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ATTACHMENTS

 [LRH 2014-052-SCR](#)

[LRH 2014-052-SCR](#)

Posted 11/10/2014

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 is located along Interstate (I) 270, between the Rings Road overpass to the south, and approximately one mile east of the U.S. (US) Route 33 interchange to the north. The project would also include US-33 from the US-33 and Frantz Road/Post Road intersection to the east, and US-33 to approximately one-third mile west of the Avery-Muirfield Drive interchange.

The proposed project has a northern terminus coordinate of 40.108 north latitude, 83.118 west longitude; eastern terminus coordinate of 40.009 north latitude, 83.125 west longitude; southern terminus coordinate of 40.081 north latitude, 83.137 west longitude; and western terminus coordinate of 40.099 north latitude, 83.166 west longitude in the City of Dublin, Franklin County, Ohio. Waters of the United States (U.S.) within the project area include an unnamed tributary to the Scioto River (Stream 1), Cosgray Ditch, Cramer Ditch, North Fork Indian Run, South Fork Indian Run, and Ditch 1.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to discharge fill material into waters of the U.S. to realign the I-270/US-33 interchange and widen US-33 between the I-270/US-33 interchange and the US-33/Avery-Muirfield Drive interchange. The applicant has

indicated permanent and temporary discharges of fill would be necessary in Stream 1, Cosgray Ditch, Cramer Ditch, North Fork Indian Run, South Fork Indian Run, and Ditch 1 to construct a retaining wall, roadway embankments, culvert extensions, headwalls, abutments, and bridge piers; and to install rock channel protection.

The applicant seeks authorization for their Minimal Degradation Alternative. Under the Minimal Degradation Alternative, the applicant proposes to discharge fill material into a total of 1,761 linear feet of four perennial streams and one intermittent stream; and 0.61 acre of one jurisdictional ditch. See the attached Tables 1 and 2 for summaries of proposed discharges. Plans of the proposal are attached to this notice.

ALTERNATIVES ANALYSIS: The applicant has submitted an alternatives analysis for review. The alternatives include a Preferred Alternative, a Minimal Degradation Alternative, and a Non-Degradation Alternative. The Minimal Degradation Alternative is described above. The discharge of fill material into waters of the U.S. under the Preferred Alternative (PA) would be increased from the Minimal Degradation Alternative by discharging fill into 570 linear feet of an unnamed tributary to Cramer Ditch (CD Trib 1) to channelize the stream due to a modified grading plan compared to the grading plan proposed under the Minimal Degradation Alternative. Under the PA, the discharge of fill into Stream 1 would be decreased from the Minimal Degradation Alternative by 27 linear feet due to a different pipe configuration.

All other discharges of fill material into waters of the U.S. under the PA would be the same as described under the Minimal Degradation Alternative. 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.

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 1,245 linear feet perennial stream, 3,580 linear feet of intermittent stream, and 0.61 acre of ditch subject to Section 404 Clean Water Act regulation exist 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.

As described above, the initial Preferred Alternative design involved the discharge of fill into 2,304 linear feet of stream and 0.61 acre of jurisdictional ditch. The discharges were minimized under the Minimal Degradation Alternative by utilizing a modified grading plan. The applicant has indicated further avoidance of waters of the U.S. is not practicable due to complex roadway design, traffic, orientation of aquatic resources, land use/right-of-way constraints, and construction costs involved with this project.

COMPENSATORY MITIGATION PLAN: To compensate for the discharge of fill material into 1,749 feet of stream, the applicant proposes to deduct 1,749 linear feet of stream mitigation credit from ODOT's Big Darby Pooled Mitigation Area (Murphy Property) in Union County, Ohio.

The applicant is also exploring alternative mitigation opportunities, such as:

- Hiring a qualified third party to secure additional off-site stream mitigation. Under this option, ODOT would provide a minimum of 1,749 linear feet of stream mitigation credit, of which 70% (1,224 lf) would be stream preservation and 30% (525 lf) would be stream restoration.
- Purchasing stream mitigation credit from an In-Lieu Fee program, if an In-Lieu Fee program is established and available.
- Relocating Stream 1 on-site and incorporating elements of natural channel design.

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. The applicant determined no historic properties would be affected by 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, 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 proposed endangered (PE), endangered (E), or threatened (T) species: Northern long-eared bat (*Myotis septentrionalis*) (PE), Indiana bat (*Myotis sodalis*) (E), Scioto madtom (*Noturus trautmani*) (E), clubshell mussel (*Pleurobema clava*) (E), northern riffleshell mussel (*Epioblasma torulosa rangiana*), rayed bean mussel (*Villosa fabalis*) (E), snuffbox mussel (*Epioblasma triquetra*) (E), and rabbitsfoot mussel (*Quadrula c. cylindrica*) (T).

