

TJ Place

From: Sendziak, Keith C LRB [Keith.C.Sendziak@usace.army.mil]
Sent: Tuesday, July 02, 2013 10:18 AM
To: TJ Place
Subject: RE: Sims Run (UNCLASSIFIED)
Attachments: scannedDoc.pdf

Classification: UNCLASSIFIED
Caveats: NONE

TJ,

I have attached a copy of the public notice. The jurisdictional determination letter has not been sent yet. All of the wetlands you have identified plus Sims Run are being considered waters of the U.S. I believe the investigation report in 10 would be the wetland delineation report that your team performed.

Hope this helps. If you need anything else please let me know.

Thanks,

Keith C. Sendziak
U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, New York 14207
(716) 879-4339 (p)
(716) 879-4310 (f)

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

From: TJ Place [<mailto:tplace@auglaizecounty.org>]
Sent: Thursday, June 27, 2013 4:02 PM
To: Sendziak, Keith C LRB
Subject: RE: Sims Run (UNCLASSIFIED)

Keith,

I have received notification (attached) from EPA to fill out an application for a "Section 401 Water Quality Certification". Notice on sheets 2 and 3; Bullets 2, 10 and 11 pertain to documents from the U.S. Army Corps of Engineers. Can you supply me with these documents? If they are not required for this project, can you give provide me an explanation so I can include it with my application documentation?

Notice...I have until July 15th to provide this information to Ohio EPA. If you cannot supply this information to me within that time frame, please notify me of a potential date the information may arrive in my hands. I will then request an extension from Ohio EPA.

Thank You,
TJ Place
110 Industrial Drive Suite G
Wapakoneta, Ohio 45895
419-738-4016

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

From: Sendziak, Keith C LRB [<mailto:Keith.C.Sendziak@usace.army.mil>]
Sent: Wednesday, June 19, 2013 4:51 PM
To: TJ Place
Subject: RE: Sims Run (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

TJ,

At this point, I am almost ready to send you all of the comments I received during the 30-day comment period. Once you receive the comments you will have 10 days to offer a response. In your response to the comments you can propose project modifications.

Thanks,

Keith C. Sendziak
U.S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, New York 14207
(716) 879-4339 (p)
(716) 879-4310 (f)

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

From: TJ Place [<mailto:tplace@auglaizecounty.org>]
Sent: Wednesday, June 19, 2013 3:14 PM
To: Sendziak, Keith C LRB
Subject: RE: Sims Run (UNCLASSIFIED)

Keith,

During your requested 30 day comment period, I have had several discussions with the lower landowner (Houser property) where we were proposing only log jam removal. I have proposed this only because it was "recommended" by Dan Dudley of Ohio EPA. After discussing this project with the Houser's, I feel a minimum of one sided construction is needed from National Road and the Auglaize River. The Houser's have shown me several locations that have worsened significantly since I originally walked this channel. They have showed me where the water has come out of the banks during a normal "annual" storm. There is severe soil loss in these areas and the channel should be widened to handle the 5,000 acres of drainage that flow through this portion of channel. Another significant change is the recent development of the Auglaize River Log Jam Removal project. Log Jams are currently be removed from the river allowing the river to handle these annual storms flowing from the Sims Run.

Due to the recent changes, I am requesting that we change the proposal of this project to include one sided construction for this portion of channel. I realize we have made strides on this current request and I am willing to drop it if necessary and file a new request

updating my project details. However, this change would only be relative to channel dip out. It would not require any additional rip rap to be installed.

I am willing to do what is necessary to see that this application is as accurate a possible. After talking with the Houser's, I do not feel that my original proposal is adequate to address the needs for this channel.

Please take my suggestions into consideration and notify me if any additional information is needed from me.

Thank You,
TJ Place
Auglaize SWCD
110 Industrial Drive Suite G
Wapakoneta, Ohio 45895
PH: 419-738-4016
Fax: 419-738-4782

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE



Public Notice

ISSUED: MAY 15, 2013
EXPIRES: JUNE 13, 2013

U.S. Army Corps
of Engineers
Buffalo District

Application No: 2013-00224 **Section: OH**

All written comments should reference the above Application No. and be addressed to:
US Army Corps of Engineers, Buffalo District, Regulatory Branch, 1776 Niagara Street
Buffalo, NY 14207-3199

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

APPLICANT: Auglaize Soil and Water Conservation District, 110 Industrial Drive, Suite G,
Wapakoneta, Ohio 45895

WATERWAY & LOCATION: The project is located along approximately 33,932 linear feet (LF) (6.4 miles) of Sims Run, starting from the confluence with the Auglaize River and extending upstream (south) to approximately 0.5 miles south of Kelly Road. The project is located within Logan and Moulton Townships, Auglaize County, Ohio.

LATITUDE & LONGITUDE: Latitude North: project start: 40.66352; project end: 40.59778
Longitude West: project start: -84.26752; project end: -84.28028

EXISTING CONDITIONS:

Description of delineation of waters of the US, if applicable: The project is proposed to be located within Sims Run, a perennial stream. The applicant has performed a wetland delineation that has identified five wetlands within the project area for a total of 0.62 acres. The wetland delineation has not been verified by the U.S. Army Corps of Engineers and a jurisdictional determination has not been issued to the applicant.

PROPOSED WORK: The applicant is proposing to stabilize 35 separate stream bank locations. The applicant will remove approximately 23 cubic yards (CY) of soil from each location and place the material from the top of bank to 75 feet perpendicular to the channel and leveled to a thickness of 2-4 inches. In its place, approximately 805 CY, combined at all 35 locations, of #57 gravel and ODOT type "D" rip rap will be discharged below the ordinary high water mark of Sims Run to stabilize the banks. The rip rap will be approximately 4 feet high and approximately 60 LF feet along the shoreline at each location and will be designed to have a 2:1 slope.

In addition to the jurisdictional work described above, the applicant is proposing to perform the following work which will not entail a discharge of dredged or fill material into a water of the U.S.: For approximately 4,200 LF, from the confluence with the Auglaize River to National Road, log jams will be removed; For approximately the next 7,300 LF heading upstream, from National Road to Monroe Road, in addition to log jam removal the western bank of the stream channel will be dipped out and regraded to a 2:1 slope and trees will be removed and grubbed from the top of bank to 75 feet perpendicular to the channel with excavated material spread from the top of bank to 75 feet perpendicular from the channel; and, for the remaining project area, in addition to log jam removal the western and eastern banks will be logged and grubbed from the top of bank to 75 feet perpendicular to the channel and both stream banks will be excavated and regraded to a 2:1 slope with excavated material spread 2-4 inches thick from the top of bank to 75 feet perpendicular to the channel. Throughout the project area all broken tiles will be replaced and at approximately 70 locations stone chutes will be installed to allow surface water to enter the stream channel without eroding the side banks.

PROJECT PURPOSE

Basic: To remove accumulated silt from the channel to provide an adequate outlet for tiles draining into the channel. To re-construct the banks to prevent erosion and to provide additional drainage capacity for storm water flow.

Overall: The channel will be used as drainage for township and county roads, agricultural properties, and rural housing.

Water Dependency Determination: The applicant has indicated that every effort will be taken to work around wetland areas without disturbing them.

Avoidance and Minimization Information: The applicant has indicated that they could choke the rip rap with soil and seed with grass.

Proposed Mitigation: The applicant considers the project self-mitigating. No additional mitigation has been proposed.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of Keith C. Sendziak, who can be contacted at the above address, by calling (716) 879-4339, or by e-mail at: keith.c.sendziak@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Mr. John Kessler
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Rd.
Columbus, OH 43229-6605

phone: 614-265-6621
email: john.kessler@dnr.state.oh.us

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheets 3-14 of 16. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Rayed bean mussel (*Villosa fabalis*) and Indiana bat (*Myotis sodalis*) and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will

