



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

Public Notice

In reply refer to Public Notice No.

199600538-1

Issuance Date:

January 18, 2007

Stream:

UNTriB Grant Run – 199600538-1

Closing Date:

February 18, 2007

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

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 to act on Section 401 Water Quality Certification for the following application.

APPLICANT: First Industrial Realty Trust, Inc.
311 South Wacker Drive, Suite 4000
Chicago, Illinois 60606

LOCATION: The project area is located in wetlands adjacent to and a tributary of Grant Run. The site is located in lot five of the existing Gateway Business Park on North Meadows Drive in Grove City, Franklin County, Ohio. The location of the existing and proposed project area is depicted in the attached Figure 1.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to place fill material into waters of the United States in association with expansion of an existing commercial/industrial facility. Under Nationwide Permit Number 26, this office originally verified the placement of fill material into 2.17 acres of wetlands in association with initial construction activities. The applicant purchased four acres of mitigation credit at the Big Island Mitigation Bank to compensate for this approved loss of waters of the United States.

Under the current proposal, the applicant proposes to place fill material into 0.19 acre of jurisdictional Category 1 wetlands and 25 linear feet of ephemeral stream. Approximately 154 cubic yards of clean fill is proposed to be placed in these waters in association with the construction of Lot 5.

MITIGATION PLAN: The applicant has proposed on-site avoidance and minimization measures. The applicant indicates on-site or in watershed compensation is not practicable and has proposed to purchase 0.3 acre of wetland credit from an approved wetland mitigation bank.

ALTERNATIVE ANALYSIS: A total of 0.19 acre of jurisdictional wetlands are proposed to be filled as a result of the proposal. The project does not require access to or siting within the 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 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. Because this is an expansion of an existing facility, the applicant would not be required to provide an off-site alternative analysis but would be required to present all practicable on-site avoidance, minimization and compensation measures. The applicant has submitted information concerning these measures for review. No permit will be issued by this office until our review of the on-site alternative analysis clearly shows that upland alternatives are not available to achieve the applicant's goal.

ATTACHMENTS: Plans of the proposed work are attached to this notice.

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

HISTORIC & CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register

that are in the area affected by the project. A copy of this public notice will be sent to the Ohio Historic Preservation Office (OHPO) for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

THREATENED & ENDANGERED SPECIES: This project is located within the known or historic range of the Indiana bat (Endangered); Scioto madtom (E); clubshell mussel (E); northern riffleshell mussel (E), bald eagle (Threatened); and rayed bean mussel (currently under evaluation for Federal Candidate species).

The Huntington District has consulted the most recently available information and the proposed project would have no effect on the listed species or designated Critical Habitat for these listed species. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have whether any listed or proposed to be listed endangered or threatened species may be present in the area that would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST: Any person who has an interest, which 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.

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, 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 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. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. 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.

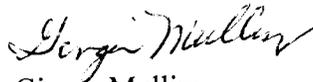
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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.

