



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

Public Notice

In reply refer to Public Notice No.

Issuance Date: April 9, 2007

2006—0574-MAU

Stream:

Closing Date: May 9, 2007

Maumee River

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District, Ohio Transportation Office

ATTN: CELRH-OR-FN-OT Public Notice No. (reference above)

3990 East Broad Street

Columbus, Ohio 43218-3990

Phone: (614) 692-4654

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 U.S., 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 (CWA).

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

LOCATION: The proposed project is located in twenty streams and fifteen wetlands within the Maumee River Watershed (HUC-04100009) in Liberty and Washington Townships of Henry County, Ohio and in the Providence and Waterville Townships of Lucas County, Ohio.

DESCRIPTION OF THE PROPOSED WORK: The applicant has requested Department of the Army authorization for the discharge of approximately 8,087 cubic yards of fill material into 7.96 acres of wetlands and approximately 6,742 cubic yards of clean fill material into 1.51 acres and 11,182 linear feet of stream channels to facilitate the construction of 21.8 miles of four lane expressway. This expressway would consist of four 12-foot wide travel lanes, a 10-foot wide paved right shoulder, a 4-foot wide paved left shoulder and a 60-foot wide grassed median. The expressway alignment would begin at the US 24/US 6 interchange near Napoleon and end at the existing US 24/Interstate-475 interchange between the Village of Waterville and City of Maumee. Temporary culverts would be installed in 2,008 linear feet of stream channels to reroute traffic along State Route (SR) 64 during the construction of the US 24/SR 64 interchange. All temporary fill material and culverts would be removed and the affected areas restored upon project completion. Proposed impacts to wetlands and stream channels are detailed in the tables below.

Wetland ID	Proposed Wetland Fill Acreage	Proposed Fill Volume to be placed in Jurisdictional Wetlands (cubic yards)
W-S71	0.17	417
W-31	1.34	979
W-24	2.76	1918
W-56B	0.07	104
W-56C	0.01	8
W-56D	0.03	51
W-54	1.68	1808
W-54-1 (east and west)	0.26	309
W-53	0.21	329
W-S14	0.03	117
W-S12	0.07	53
W-S9A	0.03	24
W-S9C	0.22	445
W-107C	0.003	0
W-107	1.08	1525
Total	7.963	8,087

Stream ID	Stream Name	Proposed Stream Impact Fill Acreage	Fill Volume (cubic yards)	Proposed Stream Length Impacted (feet)
S-50	North Turkeyfoot Creek	0.195	631	335
S-48	Dry Creek	0.152	491	235
S-32	Unnamed Tributary to Bad Creek	0.208	1205	645
S-32-1	Unnamed Tributary to Bad Creek	0.045	145	295
S-32C	Bad Creek	0.236	1979	608
S-30	Keiper Ditch	0.034	109	368
S-44A	Misamore Ditch	0.023	144	367
S-44B	Unnamed Tributary Misamore Ditch	0.061	118	424
S-29	Geahlin Ditch	0.025	79	322
S-28	Krohn Ditch	0.035	114	394
S-24	Miller Ditch	0.028	156	402
S-52A	Whitemeir Ditch	0.039	196	594
S-10	Suter Ditch	0.103	357	1587
S-9	Blystone Ditch	0.067	205	1384
S-7-1	Meyer Ditch	0.037	127	628
S-5	Farnsworth Ditch	0.052	212	602
S-10	Ditch 18	0.079	179	765
S-3	Unnamed Tributary	0.017	38	367
S-2	Ward Ditch	0	0	601
S-2A	Unnamed Tributary	0.076	257	259
Total		1.512	6742	11182

The Federal Highways Administration published Final Environmental Impact Statement U.S. 24 – Napoleon to Toledo, Ohio FHWA-OH-EIS-04-02-F; HEN/LUC-24-10.08/0.00 (Formerly HEN/LUC-6/24-24.10/0.00); PID 17893 in March 2006. Plans for the proposed expressway construction are attached to this public notice.

ALTERNATIVE ANALYSIS: A total of 7.96 acres of jurisdictional wetlands would be impacted by the proposed project. 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. 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.

COMPENSATORY MITIGATION PLAN: The applicant has submitted a conceptual mitigation plan to compensate for unavoidable impacts to wetlands and streams. Project impacts will occur within the Lower Maumee River Watershed (HUC-04100009), within Liberty and Washington Townships in Henry County and Providence and Waterville Townships in Lucas County. Two mitigation areas are proposed: the North Turkeyfoot Creek Mitigation Area and the Dry Creek Mitigation Area (MA). Both mitigation areas are located within Henry County.

To compensate for 7.96 acres of wetland impacts and 11,182 linear feet of stream impacts the applicant has proposed to preserve 1.43 acres of Category 2 wetlands, 6.05 acres of Category 3 wetlands, 2742 linear feet of North Turkey Foot Creek and 3,939 linear feet of Dry Creek. The applicant has also proposed to create 28.06 acres of Category 2 wetlands, plant a portion of the north bank of North Turkey Foot Creek, plant native vegetation along a portion of riparian zone of North Turkey Foot Creek and plant native vegetation in an adjacent upland area to create a riparian buffer. Additionally, Mathews Ditch would be converted to a two stage meandering channel and planted with vegetation and Dry Creek would be stabilized and gain a 100 foot long riparian buffer on both banks. This plan is currently under review in our office.

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 OEPA.

HISTORIC AND CULTURAL RESOURCES: The Federal Highways Administration is the lead federal agency for this project. The applicant received concurrence regarding cultural resource issues from the Ohio State Historic Preservation Office on March 14, 2005. A copy of this public notice will be sent to the SHPO for their review. Additional comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: The Federal Highways Administration is the lead federal agency for this project. Seven federally listed species have known ranges within the project area: Indiana bat (E), Karner blue butterfly (E), Piping plover (E), Eastern prairie fringed orchid (T), Bald eagle (T), Eastern massasauga rattlesnake (C), and the Rayed bean mussel (C). The applicant received concurrence on their proposed findings from the U.S. Fish and Wildlife Service on May 18, 2005. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether and 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 Corps, 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 CWA. 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 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 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:

North Regulatory Section, Ohio Regulatory Transportation Office
U.S. Army Corps of Engineers Huntington District
3990 East Broad Street
Columbus, Ohio 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, 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 contact Sheila Newman of the North Regulatory Section at (614) 692-4654.


Ginger Mullins
Chief, Regulatory Branch

(O)(B)

Figure 1 of 48

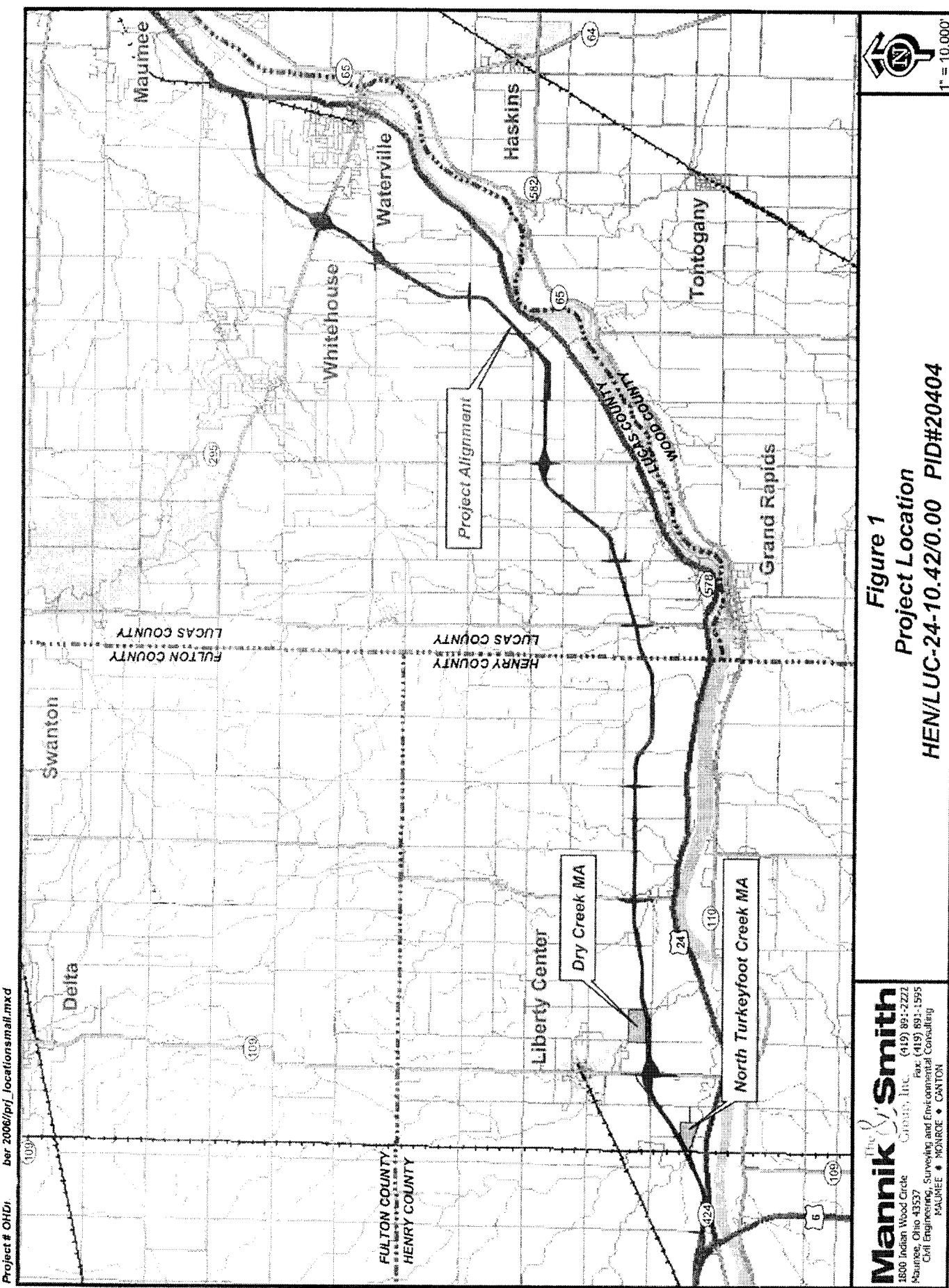


Figure 2 of 48

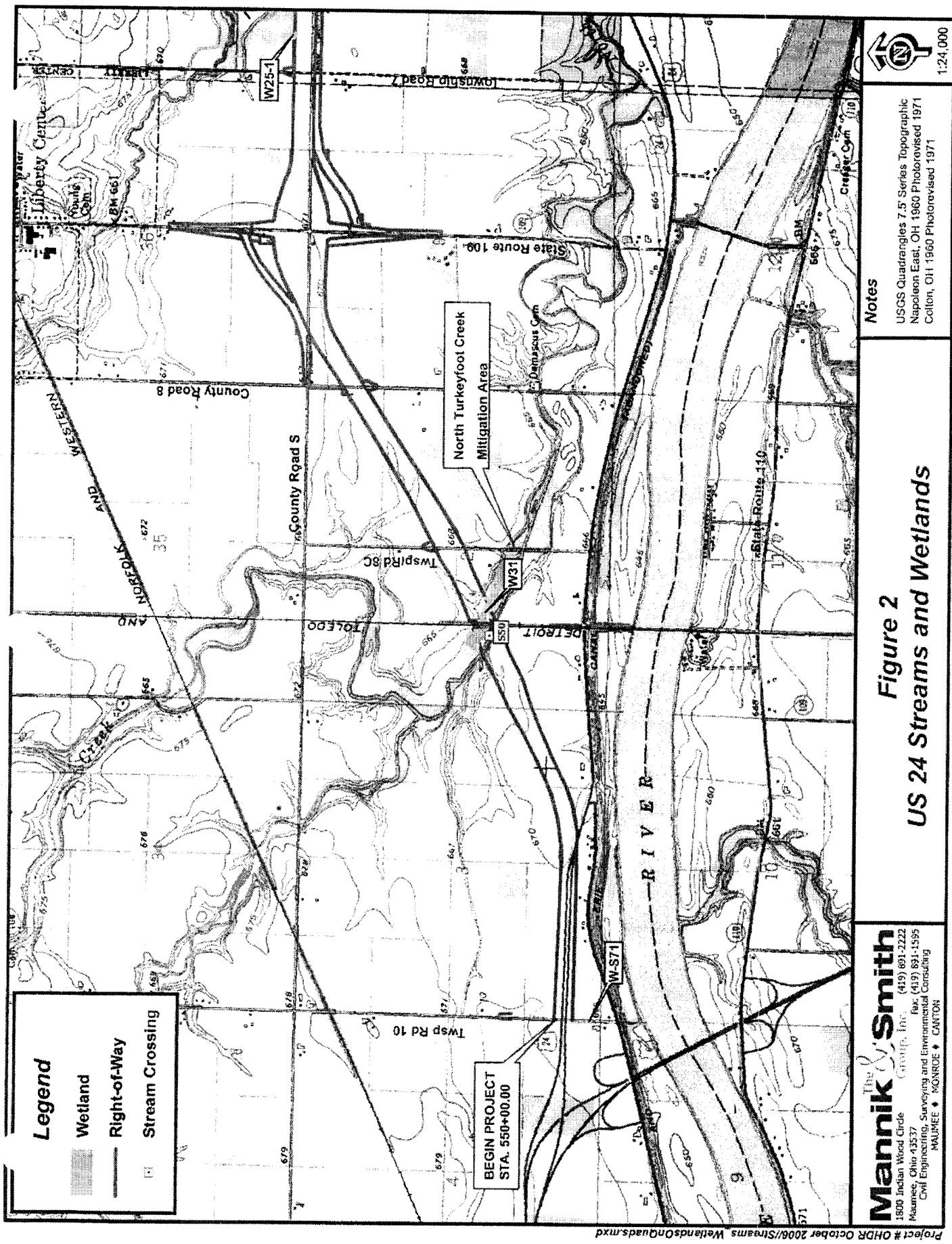
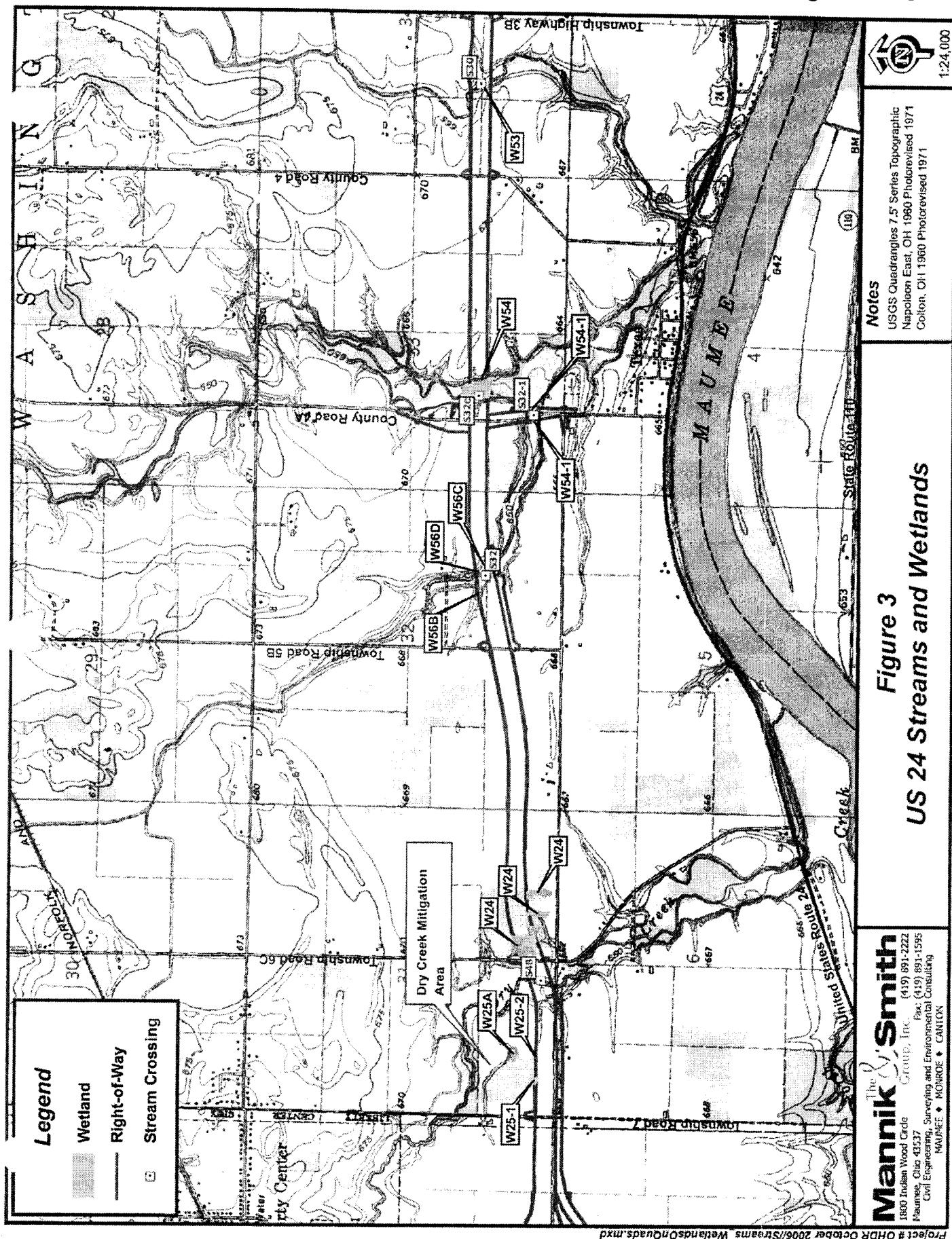


Figure 2
US 24 Streams and Wetlands

Mannik Smith
1800 Indian Woods Circle
Maumee, Ohio 43537
(419) 891-2222
Fax: (419) 891-1555
CMi Engineering, Surveying and Environmental Consulting
MAURICE • MONROE • CANTON

Figure 3 of 48



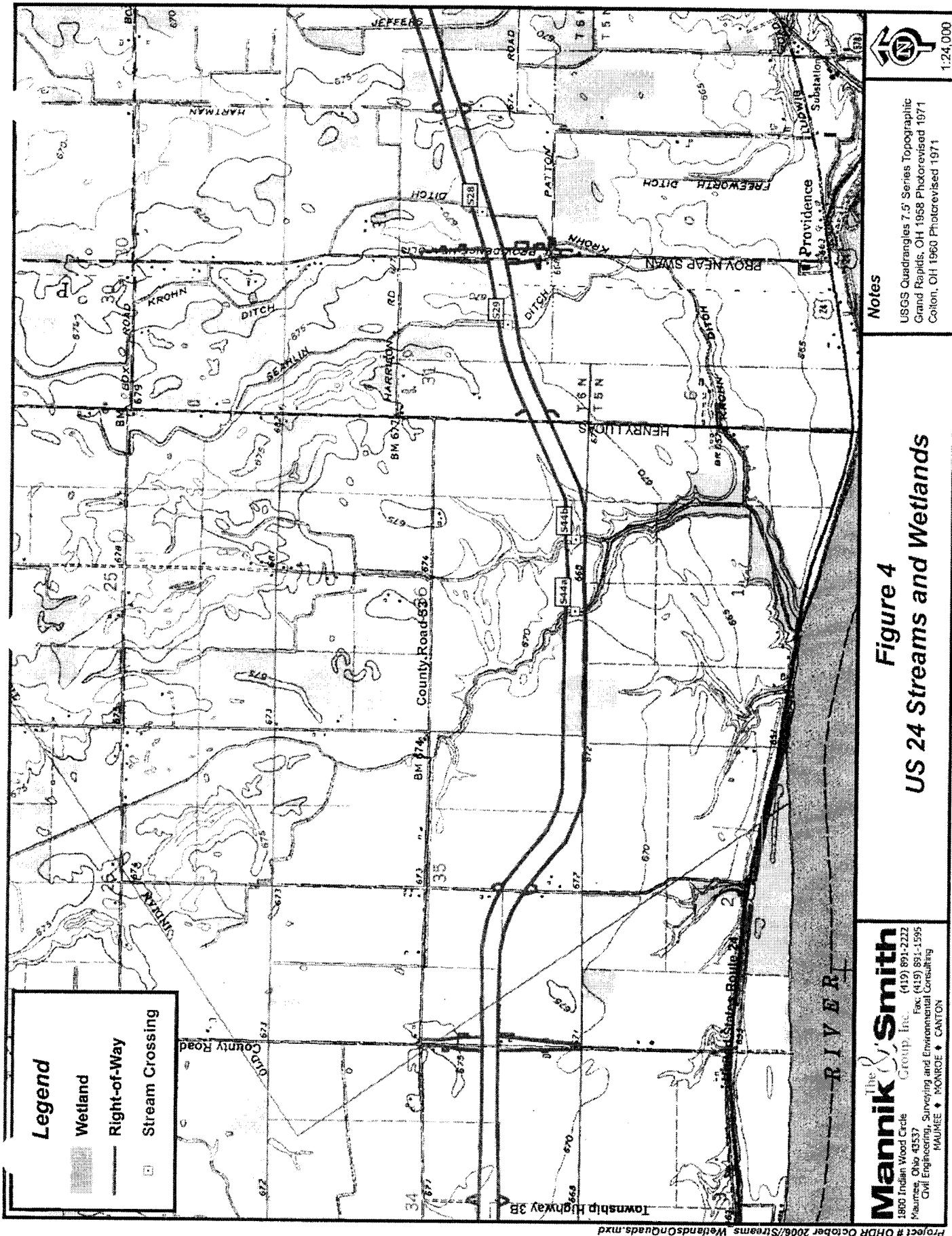


Figure 4
US 24 Streams and Wetlands

The Mannik Smith Group, Inc.
1800 Indian Woods Circle (419) 891-2222
Maumee, Ohio 43537 Fax: (419) 891-1595
GMI Engineering, Surveying and Environmental Consulting
MAUMEE • MONROE • CANTON