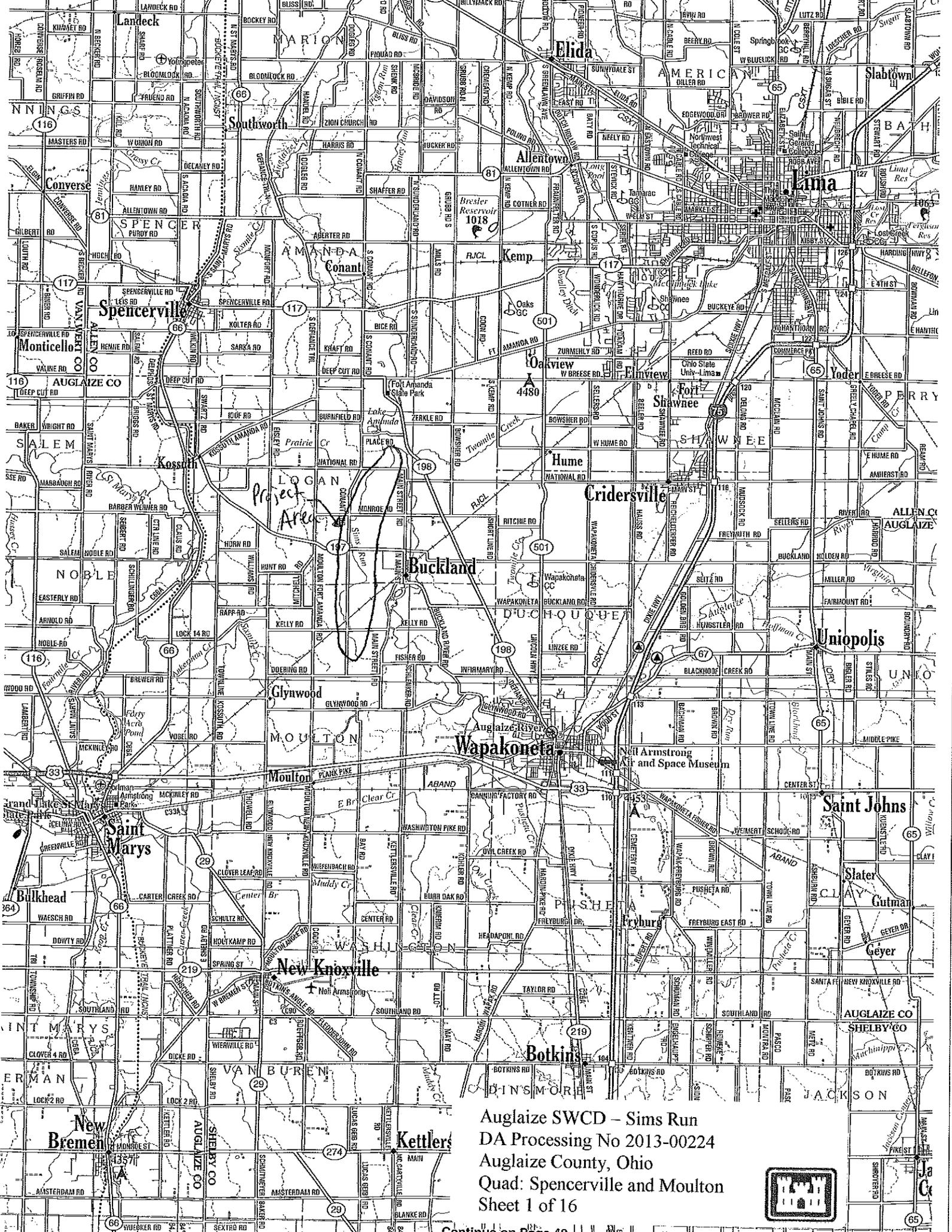
reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain 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.

The Corps of Engineers 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. Any comments received will be considered by the Corps of Engineers 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.

SIGNED

Diane C. Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



Auglaize SWCD - Sims Run
DA Processing No 2013-00224
Auglaize County, Ohio
Quad: Spencerville and Moulton
Sheet 1 of 16



Auglaize SWCD – Sims Run
DA Processing No 2013-00224
Auglaize County, Ohio
Quad: Spencerville and Moulton
Sheet 2 of 16

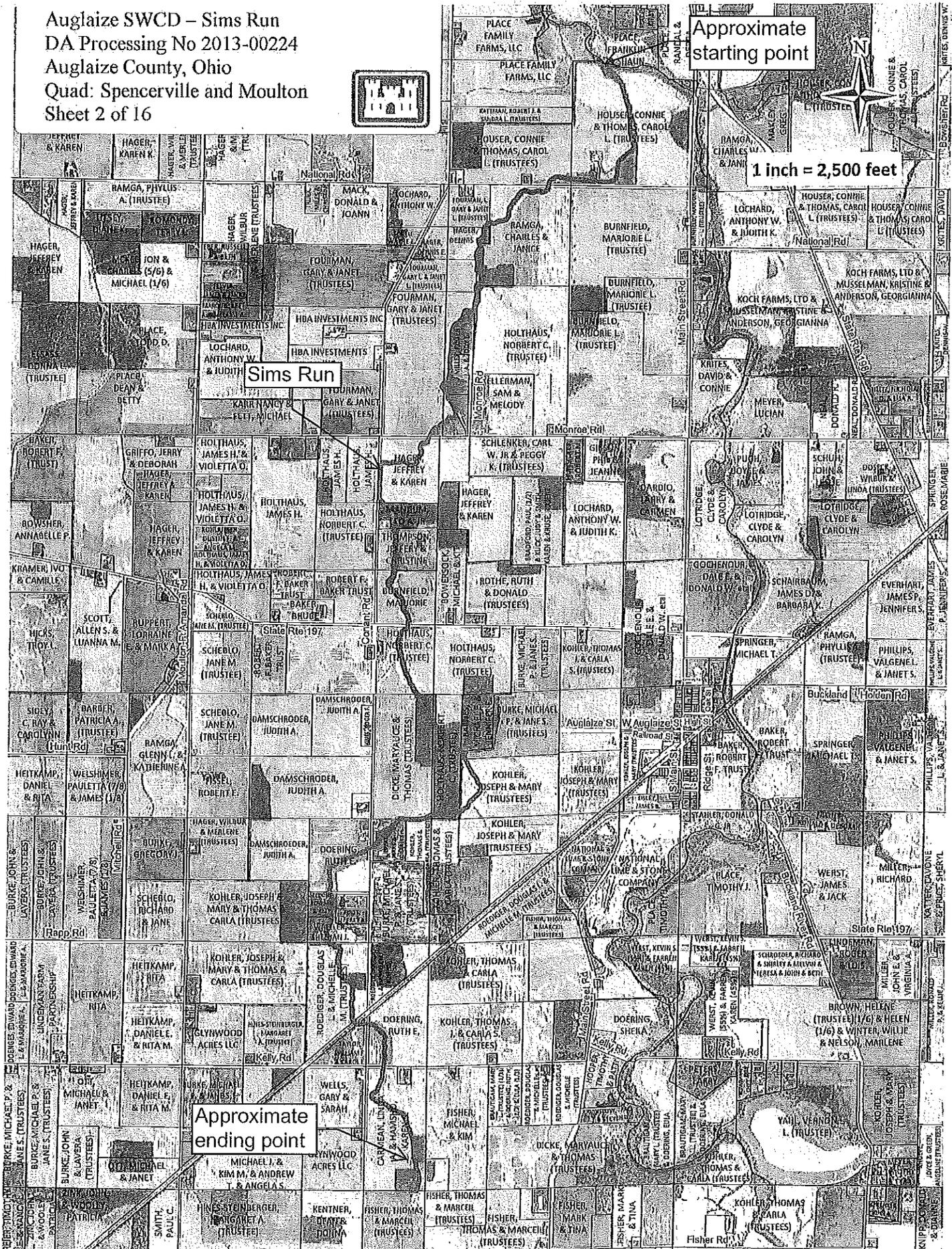


Approximate starting point

1 inch = 2,500 feet

Sims Run

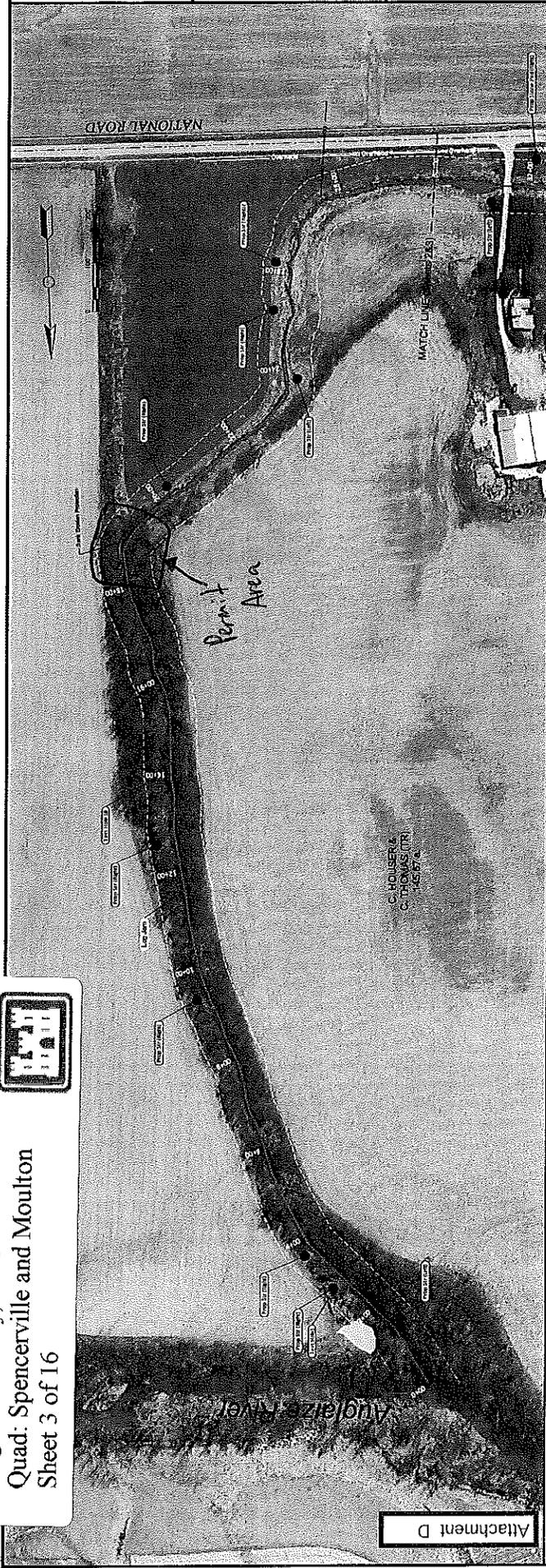
Approximate ending point



Auglaize SWCD - Sims Run
 DA Processing No 2013-00224
 Auglaize County, Ohio
 Quad: Spencerville and Moulton
 Sheet 3 of 16

