



**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
HUNTINGTON DISTRICT
502 8TH STREET
HUNTINGTON, WV 25701**

July 9, 2021

Regulatory Division
South/Transportation Branch
LRH-2018-01012-SCR – Scioto River
FRA-71/70-12.68/15.16 Phase 4R, PID 105523

Mr. Timothy Hill
Ohio Department of Transportation
1980 West Broad Street, Mail Stop 4170
Columbus, Ohio 43223

Dear Mr. Hill:

This letter is in response to your Pre-Construction Notification (PCN) and plans received by this office on October 31, 2019 requesting authorization to discharge fill material into the Scioto River as part of the FRA-71/70-12.68/15.16 (Phase 4R), PID 105523 project. This project would involve the construction of a new bridge from the Interstate (I) 71 northbound ramp to eastbound I-70 over the Scioto River. The project is located in the City of Columbus, Franklin County, Ohio. The FRA-71/70-12.68/15.16 (Phase 4R), PID 105523 project consists of one (1) single and complete project.

The United States Army Corps of Engineers' (Corps) authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328, including the amendment to 33 CFR 328.3 (85 Federal Register 22250), and 33 CFR 329. Section 404 of the Clean Water Act (Section 404) requires a Department of the Army (DA) permit be obtained prior to the discharge of dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires a DA permit be obtained for any work in, on, over or under a navigable water. The Scioto River is a navigable water from the mouth near Portsmouth, Ohio to mile 175.0, near Green Camp, Ohio.

The proposed project, as described in the submitted PCN, has been reviewed in accordance with Section 404 and Section 10. In the PCN, you requested a DA authorization to permanently discharge 109 cubic yards of concrete into 68 linear feet (0.007 acre) and temporarily discharge 27,000 cubic yards of construction access fill into 195 linear feet (1.492 acre) of the Scioto River to construct the new bridge. Based on your description of the proposed work, and other information available to us, it has been determined that the project will not involve activities or work within navigable waters of the U.S. subject to the requirements of Section 10. However, the project will include the discharge of fill material into waters of the U.S. subject to the requirements of Section 404.

Based on the provided information, it has been determined that proposed discharges of fill materials as described above, meet the criteria of the RGP for the State of Ohio, Department of Transportation, A, *Linear Transportation Projects* as issued in the public notice dated October 24, 2019. **The attached special conditions are hereby included as part of this permit and must be met to validate this authorization.** This verification is valid until the RGP for the State of Ohio, Department of Transportation expires on October 24, 2024, or until the RGP is modified or revoked. The Ohio Environmental Protection Agency issued a Section 401 Water Quality Certification (WQC) with conditions for this RGP on October 4, 2019.

Please be aware this RGP authorization does not obviate the requirement to obtain other Federal, state or local authorizations required by law. A copy of the RGP and this verification letter must be supplied to your project engineer responsible for construction activities. A copy of the RGP and verification letter must be kept at the site during construction.

A copy of this letter has been provided to those on the enclosed Recipient List. If you have any questions concerning the above, please contact Tim Long of the Columbus Field Office at (614) 692-4660 or by e-mail at Timothy.M.Long@usace.army.mil

Sincerely,

A handwritten signature in dark ink that reads "Susan A. Porter". The script is cursive and fluid.

Susan A. Porter
Chief, South/Transportation Branch

Enclosures

Recipient List

cc w/o enclosures:

Ms. Diana Welling
The Ohio History Connection
800 East 17th Avenue
Columbus, Ohio 43211-2474

cc w/ enclosures via e-mail:

