

# Public Notice

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

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In reply refer to Public Notice No.	Issuance Date:
2006—2299-GMR	May 7, 2007
Stream:	Closing Date
Gregory Creek	June 6, 2007

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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

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**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). 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 proposed project is located in five streams, five wetlands and one pond within the Great Miami River (HUC 05080002) and Little Miami River (HUC 05090202) watersheds near Wetherington in Liberty Township, Butler County, Ohio.

**DESCRIPTION OF THE PROPOSED WORK:** The applicant has requested Department of the Army authorization for the discharge of approximately 7,731 cubic yards of fill material into 0.25 acre of five wetlands, 1,729 linear feet (0.29 acre) of five intermittent streams and 0.99 acre of one pond to facilitate the construction of road improvements to the SR 129/I-75 interchange in Butler County, Ohio. The discharge of fill material would be required for the widening of Hamilton-Mason Road, culvert extension and/or replacement in the five streams noted below and the construction of ramp embankments. Proposed impacts to jurisdictional waters of the United States are detailed in the tables below. Plans for the proposed roadway construction are attached to this public notice.

Wetland ID	Proposed Wetland Fill Acreage	Proposed Fill Volume to be placed in Jurisdictional Wetlands (cubic yards)
4	0.07	339
8	0.01	48
14/21	0.11	532
17	0.02	97
24	0.04	194
<b>Total</b>	<b>0.25</b>	<b>1210</b>

Pond ID	Proposed Fill Acreage	Proposed Fill Volume to be placed in Jurisdictional Wetlands (cubic yards)
10	0.99	4792

Stream ID	Impact Purpose	Proposed Stream Impact Fill Acreage	Fill Volume (cubic yards)	Proposed Stream Length Impacted (feet)
2	Culvert extension, channelization	0.003	5	138
3	Culvert extension, relocation	0.255	1439	1258
4	Culvert extension, channelization	0.012	58	139
5	Culvert extension, relocation	0.019	78	140
1N	Culvert extension, relocation	0.003	8	54
	<b>Totals</b>	<b>0.29</b>	<b>1588</b>	<b>1729</b>

**ALTERNATIVE ANALYSIS:** A total of 0.25 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.

**COMPENSATORY MITIGATION PLAN:** The applicant has proposed mitigation to compensate for unavoidable impacts to wetlands and streams. Project impacts will occur within the Little Miami River (HUC 05090202) and Great Miami River (HUC 05080002) watersheds within Butler County, Ohio.

To compensate for 1,729 linear feet of stream impacts the applicant has proposed 2,786 linear feet of stream mitigation credits be deducted at the Lost Creek Pooled Stream Mitigation Area (PMSA) located in Miami County, Ohio. To compensate for 0.25 acre of wetland impacts the applicant proposes to deduct 0.44 acre of wetland credits from the Green Heron Wetland Mitigation Bank in Hamilton County, Ohio. The applicant's mitigation 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 from the State Historic Preservation Office on their historical properties findings on August 22, 2006. A copy of this public notice will be sent to the State Historic Preservation Office for their review. Additional comments concerning archeological sensitivity of a project area should be based upon collected data.

**ENDANGERED/THREATENED SPECIES REVIEW:** The project is located within the known or historic range of the following endangered species:

Indiana Bat

The Federal Highways Administration is the lead federal agency for this project. The applicant received concurrence on their proposed finding from the U.S. Fish and Wildlife Service on November 21, 2006. 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 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.

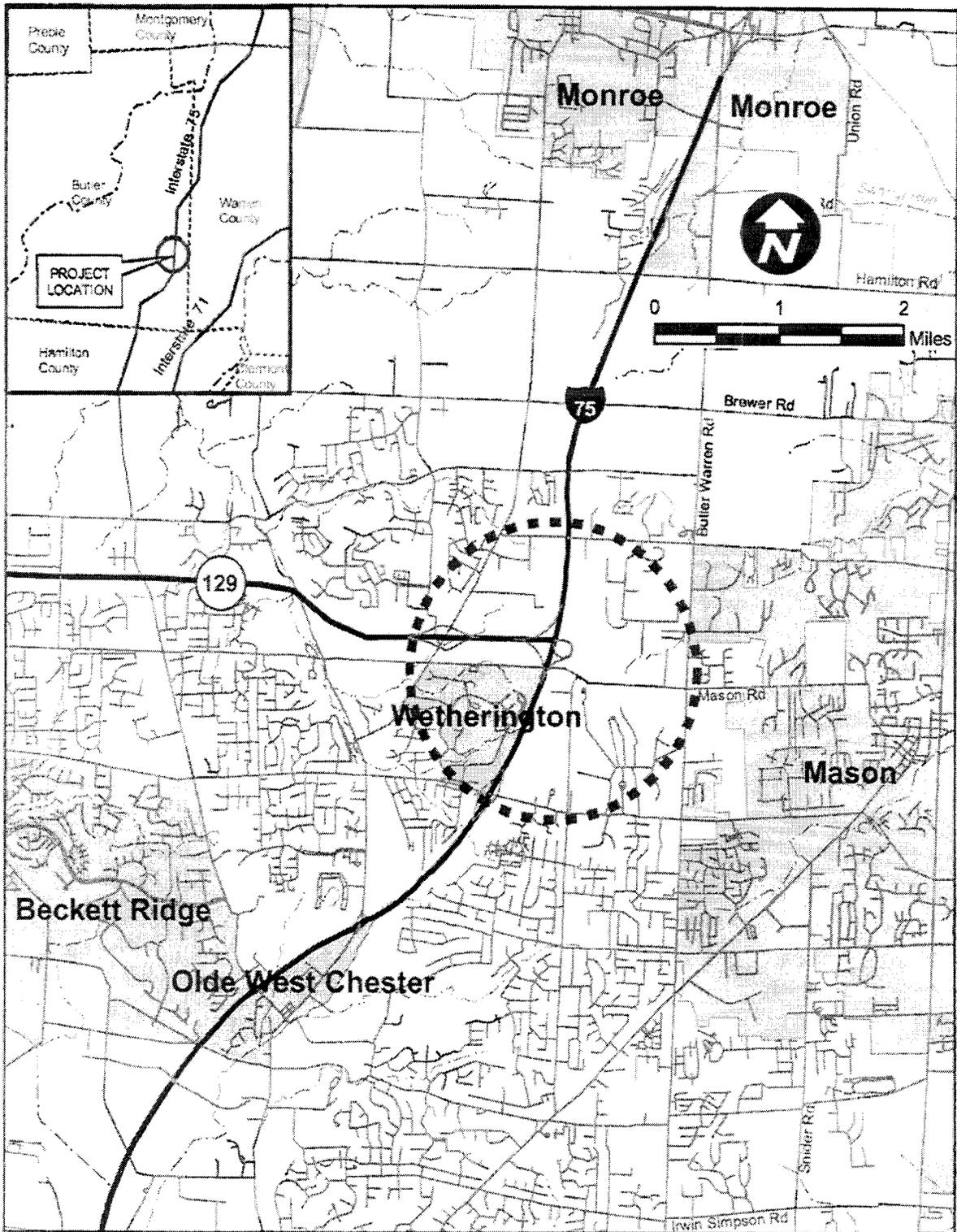
**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests 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

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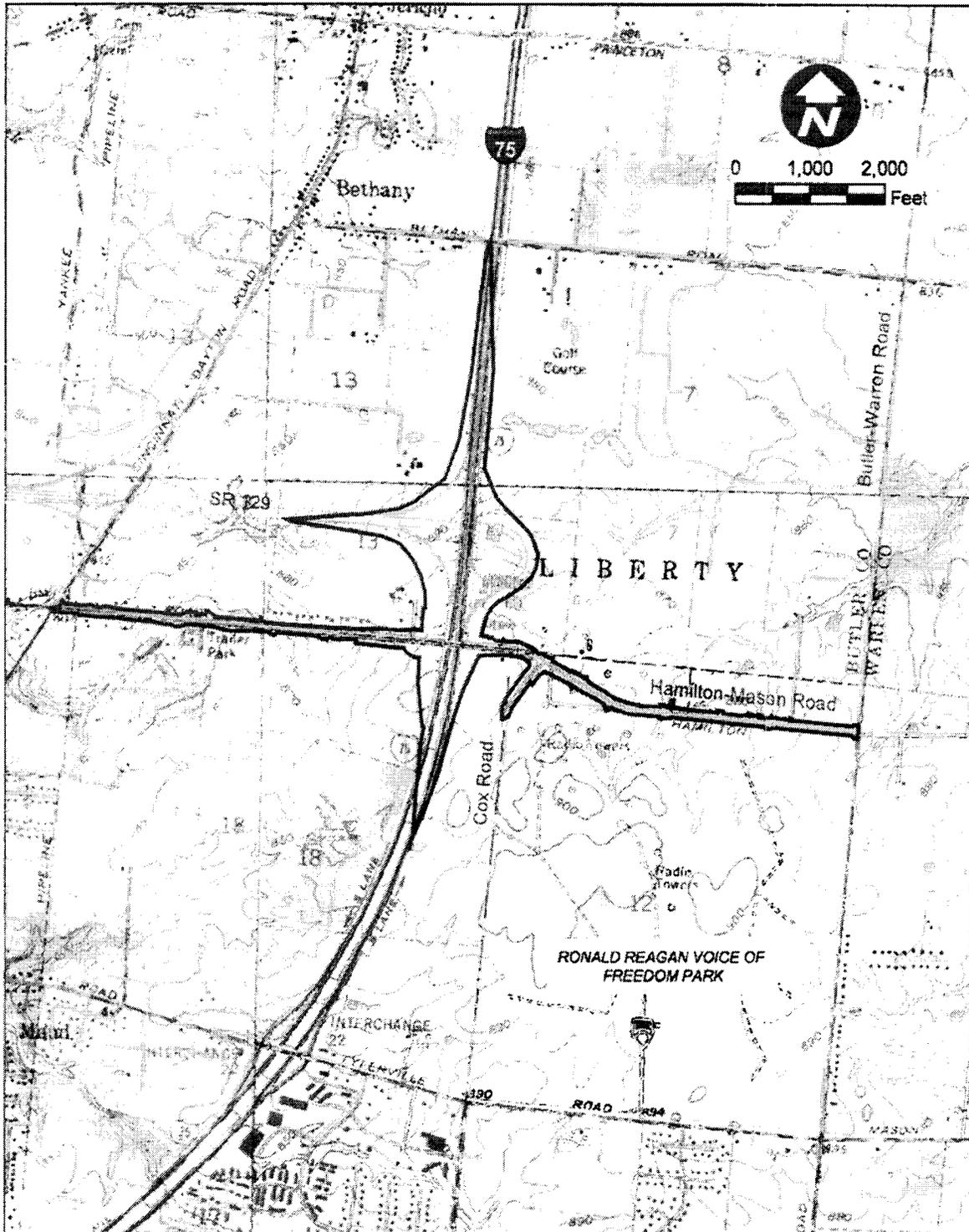


