

# PERMIT DETERMINATION REQUEST

HEN- NEW BRIDGE  
PID: 22984

JANUARY 2016

PREPARED FOR:  
**ODOT DISTRICT 2**  
317 EAST POE ROAD  
BOWLING GREEN, OHIO 43402

PREPARED BY:  
**THE MANNIK & SMITH GROUP, INC.**  
1800 INDIAN WOOD CIRCLE  
MAUMEE, OHIO 43537





**OHIO DEPARTMENT OF TRANSPORTATION  
INTER-OFFICE COMMUNICATION - PERMIT DETERMINATION REQUEST  
District 2**

To:	Timothy M. Hill, Administrator, Office of Environmental Services	Date:	1/18/16
Attn:	Adrienne Earley Environmental Supervisor		
From:	Stacy Schimmoeller District Environmental Coordinator		
Subject:	Project Submission for Waterway Permit Determination	SJN:	n/a
Project:	HEN-New Bridge	PID:	22984

Please address each item below and attach additional information as necessary. See Waterways Permit Manual for further instructions on how to complete a permit determination. Failure to provide the required information may result in project delays.

1. Let Type:  Local Let  ODOT Let LPA  ODOT Let  State Forces

Plan File Date: 1/18/2016  
 Sale Date: not listed on ELLIS  
 Award Date: not listed on ELLIS

2. Project Description: Why is the project proposed? Why are aquatic resources being impacted?

The proposed project will construct a new bridge over the Maumee River in order to provide improved connectivity to the City of Napoleon area. Wetland and stream impacts will occur as a result of construction activities (including but not limited to: piers and RCP).

3.   Plan sheets attached (waterway impact plan sheets, site plan, with delineated waters labeled – see instructions)
4.   OHWM is shown on the plan sheets
5.  YES  NO Temporary construction fill or dewatering required (if “yes” & ODOT Let, attach Temporary Fill Checklist)
6. Wetland or Pond Impacts ( includes farm ponds, isolated ponds, and gravel bar wetlands):  YES  NO

Resource ID	Impact Location Station	ORAM Score & Category	Wetland Type	Isolated	Impact Type & Material	Impact Amount (Acreage)		
						Temporary	Permanent	Total
Wetland B	39+66.65, 12.75' Rt.	58.5 (Cat. 2)	Emergent	No	Clean hard fill	0.10	0.10	0.10
			Not Applicable	Not Applicable				
			Not Applicable	Not Applicable				

7. Stream, Jurisdictional Ditch, Reservoir, or Lake Impacts:  YES  NO

Resource ID	Impact Location Station	QHEI/HHEI Score	OEPA Use Designation	Flow Regime	Drainage Area at Impact Location (Square Miles)	Impact Type & Material	Impact Below OHWM (Linear Footage & Acreage)		
							Temporary	Permanent	Total
Maumee River	43+75.92, 13.21' Rt.	51.5	WWH	Perennial	5,650	Clean Hard Fill	150 LF 2.68 ac.	40 LF 0.026 ac.	150 LF 2.68 ac.
			Not Applicable	Not Applicable					
			Not Applicable	Not Applicable					

OEPA Use Designation: [http://epa.ohio.gov/dsw/rules/3745\\_1.aspx#use%20designations](http://epa.ohio.gov/dsw/rules/3745_1.aspx#use%20designations)

- State Scenic River?  YES  NO Section 10 Waterway, Slackwater, Pool, or Harbor?  YES  NO
- National Scenic River?  YES  NO Fill/work in a flowage easement of a flood control facility?  YES  NO
- Section 9 Waterway?  YES  NO Stream relocation or channelization?  YES  NO

8. Was a Jurisdiction Determination (JD) request sent to USACE?  YES  NO If “yes” date approved 7/10/2014

9. ESR Level: 2 Coordination Date: Agency Response Date: USFWS (02/04/15), ODNR (02/25/15)

10. Group 2 or 4 mussel stream or mussel relocation required; or cultural resource issues?

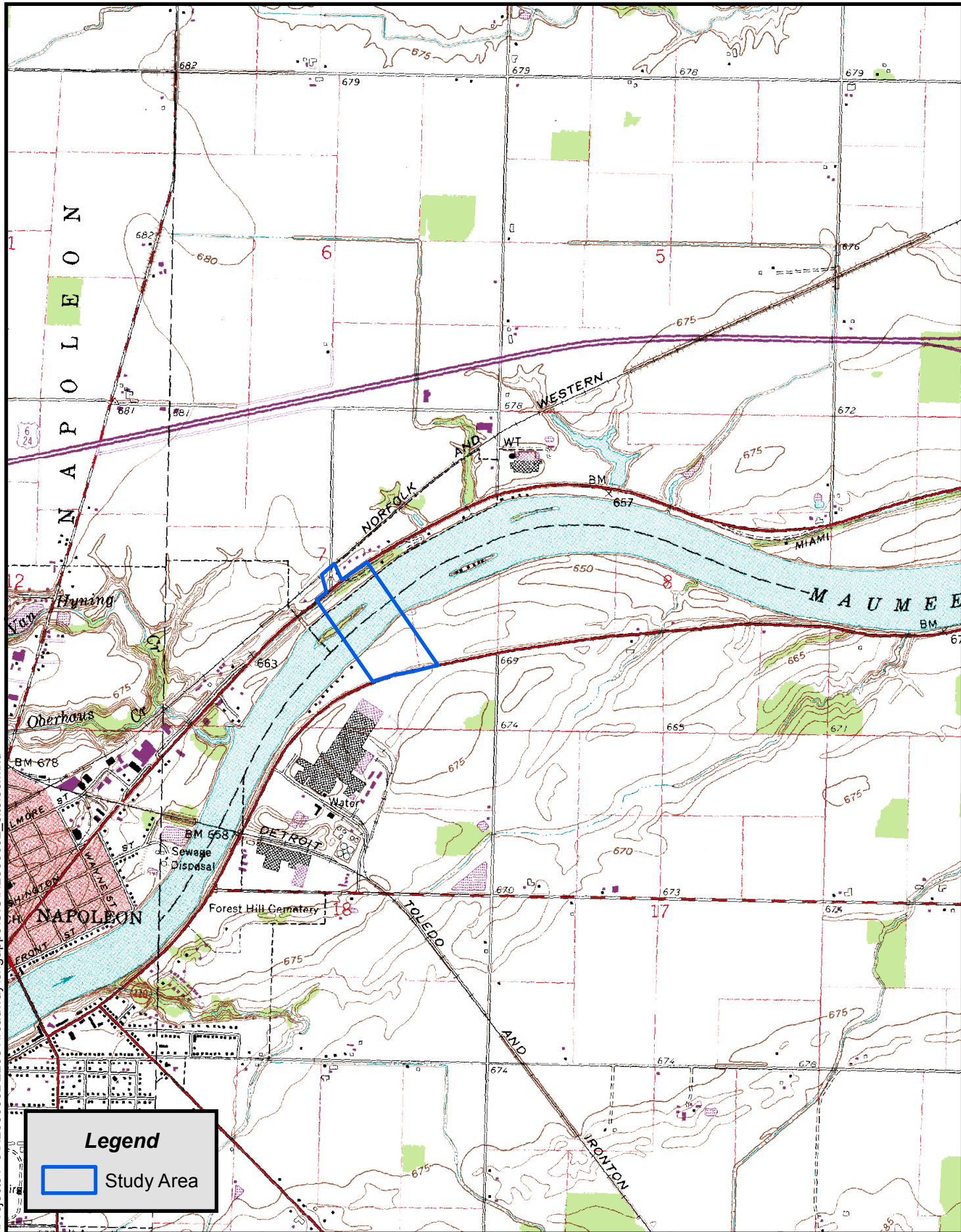
Maumee River is a Group 3 mussel stream. A mussel survey and relocation will be completed prior to initiation of construction activities in the river.

11. Describe any temporary and permanent fill overlaps from table 6 & 7?

Temporary and permanent wetland impacts completely overlap for a total of 0.10 acre of impact. Temporary and permanent stream impacts completely overlap for a total of 150 linear feet of impact.

