



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.	Issuance Date:
20062351	December 6, 2006
Stream: Vermillion River	Closing Date:
	January 6, 2007

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Huntington District
ATTN: CELRH-OR-FN-OT Public Notice No. (*reference above*)
Ohio Regulatory Transportation Office
Building 10, Section 10
3990 East Broad Street
Columbus, Ohio 43218-3990

Phone: (614) 692-4660

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

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 Corps of Engineers' request to the Ohio Environmental Protection Agency (OEPA) to act on Section 401 Water Quality Certification for the following application:

APPLICANT: Ohio Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

LOCATION: The project is located within three unnamed tributaries to the Vermillion River, five adjacent wetlands and two jurisdictional ponds, southwest of the town of New London in southeast Huron County, Ohio. The project lies within the townships of Fitchville and Greenwich. The project is linear with a midpoint located at $41^{\circ} 03' 51.06''$ latitude and $82^{\circ} 27' 06.31''$ longitude. The northern terminus of the project area is located approximately 1,795 feet north of the intersection of United States Route (US) 250 and the CSX and W&LE railroad line. The southern terminus of the project area is located approximately 2,054 feet south of the US 250 and railroad line intersection.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to discharge approximately 1,181 cubic yards of fill material into 0.732 acres of five (5) wetlands, 808 cubic yards of fill material into 0.167 acre of two (2) jurisdictional ponds, and 86 cubic yards of fill material into 0.025 acre (431 linear feet) of three (3) jurisdictional streams.

The proposed project is a grade separation of US 250 on a new alignment offset 125 feet to the east of the existing US 250 over the CSX and W&LE railroad lines in Greenwich and Fitchville Townships in Huron County, Ohio. The current at-grade crossing consists of two tracks with two standard cross bucks and mast mounted lights. Two new bridges would be constructed on a new alignment; one to span the CSX and W&LE railroad tracks and the other to span the Vermillion River. A portion of the existing US 250 roadway and the existing Vermillion River Bridge would remain in place to provide access to property owners. Cul-de-sacs would be constructed on each side of the railroad tracks for the existing US 250 roadway and the at-grade crossings would be removed.

Construction of the grade separation of US 250 over two sets of railroad tracks on new alignment would require fill placement in five wetlands, two ponds, and three streams. The realignment of US 250 to the east would require that three unnamed tributaries to the Vermillion River be enclosed in culverts to allow for continued flow of these streams under US 250. Fill placement into five wetlands would be required for the construction of the roadway on a new alignment.

Please see the attached project plan sheets titled HUR-250-18.39, sheets 1 through 19 for details on the applicant's preferred alternative and associated wetland and stream impacts for the proposed project.

MITIGATION PLAN: The applicant has submitted a mitigation proposal for unavoidable impacts to streams and wetlands. To compensate for unavoidable stream impacts under the applicant's preferred alternative, no less than 647 linear feet of forested riparian habitat along the West Branch Huron River would be preserved in perpetuity by means of a conservation easement on the Huron County Transfer Station property. The easements would be protected through legal instruments recorded in the appropriate county. To compensate for unavoidable wetland impacts caused by the applicant's preferred alternative, the applicant is proposing to deduct 1.763 acres of wetland mitigation credits from the Willow Point Consolidated Mitigation Area.

ALTERNATIVE ANALYSIS: A total of 0.732 acre of jurisdictional wetland would be filled as a result of the proposal. The project does not require access to, or siting within wetlands to fulfill its basic purpose and is considered a non-water dependent activity; therefore, the applicant is required to show that other less damaging practicable alternatives that are not available that would achieve the applicant's goal. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material. The applicant has submitted the required alternative analysis and it is currently under review. No permit will be issued until our review of the alternative analysis clearly shows that upland alternatives are not available to achieve the applicant's goal.

WATER QUALITY CERTIFICATION: A section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

HISTORIC AND CULTURAL RESOURCES: The Federal Highways Administration (FHWA) is the lead Federal Agency for this proposal. As such, FHWA is ultimately responsible for compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act.

The applicant coordinated the proposed project with the Ohio State Historic Preservation Office (SHPO) and received concurrence on a finding of "no historic properties affected" for the HUR-250-18.38, PID 23109 project by letter dated November 9, 2004. A copy of this public notice will be furnished to the SHPO for their review and comment.

ENDANGERED/THREATENED SPECIES REVIEW: The proposed project is within the known range of the following federally listed endangered species:

Indiana Bat
Bald Eagle
Eastern Massasauga

As noted above, FHWA is the lead Federal agency for this project. FHWA is responsible for compliance with NEPA and Section 7 of the Endangered Species Act. The applicant initiated consultation with the United States Department of the Interior Fish and Wildlife Service regarding endangered species issues. By letter dated October 13, 2005, the USFWS concurred in the applicants determination of *May Affect, but is not Likely to Adversely Affect*, the Indiana Bat.

This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the Clean Water Act. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit 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 benefit that 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; of those 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. Written statements on these factors 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. A permit will be granted unless its issuance is found to be contrary to the public interest.

SOLICITATION OF COMMENTS: 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. 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 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.

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:

Ms. Sheila Newman, Project Manager
Ohio Regulatory Transportation Office
Building 10, Section 10
3990 East Broad Street
Columbus, Ohio 43218-3990

Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Sheila Newman of the North Regulatory Section at 614-692-4654.

Ginger Mullins
Ginger Mullins, Chief
Regulatory Branch

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HUR-250-18.39
Figure 1
Location Map for
Proposed Project



