



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

March 1, 2018

Regulatory Division
South/Transportation Branch
LRH-2010-00273-LMR – Duck Creek
HAM-71-6.86, PID: 94741

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 13, 2017, requesting authorization to discharge fill material into waters of the U.S. to widen the northbound Interstate 71 (I-71) through the State Route 562 (SR-562) Interchange and add one additional travel lane between SR-562 and the Red Bank Express, remove the northbound Ridge Road exit, and add entrance and exit ramps to Kennedy Avenue. The project is located in the City of Cincinnati, Hamilton County, Ohio.

The United States Army Corps of Engineers (Corps) authority to regulate waters of the United States (U.S.) is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (CWA) requires that a Department of the Army (DA) permit be obtained prior to discharging dredged or fill material into waters of the U.S., including wetlands. Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for any work in, on, over or under a navigable water. A preliminary jurisdictional determination was completed on April 20, 2016 and March 7, 2017 that determined waters identified within the study area may be jurisdictional waters of the U.S. subject to regulation under Section 404 of the CWA.

In the PCN, you requested authorization from the DA for both permanent and temporary discharges of fill material into waters of the U.S. Proposed stream, wetland, and jurisdictional ditch fills for the identified four single and complete projects are described in the attached Tables 1-4. Based on the provided information, it has been determined that proposed discharges of fill material for Projects 1-4, as described in the attached tables, meet the criteria of the Regional General Permit (RGP) for the State of Ohio, Department of Transportation, A, *Linear Transportation Projects* as issued in the public notice dated October 24, 2014. **The attached Special Conditions are hereby included as part of the permit for Project 3 must be met to validate the authorization for this project.** The Ohio Environmental Protection Agency issued a Section 401 Water Quality Certification (WQC) with conditions for this RGP on August 29, 2014.

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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 these verifications letter must be supplied to your project engineer responsible for construction activities. A copy of the RGP and these verifications letter should be kept at the site during construction.

Upon completion of the work, the attached certification must be signed and returned to this office. If you have any questions concerning the above, please contact Peter Clingan of the Columbus Field Office at 614-692-4659.

Sincerely,

PORTER.SUSA
N.A.12297352

Digitally signed by PORTER.SUSANA.1229735230
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USA, cn=PORTER.SUSANA.1229735230
Date: 2018.03.01 12:12:10 -05'00'

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Susan A. Porter
Chief, South/Transportation Branch

Attachments

cc w/o enclosures:

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

cc w/ enclosures via email:

Mr. Brandon Beck
Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049
Brandon.Beck@epa.ohio.gov

Ms. Adrienne Earley
Ohio Department of Transportation
1980 West Broad Street, Mail Stop 4170
Columbus, Ohio 43223
Adrienne.Earley@dot.ohio.gov

Ms. Marci Lininger
U.S. Fish and Wildlife Service
4625 Morse Road, Suite 104
Columbus, Ohio 43230
Marci_Lininger@fws.gov

Mr. John Kessler
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Road, Bldg E-2
Columbus, Ohio 43229
John.Kessler@dnr.state.oh.us

Mr. Jeffrey Boyles
Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049
Jeffrey.Boyles@epa.ohio.gov

Mr. Matt Raymond
Ohio Department of Transportation
1980 West Broad Street, Mail Stop 4170
Columbus, Ohio 43223
Matt.Raymond@dot.ohio.gov

Ms. Karen Hallberg
U.S. Fish and Wildlife Service
4625 Morse Road, Suite 104
Columbus, Ohio 43230
Karen_Hallberg@fws.gov

Mr. Mike Pettegrew
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Road, Bldg E-2
Columbus, Ohio 43229
Mike.Pettegrew@dnr.ohio.gov

SPECIAL CONDITIONS OF THE RGP VERIFICATION ISSUED TO THE OHIO
DEPARTMENT OF TRANSPORTATION
PROJECT 3
LRH-2010-00273-LMR – Duck Creek
HAM-71-6.86, PID: 94741
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1. Suitable habitat for the Indiana and northern long-eared bats exists within Single and Complete Project #3. Your authorization under this permit is conditional upon your compliance with all of the mandatory terms and conditions of the *Framework Programmatic Biological Opinion (PBO) on the Ohio Department of Transportation's Federal-Aid Highway Program for the Federally Endangered Indiana Bat (Myotis sodalis) and Federally Threatened Northern Long-eared Bat (Myotis septentrionalis)*, Submitted to the Ohio Department of Transportation (ODOT), executed on 29 February 2016..
2. As compensatory mitigation for permanent discharges of fill material into waters of U.S. for the proposed project described in Table 3, you shall deduct 2,614 of stream credits from the Tait Station Dam Removal site on the Great Miami River in Dayton, Ohio. An updated balance sheet shall be provided to the Corps prior to any discharge of fill material into waters of the U.S.