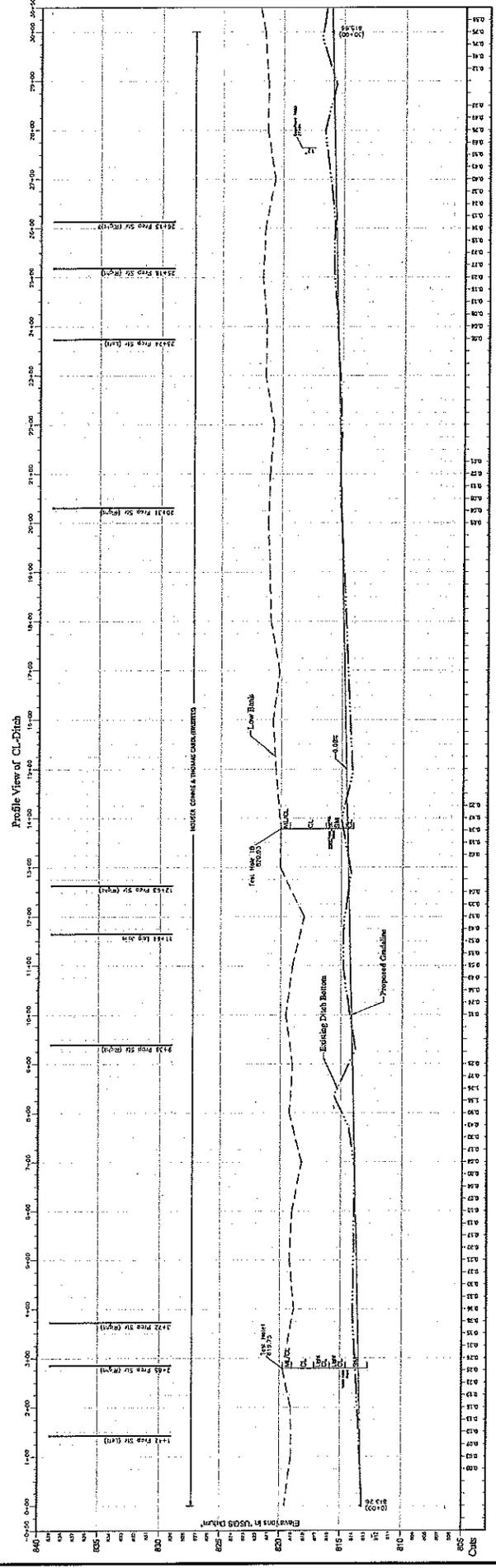


Attachment D

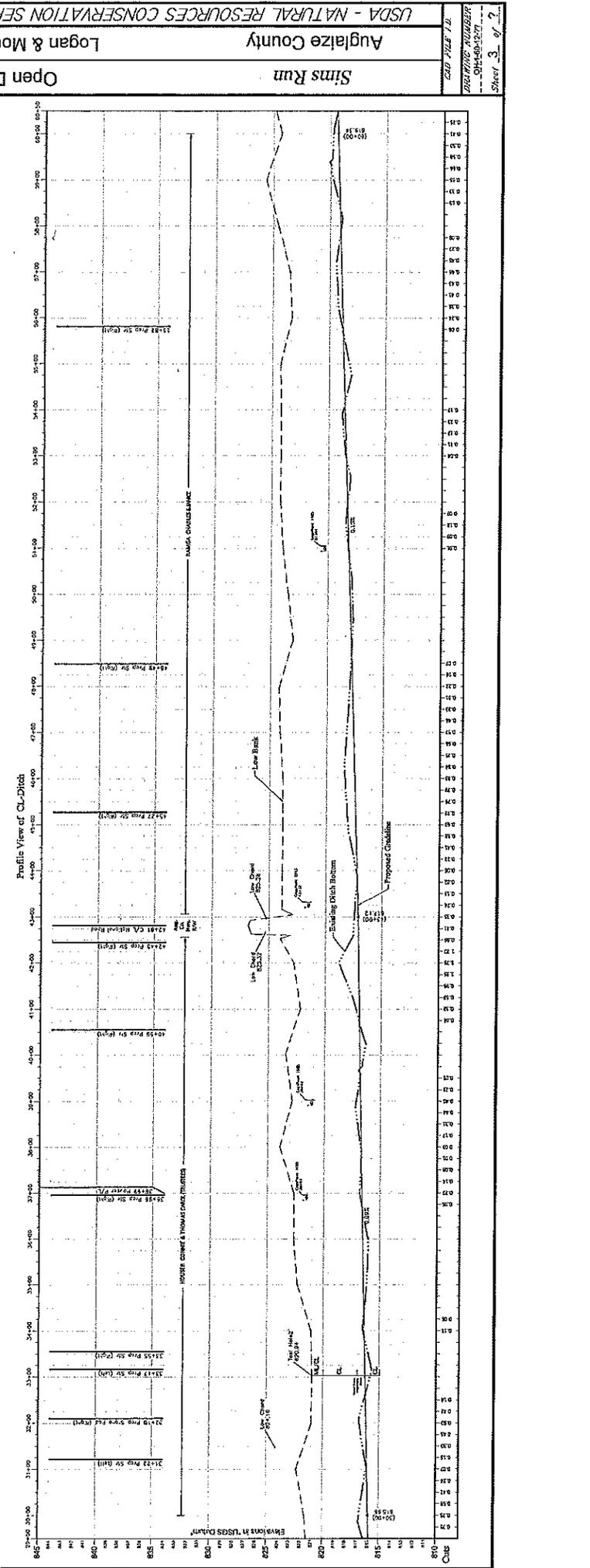
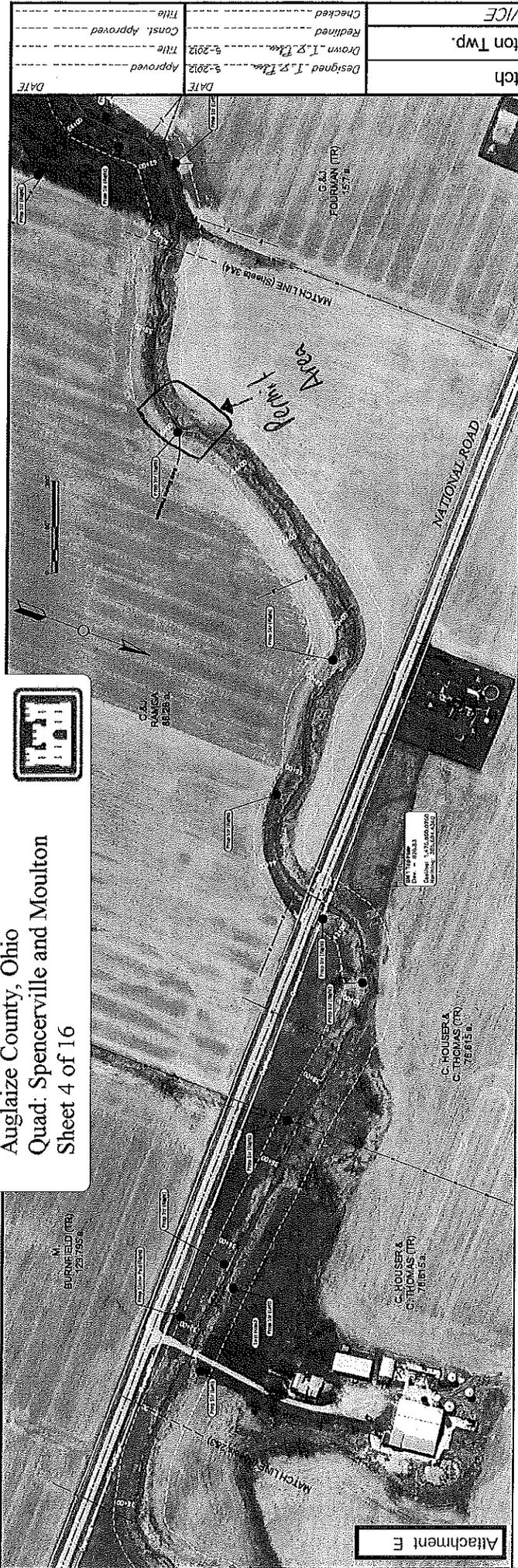


