



# Public Notice

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

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In reply refer to Public Notice No.	Issuance Date:
<b>200700614</b>	<b>November 28, 2008</b>
Stream:	Closing Date:
<b>Scioto River</b>	<b>December 29, 2008</b>

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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

Building 10, Section 10

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 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 proposed project is located in the Scioto River and adjacent wetlands in the city of Columbus and Jackson Township, Franklin County, Ohio. Latitude 39° 52' 49", Longitude 83° 01' 04".

**DESCRIPTION OF THE PROPOSED WORK:** The applicant proposes to place fill material in waters of the United States in conjunction with the rehabilitation and widening of the existing Interstate 270 twin-span bridges over the Scioto River at Station 53.53. According to the applicant, the construction of twelve new piers between the existing bridge piers will allow for the construction of four new twelve-foot lanes (two in each direction) to improve highway capacity. The existing bridge piers will remain in place. In addition, the applicant proposes to replace backwalls and widen abutments.

Work associated with the proposed project would involve the permanent placement of approximately 300 cubic yards of clean rock fill material along 100 linear feet (0.06 acre) of the Scioto River and 1,384 cubic yards of fill material in 0.86 acre of seven wetlands for construction of bridge piers, backwalls and abutments. The proposed project would also involve the temporary placement of approximately 25,550 cubic yards of fill material into 200 linear feet (1.96 acres) of the Scioto River for construction access. This temporary construction access area would be accomplished in two phases to allow the stream to remain open for flow during construction. Plans of the proposal are attached to this notice.

**ALTERNATIVES ANALYSIS:** A total of 0.86 acre of jurisdictional wetlands would be filled as a result of the proposal. The project does not require access or proximity to or siting within the wetlands to fulfill its basic purpose and is considered a non-water dependent activity. 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 alternatives 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.

**MITIGATION PLAN:** To mitigate for impacts to 0.86 acre of seven wetlands, the applicant proposes to deduct 2.14 acres of wetland mitigation credit from the Big Island Nature Preserve Mitigation Bank in Marion County, Ohio. In addition, the applicant proposes to deduct 450 linear feet of stream mitigation credit available through the 1999 Big Darby State Scenic River Headwaters Protection Agreement to compensate for 300 linear feet of stream impacts.

**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 project. As such, FHWA is responsible for compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act. In accordance with Stipulation 4(B) of *The Programmatic Agreement Among the Federal Highway Administration, The Advisory Council on Historic Preservation, The Ohio Historical Society, State*

*Historic Preservation Office, and The State of Ohio Department of Transportation Regarding the Implementation of the Federal-Aid Highway Program in Ohio* (Agreement No. 12642) executed July 17, 2006, and in compliance with 36 CFR Section 800.4(d)(1), the applicant has determined “no historic properties affected” for the proposed project. A copy of this public notice will be sent to the Ohio Historic Preservation Office 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 (E), threatened (T) or candidate (C) species:

Indiana bat (E)  
Northern riffleshell mussel (E)  
Clubshell mussel (E)  
Rayed Bean mussel (C)

As noted above, FHWA is the lead Federal agency for this project. FHWA is responsible for compliance with the NEPA and Section 7 of the Endangered Species Act. This public notice serves as a request to the USFWS 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).

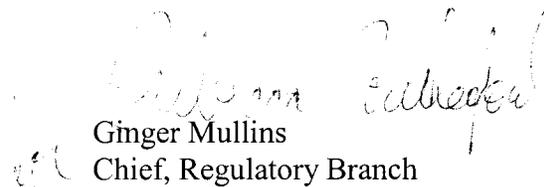
**PUBLIC INTEREST REVIEW AND COMMENT:** Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth 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 320-332, 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 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 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:

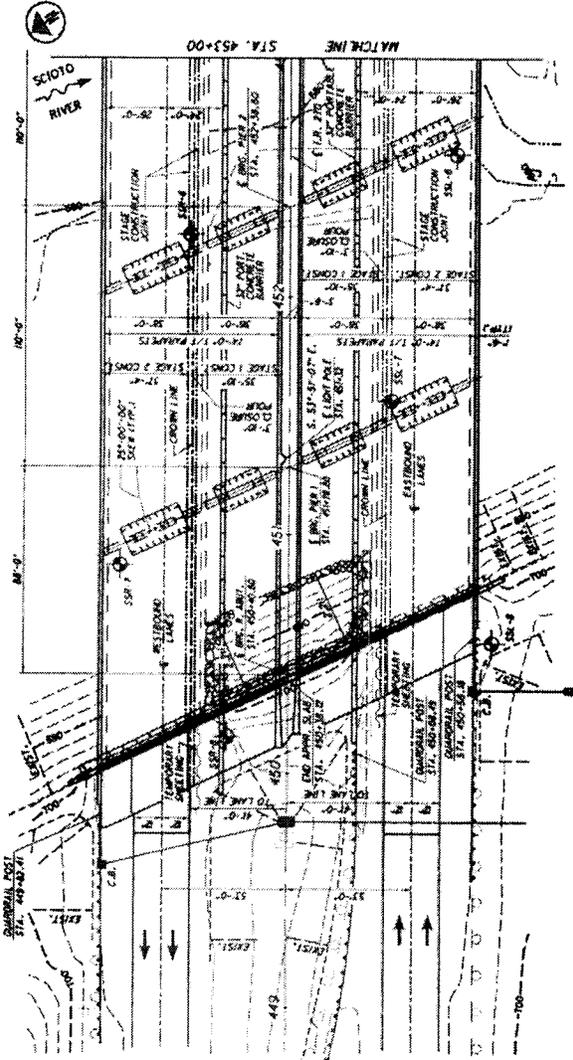
Peter Clingan, Project Manager  
Ohio Regulatory Transportation Office  
3990 East Broad Street  
Building 10, Section 10  
Columbus, Ohio 43218.

