



Public Notice

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

In reply refer to Public Notice No.

Issuance Date: July 28, 2008

LRH-2008-58-SCR

Stream:

Closing Date: August 18, 2008

Big Darby Creek

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 a stream and wetland mitigation bank, submitted in accordance with 33 CFR Part 332 Compensatory Mitigation for Losses of Aquatic Resources, effective date June 9, 2008. 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 mitigation bank prospectus has been submitted for an evaluation of its potential to provide compensatory mitigation for activities authorized by Department of the Army (DA) permits pursuant to the above referenced sections of law.

SPONSOR: Ohio Wetlands Foundation
1220 Stone Run Court
Lancaster, Ohio 43130

LOCATION: The 80.4 acre property is located southeast of the intersection of Darby Creek Road and Kuhlwein Road in Prairie Township, Franklin County, Ohio. Latitude 39.93788 Longitude 83.20493.

DESCRIPTION OF PROPOSED WORK: The sponsor has submitted a prospectus to the Huntington District Corps of Engineers and the other members of the regional Interagency Review Team (IRT) to develop and operate a wetland mitigation bank.

Mitigation banks are defined as a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by DA permits pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. In general, units of restored, established, enhanced, or preserved wetlands or streams are expressed as “credits” which may subsequently be withdrawn to offset “debits” incurred at a project development site. The Corps is responsible for authorizing the use of a particular mitigation bank on a project-specific basis and determining the number and availability of credits required to compensate for proposed impacts. Decisions rendered by the Corps will fully consider all comments submitted as part of the permit evaluation process.

The objective of the proposed mitigation bank is to institute an ecologically sound, well-developed and feasible wetland restoration plan that would generate credits to be used as compensatory mitigation for activities authorized by DA permits. Plans include the restoration of 34.9 acres of forested wetland, restoration of 16.6 acre of emergent wetland and the restoration of 28.9 acre of upland forest. The proposed service area would be the Upper Scioto River watershed (8-digit HUC 05060001) and the adjacent Deer Creek sub-watershed within the lower Scioto River watershed (8-digit HUC 05060002) in the State of Ohio.

The proposed wetland bank site is located on an 80.4 acre property owned by the Columbus and Franklin County Metropolitan Park District (Metro Parks). The property is currently managed for row crop agriculture and would be planted in corn through the 2008 growing season. The majority of the soils on site consist of hydric soils (Kokomo silty clay loam) and non-hydric soils with hydric inclusions (Crosby silt loam and Lewisburg-Crosby complex). The hydrology for the site is predominantly controlled by subsurface drain tiles of which two-thirds flow northeast towards Hellbranch Run, a tributary to Big Darby Creek, while water from the western third of the property flows west directly towards Big Darby Creek. There are no streams on the site.

The sponsor proposes to re-establish a minimum of 51.5 acres of wetlands (34.9 acres of forested wetlands, 15.4 acres of shallow emergent wetlands and 1.2 acres of deep emergent wetlands) by crushing all drain tiles to restore hydrology to the area and recreating microtopography that has been lost through decades of farming the area. The shallow emergent wetland areas, approximately 0.1 acre in size, would be constructed throughout the forested wetlands. The deep emergent wetland areas would be constructed in the northeast corner of the site, adjacent to the water level control structure. The perimeter of the proposed wetland area would consist of constructed earthen mounds to improve site hydrology and on site infiltration. The berms would be broad and shallow with exterior side slopes generally no greater than 10:1 with interior side

slopes typically 15:1. The berms would have mechanical water level control structures (18-inch Agri Drain Inline Water Level Control Structure) to impound a minimal amount of water (maximum depth of 36 inches). In addition, 28.9 acres of forested upland would be restored surrounding the wetland areas. Native tree and shrub plantings are proposed for this area to promote the development of vegetative cover and to preclude the establishment of invasive species.