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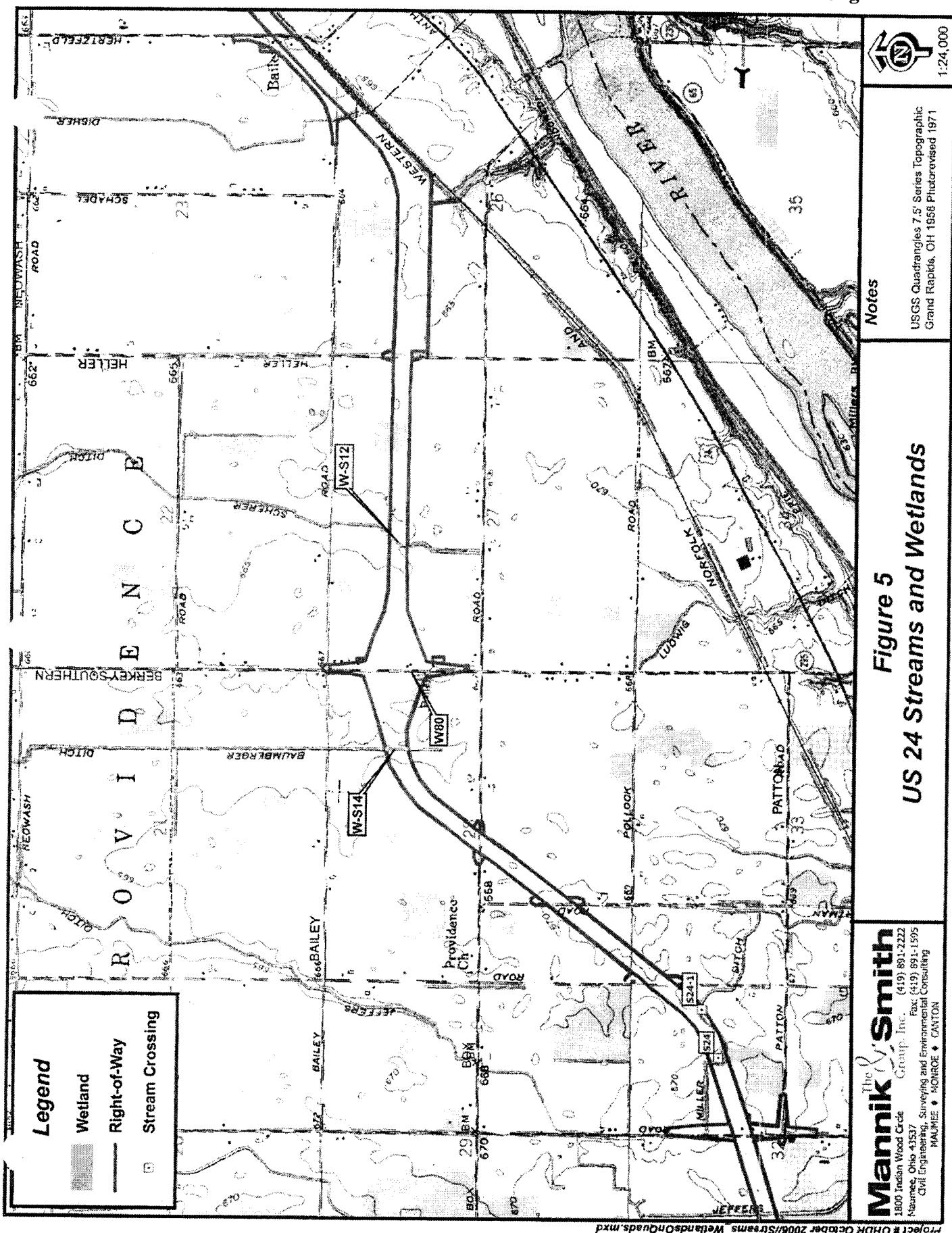
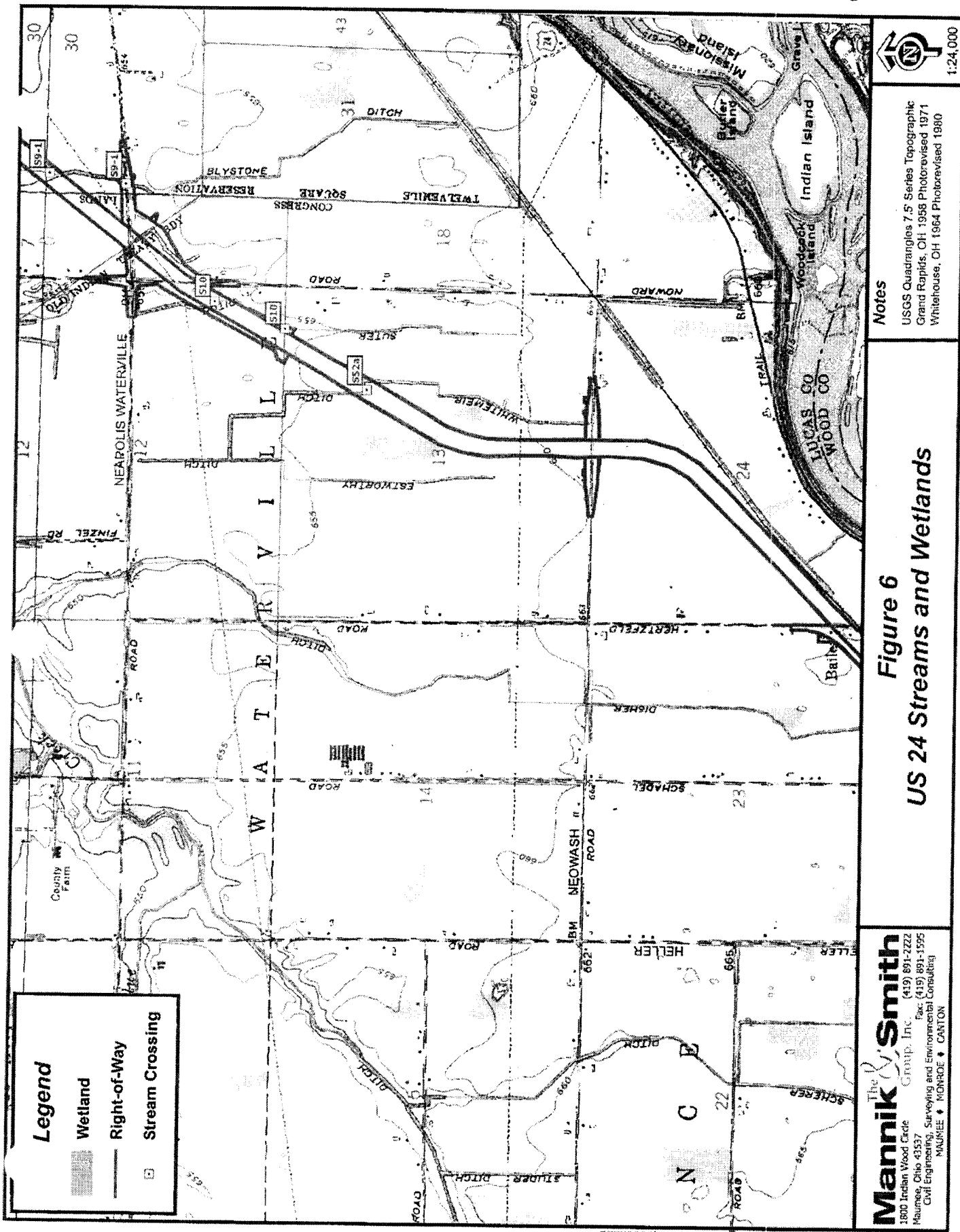


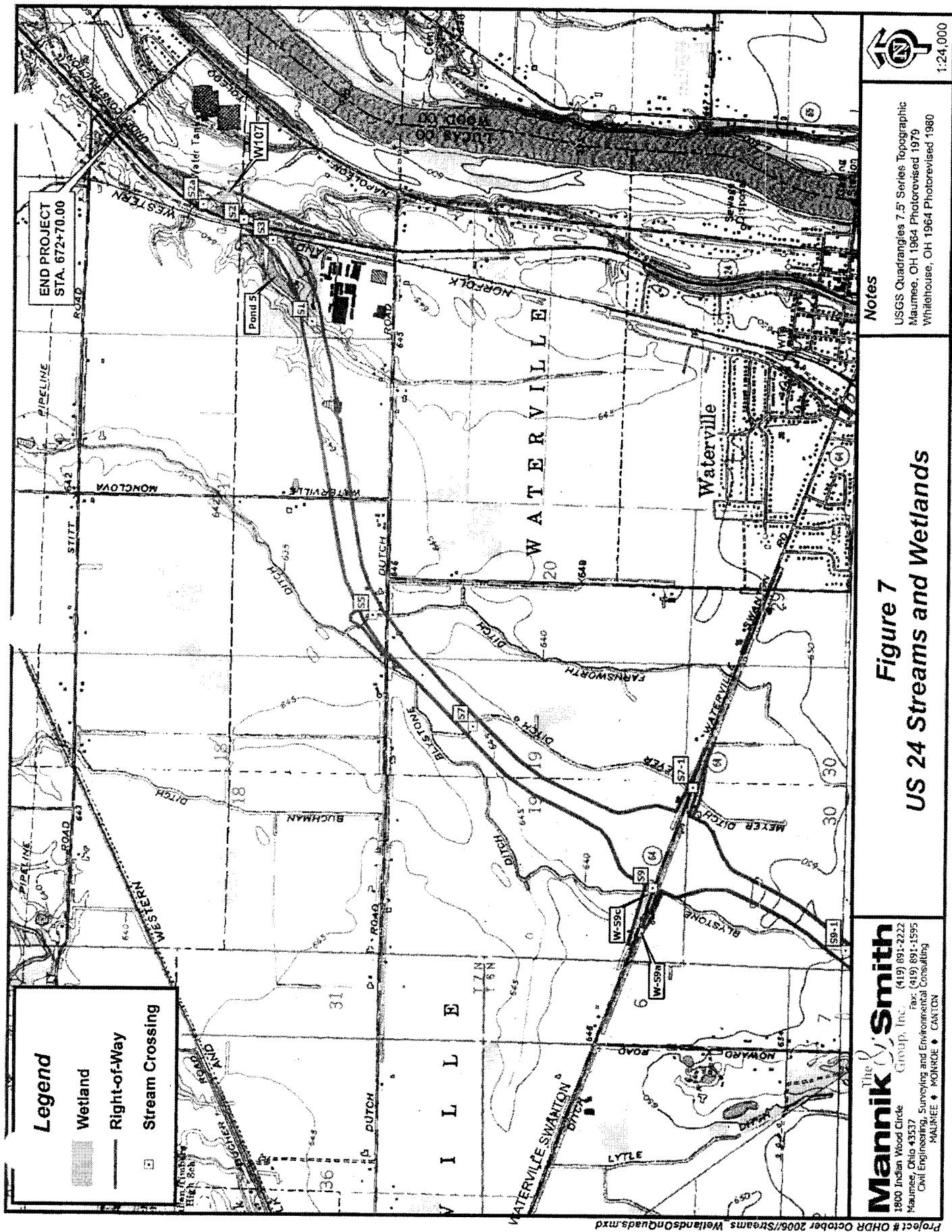
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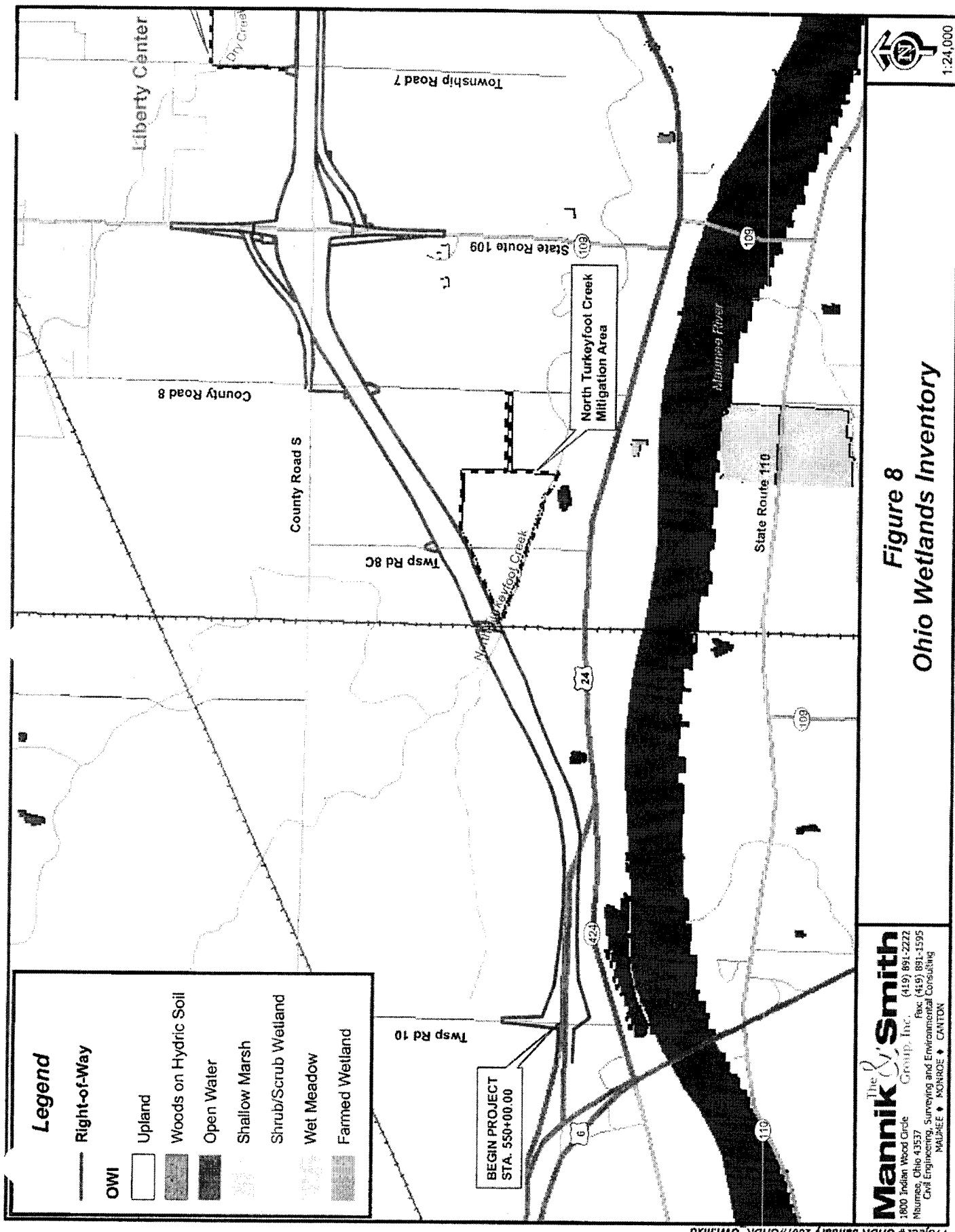


Mannik Smith
Group, Inc.
1800 Indian Woods Circle
Maumee, Ohio 43337
(419) 891-2222
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Fax: Engineering, Surveying and Environmental Services
Civil Engineering • Land Development • Hydrology • CANTON

Project # OHDRC October 2006 // Streams, Wetlands & Quads.mxd

Figure 7 of 48





Mannik Smith
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Niles, Ohio 44537
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CMH Engineering, Surveying and Environmental Consulting
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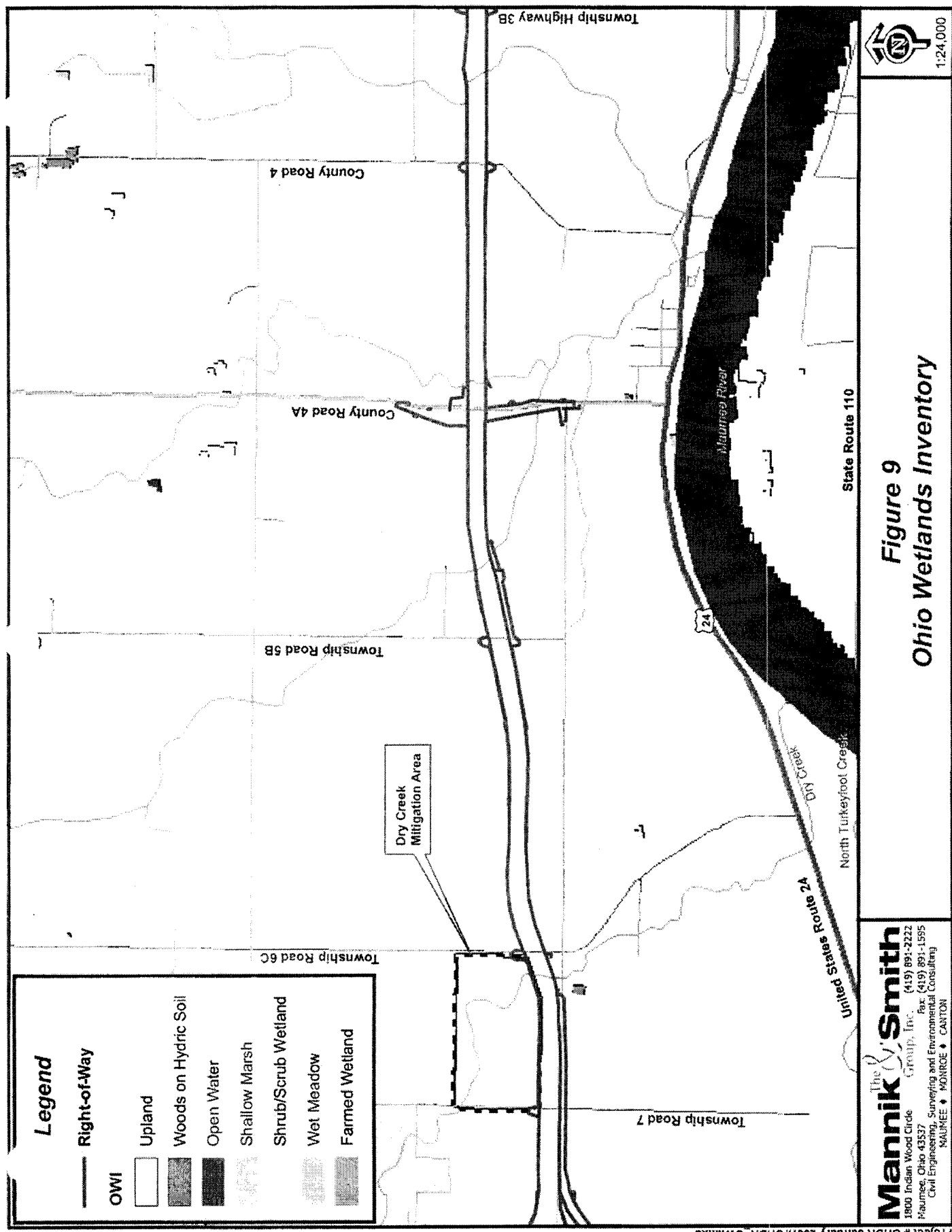
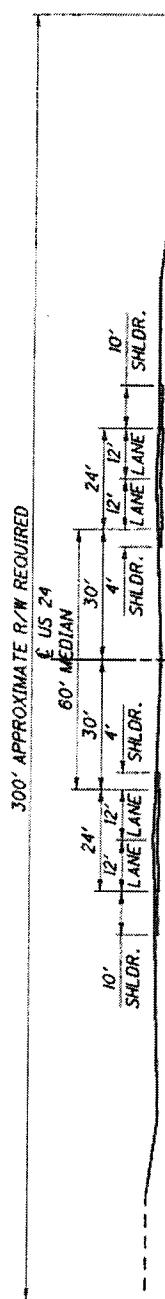
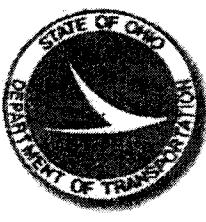


Figure 9
Ohio Wetlands Inventory



ODOT TYPICAL SECTION
PREFERRED & MINIMAL
DEGRADATION ALTERNATIVE



**TYPICAL SECTION FOR
PREFERRED & MINIMAL
DEGRADATION ALTERNATIVE**

OHIO DEPARTMENT OF TRANSPORTATION
U.S. ROUTE 24 IN HENRY & LUCAS COUNTIES
PID 80443, 80444 & 80446

U.S. Army Corps of
Engineers 404 Permit
and OEPA Section 401
Water Quality
Certification
Application

Date: OCT. 2006

Exhibit: ■

Figure 11 of 48

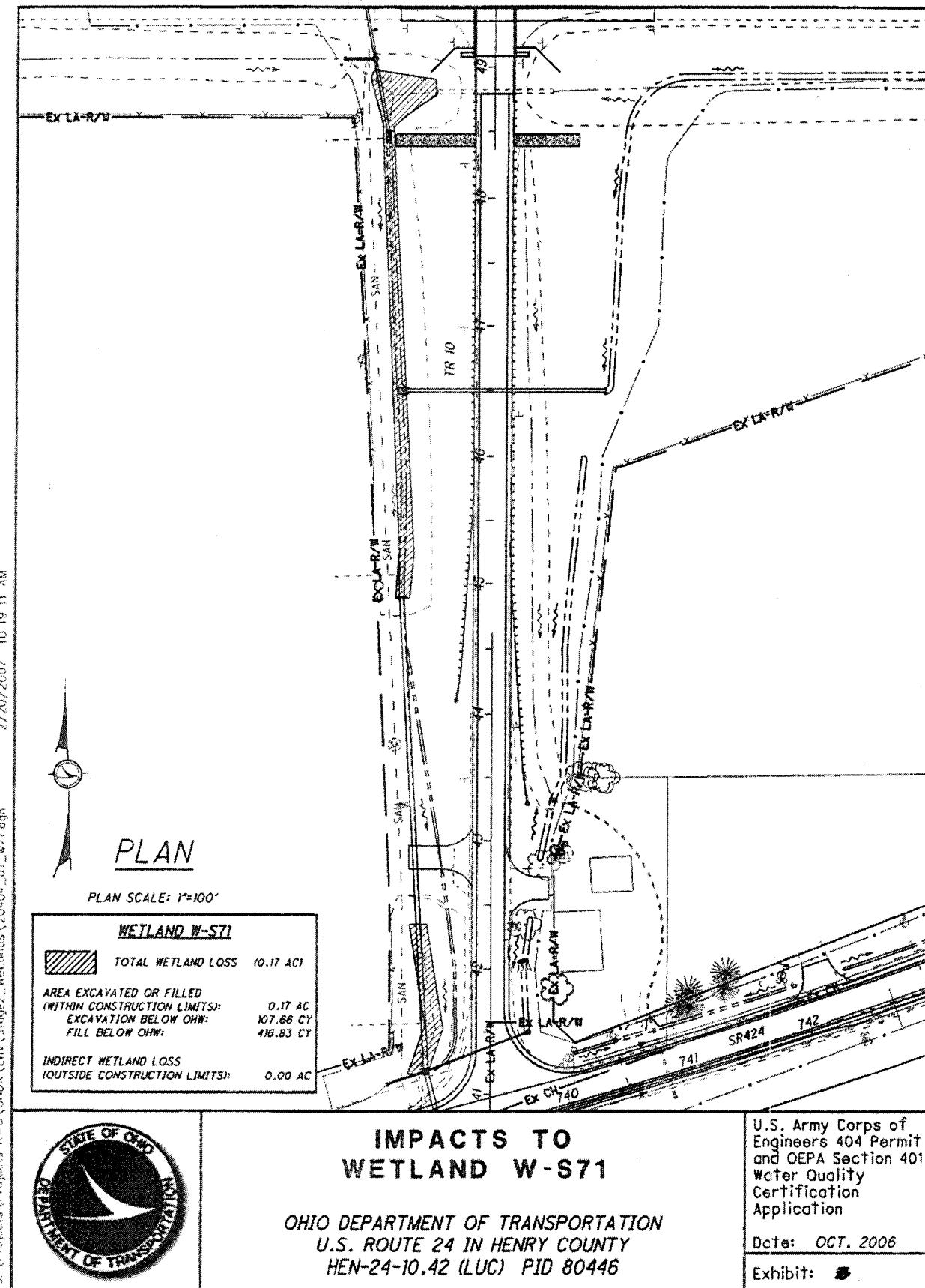


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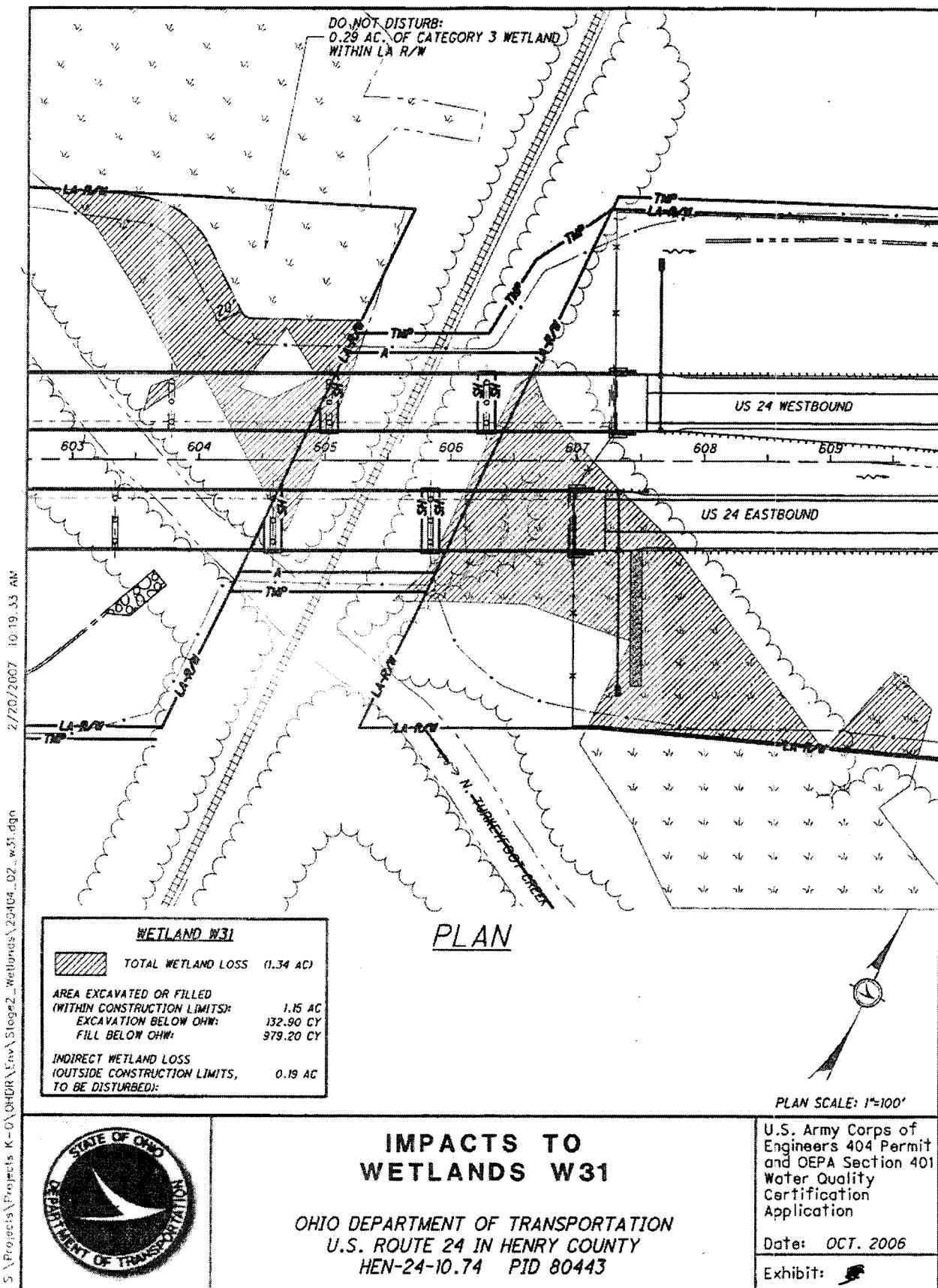