Table 1.
Descriptions and Proposed Discharges of Fill Material for HAM-71-6.86, PID: 94741

Project # 1 Water Resource(s)	Permanent / Temporary	Type of Fill	Amount (Cubic Yards)	Area (Acres)	Length (Linear Feet)
Wetland E	Permanent (Wetland E)	Roadway, Embankment	28	0.017	
		Totals:	28	0.017	

Table 2.
Descriptions and Proposed Discharges of Fill Material for HAM-71-6.86, PID: 94741

Project #2 Water Resource(s)	Permanent / Temporary	Type of Fill	Amount (Cubic Yards)	Area (Acres)	Length (Linear Feet)
Stream 10B Wetland B Wetland C Ditch 2 Stream 10A Ditch 3	Permanent (Stream 10B)	Concrete/Metal, RCP	12	0.015	63
	Temporary (Stream 10B)	Clean non- erodible	2	0.004	15
	Permanent (Wetland B)	Embankment	47	0.029	
	Permanent (Wetland C)	Embankment	43	0.026	
	Permanent (Ditch 2)	Roadway, Embankment	46	0.028	
	Permanent (Stream 10A)	RCP	6	0.006	42
	Temporary (Stream 10A)	Clean non- erodible	5	0.006	20
	Permanent (Ditch 3)	RCP	2	0.001	
	Temporary (Ditch 3)	Clean non- erodible	3	0.002	
		Totals:	156*	0.105*	105*

*Excludes temporary fill quantity and area.

Table 3
Descriptions and Proposed Discharges of Fill Material for HAM-71-6.86, PID: 94741

Project #3 Water Resource(s)	Permanent / Temporary	Type of Fill	Amount (Cubic Yards)	Area (Acres)	Length (Linear Feet)	Required Mitigation Credits
Stream 9 Ditch 1 Stream 8 Stream 7 Stream 6 Stream 5 Stream 1 Stream 3 Stream 4 Stream 12 Stream 13	Permanent (Stream 9)	Concrete/Metal, Embankment, RCP	15	0.009	77	154
	Temporary (Stream 9)	Clean non-erodible	1	0.003	15	
	Permanent (Ditch 1)	Embankment	24	0.014		
	Permanent (Stream 8)	Concrete/Metal, Embankment, RCP	11	0.005	45	45
	Temporary (Stream 8)	Clean non-erodible	1	0.001	5	
	Permanent (Stream 7)	Concrete/Metal, Embankment, RCP	6	0.003	35	35
	Temporary (Stream 7)	Clean non-erodible	1	0.001	5	
	Permanent (Stream 6)	Concrete/Metal, Embankment, RCP	10	0.005	53	53
	Permanent (Stream 5)	Concrete/Metal, Embankment, RCP	21	0.012	67	101
	Temporary (Stream 5)	Clean non-erodible	1	0.001	5	
	Permanent (Stream 1)	Concrete/Metal, Embankment	5	0.002	18	27
	Temporary (Stream 1)	Clean non-erodible	1	0.001	5	
	Permanent (Stream 3)	Concrete/Metal, Embankment, RCP	256	0.224	1,076	2,152
	Temporary (Stream 3)	Clean non-erodible	8	0.004	15	
	Permanent (Stream 4)	Concrete/Metal, Embankment	2	0.001	13	13
	Temporary (Stream 4)	Clean non-erodible	1	0.0003	5	
	Permanent (Stream 12)	Concrete/Metal, Embankment, RCP	8	0.004	19	19
	Temporary (Stream 12)	Clean non-erodible	1	0.001	5	
	Permanent (Stream 13)	Concrete/Metal, Embankment	4	0.005	15	15
	Temporary (Stream 13)	Clean non-erodible	1	0.001	5	
		Totals:	362*	0.284*	1,418*	2,614

*Excludes temporary fill quantity and area.

Table 4.
Descriptions and Proposed Discharges of Fill Material for HAM-71-6.86, PID: 94741

Project #4 Water Resource(s)	Permanent / Temporary	Type of Fill	Amount (Cubic Yards)	Area (Acres)	Length (Linear Feet)
Stream 11	Permanent (Stream 11)	Concrete/Metal, RCP	30	0.043	36
	Temporary (Stream 11)	Clean non- erodible	2	0.004	41
		Totals:	30*	0.043*	36*

*Excludes temporary fill quantity and area.



**US Army Corps of Engineers
Huntington District**

Permit Number: 2010-00273-LMR

Name of Permittee: Ohio Department of Transportation

Date of Issuance: March 1, 2018

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