**PROJECT LOCATION**

**LIBERTY INTERCHANGE PROJECT  
SR 129 AT I-75  
BUTLER COUNTY  
BUT-75-5.91**

U.S. Army Corps of  
Engineers 404 permit  
and OEPA Section 401  
Water Quality  
Certification  
Application  
DATE: MARCH 2007

**EXHIBIT 1**



**USGS QUADRANGLE MAPS (circa 1981-1987)**

**Monroe, Mason, Trenton, Glendale**

**LIBERTY INTERCHANGE PROJECT**

**SR 129 AT I-75**

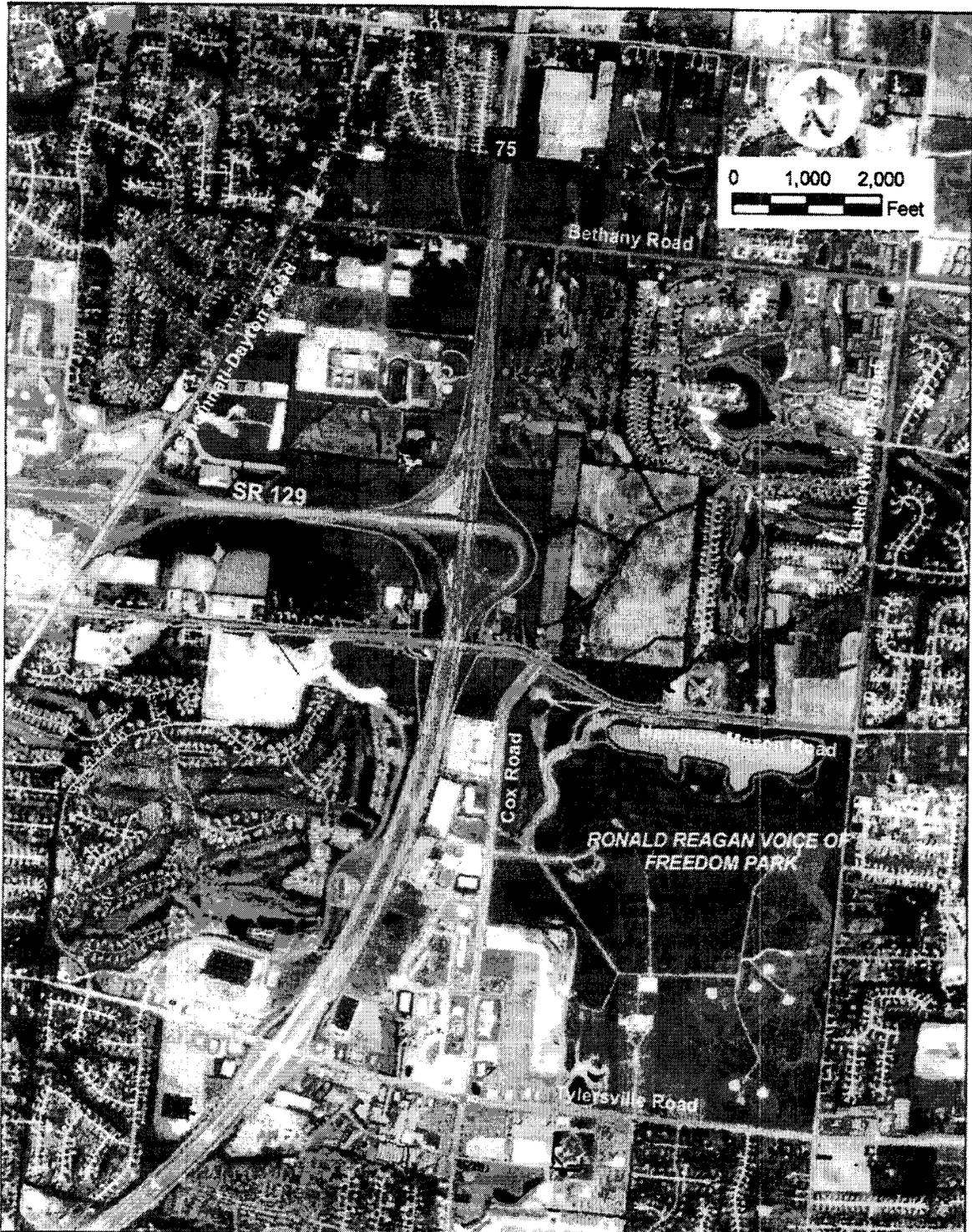
**BUTLER COUNTY**

**BUT-75-5.91**

-  Project Area
-  Current Roadways

U.S. Army Corps of  
Engineers 404 permit  
and OEPA Section 401  
Water Quality  
Certification  
Application  
DATE: MARCH 2007

**EXHIBIT 2**

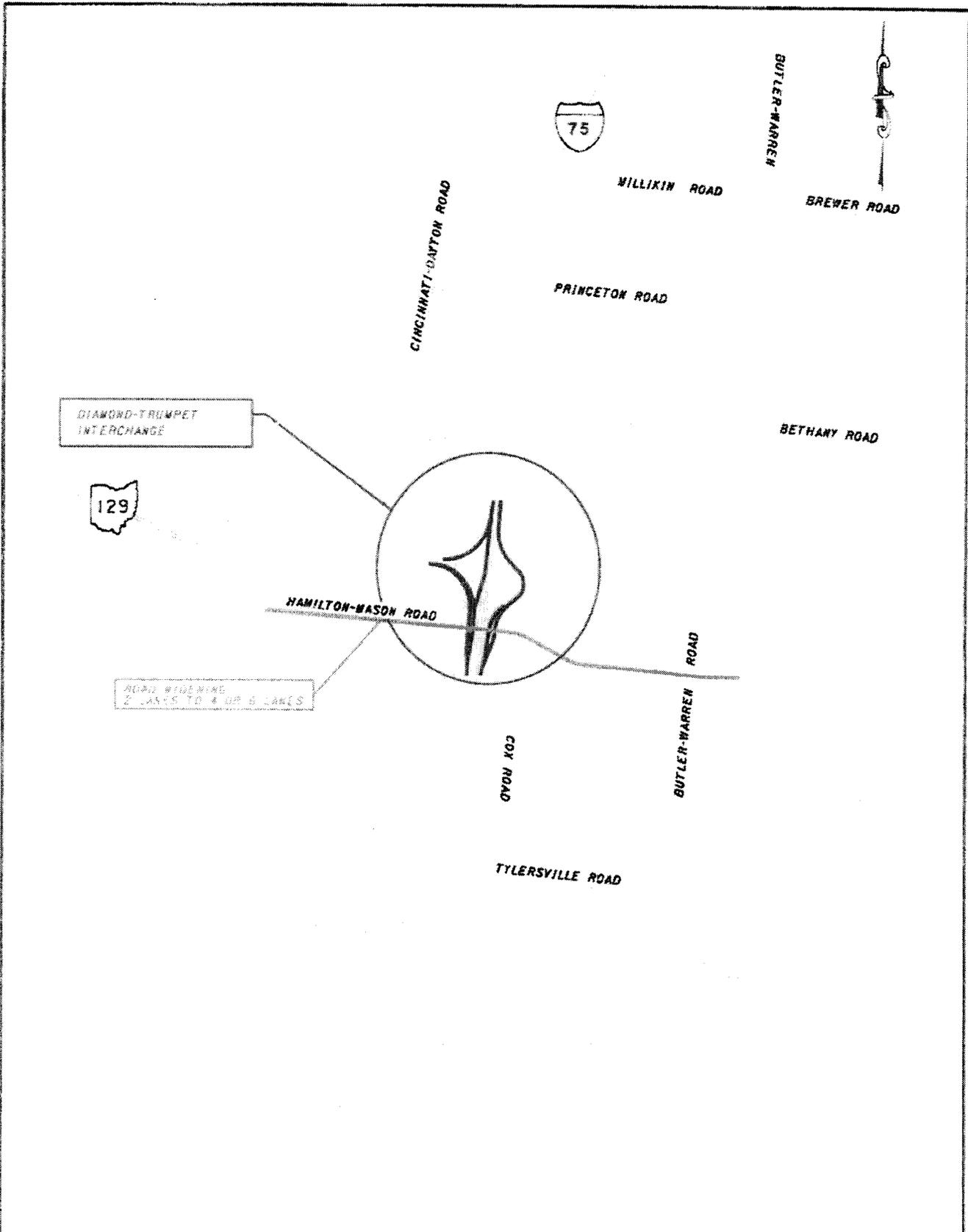


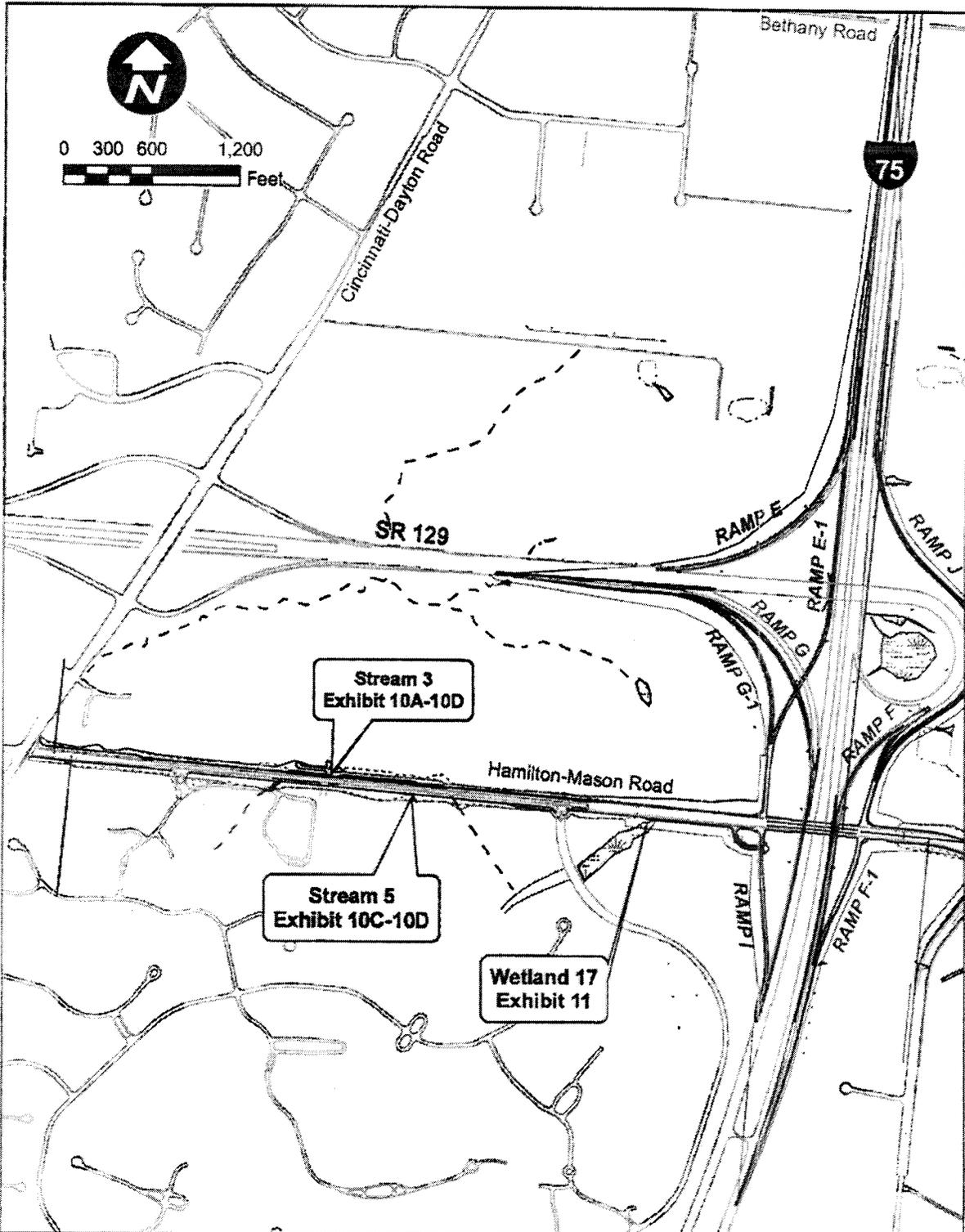
- Project Area
- Wetlands
- Ponds
- Streams