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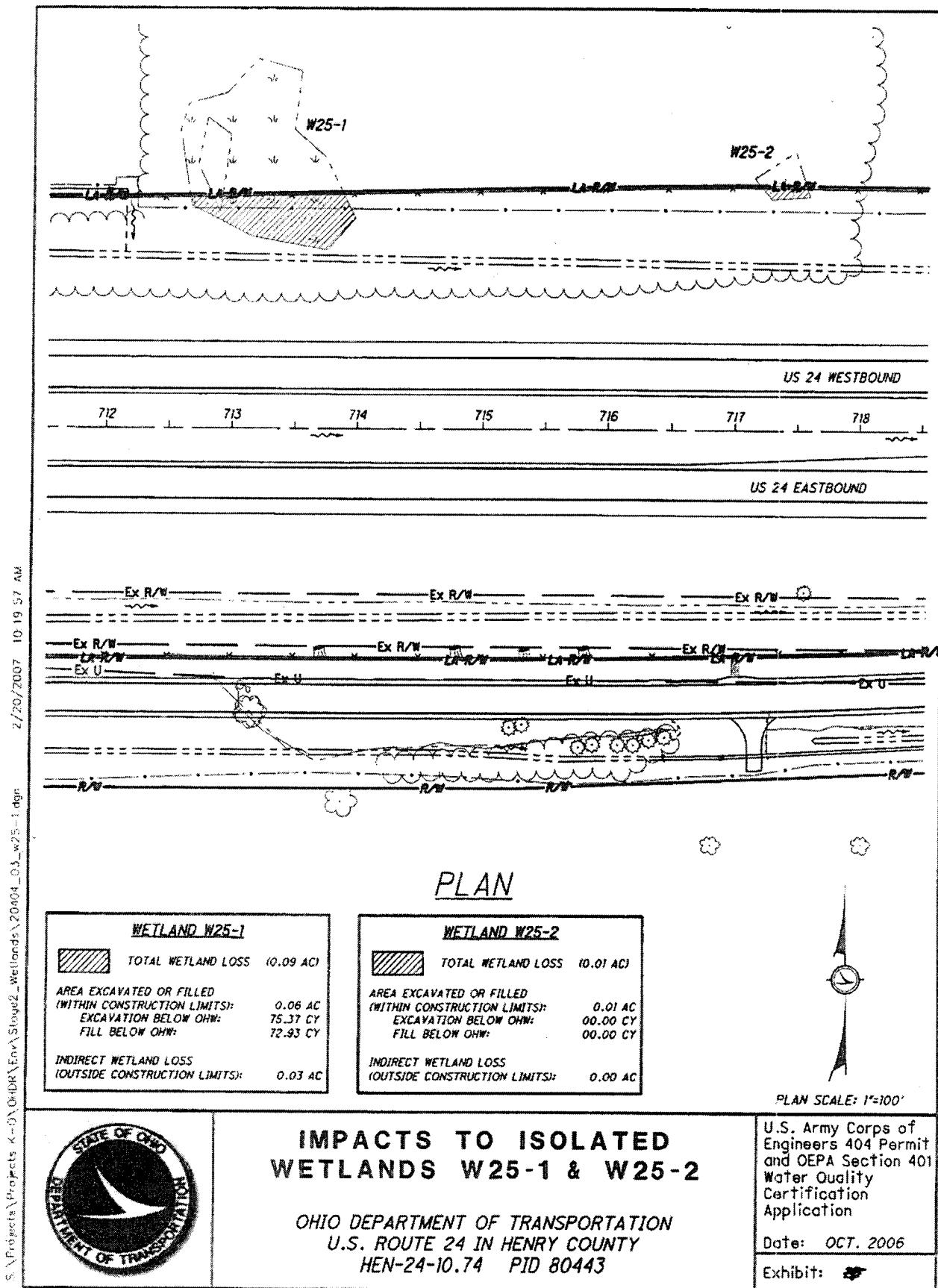
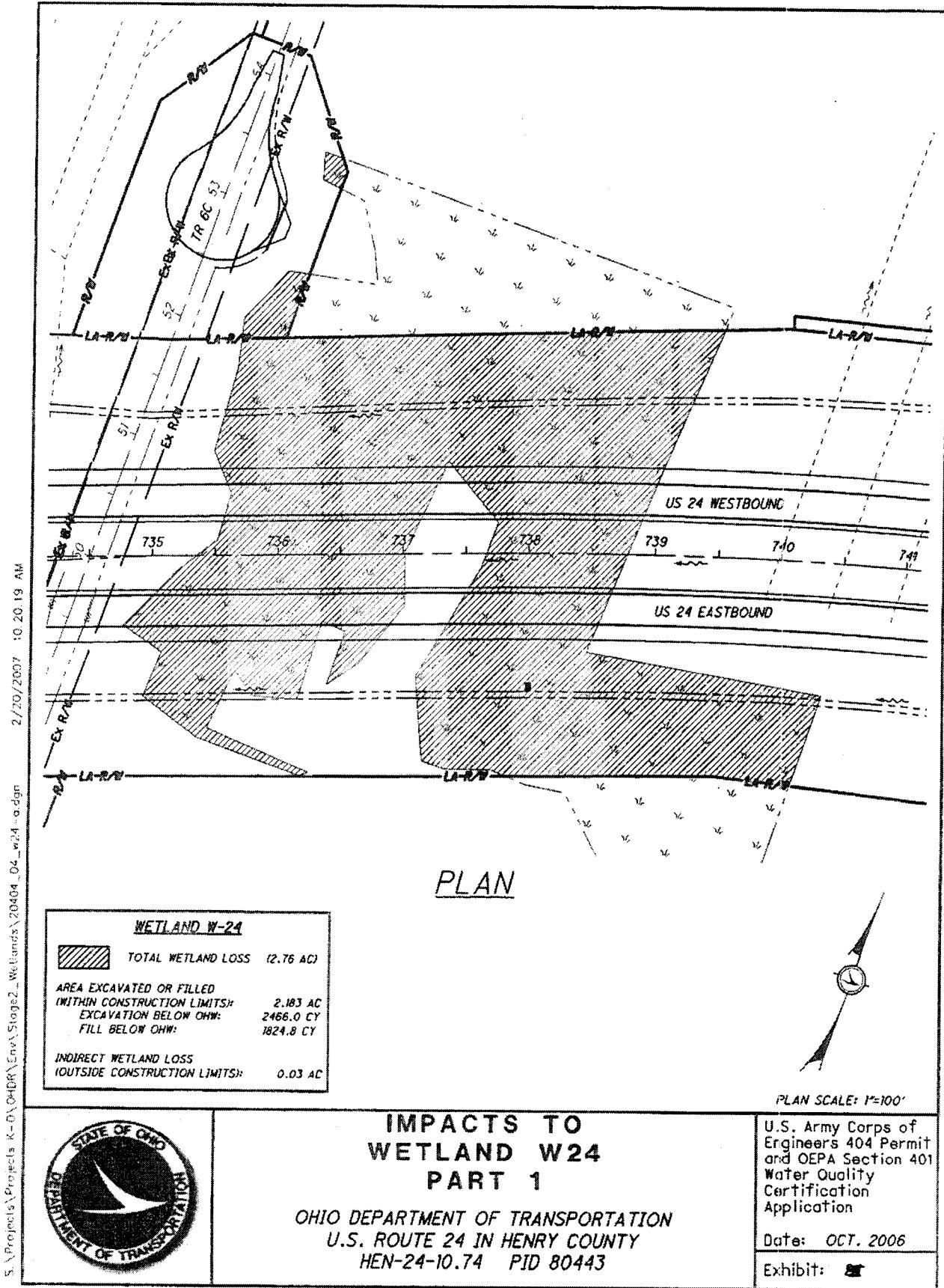
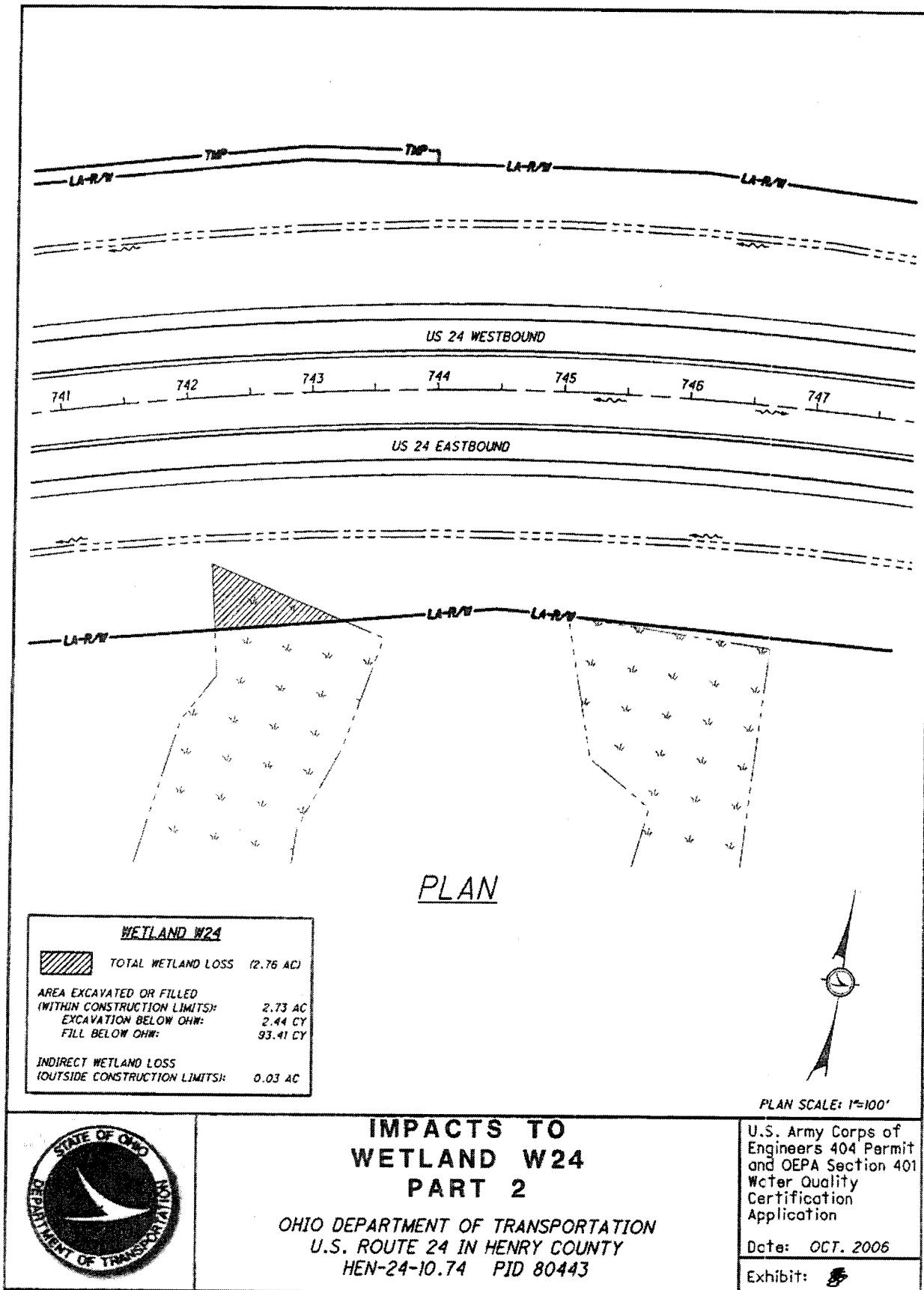
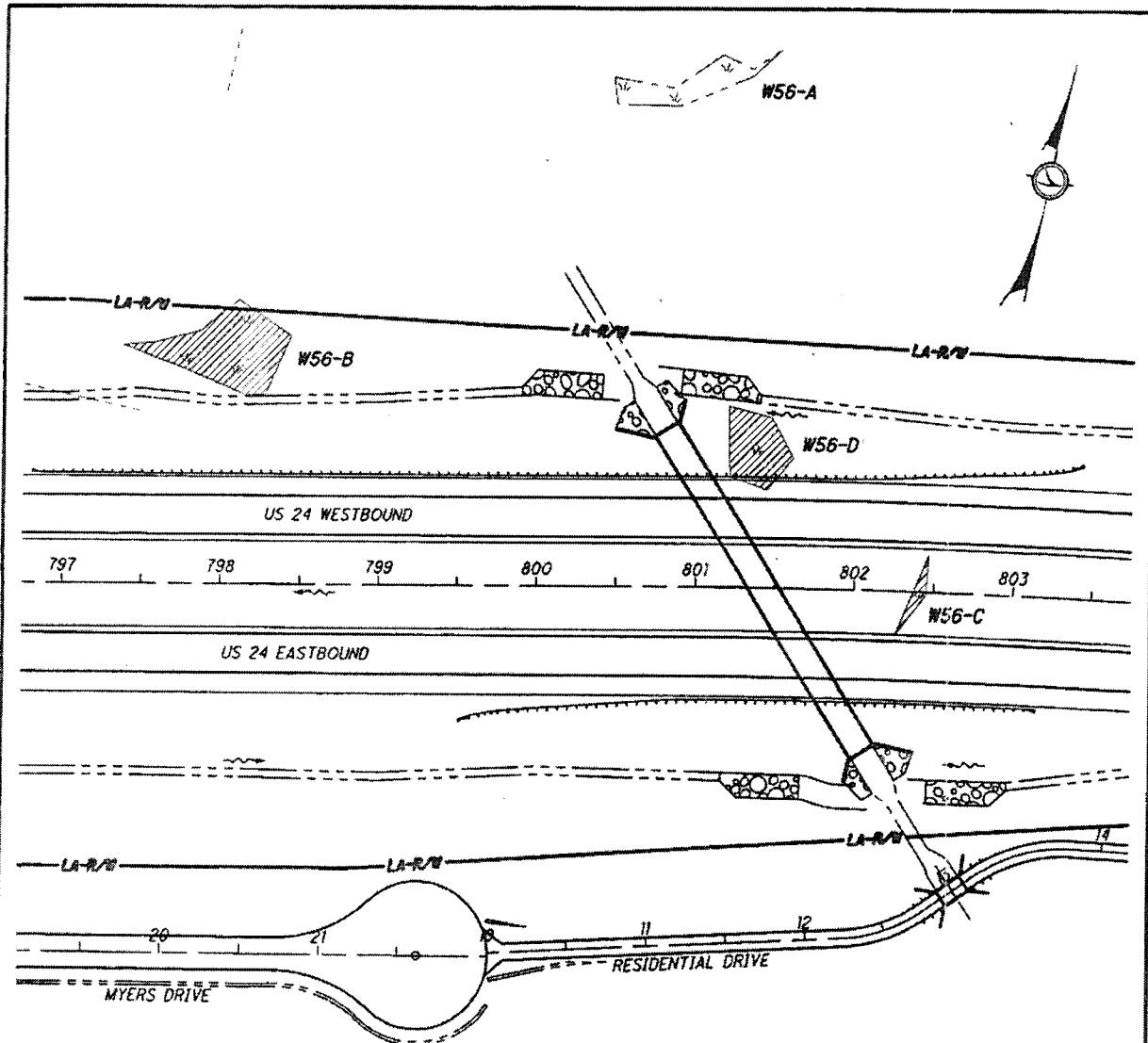


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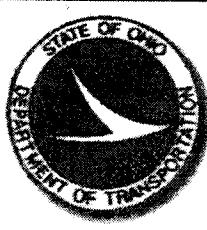
PLAN

WETLAND W56-B	
	TOTAL WETLAND LOSS 10.07 AC
AREA EXCAVATED OR FILLED (WITHIN CONSTRUCTION LIMITS): EXCAVATION BELOW OHW: FILL BELOW OHW:	0.07 AC 1.46 CY 104.28 CY
INDIRECT WETLAND LOSS (OUTSIDE CONSTRUCTION LIMITS):	0.00 AC

WETLAND W56-C	
	TOTAL WETLAND LOSS 10.01 AC
AREA EXCAVATED OR FILLED (WITHIN CONSTRUCTION LIMITS): EXCAVATION BELOW OHW: FILL BELOW OHW:	0.01 AC 0.00 CY 7.9 CY
INDIRECT WETLAND LOSS (OUTSIDE CONSTRUCTION LIMITS):	0.00 AC

WETLAND W56-D	
	TOTAL WETLAND LOSS 10.03 AC
AREA EXCAVATED OR FILLED (WITHIN CONSTRUCTION LIMITS): EXCAVATION BELOW OHW: FILL BELOW OHW:	0.03 AC 5.02 CY 50.63 CY
INDIRECT WETLAND LOSS (OUTSIDE CONSTRUCTION LIMITS):	0.00 AC

PLAN SCALE: 1"=100'

**IMPACTS TO
WETLANDS W56-BCD**

OHIO DEPARTMENT OF TRANSPORTATION
U.S. ROUTE 24 IN HENRY COUNTY
HEN-24-10.74 PID 80443

U.S. Army Corps of
Engineers 404 Permit
and OEPA Section 401
Water Quality
Certification
Application

Date: OCT. 2006

Exhibit:

