



February 10, 2016

Mr. Mark Scalabrino  
**U.S. Army Corps of Engineers- Buffalo District**  
1776 Niagara Street  
Buffalo, New York 14207

**Re: Pre-Construction Notification for HEN-New Bridge Project in Henry County, Ohio**

Dear Mr. Scalabrino:

The Mannik & Smith Group, Inc. (MSG) is submitting this Pre-Construction Notification (PCN) on behalf of Henry County Engineer's Office (Applicant) to request authorization to impact 0.10 acre of Category 2 emergent wetland and 40 linear feet of the Maumee River. A Preliminary Jurisdictional Determination (PJD) was issued for the project area on July 10, 2014 by Susan Baker in your office.

Based upon the amount of proposed impacts to waters of the United States, MSG believes that the project can be approved under Nationwide Permit 14. The Applicant proposes to mitigate for wetland impacts by purchasing two (2) credits at Pearson Metro Park Wetlands Mitigation Bank, managed by the Stream + Wetlands Foundation. If you need any additional information regarding this application, feel free to contact either of the undersigned at (419) 891-2222.

Sincerely,

Keith A. Carr  
Ecological Team Leader

c: Patrick M. McColley, P.E.

TECHNICAL SKILL.  
CREATIVE SPIRIT.

**ATTACHMENT A  
404 APPLICATION**



U.S. ARMY CORPS OF ENGINEERS  
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT  
33 CFR 325. The proponent agency is CECW-CO-R.

OMB APPROVAL NO. 0710-0003  
EXPIRES: 28 FEBRUARY 2013

Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - Patrick Middle - M Last - McColley Company - Henry County Engineer's Office E-mail Address - pmccolley@henrycountyengineer.com	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Keith Middle - A Last - Carr Company - The Mannik & Smith Group, Inc. E-mail Address - kcarr@manniksmithgroup.com
6. APPLICANT'S ADDRESS: Address- 660 N. Perry Street, Suite 202 City - Napoleon State - OH Zip - 43545 Country -	9. AGENT'S ADDRESS: Address- 1800 Indian Wood Circle City - Maumee State - OH Zip - 43537 Country -
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 419-592-2976	10. AGENTS PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 419-891-2222 419-891-1595

STATEMENT OF AUTHORIZATION

11. I hereby authorize, The Mannik & Smith Group to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

   
SIGNATURE OF APPLICANT DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Maumee River Proposed Bridge Project (PID 22984)	
13. NAME OF WATERBODY, IF KNOWN (if applicable) Maumee River	14. PROJECT STREET ADDRESS (if applicable) Address City - Napoleon State- OH Zip-
15. LOCATION OF PROJECT Latitude: +N 41.403647 Longitude: +W -84.102483	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Municipality Section - Township - Napoleon Range -	



17. DIRECTIONS TO THE SITE

From Maumee, take US-24W for 27.3 miles to exit 41. Turn left onto Industrial Drive.

18. Nature of Activity (Description of project, include all features)

The new river crossing will extend south from Industrial Drive across the Maumee River to connect with SR 110 on the south side of the river.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of the project is to improve traffic flow on the SR 108 bridge and corridor and improve safety by decreasing crashes in the corridor. It will also improve access to future and planned development areas on both sides of the Maumee River.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

The reason for discharge into the Maumee River is to construct bridge piers for the new bridge. There will also be some fill discharged to stabilize the banks on the river in the project area.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
36,000		

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres 0.10 of wetland fill

or

Linear Feet 40 in Maumee River

23. Description of Avoidance, Minimization, and Compensation (see instructions)

The proposed project will impact 0.10-acre of wetlands and 40 linear feet of stream. The proposed alignment of the bridge avoids the remaining 0.52-acre of wetlands located within the study area. Impacts to wetlands will be mitigated by the purchase of 0.2-acre of credit at the Pearson Mitigation Bank. Due to the minimal amount of stream impacts, the applicant proposes that no stream mitigation be required.