**APPENDIX A  
FIGURES**





**Legend**

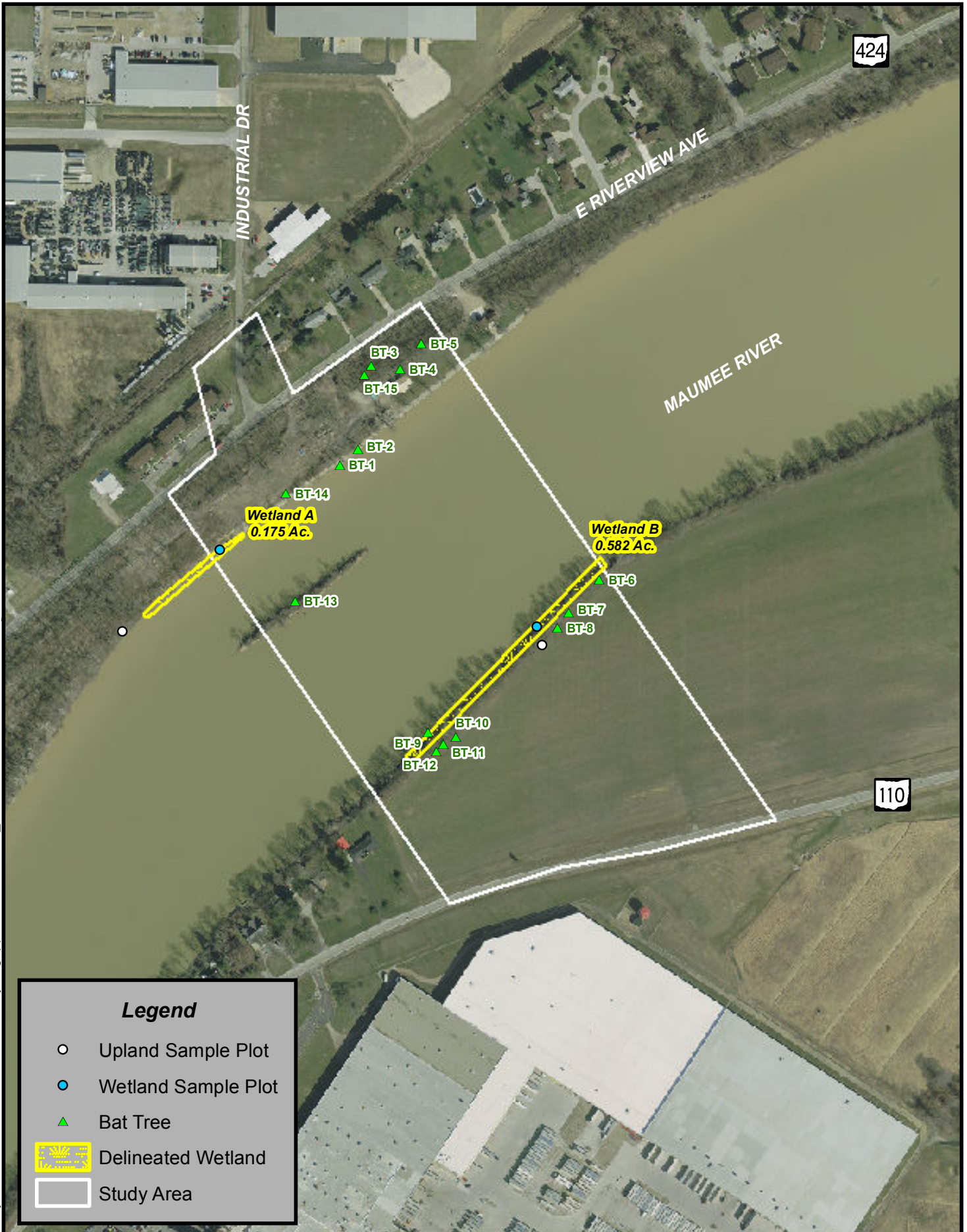
Study Area

**Mannik Smith GROUP**  
 TECHNICAL SKILL.  
 CREATIVE SPIRIT.  
 www.MannikSmithGroup.com

**Figure 1: Site Location Map  
 Proposed Maumee River Crossing  
 Napoleon, Ohio**

**Notes**  
 USGS Quadrangle, 7.5' Series Topographic  
 Napoleon East, OH 1960 Revised 1977

0 1,000 2,000 Feet



**Legend**

- Upland Sample Plot
- Wetland Sample Plot
- ▲ Bat Tree
- Delineated Wetland
- Study Area

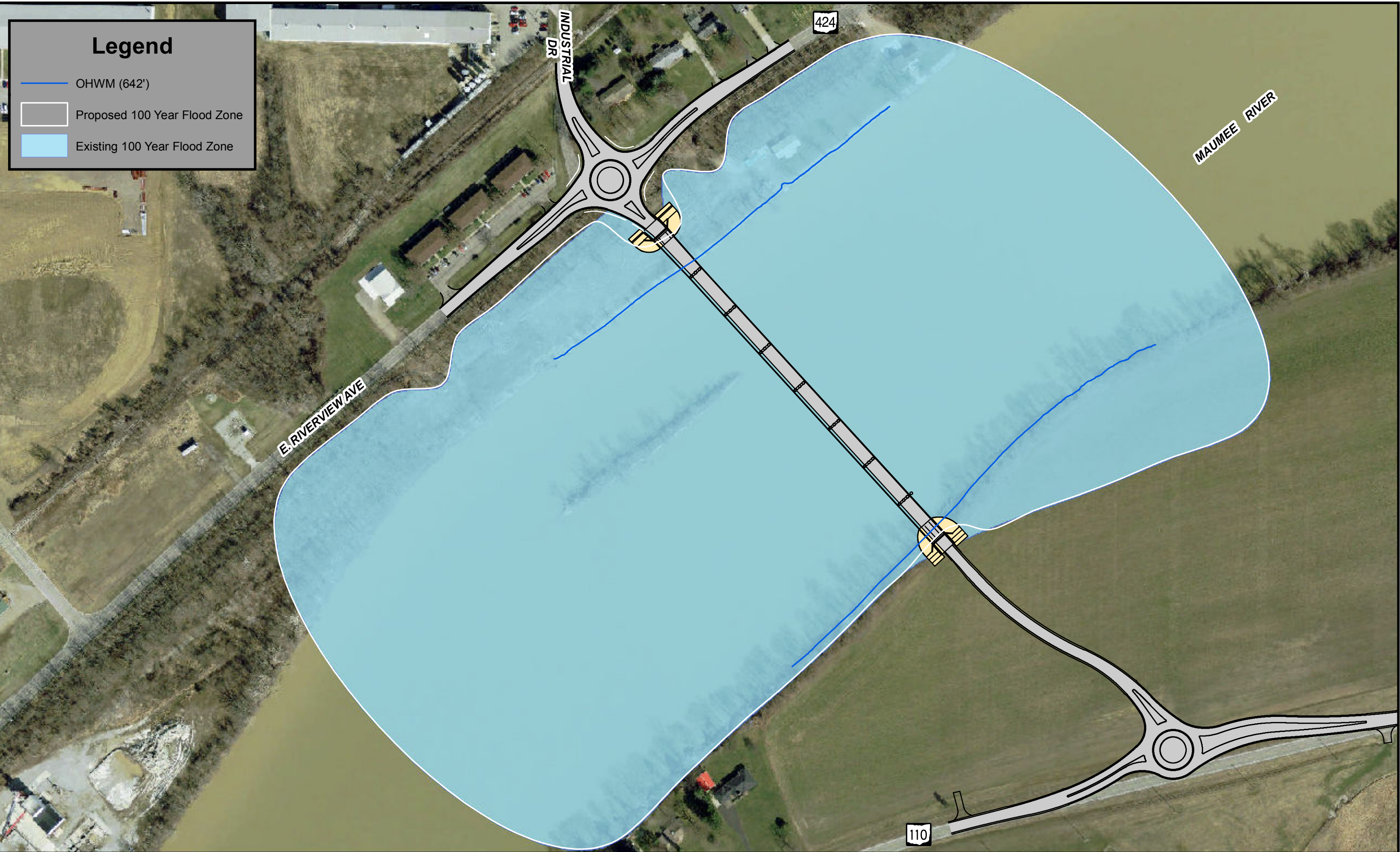
**Figure 2: Surface Water Delineation  
Proposed Maumee River Crossing  
Napoleon, Ohio**

**Notes**

The Henry county photography, dated April 2012, is provided by OGRIP as part of the Ohio Statewide Imagery Program.

0 200 400 Feet





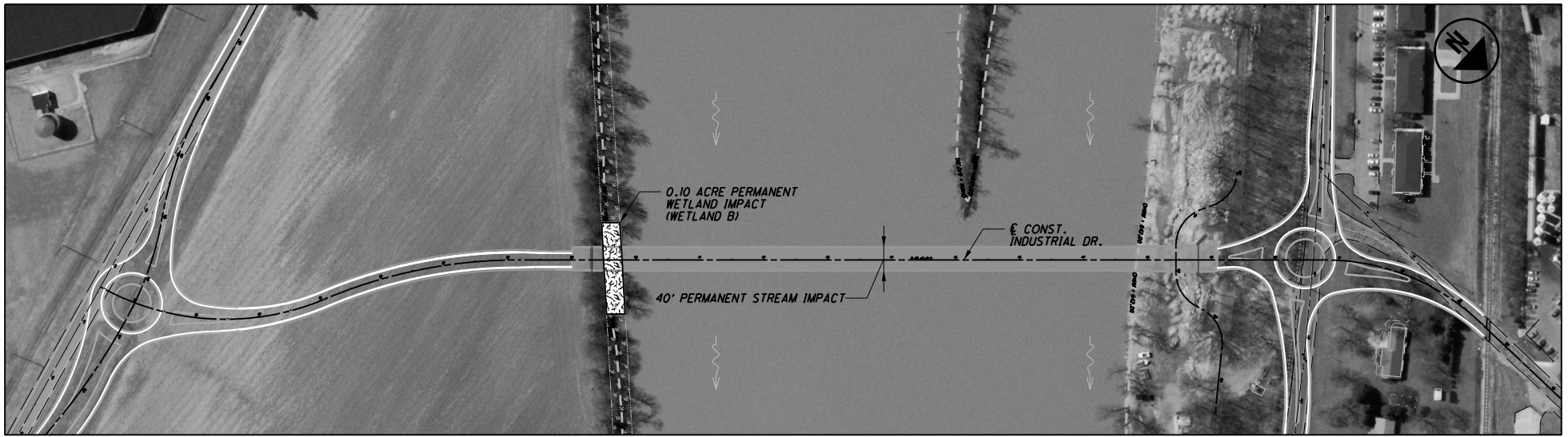
**Legend**

- OHWM (642')
- Proposed 100 Year Flood Zone
- Existing 100 Year Flood Zone




**Figure 3: Flood Map  
Proposed Maumee River Crossing  
Napoleon, Ohio**

**APPENDIX B**  
**PLAN & PROFILE/ CROSS SECTION SHEETS**

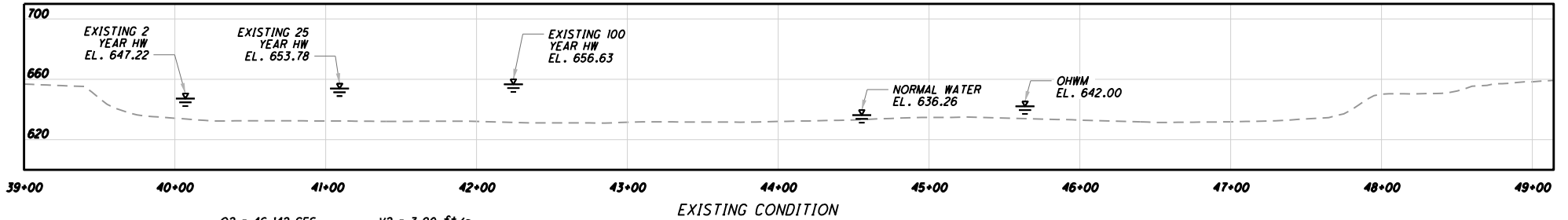




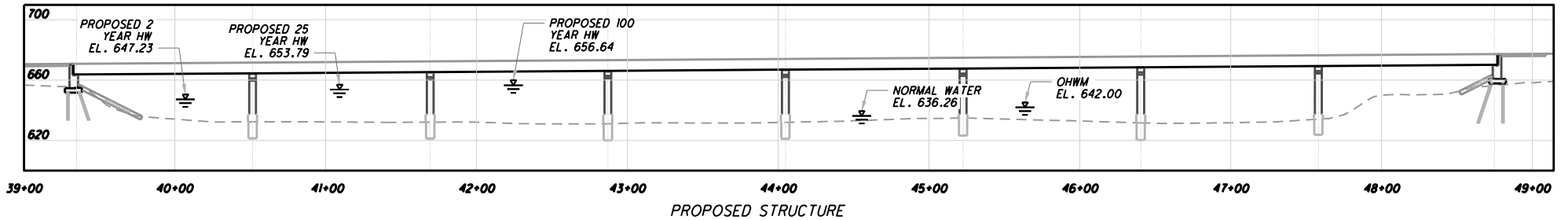
LEGEND:

-  - EXISTING WETLAND
-  - WETLAND IMPACT
-  - OHWM = 642.00

O2 = 46,142 CFS      V2 = 3.87 ft/s  
 O50 = 87,780 CFS    V50 = 5.00 ft/s  
 O100 = 110,100 CFS   V100 = 5.49 ft/s

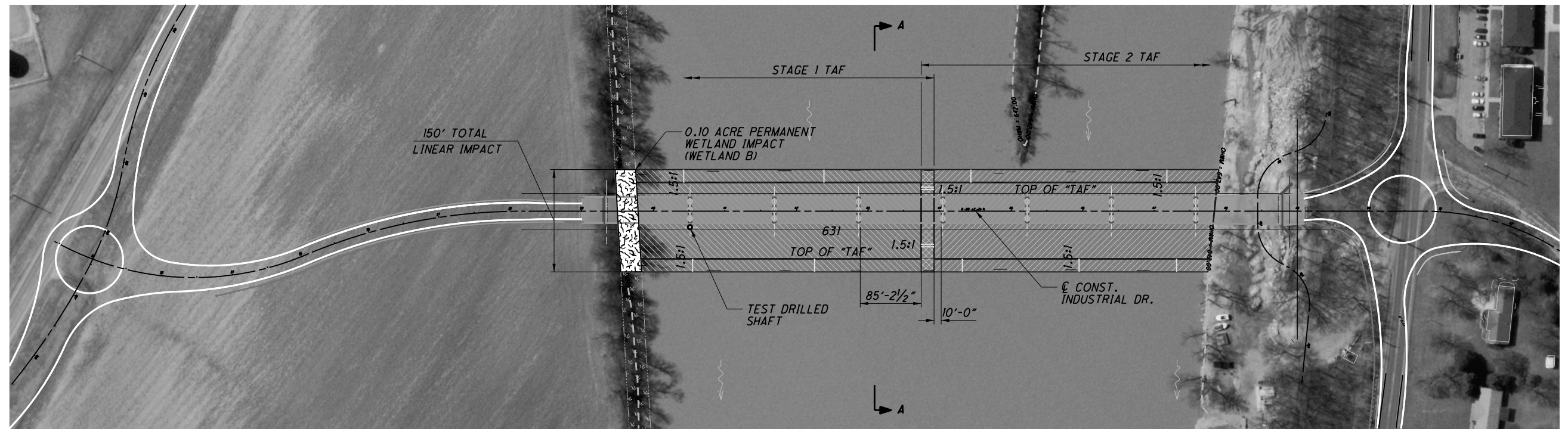


O2 = 46,142 CFS      V2 = 3.90 ft/s  
 O25 = 87,780 CFS    V50 = 5.04 ft/s  
 O100 = 110,100 CFS   V100 = 5.54 ft/s

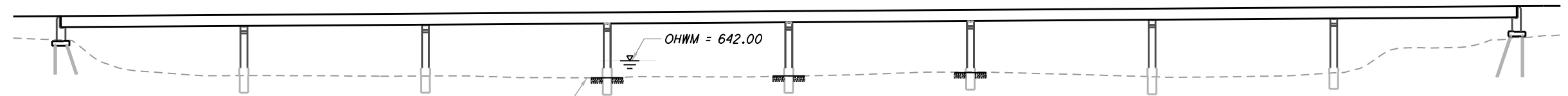




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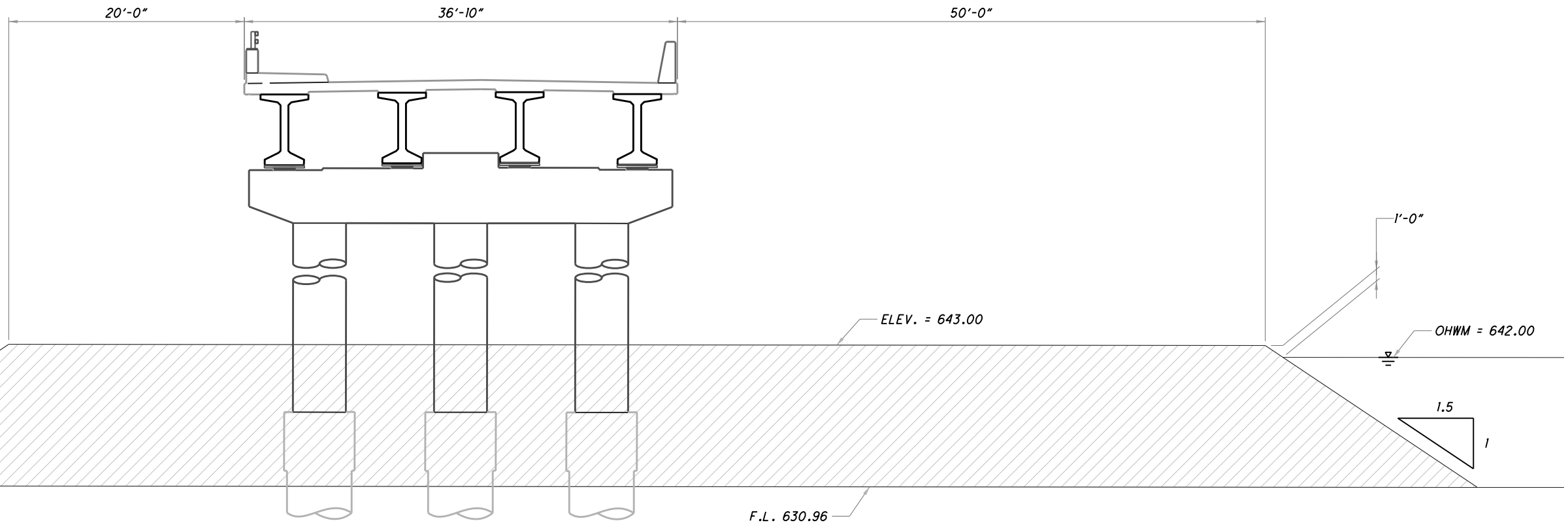
PLAN



PROFILE

**LEGEND:**

- EXISTING WETLAND
- PERMANENT WETLAND IMPACT
- - - - - OHWM = 642.00
- F.L. - FLOW LINE ELEV.
- TEMPORARY ACCESS FILL



SECTION A-A

THE TEMPORARY ACCESS FILL SHALL ACCOMMODATE A FLOW RATE (Q) EQUAL TO TWICE THE HIGHEST MEAN MONTHLY FLOW SUCH THAT THE BACKWATER ELEVATION DOES NOT EXCEED THE OHWM. Q FOR THIS LOCATION IS 18,220 CFS.

	DATE 7/14/15
	REVIEWED TLR
DRAWN ANK	STRUCTURE FILE NUMBER
DESIGNED KRH	CHECKED SCT
HENRY COUNTY STA. 39+46.50 STA. 48+93.50	
TEMPORARY ACCESS FILL HEN-INDUSTRIAL DRIVE-0000 INDUSTRIAL DRIVE OVER MAUMEE RIVER	
HEN-IND-00.00 PID No. 22984	

**APPENDIX C  
TEMPORARY FILL CHECKLIST**



# Temporary Construction, Access and Dewatering Activities

## Permit Determination Checklist

The purpose of this form is to aid the Office of Environmental Services - Waterway Permits Unit (OES-WPU) in the permit determination process. This form shall be completed by the project designer and reflect the anticipated needs of the temporary fill. If the type and amount of temporary fill is unknown, assume a worst case scenario of what could be needed. A completed copy of this form and a temporary construction access plan shall be forwarded to the DEC to be included in the Permit Determination Package submitted to OES-WPU.

Co-Rte-Sec: HEN-New Bridge

PID: 22984

Description: The project consists of the construction of a new bridge over the Maumee River in Napoleon.

During the construction of this project, the following activities in the waters of the United States are anticipated: (check all that apply)

- Temporary structure for maintaining traffic
- Cofferdams
- Temporary access fill (e.g. causeways and work pads)
- Demolition and debris removal
- Dams, sumps and pumping

ODOT requires that temporary activity to accommodate a minimum flow equal to twice the highest mean monthly flow without creating a rise in backwater above the OHWM. **The minimum flow to be maintained throughout construction for this location is 18,220 cfs.** The means that will most likely be implemented by the Contractor to maintain this flow will be:

- Conduit(s)
- Open channel(s)\Temporary Bridge

Different 404 permit types have different limitations and requirements. Please read the limitations and provide the required measurement as is applies for this project.

- The maximum length of temporary impact, as measured upstream to downstream along one bank, cannot exceed 300-ft. **Proposed impact length for this project is 150 ft.**
- The duration of the impact to waters in the United States cannot exceed 2 Years. **Proposed temporary impact duration is 2 years.**
- The proposed temporary fill is within the flowage easement of a flood control facility\*.        YES  
  x   NO

\*Only applies to federal flood control facilities. Flowage easements associated with these facilities can occur several miles away from the facility. If uncertain that the project is in a flowage easement area, please consult your district's real estate office for assistance. Contact OES with further questions.

cc. District Environmental Coordinator (DEC)

**APPENDIX D  
ECOLOGICAL COORDINATION**





February 27, 2014

Dr. Mary Knapp  
**U.S. Fish and Wildlife Services**  
4625 Morse Road, Ste. 104  
Columbus, Ohio 43230-8355

**Re: Request for Information for Maumee River Proposed Bridge Project, Napoleon, Henry County, Ohio**

Dear Dr. Knapp:

I am submitting this letter as a request for information regarding any federally-listed species that may occur within the site as depicted on the enclosed figure (Figure 1). We are currently gathering ecological information for inclusion in Section 404 & 401 permit applications for a proposed bridge spanning the Maumee River in the City of Napoleon, Henry County, Ohio. The bridge would provide a connector road from SR 110 (south side of the river) to the intersection of Industrial Drive and Riverview Avenue (north side of the river). The project area lies on the Napoleon East, OH Quadrangle map. I have enclosed a copy of this map with the study areas indicated to assist you in your search.

The project site is approximately 42.54 acres located north of the Campbell's Soup facility. One jurisdictional stream (Maumee River) was identified within the project site. A total of 0.625 acres of emergent wetlands have been identified on site. The area has been surveyed for threatened and endangered species and/or their habitats. No species or unique habitats were identified.

We are requesting any information that your agency may have regarding the occurrence of federally listed plants and animals, plant communities and breeding/non-breeding animal concentrations within the project area.

Please contact me with any questions pertaining to this matter at 419.891.2222 or [ksimon@manniksmithgroup.com](mailto:ksimon@manniksmithgroup.com).