**2005 AERIAL PHOTO**  
**LIBERTY INTERCHANGE PROJECT**  
**SR 129 AT I-75**  
**BUTLER COUNTY**  
**BUT-75-5.91**

U.S. Army Corps of  
 Engineers 404 permit  
 and OEPA Section 401  
 Water Quality  
 Certification  
 Application  
 DATE: MARCH 2007

**EXHIBIT 3**



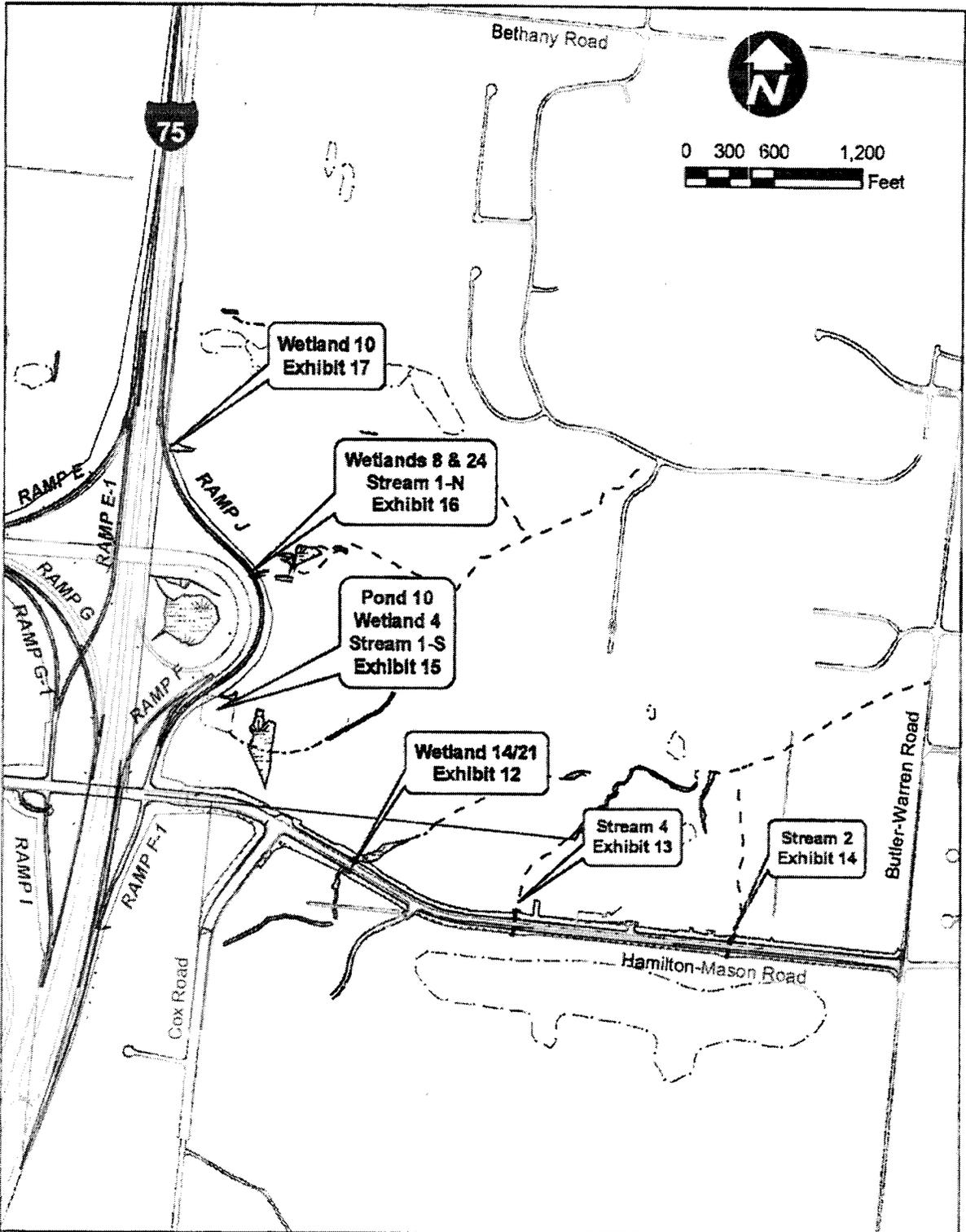


**SCHEMATIC PLAN WEST**

LIBERTY INTERCHANGE PROJECT  
 SR 129 AT I-75  
 BUTLER COUNTY  
 BUT-75-5.91

U.S. Army Corps of  
 Engineers 404 permit  
 and OEPA Section 401  
 Water Quality  
 Certification  
 Application  
 DATE: MARCH 2007

EXHIBIT 5

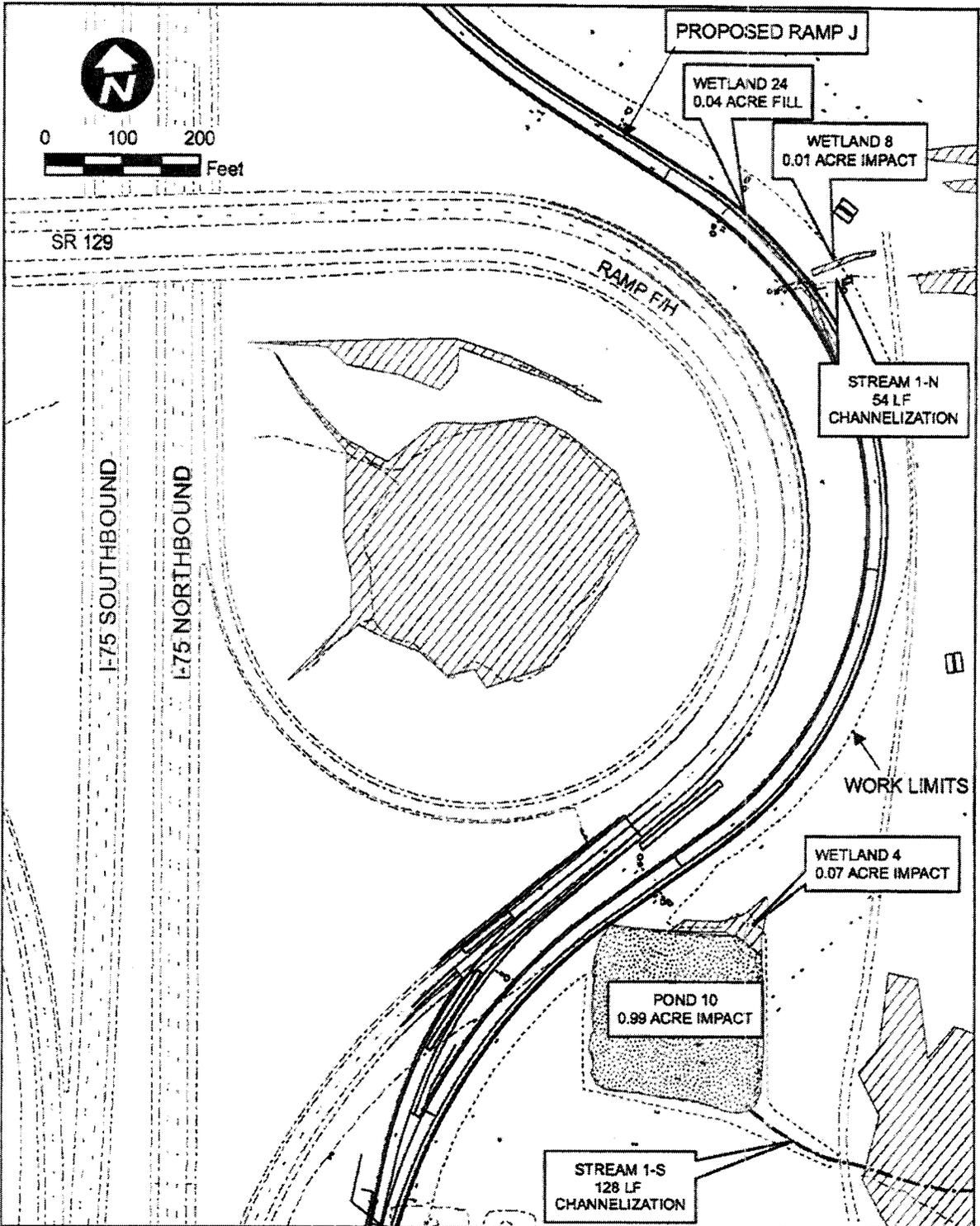


**SCHEMATIC PLAN EAST**

LIBERTY INTERCHANGE PROJECT  
 SR 129 AT I-75  
 BUTLER COUNTY  
 BUT-75-5.91

U.S. Army Corps of  
 Engineers 404 permit  
 and OEPA Section 401  
 Water Quality  
 Certification  
 Application  
 DATE: MARCH 2007