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- See Attached

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
OEPA	SECTION 401 WQC	TBD			

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

 2/16/2016

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property is Adjacent to Maumee River Proposed Bridge Project**

Owner	Mailing Address	City	State	Zip
Abbott III, Charles D.	994 East Riverview Avenue	Napoleon	OH	43545
Belcher, Wayne C.	980 East Riverview Avenue	Napoleon	OH	43545
Bockelman, Frederic C.	954 East Riverview Avenue	Napoleon	OH	43545
Campbell Soup Supply CO., LLC.	12001-12377 SR 110	Napoleon	OH	43545
Henry County Board of Commissioners	930 East Riverview Avenue	Napoleon	OH	43545
Hartman, Patricia L.	968 East Riverview Avenue	Napoleon	OH	43545
Hauenstein, Todd R.	1005 East Riverview Avenue	Napoleon	OH	43545
Heartland Estates, LLC.	884 East Riverview Avenue	Napoleon	OH	43545
L & L Properties, LTD.	1700 Industrial Drive	Napoleon	OH	43545
N/A	1014 East Riverview Avenue	Napoleon	OH	43545
RDD, LTD.	1675 Industrial Drive	Napoleon	OH	43545
Wanemacher, Roger	12406 SR 110	Napoleon	OH	43545
Wyatt, Joann M.	12000-12376 SR 110	Napoleon	OH	43545