As the lead Federal Agency, FHWA is responsible for compliance with Section 7 of the Endangered Species Act (ESA). On behalf of FHWA, the applicant determined the project may affect, but is not likely to adversely affect the northern long-eared bat and the Indiana bat. The applicant determined the project would have no affect on the Scioto madtom, clubshell mussel, northern riffleshell mussel, rayed bean mussel, snuffbox mussel, or the rabbitsfoot mussel. The United States Fish and Wildlife Service (USFWS) concurred with the applicant's Indiana bat and northern long-eared bat determinations.

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-2014-00052-SCR

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.

Table 1

Proposed Discharges of Fill Material into Waters of the U.S. (Streams)

Ohio Department of Transportation

North Fork Indian Run – LRH-2014-00052-SCR

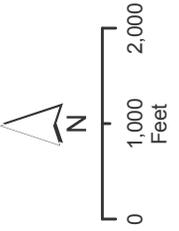
FRA-270-17.28, PID 88310

Waters ID	Plan Sheet Page	Flow Regime	Length/Acreage of Stream	Volume of Fill (cubic yards)	Description of Regulated Discharge
Stream 1	2	Intermittent	1,269 lf (0.240 acre)	613 c.y.	Concrete, earthen and granular fill, construction equipment access area
Cosgray Ditch	9	Perennial	96 lf (0.012 acre)	32 c.y.	Concrete, construction equipment access area
Cramer Ditch	8	Perennial	72 lf (0.048 acre)	117 c.y.	Concrete, rock channel protection (RCP), construction equipment access area
North Fork Indian Run	10	Perennial	118 lf (0.0702 acre)	14 c.y.	Concrete, RCP, construction equipment access area
South Fork Indian Run	5, 6, 7	Perennial	206 lf (0.0506 acre)	167 c.y.	RCP, construction equipment access area
Total Discharges Into Waters of U.S. (Streams)			1,761 lf (0.421 acre)	943 c.y.	

Table 2**Proposed Discharges of Fill Material into Waters of the U.S. (Ditch)****Ohio Department of Transportation****North Fork Indian Run – LRH-2014-00052-SCR****FRA-270-17.28, PID 88310**

Waters ID	Plan Sheet Page	Flow Regime	Acreage of Jurisdictional Ditch	Volume of Fill (cubic yards)	Description of Regulated Discharge
Ditch 1	3, 4	Intermittent	0.61 acre	984 c.y.	Earthen fill for grading and construction equipment access area