Wetland credits would be sold on a 0.10 acre basis and are proposed to be issued at a 1:1 ratio for restored wetlands. Upland forest restoration credits would vary from 1:4 within 50 meters (27 acres or 6.8 credits) of the wetlands and 1:5 between 50 and 200 meters (1.9 or 0.4 credits) of the wetlands. The Ohio Wetlands Foundation would be responsible for the successful development of the wetland bank including monitoring and reporting requirements. Mr. Vince Messerly, the President of the organization, has previous experience in constructing restoration projects. The Metro Parks would manage and maintain the site in perpetuity through an environmental covenant to be jointly held by the Metro Parks, Ohio Wetlands Foundation and Ohio EPA.

Post-restoration monitoring would be conducted annually. Annual reports would include assessments of wetland plant composition and cover, habitat development, hydrologic conditions and wildlife. Vegetation Index of Biotic Integrity assessments would be conducted within the restored wetland area and included in the annual monitoring report. To track site inundation/saturation, three water level monitors would be positioned in the transition areas of the site to evaluate groundwater levels. In addition, two staff gauges would be installed, one in each wetland cell to monitor water ponding depths. Evaluation of the presence of invasive species throughout the site would be included in the monitoring reports.

General plans of the proposed work are attached to this notice. The full prospectus is available for review upon request.

HISTORIC ISSUES: The National Register of Historic Places has been consulted and it has been determined that 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 State Historic Preservation Office (SHPO) for their review. 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
Scioto Madtom
Clubshell Mussel
Northern Riffleshell Mussel
Rayed Bean Mussel

The Huntington District has consulted the most recently available information and information provided by the sponsor and has determined the proposed project would have no effect on any of

the species listed above or designated Critical Habitat for these Federally listed species. 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 a determination that the proposed mitigation bank has potential for providing appropriate compensatory mitigation for activities authorized by DA permits 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 proposal will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to approve this activity 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. If it is determined that the proposed mitigation bank has potential for providing appropriate compensatory mitigation for activities authorized by DA permits, the sponsor will be allowed to proceed with preparation of a draft instrument for the establishment of a mitigation bank unless its approval 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 potential of the proposed mitigation bank to provide appropriate compensatory mitigation for activities authorized by DA permits and to 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 the proposed mitigation bank has the potential for providing appropriate compensatory mitigation for activities authorized by DA permit. 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