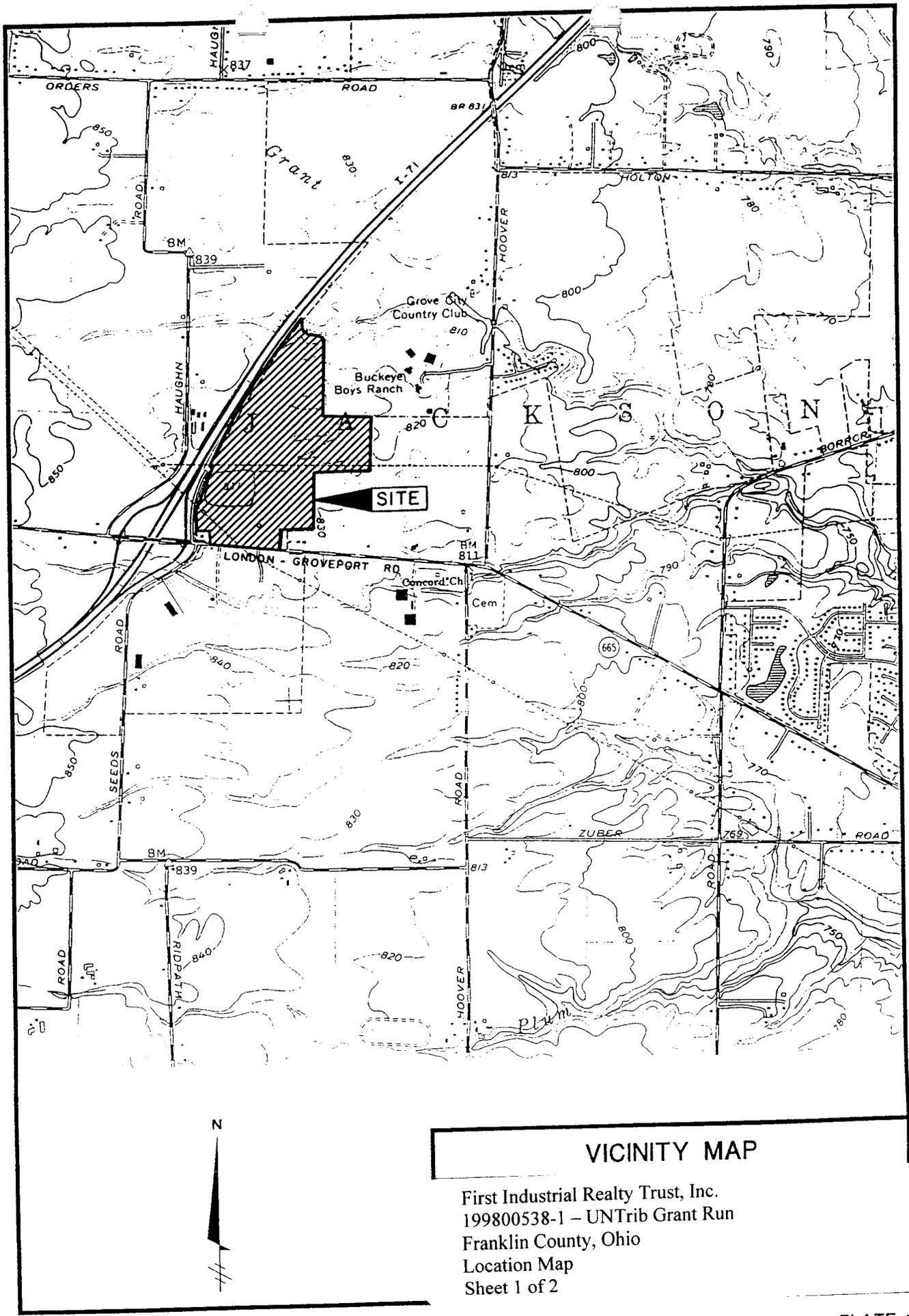
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 199600538-1
502 8th Street
Huntington, West Virginia 25701-2070

Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are 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 call Ms. Desiree L. Hann of the North Regulatory Section at 304-399-5210.

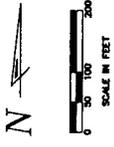

Ginger Mullins
Chief, Regulatory Branch

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VICINITY MAP

First Industrial Realty Trust, Inc.
 199800538-1 - UNTri Grant Run
 Franklin County, Ohio
 Location Map
 Sheet 1 of 2