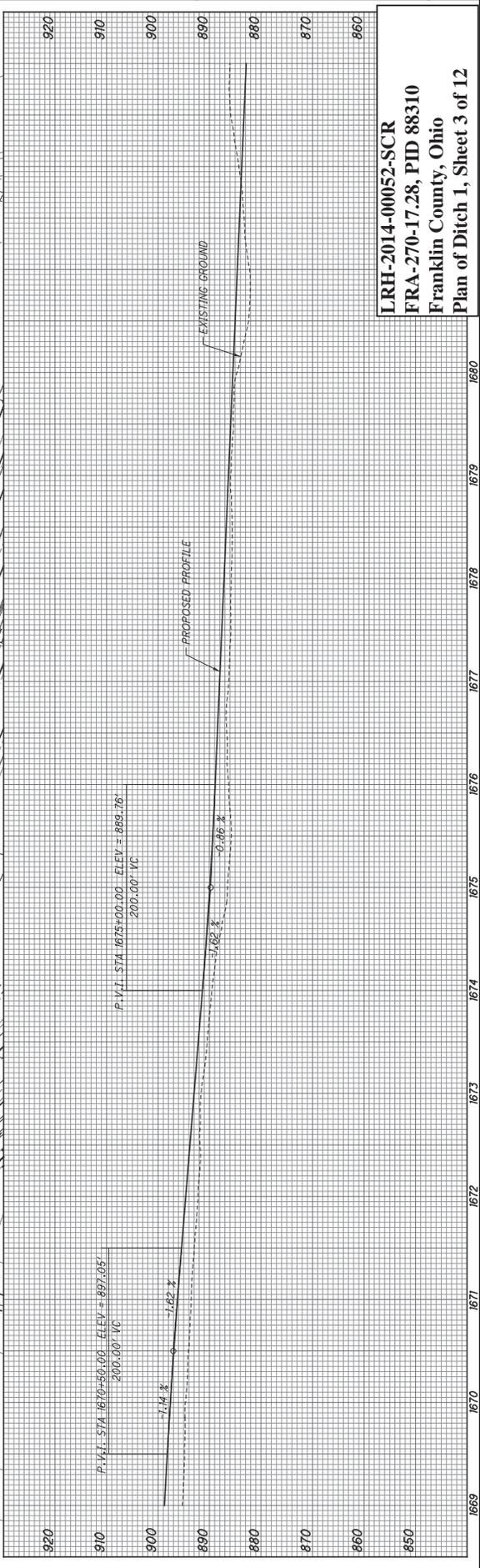
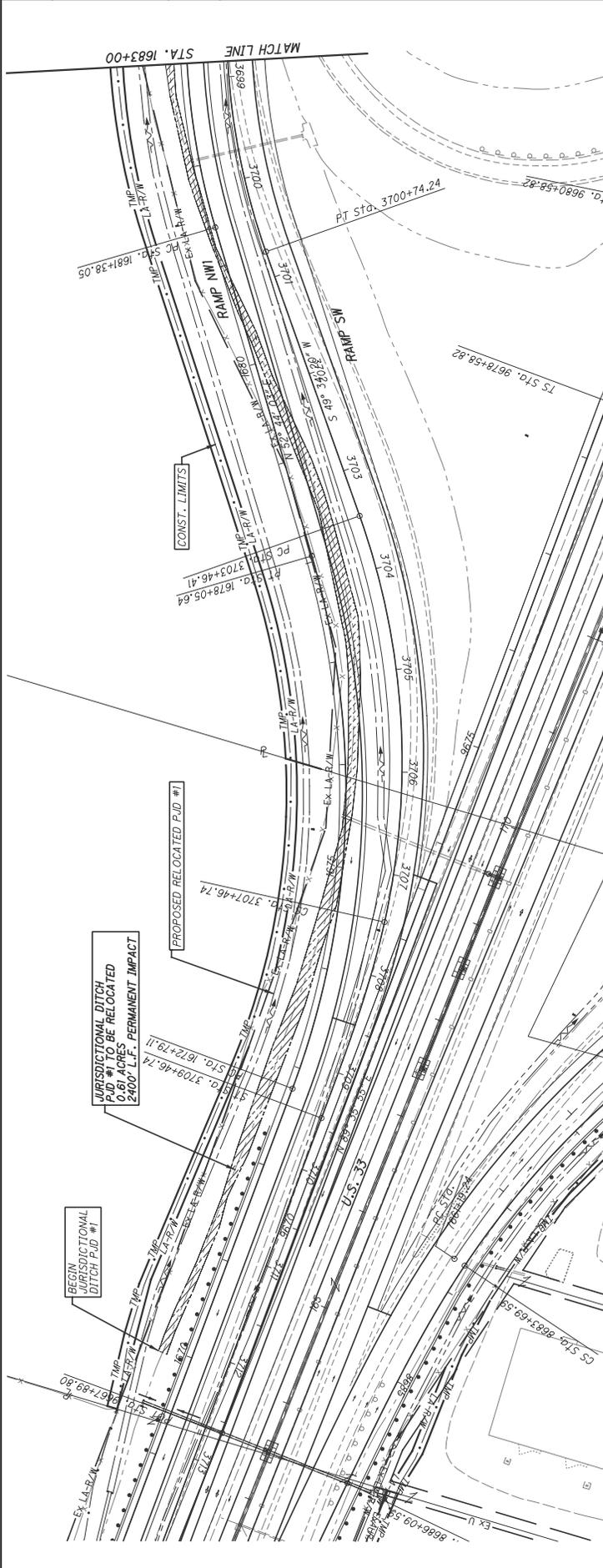
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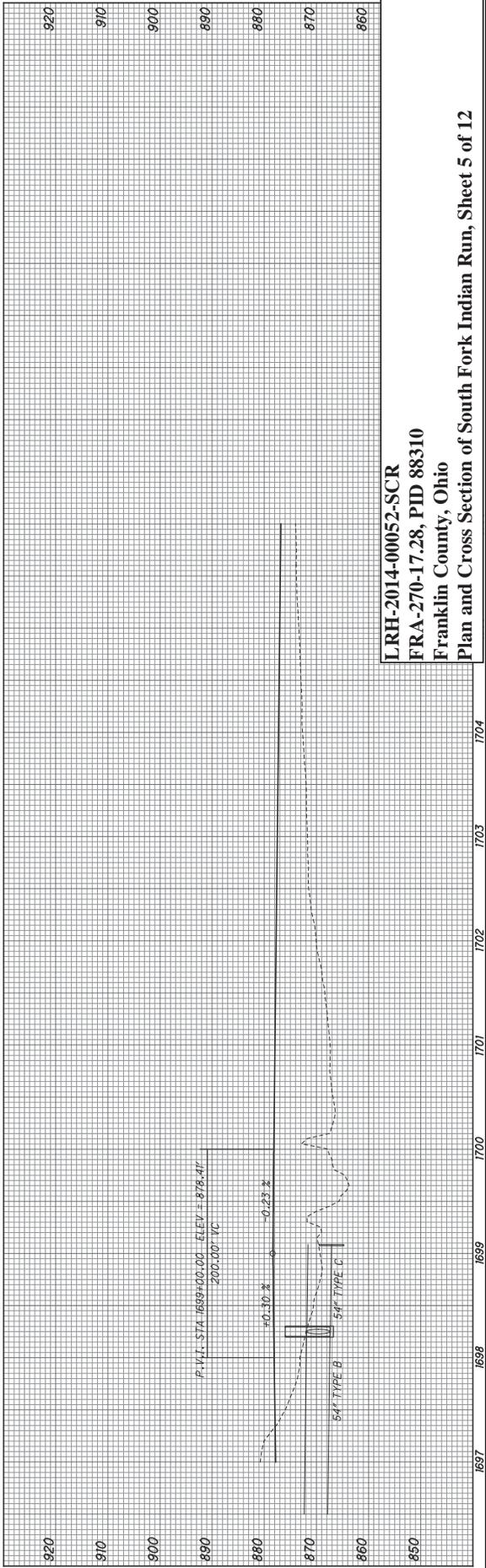
