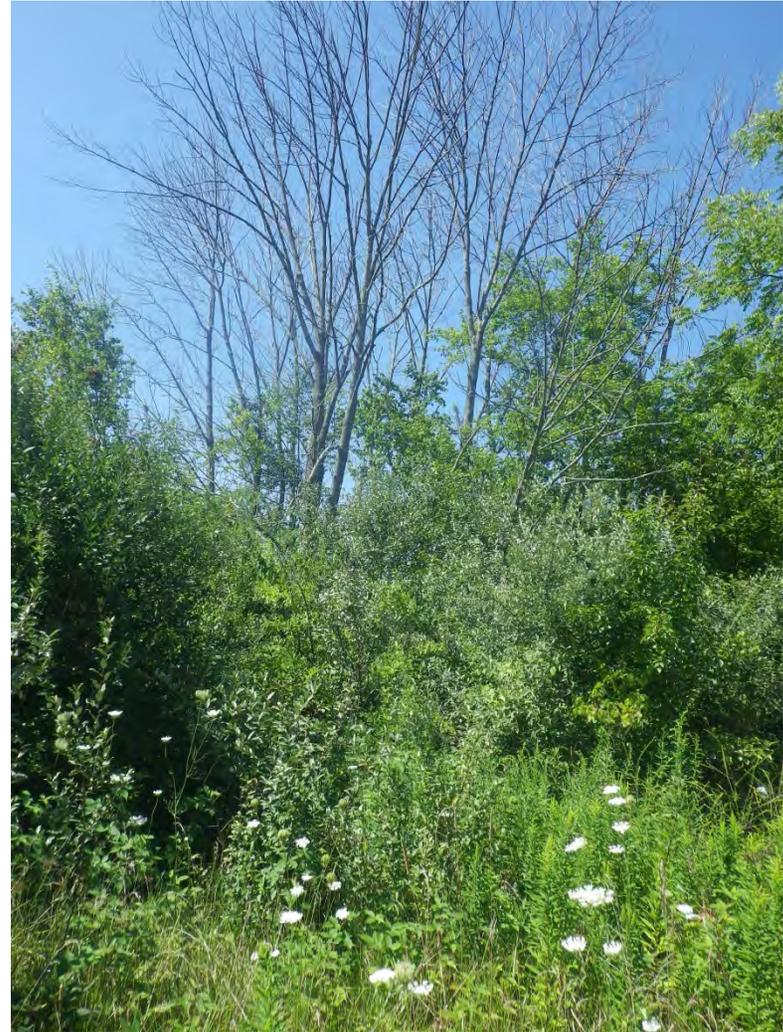
Photograph No. 12

View of forest community in Area B2 (EMH&T, 8/15/14)



Photograph No. 13

View of forest community in Area C (EMH&T, 8/15/14)



Photograph No. 14

View of forest community in Area C (EMH&T, 8/15/14)

Dardinger, Heather

From: susan_zimmermann@fws.gov on behalf of Ohio, FW3 <ohio@fws.gov>
Sent: Monday, September 29, 2014 1:55 PM
To: Dardinger, Heather
Subject: Kroger N-549 Bethel Woods Development, Marysville, Union Co.

TAILS# 03E15000-2014-TA-1946

Dear Ms. Dardinger,

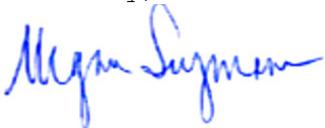
We have received your recent correspondence regarding potential impacts to federally listed species in the vicinity of the above referenced project. There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area.

LISTED, PROPOSED, AND CANDIDATE SPECIES COMMENTS: Due to the project type, size, location, and the proposed implementation of seasonal tree cutting (only clearing between October 1 and March 31) to avoid impacts to Indiana bats, 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.

If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), no tree clearing on any portion of the parcel should occur 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, for our review and concurrence.