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. 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 Peter Clingan at (614) 692-4654.

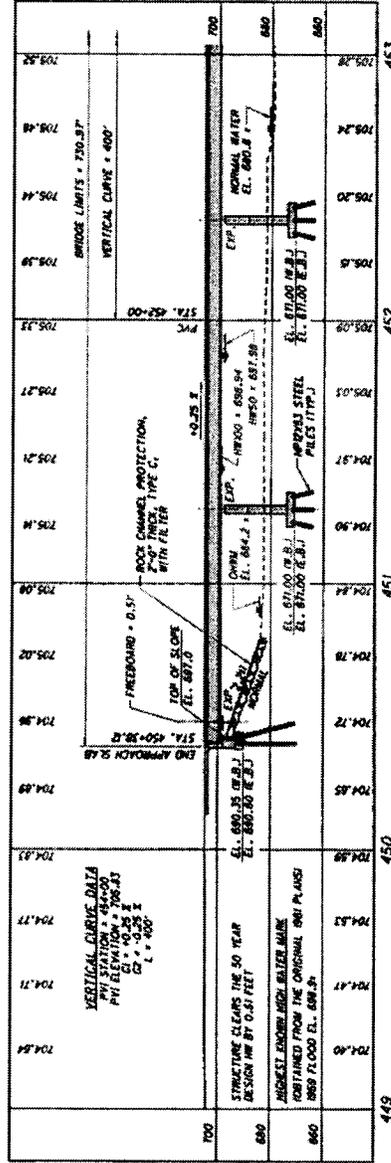
  
Ginger Mullins  
Chief, Regulatory Branch

(O)

# PLAN



# PROFILE



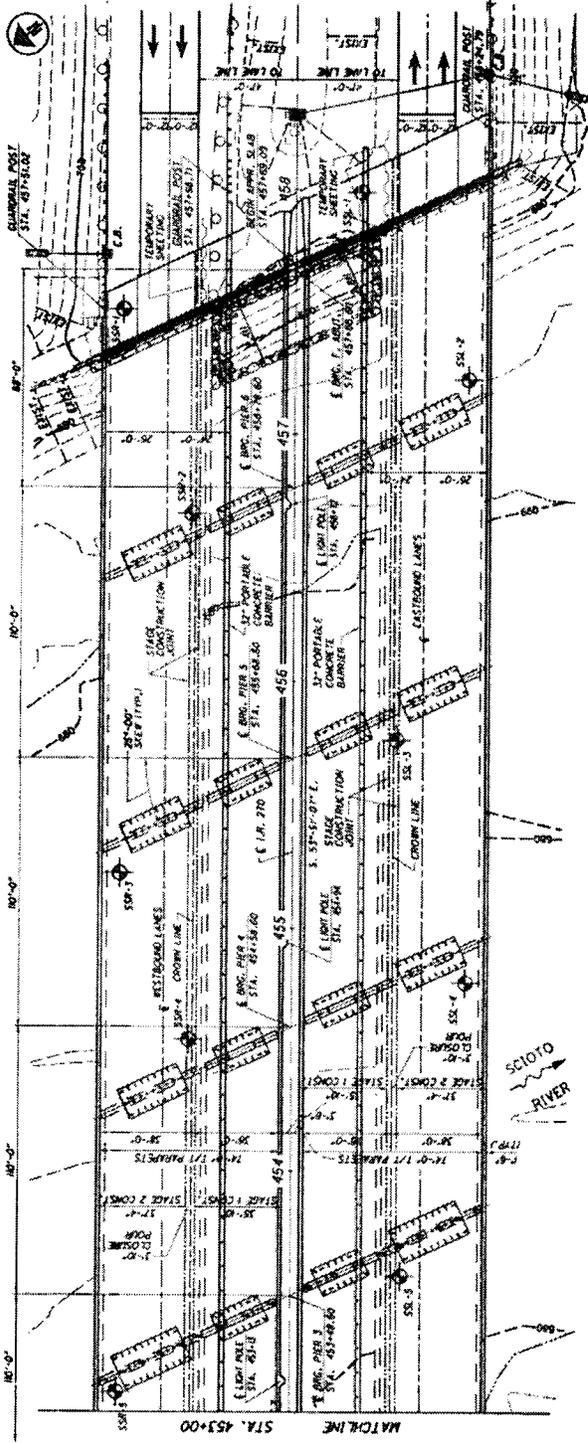
U.S. Army Corps of Engineers 404 Permit

## FRA-270-53.52 Stream Impact Drawing Bridge Plan and Cross Section Drawing Bridge No. FRA-270-5353 L/R Over Scioto River