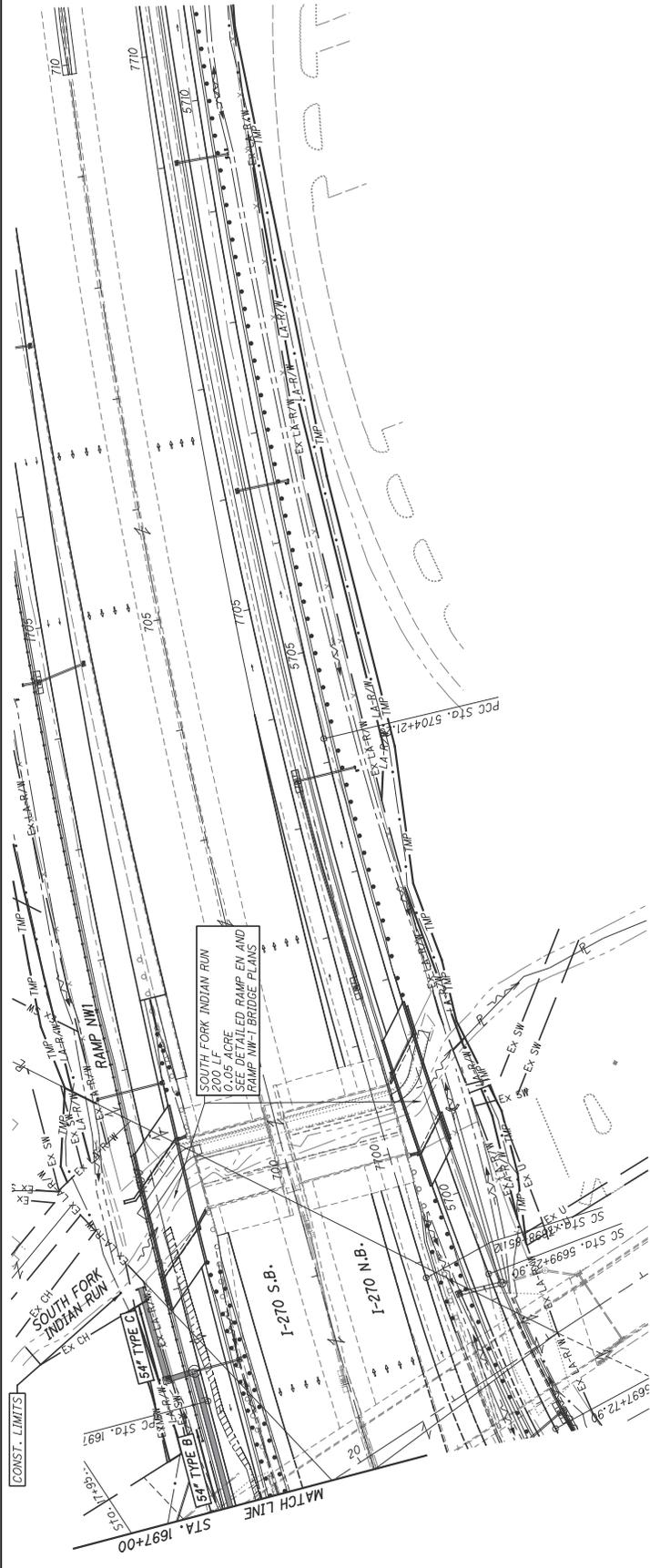
LRH-2014-00052-SCR
FRA-270-17.28, PID 88310
Franklin County, Ohio
Project Location Map, Sheet 1 of 12