Figure 17 of 48

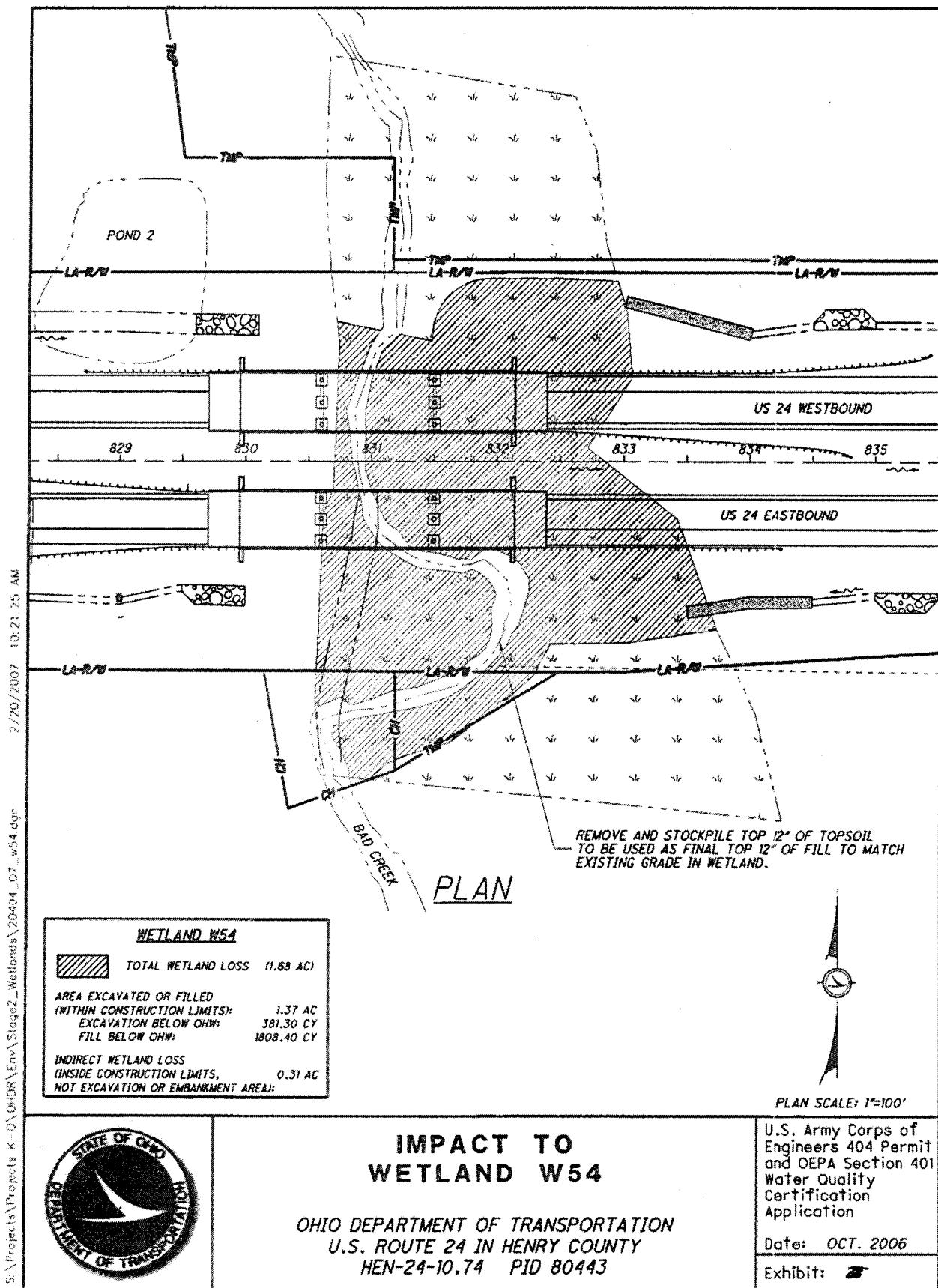


Figure 18 of 48

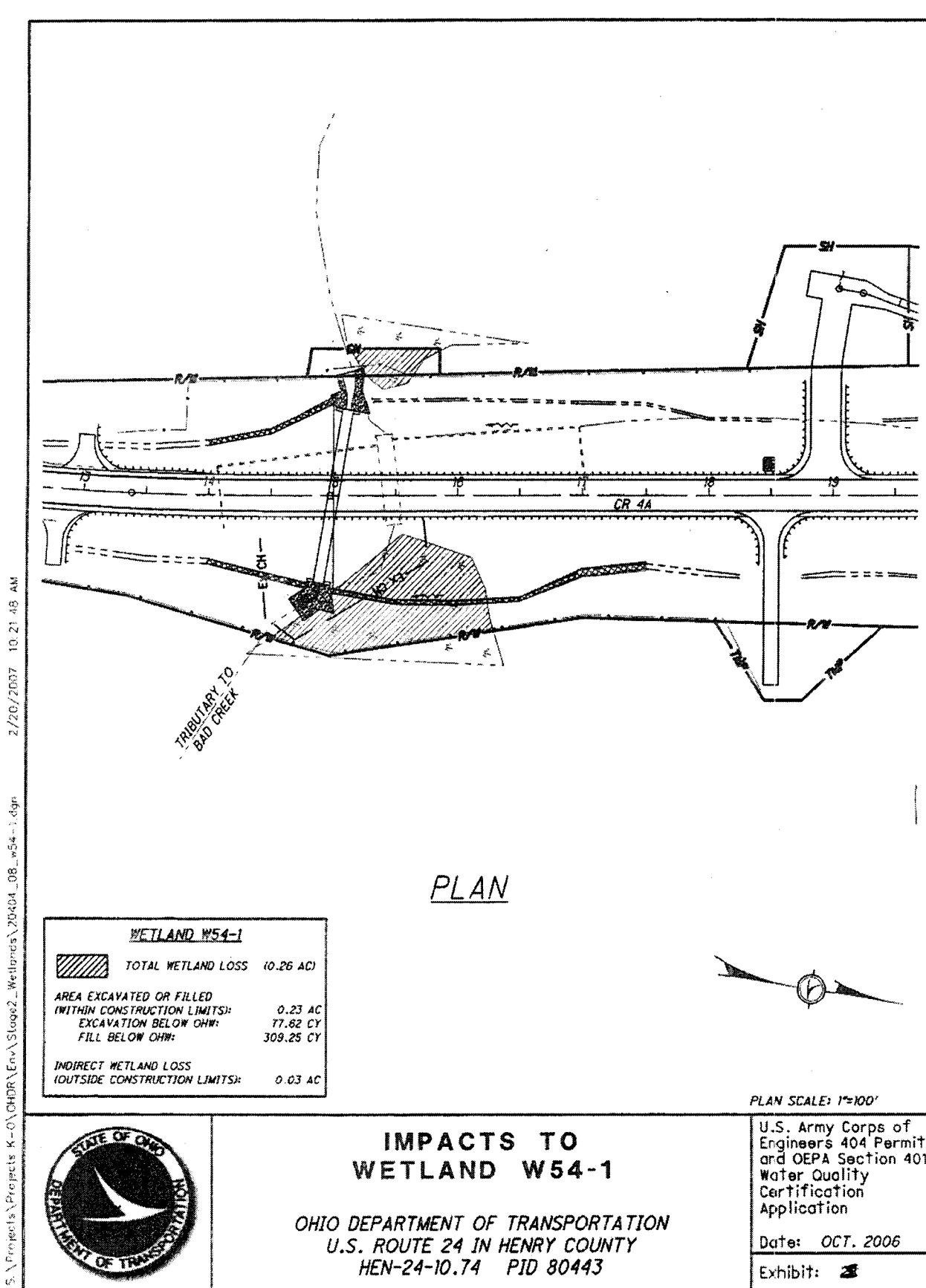


Figure 19 of 48

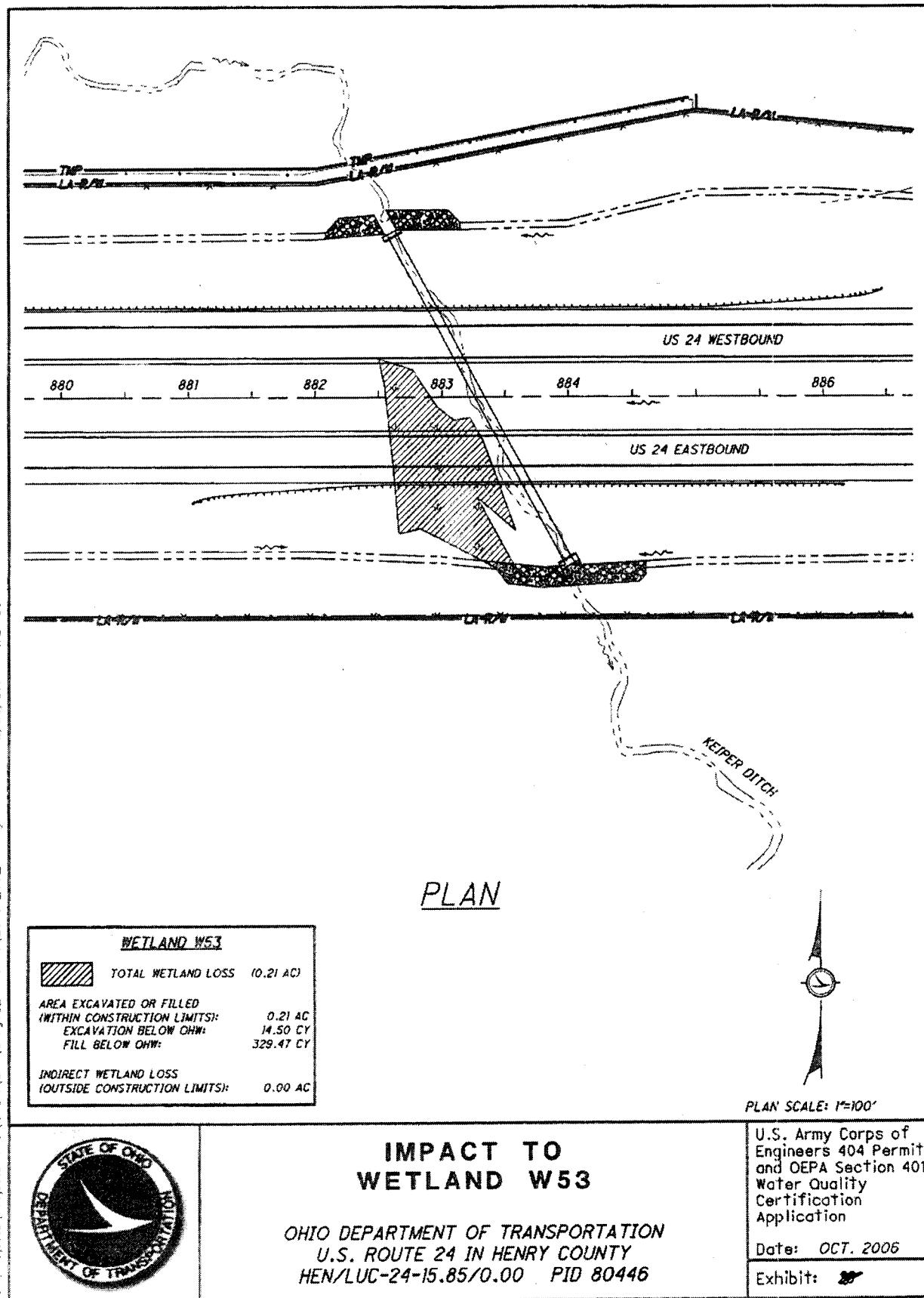


Figure 20 of 48

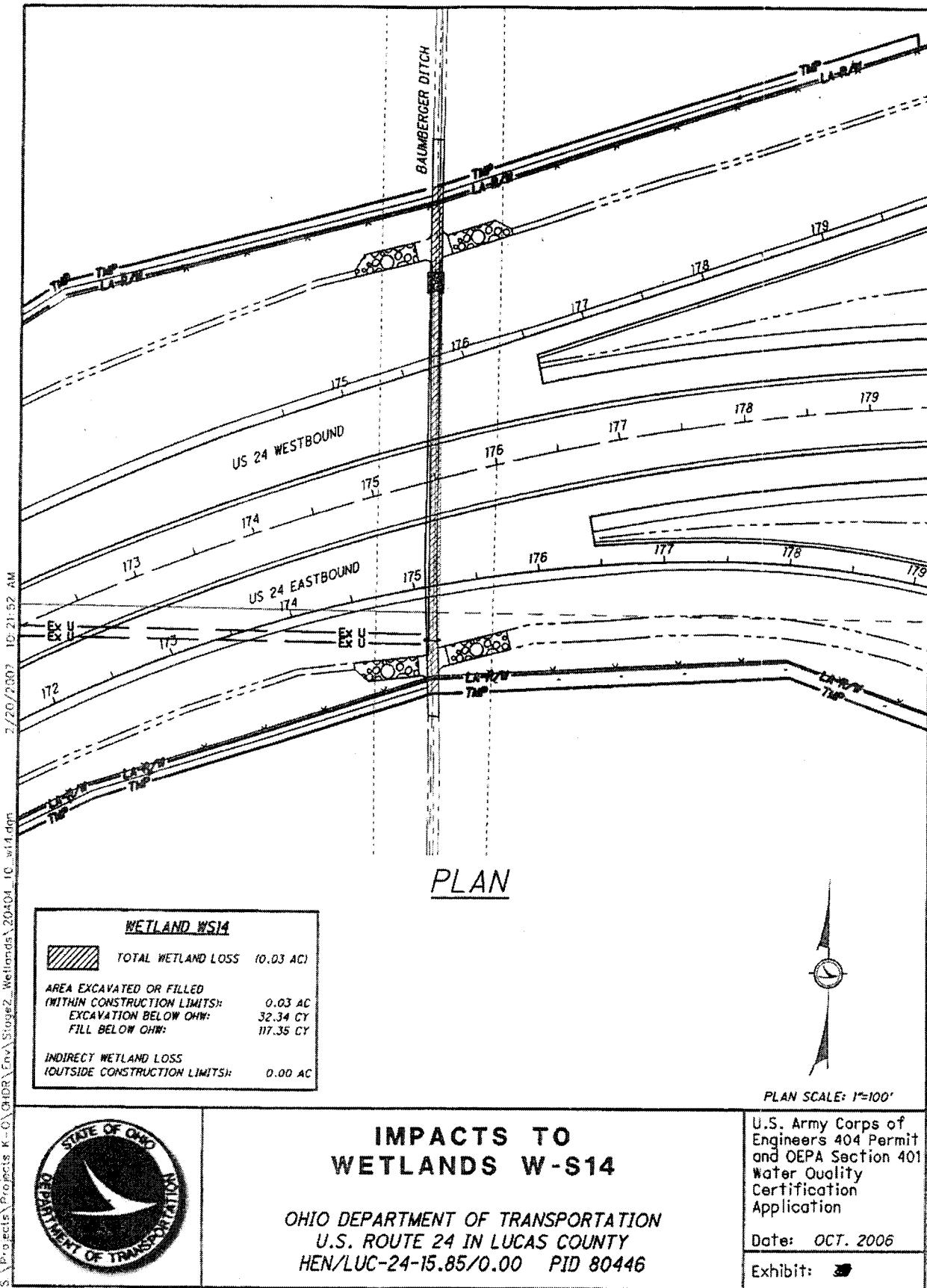


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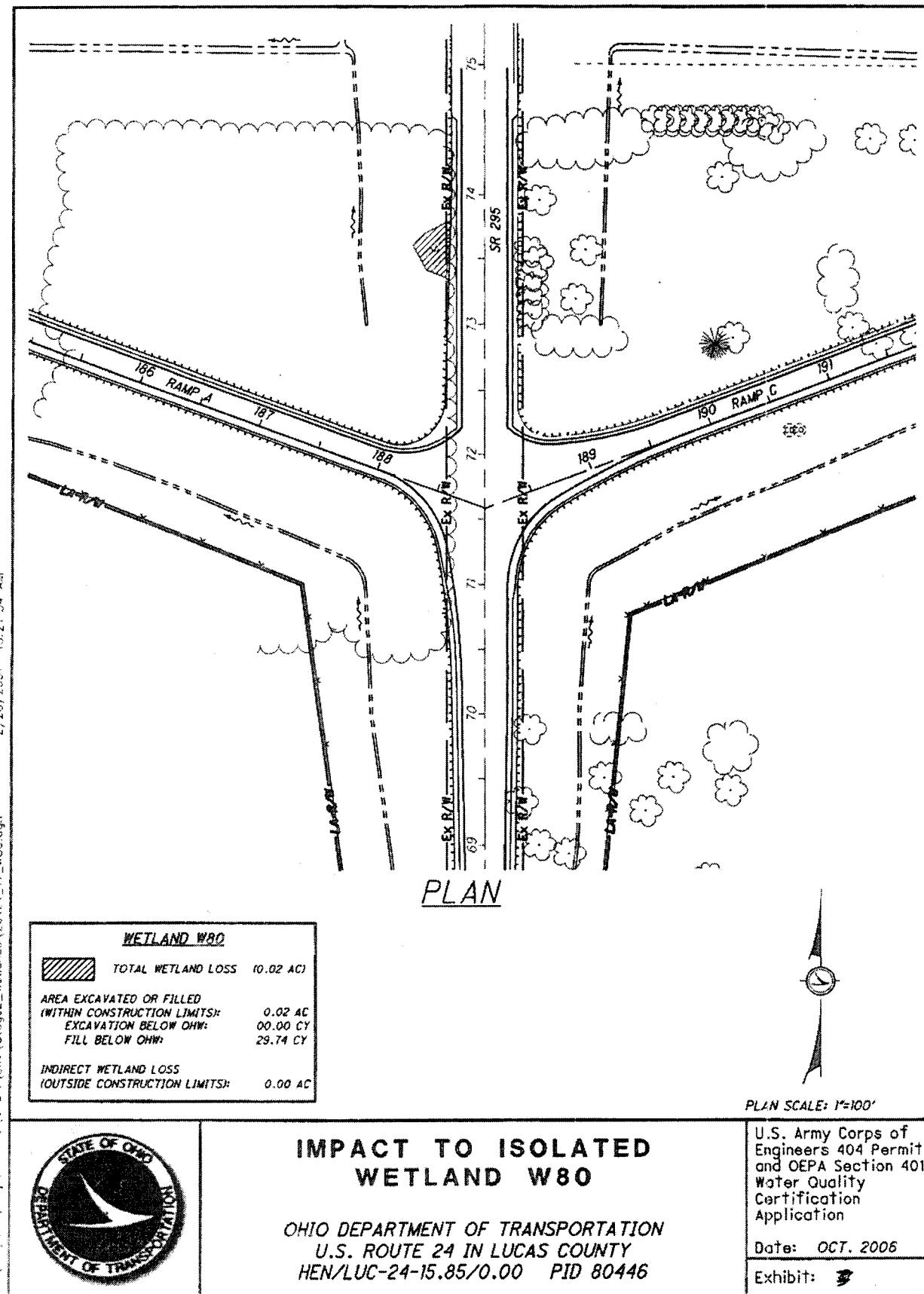


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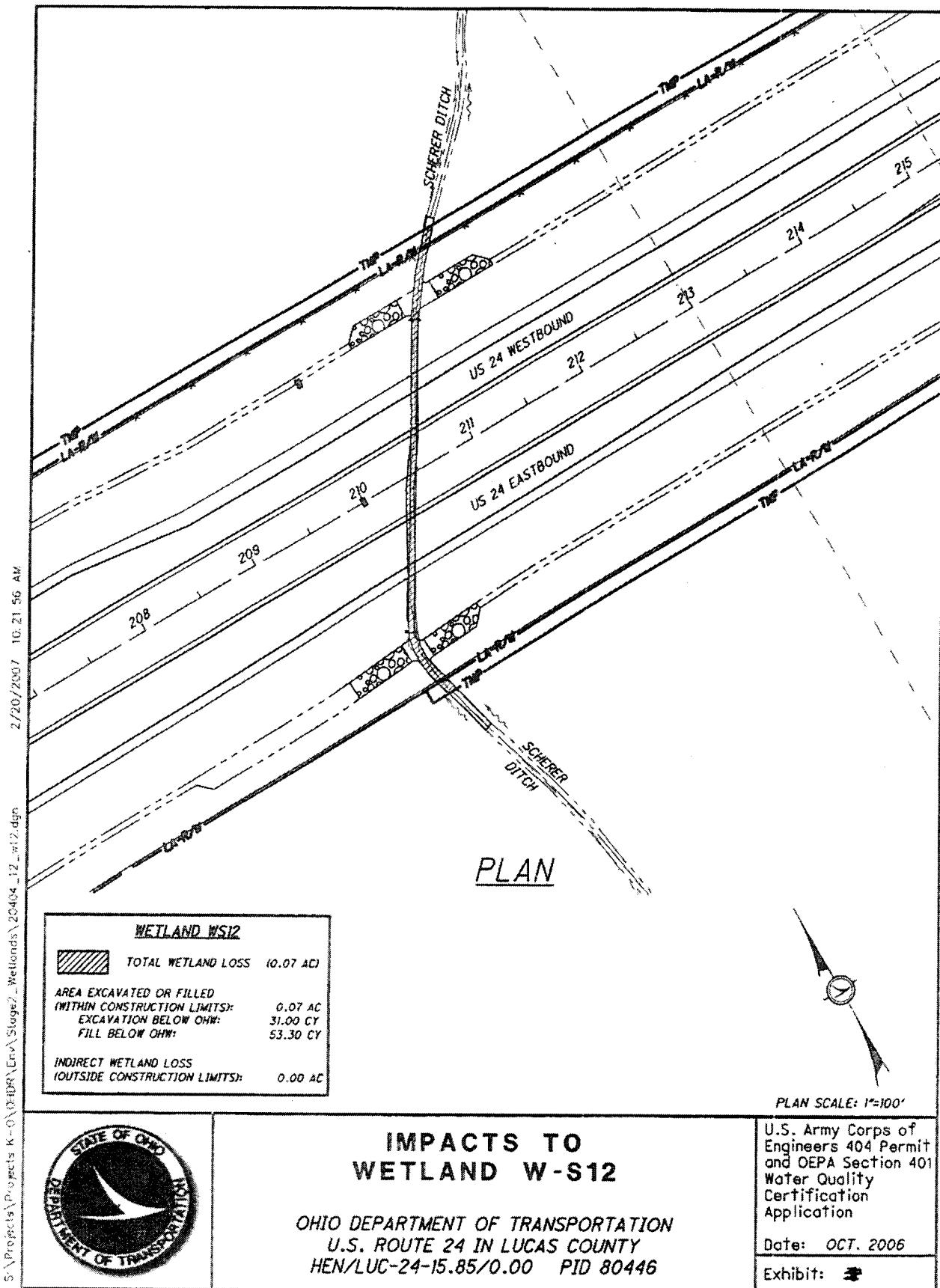


