



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

LRH 2013-808-OTT

## ATTACHMENTS

*Posted 3/13/2015*

▶ [LRH 2013-808-OTT Drawings](#)

**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 LUC-475/20 Interchange PID 88252, is located at the Interstate (I) 475/U.S. Route (US) 20 interchange in the City of Toledo, Lucas County, Ohio. The interchange would be constructed as a Single-Point Urban Interchange (SPUI) approximately 350 feet south of the existing interchange (See attached Sheet 2). The proposed project has a center coordinate of 41.675° North latitude, 83.694° West longitude. Waters of the United States (U.S.) within the project area include Hill Ditch, Haefner Ditch, Schlicker Ditch, and three wetlands.

**DESCRIPTION OF PROPOSED WORK:** The applicant proposes to discharge fill material into waters of the U.S. to reconfigure the I-475/US 20 interchange. The applicant has indicated permanent discharges of fill would be necessary in Wetlands A and B for roadway grading and construction. The applicant seeks authorization for their Preferred Alternative (PA). Under the PA, the applicant proposes to discharge fill material into 3.55 acres of Wetland A and 3.85 acres of Wetland B for a cumulative total of 7.4 acres of wetlands. Plans of the proposal are attached to this notice.

**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 be in the same location as the PA but would involve construction of a tight urban diamond interchange with two signalized intersections (See attached Sheet 3). Construction of the MDA would include the discharge of fill into 3.24 acres of Wetland A and 3.66 acres of Wetland B for a cumulative total of 6.9 acres of wetland fill (0.5 acre less than the PA). 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 919 linear feet of three perennial streams and 7.53 acres of three 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.

**COMPENSATORY MITIGATION PLAN:** To compensate for the permanent discharge of fill material into 7.4 acres of wetland, the applicant proposes to purchase 11.1 acres of wetland mitigation credit from an approved mitigation bank. 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. On behalf of FHWA, the applicant determined the project is a type of undertaking with "minimal potential to cause effects" to historic properties. 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, the State historic Preservation Office, 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), proposed endangered (PE), or threatened (T) species: Indiana bat (*Myotis sodalis*) (E), northern long-eared bat (*Myotis septentrionalis*) (PE), Karner blue butterfly (*Lycæides melissa samuelis*) (E), Kirtland's warbler (*Setophaga kirtlandii*) (E), piping plover (*Charadrius melodus*) (E), rayed bean mussel (*Villosa fabalis*) (E), eastern prairie fringed orchid (*Platanthera leucophaea*) (T), and rufa red knot (*Calidris canutus rufa*) (T).

The FHWA is responsible for compliance with Section 7 of the Endangered Species Act. On behalf of FHWA, the applicant determined the project would not affect the Indiana bat, Karner blue butterfly, Kirtland's warbler, piping plover, rayed bean mussel, or eastern prairie fringed orchid. No information was provided for the northern long-eared bat or rufa red knot. Additional information is required before the Corps can

determine effects to the northern long-eared bat or rufa red knot.

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-2013-00808-OTT

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)