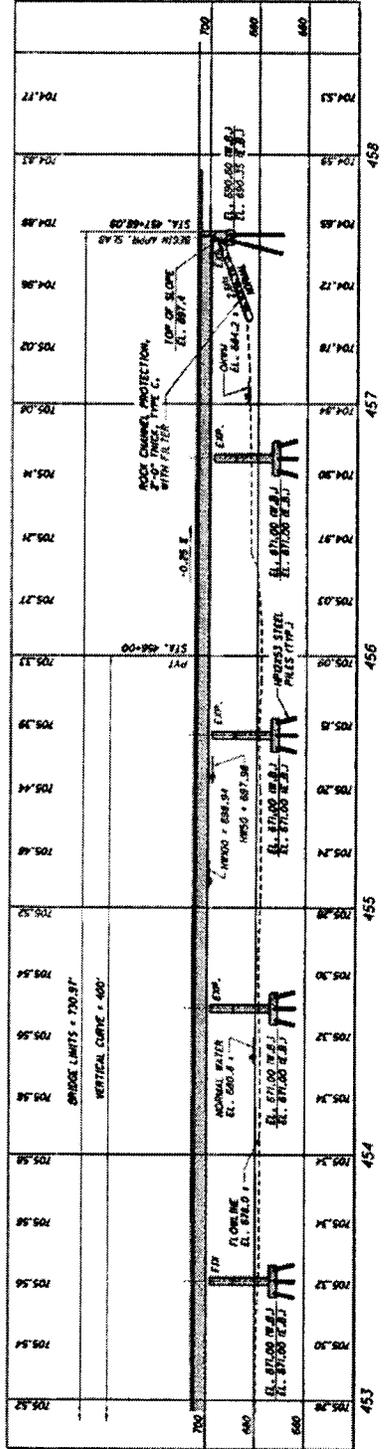
Sheet 1 of 8

Figure 4a

# PLAN



# PROFILE



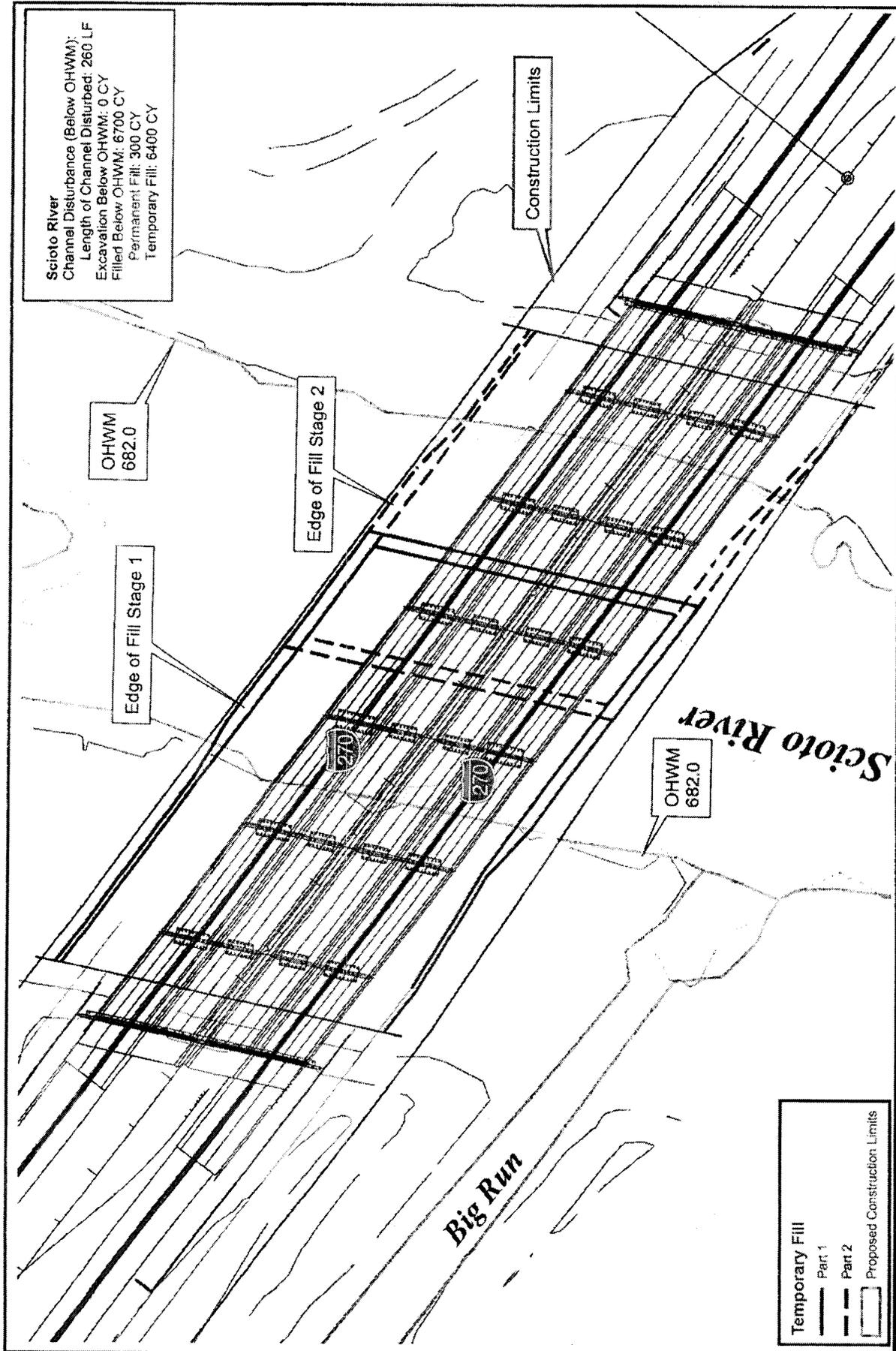
U.S. Army Corps of Engineers 404 Permit

FRA-270-53.52 Stream Impact Drawing  
 Bridge Plan and Cross Section Drawing

Sheet 2 of 8

Bridge No. FRA-270-5353 L/R Over Scioto River

Figure 4b



Scioto River  
 Channel Disturbance (Below OHWM):  
 Length of Channel Disturbed: 260 LF  