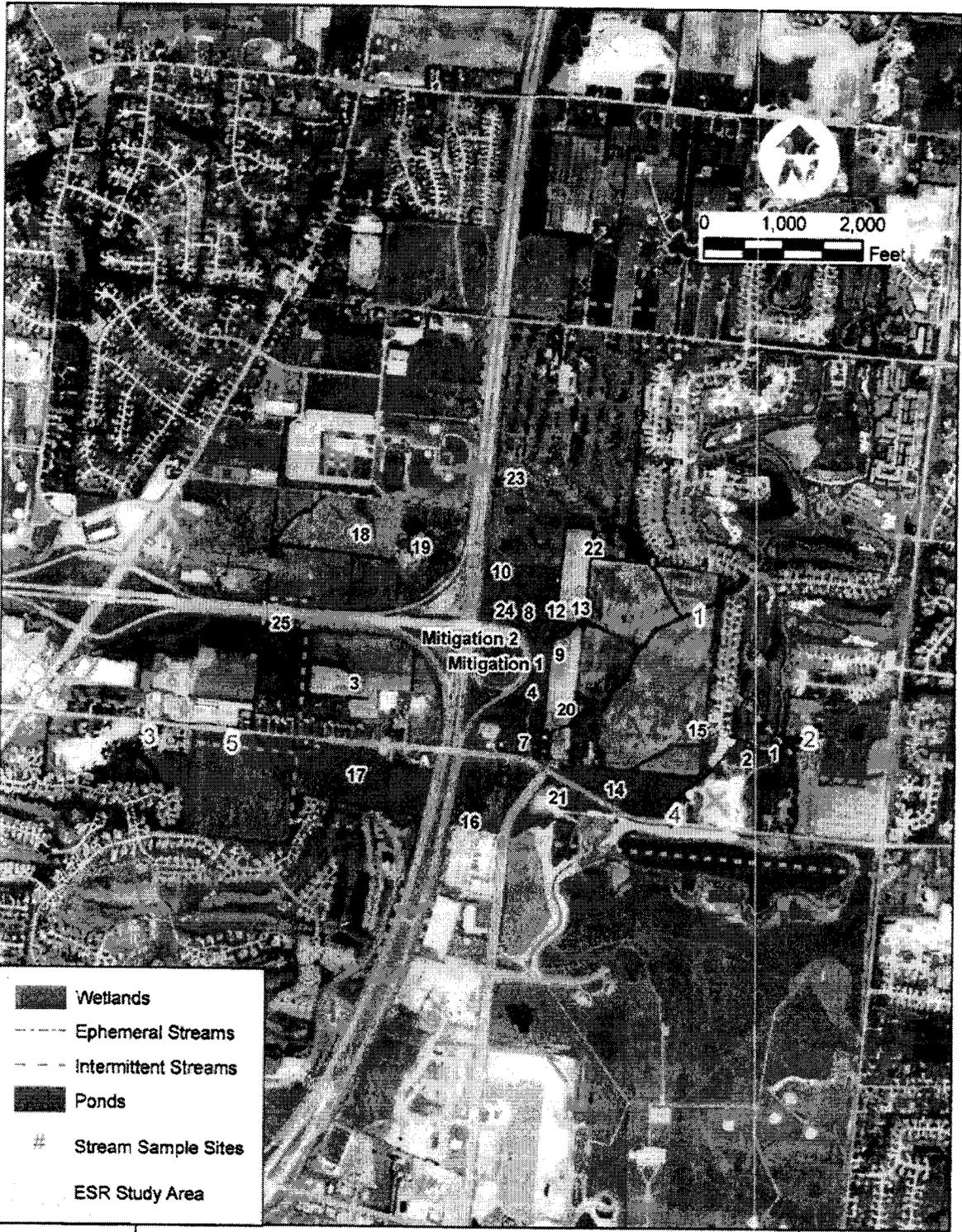
EXHIBIT 6



**SCHEMATIC PLAN DETAIL**  
**PREFERRED ALTERNATIVE RAMP J**  
 LIBERTY INTERCHANGE PROJECT  
 SR 129 AT I-75  
 BUTLER COUNTY  
 BUT-75-5.91

U.S. Army Corps of  
 Engineers 404 permit  
 and OEPA Section 401  
 Water Quality  
 Certification  
 Application  
 DATE: MARCH 2007

EXHIBIT 7



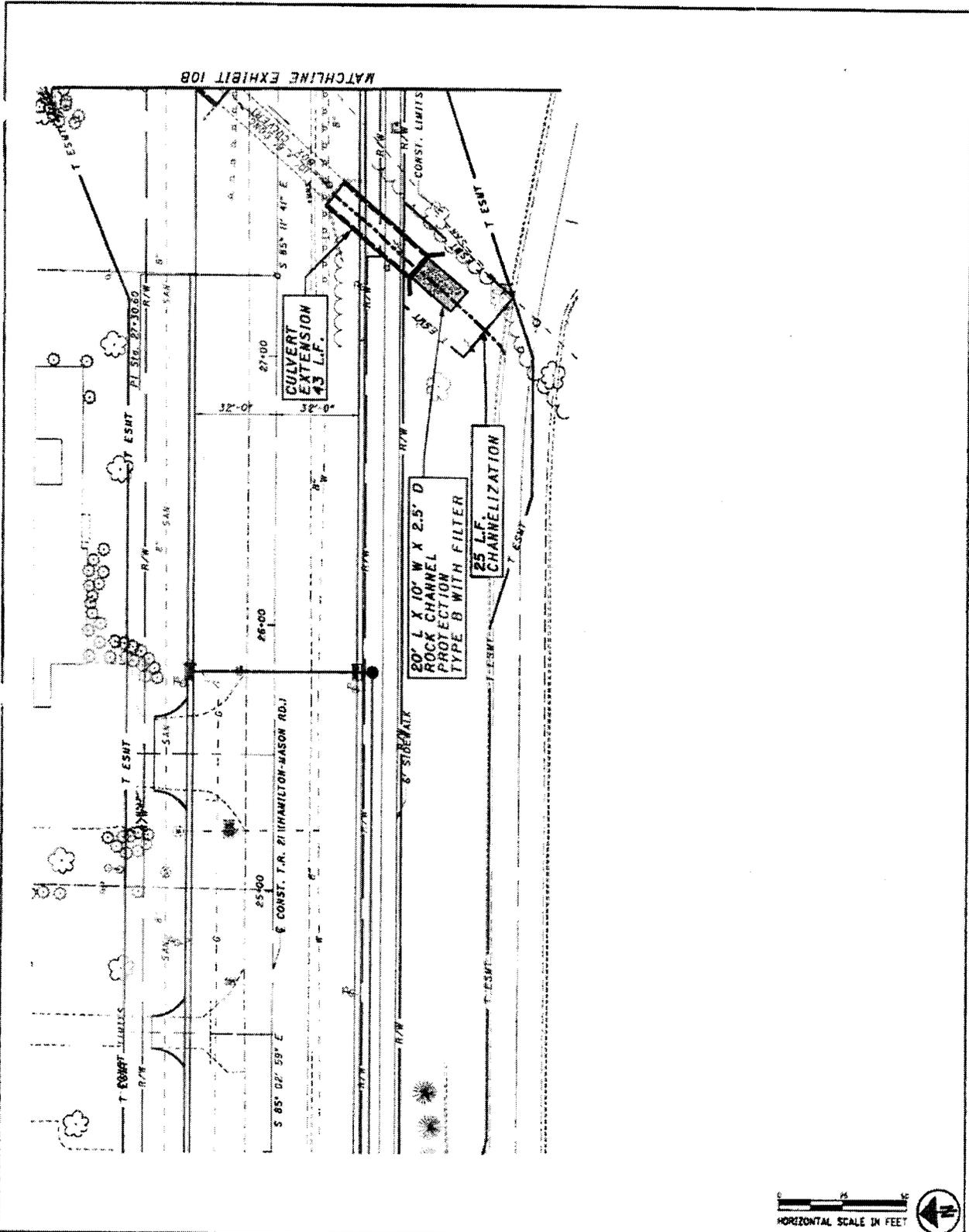
-  Wetlands
-  Ephemeral Streams
-  Intermittent Streams
-  Ponds
-  Stream Sample Sites
-  ESR Study Area



**WETLANDS AND OTHER WATERS FROM  
ECOLOGICAL SURVEY REPORT**  
LIBERTY INTERCHANGE PROJECT  
SR 129 AT I-75  
BUTLER COUNTY  
BUT-75-5.91

U.S. Army Corps of  
Engineers 404 permit  
and OEPA Section 401  
Water Quality  
Certification  
Application  
DATE: MARCH 2007

**EXHIBIT 8**



MATCHLINE EXHIBIT 10B

27+00  
 CULVERT  
 EXTENSION  
 43 L.F.

90' L X 10' W X 2.5' D  
 ROCK CHANNEL  
 PROTECTION  
 TYPE B WITH FILTER  
 25 L.F. CHANNELIZATION

25+00  
 E CONST. T.R. 21 HAMILTON-MASON RD.

8' SIDEWALK



**PREFERRED DESIGN AND MINIMAL DEGRADATION ALTERNATIVE - STREAM 3**

PLAN  
 T.R. 21 STA. 24+00 TO STA. 28+00  
 BUTLER COUNTY  
 BUT-75-5.91

U.S. Army Corps of Engineers 404 permit and DEPA Section 401 Water Quality Certification Application  
 DATE: MARCH 2007