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DATE	5-2012	Const. Approved	Checked
DATE	5-2012	Const. Approved	Drawn I. S. Taka
DATE	5-2012	Const. Approved	Checked

Open Ditch
 Sims Run
 Auglaize County
 Logan & Moulton Twp.
 USDA - NATURAL RESOURCES CONSERVATION SERVICE
 Sheet 2 of 2



Auglaize SWCD - Sims Run
 DA Processing No 2013-00224
 Auglaize County, Ohio
 Quad: Spencerville and Moulton
 Sheet 4 of 16

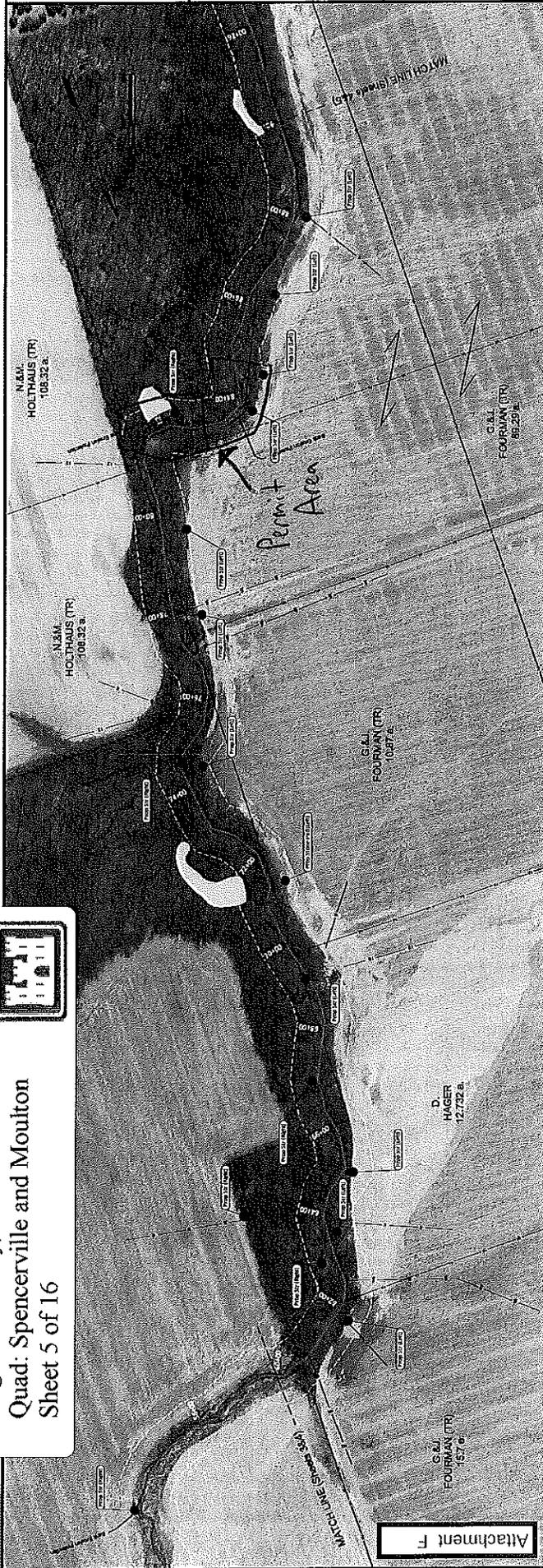


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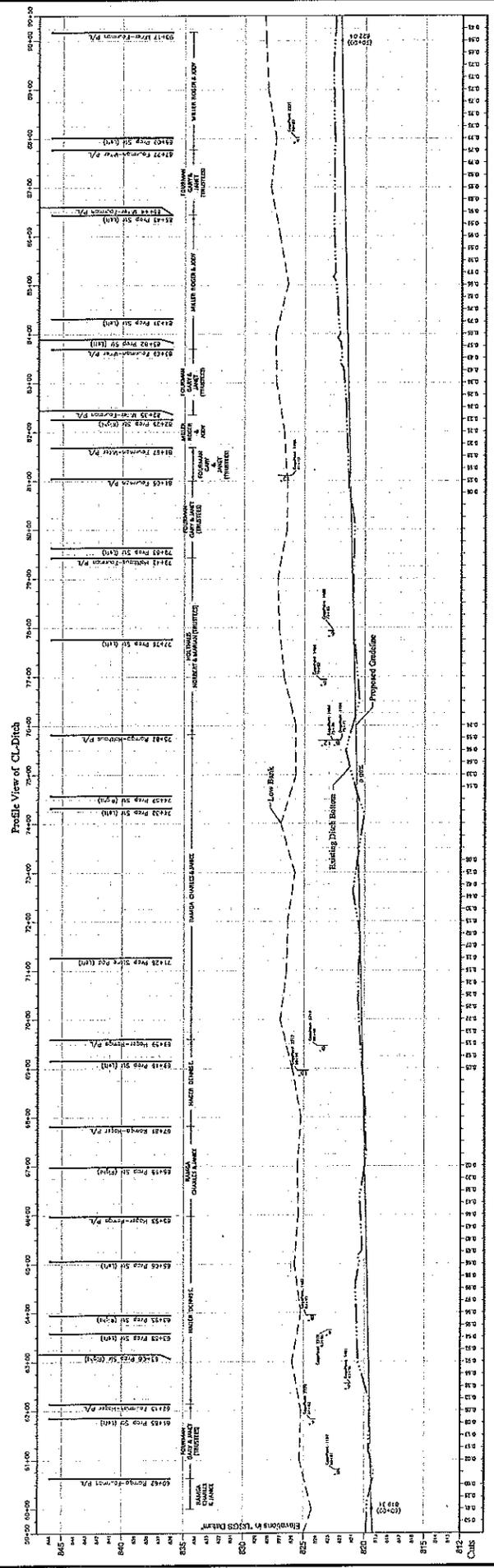
Sims Run
 Auglaize County
 Logan & Moulton Twp.
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 USA - NATURAL RESOURCES CONSERVATION SERVICE

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Auglaize SWCD - Sims Run
 DA Processing No 2013-00224
 Auglaize County, Ohio
 Quad: Spencerville and Moulton
 Sheet 5 of 16



Attachment F

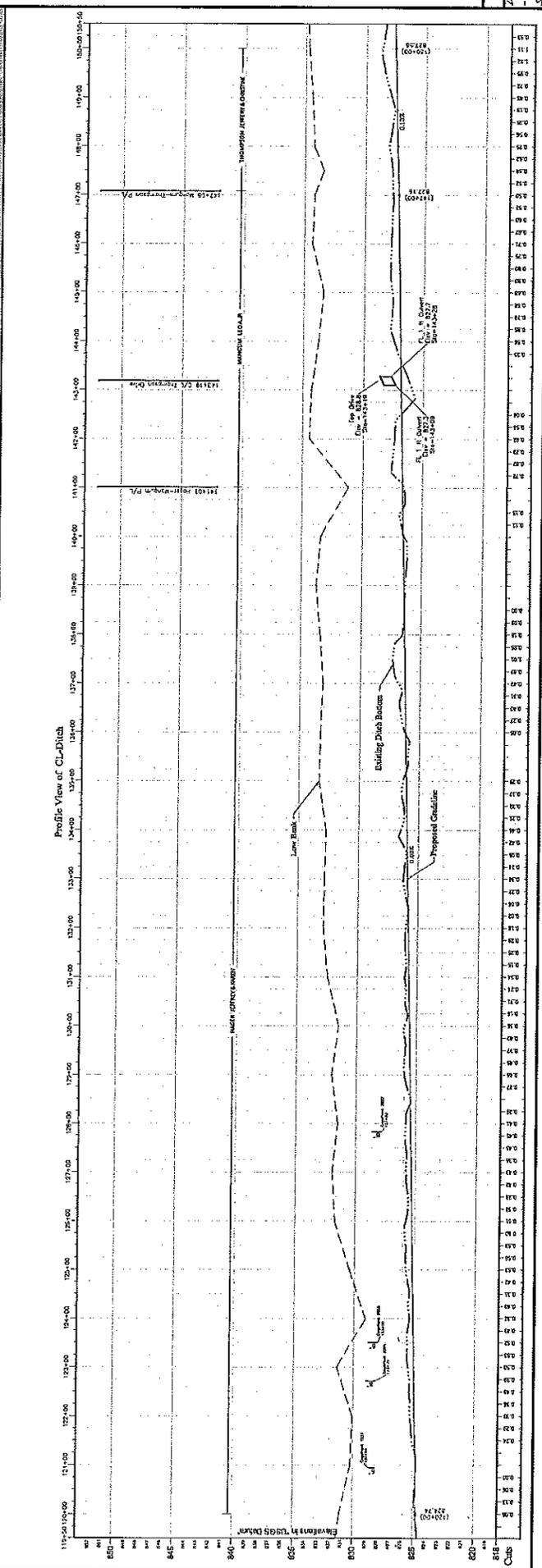
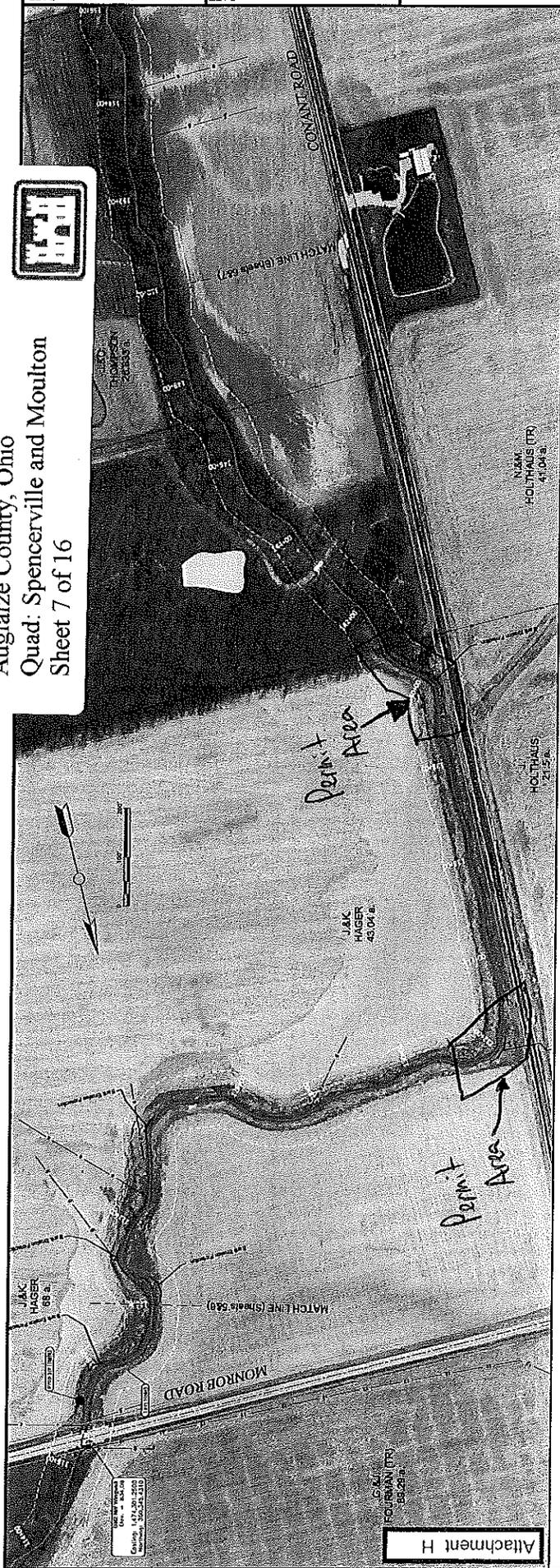


