

U.S. Army Corps of
Engineers
Huntington District

PUBLIC NOTICE

REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS (USACE) PROJECT UNDER SECTION 14 OF THE RIVERS AND HARBORS ACT OF 1899, 33 U.S.C. 408 (SECTION 408)

SECTION 408 NUMBER: 408-LRH-2020-0009 – Columbus Fibernet – Fishel Project

PUBLIC NOTICE COMMENT PERIOD:

Begins: May 4, 2021

Ends: June 3, 2021

REQUESTER:

Matt Blackstone
Columbus FiberNet LLC (CFN)
1366 Dublin Road
Columbus, Ohio 43215

LOCATION OF PROPOSED ACTION: The existing alteration is located at the West Columbus Local Protection Project (LPP) Rich Street stop-log traffic closure, near the intersection of West Rich Street and Starling Street, in the City of Columbus, Franklin County, Ohio (39.9564°N, 83.0079°W). Refer to the enclosed location map (Sheet 1 of 2).

REQUESTER'S PROPOSED ACTION: The CFN has requested authorization under Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. 408 (Section 408) for the existing alteration to the West Columbus LPP Rich Street stop-log traffic closure. The West Columbus LPP is operated and maintained by the City Columbus' Division of Sewerage and Drainage, the local sponsor. The constructed alteration included the installation of a duck bank with five (5) 1.5-inch diameter fiber conduits. The duct bank was installed using a directional bore method and consisted of a run of approximately 203-feet running east to west. The conduit was installed from a depth of approximately 4-feet below grade at access pits located adjacent to the West Rich Street and West Main Street. The constructed alteration bored under the Rich Street stop-log closure gate sill at a depth of approximately 10-feet below grade and continued west along West Rich Street. The purpose of the completed work was to support telecommunication activities. Refer to the enclosed drawing (Sheet 2 of 2) for details.

ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION: The existing alteration is located in a developed urban area in downtown Columbus, Ohio. The proposed action is to grant permission for the existing alteration to remain in place. All work on the alteration has already been completed. Therefore, the USACE does not anticipate that allowing the existing alteration to remain in place would have any adverse effects on

environmental or historic and cultural resources. The USACE will coordinate with the U.S. Fish and Wildlife Service and the Ohio State Historic Preservation Office, as needed. No Section 408 permission will be issued until the USACE has verified that all obligations under Section 7 of the Endangered Species Act of 1972 (as amended) and Section 106 of the National Historic Preservation Act have been fulfilled. The USACE will complete a National Environmental Policy Act (NEPA) document evaluating the impacts associated with the request.

AUTHORITY: The alteration request will be reviewed in accordance with the provisions of Section 14 of the Rivers and Harbors Act of 1899.

LIMITS OF SECTION 408 AUTHORITY: A requester has the responsibility to acquire all other permissions and/or authorizations required by federal, state, and local laws or regulations. In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

EVALUATION FACTORS: The decision under Section 408 whether to grant the requested permission to allow the existing alteration to remain in place will be based on several factors. Review of the request will be reviewed by a USACE technical review team (review team) considering the following factors:

Impair the Usefulness of the Project Determination. The review team will determine if the existing alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. For an existing alteration to be approved, the requester must demonstrate that the alteration does not impair the usefulness of the federally authorized project.

Injurious to the Public Interest Determination. The existing alteration will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest depend on the type of federal project being altered and the nature of the proposed alteration and may include, but are not limited to, such things as: conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve the existing alteration will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the alteration on the public interest using the public interest factors.

Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore, subject to the NEPA and other environmental compliance requirements. While the USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the Huntington District identifies as

necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. The NEPA and other analysis completed to comply with other environmental statutes (e.g., the Section 7 of the Endangered Species Act of 1972 (as amended), Section 106 of the National Historic Preservation Act, etc.) should be commensurate with the scale and potential effects of the activity that altered the USACE project. The Huntington District will work with the requester to determine the requirements, which will be scaled to the likely impacts of the existing alteration and should convey the relevant considerations and impacts in a concise and effective manner.

PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties regarding the existing CFN Fishel Project alteration to an existing federally authorized project. Comments received within 30 days of publication of this notice will be used in the evaluation of potential impacts of allowing the existing alteration to remain in place on important resources and in the evaluation of whether allowing the existing alteration to remain in place would be injurious to the public interest and/or would impair the usefulness of the authorized project. Please limit comments to the area of the existing alteration. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act (FOIA).

SUBMITTING COMMENTS: Comments and requests for additional information should be submitted electronically to Audrey Richter by email at Audrey.M.Richter@usace.army.mil.

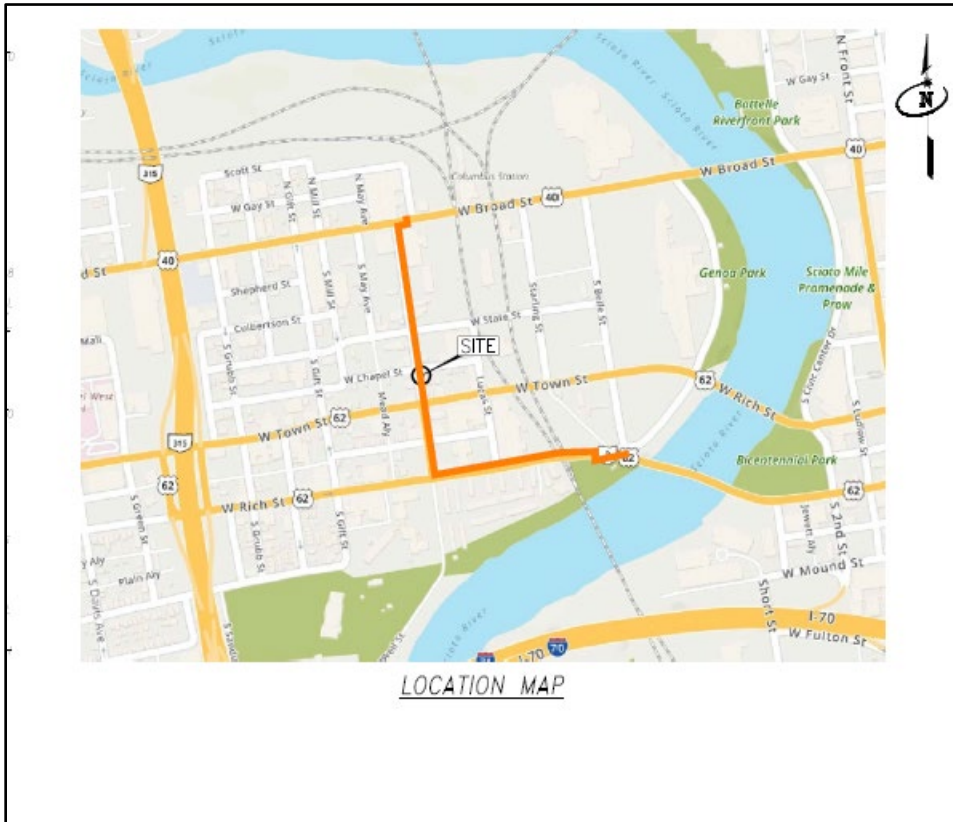
If you do not have internet access, comments may be submitted through the U.S. Postal Service (USPS) to the following address:

U.S. Army Corps of Engineers
ATTN: Audrey Richter, CELRH-RD-E
Public Notice: 408-LRH-2020-0009
502 Eighth Street
Huntington, WV 25701-2070

Comments should only be provided through the USPS when electronic transmission is not possible. Precautionary internal mail handling procedures may be instituted to protect our workforce, which may result in longer than normal times to process and receive hard copy submissions. To be considered in our evaluation, comments submitted through the USPS should have a postmark dated on, or prior to, the close of the comment period listed on page one (1) of this Public Notice.

As described above, the names and addresses of those who submit comments in response to this Public Notice become part of our administrative record, and, as such, may be available to the public under provisions of the FOIA.

FISHEL PROJECT
MCDOWELL ST AND W RICH ST
COLUMBUS, OH 43215



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