Figure 23 of 48

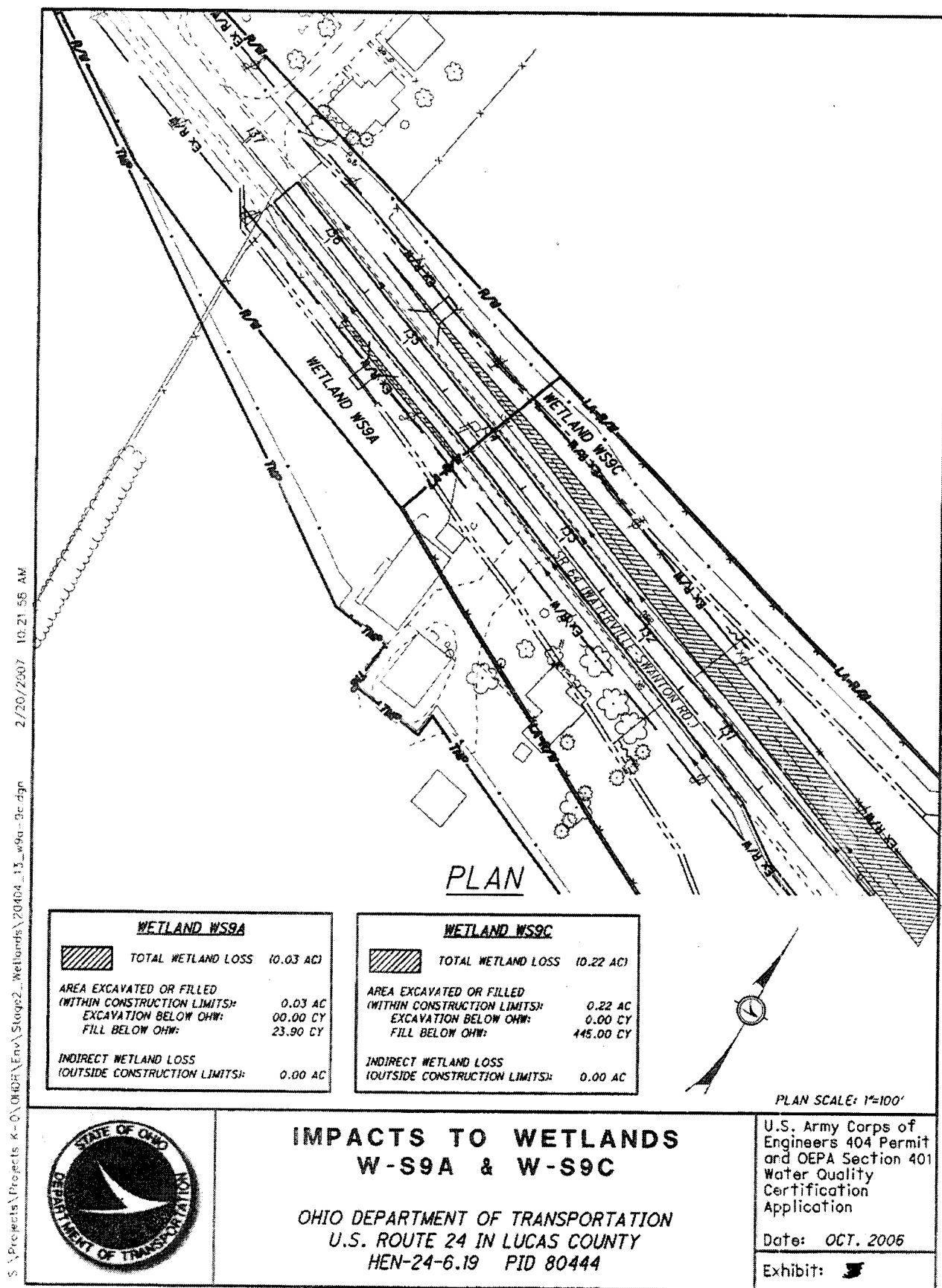


Figure 24 of 48

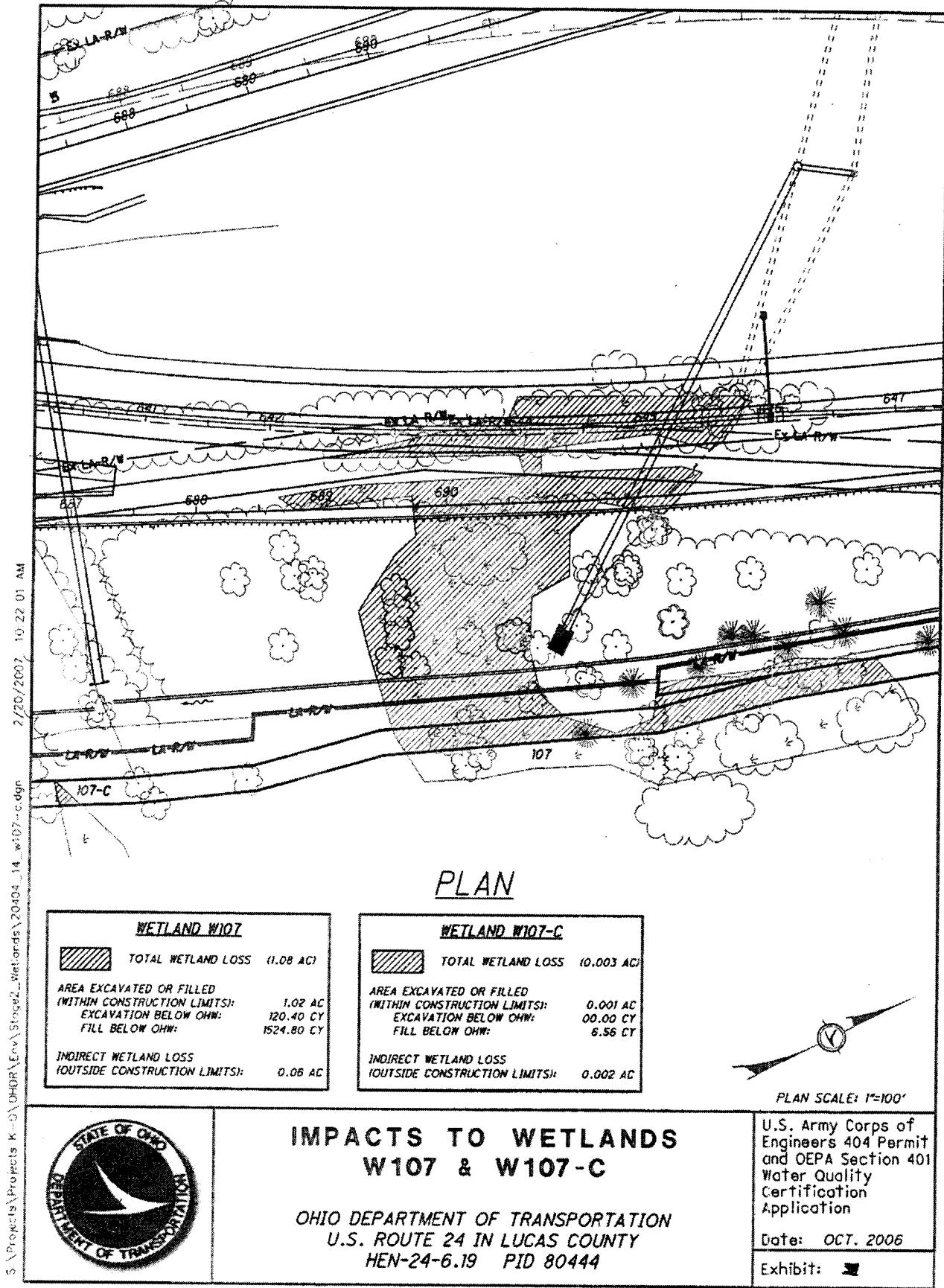
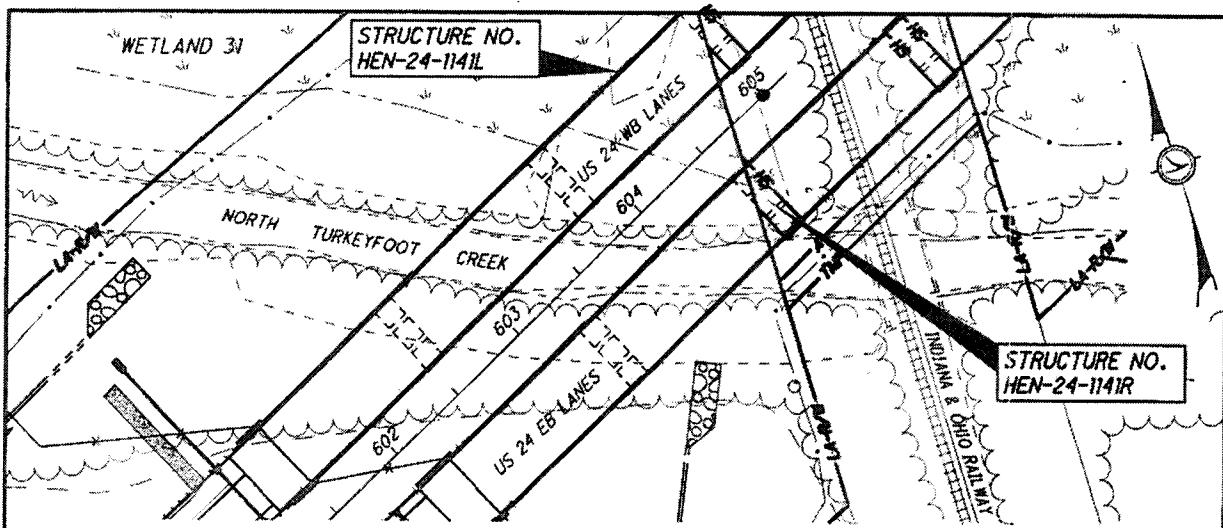
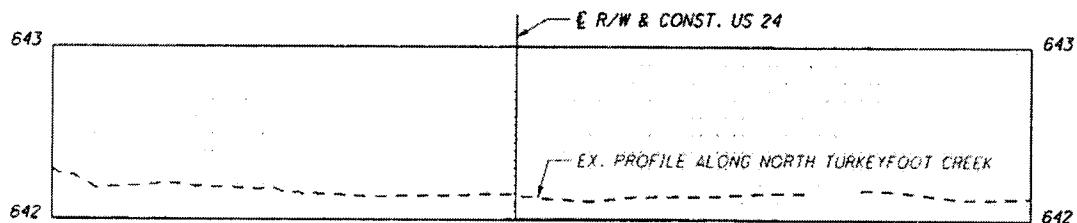


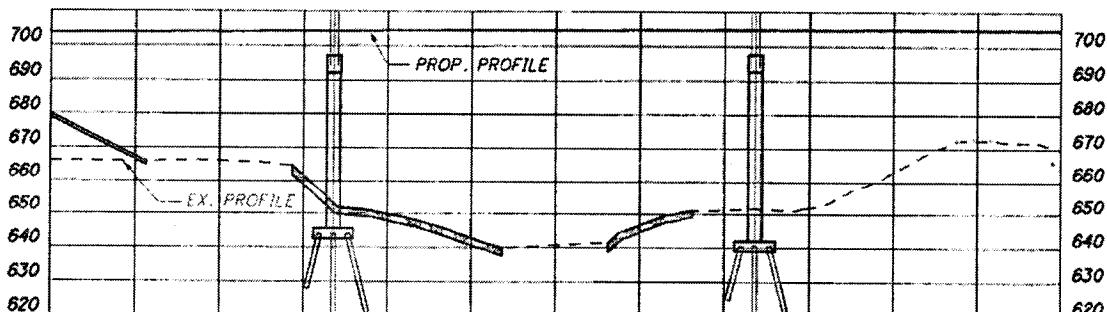
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PLAN



PROFILE



CROSS SECTION

APPROXIMATE PLAN SCALE: 1'=100'
APPROXIMATE PROFILE HORIZONTAL SCALE: 1'=100'
APPROXIMATE CROSS SECTION HORIZONTAL SCALE: 1'=50'

	IMPACTS AT STREAM CROSSING 50 NORTH TURKEYFOOT CREEK OHIO DEPARTMENT OF TRANSPORTATION U.S. ROUTE 24 IN HENRY COUNTY HEN-24-10.74 PID 80443	U.S. Army Corps of Engineers 404 Permit and OEPA Section 401 Water Quality Certification Application Date: OCT. 2006 Exhibit:
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Figure 26 of 48

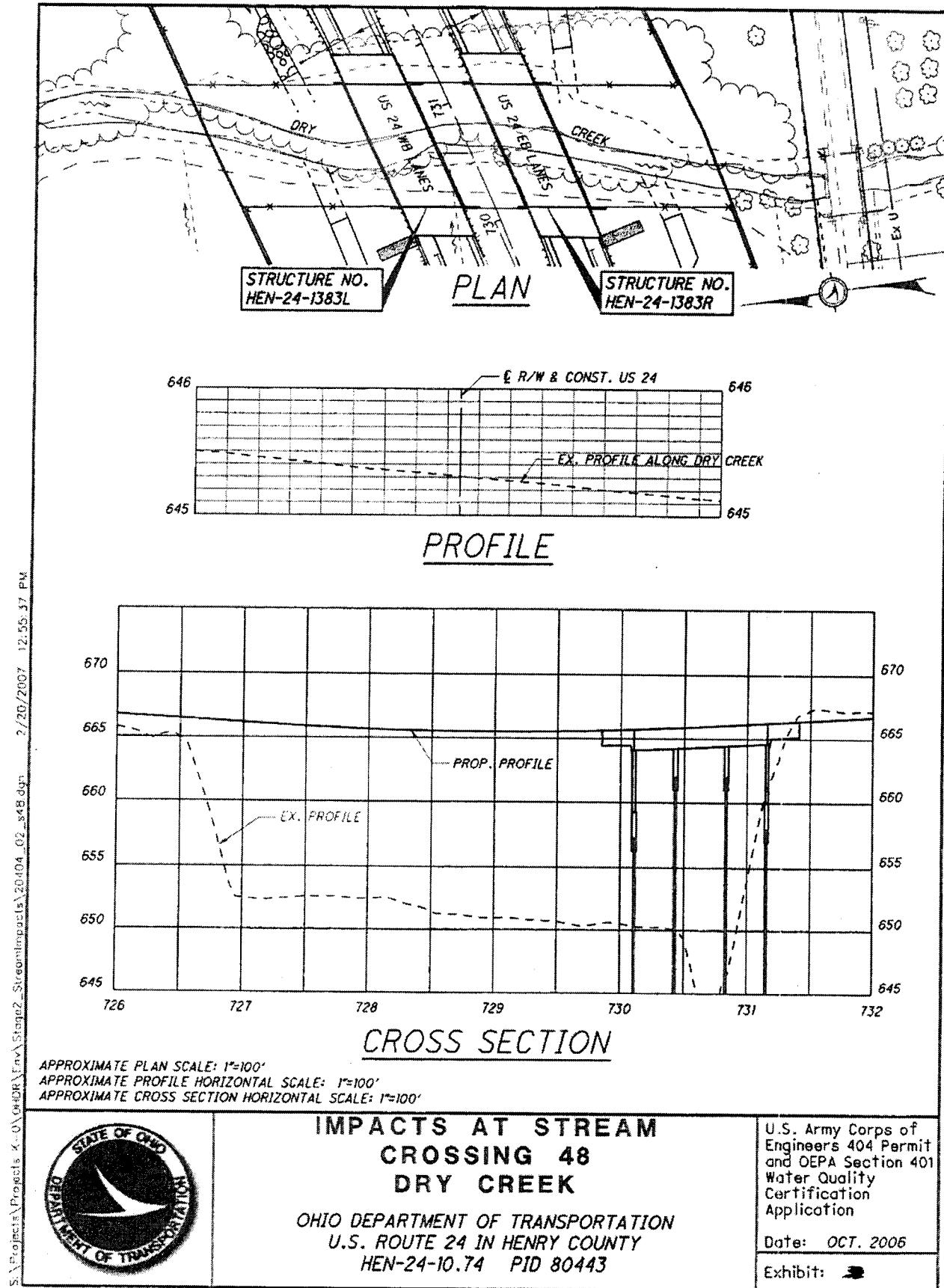


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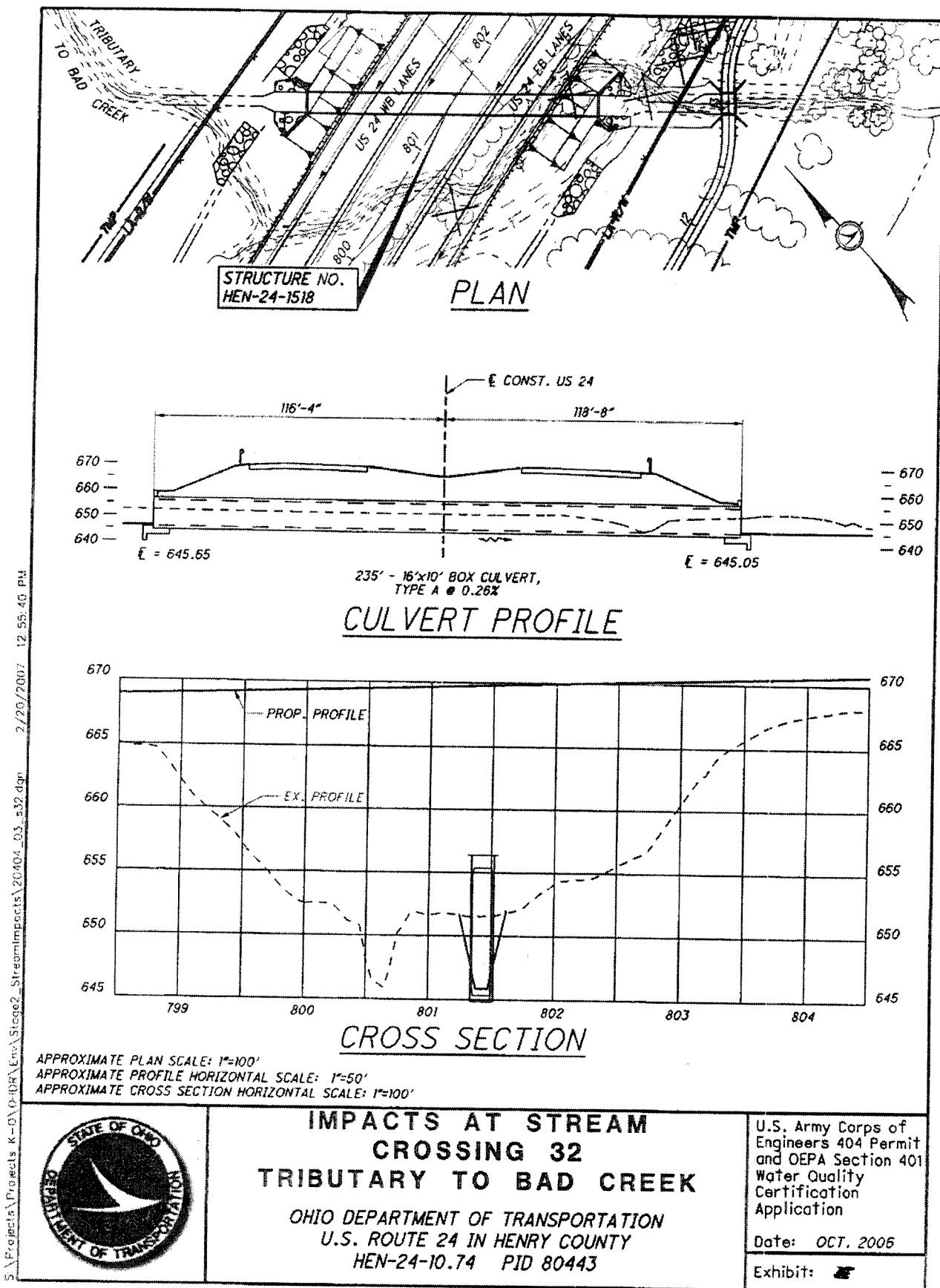


Figure 28 of 48

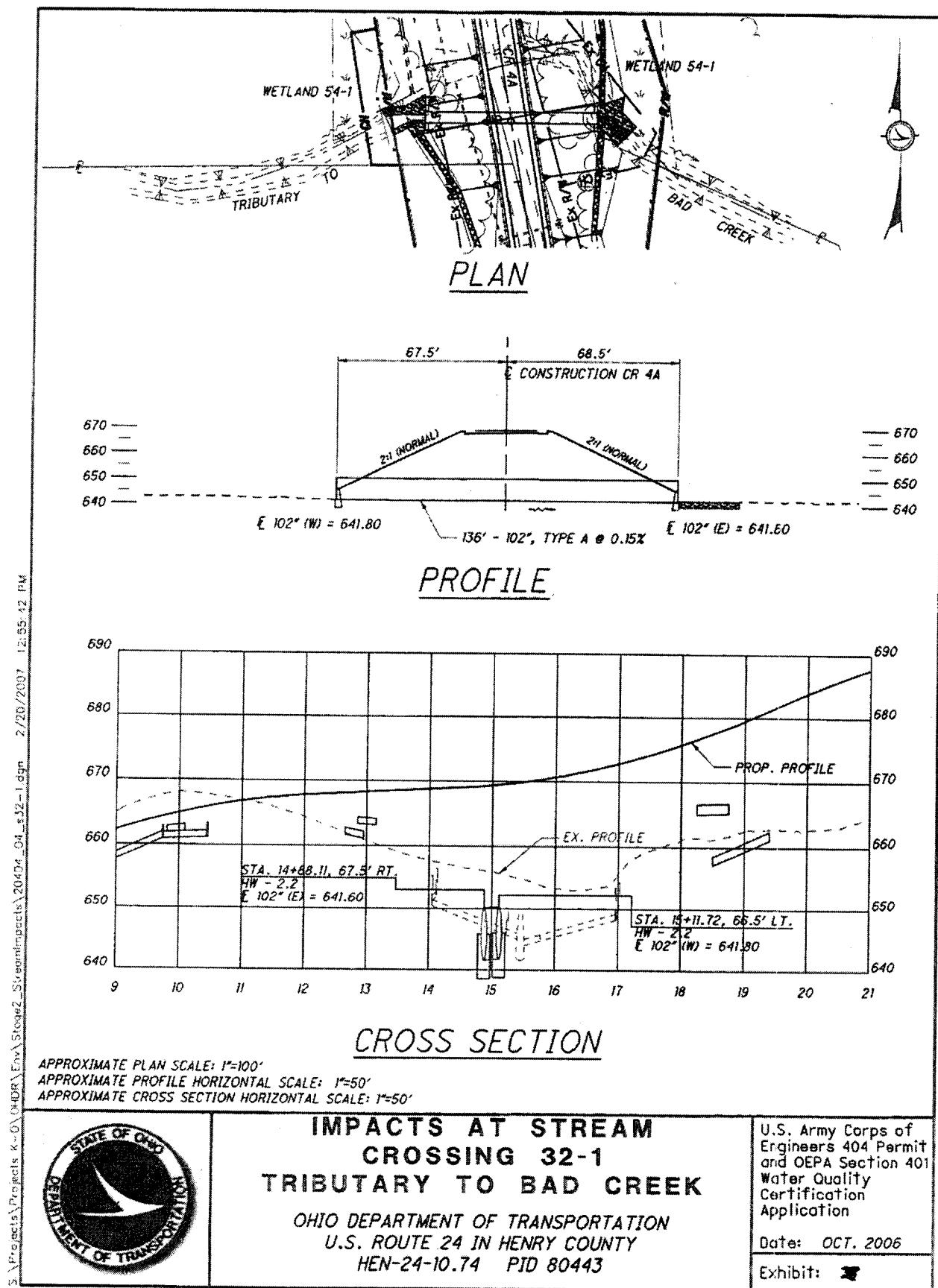


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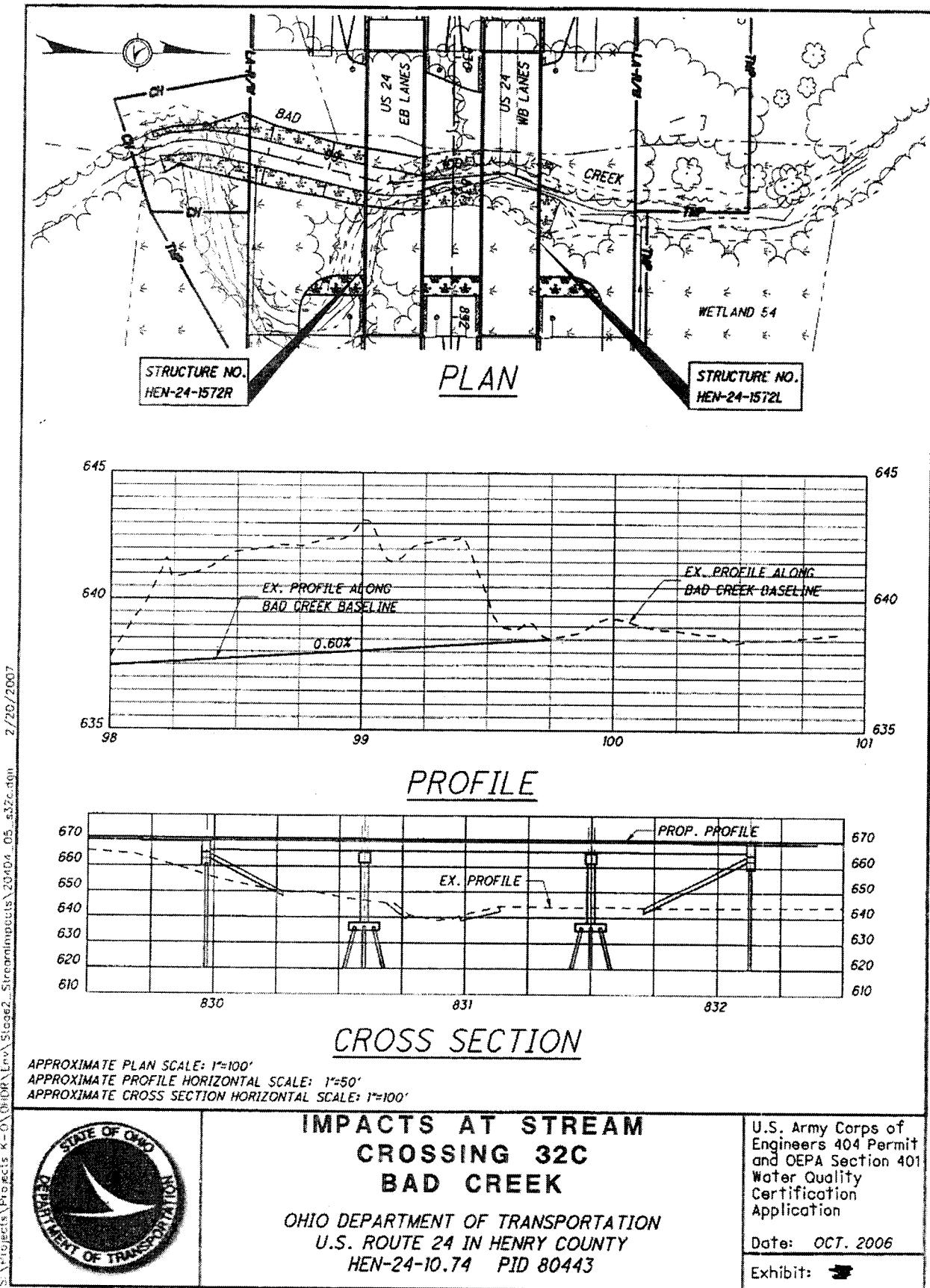