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5-29-12	5-29-12	5-29-12
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Open Ditch
 Sims Run
 Auglaize County
 Logan & Moulton Twp.
 USDA - NATURAL RESOURCES CONSERVATION SERVICE

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 Sheet 4 of 2

Auglaize SWCD - Sims Run
 DA Processing No 2013-00224
 Auglaize County, Ohio
 Quad: Spencerville and Moulton
 Sheet 7 of 16



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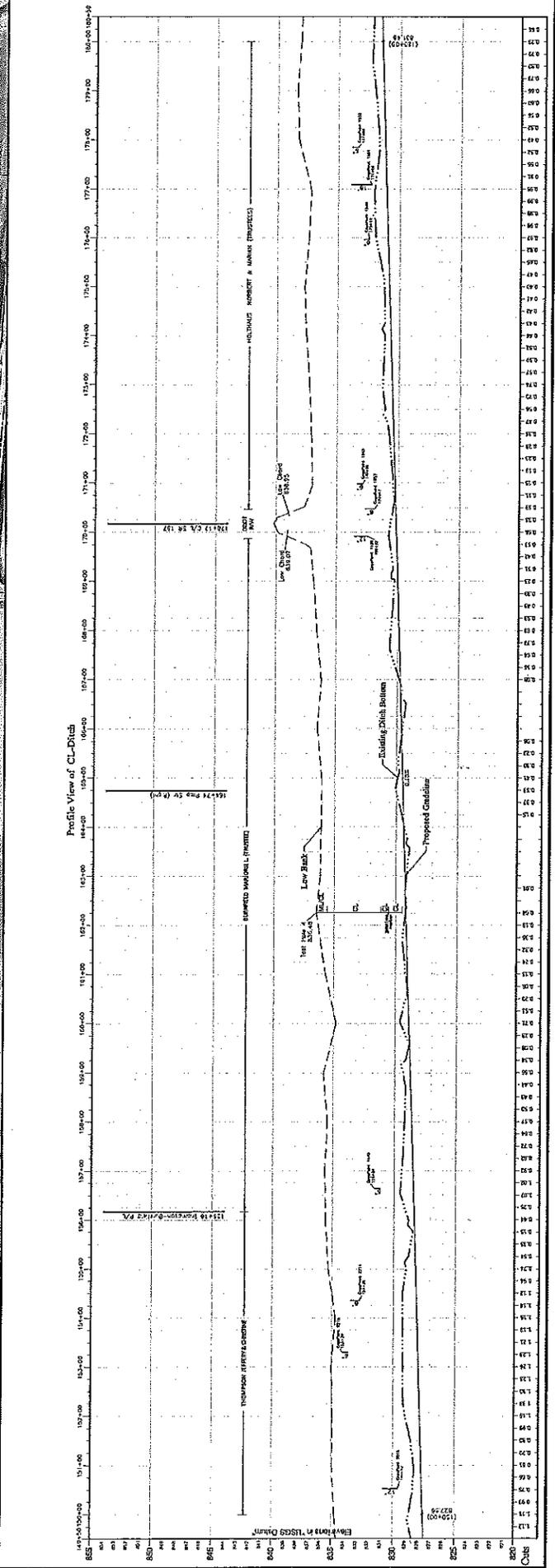
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Sims Run			
Sheet 7 of 16			

Auglaize SWCD - Sims Run
 DA Processing No 2013-00224
 Auglaize County, Ohio
 Quad: Spencerville and Moulton
 Sheet 8 of 16



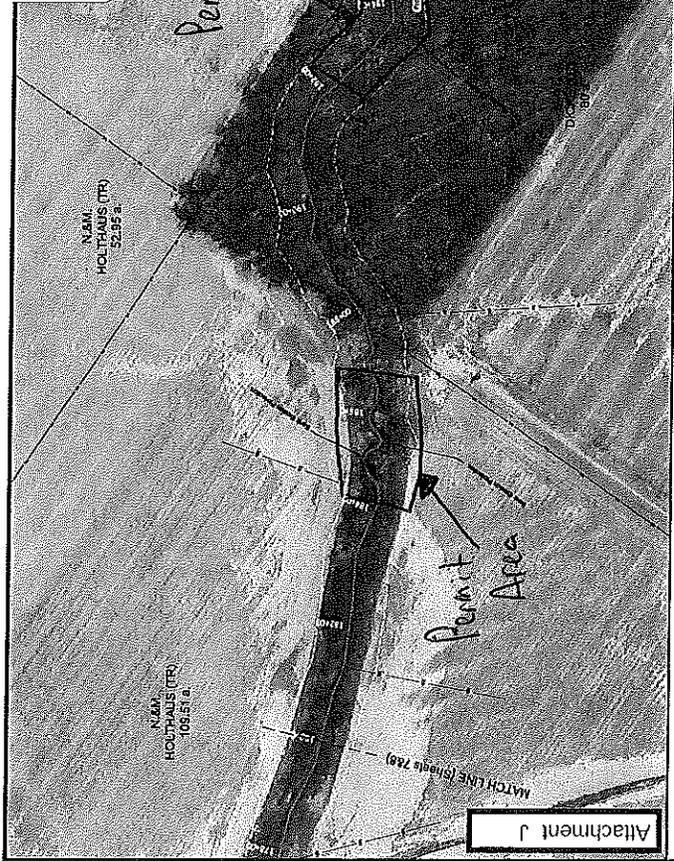
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Auglaize County	Logan & Moulton Twp.	USDA - NATURAL RESOURCES CONSERVATION SERVICE
Sims Run	Open Ditch	
DA Processing No. 2013-00224	Sheet 8 of 16	