Construction Limits

Preferred Alternative

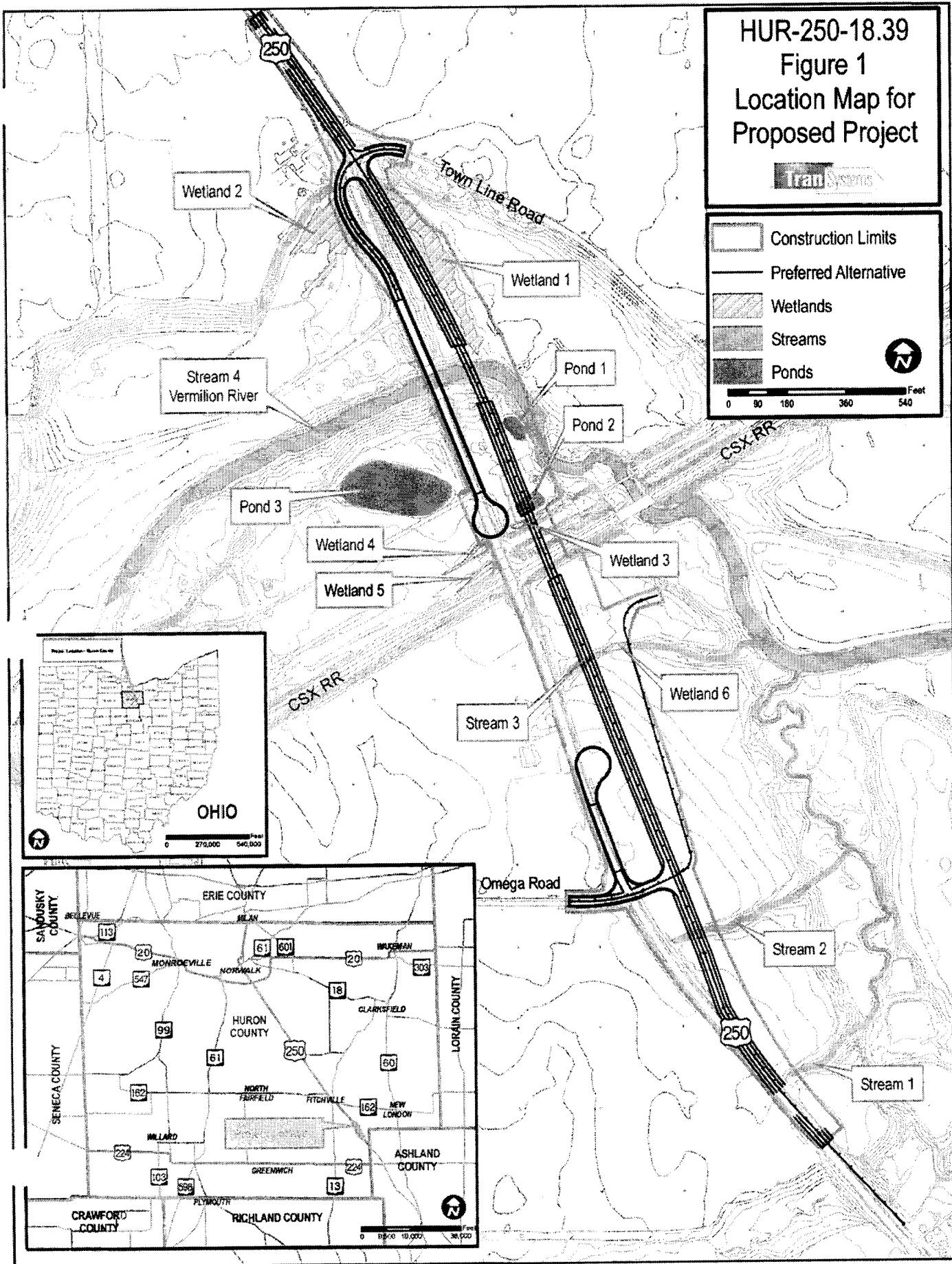
Wetlands

Streams

Ponds



0 90 180 360 540 Feet



1619

HUR-250-18.39

Figure 2A

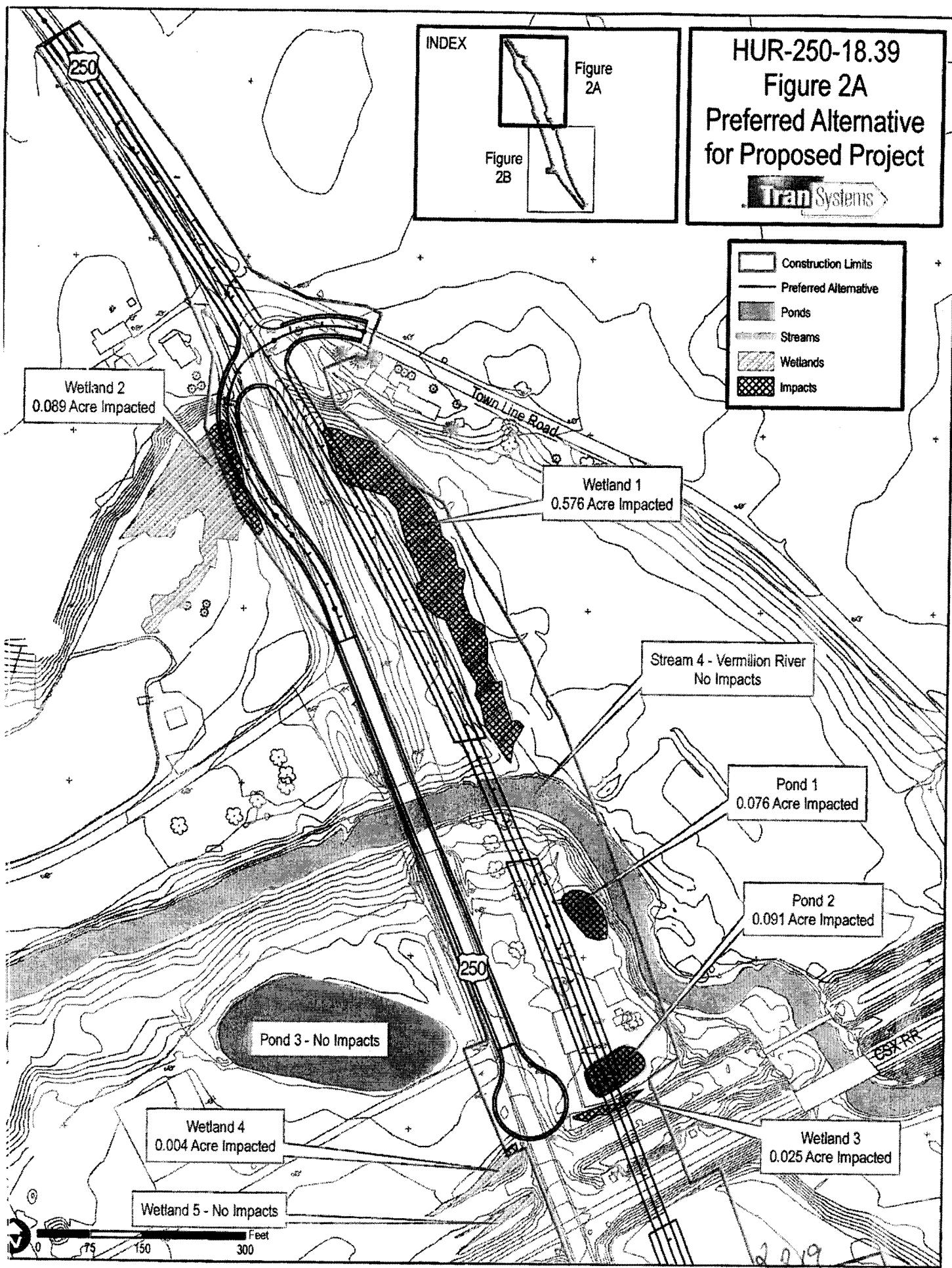
Preferred Alternative
for Proposed Project