Figure 30 of 48

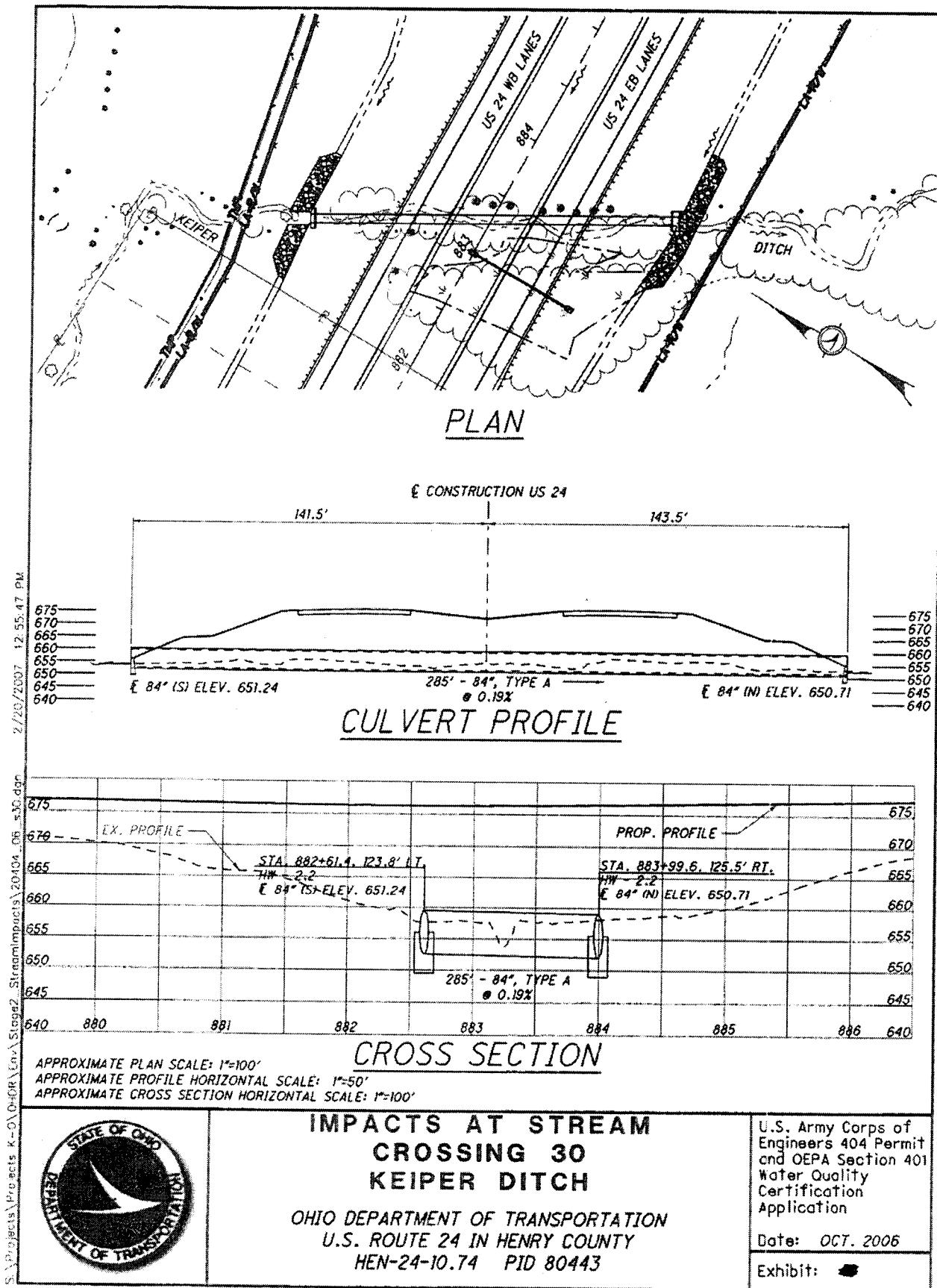


Figure 31 of 48

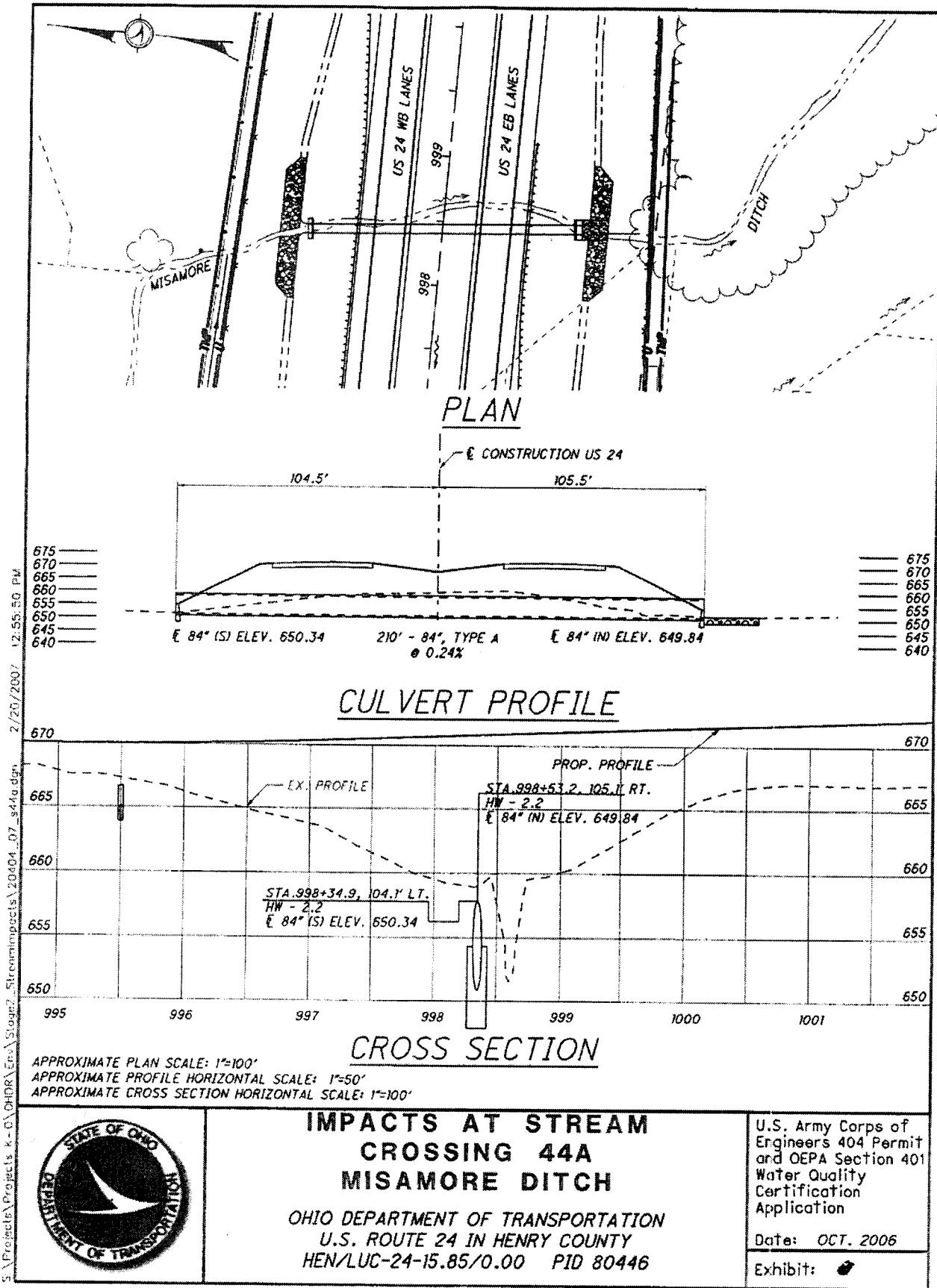


Figure 32 of 48

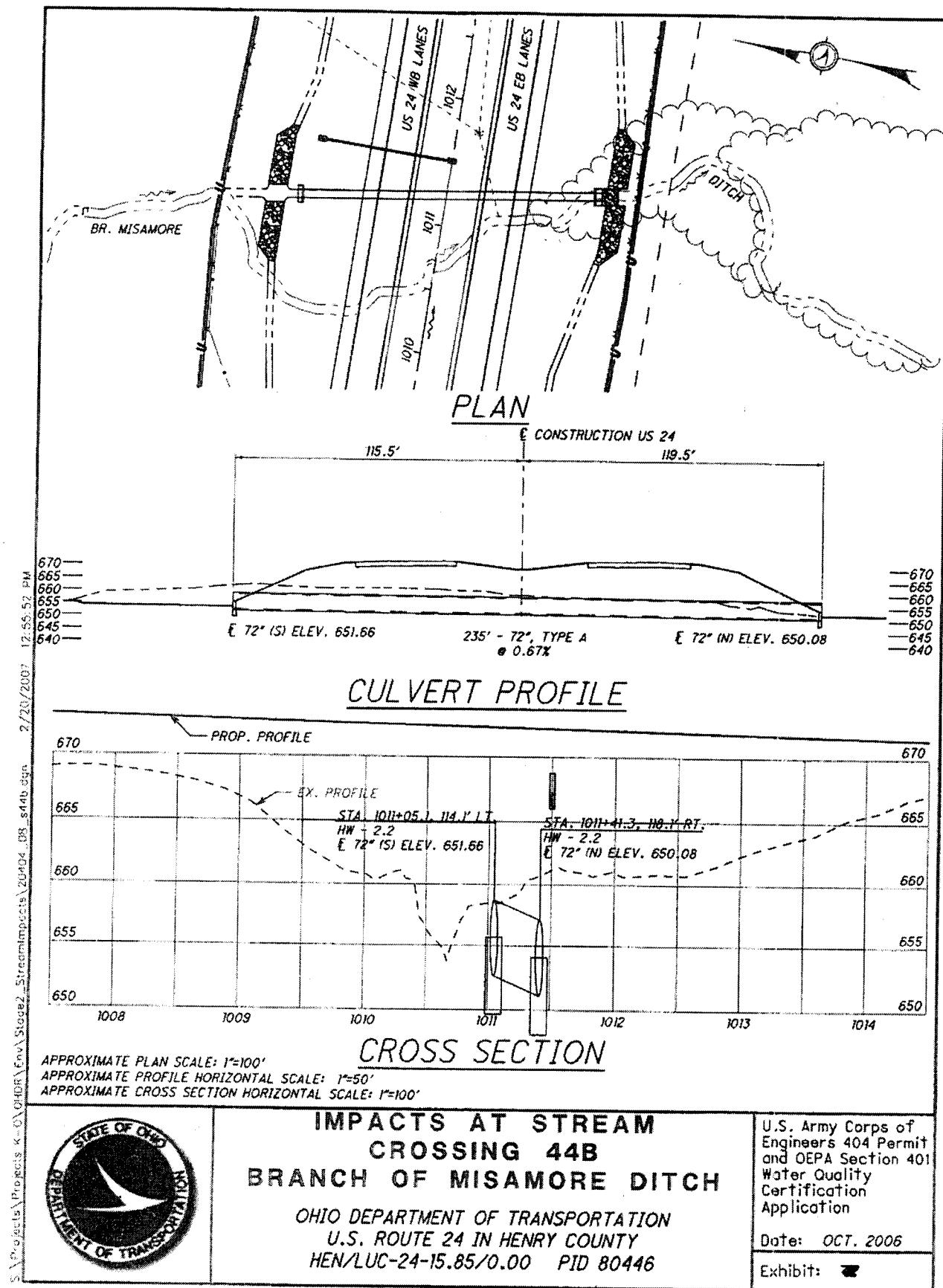


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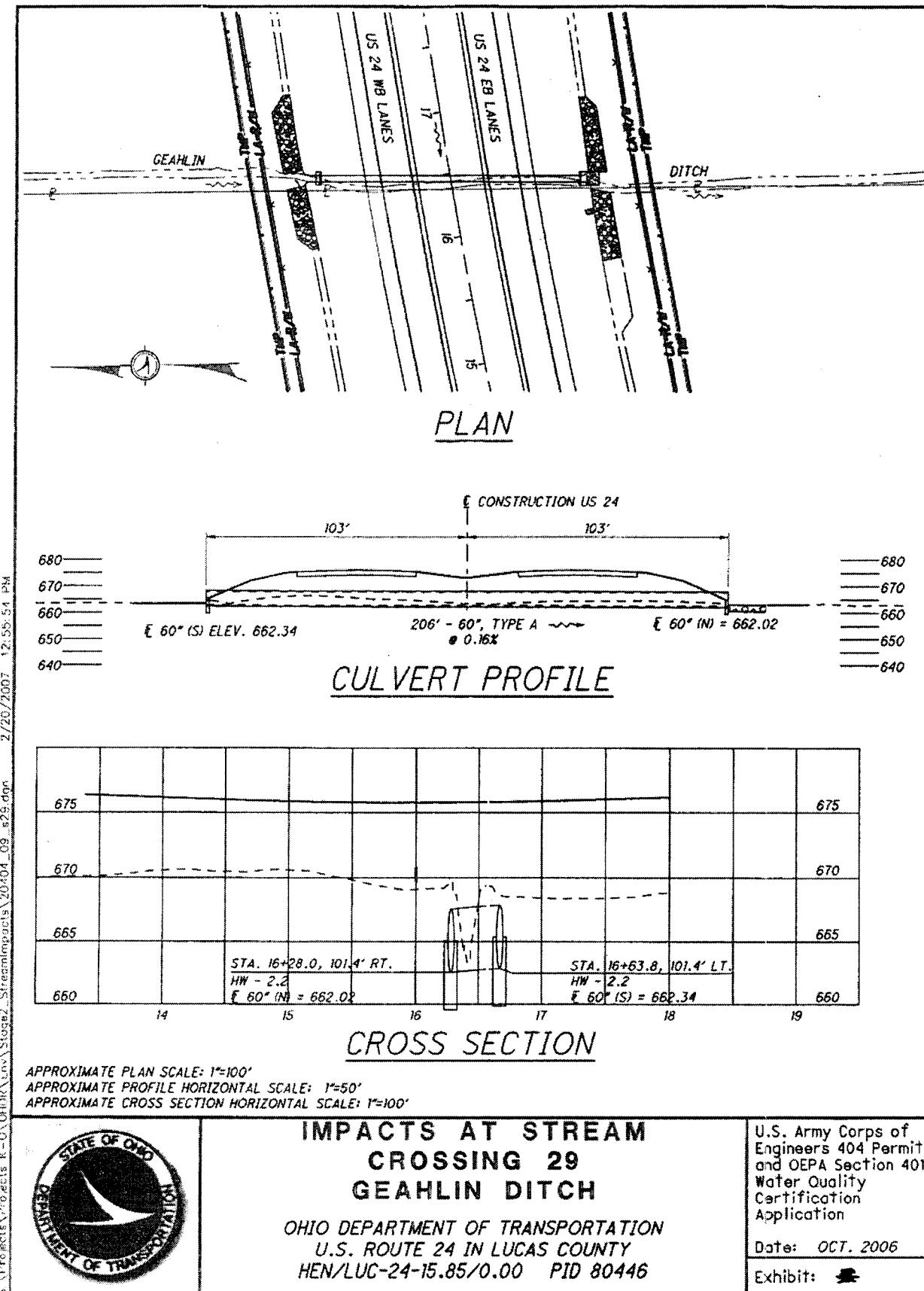