EXHIBIT

EXHIBIT 10A

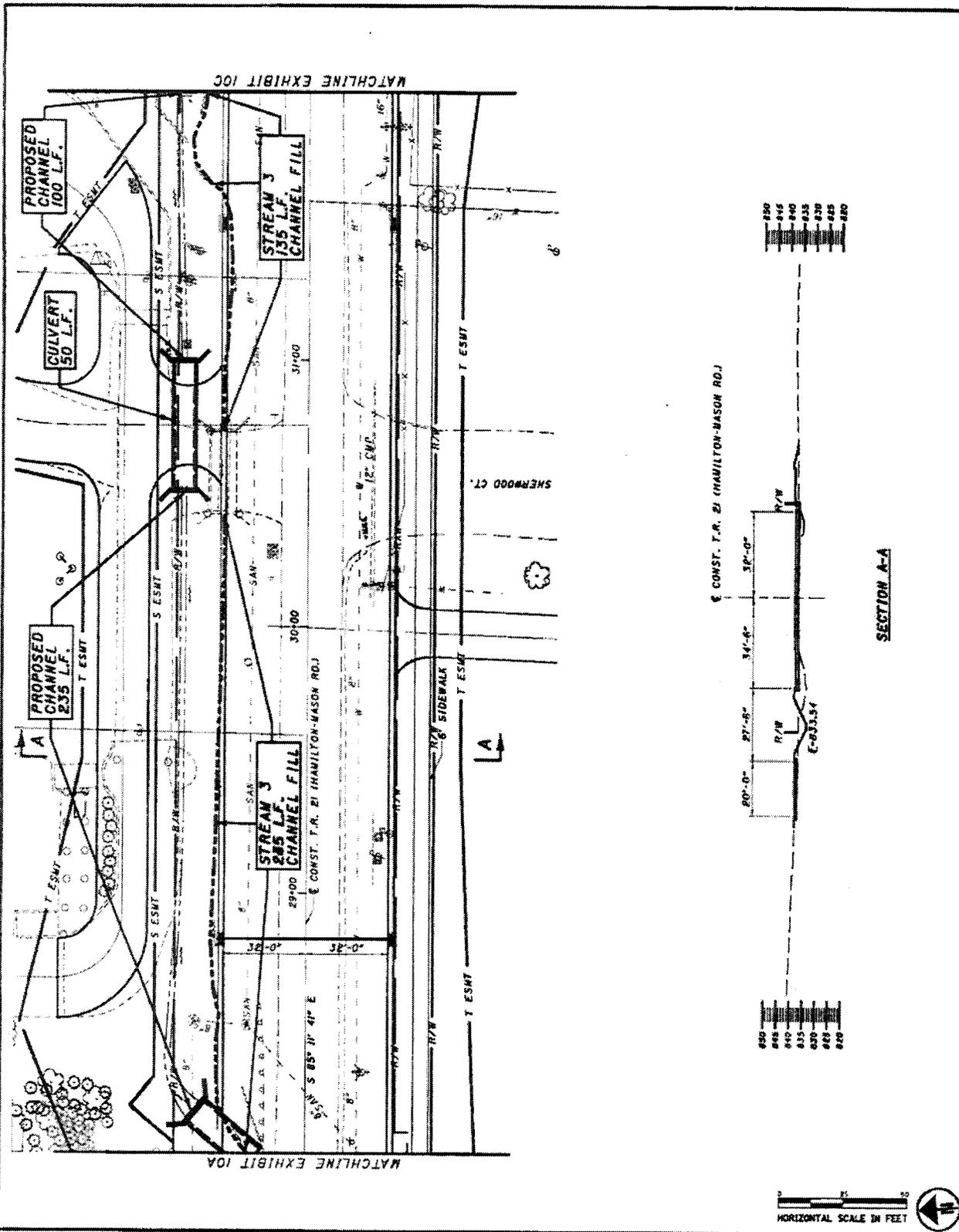
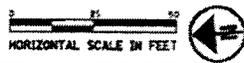


EXHIBIT 10B



**PREFERRED DESIGN AND MINIMAL DEGRADATION ALTERNATIVE - STREAM 3**  
 PLAN AND CROSS SECTION  
 T.R. 21 STA. 28+00 TO STA. 32+00  
 BUTLER COUNTY  
 BUT-75-5.91



U.S. Army Corps of Engineers 404 permit and CEQA Section 401 Water Quality Certification Application  
 DATE: MARCH 2007  
**EXHIBIT**

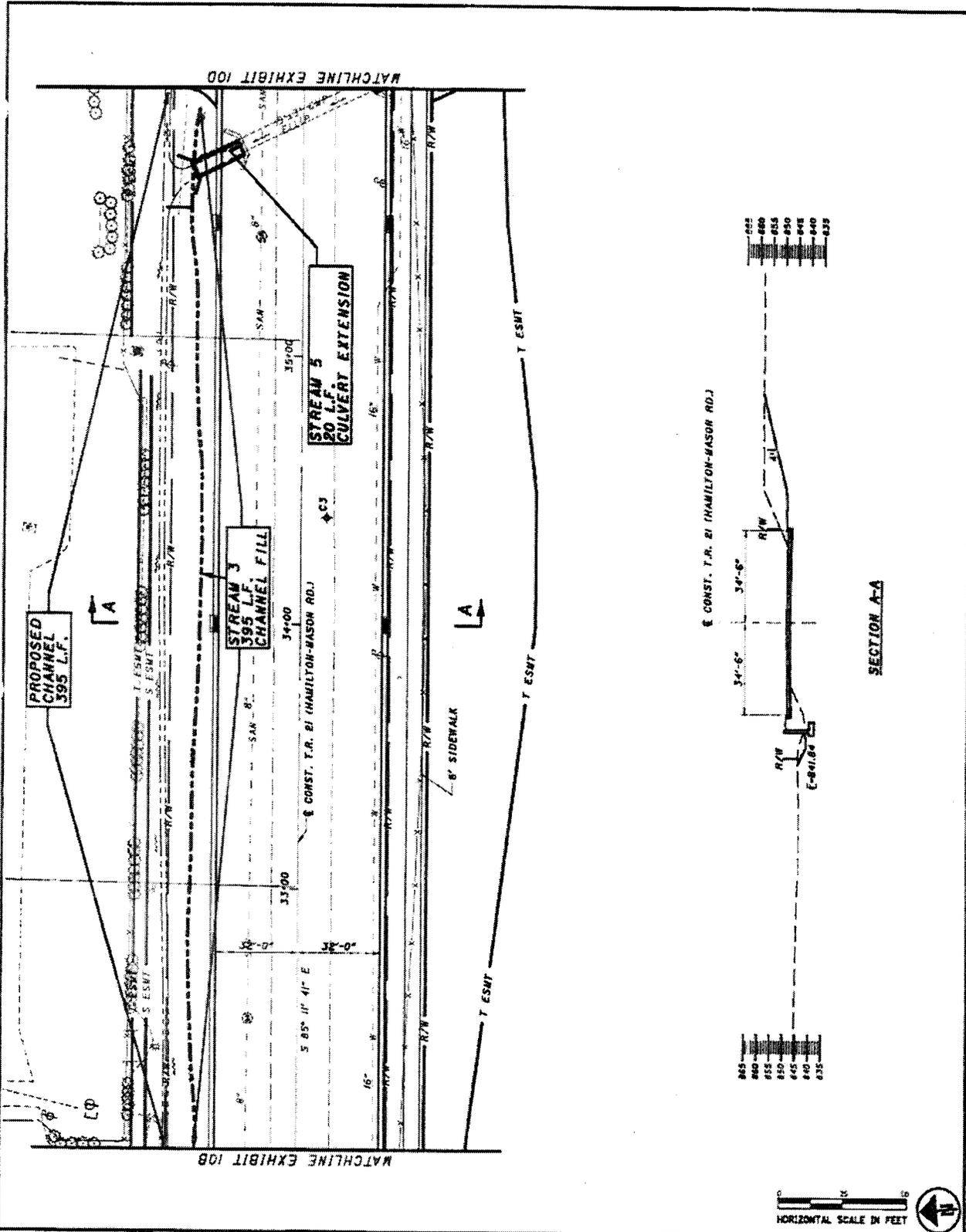


exhibit 10c



**PREFERRED DESIGN AND MINIMAL  
DEGRADATION ALTERNATIVE - STREAM 3 AND 5**  
 PLAN AND CROSS SECTION  
 T.R. 21 STA. 32+00 TO STA. 36+00  
 BUTLER COUNTY  
 BUT-75-5.91



U.S. Army Corps of Engineers 404 permit and OEPA Section 401 Water Quality Certification Application DATE: MARCH 2007  
**EXHIBIT**

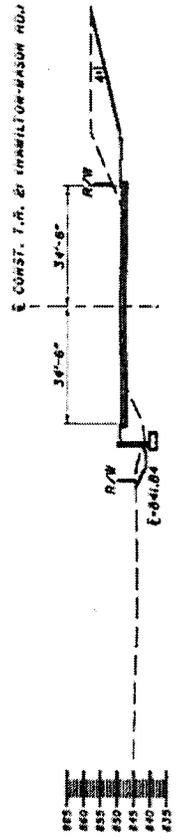
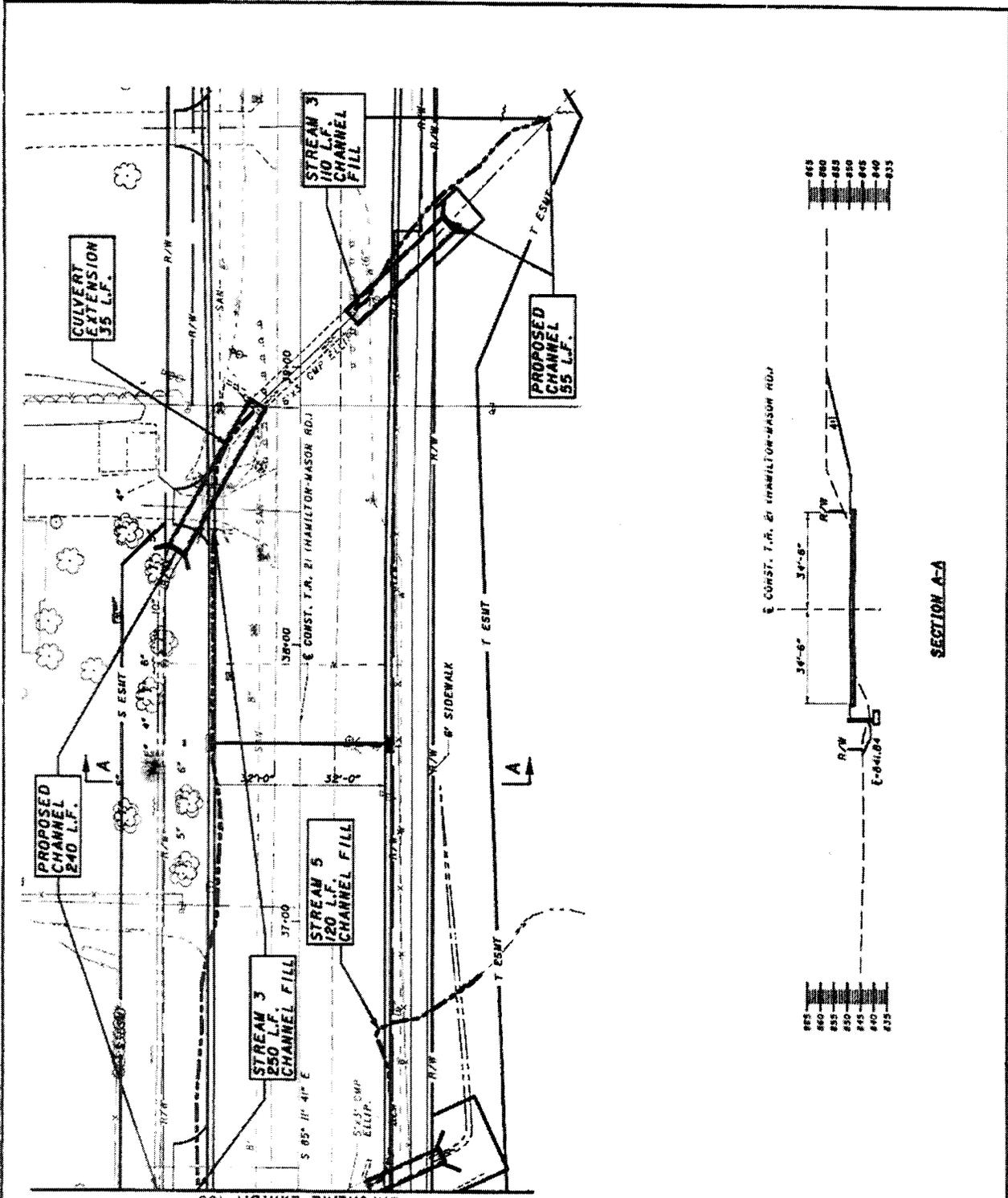
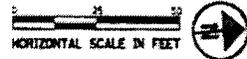