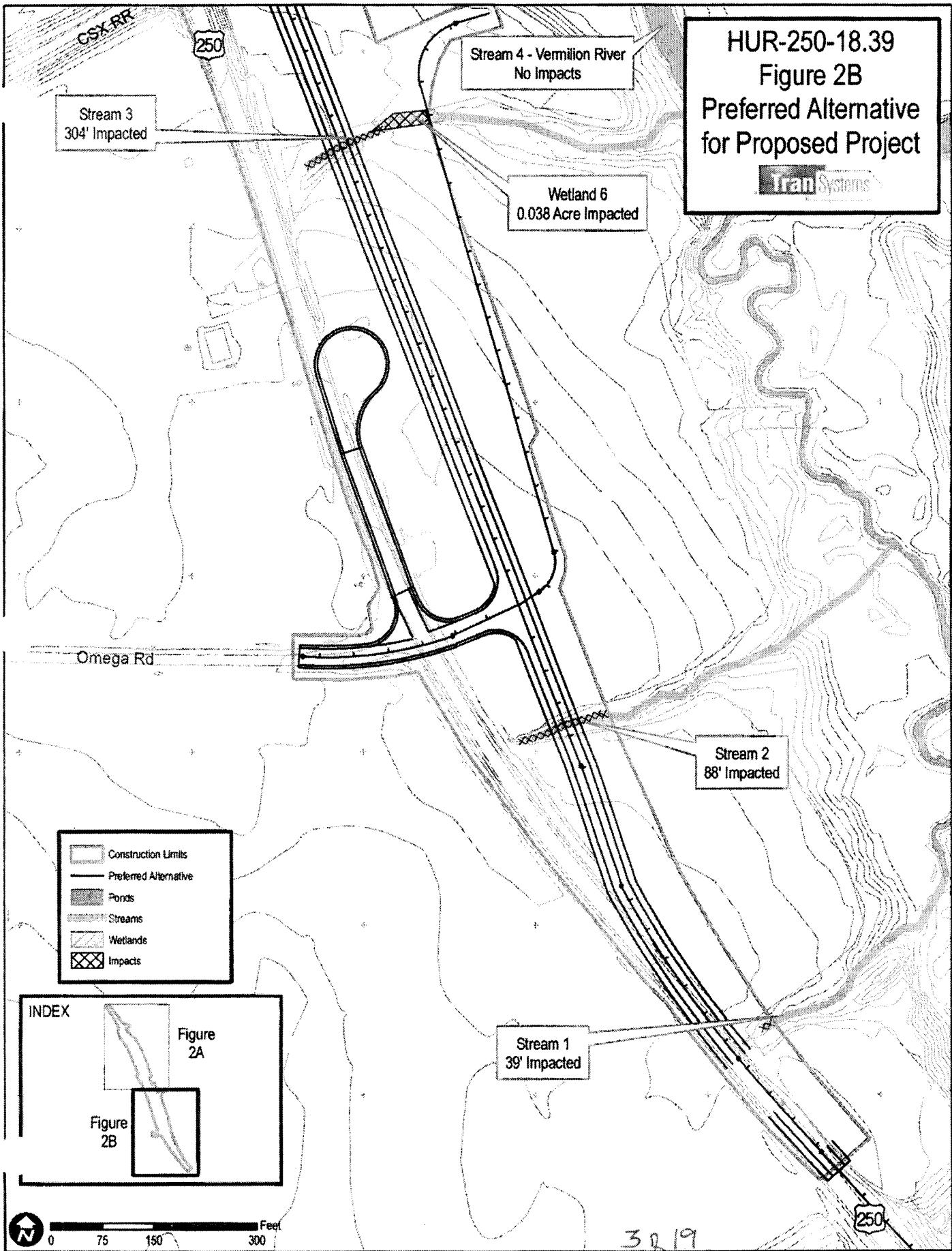


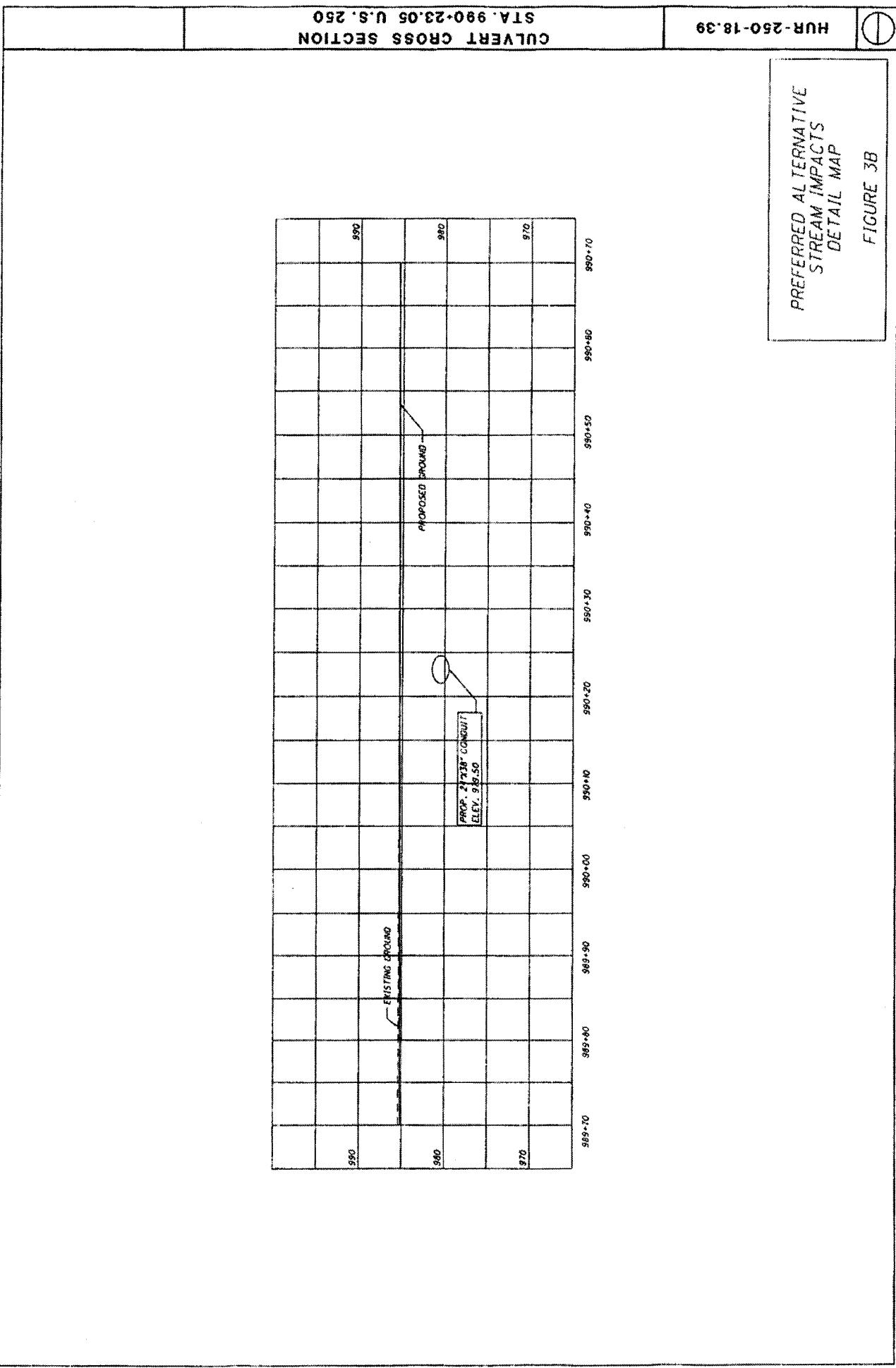
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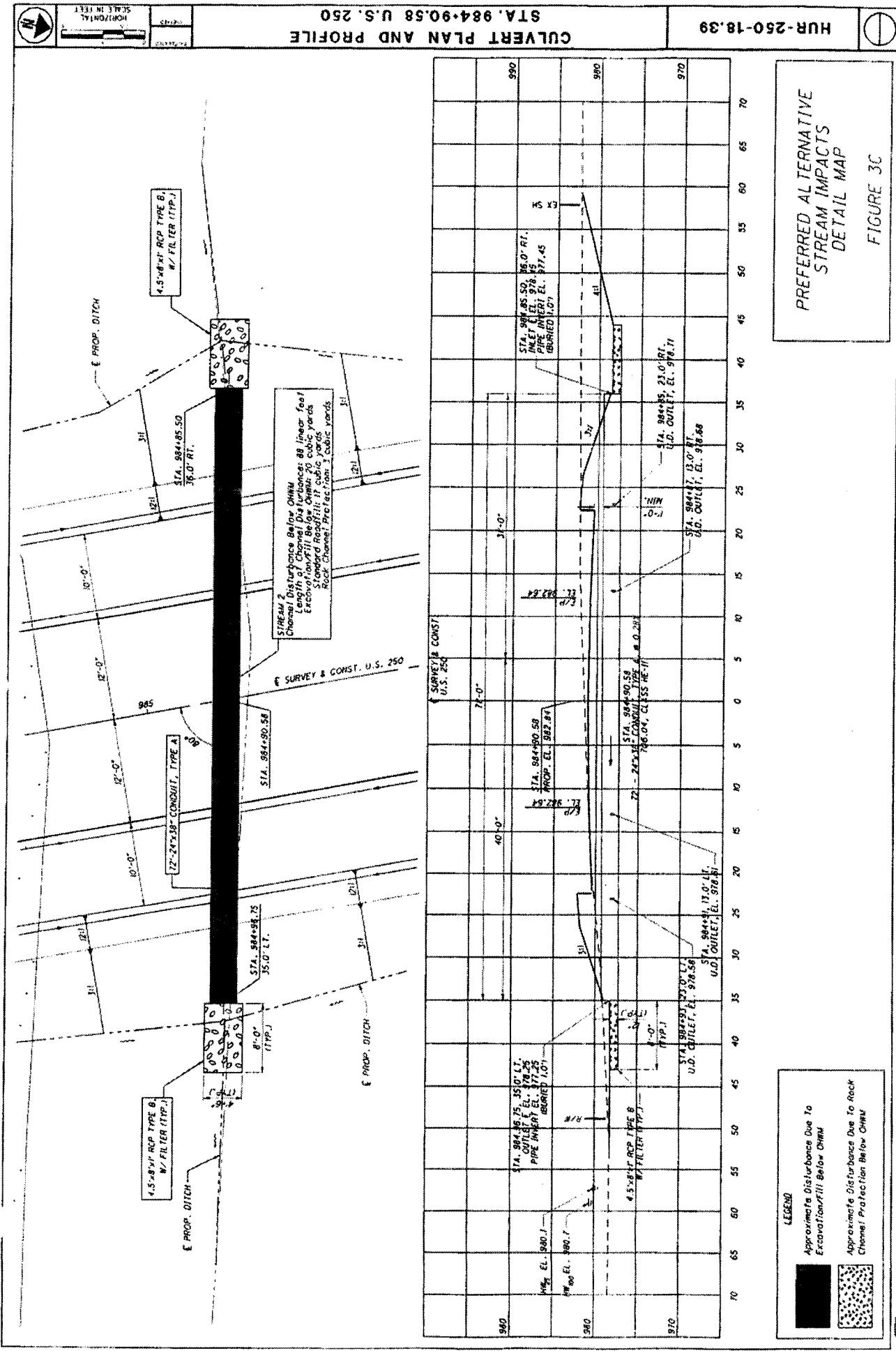
Figure
2A