If you have additional questions or require further assistance with your project proposal, please contact me at the following number (614) 416-8993, ext. 16. In addition, you can find more information on natural resources in Ohio, and a county list of federally threatened and endangered species in Ohio, by visiting our homepage at: <http://www.fws.gov/midwest/ohio>.

Sincerely,



Megan Seymour
Acting Field Supervisor



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ATTACHMENT 4D
ODNR CORRESPONDENCE



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

Ohio Division of Wildlife
Scott Zody, Chief
2045 Morse Rd., Bldg. G
Columbus, OH 43229-6693

July 25, 2014

Heather Dardinger
EMH&T
5500 New Albany Road
Columbus, OH 43054

Dear Ms. Dardinger

I have reviewed the Natural Heritage Database for the Kroger N549 Bethel Woods Project including a one mile buffer in City of Marysville, Union County. We have records for rare species in your project area. I am attaching a shape file for the 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 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, FPE = federal potentially endangered, FC = federal candidate and FSC = federal species of concern, F = federal listing only. This data may not be published or distributed beyond the scope of the project description on the data request form without prior written permission of the Natural Heritage Program. 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.

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.

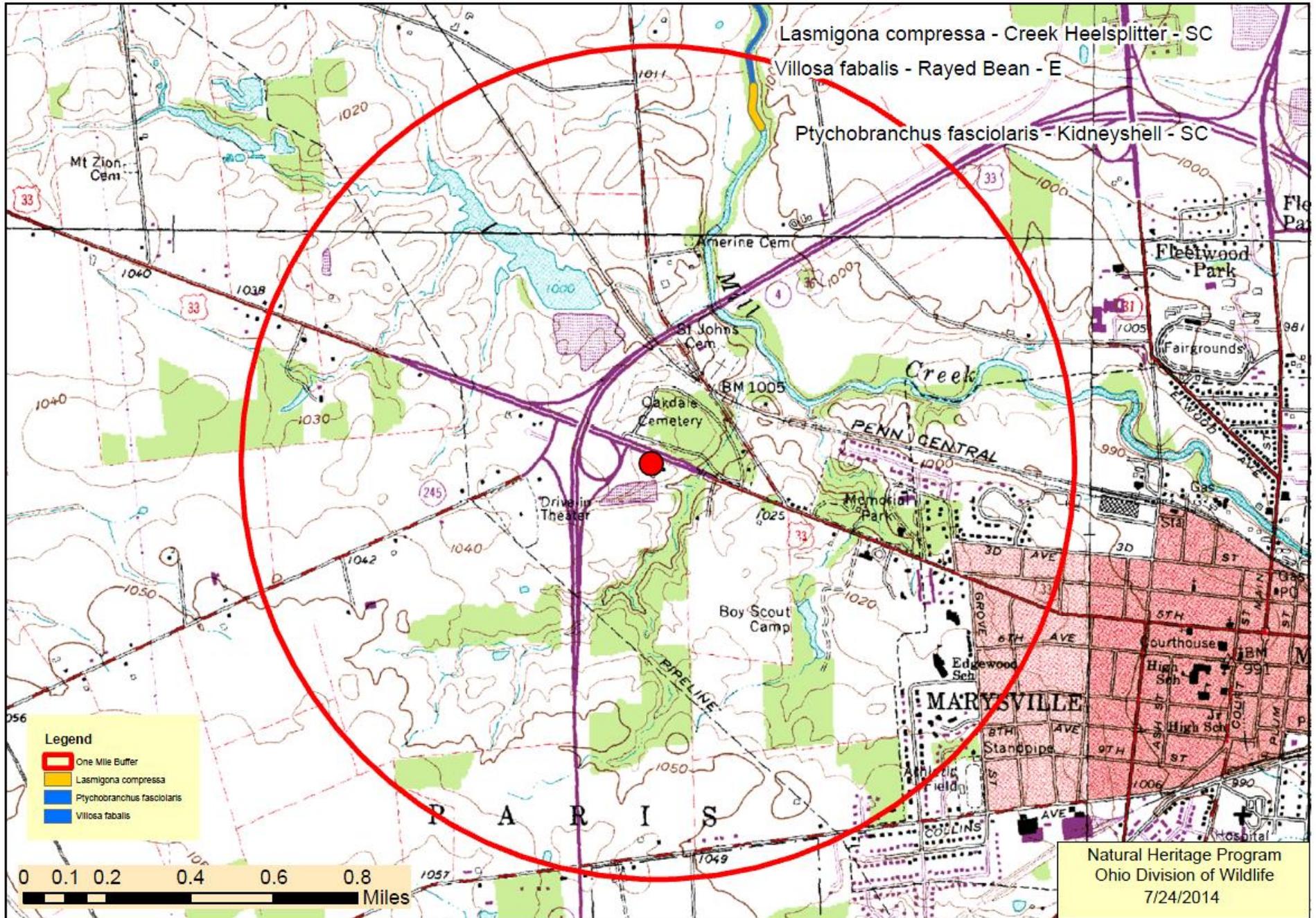
Please contact me at 614-265-6452 if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Greg Schneider".