 Project Area

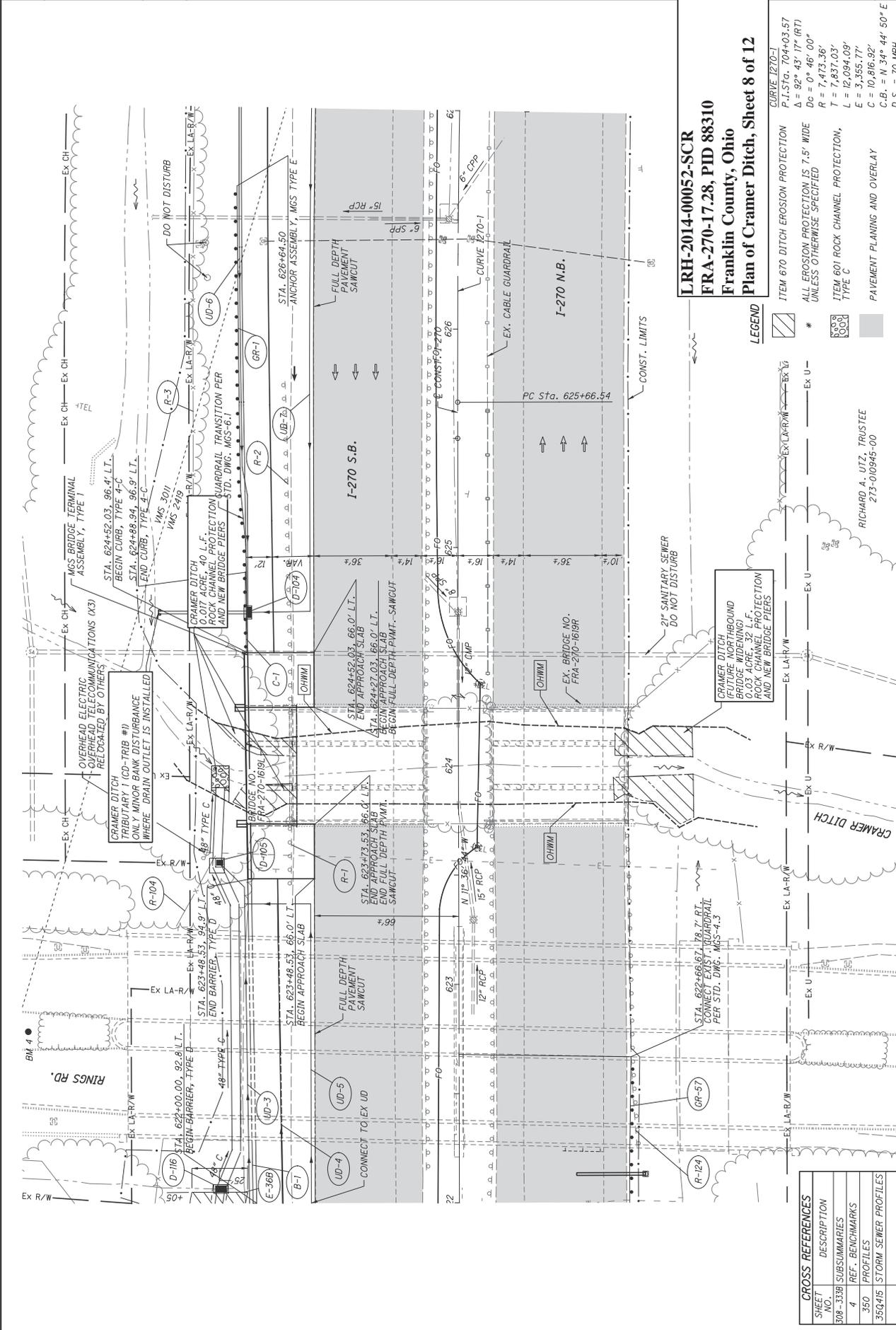




LRH-2014-00052-SCR
 FRA-270-17.28, PID 88310
 Franklin County, Ohio
 Plan of Ditch 1, Sheet 3 of 12