Figure
2B









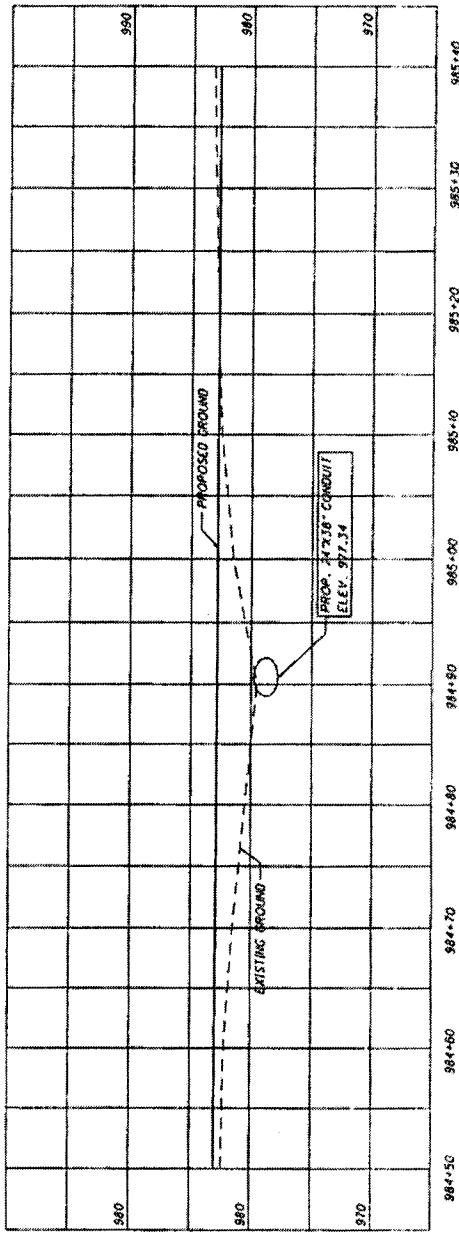
HUR-250-18.39

CULVERT CROSS SECTION
STA. 984+90.58 U.S. 250

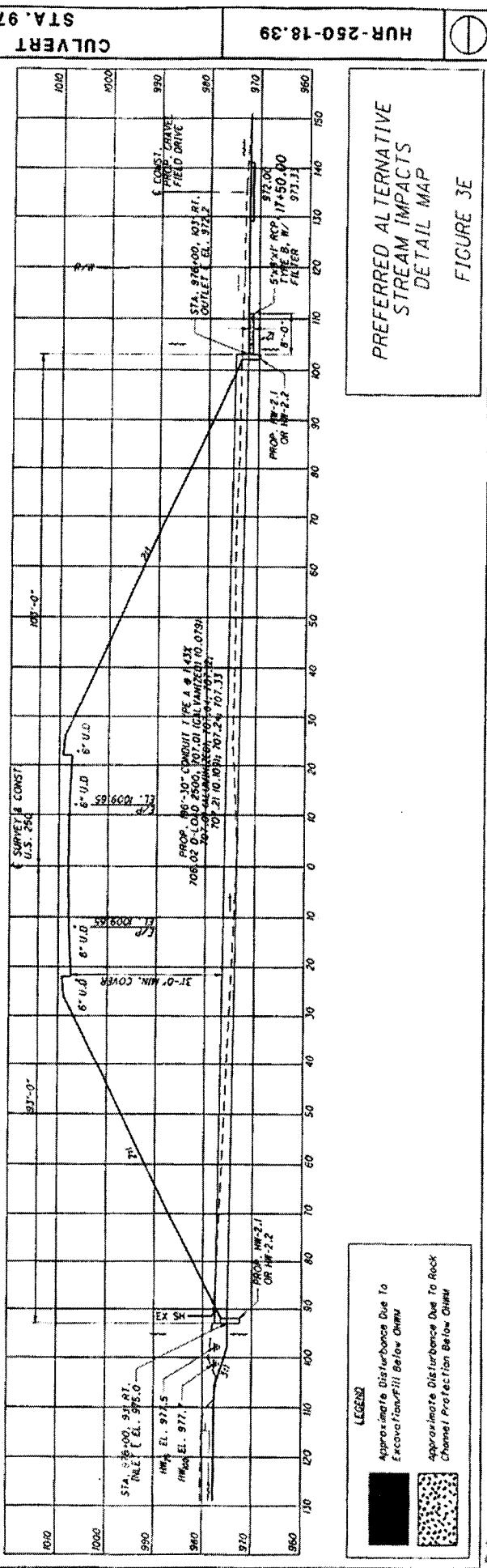
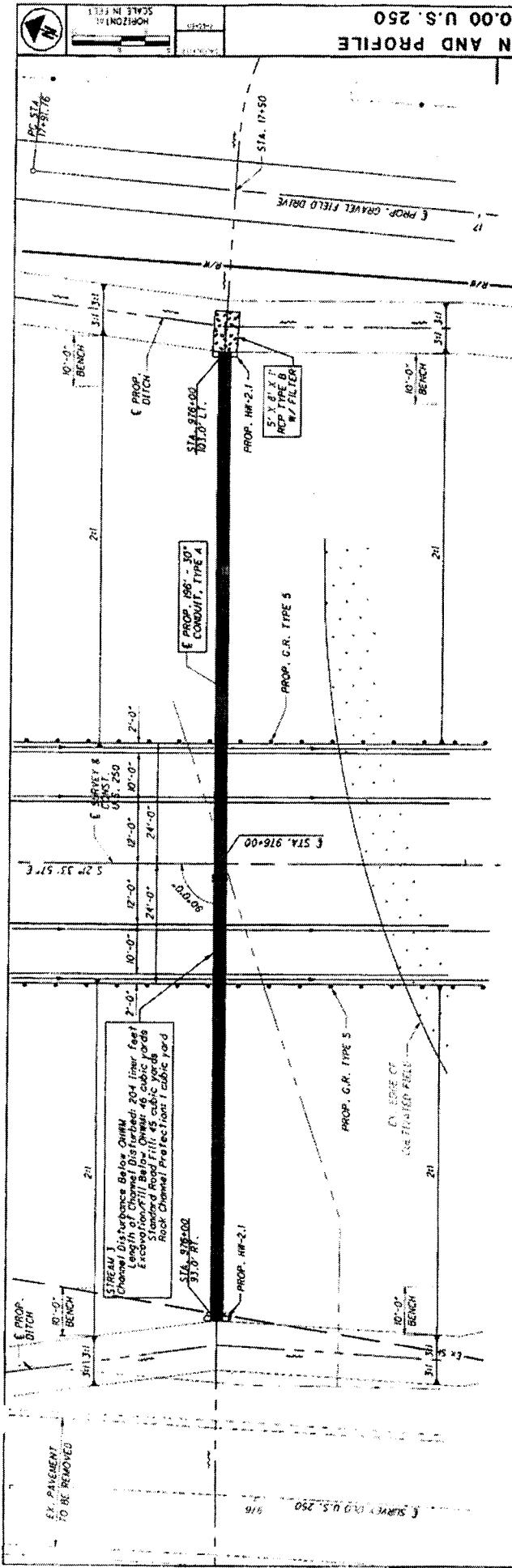


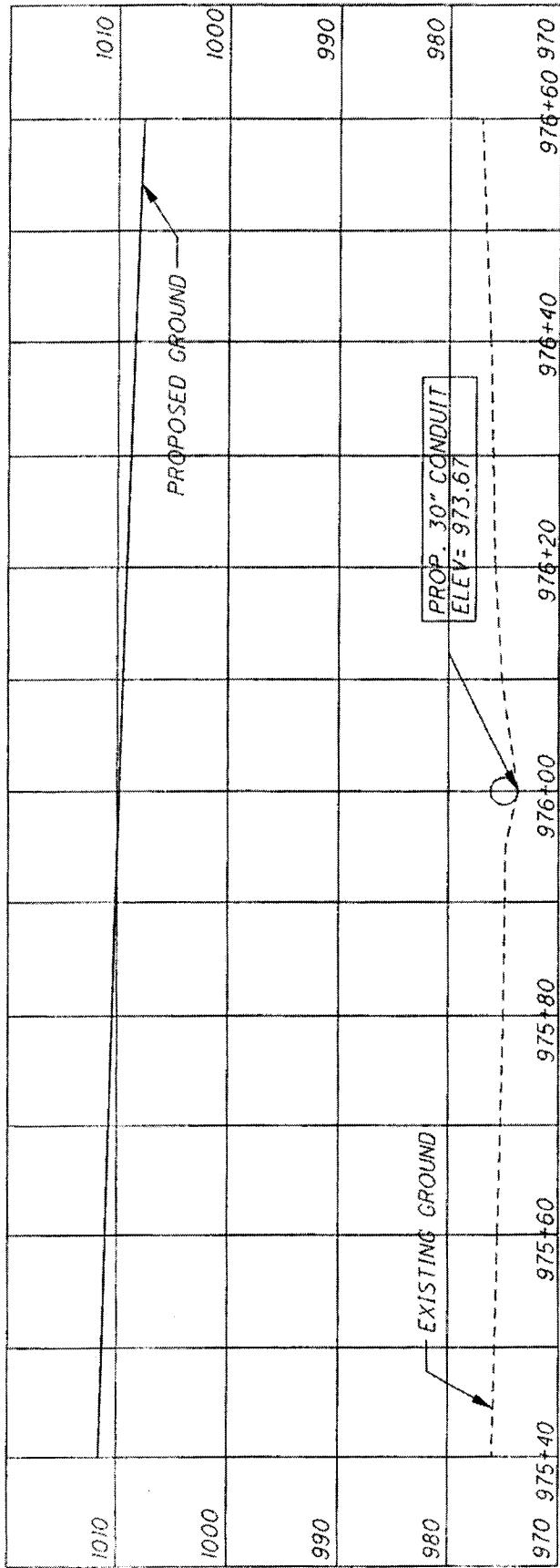
PREFERRED ALTERNATIVE
STREAM IMPACTS
DETAIL MAP