Mr. Brandon Beck
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Mr. Jeffrey Boyles
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Ms. Lee Robinette
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Ms. Adrienne Earley
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Mr. Matt Raymond
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Ms. Audrey Richter
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Mr. Jason Freeman
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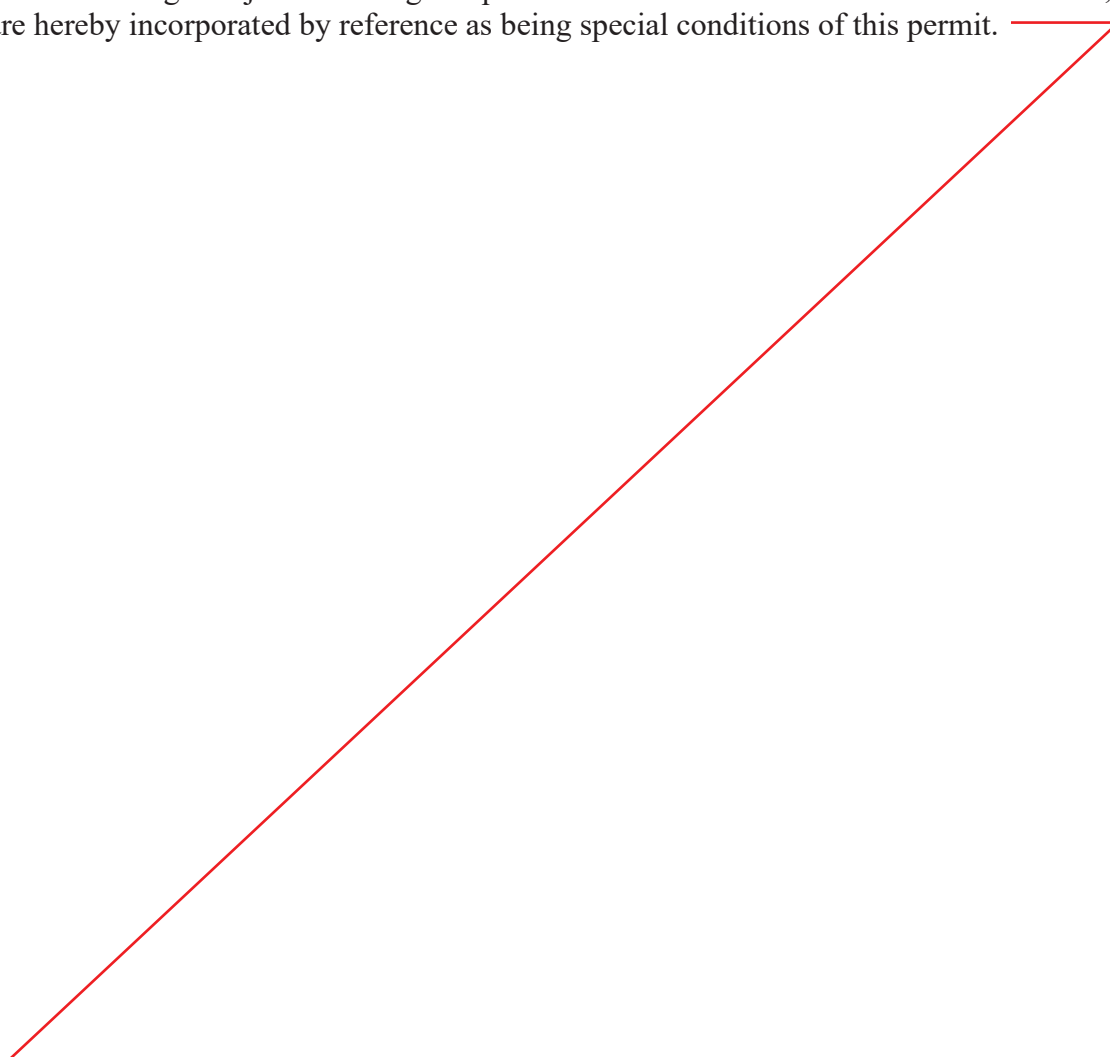
Ms. Mary Rody
The Ohio History Connection
800 East 17th Avenue
Columbus, Ohio 43211-2474
MRody@ohiohistory.org

SPECIAL CONDITIONS OF RGP VERIFICATION ISSUED TO
THE OHIO DEPARTMENT OF TRANSPORTATION

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FRA-71/70-12.68/15.16 (Phase 4R), PID 105523

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1. Suitable habitat for the Indiana and northern long-eared bats exists within the project areas. You shall preserve trees and associated habitats wherever possible. If suitable habitat cannot be saved during construction activities, the trees should not be cut from April 1 through September 30.
 2. The attached U.S. Army Corps of Engineers, Huntington District authorization under 33 U.S.C. 408, signed July 2, 2021, for the Ohio Department of Transportation I-70/I-71/SR-315 Interchange Project including all special conditions attached to or contained within, are hereby incorporated by reference as being special conditions of this permit.
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**US Army Corps of Engineers
Huntington District**

Permit Number: 2018-01012-SCR

Name of Permittee: Ohio Department of Transportation

Date of Issuance:

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers - Huntington District
Building 10/ Section 10
PO Box 3990
Columbus, OH 43218-3990

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date