LEGEND

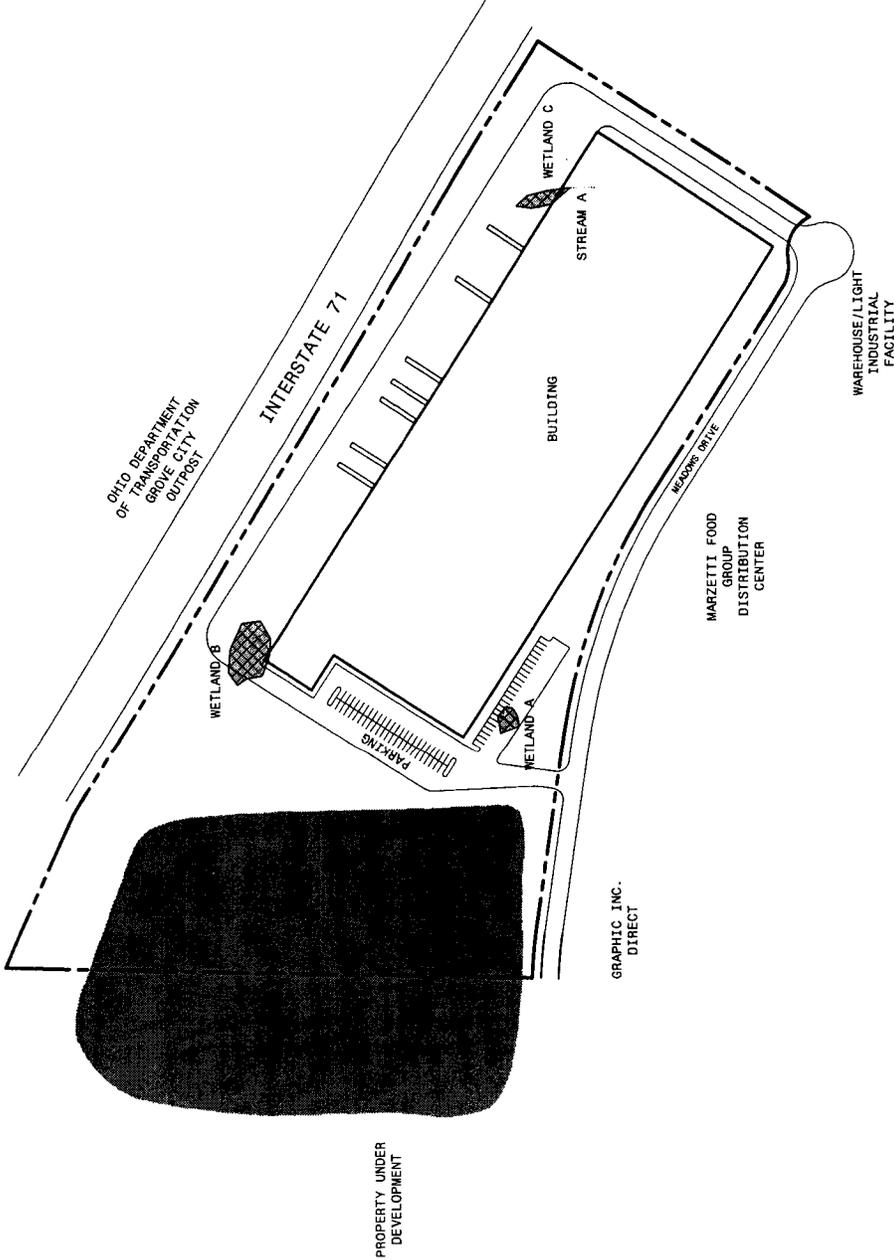
- STREAM
- WETLAND
- TRUCK AT DOCK

PROPOSED SURFACE WATER IMPACTS:

STREAM:	25 FT.
WETLAND:	0.19 ACRES
DEVELOPABLE AREA:	23 ACRES
WAREHOUSE SIZE:	355,000 FT ²
PARKING:	75 SPACES

SURFACE WATERS ON SITE

STREAM: CLASS 1 EPHEMERAL	= 25 FT.
WETLAND A:	OHIO CATEGORY 1 = 0.03 ACRES
WETLAND B:	OHIO CATEGORY 1 = 0.13 ACRES
WETLAND C:	OHIO CATEGORY 1 = 0.03 ACRES



THIS FIGURE WAS CREATED USING INFORMATION FROM VARIOUS SOURCES. ALL FEATURES AND MEASUREMENTS ARE APPROXIMATE. THIS FIGURE SHOULD NOT BE CONSIDERED A LEGAL SURVEY OF THE PROPERTY.

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ALTERNATIVES ANALYSIS & MITIGATION PLAN
 FIRST INDUSTRIAL REALTY TRUST, INC.
FIGURE 2
PREFERRED DESIGN ALTERNATIVE
 LOT 5 OF GATEWAY BUSINESS PARK
 GROVE CITY, FRANKLIN CO., OHIO
 PROJECT NO.: E19004
 SUBMITTAL DATE: NOVEMBER 2008
 CAD DWG FILE: E19004_600_0002AF
 PLOT DATE: 11/21/08

First Industrial Realty Trust, Inc.
 199800538-1 – UNTriB Grant Run
 Franklin County, Ohio
 Plan view of proposed expansion
 Sheet 2 of 2