FIGURE 3D



7819





PREFERRED ALTERNATIVE
STREAM IMPACTS
DETAIL MAP

FIGURE 3F

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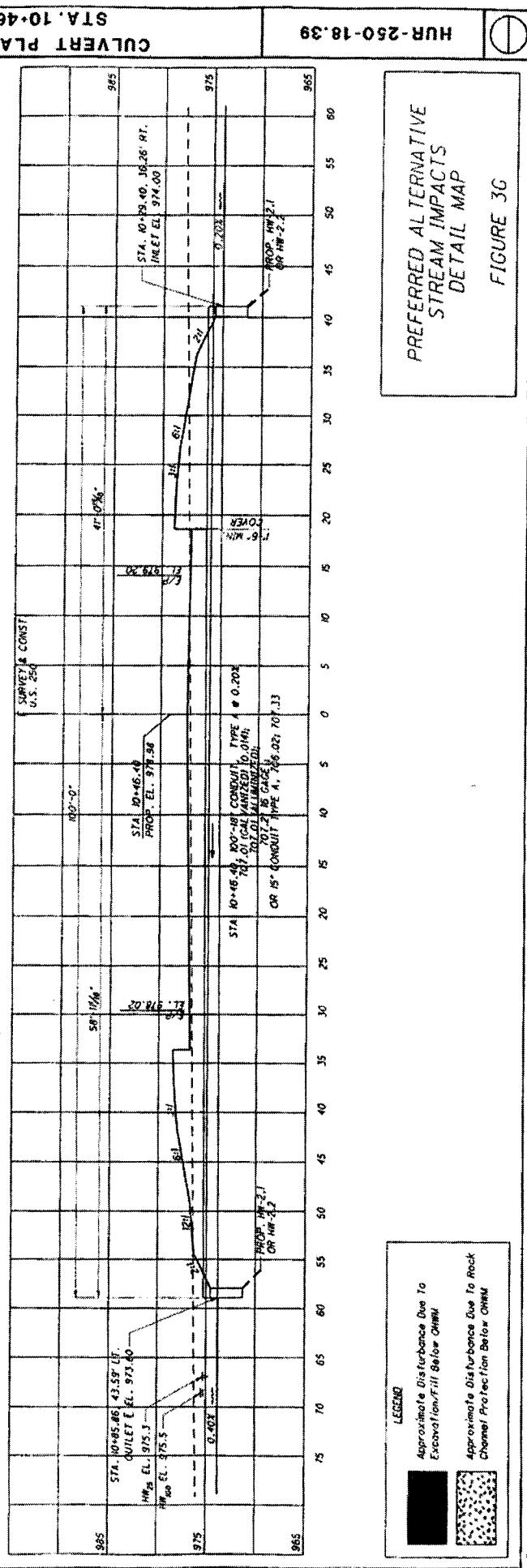
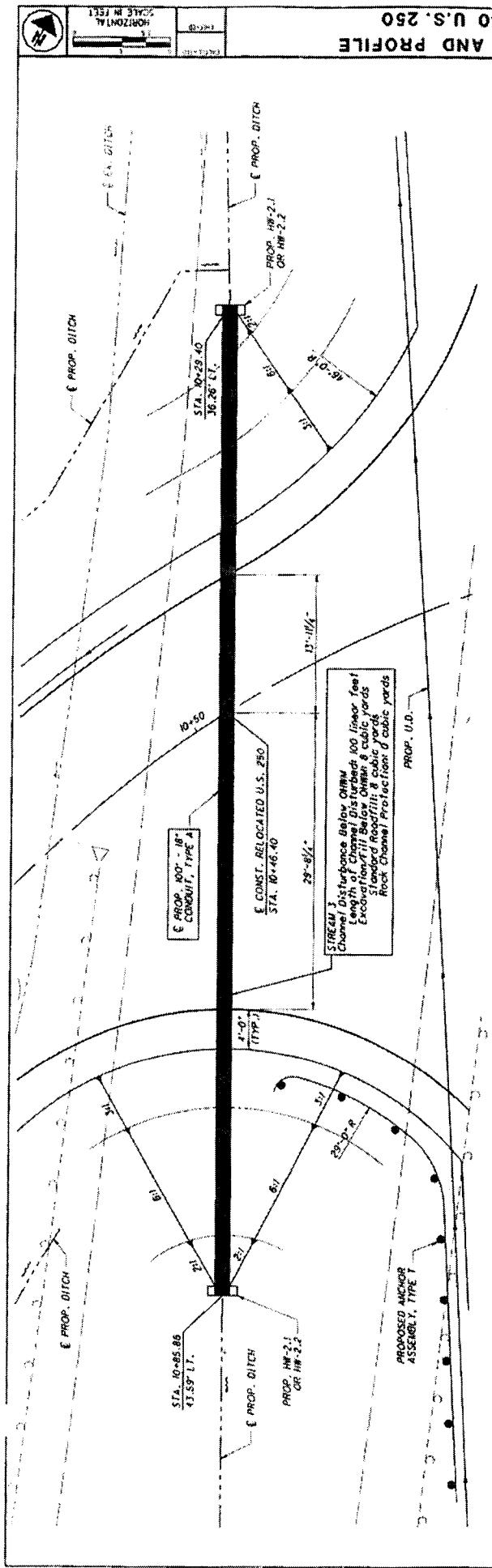
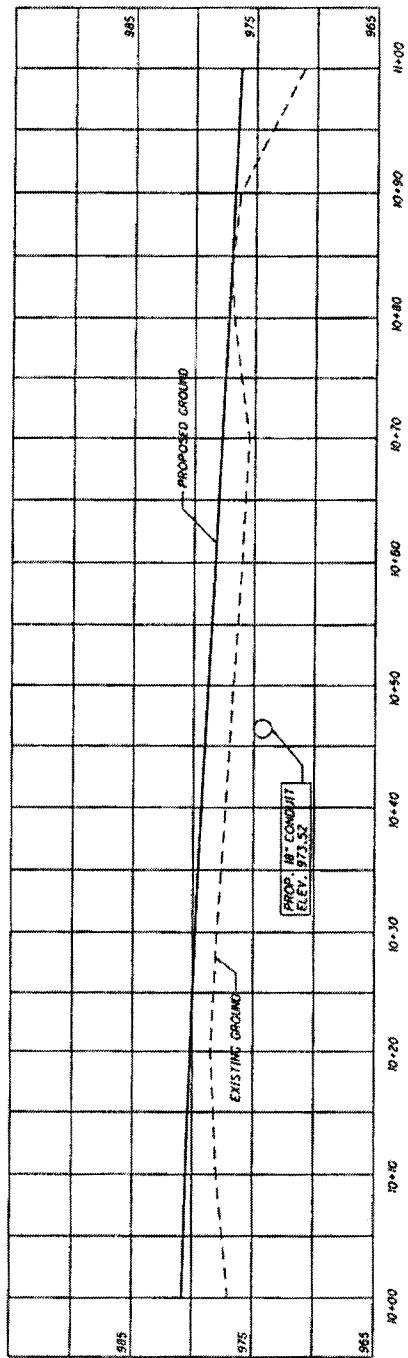