**ATTACHMENT B**  
**FIGURES**



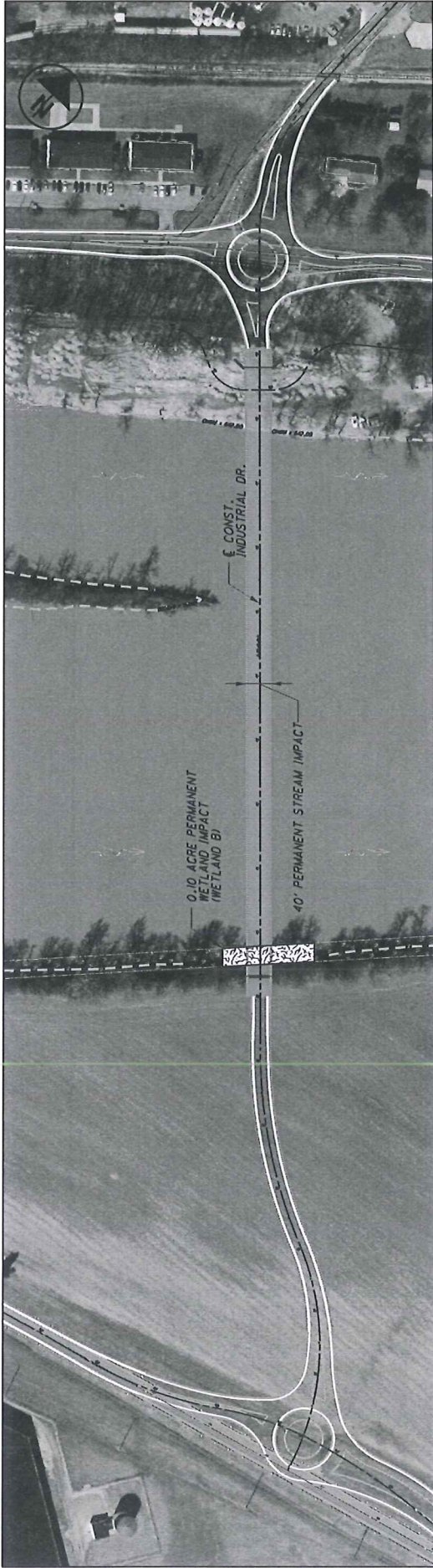




**Figure 1: Site Location Map  
Proposed Maumee River Crossing  
Napoleon, Ohio**



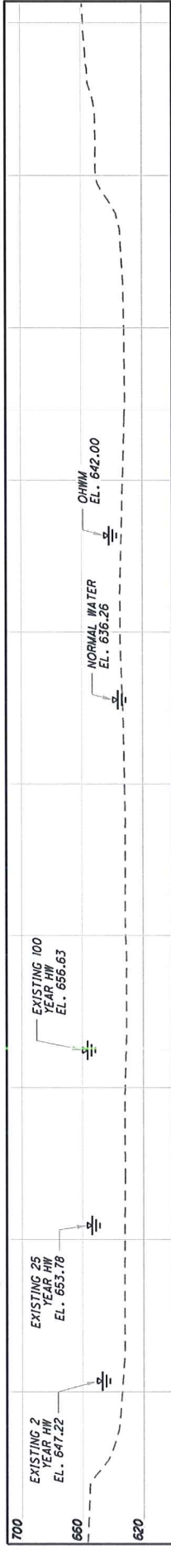




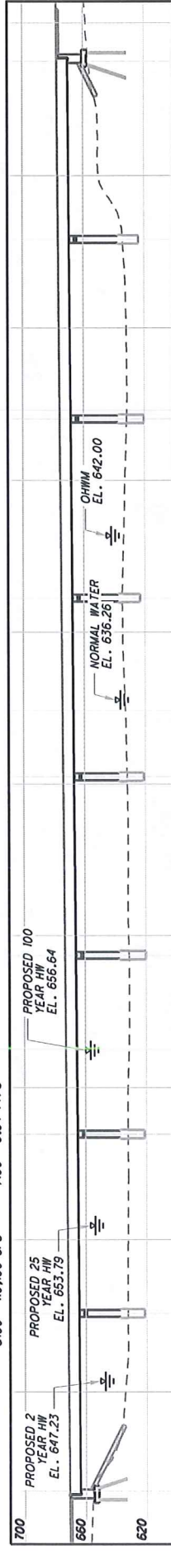
**LEGEND:**

- EXISTING WETLAND
- WETLAND IMPACT
- OHWM = 642.00

$Q2 = 46,142 \text{ CFS}$   
 $Q50 = 87,780 \text{ CFS}$   
 $Q100 = 110,100 \text{ CFS}$   
 $V2 = 3.87 \text{ ft/s}$   
 $V50 = 5.04 \text{ ft/s}$   
 $V100 = 5.54 \text{ ft/s}$



$Q2 = 46,142 \text{ CFS}$   
 $Q50 = 87,780 \text{ CFS}$   
 $Q100 = 110,100 \text{ CFS}$   
 $V2 = 3.90 \text{ ft/s}$   
 $V50 = 5.04 \text{ ft/s}$   
 $V100 = 5.54 \text{ ft/s}$