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Katie L. Simon".

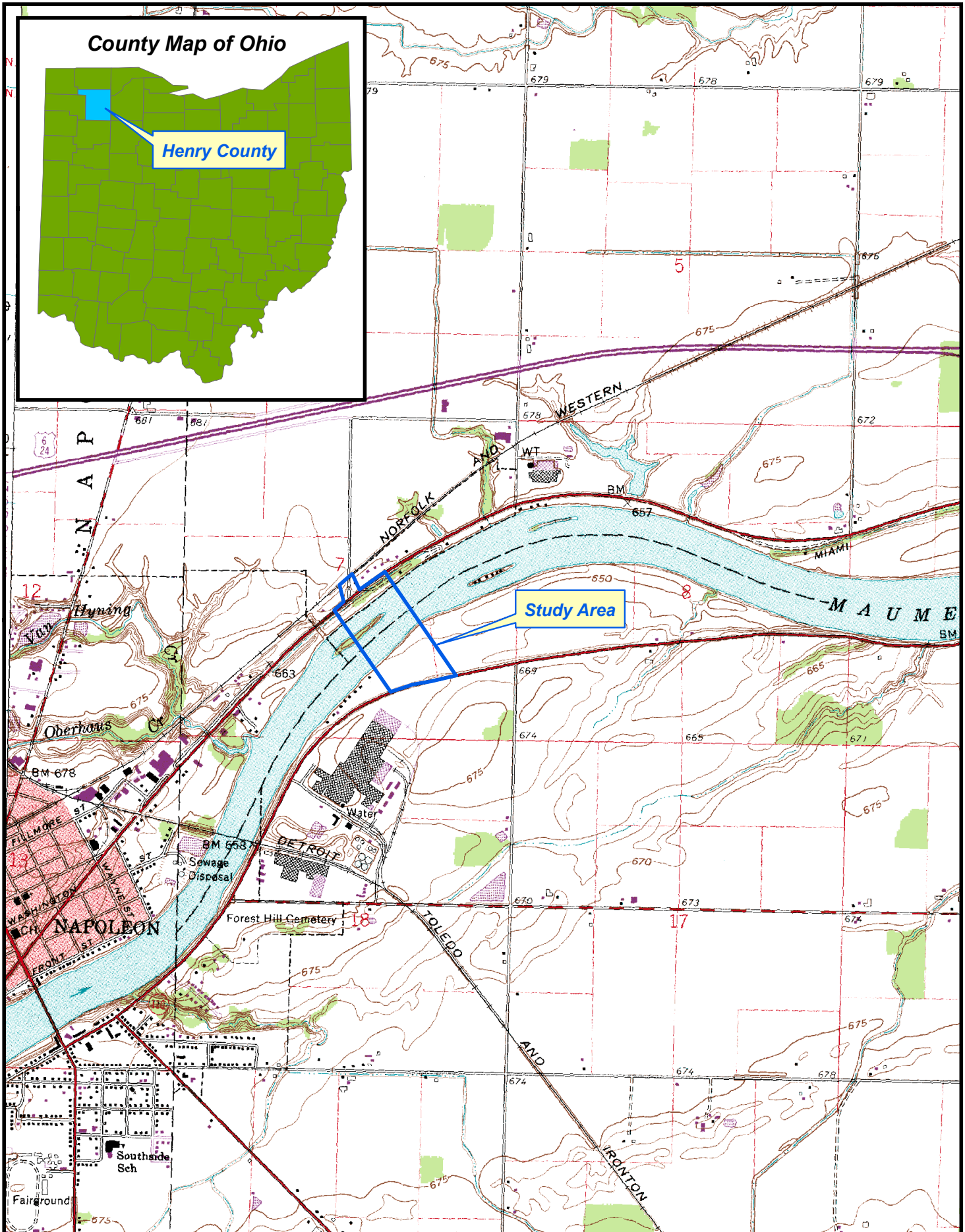
Katie L. Simon  
Environmental Scientist

Enclosure



TECHNICAL SKILL.  
CREATIVE SPIRIT.

H2530002.KLS.USFWS.Letter.Docx



**Figure 1: Study Area Location Map  
 Proposed Maumee River Crossing  
 Napoleon, Ohio**

**Notes**  
 USGS Quadrangle, 7.5' Series Topographic  
 Napoleon East, OH 1960, Revised 1977

0 1,000 2,000 Feet

**Katie Simon - Maumee River Bridge Project, Napoleon, Henry Co. OH**

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**From:** "Ohio, FW3" <ohio@fws.gov>  
**To:** <ksimon@mannaiksmithgroup.com>  
**Date:** 3/12/2014 3:20 PM  
**Subject:** Maumee River Bridge Project, Napoleon, Henry Co. OH

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TAILS# 03E15000-2014-TA-0851

Dear Ms. Simon,

We have received your recent correspondence requesting information about the subject proposal. There are no Federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. The following comments and recommendations will assist you in fulfilling the requirements for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA).

The Service recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat (e.g., forests, streams, wetlands). Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the Corps of Engineers should be contacted to determine whether a Clean Water Act section 404 permit is required. Best management practices should be used to minimize erosion, especially on slopes. All disturbed areas should be mulched and revegetated with native plant species. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

ENDANGERED SPECIES COMMENTS: All projects in the State of Ohio lie within the range of the Indiana bat (*Myotis sodalis*), a federally listed endangered species. Since first listed as endangered in 1967, their population has declined by nearly 60%. Several factors have contributed to the decline of the Indiana bat, including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forested habitat, particularly stands of large, mature trees. Fragmentation of forest habitat may also contribute to declines. During winter, Indiana bats hibernate in caves and abandoned mines. Summer habitat requirements for the species are not well defined but the following are considered important:

- (1) dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas;
- (2) live trees (such as shagbark hickory and oaks) which have exfoliating bark;

(3) stream corridors, riparian areas, and upland woodlots which provide forage sites.

Should habitat exhibiting the characteristics described above be present at the proposed project site, we recommend that they, as well as surrounding trees, be saved wherever possible. However, if these trees cannot be avoided, they should only be cut between October 1 and March 31. If implementation of the seasonal tree cutting restriction is not possible, summer surveys should be conducted to document the presence or likely absence of the Indiana bat within the project area during the summer. The survey must be conducted by an approved surveyor and be designed and conducted in coordination with the Endangered Species Coordinator for this office.

The proposed project lies within the range of the northern long-eared bat (*Myotis septentrionalis*), a species that is currently proposed for listing as federally endangered. Recently white-nose syndrome (WNS), a novel fungal pathogen, has caused serious declines in the northern long-eared bat population in the northeastern U.S. WNS has also been documented in Ohio, but the full extent of the impacts from WNS in Ohio are not yet known.

During winter, northern long-eared bats hibernate in caves and abandoned mines. Summer habitat requirements for the species are not well defined but the following are considered important:

- (1) Roosting habitat in dead or live trees and snags with cavities, peeling or exfoliating bark, split tree trunk and/or branches, which may be used as maternity roost areas;
- (2) Foraging habitat in upland and lowland woodlots and tree lined corridors;
- (3) Occasionally they may roost in structures like barns and sheds.

It appears that habitat exhibiting the characteristics described above may be present at the proposed project site. We recommend that trees exhibiting any of the characteristics listed above, as well as any wooded areas or tree lined corridors be saved wherever possible. However, if these areas cannot be avoided, they should only be cut from October 1 through March 31.

If there is a Federal nexus for the project (e.g., Federal funding provided, Federal permits required to construct), no tree clearing on any portion of the parcel should occur until consultation under section 7 of the ESA, between the Service and the Federal action agency, is completed. We recommend that the Federal action agency submit a determination of effects to this office, relative to the Indiana bat, for our review and concurrence.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened,



proposed, or candidate species. Should the project design change, or during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the Service should be initiated to assess any potential impacts.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (ESA), as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U. S. Fish and Wildlife Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document.

Sincerely,



Mary Knapp, Ph.D.  
Field Supervisor

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
Ninth Coast Guard District

1240 E. 9th Street, Room 2047  
Cleveland, OH 44199-2001  
Staff Symbol: (dpb)  
Phone: (216) 902-6087  
FAX: (216) 902-6088  
E-mail: Scot.M.Striffler@uscg.mil

16590  
February 11, 2015  
B-035/lds

Keith A. Carr  
The Mannik & Smith Group, Inc.  
1800 Indian Wood Circle  
Maumee, OH 43537

Dear Mr. Carr,

We are responding to your email received on February 10, 2015 regarding the proposed location of a new bridge (HEN-New Bridge) at approximate mile 44.1 over the Maumee River near the town of Napoleon, OH.

In accordance with the Coast Guard Authorization Act of 1982 (33 CFR 115.50(c)), a Coast Guard Bridge Permit will not be required for the proposed project. Additionally, based on the information provided, bridge lighting will not be required. If conditions on the waterway change the Coast Guard may require bridge lighting at a future time. You are encouraged to provide for navigation clearances that would allow small craft to pass at high water stages, and at least the same navigation clearances as the nearby bridges.

Though a Coast Guard Bridge Permit or bridge lighting is not required, you may still need to comply with the requirements of other federal, state, or local agencies. Please ensure these requirements are satisfied.

Please contact me at (216) 902-6087 if you have further questions or concerns regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scot M. Striffler".

S. M. STRIFFLER  
Chief, Bridge Branch  
U. S. Coast Guard  
By direction

October 2, 2012

Ohio Department of Natural Resources  
Division of Wildlife  
Ohio Biodiversity Database Program  
2045 Morse Road, Bldg. G-3  
Columbus, Ohio 43229-6693

**Re: ODNR Biodiversity Request for the Proposed New Maumee River Crossing Project  
City of Napoleon, Henry County, Ohio**

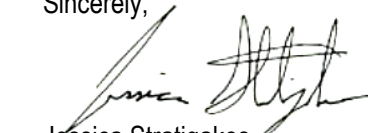
Dear Sir or Madam:

We are requesting that an Ohio Biodiversity search be conducted to request any records you may have on Threatened & Endangered species for the New Maumee River Crossing Project referenced above. In June 2012, The Mannik & Smith Group, Inc. (MSG) was contracted by the Henry County Transportation Improvement District (HCTID) to provide preliminary engineering services for the proposed New Maumee River Crossing project (PID #22984; State Job #42378). The proposed project will construct a new bridge spanning the Maumee River at Napoleon in Harrison Township, Henry County. The preferred alternative under consideration would connect Industrial Drive and State Route 424 on the north side of the river with State Route 110 on the south side of the river (Figure 1).