LRH-2014-00052-SCR
FRA-270-17.28, PID 88310
Franklin County, Ohio
Plan and Cross Section of South Fork Indian Run, Sheet 5 of 12



LRH-2014-00052-SCR
FRA-270-17.28, PID 88310
Franklin County, Ohio
Plan of Cramer Ditch, Sheet 8 of 12

LEGEND

- [Symbol] ITEM 670 DITCH EROSION PROTECTION
- [Symbol] ALL EROSION PROTECTION IS 7.5' WIDE UNLESS OTHERWISE SPECIFIED
- [Symbol] ITEM 601 ROCK CHANNEL PROTECTION, TYPE C
- [Symbol] PAVEMENT PLANING AND OVERLAY

CROSS REFERENCES

SHEET NO.	DESCRIPTION
308-333B	SUBSUMMARIES
4	REF. BENCHMARKS
350	PROFILES
350415	STORM SEWER PROFILES

ITEM 670 DITCH EROSION PROTECTION
 P.T. STA. 704+03.57
 $\Delta = 92^\circ 43' 17" (R7)$
 $Dc = 0' 46" 00"$
 $R = 7,473.36'$
 $T = 7,837.03'$
 $L = 12,094.09'$
 $E = 3,355.77'$
 $C = 10,816.92'$
 $C.B. = N 34^\circ 44' 50" E$
 $D.S. = 70 MPH$
 $e_{MAX} = 0.025\pm$

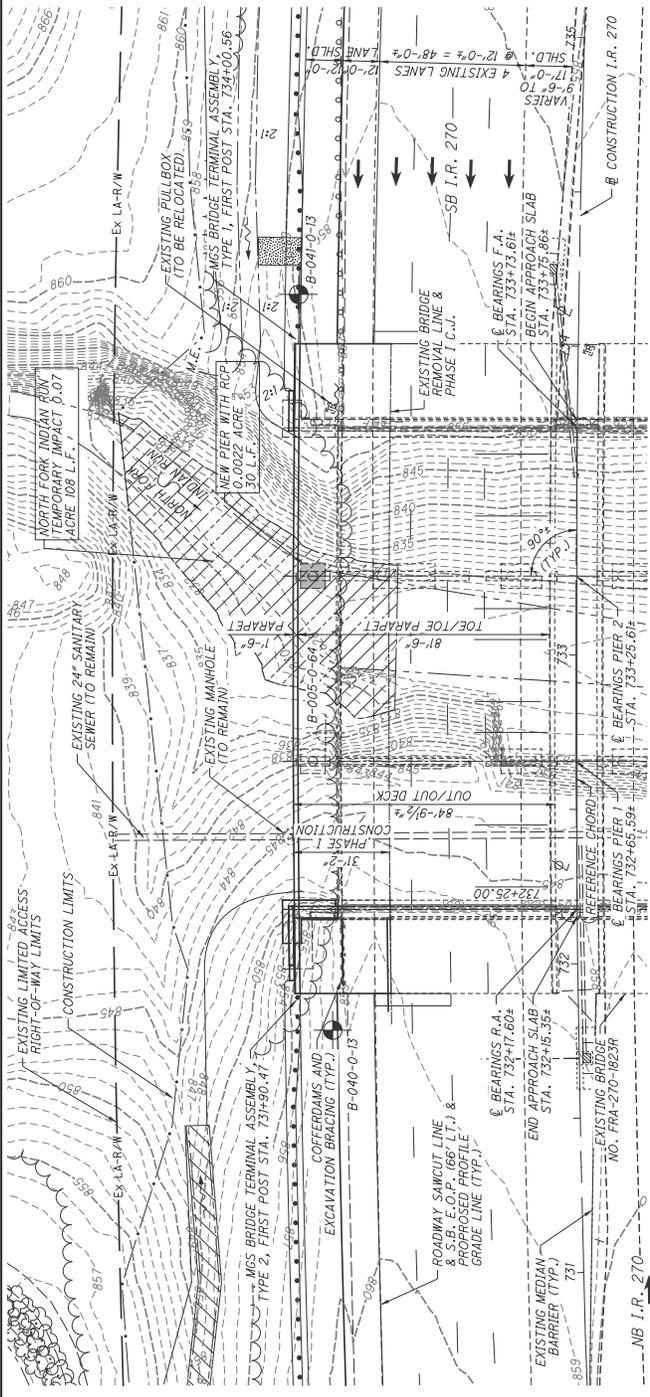
CRAMER DITCH CHANNEL PROTECTION
 0.03 ACRE, 32 L.F.
 ROCK CHANNEL PROTECTION AND NEW BRIDGE PIERS