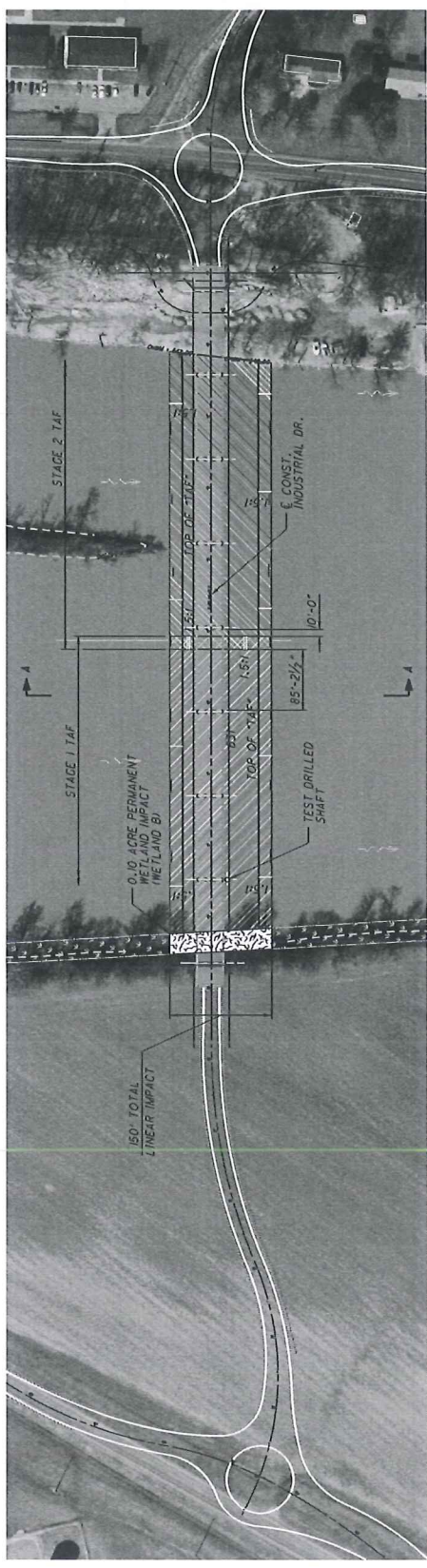


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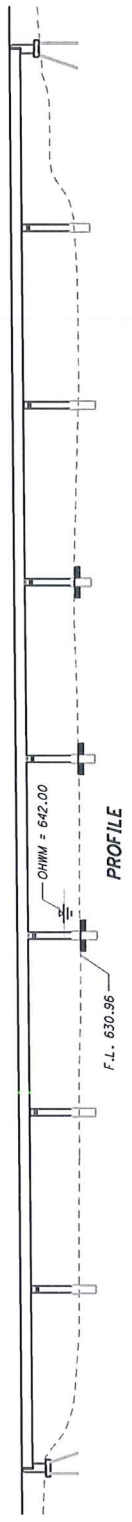
NOT TO SCALE

PROPOSED MAUMEE RIVER CROSSING  
PLAN AND PROFILE  
HEN-INDUSTRIAL DRIVE-0000

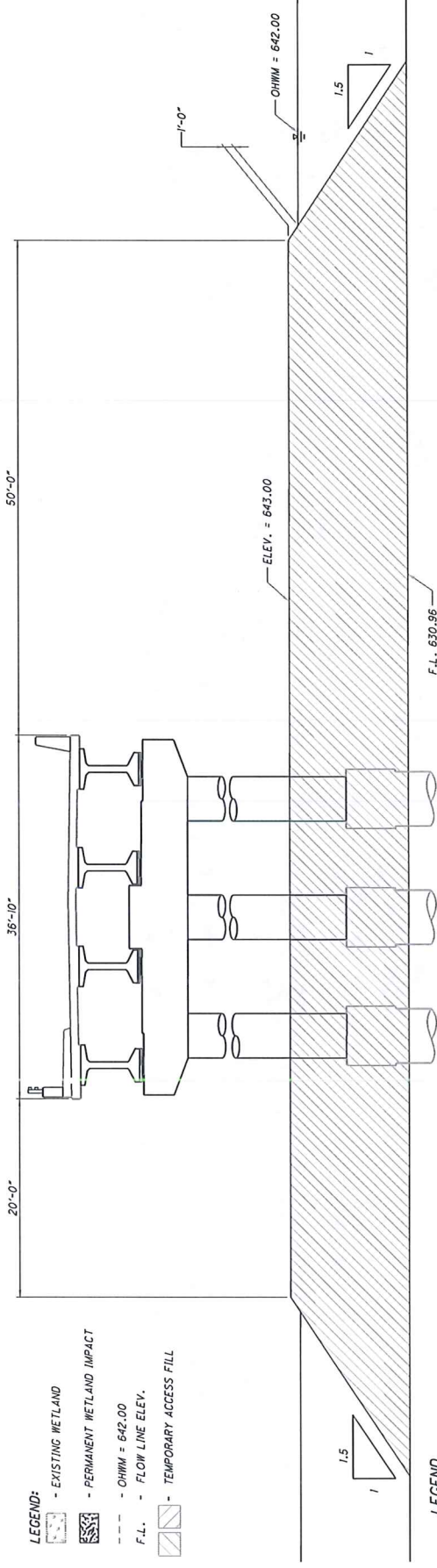
	<b>HEN-IND-00.00</b> PID No. 22984	<b>TEMPORARY ACCESS FILL</b> HEN-INDUSTRIAL DRIVE-0000 INDUSTRIAL DRIVE OVER MAUMEE RIVER	HENRY COUNTY STA. 48+93.50 STA. 39+46.50	DESIGNED CHKD REVISED DATE 7/14/15	DRAWN STRUCTURE FILE NUMBER DATE 7/14/15	<b>MANK</b> <b>GROUP</b> 300 BEAVER CREEK MILWAUKEE, OHIO 43137
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PLAN



PROFILE



SECTION A-A

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

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.