 Excavation Below OHWM: 0 CY  
 Filled Below OHWM: 6700 CY  
 Permanent Fill: 300 CY  
 Temporary Fill: 6400 CY

OHWM  
 682.0

Edge of Fill Stage 1

Edge of Fill Stage 2

Construction Limits

OHWM  
 682.0

Temporary Fill  
 Part 1  
 Part 2  
 Proposed Construction Limits

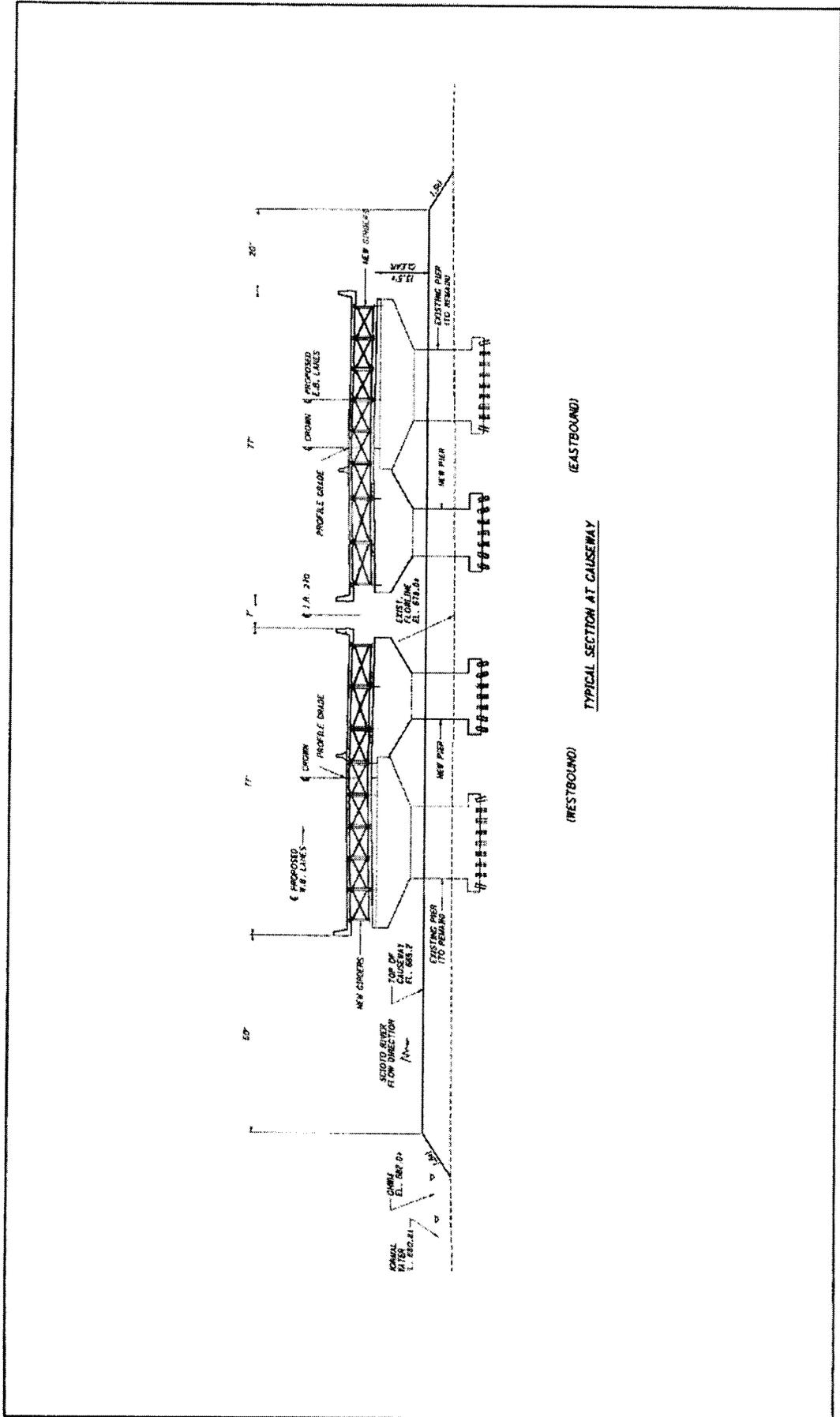
DEPARTMENT OF THE ARMY  
 PERMIT DETERMINATION  
 DATE: May 2008  
 FIGURE 5

