

**U.S. Army Corps of Engineers Jurisdictional
Determination**

Frank Kiser

From: Frank Kiser <frankkiser@superiormarineinc.com>
Sent: Monday, June 23, 2014 12:10 PM
To: Spagna, Teresa D LRH (Teresa.D.Spagna@usace.army.mil)
Cc: Mike Manns (michaelmanns@riverwalkoh.com)
Subject: US Army Corps Engineers Jurisdictional Determination

Teresa,

I have been working on the 401 WQC form and application and it says that I need a copy of the letter from the USCOE documenting its jurisdiction over the wetland or stream. Would it be possible to get that letter from you?

Thanks
frank

Frank Kiser

From: Spagna, Teresa D LRH <Teresa.D.Spagna@usace.army.mil>
Sent: Monday, June 23, 2014 1:12 PM
To: Frank Kiser
Subject: RE: [EXTERNAL] US Army Corps Engineers Jurisdictional Determination (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Yes. I will get that letter to you.

-----Original Message-----

From: Frank Kiser [<mailto:frankkiser@superiormarineinc.com>]
Sent: Monday, June 23, 2014 12:10 PM
To: Spagna, Teresa D LRH
Cc: Mike Manns
Subject: [EXTERNAL] US Army Corps Engineers Jurisdictional Determination

Teresa,

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DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

JUL 01 2014

REPLY TO
ATTENTION OF:

Regulatory Division
North Branch
LRH-1997-956-OHR-Ohio River

PRELIMINARY JURISDICTIONAL DETERMINATION

Mr. Michael Manns
Superior Marine Ways, Inc.
5852 County Road 1
South Point, Ohio 45680

Dear Mr. Mann:

I refer to a jurisdictional determination (JD) report entitled *Wetland and Surface Water Assessment...Superior Marine Ways Inc....June 2014* prepared by Terradon Corporation. The JD report contains information concerning potential waters of the United States within the limits of the project site of the proposed marineways along the right descending bank of the Ohio River approximately 314.7 miles downstream of Pittsburgh, Pennsylvania at 5852 County Road 1, in South Point, Lawrence County, Ohio. You have requested a preliminary JD for portions of the site characterized by potential waters of the United States. Your request has been assigned the following file number: 1997-956-OHR-Ohio River. Please reference this file number on all future correspondence related to this JD request.

The United States Army Corps of Engineers (Corps) authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act requires a Department of the Army (DA) permit be obtained prior to discharging dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 requires a DA permit be obtained for any work in, on, over or under a navigable water.

Based upon a review of the provided information, and a field investigation conducted by a representative of this office on May 5, 2014, this office has determined 0.06 acre of wetland is located within the proposed project area and may be a water of the United States in accordance with the Regulatory Guidance Letter for JDs issued by the Corps on June 26, 2008 (Regulatory Guidance Letter No. 08-02). As indicated in the guidance, this Preliminary JD is non-binding and cannot be appealed (33 C.F.R. 331.2) and only provides a written indication waters of the United States may be present on-site.

For the purposes of the determination of impacts, compensatory mitigation, and other resource protection measures for activities that require authorization from this office, the on-site wetland will be evaluated as if it is a water of the United States. Enclosed please find two (2) copies of the Preliminary JD. If you agree with the findings of this Preliminary JD and understand your options regarding the same, please sign and date one (1) copy of the Preliminary JD form and return it to this office within 30 days of receipt of this letter. You should submit the signed copy to the following address:

United States Army Corps of Engineers
Huntington District
Attn: North Branch
502 Eighth Street
Huntington, West Virginia 25701.

If you have any questions concerning the above information, please contact Ms. Teresa Spagna of the North Branch at 304-399-5210, at the above address or by email at teresa.d.spagna@usace.army.mil.

Sincerely,



Lee A. Robinette
Regulatory Project Manager
North Branch

Enclosure(s)

Copy Furnished:

Terradon Corporation
Post Office Box 519
Nitro, West Virginia 25143

Frank Kiser

From: Spagna, Teresa D LRH <Teresa.D.Spagna@usace.army.mil>
Sent: Thursday, July 03, 2014 11:16 AM
To: Frank Kiser
Cc: Michael Manns
Subject: RE: [EXTERNAL] mitigation plan (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

You will need to contact the Red Stone Bank sponsor and tell them you want to purchase credits and they will draft up an agreement for Superior to sign:

Drausin Wulsin

Bank Sponsor / Owner / Manager

1727 Frost Road

Hillsboro, OH 45133

(740) 634-2440

drausin@redstonefarm.org

dfwulsin@gmail.com

-----Original Message-----

From: Frank Kiser [<mailto:frankkiser@superiormarineinc.com>]
Sent: Thursday, July 03, 2014 10:56 AM
To: Spagna, Teresa D LRH
Cc: Mike Manns
Subject: [EXTERNAL] mitigation plan

Teresa,

I was talking to Michael See the other day and was asking about a mitigation bank in our area. Because the 401 plan ask for a proposed mitigation plan. What we want to do is remove the 0.06 acre wetland from our construction site and use the Red Stone Farm Mitigation Bank. Is it ok to use this bank to purchases credits and if so could you give me guidance on how to do this?

frank

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Caveats: NONE