

-Regional General Condition No. 4. [reference page 87 of the current NWP]: The proposed modification includes revising the current text, as follows: “**4. ODNR In-Water Work Exclusion Dates:** "Any work associated with a nationwide permit cannot take place during the restricted period of the following the ODNR, Division of Wildlife Statewide In-Water Work Restrictions, unless the applicant notifies the district engineer (DE) in accordance with Nationwide Permit Regional Condition 31, submits ODNR approval to conduct work within the excluded period with their notification, and subsequently receives a nationwide permit verification to conduct the work:" No other changes are proposed to the current text within this section.

-Regional General Condition No. 4.(3.) [reference page 88 of the current NWP]: The proposed modification would involve deleting the following text from the first line “Class 3 primary headwater streams (watershed >1 mi²)”. No other changes are proposed to the current text within this section.

-Regional General Condition 5.(e.) [reference pages 92-95 of current NWP] Endangered Species: The proposed modification includes revising the text of this section in its entirety, as follows: “**(e) Endangered Species:** Due to the potential presence of Federally threatened or endangered species or their habitats, Notification is required for all work in the following waterway or township of the corresponding county (see Appendix A for a list):

***Note:** Applicants should ensure they are referencing the latest version of Appendix A by contacting their nearest Corps district office and visiting the online resources identified in General Condition 18.(f.) of these NWP, since federally-listed species are continuously listed, proposed for listing, and/or de-listed.”

-Regional General Condition No. 6.(e.) [reference page 99 of the current NWP]: The proposed modification includes replacing the current text of this section in its entirety, as follows: “**(e) 401 Water Quality Certification:** For activities involving discharges of dredged and/or fill material into wetlands and streams requiring pre-construction notification to the Corps, an applicant shall coordinate the wetland characterization and stream assessment with the Ohio EPA in accordance with each section below:

Wetlands

For activities involving discharges of dredged and/or fill material into wetlands, an applicant shall perform a wetland characterization analysis consistent with the Ohio Rapid Assessment Method (ORAM) to demonstrate eligibility for coverage under the specific Ohio certification requested. The ORAM results and information outlined below shall be coordinated with Ohio EPA prior to submittal of Pre-Construction Notification to the Corps:

- 1) The complete ORAM v. 5.0 (or its successor) evaluation, completed by the applicant or their consultant, for all wetlands proposed to be impacted. A complete ORAM evaluation includes the following for each wetland to be impacted:

- i. Background Information;
- ii. Scoring Boundary Worksheet;
- iii. Narrative Rating;
- iv. Quantitative Rating;
- v. ORAM Summary Worksheet; and
- vi. Wetland Categorization Worksheet

(2) Legible site plan drawing showing the location of all waterways and wetlands on site and the proposed development layout including the location of permanent and temporary structures and construction limits;

(3) Photographs of all the waterbodies.

Streams

For activities involving discharges of dredged and/or fill material into more than 60 linear feet of each perennial and intermittent stream that does not have an aquatic life use designation pursuant to Admin. Code Chapter 3745-1, the applicant shall submit a qualitative assessment of the physical and biological characteristics for each stream and high quality photographs of the stream length assessed to the Ohio EPA prior to the Pre-Construction Notification submittal for use in determining its existing aquatic life use (for NWP 49, the applicant shall assess each perennial stream that does not already have an aquatic life use designation for activities involving discharges of dredged and/or fill material into more than 60 linear feet) to demonstrate eligibility for coverage under the specific Ohio certification requested.

The Ohio EPA, Division of Surface Water, may be notified at (614) 644-2001 or by writing to P.O. Box 1049, Columbus, Ohio 43216-1049. All relevant information obtained from Ohio EPA as well as the ORAM and HHEI (or other acceptable methodology) evaluation(s) must be submitted with the Pre-Construction Notification to the Corps.”

-Regional General Condition 6.(f.) [reference page 99 of current NWPs] Agency Coordination: The proposed modification includes revising the current text in its entirety, as follows: “**(f) Agency Coordination:** A complete compact disc (CD) copy shall be submitted for any application or Notification Package greater than 15 pages and/or includes maps, drawings, spreadsheets or other similar materials which are larger than 8.5 inches by 11 inches to assist in expediting permit application distribution and concurrent reviews (all files saved on CDs shall be in .pdf format; an index or table of contents shall be provided and correspond with each file saved on the CD as well as the Notification hard copy). A hard copy of specific portions of the Notification package shall be submitted and accompany the complete CD copy of any maps, drawings, spreadsheets, or other similar materials. The applicant shall submit five (5) hard copies or CDs of the Notification package when the Notification requires full agency coordination in accordance with Nationwide Permit General Condition 31 (d)(2).”

Public Notice No: 201100098-6

Subject: Modification to Regional Conditions of the Nationwide Permits for the State of Ohio Request for
Comments