OHIO DEPARTMENT OF TRANSPORTATION  
 FRA-270-53.53  
 PID 80707

FIGURE 5 - PREFERRED ALTERNATIVE STREAM IMPACT - SCIOTO RIVER



ms consultants, inc.  
 Canton, OH



DEPARTMENT OF THE ARMY PERMIT DETERMINATION DATE: May 2008

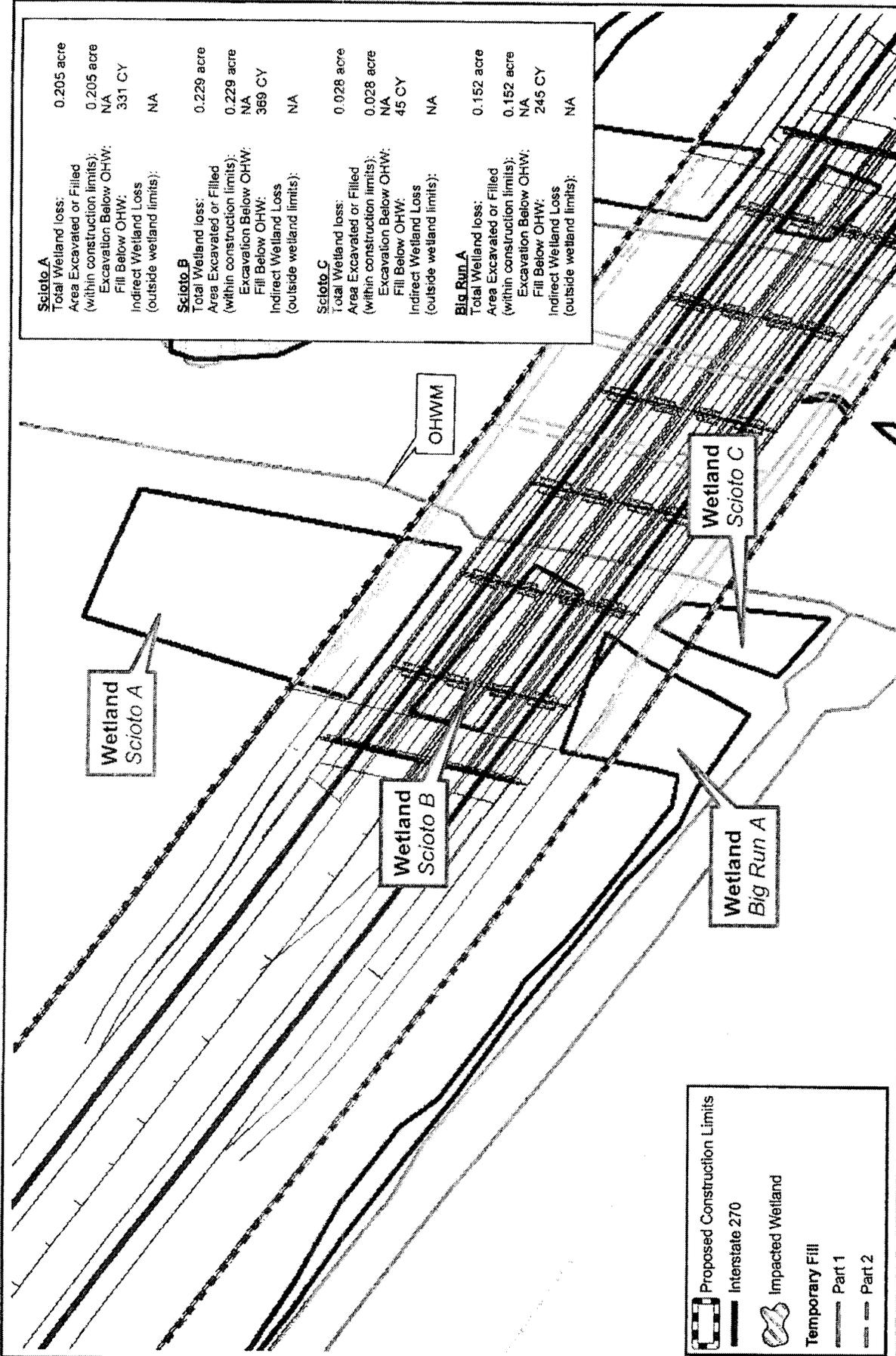
FIGURE 5a

FIGURE 5A - PREFERRED ALTERNATIVE STREAM IMPACT - CAUSEWAY TYPICAL SECTION

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 FRA-270-53.53  
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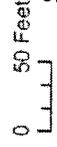
<b>Scioto A</b>	Total Wetland loss:	0.205 acre
	Area Excavated or Filled (within construction limits):	0.205 acre
	Excavation Below OHW:	NA
	Fill Below OHW:	331 CY
	Indirect Wetland Loss (outside wetland limits):	NA
<b>Scioto B</b>	Total Wetland loss:	0.229 acre
	Area Excavated or Filled (within construction limits):	0.229 acre
	Excavation Below OHW:	NA
	Fill Below OHW:	369 CY
	Indirect Wetland Loss (outside wetland limits):	NA
<b>Scioto C</b>	Total Wetland loss:	0.028 acre
	Area Excavated or Filled (within construction limits):	0.028 acre
	Excavation Below OHW:	NA
	Fill Below OHW:	45 CY
	Indirect Wetland Loss (outside wetland limits):	NA
<b>Big Run A</b>	Total Wetland loss:	0.152 acre
	Area Excavated or Filled (within construction limits):	0.152 acre
	Excavation Below OHW:	NA
	Fill Below OHW:	245 CY
	Indirect Wetland Loss (outside wetland limits):	NA