Greg Schneider, Administrator
Ohio Natural Heritage Program

Kroger N549 Bethel Woods





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ATTACHMENT 4E

CULTURAL RESOURCES CORRESPONDENCE



3 June 2014

Mark Epstein
Department Head
Resource Protection and Review
Ohio Historic Preservation Office
800 E. 17th Avenue
Columbus, OH 43211-2474

SUBJECT: Cultural Resources Literature Review
Proposed Kroger N-549 Store and Fuel Center
Marysville, Union County, Ohio

Dear Mr. Epstein:

AMEC Environment & Infrastructure, Inc. (AMEC) has been contracted by The Kroger Co. (Kroger) to perform a Cultural Resources Literature Review for the proposed Kroger N-549 Store and Fuel Center location in Marysville, Union County, Ohio (**Figure 1**). The area of potential effect (APE; hereafter referred to as project area) is approximately 11.1 hectares (ha) (27.5 acres [ac]) in size, and is located immediately south of US-33 and east of the US-33/36 cloverleaf interchange (**Figure 2**). The project area is mostly undeveloped, with the exception of a barn and associated farm complex in the north-central portion of the site (see general view photographs in **Attachment A** taken during wetland investigations). Land cover within the project area consists primarily of grassland and a 4.1-acre pond with the exception of the wooded areas along the far eastern and southern boundaries. Recent wetland investigations (AMEC 2014) identified four stream segments, a pond, a roadside ditch, and concrete conveyance directing stormwater runoff during peak flows within the project area (**Figure 3** and **Table 1**). Based on preliminary conversations with Ms. Lee Robinette of the United States Army Corps of Engineers (USACE) Huntington District, the 4.1 acre pond and stream segments (1, 2 and 3b) that occur within the proposed project area would be considered jurisdictional under Section 404 of the Clean Water Act (CWA). Therefore, the proposed construction activities will require a Section 404 permit and Section 401 Water Quality Certification (WQC) from the USACE and Ohio Environmental Protection Agency (OEPA), respectively. The necessary federal permit qualifies the proposed project as an undertaking as defined in Section 106 of the National Historic Preservation Act of 1966 (16. U.S.C. § 470f).

The Ohio Historic Preservation Office (OHPO) Online Mapping System was reviewed to determine the extent of previously recorded archaeological sites and investigations, cemeteries, and historic resources within or near the proposed project area. A total of seven previously recorded archaeological sites, two previous Phase I archaeological surveys, four cemeteries, three historic structures were identified within a one-mile radius of the proposed project area (**Table 1** and **2**). No previously identified cultural resources or investigations were present within the project area; however, a barn labeled Oakland 1863 is located in the north-central portion of the project area (**Figure 4**). In addition to this barn, a small unknown structure (possible outhouse), two stone gate fence posts or markers, a stone wall likely marking the edge of a field or property boundary, and a bridge are present in the north-central portion of the project area and are likely related to historic activities or occupation of this area (**Figures 5-11**).