CRAMER DITCH CHANNEL PROTECTION
 0.03 ACRE, 32 L.F.
 ROCK CHANNEL PROTECTION AND NEW BRIDGE PIERS

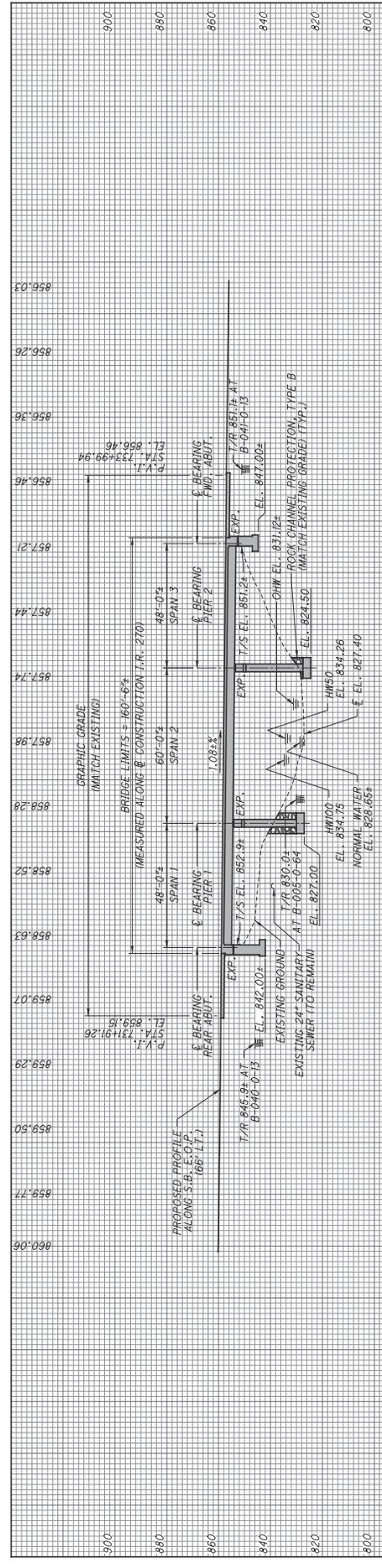
CRAMER DITCH CHANNEL PROTECTION
 0.03 ACRE, 32 L.F.
 ROCK CHANNEL PROTECTION AND NEW BRIDGE PIERS

CRAMER DITCH CHANNEL PROTECTION
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 ROCK CHANNEL PROTECTION AND NEW BRIDGE PIERS