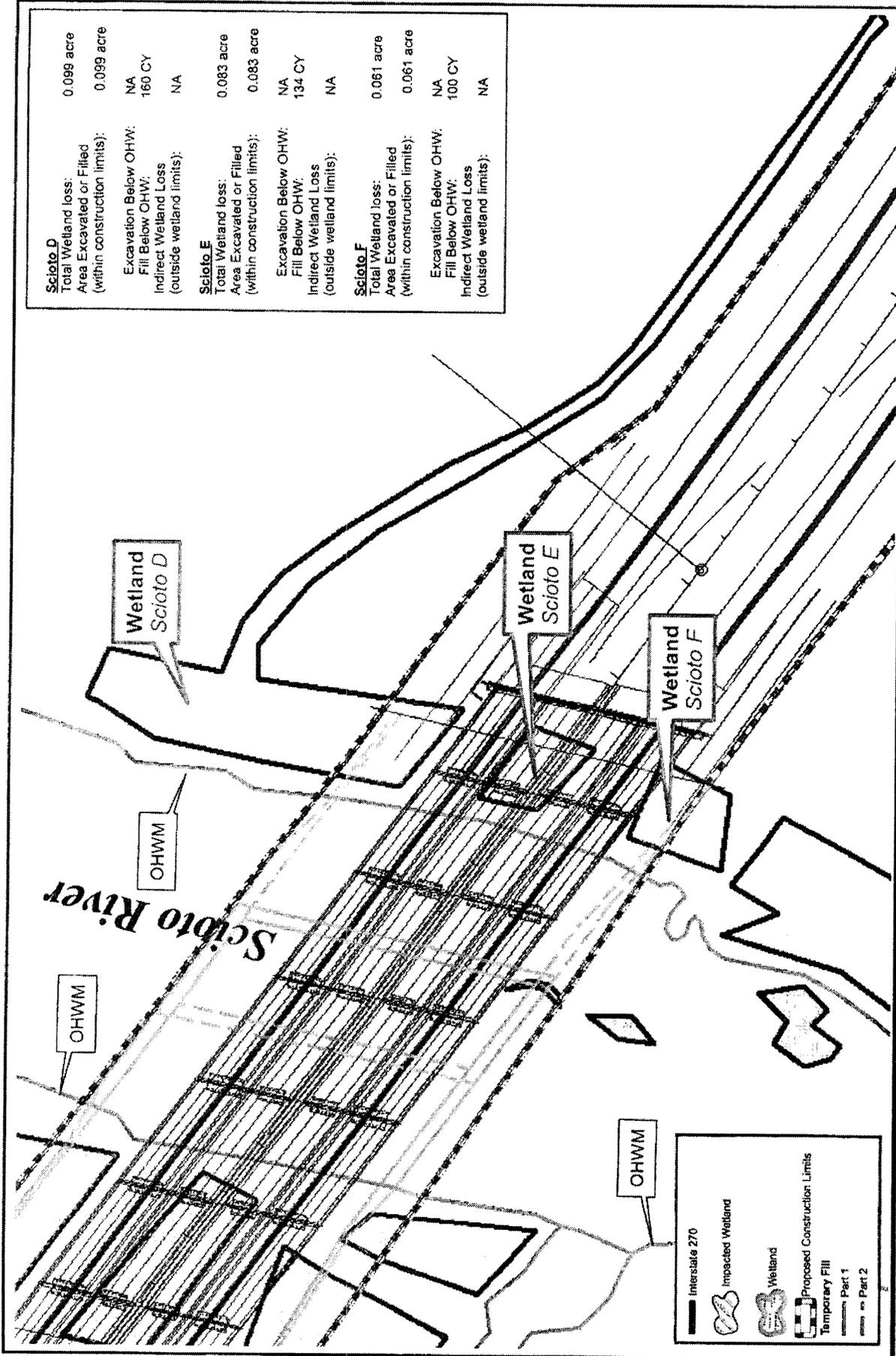


DEPARTMENT OF THE ARMY  
PERMIT DETERMINATION  
DATE: May 2008  
FIGURE 6

FIGURE 6 - PREFERRED ALTERNATIVE WETLAND IMPACTS - SCIOTO A, B, C AND BIG RUN A

OHIO DEPARTMENT OF TRANSPORTATION  
FRA-270-53.53  
PID 80707





<b>Scioto_D</b>	
Total Wetland loss:	0.099 acre
Area Excavated or Filled (within construction limits):	0.099 acre
Excavation Below OHW:	NA
Fill Below OHW:	160 CY
Indirect Wetland Loss (outside wetland limits):	NA
<b>Scioto_E</b>	
Total Wetland loss:	0.083 acre
Area Excavated or Filled (within construction limits):	0.083 acre