EXHIBIT 108.11



**PREFERRED DESIGN AND MINIMAL DEGRADATION ALTERNATIVE - STREAM 3 AND 5**  
**PLAN AND CROSS SECTION**  
 T.R. 21 STA. 36+00 TO STA. 40+00  
 BUTLER COUNTY  
 BUT-75-5.91



U.S. Army Corps of Engineers 404 permit and DEPA Section 401 Water Quality Certification Application  
 DATE: MARCH 2007  
**EXHIBIT**

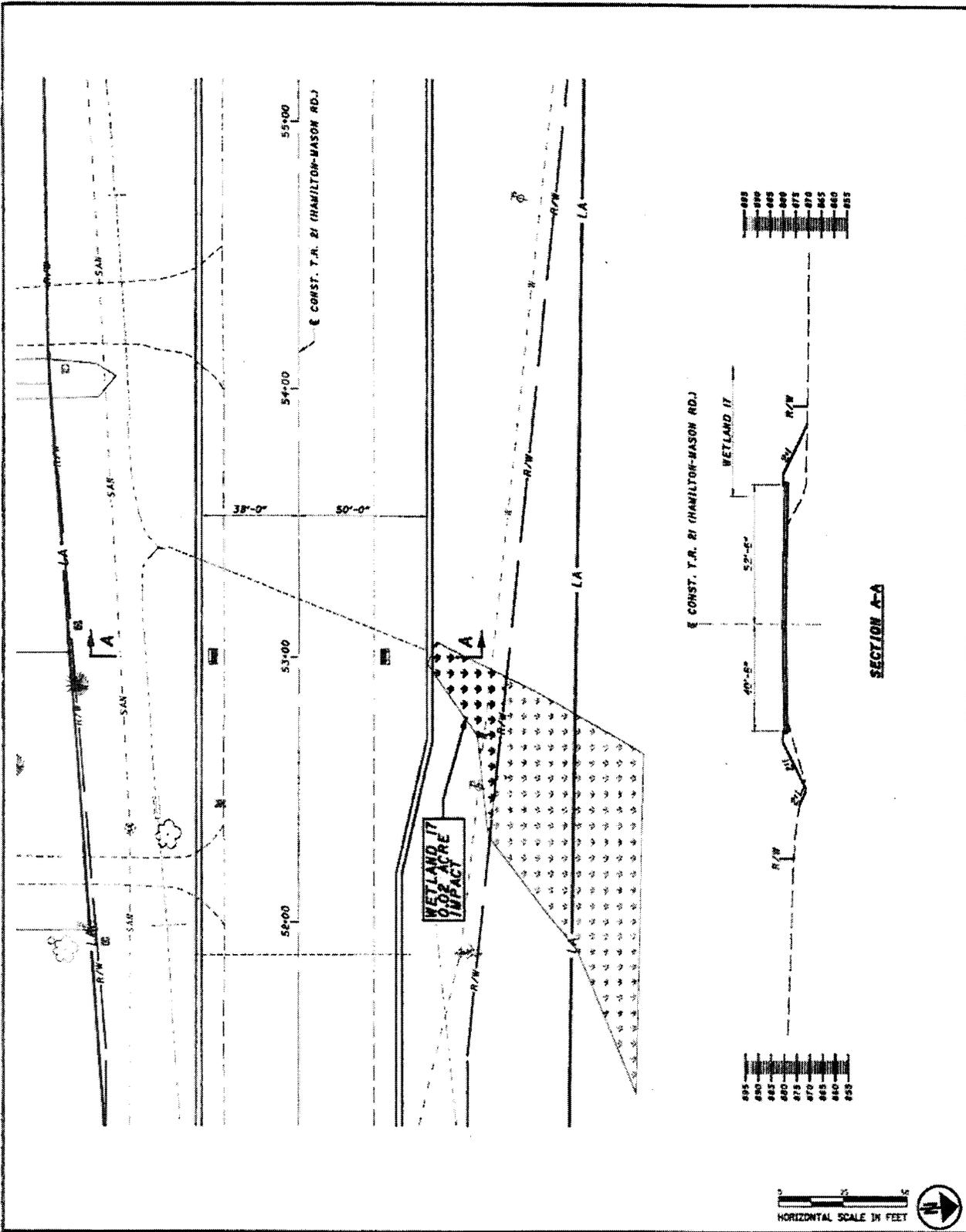
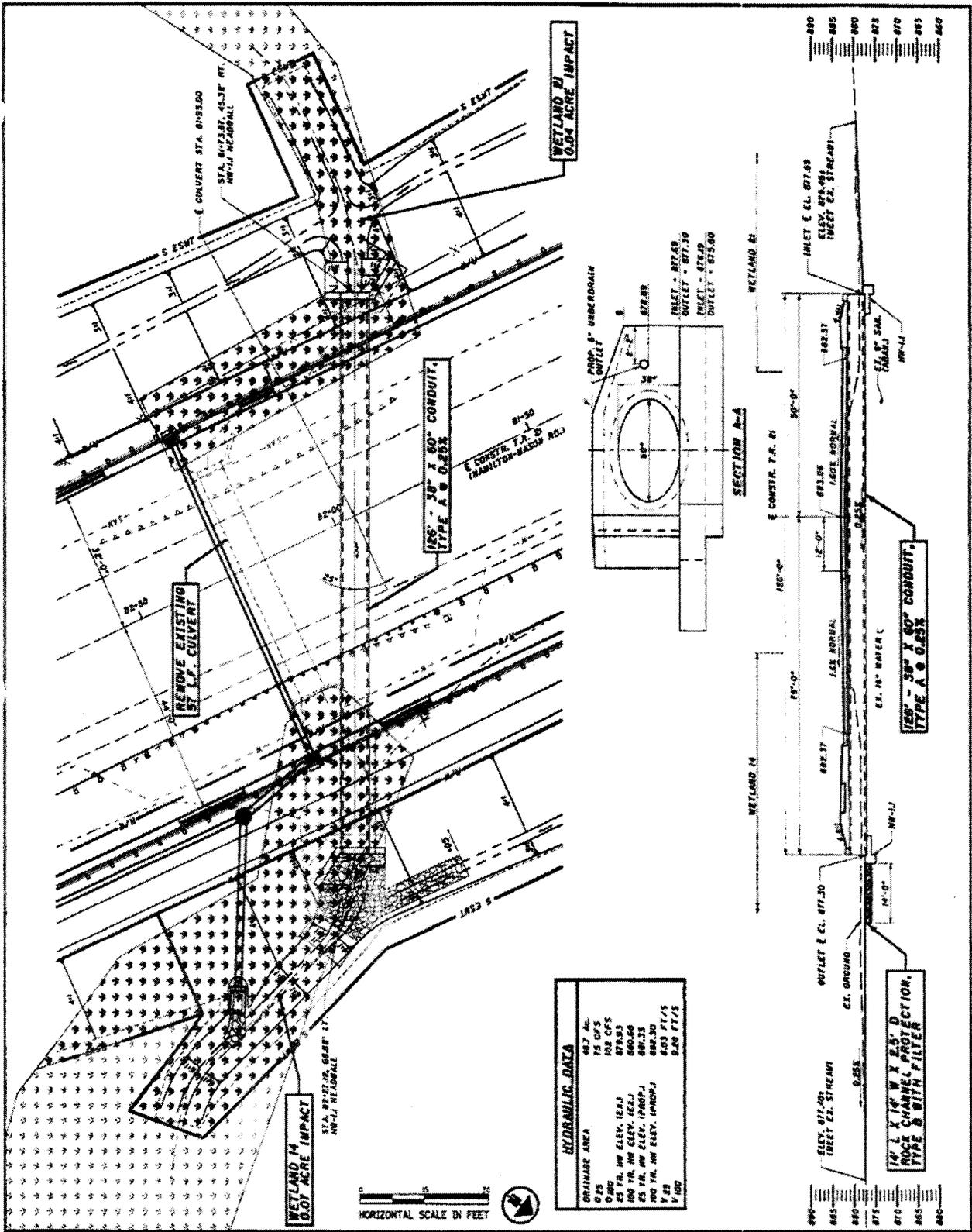


Exhibit 11.6



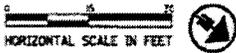
**PREFERRED DESIGN AND MINIMAL DEGRADATION ALTERNATIVE - WETLAND 17**  
**PLAN AND CROSS SECTION**  
 T.R. 21 STA. 51+50 TO STA. 55+00  
 BUTLER COUNTY  
 BUT-75-5.91

U.S. Army Corps of Engineers 404 permit and DEPA Section 401 Water Quality Certification Application  
 DATE: MARCH 2007  
**EXHIBIT**



**HYDRAULIC DATA**

DRAINAGE AREA	48.7 AC
Q 100	75 CFS
Q 50	108 CFS
Q 25	87.8 CFS
25 YR. HW ELEV. (EAL)	660.60
50 YR. HW ELEV. (EAL)	661.23
100 YR. HW ELEV. (EAL)	662.30
25 YR. HW ELEV. (PROP.)	603 FT/S
50 YR. HW ELEV. (PROP.)	628 FT/S
V 100	