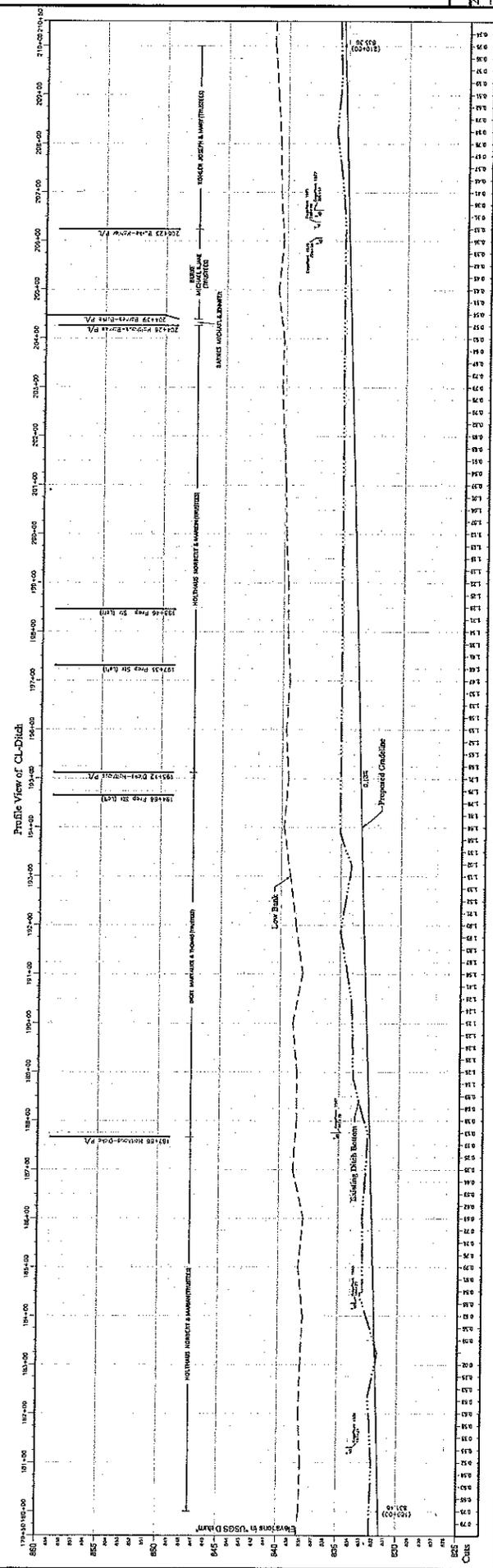


Attachment 1

Auglaize SWCD - Sims Run
 DA Processing No 2013-00224
 Auglaize County, Ohio
 Quad: Spencerville and Moulton
 Sheet 9 of 16



Attachment J



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Sims Run Auglaize County Logan & Moulton Twp. Open Ditch		
USDA - NATURAL RESOURCES CONSERVATION SERVICE		

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 2013-00224
 SHEET 9 OF 16

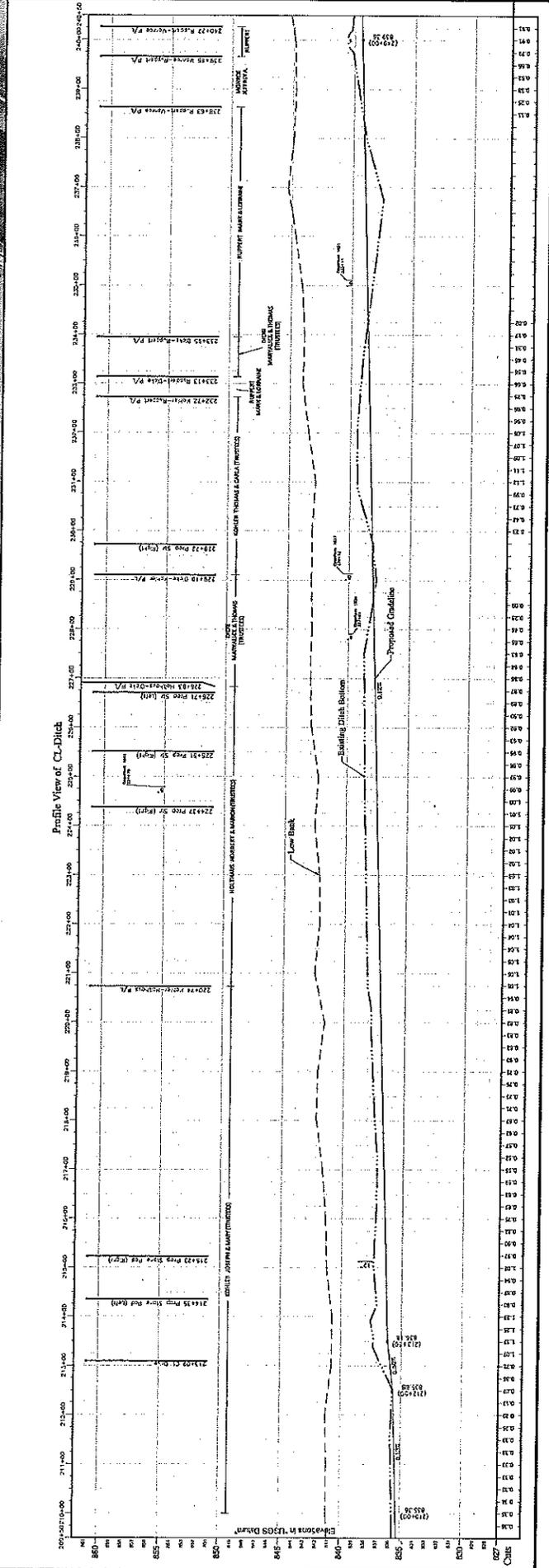
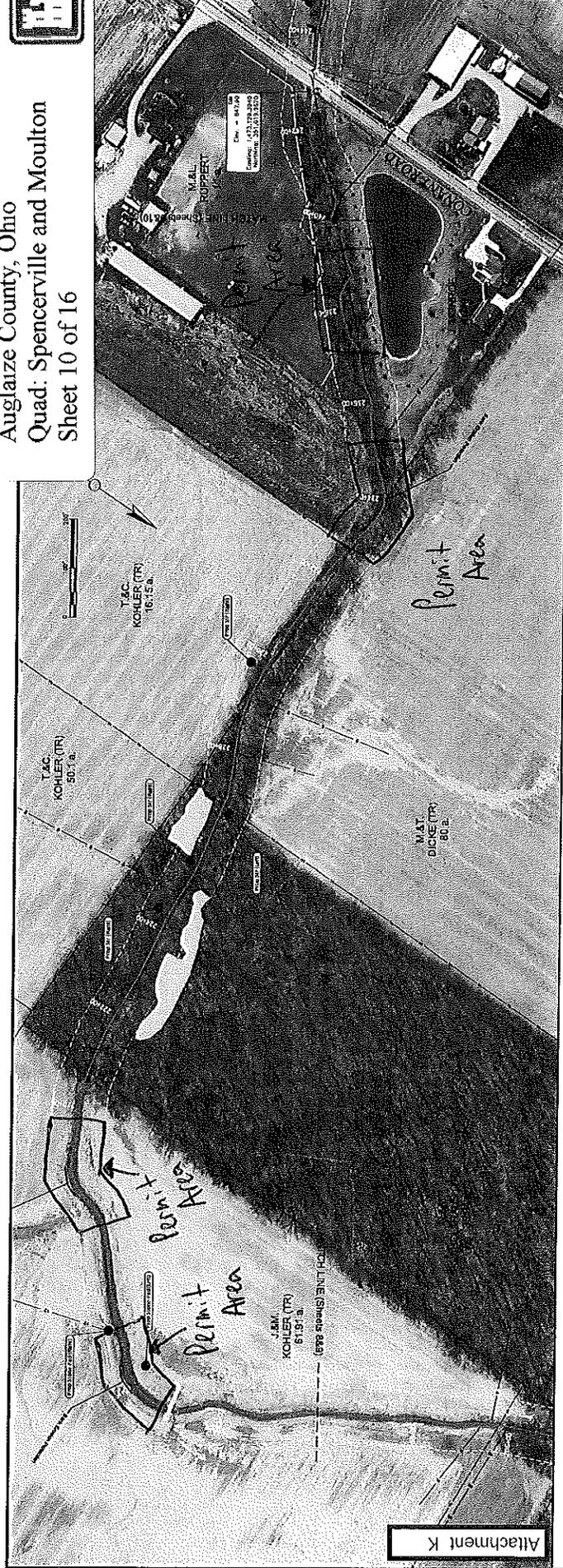
Auglaize SWCD - Sims Run
 DA Processing No 2013-00224
 Auglaize County, Ohio
 Quad: Spencerville and Moulton
 Sheet 10 of 16



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Designed I.R.T.	5-2012	Approved	5-2012
DATE			

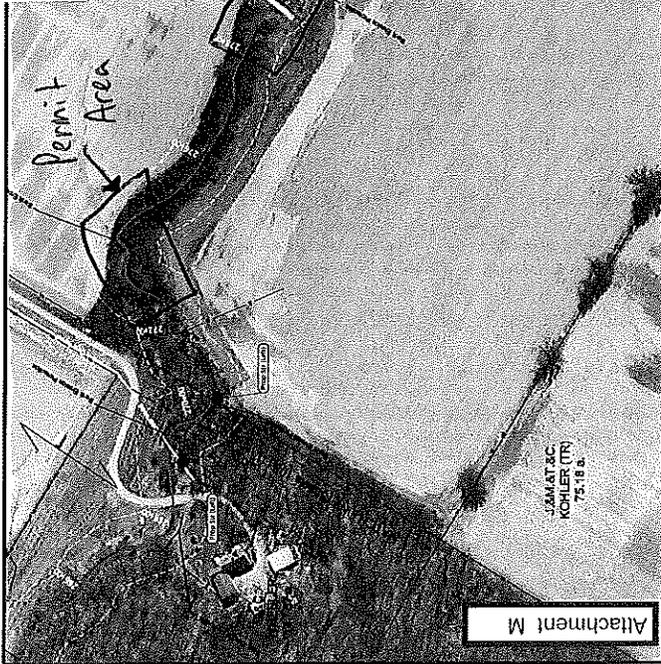
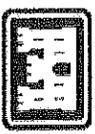
Auglaize County		Logan & Moulton Twp.	
USDA - NATURAL RESOURCES CONSERVATION SERVICE			