FIGURE 3G

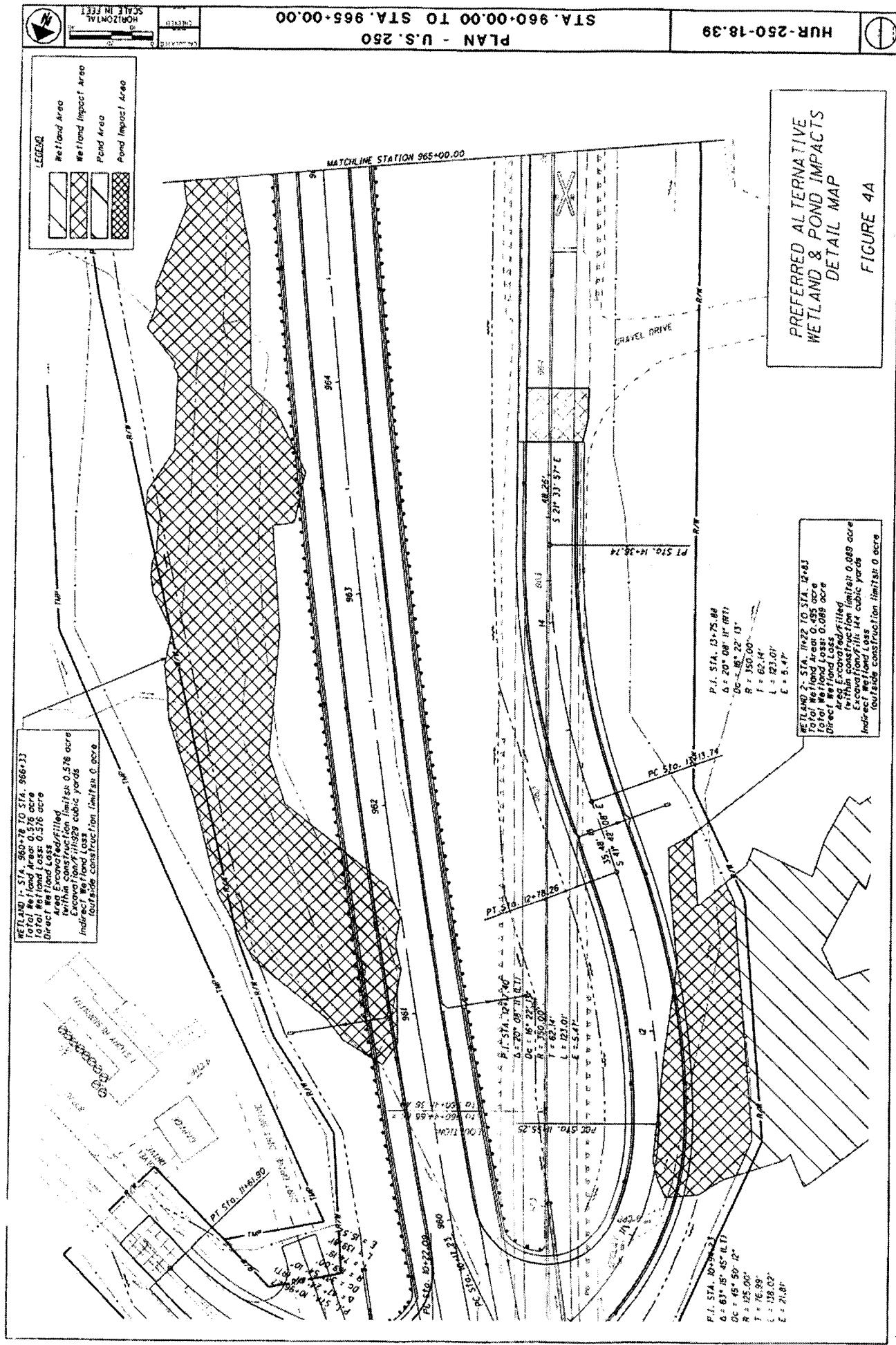


PREFERRED ALTERNATIVE
STREAM IMPACTS
DETAIL MAP

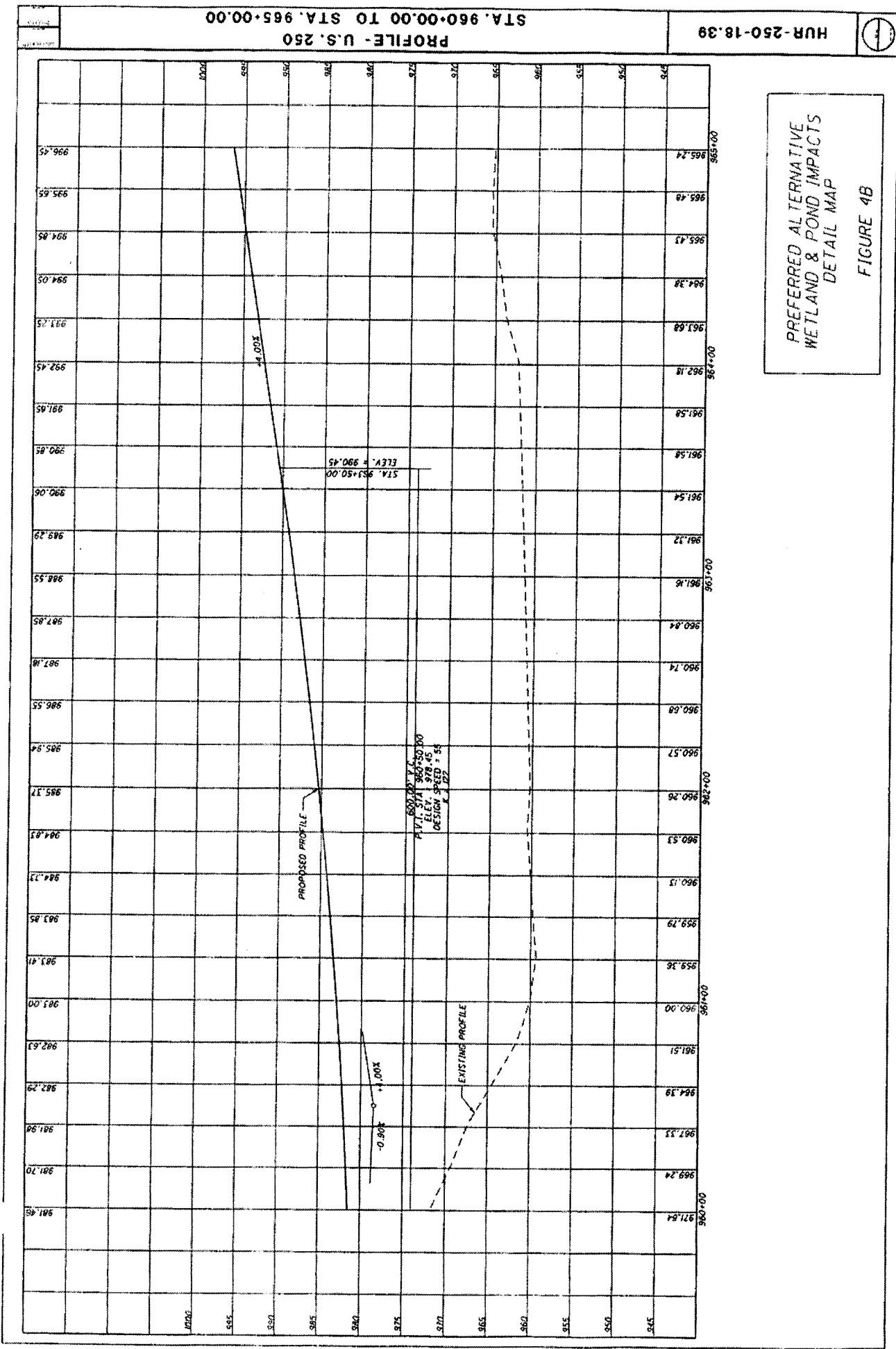
FIGURE 3H



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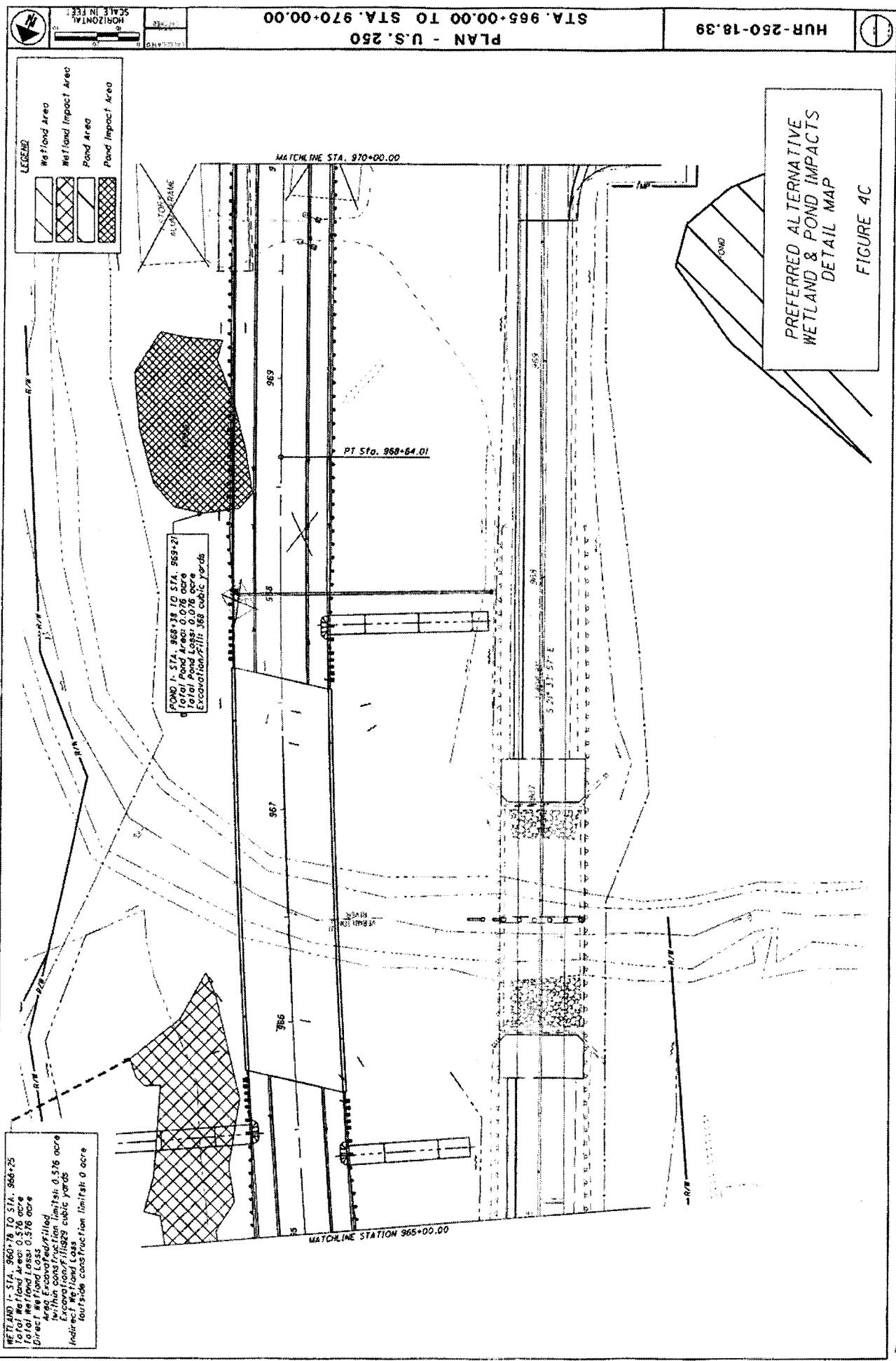


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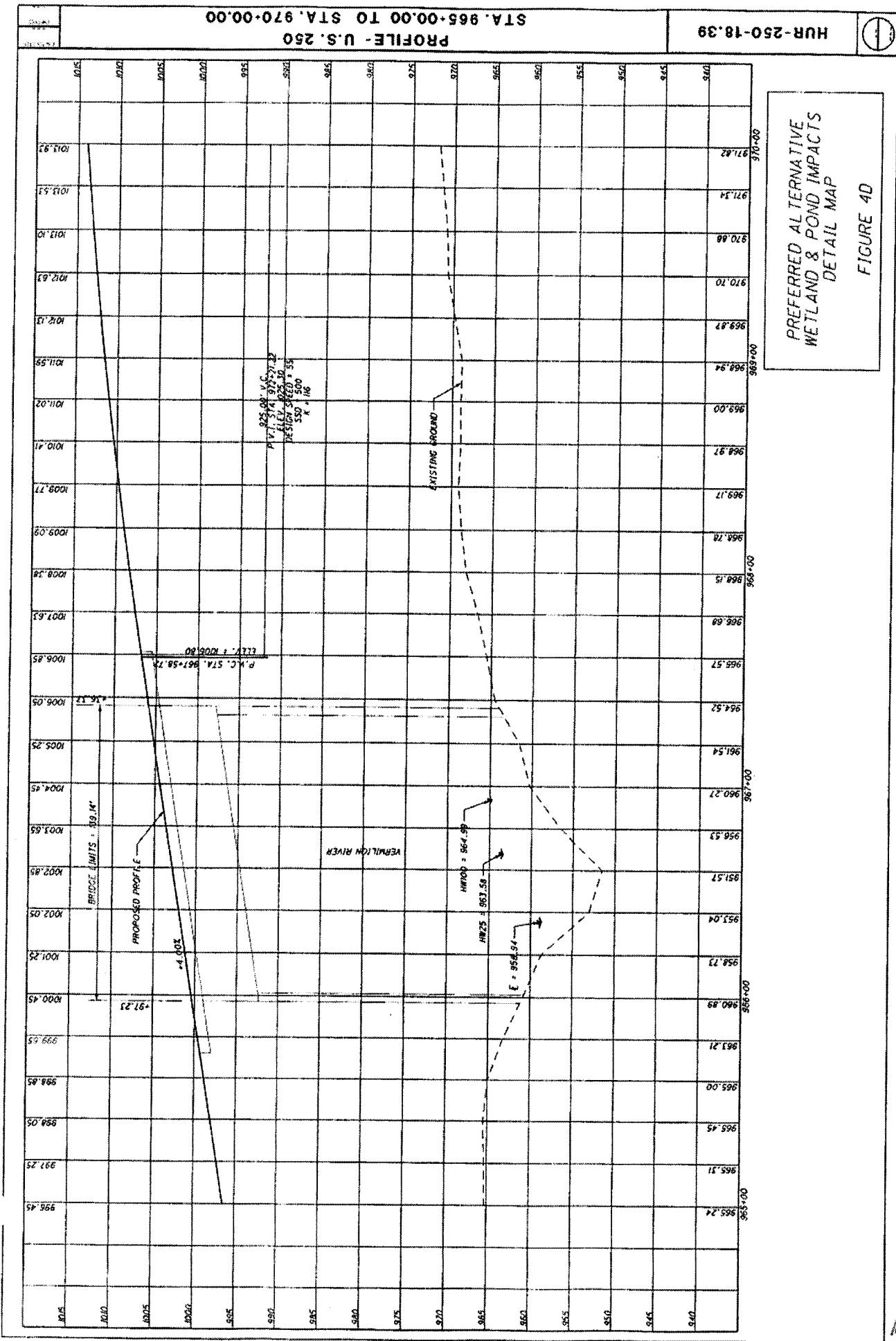