Excavation Below OHW:	NA
Fill Below OHW:	134 CY
Indirect Wetland Loss (outside wetland limits):	NA
<b>Scioto_F</b>	
Total Wetland loss:	0.061 acre
Area Excavated or Filled (within construction limits):	0.061 acre
Excavation Below OHW:	NA
Fill Below OHW:	100 CY
Indirect Wetland Loss (outside wetland limits):	NA

DEPARTMENT OF THE ARMY  
 PERMIT DETERMINATION  
 DATE: May 2008  
 FIGURE 7

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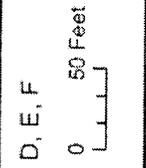
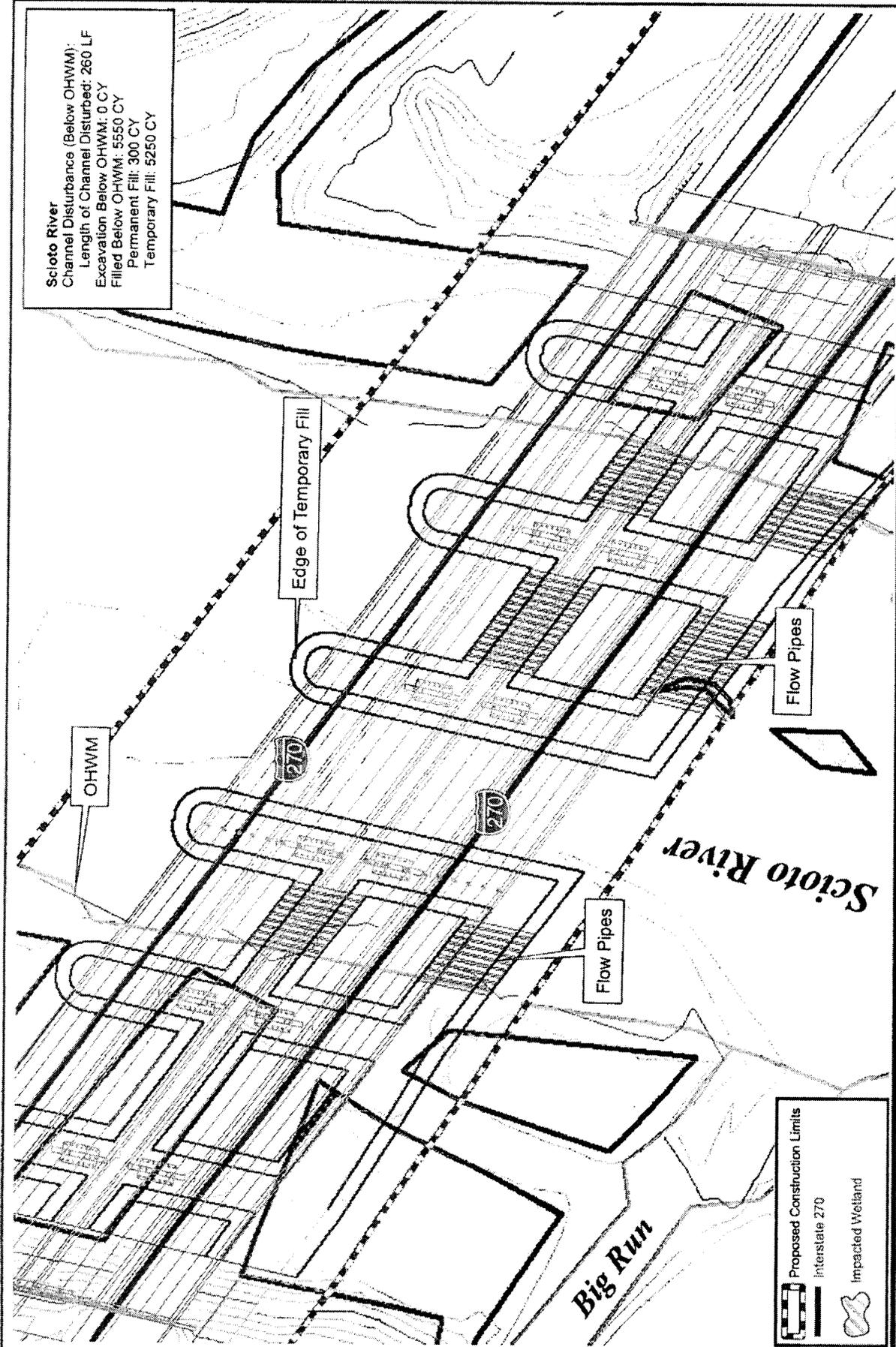