CAD FILE 12
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 SHEET 9 OF 2

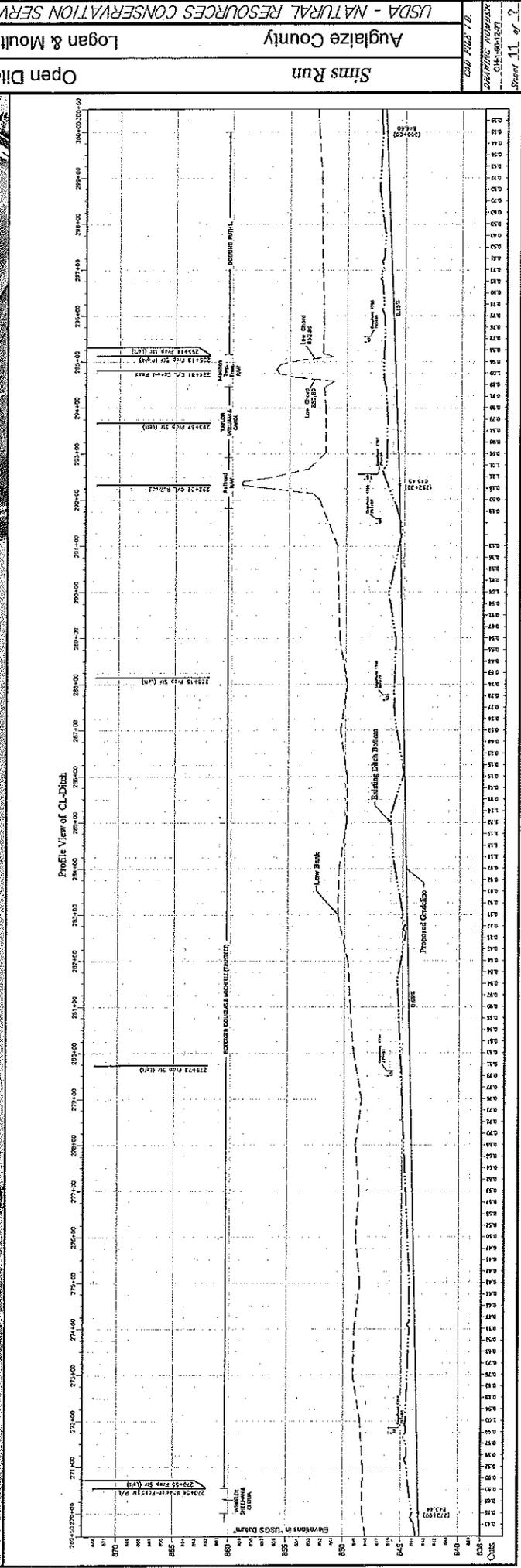
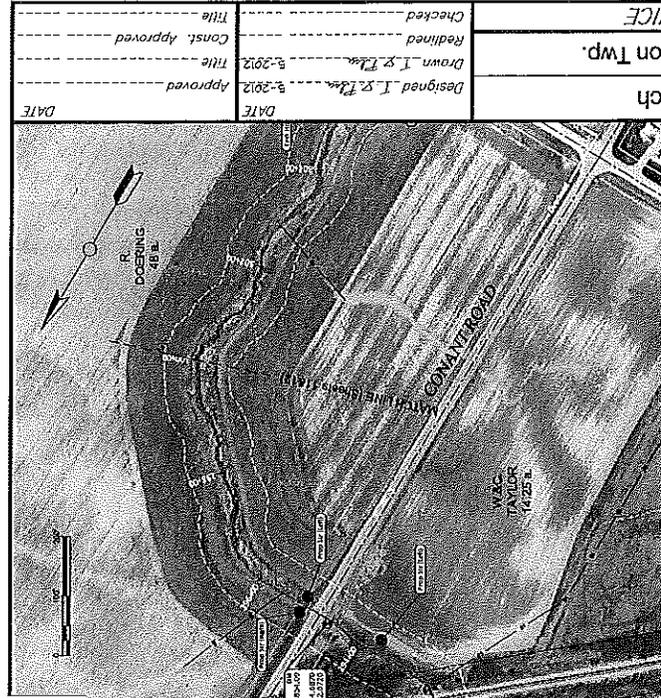


Attachment K

Auglaize SWCD - Sims Run
 DA Processing No 2013-00224
 Auglaize County, Ohio
 Quad: Spencerville and Moulton
 Sheet 12 of 16

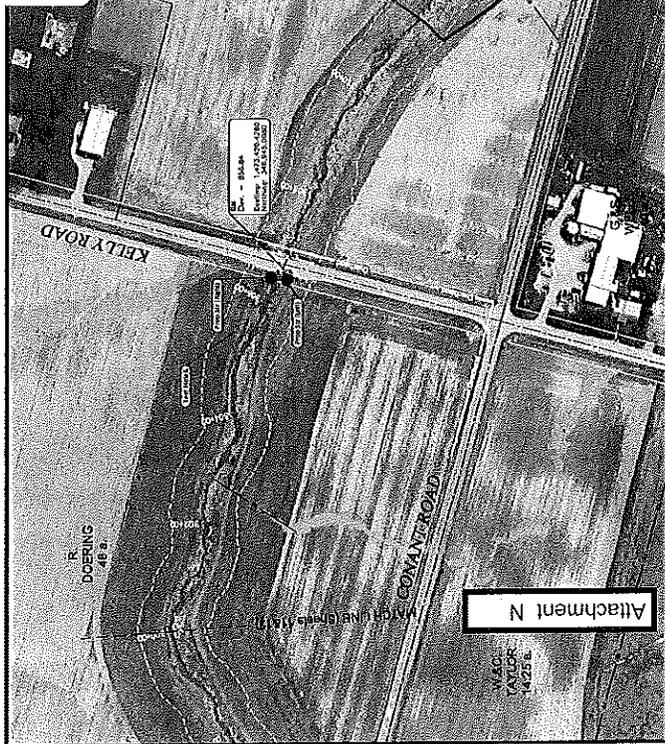


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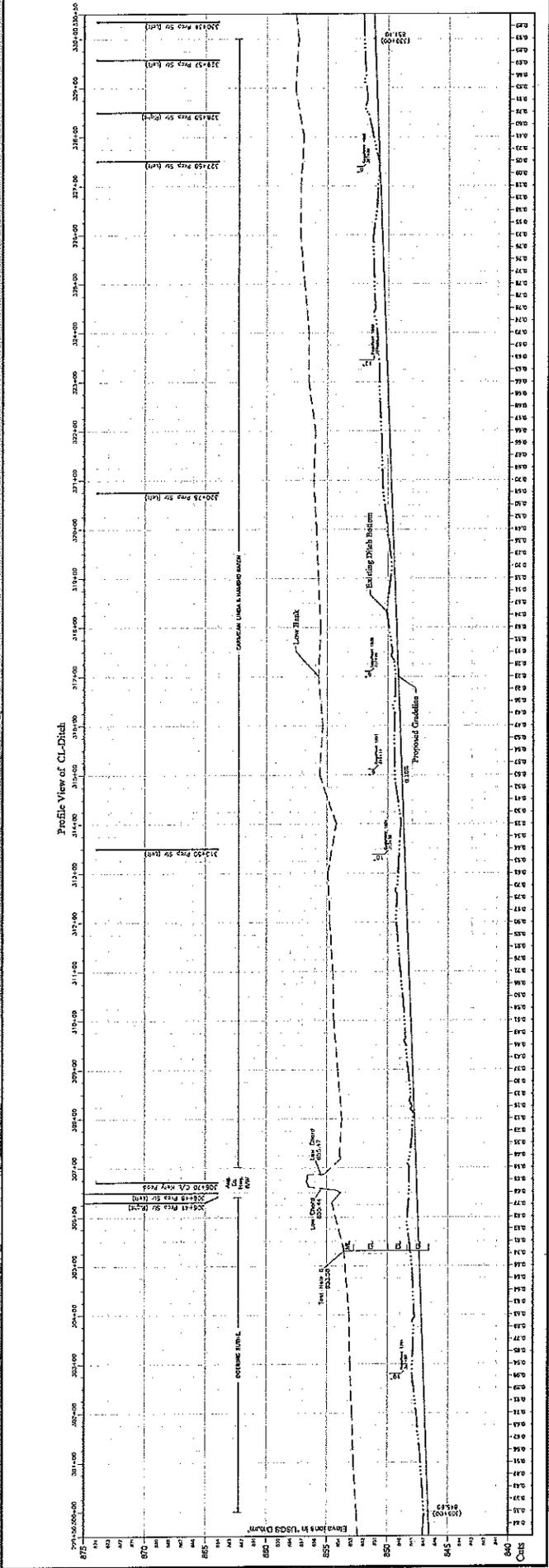