Figure 34 of 48

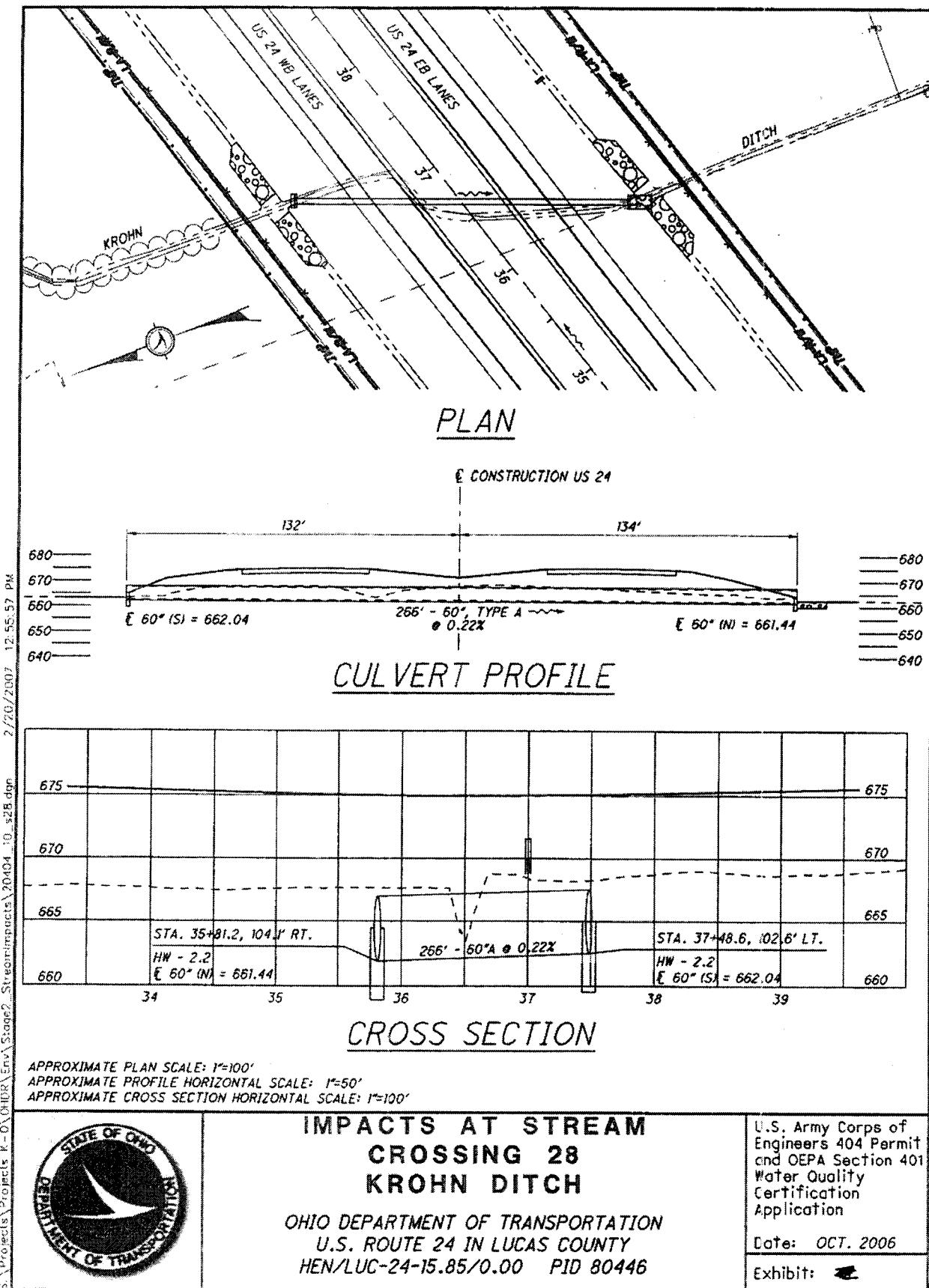


Figure 35 of 48

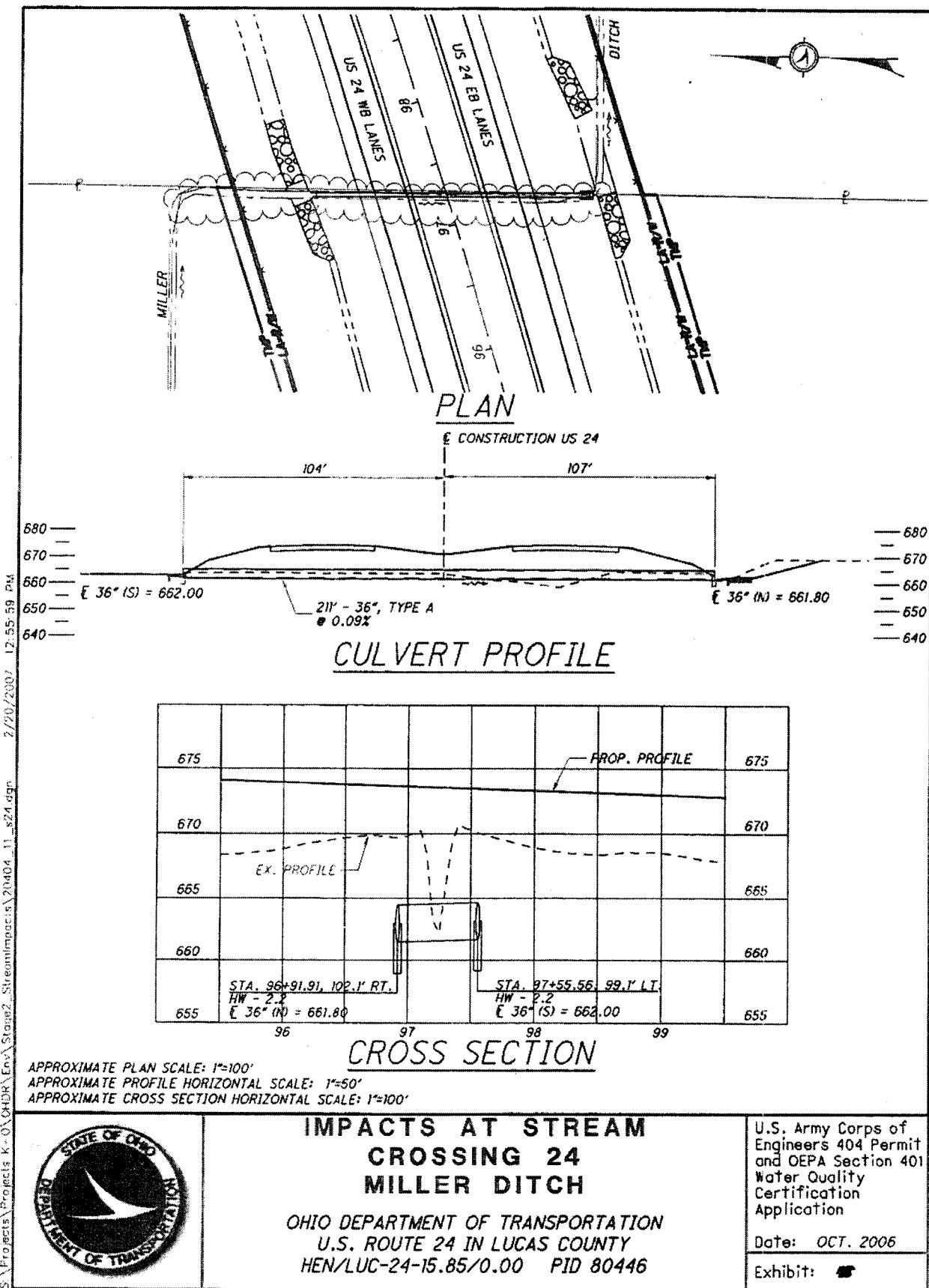


Figure 36 of 48

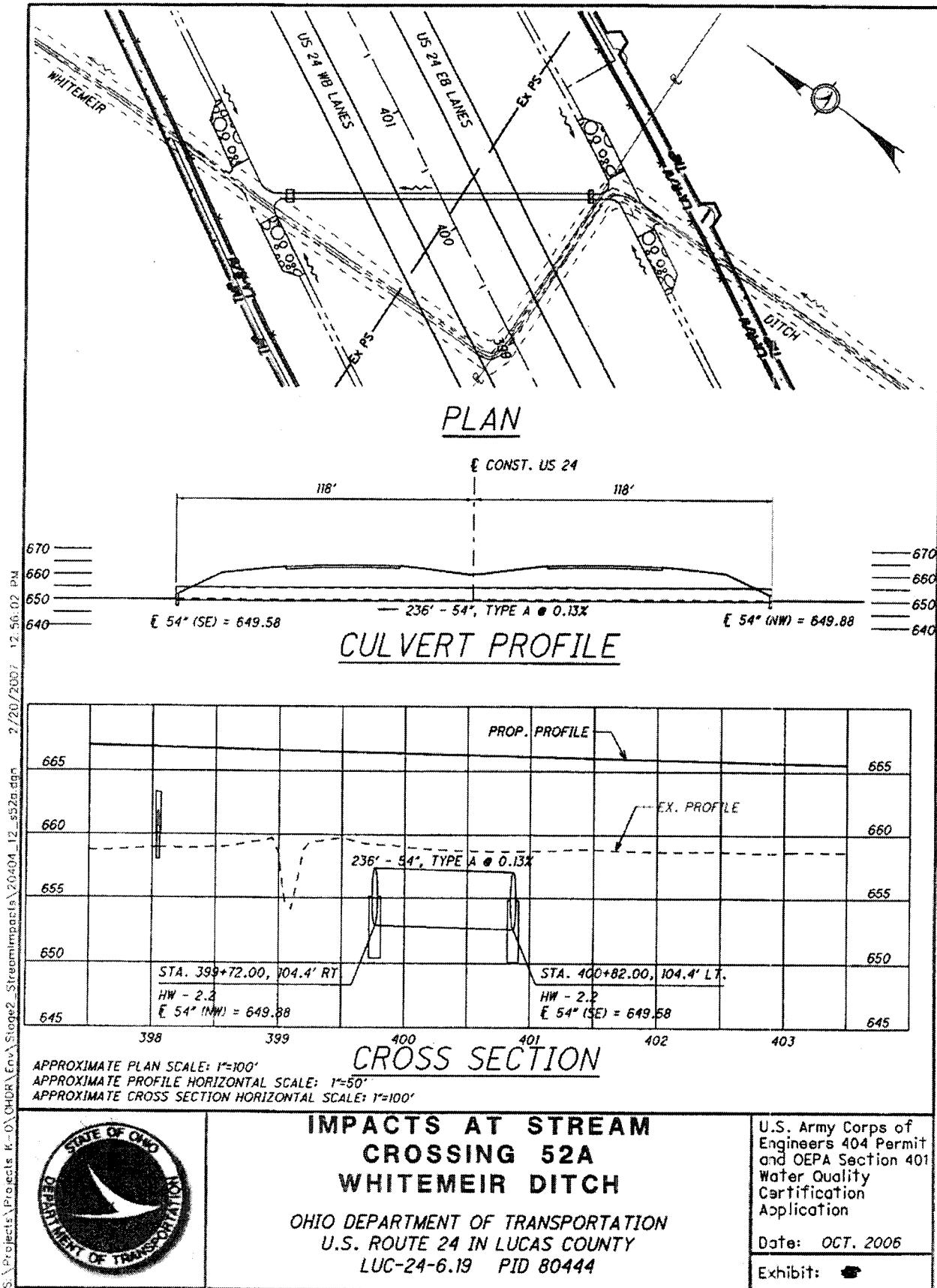


Figure 37 of 48

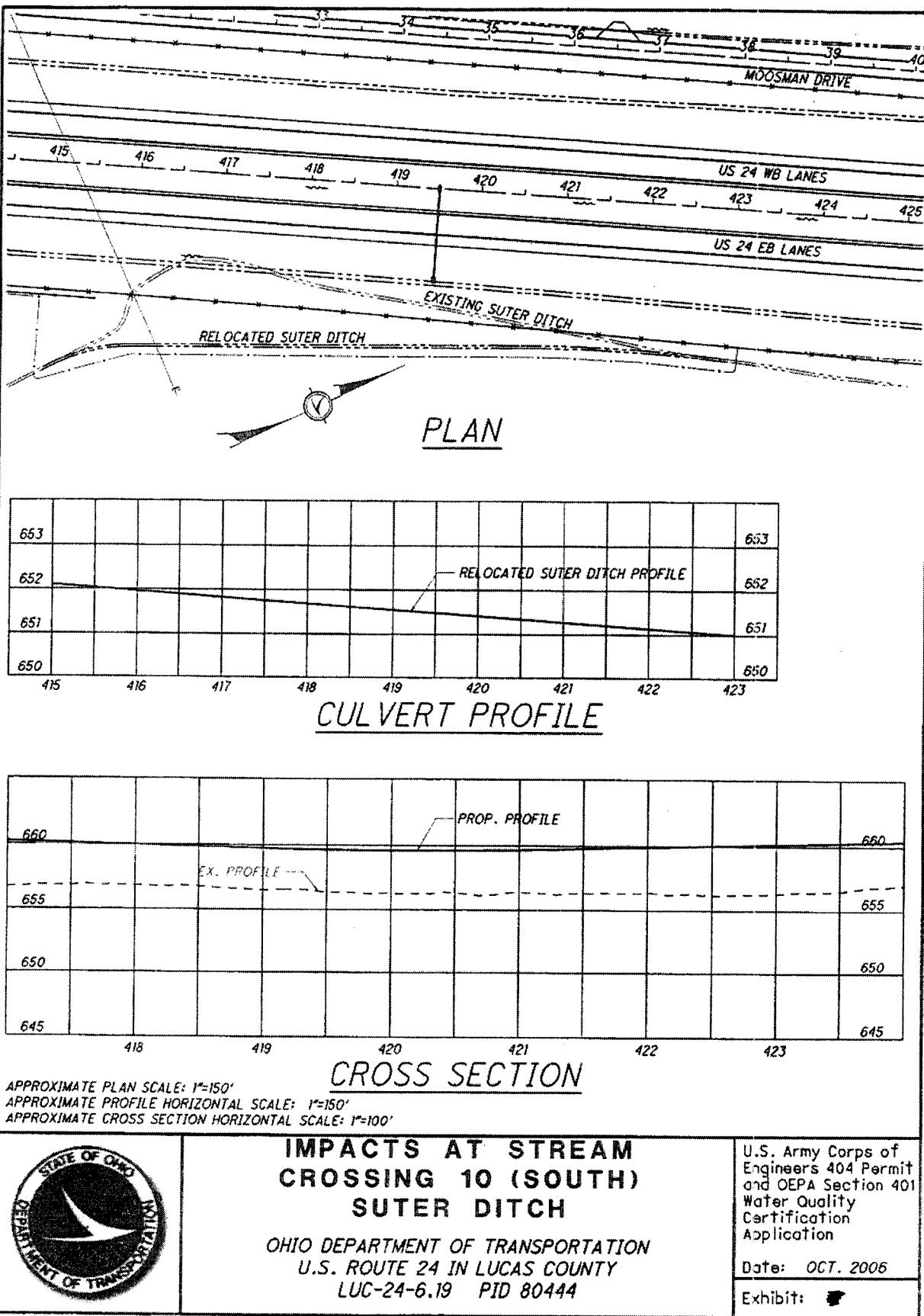


Figure 38 of 48

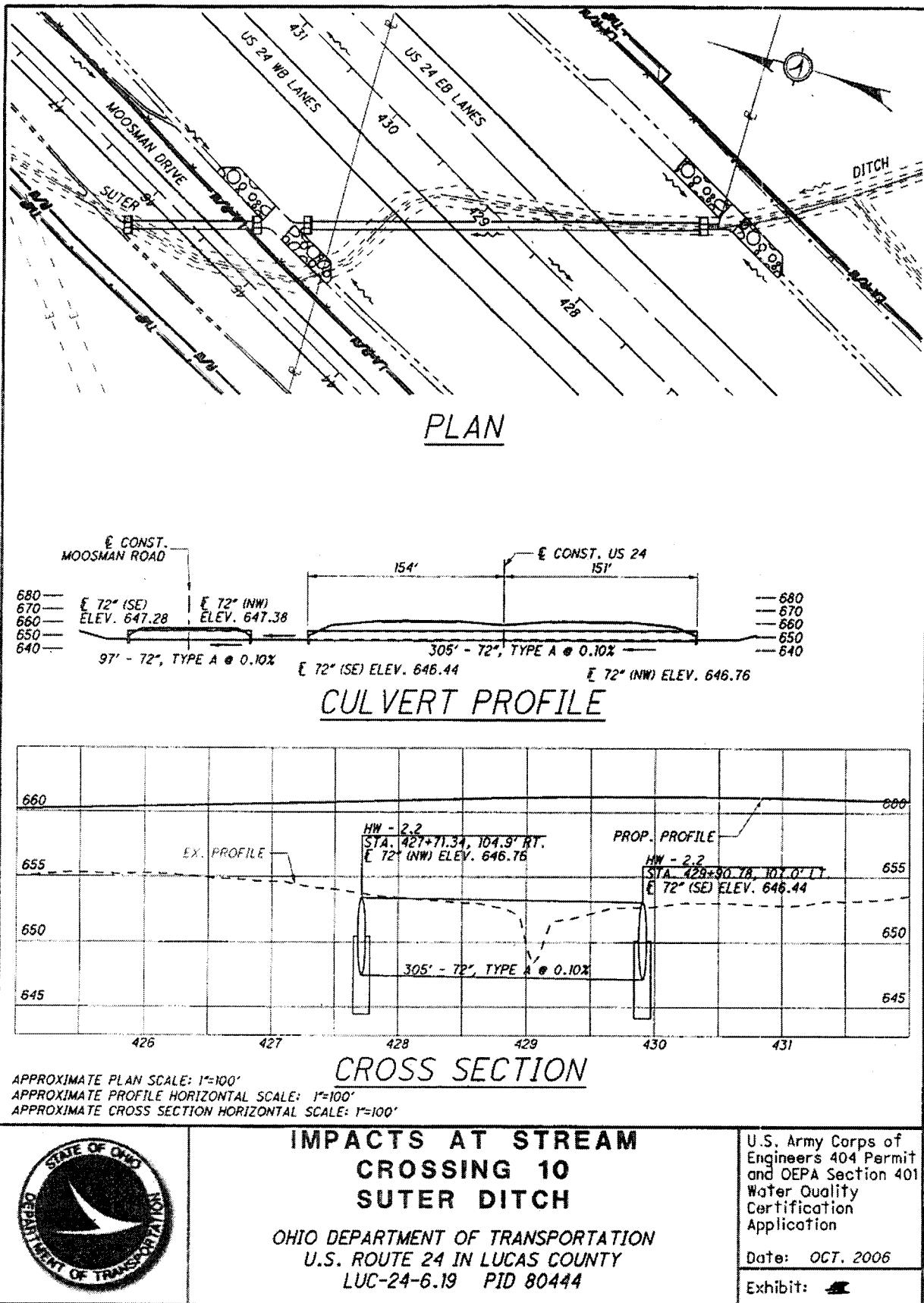


Figure 39 of 48

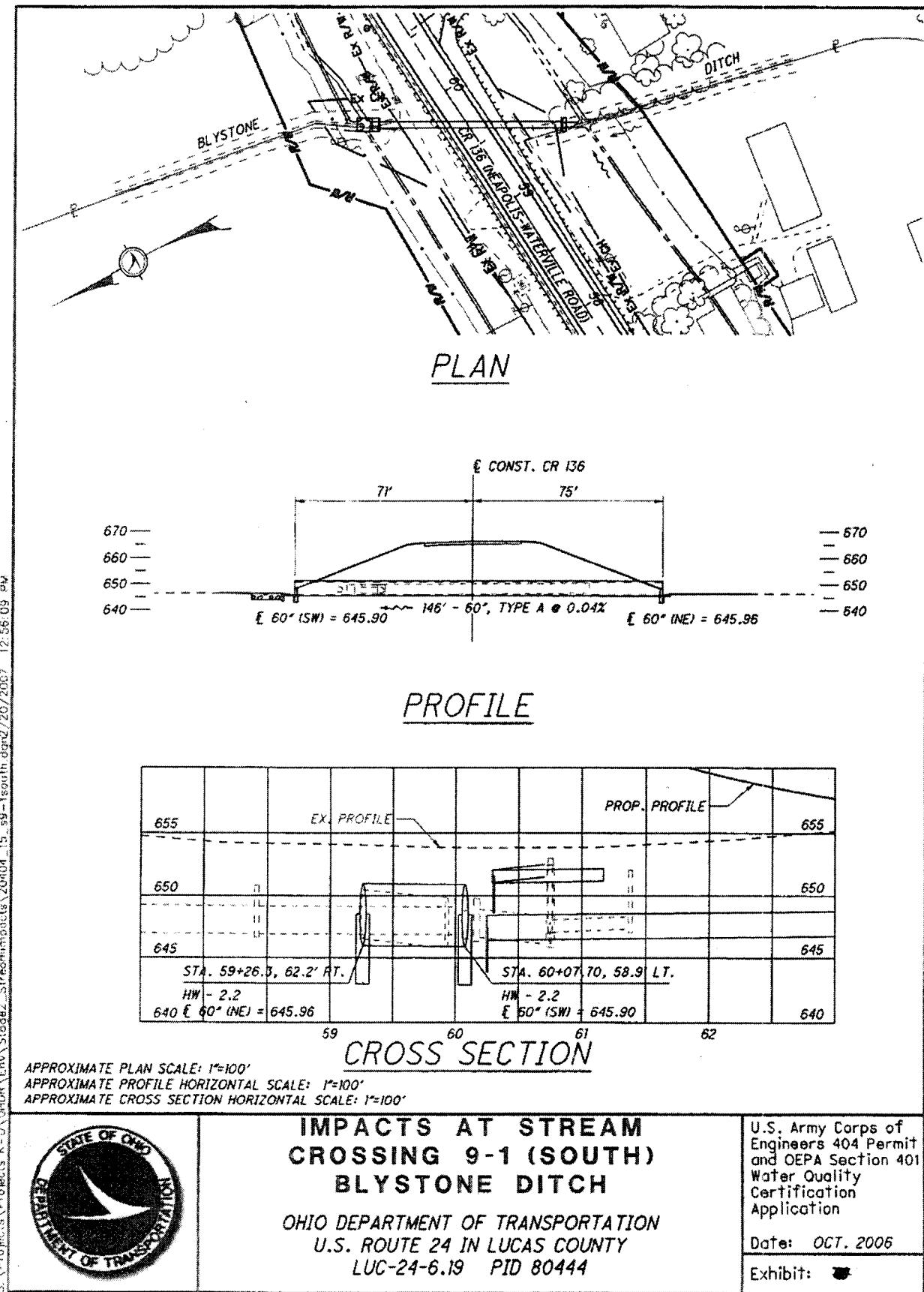


Figure 40 of 48

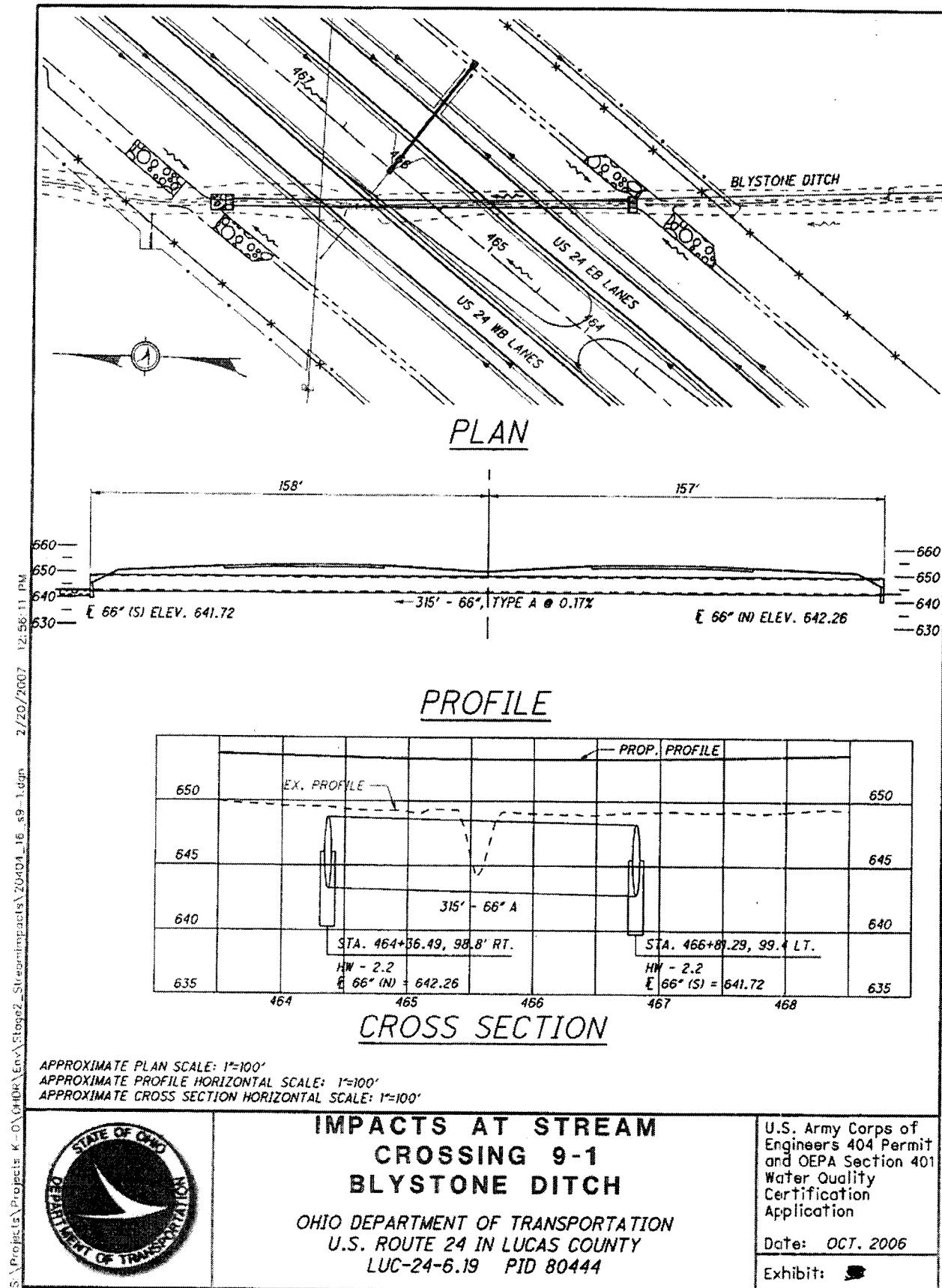


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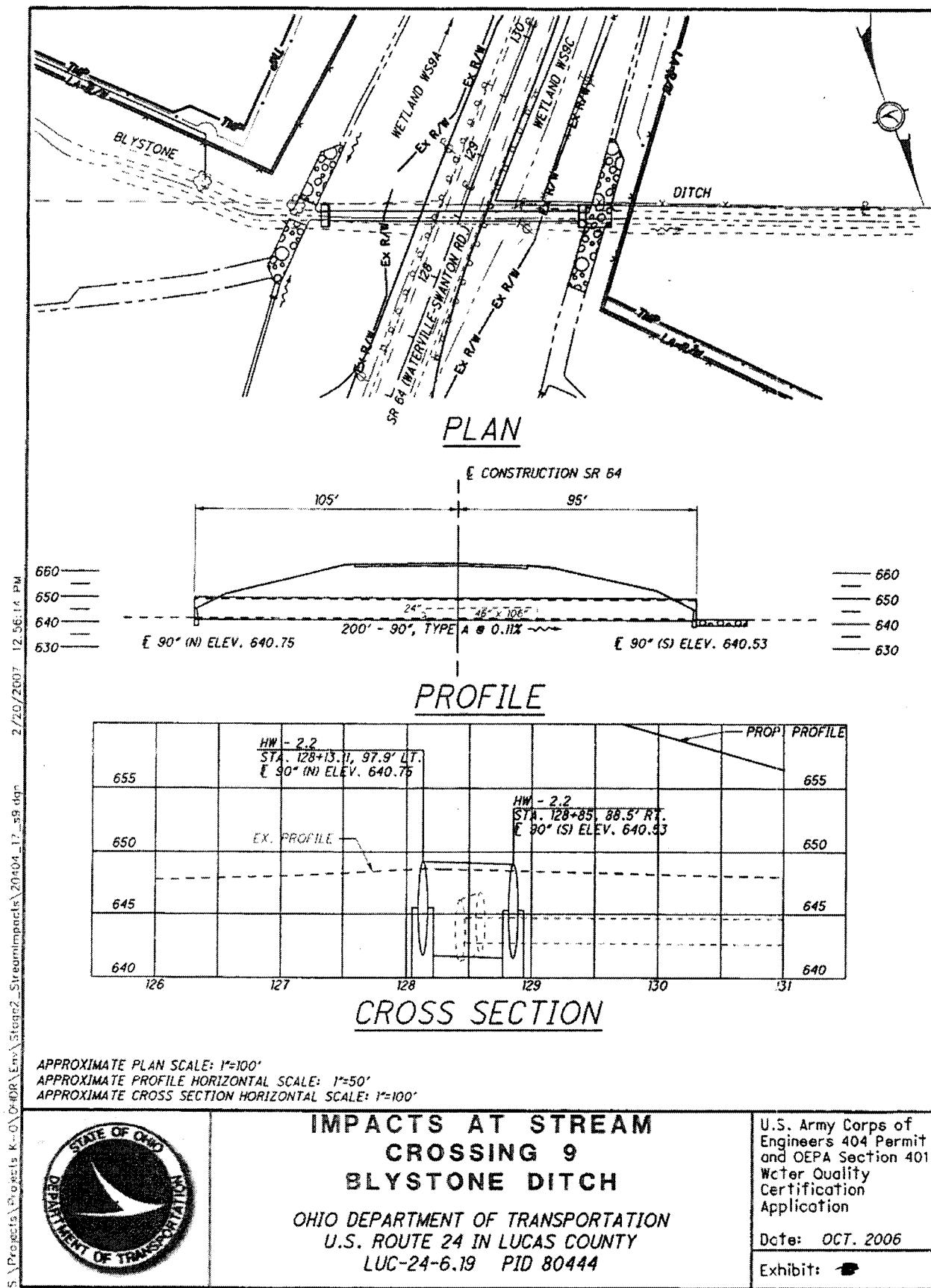