PREFERRED ALTERNATIVE
WETLAND & POND IMPACTS
DETAIL MAP

FIGURE 4B



14819



PREFERRED ALTERNATIVE
WETLAND & POND IMPACTS
DETAIL MAP

FIGURE 4D

15819

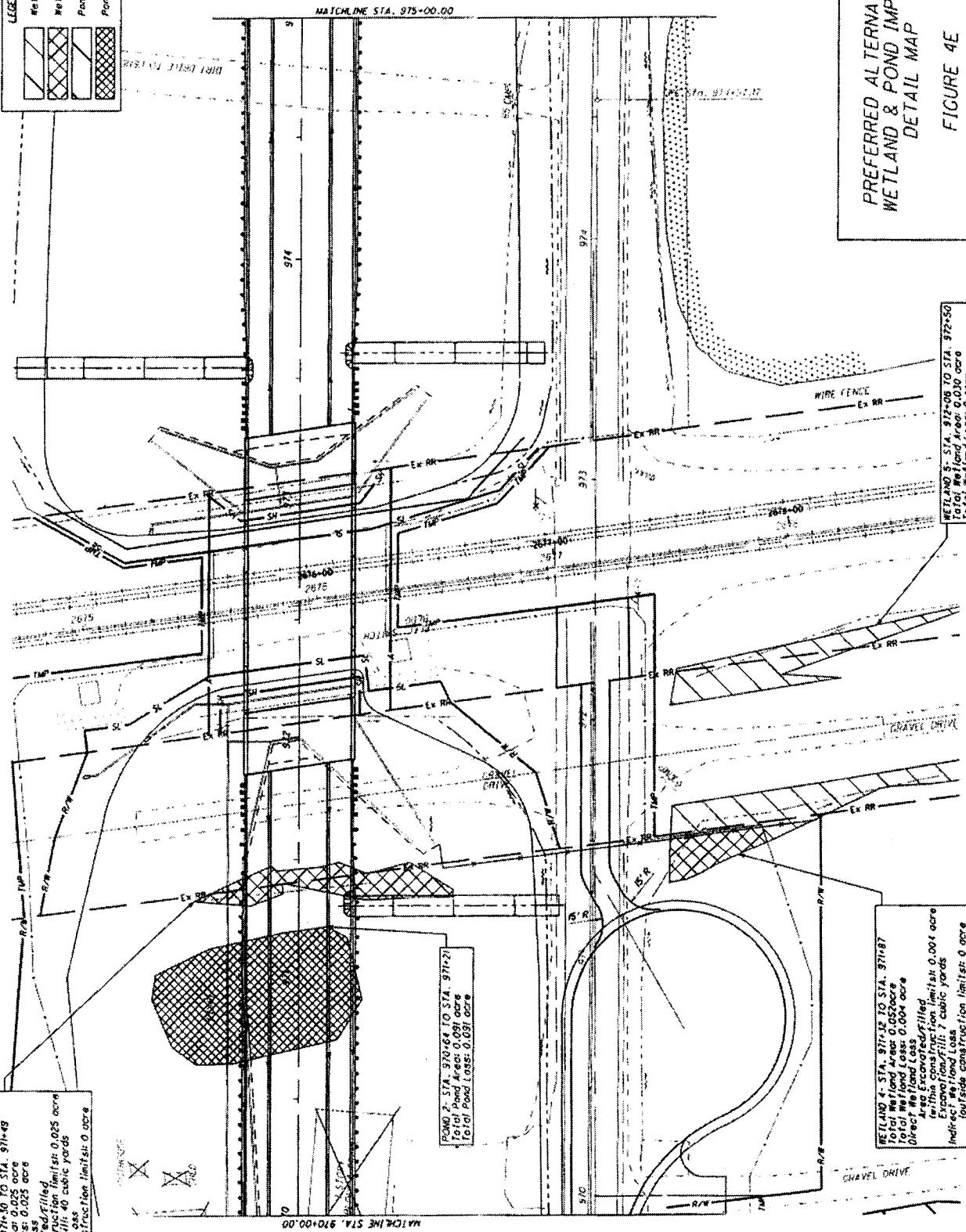
RETLAND 3 - STA. 97+30 TO STA. 97+49
 Total Wetland Area: 0.025 acres
 Total Wetland Loss: 0.025 acres
 Direct Wetland Loss:
 Area Excavated/Filled
 Within construction limits: 0.025 acres
 Excavation fill: 40 cubic yards
 Direct Wetland loss:
 (outside construction limits): 0 acres

PONO 2 - STA. 970-64 TO STA. 971-21
Total Pond Area: 0.091 acre
Total Pond Loss: 0.091 acre

PERMIT #4 STA. 371+36 TO STA. 371+87
Total Wetland Area: 0.0520 acre
Total Wetland Loss: 0.004 acre
Direct Wetland Loss
Area excavated/dredged
for this construction limit is: 0.004 acre
Excavation limit: 0 cubic yards
Indirect Wetland Loss
Loss due to construction limit is: 0 acre

WETLANDS STA. 912+06 TO STA. 972+50
TOTAL Wetland Area: 0.020 acres
TOTAL Wetland Loss: 0 acres