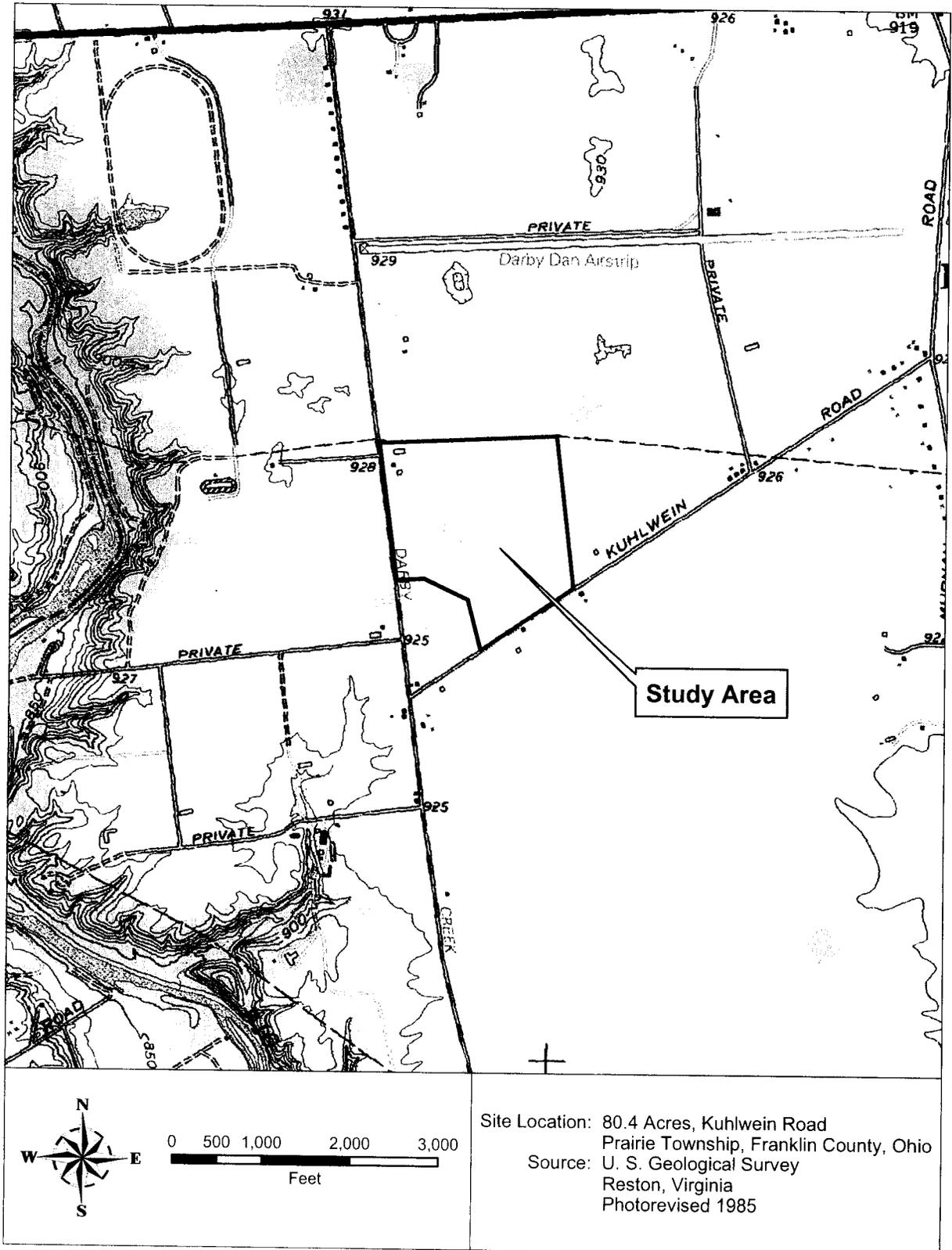
Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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. Lee A. Pittman, Project Manager, North Regulatory Section, CELRH-OR-FN, USACE Huntington District, 502 Eighth Street, Huntington, West Virginia 25701-2070. 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 Ms. Lee A. Pittman of the North Regulatory Section, at 304-399-5210.