Table 1. Previously Identified Archaeological Sites, Cemeteries, and Historic Resources Located Within a One-Mile Radius of the Project Area.

Site Number	Site Name	Site Type	Cultural Period
33UN0016	N/A	Open Site	Indeterminate Prehistoric
33UN0017	N/A	Open Site	Indeterminate Prehistoric
33UN0019	N/A	Open Site	Indeterminate Prehistoric and Early Archaic
33UN0079	N/A	Open Site	Indeterminate Prehistoric
33UN0080	N/A	Open Site	Indeterminate Prehistoric and Indeterminate Historic Period
33UN0110	N/A	Open Site	Indeterminate Prehistoric
33UN0111	N/A	Open Site	Indeterminate Prehistoric
UNI0007309	Chapman House	Greek Revival	Original Construction 1878
UNI0010609	Hill House	Vernacular	Original Construction 1910
UNI0010709	Tiller House	Vernacular	Original Construction 1908
OGSID 11991	Amrine (Amerine)	Cemetery	N/A
OGSID 11994	Oakdale	Cemetery	N/A
OGSID 11995	Saint John's-Our Lady of Lourdes	Cemetery	N/A
OGSID 14192	Potters Field	Cemetery	N/A

Table 2. Previously Identified Archaeological Surveys Located Within a One-Mile Radius of the Project Area.

NADB	Phase	Title	Author	Acres	Year
16072	I	A Phase I Archaeological Survey for the 68.8 ha (170 ac) Marysville Reservoir and Approximately 4 km (2.5 mi.) Raw Water Lines in Paris Township, Union County, Ohio	Weller, Ryan J.	168	2003
18188	I	FCC Form 620 Marysville West/Norris Wireless Cellular Tower in Paris Township, Union County, Ohio	Meyer, Elaine	0.233848	2009

The soils mapped (**Figure 12**) and identified within the project area exhibit erosion due to slope; the majority of which are between 2 and 6 percent slope. Additionally, all of the soils mapped within the project area are typical soils found within the lake plains glacial till. The predominate soil type present is the St. Clair silt loam, 2 to 6 percent, eroded, identified largely in the areas along the stream segments east and west of the pond. The second most prevalent soil type is the Nappanee silt loam, 2 to 6 percent slope, identified in the areas immediately north and

south of the pond, particularly in the vicinity of the farm complex in the north-central portion of the project area.

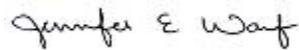
The project area has previously undergone several alterations due to the construction of US-33 (previously Bellefontaine Road) prior to 1916, the construction of the pond and US-33/36 cloverleaf interchange sometime between 1961 and 1973, and the construction of the gas pipeline within the south portion of the project area. The property alterations can be seen on the historical topographic maps and aerial photographs presented in **Attachment B** and on the preliminary site development plan in **Attachment C**.

On behalf of Kroger, AMEC is submitting this letter to inform the OHPO of the proposed project and to request comments as to ensure the project would not adversely affect cultural resources within the project area. If you need more information or have any questions concerning this request, please do not hesitate to contact me at (317) 713-1700 or ryan.peterson@amec.com. Please direct your written response to me at AMEC Environment & Infrastructure, Inc., 201 S. Capitol Ave, Suite 200, Indianapolis, IN 46225. Thank you for your time and assistance.