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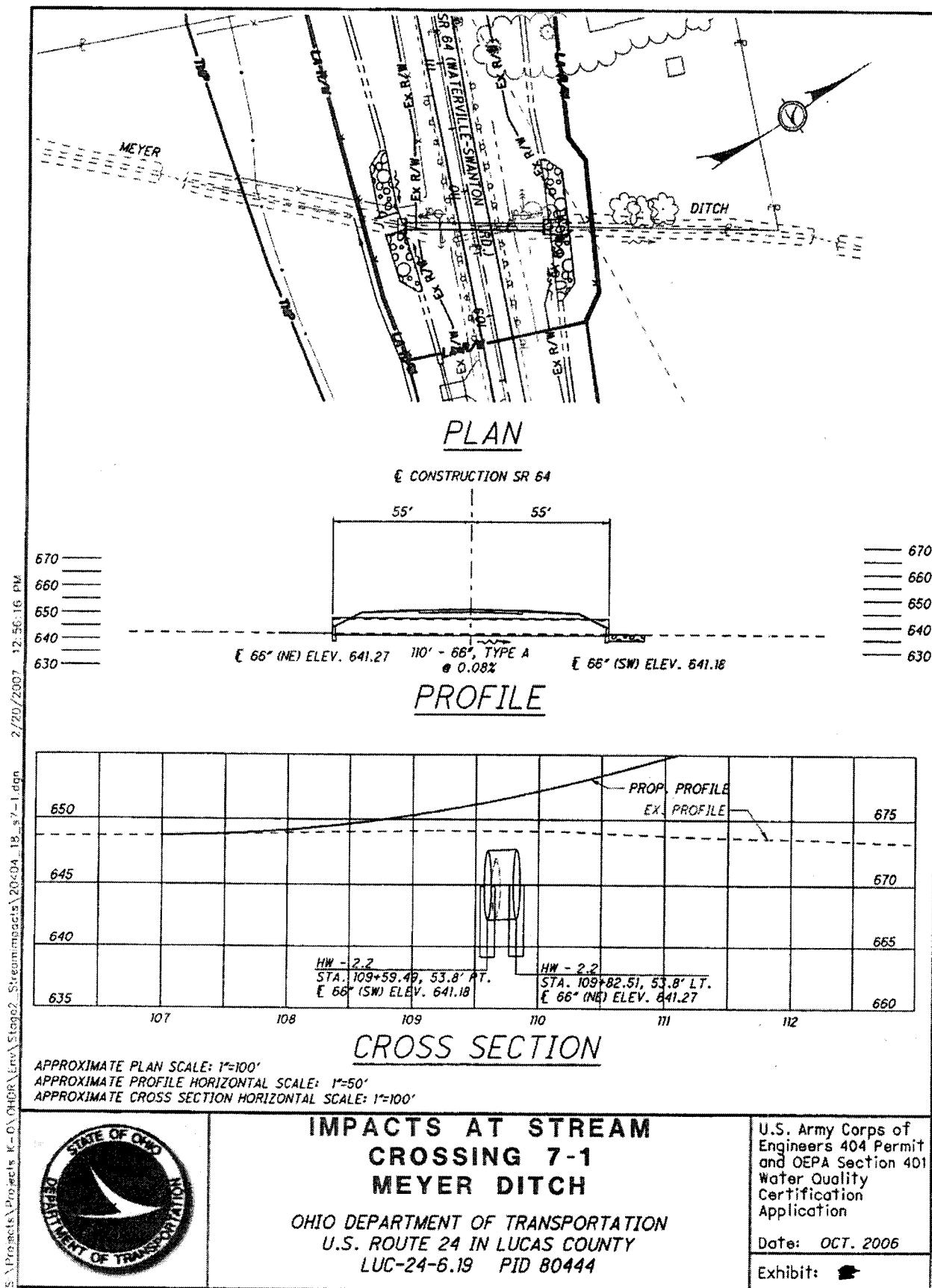
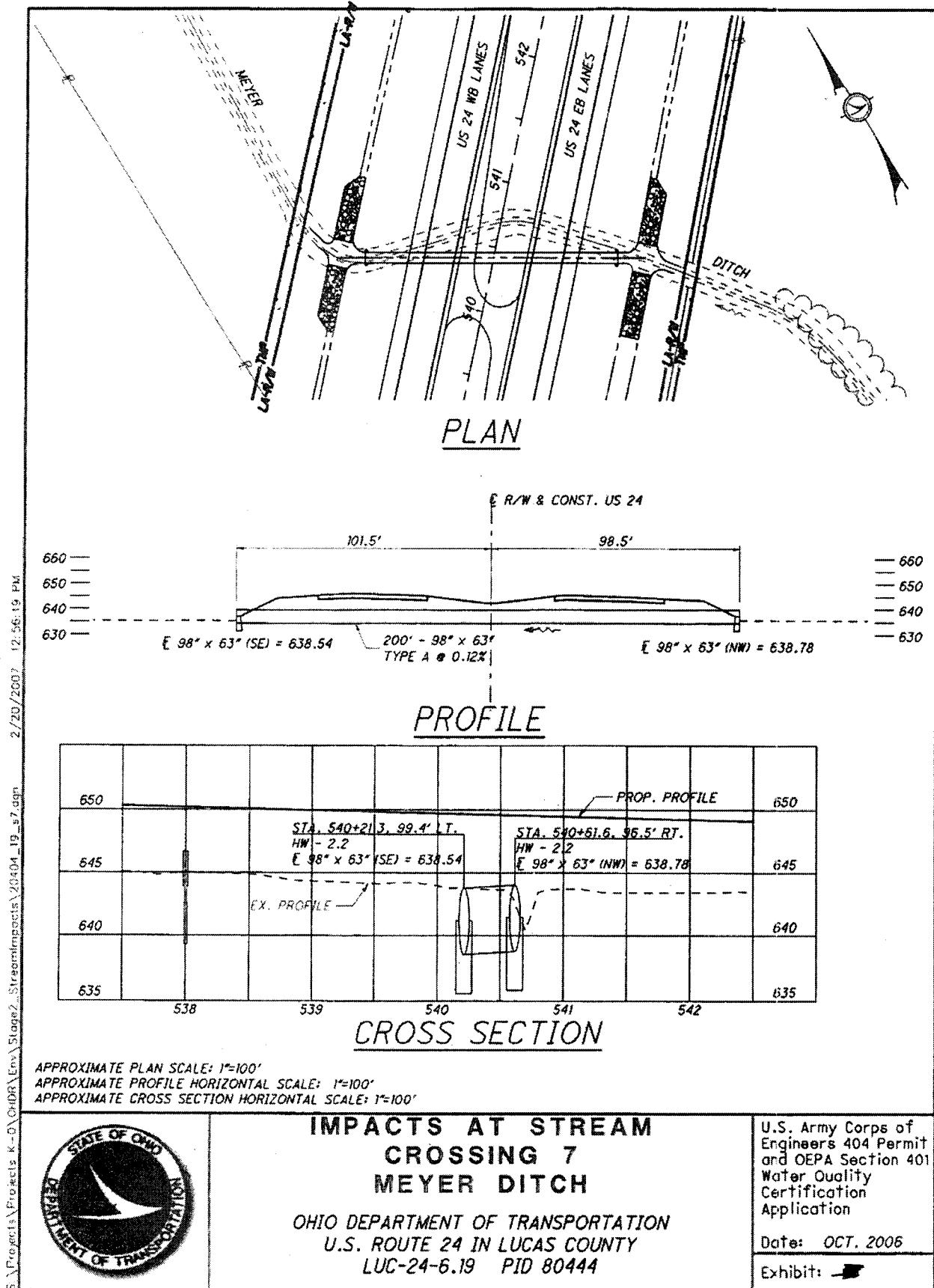


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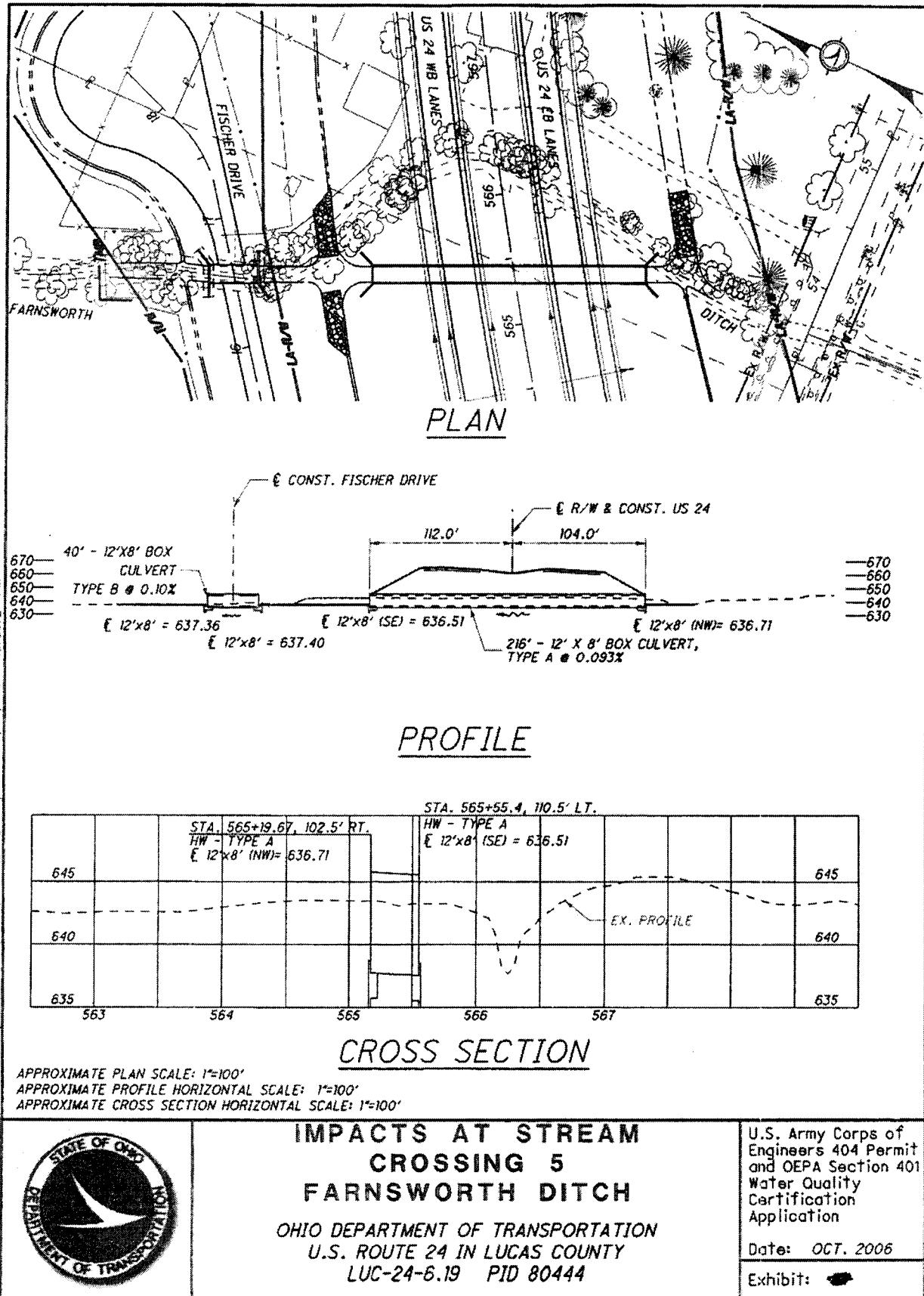


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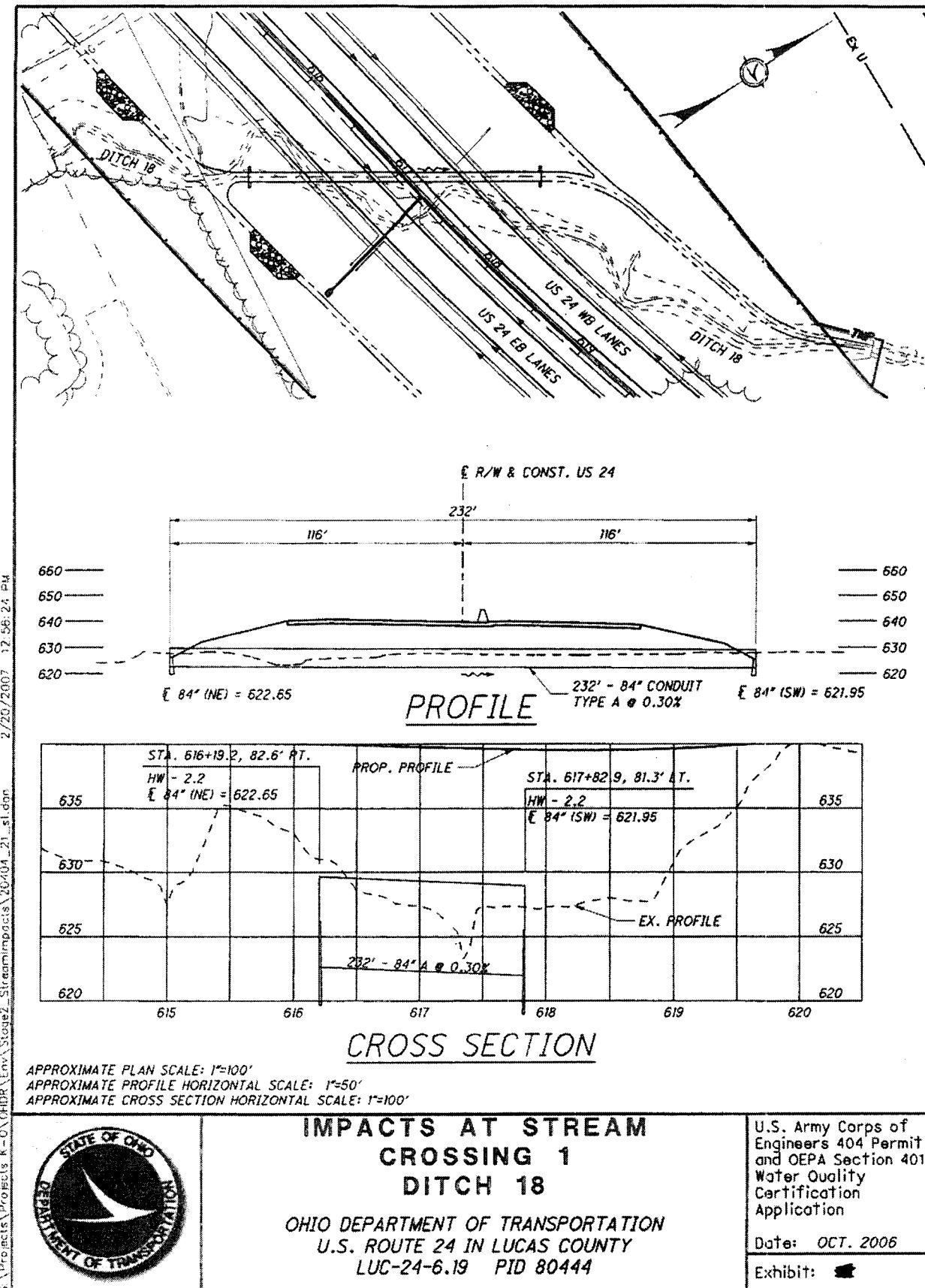


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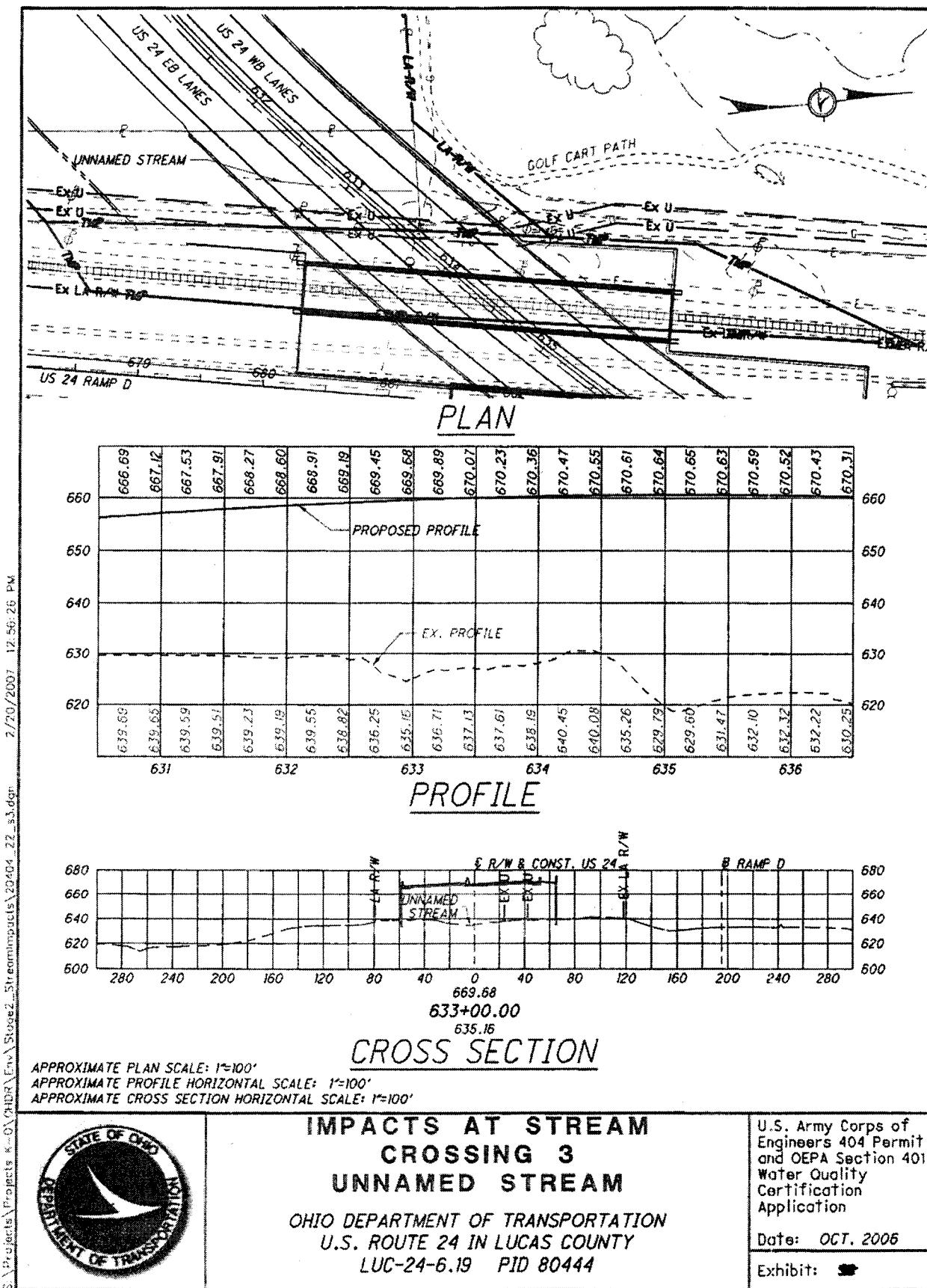


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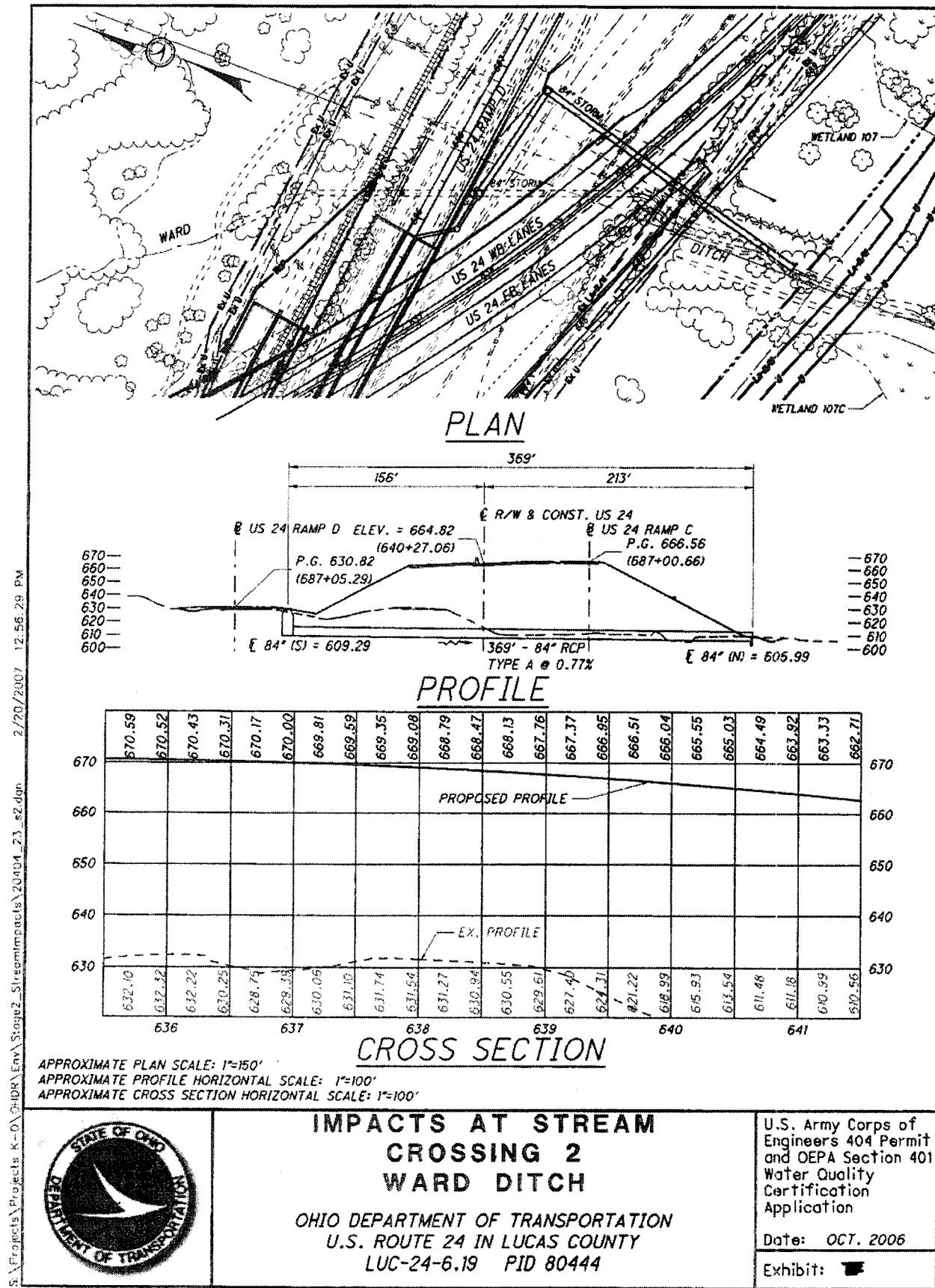


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