**ATTACHMENT C**  
**PRELIMINARY JURISDICTIONAL DETERMINATION**







**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 expirations 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

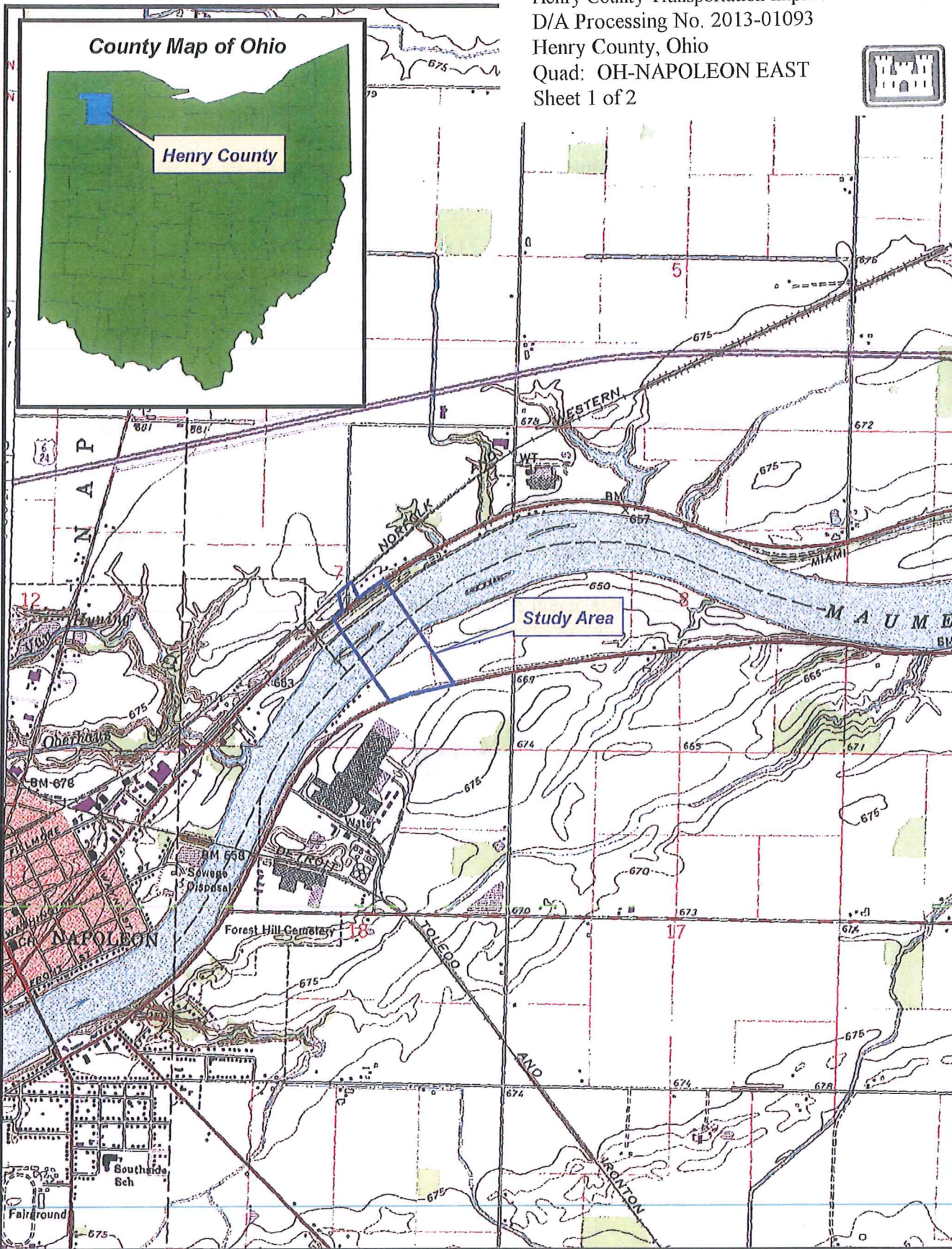
Sincerely,

-SIGNED-

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