The goal of this project is to better connect the northern and southern halves of the City of Napoleon, in Henry County, Ohio. Heavy traffic volumes on the single river crossing at SR 108 causes significant traffic congestion and delays in the central business district (downtown) during peak traffic periods. These peak traffic periods are associated with shift changes and truck traffic both to and from the Campbell's facility and school traffic, which together place high demands on the lone bridge. A transportation solution is needed that will provide an alternative link for these important areas of the community and reduce the demand on the State Route 108 Bridge. This will also reduce congestion within the downtown area of Napoleon.

If you need any further information regarding this project, please contact me at [jstratigakos@manniksmithgroup.com](mailto:jstratigakos@manniksmithgroup.com) or (216) 378-1490.

Sincerely,

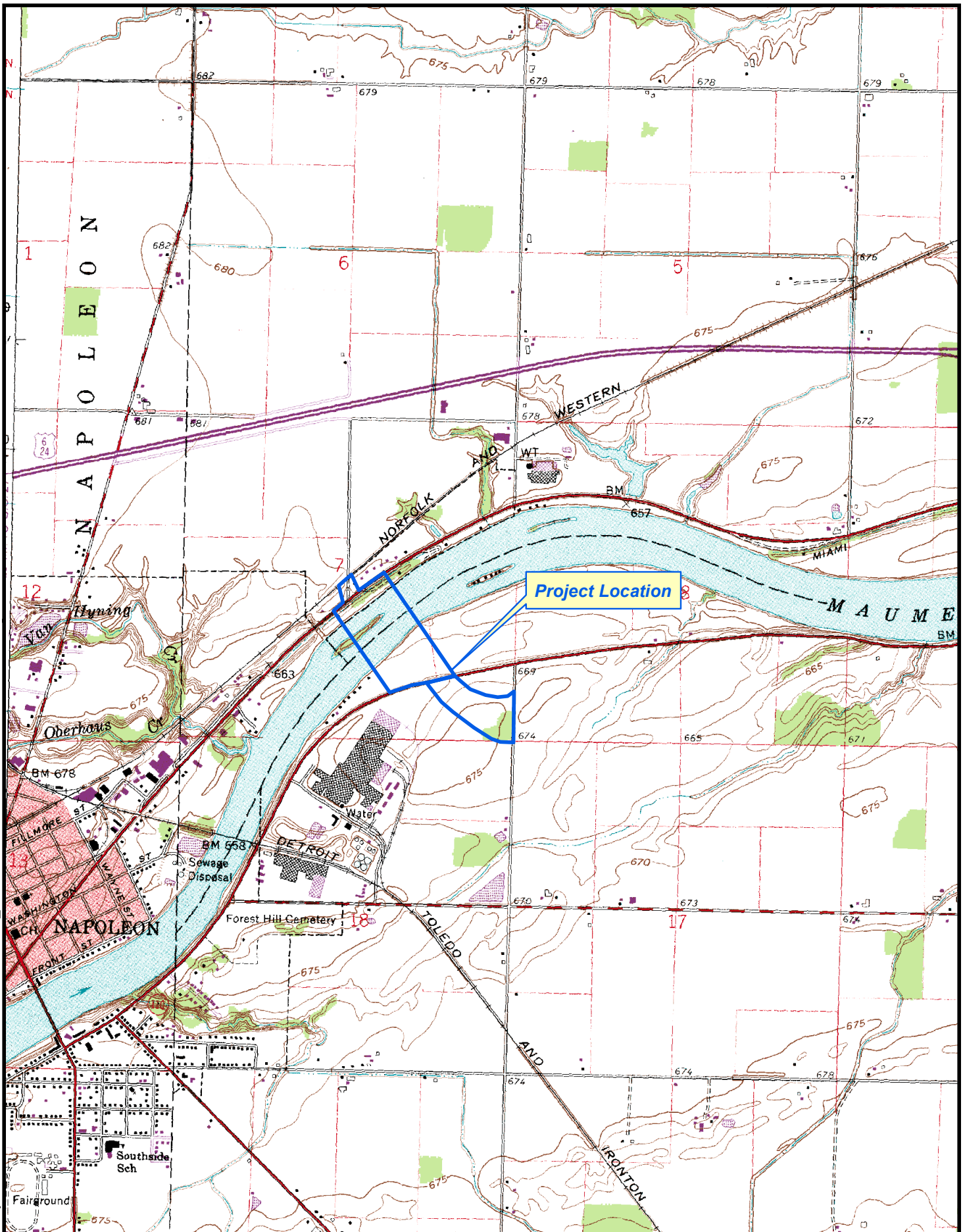


Jessica Stratigakos  
Environmental Scientist

*ATTACHMENT A*

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FIGURES



**Mannik & Smith**  
 The Group, Inc.  
 1800 Indian Wood Circle  
 Maumee, Ohio 43537  
 Civil Engineering, Surveying and Environmental Consulting  
 MAUMEE ♦ CLEVELAND ♦ MONROE ♦ CANTON

**Figure 1: Study Area Location Map  
 Proposed Maumee River Crossing  
 Napoleon, Ohio**

**Notes**  
 USGS Quadrangle, 7.5' Series Topographic  
 Napoleon East, OH 1960, Revised 1977

0 1,000 2,000 Feet

*ATTACHMENT B*

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DATA REQUEST FORM

**DATA REQUEST FORM**

OHIO DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WILDLIFE  
OHIO NATURAL HERITAGE PROGRAM  
2045 MORSE RD., BLDG. G-3  
COLUMBUS, OHIO 43229-6693  
PHONE: 614-265-6452; EMAIL: [obdrequest@dnr.state.oh.us](mailto:obdrequest@dnr.state.oh.us)

**INSTRUCTIONS:**

Please complete both pages of this form, sign and return it to the address or email address above along with: (1) a brief letter describing your project, and (2) a map detailing the boundaries of your project site. A copy of the pertinent portion of a USGS 7.5 minute topographic map is preferred but other maps are acceptable. Data requests will be completed within approximately 30 days. If you email your request you do not need to mail the original unless otherwise requested.

**FEES:**

As of June 2010, we have temporarily suspended charging a fee until a review of the data request process has been completed.

**WHAT WE PROVIDE:** The Natural Heritage Database is the most comprehensive source of information on the location of Ohio's rare species and significant natural features. Records for the following will be provided: plants and animals (state and federal listed species), high quality plant communities, geologic features, breeding animal concentrations and unprotected significant natural areas. We also provide locations for managed areas including federal, state, county, local and non-profit sites, as well as state and national scenic rivers. A minimum one mile radius around the project site will automatically be searched. Because the data is sensitive information, it is our policy to provide only the data needed to complete your project.

\*\*\*\*\*

Date: 10/02/2012 Company name: The Mannik & Smith Group

Name of person response letter should be addressed to: Mr.  Ms.   
Jessica Stratigakos

Address: 23225 Mercantile Road

City/State/Zip: Beachwood Ohio 44122

Phone: 216 378 1490 Fax: \_\_\_\_\_

E-mail address: jstratigakos@mannaiksmithgroup.com

Project Name: Proposed New Maumee River Crossing Project

Project Number: H2530001

Project Site Address: Maumee River

Project County: Henry County

Project City/Township: Napoleon

Project site is located on the following USGS 7.5 minute topographic quad(s): \_\_\_\_\_

Napoleon East, Ohio

Project Latitude and Longitude if available (decimal degrees is preferred): \_\_\_\_\_

-84.104; 41.404

Description of work to be performed at the project site: The proposed project will construct a new bridge spanning the Maumee River.

How do you want your data reported? (Both formats provide exactly the same data. The only difference is in the format of our response. The manual search is most appropriate for small scale projects or for those who do not have GIS capabilities. Please choose only one option.)

Printed list and map (manual search) \_\_\_\_\_ **OR** GIS shapefile (computer search) X

Additional information you require: None

How will the information be used? To complete an ODOT Ecological Survey Report.

I certify that data supplied by the Ohio Natural Heritage Program will not be published without crediting the ODNR Division of Wildlife as the source of the material. In addition, I certify that electronic datasets will not be distributed to others without the consent of the Division of Wildlife, Ohio Natural Heritage Program.

Signature 

Date: 10/2/12





# Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

## Ohio Division of Wildlife

*Scott Zody, Chief*

2045 Morse Rd., Bldg. G  
Columbus, OH 43229-6693  
Phone: (614) 265-6300

October 12, 2012

Jessica Stratigakos  
Mannik & Smith Group  
23225 Mercantile Road  
Beachwood, OH 44122

Dear Ms. Stratigakos,

I have e-mailed you a set of ArcView shape files for the Proposed New Maumee River Crossing project, including a one mile radius, in the City of Napoleon, Henry County, Ohio. This data may not be published or distributed beyond the scope of the project description on the data request form without prior written permission of the Natural Heritage Program.

I am attaching a shape file for the rare and endangered plants and animals, geologic features, high quality plant communities and animal assemblages. Fields included are scientific and common names, state and federal statuses, as well as date of the most recent observation. State and federal statuses are defined as: E = endangered, T = threatened, P = potentially threatened, SC = species of concern, SI = special interest, FE = federal endangered, FT = federal threatened, FPE = federal potentially endangered, FC = federal candidate and FSC = federal species of concern.

This project crosses the Maumee State Designated Scenic River. The approval of the Director of ODNR may be required in accordance with Ohio Revised Code section 1547.82. Please contact Scenic River Program Manager Bob Gable at 614-265-6814 for further information.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Please note that although we inventory all types of plant communities, we only maintain records on the highest quality areas.

This letter only represents a review of rare species and natural features data within the Ohio Natural Heritage Database. It does not fulfill coordination under the National Environmental Policy Act (NEPA) or the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S. C. 661 et seq.) and does not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Please contact me at 614-265-6452 if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Greg Schneider".

Greg Schneider, Administrator  
Ohio Natural Heritage Program



# Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

**Office of Real Estate**  
*Paul R. Baldrige, Chief*  
2045 Morse Road – Bldg. E-2  
Columbus, OH 43229  
Phone: (614) 265-6649  
Fax: (614) 267-4764

February 25, 2015

Timothy M. Hill, Environmental Administrator  
Office of Environmental Services  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, Ohio 43223

**Attn:** Matt Perlik, Mike Pettegrew, Chris Staron

**Re:** 15-073; ODOT Ecological Coordination for HEN-New Bridge (PID 22984)

**Project:** The proposed project involves construction of a new bridge spanning the Maumee River, a State Scenic River.

**Location:** The proposed project would connect State Route 110 and Industrial Drive in the City of Napoleon, Napoleon Township, Henry County.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

**Fish and Wildlife:** The Division of Wildlife (DOW) has the following comments.

The DOW recommends that impacts to streams, wetlands and other water resources be avoided and minimized to the fullest extent possible, and that best management practices be utilized to minimize erosion and sedimentation.