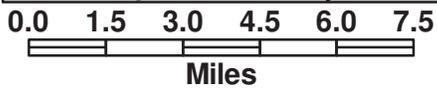
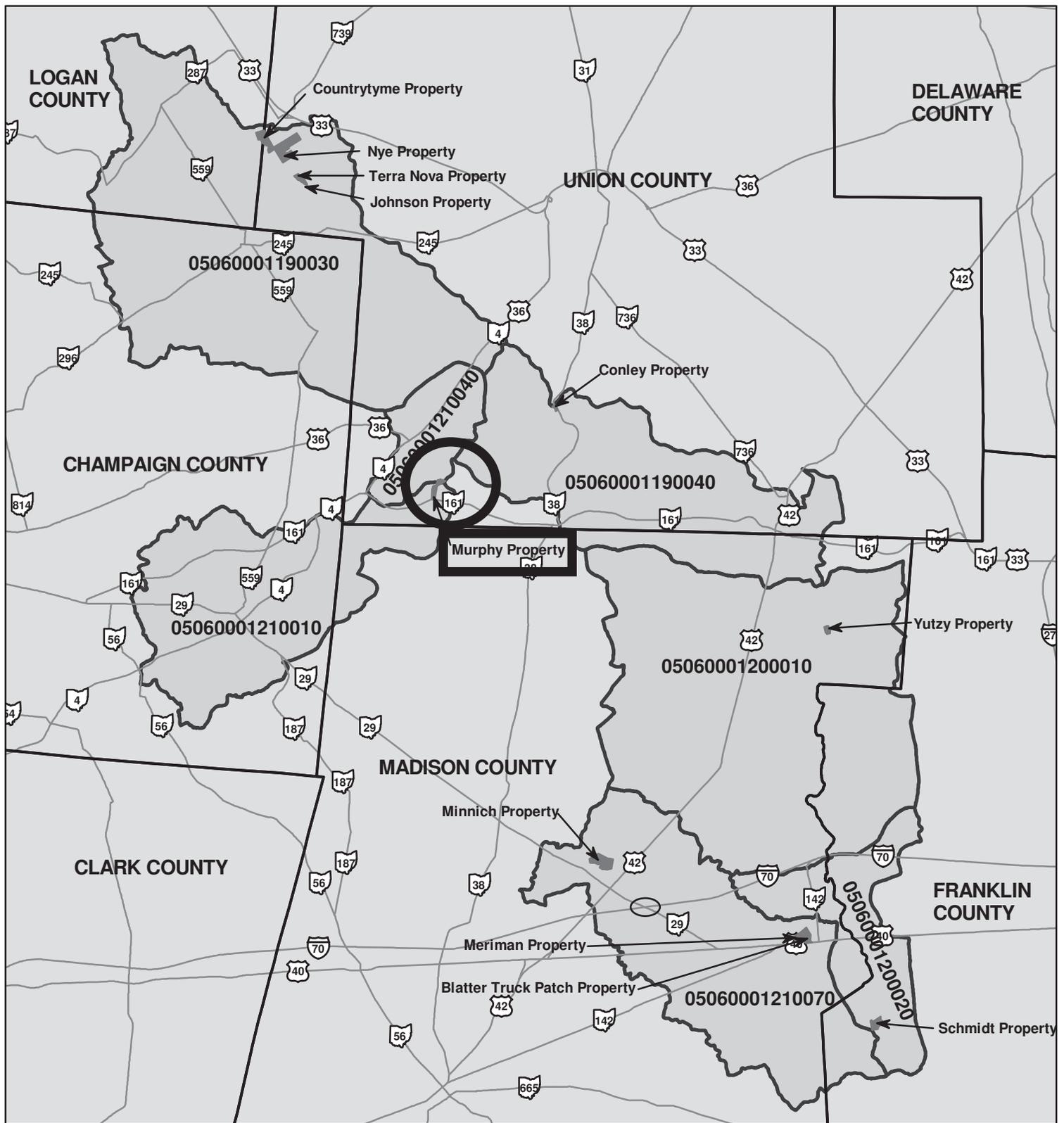
CRAMER DITCH CHANNEL PROTECTION
 0.03 ACRE, 32 L.F.
 ROCK CHANNEL PROTECTION AND NEW BRIDGE PIERS



PLAN



LRH-2014-00052-SCR
FRA-270-17.28, PID 88310
Franklin County, Ohio
Plan and Cross Section of North Fork Indian Run, Sheet 10 of 12



ODOT Project Location



ODOT Funded Preserved Properties Along Big and Little Darby Creek
 14 Digit HUC Boundaries



LRH-2014-00052-SCR
 FRA-270-17.28, PID 88310
 Union County, Ohio
 Murphy Property, Mitigation Location Map, Sheet 11 of 12

THE OHIO DEPARTMENT OF TRANSPORTATION
 OFFICE OF ENVIRONMENTAL SERVICES
 1980 W. BROAD ST.
 COLUMBUS, OH 43223
 PRODUCED WITH GEOMEDIA PROFESSIONAL SOFTWARE
 CREATED BY: M. RAYMOND
 DATE CREATED: 12/20/11

ODOT Funded, ODNR Managed, Darby Watershed 404/401 Pooled Stream Mitigation Area

Site Name: ODNR - M & P Murphy Farms ,LLC Property Easement
 County: Union
 Streams Preserved: Treacle Creek (EWH), Little Darby Creek (EWH)
 12 Digit HUC(s): 5060001-20-03, 05060001-20-02
 14 Digit HUC(s): 5060001-210-010, 05060001-210-040
 inning Preservation Balance (ft): 4,290
 Protection Mechanism: Deed of Conservation Easement

ODNR - Murphy Property Easement Balance Sheet

Project CRS	ODOT PID	USACE ID	OEPA ID	HUC	Stream Impact (ft)	Mitigation Required (ft)	Remaining Balance (ft)	Effective Date
(Proposed) FRA-IR 270-17.29	88310	2014-0052-SCR-North Fork Indian Run	144326	5060001	1,749	2,624	1,666	



**LRH-2014-00052-SCR
 FRA-270-17.28, PID 88310
 Union County, Ohio
 Murphy Property, Mitigation Location Map, Sheet 12 of 12**