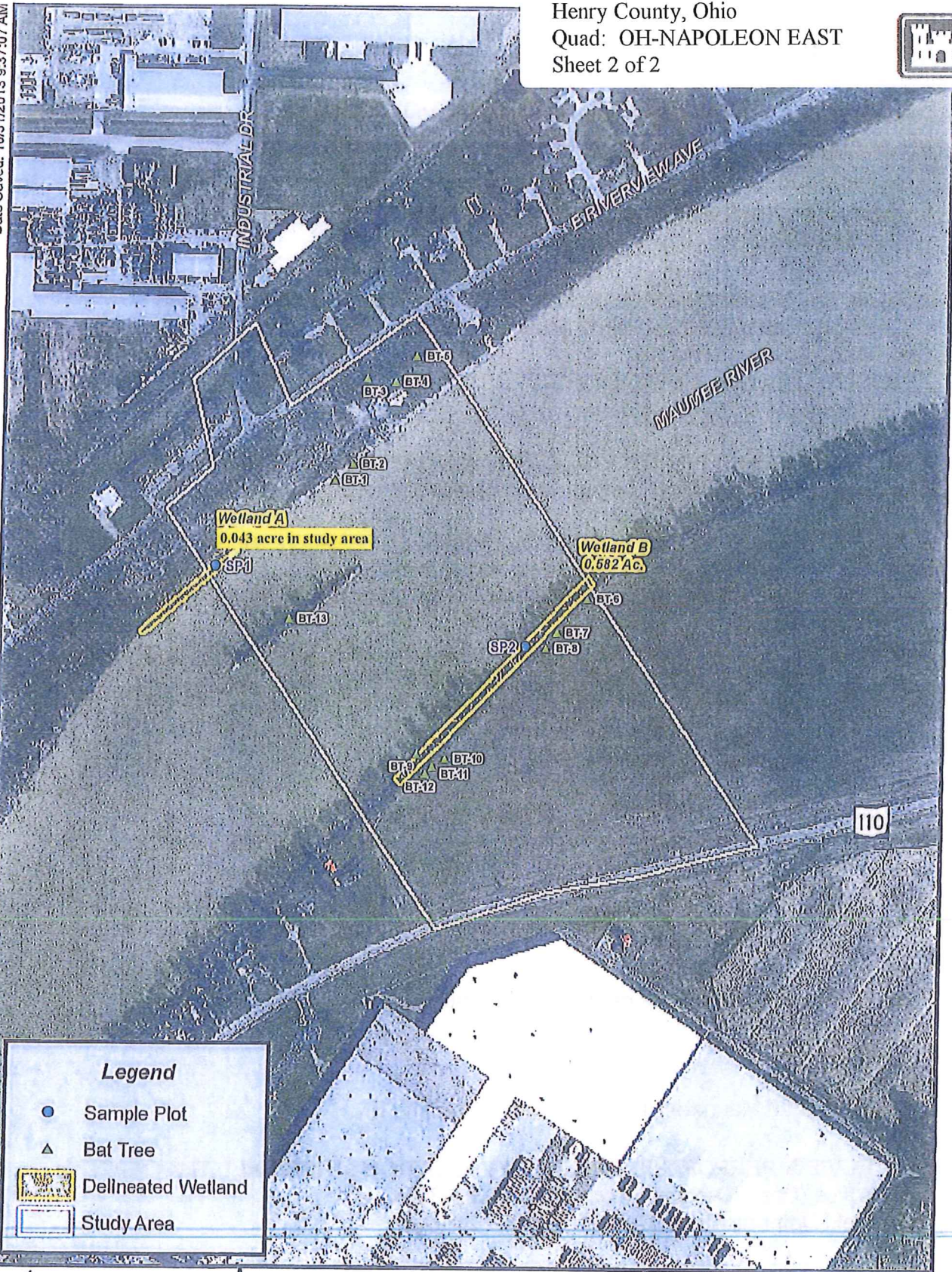
0 1,000 2,000 Feet







Date Saved: 10/31/2013 9:37:07 AM



**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 1960, Revised 1977

0 200 400 Feet



**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.**

*SIGNED*

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