The project is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees to include: shagbark hickory (*Carya ovata*), shellbark hickory (*Carya laciniosa*), bitternut hickory (*Carya cordiformis*), black ash (*Fraxinus nigra*), green ash (*Fraxinus pennsylvanica*), white ash (*Fraxinus americana*), shingle oak (*Quercus imbricaria*), northern red oak (*Quercus rubra*), slippery elm (*Ulmus rubra*), American elm (*Ulmus americana*), eastern cottonwood (*Populus deltoides*), silver maple (*Acer saccharinum*), sassafras (*Sassafras albidum*), post oak (*Quercus stellata*), and white oak (*Quercus alba*). Indiana bat

roost trees consists of trees that include dead and dying trees with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. However, Indiana bats are also dependent on the forest structure surrounding roost trees. If suitable habitat occurs within the project area, the DOW recommends trees be conserved. If suitable habitat occurs within the project area and trees must be cut, the DOW recommends cutting occur between October 1 and March 31. If suitable trees must be cut during the summer months, the DOW recommends a net survey be conducted between June 1 and August 15, prior any to cutting. Net surveys should incorporate either nine net nights per square 0.5 kilometer of project area, or four net nights per kilometer for linear projects. If no tree removal is proposed, this project is not likely to impact this species.

The project is within the range of the threehorn wartyback (*Obliquaria reflexa*), a state threatened mussel. The DOW concurs that a mussel survey/relocation should be conducted prior to in-water construction. ODNR staff members will continue to assist you as needed in designing and implementing the survey and relocations.

The project is within the range of the greater redhorse (*Moxostoma valenciennesi*), a state threatened fish. The DOW recommends no in-water work in perennial streams from April 15 to June 30 to reduce impacts to indigenous aquatic species and their habitat.

The project is within the range of the Blanding's Turtle (*Emydoidea blandingii*), a state threatened species. This species inhabits marshes, ponds, lakes, streams, wet meadows, and swampy forests. Although essentially aquatic, the Blanding's turtle will travel over land as it moves from one wetland to the next. Due to the location, the habitat at the project site and within the vicinity of the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the spotted turtle (*Clemmys guttata*), a state threatened species. This species prefers fens, bogs and marshes, but also is known to inhabit wet prairies, meadows, pond edges, wet woods, and the shallow sluggish waters of small streams and ditches. Due to the location, the habitat at the project site and within the vicinity of the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the Kirtland's snake (*Clonophis kirtlandii*), a state threatened species. This secretive species prefers wet fields and meadows. Due to the location, the habitat at the project site and within the vicinity of the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the blue-spotted salamander (*Ambystoma laterale*), a state endangered species. Due to the location, the habitat at the project site and within the vicinity of the project area, and the type of work proposed, this project is not likely to impact this species. (Liberty and Washington townships)

The project is within the range of the upland sandpiper (*Bartramia longicauda*), a state endangered bird. Nesting upland sandpipers utilize dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the Conservation Reserve Program (CRP). If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 to July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

ODNR appreciates the opportunity to provide these comments. Please contact Brian Mitch at (614) 265-6387 if you have questions about these comments or need additional information.

Brian Mitch  
ODNR Office of Real Estate  
2045 Morse Road, Building E-2  
Columbus, Ohio 43229-6693  
(614) 265-6387  
[brian.mitch@dnr.state.oh.us](mailto:brian.mitch@dnr.state.oh.us)



UNITED STATES DEPARTMENT OF THE INTERIOR  
U.S. Fish and Wildlife Service  
Ecological Services Office  
4625 Morse Road, Suite 104  
Columbus, Ohio 43230  
(614) 416-8993 / Fax (614) 416-8994



February 4, 2015

Timothy M. Hill, Administrator  
Office of Environmental Services  
Ohio Department of Transportation  
1980 West Broad Street, Mail Stop 4170  
Columbus, OH 43223

TAILS PID  
03E15000-2015-4-0632 22984

Attn: Michael Pettegrew, Chris Staron

RE: **HEN-New Bridge (PID 22984)**

Dear Mr. Hill,

This is in response to your January 27, 2015 coordination letter, requesting U.S. Fish & Wildlife Service (Service) review and comment on the **HEN-New Bridge (PID 22984)** project. The project, as proposed, involves the construction of a new bridge spanning the Maumee River and connecting State Route 110 in the south and Industrial Drive in the north portion of the study area. The study area consists of a mixture of residential, public, and commercial land uses within the City of Napoleon, Henry County, Ohio.

**FISH & WILDLIFE COORDINATION ACT COMMENTS**

The Service understands that the proposed project will result in 210 linear feet of stream impacts due to the construction of seven new bridge piers. We further understand that 0.12 acres of Category II wetland impacts will also occur. We recommend that unavoidable impacts to streams and other important habitats be mitigated. In addition, staging areas should be kept well away from streams and all disturbed areas in the project vicinity should be mulched and re-vegetated with native plant species. The Service supports and recommends mitigation activities that reduce the likelihood of invasive plant spread and encourage native plant colonization that will benefit native pollinators. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats. We recommend seeding all disturbed areas during construction to encourage establishment of vegetative cover and to decrease erosion.

**INDIANA BAT (*MYOTIS SODALIS*) AND NORTHERN LONG-EARED BAT (*MYOTIS SEPTENTRIONALIS*) COMMENTS**

This project lies within the range of the federally endangered **Indiana bat** and the **northern long-eared bat**, a species currently proposed for listing as federally endangered under the Endangered Species Act (ESA). The project also falls under the 2007 Programmatic Consultation (PC) on the Indiana bat between FHWA/ODOT and USFWS. Based on the information provided in ODOT's Ecological Survey Report (ESR), only 1 tree containing potential roosting habitat for the Indiana and northern long-eared bat will be impacted as a result of the project.

Based on the aforementioned information, this project meets the PC2-a category of impacts under the 2007 PC. Under the PC2 designation, all tree clearing for this project must be conducted only between October 1 and March 31. Implementation of these cutting dates will be protective of both Indiana and northern long-eared bats that may be roosting in the area. Therefore, the Service *concurs* with your determination that this project, as proposed, *may affect but is not likely to adversely affect* these species.

**Please note on all projects that involve tree clearing:** If an applicant plans to clear trees prior to issuance of a 404 and/or 401 permit: 1) Section 7 consultation with the Service must be completed; and 2) No tree clearing on any portion of the project should occur until both the U.S. Army Corps of Engineers and Ohio EPA anticipate that issuance of both a 404/NWP and a 401 permit authorizing the project as a whole is imminent. This will ensure that clearing will be limited to the footprint of whichever alternative is ultimately permitted, and that no unnecessary clearing will occur.

#### ADDITIONAL SPECIES AND PROJECT COMMENTS

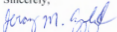
In addition to the Indiana and northern long-eared bat, this project lies within the range of the **bald eagle** (*Haliaeetus leucocephalus*), a federal species of concern protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) and the Migratory Bird Treaty Act (16 U.S.C. 703-712). ODOT has determined that this project will have *no effect* on the bald eagle; therefore, consultation under section 7(a)(2) of the ESA is not required.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act, of 1973, as amended, and are consistent with the intent of the National Environmental Policy Act of 1969, and the U.S. Fish and Wildlife Service's Mitigation Policy. This concludes consultation on this project, as required by section 7(a)(2) of the Endangered Species Act.

Should, during the term of this action, additional information on listed or proposed species or their critical habitat become available, if a proposed species becomes officially listed, or if new information reveals effects of the action that were not previously considered, consultation with the Service should be reinitiated to assess whether the determinations are still valid.

If you have questions, or if we may be of further assistance in this matter, please contact Marci Lininger at extension 27 or Karen Hallberg at extension 23 in this office.

Sincerely,



Jeremy Applegate  
Acting Field Supervisor

- cc: J. Kessler, ODNR, Office of Real Estate, Columbus, OH (email only)  
P. Clingan, USACE, Ohio Regulatory Transportation Office, Columbus, OH (email only)  
J. Lung, OEPA, Columbus, OH (email only)  
B. Mitch, ODNR, Office of Real Estate, Columbus, OH (email only)  
N. Reardon, ODNR, Division of Wildlife, Columbus, OH (email only)

# Ohio Scenic Rivers Program Comments for HEN-NEW Maumee River Bridge located in Henry County, Harrison Township over the Maumee State Recreational River.

An approval letter is required before this project may commence. These conditions shall be incorporated into the general notes of the project plan set. These conditions shall be implemented before earthwork commences and adhered to for the duration of the project:

With regard to the Ecological Coordination for the HEN-New Bridge, there is an additional species of concern that was not listed in the Level 2 Ecological Survey Report. The Eastern sand darter (*Ammocrypta pellucida*) was recorded in the project area in 2013. This species was once abundant in the Maumee River mainstem in the 1800s but disappeared for a 65 year period before it was found again in 2009. (*Am. Midl Nat. (2012) 167:198-204*). We would recommend that the island, which is where this species was found in 2013, is minimally disturbed in the construction of the new bridge. We also request that ODOT review ownership of this island. Should ODOT have to purchase this island, is there a possibility of it being held by a local land conservancy to ensure future protection of this habitat?

## 1. Project Design

- A. **In-Stream Structures:** Where feasible, for replacement structures or bridges on new alignments; a minimal number of in-stream structural components will be permitted. It is requested that the bridge designers evaluate the possibility of having fewer piers than the seven currently called for in the plans. Columnar piers will be preferred over flat faced piers. Bridge approaches should be elevated on columnar piers so as to limit the placement of fill for embankments within the one-hundred year floodplain to allow for less restriction of flood flows. Every attempt shall be made to expand the structural opening to accommodate the one-hundred year flood flow. Thus, we request that the bridge designers evaluate alternatives to reduce the volume of abutment fill called for in the stage 1 plans.
- B. **Drainage Design:** It is recommended that the drainage for this new structure not involve scuppers. The use of a gutter system on the bridge to divert road runoff to a biofiltration system would be preferred. In the proposed green spaces in the roundabouts and between roads, we request that the designers consider the instillation of infiltration ditches or other means to encourage more natural soil infiltration of road runoff rather than piping it straight to the Maumee State Recreational River.