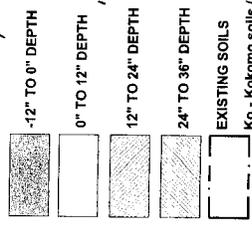
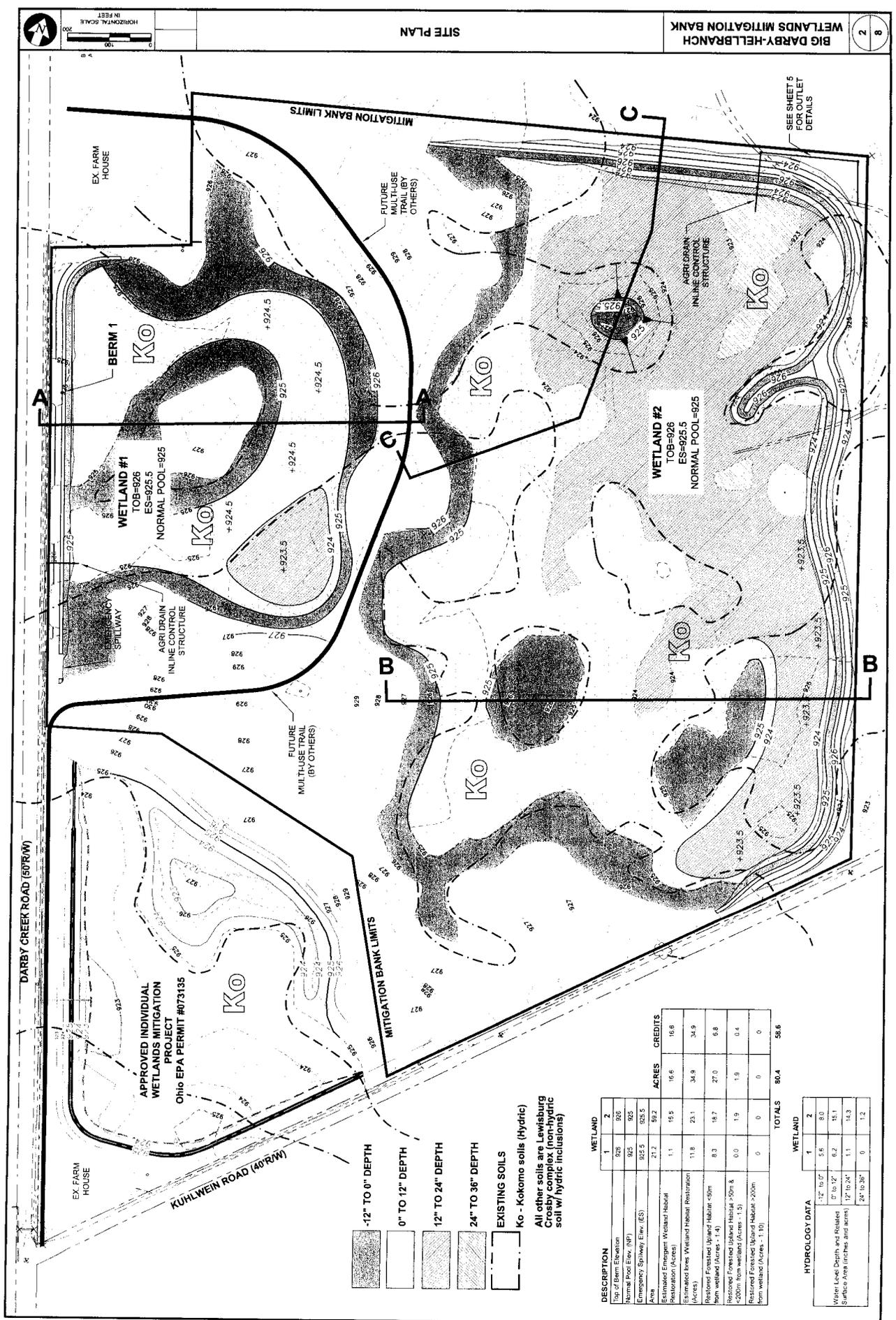
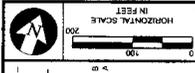

Ginger Mullins, Chief
Regulatory Branch

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Appendix A
Location of Big Darby-Hellbranch Wetlands Mitigation Bank
on USGS 7.5-Minute Topographic Map
(Galloway Quadrangle)



SITE PLAN



Ko - Kokomo soils (Hydric)
All other soils are Lewisburg
Crosby complex (non-hydric
soil w/ hydric inclusions)

DESCRIPTION	WETLAND		ACRES	CREDITS
	1	2		
Top of Berm Elevation	926	926		
Normal Pool Elev. (NF)	925	925		
Emergency Spillway Elev. (ES)	925.5	925.5		
Area	21.2	59.2		
Estimated Emergent Wetland Habitat	1.1	15.5	16.6	16.6
Estimated Invas. Wetland Habitat Restoration	11.8	23.1	34.9	34.9
Restored Forested Upland Habitat <50m	8.3	16.7	27.0	6.8
Restored Forested Upland Habitat >50m & <200m from wetlands (Acres - 1.5)	0.0	1.9	1.9	0.4
Restored Forested Upland Habitat >200m from wetlands (Acres - 1.0)	0	0	0	0
TOTALS			80.4	58.6