16819



PREFERRED ALTERNATIVE
WETLAND & POND IMPACTS
DETAIL MAP

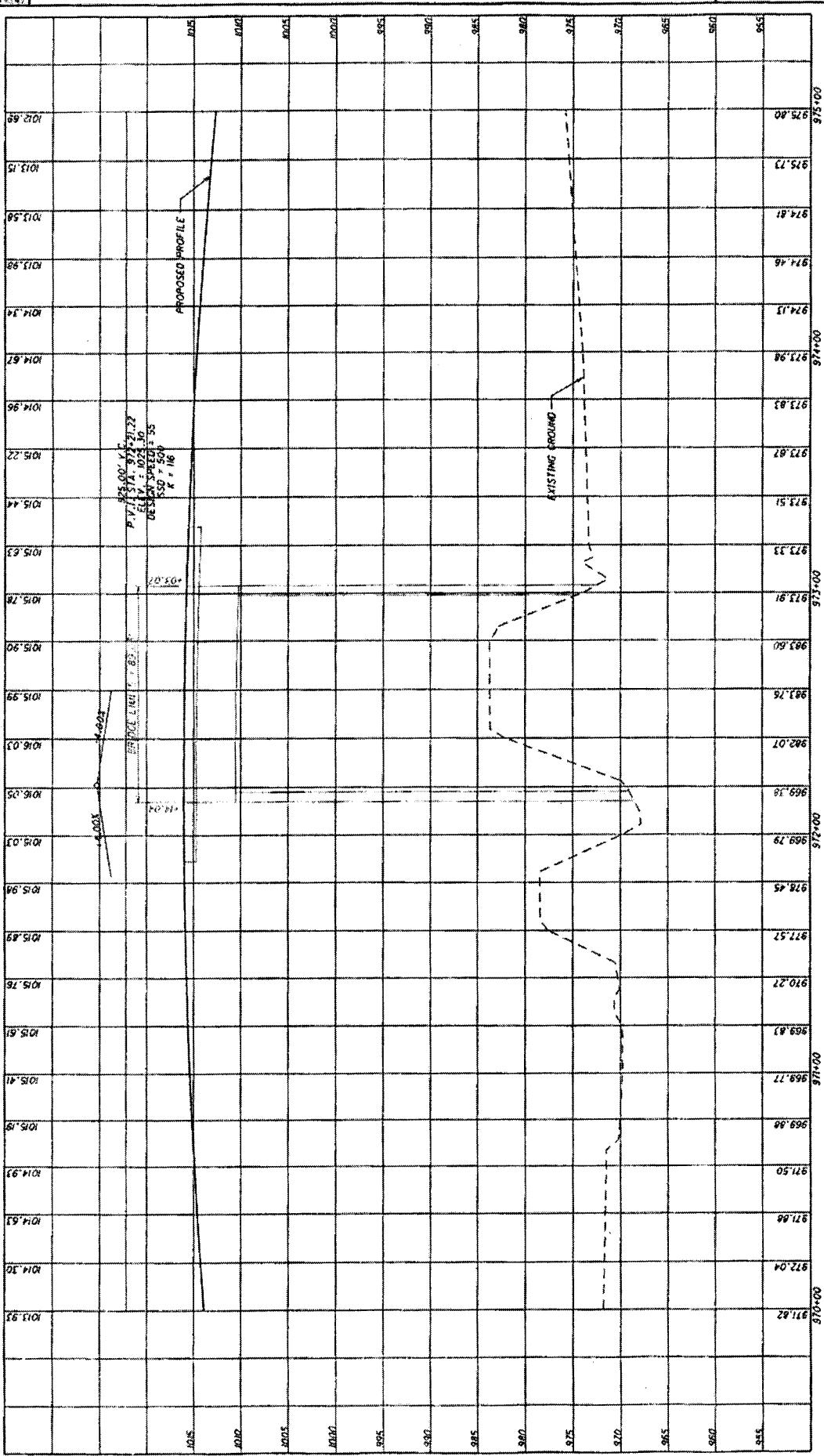
FIGURE 4E

C

HUR-250-18.39

STA. 970+00.00 TO STA. 975+00.00

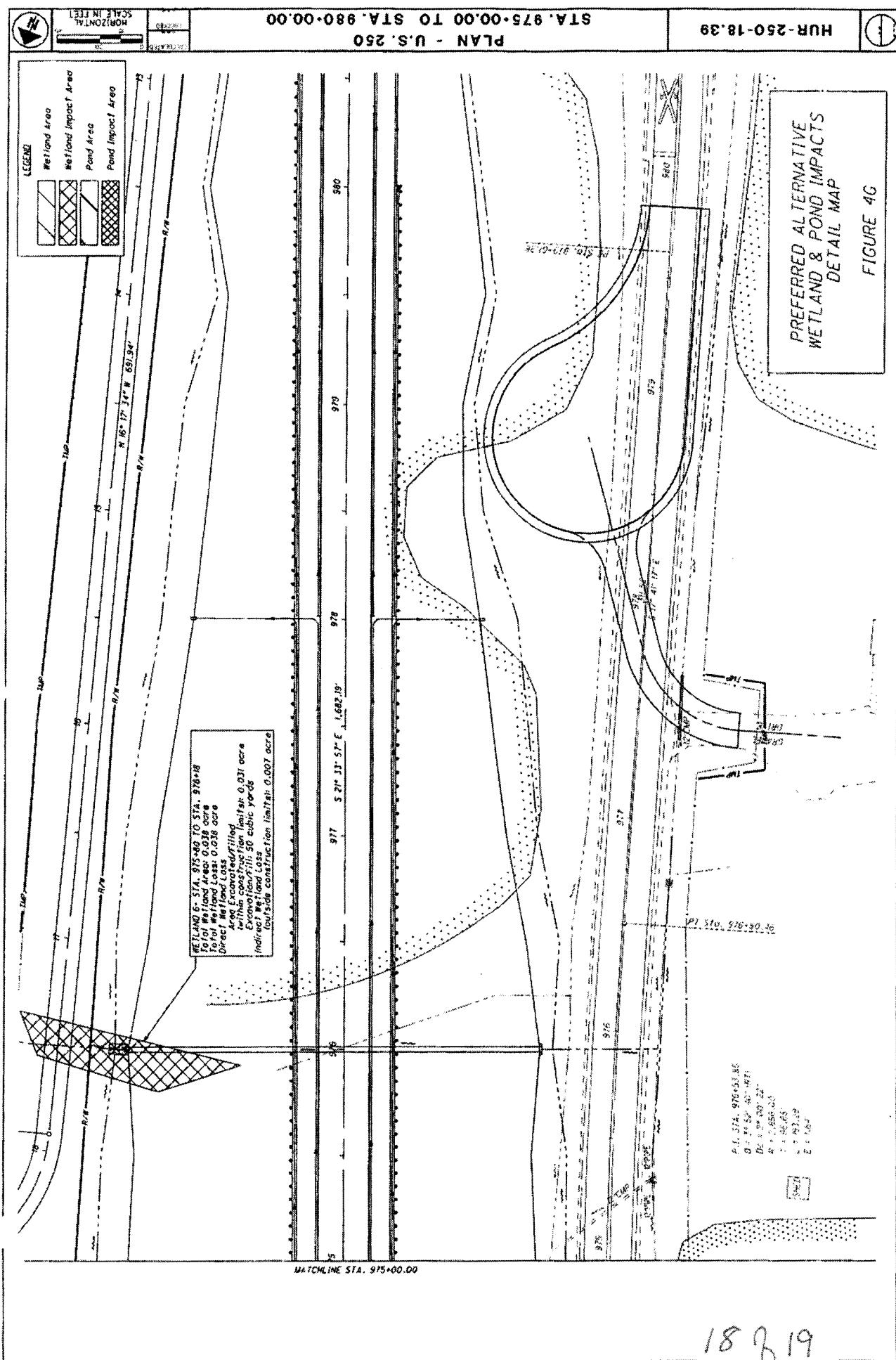
PROFILE - U.S. 250

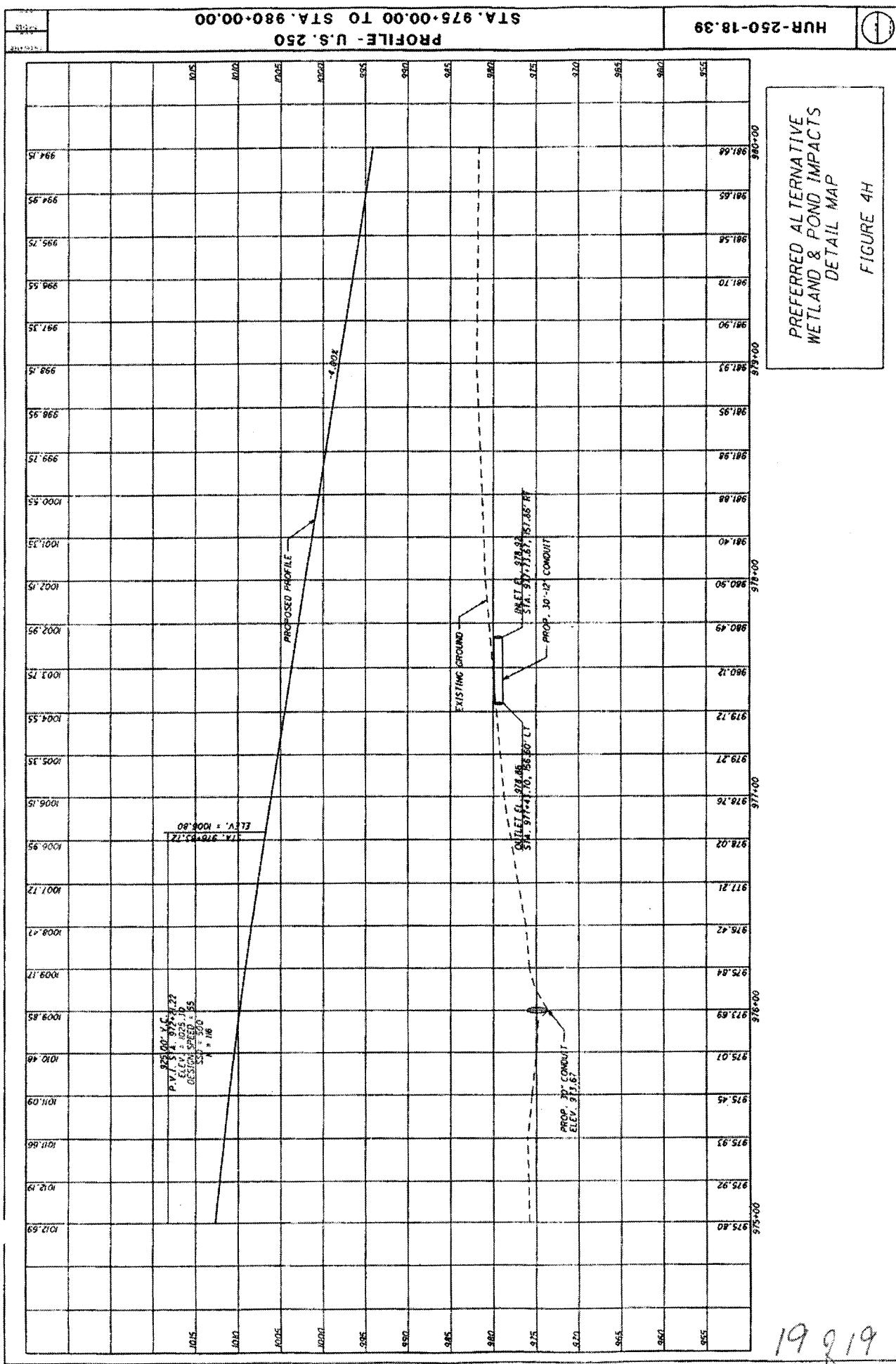


PREFERRED ALTERNATIVE
WETLAND & POND IMPACTS
DETAIL MAP

FIGURE 4F

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