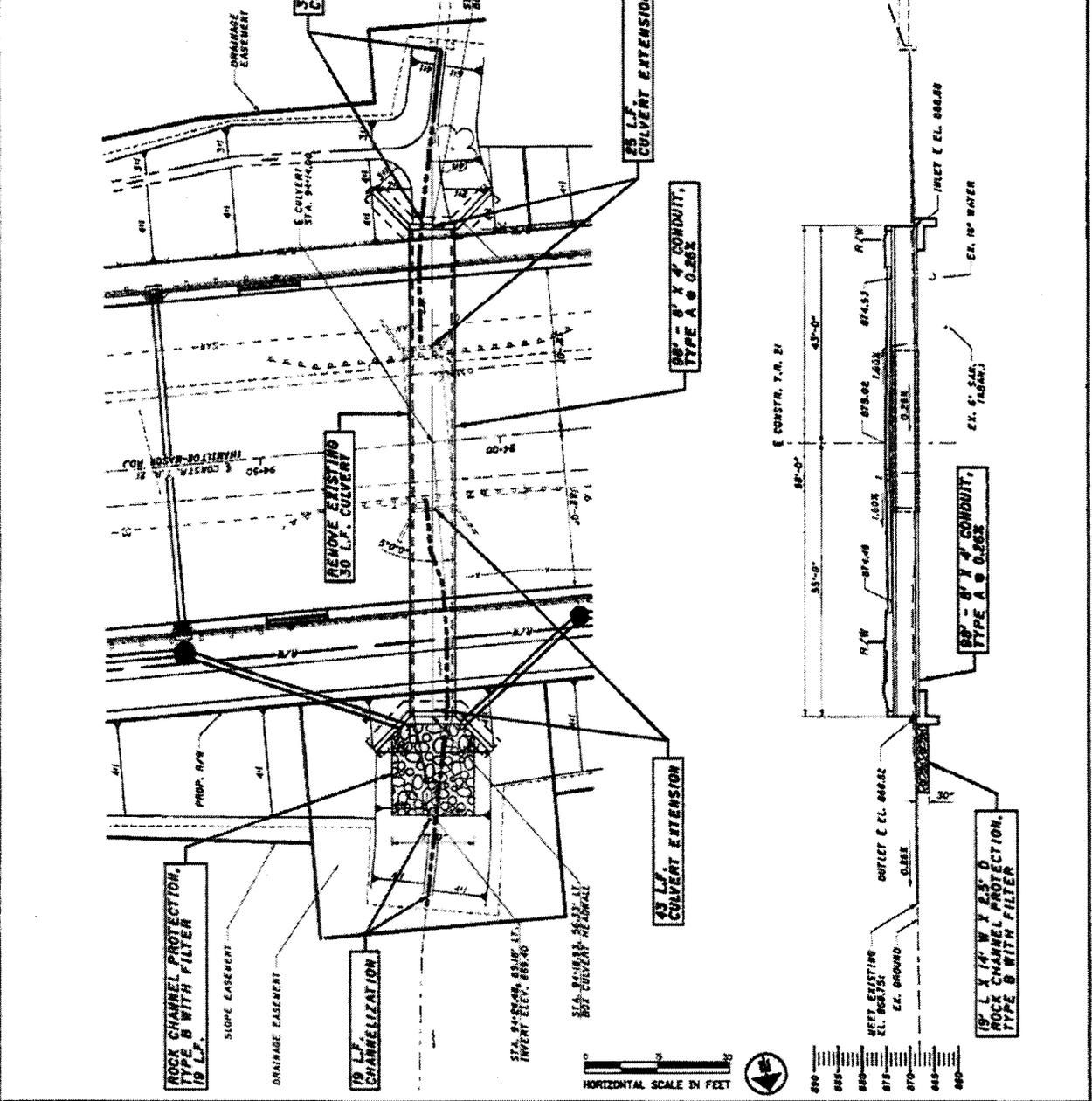
**PREFERRED DESIGN AND MINIMAL DEGRADATION**  
**ALTERNATIVE - WETLANDS 14 AND 21**  
**CULVERT DETAIL**  
 T.R. 21 STA. 81+95.00  
 BUTLER COUNTY  
 BUT-75-5.81

U.S. Army Corps of  
 Engineers 404 permit  
 and CEPA Section 401  
 Water Quality  
 Certification  
 Application  
 DATE: MARCH 2007  
**EXHIBIT**

Exhibit - 12.

**HYDRAULIC DATA**

DRAINAGE AREA	TOP AA
0.25	141 CFS
0.100	191 CFS
25 YR. HW ELEV. (EEL)	978.40
100 YR. HW ELEV. (EEL)	973.28
25 YR. HW ELEV. (PROP.)	973.55
100 YR. HW ELEV. (PROP.)	973.36
V. 25	4.81 FT/S
V. 100	7.81 FT/S



**PREFERRED DESIGN AND MINIMAL DEGRADATION  
ALTERNATIVE - STREAM 4**

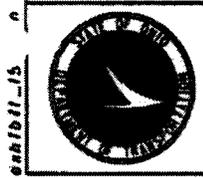
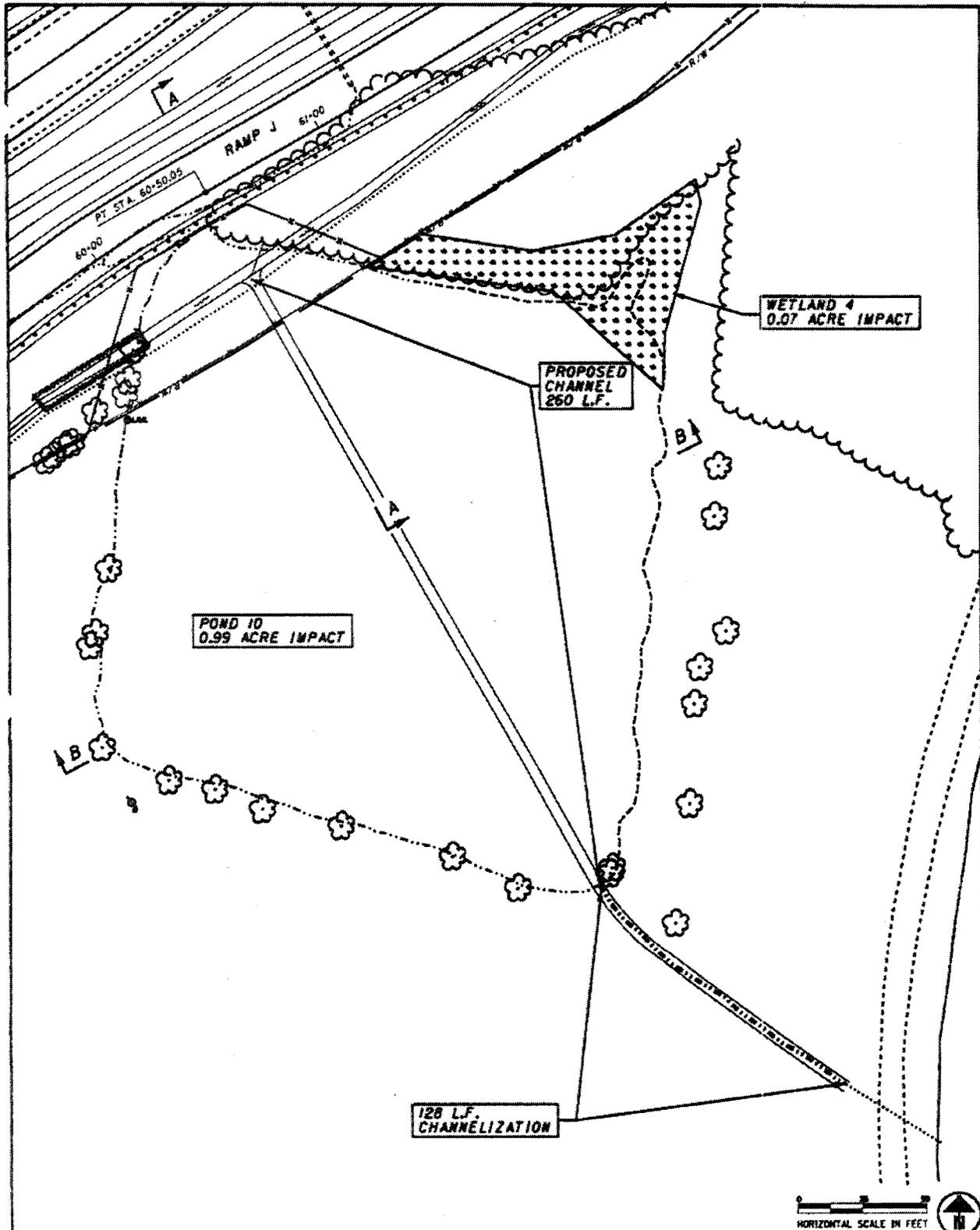
CULVERT DETAIL  
T.R. 21 STA. 94+13.77  
BUTLER COUNTY  
BUT-75-5.91

U.S. Army Corps of Engineers 404 permit and DEPA Section 401 Water Quality Certification Application  
DATE: MARCH 2007

**EXHIBIT**

EXHIBIT 13





**PREFERRED DESIGN AND MINIMAL DEGRADATION  
 ALTERNATIVE - STREAM 1-S, POND 10 AND WETLAND 4**  
 PLAN  
 RAMP J STA. 60+50  
 BUTLER COUNTY  
 BUT-75-5.91

U.S. Army Corps of  
 Engineers 404 permit  
 and OEPA Section 401  
 Water Quality  
 Certification  
 Application  
 DATE: MARCH 2007  
**EXHIBIT**