FIGURE 7 - PREFERRED ALTERNATIVE WETLAND IMPACTS - SCIOTO D, E, F  
 OHIO DEPARTMENT OF TRANSPORTATION  
 FRA-270-53.53  
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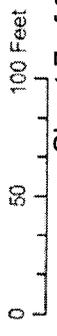


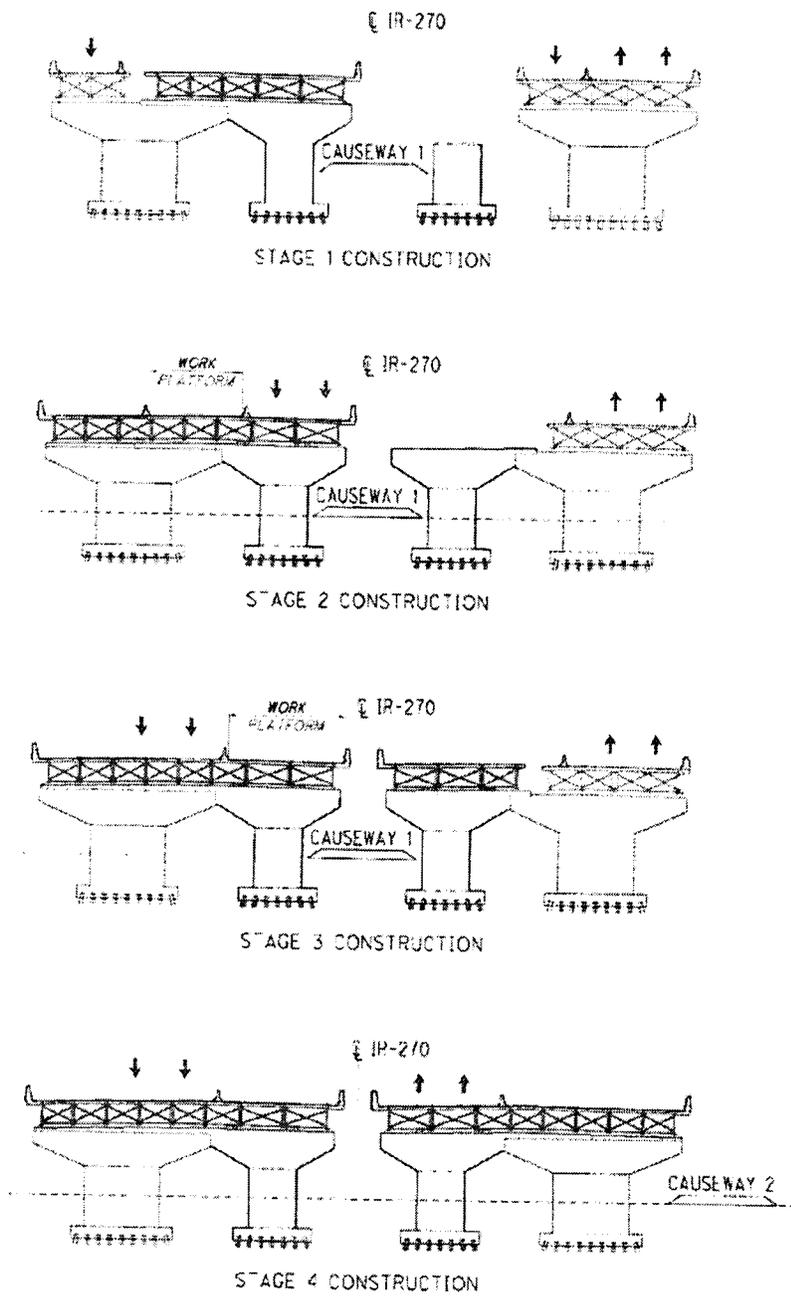
DEPARTMENT OF THE ARMY PERMIT DETERMINATION DATE: May 2009 FIGURE 8

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FIGURE 8 - MINIMAL DEGRADATION ALTERNATIVE STREAM IMPACT - SCIOTO RIVER  
 OHIO DEPARTMENT OF TRANSPORTATION  
 FRA-270-53.53  
 PID 80707

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**FIGURE 9**  
**MINIMAL DEGRADATION ALTERNATIVE-**  
**WORK STAGING** Sheet 8 of 8

U.S. Army Corps of  
 Engineers 404 Permit

Date: 07/08

Figure 9