DATE	DATE	DATE	DATE
Approved	Approved	Approved	Approved
Designed I. S. [Signature]			
Const. Approved	Const. Approved	Const. Approved	Const. Approved
Checked	Checked	Checked	Checked
USA - NATURAL RESOURCES CONSERVATION SERVICE			

Auglaize SWCD - Sims Run
 DA Processing No 2013-00224
 Auglaize County, Ohio
 Quad: Spencerville and Moulton
 Sheet 13 of 16



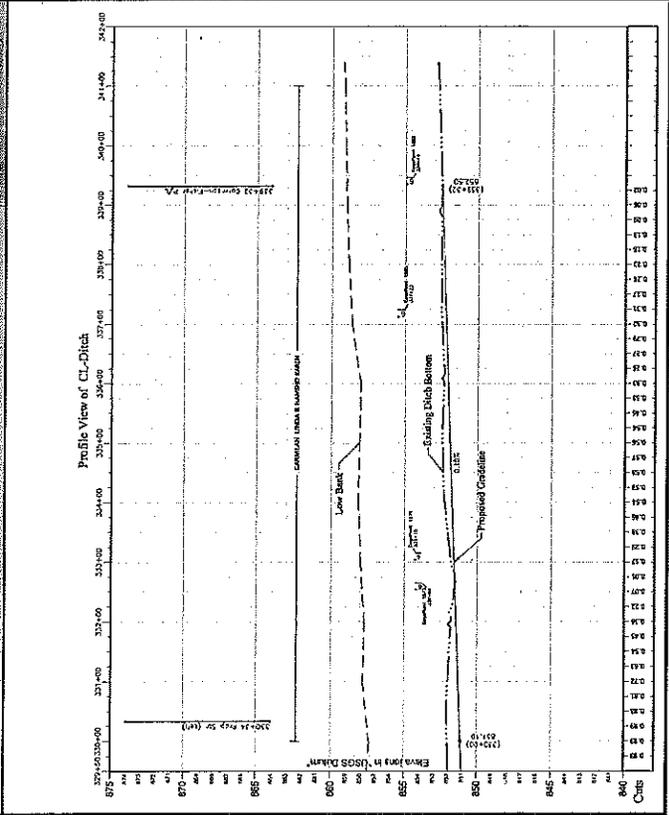
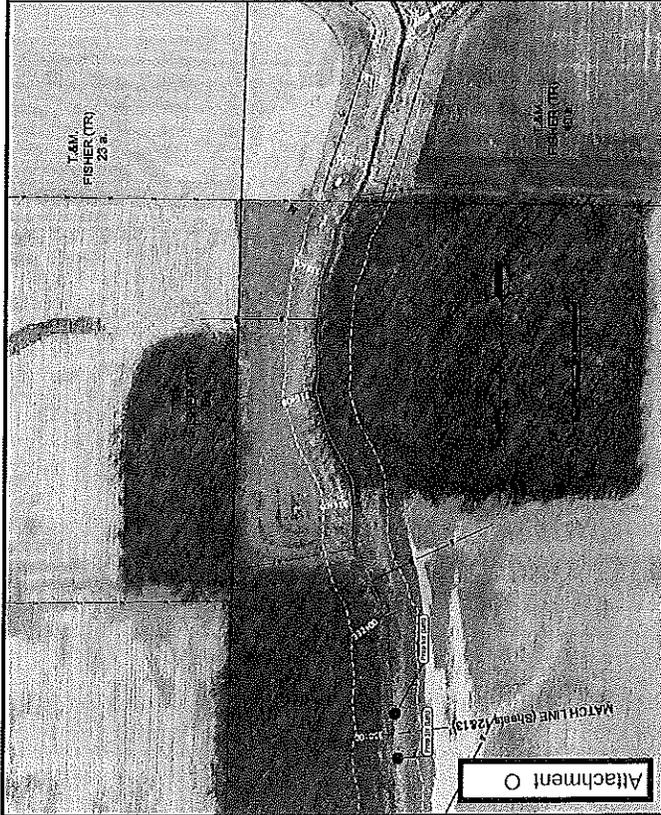
Attachment N



DATE	DESIGNED	APPROVED
DATE	DRAWN	CONSL. APPROVED
TITLE	CHECKED	

Auglaize County
 Logan & Moulton Twp.
 Open Ditch
 SIMS RUN
 2013-00224
 SWCD FILE# 13
 DRAWING NUMBER
 SHEET 13 OF 16
 USDA - NATURAL RESOURCES CONSERVATION SERVICE

Auglaize SWCD - Sims Run
 DA Processing No 2013-00224
 Auglaize County, Ohio
 Quad: Spencerville and Moulton
 Sheet 14 of 16



DATE	5-2012	Designed I.P. [Signature]	Auglaize County	USDA - NATURAL RESOURCES CONSERVATION SERVICE
DATE	5-2012	Drawn I.P. [Signature]	Logan & Moulton Twp.	
DATE	5-2012	Checked [Signature]		
DATE	5-2012	Const. Approved [Signature]		
DATE	5-2012	Approved [Signature]		

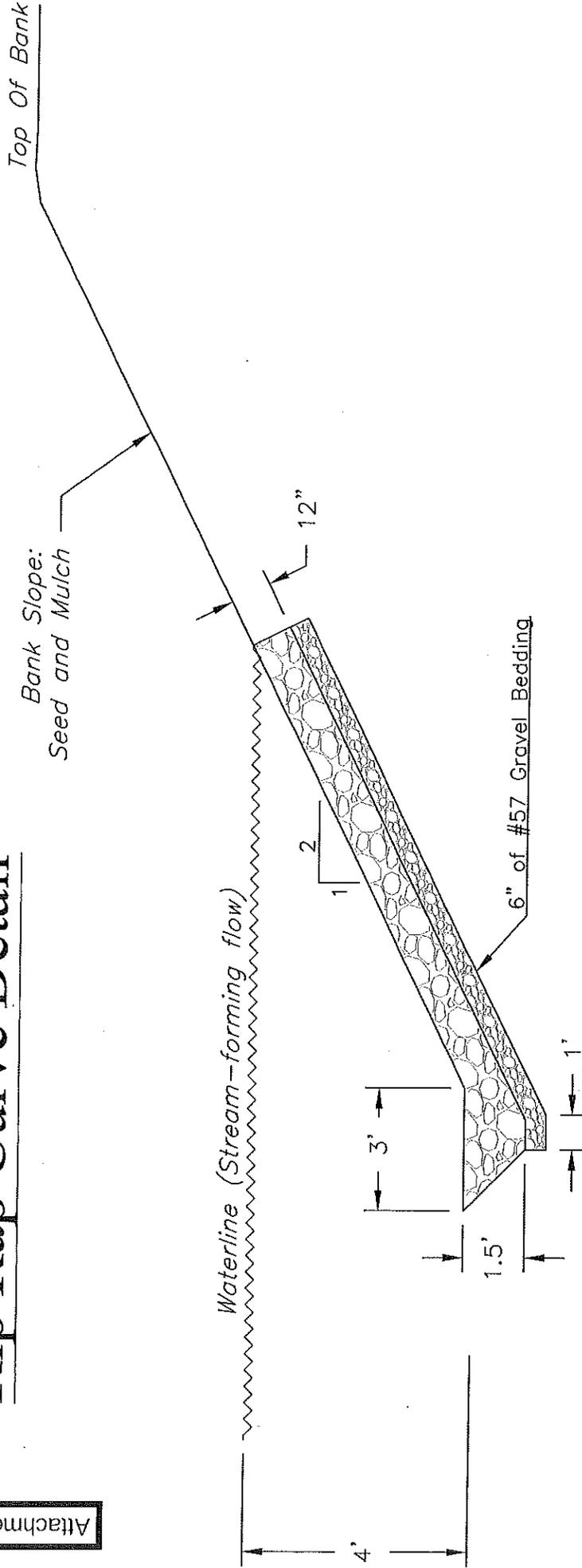
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 Sheet 13 of 2

Auglaize SWCD – Sims Run
 DA Processing No 2013-00224
 Auglaize County, Ohio
 Quad: Spencerville and Moulton
 Sheet 15 of 16



Attachment Q

Rip Rap Curve Detail



Type D shall consist of sizes such that at least 85 percent of the total material by weight shall be larger than a 3 inch (75 mm) but less than a 12 inch (0.3 m) square opening. At least 50 percent of the total material by weight shall be larger than a 6 inch (150 mm) square opening. The material shall be free of soil, rock spalls and rock fines.



1 inch = 1,500 feet

SIMS RUN Potential Indiana Bat Habitat

Auglaize SWCD – Sims Run
DA Processing No 2013-00224
Auglaize County, Ohio
Quad: Spencerville and Moulton
Sheet 16 of 16