Sincerely,

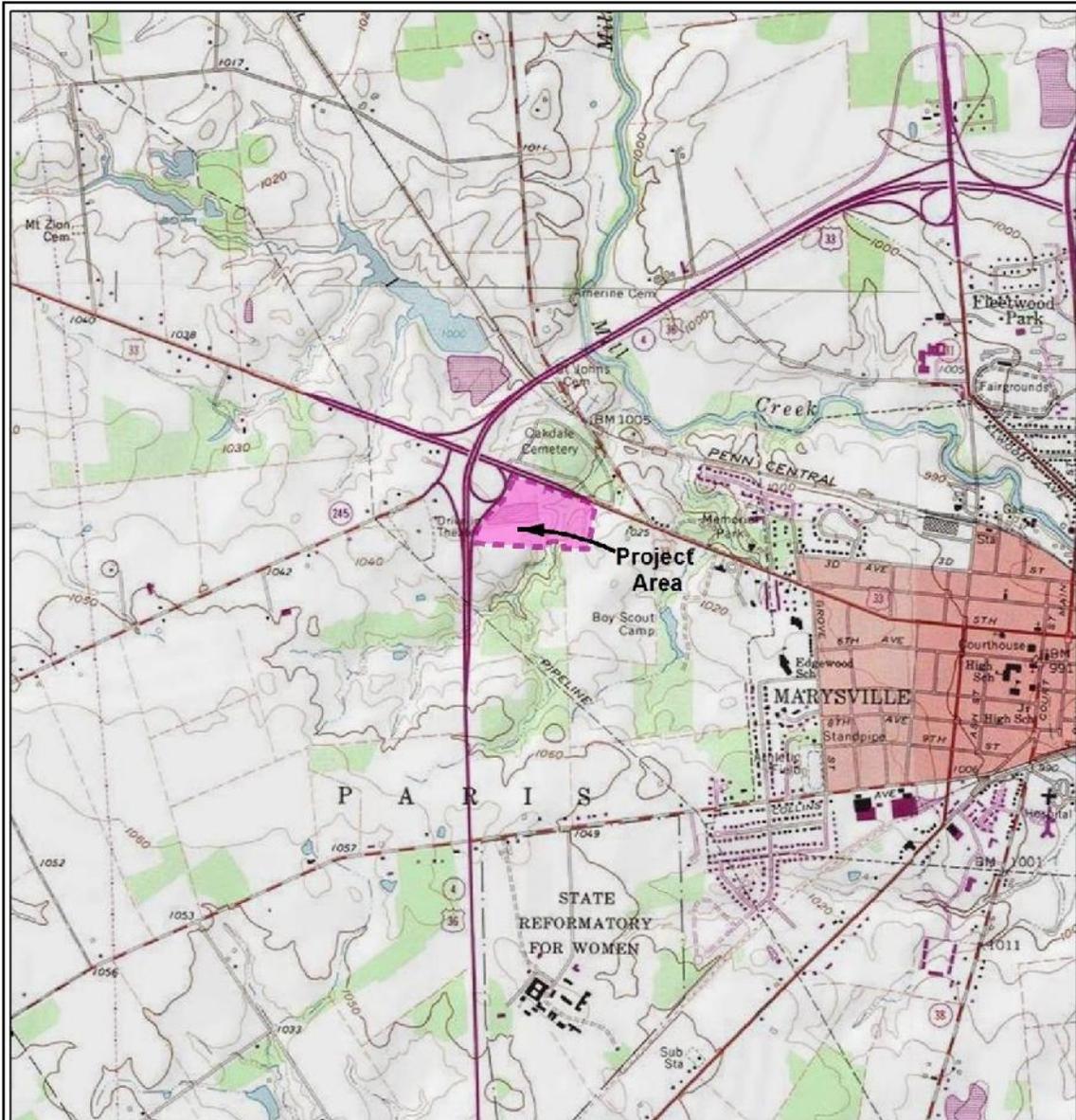


Ryan Peterson
Associate Archaeologist



Jennifer Warf
Sr Natural Resources Specialist

Enclosures – Figures 1-12, Attachment A (General Overview Site Photographs), Attachment B (Historical Topographic Maps and Aerials), and Attachment C (Preliminary Site Development Plan).