HYDROLOGY DATA	WETLAND	
	1	2
Water Level Depth, not Exceeded	12' to 17'	5.8
Surface Area (inches and above)	0' to 12"	6.2
	12' to 24"	1.1
	24' to 36"	0
		1.2

SEE SHEET 5
FOR OUTLET
DETAILS

DARBY CREEK ROAD (60'RW)

KUHLWEIN ROAD (40'RW)

EX FARM HOUSE

EX FARM HOUSE

BERM 1

WETLAND #1
TOB=926
ES=925.5
NORMAL POOL=925

APPROVED INDIVIDUAL
WETLANDS MITIGATION
PROJECT
Ohio EPA PERMIT #073135

AGRI DRAIN
INLINE CONTROL
STRUCTURE

AGRI DRAIN
INLINE CONTROL
STRUCTURE

MITIGATION BANK LIMITS

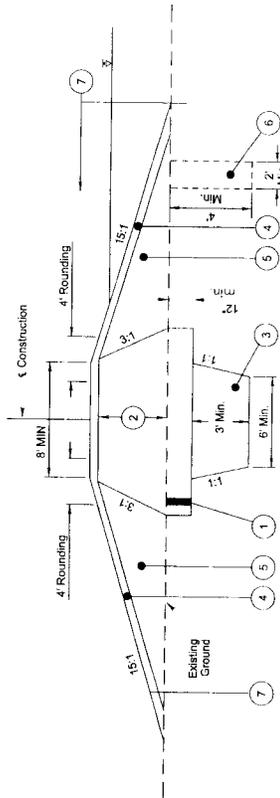
FUTURE
MULTI-USE TRAIL
(BY OTHERS)

FUTURE
MULTI-USE TRAIL
(BY OTHERS)

WETLAND #2
TOB=926
ES=925.5
NORMAL POOL=925

AGRI DRAIN
INLINE CONTROL
STRUCTURE

AGRI DRAIN
INLINE CONTROL
STRUCTURE



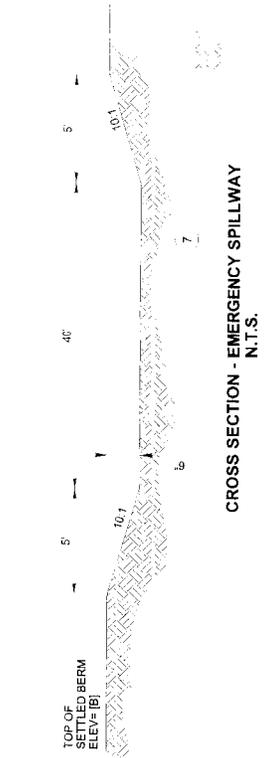
NORMAL SECTION - BERM
N.T.S.

LEGEND

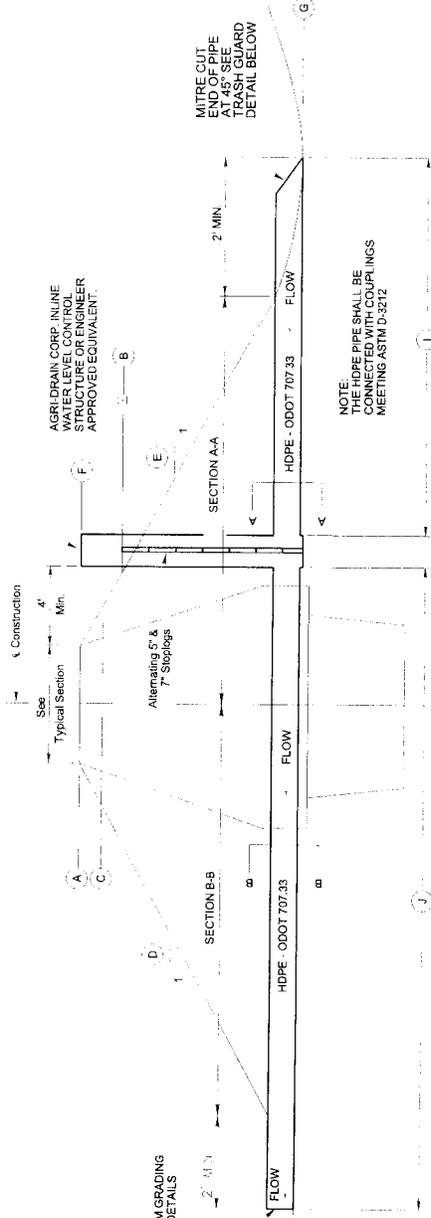
- 1 Foundation Preparation (See Site Preparation General Notes)
- 2 Compacted Clay Berm
- 3 Compacted Clay Cove Trench (See Grading Plans for Location Chart)
- 4 Min. 6" Topsoil, Shall Be Free of all Sod, Roots, Frozen Soil, Stones Larger than 4" Diameter, and all Other Questionable Material.
- 5 Compacted Topsoil Shall Be Free of all Sod, Roots, Frozen Soil, Stones Larger than 4" Diameter, and all Other Questionable Material.
- 6 Tile Search (To be excavated around inside perimeter of all bermed areas) Item 605.
- 7 Seeding and Mulching, As Per Plan