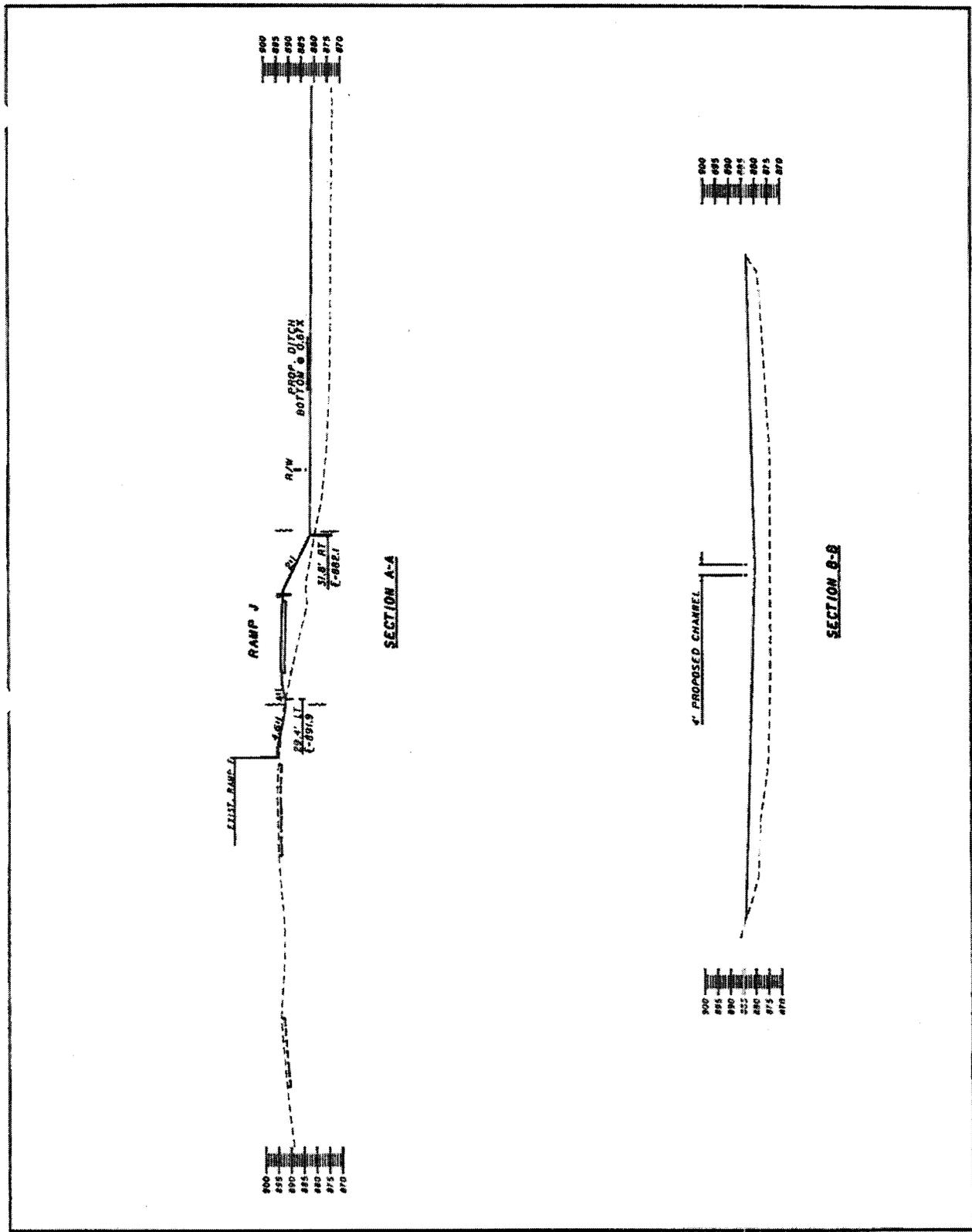
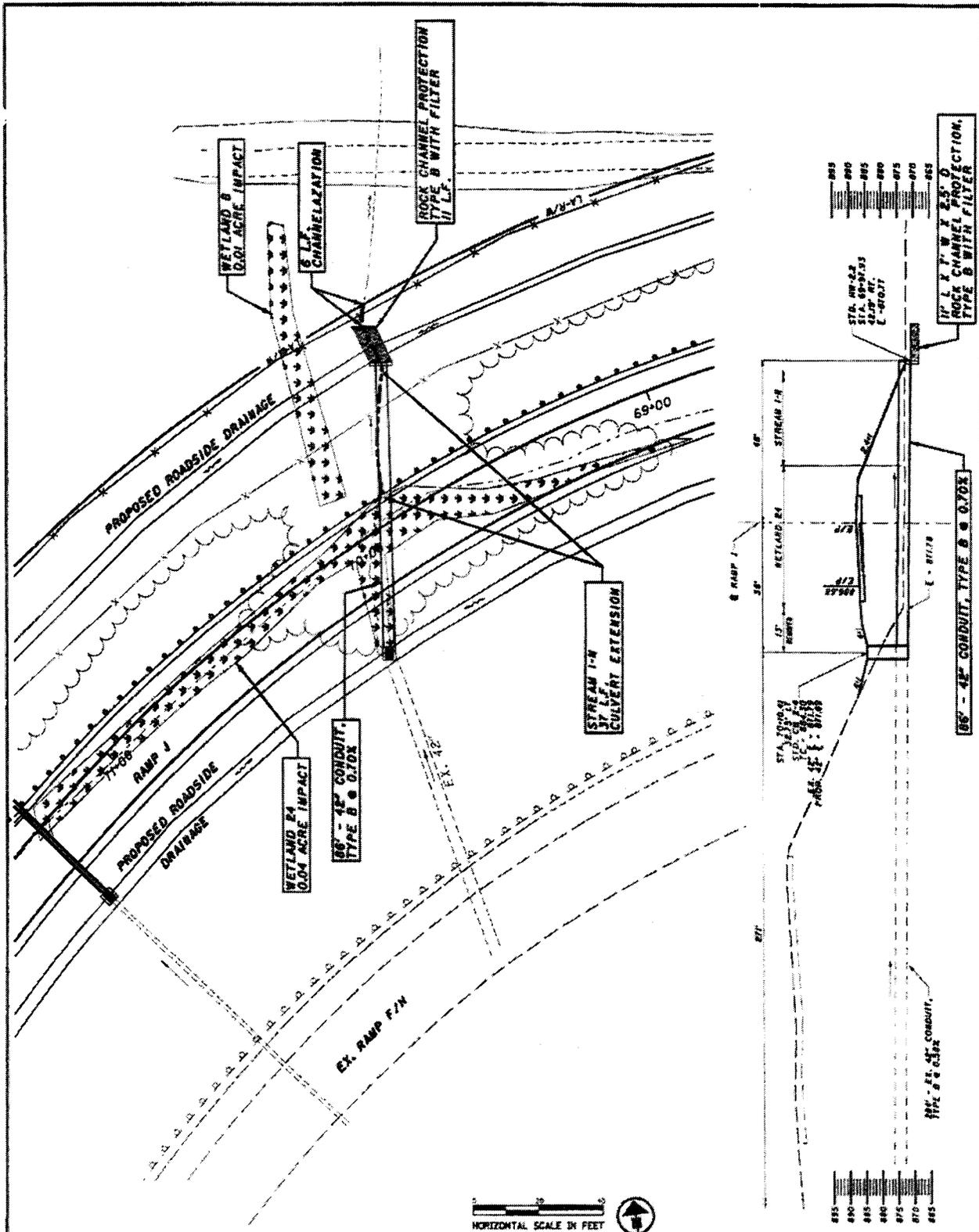


Exhibit 15



**PREFERRED DESIGN AND MINIMAL DEGRADATION  
 ALTERNATIVE - STREAM I-S, POND 10 AND WETLAND 4**  
 CROSS SECTIONS  
 RAMP J STA. 60+50  
 BUTLER COUNTY  
 BUT-75-5.01

U.S. Army Corps of  
 Engineers 404 permit  
 and DEPA Section 401  
 Water Quality  
 Certification  
 Application  
 DATE: MARCH 2007  
 EXHIBIT 1'



HORIZONTAL SCALE IN FEET

8\"/>

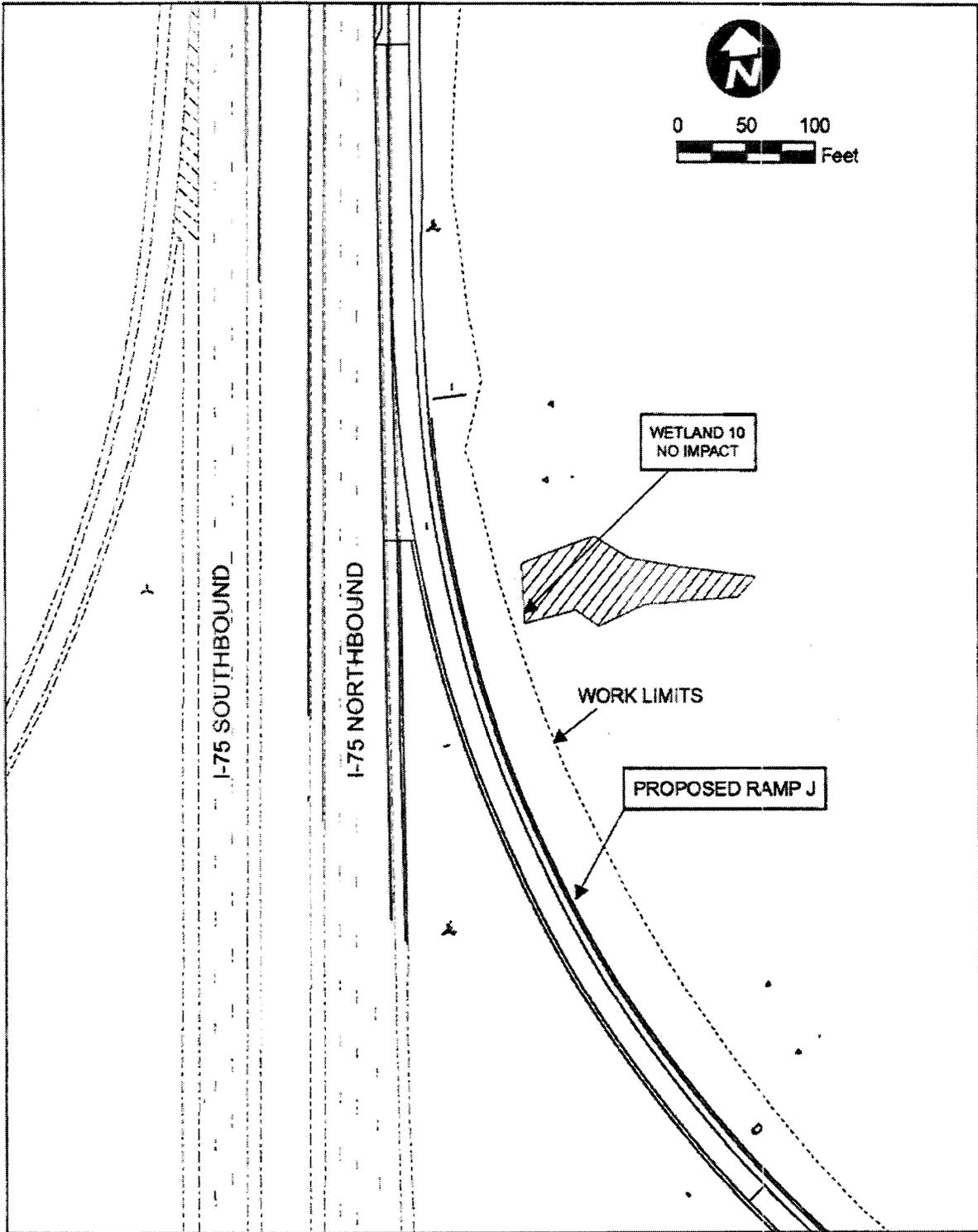
11\"/>

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**PREFERRED DESIGN AND MINIMAL DEGRADATION  
ALTERNATIVE - STREAM 1-N, WETLANDS 8 AND 24**  
 CULVERT DETAIL  
 RAMP J STA. 70-00  
 BUTLER COUNTY  
 BUT-75-5.91

U.S. Army Corps of  
 Engineers 404 permit  
 and DEPA Section 401  
 Water Quality  
 Certification  
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 DATE: MARCH 2007  
**EXHIBIT**



**PREFERRED DESIGN AND MINIMAL DEGRADATION ALTERNATIVE**  
**WETLAND 10**  
 LIBERTY INTERCHANGE PROJECT  
 SR 129 AT I-75  
 BUTLER COUNTY  
 BUT-75-5.91

U.S. Army Corps of  
 Engineers 404 permit  
 and OEPA Section 401  
 Water Quality  
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EXHIBIT 1