Legend

 Project Area



0 1,000 2,000
 Feet

**Figure 1.
 Project Area Location Map**

**The Kroger Co.
 N-549 Fuel Center
 Marysville, Union County, OH**



Job No. 7361141044
 Drawn By: JW
 Reviewed By: NC
 Date: 5/29/2014



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Legend

 Project Area



0 200 400
Feet

**Figure 2.
Project Area Map**

The Kroger Co.
N-549 Fuel Center
Marysville, Union County, OH



Job No. 7361141044
Drawn By: JW
Reviewed By: NC
Date: 5/28/2014



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Legend

- Culvert
- Wetland Determination Point
- Potential Stream Impact
- Roadside Ditch
- Concrete Conveyance
- Stream
- Pond
- Delineation Boundary

0 200 400
 Feet

Figure 3.
Wetlands and Other Surface Waters

The Kroger Co.
N-549 Fuel Center
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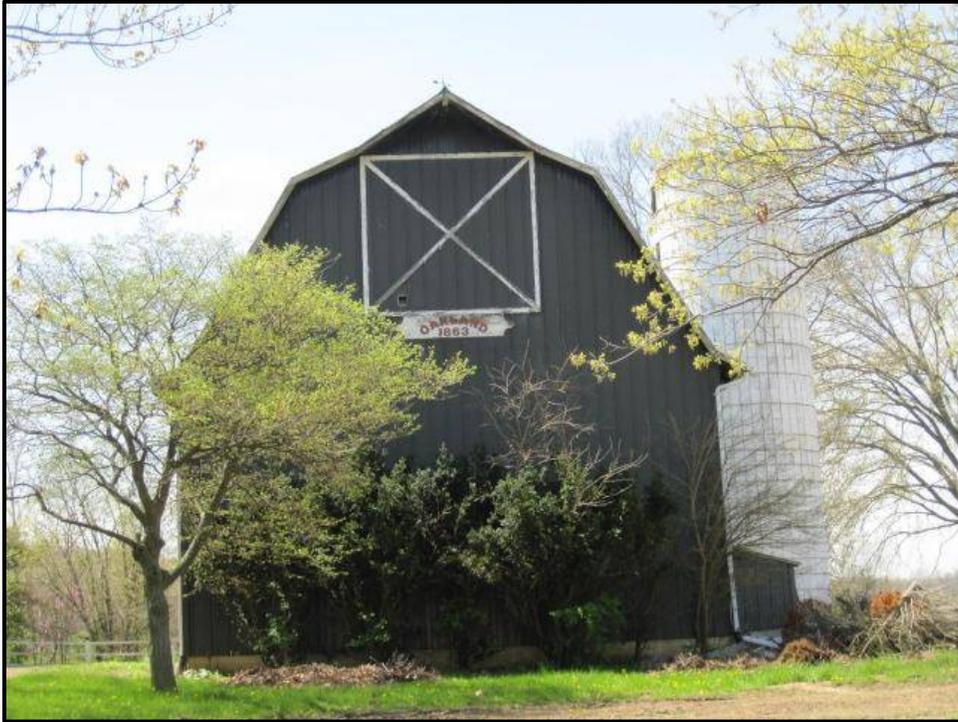


Figure 4 Photograph showing the barn in the north-central portion of the project area. Note the plaque with "Oakland 1863".



Figure 5. Photograph showing the opposite side of the barn facing the pond.



Figure 6. Photograph showing the possible outhouse east of the barn.



Figure 7. Photograph showing the two stone gate fence posts or markers near the barn complex.



Figure 8. Photograph showing the two stone gate fence posts or markers near the barn complex (opposite view from **Figure 7**).



Figure 9. Photograph showing a portion of the stone wall.



Figure 10. Photograph showing a portion of the stone wall.



Figure 11. Photograph showing the bridge along the unnamed tributary to Mill Creek (within Segment 3b of Figure 3).



Legend

- Project Area
- MrB - Morley silt loam, 2-6% slope
- NpB - Nappanee silt loam, 2-6% slope
- ScB - St. Clair silt loam, 2-6% slope
- ScC - St. Clair silt loam, 6-12% slope
- ScC2 - St. Clair silt loam, 2-6% slope, eroded
- W - Water

0 200 400
 Feet

**Figure 12.
 Soils Map**

**The Kroger Co.
 N-549 Fuel Center
 Marysville, Union County, OH**

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