## 2. Best Management Practices

- A. **Erosion Controls:** A sediment and erosion control plan shall be developed for the site and implemented before earthwork commences. Particular attention shall be given to any drainage ways, ditches and streams that could convey sediment laden water directly to the Maumee River. Properly installed (framed and entrenched) sediment fence shall be utilized around the work site perimeter

and storm water inlets. Appropriately designed rock-check dams and other erosion controls shall be utilized in ditches and drainage ways. All controls shall be properly maintained until final site stabilization is achieved. All sediment and erosion controls shall be removed upon stabilization of the project area with vegetation. Straw bales shall not be permitted as a form of erosion control. All denuded areas, including ditches, culverts and river/stream banks, shall be permanently seeded and mulched (or fiber mat) immediately upon completion of earthwork or temporarily seeded and mulched (or fiber mat) within 7 days if the area is to remain idle for more than 30 days. Access roads constructed on slopes shall be graveled to prevent erosion from surface runoff.

- B. Storage of Fuels, Petrochemicals and Equipment:** Idle equipment, petrochemicals and toxic/hazardous materials should not be stored in the floodplain or near any drainage ways, ditches or streams that could convey such materials to the Maumee River or any of its tributaries. Petrochemicals and toxic/hazardous materials shall not be discharged into the Maumee River, its floodplain or any of its tributary drainage ways, ditches or streams. Refueling of equipment shall not occur in the floodplain or near any tributary drainage ways, ditches or streams.
- C. Spill Prevention:** The permittee shall develop a Spill Prevention Countermeasure and Contingency Plan (SPCC) in the event of a spill or break in an equipment hydraulic line, which may discharge into waters of the state. All spills must be reported to the Ohio Spill Line (1-800-282-9378) in accordance with OAC 3750.06.
- D. Material Disposal:** Any and all construction debris, earthen debris, excess asphalt or concrete, wood debris from clearing, excess fill material, material excavated from the river bottom and trash shall be disposed of at an approved upland site or land fill above 100 year flood elevations. Disposal of any such materials in wetlands, floodplains or within 1000 feet of the Maumee River is prohibited.
- E. In-Stream Work:** All in-stream work shall be conducted during dry periods of extremely low flow (August 1 through October 31). This would also include any boring work that would be conducted to evaluate pier placement. Note that boring work in the Maumee River will require an approval letter. As in-stream work commences, a plan shall be in place to handle boat traffic in the area. Please coordinate with Chad German, [Chad.German@dnr.state.oh.us](mailto:Chad.German@dnr.state.oh.us) or (419) 836-6003 to see that boat traffic will be handled accordingly during periods of in-stream work. Any disturbed areas in the stream bottom shall be returned to pre-construction contours. Stream bottom elevations shall be determined before in-stream work commences to ensure that all fill material and debris is completely removed before construction is completed. If feasible, pier construction utilizing drilled shafts and holding pits (for sediment laden water and excess concrete) is recommended.

Rip- rap used shall be kept to the minimum amount needed to prevent scour and shall consist of clean rock only (free of any toxic or fine material). All fill material used as rip-rap, work platforms or cofferdams shall be a minimum of three inches



- in diameter and be washed to remove fine particulate matter (i.e. clay, silt, sand and soil). Work platforms shall be kept to the absolute minimum size needed to facilitate in-stream work. In-stream work shall be conducted through the use of water diversions not requiring the placement of earthen fill (i.e. sheet piling, membrane dams, etc.) wherever possible. Any fill shall be completely removed from the streambed immediately upon completion of in-stream work. If feasible, the use of Aqua Barriers is recommended.
- E. **De-Watering:** No wastewater of any kind shall be directly discharged into the Maumee River or any of its tributary streams, drainage ways or ditches. If dewatering is necessary to facilitate in-stream work or pier construction, all wastewater shall be pumped onto a vegetated area a sufficient distance from the river to allow for complete infiltration. If discharge to a vegetated area is not feasible, then wastewater shall be discharged into a sediment filter bag or into a temporary detention/retention pond with sufficient retention time to permit for the settling of all suspended solids.
- F. **Clearing and Grubbing:** All streambank vegetation shall be left undisturbed to the maximum extent possible. Areas where vegetation is removed shall be re-vegetated with native tree species. Any disturbed streambanks shall be returned to previously existing contours and elevations. A native tree species list can be provided by the Northwest Ohio Assistant Regional Scenic Rivers Manager. Trees shall be containerized nursery stock or whips depending on the number being planted and the condition of the site. Any trees that die during the first growing season shall be replaced. Cutting or clearing of any riparian vegetation within 1000 feet of the Maumee River beyond the existing right-of-way shall be prohibited, however vertical trimming is permitted where necessary. Care shall be taken not to girdle or scuff tree trunks or damage any standing trees.
- G. **Painting and Sand/Water Blasting:** If painting, sand or water blasting any portion of the bridge is necessary then appropriate aprons shall be utilized to provide for complete containment of all paint debris particles and other debris. Appropriate aprons shall be utilized to provide for complete containment of all paint and/or sealant over-spray. Any such debris shall be removed immediately from 1000 feet of the Maumee River and disposed of at an approved upland site above the 100 year flood elevations. Disposal in wetlands, floodplains or within 1000 feet of the Maumee River is prohibited.
3. **Notification:** The Northwest Ohio Assistant Regional Scenic Rivers Manager, Christina Kuchle shall be invited to a pre-construction meeting with the contractor present and be notified of the project start date one week prior to the commencement of work. Christina may be contacted at (419) 429-8306 or [Christina.kuchle@dnr.state.oh.us](mailto:Christina.kuchle@dnr.state.oh.us). Periodic inspections of the project shall take place to ensure Scenic River requirements are being met. Christina shall also be contacted one week prior to completion of the project to conduct a final site inspection. The final site inspection shall be scheduled while the contractor is present to ensure that final site stabilization has been achieved.

Scenic Rivers conditions shall be included in the final project plan set and must be made available to all construction personnel throughout the duration of the project. This shall ensure that the contractors understand Scenic River requirements.

4. **Scenic Rivers Signage**: Signs stating Maumee State Recreational River shall be provided and installed at both approaches of the new bridge. A sign stating (bridge name, road name/number) shall be installed on the upstream side of the new bridge.
5. **Mitigation for Stream Impacts**: In addition to the preceding best management practices outlined above, additional mitigation may be required to offset the negative impacts to the Maumee State Recreational River and its tributaries caused during the bridge project. Any mitigation required under Sections 401 and 404 of the Clean Water Act for Scenic River stream crossings should be implemented as protection or restoration projects within the associated watershed, preferably directly on the designated Scenic River sections. This will help to ensure the long term protection of these sensitive, high quality river systems. Christina Kuchle, Northwest Assistant Regional Scenic Rivers Manager, may be able to assist with the identification and implementation of local mitigation projects.

**Christina Kuchle**

Ohio Department of Natural Resources  
Northwest Region-Scenic River Manager

*office:* (419) 429-8306

*mobile:* (419) 348-5073

[Christina.kuchle@dnr.state.oh.us](mailto:Christina.kuchle@dnr.state.oh.us)

952 Lima Ave  
Findlay, OH 45840

**APPENDIX E**  
**JURISDICTIONAL DETERMINATION**



JUL 14 2014



DEPARTMENT OF THE ARMY  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

REPLY TO

10 July 2014

Regulatory Branch

SUBJECT: Preliminary Jurisdictional Determination for Department of the Army Application  
No. 2013-01093

Henry County Transportation Improvement District  
Attn: Timothy Schumm  
660 North Perry Street, Suite 101  
Napoleon, Ohio 43545

Dear Mr. Timothy Schumm:

I have reviewed the wetland delineation map you submitted for the study area located in and along the Maumee River, southeast of the intersection of Industrial Drive and East Riverview Avenue, City of Napoleon, Henry County, Ohio

I have evaluated your submitted wetland delineation map and have determined that the wetland and water boundaries shown on the map accurately represent on-site conditions. Please note that this is a Preliminary Jurisdictional Determination (JD). Preliminary JDs are non-binding written indications that there may be waters of the United States on your parcel and approximate locations of those waters. Preliminary JDs are advisory in nature and may not be appealed.

Pursuant to Regulatory Guidance Letter 08-02, any permit application made in reliance on this Preliminary JD will be evaluated as though all wetlands or waters on the site are regulated by the Corps. Further, all waters, including wetlands will be used for purposes of assessing the area of project related impacts and compensatory mitigation. If you require a definitive response regarding Department of the Army jurisdiction for any or all of the waters identified on the submitted drawings, you may request an approved jurisdictional determination from this office. If an approved jurisdictional determination is requested, please be aware that this is often a lengthy process and we may require the submittal of additional information.

I have enclosed the Preliminary JD Form with this letter. The form and attached table identifies the extent of waters on the site and specific terms and conditions of the Preliminary JD. Please sign and return a copy of this form to my attention so that I may complete my evaluation of your file. If you do not respond within fifteen days of this letter, I will assume you no longer wish to pursue the jurisdictional determination and will withdraw your application.

Regulatory Branch

SUBJECT: Jurisdictional Determination for Department of the Army Application No. 2013-01093

In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do not have expiration dates." However, I strongly recommend that the boundaries of waters of the United States be re-evaluated by a qualified wetland biologist after five years of the date of this letter. This will ensure that any changes are appropriately identified and you do not inadvertently incur a violation of Federal law while constructing your project or working on your project site.