SEE BERM GRADING FOR DETAILS

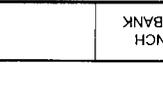
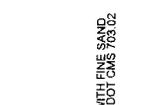
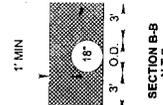
INSTALL 18" AGRIDRAIN PER GUARD



CROSS SECTION - EMERGENCY SPILLWAY
N.T.S.



TYPICAL STRUCTURE CROSS SECTION
N.T.S.



NOTE: THE HDPE PIPE SHALL BE CHANGED WITH COUPLINGS MEETING AGRIDRAIN 0-3-212

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THE PRINCIPAL SPILLWAY SYSTEM WILL BE PLACED ON A FIRM FOUNDATION TO THE LINES AND GRADES AS SHOWN ON THE PLANS. SELECTED BACKFILL MATERIAL SHALL MEET ENGINEERING CLASSIFICATION CL AND BE PLACED IN 4" HORIZONTAL LAYERS AND COMPACTED BY HAND TAMPERS. SPECIAL CARE SHALL BE TAKEN TO PREVENT LIFTING THE PIPE BY PRESSURE EXERTED BY TAMPING EARTH UNDER THE HAUNCHES OF THE PIPE. MOISTURE CONTENT AND COMPACTION REQUIREMENTS WILL BE EQUIVALENT TO THAT SPECIFIED FOR THE EARTH FILL.

BACKFILL WITH FINE SAND, MEETING ODOT CANS 703.02

TRASH GUARD SHALL BE 18" DIA. GALVANNEAL COATED REBAR.

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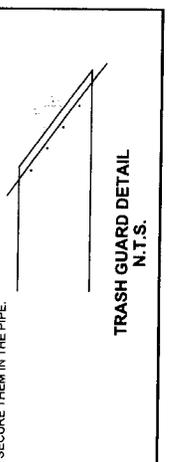
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BERM DATA		INLINE WATER LEVEL CONTROL STRUCTURE DATA													
STRUCT. NO.	WETLAND No.	LOCATION	TOP OF BERM ELEV.	STORLOG ELEV.	E.S. FLOW LINE ELEV.	BACK SLOPE	FRONT SLOPE	TYPE	HEIGHT OF AGRIDRAIN STRUCTURE	INV. OF INLET	INV. OF OUTLET	PIPE LENGTH (FT.)	INV. @ CONTROL STRUCTURE	DIA. PIPE (IN.)	
D1	1	NW	925.0	925.0	925.5	15:1	15:1	18" INLINE	3.0'	924.3	923.5	12'	65'	924.2	18
D2	2	NE E SE	925.0	925.0	N/A	15:1	15:1	18" INLINE	3.0'	922.5	TBD	84'	60'	922.4	18



TRASH GUARD DETAIL
N.T.S.