Lastly, this determination has been conducted only to identify the limits of waters that may be subject to Corps Clean Water Act or Rivers and Harbors Act jurisdiction. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

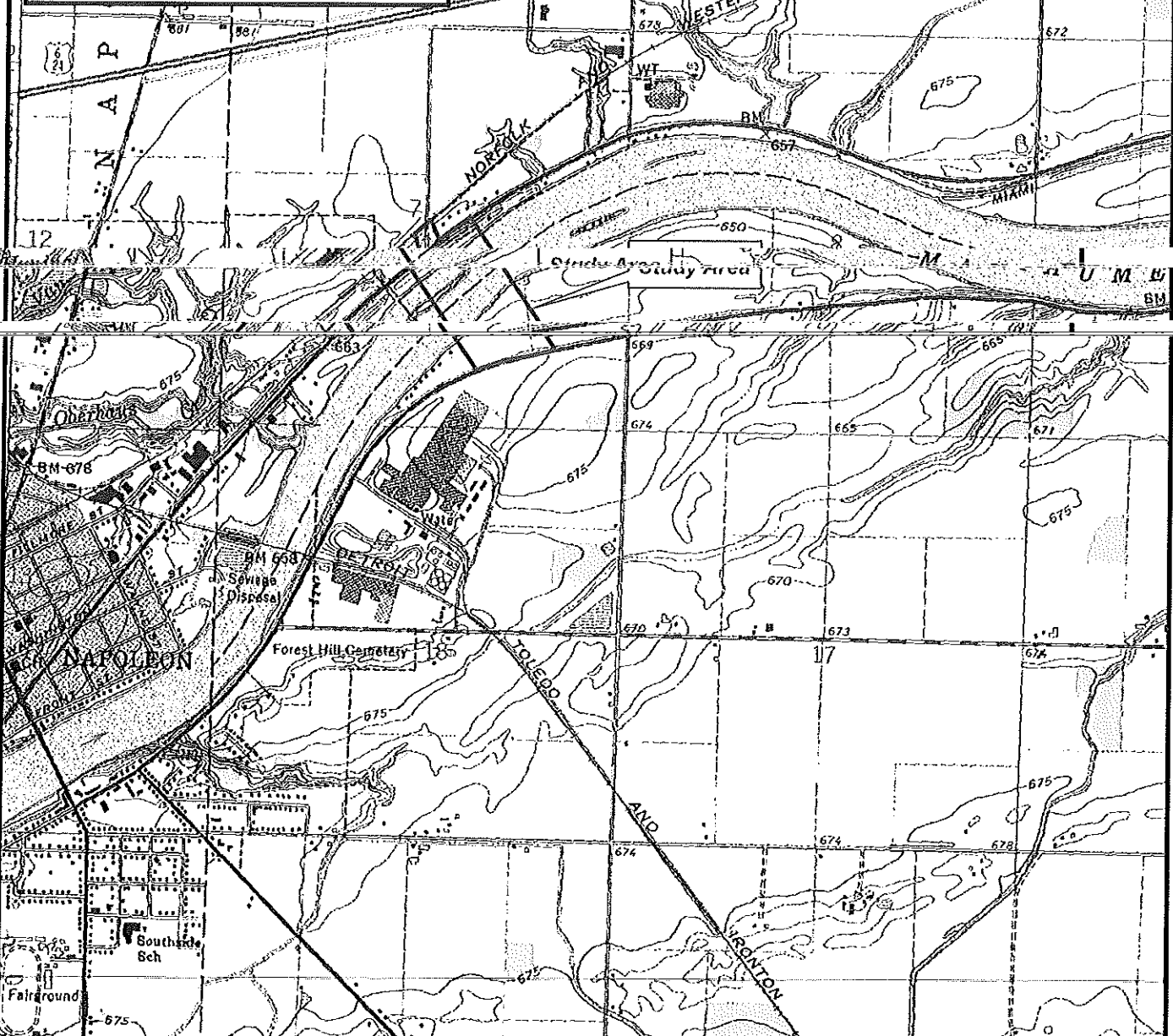
Questions pertaining to this matter should be directed to me at (716) 879-4474, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: [Susan.L.Baker@usace.army.mil](mailto:Susan.L.Baker@usace.army.mil)

Sincerely,



Susan L. Baker  
Biologist

Enclosures



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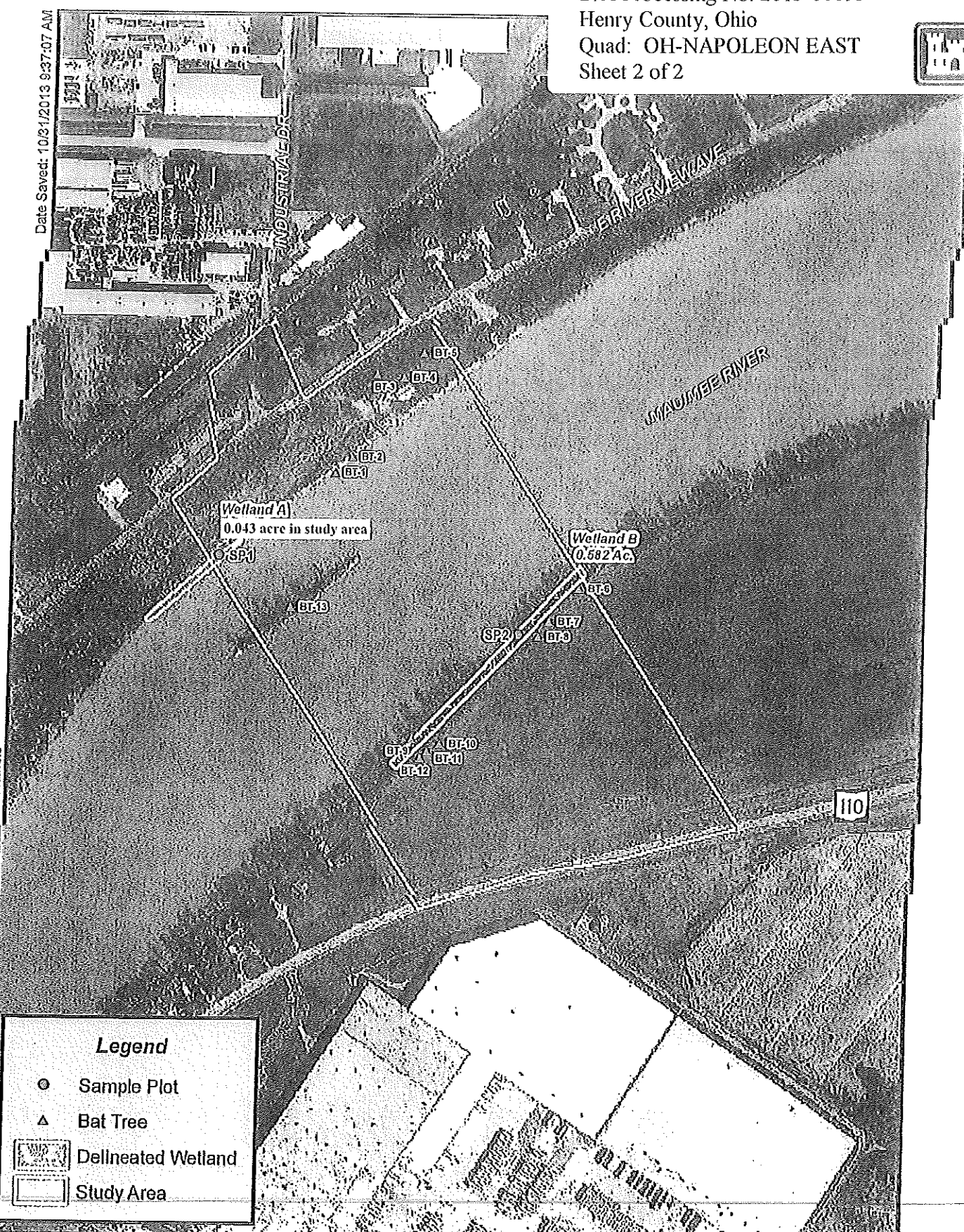
**Figure 1: Study Area Location Map  
Proposed Maumee River Crossing  
Napoleon, Ohio**

**Notes**  
USGS Quadrangle, 7.5' Series Topographic  
Napoleon East, OH 1960, Revised 1977

0 1,000 2,000 Feet



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**Legend**

- Sample Plot
- ▲ Bat Tree
- Delineated Wetland
- Study Area

**Figure 5: Surface Water Delineation  
 Proposed Maumee River Crossing  
 Napoleon, Ohio**

**Notes**  
 USGS Quadrangle, 7.5' Series Topographic  
 Napoleon East, OH 1880, Revised 1977

0 200 400 Feet

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**ATTACHMENT**

**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):** 10 July 2014

**B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:**

Henry County Transportation Improvement District  
Attn: Timothy Schumm  
660 North Perry Street, Suite 101  
Napoleon, Ohio 43545

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:** LRB 2013-01093 Henry County Transportation Improvement District- Maumee River Bridge

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:** Southeast of the intersection of Industrial Drive and E Riverview Avenue  
**(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)**

State: Ohio County/parish/borough: Henry City: Napoleon  
Center coordinates of site (lat/long in degree decimal format):  
Lat. 41.40462 N Long. -84.10422 W  
Universal Transverse Mercator: 16  
Name of nearest waterbody: Maumee River

Identify (estimate) amount of waters in the review area:

Non-wetland waters: Maumee River- 1000 linear feet, 735-900 width (ft)  
Cowardin Class: Riverine  
Stream Flow: Perennial  
Wetlands: Wetland A - 0.043 acre, Wetland B - 0.582 acre  
Cowardin Class: PEM

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal: Maumee River, Wetland A, Wetland B

**E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: 8 July 2014

Field Determination. Date(s): 10 June 2014



*LRB 2013-01093 Henry County Transportation Improvement District- Maumee River  
Bridge*

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "*may be*" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

*LRB 2013-01093 Henry County Transportation Improvement District- Maumee River Bridge*

**SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):**

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Location Map and Delineation Map.

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report.

Data sheets prepared by the Corps:

Corps navigable waters' study:

U.S. Geological Survey Hydrologic Atlas: USACE ORM NHD Dataset, USGS National Map Viewer.

USGS NHD data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name: 7.5 Minute, OH-Napoleon East.

USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Web Soil Survey.

National wetlands inventory map(s). Cite name: USACE ORM NWI Dataset

State/Local wetland inventory map(s):

FEMA/FIRM maps:

100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

Photographs:  Aerial (Name & Date): Bing Bird's Eye View (date UNK), Google Earth 2012.

or  Other (Name & Date):

Previous determination(s). File no. and date of response letter:

Other information (please specify):

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

*SUB 10-JUL-2014*

Signature and date of  
Regulatory Project Manager  
(REQUIRED)

Signature and date of  
person requesting preliminary JD  
(REQUIRED)

*LRB 2013-01093 Henry County Transportation Improvement District- Maumee River Bridge*

On-site Waters Summary

<b>Water</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Cowardin Class</b>	<b>Estimated amount of aquatic resource in review area</b>	<b>Class of aquatic resource</b>
Maumee River	41.40462	-84.10422	Riverine Perennial	1000 linear feet	section 10 – non-tidal
Wetland A	41.40462	-84.10422	Palustrine Emergent	0.043 acre	section 10 – non-tidal
Wetland B	41.40462	-84.10422	Palustrine Emergent	0.582 acre	section 10 – non-tidal

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: Henry Co. Transportation Improvement District		File Number: 2013-01093	Date: 07/10/2014
Attached is:			See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/>	PERMIT DENIAL	C	
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D	
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

● **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

● **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

● **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

● **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

● **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

● **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Susan L. Baker  
U.S. Army Corps of Engineers  
1776 Niagara Street  
Buffalo, New York 14207  
(716) 879-4474  
Susan.L.Baker@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Attn: Appeal Review Officer  
Great Lakes and Ohio River Division  
CELRD-PD-REG  
550 Main Street, Room 10524  
Cincinnati, OH 45202-3222  
Phone: 513-684-6212;FAX(513) 684-2460

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number: